

MINUTES

RANDOLPH COUNTY PLANNING BOARD

March 23, 2010

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, March 23, 2010, 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; Wayne Joyce, present; and Danny Shaw, present. Darren Allen, County Attorney, was present for this meeting.
3. **Rains** made the motion, seconded by **Pell**, to approve the Minutes of the February 2, 2010 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUEST FOR PROPERTY REZONING:**
 - A. **MERIC, INC.**, Randleman, North Carolina, is requesting that 8 acres (out of 36.80 acres) located at 9755 US Hwy 220 Bus N, Level Cross Township, be rezoned from HI-CU to HC-CD. Tax ID# 7767261278. Randleman Lake Watershed. Primary Growth Area. The proposed Conditional Zoning District would specifically allow the existing facilities to operate a flea market, auctions, and seasonal carnival 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 2009 Growth Management Plan adopted by the Board of County Commissioners. The Technical Review Committee recommends to the County Planning Board that this request be approved as consistent with the Growth Management Plan.

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

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.

Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #4. 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.

Eric Davis, property owner, was present and explained that he had leased the property for industrial purposes. Davis said their tenant went bankrupt and they are looking for a new use of the property. Davis said that they would like to use the building and the grounds for a flea market. Davis said he would manage the property with his dad and his brother. Davis said they would like to operate the flea market on the weekends with 3 to 4 carnivals a year. Davis said that they would also sell produce. Davis said occasionally they will have auctions during the week. Davis said the summer hours would be from 6 am to 6:30 pm and winter hours from 7 am to 4 pm. Davis said the carnival hours would probably be from 11 am to 4 pm (10 pm during the summer). Davis said they currently maintain a buffer around the property. Davis said they plan to close the open areas of the building and have already discussed this with the building inspector. Davis said that NCDOT has issued the driveway permit (the existing drive) for this use. NCDOT has told Davis the amount of traffic that the business generates may require him to install a turn lane at a later date. Davis said that they would not allow over-night stays or camping on the property (for the carnival). Davis said that the carnival would be locally operated. **Joyce** expressed concern for the operating hours with a church across the street. **Davis** said that they plan to be friendly to the church and hold events to benefit the community. Davis said they would be willing to have carnival hours after 1 pm on Sundays.

Debbie Bowman, 668 Providence Church Road, said that she attends church here. Bowman expressed concern for the traffic problems in this area. Bowman said that there is no turn lane into this property. Bowman described the multiple businesses in the area. Bowman said that she is concerned about the possible noise, but it does sound like MERIC plans to work to keep this down. Bowman expressed concern for possible trash. Bowman said she would like to see the hours at 1 pm and not during the church hours. Bowman said she is not against growth or allow them to use their property. Bowman said she is not representing the church.

Johnson asked Davis to describe the parking situation. **Davis** said all the parking

would be on their property and no parking should be allowed on the street.

McLeod said that he didn't feel there should be any operations before 1 pm on Sunday. **Davis** said that he would operate the flea market before 1 pm, but he would be willing to not operate the carnival before 1 pm. **McLeod** said that he was talking about the carnival, not the flea market. **Davis** agreed to these hours. Davis said that the carnival would only be as large as the area defined on the site plan. Davis agreed to no more than 4 carnivals per year for a period of no longer than 2 weeks per event. **Joyce** was concerned that there would be over-night stays when holding a carnival for 2 week periods. **Davis** agreed to add the restriction of no over-night stays permitted on the property (no camping) to his permit.

Rains made the motion, to recommend to the Commissioners that this request be **approved** with the following conditions:

- **hours of operation 6 am to 10 pm on Saturday, 7 am to 5 pm on Sunday
- **the carnival may not operate before 1 pm on Sundays
- **no more than 4 carnival events per year for a period of no more than 2 weeks per event
- **no overnight stays (camping) permitted

Pell seconded this motion. The motion passed by a 6 to 1 vote, **Joyce** voted against the motion.

- B. **JOEL BRADY**, Asheboro, North Carolina, is requesting that 3 acres (out of 5.80 acres) located on Pilot Mountain Road, Elbert Brady Estate tract 2, Grant Township, be rezoned from RA to LI-CD. Tax ID# 7699525951. Secondary Growth Area. The proposed Conditional Zoning District would specially allow the operation of an automotive salvage yard 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 2009 Growth Management Plan adopted by the Board of County Commissioners. The Technical Review Committee recommends to the County Planning Board that this request be denied as inconsistent with the Growth Management Plan.

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

Policy 3.1. 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 3.3 Heavy industrial sites should be separated from nonindustrial areas by natural features, green belts and/or other suitable means.

Policy 3.11. New rural industrial development shall be located in areas of the site that would lesson impact to adjoining residential and agricultural lands.

Joey Brady, 4091 Elbert Brady Road, Asheboro, was present for this meeting. Brady explained that he plans to crush half of the cars on his property and move the other cars to this new location. Brady said that he has approximately 200 cars on his property. Brady said that he has been in business around 15 years. Brady said that he was told by the Zoning Code Enforcement Officers that he had to move his cars. Brady said that the property where his mobile home and the junk cars are is family land. Brady said that he is asking for his land (just down the road from where they are now) to be zoned for his junk cars. Brady said that he doesn't sell parts, he uses the cars for parts to work on his cars. Brady said he fixes cars up to sell. **Johnson** asked Brady if he was aware of any environmental permits he needs. **Brady** answered no. **Johnson** said there is a pond and horses near this location. **Brady** said there is no way that run-off can get to the pond or the horses.

Kim Sumner, 2892 Pilot Mountain Road, said that they built their house here in 2001. Sumner said that she is the fourth generation to own her land. Sumner showed the Board pictures of her house and the area. Sumner described the amount of junk located near her well. Sumner said that junk just keeps coming in. Sumner said that she is concerned for her property value. Sumner expressed concern that Brady would not comply with regulations in the future, because he has had this violation for so long now. Sumner said that the laws are placed for a reason and she would just like to see him comply with the law. Sumner said that in the 8 years she has lived here, it went from a few cars to several. Sumner said he moves out one car for every five that comes in.

Richard Markvart, 3015 Earl Brown Road, said that he has concerns for the possible pollution to his well water, depreciation of property values, and health concerns. Markvart said that he has worked in the environmental field as an occupational safety inspector for many years. Markvart said that this junkyard is in the same area with his water. Markvart said he moved here 6 years ago and would have never moved here if he had known this was coming. Markvart said that he didn't realize there was this many cars back in here.

Rodney Matthews, 2770 Pilot Mountain Road, Asheboro said that he has lived here for 15 years. Matthews said that they are family and his brother is a good neighbor. Matthews said that he is not trying to hurt anyone. Matthews said that he buys cars to help people. Matthews said that nobody can even see these cars. Matthews said that the cars around the garage are the only ones you can see. Matthews said that these cars are not hurting anybody.

Johnson said that there have been complaints over the years because the property is a junkyard. Johnson said that the struggle here is to not hinder a person the ability to earn a living. Johnson said that the problem is all the junk vehicles that have accumulated. Johnson explained that there are two parts to this request, (1) the possible zoning for a junkyard and (2) a small automotive repair business. Johnson said that these issues will be separate.

Johnson said that the recommendation from the Technical Review Committee is to deny the request. Johnson said it is currently in violation of our zoning codes. **McLeod** said to zone this property would just be moving the problem.

Joyce made the motion, to recommend to the Commissioners that this request be **denied**. Ridge seconded the motion. The motion passed unanimously.

5. **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 people took this oath.

- A. **GLENN COLEY**, Climax, North Carolina, is requesting a Special Use Permit to allow one space in Ponderosa Mobile Home Park to be used for a RV hook-up. Site Location: 39.70 acres, 3575 Old Liberty Road, Franklinville Township, Rural Growth Area, Zoning District RM, Tax ID# 7784041258.

Coley was present and explained that this mobile home park was built by his father. Coley said that he inherited the park and it has 8 spaces. Coley said that lot #6 has been vacant since 2001. Coley said that his daughter is trying to sell her home in Asheboro and she wants to place a camper on this site. Coley said that he would like to be able to use this site for campers. Coley said that this space is not visible from the road and he keeps the park nice.

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. **WILLIE BRADY**, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to operate an automotive repair business in an existing 24' x 24' building at his residence located at 4091 Elbert Brady Road, on 11.60 acres, Grant Township, Secondary Growth Area, Zoning District RA, Tax ID# 7699533797.

Willie Brady, 151 Westbury Drive, Asheboro, (property owner), was present said that his nephew lives on the property and runs a business. **Brady** said that his nephew wants to continue to work on cars here at his home. **Brady** said that his nephew is the only one that works at the business.

Ridge asked **Brady** what would be the maximum number of cars that would be stored on the property. **Brady** asked how many he could keep. **Brown** said that we don't normally permit more than 10 cars and most of the time only 4 or 5 cars. **Allen** asked **Brady** how far was the building sits off of the road. **Joey Brady** (his nephew) answered approximately 150 feet. **Allen** asked if there was any fencing on the property, and **Brady** answered no.

Joey Brady said that he restores mustangs and sells them. **Brady** said that these cars are not junk. **Allen** told **Brady** that if the cars are not tagged or insured they are considered a junk car. **Brady** asked who gave this Board the right to tell a man what he can do with his land. **Allen** answered that this County has adopted zoning regulations and that gives the Board this power. **Brady** asked what are these junk vehicles hurting. **Allen** answered that they are in violation of the County regulations. **Brady** said that taxes are high enough now. **Brady** asked why anyone would want their property values to go up. **Rains** said that the County is trying to protect the environment and property values. **Brady** said that he would need more than 10 cars to be able to operate his business. **Brady** said that he works on a dealer's car and once they are fixed he comes and gets them. **Johnson** said that those cars would not be considered junk cars.

Matthews said that his brother needs more than 10 cars. **Matthews** said his brother has that many cars to sell. **Johnson** said the count that is being discussed is the number of junk vehicles, not the number of cars that are legitimately being worked on. **Matthew** said he could understand this.

Markvart said that there is a bill in Raleigh that all automotive repair shops be licensed.

Rains made a motion to approve the request for a Special Use Permit with the condition of no more than 10 junk vehicles stored outside the building. Pell seconded this motion and the motion passed unanimously.

6. The meeting adjourned at 7:50 pm. There were 16 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary