

Minutes

RANDOLPH COUNTY PLANNING BOARD

July 11, 2006

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, July 11, 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, present; Larry Brown, present; Phil Ridge, absent; Chris McLeod, present; Reid Pell, present; Wayne Joyce, Alternate, present (substituting for regular member Ridge); and Danny Shaw, Alternate, present. **County Attorney Alan Pugh** was present for this meeting.
3. **McDowell** made the motion, seconded by **Pell**, to approve the minutes of the June 6, 2006 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR PROPERTY REZONING:**
 - A. **CITY OF ASHEBORO**, has requested that Randolph County approve extension of Asheboro's Extra Territorial Zoning Jurisdiction for the below referenced properties:
 1. **LARRY A. & JULIE W. PICKETT, JR.**, 79.41 acres located at Randolph Tabernacle Road. Tax # 7762926049.
 2. **DAVID & GINGER GAIL LAWSON, JR.**, 106.13 acres located at 2513 Old Cedar Fall Road. Tax# 7772117810.

All of these properties are contiguous to the existing zoning jurisdiction of the City of Asheboro, with a portion of one track already located within the zoning jurisdiction of the City of Asheboro.

Jon Megerian, Attorney, said he was representing the City of Asheboro and private applicants. Megerian said last night the City Planning Board unanimously recommended that the City Council taken this property into their Extra-Territorial Zoning Jurisdiction if the County agrees to release it. Megerian

said the property needs to be zoned for the use the property owners propose. Megerian said the proposed use will need sewer and water services for development. Megerian said the property will need to be annexed into the City for sewer and water services to be provided. Megerian said that the developers will develop a travel resort if approved by the City. Megerian said that they are not asking for the County to consider the zoning, but only to release the jurisdiction to the City of Asheboro. Megerian said the sewer and water lines being extended into the County would be a benefit to the County. Megerian said this is a relatively small portion of land located within two miles of the city. **Pugh** asked Megerian if his applicants could ask the City of Asheboro to annex the property without the release from the County; and **Megerian** answered yes. Megerian said that the property owners' don't want to ask for their property to be taken into the City of Asheboro until they know the property will be sold. Megerian said his clients do not want to purchase the property until the zoning is approved for the proposed project. Megerian said that the property will not be annex if the project is not developed. Megerian said he felt this was a more orderly process to proceed in this manner. **Pugh** said that if the County relinquished their zoning the City of Asheboro would still need to hold hearings and determine the zoning of the property. **Megerian** said this is only a hearing to determine who will have jurisdiction over the property and not what the zoning will be. **Craven** said this hearing process is to keep the community more informed. **Megerian** agreed. Megerian said that the applicants don't really care who has the zoning jurisdiction but water and sewer services (including a pump station) will be required for development and the County cannot provide these services.

Dallas Turner, 2267 Old Cedar Falls Road, said that they realize this is not a zoning meeting. Turner said there are safety issues between Henley Country Road and Old Cedar Falls Road. Turner said that the road is so narrow and the amount of traffic that would come from this development would cause more problems. Turner said water and sewer would be wonderful but they don't want to pay the price with this type of development.

Peter Urbanski, 2708 Old Cedar Falls Road, said that they have dreamed of their home in the country and they want to keep it that way. Urbanski said that this would go to the City of Asheboro for a zoning decision and this Board is not being told what would be developed. Urbanski said that he didn't feel the County should give this property to the City without knowing what the City plans to permit on the property. Urbanski said that if this was something legitimate the applicant would tell the County about their plans. Urbanski said he felt the County's zoning of low density would be more in character with this community than the high density development allowed in the city.

Paula Ridgeway, 2819 Old Cedar Falls Road, said that she agrees with the fact

that the roads are narrow. Ridgeway said there have been many accidents on the road. Ridgeway said water and sewer would be great. Ridgeway said they love Asheboro but they are on Old Cedar Falls Road to enjoy the country character of the area. Ridgeway said they have heard trailer park, campsites, or a subdivision, but to allow this to happen would not benefit Randolph County. Ridgeway said that to live with this type of development would be too expensive.

There were 38 citizens present in opposition to this request.

Ernie Geiger, 864 Gold Hill Road, said that once sewer and water services come to the property the developers could request anything. Geiger said that they don't want a trailer park and the word annexation scares all of them.

Jeannie Smith, 2636 Old Cedar Falls Road, said they moved here in 1993 from the city. Smith said that they purchased their property here because they want to live in the country. Smith said that they want to keep their community rural. Smith said the roads could not handle the amount of traffic that this would create.

Mrs. Harold Rollins said they on property here and they love this area. Rollins said the traffic that would come from this size camp would be tremendous. Rollins said that she loves this country and she's going to fight for it. Rollins said that they like their privacy and they don't want to be annexed.

Rebecca Ashley, 2825 Old Cedar Falls Road, said that she recently purchased her property and were only notified about this case by the neighbors. Ashley said the same developers went through this process in Franklinville and had it approved, but then withdrew. Ashley said her concern is that now if they back out on Asheboro the community will still be annexed. Ashley said that the developer is staying anonymous for some reason. Ashley said that the County shouldn't try to pass this for developers that may not go through with their plans. Ashley said if they wanted to be part of our neighborhood they would come out.

Harvey Jarrell, Gold Hill Road, said that they have enough traffic and this sounds like an unrestricted trailer park.

Larry Brown said these people have legitimate concerns unfortunately the arguments are for the zoning and not whose jurisdiction.

Johnson said that most of the people that have called the Planning Office have said that they didn't want to be regulated by a Board that they couldn't vote for. Johnson said that if you are in a city's ETJ you can not vote for the city council. **McLeod** asked if the water and sewer lines were run would the property owners be required to pay both city and county taxes. **Pugh** answered no. Pugh said only if the property was annexed into the city limits. **McDowell** said that the city will

not run water and sewer services without annexation. **Pugh** said regardless of what the County Commissioners or this Board does, there are two forms of annexation. One is involuntary and voluntary annexation. Pugh said a property owner can petition for the annexation. **Craven** said this same thing happened a few years ago on WOW Road.

Brown made the motion to recommend to the Commissioners that this request be approved. This motion died for a lack of a second.

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

- B. CES INVESTMENTS**, Asheboro, North Carolina, is requesting that 9.6 acres located on Lions Rest Road, Grant Township, be rezoned from E-1 to CVOR-CD. Zoo Growth Area. Tax ID# 7668927118. The proposed Conditional Zoning District would specifically allow the development of a 5-lot residential subdivision for double wide mobile homes, modular homes and site-built homes with a minimum house size of 1,300 sq. ft. Property Owner - Roger D Dehart.

- *Neighborhood Information Meeting Summary*

The developers were present for this meeting. There was no citizens present.

- *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.

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 6.13 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).

Jerry King, Surveyor, said this property has been purchased by CES Investments. King said there are public water lines on Lions Rest Road. King said there are several single-wide mobile homes on this road. King said there are some nice homes on this road also. King said that they are proposing a minimum house size of 1300 sq. ft.

There was no one present in opposition to this request.

McDowell said that he questioned if the minimum house size was appropriate. McDowell said that the house size within 1 mile of this site is an average of 1561 sq. ft. and he didn't feel 1300 sq. ft. homes would improve the area. **King** said that most of the homes on the road are single-wide mobile homes. **Craven** said that in this immediate area 1300 sq. ft. would be the average house size. **Pell** said that the larger homes are probably on Ross Harris Road.

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

- C. **CENTRAL CAROLINA CARRIERS**, Asheboro, North Carolina, is requesting that 10 acres (out of 42.76 acres) located at the end of Joe Farlow Road, Richland Township, be rezoned from RA to HI-CD. Primary Growth Area. Tax ID# 7666057269. The proposed Conditional Zoning District would specifically allow the construction of a 100' x 250' building for a trucking facility. Property Owners - Diane Farlow & Others.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved with a condition that the existing private road be maintained at its current status by the applicant.

Example of a Growth Management Policy that the Technical Review Committee found supporting this recommendation are:

Policy 3.2 Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land should be encouraged.

Jerry King, Surveyor, said that the applicants are operating a business approximately one mile from this location. King said they contract tractor-trailer

loads to be delivered from industries like Klaussner Furniture. King said that they operate a full trucking business. King said they would like to lease a portion of the facility also. King said that currently they lease a portion of their facility to a dry ice distributor. King said they will own the property that Joe Farlow Road is on and will continue to maintain the road. King said they will fence the facility and install low-lighting. **Craven** asked if this would be a storage yard for trailers; and **King** answered yes. King said there will be no loading or unloading of freight at this facility. King said this will be a 7-day operation. King said no other carriers will be coming in and out of the facility. King said this will not be a high volume traffic business. King said that sewer and water will be available to the property.

There was no one present in opposition to this request.

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

5. **REQUESTS 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."

10 citizens took this oath.

- A. **CINGULAR WIRELESS, LLC**, Greensboro, North Carolina, is requesting a Special Use Permit to allow a 250 ft. lattice cellular tower and support facility to be located on 87.00 acres at Old NC Hwy 49, Rural Growth Area, Concord Township, Zoning District RA, Tax ID# 7609507364. Property Owners - Joe & Audrey Henson.

Gray Styers, Attorney for Cingular Wireless, Hillsborough Street, Raleigh, presented an information notebook to the Board to be considered evidence. Styers said that he was present a few years ago to work with Randolph County when the County amended the ordinance concerning cell towers. Styers said that they are looking to improve coverage and fill in the gaps in Cingular's service. Styers said that they found a parcel of land, owned by the Hensons, to locate a tower within the search ring. Styers the proposed location is surrounded by trees. Styers said they have worked with Ms. Vaughn, daughter of the Hensons (having power of attorney), to determine the location for the tower on the property. Styers said they are planning to locate the tower over 360' from the nearest property line. Styers said that they would propose a landscaped buffer around the site if the Board felt this was necessary. Styers said they feel they have met all the requirements of the Ordinance. Styers said they would appreciate the Board's favorable approval of the application.

Brown said the MSL height of the tower is 647 feet.

Pugh asked Styers to address the four test the Planning Board is required to see the application meets prior to issuance of a special use permit.

Styers reviewed the four test with the Planning Board and provided information to support his view that the following four test have been met:

1. 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;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. 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 be located and in general conformity with the Land Development Plan for Randolph County.

Lanita Walker, 5104 Fire Fighter Road, said that the proposed tower would be directly behind their home. Walker said they are not opposed to the tower, but they are opposed to where it is being proposed to be located. Walker said there will be flashing lights at night. Walker said if they wanted flashing lights they would move to Las Vegas. Walker said that the Hensons own over 240 acres and the tower could be moved. Walker said that the neighborly thing to do would be to chose a site that would not be so close to any of the neighbors. Walker said that they know that how property is maintained effects the neighbors and they keep a nice place. Walker said their property used to be a junkyard and they have worked hard to clean it up. Walker said she felt this was probably an over-sight and that there must be another site to build the tower. Walker said that the Hensons won't be able to see the tower from their house, but her family will.

Tommy Freeman, 5010 Fire Fighter Road, said that he is not opposed to the cell tower, but he is opposed to the close proximity to their home. Freeman said the site looks good on paper but it doesn't on the ground. Freeman said it is unfair to locate the tower so close to their home. Freeman said his only regret was that they didn't ask to put the tower on his property. Freeman said that he felt the tower

should be moved for the Walkers. **Johnson** asked if Freeman felt if the tower would have a substantial impact on the value of his property. **Freeman** said that he felt the tower would have an impact on the Walkers property and his property. Freeman said he felt the tower could be moved to another site on the Henson's property.

Styers said that the County has setback requirements in the zoning ordinance. Styers said this tower will be over 1 ½ times that which is required. Styers said the focus of the lighting will be horizontal and would be minimal on the ground. Styers said that the property owner would place a 25 ft. conservation easement on the property along the Walker's property line to prevent the trees from being cut.

Brown said the light must be on the tower because it is a hazard. **Styers** said that the lights would remove the hazard. **Brown** said that it would reduce the hazard not remove it. **Craven** asked how much of the property would be landscaped and **Styers** said they would landscape the leased area.

Vaughn said the decision to locate the tower at this site was based on where Cingular felt the tower should be located. When determining this location they took several things into consideration:

- **the wetlands on the property
- **County requirements
- **the fields are used for production for their nursery business
- **the easement on the property for the Colonial Pipe Line

Vaughn said that she felt her parents home would have the greatest visibility impact. Vaughn told the Board that Cingular approached them for the proposed site.

McDowell said that a tower is needed in this area. **Brown** said that the Board has received evidence of property value effect on both sides of the argument. Brown asked Pugh if they could decide which information was correct; and **Pugh** answered that the Board could receive testimony from both sides of a case and determine what evidence is weighted. Pugh said that the Board could call for a buffer.

Brown asked if anything could be done about the lighting. **Styers** said that the lights would be Fresnel lense lighting and they would make this part of their conditions. **Pugh** asked if they would consider a 50 ft. buffer; and the property owner agreed to this buffer.

Rains asked Ms. Walker how far her cleared backyard was from her back property line. **Ms. Walker** answered approximately 50 ft.

McDowell made the motion to approve this request for a Special Use Permit with the amended conditions. **McLeod** seconded this motion, and the motion passed by a vote of 6 to 1, **Brown** voted against the motion.

- B. CINGULAR WIRELESS, LLC**, Greensboro, North Carolina, is requesting a Special Use Permit to allow a 195 ft. monopole cellular tower and support facility to be located on 60.74 acres at NC Hwy 22 North (across from Cedar Forest Road), Secondary Growth Area, Franklinville Township, Zoning District RA, Tax ID# 7793283822. Property Owners - Wilbert & Shirley Hancock.

Styers presented an information notebook as evidence concerning this site. **Styers** said this site will complete the coverage along Hwy 22.

Brown asked if the colored maps only showed Cingular's coverage. **Styers** answered that is correct.

Styers said the industry doesn't want to have to build any more towers than necessary and for this reason they regularly co-locate on existing towers when possible.

Wilbur Hancock, Academy Road Extension, said that this tower would be far away from the road and shouldn't bother anyone. Hancock said if he thought it would bother anyone he would not allow it to be there. Hancock said it will not effect the property values in the area.

There was no one present in opposition to this request.

Brown made the motion, seconded by **McDowell**, that this request for a Special Use Permit be approved. The motion passed unanimously.

- C. CINGULAR WIRELESS, LLC**, Greensboro, North Carolina, is requesting a Special Use Permit to allow a 275 ft. lattice cellular tower and support facility to be located on 70.74 acres at NC Hwy 134 South (just past Bethel Lucas Road), Secondary Growth Area, Union Township, Zoning District RA, Tax ID# 7645907737. Property Owners - Gary & Sarah Smith.

Styers asked that the general comments made during the previous two hearings be considered evidence. **Styers** presented the notebook of evidence. **Styers** said the tower being proposed would be located 300 ft. off the road. **Styers** presented a

map that showed how this site would connect the Cingular service coverage. Styers said this would complete coverage towards Troy.

There was no one present in opposition to this request.

McDowell made the motion, seconded by **Pell**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

- D. KENNETH LEONARD**, Asheboro, North Carolina, is requesting a Special Use Permit for a rural family occupation to operate a small pillow manufacturing business in an existing 32' x 42' building at his residence located at 2654 Scott Mountain Road Ext., 3.46 acres, Primary Growth Area, Cedar Grove Township, Zoning District RA, Tax ID #7638941801.

Leonard explained that this business is their sole income. Leonard said only he and his wife will work in the business. Leonard said in the future he will not add to the facility or expand his operation at this location. Leonard agreed to place these statements as conditions to his permit if it was approved. **Johnson** asked Leonard to explain what he has done to correct the drainage problems this building has created. **Leonard** said that he has brought in dirt to create a berm and he will keep the entire area landscaped including the grassy bank.

Douglas Breitkautz, 2520 Scott Mountain Road, said that he is not opposed to this small family-owned business. Breitkautz said that Scott Mountain Road was developed years ago as a restricted neighborhood with no means of through traffic. Breitkautz said the road is only approximately 10 ft. wide and cannot accommodate two-way traffic. Breitkautz said this is a peaceful area within the Uwharrie National Forest. Breitkautz said they would like to see the following conditions be placed on the permit:

1. The size of the manufacturing structure never be allowed to be enlarged from existing size of 32 ft. x 42 ft.
2. That the current number of two sewing machines not be allowed to be increased.
3. That the business shall employ only the husband and wife of the residence.
4. That no retail sales be conducted on the premises. Only wholesale distribution be allowed.
5. That no signs advertising this property as a business be placed either on the structure or on the property.

Breitkautz said they did not feel that granting these restrictions would in any way inhibit the quality of Mr. Leonard's existing home-business, nor inhibit the quality

of the neighborhood.

Edward Dwigans, 2655 Scott Mountain Road Extension, said that he has spoken with several neighbors and at first their reaction was that this is a residential area. He said that they don't want to handicap their neighbor's ability to earn a living, but they feel these restrictions should be incorporated into the request. He said this would allow the business to fit into the neighborhood.

The Leonard's agreed to all the conditions with the exception of limiting the number of sewing machines allowed in the facility.

McLeod made the motion, seconded by **Pell**, to **approve** the request for a Special Use Permit with the added restrictions. The motion passed unanimously.

- E. WILLIAM DULA**, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to obtain a firearms license to operate a gun smith shop in an existing 16' x 24' building at residence located at 1320 Randolph Tabernacle Road, 21.5 acres, Secondary Growth Area, Asheboro Township, Zoning District RR, Tax ID #7772139434.

Dula was present and explained his intention to use the existing building for a small gunsmith shop. Dula said he needs a manufacturing license to operate the business he would like to operate. Dula said that he will not have a sign on the property, but he does want to address the building. Dula said that it will be a one-man operation. Dula said he will only be shooting to test fire the guns. Dula said it will only be a 25' shooting range.

There was no one present in opposition to this request.

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

- F. CLAUDETTE PHILLIPS**, Trinity, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to obtain a dealer's license to operate a used car lot with no more than 6 cars on display in an existing 12' x 8' building at her residence located at 3544 Hoover Hill Road, 11.31 acres, Secondary Growth Area, Tabernacle Township, Zoning District RA, Tax ID #7714487150.

Phillips was present and explained that this request is for her son. Phillips said that the 6 cars will not be on display. Phillips said that the cars will only be in storage on the property and there will be no signs on the property. Phillips said they don't want to disturb the quiet enjoyment of the community. Phillips said that

the business will be in her son's name. Phillips said this will be an exporting business for high-end cars. Phillips said the cars are being exported to the Virgin Islands and in the US.

Bob Hill, 3638 Hoover Hill Road, said that he just wanted to find out what they plan to do. Hill asked if this would effect his property value. The Board answered no. Hill said that he didn't want to voice any opposition to the request.

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

6. The meeting adjourned at 9:20 p.m. There were 74 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary