

MINUTES

RANDOLPH COUNTY PLANNING BOARD

August 5, 2014

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, August 5, 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**, absent; **Phil Ridge**, absent; **Jim Rains**, present; **Kemp Davis**, present; and **Larry Brown**, present. County Attorney **Ben Morgan** was also present.
3. **Rains** made the motion, seconded by **Davis**, to approve the Minutes of the July 8, 2014, 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."

6 people took this oath.

HUBRICH HOLDINGS, Durham, North Carolina, is requesting a Special Use Permit to construct a Charter School Facility (as per site plan) on US Hwy 220 Business South (just north of intersection of I-73/74), on 48.17 acres, Cedar Grove Township, Primary Growth Area, Zoning District CS, Tax ID# 7658338825. Property Owner - Sherrill Investment Properties, LLC.

Mac Whatley, Attorney, Chairman of the Board, Uwharrie Charter Academy, addressed the Planning Board and introduced Heather Soja, Principal of Uwharrie Charter Academy; Steve Hubrich, Hubrich Holdings; Keith Rains, Civil Engineer, Director of Project Development, Callahan Grading, LLC; Todd Salvagin, Project Engineer, SRS Engineering, LLC; and J. Todd Neal, MAI, Senior Analyst, Integra Realty Resources. Whatley provided background material as to the qualifications of the witnesses and stated that information would be submitted to meet the required "tests" for issuance of a Special Use Permit.

Whatley said Uwharrie Charter Academy is currently operating at a rented facility on Lewallen Street in Asheboro. Uwharrie Charter Academy currently operate grades 9 and 10 with the addition of grade 11 this year and grade 12 next year. Whatley said the

rented space will not meet their needs for the planned expansion. There are 320 students enrolled for this year and this new facility capacity will be 500 students. Whatley said the new facility will meet their needs for the next 25 to 30 years. He said Uwharrie Charter Academy has a financial arrangement with Hubrich Holdings to construct the facility at an approximate cost of 8 million dollars. This facility will be a new high school and an asset to the community. Whatley introduced Keith Rains who would present information pertaining to the requirement that the proposed school would not materially endanger the public health or safety if located where planned and developed according to the site plan.

Keith Rains, Civil Engineer, Charlotte, North Carolina, said the site is for a single building and they are currently working with NCDENR to meet all State requirements during the develop process. Rains said they have been working with Scott Mitchell, Soil Scientist and Engineer, Mitchell Environmental, to determine the soils are adequate for the facility. **Whatley** provided evidence that the soils are adequate for this development. **Rains** said they are working with Todd Salvagin, Traffic Engineer, SRS Engineering, concerning the traffic controls for the facility.

Jim Rains said the record should reflect that he is not related to Keith Rains. **Jim Rains** asked Keith Rains how they were going to mitigate the creek on-site. **Keith Rains** said the creek is south of the actual construction site, however the creek will be buffering and they are working with NCDENR to create a wetland area to be used in the education program. **Davis** asked if the septic area had been determined, and **Rains** said it would be just north of where the proposed soccer field is located on the site plan.

Whatley said the lighting plan and drainage plans have also been designed to minimize any negative impact to adjoining properties. Whatley introduced Todd Salvagin, partner with SRS Engineering. **Salvagin** told the Board that they are currently working with NCDOT and they are approximately 75% complete with the traffic study. They plan to add a turning lane for the facility and they are in discussion with NCDOT concerning the speed limit, possible traffic light, and possibly expanding the turning lanes from the interstate. **Jim Rains** asked Salvagin to explain the student drop-off area and **Salvagin** said they plan to “tear drop” the drop-off area and this will be accommodating several hundred feet of road (on school property) for this service. **Rains** asked if there would be any plans for traffic lights, and **Salvagin** said the development is a school, however, NCDOT is currently planning to use the “wait and see” approach. **Salvagin** said the facility would only be built for a capacity of 500 students, which would not be as large as a public school. **Keith Rains** added that the drop-off area would be at least 1,200 ft., which is double the amount normally required of 600 ft. **Salvagin** said that the diversity of where the children come from will lend itself to most of the students being dropped off. **Whatley** said that there are 2 school buses used currently and more may be added later.

Whatley asked Salvagin and Keith Rains if it was his professional opinion that the proposed school would have no negative impacts on the public health and safety. Both witnesses stated this was their professional opinion.

Whatley asked Todd Neal to address the Board.

Todd Neal, real estate appraiser, Charlotte, told the Board that he specializes in commercial properties including charter schools. Neal entered his consulting report as evidence. Neal said that he determined that this charter school would have no adverse impact to adjoining properties and that there is an adequate demand for the school in this community.

Whatley asked Neal if it was his professional opinion that the location of the school would not substantially injure the value of adjoining or abutting properties. **Neal** testified that this was his professional opinion.

Johnson asked Whatley what the difference is between a charter school and a public school. **Whatley** answered that a charter school is a public school with a private school attitude. He said they receive federal monies (and some local school funding) per student, with a private school board. They receive approximately 80% of the funding allowance (that a public school would receive) per student. Whatley said this is because they don't receive money for transportation, food, or facilities, however we still have to provide most of these services. He said they do have the benefit to be able to set their own school day/year. They will start their day early and only go Friday ½ days. Friday afternoon is considered a teacher workday. When asked if they would receive any local property tax, **Whatley** answered that they get money from some supplement school tax (Asheboro, Archdale) and some from receiving children from adjoining county schools. He said that several of the children attending Uwharrie Charter School are coming from southern Randolph County and Moore County. This is the reason for the location determination.

Phil Ridge asked how many students would attend the school, and **Whatley** answered they have a maximum enrollment of 500 students. Whatley said that they wouldn't receive money for any additional children, but they occasionally take more, such as foreign exchange students.

Whatley advised the Board that several students and faculty were in attendance at tonight's public hearing.

Ben Morgan advised the Board that Whatley had done a very good job covering all the four tests required for issuance of a Special Use Permit.

Rains asked if there were State-mandated regulations required to be met. **Whatley** said

they are not mandated to meet the same standards of constructing a cafeteria. Whatley said food is brought in from outside facilities to be purchased or the student can bring their own lunch and refrigerators/storage are storage.

Brown asked what is the average cost per student, and **Whatley** answered that they get \$4700 per student of federal funding and a small amount of local funding for a total of \$5000 per student. **Brown** asked the average cost per student at a public school, and **Whatley** said it would probably be \$6500 per student. Whatley said charter schools have been around since the early 90s, with California and Minnesota having the first charter schools. **Ridge** asked how the students are selected for admission, and **Whatley** answered if there are more applications submitted than enrollment of 120 students (per grade), then they have a lottery and the first 120 names pulled are accepted.

Jim Rains asked Neal if the charter schools used in his report, had been built long enough to determine how property values were affected after the school was built. **Neal** answered home prices are higher beside the private charter schools used and there was no difference in property values adjoining the public schools used.

No persons attended this public hearing in opposition to the request.

Planning Director Hal Johnson stated that the use and application meets all requirements of the County Zoning Ordinance. Johnson said if sufficient professional information has been presented at the public hearing that in the opinion of the Planning Board allows the issuance of a Special Use Permit then the use is considered to be in general conformity with the Growth Management Plan for Randolph County.

Rains made the motion that the request for a Special Use Permit be approved due to testimony and evidence presented that supports having met all four of the following required “tests”:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use mets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use if development according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Land Development Plan for Randolph County.

Brown seconded the motion, and the motion passed unanimously.

Johnson said that tonight's approval of the Special Use Permit would allow the Uwharrie Charter School to proceed with all the future local/state permits necessary for construction of the school. A formal "Order Approving the Special Use Permit" which contains the required "Findings of Fact" and "Conclusions" as required of the Special Use Permit process will be prepared for the Planning Board approval at the next meeting on Tuesday, September 9, 2014. A copy of this Order will be entered into the minutes of the Planning Board.

5. **REQUEST FOR PROPERTY REZONING:**

RODNEY DALE WOOD, Franklinville, North Carolina, is requesting that 2.98 acres located at 3404 Carl Allred Road, Franklinville Township, be rezoned from RA to RBO-CD. Secondary Growth Area. Tax ID# 7784905220. The proposed Conditional District would specifically allow retail sales in an existing structure 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**.

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.

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.

Johnson said there are issues with the existing modular building that was purchased by the applicant. These issues include meeting N.C. Building Codes for a structure that is being used commercially and also use of the building for a residence. Johnson said the County Building Inspections Department will enforce applicable building code laws after a determination on zoning approval. Johnson said there are many small businesses located along Carl Allred Road. Many of these businesses located on properties where the landowner resides are usually handled through a Special Use Permit, however, in this

instance, Mr. Wood doesn't reside on the property. This necessitates the need for property rezoning to Rural Business to allow retail sales out of the existing modular building.

Dale Wood was present and explained his intent to use the property for a retail business. He said that currently the business sells supplies for race horses. This is more of a storage facility and the products are taken off site for sale or they are sold through the internet. He said they just sew the products at this location. The only employee is his wife. He said that he keeps up all the properties (his rental property here) he owns. He said he is aware of all the building codes he would be required to meet.

Davis asked how long this building has been on-site. **Wood** said that it has been there for 8 months. He said that his wife bought 2 mobile classrooms, and joined them here as one building. **Johnson** said that at one time there was someone living in the building, and this didn't meet code. **Wood** said yes and it was his daughter, but she has since moved out of this building. He said that all the residential plumbing, etc. has been removed

Teddy Landcaster, owner of Running Bear, said that she has a tractor-trailer that she drives to events, where she sells the supplies. This year her truck was damaged and that is why she is here. She said Mr. Wood was upset that the building code inspector said that it didn't meet code. She said he had his teenage daughter and her baby and family friends living in the back section. She just wants to be sure that this will meet all codes and she will be able to obtain insurance on her business at this facility.

Wood said that the building was wired by a professional electrician and a very respectful individual, you can see his name on the permit. **Johnson** said that the zoning has to be approved and then the second stage is making the applicant comply with the building codes. **Wood** said that he felt the whole place should be shut down until this is taken care of, because he just wanted to do whatever the officials say he needs to be do, at his cost.

Rains made the motion, seconded by **Ridge**, to recommend to the Commissioners that this request for rezoning to Rural Business-Conditional District, be **approved** for the purpose of allowing retail sales out of the existing modular building. The motion passed unanimously.

6. The meeting adjourned at 7:30 p.m. There were 20 citizen present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk/Secretary