

MINUTES

RANDOLPH COUNTY PLANNING BOARD

January 8, 2008

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, January 8, 2008, 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; **Larry Brown**, present; **Phil Ridge**, present; **Chris McLeod**, present; **Reid Pell**, present; **Wayne Joyce**, present; and **Danny Shaw**, Alternate, present. **County Attorney Alan Pugh** was present for this meeting.
3. **Pell** made the motion, seconded by **Rains**, to approve the Minutes of the December 4, 2007 Randolph County Planning Board meeting. The motion passed unanimously.
4. **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."

One person took this oath.

- A. **WILEY BRADY**, Ramseur, North Carolina, is requesting a Special Use Permit to allow planned rural development for a 3rd residence located at 2958 Walker Store Road, on 32.25 acres, Secondary Growth Area, Franklinville Township, Zoning District RA, Tax ID #7784822807.

Amy Brady, daughter of the applicant, was present and explained that the existing site-built home is being used for storage and the existing mobile home is being occupied by her aunt. Brady said that her parents want to move a 900 sq. ft. home to the property. This home is currently located on property across from the Whites Memorial Baptist Church.

There was no one present in opposition to this request.

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

5. REQUESTS FOR PROPERTY REZONING:

- A. CES INVESTMENTS**, Asheboro, North Carolina, is requesting that 28.26 acres located at 5159 NC Hwy 134, Union Township, be rezoned from RA to CVOR-CD. Tax ID#'s 7655191907. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 23 lot class A mobile home, modular home or site built subdivision with a minimum house size of 1,200 sq. ft. (Eugene & Beulah Luck - Property Owner).

- **Neighborhood Information Meeting Summary**

The developers were present for this meeting. There were also 25 citizens present expressing concerns for this development. Those citizens expressed the following concerns:

- **development would have a negative impact on the groundwater table*
- **housing type was not compatible to surrounding development*
- **development would have a negative impact on their property values*
- **too many lots and lot sizes too small*
- **highway traffic problems*
- **negative impact on hunting lands*

The developer made no changes to his request.

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal was **NOT** 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 denied as the proposed housing type is not consistent with the previous rezonings and 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.

Pugh asked Johnson what area is this request located within our Growth Management Plan. Johnson answered the Secondary Growth Area.

Ben Morgan, Attorney for CES Investments, was present and explained that his clients were present for any questions the Board may have. Morgan said the surveyor, Jerry King, is also present. Morgan said that the proposed subdivision is a 23-lot subdivision with lot sizes ranging from 40,000+ sq. ft. to 1.80 acres. Morgan said there is one existing home on the property and 7 building lots being proposed on Hwy 134. Morgan said the proposed roads will be built to state standards. Morgan said the development will be restricted to no single-wide mobile homes, and all homes will be a minimum of 1,200 sq. ft. with individual wells and septic tanks. Morgan said this development is within the Secondary Growth Area. Morgan said that this request meets all the characteristics listed for Secondary Growth Areas in the Growth Management Plan. Morgan said they believe this plan is something the County could be proud of and there is a need for this type of housing in the County. Morgan said that there are many mobile homes and modular homes within one mile of this development. Morgan said they felt this type of development would not adversely effect the property values in the area. Morgan read the resolution from the Growth Management Plan to the Board and said they felt this request meets this resolution. **Ridge** asked Morgan if it would be possible to turn proposed lots 5, 6, and 7 to face the new proposed street instead of fronting on Hwy 134. **Morgan** said he would have to check with his clients and the surveyor to determine this. **Pell** asked if there was access for

proposed lot 1 with the guardrail along Hwy 134. **Morgan** said he was not sure how much frontage would be effected by this guardrail. **Pugh** expressed the Board's concern for new driveways on existing roads. Pugh asked if the road could be extended for access for lots 1, 2, and 3. **Morgan** said they would be sensitive to this concern. **Pugh** also pointed out a restriction (#10) that may be problematic for the developers within the proposed private deed restrictions. **Morgan** said they realized that they would have to meet all County requirements. **Pell** asked what foundations and roof-pitches would the residences have. **Heath Craven** said they would be willing to rock and brick the foundations and require 5 to 7 roof-pitch. **Morgan** said this requirement would be steeper and would not commonly be associated with mobile homes. **Craven** said this would still allow double-wides with the steeper pitch. **Pugh** asked if this could be added to the application and **Heath Craven** agreed to this addition. **Morgan** said they felt all these restrictions would provide nice homes for the community.

Joseph Edwards, 5061 NC Hwy 134, said that most of the new homes being built in this area are stick-built homes. Edwards said that most of the mobile homes in the area have been here for several years. Edwards said he felt this would be too many homes and would congest the area. Edwards asked if all the timber would be cut off the property and expressed concern for what that might do to adjoining properties and Little River with the run-off. Edwards asked if they would be proposing any buffers to the neighboring properties. Edwards said we are losing many good farmlands. Edwards expressed concern for the traffic along Hwy 134. Edwards also expressed concern for the water table.

Douglas Connor, 5103 NC Hwy 134, said that his biggest concern is the number of wells that would be drilled here. Connor said they have had water problems within the community during this drought. Connor asked about setbacks for wells from septic tanks. Connor spoke of traffic problems. Connor said he would like to see at least a privacy fence installed for the neighbors to prevent children from wondering off on the adjoining property.

Glenn Miller, NC Hwy 134, said that all the mobile homes that exist in this area were there prior to the Growth Management Plan. Miller said if the double-wides are allowed to come in to the development, the remaining lots will be developed by mobile homes. Miller said that this is not consistent with the neighborhood. Miller said he would like the Board to restrict the development to not allow mobile homes. Miller said he felt the lots fronting on NC Hwy 134 should connect to the new roads. Miller said the connections should be reduced along Hwy 134. Miller said the development design has been made to get as many lots

as possible and not for the good of the community. Miller said he felt this would become just another trailer park. Miller said that in 2004 the County approved a subdivision less than 1/4 mile from this site for site-built homes and conventional modular homes with 2 acre lot sizes. Miller asked the Board to continue with the precedence that was set by this Board at that time. Miller said they would request that the Board require the following changes:

**Number of lots be reduced to 13 lots

**The housing be changed to allow only site-built homes or modular homes

**House size increased to a minimum of 1,600 sq. ft.

Miller said that these private restrictions will be almost impossible to enforce. Miller said that there have been major investments in the community to improve the community and he would like to see those type of investments continue. Miller present pictures to the Board of the type of homes that have been built in this area in the last 7 years.

There were 13 people present in opposition to this request.

Ben Morgan said that he would like to respond to the comments from the community. Morgan said the Auman Crossing Subdivision was developed by Heath Craven. Morgan said that the majority of the properties in this area would allow a mobile home at this time. Morgan said the lot sizes proposed are appropriate within a Secondary Growth Area. Morgan said the site plan as provided should be approved.

Pugh asked about the buffering along the creek and **Johnson** said a 50 ft. buffer is required along the creek. Johnson said that the problem that the Technical Review Committee has with the development is the housing type is not consistent with the housing patterns approved by this Board since zoning was adopted in 1987. Johnson said the only zoning pattern that has been approved is for site-built homes or modular housing.

Rains said if a 50' no-cut buffer is required around the site this would be a substantial buffer. **Pugh** said that buffers may be practical except for lots 1 and 7. **McLeod** said he felt the lots along Hwy 134 could be rearranged to reduce the number of new driveways being added to Hwy 134.

Morgan said they could redesign lots 1-3 (to 2 lots) to increase their frontages to

150 ft. Morgan said lots 5-7 could be redesigned to require one of the lots to access the new road.

Pugh said that if lots 5-7 are redesigned to adjoin the new street and lots 1-3 reduced to only 2 lots with 150 ft. frontage, and if all lots along Hwy 134 are restricted to site-built homes or modular homes, it could answer some of the concerns of the community. **McLeod** agreed with Pugh. **Pugh** said the Board could also impose buffers along the south and north property boundaries. **Pell** said the driveway access to lot number 4 could also be moved to the new road and taken off Hwy 134. **Pugh** said that the applicants could revamp the plat and bring it back to the next meeting.

Rains said if we are going to continue to receive testimony from one side (Ben Morgan) of this request we need to take it from the other side. Rains said he respects and places great value in what the Technical Review Committee recommends. Rains said that the ordinance does have minimum lot sizes and they are not maximum lot sizes.

Pell said if the Board is going to vote on this request he wants to know what kind of changes the applicant intends to make. **Pugh** asked Morgan if his applicant wanted the opportunity to make changes. **Morgan** said the applicant will propose to combine lots 1 through 3 to make two lots with 150 ft. in frontages, lot 5 will be moved to the new road and lots 6 and 7 will front on Hwy 134. **McLeod** asked what type of housing would they allow on the lots fronting on Hwy 134 and **Morgan** answered the applicants are not changing the proposed housing.

Rains made the motion, seconded by **Ridge**, to recommend to the Commissioners that this request be denied.

Ridge said if the developer had been willing to restrict the lots on the Hwy 134 to site-built and conventional modular homes only he would not be opposed to the plan with the changes that were proposed.

Rains said he felt that there were a lot of concerns expressed by the community that were not addressed by the applicant. Rains said that he also agreed with the Technical Review Committee that the request is not consistent with other rezoning decisions made in the area.

The motion passed unanimously.

- B. MOFFITT’S, INC.**, Asheboro, North Carolina, is requesting that 5.81 acres out of 127.60 acres located at 2518 Old Humble Mill Road, Grant Township, be rezoned from RA/RM to RM-CD. Tax ID# 7679244918. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 22 lot addition to Richland Village Mobile Home Park (existing 122 lots) as per site plan.

- **Neighborhood Information Meeting Summary**

The developers were present for this meeting. There were also 2 citizens present to review the proposed plan. The citizens want to insure that no expansion was occurring on the west and east sides of the existing property.

- **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.

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 7.5 Site plans should be provided that design built upon areas to specifically minimize stormwater runoff impact to streams and other receiving waters.

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.

Johnson said the original rezoning request for this property came to the County in 1998 and that request was for a total of 310 lots. Johnson said that request, if approved, would have covered the entire parcel. Johnson said that at that time the Commissioners denied that request. Johnson said it was denied due to the impact this would have on the Old Humble Mill Road. A road which at that time had a very narrow bridge. Johnson said that since that time the bridge has been replaced. Johnson said the current request is for 22 spaces to be added to the rear of the existing mobile home park. Johnson said that the wooded area to the east and west on the property will not be disturbed. Johnson said only the area to the rear of the existing mobile home park would be impacted.

Jon Megerian, Attorney, said there are 122 spaces in this park and the park has been here since 1969. Megerian said this is a secondary growth area. Megerian said that there is city sewer with a pumping station at the front of this site. Megerian said there is a private water system that serves the park and Moffitt is certified to maintain the system. Megerian said there is an on-site park manager, regular trash pick-up (provided by the park), landscaping and ground-maintenance provided by the park. Megerian said most of the area being proposed is already in a RM zone and the remainder of the property is zoned RA. Megerian said that the area to the east is zoned RM but is not being proposed to be used for mobile home lots. Megerian said notes from the Neighborhood Information Meeting stated that 2 citizens came and expressed concern of expansion to the east and west of the existing homes. Megerian said the conditions the applicant is proposing would not allow for expansion in those areas. Megerian presented pictures to the Board of the park. Megerian said the traffic count along Old Humble Mill Road is 1,400 vehicles per day and is not even close to the 4,000+ vehicles it would take for the DOT to require a turn-lane being added to the park. Megerian said the manager of the park is in the park during business hours and lives beside the park office (therefore is present 24-hours a day). Megerian said a concern expressed at the hearings 10 years ago for the road was the small bridge. Megerian said that bridge has been replaced. Megerian quoted the Technical Review Committee's recommendation and quoted 2 additional policies he felt supported their recommendation. Megerian said the environmental concerns are eliminated by not disturbing the buffer areas. Megerian said there is no adverse impact on infrastructure to the area and the 22 spaces will be for double-wide mobile homes

and not single-wide homes. Megerian said the owner and developer is present. Megerian said the property has been owned by the Moffitts since 1860.

There were 15 people present in opposition to this request.

Bob Heinzer, 2306 Old Humble Mill Road, said that Old Humble Mill Road is winding and heavily traveled road. Heinzer said that 1159 vehicles in a 48-hour period traveled this road, with an average speed of 63.6 mph. Heinzer said that 58% of the vehicles were doing 60 mph or greater. Heinzer said this information was provided to him by the N.C. State Highway Patrol. Heinzer said this is not a safe road. Heinzer said mobile home parks negatively effect the quality of schools. Heinzer said that mobile home parks drop the property values in a community. Heinzer quoted information from the internet. Heinzer said that most of the trailers in this park have at least 3 vehicles in their yard. Heinzer said other counties in this state are trying to do away with mobile home parks.

James Humble, 2477 Old Humble Mill Road, said the water system at this park was developed at the expense of the community. Humble said that he and some of his neighbors had to drill new wells after it was installed. Humble said that Moffitt donated the land for the sewer pump so that he could get rid of his septic tanks and hook to the sewer system. Humble said that he talked to the school and was told that most of their Hispanic children came from Richland Village Mobile Home Park. Humble said that the highway patrol said that there were 17 crashes along this road. Humble said that a lot of the accidents on this road were not reported. Humble said his fence was damaged from someone coming out of the park and running straight across the road. Humble said he had to put up an electric fence around his pasture to keep people from this park off his pasture. Humble talked about the numerous calls that 911 has received from this park. Humble said he didn't understand how the County can continue to allow mobile homes when the County and State are in trouble for taxes. Humble said he has had people from this park cut down his trees for Christmas trees. Humble said he could understand how the park is clean because the garbage is dumped up and down the sides of the road. Humble said at the last zoning meeting Moffitt said he would put a chain-link fence around the park. Humble said Moffitt built a nice shop and a fence only around the shop and not the park. Humble presented the Board with a petition of opposition with 96 names.

James Humble, Jr., 106 Hammond Street, Randleman, said that in 1969 this park was only four trailers in size. Humble said that his grandmother's house is

across the street and at that time they didn't have to lock the doors. Humble said that he wouldn't allow his children to stay with his parent now if they didn't lock their doors. Humble said that their buildings have been broken into and the area is not safe. Humble said he does not live here but his family does. Humble said that this is his family's land. Humble said he hasn't seen anything positive developed along this road with the exception of the church.

Joyce made the motion to recommend to the Commissioners that this request be **approved** based upon the recommendation of the Technical Review Committee. **McLeod** asked if this approval would only allow these 22 spaces to be developed, and **Johnson** answered yes. **Pugh** said that this Conditional Zoning would restrict and limit the area to be developed on this parcel. **Pell** seconded the motion and the motion passed unanimously.

- C. **TRIAD TRAILER REPAIR, INC.**, Archdale, North Carolina, is requesting that 51.76 acres located on Branson Davis Road (past Walker Mill Road), New Market Township, be rezoned from RA to RLOE-CD. Tax ID# 7746506036. Rural Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 16 lot residential subdivision for conventional modular and site built subdivision with 1300 sq. ft. minimum house size.

- **Neighborhood Information Meeting Summary**

The developer and his surveyor were present for the meeting. There were five (5) citizens present that expressed the following concerns:

***negative effects on the tax payers from buyouts from the proposed I-74 corridor*

***negative storm water run-off effects*

***off-site sewer systems should not be permitted*

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal is 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 in the area.*

However, the Technical Review Committee felt the developer should be required to place the future I-74 Corridor on the final plat and disclose to prospective buyers that the property is in the path of the proposed corridor.

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

Policy 2.6 The County should encourage new major conventional residential subdivision development to be located in growth areas likely to be served at some point by public infrastructure or in cluster subdivisions to be designed in a manner that would reduce infrastructure extension distances.

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).

Johnson said that this request came to the Board approximately a year ago. Johnson said at that time the proposal was more dense and the Commissioners denied the request. Johnson said the community petitioned the County to ask this area to be included as a Rural Growth Area in the Growth Management Plan. Johnson said that this proposal meets the Rural Growth Area requirements. Johnson said that a portion of the property falls within that area proposed for the new I-73 Highway project. Johnson said there was some concern about allowing new developments to be proposed in areas where highway projects are proposed. Johnson said this development is compatible with the housing in the area, the lot sizes being proposed are compatible to the Growth Management Plan, but there is some concern with the 5 lots on the west portion of the property (due to the highway proposal). Johnson said the County has been notified by the State that plans for this highway will begin in July of this year. Johnson said that DOT will not have permission from their Board until probably February to purchase this property. Johnson said DOT is concerned that approving developments within the proposed area could delay the project. Johnson added that the lots being proposed on the second newly proposed road from Branson Davis Road will not be effected.

Pugh explained evidence the courts could consider when land values are being evaluated for public purchase.

Jerry King, Surveyor, said that each lot will have individual wells and septic tanks and an average of 300 ft. of road frontage. King said the road is designed to come straight across from Leigh Lane. King said that the issue of the corridor is still not completely worked out. King said that when East originally proposed this development its not fair to the taxpayer for NCDOT to tie up his land for this amount of time. King said East has been working on this for 2 years. King said no one from NCDOT has contacted East about the purchase of the land. King said he felt East has been kept in the dark long enough. King said this Board has already approved a development across the road from this site that will also be effected by that highway project. King said he felt East has a good plan and he didn't feel East should be penalized. **Craven** said that if the highway is built here it would take out five of the proposed lots. **King** said DOT has not stated exactly where the road will be built. **Ridge** asked King how long East has owned the land. **East** said he purchased the land approximately 3 years ago.

Lyn Small, Walker Mill Road, Sophia, said that D.R. Kindley (N.C. Department of Transportation Board) came to the August 2006 Commissioners meeting and offered to purchase the right-of-way from East. Small said that this plan is far better than the first plan. Small said that this development is two parts. Small said his only objection would be that the housing size has been reduced from 1,600 sq. ft. to 1,300 sq. ft. Small said that if DOT has to purchase the property as 5 building lots instead of an agricultural tract of land, it would increase the cost of the highway project for taxpayers and this would be an undue burden. Small said that he was contacted by D.R. Kindley in December that this project would begin in July of 2008. Small said it should not be acceptable for the taxpayer to have this burden. Small said that East knew that the corridor was coming through here when he purchased the property. Small said it is not up to the taxpayers to bail him out. Small asked the Board to reject the 15 acres (within the proposed corridor) and approve the remainder. Small asked the Board to consider increasing the minimum house size. Small said that he would like the County to require that the developer be present at the Neighborhood Information Meetings and the County should deny their request if they are not present. Small asked Johnson to carry this concern to the Commissioners for their approval.

There were 3 citizens present in opposition to this request.

McLeod said that he could understand the reduction in the house size because of the increase in the minimum lot size requirement.

Pugh said that the Commissioners have taken this area out of the secondary growth area and made it a rural growth area. Pugh said that the Board could approve the plan knowing that a portion of the plan will never be developed. Pugh advised the Board that this plan is consistent with the issues discussed during the last hearing process.

Brown made the motion to recommend to the Commissioners that the request be **approved** with the exception of the lower 5 lots. Brown added that if DOT doesn't purchase the property the property owner should be allowed to come back before this Board to approve those lots for development. **Rains** seconded the motion and the motion passed unanimously.

- D. ERNEST HAMMER**, Asheboro, North Carolina, is requesting 10.00 acres out of 44.33 acres located at 2708 Fairview Farm Road., Grant Township, be rezoned from E-1 to CEO-CD. Zoo Growth Area. Tax ID# 7679909368. The proposed Conditional Zoning District would specifically allow the operation of a zipline course as per site plan.

- **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.*

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

Policy 1.3 The continued growth of Randolph County's heritage tourism industry will be encouraged.

Policy 2.7 The County should ensure that land development decisions are made to protect surface and groundwater resources through protection, preservation, and development enhancement.

Land use changes in this area must be developed in a manner intended to enhance and preserve the character of the zoo. Growth Management Plan, Development Policies, Area 5: Zoological Park Environmental Area, Page 21.

Hammer was present and explained his intention to develop a zipline course. Hammer said there is only one in operation in North Carolina and it is located in Pilot Mountain. Hammer said he felt this would be a good venture in this area. Hammer said safety is their number one priority. Hammer described the harnesses and cables that will be used. Hammer said they will have three guides to operate the lines for each tour group. Hammer said that the rider will go from tree to tree landing on platforms. Hammer said that each tour group will be approximately 15 people. Hammer said that the entire course will take approximately 3 ½ hours for each group. Hammer said there will be five tour groups in a days time. Hammer said the ride will open at 10 am and finish around 5:30 pm. Hammer said this will only be a daytime activity, but they will be open 7 days a week Hammer said that any concessions would only be vending type items. Hammer said that he will be inspected and licensed by the State. Hammer said he has hired engineers to design and construct the lines. Hammer said the activity will create very little traffic. Hammer said the groups will be handled by appointment.

There was no one present in opposition to this request.

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

- E. WILLIAM SMITH**, Liberty, North Carolina, is requesting that 13.10 acres located at 3347 Old 421 Road, Liberty Township, be rezoned from HI to HC-CD. Rocky River Watershed. Primary Growth Area. Tax ID# 8735359444. The proposed Conditional Zoning District would specifically allow the operation of an outdoor flea market as per site plan.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal was NOT in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The majority of the Technical Review Committee recommended to the County Planning Board that this request be denied. The Technical Review Committee recognized that this parcel is part of an area that has been planned by Randolph County Economic Development Corporation for an industrial park.

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

Policy 1.5 Randolph County will support coordination of economic development resources with various local agencies and seek regional coordination and interaction between areas with a shared economic interest.

Policy 1.6 Planning and development decisions should be based on the principal of promoting investment in Randolph County to expand employment opportunities while preserving and improving the quality of life for all county residents.

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.

Policy 3.6 New industrial development should be encouraged to locate in existing and planned industrial parks.

Smith was present and explained that years ago he began working with Randolph Economic Development Corporation to develop the property for industrial purposes. **Smith** said that he only wants to use a small portion of the property 4 days a year as a flea market. **Johnson** said that the main concern he witnessed was the parking situation. **Johnson** asked **Smith** what he is doing to correct this situation and prevent vehicles from parking along the right-of-way creating a traffic hazard. **Smith** said that he put 2 people out at the road to eliminate this problem. **Johnson** asked **Smith** if he was proposing to request a condition of his zoning to not allow this parking hazard to be created. **Smith** agreed to this

condition and said that he will place no parking signs along the road frontage of the property. **Johnson** said this parking problem is a very dangerous situation. **Smith** said he couldn't say the parking along the street could be completely eliminated. Smith said that he would do everything in his power to eliminate the problem.

There was no one present in opposition to the request.

Rains made the motion to recommend to the Commissioners that this request be **approved** with the following conditions:

no road side parking (signage and parking assistant attendants shall be required) **operate for 4 days only with the days coordinated with the Planning Office **McLeod seconded the motion and the motion passed unanimously.

- F. **KEN DUNN**, Randleman, North Carolina, is requesting that 8.50 acres out of 30.89 acres located on Old Walker Mill Road, Level Cross Township, be rezoned from RA to RBO-CD. Randleman Lake Watershed. Primary Growth Area. Tax ID# 7767035327. The proposed Conditional Zoning District would specifically allow the operation of a Special Events Arena, Horse Camp and Equine Facilities. Property Owner - Leslie Tenney.

• **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 majority of the Technical Review Committee recommended to the County Planning Board that this request be approved. The Technical Review Committee supports this request, however, feels that appropriate buffers and setbacks should be maintained. The Committee felt there should be a minimum of a 50 ft. no-cut buffer around the 8.50 acres (area requesting to be zoned) and a 35 ft. no-cut buffer along each side of the drive into the property.

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

Policy 1.3 The continued growth of Randolph County's heritage tourism industry will be encouraged.

Policy 7.5 Site plans should be provided that design built upon areas to specifically minimize stormwater runoff impact to streams and other receiving waters.

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.

Policy 10.4 The County should recognize through land use decisions that properly designed development can co-exist along conservation areas, protecting our natural heritage and making Randolph County's quality of life sustainable.

Dunn was present and said that he wants to build a special events center and invest in his community. **Dunn** said that there will be trail riding and inside events such as barrel racing, etc. **Dunn** said that his place would be family oriented. **Pugh** told **Dunn** that the Technical Review Committee has proposed buffers of 50 ft. around the perimeter of the site and 35 ft. buffers on each side of the drive entering the property. **Pugh** asked **Dunn** if he would be willing to add this as a condition of his request. **Dunn** agreed to this condition. **Dunn** said that this is for family entertainment and getaways. **Dunn** said that all activities with the exception of trail riding will be indoors. **Johnson** said that he has been talked to by some members of the community who have concerns with this type of activity. **Johnson** questioned **Dunn** about possible noise problems; and **Dunn** said that all concert activities and rodeo events will be indoors. **Dunn** said this would control any noise problems. **Johnson** asked if any alcohol would be served at any events. **Dunn** answered no. **Johnson** asked about possible traffic concerns; and **Dunn** said he could accommodate 500 vehicles at any one time. **Dunn** said that any over-flow could be parked in his pasture and no vehicles would park along the road. **Dunn** said they would like to host a couple of events for the Victory Junction Gang Camp. **Dunn** said they would ride trails on his property and the property of neighbors that have given them permission to do so. **Craven** asked how the trails would be maintained. **Dunn** said they would be maintained by a skidsteer and tractor. **Craven** asked about possible soil erosion; and **Dunn** said that they plan to keep the trails maintained like golf courses. **Johnson** asked how he would staff events. **Dunn** said that he has staff with the proper training to handle horses and equipment. **Dunn** said that he has lived on the property for 5 years.

There were 26 people present in opposition to this request.

Claude Macon, 5534 Old Walker Mill Road, said that this big arena would be in his backyard. Macon said that he built his home in 1990 and at that time he was surrounded by farmland. Macon said that there are over 50 homes within ½ mile of this site and they don't want a special events arena with its loud music and added traffic. Macon said they would not be opposed to a horse farm as long as the riders were respectful of the neighborhood. Macon asked the Board not to be fooled by spoken promises. Macon said they had an event that was held for 4-days on Labor Day Weekend. Macon said that this event was approximately 700 ft. from his home and he could not even hear the TV in his home. Macon said that he had to call the Sheriff's Department to calm the noise at all. Macon said the noise wasn't even tolerable until after 11 pm. Macon said on Nov 11th the noise was again intolerable. Macon said that the noise even increased after 11 pm until the Sheriff's Department came. Macon said that later he found debris was pushed over on his land and his markers were also pushed over. Macon said that Dunn promised him the debris would be removed and to this day the debris is still there. Macon presented the Board with pictures. Macon said Dunn has not been a good neighbor to Walker Mill Road residents. Dunn said that most of these type metal buildings have no sound barriers. Macon said that the coolers were allowed (no glass permitted) for his November event. Macon presented a copy of the advertisement Dunn placed in the Rhino Times for his November event. Macon said that he and his neighbors don't need this type of traffic on Old Walker Mill Road. Macon asked for the request to be denied. Macon said if it is approved he would like the Board to at least place hours of operation and restrict dates for events. Macon said that the driveway is only 50 ft. from his property line.

Leslie Price, 5823 Big Oak Way, said that the prevailing winds come from this direction to his home. Price said that the last party Dunn had sounded like it was in his backyard. Price questioned how often events would take place. Price questioned manure management on the property and what effect this would have on the groundwater and creek. Price asked what his protection was for noise problems, groundwater, etc.

Ray Demeyer, 5793 Big Oak Way, agreed with Price and Macon. Demeyer asked if alcohol would be allowed on the property. Demeyer said that if it is allowed it might as well be served. Demeyer said that this investment will offset the loss to the property values in the community. Demeyer said this would be a no win situation and a detriment to the area.

Tony Laughlin, 5290 Old Walker Mill Road, said that he agrees with his neighbors. Laughlin said his family has also experienced the noise problems. Laughlin said that they have been run-off the road by a truck that parks on Dunn's property. **Laughlin presented the Board with a petition of 44 names in opposition to this request.**

Denise Caughron, 5657 Old Walker Mill Road, said that most of the families in this area are retired folks and Dunn has not been a good neighbor. Caughron read a letter that David Caughron, her brother, wrote. Caughron expressed concern for their quality of life.

Sandra Adams, 4555 Old Walker Mill Road, said that she to believed in giving money to Victory Junction, she believed in God, and she wants World Peace. Adams said that we are all on the same page now. Adams said that Dunn has no idea how many vehicles or trailers these events will create. Adams said that Dunn has a new toy now and drove it up and down the road blowing the airhorn disturbing the neighbors. Adams said that Dunn apologizes and says it won't happen again but it does again and again. Adams said Dunn is not a honest man and doesn't keep his word

Dawn Ray, 5336 Old Walker Mill Road, said that she adjoins this property and there is only a single line of trees along her property line. Ray said that there is no existing buffer on the property, because the property has been cleared. Ray said that during the burning ban Dunn set the stump piles on fire. Ray said that the fire department came and made him put out the fire. Ray said Dunn did such a poor job of putting the fires out that it started up again two days later. Ray said Dunn hasn't said anything about any fencing to contain the animals. Ray said Dunn has no concern for his neighbors. Ray said Dunn got a truck stuck up in the mud next to their home and revved up the truck motor all during the night trying to get it out. Ray asked if there would be campfires allowed (for the campers). Ray said they have four horses and there is nowhere to ride in the County, not even here. Ray asked about trash problems and how it would be taken care of. Ray asked if the property would have any lighting and said if she wanted all these lights she would live in the city.

Brown said he felt there was too many questions left unanswered and asked Pugh how these questions could be answered. **Pugh** said that this Board is not making a final decision and has heard extensive testimony. Pugh advised the Board to

make a recommendation on the application and site plan as it has been submitted.

Rains asked if the activities that are taking place are currently in compliance with zoning. **Johnson** said that the property is zoned Residential Agricultural and commercial stables and related riding academies are specifically allowed in Residential Agricultural areas. Johnson said that indoor/outdoor amusements for commercial gain, must be located in the appropriate zoning district other than Residential Agricultural. The construction and rental of more than two cabins on the same tract of land would require a Special Use Permit from the Planning Board. **Pugh** said that even if a use is permitted under zoning the neighbors could bring a nuisance suit against the activity.

Rains made the motion to recommend to the Commissioners that this request be **denied** because a full management plan has not been presented. **Brown** seconded this motion and the motion passed unanimously.

- 6. The meeting adjourned at 10:10 p.m. There were 95 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary