

MINUTES
RANDOLPH COUNTY PLANNING BOARD
September 14, 1999

There was a meeting held on Tuesday, September 14, 1999, at 6:30 p.m., 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, present.
3. **Craven** made the motion, seconded by **Boyd**, to approve the Minutes from the August 3, 1999, Randolph County Planning Board Meeting. The motion passed.

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?"

16 citizens took this Oath.

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

A. **RANDOLPH COUNTY BOARD OF EDUCATION**, Asheboro, North Carolina, is requesting a Special Use Permit to allow the construction of a new elementary school to be located on Southmont Road, 24.84 acres, Cedar Grove Township, Zoning Map # 7649, Zoning District RA.

Bob Scherer, Assistant Superintendent, stated that this would be a K-5 Elementary School, with a capacity of 750 students, similar to the new Level Cross Elementary School. Scherer stated that this new school would be to create a new district that would help with the over-crowding problems at Seagrove and Farmer Schools. Scherer said there are currently 11 mobile classrooms at Seagrove and 7 at Farmer. This facility would be served by city water and sewer services and the construction would begin early next calendar year. The school is projected to open in August 2001.

McDowell asked what the Seagrove and Farmer Schools design capacity is and how many students currently attend. **Scherer** said that Seagrove was designed for 600 students and currently has about 1000 students. Farmer was also designed for 600 students and has about 800 students in attendance.

Morton asked if there had been any traffic studies for this location.

Scherer said that he has talked with the N.C.D.O.T. and they have given him a preliminary approval.

Dorsett asked the safety measures considered for the new school. **Scherer** said that cameras and alarm systems have been placed in all existing and new schools. All the doors are locked from the outside (except a single front door) with crash bars for exiting. Scherer discussed the design of the parking areas to assist with keeping traffic off Southmont Drive.

Johnson asked if Scherer felt there would be a problem of transfers (Asheboro City School Students) with this school being located so close to the City School System. **Scherer** said that he couldn't answer that - that he wouldn't know until the facility was actually built.

There was no one present in opposition to this request.

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

B. RANDOLPH COUNTY BOARD OF EDUCATION, Asheboro, North Carolina, is requesting a Special Use Permit to allow the construction of a new middle school to be located on Pleasant Union Road, 62.40 acres, Lake Reese Water Critical Area, Tabernacle Township, Zoning Map #7701, Zoning District RA.

Scherer explained that this would be a middle school to help with the over-crowding problem at Southwest Middle School (where they are adding 2 mobile units this year). The school will be designed to accommodate 750 students and construction could begin in early next calendar year. Scherer said that the school would be open in August 2001.

Johnson said that he had received calls concerning this location and discussed the 2 concerns raised by area citizens:

1. The roads going to and from this location are extremely hilly, curvy, and far from anything.

Scherer said that they were looking for a location between Tabernacle and Farmer. Scherer said that this road has been recently paved and D.O.T. has given a preliminary approval to the location. Scherer said that they looked at several different locations but they were able to purchase this site for \$3000 per acre. Scherer said this was not their first choice but it was the only one they could afford. The other sites were \$10,000 to \$20,000 per acre. Scherer said this site will be served by Davidson Water.

2. There were concerns raised about the property to the rear of this site being used frequently for hunting. Johnson asked what provisions have been made to ensure safety.

Scherer said they plan to fence one side of the facility and could consider fencing both sides of the property but they will have a resource office on-site. **Johnson** asked Scherer if he was saying the resource officer would be aware of the possibilities. Scherer answered yes.

C.J. Bossong, Westmont Drive, Asheboro, asked if the school had closed on the purchase of the property. **Scherer** answered yes. Bossong said that they do a lot of deer hunting on their property (adjoining the school's property) and use high powered rifles. Bossong said that his main concern was about safety and asked if the school could leave a 150' natural buffer and fence this area.

Randall Loflin, Pleasant Union Road, said that he has lived out in the country all his life and there are only 3 buses that travel this road and approximately 100 cars per day. Loflin said if this was approved these numbers would increase tremendously. **Scherer** said there would only be 6 or 7 buses and approximately 400 cars (not counting staff). **Loflin** said they will be bring the city out here to us. Loflin said if he wanted to be in the city he'd get a room at the Comfort Inn to watch this kind of traffic. Loflin expressed concern for the sewer system being located so close to the reservoir (Loflin discussed septic problems that other schools have experienced). Loflin said this school will take them out of their countryside.

Jackie Carter, 861 Fritz Farm Road, expressed concern of the danger of hunting this close to a school and also his concern of the runoff from this property to his. Carter said he would like to see it put somewhere else.

Calvin Yates, Pleasant Union Road, stated his concern of the number of cars using the road in the mornings and afternoons on this curvy road. Yates said that they have purchased 60+ acres and he heard they may possibly built a high school in the future. **Scherer** said there are no plans of a high school in the future. Yates said that he did agree we needed schools for our kids but he didn't feel this is appropriate on this secondary road.

Peggy Martin, Pleasant Union Road, said that they moved this far out to be out of town. Martin said that she felt there should be more investigation to allow the County Planning Board to have another site to look at also.

Edward Laughlin, Pleasant Union Road, said that he owns a chicken (eggs) operation and that there are tractor trailers on this road everyday. Laughlin said he is concerned because the trucks must back into his operation of this road. Laughlin

said this is not a good place for this school. Laughlin said he understood that the people who sold the school this land owns more land on Jackson Creek Road that they would sell that he felt would be more appropriate for the school.

Bob Scherer said that there are no plans for a high school here. Scherer said that there is not enough land due to watershed regulations to construct a high school in addition to this school. Scherer said that there will be no student drivers at this middle school, no night ball games so there are no lighted fields. Scherer said that the gentleman that sold them this land didn't offer to sell them any property in any other area. Scherer said that there will be a 150' buffer at the back of the property.

Dorsett said we haven't seen this large a group in opposition to a school site and we would be wise to listen to those that know this community first hand. Dorsett said that this would be a quick fix to the School's problem but the first child shot by a high powered rifle would make us all regret this. Dorsett said that if you oppose the schools you are branded a villain but he guessed he would just have to be a villain because he had real concern for the safety of the children.

Morton said that the road concerned him a lot and his daughter would be the first class to attend school here.

Ridge said that his big concern was of the roads and the one-lane bridge on Jackson Creek Road. Ridge said he didn't feel this area had good traffic patterns and he would like to see the school located in a higher growth area. Ridge said he didn't feel this is a good area.

McDowell said this is a difficult situation. McDowell said 1) we've got to have a school in this area, 2) the road is not a good road and the traffic count will increase, and 3) there needs to be a good buffer because there is a lot of hunting that goes on here but this are responsible hunters. McDowell said there are pros and cons to this issue.

Craven said that all secondary roads in Randolph County area curvy and hilly but that is the nature of this area.

Dorsett said he felt if we put the school here we would be putting the children in to danger.

Morton said he felt D.O.T. needed to make changes such as turn lanes, etc.

Boyd said as far as the hunting issue he didn't see why the County couldn't fence the 8 acres being used for the school.

Dorsett said that a fence wouldn't stop a bullet.

Ridge said that given the concerns of the roads he felt the Board should hear from someone from N.C.D.O.T.

Craven said he would like to hear from the School Board and know there thinking and how they decided on this location.

Dorsett made the motion, seconded by **Craven**, to delay there decision for one month to allow for the Schools to answer the concerns that have been raised. The motion passed unanimously.

Johnson told Scherer that this request would be scheduled on next month's agenda. **Scherer** asked the Board to be aware that due to funding, there are certain windows of starting construction.

C. **AL MCBRIDE**, Randleman, North Carolina, is requesting a Special Use Permit to construct a 40' x 50' personal storage building for classic cars at his residence located on 1 acre at 1146 Providence Church Road, Oak Ridge Estates, Lot # 1, Providence Township, Polecat Creek Watershed, Zoning Map # 7777, Zoning District RR.

Johnson said that this had been before the Board back in February 1999 and at that time McBride withdrew his request.

McBride said that at that time he didn't realize that he needed to have his building plans approved by the developers of the subdivision. McBride said that since that time he has done this and also talked with the neighbors to assure them of his intentions for this building. McBride said that he will not have any commercial operation in this building, it will strictly be used for storage and his personal classic cars.

Tim Pheagin, 1156 Providence Church Road, said that he hasn't ever had better neighbors. Pheagin said that there is no business operated here, no noise, and they are very quiet people. Pheagin said that he would have no opposition to this and he felt the structure would increase the property values in the area.

Vance Davis, Providence Church Road, said that they are very neat and would not do anything that wasn't in-keeping with the neighborhood.

Don Osborne said that he was not opposed but if there was a property owner change how would this agreement with McBride be enforced. **Johnson** explained that a Special Use Permit is for a specific activity and the Zoning Code Enforcement Officers would enforce that.

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

D. ROY POPE, Trinity, North Carolina, is requesting a Special Use Permit to obtain an auto dealer's license to display four (4) vehicles and to construct a 30' x 50' personal vehicle storage building at his residence located at 5578 Snyder Country Road on 2.5 acres, Lake Reese Watershed, Zoning Map # 7704, Zoning District RA.

Pope said that this would be more like a storage building and a hobby shop were he would build kit cars (36 Fords, etc.). Pope said that he would have no more than 4 cars, no employees, and presented a petition of 36 signatures of property owners in the area that had no opposition to this request.

David Smith, Riverside Acres, said he didn't feel there would be anything wrong with what Pope is wanting to do.

Jon Megerian, Attorney representing Jerry Neal (Adjoining Property Owner), said that there has been no evidence presented by the applicant to say that he has met any of the 4 tests required for issuance of a special use permit. Megerian said that he wants to construct a 1500 sq. ft. building that he is going to work on cars from and operate a small auto dealership. Megerian said that the reason he is asking for only 4 cars is he only had room for 4 cars. Megerian presented pictures of the sharp curve in the road, the rollback in front of his residence, and the several cars he already has in his driveway. Megerian said that the concrete blocks are there and Pope has begun construction without a building permit. Megerian said that the most important issue is where or not this would not substantially injure the adjoining property values. Megerian said that this burden is on Mr. Pope to prove. Megerian presented the Board with a letter from a certified appraiser that states this would hurt the adjoining property owner values. Megerian said you have pictures of farms in the area. Megerian said this area has farms and residences and this would not be close to being in harmony with this area. Another test required to be met is that he meet all conditions and specifications. Megerian said that he started construction without proper permits.

There were 8 citizens present in opposition to this request.

Andrew R. Pope said that he owns an adjoining vacant tract of land and his concern is about how this business will effect his property values.

Mike Cavin, 5596 Snyder Country Road, said that the property is only 2.50 acres and he already has a mobile home, 2 large trailers, a rollback truck, a dump truck, a house, and several cars. Cavin said he felt this is over-crowding the property. Cavin said that Pope is a good person and neighbor but he should find another place for his garage and business.

Michelle Cavin, 5596 Snyder Country Road, said that she sells real estate and said that this would decline the property values by at least 20%. Cavin said there are no other businesses on the road.

Angela Cavin, 5596 Snyder Country Road, said that the way he has maintained the property in the past shows how it will be kept in the future.

Brown made the motion the deny this request for a Special Use Permit based on the Findings of Fact that the location and character of the use if developed according to the plan as submitted and approved will not be in harmony with the area in

which it is proposed to be located and not in general conformity with the Land Development Plan for Randolph County. **Craven** seconded this motion and the motion passed unanimously.

6. REZONING REQUESTS:

A. **PUGH OIL COMPANY, INC.**, Asheboro, North Carolina, is requesting that 10.03 acres located on the Northeast Corner 64E/Eastern Randolph Road, Columbia Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional use. Zoning Map # 8712. This proposed Conditional Use Zoning would specifically allow a proposed Planned Business Development.

Pugh discussed his plans to use the property for an commercial development. Pugh said that the timber was cut by the previous land owners. Pugh said he plans to have 1 entrance on Eastern Randolph Road and 2 entrances on Hwy 64. Pugh has plans for a 6' fence (slatted) all the North and East side of the property and also vegetation and attractive landscaping. Pugh said the drives would be curbed and guttered. Pugh said that D.O.T. has approved the road entrances and he has a permit for his erosion control plan.

Gary Huston, 8189 U.S. Hwy 64E, questioned the type of security and how this would impact this residential community with a school. Huston questioned if this would be served by public water and sewer services. Huston talked about the problems the community already has with the shootings and drug trafficking already going on within the mobile home park across the street. Huston expressed his concern of how this would effect the property values in the area.

Pugh said that he felt they were proposing more restrictions than what would probably be required. Pugh said they have a lot of security measures that include lights, cameras, and more. Pugh said he has talked with D.O.T. and they have approved the entrance of Eastern Randolph Road but due to their own concern for the school they have only proposed 1 entrance. Pugh said they were trying to get water and sewer services from Ramseur. Pugh said they are willing to pay their fair share of the cost.

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

B. **JOHN & KATHY HILL**, Archdale, North Carolina, are requesting that .31 acre located at the corner of Artisan Avenue/Clayton Street, Trinity Township, be rezoned from Residential Mixed to Highway Commercial/Conditional Use. Zoning Map # 6798. The proposed Conditional Use Zoning would specifically allow restoration and storage of classic cars in a 30' x 60' building to be constructed on site (with setback variances of - front setback 29' instead of 50' and rear setback 1' instead of 25').

Hill said that they are Carolina Wrecking Service but this building would be only for personal storage of their antique cars. Hill provided the Board with letters from adjoining property owners in support of this request.

Dorsett asked about the cars that are on the property now. Hill said that they would be removed - they are just over-flow from their business lot .

There was no one present in opposition to this request.

Dorsett said that he felt this would be entirely appropriate for this area. Dorsett made the motion to recommend to the Commissioners that this request be approved with the restriction that the lot not be used for "overflow storage" and all the storage on the lot be maintained in the building. **Brown** seconded the motion and the motion passed unanimously.

C. **GARLAND FERGUSON**, Staley, North Carolina, is requesting that 55.50 acres located on Soapstone Mountain Road, Columbia Township, Sandy Creek Watershed, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Zoning Map # 8714. The proposed Conditional Use Zoning would specifically allow the development of a fourteen (14) lot subdivision for site built homes and off-frame modular homes with a minimum of 1,300 sq. ft. Property Owner: Ernest Dark.

Johnson reminded the Board that this request originally came to them far more dense than this proposal.

Ferguson said he is now requesting that just the 5 road frontage lots be zoned and the remainder not be included in this request. Ferguson said that they listened to the comments from the adjoining neighbors. Ferguson said he originally asked for 47 lots, then reduced that number to 25 lots, and now he is requesting only 5 lots.

Leslie Thompson, 2050 Soapstone Mountain Road, told the Board that Ferguson said that he couldn't make enough money to reduce the size of his project and how will he make it now off of just 5 lots. Thompson said that if he gets this property of only 8 acres rezoned he will be "getting his foot in the door" and he will be back. Thompson discussed their water problems they have that they feel have been created by the old abandoned landfill. Thompson said that Sony Bullard, Manager of Liberty, said that there is nothing there to be concerned about and they were told by John Kime, Former Manager of Liberty, that there were no records kept at that time. Thompson presented a water test result form that they felt proves the landfill has contaminated their ground water. Thompson discussed studies on the EPA Registry (similar to this case) and the history of this old landfill (the types of things that were dumped there, for how long, etc.). Thompson said that the water test results recognizes 59 of the 67 chemicals recognized by the EPA to be located in landfills. Thompson described themselves as a scared community that needs answers. Thompson talked about the number of people in the area with cancer, tumor growths, cyst growths, and other health problems that doctors can't explain. Thompson said they don't feel it is safe here for them or anyone that may move in. **Johnson** asked Thompson if they had expressed any of their concerns to the Public Health Department - **Thompson** answered no. **Johnson** asked why they were bringing this to a Zoning Board instead of the Board of Health. Johnson said told Thompson that what she is discussing is Public Health issues that should be taken care of by the Health Department and the Board of Health. Johnson explained that this Board must look at this on the issues of zoning and subdivision ordinances. **McDowell** explained to Thompson that the property owner could but 3 mobile homes on this property as it is zoned now with out asking anyone's permission, but if this request is approved he would be restricted to only 5 lots with site built homes.

Doug Meachum, Soapstone Mountain Road, said that he chose this area because it is secluded and expressed his concern about this changing their lifestyle. Meachum expressed concern for the lot sizes.

Dorsett said that a while back there was an ordinance that was proposed that would have answered some of your communities concerns. Dorsett asked why they didn't support this proposal that came before the Commissioners. They said they didn't know about it but if it ever came up again they would be here to support it.

Hoke Hahn, Soapstone Mountain Road, said they didn't know what to do with government, because everyone wants to "pass the buck". Hahn said that they have a major health care issue here. Hahn said that tonight you approved a gas station at a school intersection when there are already 2 stations in Ramseur a town that is served by the water we are concerned about.

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

D. **BROCK AGEE**, Asheboro, North Carolina, is requesting that 11.36 acres located on Foxfire Road, Grant Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Zoning Map # 7781. The proposed Conditional Use Zoning would specifically allow the development of a six (6) lot subdivision for Class A double-wide mobile homes on permanent masonry foundation (no older than 3 years). Property Owner: Charles Pugh.

Agee described the adjoining land uses as manufactured housing and explained that the smallest proposed lot is 1.17 acres. All the lots have good access and they will not be any clear-cutting of the property. Agee went over a few of the proposed restrictions:

**minimum 1200 sq. ft.

**no homes older than 1 year

**permanent masonry underpinning (stone or brick only)

**no junk cars, poultry or swine

**owner occupied lots only (no rental lots)

Eva McClelland, adjoining property owner, said that she has a family care home here that opened in 1997. McClelland discussed the problems with theft in the area and from the people that live in the mobile home park on Kindley Park Road. McClelland discussed vandalism problems, etc. McClelland discussed the auto wrecks on this road. McClelland said there are already 4 parks on Foxfire Road and this would be the 5th one on a road that's only 3 miles long.

Morton said that they could put 3 single wide mobile homes here without coming to this Board and they are just asking for 6 lots for double wide mobile homes with permanent foundations.

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

E. **HARRY STALEY**, Franklinville, North Carolina, is requesting that 21.67 acres located on NC Hwy 22 South (approx. 2/10 mile past Gracewood Road), Columbia Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Zoning Map # 8701. This proposed Conditional Use Zoning would specifically allow the development of an eleven (11) lot subdivision for site built homes with a minimum of 1,400 sq. ft. Property Owner: William and Nancy Moffitt.

Staley said that this would be for site built homes and off-frame modular homes only.

Johnson said his only concern is the flag lots that have been proposed. Johnson said that this will be 3 tracts served by 1 driveway. Johnson said he has received a letter from the Town of Ramseur with this same concern.

Patsy Woodruff, Agent for Ms. Moffitt, said that they want to have a nice residential neighborhood and asked Johnson to suggest to them what would be a good design. **Johnson** said it appeared that there was enough road frontage to obtain this same number of lots with only 1 flag lot.

Craven made the motion, seconded by **Dorsett**, to recommend to the Commissioners that this request be **approved** with the restriction of each lot having 100 ft. with the exception of 1 flag lot. The motion passed unanimously.

F. **FRANK LAMB**, Asheboro, North Carolina, is requesting that .49 acre located on Boundary Drive, Forest Park Subdivision, Lot 62-63, Randleman Township, be rezoned from Residential Restricted to Residential Mixed/Conditional Use. Zoning Map # 7764. This proposed Conditional Use Zoning would specifically allow the placement of one single wide mobile home. Property Owner: John Marley.

Lamb presented pictures of the mobile home he plans to move to this lot and said that legally he could move an old 1977 double-wide home here but he wants to but a new single-wide here. Lamb said when he purchased the lot he didn't realize you couldn't put a single-wide on the property because there are single-wides in the area.

There was no one present in opposition to this request.

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

7. Private road name request by the family of Joe Farlow. Johnson explained that this paved road is located off Business Hwy 220 South (on the west side - see file in Planning Department for exact for location) and the family would like it named Joe Farlow Road. **Morton** made the motion, seconded by **Brown**, to name this private road Joe Farlow Road. The motion passed unanimously.

8. The meeting adjourned at 10:12 p.m. There were 62 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**