

# MINUTES

## RANDOLPH COUNTY PLANNING BOARD

**June 2, 2009**

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, June 2, 2009, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Chris McLeod** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: **Chris McLeod**, Chairman, present; **Reid Pell**, Vice Chairman, present; **Larry Brown**, present; **Phil Ridge**, present; **Jim Rains**, present; **Lynden Craven**, present; **Wayne Joyce**, present; and **Danny Shaw**, Alternate, absent. **County Attorney Darren Allen** was present for the meeting.
3. **Rains** made the motion, seconded by **Craven**, to **approve** the Minutes of the May 5, 2009 Randolph County Planning Board meeting. The motion passed unanimously.
4. **SPECIAL USE PERMIT REQUEST:**

*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."*

Four (4) people took this oath.

- A. **CARL SMITH**, Trinity, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to obtain a dealer's license to sell farm trailers with a display lot of no more than 10 trailers at his residence located on 49.38 acres at 2205 Finch Farm Road, Tabernacle Township, Lake Reese Watershed, Secondary Growth Area, Zoning District RA, Tax ID# 6794965897.

**Smith** was present and explained that the State requires Zoning clearance prior to obtaining a license to sell the trailers. **Smith** said this will be a one-man operation. **Smith** said the trailers will be aluminum trailers, flatbed trailers, etc. **Smith** said he will not be selling automobiles, only trailers.

**Linda Farlow**, adjoining property owner, asked where the trailers would be located; and **Smith** answered the trailers will be on the west side of the residence. **Farlow** didn't express any opposition to this request.

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

- B. **CONWAY SHAW**, Siler City, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to operate a Gunsmith Shop with a firearms dealer's license from his residence located on 43.33 acres at 7194 Old Siler City Road, Coleridge Township, Rural Growth Area, Zoning District RA, Tax ID# 8721306682.

**Shaw** was present and explained that he is expanding his existing license from the ATF. Shaw said he has been doing this as a hobby for 24 years. Shaw said there will be no commercial signage or retail sales. Shaw said his sales will be basically internet sales and possibly gun shows. Shaw said he will operate the business in one room in his basement. Shaw said he currently has an CNR license. Shaw's neighbor, **Robert P. Brooks**, came in support of this request. Shaw said he will not have a public shooting range on the property.

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

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

- C. **JOSEPH LAYTON**, Liberty, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to operate a small engine repair shop from an existing 10' x 14' building at his residence located on 1.94 acres at 7332 Old 421 Road, Liberty Township, Primary Growth Area, Zoning District RR, Tax ID# 8728224084.

**Layton** was present for the meeting and explained his intentions to work on lawnmowers, weed eaters, chainsaws, etc. Layton said he plans to work full-time in the business. Layton said he may build a small shed attachment to the building. Layton said he may have a small amount of outside storage.

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

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

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **RICHARD & FAYLENE WHITAKER**, Climax, North Carolina, is requesting that 3.75 acres located at 4715 US Hwy 64E, Franklinville Township, be rezoned from RA to HC-CD. Tax ID# 7792006080. Primary Growth Area. The Conditional Zoning District would specifically allow the expansion of an existing

commercial business to include a 40' x 60' building and retail sales.

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

*Policy 4.2 Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.*

**Faylene Whitaker**, owner, said that she plans to open a produce stand at their existing building. Whitaker said that future plans would include a bakery and ice cream shop also. Whitaker said they currently have 6 employees and this will increase the number of employees at this location. Whitaker said they will probably add 6 full-time positions and 5 part-time employees. Whitaker said the produce building will air-conditioned.

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

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

- B. **SCHWARZ PROPERTIES, LLC**, Asheboro, North Carolina, is requesting that 1.46 acres located at 9249 US Hwy 64E, Whitehead Subdivision lots 2 -14, Columbia Township, be rezoned from RA to HC-CD. Tax ID# 8722564918. Secondary Growth Area. The Conditional Zoning District would specifically allow the operation of a produce and craft store by a single tenant 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 original property owner constructed the buildings to be used for farm purposes without permits or inspections. The last property owner obtained a Special Use Permit for a Rural Family Occupation with the condition that all appropriate Building Inspection Permits be obtained and approved. The permits were never obtained. The TRC recognized that this property is located within a residential subdivision. The Technical Review Committee recommends to the County Planning Board that this request be denied.*

**Examples of some Growth Management Policies that the Technical Review Committee found supporting 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 4.2 Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.*

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

*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.*

**Keith Trogdon**, Schwarz Properties, said they plan to lease the property for an open air produce market with plant sales and crafts. Trogdon said the old mobile home has been removed and they plan to construct bathroom facilities at that location. Trogdon said the access will be from Hwy 64 and White Lake Drive. Trogdon said there will be only 1 or 2 employees for the business. Trogdon said that most of the sales will be outside the buildings. Trogdon said most of the buildings will be used for storage. Trogdon said the sales will be under the shelters attached to the building on the west side of the property. Trogdon said the sales will not be spread across the property. **McLeod** asked if this business would be like their business on Hwy 311. **Trogdon** answered no. **McLeod** asked if White Lake Drive was state maintained and **Trogdon** answered he didn't know.

**8 people were present in opposition to this request.**

**Jack Embree**, 9237 US Hwy 64E, said he was present for the meeting in 2005. Embree said that this site is located in a subdivision. Embree said there is no well or septic tank on this property and the soils are very poor. Embree said the buildings were originally built as barns without any permits or inspections from the County Building Inspector. Embree said there are several sites owned by Schwarz on Hwy 64 that would be more appropriate for commercial use. Embree described the area as a small residential community and said that they feel this will hurt their property values. Embree said the Growth Management Plan should protect their neighborhood. Embree said there are lots of subdivisions near major highways and these residential communities should be protected. Embree said there is no buffers to protect their property. Embree said that they are afraid that people will use this dead end private drive for parking and access. Embree said the property has limited access to Hwy 64. Embree said you cannot cross the highway at this location. Embree said there are several things that would have to be done to this property in order for it to be used commercially. Embree said the property has not been maintained very well and the mobile home was just removed this past weekend. Embree said that because the owner of the property doesn't reside in the neighborhood, it is not maintained very well. Embree said he didn't feel the owner has been a good steward of the property and shouldn't be rewarded. Embree provided the Board with pictures of the property. Embree said that the other property owners along White Lake Drive have been maintaining the private road. Embree said he has planted some leland cypress trees to buffer his property, but he feels they should have to provide buffers. Embree said that the previous owner installed a septic system without any permits. Embree said the land was never perked. Embree described poor conditions that renters of the old mobile home lived with. Embree said there was no running water in the old mobile home. Embree said the mobile home was empty from September 2006 until it was moved. Embree said junk was sold on the property several times and has been a constant problem to the neighborhood.

**Jason Overman**, 134 White Lake Drive, said that he would also be concerned about a bathroom being built so close to the pond. Overman discussed several problems the neighbors have had with the past owner, C.B. Arrington. Overman said he has lived in this community all his life. Overman said all the neighbors take good care of their property with the exception of this property. Overman said most of the lots in the development will not perk. Overman said most of the homes in the development were built several years ago. Overman said this property has been a nuisance to the community. Overman said there are several elderly people in the community that were not able to attend.

**Christie Embree**, 9237 US Hwy 64E, provided the Board with a petition of opposition. Embree said the neighbors are upgrading their residences and don't want to see this in their neighborhood.

**Rains** said that he thinks this is a good opportunity that both of these requests came to the meeting at the same time. Rains said this request is a project in a residential subdivision and very different from the Whitaker request. Rains explained that the Whitaker request is in an area with a lot of commercial traffic and the nature of the area is commercial. Rains said that this request is not. Rains said this is a commercial request in an existing residential subdivision. Rains said that if this was a Special Use Request it would be turned down because “*the location and character of the use if developed according to the plan as submitted would NOT be in harmony with the area in which it would be located and would NOT be in general conformity with the Land Development Plan for Randolph County.*”

**McLeod** said that he agreed with Rains. McLeod said that something should be done to improve this property. McLeod said he felt the Board should be careful with what is put on this property. McLeod said that something will be placed on the property at some point.

**Rains** made the motion to **deny** this request based on the fact that it is out of character with the community. **Craven** seconded the motion and the motion passed unanimously.

6. The meeting adjourned at 7:28 pm. There were 17 citizens 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**