

MINUTES

RANDOLPH COUNTY PLANNING BOARD

April 5, 2011

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, April 5, 2011, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Reid Pell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Reid Pell, Chairman, present; Wayne Joyce, Vice Chairman, present; Chris McLeod, present; Phil Ridge, present; Jim Rains, present; and Larry Brown, absent. County Attorney Ben Morgan was also present.
3. **Rains** made the motion, seconded by **Joyce**, to **approve** the Minutes of the February 8, 2011 Randolph County Planning Board meeting. The motion passed unanimously.

4. **ROAD NAMING REQUESTS:**

- A. **Milton Circle Road** - both segments of Milton Circle Road from the intersection of Little Brook Road to the end of Milton Circle Road

Susan Chriscoe, Milton Circle Road, was present and expressed her concern that there is another section of road that is not named in this area.

Kim Heinzer, Addressing Coordinator said the recommendations for naming the roads are renaming the eastern section ***Milton Road*** and the western portion ***Farrell Lane***.

Susan Chriscoe said that they are opposed to the name of Farrell Road and would like it named Lester Farm Road.

Rains made the motion, seconded by **Joyce**, to recommend to the Commissioners that the eastern section be renamed ***Milton Road*** and the western section ***Lester Farm Road***. The motion passed unanimously.

- B. **Old Spencer Road** - an existing State road from US Hwy 311 to the intersection of I-74

Jack Swaggard, Spencer Road, said that he was happy to see that the County is naming the road Old Spencer Road. Swaggard expressed concern that there is still nothing marked on the road showing the road is closed. Swaggard said that he would like to see the road posted with new signs showing it is closed.

Joyce made the motion, seconded by **Ridge**, to recommend to the Commissioners that the road be named **Old Spencer Road**. The motion passed unanimously.

C. **Segment 1** - a new service road off of Spencer Road

Johnson said that the Planning Staff is recommending that the road be named Three Creeks Drive.

Rains made the motion, seconded by **McLeod**, to recommend to the Commissioners that the road be named **Three Creeks Drive**. The motion passed unanimously.

D. **Segment 2** - a new service road off of Branson Davis Road

Johnson said that the Planning Staff is recommending that this road be named Perdie Road.

Morris Rice, said that he is the only resident on the new road and would like it named **Gray Farm Road**.

Rains made the motion, seconded by **McLeod**, to recommend to the Commissioners that the road be named **Gray Farm Road**. The motion passed unanimously.

E. **Drive 2** - a new State road off of Heath Dairy Road just past Steele Lamb Drive

Johnson said that the staff originally recommended that the new road be named Ruby Lane, but has since had a request from the community to name the road **Pristine Valley Road**.

Rains made the motion, seconded by **McLeod**, to recommend to the Commissioners that the road be named **Pristine Valley Road**. The motion passed unanimously.

F. **SR 2063** - a new State road off of Tuttle Road just before the I-74 overpass

Johnson said that the office has received a request to name the road Maddy Lane. Johnson said the property owners requested this name in memory of a horse they lost.

McLeod made the motion, seconded by **Joyce**, to recommend to the Commissioners that the road be named Maddy Lane. The motion passed unanimously.

- G. **SR 2064** - a new State road on the north side of Tuttle Road just past the I-74 overpass

Johnson said that the Planning Staff is recommending this road be named Taylor Branch Road.

Ridge made the motion, seconded by **Rains**, to recommend to the Commissioners that the road be named Taylor Branch Road. The motion passed unanimously.

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

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."

One person took this Oath.

JAMES CALLICUTT, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to construct a 24' x 40' building to operate a produce and country store at his residence located on 39.50 acres at 5780 High Pine Church Road, Union Township, Rural Growth Area, Zoning District RA, Tax ID# 7625677533.

Callicutt was present for this meeting. Callicutt said that he plans to construct the building for this business in another year. Callicutt said that he has owned the property for over 40 years. Callicutt said that this would be just a family store.

There was no one present in opposition to this request.

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

6. **REQUEST FOR REZONING:**

- A. **KENT STALEY**, Staley, North Carolina, is requesting that 1.89 acres (out of 85.75 acres) located on Ramseur Julian Road (approximately ½ mile south of Old

Liberty Road), Liberty Township, be rezoned from RA to RBO-CD. Tax ID# 8716005665. Secondary Growth Area, Sandy Creek Watershed. The proposed Conditional Zoning District would allow the construction of a 60' x 100' welding shop as per site plan.

Technical Review Recommendation:

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the 2009 Growth Management Plan adopted by the Board of County Commissioners. The Technical Review Committee recommends to the County Planning Board that this request be **approved** as consistent with the Growth Management Plan.

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

Policy 4.1 Provide for sites in Randolph County jurisdiction where rural commercial activity can locate; with the goal of increasing economic activity, job creation, and the provision of services to the rural community.

Policy 4.3 Individual Rural Business or Highway Commercial rezoning decisions will depend upon the scale of the proposed development as it relates to the specific site and location weighed against the impacts to adjoining rural land uses.

Policy 4.7 The County should encourage the use of rural business overlay districts to provide locations where compatible rural land uses such as neighborhood retail and service establishments can be located in general proximity to established rural residential areas with the goal of reducing automobile travel distances and promoting better livability in the rural community.

Staley said that he is currently renting a building just down the road from this location. Staley said that he plans to move his business to this site. Staley said that he operates the business alone.

There was no one present in opposition to this request.

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

- B. **RICKY LOFLIN**, Sophia, North Carolina, is requesting that 146.10 acres located on the corner of Hoover Hill Road/Morning Side Lane, Tabernacle Township, be rezoned from RA to RBO-CD. Tax ID# 7714641711. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow the operation of a motocross riding club as per site plan.

Technical Review Recommendation:

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the 2009 Growth Management Plan adopted by the Board of County Commissioners. The Technical Review Committee recommends to the County Planning Board that this request be **approved** as consistent with the Growth Management Plan.

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

Policy 1.4 The continued growth of Randolph County's tourism industry will be encouraged.

Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #2. Recognize that growth management policies should afford flexibility to County boards and agencies that will enable them to adapt to the practical requirements often necessary for rural development.

Policy 4.3 Individual Rural Business or Highway Commercial rezoning decisions will depend upon the scale of the proposed development as it relates to the specific site and location weighed against the impacts to adjoining rural land uses.

Policy 10.2 The County should recognize, protect and creatively assist in the promotion of developing heritage areas in order to stimulate orderly, sustainable economic growth and quality of life.

Loflin was present for this meeting. Loflin said that he built the track here a few years ago for his own use. Loflin said that people came asking to ride and he originally allowed people to use the track free of charge. Loflin said because of the expense to keep the track up, he started charging about a month ago. Loflin said that he allows people to ride on Saturdays and Sundays from 10 am to 5 pm. Loflin said that the camping would only be for families using the track. Loflin said families come and rent the track for things like birthday parties. Loflin said he doesn't have any employees. Loflin said that average number of people riding

on the property at any one time is 30 to 40. **Rains** asked if this was in operation at this time. **Loflin** said that he has been here for 5 years. Loflin said he allows some people to ride horses on the property also.

Chris Gosselin, said that he has ridden on this land for several years. Gosselin said that due to the expense to keep the track in good shape, they started charging. Gosselin said that the riding is not in a concentrated area. The 40 people are spread over the 100+ acres. Gosselin said that the flat track is a pee-wee track for kids. Gosselin said that they will not be having any racing events. Gosselin said that they create very little noise. Gosselin said that this area is only used for training and practice and there will be no organized racing events. Gosselin said that this is just open, free riding only. Gosselin said that recently they started charging, but the intensity of the existing operation will not change.

C.L. York, 4335 Morningside Lane, said that he is the closest neighbor to the property. York said that three weeks ago they had a three year old child learning to ride with training wheels. York said that the following week he was without the training wheels. York said last week he rode at Zoo City Raceway and won his class. York said that it warms his heart to see young people enjoying themselves.

Russell Vecellio, Morningside Lane, said that this is just a weekend family event. Vecellio said that the Sheriff's Department has never received any complaints about this facility. Vecellio said that he is in favor of this request. Vecellio said that this kind of facility allows families to enjoy the outdoors together.

Jon Megerian, Attorney representing the Girl Scouts, said that he heard Loflin say that this has been going on for 5 years, but the property was timbered a year ago. Megerian said that there are several camps here in this area. Megerian said that these camps are in a Rural Growth Area "pocket" that is supposed to be protected. Megerian said that the Girl Scout Camp has a security guard on their site that has had to remove people from their property. Megerian said that the neighbors have complained to the property owner and didn't know they could complain to the Zoning Department. Megerian said that the other problem is that the property owner has not abided by the Zoning laws. Megerian said that it is not a good Zoning policy to ask for forgiveness and not permission. **Megerian asked those in the audience in opposition to stand, 39 people stood.**

There were 9 people present in favor of this request.

Ann Watkins, Chairman of the Board of the Girl Scout Council, said that this is one of their major properties. Watkins said this camp has been in operation for

more than 71 years. Watkins said that no conditions have been proposed to protect the neighboring properties. Watkins said that she read the Growth Management Plan and said that in Rural Business Overlays the Board should consider that the economic benefit of the business should outweigh the adverse impact to the neighbors. Watkins quoted other policies and said that she didn't feel this was a "clean industry" nor would the business "reduce auto travel and promote livability" in the community. Watkins said that this would be a detriment to their camp.

Carrie Myers, Director of Programs, said that they have a ½ million dollar budget at this location. Myers said that they serve over 6000 girls here at this camp. Myers said that the seasonal camps generate 1.4 million dollars in economic expense. Myers said that they have had scout troops that have complained about the noise. Myers said that they serve a significant number of people more than this business would serve.

Paul Hoffman, Security Ranger (for the Girl Scout Camp), said that he has been here for 12 years. Hoffman questioned if the operations would be only on weekends during the summer months. **Loflin** said that it would be just weekends. **Hoffman** said that there were some bikes that were running 1 and 2 in the morning last weekend. Hoffman said that he is concerned that the campers from that site could come over to the girl scout camp. Hoffman said his concern is for the security and safety of the girls. Hoffman said that the tenants at the mobile home park complains weekly to the park owner.

Rains asked if the Girl Scout camp was year round. **Hoffman** said yes.

Ridge asked what were the specific complaints, and **Hoffman** said on 2 occasions someone came on camp property. Hoffman said that he gets complaints every weekend about the noise. **Ridge** asked about the distance from their camp to the tracks. **Hoffman** said not even a 1/4 mile as the crow flies. **McLeod** asked terrain wise and **Hoffman** said not even a ½ mile. Hoffman said that they share the lake. **Ridge** asked if he knew if the bikes that came on to Girl Scout property were from the Loflin property or from somewhere else, and **Hoffman** said he could not be sure.

Amber Hedrick, Jordan Valley Road, said that she adjoins his property. Hedrick said that there is another entrance (off of Jordan Valley Road) to the property near her residence. Hedrick said that when he logged his property it created a lot of noise for them. Hedrick said they don't just ride from 10 am to 5 pm. Hedrick said that the riders are in full racing gear and have numbers on their backs. Hedrick said that is a race.

Taylor Wilcott, a girl scout, said that she constantly hears the noise and it is a bother to the camp.

Ted Lanier, Sweetbriar Road, said that he is on the north side of the girl scout camp. Lanier said that they have heard this constant noise for a year or two now. Lanier said that he is here to support the girl scout camp. Lanier said that the motorcycle riders are loud and a nuisance to the area. Lanier said that the girl scout camp shouldn't have to be bothered by the noise. **Rains** asked Lanier how long he has lived here. **Lanier** said that he has lived here all his life. Lanier said that he has two grandsons that work at the girl scout camp. Lanier said that they have an interest in the matter. Lanier said that he realized that if you own land you feel like have a right to do what you want, but you have to be considerate of your neighbors.

Two junior girl scouts spoke to the Board said that they want their first time at the camp to be peaceful and good. They are 11 years old and they think that the noise shouldn't bother the girls at the camp. They are trying to learn to become respectful ladies.

Mark Warren, Director of Property for the Girl Scouts, and wanted to correct some information. Warren said that he heard that this was almost a mile from the girl scout camp. Warren said that it is approximately 1500 ft. from the nearest activity and 2300 ft from the nearest campsite. Warren said that motorbikes make a lot of noise and trees don't muffle the noise very much. Warren said that the camp brings in about \$70,000 of services to the camp. Warren said that if this was just a casual group of riders, why do they have a website. Warren said that they are clearly trying to grow this business and this needs to be known by the Board.

Brittany Crouse, girl scout, said that she hadn't heard the noise until about a month ago. Crouse said that it started really early in the morning and continued late. Crouse said that there are people here to night that are old and gray that went to the girl scout camp.

Hank Harris, volunteer with the girl scouts for 35 years, said that he has watched many generations grow up at this wonderful place. Harris asked the Board not to destroy this place.

Renee Lowe, neighbor, said that the noise is horrible. Lowe said that she lives on Hoover Hill Road and can hear it in her house. Lowe said that a month ago she

heard the National Anthem and then motorcycles start. Lowe said that she hears this each and every weekend.

Debra Hardin said that she has been a girl scout for 43 years. Hardin said that she is concerned with the safety and well-being of the girls. Hardin asked who would be there to protect the girls. Hardin asked who would be there to regulate the primitive camp on their property.

Ricky Loflin asked to respond to the oppositions' remarks. Loflin said that he doesn't allowed night riding. Loflin said that dirt bikes don't have any lights to be able to ride at night. Loflin said that there is a gate that blocks access to the camp and they have not been on the girl scout camp property. Loflin said they are making them sound like a bunch of hoodlums. Loflin said they are making insinuations that we would go over to the girl scout camp and harm or rape these girls. Loflin said that if this is not approved, he will allow people to ride for free. Loflin said he knew that he can allow anyone to ride on the property for free (without any zoning approval). Loflin said he doesn't allow people to ride at night. Loflin said that he also has people trespass on his property. Loflin said these people are insinuating that they are nothing but trash.

Rains asked if this request was just before the Board, because it is becoming a business. **Johnson** said that is correct. Johnson said zoning only gets involved when it becomes a commercial business.

Morgan said that it would not be up to County Zoning to determine if any nuisance laws applied or to see that they were enforced. Morgan advised that those actions would be taken by the property owners through the Court system.

Joyce asked Johnson if the Zoning Department has received any complaints. **Johnson** said we've not had any complaints. Johnson said that we wouldn't be aware of the business, if not for the website.

McLeod said that if we put hours of operation on Loflin it may would help with some of the problems they are having now. **Johnson** said that the point is well taken. Johnson said if conditions are applied by the County and the property owner doesn't comply with these conditions, the property would be regulated by zoning. Johnson said at that time he could be fined heavily by the County if he doesn't comply.

Hedrick asked if he is given certain hours, would they be able to drink on the property. Hedrick said that he is only one person (no employees). What can they do.

Megerian said that he wouldn't want this Board to think that the Girl Scouts want anything approved. Megerian said that they are not calling him names. Megerian said that they realize that he has no control what is going on. Megerian said that he shouldn't be rewarded for violating Zoning laws.

Morgan asked Megerian when the illegal activity started. **Megerian** said the racing started about a year ago. Megerian said that he understood that another racing business made the County aware of this operation. Megerian said that they (the Girl Scouts) are not happy with the clear cutting of the property and they are not happy about the racing. Megerian said that they understand that the Zoning Board can't do anything about a nuisance, but Megerian said they can. Megerian said it is wrong for Loflin to say that you can't stop me.

Rains asked Loflin if he knew of this opposition. **Loflin** answered no. **Rains** asked Loflin if he has tried to talk to the camp to see if there is anything they could work out. **Loflin** answered no. **Rains** said that in the past we have had communities go and try to workout their concerns.

McLeod said that there are pro's and con's to this request. McLeod said would we rather the property be used for a subdivision, chicken farm, mobile home park, or riding trails. McLeod said that he still believes that the County should consider placing limits (conditions) on the request such as operating hours, buffers, etc. McLeod said that living in the country you can't help but hear noise of any kind such as tractors, trucks, motorcycles, etc. **Johnson** said that if you put conditions on the request, the conditions could mitigate the concerns expressed.

Ridge said that hours of operation could be placed on the property. Ridge said the noise is hard to control. Ridge said that he lives near Caraway Race track and hears it every weekend. Ridge said he agrees with McLeod and that conditions could be good in this case. Ridge said that he would be opposed to approving any kind of organized racing. Ridge said that he would also be against the camping. Ridge said that this would help with the night time problems. **Ridge** asked when the operation would be the busiest. **Gosselin** said that their busiest time is on Sunday. They have approximately 30 people on the property, but not all are riding at the same time at the same place on the property. This is just a leisure riding and training facility (no racing events).

Joyce said he felt the boundaries of the facility should be clearly marked.

McLeod made the motion, to recommend to the Commissioners, that this request be approved with the following conditions:

- **Operation hours: Saturday and Sunday from 10 am to 5 pm only
- **the property must be clearly mark with no trespassing signs
- **open space between riding area and mobile home park must remain open
- **must close the entrance located close to the mobile home park
- **no primitive camping allowed
- **no organized racing events

Megerian said that a sign won't stop anyone. Megerian asked how about a fence. Megerian said that there is no way to enforce this racing thing.

Morgan said the public hearing for this request is closed.

Ridge seconded the motion and the motion was **approved** by a vote of 4 to 1, **Rains** voted against the motion.

7. **Resolution Changing the Location of the Planning Board monthly meetings.**

WHEREAS, the 1909 County Courthouse office spaces and courtroom have been renovated to protect its historical significance to Randolph County; and

WHEREAS, the Randolph County Planning Board has determined that the location for the regular monthly meetings shall be held at the Randolph County Historic Courthouse meeting room located upstairs, 145-C Worth Street, Asheboro, NC, 27203, effective May 17, 2011.

BE IT FURTHER RESOLVED that the regular monthly business meeting of the Randolph County Planning Board shall, unless otherwise duly changed due to holiday or other County business conflict, be held the third Tuesday following the third Monday of each month at 6 p.m., effective May 17, 2011.

Adopted this 5th day of April, 2011.

Rains made the motion, seconded by **McLeod**, to adopt the resolution. The motion passed unanimously.

8. The meeting adjourned at 8:15 p.m. There were 60 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

Date

JILL WOOD

Clerk/Secretary