

## MINUTES

### RANDOLPH COUNTY PLANNING BOARD

**November 2, 2010**

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, November 2, 2010, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Chris McLeod** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Chris McLeod, Chairman, present; Reid Pell, Vice Chairman, present; Larry Brown, present; Phil Ridge, present; Jim Rains, present; Wayne Joyce, present; and Danny Shaw, present. County Attorney Darren Allen was also present.
3. **Pell** made the motion, seconded by **Rains**, to approve the Minutes of the October 5, 2010 Randolph County Planning Board meeting. The motion passed unanimously.
4. Approval of the Order of the County Planning Board in the Smith Special Use Permit Case heard at Public Hearing on October 5, 2010.

#### **Order Approving Special Use Permit**

The Randolph County Planning Board, having conducted a Public Hearing on Tuesday, October 5, 2010, to consider the following Special Use Permit application:

**PERRY SMITH**, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to operate a winery at his farm located at the end of Reeder Road Extension, on 71.25 acres, Union Township, Secondary Growth Area, Zoning District RA, Tax ID# 7655612222 and 7655623548.

**and**

Having heard sworn evidence presented, and having received into evidence such exhibits as present by the applicants and opponents to the applicant, and after affording all who wished to be heard the opportunity to testify, examine, and cross-examine witnesses and to make arguments, now based on substantial, relevant, and credible evidence received, said Randolph County Planning Board makes the following:

## **FINDINGS OF FACT**

- 1: The applicant applied for a Special Use Permit as required by the zoning regulations contained within the Randolph County Unified Development Ordinance to allow a Rural Family Occupation to sell and bottle wines produced from the grapes of the on site vineyards located on approximately 71.25 acres at Reeder Road Extension, Union Township, Zoning District RA, Tax ID # 7655612222 and 7655623548.
- 2: Testimony was received that the wine will be made from grapes grown on the property and that the wine will be bottled on site south of the existing house.
- 3: Testimony was received that the existing house will be used for wine tasting only and that no open bar facility will be used.
- 4: Testimony was received that the owners have cut another road providing access to the vineyards and this access will be used by the farming operation. This private road access is maintained by the applicant.
- 5: Hours of operation would be limited to not more than two days per week, although the winery would be a seasonal business with pruning of grapes in January and February.
- 6: Testimony was given that the property had been used as a farm and owned by the applicants family for over 70 years.
- 7: A site plan was presented which indicated a 2.5 acre area being used for the vineyard, with possible expansion of an additional 1 acre site at some unknown future time. Randolph County Tax Department regulations require that there be a minimum of 5 acres in production for horticulture with a \$1000 gross income per year for the past three years before a property can be considered agriculturally exempt.
- 8: The County Planning Director stated that the application is complete and meets the requirements of the Ordinance for consideration as a Rural Family Occupation.
- 9: Testimony was received that the property should only be used for low density residential and farming. Concerns were also expressed that this agricultural activity would reduce property values and that the existing private road would not adequately handle additional traffic.

**BASED ON THE GREATER WEIGHT OF THE 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. # 2,3,4,5,6,7,8)
- 2: The proposed use meets all required conditions and specifications as outlined in the County Zoning regulations. (F.F. # 8)
- 3: The proposed use will not substantially injure the value of adjoining or abutting properties. (F.F. , 2, 3, 4, 5, 6, 7)
- 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 Growth Management Plan for Randolph County. (F.F. # 2.3.4.5.6.7,8)

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

- \*\*open no more than 2 days a week, no Sundays
- \*\*hours of operation 12 pm to 6 pm

This Special Use Permit is issued this 2 day of November 2010.

**Pell** made the motion, seconded by **Joyce**, to **approve** the Order of the County Planning Board in the Smith Special Use Permit Case heard at Public Hearing on October 5, 2010. The motion passed unanimously.

5. **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."*

Five people took the oath.

- A. **JAMES & LAURA PRICE**, Asheboro, North Carolina, are requesting a Special Use Permit for a Rural Planned Development for 3 single-family homes to be

used by family members. Location: 2567 Old Cox Road, 3.80 acres, Grant Township, Zoo Growth Area, Zoning District E-1, Tax ID# 7678093109.

**Laura Price** was present and said that they have owned the property for 27 years. Price said this was for her son and daughter to live on the property. The property has perked for 2 additional residences.

**Joyce Davis**, realtor, said that she has land listed for sale adjoining the property. Davis asked if there was going to be any screening of the property. **Price** said that she would only clear enough of the property to set the two mobile homes on the property. **Joyce** said the property adjoining may be purchased by the zoo or someone else for development and their concern would be appropriate buffers.

**Peggy Robbins**, 1436 Woodale Drive, Asheboro, said that she owns an adjoining tract of land. Robbins said that she has a mobile home on her property where children live. Robbins said that she is concerned about people hunting on the property and possible problems due to shooting. Robbins said that she is concerned about the whole thing, but her husband has told her that when people own their land they can do what they want.

**Mable Cooper**, 1908 Old Cox Road, asked how close could they come to her property. **Johnson** answered 20 feet. **Cooper** said that she has had trouble with people hunting on her land. Cooper wanted to know if the game warden ever check the property to insure that people had permission to hunt. **McLeod** advised Cooper to contact the game warden if she had any trouble.

**McLeod** said that he felt this would be in keeping with the neighborhood.

**Brown** asked what types of homes would be placed on the property, and **Johnson** answered mobile homes.

**Rains** made the motion, seconded by **Joyce**, to approve the request for a Special Use Permit. The motion passed unanimously.

- B. **LARRY CHEEK**, Ramseur, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to obtain a firearms dealers license in a personal gun shop (12' x 24' building) at his residence located at 6400 NC Hwy 22/42S, on 15.50 acres, Coleridge Township, Rural Growth Area, Zoning District RR, Tax ID# 8627582783.

**Cheek** said that he and his neighbor plan to obtain the license. Cheek said guns would be sold by appointment only and through the internet. Cheek said there

will be no shooting range on the property. Cheek said they would also sell guns at gun shows. Cheek said that this is his family home place.

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

**Brown** made the motion, seconded by **Pell**, to **approve** this request for a special use permit with the condition of no shooting range allowed on the property. The motion passed unanimously.

**6. Proposed Riparian Buffer Protection Rules for Randleman Lake Watershed**

**Johnson** explained the State passed new riparian area protection regulations. Johnson said that the County has had watershed regulations in place for the Randleman Lake Watershed since 1988, many years before the State mandated regulations in this area. Johnson explained that these new regulations are for the Randleman Lake Watershed only (not all watersheds in Randolph County). Johnson provided the Board with copies of the new regulations to be adopted by the County.

**Rains** made the motion, seconded by **Brown**, to recommend approval to the Board of Commissioners. The motion passed unanimously.

7. The meeting adjourned at 7:45 pm. There were 18 citizens present for this meeting.

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**NORTH CAROLINA  
RANDOLPH COUNTY**

*HAL JOHNSON*

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**Planning Director**

*JILL WOOD*

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**Date**

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**Clerk/Secretary**