

MINUTES
RANDOLPH COUNTY PLANNING BOARD
January 5, 1999

There was a meeting held at 6:30 p.m., on Tuesday, January 5, 1999, 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 to Order the Randolph County Planning Board meeting at 6:30 p.m.
2. Hal Johnson, Planning Director, called roll of Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice-Chairman, present; Larry Brown, present; Lynden Craven, present; Al Morton, present; Tommy Boyd, present; and Phil Ridge, Alternate, present (substituting in vacant board seat).
3. Boyd made the motion, seconded by Brown, to approve the Minutes from the December 8, 1998 and December 16, 1998, Randolph County Planning Board Meetings. The motion passed unanimously.

4. 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?"

8 citizens took this Oath.

5. REQUESTS FOR A SPECIAL USE PERMIT:

- A. **ROBERT & CHRISTIE BARNES**, Ramseur, North Carolina, are requesting a Special Use Permit to construct a personal use building and hobby, woodworking, part-time cabinet making (36 x 30) at their residence located at 1337 NC Hwy 22 South, on 1.22 acres, Columbia Township, Zoning Map #8711, Zoning District RR.

Barnes said that he had spoken with his neighbors and they have signed a petition stating they have no objections to this request. Barnes said that he would not have any employees, this would be for he and his wife only. Barnes said that he will take all of his scrap materials to the landfill and there will be no outside storage (all of the operation will be maintained within the building).

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.

- B. **ROBERT & JEAN KING**, Trinity, North Carolina, are requesting a Special Use Permit to operate an automotive repair shop in an existing building (23 x 40) at their residence located at 4417 Millers Mill Road, on 4.80 acres, Trinity Township, Zoning Map # 7715, Lake Reese Watershed, Zoning District RA.

King explained that he originally built the building for storage and for storage of his race car (he has now started working on street cars). King said that this is only a part-time business and he has Safety Clean pick up his fluids (for disposal). King said that all scrap will be kept inside and there will be no outside storage.

Dorsett asked how many cars would he be working on at any one time. King answered no more than 3.

Brown asked King if he plans to maintain his existing buffers. King answered yes.

Jean King told the Board that she wanted to speak in support of her husband and that they wouldn't allow any junk at the business. King said that they respect their neighbors and their own property.

There was no one present in opposition to this request.

Dorsett said that the property was very neat when he went by to visit the site. Dorsett said he felt this request should be approved with restrictions of buffers, operating hours, no junk cars, and a limit on no more than 5 vehicles (on the property for the business).

Craven made the motion, seconded by **Brown**, to **approve** this request for a Special Use Permit with the following restrictions:

**no outside storage

**maintain existing buffers

**no loud noise after 9 p.m.

**no junk vehicles or parts

**no more than 5 cars

The motion passed unanimously.

Due to several citizens entering the meeting late, the Oath was initiated again - 9 more citizens took the Oath.

- C. **TRINITY AMERICAN CORPORATION**, Archdale, North Carolina, is requesting a Special Use Permit for a planned business development to allow indoor & outdoor flea markets on 26.93 acres located at the end of Glenola Industrial Drive, New Market Township, Zoning Map #7737, Zoning District LI.

Abigail Pittman (consultant representing Trinity American Corporation), High Point, was present and explained the property owners intentions to lease the front 2 buildings of the property for a flea market. Pittman said that there is ample parking for this use, and there will only be 2 employees necessary to run the operation. Pittman explained that the vendors will set-up their goods on the tables provided in the facility and they will be sold by the operators of the flea market (the vendors will not be on-site selling their goods). Pittman presented a letter from Larry Coble, North Carolina Division of Water Quality, concerning sewage disposal. Pittman described this use as a less intensive use along this major thoroughfare. The flea market will operate 8 a.m. - 8 p.m. during the week and weekend hours will be shorter (the market will operate 7 days a week).

Johnson told Pittman that some of the concerns expressed have been the septic system, litter, and the number of people this could generate. Pittman said the property will be leased and general clean up will be the responsibility of the vendor and monitored by the property owner. Pittman added that Mr. Jackson (the person leasing the property) says that there will be approximately 100 customers visiting over a 12 hour day.

Dorsett asked how the remainder of the property would be used. Pittman said that the property is zoned for light industrial purposes and most likely will be used for warehousing. Pittman said she felt this would be a win-win situation for everybody. Dorsett said that it was his understanding that the manufacturing facility was closed down because of contamination and asked if anyone had looked into if this contamination still existed on the property. Pittman said she didn't know

but she could tell the Board that those agencies (involved in the closing of the facility) have looked into this issue.

Murray Skeen, real estate agent (for the property), said that the 2 proposed buildings were not used in the manufacturing of foam at any time. Skeen showed the Board (of the site plan) which of the buildings were used in the foam manufacturing process.

Dorsett said that, for the protection of the public, he would feel much better if someone could present a letter that could certify that the facility and grounds were safe to be used. Pittman asked Dorsett if he could make this a condition within the Special Use Permit (not postpone a decision).

Ronald Jackson and Rodney Norton, flea market operators, said that they have done a lot of work to clean up the property and the buildings. Jackson said they have painted the building (along with other cosmetic improvements) and want to plant shrubbery (and other landscaping) to have a nice place.

Johnson asked the flea market operators if they had checked with the building inspector to see if the buildings could be used for this type of occupancy and they said no but they would after tonight. Jackson said that they would begin in the small building with 90-100 vendors and expand their operation into the large building later.

Craven asked about the outside use. Jackson said that the tables would be along the backside of the small building and used only on weekends during the summer to sale things like lawnmowers and other types of small machinery (this would keep the facility nicer and cleaner).

Rodney Norton, Asheboro, said that they have spent a lot of time working on the building and trying to make it look nice. Norton said that they will be on-site and will be responsible to see to any concerns at the end of each day and all the tables will be cleared (outside) at the end of each day. Norton said they would not have any outdoor storage or any shacks or tarps over the tables. Norton said the vendors will bring their goods (inside the building) and leave and they will sale the merchandise for the vendors. Norton said there will be no shelving any taller than 5 feet so the visibility will be clear across the building. Norton said they will be on-site during the week and they will hire an employee to be at the location during the week (they will come by each day at the end of the day).

Walter Taber, South Land Drive, said that he lives within the evacuation area and that the largest of these 2 buildings was used as the fiber building and foam manufacturing was done within that building. Taber said that the foam manufacturing operation contaminated creeks, wells, grounds, etc. and he would like to know how the clean up process is coming along. Taber said that he was told by some of his law enforcement friends that flea markets have a lot of stolen merchandise and can bring in bad people. Taber said that given the history of their relationship with Trinity Foam he felt any request should be scrutinized. Taber said that he felt the environmental concerns should be answered before anything is permitted.

Doug Davis, Pastor of Glenola Baptist Church, 8330 Hwy 311, said that he was not there to speak in opposition but to voice a request that the Board restrict the hours of operation on Sunday from 1 p.m. to 6 p.m. and not allow it to operate during church hours (morning or night services). **Morton** asked Davis if this was their main concern and he answered yes.

Neville Leviner, 5650 Edgar Road, said that he has lived here for 20 years and discussed the health problems his wife, daughter, and son-in-law has due to Trinity Foam's operations. Leviner said the ground has not been cleaned up and there are pieces of this foam all over the grounds and wooded areas. Leviner complained of their (Trinity Foam) taxes being cut and other concessions he felt they had received by government (that he felt shouldn't have happened). Leviner said there are 4 churches within a 1/2 mile of this place and that the road wouldn't handle all the extra traffic. Leviner said he would like to see all the buildings and grounds dug up and hauled off. Leviner said that A.T.S.D.R. out of Atlanta closed them down and he felt they should test to see if the property is safe.

Finley Strickland, 781 Kennedy Road, Thomasville, said that his wife is disable (due to this operation) and who will pay if someone comes to this flea market and gets sick from the contamination that hasn't been cleaned up. Strickland said he is deeply in debt because of the medical cost that Trinity Foam has created for his family. Strickland said that he felt the Board should consider the hours of operation and the contamination on the property.

Keith Elkes, 5464 Elkes Place, said that the driveway going in off Hwy 311 won't handle 2 cars at the same time. Elkes said that if this was passed he thought they should be required to build an off lane and widen the driveway over the railroad tracks to handle the traffic. Elkes said that the property should be deemed safe before this is approved. Elkes said he felt there would be more people on a daily basis than what has been said and these markets can create an unsafe community by attracting a bad crowd.

Dorsett said he felt the property owners should provide certified proof that the property (grounds and buildings) is safe for public use for the community and the public that would be visiting the facility before the Board acts on this request. Dorsett said that we have an obligation to protect the public. **Pittman** asked the Board if they could make this a condition of the permit and allow her to provide the information to the Planning Department. **Johnson** said that this is a public issue and this should be provided to the Planning Board and discussed publicly. **Morton** said that he felt there should also be a letter required from N.C.D.O.T. about their access.

Dorsett made the motion to **delay action** on the request until such time that the applicant can provide the Board with certified proof that the property is safe for public use and a letter from N.C.D.O.T. approve the access to the property. **Craven** seconded the motion and the motion passed by a 6 to 1 vote - **Brown** voted against the motion.

6. REZONING REQUESTS:

- A. **PAUL KAUFMAN**, Siler City, North Carolina, is requesting that 19.00 acres (out of 51.46 acres), located on Hwy 64 East (property on left approx. 9/10 mile past Browns Crossroads Road), Columbia Township, be rezoned from Residential Agricultural to Light Industrial/Conditional Use. Zoning Map # 8732. The Conditional Use Zoning would specifically allow the manufacturing and sales of industrial trailers in a 60,000 sq. ft. building to be constructed on site. Property Owner: Earl Fitts.

Kaufman explained that he is 1/2 owner of a trailer manufacturing company in Silver Valley, Davidson County, that has 32 employees. Kaufman said that facility builds open style trailers and he wanted this proposed facility to build enclosed trailers. Kaufman said that he would like to construct a 60' x 100' building on the front of the property for sales and service/repair and then construct the larger manufacturing building in the back with a row of trees between the two buildings for buffering. Kaufman stated that this facility would employ 50 people and there would be no outdoor storage.

Jean Vollrath, 10435 U.S. Hwy 64 East, Staley, provided the Board with photos of the homes in this area. Vollrath expressed the following concerns:

**no public water/sewer for a facility of this size

**added burden on law enforcement with possible vandalism and burglary

**would not be in the best interest of the County to zone due to the strain it would have on County resources (fire, police, etc.)

**would draw more of the same type of development to an area with no public infrastructure

**effect it would have on land verses home values

**effect it would have on their rural agricultural lifestyle

Vollrath said that the Land Use Plan for Randolph County should protect their community for development like this. Vollrath said that she spoke with a real estate appraiser that told her that what would be best for the community would be high quality residential development. Vollrath told the Board that their house was placed on the National Registry of Historic Places in 1990. Vollrath said that our rural landscapes are disappearing and the wealth of history in this community is being destroyed. Vollrath said she realized that this is just one decision but that's where it starts and the only way to protect the historic preservation of this area is to protect the positive residential zoning of this area. Vollrath described businesses in the area that have closed (their craft shop and Duncan's greenhouses) and said that this is a terrible place for business ventures. Vollrath said that the road is a deterrent to businesses because of its traffic dangers. Vollrath said this property would be unable to get a cross-over when the four lane is built because it is within 1500 ft. of an intersection. Vollrath said that N.C.D.O.T. said that you couldn't get a cross-over if you are within 1500 ft. of an intersection.

Max Baldwin, 4308 Cedar Oak Wind, Raleigh, said that they owned 25+ adjoining acres and have the same concerns as the Vollraths. Baldwin said that this is his wife's home place and discussed environmental concerns (for wells in the area), noise, and appropriate buffers. Baldwin said he didn't feel the proposed 50 ft. natural buffer would be adequate. Baldwin discussed his concerns for how this would effect his wife's aunt who lives here. Baldwin said this would disrupt the community.

There were 7 citizens present in opposition to this request.

Kaufman said he would try to do his best to be a good business neighbor. Kaufman said he has spoken with Jeff Picklesimer, N.C.D.O.T. District Engineer, and has been told that a cross-over would be possible. Kaufman said that they are planning for an aesthetically pleasing business that would have a brick front with nice landscaping and they would be willing to have additional buffers if the Board felt they were necessary. Kaufman discussed the process in which the trailers will be manufactured and explained that the point booth is within the building and there should be no noise due to the insulation of the building. Kaufman said that he would prefer no hours restriction placed on the operation so that they could possibly run a second shift if the business does well instead of expanding the size of the operation.

Doris Baldwin, Raleigh (adjoining property owner, told the Board that if the request was approved she would respectfully request that the buffers be expanded to 100 ft.

Johnson said that this is always a tough decision when you have someone that appears to be a responsible business developer making a request in a primarily low density rural agricultural area this far away from any public infrastructure.

Craven said that every month they are faced with commercial requests on Hwy 64 and he is not against progress but from Ramseur to the Chatham County line there are probably no more than 3 businesses and after Browns Crossroads Road there are basically none. Craven expressed his concerns that this could be setting a precedence. Craven made the motion that they recommend this request be **denied** as out of character with the community. **Morton** seconded this motion.

Dorsett said that this type of operation should be located in a more appropriate area and in recommending that this request be **denied** would go along with the Land Use Plan for this area.

The motion passed unanimously.

- B. **WATKINS & MORRIS, INC.**, Ramseur, North Carolina, is requesting that 10.03 acres (out of 173.38 acres) located on the Northeast Corner of Highway 64 East and Eastern Randolph Road, Columbia Township, be rezoned from Residential Agricultural to Highway Commercial. Zoning Map # 8712. The property would be used for commercial purposes.

Wilson Alexander, Attorney for Watkins & Morris, was present and explained that his client has been approached to sale the property to an oil company for a gas station. Wilson said that there

are several properties in the area zoned Highway Commercial and they would like to market the property for commercial development. Alexander said that the property is located in an intersection with a stop light and that he felt this would be a fair use for the property. Alexander said that on 6 acres of the 10 acres would probably be useable due to topography.

There was no one present in opposition to this request.

Morton said that he felt this site is a more fitting location being this much closer to a public infrastructure. Morton made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- C. **ROGER AND LOUISE BYERS**, Asheboro, North Carolina, are requesting that 11.00 acres located on Hwy 64 (approx. 1/4 mile on right past Foxfire Road), Franklinville Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Zoning Map # 7791. The Conditional Use Zoning would specifically allow for the operation of a mobile home dealership and auto dealership with a 12 x 60 office to be constructed on site. Buffer Requirements: 75' vegetation buffer on South side; 50' vegetation buffer on East side; and an 8' fence on South property line.

Johnson explained that this request came before the Board a few months ago and the request was withdrawn before the Commissioners hearing. Johnson said that the request has been down sized because the applicant realized that he would be required to remove the residential structures currently being used on the property.

Jan Veach, American Way Realty, said that her client didn't want to have to move the residences (1 is a rental unit and the other is his son's). Veach said that she felt this request fit the area with it's close proximity to Brady Mobile Home Sales and that they have taken all the necessary precautions in contacting D.O.T. to see that they entrances would be safe and they have also spoken with the Health Department concerning the septic system.

Jerry Shackelford, 3105 Indian Springs Road, said that their concerns have not changed. Shackelford said he thought they had come to a previous agreement with their neighbor and now this agreement is gone. They were in-favor of the agreement they worked out with Byers. Shackelford said that the 100 ft. buffer has decreased to 75 ft. and the fencing along the entire back property line has been reduced. Shackelford said that they have seen some of the burned building being removed (but it is not complete) but the junk trailer still remains. Shackelford asked the Board to require Byers to stick to the agreement that had been agreed upon and move out the residences if your going to have a mobile home sales lot.

Charles King, Indian Springs Road, said that he agreed.

Terry Dezern, 3145 Indian Springs Road, said that he felt the request should not be allowed to change once the agreement was made.

Johnson asked Veach why the concerns that were raised at the last meeting were not addressed. Johnson said he believed this should have been done in the spirit of being a good neighbor.

Craven said that the motion was made the included a 100 ft. buffer along the south property line, 50 ft. buffer along the east property line, fencing, and removal of the 3 trailers and that it would be the entire 11 acres not reduced to 6 acres. Craven said he was concerned that the property being left out should be considered and that those conditions worked out at the last meeting (on this request) be met. Craven said he didn't feel anything less would be appropriate and for this reason he made the motion, seconded by **Dorsett**, to recommend to the Commissioners that this request be **denied**. The motion passed unanimously.

- D. **MARK AND APRIL CHRISTIAN**, Asheboro, North Carolina, are requesting that 1.77 acres located at 7733 US Hwy 220 South, Richland Township, be rezoned from Highway Commercial to Residential Agricultural. Zoning Map # 7665. The property would be used for multi-residential purposes.

Christian was present and explained his intentions to remodel this structure for his residence.

Johnson questioned Christian if his original intent was to use the property for multi-rental units. Christian said that he had considered many options but after discussing it with his family that live all around this property he decided not to make the property rental.

There was no one present in opposition to this request.

Dorsett made the motion, seconded by **Craven**, to recommend to the Commissioners that they **approve** this request for single family residential use. The motion passed unanimously.

- E. **RELENE BRADLEY**, Julian, North Carolina, is requesting that 6.90 acres located on Harold Meadow Road, Providence Township, be rezoned from Residential Agricultural to Light Industrial/Conditional Use. Zoning Map # 8708. Sandy Creek Watershed. The Conditional Use Zoning would specifically allow the operation of a diesel repair shop in an existing 100 x 80 building and a 70 x 30 building to be constructed on site.

Terry Shepherd, Hwy 22, Red Cross, provided the Board with a hand-out explaining the proposed operation. Shepherd said that the original property owner, Ray Bradley, was killed in July and he had helped him start this business 17 years ago. Shepherd said that owns his own business and no plans to merge with this business. Shepherd said he was doing this to help Bradley's daughter who now owns the property. Shepherd said that this would be a generator distribution business and will change from 100% repair business to a 70% sales business. Shepherd said they may have a piece of equipment outside but there would be no scrap outside storage.

Raylene Bradley was present and said that if the property were not rezoned should be have a 8,000 sq. ft. building that is worth nothing.

Bill Maerlender, High Point, said that he is the largest share holder of the business that will merge with Ms. Bradley's. Maerlender said that his business is Piedmont Power Products, Inc. and they are looking forward to moving their operation to Randolph County. Maerlender said that they are located in High Point currently and are a good clean business that has grown and needs more space. Maerlender said that they are primarily a distributor of generators and diesel engines.

There was no one present in opposition to this request.

Craven made the motion to recommend to the Commissioners that this request be **approve** to bring this non-conforming use into compliance so that it can expand. **Morton** seconded this motion and the motion passed unanimously.

7. The meeting adjourned at 9:33 p.m. There were 60 citizens present for this meeting.

NORTH CAROLINA

RANDOLPH COUNTY