

# MINUTES

## RANDOLPH COUNTY PLANNING BOARD

May 7, 2013

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, May 7, 2013, in the 2<sup>nd</sup> Floor Meeting Room, Randolph County Historic Courthouse, 145 Worth Street, Asheboro, North Carolina.

1. **Chairman Reid Pell** called to Order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, called roll of the Members: Reid Pell, Chairman, present; Wayne Joyce, Vice Chairman, present; Chris McLeod, present; Larry Brown, present; Phil Ridge, absent; Jim Rains, present; and Kemp Davis, present.
3. **Kemp** made the motion, seconded by **Joyce**, to approve the Minutes of the April 9, 2013, 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."*

12 people took this Oath.

- A. **CHRISTOPHER ALEXANDER**, Trinity, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to provide "conceal-carry permit" training from his residence with proposed outdoor handgun range and possible future rifle range (as per site plan) located at 1649 Ross Wood Road, on 33.19 acres, Tabernacle Township, Tax ID# 6792316833.

**Alexander** was present and stated he wants to put a classroom in the residence for "conceal-carry permit" classes and have an outdoor pistol range. Alexander said that he is a certified handgun instructor and NRA Basic Pistol Instructor. Alexander said that they usually instruct 1-3 students per class on the range. The berm is 5 ft high and 8 ft deep and the range will not be used by the public, only for the classes he teaches. There will be no automatic guns or explosives allowed. The range will not be used on Sunday until after 12 p.m. Alexander provided an emergency action plan and a packet of information and pictures. Alexander stated that the range is insured through the NRA Insurance Program. **Johnson** asked for

the proposed times of operation, and **Alexander** said that it would be mainly weekends on Saturdays and Sundays. **Brown** asked if he would teach hunter safety classes, and **Alexander** answered no. **McLeod** asked him how long he has lived here, and **Alexander** answered since 2008. **Alexander** said that the range would only be used when he was teaching these classes and he would come back to the Board if he decides to build rifle range at a later time. **McLeod** asked what the farthest shot would be fired from the berm, and **Alexander** answered 7 yards.

**Debra Kinley**, 1613 Ross Wood Road, next door neighbor, told the Board that they have lived here 20 years. She said that her main concern was safety of her family and home. She said they have documented cases in the Randolph County Sheriff's Office of where properties have been fired upon from his property. She reminded the Board of an incident of the accidental death of a 10 year-old boy killed by neighbor in Davidson County. The weapon discharged approximately 1200 ft away from the boy. She told the Board that her home is only 900 ft. from this location. She asked who will take responsibility if a child is shot in Randolph County. She said the so-called berm is only a red dirt pile. She feels that if the Board permitted the range, he should have to set the range up in such a way that he is shooting toward his own home and not theirs. Kinley discussed several cases where accidental shootings took place on gun ranges in North Carolina. She told the Board that this is a pile of dirt and not a barrier. She said she would be concerned that local, state, and federal laws would be kept and that she would call OSHA. She said that they are country people and do not shoot on Sundays out of respect for the Lord. Kinley said he should be required to stand on the other side of the dirt pile when firing weapons.

**Jamie Hill**, 1721 Ross Wood Road, said that they have two children and she is concerned about this range. Hill said that they have had a gun shot into their garage approximately 1 ft. above her husband's head. She said that there are many places that could be rented like fire departments to hold these classes. She said that they hunt and they understand gun safety. They have also had other incidents before they called the Sheriff's Office to report one. She said that after the first incident, they went to Alexander's home and they were shooting pistols, rifles, etc. The second time Alexander wasn't even at home, and a friend of his was there shooting. Hill said that their main concern is there have been too many of these incidents. She said they are not anti-2nd amendment, but they are concerned for their children's safety and the safety of their cattle. She said they travel by foot through the woods and what is to say that a stray bullet won't travel in those areas. Hill said that a stray bullet has traveled to their home. She said they are concerned about the noise and said that in consideration of neighbors, they don't shoot on Sundays. Hill said that they have a neighbor that has an autistic child and just takes off some times. **Brown** asked if the safety issues were

their concern or were they opposed to the range altogether. **Hill** said that they didn't feel the property, 32 acres, was large enough for a range. **Brown** asked if the berm was there when the stray bullets were fired, and **Hill** answered no.

Chairman swore in a citizen.

**Shane Westerberg**, 1645 Ross Wood Road, said that his concern is safety and his driveway crosses the path the bullets may travel. He and his family walks the path. He is also concerned for the noise.

Chairman swore in another citizen.

**Arthur Beavers**, 1429 Ross Wood Road, largest concern is safety. He said each one of the Board members has kids or grand-kids and he does too. He said has horses and his children ride and he would be concerned for their safety while out riding. He said each of these people has a good point, and please consider our safety. He said he doesn't want to hear a bunch of shooting every weekend. He said the biggest thing is the safety of the children in the community.

**Johnson** said that he has heard the concerns. Johnson said he wanted to share a real horror story at this time. He said the only reason Mr. Alexander is required to request this permit is because he wants to charge people for this service. Johnson said if he wanted to set-up a private shooting range, he could do so without any permits. We assume our neighbors will be good neighbors. Johnson described a current situation where an individual has purchased 10 acres of land next to a horse farm. The man is wealthy and can afford to fire 50 caliber ammunition and does so some weeks everyday at anytime. He can do this. The man that owns the 50 acres beside him calls the County and wants to know what we going to do about this problem. Johnson said we can't do anything, because there is no violation of zoning codes. We can't make people be good neighbors. Johnson said the only reason Alexander is here is because he wants to charge people to use the range. He can use a private firing range on his property at any time. Johnson said its just like that horse farmer and the irresponsible neighbor moving in next door, you can't make people be good neighbors. Johnson said he wanted everyone to understand that if he wants to do this without charging he can. The government protects this right and you can do it and he can do it. Johnson said in the horse farmer's case he has advised the citizen to hire a lawyer and go after the neighbor because he has hurt his livelihood and his property. Johnson said that one of the benefits of requiring a Special Use Permit for a commercial shooting range is that standards and conditions can be applied to the Permit that may insure the range is safe and well managed. A private shooting range, where no commercial activity takes places, is unregulated.

**Alexander** started to respond to his neighbors directly and Morgan stopped this and asked that he address the Board only. He didn't deny that there were 2 incidents prior to this, but said they were from another area of his property. Alexander said he learned from these mistakes and moved the range. He apologized to his neighbors, and said he wants to do this right.

**Brown** said he knew of a shooting range at the upper end of the County, but its' berms are much taller. **Alexander** said that his berms will get bigger, and he will be standing beside his students when they are firing on the range. **Brown** asked how many rounds each person would be firing during a class, and **Alexander** answered 10 rounds per person at 3 yards, 10 rounds at 5 yards, and 10 rounds at 7 yards. Alexander said there would be no more than 2 students per instructor and no more than 5 students on the range at any time.

**Davis** said that he has a problem with a legal issue and a zoning issue. **Davis** said at first he was leaning toward denying this request, until he was explained the legal and zoning issues.

**McLeod** asked Johnson how many classes were given before he requested the Special Use Permit. **Johnson** answered he didn't know.

**Rains** said there have been reasonable questions raised that should require modification to the site plans. The issues that should be reasonable to consider prior to any vote include hours of operation, safety, class times, range times, how much shooting (2 hours or all day long), etc.

**McLeod** said that with how the range is set-up right now, he could not vote to approve the request.

**Johnson** said that the Board could request Alexander take his request back and rework the plans. **Alexander** said that if the Board wants to mandate that he not shoot on Sundays he would comply and he would also be willing to raise the berm.

**Rains** said that he felt the plan would need to be reworked. **Alexander** said he would be willing to do so, if he knew with the changes his request would be approved. **Morgan** said the Board is not going to negotiate these improvements at this time. He said the Board can accept the request as presented, deny the request, or table the request. He explained that if tabled and Alexander could provide more evidence for the Board to consider, but this would not be a guarantee.

**Morgan** advised the citizens that they may want to send a statement or resolution to the County Commissioners for consideration. **Morgan** said this Board may want to send a resolution to the Commissioners for them to consider this issue. He said that in the past our Commissioners have never decided to adopt any shooting restrictions in this County, but with the frequency of these incidents they may want to consider to do so. **Morgan** advised the Board that the request before them is all they could consider. **Chairman Pell** asked if the Board turned the request down would there be a waiting period before it could be brought back up. **Morgan** said it would require a substantial change in the request before it could be re-heard.

**Davis** made the motion to table the request. **Brown** seconded the motion and the motion passed by a vote of 4 to 2. **Joyce** and **McLeod** voted against the motion.

- B. **HERSHEL RUTLEDGE**, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to allow an automotive repair & body shop in an existing 32'x 40' building at his residence (as per site plan) located at 638 Green Valley Road, on 5.67 acres, Asheboro Township, Tax ID# 7771203637.

Rutledge was present and explained that he has owned the property for 10 years. He has operated a business at this location since he bought the property. Rutledge said that he mostly straightens frames on automobile wrecks. This is his full-time business and it operates during the hours of 8 am and 5 pm. Rutledge said he mainly works 5 days a week. There are no other employees. **Johnson** said that when he went to the property, he noticed the adjoining subdivision is clean and neat. From the front, this property is also clean and neat, but at the back the property isn't. **Johnson** said this business has a large impact on one neighbor. The air-compressor is on the side of the building and the noise from that compressor is directed to that neighbor. There is no foilage and no completed fence to protect the neighbor. **Rutledge** said he could move the compressor or build a wall around it. He said that it is a small compressor and the partial fence was for his privacy. Rutledge said that he's not trying to be hard to get along with, but this place was used to work on cars and race cars prior to him working here.

**Brown** asked about his outside storage. **Rutledge** said that there is some metal out there, but he plans to clean it up.

**Ron Gunnell**, 1533 Cliffwood Drive, said that Rutledge has been receptive to doing things they've asked. He said that he felt it was good for someone to be here in the neighborhood working. **Gunnell** said he has lived here for 34 years.

Chairman swore in a citizen.

**Tim Yates**, 1560 Cliffwood Drive, said that he has the plain view of the whole place. Yates said that he has cleaned up a lot and he rarely hears the compressor. Yates said he is a helpful neighbor and he's glad he's there.

**Terry Luther**, 1564 Cliffwood Drive, said he has lived here 34 years and the property has always been zoned for residential living. He said there has never been a business here until now. Luther said he is concerned about property values.

**Hilda Luther**, 1564 Cliffwood Drive, said they have raised their children here in this quiet residential neighborhood. Luther said that the race cars (that the previous owner had) were very seldom worked on. The previous owner used the building for storage of their roofing business materials. She said her kitchen window looks out to this business. She said its noisy and he's no louder than any other body man but the business is loud. She said they were not here to be ugly neighbors, and they've always been helpful neighbors and never caused any problems. This is a nice quiet residential neighborhood and they want it to remain this way.

**Terry Luther** said, if this is approved, there should be fencing and time requirements.

**Olga Coble**, 1464 Stratford Way, said that she is totally against this request. The property effects many lots in this area. Coble said that the compressor goes on and off all day and the adjoining homes are very close to this business. Coble said that outside storage of parts create rats and weeds. Coble said that this type of business effects property values and asked that the board not approve this request.

**Rutledge** said that he's not a full fledge body shop, he only works of frames and lawn mowers. Rutledge said that he doesn't do any painting and he would put a fence up if it is approved. **Chairman Pell** asked him how long it would take to have the fence installed, and **Rutledge** said that it would take a month or two. **Joyce** asked what kind of fence is currently on the property and **Johnson** answered a privacy fence with wooden slats.

There were 15 present in favor of this request.

There were 5 present in opposition of the request.

McLeod said he would make a motion to approve the request with some conditions. Rains said he felt there should be conditions of:

- \*\*6 ft. shadow-box fence with a level 2 buffer to be worked out with the Planning Staff
- \*\*compressor moved and/or buffered, to be worked out with the Planning Staff
- \*\*there be no employees - 1 person operation
- \*\*hours of operation - 8 am to 5 pm Monday through Friday
- \*\*no outside storage other than what he is working on

**Davis** stated that he was not comfortable placing overly restrictive hours of operation on this person's business. He said that there needed to be flexibility in hours so that he could do all the work he could to make a living and successful business.

After additional discussion, **Rains** made the motion to approve the request with the following conditions:

1. Existing privacy fence continued to such point approved by the Planning Staff and installed in 60 days
2. Buffer along fence line to be worked out by Planning Staff and installed by the Fall of the year
3. No employees - 1 man operation
4. Compressor be moved to location approved by Planning Staff
5. Hours of operation must be worked out with Planning Staff
6. No outside storage except what is being worked on

**Morgan** asked Rutledge if he would accept these conditions, and **Rutledge** answered yes.

**Davis** seconded the motion. The motion was approved unanimously.

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **THOMAS COLTRANE**, High Point, North Carolina, is requesting that .58 acres located at 7408 Davis Country Road, New Market Township, be rezoned from RR to RBO-CD. Randleman Lake Watershed. Secondary Growth Area. Tax ID# 7747288472. The proposed Conditional Zoning District would specifically allow one portion of the existing structure to be used for a church and another section would be used for a small gunsmith business.

**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 recommended to the County Planning Board that this request be approved as consistent with the Growth Management Plan.*

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

*Policy 4.1 Provide for sites in Randolph County jurisdiction where rural commercial activity can locate; with the goal of increasing economic activity, job creation, and the provision of services to the rural community.*

*Policy 4.7 The County should encourage the use of rural business overlay districts to provide locations where compatible rural land uses such as neighborhood retail and service establishments can be located in general proximity to established rural residential areas with the goal of reducing automobile travel distances and promoting better livability in the rural community.*

Coltrane was present and explained this is a brick structure. There is fire walls between the side being used as a church and this section. Coltrane said this has been used as a beauty shop, barber shop, church, day care, etc. over the years. Coltrane said there would not be any shooting or gun sales. The business is strictly gunsmithing. This building is served by a septic tank located on the adjacent parcel he owns.

**There was no one present in opposition.**

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

- B. **CAROL HOGAN**, Asheboro, North Carolina, is requesting that 1.93 acres located at 1855 US Hwy 64W, Asheboro Township, be rezoned from RM to HC-CD. Cedar Creek Watershed. Primary Growth Area. Tax ID# 7740678772. The proposed Conditional Zoning District would specifically allow the existing structure to be used for 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 2009 Growth Management Plan adopted by the Board of County Commissioners. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with the Growth Management Plan.*

*Examples of 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.*

*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.*

**Hogan** was present and explained that she and her husband looked at the property for 6 months before they bought it. Hogan said they want to use the home for a consignment shop and it would be open Monday - Saturday. The property will remain the same, except what is required to bring it up to code for commercial use. Hogan said it has been well maintained.

**There was no one present in opposition.**

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

6. The meeting adjourned at 8:07 p.m. There were 37 citizens present for this meeting.

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**NORTH CAROLINA  
RANDOLPH COUNTY**

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**Planning Director**

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**Date**

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**Clerk/Secretary**