



RANDOLPH COUNTY PLANNING BOARD

MINUTES

May 2, 2023

There was a meeting of the Randolph County Planning Board on Tuesday, May 2, 2023, at 6:30 p.m. in the 1909 Historic Courthouse Meeting Room, 145-C Worth St, Asheboro, NC.

Chairman **Pell** called the meeting to order at 6:30 p.m. and welcomed those in attendance and asked for a roll call of the members.

Hal Johnson, County Manager, called the roll of the Board members.

- Reid Pell, Chair, *present*;
- Kemp Davis, Vice-Chair, *present*;
- John Cable, *absent*;
- Melinda Vaughan, *present*;
- Reggie Beeson, *present*;
- Ken Austin, *absent*;
- Barry Bunting, *present*; and
- Brandon Hedrick, Alternate, *present*, substituting for Cable.

County Attorney, **Ben Morgan**, was also present.

Johnson informed the Chairman there was a quorum of the members present for the meeting.

Pell called for a motion to approve the consent agenda as presented.

Consent Agenda:

- Approval of agenda for the May 2, 2023, Planning Board meeting.
- Approval of the minutes from the April 4, 2023, Planning Board meeting.

Bunting made the motion to **APPROVE** the consent agenda as presented, with **Davis** making the second to the motion. The motion was adopted unanimously.

Pell asked the Board members if there were any conflicts in the following cases. Hearing none, **Pell** turned to **Johnson** to present the first case of the night.

Johnson presented the first case along with site plans and pictures of the site and surrounding properties.

SPECIAL USE PERMIT REQUEST #2023-00000880

The Randolph County Planning Board will hold a duly published and notified Quasi-judicial Hearing on the request by **LARRY SPARKS**, Ramseur, NC, and his request to obtain a Special Use Permit at 424 Lee Layne Rd, Columbia Township, Tax ID #8712645602, 3.01 acres, *RA - Residential Agricultural District* and *RR – Residential Restricted District*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow a towing service with an outside storage lot as per the site plan.

Pell opened the public hearing and told those in attendance that wanted to provide testimony on the Special Use Permit that they must take an oath and be sworn in before addressing the Planning Board.

Morgan administered the oath to **Larry Sparks**, 424 Lee Layne Rd, Ramseur, NC, the applicant.

Johnson asked **Sparks** to describe his building and what he was wanting to do on the property. **Sparks** told the Planning Board that he wants to build an eighty-foot by seventy-two-foot building and that will allow him to move the business out of his existing residence. **Sparks** stated that he had rented the property for approximately ten years and purchased the property two months ago.

Johnson asked **Sparks** about the type of business that he wants to do on the property and **Sparks** said that he is currently towing vehicles for various public safety agencies and that it is a twenty-four hour a day job. **Sparks** gave the Planning Board an example of the types of cars he may tow as those that are in accidents and need to be removed from the road.

Johnson asked **Sparks** if he would have a display area on the site and **Sparks** said the storage area will be fenced with wooden fences as required by the public safety agencies. **Johnson** asked **Sparks** about the number of employees and **Sparks** replied that his brother is the only other employee and that he is only part-time and that the business is a twenty-four-hour-a-day business.

Johnson asked **Sparks** how long the vehicles would remain on the property and **Sparks** stated that it depends on the insurance company that is covering any claims. **Sparks** said that vehicles can be on the site from a few days to a few weeks.

Pell asked if there were any questions from the Planning Board.

Davis asked **Sparks** about the adjacent property to his property and **Sparks** replied that he did not know about what was occurring on the adjacent property but there are many trucks on the property and he has not talked with that property owner.

Davis asked questions about the storage area and **Sparks** said the area would be covered in gravel and if any fluids did leak from the vehicles, he would put down kitty litter to collect the fluids. **Sparks** told the Planning Board that he has a large container on site to collect the fluids and a company comes to drain the container and dispose of any fluids.

Hedrick asked **Sparks** if he had any discussions with the North Carolina Department of Transportation (NCDOT) over the driveway or the need for a driveway permit and **Sparks** responded that he had not contacted NCDOT yet regarding these issues and **Hedrick** advised **Sparks** to contact NCDOT as they may require a driveway permit but that the Special Use Permit hearing process can still move forward without the approval from NCDOT.

Morgan asked about the number of vehicles that will be on-site on average and **Sparks** said that there are five on-site now and that he would have no more than ten at any time. **Morgan** asked **Sparks** how many vehicles could fit on the property based on the site plan. **Sparks** responded that he would estimate between fifteen and twenty cars. **Morgan** asked **Sparks** how many trucks he has in his fleet and **Sparks** told the Planning Board that the currently has three trucks and that they do not all work at the same time but it could happen depending on the job and the complexity of the job once they arrive at the accident location.

Bunting asked **Sparks** if he was licensed and bonded and **Sparks** replied that to work for the safety agencies, he has to have \$750,000 in insurance and another \$100,000 in insurance for his building. **Bunting** then asked **Sparks** if his facility was inspected by the various agencies and **Sparks** said that all of the law enforcement agencies that he works with inspect his site.

Pell asked if there were any other questions from the Planning Board members.

Hearing none, **Pell** asked if there were others present in favor of the request that wanted to speak.

Hearing none, **Pell** asked if there was anyone in attendance that wished to speak in opposition to the Special Use Permit request.

Morgan referred the Planning Board to the guidelines provided at their seats to use in the deliberations for the Special Use Permit request.

Pell asked if there was anyone in opposition to the request that wanted to speak.

Pell asked if there were other questions for the Planning Board, Hearing none, **Pell** closed the public hearing.

Davis made the motion to this Special Use Permit request on the specified parcel(s) on the Special Use Permit application, based upon the sworn witness testimony that is included in the minutes, as well as the site plan(s) with any and all agreed-upon revisions,

and that the use will not materially endanger the public health or safety, or the use meets all required conditions and specifications, the use will not substantially injure the value of adjoining property, that the use is a public necessity and the location and character of use if developed according to the plan(s) as submitted and approved, will not be in harmony with the area and in general conformity with the *Randolph County Unified Development Ordinance*. **Beeson** made a second to the motion to **APPROVE** the Special Use Permit request.

Pell, having a proper motion and second, called the question on the motion to **APPROVE** the Special Use Permit request and the motion was **APPROVED** by a vote of five to one with **Hedrick** voting against the motion.

REZONING REQUEST #2023-0000886

The Randolph County Planning Board will hold a duly published and notified Legislative Hearing on the request by **FSC II LLC**, Raleigh, NC, and their request to rezone 11.93 acres at 6867 Willard Rd, Liberty Township, Rocky River Balance Watershed, Tax ID # 8725766570, 8725757997 and 8725960159, Primary Growth Area, from *RA - Residential Agricultural District* and *HI – Heavy Industrial District* to *HI-CD - Heavy Industrial - Conditional District*. The proposed Conditional Zoning District would specifically allow the expansion of the existing asphalt plant as per the site plan. Property Owners: FSC II, LLC, and Russell Lineberry

Pell opened the public hearing and called for anyone wishing to speak in favor of the request to come forward and address the Planning Board.

Bailey Watkins, 701 Corporate Center Dr, Raleigh, NC, rose to address the Planning Board and stated that he was with the company requesting the rezoning, FSC II, LLC.

Johnson asked **Watkins** to provide the Planning Board with a summary of what the company is wanting to do on the property. **Watkins** said that the company has been operating on this site for many years and is now wanting to expand and update the existing equipment to comply with new environmental rules.

Watkins referred the Planning Board to the submitted site plan and specifically parcel number two on the map and he stated that FSC II, LLC, purchased the existing operation from another company. **Watkins** explained that the existing plant is from sometime in the 1960s and meets the current environmental requirements but that the Federal government is forcing FSC II, LLC, to update all of the existing equipment due to new environmental regulations. **Watkins** stated that the company also purchased parcel number three on the site plan and would be merging all of the parcels together and that would allow the operations to continue under Federal and County regulations. **Watkins** told the Planning Board that the current operations are not set up to meet the current demands for asphalt that are produced on the property.

Pell asked if there were any questions from the Planning Board.

Davis said that he thought the situation is complicated but that the company is doing all of this work to be able to meet the new Federal environmental regulations and to continue its existing operation. **Watkins** said that the current operation can continue in its present condition but the company is wanting to make these changes to the equipment and site plan to make the location better, control stormwater runoff, and be more environmentally friendly.

Johnson asked **Watkins** how long the existing facility has been at this site and **Watkins** replied that it has been in operation for over twenty years and the company is wanting to add more land to improve the environmental quality and to meet the demand for their products.

Johnson asked about the number of employees at the site and **Watkins** said there are currently four to five employees at the site and with the expansion they would be able to hire more employees. **Watkins** explained that each crew usually has thirteen employees and with the expansion, they would see an additional ten to twenty more trucks using the facility.

Pell asked if there were any other questions from the Planning Board.

Hedrick asked about the landscape buffers on the site plan. **Watkins** said that the buffers are twenty-foot uncut buffers and if there were specific questions regarding the buffers he would defer to **Dale Werenko**, 115 Mackenan Dr, Cary, NC, who is the landscape designer for the site.

Werenko told the Planning Board that they plan to retain the existing trees and will supplement the vegetation where necessary and there would also be a wet pond along with buffers around the pond.

Beeson asked about the buffers on the back side of the property along US Hwy 421 and that the site plan is not showing a buffer in that area. **Werenko** said that there is no buffer currently along US Hwy 421 and that the existing billboard will be maintained on the site and that the area needs to be kept clear to be able to see the billboard.

Pell asked if there were any other questions from the Planning Board.

Pell asked if there was anyone else in attendance in favor of the rezoning request. Hearing none, **Pell** asked if there was anyone in attendance in opposition to the rezoning request. Hearing none, **Pell** closed the public hearing.

Johnson told the Planning Board that this case is a good example of an existing industry that is making moves to improve the environmental quality for everyone in the area.

Bunting made the motion to **APPROVE** the rezoning request to rezone the specified parcel(s) on the rezoning application to the requested zoning district based upon the **Determination of Consistency and Findings of Reasonableness and Public Interest** statements that are included in the Planning Board agenda, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes, as well as the site plan(s) with all agreed-upon revisions, also incorporated into the motion and that the request is consistent with the *Randolph County Growth Management Plan*. **Vaughan** made a second to the motion to **APPROVE** the rezoning request.

Pell, having a proper motion and second, called the question on the motion to **APPROVE** the rezoning request, and the motion was adopted unanimously.

Johnson told the applicant that due to the potential of an appeal of the rezoning decision, the approval paperwork would be sent after the deadline for filing an appeal if no appeal is requested.

REZONING REQUEST #2023-00000873

The Randolph County Planning Board will hold a duly published and notified Legislative Hearing on the request by **ALLEN RADFORD**, Randleman, NC, and his request to rezone 0.46 acres at 10973 Randleman Rd, Level Cross Township, Randleman Lake Protected Area Watershed, Tax ID #7758955367, Primary Growth Area, from *HC-CD - Highway Commercial - Conditional District* to *HC-CD - Highway Commercial - Conditional District*. The proposed Conditional Zoning District would specifically amend the existing site plan to allow a 40 ft. by 60 ft. pole shed and gravel lot with 25% impervious surface as per the site plan. Property Owner: Matthew Newman

Pell opened the public hearing and called for anyone wishing to speak in favor of the request to come forward and address the Planning Board.

Allen Radford, 1824 Neeley Rd, Pleasant Garden, NC, rose to address the Planning Board.

Johnson asked **Radford** to explain to the Planning Board what he is wanting to do on the property.

Radford directed the Planning Board to the site plan and pointed out the shed with a garage and he told the Board that he wants to use the shed to keep the vehicles covered and out of the weather.

Johnson asked **Radford** what he would do with the pole shed and **Radford** stated that he would store cars while being repaired or waiting to be sold. **Johnson** asked **Radford** what kind of operation he wants to do on the site and **Radford** said that he would not be doing any type of operation on the site other than storing cars. **Radford** told the Planning

Board that the site was previously used for an automobile sale lot and that he would usually only have three or four vehicles on the site. **Johnson** asked **Radford** if he would have an office on the site and **Radford** said that there would not be an office on-site and that he is not going to have an automobile sales lot on the property but he wants to use it just for storage of three to four vehicles and he wants to keep them protected from the weather.

Davis said that the site plan shows the property to be used to store/shelter cars. **Davis** asked **Radford** if he was going to work on automobiles at the site and **Radford** replied that he would not be working on cars nor have a sales lot as most of the automobiles that he will bring to the site will have already been sold as he purchases the vehicles from the wholesale sale.

Beeson asked **Radford** about the operating hours and he replied 8:00 am to 5:00 pm with no night operations.

Pell asked **Radford** about any employees and he stated that there would not be any employees as he works full-time for a general contractor and this is just a side job.

Johnson asked **Radford** about the maximum number of automobiles that will be on the site and **Radford** said that it would probably be four to five automobiles and due to the size of the existing 40 ft. by 60 ft. building, he did not think many more automobiles would fit in the building. **Johnson** told the Planning Board that what **Radford** is planning is a less intense use than what is currently allowed by the existing Conditional District Permit.

Johnson reminded **Radford** that the Conditional District Permit is for the specific conditions and specific uses and if anything was to change in the future, the Conditional District Permit would need to be amended.

Pell asked if there were any questions from the Planning Board members.

Pell asked if there was anyone else in attendance in favor of the rezoning request. Hearing none, **Pell** asked if there was anyone in attendance in opposition to the rezoning request. Hearing none, **Pell** closed the public hearing.

Davis said that the entire Planning Board is familiar with this location and the service stations and commercial operations in the area and he does not see this operation as a problem.

Beeson stated that for the existing Conditional District Permit, the opposition was due to the cars along the private drive and that this amendment will take care of the problem.

Pell called for a motion on the rezoning.

Beeson made the motion to **APPROVE** the rezoning request to rezone the specified parcel(s) on the rezoning application to the requested zoning district based upon the

Determination of Consistency and Findings of Reasonableness and Public Interest statements that are included in the Planning Board agenda, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes, as well as the site plan(s) with all agreed-upon revisions, also incorporated into the motion and that the request is consistent with the *Randolph County Growth Management Plan*. **Davis** made a second to the motion to **APPROVE** the rezoning request.

Pell, having a proper motion and second, called the question on the motion to **APPROVE** the rezoning request, and the motion was adopted unanimously.

Johnson told the applicant that due to the potential of an appeal of the rezoning decision, the approval paperwork would be sent after the deadline for filing an appeal if no appeal is requested.

REZONING REQUEST #2023-00000876

The Randolph County Planning Board will hold a duly published and notified Legislative Hearing on the request by **STEVE WISHON**, Asheboro, NC, and his request to rezone 1.68 acres out of 3.59 acres at 1319 Nance Rd, Franklinville Township, Tax ID #7783518921, Secondary Growth Area, from *RA - Residential Agricultural District* to *HC-CD - Highway Commercial - Conditional District*. The proposed Conditional Zoning District would specifically allow an auto repair garage and towing service in an existing building as per the site plan. Property Owners: Teresa C Wood and Robin C Bryant

Pell opened the public hearing and called for anyone wishing to speak in favor of the request to come forward and address the Planning Board.

Taylor Callicutt, 206 Telephone Ave, Asheboro, NC, stated that he is the attorney for **Steve Wishon**, 1313 N Fayetteville St, Asheboro, NC, and **Betsy Moody**, the real estate agent, is also present for the meeting.

Callicutt stated that **Wishon** has worked on automobiles for many years and he has recently started working in rotation with public safety agencies on hauling automobiles that are abandoned on the side of a road or damaged due to a wreck.

Callicutt stated that there is a 6,000 sq. ft. building on site and another area of 10,000 sq. ft. that **Wishon** wants to use for storage and that the area would allow approximately twenty automobiles to be stored at the site.

Callicutt told the Planning Board that many of the aspects for the first case from the agenda, such as inspections, screening, and security considerations are all required for the short-term storage of vehicles. **Callicutt** repeated that the insurance companies

dictate how long the automobiles are on the site and that there is frequent turnover with the automobiles to save insurance companies money.

Callicutt stated that **Wishon's** business will operate twenty-four hours a day, seven days a week but that his client is in rotation with other businesses that do the same type of operation and that **Wishon** will only get a limited of automobiles and it depends on the needs of the public safety agencies. **Callicutt** stated that **Wishon** would not be towing automobiles in and out during business hours but that he cannot guarantee specific operational hours since it is impossible to know when accidents will occur.

Callicutt gave the Planning Board a brief history of the property and how it stated as Callicutt Equipment, a Kubota tractor dealership, and that he did not know of another use of the property other than for commercial operations. **Callicutt** reminded the Planning Board that the previous farming business could continue as it was a non-conforming use in the *Randolph County Unified Development Ordinance*. **Callicutt** went on to say that the proposed change would have less intensive traffic going to the site. **Callicutt** stated that the original business started in 1952 and changed in the 1960s to the Kubota equipment dealership and that trucks were in and out all the time as the dealership provided storage, sales, and repair of equipment that was sold at the site and other locations. **Callicutt** stated that the proposed use is "pretty consistent" with what has happened over the past years.

Callicutt stated that the proposed use would produce less traffic and that procedures are in place to deal with run-off and fluids from the automobiles and that steps are in place to remediate the issues. **Callicutt** reminded the Planning Board that regulation inspections are done by the public safety agencies to ensure compliance with all of the rules. **Callicutt** stated that **Wishon** does operate other facilities of this type and he passed out pictures to the Planning Board showing the other facilities that **Wishon** operates and he stated that **Wishon** will do something comparable on this site as to what is shown in the pictures. (See Exhibit #1.)

Callicutt stated that he asked the family of the property owners to also provide pictures of traffic at the old Callicutt Equipment business. (See Exhibit #2.)

Callicutt concluded his remarks by saying that **Wishon's** business does not depend on high visibility and that **Wishon** wants the business to be tucked away as it deters problems that may cause. **Callicutt** stated that he was happy to answer questions and asked to be able to return to the podium to address any concerns raised by the opposition.

Beeson asked **Callicutt** if **Wishon** would be doing automobile repair at the site and **Callicutt** replied that automobile repair would be an accessory to the primary use for the automobile towing service and the hours for the repair would be 8:00 am to 5:00 pm, Monday through Friday but that the towing business would be on an as-needed basis.

Davis asked if **Wishon** planned to buffer and fence the entire property and **Callicutt** replied that **Wishon** would only be fencing the area to be rezoned. **Davis** then asked

about the types of trees that are going to be used for any buffers and **Callicutt** replied that **Wishon** plans to plant Leyland cypresses to protect the neighbors and to supplement the existing buffer.

Hedrick asked if Nance Rd is a State maintained road and **Callicutt** answered that it is a State maintained road.

Callicutt told the Planning Board that he had reached out to NCDOT regarding traffic counts and a traffic study but he was advised to not do anything with NCDOT until after the request was approved.

Pell asked if there were any questions from the Planning Board members.

Pell asked if there was anyone else in attendance in favor of the rezoning request. Hearing none, **Pell** asked if there was anyone in attendance in opposition to the rezoning request.

Timothy Benbow, 2336 Cedar Falls Rd, Franklinville, NC, rose to address the Planning Board and said that he had lived in this area all of his life which has been seventy-three years so far. **Benbow** said that in all of these years, the community has not changed and that the old shop that became Callicutt Equipment was started two years after he was born. **Benbow** stated that Nance Rd is a poorly maintained State Road and gravel had been added to the road just last year and there are no markings on the road dividing the lanes and there are no speed limit signs posted so drivers assume the speed limit is fifty-five miles per hour but many automobiles usually go sixty-five to seventy-five miles per hour along Nance Rd.

Benbow went on to say that people that live in the community have been there for over one hundred years and that everyone knows and looks out for everyone and the proposed operations are not a fit for the community. **Benbow** talked about the children that play and ride their bicycles along the road and that he could think of many different uses that would be better than the proposed business. **Benbow** concluded his remarks by stating that he knew this request was not going to be junkyard and that auto mechanics in County cannot get to bays at this location due to the automobiles and junk automobiles on the site and this location is not suitable for this community.

Micah Samios, 1281 Nance Rd, Franklinville, NC, rose to address the Planning Board and said that he and his wife and two sons moved to the community in 2021. **Samios** said that due to the topography of the area, his family would see everything at the request location. **Samios** told the Planning Board that they moved their family to the area because it was quiet, he knows his neighbors and the community is something out of the history books. **Samios** said that the community has a sense of home and that everyone takes care of each other.

Samios described his home location as the “perfect location to overlook the valley and he cannot describe the security and safety at this location.” **Samios** related to the Board

that he can go out his back door to explore his property and not have to worry about anything but he is concerned about what could happen if this request were to be approved.

Samios said that much in the area has changed over the years, especially after the Callicutt family sold the business and moved it to its new location on US Hwy 64 E. **Samios** talked about the small creek that is spring fed that borders his property and the property of the request location and that many times he has to hose off his children when they come home after playing in the creek. **Samios** asked about what would happen to the creek if fluids and chemicals from automobiles stored at this location were to get into the stream and if anyone knew of any chemical spills on the property of the request location.

Samios went on to tell the Planning Board that chemicals had been recently dumped in the creek and that the State agency was called and the inspector said the chemicals had been dumped from somewhere further upstream and he is still waiting on more results from the State. (See Exhibit #3.) **Samios** said that if the Planning Board approves this request, it will open up the community to many changes like traffic and the potential for crime. **Samios** stated that **Wishon** has a facility in Randleman and it has rows and rows of cars and the site is not maintained. **Samios** stated that it does not take much for chemicals to spill on the site and that many of the automobiles may be at the site for as long as ninety days.

Samios asked the Planning Board how often will inspections be done on this site with the existing contamination. **Samios** asked if there were any plans for remediation of the contaminated soil. **Samios** presented the Planning Board with a petition signed by eighteen property owners that are opposed to this operation and that 100% of residents do not want this in their community. (See Exhibit #4.)

Samios concluded his comments by saying that approving this request will deter many children from their childhood and that the proposed fence will not protect kids from people who are drunk or on drugs and that many of these owners of impounded cars will come looking for their vehicles.

Dean Nance, 1185 Nance Rd, Franklinville, NC, asked the Planning Board if this site will be used for a repossession lot or if will it be just wrecked or impounded automobiles due to DWI. **Nance** said that the speed limit on the road has always been a concern and it needs to be addressed as even delivery vehicles go too fast on Nance Rd.

Morgan stated that the Planning Board nor the Board of County Commissioners has anything to do with speed limits along roads and that concerned citizens need to talk with NCDOT.

Nance stated that people are going down the unposted road and not getting ticketed and that he loves this kind of business but the automobile owners are angry due to cars being repossessed or impounded. **Nance** stated that his family was previously in this same

business and that no one wants an impound or repossession yard in their front yard as it is a horrible idea that could bring crime to the area. **Nance** went on to say that he had worked in this business for twenty years in Davidson County and that the fence will not stop anyone. Property owners will find a way to get their stuff back and this could bring an unwelcome element to the community that they do not want.

Susan Richards, Andrew Hunter Rd, Asheboro, NC, stated that she lives four minutes away from the request location and wanted to remind the Planning Board that they have an opportunity to bring in museum traffic into the County and that many people do struggle with drug paraphernalia and drink cans in their yards but most people also stop to pick it up. **Richards** said that she is not opposed to the business but it should find a different location that will not impact neighbors. **Richards** concluded by asking the Planning Board if this type of operation is how we want our community to be in the future.

Pell asked **Callicutt** if he wanted to address any of the concerns raised by those in opposition.

Callicutt returned to address the Planning Board and he said that he did not want to discount the concerns of the community but there is a “stumbling block.” **Callicutt** stated that if he wanted to open a tractor business, it could be done again without any type of public hearing.

Callicutt went on to say that no one wants to see change and if the community does not want to see any change to this property, they are open to buying it from the current property owners as it has been on the market for two years. **Callicutt** went on to say that he does not have any figures for the number of storage or repossession lots in the County or any crimes associated with these types of facilities but **Wishon** is proposing a suitable use of the property.

Morgan asked **Callicutt** if he or his client wanted to provide more specific information on the use of the property as an impound or repossession lot.

Steve Wishon stated that he has a statement from the Tax Department records that state the building was changed in 1983 and that the Tax records show the property as being used for an industrial warehouse and the occupancy of the building is an industrial warehouse and does not understand why he should be having to rezone the property when everything, Tax records, shows the property as being industrial. **Wishon** stated that he has never met the people in opposition so they do not know how he operates his business and they should have the courtesy to not defame his character.

Morgan interjected that no one at the public meeting is defaming **Wishon’s** character. **Morgan** asked **Wishon** to provide the Planning Board with more information on how the program works for disabled or wrecked automobiles. **Wishon** stated that the North Carolina Highway Patrol has divided Randolph County into four different zones and that he currently works in zone one and three. **Wishon** said that he is not building a “huge” building and that he will have limited outside storage. **Wishon** stated that the rules are

that anything that can harm the environment must be contained on a concrete pad and that he would not allow any outside customer traffic. **Wishon** said that he will not use this location for his automotive dealership and that no one can get up to fifty-five miles per hour on Nance Rd and that all of his drivers are professional and that his business will be great neighbors in the community.

Morgan asked who calls his business requesting services and **Wishon** replied that it is normally the North Carolina Highway Patrol or other public safety agencies to pick up the wrecked or abandoned automobiles but that the majority is from a wreck. **Morgan** asked **Wishon** if he ever gets vehicles from people that have been arrested and **Wishon** stated that he has picked up automobiles due to their owners being arrested and that he cannot control how other people will act and that he takes his business seriously and he works hard for the community.

Pell asked **Wishon** if he has ever done any repossession work before. **Wishon** replied that he has been requested to do some of that type of work but those requests come through the finance company or banks and those automobiles will be stored at his existing facility in Asheboro.

Pell asked if there were any questions from the Planning Board members.

Hedrick asked if the site is on a well and septic system. **Wishon** said the site is on a septic system and well and that he has businesses that come out and pick up and dispose of the chemical on the site. **Wishon** stated that he runs a legitimate business.

Davis asked **Wishon** about the number of trucks in his fleet and **Wishon** stated that his business has three rollbacks and three wreckers. **Wishon** said that one truck could be dispatched two or three times a day and that he currently has facilities and each site will have only one truck on site.

Davis asked **Wishon** if he understand the concerns of the citizens about automobile repossessions. **Davis** asked if **Wishon** sees a lot of this type of traffic. **Wishon** stated that he sees very little of the repossessions business but that he does do them sometimes and that he has a different company that will pick up the repossessions and will store the automobiles at an existing lot in Asheboro.

Davis asked **Wishon** what percentage of his business is repossession and **Wishon** replied it is approximately three percent and that this location will be an overflow lot and automobiles will be brought to this site for repairs and then moved to his existing automotive sales lot.

Davis asked **Wishon** if he plans to sell cars at this location and **Wishon** said that he would bring automobiles to this location if they need repair work and then take them to his existing automotive sales lot.

Pell asked if there were any other questions from the Planning Board.

A resident in opposition rose to address the Planning Board again and **Morgan** stated that the applicant for a public hearing goes last and the resident was not allowed to re-address the Planning Board.

Hearing no questions from the Planning Board members, **Pell** closed the public hearing.

Davis said that if anyone was familiar with the road, they will know about Callicutt Equipment. Over the years the business did expand and was successful and they were accepted by neighbors. The question now is whether the building will be used by someone else and whether this use or a different use fits the community and the requirements of the *Randolph County Unified Development Ordinance* and the *Growth Management Plan*.

Hedrick said that the property is currently zoned *RA – Residential Agricultural* as Callicutt Equipment was existing on the site before zoning. **Hedrick** asked if the existing well and septic system is adequate to serve the facility and **Pell** stated that those questions are not part of consideration by the Planning Board.

Hedrick said that he has concerns about public safety and that he feels that the Planning Board does not have assurances that the neighbors will be protected.

Beeson asked if the use of the building or business could be more destructive to the community. **Beeson** stated that **Wishon** has stated that he will have minimum employees and allowing this type of operation may be a better option than allowing a warehouse type of operation that may generate even more traffic to the site.

Johnson reminded the Planning Board that the Conditional District Permit holds the applicant to the conditions that are agreed upon by the applicant and the Planning Board and that the previous use as Callicutt Equipment was a non-conforming use.

Hedrick stated that he felt that a Conditional District Permit is best case scenario with all of the concerns regarding public safety, the septic system, the well, and the buffers. **Hedrick** referred the Planning Board members to the *Randolph County Unified Development Ordinance*, Article 600, Section 618, Table of Permitted Uses where the notes section says,

“Commercial outdoor storage (except for junkyards as defined and regulated by this Ordinance) including contractor’s yards, building supply sales and coal sales and storage are permitted in the zones where indicated only if the storage yard is enclosed by a fence not less than eight feet in height which completely screens from view the stored material.”

Hedrick stated that the required eight-foot fence and Level III buffer are not shown on the site plan and that he would like to see some buffers to protect the property owners.

Davis stated that he thought this case was a tough one to decide.

Vaughan stated that she thought that with children in the area, buffers and fencing would be nice to prevent children from exploring this property.

Beeson stated that he would also like to see buffers and fencing on the site.

Hedrick stated that the *Randolph County Unified Development Ordinance* **requires** buffers and fencing on-site.

Davis said that he thought the pictures show this as being a good area. **Davis** asked if the applicant wanted to address the concerns of the Planning Board.

Davis made the motion with **Hedrick** seconding the motion to reopen to allow the applicant to discuss and address the concerns of the Planning Board. The motion to reopen the public hearing passed unanimously.

Morgan stated that the Planning Board was reopening the public hearing for **Callicutt** or **Wishon** to answer questions from the Planning Board regarding buffers on the site.

Davis asked **Wishon** if he was looking at the building from Nance Rd if he would accept the placement of a six-foot chain link fence around the existing building and the storage yard with eighteen to twenty-four inches of barbed wire around the top of the fence and a Level III buffer on the south and north side of the fence?

Wishon said that he would will willing to make those changes to his application. The application was updated during the public hearing to reflect these changes and **Wishon** signed the revised application.

Davis made the motion to **APPROVE** the rezoning request to rezone the specified parcel(s) on the rezoning application to the requested zoning district based upon the **Determination of Consistency and Findings of Reasonableness and Public Interest** statements that are included in the Planning Board agenda, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes, as well as the site plan(s) with all agreed-upon revisions, also incorporated into the motion and that the request is consistent with the *Randolph County Growth Management Plan*. **Beeson** made a second to the motion to **APPROVE** the rezoning request.

Pell, having a proper motion and second, called the question on the motion to **APPROVE** the rezoning request, and the motion was adopted unanimously.

Johnson told the applicant that due to the potential of an appeal of the rezoning decision, the approval paperwork would be sent after the deadline for filing an appeal if no appeal is requested.

Johnson then turned to the last item on the agenda and it was to consider a resolution in opposition to Senate Bill 317. (See Exhibit #5.)

Johnson requested the Planning Board to consider adopting the resolution and send it to the Board of County Commissioners with the recommendation that the Board of County Commissioners adopt the resolution and then send the resolution to the members of the local General Assembly delegation. **Johnson** said that the proposal takes away the authority to make land use decisions from the County and creates some exemption for zoning control and states that the County would not be able to dictate density controls, etc.

Johnson asked the Planning Board why would the General Assembly want to remove land use authority from local government and stop citizen input on land use decisions.

Pell asked if there were any questions from the Planning Board.

Johnson said that the proposal prevents citizen input on land use decisions.

Davis made the motion with **Beeson** making the second to recommend **APPROVAL** of the resolution to the Board of County Commissioners for their adoption and forwarding to members of the local General Assembly delegation.

Pell, having a proper motion and second, called the question on the motion to recommend **APPROVAL** of the resolution to the Board of County Commissioners. The motion was adopted unanimously.

Having no further business, **Pell** called for a motion to **ADJOURN** the meeting. **Bunting** made the motion to adjourn, with **Beeson** making the second to the motion.

Pell, having a proper motion, and second, called the question on the motion to **ADJOURN**. The motion passed unanimously.

The meeting adjourned at 8:24 p.m., with 29 citizens present.

**RANDOLPH COUNTY
NORTH CAROLINA**

Chairman

Clerk to the Board

Date



Approved by Randolph County Planning Board

June 6, 2023



EXHIBIT

1-A

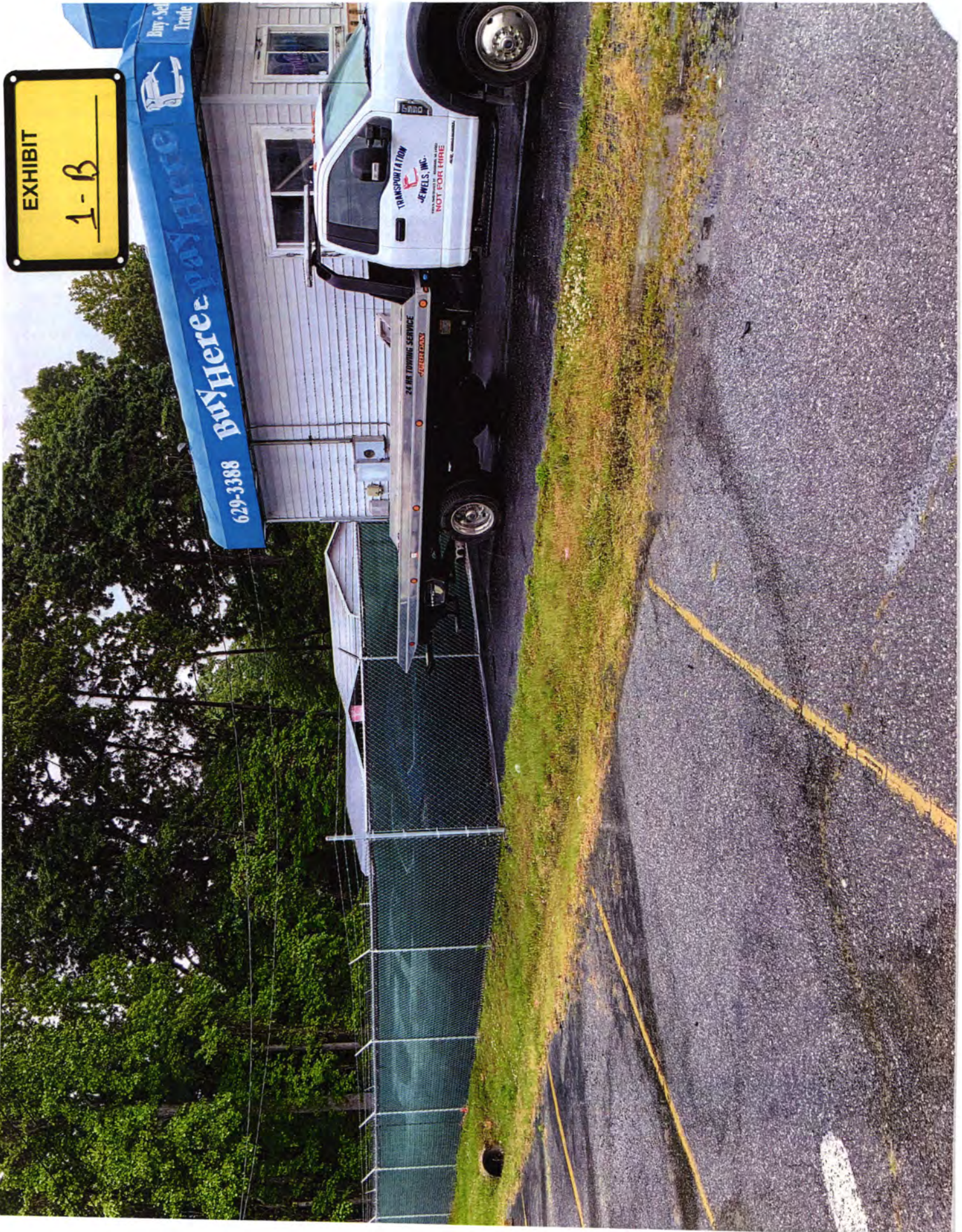


EXHIBIT
1-B

Buy Here Pay Here
629-3388

TRANSPORTATION
JEWELS, INC.
NOT FOR HIRE

24 HR TOWING SERVICE

EXHIBIT
A-C





EXHIBIT
1-0



EXHIBIT
1-e



EXHIBIT

1-P

Quality Auto & Recovery

EXHIBIT
1-G



Clay St. Asheville



EXHIBIT

2-A

Callicott Tractor

EXHIBIT

3-A



EXHIBIT

3-B



EXHIBIT
3-C



Rezoning Petition
1319 Nance Road

Notice of rezoning 1319 Nance Road from RA- Residential Agricultural District to HC-CD- Highway Commercial- Conditional District.

Introduction of auto repair garage and towing service in lieu of "Callicutt Tractor", operated by Steve Wishon, owner of Mid State Salvage and Towing, Quality Auto Repair, Transportation Jewel- Auto Sales and Repossession Yard.

Impact: Environment concerns for current oil leaching into soil and waterways, new oil contamination, increased road traffic, 24/7 operation, metal waste in "storage yard", unwanted "people" in/ around our community, reduction in land value, increase security threat, widening of right away/ roadway, state maintenance concerns.

We are in denial of the approval to rezone 1.68 acres of 1319 Nance Road for allowance of Highway Commercial- Conditional District.

- McSonia
- Ulyana Merced
- Gene W. Kuttyte
- Christian Mabry
- Dean A. Nance
- James T. Merritt
- Dane N. Merritt
- Daren Bridg
- John Hall
- HURLEY NANCE
- HURLEY NANCE
- Barbara Nance
- Sean Nance
- _____
- _____
- _____

- 1281 NANCE ROAD
- 1540 Nance Road
- 1247 Nance rd
- 1214 Nance rd
- 1185 Nance rd
- 1211 Nance Rd
- 1211 Nance Rd.
- 1424 Nance Rd. Ext.
- 1424 Nance Rd. Ext.
- 1182 NANCE RD.
- 1274 NANCE RD.
- 1161 Nance Rd
- 1474 Nance Rd. Ext.
- _____
- _____



RANDOLPH COUNTY
DEPARTMENT OF PLANNING & DEVELOPMENT
204 East Academy Street • Post Office Box 771
Asheboro, North Carolina 27204-0771
Telephone: (336) 318-6555 • Fax: (336) 318-6550



April 12, 2023

Dear Adjoining Property Owner:

This is to notify you that at **6:30 p.m., on Tuesday, May 2, 2023**, the Randolph County Planning Board will meet in the **2nd Floor Meeting Room**, Randolph County Historic Courthouse, **145-C Worth Street**, Asheboro, to consider the following request:

STEVE WISHON, Asheboro, NC, is requesting to rezone 1.68 acres out of 3.59 acres at 1319 Nance Rd, Franklinville Township, Tax ID #7783518921, Secondary Growth Area, from *RA - Residential Agricultural District* to *HC-CD - Highway Commercial - Conditional District*. The proposed Conditional Zoning District would specifically allow an auto repair garage and towing service in an existing building as per the site plan. Property Owners: Teresa C Wood and Robin C Bryant

A copy of the current Planning Board Agenda can be viewed on the Randolph County website.

Interested citizens are invited to attend this meeting and will be allowed to express their views. As a result, changes to the request could be made during this public hearing process.

Kim Heinzer
Clerk to the Planning Board
Randolph County

1161 Nance Rd.
Franklinville, NC



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DEPARTMENT OF PLANNING & DEVELOPMENT
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Kim Heinzer
Clerk to the Planning Board
Randolph County

1148 Nance Rd. Franklinville NC Kris Weller



Rezoning Petition
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Highway Commercial- Conditional District.

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Jewel- Auto Sales and Repossession Yard.

Impact: Environment concerns for current oil leeching into soil and waterways, new oil
contamination, increased road traffic, 24/7 operation, metal waste in "storage yard", unwanted
"people" in/ around our community, reduction in land value, increase security threat, widening
of right away/ roadway, state maintenance concerns.

We are in denial of the approval to rezone 1.68 acres of 1319 Nance Road for allowance of
Highway Commercial- Conditional District.

- Jim Barber 2736 Cedar Falls Rd. Franklinville
- Corinne Barber " " "
- Thomas R. Freeman 1436 Nance Rd. EXT
- Max Allen Bonbow 1240 NANCE RD
- Andrew + Kristen Freeman FRANKLINVILLE, NC 27248
- Johnny Brewer 1111 Nance Rd Franklinville NC 27248
- Quinn Smith 1187 Nance Rd. Franklinville. NC 27248
- Harry D. Nance 1187 Nance Rd. Franklinville NC 27248
- _____ 1161 Nance Rd. Franklinville, NC 27248
- _____
- _____
- _____
- _____
- _____



April 7, 2023

REVIEW OF SENATE BILL 317: ADDRESSING THE WORKFORCE HOUSING CRISIS

This document provides a review of SB317, Addressing the Workforce Housing Crisis, which was filed in the Senate on 3/15/23. The bill seeks to establish workforce housing developments, which are 10-acre residential developments comprised of single-family detached, duplex, and attached residential development that are **pre-empted from basic local government planning requirements**, including:

- Allowable zoning districts
- Residential densities
- Dimensional requirements
- Landscaping
- Utility system fees
- A maximum 60-day approval period

APANC agrees that there is a crisis of housing availability and affordability for North Carolinians that needs to be addressed, but pre-emption of local government regulations as the primary means of addressing these challenges falls short of the mark and is likely to produce more problems than it solves. We offer the following observations about the proposed language of SB317.

WORKFORCE HOUSING DEVELOPMENTS ALLOWED IN ANY ZONING DISTRICT

SB317v1 - p. 3 §160D-802.1 (a)
Requires local governments to permit workforce housing developments in any zoning district regardless of the district's intent or range of uses.

This is contrary to NC law requiring communities to adopt comprehensive plans to direct certain uses to most appropriate areas (NCGS §160D-501)

Ignores many State and federal limitations on residential development locations established to protect public safety:
(e.g., airport overlay districts, flood damage prevention districts, water supply watershed districts, etc.)

EXEMPTION FROM DENSITY AND DIMENSIONAL REQUIREMENTS

SB317v1 - p. 3 §160D-802.1 (a)
Prohibits the application of maximum density or minimum dimensional requirements within a workforce housing development.

This ignores health/safety aspects related to:

- Stormwater management
- On-site wastewater system separation requirements
 - Roadway access management
 - Driveway spacing
- Firefighting capability

The lack of density requirements confounds the ability to plan for future school and infrastructure needs.

HOUSING UNIT AFFORDABILITY ONLY ENSURED FOR 1 YEAR

SB317v1 - p. 3 §160D-802.1 (b)(4)(b)

Occupancy of affordable units by owners meeting qualifying income limits is only required for one year, and there are no deed restrictions or other protections for long-term affordability.

Affordable units created can be sold as market-rate units after 12 months.

No mechanism to ensure availability of affordable housing over the long term.

Only 20% of units in the workforce housing development must be affordable, and only half of those must be designated for purchasers making less than 100% of AMI.

**AFFORDABILITY
ENFORCEMENT PROCEDURES
UNCERTAIN**

SB317v1 - p. 4 §160D-802.1 (e)
Bill language indicates developer as party responsible for confirming income eligibility.

No standards, procedures, or oversight in the bill for initial determination of income eligibility.

Oversight is not needed for purchasers using State or federal downpayment assistance funds but is required for purchasers not using this assistance.

No provisions for eligibility tracking once developer finishes project.

This creates an unfunded tracking mandate for local governments who have no authority to request or mandate income information.

The bill permits certificates of occupancy to be withheld to ensure a “balance” of affordable/market rate units.

Court rulings have barred local governments from withholding COs for reasons other than building code-related concerns.

**10-ACRE MINIMUM SIZE /
NO MULTIFAMILY UNITS
ALLOWED**

SB317v1 - p. 3 §160D-802.1 (b)(1)

Requires developments to be at least 10 acres in size, and limits uses to single-family and two-family dwellings.

Focuses workforce developments on large vacant tracts in suburban/exurban locations, away from employment centers, transit, and necessary public services.

60-DAY APPROVAL DEADLINE

SB317v1 - p. 3 §160D-802.1 (d)
Requires approval/denial of a workforce development application within 60 days.

60 days is insufficient to review a preliminary subdivision plat, construct and accept public infrastructure, and review and record a final plat in North Carolina.

**EXEMPT FROM
IMPACT/SYSTEM
DEVELOPMENT FEES**

SB317v1 - p. 4 §160D-802.1 (h)
Local governments may not impose impact fees or water or wastewater system development fees on workforce lots.

This results in increased costs/charges that must be borne by other ratepayers and taxpayers beyond those in the workforce development.

**NO LANDSCAPING MAY BE
REQUIRED**

SB317v1 - p. 3 §160D-802.1 (d)
Prohibits local governments from requiring any landscaping internal to the development (other than a 20-foot-wide perimeter vegetated buffer).

This violates State and federal requirements for sedimentation and erosion control and may also violate other State requirements for riparian buffers.

The remaining 80% of the lots in the workforce development contain market rate homes but no landscaping requirements.

We believe the legislation could be improved with the following revisions:

1. Inclusion of a better balance between reseller equity capture and long-term provision of affordable units, such as deed restrictions.
2. Use of an outside agency or other mechanism to track purchaser income eligibility rather than the developer or a local government.
3. Assistance to local governments from the General Assembly with housing planning mandates and funding incentives for provision of workforce housing (as is currently being done in other states) rather than legislation that rests primarily on regulatory pre-emption.

The North Carolina Chapter of the American Planning Association stands ready to assist and engage the Legislature and other groups in whatever capacity would be appropriate, including providing more detail on anticipated repercussions of this legislation or working to develop collaborative solutions to the State's affordable housing crisis. Thank you for your consideration and your hard work towards making North Carolina a better place to live.



Resolution of the Randolph County Board of Commissioners On SB 317

WHEREAS, the legislation proposed in Senate Bill 317, *Addressing the Workforce Housing Crisis*, is of great concern to the County of Randolph and other local governments within North Carolina as it takes authority from local government to make important, major land use decisions; and

WHEREAS, provisions within this legislation are contrary to State law requiring communities to adopt comprehensive plans as required by NCGS § 160D-501; and

WHEREAS, provisions within this legislation ignores State and federal limitations on residential development locations such as Airport Overlay Districts, Flood Damage Prevention Ordinances and Watershed Protection Ordinances; and

WHEREAS, provisions within this legislation ignore health and safety aspects and firefighting capability; and

WHEREAS, provisions within this legislation remove the ability to control density; and

WHEREAS, provisions within this legislation allow affordable units created under the proposal to be sold a market-rate after twelve months and contains no mechanism to ensure availability of affordable housing for the future; and

WHEREAS, provisions within the legislation requires twenty percent of the residences in the development to be affordable and half of those must be designated for citizens making less than one hundred percent of the average median income; and

WHEREAS, provisions within the legislation includes no standards for initial determination of income eligibility, no provisions for eligibility tracking and thereby creates an unfunded tracking mandate for local governments who have no authority to request or mandate income information; and

WHEREAS, provisions within the legislation focuses workforce developments on large vacant tracts in suburban locations; and

WHEREAS, provisions within the legislation limits the review period to sixty days which is insufficient to review a workforce development or subdivision; and

WHEREAS, provisions within the legislation violate State and federal requirements for sedimentation and erosion control; and

WHEREAS, provisions within the legislation allows the remaining eighty percent of the lots in the development to contain market rate homes but eliminates any landscaping requirements.

NOW, THEREFORE BE IT RESOLVED that copies of this resolution are sent to our legislative delegation and to the leadership of the North Carolina General Assembly to stop Senate Bill 317 from becoming law and to work together to find real ways to advance affordable housing opportunities.

Adopted this the fifth day of June, 2023.

Chair, Randolph County Board of Commissioners

Clerk to the Board

