

MINUTES

RANDOLPH COUNTY PLANNING BOARD

May 6, 2008

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, May 6, 2008, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Jim Rains** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: **Jim Rains**, Chairman, present; **Lynden Craven**, Vice Chairman, present; **Larry Brown**, absent; **Phil Ridge**, present; **Chris McLeod**, present; **Reid Pell**, present; **Wayne Joyce**, present; and **Danny Shaw**, Alternate, present (substituting for regular member Brown). County Attorney Alan Pugh was present for the meeting.
3. **Craven** made the motion, seconded by **Pell**, to **approve** the Minutes of the April 8, 2008 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."

Seven citizens took this oath.

- A. **JAMES MILLIKAN**, Ramseur, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to allow storage and parking of four (4) refrigerated (meat) trucks at their residence located at 1001 Stout Acres Road, 1.44 acres, Municipal Growth Area, Columbia Township, Zoning District RR, Tax ID# 8711069780 and 8711162872.

Millikan was present and said he has lived at this location for 25 years. Millikan said that he used to work for a company that allowed him to drive his truck home each night. Millikan said that he parked that truck here. Millikan said that he has gone into business for himself now and has purchased these trucks. Millikan said that his residence is in a rural area and there are no restrictions on the land. Millikan said there are other businesses in the area such as chicken houses, car repair, etc. **Johnson** asked if he has operated this business here for 25 years.

Millikan said that he worked for someone else for 24 years and then went into business for himself. Millikan said that 2 of the trucks he owns have to be plugged up all the time. Millikan said that he has another truck that is a thermal king truck. Millikan said that he and his father are the only employees. Millikan said that he started clearing the land for his parking area 6 to 7 weeks ago. Millikan said that he graveled the property about a month ago. Millikan presented pictures of the property to the Board. Millikan said that he uses the existing garage to help buffer the noise from the neighboring residences. Millikan said that he could turn the trucks around to allow the noise to face the woods. Millikan said that the trucks come in around 8 p.m. at night and leave out at 4 a.m. for deliveries. Millikan said that he has neighbors here to support this request. Millikan presented additional landscaping plans for the property. Millikan said he is not wanting to disturb the neighbors, he just wants to make a living.

Hal Leonard, 9883 Stout Acres Road, said that he does hear the trucks sometimes but the noise doesn't bother them. Leonard said that there are farms with chicken trucks, tractors, and other heavy trucks coming up and down the road. Leonard said that he has lived here 29 years and has no problem with Millikan having his business here.

Lisa Ramos, 5248 Eastview Lane, said that they share this driveway and live adjoining the parking lot. Ramos said that the Millikans have cleaned up the underbrush on the property and they are please with this improvement.

There were 7 people present in favor of this request.

Mark Hardin, 5253 Eastview Lane, said that they hear the noise most mornings. Hardin's residence is next to Millikan's. Hardin said that he runs an air purifier to help with the noise at night. Hardin said that the noise bothers them and they are unable to sit outside. Hardin said that the noise keeps them awake all night. Hardin said they cannot get away from the noise in the home or outside. Hardin said that they have asked the Sheriff's Department to come out and have Millikan move the trucks. Hardin said he and his family have lived here for 20 years. Hardin said that some of the trucks have been parked even closer to their home than the pictures reflect.

McLeod recommended that the property owner buffer the area between him an the Hardin's property. **McLeod** made the motion to **approve** the Special Use Permit with the condition that the trucks be parked where the noise is turned away from the Hardin house, the trucks must be parked in the north east portion of the parking area, a buffer must be worked out with the Planning Staff, and no more than 4 trucks allowed for business use. **Joyce** seconded the motion and the motion passed by a vote of **6 to 1 with Rains voting against the motion.**

- B. **CHRISTOPHER GORE**, Franklinville, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to operate a computer business in an existing 14' x 20' accessory building at his residence located at 4662 NC Hwy 22 North, 1.87 acres, Rural Growth Area, Franklinville Township, Sandy Creek Watershed, Zoning District RA, Tax ID# 7795303454.

Gore was present and expressed his desire to operate a small computer business to serve the rural community. Gore said that he repair computers, cleans-up hard-drives, and occasionally builds computers. Gore said that he has operated this business out of his home for 3 years. Gore described the amount of traffic his business creates as approximately 4 customers a week. Gore said that he has a small workshop on the property he plans to use. Gore said that he had to clear the trees on his property due to damaged pine trees, etc. Gore said that he plans to remove the stumps and sow grass on the property. Gore said that he primarily goes to his customers and picks up computers. Gore said that he has no noise within the business except as small air compressor occasionally.

Max May, 4649 N.C. Hwy 22 North, was present in opposition to this business and presented a petition with 4 signatures of neighbors in opposition to this request. May said that Gore came to the County to get a building permit for a utility building and was not honest with the County at that time. May said that Gore has dogs that bark all the time and disturbs the neighborhood. May said that Gore didn't maintain the property for approximately 1 year and the property looked bad. When asked May said that his main problem is with the maintenance of the property and Gore's dogs. May said he didn't believe that Gore had the right amount of sight right-away distance for his driveway either.

There was no one else in opposition to this request.

Johnson said that he felt the real issue was about the yard maintenance and the dogs. Johnson said that sight right-away is a concern of the NCDOT.

Gore said that his dogs are kept up and are not allowed to run free. Gore said that many of the neighborhood dogs bark all night and run free. Gore said that he plans to remove the trees this week and he will sow grass on the property. Gore said this may take a couple of weeks to complete this process. Gore said that some of the area disturbed was done so by the Franklinville Water Project.

Pugh said that the Board can give the applicant the opportunity to clean up the property by postponing a decision until such time that it has been completed.

Johnson said that the reality of the situation is that this is a small one-man operation operated within a small building.

Craven said that he felt the Planning Staff could see that the trees could be removed.

Pugh advised the Board that they could defer a decision until next month.

Pell made the motion to **defer** a decision until next month to allow the property owner to remove the trees, grade the property, and seed and straw the property. **Craven** seconded the motion.

Gore said that he understood the motion. The motion passed unanimously.

- C. **PAUL MULLINS**, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation for temporary storage of wrecked vehicles in an enclosed 50' x 50' fenced area at his residence located at 3339 Stutts Road, 1.93 acres, Secondary Growth Area, Cedar Grove Township, Zoning District RA, Tax ID# 7721907045.

Mullins was present and explained that he currently operates a towing business and would like to use a small portion of the property for a temporary storage lot. Mullins said that he and his partner took the business over the first of April and he has lived here for approximately 18 years. Mullins said they want to work with the Highway Patrol with towing cars. Mullins said that most of their business is to move cars to a body shop or a persons residence. Mullins said that if no one claims a car that has been moved to this site, they will begin the process to dispose of the car within 10 days. Mullins said they are also looking for an office in the city.

There was no one present in opposition to this request.

Craven made the motion, seconded by **Joyce** to **approve** this request. The motion passed unanimously.

5. **REQUESTS FOR PROPERTY REZONING:**

A. **DONALD LANIER**, Asheboro, North Carolina, is requesting that 55.14 acres located on Old NC Hwy specifically allow the development of a 34-lot residential subdivision for site-built homes and off-frame modular homes with a minimum house size of 1400 sq. ft.

- **Neighborhood Information Meeting Summary**

Donald Lanier was present for the meeting. Only one interested citizen was present for the meeting, but expressed no opposition to the request. Lanier has made several changes to the original proposal in consultation with NCDOT

officials to reduce the number of driveway connections directly accessing Old NC Hwy 13.

- **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 majority of the Technical Review Committee recommends to the County Planning Board that this request be approved as consistent with surrounding growth patterns.

The Technical Review Committee found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation are:

***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).*

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

Johnson gave a brief history of the property. Johnson said there was a request by Joe Agee that came to the Planning Board that was turned down due to the large number of driveway connections proposed. Johnson said this request was withdrawn before it went to the Board of Commissioners. Johnson said that NCDOT said they would not approve that many driveway connections. Johnson said that Lanier is requesting a very different request than the Agee request. Johnson said that the proposed driveway connections have been substantially reduced. Johnson said that NCDOT met with our Technical Review Committee reviewing this case.

Lanier was present and explained to the Board his desire to develop a site-built subdivision of 34 lots. Lanier said he got involved with this project 3 or 4 months ago and realized that one of the concerns was the number of driveway connections. Lanier said they have been working with NCDOT to work out an appropriate number of driveway connections. Lanier said the portion of this property on the other side of the road is not part of this request. Lanier said that portion of the property has some preliminary proposals for a conservation type

project. Lanier said that they did meet with NCDOT 3 or 4 times to hash out the driveway issues. This plan is acceptable to NCDOT.

There was no one present in opposition to this request.

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

- B. **KENNETH & JANET LOFLIN**, Denton, North Carolina, are requesting that 30.06 acres, located at the corner of Waynick Meadow Road/ Oak Grove Road, Concord Township, be rezoned from RA to RLOE-CD. Tax ID# 7608843847. Rural Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 6-lot residential subdivision for site-built homes or off-frame modular homes with a minimum house size of 1500 sq. ft.

- **Neighborhood Information Meeting Summary**

The applicant was represented by real estate agent, Aweilda Williams. One interested citizen was present with several questions, but was not opposed to the request.

- **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.

The Technical Review Committee found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation are:

***Policy 2.14** The County should encourage the use of rural lot subdivision designs in those areas where it is found necessary to maximize the infiltration of precipitation to a private well water field and insure sustainable groundwater supplies.*

***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.*

***Policy 6.24** Each lot in a subdivision planned for single-family residential development should be designed to contain well and septic tank on the same lot as*

residence unless alternate system approved through “open space” clustering design.

Johnson said that he has had a few people come by the office to see the plan and they expressed no opposition to the request.

Johnson said that Aweilda Williams did call the office to let him know she would be unable to attend this meeting.

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

- C. **BRANDON JENNINGS**, Randleman, North Carolina is requesting 1.86 acres located at 2194 NC Hwy 49 South, Cedar Grove Township, be rezoned from HC-CU to HC-CD. Primary Growth Area. Tax ID# 7639689801. It is the desire of the applicant to amend the existing Conditional Zoning to include retail propane sales. The property is currently zoned to allow a landscaping supplies and materials business.

- **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. The staff recognized that the current business needs some type of landscaping and shrubbery buffers to improve the appearance of the property.

The Technical Review Committee found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation are:

***Policy 4.3** Rural area commercial development should be limited to neighborhood business uses, farm supply stores, and generally accepted rural business establishments.*

***Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #4.** Recognize that growth management policies should afford flexibility to County boards and agencies that will enable them to adapt to the practical requirements often necessary for rural development.*

Jennings was present and explained to the Board that he didn't realize he couldn't have this small propane filling station on the property. Jennings

apologized to the Board. Jennings said that he had the station installed in August 2007. Jennings said that he is going to move the trailer that is located next to the tank. Jennings said that he has had the tank inspected and licensed.

Johnson said that the only comments that he has heard about this request is that the landscaping business hasn't landscaped the property adequately.

Jennings presented a petition of support from his customers.

There was no one present in opposition to this request.

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

- 6. **Johnson** told the Board that at the next meeting he will be using a new system to present pictures and site plans to the Board. Johnson said that he felt this would be a big improvement to our hearings.
- 7. The meeting adjourned at 7:41 p.m. There were 17 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary