

MINUTES

RANDOLPH COUNTY PLANNING BOARD

February 7, 2006

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, February 7, 2006, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Lynden Craven** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Lynden Craven, Chairman, present; Jim Rains, Vice Chairman, present; Maxton McDowell, absent; Larry Brown, present; Phil Ridge, present; Chris McLeod, present; Reid Pell, present; Wayne Joyce, Alternate, present (substituting for regular member McDowell); and Danny Shaw, Alternate, present. **County Attorney Alan Pugh** was present for this meeting.
3. **McLeod** made the motion, seconded by **Ridge**, to approve the Minutes of the January 10, 2006 and January 26, 2006 Randolph County Planning Board meetings. The motion passed unanimously.

4. **ORDER APPROVING SPECIAL USE PERMIT:**

RANDOLPH COUNTY BOARD OF EDUCATION, Asheboro, North Carolina, is requesting a Special Use Permit to allow a high school education facility with a capacity for 1000 students on 128.22 acres located on Mack Lineberry Road (½ mile off NC Hwy 22 North), Providence Township, Rural Growth Area, Polecat Creek Watershed, Zoning District RA, Tax ID#'s 7786864271 and 7786749522. Property Owners - Carol Cheek York and Carey Todd & Heather L. Davis.

Johnson said Alternate members Joyce and Shaw were present substituting for regular members McDowell and Rains during the January 26, 2006 Planning Board Public Hearing. Johnson explained that public hearing was held to consider the County Board of Education's request for a proposed high school. Johnson said therefore Joyce and Shaw would vote on this order. Johnson added that due to a conflict of interest Rains and McDowell were not eligible to vote on this order.

McLeod made the motion, seconded by **Pell**, to **approve** the Order approving the Special Use Permit for the Schools (see attachment). The motion passed unanimously.

5. **REQUEST FOR A SPECIAL USE PERMIT:**

Swearing in of the Witnesses - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

Fourteen citizens took this oath.

NORMAN ZIMMERMAN, Trinity, North Carolina, is requesting a Special Use Permit for a rural family occupation to sell wines produced from the grapes of the on-site vineyard at his residence located at 1432 Tabernacle Church Road, 53.36 acres, Lake Reese Watershed, Rural Growth Area, Tax ID# 7703397436, Zoning District RA.

Jon Megerian, Attorney representing the Zimmermans, said this use is authorized and permitted by General Statutes. Megerian said if the wine was being made on the property he would not be required to ask for this permit. Megerian said the Special Use Permit is required because the grapes are being shipped away from the farm to be manufactured into wine. Megerian said the Zimmermans have lived here and grown grapes here for years. Megerian said people will come to the farm to sample the wines by appointment only. Megerian said there will be no hazardous chemicals used and there will not be anything there that is not already there. Megerian said the traffic will be extremely limited. The Zimmermans will meet all state and county regulations. Megerian said if the Zimmermans are permitted to sell the wines on the property, it will not impair the adjoining property values. Megerian described Childress Vineyards and explained no property values have been injured at that location in Davidson County. Megerian said there will be no new structures, and the building is not visible from the road. Megerian said the activity is in harmony with adjoining land uses, and the primary residential/agricultural use of the property will continue. Megerian said this is a rural growth area and nothing will be done here that would not be in harmony with the area. Megerian said he has known the Zimmermans for years and spoke highly of the family. Megerian said they have worked long and hard to fulfill their dream.

Zimmerman presented handouts and maps to the Board. Zimmerman said Megerian has done a good job presenting their case. Zimmerman said they grow French vinifera grapes. **Johnson** asked when the property was purchased and **Zimmerman** answered in 1987. Zimmerman said their home was built in 1850, and some of the trees on the property are approximately 250 years old. Zimmerman said they would not be open all day; it would be by appointment only for 1oz. legal tasting. Zimmerman described the process of wine tasting. Zimmerman explained the building in front of the house would be used. Zimmerman said they are required by ABC laws to be licensed. Zimmerman said some of the grapes are harvested at the end of August, some grapes at the end of September, and some as late as early November. They harvest grapes for both white and red wines. Zimmerman said he maintains the private drive on his property. **Pugh** discussed the Yadkin River Valley vineyards and explained that many tobacco farms

have been changed over to vineyards. **Craven** asked when a vineyard begins making a profit, and **Zimmerman** said 7 to 10 years after planting the first vines. **Johnson** said the State Wineries map shows 54 vineyards. **Zimmerman** said there were only 14 vineyards when he started his vineyard. **Ridge** asked Zimmerman if he planned any signage, and **Zimmerman** presented pictures of State-approved informational signs that will be used. Zimmerman said the State will put the signs up for \$1000. Zimmerman said he plans to build 3-ft. square columns with a gate, and a small sign will be on the column. Only a vineyard sign would be installed; no wine sale signs will be placed on the property.

There were 12 people present in favor of the request.

Mark Danielly, Agricultural Agent, said that he gets a lot of calls at the Cooperative Extension office about new ways to make a profit on the farm. Danielly said there is a better return in making the wine, but the vineyards are profitable. Danielly said he felt it would be good for our farmers.

John Ferree, 4485 Fork Creek Mill Road, Seagrove, said he thought the idea of the family farm would look like this in the future. Ferree said he has known Mr. Zimmerman for many years and spoke very highly of Zimmerman. Ferree said Zimmerman has built this vineyard with his own two hands.

Amy Albertson, Davidson County Cooperative Extension Agricultural Agent, said she has worked with the Zimmermans for five years. Albertson said they are a family farm and this is a fast growing industry. Albertson said they have been an excellent example for what a good business plan should be.

Carl McCollom, 587 Manor Circle, Asheboro, said he attends church with the Zimmermans and spoke very highly of their character.

There was no one present in opposition to this request.

The Board made the following findings:

- A. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;*
- B. That the use meets all required conditions and specifications;*
- C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and*

- D. *That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to locate and in general conformity with the Land Development Plan for Randolph County.*

For this reason, **Rains** made the motion, seconded by **Joyce**, to **approve** the request for a Special Use Permit. The motion passed unanimously.

6. **REQUESTS FOR PROPERTY REZONING:**

- A. **JOHN BRINKLEY**, Archdale, North Carolina, is requesting that the existing Highway Commercial/Conditional Use Zoning located at 5947 Kennedy Road, Trinity Township, be amended to allow the additional activities of automotive repair and machine shop within the existing 40' x 80' metal building. Tax ID# 7706815072. The Current Conditional Use Zoning allows the existing 40' x 80' building to be used for the storage of antique vehicles (no outside storage permitted).

- **Technical Review Committee Recommendation**

When Planning Staff members visited the site it was noted the property is currently in violation of the existing Conditional Use Permit; however, it appears this violation could be reconciled by the removal of the existing outside storage (junk vehicles, etc.). The Technical Review Committee recommended that this request be approved only if the applicant agrees to bring the property into zoning compliance. The Zoning Permit could be held until such time as the current violations are corrected.

Standards and policies established in the Growth Management Plan supporting this recommendation:

This Primary Growth Area is located adjacent to municipal limits or regulatory areas and generally extends along major urban/transportation corridors within the county. It includes areas that are likely to have access to urban infrastructure services, such as water and sewer, within the foreseeable future. The Primary Growth Area is of predominately mixed use that will include residential, commercial and industrial development. Higher urban type density level can be anticipated in this area. (Page 18, Area 1, Randolph County Growth Management Plan, 2002.)

Policy 4.6 Compatible land uses such as rural neighborhood retail and

service establishments located close to general residential areas should be considered during the rezoning process with the general goal of reducing automobile travel distances and promoting better livability in the community.

Brinkley was present and explained that the building was built for storage of antique vehicles. **Brinkley** said he plans to retire from the military in July and would like to work on a few cars. **Johnson** said there were some issues of outside storage of junk vehicles, and **Brinkley** said that he has cleaned this up. **Brinkley** said he and his son would work from 8 am to 5 pm. **Brown** expressed concern for a commercial use of such a small lot. **Brown** asked **Brinkley** if he would be able to have rest room facilities, and **Brinkley** answered yes, that the Health Department has issued a septic tank permit. **Brown** said he has received complaints from people in the community about the work that has been going on at this building without the proper permits. **Brinkley** said he is away with the military a lot and his son was the one that has been operating here. **Brinkley** said he would be doing machine work with engines. **Brown** asked about the auto body work that has been done from this building, and **Brinkley** said the body work has been stopped. **Ridge** expressed concern about the outside storage, and **Johnson** said the original permit was issued with the intent of no outside storage. **Ridge** asked if there were any buffers, and **Brinkley** said there are some trees. **Ridge** said he felt there should be some kind of buffer to the rear of the property. **Brinkley** said the storage that is currently in violation at the rear of the property will be removed. **Ridge** said he felt there should always be a buffer between commercial and residential properties. **Ridge** said he felt there should be evergreen trees used in the buffer.

There was no one present in opposition to this request.

Rains said it appears that the current conditions of the zoning have not been followed. **Brown** asked if the Planning Department had received any complaints. **Brinkley** said that he tries to keep his property neat, and it is probably the best-looking property in the area. **Pugh** said it is the Board's concern that conditions are not being met. **Brown** asked **Brinkley** if he would be doing work for the public, and **Brinkley** answered not primarily, but he might if someone brought the work to him. **Brown** said the complaints he has received are from the Meadowbrook Road area. **Brinkley** said he is trying to acquire more land here and would clean up the area if he purchased the additional property. **Brinkley** said he has never had any complaints from his neighbors.

Johnson said it is good policy to require buffers between residential and commercial properties. **Craven** said the Board can maintain the no-outside-junk-

storage condition. **Pugh** said the no-outside storage is already a part of the conditional use zoning. Pugh asked Brinkley if he agreed to maintain a level 1 buffer. **Craven** said he felt Brinkley should work with the Planning Staff to work out an appropriate buffer.

Ridge made the motion, seconded by **Rains**, to recommend the Conditional Use zoning be amended to include:

- **an appropriate buffer worked out with the Planning Staff
- **no outside storage.

The motion passed unanimously.

- B. **STEVEN TODD SHEAN**, Trinity, North Carolina, is requesting that 10.05 acres located on Old Park Road, Trinity Township, be rezoned from RA to CVOE-CU. Primary Growth Area. Lake Reese Watershed. Tax ID# 7715656708. The proposed Conditional Use Zoning District would specifically allow the re-division of a minor subdivision lot with a house type restriction of site-built home only and a minimum house size restriction of 1,500 sq. ft.

- **Neighborhood Information Meeting Summary**

The property owner was present and there were two citizens present expressing the following concerns:

1. *Only an existing 20' easement for the private road access.*
2. *There is no established road maintenance agreement.*
3. *They feel the road is insufficient to carry additional traffic.*

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with existing development patterns. The Committee further recognized that this request would only result in one additional residence on this private drive.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

- Policy 6.5** *The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.*
- Policy 6.12** *Factors to be considered in major subdivision approval in Primary and Secondary Growth Areas should include suitability of soils, access to major thoroughfares, the potential availability of public services and facilities and community compatibility.*
- Policy 6.13** *Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.*
- Policy 7.6** *Stormwater impact should be minimized by designing new development in a manner that minimizes concentrated stormwater flow through maximizing the length of stormwater sheet flow through vegetated buffer areas.*

Todd Shean said he wanted to create a building lot for his in-laws. **Johnson** asked Shean if he had right-of-way to Old Park Road and if he helped maintain the road. **Shean** answered yes and explained that he has hauled in 3 loads of sand rock to help maintain the road. Shean said that he doesn't have a recorded maintenance agreement. **Brown** said he has had a call about the size of the house and Shean said he plans to build a house 1600-1800 sq. ft. Shean said his in-laws plan to move here and help with their children.

There was no one present in opposition to this request.

McLeod made the motion, seconded by **Pell**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- C. **RONALD BLAKLEY**, Trinity, North Carolina, is requesting that 101.81 acres located at 8268 US Hwy 64 West, Tabernacle Township, be rezoned from RA to RLOE-CU. Rural Growth Area. Lake Reese Watershed. Tax ID#'s 6792992948 and 7703013856. The proposed Conditional Use Zoning District would specifically allow the development of a 20-lot residential subdivision for site-built homes only with a minimum house size of 1,600 sq. ft.

- **Neighborhood Information Meeting Summary**

The developer and surveyor were present. There were nine citizens present with the following concerns/comments:

1. *Several expressed wishes that the property remain undeveloped.*
2. *They were supportive of site-built homes, but expressed concern that 20 new homes would change the character of their community.*
3. *They expressed concern that this proposed development would raise their taxes.*
4. *They were concerned about the additional traffic.*
5. *They informed the developers that there is an old cemetery on the property and that it should be protected.*

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with the Growth Management Plan for this area. The Committee recommended that all new driveways should be connected to the new proposed road and a Level 1 buffer should be maintained along Hwy 64.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.16 The County should preserve scenic views and elements of the county's rural character by minimizing perceived density by minimizing views of new development from existing roads through use of natural buffers and open space.

Policy 6.22 New driveway connections should be designed in a way to minimize new locations on existing public roads.

Policy 6.23 The County should encourage the use of rural lot subdivision designs where the size of lot allows for open space and groundwater recharge areas preserved by careful siting of the principal and accessory uses as noted through subdivision plat notations and related deed restrictions.

Blakley was present and explained that he has lived here for 12 years. Blakley said he purchased the property to the rear of his residence as a retirement investment. Blakley said he wanted to improve the development in the

community. Blakley said most of the proposed homes would not be visible from Hwy 64. Blakley said the minimum lot size would be 3 acres. Blakley said he has surveyed off an old cemetery and it will be fenced. Blakley said he plans to leave a buffer of pines along Hwy 64. Blakley said there will be no new driveways on Hwy 64. Blakley said he felt this would beautify the area.

Clayton Burrow, Surveyor, said the proposed lot sizes meet or exceed the requirements for this area. Burrow said they will meet all the required buffers on the streams and pond. Burrow said Blakley plans to fence the cemetery and permit an easement to the site. Burrow said they will do what is necessary to protect the cemetery. Burrow said they will be providing turn-lanes on Hwy 64 for the subdivision. Burrow said the average house size in the area is 1440 sq. ft. and Blakley is proposing a minimum house size of 1,600 sq. ft.

Worth Younts, 149 Fuller Mill Road North, said that this property was sold from the Richardsons to his grandfather in the early 1900's. Younts said they farmed the land for many years. Younts said that this is Blakley's property and they respect his right to develop the property. Younts said they are concerned about the existing cemetery and the watershed area. Younts said it is possible that there are Indian graveyards in this area. Younts said he realized that their property values would go up and so would their taxes. Younts discussed his concern with Hwy 64. Younts said Hwy 64 should be widened or done away with. Younts said they were told in 1993 that it would be widened by 1999 and it has not happened. **Craven** said he realized that this is a very dangerous highway. Craven said this is a good road, but people don't drive the way they should.

Van Hedrick, 8184 Hwy 64 West, said that he felt Blakley would be making a mistake by developing the property. Hedrick said he will have to invest more into the property than he will get out of it. Hedrick said the adjoining property lines shown on the preliminary map are wrong. Hedrick talked about the water that stands in the pines near the pond.

Noris Pierce, 6525 Hwy 64 West, said he lives across the road from the property. Pierce said he has heard that most of the land will not perk. Pierce discussed concern about the turning lane that will need to be built.

Otis Pierce, 6611 Hwy 64 West, said he lives in front of the proposed road. Pierce said that most of the neighbors felt this would not be a good idea to develop the property. Pierce said he is concerned about the septic tanks running off into the river. Pierce said he is concerned about the lights coming from cars traveling on the road shining into his house. Pierce said they got a petition of 100+ signatures in opposition to this request.

Johnson said that this is an area that has received a lot of growth in recent years. Johnson said that up until 3 years ago the minimum lot size in this area was 1 acre. Johnson said before the Growth Management Plan was adopted 60 lots could have been proposed on this property. **Pugh** said that initially the land use plan would have placed this area in the Secondary Growth Area until this Board and the Commissioners decided to designate it Rural Growth due to the watershed and other community characteristics.

Ridge asked about the cemetery, and **Johnson** explained that he will need to fence the property and provide it with an easement on the plat.

Brown made the motion, seconded by **Rains**, to recommend to the Commissioners this request be **approved**. The motion passed unanimously.

- D. **BER INVESTMENTS, INC.**, Trinity, North Carolina, is requesting that 24.42 acres located on Kennedy Road, Trinity Township, be rezoned from RA to CVOE-CU. Primary Growth Area. Lake Reese Watershed. Tax ID#'s 7715259225 and 7715357163. The proposed Conditional Use Zoning District would specifically allow the development of a 19-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft.

- **Neighborhood Information Meeting Summary**

The developers were present. There were two citizens present discussing their concerns about property lines/corners with the developers.

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be **approved** as consistent with the previously approved subdivision adjacent to the site.*

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a

reflection of the long-term quality of life in Randolph County.

Policy 6.12 *Factors to be considered in major subdivision approval in Primary and Secondary Growth Areas should include suitability of soils, access to major thoroughfares, the potential availability of public services and facilities and community compatibility.*

Policy 6.13 *Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.*

Policy 6.14 *Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes “leap frog” development (i.e., leaving large vacant areas between developments).*

Eric Hedrick, 3246 Sumner Road, said they plan to extend the development from the other side of the street. **Brown** asked what the minimum house size would be, and **Hedrick** said they plan a minimum house size of 1,500 sq. ft. Hedrick said the homes run from \$210,000 - \$240,000. **McLeod** said that not everyone can afford a 2,000 sq. ft. home. **Hedrick** said he plans to sell some lots to adjoining land owners.

George Sumner said this is his home place and he is Hedrick’s uncle. Sumner said that he is concerned about how close the lots would be to his residence. Sumner said he is concerned about the existing old house they plan to remove. Sumner said that the family is considering purchasing the two lots with the old house. Sumner said they are opposed to the house being torn down. Sumner said he would like to buy these two lots and lot number 13.

Hedrick asked if he could void the restrictions on this old house for historical reasons, if Sumner purchases the home. **Pugh** said it would be okay to make this change as long as it is done before the restrictions are placed on record. **Hedrick** said if the old house is removed, the lots would have to meet the new restrictions.

Brown made the motion, seconded by **McLeod**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

7. The meeting adjourned at 8:29 p.m. There were 48 people present for this meeting.

NORTH CAROLINA
RANDOLPH COUNTY

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary