

**MINUTES  
RANDOLPH COUNTY PLANNING BOARD**

**March 2, 1999**

There was a meeting held at 6:30 p.m., on Tuesday, March 2, 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 to Order the Randolph County Planning Board meeting 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; Lynden Craven, present; Al Morton, present; Tommy Boyd, present; and Phil Ridge, Alternate, present (filling vacant seat).
3. Tommy Boyd made the motion, seconded by Bill Dorsett, to **approve** the Minutes from the February 2, 1999, Randolph County Planning Board Meeting. The motion passed unanimously.
4. Hal Johnson made the following announcement: ***Trinity American Corporation notified the Planning Office yesterday at 2:30 p.m. to withdraw their request for a Special Use Permit to allow a flea market to operate on their property located at the end of Glenola Industrial Drive, New Market Township.*** Johnson apologized for not having time to notify anyone of this request being withdrawn. 4 people left the meeting.
5. **REQUESTS FOR PROPERTY REZONING:**
  - A. **KEARNS & MCDOWELL DEVELOPERS**, Asheboro, North Carolina, is requesting that 159.40 acres located on Snyder Country Road and Thayer Road, Tabernacle Township, be rezoned from Residential Agricultural to Residential Restricted/ Conditional Use. Zoning Map #7704, Lake Reese Watershed. The proposed Conditional Use Zoning District would specifically allow the development of a 104 lot residential subdivision restricted to site built homes, modular homes, or Class A mobile homes with permanent masonry foundations.

**Johnson** announced that the applicants had brought a new plan to the Planning Office today that reduced the number of lots from 104 to 86. The applicants said that this reduction was due to preliminary soil evaluations performed by a soil scientist.

**Reid Kearns** said that this proposed subdivision would be similar to Brookgreen Subdivision (a subdivision they are developing at the other end of Thayer Road) and he provided the Board with pictures of this development. Kearns said after preliminary soil evaluations were completed they reduced their number of lots from 104 to 86 and said that they have received a letter from N.C.D.O.T. approving both the Snyder Country Road entrance and the Thayer Road entrance. Kearns said they would only have two lots with driveway connections to the existing State Roads (they will be on Thayer Road). Each lot will be served by Davidson Water, Inc. and have individual septic tank systems. Kearns said that the existing stone house with a 3-bay garage will be cut out with the pond as a ten acre tract. Kearns provided the Board with the proposed deed restrictions (identical to Brookgreen).

**Johnson** asked Kearns if the property would be timbered. **Kearns** said that the only timber that would be removed would be for the road ways.

**McDowell** asked what the average lot size would be (among the small lots). **Kearns** said that the overall average is 1.75 acres with the minimum lot size of 40,000 sq. ft.

**Morton** asked what the minimum house square footage would be. **Kearns** answered that the average house size would be 1400 sq. ft.

**Jerry Neal**, 5492 Snyder Country Road, asked for those in the audience in opposition to this request to please stand - 73 citizens were present in opposition to this request. Neal Said that he opposed this request on two grounds:

1. The request violates the last will and testament of the Jackson's (former property owners) and the will of the people in this community.
2. The request violates the character of the community.

Neal said that this development would not be in the best interest of the people that live in this area. Neal presented a petition of opposition with 56 signatures from area residents. Neal said that the Jackson's built their home with rocks that they had gathered from the property. Neal said that they were extremely environmentally conscious and wanted to donate the property to the Zoo (upon their deaths) because they felt this would insure that the property would always be protected. Neal said that the last thing they would want to see this property become would be a high density development.

**Mark Peterson**, 5325 Snyder Country Road, presented letters to the Board from the Jackson's family. Peterson read portions of these letters to the Board expressing their concern. One letter stated that Mr. Jackson wanted to see the Zoo have the property to prevent this type of development like has occurred on other Thayer Road Properties (Thayer Plantation Property). Another letter commented her shock and dismay to receive word that the Zoo had sold the property for this type of development. She informed the community that at least 6 generations of their family had owned the property. She said that Jackson wanted the Zoo to have the property to protect the environmental aspects of the property. She spoke negatively of the irresponsible behavior of the Zoo Director and said that the family had never being contacted (by the Zoo) concerning plans for the property.

**Jerry Neal** said that the property was give to the Zoo with the assumption that the Zoo would take care of it. Neal said they had asked the Zoo to join the community opposing the proposed development request of the property. Neal said that they were told by Zoo Officials that they didn't want to get involved. Neal said that they "get involved" with protecting the environment in Uganda and refuse to "get involved" with protecting the environment in their own community. Neal said that the whole idea (of the Jackson's will) was to protect the environment. Neal discussed that the ashes of Mr. Jackson and at least one other family member has been spread on this property. Neal said that they can't change what the Zoo did but they can ask that the County allow the property to remain zoned RA to help protect the Jackson's wishes.

**Neal** said that this development would triple the amount of traffic on Snyder Country Road and would entirely change (drastically) the character of their community. Neal said they live here because they want to be in the country. Neal told the Board that he is represented by council, however Jon Megerian county not be at this meeting but would be in attendance at the Commissioners' Meeting in April.

**Peterson** provided the Board with a letter from an appraiser that states this would lower the property values in the area. Neal and Peterson said that the information would be more specific at the Commissioners' hearing.

**Keith Tucker**, 2058 Thayer Road, said that he has lived here since he was a small boy. Tucker said that when his father purchased the 13+ acres they live on (from the Jackson's), the Jackson's made it clear that they didn't want the property to be cut up and developed. Tucker said his father assured the Jackson's that he would not do this. Tucker said that Kearns & McDowell timbered Brookgreen (scalped it). Tucker said they say they will not timber this property but their past record shows they may. Tucker said that he would prefer to see 1500-1600 sq. ft. site built homes on larger lots (3-5 acres in size). Tucker discussed other area on Thayer Road being cut up for mobile home lots. Tucker said that the trash problems they have are unbelievable. Tucker discussed the traffic hazards they currently have and said this would only add to the problem. Tucker discussed how mobile homes depreciate and that he would like to see the community remain attractive as long as it can (instead of allow this type of development). Tucker added the over-crowding the school system is experiencing.

**Clark Stevens**, 2343 Thayer Road, told the Board that this would destroy what they all like about this area. Stevens said that they do have traffic problems and this would create a serious problem that D.O.T. would have to look at. Stevens said there is trash everywhere. Stevens said that if this is going to be developed he would like to see it developed in a positive direction instead of a negative one. Stevens said that site built homes create more tax dollars and the schools will need the money with this amount of growth. Stevens said this large mobile home subdivision would depreciate his property value.

**Mike Cavin**, 5596 Snyder Country Road, discussed a situation where his neighbor put a mobile home about 15 feet off his driveway. Cavin said that he is a good neighbor but this devalued his property. Cavin said this is not something that will just go away and to allow this large mobile home development would only add to his problems. Cavin asked the Planning Board to consider if this was going into their backyards before making the decision.

**Katherine Garrison**, 2308 Thayer Road, said that her grandfather, Sam Kindley, owned this farm at one time. Garrison said that this is a beautiful road (Thayer Road) and asked the Board to please protect this area.

**Dennis Farlow**, 2563 Thayer Road, said that he owns over 100 acres on this road and his brother-in-law owns over 250 acres. Farlow said that if this type of development keeps up this is what they'll have to do with their property. Farlow said that they are opposed to this request because it devalues everybody's property. Farlow warned the Board that if they allow this to happen it will be a mess.

**Kermit Hancock**, said that he has relatives that live on this road and that he watched the Jackson built this house with a lot of hard sweat.

**Dwight Loflin**, 5803 Snyder County Road, said that he is a motor grader operator for N.C.D.O.T. and that it is becoming more and more impossible to travel on our road system (here in Randolph County) on a tractor, motor grader, etc. Loflin said that Randolph County needs to look at the situation as a whole because we are about to reach or limit, we are growing out of our skins. Loflin said that developers are destroying and raping the land and Randolph County is going to have to look at this problem. Loflin discussed the problems that this is causing to the County's road and school systems.

**James Spainhour**, 1992 Ridgetop Court, said that he built a 1600 sq. ft. home on a five acre tract here and it has been appraised at \$122,000. Spainhour said that this type of development would lower his property value and its going to destroy this community. Spainhour said that he didn't want to see any riff raff moving in. Spainhour discussed the dangerous curve on the road.

**Jeff Southard**, 5442 Snyder Country Road, talked to the Board about the bad curve on Snyder Country Road and how these developers just stripped all the timber off at the Brookgreen Development site.

**Jim Morgan**, 1697 Skeens Mill Road, (lives on the adjoining back side of the property) said that he was proud of this community and described it as a beautiful area. Morgan said this would not be in the best interest of this community and asked the Board to take a close look at this request.

**Boyd Pierce**, 2919 Hoover Hill Road, said that there is already two trailer parks on Hoover Hill Road and if we keep putting trailers in its only going to hurt the schools and the tax base of Randolph County for many years to come.

**Al Morton**, Board Member, said that the Board need to keep in mind affordable housing for people in Randolph County. Morton said that some people can't afford anything else.

**Bill Dorsett**, Board Member, asked Johnson how the Land Use Plan showed the area for the future. Johnson said basically low density, large tracts, zoned Residential Agricultural. Johnson said that there hasn't been a pattern established.

**Lynden Craven**, Board Member, said that he was out there Saturday afternoon and parked in this curve on Snyder Country Road and he understood the dangers these people are trying to explain. Craven said that to allow this in this rural area would be totally detrimental to this community. Craven said he did agree with Morton (concerning affordable housing) but we needed to consider our Land Use Plan. Craven said that this proposal scared him and asked when this type of development would stop. Craven said that this is a beautiful area and he would answer the question Mr. Cavin (would you want this in your backyard) asked - no he wouldn't want this in his backyard.

**Dorsett** said that this Country was founded on "majority rules" and with this many citizens saying this would negatively impact their community, he felt the Board should listen. Dorsett said that of all that has been said tonight one gentleman said that if this type of development continues other large tracts (in this area) will have no choice but to be developed in this same way. Dorsett said that this decision would be setting a precedence in this community. For this reason Dorsett

made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be denied. The motion passed by a 6 to 1 vote - **Morton** voted against the motion.

**B. HARRY GRIFFIN**, Climax, North Carolina, is requesting that 57.10 acres located on Soapstone Mountain Road, Columbia Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Zoning Map # 8725, Sandy Creek Watershed. The proposed Conditional Use Zoning District would specifically allow the development of an 11 lot, Class A Mobile Home subdivision with permanent foundation. Property Owner: Doris Ferguson.

Griffin was present and provided the Board with the following information:

\*\*proposed restrictions

\*\*proposed road maintenance agreement

\*\*tax value of the property

\*\*location map

Griffin went over some of the proposed restrictions with the Board:

\*\*no hog, poultry, commercial livestock

\*\*1200 sq. ft. minimum home size

\*\*no junk vehicles

Griffin said that he hasn't purchased the property but he has had some preliminary soil evaluations done on the property. Griffin said that the property is unique because it lies off Soapstone Mountain Road and would not be visible from most existing residences. Griffin said this would be good for the community and an ideal situation. Griffin said that the property is currently appraised by the tax department for \$62,810. After development each of the 11 (5 acre tract) building sites would value around \$75,000. Griffin discussed in detail about the road maintenance agreement and explained that it would be enforced by the individuals that purchase the lots.

**Johnson** questioned if Griffin had received an easement from the property owner that he would need to cross. Griffin said that Helen Kivett now owns the property and she has agreed to give him an easement.

**McDowell** asked Griffin his involvement with the road once he sold the lots. Griffin said he wouldn't have any. McDowell asked him if he plans to set up a homeowners association to monitor the road maintenance. Griffin said he didn't have any plans but he had no problem with setting up an association if the Board felt he needed to.

Board members **Craven**, **McDowell**, and **Brown** expressed concern for the road maintenance.

**Dawn Fesmire**, 1780 Land Estates Drive, presented the Board with a petition of opposition signed by all the residents of J. Land Estates Subdivision. Fesmire said she would not be opposed to 1200 sq. ft. stick built homes but she is opposed to mobile homes. Fesmire also told the Board about having a lot of trouble with the bank because of being on a private road (while building their house). Fesmire said this would lower property values in the area and she expressed concern (if this was permitted) of this type of development continuing on other large vacant tracts along Soapstone Mountain Road.

**M. Vastock**, Land Estates Drive, said that they found out after they purchased their lot that they (the property owners along this road) were responsible for maintaining their road. Vastock said that they built their 2-story home for under \$90,000 and that stick built homes can be affordable housing. Vastock said that they drive 35 miles to work each day because they wanted to live in the Country.

**Curtis Smith**, 1708 Land Estates Drive, said that they have lived here for 13 months and this case has a lot of parallels with the previous case (Kearns & McDowell Request). Smith said that this is a long private road and would be difficult to maintain. Smith said that they are lucky because they have good responsible home owners on their road, their road is not as long as this proposed road, and they spent over \$6,000 this year in maintenance costs. Smith said that he was afraid if this was approved it would have a "domino effect" on adjoining large tracts - this could make it easier for them to also be developed with mobile homes. Smith said that the new area residences have been site built and this should represent a trend of housing type. Smith encouraged the Board to continue this type of housing (site built) in this area and that the appreciation of nice stick built homes would be a benefit to the County. Smith said that they also work in Greensboro (like Vastock) and that there is a market (there are many people) of people that would like to be able to raise their families in an area like this outside the city.

**Hoyt Williams, Jr.**, 6458 Sandy Creek Church Road, said they have lived on the large adjoining tract for 20-25 years. Williams said they are concerned of the trespassers this would create (on to their land). Williams said that they have chicken houses and livestock on their property and they are against the land being development in this manner. Williams said that affordable housing doesn't come on 5 acre tracts.

**Morton** said that private roads just don't work and he didn't think we should allow them.

**Boyd** agreed with Morton and said that homeowner associations don't enforce road maintenance agreements (it just doesn't work).

**Craven** said that he had a problem with private roads and that there are several large vacant tracts of land here and he felt the Board would be setting a precedence for the Sandy Creek area if this was permitted. For these reasons Craven made the motion to recommend to the Commissioners that this request be **denied**. **Morton**, seconded this motion and the motion passed unanimously.

- C. **J. C. & ROY SCARBORO**, Archdale, North Carolina, is requesting that 14.23 acres located at the end of Chase Drive, Tabernacle Township, be rezoned from Residential Agricultural to Residential Mixed/Conditional Use. Zoning Map #6783, Lake Reese Watershed. The proposed Conditional Use Zoning District would specifically allow the development of a 3 space mobile home park.

Roy Scarboro told the Board that this is a private road but they own it and they maintain in. Scarboro said that they were asking for 3 mobile homes to be allowed on a 14+ acre tract. Scarboro said that most of the housing entering this road (comes in from Davidson County) is mobile homes and they don't plan to ask for any more mobile homes sites (on this parcel) in the future. Scarboro said that they do have engineered plans to pave the road in the future.

J.C. Scarboro to the Board that he is a licensed general contractor but he wouldn't build homes here to sale because of the number of mobile homes in the area.

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

**Craven** made the motion, seconded by **Brown**, to recommend to the Board of Commissioners that the **approve** the request and restrict it to 3 mobile homes only. 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?"

3 people took this Oath.

**7. REQUESTS FOR A SPECIAL USE PERMIT:**

- A. **JIMMY OWENS**, Trinity, North Carolina, is requesting a Special Use Permit to obtain an auto dealer's license and the restoration of vehicles in an existing 30 x 40 building, (no vehicle sales on site and all junk vehicles will be contained within a privacy fence) located on 5.10 acres at 4782 Jordan Valley Road, Tabernacle Township, Zoning Map # 7714, Zoning District RA.

Owens told the Board that he would not have permanent storage of junk vehicles only build able cars would be located on-site. Owen said that the existing building is 300' off the road and there would be no car sales lot, all of the operation would be contained within the privacy fence. Owens said they have lived here 25 years and the property would look no different (if this was approved) as it does today. Owens said that there would be no sign at the road.

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

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

- B. **MICHAEL HURLEY**, Asheboro, North Carolina, is requesting a Special Use Permit to construct a 30 x 60 personal storage building for personal storage at his residence on 3.99 acres at 148 Spring Forest Road, Tabernacle Acres Lots 20 - 46, Tabernacle Township, Lake Reese Watershed, Zoning Map # 7712, Zoning District RA.

Hurley told the Board that they zoned a portion of his property for a cycle shop 6 years ago but this would be on the section of his property that his residence is on. Hurley said that this would be to store personal items (tractors, law mower, etc.) and would not have any connection to his business. Hurley said that he would be back later in the year to ask for an expansion of his business (add on to his building that his cycle shop is in).

Leroy Hunt asked about the kind of building he plans to construction. Hunt said that the private restrictions do not allow cement block to be showing. Hurley said that the building would have a brick foundation and metal siding.

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

- C. **JACK MILLER**, Greensboro, North Carolina, is requesting a Special Use Permit to construct a 32 x 50 accessory building (to be constructed before primary residence) on 5.40 acres located on Cedar Run Drive, Cedar Run Subdivision (property at end of cul-de-sac), Level Cross, Randleman Lake Watershed, Zoning Map # 7767, Zoning District RR-CU.

Miller said that he owns three houses in Greensboro and plans to sell two of them. Miller said that he would need this building to store the furniture from these houses until he finishes his new home at this location. Miller said once his house is completed he will use the building to store his personal antique cars. Miller said that he plans to build a 3500 sq. ft. home here and it nor his building would be visible from the road.

Johnson said that the Planning Office has received a letter from the developer of Cedar Run Subdivision that says this would not be in violation of any deed restrictions.

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

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

**8. ORDER DENYING SPECIAL USE PERMIT:**

**Brown** made the motion, seconded by **Craven**, to approve the following Order:

**COUNTY OF RANDOLPH**

## ORDER DENYING A SPECIAL USE PERMIT

The Planning Board for the County of Randolph having held a public hearing on February 2, 1999 to consider the following request for a Special Use Permit:

**ASSOCIATION OF HAPPINESS FOR ALL MANKIND**, Asheboro, North Carolina, is requesting a Special Use Permit for a Church Conference & Retreat Center to be located on 33.52 acres at 4368 Hwy 134 South, Union Township, Zoning Map #7656, Zoning District RA.

1. It is the Board's **CONCLUSION** that, if granted, the Special Use Permit will not be in harmony with the general purpose and intent of the ordinance and will not preserve its spirit. This conclusion is based on the **FINDINGS OF FACT** listed as the following:
  - A. Over 30 people attended the public hearing to express their objection to expansion of this facility on 33 acres as not being in harmony with the community. No detailed information or analysis was provided by AHAM to indicate the proposed Conference & Retreat Center would not lower property values.
  - B. No specific plans were presented by AHAM to discourage guests from trespassing on adjoining properties.
2. It is the Board's **CONCLUSION** that, if granted, the Special Use Permit will not secure the public safety and welfare and will not do substantial justice. This conclusion is based on all of the **FINDINGS OF FACT** listed above, as well as the following:

Although a general site plan prepared by the County Planning Department was presented by AHAM, the Board concluded that a more detailed site plan indicating specific parking and egress, ingress patterns would be necessary in order to adequately secure the public safety.

**THEREFORE**, on the basis of the foregoing, **IT IS ORDERED** that the application for a Special Use Permit be denied.

The motion passed unanimously.

9. **Johnson** updated the Planning Board concerning the Broadcast Tower Request filed by Our State North Carolina. Johnson said that when the case went to Randolph County Superior Court the Judge Order the case to be heard again by the County Planning Board (Johnson said that he didn't Order the County to issue the permit) because he felt that there was insufficient evidence given by the opposition to deny the permit. Johnson informed the Board that it should be coming back to their agenda within the next few months.

Johnson told the Board that the Planning Office has recently received many inquiries of proposed cellular and broadcast towers sites in the County. Johnson said that one company has brought a plan of 8 tower locations and we have received 5 additional possible sites. Johnson said that since 1987 the Planning Board has been making decision on a case by case basis. Johnson said that with this many requests continuing to come in, Randolph County needs to take a closer look at how we handle tower requests. Johnson said that for this reason he has been placed on the Commissioners' April Agenda to formally request a 90 day moratoria on new tower requests so that this matter can be studied.

10. The meeting adjourned at 9:09 p.m. There were 104 citizens present for this meeting.

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**NORTH CAROLINA**

**RANDOLPH COUNTY**