

MINUTES

RANDOLPH COUNTY PLANNING BOARD

October 5, 2010

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, October 5, 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. County Attorney Darren Allen was also present.
3. **Pell** made the motion, seconded by **Joyce**, to approve the Minutes of the September 14, 2010 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."

5 people took this oath.

PERRY SMITH, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to operate a winery at his farm located at the end of Reeder Road Extension, on 71.25 acres, Union Township, Secondary Growth Area, Zoning District RA, Tax ID# 7655612222 and 7655623548.

Howard Amick, Asheboro, said that he is partners with Smith in the vineyards. Smith was also present for this meeting. Amick said that they plan to make wine from the grapes they grow on the property. Amick said this will be a small family owned business. Amick said they will bottle the wine on the property. Amick said they will build a cooler into the bank south of the existing house at the very end of Reeder Road Extension. Amick said the house will be used only for wine tasting. Amick said this will not be used as an open bar where people can come in for drinking. Amick said it will be used for tasting only. Amick said that he didn't really know how much traffic will be created. Amick said they are not looking for a crowd of people to be at the farm at any one time. Amick said that they are not sure of what state regulations they may have to

meet, but they plan to do so. Amick said that the property owners maintain the existing road. Amick said they have cut another road to be used by the farm. Amick said that there will not be big trucks rolling in and out. Amick said that any truck will be no larger than a UPS truck. Amick said this is a seasonal business. Amick said they will be pruning the grapes in January and February. Amick said the vineyard was started 3 years ago. Amick said they are not planning to serve any lunch or meals on site. **Allen** asked how many bottles would be made per year. **Amick** answered 3000 to 4000 bottles. **Johnson** asked what the hours of operation would be; and **Amick** said they would be open on Saturdays from 11 am to 6 pm and sometimes on Friday. Amick said they wouldn't be open every weekend. Amick said they would not be open on Sundays.

Martha Kvalnes, 5512 Reeder Road Extension, said that Smith is her brother-in-law. Kvalnes said that they purchased 10 acres in 1979 to retire here. Kvalnes said that they were told that this would be for family and farming. Kvalnes said that she has a chronic health problem and she doesn't want her privacy invaded. Kvalnes said that she is against this, the land value will go down. Kvalnes said that she is opposed to a winery being here. Kvalnes said that she lives across the road from Smith. Kvalnes said that they (Smith and Amick) built a new road only 3 feet from the regular road. Kvalnes said she was promised by Smith's mother, when she bought the land, that this would be a farm and nothing else. Kvalnes said that Smith is her brother-in-law (married to her sister) and they have not spoken in 8 years.

Roger Kvalnes, 5512 Reeder Road Extension, said that some years ago they were asked to sign a petition for the State to take over maintenance on the road. Kvalnes said that only one person would not sign the petition. Kvalnes pointed out his neighbor, Kelly Morris, to the Board as the person that would not sign the petition.

Kelly Morris, 5373 Reeder Road Extension, said that this is just a one-lane wagon trail and not a real road. Morris said he is opposed to the business. Morris said that it sounded like Smith is not sure exactly what they want to do. Morris said if there was a more definite plan, he might would feel differently.

McLeod said he remembered when all the tobacco farms went out and the state was encouraging vineyards.

Brown said that vineyards and strawberry farms (pick farms) that bring in lots of traffic don't require any type of permits from the County.

6 people were present in favor of this request. 4 people were present in opposition to this request.

Johnson said that farming operations, which are allowed, bring in large equipment that use the road. Johnson said that the Board could limit the hours and days of operation.

McLeod said that he lives near the Zimmerman's Winery and if there wasn't a sign there you wouldn't know it was even there.

Joyce agreed with Brown and said that some farming operations bring in more traffic than a winery.

Brown said that most of the wine bottled at these type of vineyards mainly go to the stores.

Joyce made the motion to **approve** the request with the following conditions:

**open no more than 2 days a week, no Sundays

**hours of operation 12 pm to 6 pm

Brown seconded the motion.

Rains asked if they could serve meals here. **Johnson** explained that this permit would not allow food service. **Rains** asked if the Board should limit employees during the bottling operation. The Board didn't limit the number of employees.

The motion passed unanimously.

5. **REQUEST FOR PROPERTY REZONING:**

TABERNACLE ATHLETIC ASSOCIATION, Asheboro, North Carolina, is requesting that 11.00 acres located at 6221 US Hwy 64 West, Tabernacle Township, be rezoned from RA to RBO-CD. Tax ID# 7712325311. Rural Growth Area. Lake Reese Water Critical Watershed. The proposed Conditional Zoning District would specifically allow the operation of a Turkey Shoot and Recreational Fields 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**. The TRC expressed concerns of site's close proximity to Tabernacle Elementary School and the Boy Scout Camp. The TRC felt the a turkey shoot would conflict with the current land uses adjoining the proposed site.

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

Policy 4.3 Individual Rural Business or Highway Commercial rezoning decisions will depend upon the scale of the proposed development as it relates to the specific site and location weighed against the impacts to adjoining rural land uses.

NC General Statutes § 153A-340. Grant of power.

(a) For the purpose of promoting health, safety, morals, or the general welfare, a county may adopt zoning and development regulation ordinances.

John Hamby, 7493 US Hwy 64W, Asheboro, asked the Board if he was getting this zoned properly. **Allen** asked Hamby why he felt the request wasn't correct. **Hamby** said that his business in Archdale is a Special Use Zoning. Hamby said that the turkey shooting range is to help provide funds to develop the property. Hamby said that they had a lot of success with one at the Lions Club. Hamby said that the money would go to further the ballfields. **Johnson** said that the ballfields are not a problem, but the turkey shoot would be required to be zoned. **Hamby** said that the shooting range would be only Friday and Saturday nights during November and December. Hamby said that he felt like he is trying to further the community for the children. Hamby said that he didn't feel like the bird shot would get to the cub scout property.

Allen asked Hamby if he was aware of State and Federal Crime laws.

Hamby said that he has spoken with the Sheriff and has his blessing. **Johnson** said that the obvious way to the property is through the School property. **Hamby** agreed, but said that they have another entrance to the property. **Johnson** asked Hamby if they had tried other fund raisers. **Hamby** said that they have done other fund raisers but it has always been hand to mouth. Hamby said the turkey shoot may not be a permanent operation. Hamby said they are only trying to raise money for the park and concession stand. **Brown** asked Hamby if he would be willing to place a limit on the number of years of operation for the turkey shoot. **Hamby** said that would be hard to do, but maybe 5 to 10 years. Hamby provided pictures of the property. Hamby said that they have a bank of dirt that they will be shooting into and he plans to build it up more. **Allen** asked Hamby if he knew where the boy scouts camp (on the adjoining property) and **Hamby** said it would be away from the site. **Allen** asked if the boy scouts had campouts on the weekends and **Hamby** answered yes. Hamby said most of their activities are around the lake.

Hamby said there will be no rifles or pistols allowed to shoot on the property. Hamby said it would only be bird shot from shotguns.

George McLarty, High Point, said that he is Vice President with the Scout Camp. George asked how far the "no fire zone" would be from the firing range. McLarty said

they use the camp up until Christmas. McLarty said they are not speaking in opposition to this request, but they want to ensure the safety of the operation. McLarty said that they have 500+ acres on this side of the lake. **Rains** asked if there were any plans to build orienteering trails on this site of the lake. McLarty said that it is possible and they have also been talking with the Zoo about connecting hiking trails with their trail network system. **McLarty** asked how many lanes of fire would be on the range, and **Hamby** said there would be ten lanes. **McLarty** asked how wide the shooting area would be. **Hamby** answered 100 ft.

Ridge asked Allen to discuss the gun laws concerning the school property. **Allen** said there is a 1000 ft. gun-free zone from school property. Allen said there are some exceptions for privately-owned property. Allen said that the Board would not be in violation with the law. **Joyce** said a few years ago a gun dealer pulled over tired driving, onto school property in Wake County and the Court found him guilty of this law. Joyce said that it could happen to anyone.

Hamby said they have considered a dirt track for kids to ride their motorcycles but the insurance would be outrageous. Hamby said they are considering the RC cars also.

Rains said if someone asked him where the worst place to carry a gun would be he would say in the backyard of a school, beside a cub scout camp. Rains said he couldn't imagine a worse area. Rains said when the shooting range is established it would be hard to tell who was using the range when the property owners aren't there.

Brown said there is a difference in controlled shooting.

Ridge said he felt it was commendable what they want to do, but to establish this type of zoning next to a school wouldn't be responsible.

Johnson said that the recreational fields are permitted and would be able to continue. The only necessity for zoning would be the turkey shoot operated for commercial gain.

Rains made the motion, seconded by **Ridge**, to recommend to the Commissioners that this request be denied. The motion failed with a vote of 3 to 4 - **McLeod, Joyce, Shaw,** and **Brown** voted against the motion.

Joyce asked McLarty what the scouts consider and adequate area for a firing range. **McLarty** answered that they require 600 ft. in front of the firing line (fan shaped).

Joyce asked what they felt would be adequate safety markings. **McLarty** said that they use a yellow rope around the area during the day time. **Ridge** said that boy scouts use their shooting ranges during the day not at night. **McLarty** agreed.

Brown said if you turn this down you won't stop someone from shooting guns out there.

Joyce asked if there could be side berms along the scout camp property. **Hamby** said that he would increase the back berm to 10 feet. And the land has been cut out at the school. **Joyce** asked how many years they plan to use the turkey shoot and **Hamby** said 5 to 10 years. **Allen** said that this would be unusual, but the property would revert back to RA.

Joyce said other than then school and the cub scout camp, this is a good location.

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

- **Access to the property from US Hwy 64 must be opened prior to operating the turkey shoot
- **Must maintain 12 ft. berm adjoining the cub scout camp (right side of property)
- **Must raise back berm (behind shooting range) to 10 ft. and maintain berm
- **Operating dates and times - November and December - 6 to 9:30 pm - Friday and Saturdays

Brown seconded the motion. The motion passed by a vote of 5 to 2 - **Ridge** and **Rains** voted against the motion.

6. The meeting adjourned at 7:53 pm. There were 19 citizens present for this meeting.

NORTH CAROLINA
RANDOLPH COUNTY

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary