

MINUTES

RANDOLPH COUNTY PLANNING BOARD

September 9, 2008

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, September 9, 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**, present; **Phil Ridge**, present; **Chris McLeod**, present; **Reid Pell**, present; **Wayne Joyce**, present; and **Danny Shaw**, Alternate, present. **County Attorney Darren Allen** was present for the meeting.
3. **Craven** made the motion, seconded by **Pell**, to **approve** the Minutes of the August 5, 2008 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR PROPERTY REZONING:**
 - A. **MICHAEL COLLINS**, Asheboro, North Carolina, is requesting that 87.36 acres located on Young Road, Grant Township, be rezoned from CVOE-CU to CVOE-CD, Municipal Growth Area. The proposed Conditional Zoning District would specifically amend the existing conditional zoning for Mill Creek Meadows Subdivision from a 50 ft. no-cut buffer to a 25 ft. no-cut buffer along the perimeter of the subdivision.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was not 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 denied. The Committee agreed that the original conditional zoning was appropriate and should be maintained.

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 6.16 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 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 explained that the 50' buffer requirement was placed on this residential development by the Board of County Commissioners during the rezoning process. Johnson provided the Board with a packet prepared by Michael Collins.

Collins was present and said he is requesting this buffer reduction for safety purposes. Collins said that they are experiencing problems with ticks, dogs, and other animals. Collins said that he needs this reduction to provide more open space for his children's play area behind his residence. Collins said he kills approximately 1 snake each week in his yard. **Johnson** asked Collins if he was aware of the restrictions prior to purchasing his home. **Collins** answered yes, but he didn't know he would have these problems with the neighbor's dogs at that time. **Johnson** asked Collins if he had removed some of his buffer to place an accessory building in that area in the past. **Collins** answered yes, but when he was notified by the County Planning staff that he was in zoning violation he moved the building to another area of his property. Collins told the Board that they also have tick problems and other bug problems. Collins explained that he removes ticks from his children daily and the neighbor's dog has come into their yard when the children were outside playing. Collins said that because of the buffer the dog is in his yard before he can get between it and his children.

County Attorney Darren Allen asked if there was any example of anyone contracting rocky mountain spotted fever in this area or if anyone had been dog bitten. **Collins** said no, but he didn't want to wait until such an incident occurred.

Allen asked how the children were getting ticks, were they going into the woods.

Collins said the children get ticks by the ticks jumping off the trees. Collins said that his children didn't go into the woods. **Johnson** complimented Collins on his job in providing information to the Board. Johnson said that he noticed that there was one person in the development that didn't want the buffer reduced and he also noticed that the developer would not sign the petition. **Brown** noted that there were seven homeowners that Collins wasn't able to contact. **Johnson** said this is the first request for a condition placed on a residential subdivision by the Commissioners to be removed. Johnson said the condition was placed on the property to buffer the development from the agricultural lands in this area.

Johnson said that this buffer is unique because the buffer is established tree

growth and is most effective. Johnson said the buffer is a heavily grown-up area. Johnson said this is not a situation where there are no mature trees.

Eric Cox, 3946 Meadow Ridge Court, said that this buffer effects two sides of his property. Cox said that they live next to the Collins and they have also had problems with the neighboring dogs. Cox said the buffer doesn't allow them much time to react when the dogs enter their yards.

Christine Wilmoth, 1299 Old Mill Ford Trail, said that as a first time homeowners they have enjoyed this quiet area. Wilmoth said most ticks do not come from the trees, but rather from tall grass. Wilmoth said that the dogs come from neighboring properties and are not wild dogs. Wilmoth said that the reduction in the buffer will affect every residence in the subdivision and the residences next to the subdivision. Wilmoth said the buffer provides privacy and also a habitat for wildlife. Wilmoth said if the buffers are not provided, contractors could move the home sites back further on the lots and the same problem could occur for those lots. Wilmoth said that all the restrictions were disclosed to each buyer at the time the lots were purchased. Wilmoth said that the buffer was a major factor they considered when purchasing their property.

Steven Wilmoth, 1299 Old Mill Ford Trail, said the buffer provides a nice, neat backdrop to their property. Wilmoth said the owners of lot 4 said they would not be interested in reducing their buffer. Wilmoth said their neighbors were out of town when Collins asked for the petition to be signed. Wilmoth said that there are teenagers who ride dirt bikes on the large tract of land adjoining the back of their property. Wilmoth said if the buffer was reduced the noise from these bikes would be more disturbing than it already is. Wilmoth said that there are also guns being fired by some people on the neighboring properties and this buffer does afford more of a safety barrier to their lots.

Faye Cox, said that she and her husband along with her son and his wife own approximately 90 acres on the north and west sides of this development. Cox said that the Commissioners placed this buffer in 2005 on this development at the request of the developer, Lee Roberts. Cox told the Board that Collins removed some of the trees in the buffer and located an accessory building on his property. Cox said that the County Zoning office required Collins to move the building and plant the trees back. Cox said that the 50 ft. no-cut buffer is a good thing for her family and the residents of the development. Cox said that she works at the hospital and ticks are everywhere. Cox said that she walks her 90 acres often and have found very few ticks. Cox said that the Collins can sit in their house and guard all the property they own. Cox said her family can't guard their entire 90 acres and they have to depend of the County to help them. Cox said that she didn't want to be a bad neighbor, but she appreciates this buffer and would like to

see it remain.

Deanna Cox said that she lives on the west side of this property. Cox said that when these people purchased their property they knew the buffer existed. Cox said she would like to see the buffer remain.

10 people were present in opposition to this request.

5 people were present in favor of this request.

Brown said that there are approximately 30 building lots in this development and only 14 signatures on the petition in favor of this request. Brown said that the buffer was an issue to the Board when the original development was approved.

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

- B. **FRED BURGESS**, Climax, North Carolina, is requesting 3 acres (out of 8.67 acres) located on Mack Lineberry Road (just off Hwy 22N), Providence Township, be rezoned from RA to HC-CD. Rural Growth Area. Tax ID# 7796058355. Polecat Creek Watershed. The proposed Conditional Zoning District would specifically allow 4 mini-warehouse (20' x 150') storage buildings with a 32% impervious surface coverage in lieu of the 24% allowed as per site plan.

• **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was not 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 denied as not consistent with the intent of a Rural Growth Area of the County Growth Management Plan.

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 1.2 The benefits of economic development should be balanced against the possible detrimental effects such development may have on the quality of life enjoyed by area residents.

Policy 4.3 Rural area commercial development should be limited to

neighborhood business uses, farm supply stores, and generally accepted rural business establishments.

Burgess was present and explained that his initial plan is to construct two buildings now and the two additional buildings at a later date. **Burgess** said that he would provide a chain-linked fence and also a plan for lighting. **Burgess** said that NCDOT has plans to move Mack Lineberry Road in the future to line up with Benny Lineberry Road. **Burgess** said this property will not be visible from Mack Lineberry Road at that time. **Burgess** said there will be a left and right turn-lane installed on Hwy 22. **Burgess** presented a map of the changes that will be made to the highway. **Burgess** said the only traffic that will continue on the old road will be the traffic traveling to this site. **Burgess** said he realized that the Technical Review Committee has recommended that this request be denied. **Burgess** said he didn't agree with the Technical Review Committee because there are many metal buildings in this area and there will be a substantial buffer to the property. **Burgess** said he didn't feel this request would change the rural lifestyle of the area. **Burgess** presented a picture of a metal building 2 ½ miles from this site and a picture of Routh Oil Company at this intersection. **Brown** told **Burgess** that there were lots of development that occurred prior to 1987. **Burgess** said that he is not opposed to commercial development in this area. **Burgess** said his mini-warehouse storage business will serve the community. **Burgess** presented a picture of another business south of Grays Chapel Elementary School and a picture of a business 1 mile north of this site. **Burgess** said this is not as rural an area as we sometimes think. **Burgess** said he lives 1/4 mile from this site and he would not want to do anything harmful to the area. **Johnson** asked **Burgess** what the hours of operation would be; and **Burgess** answered 7 am to 7 pm. **McLeod** asked if there would be an on-site manager; and **Burgess** answered no. **Brown** asked if there would be any outside storage allowed; and **Burgess** answered no. **Burgess** said there will be 38 storage units in each building. **Burgess** said that he could make changes to his plan to meet the 24% impervious surface requirement of the Watershed Ordinance. **Burgess** said the business will not need any water or sewer services. **Craven** asked if the gates would be open each day at 7 am. **Burgess** said there will be a timer on the electronic keypad on the gate. **Burgess** provided specifications of the security system he would install. **Burgess** said all lighting would be directional lighting so that the lights would not disturb the neighbors.

There were 20 people present in opposition to this request.

Cameron Ingram, 4100 Crooked Creek, said that he moved to this area for his job as a wildlife officer. **Ingram** said that his wife teaches at the new high school. **Ingram** said the school has brought a great deal of traffic to the area. **Ingram** said he is concerned that the Board would consider changing this RA zoning district to

commercial. Ingram said some of the property Burgess is talking about that would buffer the site, do not have trees, they are septic fields. Ingram said this is a changing environment but he wants to see the wildlife in the area remain and these fields are their habitat.

Donald Hinshaw, 4139 Crooked Creek Road, said that he is speaking for himself and his parents who live across the intersection on Hwy 22. Hinshaw said that he applauds Burgess for his effort, but the business will be visible from the roads. Hinshaw said he thinks the Technical Review Committee is right, this business is not right for the community. Hinshaw said that impervious surface doesn't mean anything to most people but it does to him and he would want to know where the run-off is going. Hinshaw said this will be an eyesore to the community.

Chris Kivett, 4043 Crooked Creek Road, said these buildings will be within 80 yards of his back deck. Kivett said the property is a cow pasture now and the buildings will be visible. Kivett said that people in the country have their own storage buildings and they don't need these.

Tim Miller, 4407 Crooked Creek, said he has been a law enforcement officer for 20 years and these types of businesses bring crime to a community. Miller said they have found dynamite, stolen property, etc at these facilities. Miller said the Sheriff's office can't be here all the time to protect the community against the crime this may create..

Patty Hunter, 5673 Mack Lineberry Road, said that they adjoin this site. Hunter said they moved here 1 year ago and they knew the school was coming. Hunter said that there is approximately 40 ft. between their home and the proposed warehouses. Hunter said that in the Fall there will be no buffer from the lights that will be installed at this facility. Hunter said that storage warehouses bring thieves to the area. Hunter expressed concern for her family's safety with people at this site after dark. Hunter said most people who rent these things want full access and eventually the facility could be open 24 hours a day.

Derrick Hunter, 5673 Mack Lineberry Road, said this is a rural area and this is not the right setting for this type of business. Hunter said the buffers Burgess is describing is all on neighboring properties and not his property. Hunter said they are concerned for the run-off into the ponds in the area that feed cattle.

Odell Routh, Routh Oil Company, said that he is not here to throw rocks but he is here to protect the integrity of Routh Oil Company. Routh said he has operated his business here for 57 years and 95% of the people here are his customers. Routh asked if this is allowed what will it bring to our community.

Suzanne Baldwin, 5479 Mack Lineberry Road, said that she was here a couple of years ago about the high school. Baldwin said they have already experienced a major change in their community and it has not been favorable. Baldwin said this project will be more detrimental to their community than the school and they feel enough has been done to change their rural community. Baldwin said they feel that this development would be in total opposition to the Growth Management Plan for their community. Baldwin said that years ago she rented a storage unit at a mini-warehouse facility in Greensboro and the access is 24 hours a day for these facilities. Baldwin said that she never went to the site after dark because it was not a safe environment after dark.

Burgess said that he understands that if his neighbor clears their property the buildings may be partially visible. Burgess said he would wait until next summer when Mack Lineberry Road is moved if the Board would approve the request for development. Burgess said that he did realize the property would be visible from Hwy 22. Burgess said he called the Liberty Police Department about a small warehouse business in Liberty and asked if crime was an issue, and he was told no. Burgess said the road construction will not begin until May or June 2009. Burgess said these units do not create a situation of u-haul trucks moving in and out everyday. Burgess said that these are facilities that are used by the community.

Johnson said the real issue here is this site is in a rural growth area. Johnson said that in some of these areas along major highways you will see some commercial activity due to water and sewer services. Johnson said you need to consider if the economic benefit would have a detrimental effect on the community. Johnson said the Technical Review Committee recommended denial because they felt the detriment to the community would be greater than the economic benefit would be to the community. Johnson said this is a relatively rural area.

McLeod said he felt this type of development would take away from Crook Creek Subdivision. McLeod made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be **denied**. The motion passed unanimously.

- C. **CLOWDIS HOLDINGS, LLC.**, Randleman, North Carolina, is requesting .24 acres located at 9283 US Hwy 220 Business North, Level Cross Township, be rezoned from RM to HC-CD. Primary Growth Area. Tax ID# 7767432576. The proposed Conditional Zoning District would specifically allow a small business to assemble gun parts with the retail sales of firearms in an existing building.

- **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 as consistent with the Growth Management Plan for this area.

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:

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.

Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #7. Ensure the opportunity for landowners to achieve the highest and best uses of their land that are consistent with growth management policies in order to protect the economic viability of the County's citizens and tax base.

Ronnie Beal was present and explained that Holdings purchased the building a few months ago and the building had been used for a machine shop. Beal described himself and Holdings as professional competition riflemen. Beal said that he and Holdings manufacture gun parts and their business is similar to that of a machine shop. Beal said their business is currently in Greensboro and they have 3 part-time employees. Beal said they will not have a shooting range on the property. Beal said that Holdings has purchased the lot to the rear of this property to build his home. Beal said they will be open to the public only part-time and they specialize in competition firearms such as custom long-range riffles. Beal said the store will close (to the public) at 8 pm. Beal said most of their guns start in the \$1000 range and up. Beal said they will be open for business 3 days a week. Beal said they will be closed on weekends because they compete in tournaments.

There was no one present in opposition to the request.

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

- D. **DONALD LANIER**, Asheboro, North Carolina, is requesting 8.46 acres

located on Bessie Bell Road, Cedar Grove Township, be rezoned from RA to CS-CD. Rural Growth Area. Tax ID# 7629329987. The proposed Conditional Zoning District would specifically provide parking and access to the adjoining future shopping center.

- **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 as consistent with the Growth Management Plan for this area.

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 4.1 Commercial development should be encouraged to occur in clusters or planned shopping centers to minimize the proliferation of “retail strip” locations.

Policy 4.4 Commercial uses should be encouraged to develop by consolidation and deepening of existing commercially zoned property, only when such consolidation and deepening can be developed in a way that lessens the effect of incompatibility with adjoining residential land uses.

Lanier said that he owns the adjoining property and it was zoned in 2005 for community shopping. Lanier said that the property was timbered approximately 5 years ago prior to him purchasing the property. Lanier said there is only a limited amount of use of this property due to its topography. Lanier said that there is an area next to the corner that could accommodate buildings. Lanier said that Bessie Bell Road is a graveled road and he has had some discussion with NCDOT to possibly pave the road in the future. Lanier said that he is just trying to add to the current zoning.

Harold Sanders, said that he would like to speak in support of this request. Sanders said that he owns land in the area. Sanders said that he feels the development would be good for the county. Sanders said he grew up in High Point and Bessie Bell was a friend of his family. Sanders said that his only concerns would be architect of the buildings.

Lena Hammond, 210 Dinah Road Extension, said that she is a member of

Mechanic Baptist Church and the parking lot would be right beside their church. Hammond said they would like to be able to enjoy their church services. She said she would like to see a buffer along the church property.

Lanier said the parking lot would be approximately 100-150 ft. from the property line. Lanier said that he would be happy to deed the triangular piece of property, he owns and has had surveyed separate from this tract, to the church. **Hammond** said they would like a buffer also.

Ridge asked what kind of buffer is planned. **Lanier** said he would work with the County Planning Staff to plant a level 3 vegetative buffer along the area impacting the church.

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

- 5. The meeting adjourned at 8:03 p.m. There were 44 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary