

Minutes

RANDOLPH COUNTY PLANNING BOARD

November 15, 2016

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, November 15, 2016, 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. **Jay Dale**, Planning Director, called roll of the Members: **Reid Pell**, Chairman, present; **Wayne Joyce**, Vice Chairman, present; **Chris McLeod**, present; **Larry Brown**, absent; **Phil Ridge**, present; **Kemp Davis**, present; **Keith Slusher**, present; and **Ralph Modlin**, Alternate, absent. County Attorney, **Ben Morgan**, was also present.
3. **Slusher** made the motion, seconded by **Kemp**, to approve the Minutes of the September 13, 2016 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR PROPERTY REZONING:**
 - A. **EDDIE MORAN**, Franklinville, North Carolina, is requesting that 2 acres (out of 8.23 acres) located on the corner of I-74 and Old Courthouse Road, Back Creek Township, be rezoned from RA to HC-CD. Tax ID# 7744989448. Secondary Growth Area. Back Creek Lake Watershed. The proposed Conditional District would specifically allow the construction of a proposed 30' x 75' building to be used for an automotive repair and inspection shop 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 create, and provision of services to the rural community.

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 impacts to adjoining rural land uses.

Policy 4.6 Compatible land uses such as rural neighborhood retail and service establishments located close to general residential areas should be considered during the rezoning process with the general goal of reducing automobile travel distances and promoting better livability in the community.

Dale provided an overview of the request.

Moran was present and explained his intentions to move his business to this site. Moran said he has spoken to the Army Corp. of Engineers concerning that area of the property that is designated a wetland and he will not be disturbing that area. He said he has operated his business on Plainfield Road for approximately 16 years and he wants to move here to expand. He described 3 or 4 other businesses in the area. He said he wanted to retain the remainder of his property for agricultural purposes. **Kemp** asked him if he planned to locate his residence on the site. **Moran** said no. **Joyce** asked him how many employees he had, and **Moran** answered 3 or 4. **Joyce** asked how many cars would be stored on the property. **Moran** answered that 20 to 30 cars would be on the property for repairs at any one time. **Moran** said he would not have a long-term storage lot (only what he is working on at the time).

Martha Powell, 3917 Old Courthouse Road, Sophia, said that the neighbors met to discuss the rezoning request. Powell discussed many issues raised at that meeting. She said Old Courthouse Road is a cul-de-sac and with a very busy intersection. She said it leads (the road that intersects with Old Courthouse Road) to the Randleman Schools and the Randleman Wal-Mart. She said there is also a railroad that crosses their road and there is no traffic light at this intersection. She said this old road was designated residential/agricultural and is not constructed to commercial standards. She said they already have difficulty entering the highway. She said another issue raised was that this business will operate on a well and there will be no fire hydrant in case of a fire. She said that they felt there could be toxic substances from this business that could leak into their groundwater and increase hazards to their wells. She said this business would increase trash (thrown out along the road), traffic, and crime to the area. She said the large building would upset their aesthetic view. She said the highway has already decreased their quality of life and this would only add to the negative impact of their property values. She expressed concern for the wildlife in the area. She said that they are opposed to the rezoning and provided the Board with

a petition of opposition with 19 signatures. She said the change in use would alternate the character of the neighborhood. She added that it would adversely affect their property values and would pose a health threat to the community. She told the Board that he owns a large parcel on Bethany Church Road and could easily request it at his residence. She said that they felt it should be located in his neighborhood and not theirs.

Marylene Johnson, 3929 Old Courthouse Road, said that they have lived here for 55 years. She said they raised their 2 children here. She said that the road was paved in 1971 and there hasn't been much work done on this narrow road since that time. She said she felt it would be a danger to add this business on this road because the road is not adequate for business traffic. She said the frame shop, Moran mentioned, was built years ago and is no longer in business. The store in the area fronts on Hwy 311. She is concerned about the fire rating of the area and how this will effect their home owners' insurance. She said a fire at this location would be dangerous to the neighboring properties. She told the Board that it needed to stay RA. She said they have been able to enjoy walking down this road with pastures and wildlife. She expressed concern for how this would effect the wildlife. She said they have deer, fox, coyotes, rabbits, etc. She said the crime rate has also increased in the area. She said they don't need any more traffic. She said they have lots of trash through out on their road. She asked what hours the business would operate. **Pell** told her that they could ask the applicant. She said people fly up and down this road. She asked the Board to leave it RA, like it has been for 55 years.

Robert Powell, 3710 Old Courthouse Road, said that the frame shop on the road is no longer operating. Powell said that the nursing home is just a house (a very small operation). Powell said that the tire repair business at the end of the street was suppose to be a fruit and vegetable stand. That's what they were told at the zoning hearing.

Chad Vickery, 3938 Old Courthouse Road, said that if it is passed it would have to have a stormwater retention plan to insure the neighbors that the groundwater would be protected. He asked the Board to considered a Level 2 buffer with 2 rows of trees. Vickery showed the Board a picture of Moran's current business location and all the storage that is at his existing business location.

Moran told the Board that he would operate Monday thru Friday, 8 am to 5 pm. He said he is not asking for a storage lot at this location. He said that the reason he can't expand there is because of his divorce (he says he has life-time rights to the property, but he no longer owns it). He said he has approved disposal of all his oils and fluids. He said that he would be willing to work with all the neighbors and would be willing to help keep the road clean. He said that he chose the location of the building site (on this property) to be further away from the

neighbor's house. **Ridge** asked the average customers on any given day, and **Moran** answered 15 to 20 per day. He said that he doesn't work on tractor-trailer trucks. **Ridge** asked about the buffer. **Moran** said he would be willing to place a buffer on the property. He said that he would put up a fence or bushes along the Johnson property. Moran said that NCDOT has already put a berm for sound from the highway. He said that the wetland area on the property has trees within it and would be between the building and the Johnson property. The air compressor would be the loudest thing inside the building. He said that he would not tow vehicles to the property for storage.

A neighbor asked the Board if it would be a better chance to have a storage lot in the future if this was approved now.

Moran said that he sold that company and bought a tow truck to use for his customers only. He would not tow for the Highway Patrol.

Joyce asked Dale if he had received any complaints on his business at it's current location. **Dale** answered no.

Joyce said based on the recommendation of the TRC he would make the motion to recommend to the Commissioners that this request be **approved**. The motion was seconded by **McLeod**. The motion passed unanimously.

Slusher made the motion, seconded by **Joyce**, that this motion is in compliance with the 2009 Growth Management Plan. The motion passed unanimously.

- B. **ACE AVANT REAL PROPERTY COMPANY, LLC**, Archdale, North Carolina, is requesting that 37.11 acres located on Racine Road, Providence Township, be rezoned from CVOE-CD to CVOE-CD and CVOM-CD. Tax ID#'s 7777767305 and 7777865194. Secondary Growth Area. Polecat Creek Watershed. The proposed Conditional Zoning Districts would specifically allow a 22-lot residential subdivision as per site plan. Proposed lots 1-17 (entrance at the end of Surrie Trail) for manufactured housing and proposed lots 18-22 (fronting along Racine Road) for site-built homes with a minimum lot size of 1,500 sq.ft.

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**. This proposal would change the housing type from site-built homes (with a minimum of 1,700 sq. ft.) to most of the lots allowing manufactured homes.

The property was zoned by the Board of County Commissioners in July 2006 to allow a residential subdivision for site-built homes with a minimum house size of 1,700 sq. ft. In November 2008 the Commissioners denied a request from the property owner to reduce the house sizes to 1,500 sq. ft. At that time, the Board noted that the average house size within the one-mile area was 1,863 sq. ft.

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.

Policy 6.13 Conventional residential subdivisions are anticipated of similar housing characteristics to the community.

Dale provided an overview of the request. He explained that the manufactured housing subdivision adjoining this site (to the back side) was developed in the 70s. He provided a history of the requests that have been made for zoning change in the past. He said that the subdivision that has been approved on this property and the surrounding area, since Countywide Zoning, have been sizable site-built homes.

Michael Somero, 2537 Thayer Road, Representative of Ace Avant, said that they are a concrete manufacturer and since 2008 they have tried to expand their business to developing property. He said in 2012 their concrete business really increased and they are trying to see what to do with this property. He said since the original zoning portions of the base tract has been sold and only 35 acres remain. There has also been a new power line built. He said that he has spoken with DOT and they have approved the roads for this use. He said he has also purchased property for a road expansion of Surrie Trail. He said that the request is for 21 lots and not 22 (because lot 1 was already approved). He presented maps to the Board to see what the community would look like before and after (if it was developed). The maps have colored blocks to represent the homes existing and proposed. He said the neighbors at the NIM spoke of traffic concerns, property values, and privacy. He said that the DOT approved the road, and they have increased the buffer setback and would be willing to install fencing. He said that the additional traffic count would be minimal. He said that the increase in lots would probably get DOT to do more repairs to the road. He said Randolph County has a medium income of \$41,000 and he felt the Board should consider affordable housing for it's citizens. **Davis** asked if the private deed restrictions were updated. **Somero** said they should be dated 2016. He left another copy to ensure the Board had the updated version. **Ridge** asked how the number of

homes (double vs. single) where calculated. **Somero** said it could be that the new homes could be all single-wide or all double-wide mobile homes, or they could all be modular homes. Somero said that driving through Canterbury Trails would be what drives what type of housing would be located here. Somero said that if they didn't have the creek to deal with, they wouldn't consider coming through Canterbury Trails. He said that to cross the creek would be cost prohibited. **McLeod** asked him if it was a large creek to cross, and **Somero** answered no, but to meet Army Corp. of Engineers requirements would be costly.

Dwayne McClain, 5727 Canterbury Trails, said that they are concerned because there is only one access in and out to their community. He said that there have been accidents on this road before that have trapped them in for hours (or made it where they could not get to their homes for hours).

Gene Hyatt, 7561 Racine Road, said that he owns the property directly across from this site. Hyatt said that he has no problems with the stick built homes being proposed, but he thought the request would just be a disguise for mobile homes. He said that stick built homes would create more revenue for the County. He said he has 105 acres across the road from this site. He said he would be concerned with how allowing mobile homes on this site, would lower his property values.

Carol Larcher, 5682 Surrie Trail, said her main concern is with the traffic, and if something (accident) happens they will have no way out. She said that her land goes to the center of the cul-de-sac. She said that she didn't want them to use her land to open this up. She said they have been living here for several years and it is peaceful here. She expressed concern for the handicapped children that live next to them. She said traffic, fire hazards, and dangers are their concerns.

Ron Cashatt, 1909 Providence Church Road, said that he purchased part of the land a year ago and they have existing deed restrictions. He said if it is developed like this, what would they do with their investment.

Mark Fox, 3365 New Salem Road, said that he is opposed to the zoning. Fox said he bought 17 acres of the original tract (that included this proposed area) to build his home and live in this community. He said they purchased the property because they were promised 1,700 sq ft. minimum homes would be required here. He said if this request was approved it would be a direct impact to them financially and would change this community.

Martin Hatch, 7454 Racine Brian Ramm, Road, said that he can see the creek from his kitchen window and he would be able to see these mobile homes. He said his home is 2,400 sq. ft. and if mobile homes are permitted behind him it would lower his property value.

Davis asked what the current approved conditional zoning would allow. **Dale** answered that the property is approved for conventional site built homes with a minimum house size of 1,700 sq. ft.

There were 11 people present in opposition to this request.

Davis said that he didn't think adding more homes to this old existing road (Surrie Trail), that already has problems, would be a good idea.

McLeod said he would hate to see someone not be able to use their land, but he felt the housing type being proposed would not be appropriate. He said maybe if the applicant considered lowering the house size on the backside of the creek, it would be feasible to cross the creek. He said that would also prevent adding traffic to Surrie Trail.

Davis said as the request is proposed, he would make the motion, seconded by **Slusher**, to recommend to the Commissioners that this request be **denied**. The motion passed unanimously.

- 5. **Slusher** made the motion, seconded by **Davis**, to adjourn the meeting. The motion passed unanimously. There were 25 citizens present for this hearing.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk to the Board