

MINUTES
RANDOLPH COUNTY PLANNING BOARD
December 8, 1998

There was a meeting held at 6:30 p.m., on Tuesday, December 8, 1998, of the Randolph County Planning Board in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called the Randolph County Planning Board meeting to Order at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice-Chairman, present; Larry Brown, present; Phil Brower, absent; Lynden Craven, present; Al Morton, present; Tommy Boyd, present; and Phil Ridge, Alternate, present (substituting for Phil Brower).
- **Craven** made the motion, seconded by **Dorsett**, to approve the Minutes from the November 10, 1998, Randolph County Planning Board Meeting and the Randolph County Board of Adjustment Meetings. The motion passed unanimously.
- **REZONING REQUESTS:**
 - A. **ALLEN BULLARD**, Randleman, North Carolina, is requesting that 7.40 acres located on Back Creek Road (approximately 4/10 mile north of Hwy 64), Back Creek Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Zoning Map #7731. The proposed Conditional Use Zoning District would allow the applicant to develop a 7 lot residential subdivision for site built homes or modular homes only. Property Owner - Rev. George McDowell.

McDowell removed himself from discussion of this case and asked Dorsett to preside over this case.

Bullard was present and explained to the Board that he would be selling the property for a friend, he is a retired Quaker Preacher, Rev. George McDowell, and he would not have any financial gain (all the money would go to Rev. McDowell's retirement). Bullard named several developments (Brownstone, Brown Oaks, Carriage Crossing, Oak Hollow West, Willow Creek, Cable Creek Hills) that he has developed and explained that the restrictions and the type housing would be the same in this development if it is approved. Bullard said that the type of modulars that are placed in his developments don't look like mobile homes they are like site built cape codes (very restrictive). Bullard said he restrictions would be patterned by Oak Hollow West.

Steve Schmidly, Attorney (representing David & Judy Butler), 115 South Fayetteville Street, said that the Butler's property adjoins proposed lots 5 and 7 and their property is a 19.6 acres tract that has a pond of substantial size. Schmidly said they oppose the request on the following grounds:

1. The proposed development is too dense for this area. This area has site built homes on large tracts of land. This development would allow housing substantially smaller than the existing homes and the lot sizes would not be consistent with the existing tracts.
2. The proposed development would have 7 driveway connects within 662 feet along Back Creek Road. Schmidly said this would be too many and not appropriate in nature of the community as it exists. This would substantially alter the community and do away with the nature of the community.
3. There would be a safety issue with the close proximity of the pond. Schmidly said that there would be substantial liability (of the Butler's) when the homes are filled with young families with children. Schmidly presented pictures of the pond and asked what are the Butler's to do. Should they destroy their pond and the aesthetic beauty of their property. Schmidly asked how could they

protect themselves - place a fence (he discussed problems of fencing the property) or hire a full-time watch person (this would be costly). Schmidly said because they will be responsible.

4. Topography of land. Schmidly said that there are Canadian geese and other birds that feast at this pond and with the topography of the property this would allow run-off into this pond and could cause a serious issue of water quality.

Schmidly said for these reasons they would ask the Planning Board to deny this request. Schmidly asked of those **present in opposition to stand - 15 citizens stood.**

Boyd asked Schmidly if they were aware that the property owner could sell 5 lots (with road frontage) for single-wide mobile homes without coming to this Board. **Schmidly** said they understood what can be permitted. **Boyd** asked if they had considered this either or situation. **Schmidly** said that it's kind of like choosing between the devil and where the devil resides.

Morton said the Board wanted the community to be aware of what could potentially happen to the property.

Raymond & Genevieve Hepler, adjoining property owners, said that they felt this would greatly devalue their property and agreed with Schmidly's comments. Hepler said that they were offered a million dollars a couple of years ago (for a golf course) for their 200+ acres but this would not be possible if this was developed. Hepler said that this would not be good for the community.

Aweilda Williams, 607 Back Creek Road, said that she and her husband reside on a 30+ acre tract that her husband purchased in 1963 (north of the Hepler Farm). Williams said that all the residences along this road sit back off the road. Williams said that she felt the 7 drives (so close together) would be out of character for this curvy and hilly road. Williams also mentioned a very dangerous bridge on Back Creek Road. Williams said that she is not opposed to development but she would like to see the number of lots cut down to 3 or 4 tracts. Williams said concerning the mobile home issue, she felt this was something the County should address as a whole. Williams said that it is a shame that something like that (placement of 5 lots for single wide mobile homes) could happen without any say so by the community.

Ed Siler, 568 Back Creek Road, said he has lived here, for 18 years, on a 35+ acres tract and raised his family here. Siler said that there are all large tracts here and this would take away from the character of their community. Siler said the homes being proposed are also smaller than the residences currently here. Siler said he would rather there be 1 or 2 nice homes here instead of what is being proposed. Siler said that this would devalue their neighborhood and the Board should take the community into consideration instead of just someone's pocketbook.

Bullard asked the Board if he could speak about the concerns that have been raised. Bullard said that he was glad that Aweilda Williams didn't oppose the nice homes he is proposing. Bullard said that there are ponds all over the county and these issues (concerning the pond) are worked out. Bullard said that growth is going to happen and has happened and the topography of the land is not anything like that around the City Lake and there are several homes built up on that lake. Bullard said that he is giving the community a controlled restricted use and that he believed that sometimes we can't see the forest for the trees. Bullard said that he is only requesting 2 lots beyond what would be permitted by right.

Orville Dills, 6676 Tom Ball Road, Randleman, (spoke for the Hepler's) said that the Hepler's have had this farm in their family for 150+ years and that there are no factory built homes in the area. Dills said it is the County's responsibility to maintain the properties in this area at a level comparable to what's already here.

Bullard asked the Board to clarify that mobile homes and modular homes are not the same. **Dorsett** explained what modular homes are and how they are different from mobile homes.

Craven said that if this is not approved 5 single wide mobile home lots could be sold here without this Board making any decisions. Craven asked which would down grade the community the most. Craven said he has a situation of 5 single wide mobile homes around the corner from his house and he knows what he had rather have - modular homes.

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

Dorsett passed the Chair back to McDowell.

B. **RICHARD GRINDSTAFF**, Archdale, North Carolina, is requesting that 19.26 acres located on Mt. Shepherd Road (just before Mt. Shepherd Road Extension), Tabernacle Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Zoning Map #7712. The proposed Conditional Use Zoning District would allow the applicant to develop a 25 lot residential subdivision for double-wide mobile homes on permanent foundations or modular homes.

Grindstaff's son spoke for him and said that they would only allow new (no older than 2 years) and this type of housing would be fitting to the properties on either side of this tract and those in the area. Grindstaff went over his proposed deed restrictions which included no signs or unsightly objects, Davidson Water, no poultry, swine, or livestock.

Morton questioned where the driveways would be for lots 9 & 24. Grindstaff said they would place them where the Board would suggest. **Dorsett** asked if they would be restricting against any businesses on the lots. Grindstaff said they would if the Board would like. **McDowell** asked if they were primarily marketing the property for double-wides. Grindstaff said from that type of housing and up.

Richard Grindstaff said that he had been in the ministry for 51 years (full-time) and 22 years (of this time) was in missionary work. Grindstaff said that he has a daughter that lives on this property and that his 2 sons will also live on some of the back lots. Grindstaff said that there is not a selfish mode in his heart about this request. Grindstaff said that he plant to use this as a method to minister to young people and young missionaries he has come in contact with.

Boyd asked Grindstaff if he would be willing to restrict the foundations to be brick only. Grindstaff said he would.

Thomas Shore, 827 Mt. Shepherd Road, said that some of the property was not develop able due to topographical and perking problems. Shore said that there are over 100 mobile homes in this area already and this is enough. Shore said that there are traffic dangers with 65+ mobile homes on Mt. Shepherd Ext. Shore presented a petition with 110 signatures from people in opposition to this request.

There were 19 citizens present in opposition to this request.

Kay Medlin, 1051 Back Creek Road, said that they own 2 lots in here that they purchased from Grindstaff (in a minor subdivision). Medlin said that they sold the lots with private deed restrictions and later they found out that he didn't even record the restrictions. Medlin said she didn't feel this would be in the best interest of the community - maybe half this many lots.

H.C. Horton, Mt. Shepherd Road Ext., said that all the lots in the area are over an acre and these lot sizes would make the area too dense.

David Dunn, 1012 Mt. Shepherd Road, said that they live here in a brick home and they are friends with the Grindstaff's. Dunn said they felt this would devalue the properties in the area.

Carolyn Crawford, 877 Mt. Shepherd Road, said that Mt. Shepherd Rd. Ext. with mobile home parks and a church retreat center intersects at this property along with 2 churches and this creates a large amount of traffic on this road.

Donald Medlin, 1051 Back Creek Road, said that they own 1 lot with 2 1/2 acres and if they didn't have this much land in this lot it wouldn't be able to perk. Medlin said this is just too many lots.

Jim Mooneyhan, 5424 U.S. Hwy 64W, said that they live here at his wife's home place. Mooneyhan said that the whole area has changed and there are just too many home sites being requested in this curve. Mooneyhan said that he felt the developer needs to look at this development again - it's just too dense.

C.H. Bunting, adjoining property owner, said that he owns a 3/4 acre pond and he is concerned about the run-off from the property.

Grindstaff said that Medlin was correct about those private deed restrictions but he didn't know he had to record them. Grindstaff also said that he would reduce the number of lots in the development if they needed to.

Morton said that some of the lot sizes are awful small. **Dorsett** said that there is also a real traffic concern and he would like to see fewer lots.

Morton made the motion to recommend to the Commissioners that this request be **denied** due to the density being proposed. **Brown** seconded the motion and the motion passed unanimously.

- C. **DON BRISTOW**, Asheboro, North Carolina, is requesting that 5.83 acres located on N.C. Hwy 134S (between Hwy 134 & By-Pass Hwy 220) be rezoned from Light Industrial/Conditional Use to Highway Commercial. Zoning Map #7657. This proposed Zoning District would allow the applicant to use the property for commercial purposes. Property Owners - Randolph Enterprises, Inc.

Bristow said that the property is not desirable for residential purposes and this request would be a less intense use than what has been approved by the Board.

Johnson explained that the issue surrounding this property rezoning, when it was approved for Light Industrial/Conditional Use, was the uniqueness of the property. Johnson said the property probably would not be desirable for residential purposes but appropriate buffers should be established for the protection of the residential properties in adjoins. Johnson questioned why this was not considered. **Bristow** said that he had one client interested in the location but he would not need the entire parcel for his business. Bristow said that if the parcel was zoned straight HC this would not require the developer to come back through this process to locate an additional business in the future. Bristow did say that they would be open to screening along 134 but they would need the visibility along the bypass.

Gary Cox, President of Cox's Harley Davidson, stood up and explained to the Board that it is his business (a franchise business) that is interested in locating here. Cox said that they have been in business for nearly 40 years in Asheboro and is the 2nd generation owner. Cox said that they would have no problems working out buffers with the County, in fact he would probably place more buffering (to the residential properties) that what is required of him. Cox said that Harley Davidson has strict requirements and guidelines that they must follow which are probably a lot more restrictive than the County's. Cox said that they want to construct a 15,000 sq. ft. building that would include a showroom, repair shop, meeting room, offices, etc. Cox said he would have no opposition to a Conditional Use Zoning District to place buffer restrictions to the property.

There was no one present in opposition to this request.

Dorsett said that his only concern would be to junk storage, that many motorcycle shops have outdoor junk storage and he would like to add to the restrictions that this not be allowed. **Cox** asked Dorsett if he had ever seen his shop and Dorsett answered yes. Cox asked Dorsett if he had ever seen any junk at his shop and Dorsett answered no. Cox said that he didn't appreciate the implications of Dorsett's comments. Dorsett said that he was not trying to imply that Cox allowed junk storage but if the business was sold new owners may not keep as nice a business as Cox. Cox said that the future 3rd generation owner is here tonight and the business

would not be sold. Cox said he would not be opposed to the restriction as long as it was acknowledged that this is not due to the way he did business.

Morton made the motion, seconded by Craven, to recommend to the Commissioners that they **approve** this request with the following restrictions:

**no billboard signs

**no outside or junk storage

**appropriate buffers (to be worked out with the Planning Staff prior to Commissioners Meeting)

**site plan (to be worked out with the Planning Staff prior to Commissioners Meeting)

The motion passed unanimously.

- D. **BOBBY HANCOCK**, Thomasville, North Carolina, is requesting that 2.56 acres located on Hughes Grove Road (just before the County line), Tabernacle Township, be rezoned from Residential Agricultural to Light Industrial/Conditional Use. Zoning Map #6783. The proposed Conditional Use Zoning District would allow the applicant to expand his current operation with a 40' x 60' addition to his existing building used for sanding and carving furniture parts.

Hancock was present and said that he has operated his business here for 33 years and over the years he has made 4 or 5 expansions. Hancock said his son-in-law now operates the business and when he went for his building permit to make another expansion he realized that they were a non-conforming use and this property needed to be rezoned. Hancock said they employ approximately 20 people and this addition would be mainly for storage.

There was no one present in opposition to the request.

Brown made the motion, seconded by **Ridge**, to recommend to the Commissioners that they **approve** this request. The motion passed unanimously.

- **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?"

5 citizens took this Oath.

- **REQUESTS FOR A SPECIAL USE PERMIT:**

- A. **LUMBER DIRECT, INC.**, Randleman, North Carolina, is requesting a Special Use Permit to allow a lumber storage yard & Christmas tree sales lot located on 1.14 acres at 11075 Randleman Road (just south of Rockett Road), Level Cross Township, Zoning Map #7758, Randleman Lake Watershed, Zoning District HC.

Ben Reaves, President, & **Tabatha Phillips**, Vice President, were present and explained that there would be no processing or milling at this location it would be strictly distribution. The enclosed (by fence) area is the only area that would be used. They are leasing the property and operate Monday through Friday 8 am to 5 pm. Reaves said they have talked to the adjoining neighbors and explained that they didn't have any problems with this operation. Phillips said that they have really tried to clean up the property and make a nice place for the community. Phillips said the lumber would be stacked on the south side (within the fence) no more than 15 feet in height.

Dorsett asked about the camper trailer. **Phillips** said that this was Mr. Nelson's (the property owner) and they were told it was to be removed but it hasn't been.

There was no one present in opposition to this request.

Dorsett did express concern for the height the lumber is to be stacked. **Phillips** said that it would probably not be that high but that would be the highest.

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

- **PAUL & MARY STRIDER**, Cedar Falls, North Carolina, is requesting a Special Use Permit for a Rural Family Operation of a beauty shop at their residence (in a proposed 18' x 30' building) located at 516 Foxworth Road, on 1.10 acres, Franklinville Township, Zoning Map #7772, Zoning District RR.

Strider said that they wanted to be able for his wife to have her business at this location.

There was no one present in opposition to this request.

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

- C. **NORWOOD BOSTIC**, Asheboro, North Carolina, is requesting a Special Use Permit to construct a personal storage & workshop building (32' x 60') with possible future residential contractor storage at his residence located on 4.64 acres at 3854 U.S. Hwy 64E (just west of Iron Mountain Road), Franklinville Township, Zoning Map #7781, Zoning District RA.

Bostic was present and explained his intentions for the building (as stated above). **Bostic** said that he has worked out plans to help screen this building from his neighbors on Wildwood Lane. **Bostic** said that this building would be for storage and he does light plumbing work part-time.

Tom Patrick, 2449 Wildwood Lane, said that they have agreed to pay for the first 50' run of fence 8' high and **Bostic** has agreed to construct the rest of the fence before he begins any construction on his building. **Patrick** explained that his wife is epileptic and doesn't get out much. **Patrick** said that their yard was her world.

Boyd made the motion to **approve** this request with the restriction that includes the agreement that has been worked out between **Bostic** and **Patrick**. **Craven** seconded the motion and the motion passed unanimously.

- The meeting adjourned at 8:46 p.m. There were 62 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Hal Johnson
Planning Director

Jill Wood, Clerk/Secretary
January 5, 1999