

**MINUTES**  
**RANDOLPH COUNTY PLANNING BOARD**  
**November 2, 1999**

There was a meeting held at 6:30 p.m., on Tuesday, November 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; Tommy Boyd, present; Lynden Craven, present; Al Morton, present- Phil Ridge, present; Larry Brown, present; and Mark Brower, Alternate, present.

3 . **Brown** made the motion, seconded by **Craven**, to approve the Minutes from the September 28, 1999 and October 5, 1999, 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?"

7 citizens took this Oath.

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

A. **TERRY LEMONS**, Archdale, North Carolina, is requesting a Special Use Permit to allow a rural family occupation/contractors storage facility (40 x 100 building) to be located at his future residence on Cedar Square Road, approximately 9.50 acres, Randleman Lake Watershed, New Market Township, Zoning Map # 7748, Zoning District RA. Property Owner: Stacy Shepard.

**Lemons** explained he is a small business and in the future he plans to construct his home and pond on the back portion of this lot. Lemons said this would be a nice building (not an eyesore) and be used to store a dump truck, track loader, and bobcat. Lemons employs two workers and they would only meet here in the mornings to work. Lemons said that there will be no plumbing in this storage building. Lemons said that the property doesn't perk in the front and this is why he plans to put it on the front portion of the tract.

**Earl West**, Archdale, said that he owns lots on Cox View Road (adjoining this property on the south side) that would not perk and he just wanted to know how Lemons got his property to perk. West said he was told that property wouldn't perk. **Lemons** said that his property wouldn't perk but he was able to swap land with an adjoining land owner that did perk.

**Brown** asked Lemons if he would consider changing the request to have the business at the back of the property. Brown said he didn't feel this would be a problem. **Lemons** said that he couldn't move the business to the back due to the topography of the land. **Brown** expressed concern that Lemon's residence would be buffered from the business but the rest of the community would not.

**Morton** said that he felt there should be a buffer required along the front and the south side of the property.

**Morton** made the motion to **approve** this request for a Special Use Permit with the requirement that a buffer be worked out with the Planning Staff for both the east and south property lines. **Ridge** seconded this motion.

**Dorsett** said that he felt the driveways should be combined so the buffer would not be interrupted along the road frontage. **Lemons** agreed to do away with the circle drive (with 2 entrances) and have only one drive entrance to the storage building.

The motion passed unanimously.

**B. DONALD BOWICK**, Trinity, North Carolina, is requesting a Special Use Permit to obtain an automobile dealers license in an existing 32 x 24 building with the display of 3 vehicles to be located at his residence at 5031 Pliney Farlow Road, 1.61 acres, New Market Township, Zoning Map # 7736, Zoning District RA.

**Bowick** explained that he would like to obtain a dealer's license but not operate a full fledged dealership. Bowick explained that this is just a hobby for him. Bowick said that he would probably have no more than 1 to 2 cars and they would be placed behind the privacy fence on his property. Bowick said he has spoken with his neighbors and they don't have a problem with this. Bowick went on to say that he wouldn't have any other signs than what DMV requires.

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

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

\*\*limit of 3 cars

\*\*limit sign to only that required by DMV

\*\*no outside storage

The motion passed unanimously.

**C. JOSEPH CRIPPS**, Denton, North Carolina, is requesting a Special Use Permit to obtain an automobile dealers license with the display of 5 vehicles to be located at his residence at 6820 Brantley Gordon Road, 1.06 acres, Concord Township, Zoning Map # 6688, Zoning District RA.

**Mildred Cripps** was present and explained that he husband has been sick therefore she would be representing him. Cripps said that they own 6 acres of land here that has 3 driveways, a double-wide mobile home, 18' x 20' building, and 10 x 10 building. Cripps said that she has spoken with 2 adjoining neighbors (one being her father-in-law) and they have no objections to this request. Cripps said that her husband's parents, her mother, her husband, and herself are all disabled and they are unable to work an 8 hour day. Cripps said they just wanted to be able to make a living. Cripps said that if they couldn't do this they would just put wells & septic systems in for trailers on their property.

**Johnson** explained to Cripps that this would not be an option unless this Board approved a Special Use Permit for that use. Johnson told Cripps that her property seems out of character of this beautifully scenic community. Johnson said that you can't miss this property and asked Cripps how many junk vehicles to they have stored on the front portion of this property. **Cripps** said that there were 10 cars and there are only 5 now. Cripps said that she didn't realize that you couldn't have just anything you wanted on your own land out in the country. Cripps said she was made aware that she was in violation of the zoning ordinance by the Zoning Code Enforcement Officer. Cripps said since this time they have removed 5 of the junk cars and the remainder will be moved by this Saturday. Cripps said she just wanted to be able to purchase reasonable cars from Mendenhall Auction but they will not be junk cars.

**McDowell** asked Cripps how long she has had these junk cars here - **Cripps** answered since June of this year. Cripps went on to say that she owns 8 personal cars and 2 motorcycles and has 2 sons that have 2 cars each.

**Cripps** said that she would like to gravel the front area after she cleans it off and put a small sign that says Farmer Auto Sales.

**April Whitley** said that she and her husband owns 46 acres that they purchased from the Cripps' in-laws. Whitley said that there property surrounds this site. Whitley described their plans to construct a \$400,000.00 home and put cows on the property. Whitley expressed concern for possible pollution of Tom's Creek and the underground water source. Whitley said that the property is already unsightly.

**Reed Craig**, Brantley Gordon Road, said that he owns 25+ acres and has a brick home here. Craig said that he like their countryside and wouldn't want to see a precedence set by allowing commercial activities. Craig talked about the large amount of junk already on the property.

**Kurt Bayola**, Golden Lane, said that this property is an unsightly mess in this nice residential agricultural area. Bayola said he would like to see the area remain residential. Bayola said that the only business in the community is Mike's Automotive which was there before any zoning regulations. Bayola said that business is always kept clean.

**Joyce Leviner**, 6853 Brantley Gordon Road, said that she felt for this family with all their health problems but she felt the property should remain residential.

**There were 4 citizens present in opposition.**

**Cripps said that the property will look nice once they have all the junk vehicles removed and that they would take care of the property.**

**Morton said he didn't feel the applicant had passed the 4 tests required to issue a Special Use Permit.**

**Brown made the motion to deny this request for a Special Use Permit based on the fact that the following 2 tests were not proven by the applicant:**

**1. That the use would not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.**

**2. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to locate and in general conformity with the Land Development Plan for Randolph County.**

**Craven seconded this motion.**

The motion passed unanimously.

## **6. REZONING REQUESTS:**

**A. RESIDENTS OF FREEDOM PARK SUBDIVISION**, Asheboro, North Carolina, on behalf of the majority of property owners located with Freedom Park Subdivision, is requesting that approximately 13.67 acres of the subdivision located outside of the City of Asheboro zoning Jurisdiction off Hwy 159 on Freedom State Street, Grant Township, be rezoned by the County from Residential Agricultural to Residential Exclusive/Conditional Use. This proposed Conditional Use Zoning would specifically allow this portion of Freedom Park Subdivision to allow only site built homes as consistent with that portion of the subdivision located within the City of Asheboro Zoning jurisdiction. Subject Property: Freedom Park Subdivision.

**Mark Johnson**, 3640 Zoo Parkway (Freedom Park Subdivision), explained that he lived in the Randolph County Zoned section of Freedom Park Subdivision. Johnson said that he wanted the City to zone the remainder of this development. Johnson said that a double-wide mobile home has been placed in their portion of the subdivision and if this type of development is allowed to continue it will lower their property values. Johnson said that he purchased his home here a year ago and was given restrictions that prevent this type of development. Johnson said that they now realize that there was some kind of mistake made when the restrictions were renewed that made them invalid. Johnson said that this type of development is out of character for their neighborhood and they would like to prevent any more mobile homes from being moved in.

**There were 14 people present in favor of this rezoning request.**

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

**Hal Johnson** explained to Johnson that this would be a rezoning (in approved) by the County and not the City. Johnson said that it was his understanding that the private deed restrictions originally placed on this development did not allow manufactured homes. Johnson said that in 1993 these restrictions expired and the property owners (of Freedom Park Subdivision) thought they had renewed them at that time. Johnson said for some legal reason they were not properly filed therefore they were not in effect. Johnson explained that Asheboro didn't take in all this subdivision (in to their extra-territorial zoning jurisdiction) and the remainder of the development was zoned RA and E- I by the County, therefore mobile homes were allowed. Johnson said that the County Attorney has said there is very little the County can do about the mobile home that was placed in this development because the permit is a legal permit. Johnson said in fact there is an additional lot that has permits to develop as a mobile home lot. If this request is approved for re-zoning , it will give the protection on those lots that no permits have been issued on. Johnson said that he was not sure what the County could do about these two lots that already have permits.

**Dorsett** made the motion, seconded by **Craven**, to recommend to the Commissioners that they approve this request for rezoning.

The motion passed unanimously.

**B. GARY WHITE**, Archdale, North Carolina, is requesting that II. 22 acres located at the intersection of Hoover Hill Road/Jordan Valley Road, Tabernacle Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Zoning Map #7714. This proposed Conditional Use Zoning would specifically allow the development of a 5 lot subdivision for site built homes only.

**White** explained his request to zone this property. White said that there is an existing house that would remain on one of the lots and he is requesting 4 additional building lots. White said that the property is restricted (private restrictions) against mobile homes and junkyards. White said that all the new driveways will be along Hoover Hill Road and each lot is in excess of an acre. White said that the minimum house size would be 1250 sq. ft.

**Max Nance**, Jordan Valley Road, said that his property is separated from this site by the large mobile home park. Nance said that he has owned 90+ acres here since 1965 and has a 2,600 sq. ft. home. Nance said that they were very unhappy with this because he felt 1000 sq. ft. homes would lower their property values. Nance noted that there are already 98 trailers in the mobile home park adjoining them and they have several problems with this park. Nance said they are not in favor of cutting this tract up but would not be opposed to one nice home locating here.

**Love Nance**, Jordan Valley Road, talked about the safety factors for the school children waiting to get on the school buses in the mornings. Nance said that they have talked with people in the community and they are against this, they want to keep the countryside in tact.

**Lewis Smith**, 5017 Jordan Valley Road, said that 4 new driveways being added here would be awfully dangerous.

**Jewel Johnson**, Hoover Hill Road, said that they were very concerned with the traffic in **this** area.

**Morton** made the motion, seconded by **Brown**, to recommend to the Commissioners that they approve this request as consistent with the area.

The motion passed unanimously.

**C. RUSSELL LINEBERRY**, Siler City, North Carolina, is requesting that 91.12 acres located at the end of Oliver's Chapel Road, Columbia Township, be rezoned from Residential Agricultural to Residential Mixed/Conditional use. Zoning Map # 8735. Rocky River Watershed. This proposed Conditional Use Zoning would specifically allow the development of a 23 lots subdivision for site built homes, modular homes or mobile homes with permanent masonry

foundation. (Lots fronting on Oliver's Chapel Road will not allow single wide mobile homes - the remaining lots will.)  
Property Owner: Bobby League.

**Lineberry** provided the Board with copies of the restrictions he has proposed for this development. Lineberry said that he would like to use some of the lots to building houses on (Lineberry said that he has his General Contractor's License) and some of the back lots for mobile homes. Lineberry said that the lots fronting on the State Road would be restricted to site built homes, modular homes, or Class A double wide homes on permanent foundations. Lineberry said that he has asked the Mayor of Staley, Tom Williams, to annex the property and he has gotten some positive support from him with this development. Lineberry explained that a lot of the property will not perk therefore he has proposed several sewer easements to allow for this number of lots. Lineberry said that those that live here in this neighborhood came to a community meeting concerning this proposal and were glad to see this development. Lineberry said that several in the community would have come to this hearing to support this request but I told them this wouldn't be necessary. Lineberry presented plans to donate land to Oliver's Chapel Church for a park. Lineberry said he has 12 adjoining property owners and only knows of one that is opposed. Lineberry said he didn't feel this would decrease property values in this community and the site is only 2 miles from the local fire department. Lineberry proposed a buffer along the western property line.

**Ridge** asked Lineberry why he wanted to allow any single-wides in the development. **Lineberry** answered that he was approached by some people in the community about possibly buying 5 acres and putting a single-wide on the lot. Lineberry said this was not a big issue for him (to take the single-wides out of the request). Lineberry said that the homes he would constructed would be in the neighborhood of \$75,000 - 80,000 and the manufactured home sites (once completed) would have a turn key cost of \$70,000.

**Ridge** asked how the septic fields would be maintained (being located so far away from the lots they would be servicing). **Lineberry** said that each lot owner would be required to maintain their septic lot.

**Johnson** said he had a concern with the Health Department approving so many offsite septic tank systems. Johnson said that off-site systems can be a effective way of allowing one lot to be used when it otherwise would be worthless. However, the current plan enables a major subdivision development to occur as a result of off-site systems. Johnson said this is a Health Department issue but he thinks there will be long term problems with such off-site systems.

**Lineberry** described the type of systems that would be used and explained that they would all be installed at the same time.

**Brown** said that obviously this type of system would require a pump and what does one do if the power is off for a week. **Lineberry** said that the Health Department designs a system that would be workable if the power were to remain off for six days.

**Lineberry** described this community as a low income neighborhood that has had drug dealing problems in the past. Lineberry said it is a community that is trying to clean up. Lineberry described the community marches against drugs and violence and explained that the crime rate has dropped due to community involvement.

**Delia Freeman**, owner of Freeman Ford, 530 Timber Lea Lane, said that she objected to any zoning that would include the words mobile that could possibly be located in northeastern Randolph County. Freeman said that this may not effect the property values in the immediate neighborhood (around Oliver's Chapel) but by the Staley area. Freeman expressed her concern of having additional possible vandalism and theft at the dealership if this is allowed. Freeman said they have already had to install gates just to be able to obtain insurance for their business. Freeman said that they can't operate their business without insurance and explained that their insurance now is all most \$1500 per month due to vandals. Freeman said that they had wheels and tires stolen off a Mustang this year but they didn't declare the loss because they were afraid that their insurance may go up or possibly be canceled. Freeman said they have experienced an armed robbery and the man lived within 2 miles of the dealership in a mobile home. Freeman said she felt this would be bad for all of northeastern Randolph County. Freeman said this is not an area of the County where any more low income housing should be created.

**There were 3 people present in opposition to this request.**

**Morton** said that his real problem with the request are the proposed private roads.

**Dorsett** said that he felt this type of housing is needed but he didn't like the septic tanks but if the Health Department says this will work and they approve them there is nothing this Board can do.

**Boyd** said that he would like to see at least double-wide mobile homes since Lineberry is not married to the idea of single-wide mobile homes.

**Freeman** said that if another way to enter the property could be found it could be a nice site built development.

**David Freeman** said that if Lineberry can build homes for only \$5,000 more than the manufactured home sites then he felt they could all be stick built.

**Brown** said he didn't like the single-wides nor the off-site septic systems. **Brown** made the motion that the application as requested be **denied**. **Craven** seconded this motion.

**Boyd** said that he would be for this request if the single-wides were eliminated.

**Dorsett** said that he felt the Board should negotiated this Conditional Use Request with Lineberry

**Brown** said that the Board is not obligated to do so and he has a real problem with the request's effect to Freeman Ford. Brown said that he didn't believe the Board should approve a request that would create a poor element. Brown said his motion stands as stated.

**Dorsett** said he didn't feel that \$5,000 would bring in a better or different element of person.

**Hal Johnson** told the Board that the character of people who might reside in a proposed residential development should not in any way be used by the Board in making a rezoning or land use decision.

**Morton** said that his problem was with the private road. **Johnson** said that private road maintenance and length of private roads has been a long time planning and development **issue**.

**Craven** said that his main objections were the sewer systems and the private road.

The Board voted 6 to 1 to recommend to the Commissioners that this request be **denied**. The motion passed - Dorsett voted against the motion.

D. **EARNHARDT BUILDERS, INC.**, Asheboro, North Carolina, are requesting that 43.79 acres located on Earnhardt Road & Jerico Road, Back Creek Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Zoning Map # 7723. This proposed Conditional Use Zoning would specifically allow the development of a 23 lots subdivision for site built homes only.

**Earnhardt** said that he lives on Earnhardt Road and explained his intentions to create a site built subdivision. Earnhardt said the homes will be a minimum of 1200 sq. ft. and he has had the soils evaluated by a soil scientist.

**Brown** asked Earnhardt if these would be homes like he built over of Hoover Hill Road - **Earnhardt** answered yes. **Brown** stated that his wife has sold 5 or 6 of Earnhardt's homes and that she has actually even resold some of the homes and they hold their value.

**Melinda Lamb**, 2238 Jerico Road, said that she was not really opposed to the development, she just need to decide if she wanted to remain here or if she needed to move. Lamb said that Earnhardt wants to develop and she would like to see the area remain farm land. Lamb explained that her family collectively owns 130+ acres and tried to purchase the 15 acre portion of this parcel at the auction. Lamb said that they thought that they had purchased the land but found out 10 days later that they didn't, that Earnhardt had come back and offered

them more for the land. Lamb said that they went and discussed this with a land attorney and he explained that this is done quite often in Randolph County and these type of auctions are rigged. Lamb discussed the fact that DOT plans to straighten this road out and come right through here 4+ acres. Lamb asked that this not be allowed.

**Brown** asked Earnhardt if they had ever met - **Earnhardt** answered no. Brown asked Earnhardt if his wife had ever listed a house for him - Earnhardt said no. Brown said he wanted to clarify that he didn't have a conflict of interest as it may have appeared but he would still abstain from this request.

**Jason Goins**, 2238 Jerico Road, said that over the last 6 years there have been several houses built in this area. Goins said that he felt it would be a big mistake to make this zoning change. Goins said that this is uncontrolled development and short sighted on the County's part. Goins said that the ordinances and regulations in this County seem short sighted and would not preserve the property values of this community.

**Jude Arsenault**, 2401 Jerico Road, asked if Earnhardt could place a 20 ft. buffer along his property line (to the rear of this property). Arsenault said that he is concerned about all of these septic fields along his property line. Arsenault described his house as very close to the line (30') and said that his well is only approximately 200 ft. from the line.

**James Weaver, Jr.**, Earnhardt Road, said the Earnhardts build a quality home but he was concern about the location of a new home near his property line.

**Earnhardt** said that he is a proud man and he 'just wanted to clear something up. Earnhardt said that he purchased the land at the sale and it was not rigged or illegal.

**Arsenault** explained that they auctioned off the land in 2 separate tracts and then as I tract and it brought a higher bid as I tract therefore it was sold the Earnhardt. Arsenault said that he had the bid on the larger tract from much less than the small tract went for.

**Dorsett** said that this Board tried to do something to preserve the rural quality of life and we didn't have the public support of it. **Dorsett** made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be approved.

The motion passed unanimously.

E. **BARTON COOK**, Asheboro, North Carolina, is requesting that 10.96 acres located on Old Stagecoach Road, Franklinville Township, be rezoned from Residential Restricted/Conditional Use to Residential Agricultural/Conditional Use. This proposed Conditional Use Zoning would specifically allow the property use to be for one residence and a nursery business. Property Owner: Dale Hoover.

**Cook** was not present for the meeting.

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

The Board felt this would be in-keeping with the community. **Craven** made the motion, seconded by **Boyd**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

## 7. Randleman Lake Watershed Revisions - State Mandated Changes

**Johnson** explained that we have had regulations (unlike most communities) since 1988 to regulate the land within the proposed Randleman Lake Watershed area. Now these regulations are being mandated by the State and the only real major change from the regulations we have been enforcing in Randolph County is the allowed impervious surface of 24% to 12%. This change is mandated by the State and a recommendation from the Planning Board is required in order to take this change to the Commissioners.

**Boyd** made the motion, seconded by **Craven**, to approve the amendments to the Watershed Ordinance.

The motion passed unanimously.

8. The meeting adjourned at 9:12 p.m. There were 47 citizens present for this meeting.

NORTH CAROLINA  
RANDOLPH COUNTY