

# MINUTES

## RANDOLPH COUNTY PLANNING BOARD

January 6, 2009

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, January 6, 2009, 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**, absent; **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. **Brown** made the motion, seconded by **Pell**, to **approve** the Minutes of the December 2, 2008 Randolph County Zoning Board of Adjustment meeting. The motion passed unanimously
4. **REQUESTS FOR PROPERTY REZONING:**
  - A. **ERIC BLACK**, Thomasville, North Carolina, is requesting that 7.96 acres located on Fuller Mill Road (north of Post Road), Tabernacle Township, be rezoned from CVOECU to RA. Secondary Growth Area. Lake Reese Watershed. The new property owner is requesting the property be reverted back to its original zoning classification.

- **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**.

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

**Resolution of Adoption - 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.*

**Black** was present and explained he has purchased 7.96 acres from Earnhardt Builders and plans to use the property for agricultural purposes. Black said that Earnhardt Builders has signed a waiver of the residential restrictions originally placed on the property. Black said that he will include the property in the Voluntary Agricultural District.

**There was no one present in opposition to this request.**

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

- B **ACE/AVANT REAL PROPERTY COMPANY**, Archdale, North Carolina, is requesting that 126.67 acres located on NC Hwy 311 (across from Wall Brothers Road), New Market Township, be rezoned from RA to IO. Tax ID# 7745639188 and 7745548203. Secondary Growth Area. The proposed zoning district is specifically intended to accommodate manufacturing, wholesaling, warehousing, research and development, and related retail or commercial activities.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be **approved** with the condition that Azel Drive not be allowed to be used as access and appropriate buffers be established.

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

***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 1.7 The County should encourage the use of performance-based industrial overlay zoning districts when the use of large acreage, natural buffer, and extensive landscaping would not have substantial adverse impact upon the general area growth characteristics, and the location of such a site would substantially increase economic activity, job creation, and the tax base of Randolph County.***

**Johnson** explained that the Technical Review Committee looked at this request and had concerns for the access to the property. Johnson said the developer had a death in the family and was unable to attend this meeting.

**Max Summey**, Engineer, said that the property would be used for a mix of commercial and industrial uses. Summey said the conceptual plan is a site that the Economic Development Corporation and the developers have looked for future growth. Summey said that NCDOT will be taking a good portion of the property for the new highway. Summey said the developers didn't want to spend a great deal of money developing a plan until they knew they could get the property rezoned. Summey said that the property owners own the 50 ft. private road and also have an additional 50 ft. easement running along the private road. Summey said they are also looking to get an access from Plainfield Road. Summey said that the City of Randleman are willing to provide water and sewer to this site. Summey said Economic Development Corporation is willing to work with the developers on this project. **Allen** asked Summey if the easement is adjacent to the 50 ft. private road and **Summey** answered yes. **Allen** asked Summey if he was aware of the details of the easement and if the easement could be used for this type of development. **Summey** said that he didn't know the details of the easement. **Johnson** said that there have been environmental studies performed on the property. Johnson said the main concern of the Technical Review Committee was the access on Millikan Road. Johnson said that Millikan Road is a very rural low density agricultural community. Johnson said that if Azel Drive was used as an access, this would have a real impact on the community. Johnson asked if there had been any discussions with NCDOT concerning access to Hwy 311. **Summey** said they will be cut off from their access to Hwy 311, but NCDOT is suppose to work with them on their access. Summey said they are trying to purchase property to get another access. **McLeod** asked if the highway was suppose to be a raised highway, and **Summey** said that he did not know. Summey said that there would probably need to be two separate accesses. Summey said the streams also create a challenge for development.

**Ronald Self**, Sophia, (representing Sophia Baptist Church) said that he was concerned about this development. Self said that he felt this would negatively effect his church. Self said the church gave 35 ft. access to the property for residential purposes. Self said they were told that the access would not be enough for industrial development. Self said that he felt there were too many unanswered questions to approve this request. Self said that he didn't think the easement could be used for industrial development. Self said that he represents the Church and is suppose to report back to the Church concerning this proceeding. **Allen** said that the Technical Review Church has recommended that Azel Drive not be used as access. Self said that the Church would not be really opposed to the development if they were not allowed to use Azel Drive.

**Johnson** said he felt Self's point is well made. Johnson said that the Millikan Road community is so different from Hwy 311. Johnson said that for an industrial access highway to access Millikan Road would be a complete change of that area. **Allen** said that it is rare to see an access easement for industrial access. **McLeod** said that he liked the plan but he agreed with Self that another access should be used. **Brown** said it may be tough to get an access across the railroad from Hwy 311. **Johnson** said the tract of land could be regulated to prevent use of Azel Drive.

**McLeod** made the motion to recommend to the Commissioners that this request be **approved** with the condition that access from Millikan Road not be allowed for industrial and commercial use. **Pell** seconded the motion. The motion passed unanimously.

- C. **LARRY WILSON**, Asheboro, North Carolina, is requesting that 1.79 acres located on US Hwy 64 (just west of Tabernacle School Road), Tabernacle Township, be rezoned from RA to HC-CD. Tax ID# 7712235792 and 7712233754. Secondary Growth Area. The proposed conditional zoning district would specifically allow an automotive sales lot as per site plan.

- **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**.

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

*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.*

*Policy 4.5 Effective buffering and/or landscaping should be provided where commercial development adjoins existing or planned residential uses.*

**Wilson** was present and explained that he has operated his business here for 20 years. Wilson said he has a Special Use Permit for this business at his residence. Wilson said that he has two employees and has approximately 30 cars on the property. Wilson said he wants to move all the business to this site. Wilson said he plans to build a 40' x 60' building and fence the business. Wilson said that he

wants to move the business down further away from his residence. Wilson said it will move his business further away from the intersection and the school zone.

**There was no one present in opposition to this request.**

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

5. **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."*

25 people took this Oath.

**ROBYN NEY**, Climax, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to allow a pet crematorium at her residence located at 5340 Cypress Lane, Providence Township, 5.04 acres, Cypress Hill Subdivision tract #9, Sandy Creek Watershed, Secondary Growth Area, Tax ID# 7797761901.

Ney was present and explained that she would like to offer a loving service to her community. Ney said that some of the animal hospitals in the area have a need for this service. Ney said that she works for Asheboro Animal Hospital and they currently use a service from out-of-county. Ney provided the Board with pictures of the incinerator she would like to purchase. Ney said that the incinerator would have a second chamber that would burn up the smoke from the cremation. Ney said that there would be no odor and no decay from this system. Ney said that this is a safe, clean system. Ney said that she has COPD and would not have this plan if it were not. Ney said that she would be the only person traveling up and down the road from her business. Ney said that she would go to these hospitals to pick up the animals and there would be no additional traffic. Ney said that the after-burner eliminates the smoke and odor. **Johnson** asked Ney if she would be required to have any additional permitting. **Ney** said she has contacted NCDENR and she was told no pit permit or license would be required. **Johnson** asked if anyone would inspect the incinerator. **Ney** answered not that she knew of. **Johnson** asked if the Fire Marshal's Office would inspect the facility. **Ney** said that the incinerator would be on a cement slab and in a metal building. Ney said that she would provide fire extinguishers at the facility. Ney said that she had a meeting with the County inspectors and the fire marshal. Ney said that she didn't know of any regulations or license required. **McLeod** asked if it used diesel or propane gas. **Ney** said it could be propane, diesel or natural gas. **Johnson** asked where the fuels would be stored. **Ney** said it would be in a container 10 ft. away. Ney said that the local animal hospitals don't have the facilities. **Pell** asked if the operation in Jamestown or Kernersville were in a residential area. **Ney** said she didn't know. Ney presented a picture of the old business that use to operate in Asheboro. Ney said the one that closed here in Randolph County was at his

residence. Ney said that operation was larger than the one she would have.

**Brown** asked what kind of training was necessary for this operation and **Ney** said that the only training she knew of would be how to operate the incinerator. Ney said she currently works in an animal hospital. **Brown** asked what she would do with the ashes. **Ney** said that she would put them in a container and take them to the county landfill. **Brown** asked how many she would do in a week and **Ney** said possibly 5 to 10 animals.

**Ney's** husband said he did some research along with his wife and he didn't really know what the burning regulations were concerning trash. **Ney** said that the burning is contained and is environmentally safe. **Ney** said basically a lot of people in the community have animals. **Ney** said that he supports his wife in this endeavor. **Ney** said that if he felt this would be dangerous he wouldn't consider it at all.

**Joanna Savage**, 5345 Cypress Lane, said this is not a personal thing. **Savage** said that this is a residential community and they just feel this is not appropriate. **Savage** said that they don't live on a state maintained road and they are responsible for the maintenance of the road. **Savage** said that the **Ney's** have not contributed to the maintenance of the road. **Savage** provided the Board with a packet of information to be considered. **Savage** also provided a petition of opposition. **Savage** said each incinerator that are used with large animals have problems with the fat from the animal catching on fire. **Savage** said the landfill will not take animal ashes. **Savage** said they were told this by their trash man. **Savage** said bone fragments linger and burn for a very long time. **Savage** said the neighbors are worried about there water quality. They are worried about their animals and wild animals and what diseased animals could bring to the area. **Savage** said natural gas is not an option in our community and diesel fuels let off emissions. They feel this will open the door for other businesses in their community. **Savage** provided a picture of the crematory in Kernersville. **Savage** said that the crematory in Randolph County is not out of business. **Savage** said that every vet in the area does use the business in Kernersville. **Savage** said that she talked to NCDENR and was told that crematories are inspected once a year and are required to be licensed. **Savage** said they have children and they are concerned about air and water contamination. **Savage** said they are concerned about property values and how it will effect their taxes. **Savage** said they wanted to know who will be inspecting the property and how the remains will be disposed of. **Savage** asked how many times a week would the incinerator would be fired. **Savage** asked where will the animals be stored before cremation and where the animals will be coming from. **The petition of opposition was signed by 48 residents.** **Savage** said that all the neighbors in the surrounding community are present.

**Joseph Mayerchak**, 5360 Cypress Lane, said he is the closest neighbor and he is concerned with the noise and the issues brought up by **Savage**. **Mayerchak** said he had to call the fire department to his residence and the trucks had a hard time getting to the house. **Mayerchak** said he was concerned with fuels being stored on the property. **Mayerchak** said with hunters in the area this could be dangerous.

**Sylvia Brown**, 6807 Middleburg Road, Greensboro, said she spoke with the owner of Central Pet and the incinerator had to get to 1800 degrees to operate. Brown said if a large animal was placed in the incinerator it would cause a fire and the after burner would not handle the smoke. Brown said the incinerator is opened during the process and odor does emit into the air. Brown said she was told by the owner of one pet crematory that they should not be put in a residential area.

**Cathy Matthews**, 5345 Cypress Lane, said that she would be concerned about the storage of the animals prior to firing the incinerator. Matthews said that this could cause disease and germs in the area. Matthews said with the expense of diesel fuels, it may cause them to wait before firing. Matthews said the road is in terrible shape and with the increase traffic, it will damage the road. Matthews said the Ney's have not contributed to the maintenance of the road. Matthews said diesel engines smell and they are noisy. Matthews said that Mr. Ney didn't come to them and ask to sit down and talk with them about this request. Matthews said the Ney's have several dogs on their property and the incinerator may endanger their lives as well.

**Jeff Savage**, 5345 Cypress Lane, said that he appreciates the fact that Tim and Robin care for their animals, but he didn't think it would be right to allow this business. Savage said if the incinerator operated daily it would be over worked and create emissions. Savage expressed concern for the creek that runs through their property and the possibility that this could contaminate the creek. Savage said he is concerned that they may have to purchase a larger machine down the road and it may cause emissions.

**Lyndsey Winstead**, 3354 Cypress Lane, said she was told originally by Ney that it would be just her vet and now she is stating a few local vets. Winstead said she was concerned that the business would grow.

**Cynthia Allen**, 3518 Randolph Church Road, said that she back up to this site. Allen said the area is wooded and she would be concerned about fire. Allen said she is also concerned about the smell. Allen said if the incinerator is diesel it would smell. Allen said that a lot of states do restrict these crematoriums. Allen provided articles where pet crematoriums had to be closed because of faulty equipment. Allen asked if the animals would be stored in freezers and what would happen if the power went out. Allen asked if the animals were stored in barrels and if wildlife got into them. Allen also expressed concern for the creek.

**Possam Ledbetter**, Hwy 22, said that he didn't think this area needs this type of business. Ledbetter said it is a residential area and the roads are not that good. Ledbetter added that the remains may be difficult to get rid of. Ledbetter said if its on the ground it will get in the water and if its in an incinerator it will get in the air.

**Johnson** commended the people that were at this hearing. Johnson said so many times it gets personal and the people here tonight discussed issues and didn't get personal.

Johnson said he would like to commend both sides of the issue.

**Allen** said when there is a lot of community opposition the Board should consider the impact this will have on this community. **Brown** said he didn't feel the four tests required to approve a Special Use Permit had been met. **Brown** made the motion to **deny** this request for a Special Use Permit. **Joyce** said he felt this type of business should be in an industrial area. **Joyce** seconded the motion and the motion passed unanimously.

6. **Johnson** said that at the last Planning Board meeting he had mentioned the need to update the County's Growth Management Plan and Zoning Ordinance to better enable the county to consider requests for industrial zoning that may be located in Rural Growth Areas. Johnson said the 2002 Growth Management Plan was directed mainly toward rural residential development. The main issues confronting the county during this time period was the tremendous number of major residential subdivision requests being considered on a regular basis. The 2002 Plan provides adequate guidance for the Boards to make decisions on the locations of major residential subdivisions, however, the 2002 Plan does not adequately address standards and policy as it relates to rural industrial development. Johnson provided the Board with a draft amendment to the zoning ordinance that would provide for a new Rural Industrial District. Johnson said the unique economic challenges faced by large rural counties in the 21<sup>st</sup> Century include the necessity to enhance rural economic development, rural employment, and the County's tax base by providing locations for rural industrial/commercial activity that require proximity to rural resources. Johnson said that sustainable rural economic growth, environmental protection, and rural quality of life issues, are mutually supporting goals. With the right special conditions, one goal does not necessarily exclude the other. Johnson said the draft revisions would address these issues. He asked the Board to review the draft and provide the planning staff with any comments or ideas. Johnson reviewed with the Board a map of the County's Rural Growth Areas that cover approximately 47% of Randolph County. The map highlighted existing rural industrial/commercial operations that are currently active in this growth area.

**Rains** asked Johnson if employees could be considered a Rural Resource as some industries desire to locate in certain rural areas to draw upon the population/employees that are located in the area. **Johnson** said this is a good example of a rural resource. **Allen** said that he felt that potential customers could also be considered a rural resource. Allen said the key is to provide the Boards with flexibility to respond to rural industrial rezoning request on a case by case basis. **Johnson** said that more specific Growth Management policies and guidelines will be brought to the Board at the February meeting.

7. **Electronic Changeable Face Signs.**

**Johnson** said the Planning Department has gotten a few requests for the new technology signs that use diodes and other light technology to provide changing messages. Johnson

said current county zoning regulations do not address these type of signs, and that the planning staff will bring some proposals to the Planning Board at the February meeting. Johnson said the biggest issue is how long a sign has to change its message so as not to be a distraction to drivers. He said some signs change every 5 seconds, however, the proposal may be for a 10 second delay in message, with no movement that could cause added distraction to drivers.

8. **ELECTION OF OFFICERS.**

**Chairman - Brown** said he thought Rains was doing a good job and he would like to see Rains remain Chairman. **Rains** said he thought Chris McLeod would do a good job. Rains made the motion to nominate **Chris McLeod** as Chairman for 2009. **Brown** seconded the motion and the motion passed unanimously.

**Vice Chairman - Rains** made the motion to nominate **Reid Pell** as Vice Chairman for 2009. **McLeod** seconded this motion and the motion passed unanimously.

9. The meeting adjourned at 8:49 p.m. There were 35 people present for this meeting.

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**NORTH CAROLINA  
RANDOLPH COUNTY**

*HAL JOHNSON*

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**Planning Director**

*JILL WOOD*

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**Date**

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**Clerk/Secretary**