

## Minutes

 **DRAFT**

### RANDOLPH COUNTY PLANNING BOARD

**November 5, 2014**

The Randolph County Planning Board met at 6:30 p.m., on Wednesday, November 5, 2014, 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**, Planning Director, called roll of the members: **Reid Pell**, Chairman, present; **Wayne Joyce**, Vice Chairman, present; **Chris McLeod**, present; **Phil Ridge**, present; **Jim Rains**, present; **Kemp Davis**, present; and **Larry Brown**, absent. County Attorney **Ben Morgan** was also present.
3. **McLeod** made the motion, seconded by **Rains**, to **approve** the Minutes of the September 9, 2014 Randolph County Planning Board meeting. The motion passed unanimously.

**Chairman Reid Pell** announced that this would be Hal Johnson's last Planning Board meeting serving as Planning Director before he takes on his new role as County Manager. Pell thanked Johnson for his more than 39 years of service as Planning Director of Randolph County. Pell said that during his time as Planning Director he has made this Board the top Planning Board in North Carolina. Pell said that with his wife Gloria Johnson and daughter Ginny Johnson present, he wanted to present him with a plaque to commemorate his many years of service. Pell told Johnson that he has enjoyed the 9 years he has worked with him. Pell said he hated to see him go from his position as Planning Director, but he was excited for him in accepting his new position as County Manager. Pell asked **Gloria Johnson** if she would like to speak and Gloria said that she new Hal has loved his job and enjoyed working with this Board. She humored the Board by saying that she would see to it that Hal continued to inform his "second wife", Jill, of his schedule so she could find him. Gloria said that she knew Jay Dale would do a wonderful job as Planning Director and Hal had nothing but good things to say about the staff that would continue to work with this Board.

**Jay Dale**, Deputy Zoning Administrator, told Hal that it has been a pleasure to work with him. Dale said he recognized that Johnson was the first Planning Director and he was excited to accept his new position as Planning Director. Dale said that in becoming the next Planning Director he felt fortunate that Johnson would continue to be his boss as

County Manager. Dale also humored the Board by saying that historically speaking he realized that everyone remembers Neal Armstrong and no one remembers the second man to walk on the moon. Dale told Johnson that he was the best boss ever and he highly respected him both professionally and as a friend. Dale said even though he would just be up the road, he would be missed in the Planning Department.

**Johnson** said that at the end of the meeting he had comments for the Board. Johnson said he is looking forward to the challenge and the County has challenges ahead. When he looks at the Planning Board, people don't really realize the times when there were 100+ people here during hotly contested zoning cases. Johnson said that being a Planning Board member is a difficult job, and he holds the men and women who have served at the highest regard. Johnson said he is proud to have served with them.

**Board Member Phil Ridge** told Johnson that his work has made their job easier. Ridge said he appreciated that and he appreciated his balance and how he has looked at things.

**Johnson** said that Jay Dale was an easy decision on his part and he has worked with the Planning Department for almost 20 years. Johnson said Dale is a graduate of NCSU and holds the highest certifications in the Planning. Johnson said he is leaving the Planning Department in good hands and he would not appoint him otherwise. Johnson said we are very fortunate to have a man of his experience.

**Board Member Jim Rains** humored Johnson by saying in your role as County Manager if you could get us another stipend increase. Rains said that in his professional life as an architect, he has been in front of groups like this, and it's incredible what you (Johnson) have done with this Board and how we work as a team. Rains told Johnson that the way he has informed and prepared the Board has made the Board able to make the right decisions for this County. Rains thanked Johnson for his leadership and the way he has mentored them. Rains said it has been an honor to be tutored by you. Rains thanked Johnson for his service.

**Board Member Kemp Davis** said that he has only be on this Board for a short time, but it has been an honor and he has appreciated his (Johnson) guidance and leadership.

**Johnson** thanked them for their comments. Johnson said he appreciated each and everyone of them.

4. **REQUEST FOR A SPECIAL USE PERMIT:**

**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.

**Ben Morgan**, County attorney, provided the Board with a copy of the order of the appeal filed in Randolph County Superior Court from Judge Brad Long. Morgan read the adjudged order:

1. This matter shall be remanded to the Randolph County Planning Board, which shall follow the following specific conditions upon remand:
  - a. The Board shall strike the findings in the 2014 Order Granting Special Use Permit to the effect that the permit issued May 27, 2011 contains restrictions on the operating hours of the Petitioner's business and that the Petitioner approved the special conditions set in the order;
  - b. The Board shall not take any further evidence in this matter;
  - c. The Board shall review the special conditions of the 2014 Special Use Permit and the Board shall determine whether it is appropriate to modify the ultimate provisions of the Special Use Permit or issue the same ultimate provisions in the Special Use Permit;
  - d. The Petitioner shall consent or not consent on the record to the provisions of the final Special Use Permit; and
  - e. The Petitioner shall be allowed to withdraw his request for a Special Use Permit in whole or in part.
2. The costs of this action shall be taxed to Respondent.

Morgan said his interpretation is that it would be appropriate to hear from the applicant or his representative. Morgan said the Board should look at the specific conditions that were placed on the applicant and the Board must determine if they are appropriate and allow the applicant to except or withdraw the request. Morgan read the conditions from the 2014 Special Use Permit issued:

1. Hours of operation shall be Monday through Saturday from 10:00 a.m. to 5:00 p.m. No operation is allowed on Sunday.
2. Hog feeders must be removed.
3. No rapid firearms or explosive devices allowed.

4. Skeet range firing direction shall be oriented in a southwest direction.
5. Lockable gate installed at entrance to firing range.
6. Tree stands shall be for personal use only.
7. All property lines must be posted with signage indicating active firing range.
8. ATV access ways to other properties must be closed and maintained.

**Tom Wright**, Attorney, represented Bradshaw and addressed the Board. Wright said that he didn't represent Bradshaw during the public hearing process before this Board in April. Wright said that Bradshaw lives on a 65-acre tract. He said he has operated the shooting range since 2009. In 2011 he was granted a Special Use Permit for a shooting range and there were no conditions that were attached to it such as hours of operations, etc. Wright said they contend that the 2011 Special Use Permit allowed him to operate the pistol range, archery and skeet shooting ranges and that the 2014 application was to allow the expansion of the operation to include wild hog hunting. Wright said that the County Code Enforcement Officer came to the facility (prior to the 2014 application) and said Bradshaw was in violation of his permit. On that bases he applied for the Special Use Permit in April. Wright said at that time there was testimony concerning the hog hunting and there was testimony from some neighbors that the range was okay, but not hog hunting. Wright said there was also testimony from Camp Caraway that was opposed to the entire operation. He said Bradshaw tried to withdraw the request to allow hog hunting and was not allowed to do so. He said Bradshaw felt the conditions imposed, in particular the hours of operation, were too intense. He said Bradshaw is withdrawing the hog hunting for profit part of the operation from the request. He said what is before this Board at this time is really a clarification of the original Special Use Permit. Bradshaw's main problem with the 2014 Special Use Permit is the hours of operation. Wright said Bradshaw lives on the property and during the summer months it was open from 8 a.m. until sundown (Monday through Saturday). He also operated limited hours on Sundays. Wright said the 2014 Special Use Permit required the facility to be closed each day at 5 p.m. and no operation on Sundays. Wright said Camp Caraway's range and other ranges in the County are not held to this standard. Wright said they would propose the hours to be:

*From October through February the hours to be 8:30 a.m. to 5:00 p.m. (Monday through Saturday).*

*From November through December the facility would be closed.*

*From March through September the hours of operations to be 8:30 a.m. to sundown (Monday through Saturday);*

*and on Sundays throughout the year (with the exception of November and December)*

*1:00 p.m. to 5:00 p.m.*

Wright said because of the operating hours being restricted, Bradshaw has taken a huge financial hit. The range is used by hobby clubs, law enforcement, etc, and run quite well. He said these restricted hours have nearly put Bradshaw out of business. It has been a significant, economic hardship. Wright said they feel these suggestions are reasonable for everyone. Wright said the skeet range firing direction restriction is a problem, due to the location of the pistol range. Wright said the firing direction should be southeast. Wright said there was no testimony that this would be unsafe. Wright said that there has been a lockable gate at the entrance of the property for 35 years. The tree-stands of the property are for personal use only, and the property lines have been posted for 12 years. Wright said they would have no objection to these requirements. Wright said that the restriction of *“ATV access ways to other properties must be closed and maintained”* is too vague and has no clear meaning. Wright said that Bradshaw is willing to work with the Board and he urged the Board to consider these proposals.

**Jimmy Huffman**, Director of Camp Caraway, said that they have a firing range and it is for BB guns only. He said 68,000 young men have come to their camp in the 52 years it has been open. Camp Caraway is open Monday through Friday and the gun fire doesn't allow for their devotional study (It is a disturbance). Huffman said this shooting range operation has completely destroyed their environment. Huffman said they could be okay if the range was allowed to operate on Saturday until sundown, but Monday through Friday they should be required to close at 5 p.m. Huffman said that currently they are required to be closed on Sundays and he wanted this to continue.

**Wright** said that it is an exaggeration to say you can't have morning devotion because of the firing range. Wright said this makes very little sense. Second to say that it has completely destroyed the environment of the camp is completely ridiculous. Wright said Huffman has his point of view but this is ridiculous.

**Morgan** told the Board that the order requires them to consider the evidence from the April meeting and then determine the restrictions they feel are appropriate. Morgan encouraged the Board to provide an explanation with each requirement imposed. Morgan instructed the Board to the give the applicant the opportunity to either accepted their order or withdrawn the application. Morgan reminded the Board that the applicant has withdrawn the portion of the request that would allow hog hunting if approved.

**Rains** said he felt the hours were an issue and asked Morgan if it was okay to adopt hours of operation as presented by the applicant. **Morgan** answered this is entirely up to the Board. **Rains** said that several of the conditions were there to prevent hog hunting and would be correct to assume these conditions would not be necessary since the applicant has testified that there will be no hog hunting on the property. **Morgan** answered yes,

that if he does any of those things he would be in violation of the Special Use Permit. Morgan said if there are any conditions such as *ATV access ways to other properties must be closed and maintained*, you should be careful to be very clear in what you are requiring the applicant to do. Morgan said you should also be very clear in why you are placing the condition on the permit. **Rains** said he felt from the April 2014 permit conditions Bradshaw has stated that numbers 3, 4, 5, 6, and 7 had already occurred.

**McLeod** said that he felt the biggest problem is the hours of operation. **Johnson** said that the hog hunting, since it has been removed from the request, is no longer an issue. **Morgan** agreed and said it should not be considered part of this application. **Johnson** said that the ATV problem was because of hog hunting on the property and this is no longer an issue.

**McLeod** said the original permit had no operating hour requirements.

**Rains** said felt the applicant had met the following four test:

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 meets 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 developed 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 Growth Management Plan for Randolph County.*

And for this reason, Rains made the motion to **approve** this request for a Special Use Permit with the following conditions:

1. *Hours of operation:  
From October through February the hours to be 8:30 a.m. to 5:00 p.m. (Monday through Saturday);  
From November through December the facility would be closed;  
From March through September the hours of operations to be 8:30 a.m. to sundown (Monday through Saturday);  
and on Sundays throughout the year (with the exception of November and December) 1:00 p.m. to 5:00 p.m.*

2. *no rapid fire allowed*
3. *skeet range firing shall be in such away that all firing and ammunition remain on the property*
4. *lockable gates maintain at entrance of firing range*
5. *tree stands for personal use only*
6. *All property lines must be posted with signage indicating active firing range*

Joyce agreed that the applicant had met the required tests and seconded the motion.

Wright said that his client would accept these conditions.

The motion passed by a vote of 5 to 1, McLeod voted against the motion.

5. **REQUEST FOR PROPERTY REZONING:**

- A. **WAYNE BESCHER**, Denton, North Carolina, is requesting that .60 acre (out of 123 acres) located at 6178 Farmer Denton Road, Concord Township, be rezoned from HC to RA. Rural Growth Area. Tax ID# 6699883788. It is the desire of the applicant to use the property for residential purposes.

**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 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long term quality of life in Randolph County.***

***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.*

The applicant was not present.

There was no one present in opposition to this request.

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

- B. **WALTER HOPKINS**, Denton, North Carolina, is requesting that 1.4 acres (out of 40.87 acres) located at 9260 NC Hwy 49 South, New Hope Township, be rezoned from RA to RBO. Rural Growth Area. Tax ID# 6687720861. It is the desire of the applicant to use the property for rural business use.

**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.*

The applicant was not present.

There was no one present in opposition to this request.

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

- C. **ACE AVANT CONCRETE CONSTRUCTION**, High Point, North Carolina, is

requesting that 18.28 acres located at 5320 Poole Road, New Market Township, be rezoned from RBO-CU to RBO-CD. Primary Growth Area. Randleman Lake Watershed. Tax ID# 7737351366. The proposed Conditional District would specifically allow a business office for a concrete construction company 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 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.*

**Michael Somero**, Vice President, explained that they started with this business with a couple of trucks in High Point and now they have grown to 250 employees. He said that 30 employees work in their office facility and the rest work in the field. He said they have an office in Archdale and a facility in Thomasville. He said they would like to combine their entire operation at one facility and locate in Randolph County. He said they are a concrete construction business and this site would be for their office staff and a shop for their 50 vehicles of cars, tractor trailer trucks, heavy equipment, etc. The shop would be used to maintain these vehicles. He said they won't produce any concrete at the facility.

**Johnson** said that the conditions would hold you generally to the site plan that has been shown and the type of business you have described.

**There was no one present in opposition to this request.**

**McLeod** made the motion, seconded by **Rains**, to recommend to the

Commissioners that this request be **approved**. The motion passed unanimously.

6. **Hal Johnson** asked if he might address the Planning Board from the podium. Johnson thanked the Board for their previous kind words and the plaque he was presented. Johnson said the plaque would very proudly be displayed in a prominent position in his new office as County Manager. He said that he is truly honored and looking forward to his new duties as Randolph County Manager.

**Johnson** said that he has been truly honored by having the opportunity to work with so many citizens over the past 39 years who have served on the County Planning Board. He said that all of these citizens have served the County and their communities by struggling to find solutions to sometimes complex and emotion land use and development issues. He said that County Commissioners' appointments of citizens to serve on the Planning Board is one of most important appointments a County Commissioner can make. Johnson said that he wanted to name all the citizens who served on the County Planning Board during his time of service as the Planning Director (1975-2014) because he wanted all their names to be recorded this one last time in the official minutes of the Randolph County Planning Board: *Joe Farlow, Don Andrews, Jake Scotten, Don Hancock, Lorene Walker, Foy Gann, Andrew Luker, Frank Kime, Elmer Routh, Donald Johnson, Ray Farlow, Doyle Stout, Jimmy Newton, Terry Coble, Joyce Davis, Charles Adams, Dwight Holland, Tal Harrison, Henry Darr, Bud Osborne, Guy Troy, Arlie Culp, Maxton McDowell, Lynden Craven, Bill Dorsett, Allen Holt, Aweilda Little Williams, Jim Routh, Phil Brower, Tim Poole, Larry Brown (1997 - ), Al Morton, Phil Ridge (1998 - ), Tommy Boyd, Chris McLeod (2001 - ), Jim Rains (2004 - ), Reid Pell (2005 - ), Wayne Joyce (2005 - ), Danny Shaw, and Kemp Davis (2011 - )*.

**Johnson** said he would continue to call upon the advisory services of the County Planning Board as new challenges arise in Randolph County. Johnson then presented new County Planning Director Jay Dale with his Planning Director name plate.

**Johnson** said that there was a special person he wanted to recognize at his final meeting and that was Planning Systems Coordinator Jill Wood. Johnson said Jill Wood has been a critical part of all Planning Department activities and project during their time working together from 1987 to 2014. He said that he had always relied upon Jill to plan and organize complex Planning Department operations. He said that he was always amazed at the detailed minutes Jill was able to provide every month and always understood how difficult this can be in emotional meetings. Johnson joked that he had told new Planning Director Jay Dale to always take the advice of Jill and he would do just fine. Johnson presented Jill Wood with a plaque to express his appreciation for the time that they had served together from 1987 to 2014. **Jill** expressed her appreciation for the recognition and the plaque. Jill said she has been truly blessed to have worked with Hal this 27+ years and she was sad to see him go, but she was excited for him in his new position. She

said she felt he was the most obvious and best choice to be this County's next Manager. She said that she thought Jay Dale was a good choice as our new Planning Director and felt Hal would be leaving the department in good hands.

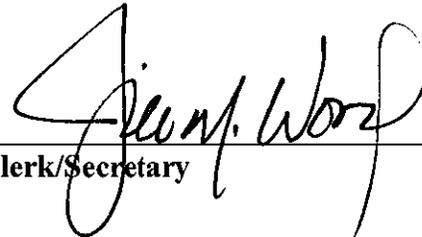
7. **Joyce** made the motion, seconded by **Davis**, to adjourn the meeting at 8:10 p.m. There were 15 citizens present for this meeting.

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NORTH CAROLINA  
RANDOLPH COUNTY

  
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Planning Director

11-24-14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Clerk/Secretary

