

MINUTES

RANDOLPH COUNTY PLANNING BOARD

December 2, 2008

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, December 2, 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, absent; **Larry Brown**, present; **Phil Ridge**, present; **Chris McLeod**, present; **Reid Pell**, present; **Wayne Joyce**, present; and **Danny Shaw**, Alternate, present (substituting for regular member Craven). **County Attorney Darren Allen** was present for the meeting.
3. **Pell** made the motion, seconded by **Joyce**, to **approve** the Minutes of the November 6, 2008 Randolph County Zoning Board of Adjustment meeting. The motion passed unanimously.
4. **Approval of the Order of the Zoning Board of Adjustment in the Winslow Case heard at Public Hearing on November 6, 2008.** **Joyce** made the motion to **approve** the Order. This motion was seconded by **Pell** and the motion passed unanimously. This Order is attached as part of these Minutes.
5. **REQUESTS FOR PROPERTY REZONING:**
 - A. **DONALD LANIER**, Asheboro, North Carolina, is requesting that 23.45 acres (out of 46.80 acres) located on Hopewell Friends Road, Cedar Grove Township, be rezoned from RA to CVOE-CD. Tax ID# 7638597683. Primary Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 15-lot residential subdivision for site-built homes with a minimum house size of 1,400 sq. ft.

- **Neighborhood Information Meeting**

The meeting was attended by Hal Johnson, Planning & Zoning Director; Jay Dale, Planner; and Donald Lanier, Developer. There were eight (8) citizens in attendance at the meeting. The only real concerns were voiced by Thurman

Hogan and R.C. Hill both property owners near the proposed development on Hopewell Friends Road. They voiced concerns that the homes were too small for the area as well as concerns that the homes would have a box like appearance that would detract from the neighborhood. There were also concerns about the density and size of the lots proposed. Hogan stated that a car came by on average during the day every 15 seconds. He inquired as to whether or not there would be a turning land required. According to our records the traffic count in the area was below the 4,000 ADT required by the DOT for a turning lane and Hogan was informed of this.

- **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 land use patterns in the area.

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

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

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

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

Lanier was present and explained his intentions to develop the property. Lanier said he has met with NCDOT officials who have preliminarily approved the road and its entrance. Lanier said there was a concern that the homes not be built with four square walls, and the restrictive covenants will require all house plans be approved by the developer. Lanier said they would make a good faith effort to see that the homes have a break in their roof line. Lanier said that in no way would he want to do anything that would be harmful to the community. Lanier said he lives near this property. Lanier said the double-wide mobile home on the

property will be removed. Lanier said that there is an existing site-built home on the property also.

There were six (6) citizens present in opposition to this request.

Thurman Hogan, 2520 Hopewell Friends Road, said that he is not opposed to the development but he does have some concerns. Hogan said he is concerned that the septic tanks will not work and he described some perking problems his neighbors have had. Hogan also discussed his concerns for the added traffic and said that the traffic on the road needs to be slowed down. Hogan said he felt the proposed house size was too small because the existing homes in the area average 1800 sq. ft. Hogan said that there is a development on Danny Bell Road (Bellwood Estates), developed by Donald Strider, that has nice homes. Hogan said he would like to see the same type of homes in this proposed development.

Chris Ledbetter, 2079 Luther Country Lane, said that if this is developed he will have three (3) homes in his back door. Ledbetter said they built a 1900 sq. ft. home here on family land. Ledbetter told the Board that Lanier may live here but he has planned a 23 acre buffer for his home. Ledbetter said that if he had wanted to live in a subdivision he would have built in a subdivision. Ledbetter said that his family is opposed to this development. Ledbetter said his home is approximately 40 yards from their back property line. Ledbetter said he felt this development would decrease his property values.

Sherry Ledbetter, 2079 Luther Country Lane, said that she doesn't want to raise her family in a subdivision. Ledbetter said Lanier was disrespectful to them when he told them he needed to get his money out of the land. Ledbetter said that no one held a gun to Lanier's head to purchase the property. Ledbetter said that the traffic is horrendous and this will just increased their traffic problems. Ledbetter said they don't want this development in their backyard. Ledbetter said they didn't feel a fence would give them privacy due to the topography of the land. Ledbetter said they had to locate their house on the property there because of perking conditions. **Allen** asked Ledbetter how much of there property is wooded. **Chris Ledbetter** answered there are only a few small pines on their property. Ledbetter said they are concerned that the property will be clear cut and they will have no buffer.

Robert Hill, 2510 Hopewell Friends Road, said he was speaking for himself and his neighbor, Vickie Hill. Hill said this development would bring three (3) lots within 10 ft. of his neighbor's property line. Hill said he would question the person that could permit this many septic tanks on this property. Hill said his daughter use to live in the mobile home on the property and they had problems

getting the property to perk. Hill said that he didn't think the land would perk for this many homes. Hill said that the size of the houses and size of the lots should be increased.

Ridge asked Lanier if he had considered any buffers. **Lanier** said the backyards of the proposed house sites will be approximately 300 ft. deep and as a general rule the septic tanks will be near the homes. Lanier said there is a natural dry hollow along the back of the lots and he wouldn't have a problem with leaving a no-cut buffer. Lanier said that the homes along Hopewell Friends Road is approximately 1300-1400 sq. ft. homes. Lanier said that in the Planning Staff considers a 1 mile radius when determining the average house size within the area. Lanier said this brings in the Tot Hill Farm Community which would not be a true representation of the area. **Ridge** asked Lanier if he would consider increasing the house size of just the lots along Hopewell Church Rd to 1,600 sq. ft. **Lanier** explained that there are several mobile homes and small older homes in close proximity to this site. Lanier said that there are 6 neighbors here but there are 40 or 50 homes that are not here so they are in favor of this request. Lanier said he plans to leave the large trees and will only clear out the house sites. Lanier said the property will not be clear-cut.

Johnson said the home most impacted by this request is the home on Luther Country Lane. Johnson said the property owners' (of this home) are here to express concern and it seems like a requirement for a natural buffer would be appropriate. **Rains** said he felt a buffer could be applied around the entire subdivision. **McLeod** said he realized that the septic tanks will have to be approved by the Health Department and if they are not approved, the lot sizes will be increased. **Ridge** said he felt the buffer should be greater than just the average 35 ft. requirement. **Ridge** said he felt proposed lots 13-15 should have a minimum 50 ft. no-cut buffer and a 35 ft. no-cut buffer for the remainder of the development. **Johnson** advised that the Board could direct the Planning Staff to work with the developer and come up with appropriate buffers. **Pell** agreed that it would be beneficial for the Planning Staff to meet the developer at the site and develop a plan for buffers. **McLeod** made the motion to recommend to the Board of County Commissioners that this request be approved with the condition that the Planning Staff meet the developer on-site to determine appropriate buffers. **Ridge** seconded the motion, and the motion passed unanimously.

- B. **BOBBY BOONE**, Franklinville, North Carolina, is requesting that 27.49 acres located at the end of Homeward Trail, Providence Township, be rezoned from RA to RLOR-CD. Tax ID# 7785956209. Rural Growth Area. The Conditional Zoning would specifically allow one additional lot to an existing minor residential subdivision for double-wide manufactured homes, modular homes, or site-built

homes with a minimum house size of 1,200 sq. ft.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal is 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 recommends to the County Planning Board that this request be denied. The TRC recognized that the private road is longer than permitted by the Ordinance. The road is 2,024 ft in lieu of the allowed maximum length of 1,320 ft.

Section of the Unified Development Ordinance that this request does not comply with:

Article VI, Application of Regulations, Section 5. Road Access.

“No building shall be erected on a new lot created after adoption of this amendment which does not have access, directly or by easement, to a road whether publicly or privately maintained. All private roads shall be constructed and maintained in accordance with the specifications set forth in the Subdivision Ordinance. No private road within Randolph County shall be longer than 1320 feet. In addition, no private road, created after adoption of this ordinance and as defined by the Subdivision Ordinance, within the county shall serve no more than six (6) lots. All private roads shall connect to a public road. Private roads require a subdivision road disclosure statement in accordance with G.S. 136-120.6 indicating the manner in which they shall be privately maintained. This provision shall not apply to driveways or planned unit developments as specified by other provisions of this ordinance.

Jerry King, Surveyor, was present to represent the Boone Family. King said that this is not a typical subdivision, it is a family development. King said that this lot will be the last lot divided from this property. King said this lot will be for Boone’s youngest son. King said that this is an existing driveway currently used by the existing lots. King said that the new extension to this road is on 114 ft long. King said that Boone purchased the property in 1985 and his first son built his home in 1999. King said the family maintains the road and currently have four (4) dwellings on the property now. King present pictures of these homes. King said that the he wasn’t sure what type of home will be placed on this last lot.

There was no one present in opposition to this request.

Johnson said that this drive has been here for many years. Johnson said in 2002

the private road standards changed and required a maximum length. Johnson said the TRC's concern was that this would be a major extension to this private road. Johnson said if the Board was inclined to approve this, the family should agree to a formal road maintenance agreement.

Ridge made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be approved with the requirement that a formal road maintenance agreement be established. The motion passed unanimously.

- C. **HENRY WALL**, Randleman, North Carolina, is requesting that 5.05 acres (out of 12.96 acres) located on Violet Ridge Road, Level Cross Township, be rezoned from RA to LI-CD. Tax ID# 7758638666. Primary Growth Area. The Conditional Zoning District would specifically allow a contractor's outdoor storage yard and office. The applicant is also requesting SNIA ground coverage of 39.8% (property owners are only allow 12% impervious surface by right in the area of the Randleman Lake Water shed.

- **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 land use patterns in the area.

Examples of some Growth Management Policies 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.

Policy 3.5 Warehousing, storage and distribution facilities should have direct access to appropriate thoroughfares and should be visually buffered according to their location.

Johnson said at one time this entire parcel was zoned LI. Johnson said the property owner requested the property to be down zoned to RA. Johnson said that they are now wanting to sell a portion of the property for industrial development.

Henry Wall, President and Owner of Contract Erectors, told the Board he plans to purchase this 5 acres for a contractor storage yard and a training office. Wall

said that he has approximately 10 to 15 people employed at Contract Erectors. Wall said that this expansion would allow him to move some of his equipment to this site and allow for safety training on site.

There was no one present in opposition to this request.

Johnson said this a good example of a rural industrial development. **Johnson** said that this shows how some industrial development can be located in rural areas and be compatible.

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

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

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

Five (5) people took this Oath.

- A. **BERKLEY GROUP, LLC**, Charlotte, North Carolina, is requesting a Special Use Permit for a telecommunications tower on 65.99 acres located at the end of Ponderosa Road, Providence Township, Polecat Creek Watershed, Secondary Growth Area, Zoning District RA, Tax ID# 7777123700. Property Owners - Richard & Lynda Petty.

Bonnie Newell, Berkley Group, LLC representing North State Communications, presented books to the Board for their consideration. **Newell** said they created a search ring for this area to determine the best location for a new tower. **Newell** said they plan to cut a 70' x 70' section of woods to locate the tower so that it will be surrounded by woods. **Newell** said the Petty's own 528 acres surrounding this site. **Newell** said they reviewed several properties in the area and this was the best site. **Newell** presented maps of North State's current coverage and a map of the coverage that will be created if the tower is constructed. **Newell** showed the Board a picture of a monopole, which is the type of tower planned for this site. **Newell** said wireless phone numbers now exceed land line phone numbers. **Allen** asked **Newell** the distance from the tower and the nearest residence, and **Newell** answered 780 ft. **Allen** asked **Newell** the height of the proposed tower, and **Newell** answered 195 ft. **Johnson** said that the staff reviews these applications before they are brought to the Board. **Johnson** advised the Board that the application met all the standards required by the County. **Brown** asked **Newell** for the MSL height of the tower, and **Newell** answered 935 ft.

There was no one present in opposition to this request.

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

- B. **BRANDON CAUSEY**, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to obtain a automotive dealer's license at his residence located at 1299 Jerico Road, on 15.47 acres, Back Creek Township, Secondary Growth Area, Zoning District RA, Tax ID# 7722390526.

Causey was not present for this hearing.

Milton Walker, adjoining property owner, explained that he had questions concerning the size of building being proposed, lighting to be used, and possible office hours. Walker said he would be opposed to the request. Walker said he owns 300 acres adjoining this property. Walker said he has kept the property natural and he would be opposed to a commercial business coming to the area.

Allen advised the Board that if the applicant is not present the Board would mostly be required to deny the request.

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

- C. **STEVEN WISHON**, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation of a towing and storage yard with an automotive repair business at his residence located at 1627 Worthville Road, on 8.30 acres, Franklinville Township, Secondary Growth Area, Zoning District RA, Tax ID# 7764987307.

Jon Megerian, Attorney representing Wishon, explained that his clients have made application to permit a towing business and a fenced 60'x 60' area for vehicle storage. Megerian said his clients have fewer than 25 cars on site now. Megerian said his clients would like increase the fenced area to 60' x 80'. Megerian said the cars are not visible from any adjoining property owners. Megerian said they have had no complaints from any adjoining property owners. Megerian said his clients do reside on the property and will continue to live in the residence. Megerian said their son also lives on the property. Megerian reviewed the four tests and explained that his clients' proposal would be in compliance with the County Zoning Ordinance. Megerian said this approval would increase the value of the property. Megerian said the Wishons are present to answer any

questions the Board may have. Wishon said he will not have maintenance and repair services on site. Wishon said they will only be towing and storing cars. Wishon said they will not be selling any parts or vehicles from this location. Wishon said his business is in Asheboro and this will only be a temporary storage yard.

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.

7. **Miscellaneous Business:**

Hal Johnson explained to the Board that the Planning Staff is currently working on some proposed Ordinance and Growth Management Plan amendments that would include the creation of a new zoning district intended for Rural Industrial development. Johnson said the proposed amendments would enhance rural employment and development opportunities by providing districts where certain activities and uses can be located that require proximity to rural resources. The district would be designed to accommodate certain industrial land uses that might include processing and manufacturing of timber and forest related products, agricultural goods, minerals and aggregates, and the maintenance and repair of equipment related to farm, forest, or other related rural land uses requiring large tracts of land. Johnson said this would give the County more planning and zoning flexibility to recognize the need to allow certain industrial uses in Rural Growth Areas that would provide economic development and jobs for rural community. Johnson said that the proposals may be ready for presentation to the Planning Board at the January meeting, after which the Planning Board could review, provide comments, and schedule for public hearing in February.

County Attorney Darren Allen said that the purpose for these special types of districts is for industrials that are benefitted by their close proximity to rural areas. Allen said this would give the Commissioners the ability to make a legislative decision that allows some areas in rural areas to be used for industrial development.

Rains said that he felt there is a need for this type of district. Rains described industrial business that have come into areas east of Ramseur that could have be classified in this manor. Rains said those businesses have been compatible to the rural area and have not detracted from their community.

Allen said several other changes are being considered for the ordinances, but this is the first thing that needs to be considered. **Johnson** said that everything now is subjected to be challenged in Court and can cause lots of problems. Johnson said this is not just about

McDowell Lumber but other things. Johnson said that we need to be sure that the Ordinance will support decisions made by the Board. **Allen** said flexibility is key and you don't want to write off 80% (RA zoned property) of the County for industrial development.

McLeod said that he felt this would be good for the County and encourage more industrial development.

Johnson informed the Board that Lynden Craven is having some health problems and asked everyone to keep him in their prayers.

Johnson informed the Board that the old courthouse is being renovated for a meeting facility. Johnson said that in a couple of years that will probably be where the Commissioners and PB will be meeting.

7. The meeting adjourned at 8:00 p.m. There were 21 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary