

MINUTES

RANDOLPH COUNTY PLANNING BOARD

April 8, 2014

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, April 8, 2014, in the 2nd 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**, Planning Director, called roll of the members: **Reid Pell**, Chairman, present; **Wayne Joyce**, Vice Chairman, present; **Chris McLeod**, present; **Phil Ridge**, absent; **Jim Rains**, present; **Kemp Davis**, present; and **Larry Brown**, absent. County Attorney **Ben Morgan** was also present.
3. **Rains** made the motion, seconded by **McLeod**, to approve the Minutes of the February 4, 2014, Randolph County Planning Board meeting. The motion passed unanimously.
4. **SPECIAL USE PERMIT REQUESTS:**

Anyone giving information

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."

27 citizens took this oath.

- A. **SCANA COMMUNICATIONS, INC.**, Cayce, South Carolina, is requesting a Special Use Permit to construct a 250' self-support cellular communications tower (as per site plan) at 5744 Old Liberty Road, on 109.10 acres, Providence Township, Sandy Creek Watershed, Rural Growth Area, Zoning District RA, Tax ID# 7795529785. Property Owner - L. K. Routh.

Dana Pellizari, Attorney for Scana Communications, spoke to the Board and said the tower would be located over 2100 ft. from Old Liberty Road, with a height of 250 ft. Pellizari presented a notebook containing detailed information to meet the required tests for a Special Use Permit. The tower would be lit with a red light at night and a white light during daylight hours. The tower height is determined for needed coverage, and there are no towers within 5+ miles of this site. Information has been provided, by a certified appraiser, that determined the tower will not be

detrimental to adjoining property values. Pellizari said that the tower would not be a danger to public health or safety.

There was no one present in opposition to this request.

There were 8 people present in favor of this request.

Johnson told the Board that the office has received a couple of calls from people that live in the area. The first caller was supportive and said there is a great need for cell phone coverage in this area. The second caller was due to a long standing dispute between adjoining property owners concerning trees that have been removed. Johnson said the dispute does not concern this property. The caller felt the tower would be visible from his residence due to the clearing of trees.

Johnson said the applicants have presented all the necessary applications and requirements for this application.

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

- B. **JAMES GARDNER**, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to allow used automotive sales with a maximum of a 5-car display lot at his residence (as per site plan) located at 3342 Kindley Farm Road, on 1.32 acres, Franklinville Township, Secondary Growth Area, Zoning District RM, Tax ID# 7791144120.

Gardner was present and explained his intentions to move his dealer's license from Old Liberty Road to his residence. Gardner said that the people he has been leasing from at his current location are selling that property. Gardner said that he has had a full-time business in years past, but now his business has been reduced to part-time. He currently has full-time employment elsewhere, but he wants to be able to maintain his dealer's license. Gardner said that if his business grew to full-time again, he would move to a more commercial location.

There was no one present in opposition to this request.

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

- C. **SHELTON BRADSHAW**, Sophia, North Carolina is requesting an amendment to his Special Use Permit to expand his existing Rifle & Pistol Range Operations to include archery range, skeet range, and wild hog hunting. Location: 2589 Plott Hound Trail, on 65.13 acres, Back Creek Township, Secondary/Rural Growth Area, Zoning District RA, Tax ID# 7733690978.

Johnson reviewed the request and stated that the applicant originally applied for a Special Use Permit that was considered Public Hearing on May 17, 2011. The application was to allow a commercial rifle and pistol target range. Fees were being charged for use of the facility. Johnson said that Bradshaw resides on the property, and as such, the commercial operation of a shooting range, in addition to his residence being located on the same land tract, would require the Special Use Permit rather than a property rezoning.

Johnson stated that the original Special Use Permit was approved by the Planning Board after the Public Hearing on May 17, 2011. Johnson said the site of the target range was located in a predominantly rural area with rolling topography offering the opportunity for natural buffer barriers providing safety for the shooting range activities. Johnson said beginning in late 2013 or early 2014, the County Planning Department received complaints from adjoining land owners that the rifle and pistol range activities had expanded to include Wild Hog Hunting at various tree stands locations on Mr. Bradshaw's property. Johnson said he and County Code Enforcement Officers met with Mr. Bradshaw at the site in response to the complaints. They noted that the target range now included Archery and Skeet shooting locations, in addition to the Wild Hog Hunting that had been advertised on Mr. Bradshaw's Triple Target website.

Mr. Bradshaw was advised that he would be required to apply for an updated Special Use Permit reflecting the additional activities not previously considered by the Planning Board or addressed on the site plan approved in May, 2011.

Shelton Bradshaw addressed the Board and stated that he misunderstood the original permit and thought that the Skeet and Archery ranges were permitted from day one. Bradshaw said that the range has been successful and has been 100% safe. Bradshaw said the archery range and skeet shooting range has been on-site since day one. The membership is almost to maximum capacity and he has not received any complaints or any problems concerning the range. He said they do not allow rapid fire or explosives, and there is someone overseeing the operation when the facility is open. Bradshaw said that the wild hog hunting is to control the wild hogs on his property. He presented pictures of the destruction the hogs have caused in the neighborhood and claimed the hogs have taken over their community. He said he has invested over \$1,800 to control this problem and due to this investment he began asking for a \$20 per person to hunt. He said in North Carolina hog hunting is open-season 24-hours per day with the exception that only bow/arrows can be used on Sundays. He said he didn't call the hog hunting a business, rather controlling a problem. Bradshaw said that several of the stands are incorrectly located on the site plan. Bradshaw asked the Board to consider the archery and skeet range, and table the hog hunting operation. Bradshaw said if he wants to hunt hogs, he would come back to the Board at a later date.

Johnson asked where the hogs come from and **Bradshaw** said he didn't know. **Johnson** asked Bradshaw what draws the hogs to the 8 tree-stands. **Bradshaw** said that he attracts the hogs by baiting holes with grapefruit juice, water and corn. **Johnson** asked how the hog hunters are controlled, and if they come out of the stands during the hunt. **Bradshaw** said he requires the hunters to sign waivers that they will stay in the stands until he comes back to get him. **Davis** asked if he transports hogs to the property. **Bradshaw** answered absolutely not, that would be against the law. **Johnson** asked what groups use the ranges, and **Bradshaw** said that he closes the ranges once a year and allows the schools to use the ranges. **Johnson** asked Bradshaw if he regulates the hours of operation and He answered yes that they open the gate at 8 a.m. and closes the range at sundown Monday through Saturday and Sunday they operate from 12 p.m. til sundown. **Bradshaw** said that he keeps the road up into the property. Bradshaw said he never leaves the property unattended.

Earleen Klinner, Plott Hound Trail, said that the ranges are safe. She said she and her boyfriend volunteer to help at the ranges on the weekends. Kinner said that the facility never operates out of the permitted times and they are never bothered by the noise.

Jan Bradshaw, owner, said that she is very impressed with the people that use the facility. Bradshaw said they are so respectful and so nice.

Candie Rudzinski, 2758 Sawyer Road, said that she hears gun shots, from the range, especially on the weekends. She is worried about the participants shooting in the air. She said she wouldn't have any problem with the request, since the hog hunting has been taken out, as long as she can be assured that the facility is 100% safe. She said she would be concerned about anyone using anything to attract wild hogs into the area. She said this area may not be very populated, but there are people that live here.

Jimmy Huffman, Director of Camp Caraway, said that 2 years ago when this came up he was the only one that showed up to speak in opposition. Huffman said that he has come several times to the County to complain. Huffman said that the camp has been here for over 50 years and employs over 50 people here. Over 20,000 people come to camp at Camp Caraway each year. Huffman said the business has grown tremendously since it opened. Huffman showed the Board video on you tube from this range. The video showed constant rapid-fire shooting and said this goes on some days, all day long. Huffman said that the shooting is daily and is a hindrance to their ministry. People leave our facility regularly, because of all the shooting noise. One staff member caught one of the hogs and determined that these are not feral hogs. They have seen 3 hogs on their property and this would not be enough hogs to support a hunting operation. Huffman said

they request some time restraints on this operation, like from 10 am to 5 pm. Hunters have come onto the Camps property. He said that he realizes this is innocent but it is scary, to a child, for a man armed and in camouflage coming up at night.

Carmen Canoy Frazier, 6063 Suits Road, Archdale, an adjacent property owner, said that this is a nuisance to the area and they have no peace here. Frazier said that they have never seen evidence of hogs on their property until this year. There were 7 hogs tracked on other property not owned by Bradshaw. The people on this street are opposed but they count on Bradshaw to keep the road up so they are not here. She asked why hunting hogs is listed on his website, if he is not hunting hogs. Frazier said her property is been trespassed by ATVs, hunters, and dogs. She has blocked their property and the hunters take down their fencing. She said that what the director from Camp Caraway said was minimal to what is really going on here. Frazier said that since he has broken the requirements of the first permit, she would request that it be revoked.

Chairman Pell administered the oath to 3 additional citizens who had not previously been sworn.

Johnny Farrell, 2867 Plot Hound Trail, adjacent property owner, said that he has no opposition to this range and doesn't hear the noise from inside his house. Farrell said he doesn't understand why the hogs are being talked about since Bradshaw took it out of his request.

Louise Stanley, 2698 Sawyer Road, said that she didn't know about the first permit request. Stanley said that she is against this request. The range has created so much gunfire noise that it has made it impossible to sit outside on their porch. She said she has lived here since 1968 and she hasn't seen any hogs.

Shirley Allred, Sawyer Road, said that she has been here for 14 years and the noise is a nuisance. Allred said that she misses the peace and quiet that was once in their community.

Tammy Horne, 2576 Songbird Lane, said that she hears the noise from the shooting range but it doesn't really bother her. She is concerned about a hog hunting club in this residential area. Horne said that she didn't realize hogs had become a problem in their community, but if he is taking donations for this it should be regulated. This is a dirt road and all the property owners have put money into this private road. Horne said with the additional traffic coming down the road, she is concerned with this added cost. She is not against the request, but she would be concerned with the road maintenance and the hogs.

Brandon Hedrick, adjoining landowner, said that this past December it was very

evident that there has been trespassing on their property with a ATV road coming from the Bradshaw property. Hedrick said that the operation has reduced adjoining property values. Hedrick said that due to where the shooting is occurring on the property, it limits available use of their property.

Joyce asked what operation hours were placed on the first permit. **Johnson** said 8:30 a.m. to sundown, and after 12 p.m. on Sundays.

Rains asked if the permit could be reviewed since Bradshaw has opened the request up again. **Johnson** answered that it could.

Bradshaw tried to discuss personal issues that he and the Fraziers have, and **Morgan** stopped this exchange.

Bradshaw said that it is not true that they are trespassing on her property. Bradshaw said he is against the type of action that was on the video shown by Huffman and if he would help him find out who the shooter was, he would not allow the man back to the range. **Ridge** asked how many people visit the range daily, and **Bradshaw** answered 14 to 30 per day. Bradshaw said that they come at different times of the day, with weekends being the busiest.

McLeod asked if he would consider changing his hours of operation. **Bradshaw** said that he would like to meet with Mr. Huffman to see what he can do to make the operation better.

Rains asked if there was adequate open space, where the skeet range would be located, to say that the operation would stay on his property. **Johnson** said that it should, with the topography of the land. **Rains** asked if there is anything about the road that is a part of this conversation. **Morgan** said that he didn't think the road is a part of this application. **Johnson** said that the commercial hog hunting part of the application can be decided by this Board. It cannot just be tabled and discussed at a later time. **McLeod** asked if he can hunt if he doesn't charge, and **Johnson** said that if he is not charging, it would not be part of a commercial business. **Bradshaw** said that he would not accept any more donations for hog hunting.

Chairman Pell said that he is concerned about allowing the range to operate on Sundays. **Davis** said that he is really concerned about the problems that the Camp is having with the facility and it shouldn't operate on Sundays. **Bradshaw** said that he would accept this if this would keep the range open.

Rains asked if Bradshaw could table this request and have him work out an acceptable compromise with the neighbors. **Morgan** said the Courts are opposed to zoning by negotiation. Morgan said that Bradshaw can withdraw this request,

but you can't ask him to do so. Morgan said that would not be fair to the applicant nor those opposed to the request.

Morgan said the hog hunting is no longer a part of this request.

Rains made the motion to approve the permit with the following conditions:

1. Hog feeders must be removed and no dogs permitted on-site.
2. No rapid firearms allowed.
3. No explosives allowed
4. Skeet range firing direction in the southwest direction only.
5. Lockable gate installed at entrance
6. Tree stands shall be for personal use only.
7. All property lines must be posted and signage of active firing range in place
8. ATV access ways must be closed and maintained.
9. Hours of Operation shall be Monday through Friday, Saturdays from noon. to 5 p.m. and closed on Sunday

The motion was not seconded.

Davis said he would take out the no dogs on-site by range users and he also felt the hours of operation should be the same on Saturday as it would be for Monday through Friday. **Morgan** reminded the Board that the code enforcement officers will have to enforce what you put in place. **Rains** said that he would be okay with removing the dog stipulation.

Davis made the motion, seconded by McLeod, to approve the request for a Special Use Permit with the following conditions:

1. Hog feeders must be removed.
2. No rapid firearms allowed.
3. No explosive devices allowed
4. Skeet range firing direction in the southwest direction only.
5. Lockable gate installed at entrance
6. Tree stands shall be for personal use only.
7. All property lines must be posted and signage of active firing range in place
8. ATV access ways must be closed and maintained.
9. Hours of Operation shall be Monday through Saturday from 10 a.m. to 5 p.m. and closed on Sunday

The motion passed by a vote of 5 to 1. **Joyce** voted against the motion.

Johnson said the Order with Findings would be presented to the Board at the May meeting for approval. Johnson said the conditions would take effect immediately.

5. **REQUEST FOR PROPERTY REZONING:**

- A. **SOUTHWEST LAND LLC**, Asheboro, North Carolina, is requesting that 32.32 acres located at 3295 Archie Newsom Road, Richland Township, be rezoned from RA to RIO-CD. Secondary Growth Area. Tax ID# 7667651162. The proposed Conditional Zoning District would specifically allow the development of a solar PV farm 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 Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 3.12 New rural industrial development should provide site specific development plans along with vegetated buffers or other landscaping designed to reduce substantial impacts to adjoining land uses.

Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #2. 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.

Donald Lanier, representative for Southwest Land, said that Clean Energy Advisement is proposing to develop this solar farm. The power purchase agreement would be with Randolph Electric. The construction would begin in June/July and be completed in the Fall. This would create 2 mega-watts of power. Lanier said that the property would be fenced by a 6' chain-link fence.

Toby Strider told the Board that he owns Southwest Land.

There was no one present in opposition to this request.

Johnson said that solar farms are part of the 21st century and the real issue is whether you want them in prime industrial areas or rural agricultural lands. Johnson said that this rural area is the prime area for such development.

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

- B. **RANDY CHEEK**, Bennett, North Carolina, is requesting that 2.21 acres located on Reed Creek Road, Columbia Township, be rezoned from RA to HC-CD. Municipal Growth Area. Tax ID# 8712047934. The proposed Conditional Zoning District would specifically allow a plumbing and septic contractor business 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 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.

Commissioner Resolution Adopting the 2009 Randolph County Growth Management Plan, #3. 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.

Cheek said that he had owned this property for several years and wants to move his business to this area. **Cheek** said he has one employee.

Johnson said that one of the concerns of the neighbors is that the fence should be located up closer to the subdivision (on the west side of the property). **Cheek** said that he could, but he left 30' of trees as buffer and he would have to clear more trees. **Cheek** said he would like to put the fence a couple of feet off the tree line.

Myra Stewart, 190 Reed Creek Road, asked if the zoning is for Highway Commercial or Light Industrial. **Johnson** answered Light Industrial. **Stewart** said when they moved to this area from Trinity, they looked carefully for a residential area. **Stewart** presented pictures of the area to the Board and said the character of the area will change drastically if this is approved. **Stewart** said that

this will create noise to the area and she would be concerned about sewage odors from the septic trucks. She quoted several policies from the *2009 Randolph County Growth Management Plan* that she felt were reasons to deny this request. *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.* She said the added traffic and noise would impact her property and surrounding properties negatively. She said it would also have a negative impact on their property values and quality of life. *Policy 3.3. Light industrial sites should be located in urbanized areas to take advantage of available services and to reduce home-to-work distances. Careful design and/or buffering shall be required to insure compatibility with surrounding areas.* *Policy 3.12. New rural industrial development should provide site specific development plans along with vegetated buffers or other landscaping designed to reduce substantial impacts to adjoining land uses.* She said that the natural buffers have been cleared. *Policy 3.10. Site specific development plans shall be required that reduce storm water impact by designing new industrial development in a manner that minimizes concentrated stormwater flow using vegetated buffer areas or retention ponds.* She said they have trouble with standing water on their property and she is concerned that removing the vegetation will impact her property. Stewart said that she is assuming that he has filed an Erosion Control Permit. Johnson said he doesn't need one until he disturbs an acre of soil. Johnson said that he has not disturbed an acre at this time. *Policy 3.7. Sustainable economic growth, environmental protection, and quality of life shall be pursued together as mutually supporting growth management goals. Resolution #5. Recognize and respect constitutionally protected private property rights in the interpretation of all policies and to achieve community goals such as open space preservation through incentives to landowners in voluntary programs that recognize consumer demand.* She said this is not in harmony with the area and in keeping with the 2009 Growth Management Plan. She asked the Board to deny this request.

Chairman Pell asked if the cardboard box place was located here on Reed Creek Road. **Stewart** said it is down the road from this site.

Stephanie Stancil, 256 Reed Creek Road, said that she agrees with Stewart and is also concerned about the aesthetics this business would have on this road. She said that she is concerned with the added traffic and there are school buses using this road, traveling from the middle school to the high school, 4 times a daily. She said she is concerned about her property values also.

Johnson asked Cheek if he had cleared the property up to the northern property line. Cheek answered no, that there is approximately 20 ft. of trees left before the clearing.

Rains said that there is an abandoned gas station on the corner, then the houses,

and then industrial development a little further down the road. Rains said that there is not much existing buffering there to adjacent properties.

Joyce made the motion to recommend to the Commissioners that this request be **approved**, with the stipulation that Cheek workout appropriate buffers with the Planning Staff prior to going to the Commissioners' Public Hearing. **McLeod** seconded this motion, and the motion passed by a vote of 4 to 2. **Rains** and **Davis** voted against the motion.

- C. **DON LANIER**, Asheboro, North Carolina, is requesting that 7.72 acres located at 5175 NC Hwy 49S, Concord Township, be rezoned from LI-CU to LI-CD. Secondary Growth Area. Tax ID# 7618287756. The proposed Conditional Zoning District would specifically allow a commercial truck brokering and repair garage business as per site plan. David Alan Parrish - Property Owner.

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

Policy 3.9 Individual rezoning decisions within Rural Growth Areas will depend upon the scale of the development, and the specific nature of the site and its location.

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.

Commissioner Resolution Adopting the 2009 Randolph County Growth Management Plan, #3. 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.

Donald Lanier was present and explained their intentions to operate a commercial truck brokering business at this location. **Johnson** asked Lanier to explained the truck brokering business. **Lanier** said that a truck brokering business is a business that dispatches/coordinates movement of freight from one location to another. The trucks are sometimes parked here and will be serviced here. Lanier said the office will consist of 5 employees. There would be 15 to 20

trucks and more flatbed trailers involved in the business.

There was no one present in opposition to this request.

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

6. The meeting adjourned at 8:53 p.m. There were 49 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk/Secretary