

MINUTES

RANDOLPH COUNTY PLANNING BOARD

July 13, 2004

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, July 13, 2004, 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; Lynden Craven, present; Larry Brown, present; Phil Ridge, absent; Chris McLeod, present; and Jim Rains, present.
3. **Craven** made the motion, seconded by **Rains**, to approve the Minutes of the June 8, 2004 County Planning Board Meeting. The motion passed unanimously.
4. **Issuance of the Special Use Permit for Tom Spears to allow a planned rural development for family members located off Carl Brady Road, on 65.60 acres, Pleasant Grove Township, Zoning District RA, Tax ID# 8626311200.**

NORTH CAROLINA

RANDOLPH COUNTY
PLANNING BOARD

ORDER APPROVING SPECIAL USE PERMIT

IN THE MATTER OF THE APPLICATION FOR SPECIAL USE PERMIT BY TOM SPEARS

THIS MATTER, coming before the Randolph County Planning Board at the May 4, 2004, and June 8, 2004, session of the Randolph County Planning Board on petition of Tom Spears to grant a Special Use Permit to allow a Planned Rural Development consisting of 4 family members on 65.60 acres (Randolph County Parcel No. 8626311200, Pleasant Grove Township), and having heard the sworn evidence presented, and having received into evidence such exhibits as presented by the applicants and opponents of the application, and after affording all who wished to be heard and sworn the opportunity to testify, examine, and cross-examine witnesses and to make arguments; now based on substantial, relevant and credible evidence, or the absence thereof, said Board makes the following :

FINDINGS OF FACT

1. On February 4, 2002, upon recommendation of the Planning Board, the Randolph County Board of Commissioners amended the County Zoning Ordinance to create, among other changes, a

Planned Rural Development, which is a area of land under single ownership to be developed for a number and variety of single family dwelling units primarily for family use. The plan shall conform with established Growth Management Policies for the area in which the Special Use Permit is considered. No more than four (4) dwelling units shall be allowed, and there shall be not less than the required area per dwelling unit for the district in which the development is located.

2. Site considerations adopted on February 4, 2002, for a Planned Rural Development, include the points of ingress and egress shall consist of a driveway or roadway with a minimum width of twenty (20) feet and shall be located in such a way to minimize traffic hazards, inconvenience, and congestion.
3. On April 13, 2004, the applicant applied for a Special Use Permit as required by the Randolph County Zoning Ordinance to allow the development of a Planned Rural Development to include four homes on a 65.60 tract.
4. The applicant represents all of the property owners of the land for which the Special Use Permit is requested, the land being owned by the Applicant and his sister and two brothers.
5. Testimony was provided that the property is serviced by a 16 foot perpetual easement leading from Carl Brady Road (SR 2885) to the northeast corner of the subject property and the roadway covers a full 16 feet across the northern edge of the property. Said easement was established by instrument dated June 18, 1985, and is recorded in Book 1164, Page 2012, Randolph County Registry.
6. Site plans submitted reflect a 30 foot easement within the 65.60 acre parcel that provides connection to the various tracts.
7. The 65.60 acre tract was purchased jointly by the applicant and his family on October 16, 1989.
8. The County Planning Director indicated that the County Technical Review Committee had reviewed the application and found that the application and site plans met all the technical specifications required by the Ordinance adopted in 2002, and that the 16 foot easement to the 65.60 acre tract had been deeded prior to any applicable Randolph County zoning regulations first adopted July 7, 1987.
9. Testimony was given that the use of low density housing is consistent with the area.
10. The County Planning Director indicated the area was located in a Rural Growth Area as reflected on County Growth Management maps which required new lots to be a minimum of 3 to 5 acres in area in order to maintain the low density rural character.
11. Testimony and exhibits were presented by opponents to the request and their attorney including copies of the Randolph County Zoning Ordinance that addresses Non-Conforming Use, and design standards relative to major subdivision developments requiring that private roads be restricted in length, width, and construction standards.
12. Testimony against the request was presented by opponents indicating that the 16 foot easement granted to the 65.60 tract that the witness believed that the easement was intended for only one residence and did not meet the current Randolph County standards of 20 feet.
13. Testimony and evidence was provided that the 65.60 tract was a tract recorded on public record as of June 20, 1985
14. Testimony was given that the 16 foot easement would provide adequate space for two vehicles to

pass each other, as most cars are less than 8 feet in width. The County Planning Director indicated that a Planned Rural Development and the Special Use Permit were not the same requirements as the Ordinance establishes for major subdivision developments, and this special zoning use had been specifically designed to provide greater flexibility for relatively small rural developments that are normally associated with families. The Director indicated that the Special Use Permit would go with the land, regardless of future ownership, and would not allow additional residences on the 65.60 tract other than the four requested.

15. The property is located in a Residential Agricultural Zoning District, and included as a Rural Growth Management Area on the County Growth Management Plan adopted by the Board of County Commissioners in 2002.

BASED ON THE GREATER WEIGHT OF EVIDENCE AND THE FOREGOING FINDINGS OF FACT, AND AS REFLECTED IN THE OFFICIAL MINUTES OF THE PUBLIC HEARING, THE RANDOLPH COUNTY PLANNING BOARD MAKES THE FOLLOWING CONCLUSIONS:

1. The proposed use will not materially endanger the public health, or safety if located where proposed and developed according to the plan as submitted and approved. (F.F. No. 1, 5, 6 and 14)
2. The proposed use meets all of the required conditions and specifications relative to a Planned Rural Development with exception of the 20 foot access requirement which this Board concludes that the 16 foot access easement established prior to county zoning regulations should be “grandfathered” and upon conclusion finds that this pre-existing easement would provide adequate access to the 65.60 tract. (F. F. No. 5, 6, 7, 8 and 13)
3. The proposed use will not substantially injure the value of adjoining or abutting property. (F. F. No. 9, 10, 14, 15 and 16)
4. 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 be located and in general conformity with the Randolph County Growth Management Plan. (F. F. No. 1, 5, 8, 9, 10, 14, 15 and 16)

BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS, the application for a Special Use Permit is **approved** by a vote of 7 to 0:

The following **special conditions** are placed on issuance of the Special Use Permit where, in the judgment of the Board, such conditions will better insure compliance with the CONCLUSIONS #1 AND #2:

- A: The existing right of way shall be maintained by the applicant in a manner as to not hinder appropriate access by emergency and other public service vehicles.
- B: No more than four (4) residences or future subdivision of the 65.60 acre tract shall be permitted.

THIS SPECIAL USE PERMIT IS ISSUED THIS 13 Day of July, 2004.

McLeod made the motion, seconded by **Brown**, to **approve** the Order Approving the Special Use Permit in the matter of Tom Spears. The motion passed unanimously.

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **ALLEN LONG & CHARLES GETTIG**, Seagrove, North Carolina, are requesting that 10.43 acres located on the corner of N.C. Hwy Bus 220 South/Burney Road, Richland Township, be rezoned from Highway Commercial/Residential Restricted/Residential Agricultural to Highway Commercial/Conditional Use. Tax ID# 7665770080, 7665667863, and 7665667680. The proposed Conditional Use Permit would specifically allow a public recreational club to include clubhouse, meeting hall, swimming pool, tennis courts, snack bar, batting cages, arcade, and 18-hole golf course.

- **Technical Review Committee Recommendation:**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommend to the County Planning Board that this request be approved as consistent with adjoining land uses.

Example of a Growth Management Policies that the Technical Review Committee found supporting this recommendation is:

Policy 4.2 *Highway-oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths for commercial strip development.*

Long and **Gettig** were present for this meeting. **Long** said that they plan to make some changes to the site plan, such as moving the tennis courts in line with the batting cages. **Long** said that he understood that there was some concern with the clubhouse and explained that it would be similar to the country club approximately 5 miles from this location. **Long** said that there are two septic systems on the property and feels there would be an appropriate amount of land for the septic systems necessary for this facility. **Long** said when Seagrove runs sewer lines to this area, they would hook onto the sewer lines. **Long** said they would have enough employees to handle the facility. **Long** said the pool would be a junior size Olympic pool. **Long** said that he was informed yesterday that there would be an ABC store and a bar going on this property and neither is true. **McLeod** asked if a liquor license would be applied for with the State, and **Long** answered that they plan to apply for a liquor license for

private events. Long said that they plan for two tennis courts. **McDowell** asked if he would be issuing memberships or if this would be a public facility. **Long** said they have not decided at this point. Long said it is not set in stone at this time. **McDowell** asked if this would be a family-oriented establishment and **Long** said definitely so. Long said there is not a facility of this type in close proximity to Seagrove. **Gettig** said that if they can access more property in the future, they plan to build a 4-field ballfield facility. **Johnson** asked if they owned the property, and **Gettig** answered that they currently have contracts to purchase the properties.

Tim Rogers, 3755 Zoo Parkway, pastor of Victory Baptist Church, asked the Board if the present egress will be maintained. Rogers said the current access may cause traffic problems and safety concerns in this busy intersection. Rogers expressed concern that the property may not be large enough for this size of facility. Rogers questioned how many people the facility would serve. Rogers said Victory Baptist Church is planning to expand their facilities and have been told that they need a septic system that would take up an acre of their property. Rogers said he didn't feel that the applicants were planning for a large enough septic system. Rogers said the proposed sewer line from Seagrove is not even close to being constructed. Rogers said there is currently a recreational facility less than a mile from this site. Rogers said he felt this proposed development would change the character of the neighborhood. Rogers described the area as primarily residential. Rogers said this is a sports facility being planned with a liquor license across the street from a church. Rogers asked about the type of machines that would be in the arcade. Rogers warned the danger if video poker machines were placed in the arcade. Rogers asked if the background of the petitioners had been looked into when trying to establish a facility where children will be attending. Rogers said that this type of facility could lend itself to many abusive type activities. Rogers said this type of facility doesn't need to serve liquor. Rogers said if a condition is placed of no alcoholic sales and the petitioners did indeed sell alcohol, how long would it take for the facility to be brought into compliance. Rogers discussed the zoning problem of a salvage yard that the County has been battling for 10 years, and it is still not in compliance. Rogers thanked the Board for their time.

There were 54 citizens present in opposition to this request.

Pastor Ronnie Chaney, Union Grove Baptist Church, Hwy 705, said that he didn't feel that the petitioners had much of a solid plan for the type of recreational facilities, but they had a solid plan to obtain a liquor license.

Charles Spivey, 162 Richland Park Drive, spoke on behalf of his mother, who lives across the street from this facility. Spivey said that years ago there was a liquor joint in this area that used their drive. Spivey said that it was a real problem for his family. Spivey said that his mother is frightened for this type of facility to open here.

Jerry King, 1366 Cagle Loop Road, said their concern is the alcohol license can be applied for at any time without the consent of the County if this type of facility is developed. King said that he was a police officer in Seagrove for 17 years and this community doesn't need this type of facility.

McLeod said that he felt that a recreational facility is what Seagrove is planning in their park.

McDowell said that he realized that the City didn't have some of these facilities but they are working to add recreational facilities at their park. McDowell said that this type of facility would give them the ability to apply for a liquor license by State laws.

McLeod said he liked this idea without the liquor sales. **Dorsett** said that people come up here time and again with only general plans. Dorsett said he couldn't vote for a request with only general plans.

McLeod made the motion, seconded by **Craven**, to recommend to the Commissioners that they **deny** this request as not compatible with the community. The motion passed by a vote of 5 to 1, Rains voted against the motion.

- B. **EARNHARDT BUILDERS, INC.**, Trinity, North Carolina, is requesting that 42.40 acres located on Hoover Hill Road (just past Old Park Drive), Trinity Township, be zoned to allow a residential exclusive cluster subdivision overlay. Lake Reese Watershed. Parcel ID# 7715861818. Zoning District RA. The Conditional Use Zoning District would specifically allow a 42-lot cluster residential subdivision for site-built or conventional modular homes with a minimum house size of 1,300 sq. ft.

- **Neighborhood Information Meeting Summary**

This request was presented at a new Neighborhood Information Meeting after the initial request was denied by the Planning Board. Several area citizens attended this Neighborhood Information Meeting and noted the improvement in the new cluster/open space proposal when compared to

the first plan. However, the citizens in the community felt that this property did not lend itself for a major subdivision or open space development. Even though extensive plantings would be required, the buffer areas would still be located in what is meadow and open fields. Several citizens who attended the Neighborhood Information Meeting noted that they felt a large lot (5-acre) development of site-built homes would be more compatible with the community and would better address their neighborhood concerns of stormwater run-off to adjoining rural lands.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal was not in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recognized that a request to subdivide this property had been to the Planning Board and was recommended to be denied. The developer has made several changes to the original request to try to answer the concerns the Planning Board had and those changes are as follows:

- 1. The original request was for 57.99 acres to be rezoned and the request has been reduced to 42.40 acres.*
- 2. The original request was for 55 lots and the new proposal is for 42 lots.*
- 3. The original plan had 5 lots fronting on Hoover Hill Road and the new proposal has no lots fronting on Hoover Hill Road. The new request also provides a new planting buffer along Hoover Hill Road.*
- 4. The original request had 12 lots adjoining Old Park Road and the new proposal has no lots adjoining Old Park Road. The new request also provides a 50 ft. buffer along Old Park Road along with an intense buffer planting.*
- 5. The new proposal would not allow any driveway to access any of the existing roads. All lot accesses will be to the newly created roads.*
- 6. The new proposal also includes a 50 ft. no-cut buffer along the west property line.*

The Technical Review Committee felt the developer has made substantial changes to the request and now recommends that this request be APPROVED in this Secondary Growth Area.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are

Policy 6.4 *Innovative and flexible land planning techniques shall be supported as a means of encouraging development configurations which are more desirable and which may better safeguard existing natural land and water resources.*

Policy 6.5 *The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.*

Policy 6.12 *Factors to be considered in major subdivision approval in Primary and Secondary Growth Areas will include suitability of soils, access to major thoroughfares, the potential availability of public services and facilities and community compatibility.*

Policy 6.13 *Each lot in a subdivision planned for single-family residential development shall be designed to contain well and septic tank on the same lot as residence unless alternate system approved through “open space” clustering designs.*

Johnson explained that this request came to the Board a couple of months ago and the Planning Board recommended that the request be denied. Johnson said that the developer withdrew that request at that time. Johnson presented the map of the first proposal and then presented the map of the new proposal and explained the changes. Johnson said that the County would require extensive buffers to be planted because the development is being proposed in a meadow.

Michael Pugh, 1012 Candlewood Drive, High Point, (realtor), said that they have tried to work closely with the County Planning Staff to come up with a new proposal. Pugh said they have cut 15 acres from this request and have reduced the development to 42 lots on 42 acres. Pugh said the developer has purchased the property and has the right to develop the property. Pugh said he would like the opposition to realize there are worse things that could be placed on the property. Pugh said that they could cut the property into 10-acre tracts and place chicken houses on each lot or

worse types of development could occur. Pugh said that there is a need for this size housing in this area and this development would have a minimum house size of 1,300 sq. ft. Pugh said that this is out in the county and this level of house size is needed. Pugh asked the Board to recommend approval of this request.

McDowell asked what happened to the 15 acres that were taken out. Pugh said they have set that parcel aside with an existing residence. Pugh said that if they could get more home sites they could increase the minimum house size. Pugh said that it is discriminatory against the people in this income bracket to never approve subdivisions with houses of this size.

Kim Lee, 4364 Old Park Road, Trinity, asked for a show of hands for those people in opposition to this request. **28 citizens raised their hands.** Lee said that the property was zoned RA when the property was purchased and Earnhardt doesn't have the right to develop the land with this many lots. Lee said that she lives in the country and wouldn't mind chicken houses. Lee said they all prefer farming uses to a housing development. Lee said the proposal is not consistent with the area. Lee said the average tract size adjoining the site is 12-15 acres. Lee said within a mile of the property the average lot size is 3 acres. Lee presented pictures of the adjoining residences in the area. Lee said this is too many houses and the houses are too small. Lee said the average house size bordering this property is 3,600 sq. ft. Lee said the average house size in the area is 2,400 sq. ft. Lee said they aren't asking for houses consistent with the area. Lee said the buffers being proposed would require a long time to grow to a size to buffer the development. Lee said the socio-economic level of the person that would buy a 1,300 sq. ft. home would probably not be able to pay dues to a homeowners association. Lee asked if the members don't pay dues who would make them pay. Lee asked questions about the maintenance of the open space and the private road easement. Lee expressed concern about water run-off. Lee expressed concern the run-off would affect their pond. Lee also said that this type of development would negatively affect their property values. Lee expressed concern for their safety and their livestock's safety. Lee presented pictures of homes up the street that Earnhardt built and said that these homes would not be compatible with their homes. **Dorsett** asked how long she had lived in the area. **Lee** said that her husband's family has lived here for over 100 years, and they have been married for 19 years. Lee discussed the crime and safety problems they have experienced since the last development Earnhardt built in the community. Lee said the community has worked hard to create a community that they can be proud of. Lee said that they are not asking Earnhardt to not develop. Lee said

that they would prefer that the property remain agricultural, but they would like to see Earnhardt work with the community. Lee said she knew that Earnhardt needed to make a profit on the property. Lee said they would not be opposed to 5-10 acre tracts with 2,400 sq. ft. homes. Lee said they live and love their country way of life. Lee said she felt the Board should not allow him to change their way of life.

Chip Lee, Old Park Drive, said that there are 14 houses for sale within a mile of this property in the range that the realtor felt is needed.

Ricky Bevin, 4857 Hoover Hill Road, said he owns 30+ acres and a 5,000 sq. ft. home. Bevin said he is not for ½-acre lot sizes. Bevin said he likes the buffers being proposed and the one entrance, but he still feels this was too many homes. Bevin said that this is not right for this area.

Russell Draugh, 4650 Hoover Hill Road, expressed concern for the perking of the property. Draugh expressed concern for the watershed and if the open space could hold all these septic tanks.

Dennis Farlow, 4425 Pine Valley Drive, Trinity, said he knows Earnhardt and that he has worked hard in his endeavors. Farlow asked Earnhardt to consider some of the points that have been made by the community residents. Farlow talked about areas of homes that Earnhardt has built. Farlow said he would like to see Earnhardt act upon the concern of the community. Farlow asked the Board to consider the concerns that have been raised by their community.

Rains asked if the number of homes, if approved, would be based on the perk test by the Health Department. Rains asked about the type of septic systems that could be issued. **McDowell** said that the open space can be used for septic systems.

Johnson said one point that needs to be made is that the development on the east side of Hoover Hill Road is high density, site-built development. Johnson said the west side of Hoover Hill Road is entirely different with large tracts and the area is low density.

Brown and Rains questioned the developers about the perkability of the property. **Pugh** said that many lots are turned down by the Health Department and there are strict regulations concerning septic tanks. Pugh said that often lots are combined if they are not perkable. Pugh said this is the first conservation open-space development they have proposed. Pugh said this is a development concept that the County wanted to see. **Dorsett**

asked if each lot would have an individual septic tank. **Pugh** answered yes. **Dorsett** said in theory this is an ideal way to develop but he has more concerns as he sees this type of development being proposed. **Pugh** said this is a new concept that the County is promoting. **Dorsett** said he would be concerned if privately owned lots are crossed to access the open space for septic systems. **McLeod** said if the property is perkable then maybe the property should be developed with a conventional subdivision. **Johnson** said that the issue being considered at this time is if this proposal is appropriate for the property.

Craven said his main concern is the septic systems and if privately owned lots would be crossed to get to the common area for septic systems. **Dorsett** said if the common areas are used for septic tanks and the systems failed, the common area would be a mess.

Craven said there is a difference with this new plan and it is a better layout.

Craven made the motion, seconded by **McLeod**, to recommend to the Commissioners that this request be **denied**. The motion passed a vote of 5 to 1, Rains voted against the motion.

- C. **C. R. BOWERS**, Sophia, North Carolina, is requesting that 38.70 acres located at the corner of Hoover Hill Road/Snyder Country Road, Tabernacle Township, Lake Reese Watershed, be rezoned to allow an exclusive residential cluster subdivision overlay. Parcel ID#7714376743. Zoning District RA. The Conditional Use Zoning District would specifically allow a 17-lot residential cluster subdivision for site-built homes with a minimum house size of 1,300 sq. ft.

- **Neighborhood Information Meeting Summary**

One couple attended the Neighborhood Information Meeting concerning this request and expressed concern about stormwater run-off as a result of other subdivision developments in the area. There was concern that this subdivision would add to the stormwater run-off problems.

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommend to the County Planning Board that this request be **approved**.*

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.4 ***Innovative and flexible land planning techniques should be supported as a means of encouraging development configurations which are more desirable and which may better safeguard existing natural land and water resources.***

Policy 6.7 ***Open space flexible cluster subdivisions should be encouraged.***

Policy 6.9 ***Major residential subdivision development in all growth management areas shall be computed by the number of lots divided from the original base tract.***

Mark Terry, Surveyor, North Main Street, Archdale, said the density level is a rate of 1 lot per 3 acres in this proposed development. Terry said the perkable soil is at the south end of the property. Terry said the subdivision lots will be over 200 ft. from any existing road. Terry said all the lots will have an easement along the new road right-of-way to a septic site in the open space. Terry said the Health Department is “on board” with this development. Terry said the lots will be served by public water from Davidson Water. Terry said the entire tract is wooded, and the entire development will be buffered by heavy evergreen buffers. **Dorsett** asked if the area in the open space set aside for septic tanks would be cleared. **Terry** said they will clear as few trees as possible. **Dorsett** asked why they didn’t propose more lots, and **Terry** said that his client asked him to design the development with this specific number of lots. **McDowell** asked about the ownership of the septic tank lots, and **Terry** said the septic tank lots would be deeded along with the house lot in single ownership.

Dennis Farlow, Pine Valley Road, asked if the residents of the adjoining subdivision have been notified that a sewer field is being planned next to them. **McLeod** said that the County held a neighborhood information meeting and notified each adjoining property owner of the meeting.

Catherine Garrison, 2308 Thayer Road, read an article from the Agricultural Department’s newsletter concerning how much farmland benefits the community. Garrison described several farms in the area. Garrison said two years ago a neighbor had problems with their new well.

Garrison expressed concern of the run-off and how it would affect the water in the community.

Jerry Neal, 5493 Snyder Country Road, thanked the Planning Board for making developments compatible with the area. Neal said this development is on the edge of what is called a Rural Growth Area on the County's Growth Management Map. Neal said he has made a significant investment less than a mile from this site. Neal said this area already has some significant development that was "grandfathered in" before the area was designated Rural Growth. Neal said a car passed on this road every 30 seconds, and the residents have a right to expect the zoning be maintained in this area. Neal said he is opposed to any zoning change in this area.

Steve Garrison, 2308 Thayer Road, asked about the acreage in septic systems. **Terry** said that the proposal is a rural growth development of 1 residence per 3 acres. **Garrison** expressed concern for such a small area being proposed for each septic system.

Dwight Loflin, 5803 Snyder Country Road, complimented the developers on the septic systems being proposed. Loflin said the bottom line is these developers are coming into the country and getting rich off the land. Loflin said it's just like the people that live in these areas have no rights. Loflin said the taxes are so high that the farmers cannot hold on to the land. Loflin said development is fine in moderation. Loflin said developments should be restricted to mini-farms of 10-acre tract sizes. Loflin said if these two developments are approved, the Hoover Hill Road will have major traffic problems. Loflin said he works for the DOT and most people don't realize the upkeep of the roads. Loflin said the traffic is growing more unsafe. Loflin said one of these days Randolph County will wake up and see what they've done.

There were 27 people present in opposition to this request.

Dorsett said he didn't feel that the developer was being greedy, and the developers haven't asked for all the lots that they could have requested. Dorsett said he felt this was the best laid out open-space development proposed so far. **McLeod** agreed with Dorsett.

Dorsett made the motion, seconded by **McLeod**, to recommend to the Commissioners that this request be **approved**. The motion passed by a 5 - 1 vote. **Brown** voted against the motion.

- D. **JAMES STOUT**, Randleman, North Carolina, is requesting the Conditional Use Permit at 5909 Harold Meadow Road, 6.90 acres, Providence Township, be amended to include propane gas sales and distribution and an office addition of 14' x 70' to the existing 100' x 80' building. Light Industrial Zoning District. Sandy Creek Watershed. Tax ID# 8708138602. The existing Conditional Use Permit allows for a diesel repair business in the existing 100' x 80' building and a 70' x 30' building to be constructed on site.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee felt this proposal would be a low-impact commercial use along a major thoroughfare and recommends to the County Planning Board that this request be approved as a minor addition to the existing Conditional Use Permit.

Jim Stout was present for this meeting. Stout said the property has been used for repair of heavy equipment. Stout said he will only be using the garage to repair of his equipment. Stout said this would be a less intense use of the property. Stout said they will be supplying propane for home delivery. **Dorsett** asked about gas storage, and **Jerry Hall** (Stout's partner) said there would be two 30,000-gallon propane gas tanks. Hall said they will be regulated by the Department of Agriculture.

Rick Blase, 1165 Lexington Commons, Asheboro, said he is very excited about being a part of this project. Blase said the building is incredibly built and the property is buffered nicely. Blase said the building is bordered by only one residence and the facility is isolated.

There was no one present in opposition to this request.

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

- E. **NORMAN LIVENGOOD**, Asheboro, North Carolina, is requesting the Conditional Use Permit for Three Lakes Subdivision on Luck Road, Grant Township, be amended to allow one additional 5-acre lot. Residential Restricted Zoning District. Tax ID# 7771418438. The existing Conditional Use Permit for this subdivision allows 5 lots.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee felt this proposal would be a low-impact commercial use along a major thoroughfare and recommends to the County Planning Board that this request be approved as a minor addition to the existing Conditional Use Permit.

Livengood was present and explained the Health Department has approved the lot for a septic tank. Livengood said this would be the last lot in this subdivision.

There was no one present in opposition to this request.

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

- F. **BRANDON JENNINGS**, Randleman, North Carolina, is requesting that 1.86 acres located on the corner of Hwy 49 South/Union Church Road, Cedar Grove Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Tax ID# 7639689801. The proposed Conditional Use Permit would specifically allow a landscaping supply business and construction of a 16' x 32' building for the office as per site plan. Vernon Cagle - Property Owner.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee felt this proposal would be a low-impact commercial use along a major thoroughfare and recommend to the County Planning Board that this request be approved.

Jennings was present and explained his intentions to operate this business. Jennings said he has agreed to plant a buffer along his north property line where his neighbor's residence is located. Jennings said this would be a low-impact business with only one additional employee besides himself. Jennings said he has met with the Property Development Advisory Team and is aware of codes he will need to meet.

Jerry Rorie, 1517 Union Church Road, said that he is not against or for the request. Rorie said he doesn't want to see a convenience store built on this site. Rorie said that Jennings has agreed to two rows of leyland cypress trees. Rorie said he wanted to see the property maintained and kept nicely.

McDowell said that this is not the place for a convenience store but he felt this activity would not be a problem.

McLeod made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be approved with the buffer conditions discussed. The motion passed unanimously.

6. **SPECIAL USE PERMIT REQUESTS:**

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."

Ten people took this oath.

- A. **KEVIN PRITCHARD**, Asheboro, North Carolina, is requesting a Special Use Permit for a rural family occupation to operate a garbage collection business with 3 trucks from his residence located at 1623 Miles Moffitt Road, on 1.96 acres, James K. Blankenship Subdivision lot 3, Grant Township, Zoning District RA, Tax ID# 7679288655.

Pritchard was present and explained that he serves residential garbage pickup. Pritchard said he has three trucks and one employee. Pritchard said he purchased the property last December and operated his business from his apartment in North Asheboro before he moved to this location. **Johnson** asked Pritchard if he is maintaining the road. **Pritchard** said he would maintain the road and plans to repair the driveway with concrete on the portion of the drive that is shared by his neighbor. Pritchard said all the trash is disposed of daily and no trash is kept over-night at the site. Pritchard said they don't run on holidays; they run double shifts the next day. All collections are by mail. Pritchard said he only needs a place to park the trucks.

Clifford Yow, Miles Moffitt Road, said he lives on the north side of the property. Yow said the trucks smell when they are brought to the property. Yow said he has nothing against his neighbor, but this should not be allowed. Yow said he owns Yow's Mobile Home Park, which is about 150' from this site.

Lillian Cecil, Dixieland Acres, Asheboro, said that she owns 40+ acres adjoining this property. Cecil said she let her son-in-law have 3 lots here to build houses. Cecil said she plans to leave the remainder of her land for her 7 grandchildren to build on. Cecil said this type of business shouldn't be allowed in a residential area. Cecil said there are nice homes in the area, and this driveway was not built to support these heavy trucks. Cecil said she owns an easement on this driveway to enter her 40+ acres.

Joe Hussey, 1611 Miles Moffitt Road, said he is concerned about flies and mice. Hussey said he is for small businesses, but he didn't feel this type of business should be here. Hussey said he works second shift and the trucks disturb him. Hussey expressed concern for the safety of his small children with these large trucks using the drive.

Dorsett expressed concern for the smell this type of business would create.

Craven said Pritchard has agreed to maintain the road, and he doesn't park loaded trucks at the site.

Rains said he felt there is possibly a question if the public health is endangered. Rains also expressed concern that this could possibly injure the value of adjoining properties. **Brown** explained that the adjoining property owners must provide evidence that this request would injure their property values.

Dorsett said that this permit would go with the property forever. Dorsett said he felt that the applicant did not meet the required test 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 be located and in general conformity with the Land Development Plan for Randolph County. **Dorsett** made the motion to deny this request and **Rains** seconded this motion. The vote was 3 - 3 with Brown, Craven, and McLeod voting against the motion. The request was **denied** for failure to obtain a 4/5ths vote required for approval.

- B. **RUBY TATE**, Asheboro, North Carolina, is requesting a Special Use Permit to operate an antique shop from an existing house at her residence located at 2662 Pisgah Covered Bridge Road, on 2.70 acres, Cedar Grove Township, Zoning District RR, Tax ID# 7648948008.

Tate was present for this meeting and explained her intention to operate an antique shop. Tate said that she talked with her neighbors and they are for this request. Tate said this would strictly be a family business. Tate said she has met with the Property Development Advisory Team and understands the codes the property will be required to meet.

There was no one present in opposition to this request.

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

- C. **MICHAEL SPARKS**, Seagrove, North Carolina, is requesting a Special Use Permit for a grading business with a proposed 30' x 50' building for storage from his residence located at 5925 Union Grove Church Road, on 4.62 acres, Richland Township, Zoning District RA, Tax ID# 7695173744.

Sparks was present and explained his intention to build a building for storage of his equipment that is currently stored in the yard. Sparks said he will have a few machines sitting on the property, but most of the equipment is kept on job sites.

There was no one present in opposition to this request.

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

7. The meeting adjourned 9:26 p.m. There were 98 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk/Secretary