



RANDOLPH COUNTY

PLANNING AND ZONING

204 E Academy Street, Asheboro NC 27203 (336) 318-6555

RANDOLPH COUNTY PLANNING BOARD

AGENDA

December 6, 2022

1. Call to Order of the Randolph County Planning Board.
2. Roll call of the Board members:
 - Reid Pell, Chair;
 - Kemp Davis, Vice-Chair
 - John Cable;
 - Melinda Vaughan;
 - Reggie Beeson;
 - Ken Austin;
 - Barry Bunting; and
 - Brandon Hedrick, Alternate.
3. Consent Agenda:
 - Approval of agenda for the December 6, 2022, Planning Board meeting.
 - Approval of the minutes from the November 15, 2022, Planning Board meeting.
4. Conflict of Interest
 - Are there any Conflicts of Interest or *ex parte* communication that should be disclosed?
 - If there is a Conflict of Interest, the Board must vote to allow the member with the Conflict of Interest to not participate in the hearing of the specific case where the Conflict of Interest has been identified.
5. Old Business.
6. New Business.

SPECIAL USE PERMIT REQUEST #2022-00002953

The Randolph County Planning Board will hold a duly published and notified Quasi-judicial Hearing on the request by **BRANDON L TESSIER**, Asheboro, NC, and his request to obtain a Special Use Permit at 390 Mack

Rd, Cedar Grove Township, Tax ID #7750036615, 0.70 acres, *RE - Residential Exclusive District*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow an automobile sales lot with as many as ten used automobiles on the site as per the site plan.

**ALL WITNESSES FOR SPECIAL USE PERMITS MUST BE
SWORN IN BY CHAIR OR CLERK TO THE BOARD
BEFORE GIVING TESTIMONY.**

SPECIAL USE PERMIT REQUEST #2022-00002952

The Randolph County Planning Board will hold a duly published and notified Quasi-judicial Hearing on the request by **VINCENT HARRIS HILL**, Asheboro, NC, and his request to obtain a Special Use Permit at 1222 Henley Ctry Rd, Franklinville Township, Tax ID #7772352623, 3.50 acres, *RA - Residential Agricultural District*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow obtaining a federal firearms license for sales of firearms at the existing residence as per the site plan.

**ALL WITNESSES FOR SPECIAL USE PERMITS MUST BE
SWORN IN BY CHAIR OR CLERK TO THE BOARD
BEFORE GIVING TESTIMONY.**

REZONING REQUEST #2022-00002998

The Randolph County Planning Board will hold a duly published and notified Legislative Hearing on the request by **TARNIK FUNDS, LLC**, Springs, TX, and their request to rezone 2.99 acres out of 11.52 acres at 2549 Old 421 Rd, Columbia Township, Rocky River Balance Watershed, Tax ID #8734595597, Primary Growth Area, from *RA - Residential Agricultural District* to *HI - Heavy Industrial District*. The proposed rezoning would allow any uses permitted by right in the *HI – Heavy Industrial District*.

REZONING REQUEST #2022-00003031

The Randolph County Planning Board will hold a duly published and notified Legislative Hearing on the request by **EVERARDO SUAREZ CANAS**, Sophia, NC, and his request to rezone 11.93 acres on US Hwy 311, New Market Township, Randleman Lake Protected Area Watershed, Tax ID #7736399235, Primary Growth Area, from *RA - Residential Agricultural District* to *LI-CD - Light Industrial - Conditional District*. The proposed Conditional Zoning District would specifically allow a dumpster rental and concrete business as per the site plan.

7. Adjournment.

Attachments



RANDOLPH COUNTY PLANNING BOARD

MINUTES

November 15, 2022

There was a meeting of the Randolph County Planning Board on Tuesday, **November 15, 2022**, 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, *present*;
- Melinda Vaughan, *present*;
- Reggie Beeson, *present*;
- Ken Austin, *present*;
- Barry Bunting, *present*; and
- Brandon Hedrick, Alternate, *present*.

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 November 15, 2022, Planning Board meeting.
- Approval of the minutes from the October 4, 2022, Planning Board meeting.

Cable made the motion to approve the consent agenda as presented, with **Austin** making the second to the motion. The motion was adopted unanimously.

Pell asked if there were any conflicts of interest to be disclosed. Hearing no conflicts with the upcoming cases from the Board, **Johnson** presented the first case along with site plans, and pictures of the surrounding properties.

REZONING REQUEST #2022-00002764

JAMIE LYNN CRUMLEY, Asheboro, NC, is requesting to rezone 5.90 acres out of 30.48 acres at 2469 Old Cox Rd, Grant Township, Tax ID #7678098499, Zoo Environmental Area, from *CEO-CD - Commercial Environmental Overlay - Conditional District* to *HI-CD - Heavy Industrial - Conditional District*. The proposed Conditional Zoning District would specifically allow a meat processing facility in a 60 ft. by 80 ft. building as per the site plan.

Johnson gave a brief history of how the *Environmental One District (E-1)* was established, and how it has evolved over the years. He explained that before the NC Zoological Park locating in Randolph County in the early 1970s, they required the County to establish zoning regulations around the perimeter of the NC Zoological Park that would provide land use protection from incompatible uses to the NC Zoological Park. **Johnson** said eventually as things evolved, Countywide zoning took place while maintaining the *E-1* district as protection to the NC Zoological Park with low-density, and compatible uses to the NC Zoological Park. He said the Randolph County Board of Commissioners have been extremely proactive, as good partners, providing land use protection to the NC Zoological Park as well as considering the citizens' rights without harm to their neighbors.

Pell opened the public hearing and called for anyone supporting the rezoning request to come forward and speak.

Jamie Lynn Crumley, 2469 Old Cox Rd., Asheboro, NC, submitted a packet for review during her presentation (Exhibit 1). She said her husband started as a taxidermist which expanded into deer processing, allowing them to become more involved with the agricultural community where they realized the desperate need for processing livestock within Randolph County.

Crumley said the Environmental piece of this request was the first thought on her mind when considering this project and that the *E-1* District is for "low-density mixed land uses," and the building she is proposing is a 60 ft. by 60 ft. building with a 20-ft overhang so the actual building would be 3,600 sq. ft. which is a small building on any farm.

Crumley continued to say that the retention of natural features is another purpose for *E-1* District and she will be leaving a thick buffer of hardwoods to maintain the natural feature of the property.

Crumley said another feature of *E-1* District is for "preservation of heritage assets to maintain the rural setting," and there is nothing more heritage about Randolph County than agriculture which was here before the NC Zoological Park. **Crumley** said offering an agricultural entity on this property felt very much in line with the *E-1* zoning.

Referring to page two of her packet, a letter from an environmental engineer, **Crumley** said she had the property inspected for this project and because the City of Asheboro sewer line is accessible on her property, there is nothing more environmentally friendly than utilizing municipal utilities for a facility that uses that much water. **Crumley** said a

facility of this type would have to have acres of septic fields and a retaining pond lagoon which would not be environmentally friendly.

Crumley said she has proposed the building be set back off the road, in a wooded area so that it would in no way affect the NC Zoological Park site and the entrance to the NC Zoological Park is approximately 0.87 miles from her property and Old Cox Rd is no longer used as the main road to the NC Zoological Park now that the bypass is complete. **Crumley** further said her building would be closer to the veterinarian's office located on the NC Zoological Park property and she thought about all of this before considering this to be the right location for her request.

Crumley explained that she lives on the property and does not want something obnoxious on her property and these facilities are the same as they were years ago.

Crumley talked about the need for this type of facility, that Randolph County is ranked number one for beef cattle in the State. She said bona fide farms are exempt from zoning regulations which would include the production and activities relating to agriculture. **Crumley** said one of the agricultural uses would be "packing" and by definition is "a facility for slaughtering cattle or other meat animals and processing the carcass and remains for sale," and could be done on this property as a bona fide farm.

Crumley said there is also an option for "rural family occupation of commercial/industrial nature" which would allow her to do the same thing with a Special Use Permit because she resides on the property. She said she was encouraged by the County to ask for *Heavy Industrial* rezoning.

Crumley said she does not feel that her request fits under *Heavy Industrial* because this is only a 3,600 sq. ft. building which may be smaller than some residential houses.

Crumley said there are several letters in the packet given to the Board in support of her request as well as a petition with 338 signatures in support of the proposed facility because the community, animal handling, and having a humane facility are very important to her.

In summary, **Crumley** said she wants to service the small farms in Randolph County, because farmers, producers, and homesteaders need this outlet. She said Randolph County is ranked number one for beef cattle and there are zero locations to take their animals, forcing them to take animals to other states, causing stress on the animals.

Crumley said she chose this spot with the utmost attention to "fitting" into the area by utilizing the City of Asheboro sewer, placing the building back far enough on the property that it will not be seen from the road, not adding any signage drawing attention, and will be good neighbors to the surrounding area.

Davis asked if the current request had any changes from the original request given to the Board in August. **Crumley** said she moved the proposed building to allow more of a buffer.

Bob Crumley, 5224 Wall Brothers Rd, Sophia, NC, said land use planning does not mean total land use exclusion and there was never an intention to have exclusions of any use surrounding the NC Zoological Park. **B. Crumley** said it was intended to have an emphasis on hotels, convention centers, and convenience stores, assuming it was to provide services for the people visiting the NC Zoological Park and there were many predictions that the County would see an increase in tax base surrounding the NC Zoological Park due to those uses which have not happened.

B. Crumley asked if the land use planning, surrounding the NC Zoological Park, is totally exclusionary or is it controlled. **B. Crumley** said the NC Zoological Park does not have the right to decide what goes on around them.

B. Crumley also stated that if **J. Crumley** wanted, she could have clear-cut her acreage, adding thousands of head of cattle, and their own slaughter facility. He said there are chicken houses located near the entrance to the NC Zoological Park and if that farmers wanted, they could install their own slaughter facility for the chickens. **B. Crumley** said **J. Crumley** did not want to do that because she wanted to be restrictive and be a good neighbor.

B. Crumley talked about the ownership of property by the NC Zoological Park as well as the Zoological Society which continue to purchase property around the NC Zoological Park and are not required to pay taxes, taking away from the tax base, and causing Randolph County citizens to pay higher percentages of property taxes.

B. Crumley also said he would not agree to some big industrial facility developing near the NC Zoological Park, but if this small 3,600 sq. ft. building tucked away into the woods, to help service the needs of Randolph County farmers is not allowed, then what would be allowed?

B. Crumley also said this is a heritage business for Randolph County and farmers are waiting eighteen months to two years to process their animals, having to overfeed and overgrow them because they are waiting on a slaughter facility and some of the farmers are driving to Alabama for service.

B. Crumley said his family has been long-time supporters of the NC Zoological Park and this is not about them, it is about philosophy. He asked if there would be measured, controlled, safe community businesses allowed around the NC Zoological Park or will nothing be allowed around the NC Zoological Park.

B. Crumley said there a quarter of a mile from this location, there is a veterinary facility with a crematorium on site which is not recognized in the County Ordinance, and it sits closer to the road and is visible whereas **J. Crumley's** proposal is not.

B. Crumley encouraged the Board to continue with what **J. Crumley** read earlier as the goals for *E-1* which are limited mixed-use, supportive of our industry, environmentally sound, and allowing some limited developments for people around the NC Zoological Park.

JaAnna Bowman Winslow, 6323 Coble Church Rd, Liberty, NC, said she has an Emu farm in Liberty and must haul them to Alabama because there are no local facilities that can handle the volume of processing required for them to have done promptly. **Winslow** said it costs a lot of extra money to haul all of them and she would prefer to keep the costs local. Having a facility available could keep it local for them. **Winslow** said if farmers stay local, they are on a long waiting list, costing them extra money to feed and care for the animal during the waiting period.

Pell asked for everyone to stand that is in favor of the request. There were sixteen in favor.

Dustin Ritter, 3748 Bachelor Creek Rd, Asheboro, NC, said that he is an agriculture teacher in Randolph County and many students do not come from family farms. **Ritter** said he would like to teach his kids that there are jobs available here in Randolph County and that having this type of facility would be a step in the right direction. **Ritter** said it is unfortunate that farmers must travel to have processing done.

Michael Moss, 4763 Rainbow Trl, Ramseur, NC, registered Angus farmer, and president of the NC Angus Association, said approving this type of facility would have a large economic impact for producers as well as employment opportunities for Randolph County and the tax revenue that comes along with it. **Moss** said he has approximately forty animals that are getting ready for processing and twenty-five of those are in the final staging with only nine slots available which he has found in Concord.

Moss stated that he has been able to secure only two slots per month with a company in Walnut Grove for fourteen animals he has held since May, which has left him holding some of those until more slots open. **Moss** also said he needed family beef and had to wait for two and one-half months for someone to cancel before processing that one as well.

Moss said he is at the point where he would like to expand his business and is unable to do so without access to efficient processing opportunities. **Moss** said he would like to keep the revenue local by raising the livestock, slaughtering, and processing for retail sales all within our own County. **Moss** stated there is no reason to pay for shipping his animals out of State, pay for the shipping, and processing costs, and shipping them back to North Carolina to purchase in our grocery stores. **Moss** said this is a sustainable opportunity for local producers in our County. **Moss** said he feels this facility can co-exist with the NC Zoological Park to improve quality of life.

Roger Pritchard, 2884 Fairview Farm Rd, Asheboro, NC, said he owns a farm that adjoins the NC Zoological Park and feels this can be a win-win situation for the NC Zoological Park and the agricultural community. The NC Zoological Park has a land-use plan that was put together in 2000, and if you look at page 618 of that document, meat markets are allowed, frozen food, and many businesses are allowed by the NC Zoological Park Society. This is not compatible with the *Growth Management Plan* and nothing is being proposed by **J. Crumley** that would conflict with the NC Zoological Park. He urged the Board to pass the request.

Pell asked if there was anyone else that would like to speak in favor of the request. Hearing none, he asked if anyone would like to speak in opposition to the request.

Cheryl Armstrong, 381 Pinewood Rd, Asheboro, NC, Executive Director of NC Zoological Park Society, representing the Board of Directors, submitted a letter (Exhibit 2), as an official record in opposition to the application. She read the letter to the Board.

Jamie Minter, 638 Redding Rd, Asheboro, NC, Director of Animal Health, and Chief Veterinarian for NC Zoological Park, said one of his major concerns of the proximity of the processing facility to the Veterinarian Hospital. **Minter** said, as mentioned by **J. Crumley**, shipping livestock causes them to become stressed, causing them to become immune compromised which will cause diseases to take off. **Minter** said the name for it is “shipping fever” and while those animals are being held for processing, the disease can potentially get to the animals within the NC Zoological Park, unfortunately, the animals at the NC Zoological Park are irreplaceable, and there are a few that are critically endangered.

Minter said next door they manage a wildlife rehabilitation facility which he is concerned with due to the noise pollution that comes from a processing facility causing delays or harm to the rehabilitation process. **Minter** asked the Board to deny the request because this is not the most suitable location.

Davis asked **Minter** if animals from the NC Zoological Park are brought into the veterinarian facility and transported back to the NC Zoological Park. **Minter** said when an animal is brought to the NC Zoological Park, it must go through a quarantine process which starts at the hospital. **Davis** asked if NC Zoological Park animals needing assistance are brought to the facility as well. **Minter** answered yes.

Austin asked how many livestock animals he thought reside in the *E-1* District. **Minter** said he would assume there were a lot. **Minter** said those animals are generally out in the pasture and not under stressful situations like the ones being trailered to a facility. **Austin** asked how many of those farms are bringing animals from other locations to their farms with the same situation. **Minter** said those situations do occur, but they are not right next door to his veterinarian complex. **Austin** said those farms have been within the *E-1* district for many years. **Minter** said there are probably fifty poultry farms within a twenty-five-mile radius of the NC Zoological Park, and he is aware of the livestock surrounding them and in 2016, they lost approximately fifteen animals to shipping fever.

Gerry Parker, 7355 Pisgah Covered Bridge Rd, Asheboro, NC, Randolph County landowner for 40 plus years, said that he is a Registered Engineer in North Carolina and South Carolina, and is very familiar with the NC Zoological Park operations. **Parker** said he would like to point out several things that the applicant has not shown on the proposed site plan. **Parker** said the bar scale is incorrect, ground areas built upon are not shown correctly, the location of post-construction stormwater controls should be shown, the lighting plan is not shown, surface drainage is misleading, off-street loading and unloading areas are not shown, the radius of the curve is not large enough to handle the large vehicles, the land not suitable for development is not shown, the property owner on the

north side of the property is not listed, the size and placement of signage are not shown, and the adjacent driveways to the entrance is not shown which is very important. **Parker** said other questions he would have included would be what are the large concrete pads going to be used for that are shown surrounding the facility, where is the access for the remaining twenty-five acres on this property, and how will the noise, odor, and dust be controlled?

Parker said there are additional concerns regarding topography at the site location and the environmental impact it will have on the construction site. **Parker** further said he has questions regarding the sewer connection crossing the perennial stream as well. **Parker** said there are concerns about the effect the drawdown will have on the adjoining property owners with their wells.

Parker asked how many stories the proposed building would be and how tall will the building be. **Parker** stated that if the Board decides to approve this request for such a drastic zoning change, then anything goes in the County.

Pell asked if anyone in opposition could stand for a count. There were twenty-six in opposition.

Chris Scott, 121 E Walker Ave, Asheboro, NC, serves as the in-house lawyer for the NC Zoological Park Society and submitted a copy of a map of the NC Zoological Park area (Exhibit 3). He said the NC Zoological Park Society is very much opposed to the request.

Scott said, in addition to being the non-profit supporting the NC Zoological Park for fifty-four years, the Society owns multiple parcels of land surrounding the NC Zoological Park which is preserved for hiking trails, scientific studies, and other portions are dedicated to supporting the NC Zoological Park in other ways such as providing housing for interns that are working for the NC Zoological Park, or meeting space. **Scott** described where some of the housing parcels were located and the hiking trails on the map provided.

Scott said the NC Zoological Park Society's interest is to support and protect the NC Zoological Park as well as wanting to preserve the nature of the land in the surrounding area. **Parker** said in August the applicant came before the Board of Adjustment seeking a variance to allow a meat processing facility on an NC Zoological Park adjacent parcel, which was approved by the Board of Adjustment. **Parker** said shortly afterward, a petition was filed with Superior Court asking for the court to overturn the County's decision, which has not been resolved and is still pending. Without resolving the pending case, **Parker** said the applicant decided to file a new application for a rezoning to *Heavy Industrial* which is the only zoning allowing meat processing and intended for normal operations of noise, odor, and other emissions.

Scott continued to explain that the Society is not opposed to agriculture and not opposed to meat processing in general but there are places in the County that are appropriate for that kind of use. **Scott** said the applicant's family has a piece of land in the City of Asheboro which was recently rezoned to allow that type of use but the land adjacent to the NC Zoological Park is not appropriate.

Parker reminded the Board that the Technical Review Committee stated that the proposed rezoning is inappropriate and inconsistent with NC Zoological Park's environmental area as designated in the County's *Growth Management Plan* and that the request is not reasonable and not in the public's interest.

Parker said the rezoning of NC Zoological Park's adjacent land to allow heavy industrial use would be harmful to the NC Zoological Park, which is of crucial importance to this County, not only for the economic development but also for the unique opportunities it provides.

Parker said the rezoning request should be denied because it will harm the protection of the NC Zoological Park and the surrounding properties.

Davis asked about the appeal not being resolved at this time. **Scott** said it is his understanding that it has not been resolved.

Ben Morgan said the appeal has been filed and his office began circulating a consent earlier in the day for voluntary dismissal. **Morgan** said he believes the attorneys will want to review and/or amend the document. **Morgan** said the applicant has indicated that they are withdrawing their Variance, but it does require the signatures of all parties to be filed.

Mary Joan Pugh, 668 Maple Ave, Asheboro, NC, said she is there to speak as a professional planner and feels it is her responsibility to speak against the rezoning request. **Pugh** said in her professional opinion if this rezoning is approved, it constitutes spot zoning which is illegal because it is not consistent with the County's *Growth Management Plan* which designates this area and *E-1* zoning and does not allow heavy industrial uses such as meat processing facilities.

Pugh said the NC General Assembly recently passed a law that prohibits local government from having a zoning ordinance unless they have a comprehensive plan like the *Growth Management Plan* on which zoning decisions are based. She said the *E-1* zoning was designed to protect the properties surrounding the NC Zoological Park and maintain its rural setting.

Pugh continued to explain that the *E-1* zoning is intended to enhance and preserve the character of the NC Zoological Park site and was a requirement of the State of NC for locating the NC Zoological Park in Randolph County so that its investment could be protected. **Pugh** said recently the General Assembly has invested \$85,000,000.00 towards the construction of Asia and Australia within the NC Zoological Park.

Pugh further stated that meat processing facilities are only allowed in *Heavy Industrial* zoning districts which are designed to allow operations that include noise, dust, odor, and other emissions.

Pugh said a meat processing facility on the proposed site would be even more impactful because the property joins one of the most sensitive areas of the *E-1* district which includes the animal hospital, the wildlife rehab center, the off-exhibit holding, and the quarantine area. **Pugh** said the noise alone would be detrimental to the health and welfare

of these animals as well as other issues **Minter** mentioned earlier. **Pugh** said for over 50 years, there has only been one commercial zoning approved within the *E-1* district which occurred in May of 2021 on this same property to allow three mini-cabins and a taxidermy shop which was determined to be in harmony with the *E-1* district.

Pugh said she agrees that Randolph County needs a meat processing facility, but it needs to be located on an appropriate site.

In summary, **Pugh** said if the request is approved, it constitutes a spot zoning which has been ruled illegal because it is not consistent with the County's *Growth Management Plan*, *E-1* district which was created to protect the land surrounding the NC Zoological Park and maintain its rural setting which does not allow heavy industrial uses such as a meat processing facility, and it does not fulfill the commitment made by the County to the State of NC nearly fifty years ago to maintain the rural character surrounding the NC Zoological Park.

Austin asked **Pugh** if she has any statistical data regarding the noise, odor, and dust that would be caused by this facility. **Pugh** said in zoning, uses are classified and zoned for compatible areas. **Pugh** said the facility would be compatible with some other general heavy industrial uses for operations that will produce noise, odor, and other

Diane Villa, 220 Sunset Dr N, Asheboro, NC, Director of Communications and Marketing for the NC Zoological Park, said she opposes the request because it is not in the public's best interest. **Villa** said the NC Zoological Park is Randolph County's largest tourist attraction and one of the largest in the State. **Villa** said the NC Zoological Park attracts more than one million guests annually to experience a natural habitat which is the NC Zoological Park's hallmark and brand and must be the legacy for generations.

Villa said the economic impact for Randolph County is measurable and according to a study, visitors coming to Randolph County spent \$172,000,000.00 in 2021 which calculates in tax relief of approximately \$91.00 per resident.

Villa said the *E-1* district was established to enhance and preserve the character of the NC Zoological Park site and this rural environment has become part of the NC Zoological Park's identity. **Villa** stated that allowing a rezoning would set a precedence for future heavy industrial development at the NC Zoological Park's doorstep which would be detrimental to the future of the NC Zoological Park. **Villa** said development is essential, but we cannot allow it to become the expense of one of the largest attractions in the County.

Laura Price, 2567 Old Cox Rd, Asheboro, NC, said she lives on the adjoining property and has concerns about how a meat processing facility will affect her property along with the noise it will generate, the dust, smell, and even the lighting that will be necessary. **Price** asked about the hours of operation, and without signage what happens when the large trucks and trailers miss the correct driveway and how will it affect the neighbors and their driveway.

Price said she has lived there for over fifty years and does not want the rural setting to be disturbed. **Price** also said the NC Zoological Park has been good for Randolph County and zoning should be kept in place to protect it.

Tom Kemp, 319 Bossong Dr, Asheboro, NC, real estate broker in NC, said in July of this year he put 233 acres under contract across the road from the subject property and NC Zoological Park property. **Kemp** said if the proper zoning can be obtained for his tract, it will be a substantial residential development. **Kemp** stated that he has been told by the developer that if this rezoning request is approved, the developer will not move forward with the development. **Kemp** said he felt the Board should be aware of this information.

Pat Simmons, 360 Newbern Ave, Asheboro, NC, Director of the NC Zoological Park, thanked the Board for sitting through and listening to everything. **Simmons** said the NC Zoological Park supports Randolph County and wants it to be successful and that the NC Zoological Park brings in a lot of money and friends to the County. **Simmons** said this is not a matter of the Crumley's having or not having a meat processing facility or even denying Randolph County farmers to have it. **Simmons** said the Crumley's are already approved and could start tomorrow on their own Asheboro site that has just recently been approved for *Heavy Industrial*. **Simmons** said people have been working behind the scenes to support the Crumley's because they are very good people and love **J. Crumley's** thinking and her ideas but disturbing the *E-1* district is inappropriate for what the founding fathers for the NC Zoological Park did fifty years ago by trying to build a long-term, quality, sustainable quality program that kept people working, bringing tax money into the area.

Simmons asked for the Board to respect the *E-1* zoning and deny this request.

Having no additional opposition, **Pell** asked **Crumley** if she would like to address some of the concerns that have been presented to the Board.

Crumley said she does not own property anywhere else as a second option as mentioned. **Crumley** said she is extremely dedicated to this project; her mentors are very well-known leaders in this industry. She said this building is not a 30,000 sq. ft. industrial building, it is only 3,600 sq. ft. and as a bona fide farm, all these activities are one hundred percent allowed without restrictions. She said the farmers of Randolph County need this facility, an environmental engineer would be overseeing the project and she is fighting for the agricultural industry in an environmentally friendly area and wants to be a good neighbor.

Cable asked how many animals she plans to process. **Crumley** said you are limited to your cooler space and how long someone wants the product to age in the cooler so numbers can vary. **Crumley** said there are some days when there could be as little as five in the cooler and other days you could have as many as twenty-five.

Cable and **Beeson** asked how many live animals could be held, waiting to be processed. **Crumley** said no more than twenty-five.

Austin if live animals will be held overnight. **Crumley** said she did not plan to but that might not always be the case and it would be better for the animals to acclimate to the area and calm down before processing.

Cable asked what type of animals will be processed on-site. **Crumley** said she planned cattle and emu only at this time.

Austin asked about the capacity of the cooler. **Crumley** said the maximum capacity would be approximately 150-175.

Austin asked if the animals would be delivered off-site for processing. **Crumley** answered yes.

Cable asked how many employees she planned to have and what the hours of operation would be. **Crumley** said she planned to have five to eight employees and open from 7:00 am until 7:00 pm.

Austin asked if she would address the driveway and parking area concerns. **Crumley** said the traffic pattern is a U to prevent having to turn around.

Cable asked if tractor-trailers would be delivering the animals. **Crumley** said most of the cattle deliveries would be made by fifth-wheel trailers.

Beeson asked if she could address the concerns about the height of the building. **Crumley** said she thought the height of the building would be 16 ft. **Austin** asked if there would be a second story. **Crumley** answered no.

Cable asked **Crumley** if she built the treehouses that she was previously approved to construct. **Crumley** answered no. **Crumley** said she realized this need during COVID and went in a different direction with her business.

Having no further questions for **Crumley**, **Pell** closed the public hearing for discussion among the Board members and a motion.

Cable said just because you have a lot of people doesn't mean you are right or wrong, it just means you are organized and brought a lot of people. **Cable** said the Board weighs all the information to make their decision.

Austin expressed concerns about moving forward with a vote on this request when there is a pending court case for the previous variance request and asked **Morgan** if he could provide any additional information that would have some effect on the Board's decision. **Cable** and **Davis** expressed the same concerns. **Davis** asked if an agreement to dissolve the appeal for the variance had been signed. **Morgan** said the agreement has not been signed by all parties.

Based on the information given, **Cable** made a motion to table the request until January 10, 2023, pending the resolution of the appeal. **Austin** made a second to the motion to table the request. The vote was unanimous by the Board.

Johnson presented the second case, site plans, and pictures of the surrounding properties.

SPECIAL USE PERMIT REQUEST #2022-00002758

HERIBERTO TORRES, Randleman, NC, is requesting to obtain a Special Use Permit at 2970 Spoons Chapel Rd, Grant Township, Tax ID #7689592203, Squirrel Creek Farms lot four, 27.68 acres, *RA - Residential Agricultural District*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow an upholstery shop in a proposed 600 sq. ft. building as per the site plan.

Pell opened the public hearing and called for anyone supporting the Special Use Permit request to come forward and speak.

Morgan administered an oath to **Casandra** and **Heriberto Torres** to speak on behalf of the Special Use Permit Request.

Casandra Torres, 1423 Old Farmer Rd, Asheboro, representing her father **Heriberto Torres**, as his translator, explained to the Board that **H. Torres** is requesting approval to start using an existing 20 ft. by 30 ft. building on his property as an upholstery shop. **C. Torres** said **H. Torres** currently works for May furniture which allows some of their employees to take home extra work, if they have the proper facility, to keep up with production. **C. Torres** said **H. Torres** and his two sons will be working in the shop because they work for May furniture as well.

Johnson asked how many employees would be working in the shop. **C. Torres** said it would be three, for now, possibly adding one more in the future. **Johnson** asked if the work would be maintained within the existing building. **C. Torres** answered yes. **Pell** explained to her that if the building needed expansion, the request would have to be presented to the Board again. **C. Torres** said she understood.

Cable asked about the hours of operation. **C. Torres** said the hours would vary because it would be part-time as needed. **Cable** asked the type of furniture being worked on and **C. Torres** said it would be only chairs and ottomans.

Pell said he lives within one mile of the property and the building cannot be seen from the road.

Beeson said the house seems to sit off the road a good distance but there are always concerns about noise for adjoining properties. **C. Torres** said she understands. **C. Torres** said the hours of operation should not exceed 9:00 pm, even in the summer when the time changes and they do not have neighbors located close to the business.

Austin asked how the business is generated. **C. Torres** said May Furniture will provide the work. **Cable** asked if the work is just overflow from May Furniture and how the material

would be delivered. **C. Torres** said the material is provided by May Furniture and would be brought home by **H. Torres** with his twenty-eight ft. trailer.

Austin asked who would provide the raw material for the work. **C. Torres** stated that all materials needed, would be provided by May Furniture.

Pell asked if there was anyone else that would like to speak in favor of the request. Hearing none, he asked if anyone would like to speak in opposition to the request. Hearing none, **Pell** closed the public hearing for discussion among the Board members and a motion.

Cable asked if the request was duly posted and if proper notices were given to residents in the area. It was confirmed that the notices were sent as required and **Pell** acknowledged that he saw the posted sign.

Cable said this is another example of the American dream and thinks it is great.

Davis said this is more of a side-line business, not manufacturing furniture, which is located on his property, protected by his property, and there is no opposition to the request.

Cable made the motion the motion to approve this Special Use Permit request on the specified parcel(s) on the Special Use Permit application, based upon the sworn witness testimony included in the minutes, as well as the site plan(s) with all agreed-upon revisions, and that the use will not materially endanger the public health or safety, 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 the use if developed according to the plan(s) as submitted and approved, will be in harmony with the area and in general conformity with the *Randolph County Unified Development Ordinance*. **Beeson** seconded the motion to approve the issuance of the Special Use Permit.

The Chair, having a proper motion and second, called the question on the issuance of the Special Use Permit the specified parcel(s) on the Special Use Permit application, based upon the sworn witness testimony included in the minutes, as well as the site plan(s) with all agreed-upon revisions, and that the use will not materially endanger the public health or safety, 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 the use if developed according to the plan(s) as submitted and approved, will be in harmony with the area and in general conformity with the *Randolph County Unified Development Ordinance*. The Planning Board voted unanimously to approve the request.

Johnson presented the third case, site plans, and pictures of the surrounding properties.

REZONING REQUEST #2022-00002756

BOGER BROTHERS RE, LLC, Greensboro, NC, is requesting to rezone 30,409 sq. ft. out of 10.75 acres at 2488 Old Farmer Rd, Cedar Grove Township, Tax ID #7740788297, Municipal Growth Area, from *RR - Residential Restricted District* to *HC-CD - Highway Commercial - Conditional District*. The proposed Conditional Zoning District would specifically allow an 89 ft. by 170 ft. warehouse for the existing business as per the site plan.

Pell opened the public hearing and called for anyone supporting the rezoning request to come forward and speak.

Paul Boger, 103 Knollwood Dr, Greensboro, NC, explained to the Board that he is needing storage space for his existing business. **Boger** said no one would even know they were on the property.

Johnson asked why he decided to locate the building next to the existing residence when it appears there are other areas available on the property. **Boger** said the area chosen is the only remaining flat area on the property because of the existing septic area and slope of the remaining property. **Johnson** asked how long been located on the property. **Boger** said they purchased the property in 2015.

Davis asked if they are building this building just for storage. **Boger** said that is the plan at this time.

Davis asked if his business manufactures cabinet tops. **Boger** answered yes. **Boger** said they have plenty of room for manufacturing at this time and this facility is for storage only. **Boger** said they work on residential as well as large commercial jobs which require a lot of material, and this building would provide storage for those until needed because right now the materials will occasionally end up in the employee parking area because of the lack of storage.

Davis said there are concerns about noise, dust, and other disturbances because it would be located next to a residence. **Boger** said he understands the concerns and there will be none of that for storage. **Boger** said it would be overflow storage to keep out of the elements.

Davis asked if there are plans to re-establish a buffer along the property line. **Boger** said he would be happy to do so. **Boger** said it would be a fair request. **Pell** asked if there is room for such a buffer. **Boger** said they would make room if needed and they could even make the building smaller if needed to make room for buffer.

Bunting asked if there would be any signage. **Boger** said there would be no need for signage for the storage. **Beeson** asked if there would be an internal drive to the storage facility. **Boger** said he did not see a way for that to happen as they would probably have to use forklifts for moving material around on the property.

Pell asked if the building would be open or closed. **Boger** said closed would be the ideal situation.

Pell asked if there was anyone else that would like to speak in favor of the request. Hearing none, he asked if anyone would like to speak in opposition to the request.

Francis Litter, 2456 Old Farmer Rd, Asheboro, NC, said is the adjoining property owner. **Litter** said that he does not want to cause any problems because he is also a business owner and understands the need for storage, but he has concerns about how the proposed building will affect his property value. **Litter** said he currently has problems with noise from a Harley Davidson motorcycle and headlights shining into his home early in the morning.

Cable asked **Litter** if he also ran a business on his property. **Litter** answered no and that his business is in Lexington.

Cable asked how he feels about the possibility of requiring a strong buffer. **Davis** said there are levels of buffers that could be required. **Vaughan** said it is possible to plant trees that are five to six feet tall and within three years, they could potentially grow to be ten feet tall.

Having no one else in opposition to the request, **Pell** closed the public hearing for discussion among the Board members and a motion.

Austin read the description of the level three buffer to the other Board members.

Johnson explained to the Board that the buffer(s) that are placed on properties do not always work and wanted them to understand the impact on established residential properties when the buffers do not work out.

Hedrick said there are no setbacks on the site plan and asked if it would fall under the minimum setback of ten feet for *Highway Commercial* zoning and policy 4.5 of the *Growth Management Plan* refers to an "effective buffer". **Johnson** said that was very important.

Davis said with the information given, there has been an effort to make the request work, but he doesn't see a way to make it happen.

Davis made the motion to deny 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 not consistent with the *Randolph County Growth Management Plan*. **Beeson** made a second to deny the rezoning request.

The Chair, having a proper motion and second, called the question on denying 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 not consistent with the *Randolph County Growth Management Plan*. The Planning Board voted to deny it unanimously.

Johnson presented the last case, site plans, and pictures of the surrounding properties.

REZONING REQUEST #2022-00002761

RUSSELL WYATT BRADY, Ramseur, NC, is requesting to rezone 4.30 acres out of 13.31 acres at 3360 NC Hwy 22 S, Coleridge Township, Tax ID #8710601520, Secondary Growth Area, from *RA - Residential Agricultural District* to *RIO-CD - Rural Industrial Overlay - Conditional District*. The proposed Conditional Zoning District would specifically allow a sawmill in a proposed 40 ft. by 80 ft. building as per the site plan.

Pell opened the public hearing and called for anyone supporting the rezoning request to come forward and speak.

Wyatt Brady, 3356 NC Hwy 22 S, Ramseur, NC, explained to the Board that he would like to run a sawmill a couple of days a week with some of the logs he has purchased. **Brady** said it would be a small business. **Brady** said he grew up around the business and would like to continue.

Johnson asked where the main access to the sawmill would be located. **Brady** said it would be located off Hinshaw Town Rd.

Johnson asked how many employees he planned to have. **Brady** said he would like to have five or six in the future but right now it would just be himself.

Johnson asked how many trucks would be coming in and out of the site with lumber. **Brady** said some days you may have you will have trucks to make two or three trips and other days, there would be none.

Beeson asked if the trucks would be 18-wheelers. **Brady** answered yes.

Cable asked if the proposed area shown on the site plan is currently being used. **Brady** said he currently parks some of his equipment on the property.

Davis asked for a description of the type of equipment that would be running on-site. **Brady** said it is a circular saw unit, ran by a John Deere diesel power unit. **Davis** asked if he would have planers or debarkers. **Brady** answered no and that it would be just a sawmill and edger. **Brady** said he plans to saw crossties and pallet wood.

Bunting asked how close his property is to the school. **Brady** said probably four to five miles.

Austin asked if the driveway shown on the site-plan is existing or will have to be installed. **Brady** said the drive is already there and that he will have to install a tile to park equipment. **Austin** asked if the drive is gravel. **Brady** answered yes.

Davis said he visited the site and feels the entrance on Hinshaw Town Rd is probably in the safest spot rather than having a drive on NC Hwy 22 S which would not be a good location.

Austin asked about the hours of operation. **Brady** said the sawmill would run from 7:00 am until 4:00 pm and it would not operate daily.

Davis asked if the sawmill, not far from that location, is still in operation. **Brady** answered no.

Johnson asked why a large portion of the was clear-cut. **Brady** said it was done mainly for access.

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

William Johnson, 2946 Hwy 22 S, Ramseur, NC, said several neighbors could not be present for the meeting and he agreed to speak on their behalf. **W. Johnson** submitted a letter on their behalf with some of the concerns (Exhibit 4). **W. Johnson** said the proposal would be positioned in an extremely hazardous intersection with a lot of school traffic. **W. Johnson** stated in the morning drivers have a face full of sun, causing a lot of accidents. **W. Johnson** said he was unable to obtain the accident report from the NC Department of Transportation (NCDOT). **W. Johnson** said the NCDOT does not have an application or permit for the commercial driveway for that site at this time. **W. Johnson** related how the mud, debris, noise, material handling, and unsightly appearances are all a concern of this request.

W. Johnson said there is a level three buffer shown on the site plan along most of the perimeter except the roadway which the neighbors will see. **W. Johnson** stated he understands that you do not want obstructions to interfere with the site distances for vehicles but that is the very spot that the neighbors will have to see. **W. Johnson** said that property values are also a concern for the existing property owners and the possibility of the sawmill growing beyond the two to three days a week.

Pell asked **W. Johnson** where his house is in relation to the proposed sawmill. **W. Johnson** said he is just north on NC Hwy 22 S, towards Ramseur, past the intersection.

Davis asked if all the people who signed his petition were located on NC Hwy 22 S. **W. Johnson** answered no, but most of them are within proximity and would like to have some assurances that the sawmill will not get out of hand.

Brady said he was not aware of a driveway permit. **Brady** said he could install a buffer to help with the noise concerns and that he would want to set the buffer back to prevent site interference.

Austin asked **Brady** if he felt he had enough space and could comply with a driveway permit required by NCDOT. **Brady** answered yes.

Vaughan said it needs to be clear that his operation will be small and that it does not get out of hand as some situations have in the past. **Brady** said he only wants to work on his logs, and he will not be buying wood from others.

Rhonda Workman, 3016 NC Hwy 22 S, Ramseur, NC, said she lives in the closest proximity to the proposed sawmill and has lived there for twenty-two years. **Workman** said there is a blind curve at the intersection and is very dangerous and adding additional logging traffic will be detrimental. **Workman** said if a buffer were to be added, the limited space will interfere with the line of sight for the logging trucks. **Workman** said she also has concerns that **Brady** will not have sufficient space to fulfill the requirements by NCDOT for the driveway permits.

Workman also asked what recourse the neighbors would have if the sawmill operation expanded.

Pell closed the public hearing for discussion among the Board members and a motion.

Davis said the description of this application is a conditional request so the decision made by the Board will have to be followed by the applicant if it is passed.

Beeson said if the Board decides to pass the request, he would like to add a condition that a buffer, along the road, be added and placed back far enough so that it will not interfere with traffic site distances.

Davis said if **Brady** expands the sawmill, he would be required to come before the Board again.

Hedrick suggested the hours of operation should be added as a condition as well. **Cable** said **Brady** should be clear about what is being asked of him when he leaves.

Pell asked **Brady** if he understands the conditions as they have been presented. **Brady** answered yes. **Johnson** said that **Brady** would have to sign a new application with the conditions before the Board vote, and if those conditions are not followed, it will be a violation of his zoning permit which could go to Court with fines.

Beeson said the buffers shown on the perimeter of the site plan should also be set back so that they do not impede visibility for traffic.

Davis said there is to be a level three buffer added to the road on Hinshaw Town Rd, offset for proper visibility, if expansion is necessary, he will come back before the Board

for revisions, and the hours of operation will be Monday through Saturday from 7:00 am until 4:00 pm.

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*. **Bunting** made a second to the motion to approve the rezoning request.

The Chair, having a proper motion and second, called the question on 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*. The vote was six to one with **Austin** voting against the rezoning request.

Having no further business, **Pell** called for a motion to adjourn the meeting. **Cable** made the motion to adjourn, with **Austin** making the second to the motion and the motion was adopted unanimously.

The meeting adjourned at 9:42 p.m., with 58 citizens present.

**RANDOLPH COUNTY
NORTH CAROLINA**

Chairman

Clerk to the Board

Date



DRAFT



EXHIBIT

1

E-1: FIRST ENVIRONMENTAL DISTRICT**PURPOSE**

The purpose of the *First Environmental (E-1) District* is to provide an area around the North Carolina Zoological Park for low-density mixed land uses, where environmental sensitivity, retention of natural features, and preservation of heritage assets combine to maintain the rural setting. The uses permitted in this District are intended to enhance and preserve the character of the Zoo site. Requests for higher-intensity residential use are considered through standards established in this Ordinance and found to be consistent, reasonable, and in the public interest with the *Randolph County Growth Management Plan*.

DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE

Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at the building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line

DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES

Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line

DIMENSIONAL STANDARDS NOTES

1. Lot areas and setbacks shall be increased if required by Randolph County Public Health.
2. Lot areas in designated Watershed and Protected Areas are controlled by the Randolph County Watershed Protection Regulations.
3. Front yard setback shall be maintained on all road rights-of-way.
4. Minimum lot size requirements within *Primary Growth Areas* may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities.
5. Minimum lot size requirements within *Rural Growth Areas* are 3 acres.
6. Lots in major subdivisions within *Rural Growth Areas* must maintain a 1:4 ratio.
7. The minimum lot size requirements within the *Natural Heritage Overlay* are 6 acres.
8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon signed petition of all owners of the land to be included in the Conditional District.

Table 4: E-1: First Environmental District



July 22, 2022

Ms. Jamie Crumley
Harpley's, LLC
405 E. Dixie Drive, Suite G
Asheboro, NC 27203

**Re: Proposed Harpley's, LLC Slaughter Facility
Old Cox Road, Asheboro, North Carolina**

Dear Ms. Crumley,

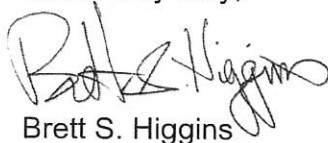
Harpley's, LLC is planning to construct a slaughter facility, located on a 5.9-acre parcel on Old Cox Road in Asheboro, North Carolina. The referenced property is currently zoned for commercial use and the developer seeking have the property re-zoned to industrial use.

The location of the proposed facility currently includes access to the City of Asheboro municipal sanitary sewer system due to a sewer line easement that runs through the lower portion of the site. If this facility is not approved to be on this specific site with the access to a sanitary sewer system, then a liquid waste lagoon would have to be constructed, which is not recommended by the American Association of Meat Processing (AAMP). The AAMP recommends on-site pre-treatment of the liquid waste generated at the facility then direct discharge to the sanitary sewer system.

The wastewater from slaughterhouses contains nitrogen and phosphorus that contribute to toxic algal outbreaks and dead zones. The wastewater also can contain fecal bacteria and pathogens, veterinary drugs, cleaning products and blood. Pyramid strongly agrees that the facility should be located at this specific location in order to have a direct connection to the municipal sanitary sewer system to discharge pre-treated waste generated at the slaughter facility.

If you have any questions or require further clarification of the report findings, please contact Pyramid at 336-335-3174.

Yours very truly,


Brett S. Higgins
Sr. Project Manager

P.O. Box 16265 • Greensboro, NC 27416
503 Industrial Ave • Greensboro, NC 27406
Phone (336)335-3174 • Fax (336)691-0648 • Toll Free (866)545-9507
Email: Info@pyramidenvironmental.com
www.pyramidenvironmental.com

To whom it may concern,

Animal agriculture plays a vital role in Randolph County. Here are just a few statistics that show the importance the county has in the state when it comes to animal agriculture.

Total livestock cash receipts from 2020 showed that livestock brought in over \$192 million to the economy just in Randolph County. That puts Randolph County 9th in the state when it comes to livestock cash receipts. That is mainly due to the strong ranking in Randolph County has in livestock numbers.

- Beef Cattle- Ranks #1
- All Cattle (beef and dairy)- Ranks #2
- Dairy Cattle- Ranks #2
- Broiler Poultry- Ranks #7

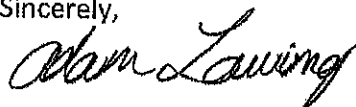
Since starting with Randolph County Cooperative Extension in 2020, it has been great getting to know many of the livestock producers in the county. I enjoy my job and career as a livestock agent. It allows me to educate and support the local farmers and producers that play a vital role in feeding the world as well as our local consumers.

Agriculture as a whole is facing many challenges right now. Input prices, fuel, fertilizer, seed and other supplies has risen tremendously over the past several years retail prices have risen as well as we can see in the grocery store. Even though retail prices have risen, the market prices for cattle have more less stayed the same over the past several years. Economic challenges are at a high right now for agriculture families.

Luckily, livestock producers have the option to obtain a Meat Handlers License. This license allows local producers, large and small to sell safe and quality meat products locally to the citizens of the county. There is a process for a producer to obtain the license and routine inspections are made to ensure products that are sold are safe to consumers. Livestock producers that go through this process to sell meat they raise, allows them to take a little more control of the price they obtain for their product instead of solely relying on livestock markets. The biggest piece that allows producers to sell their meat products, is that their animals (excluding poultry) HAVE to be processed in a facility that is inspected by the United States Department of Agriculture or by the North Carolina Department of Agriculture.

As mentioned previously, animal agriculture is a big part of Randolph County economics and it is important that animal agriculture stays strong and continues to be a big part that makes Randolph County.

Sincerely,



Adam Lawing

Livestock Agent- Randolph County Cooperative Extension



TABLE OF PERMITTED USES

USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Accessory uses	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Adult bookstore										SE		
Adult entertainment establishment										SE		
Adult motion picture theatre (including mini theatres)										SE		
Advanced battery or fuel cell development												✓
Aerospace, aviation, and military/defense manufacturing												✓
Agricultural uses ²	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Airfields and airports	S									S	S	S
Amusements, indoor commercial (e.g., bowling alleys, skating rinks)						S	S	✓	✓	✓		
Amusements, out-of-doors commercial (e.g., roller coasters, fairgrounds)								✓	S	✓		
Apparel and accessory sales							✓	✓	✓	✓		
Athletic fields, recreation buildings, playgrounds, swim, and racquet clubs (no commercial gain)	✓	✓	✓	✓		✓			✓			✓
Auction sales, yards, permanent									✓	✓	✓	✓
Auction sales, temporary, one-time use	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Automobile and truck rental							✓	✓		✓		

NOTES TO THE TABLE OF PERMITTED USES

1. All uses listed in these charts for the E-1 districts are permitted in individual lots. Other uses, permitted only as part a Planned Business Development are noted in Article 700, Section 719.
2. *Bone fide farms* and similar agricultural uses are exempt from zoning controls of this Ordinance. See Article 600, Section 607.
3. 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.
4. New junkyards permitted only by Special Use Permit in LI and HI must be a minimum of three acres in size. Junkyards existing in other districts at the time of adoption of this Ordinance are made nonconforming uses, subject to the provisions of Article 700, Section 726 of this Ordinance. Outdoor storage of more than four wrecked or immobilized motor vehicles is expressly prohibited in the RR and RM districts.
5. Forest harvested properties (clear-cut properties) planned for major subdivision development shall maintain a minimum thirty-five feet of existing uncut buffer along all existing State maintained roads.
6. Any obstruction to be located within the zoning jurisdiction of Randolph County that is more than 199 ft. in height above ground level at its site will require a *Notice of Proposed Construction or Alteration* submitted to the FAA and will require a finding of *No Adverse Impact to Navigation* from the FAA prior to granting a final building permit.



606: ZONING CONFLICTS WITH OTHER DEVELOPMENT STANDARDS

When regulations made under the authority of this Ordinance require a greater width or size of yards or courts or require a lower height of a building or fewer number of stories or require a greater percentage of a lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under the authority of this Article shall govern. When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts or require a lower height of a building or a fewer number of stories or require a greater percentage of a lot to be left unoccupied or impose other higher standards than are required by the regulations made under the authority of this Article, the provisions of this Ordinance govern.

Randolph County may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is inconsistent with any definition of these terms in another statute or a rule adopted by a State agency, including the North Carolina State Building Code Council. The definitions for these terms can be found in Article 100, Section 102.

When property under consideration for development has been identified and the property has more than one Growth Management Area as defined in the *Randolph County Growth Management Plan*, County Planning Staff shall determine the percentage of the proposed development in each Growth Management Area and the development shall follow the requirements of the predominate Growth Management Area. For example, if a project for development is seventy percent in a Primary Growth Area and thirty percent in a Rural Growth Area, the development shall follow the guidelines established from the Primary Growth Area.

607: BONA FIDE FARMS

This Ordinance does not impose nor exercise any controls over croplands, timberlands, pasture lands, orchards, idle or other farmlands, nor over any farmhouse, barn, poultry house, or other farm buildings including tenant or other houses for persons working on said farms if such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

A. BONA FIDE FARMING EXEMPT FROM COUNTY ZONING

County zoning regulations may not affect property used for bona fide farm purposes, provided, however, that this section does not limit zoning regulation concerning the use of farm property for nonfarm purposes. Except as provided in NCGS § 106-743.4 for farms that are subject to a conservation agreement under NCGS § 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering



plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in NCGS § 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, *when performed on the farm* in NCGS § 106-581.1 (6) includes the farm within the jurisdiction of Randolph County and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a *Goodness Grows in North Carolina* product that is produced on a farm subject to a conservation agreement under NCGS § 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following is sufficient evidence that the property is being used for bona fide farm purposes:

- (1) A farm sales tax exemption certificate issued by the North Carolina Department of Revenue;
- (2) A copy of the Randolph County Tax Department's property tax listing showing that the property is eligible for participation in the present-use value program according to NCGS § 105-277.3;
- (3) A copy of the farm owner's or operator's Schedule *F* from the owner's or operator's most recent federal income tax return; or
- (4) A forest management plan.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farm sales tax exemption certificate from the North Carolina Department of Revenue according to NCGS § 105-164.13 E (a) or (ii) is enrolled in the present-use value program according to NCGS § 105-277.3. Failure to maintain the requirements of this subsection for three years after the date the building or structure was originally classified as a bona fide farm purpose under this subsection subjects the buildings or structures to applicable zoning and development regulation ordinances adopted by Randolph County under subsection (A) of this section in effect on the date the property no longer meets the requirements of this subsection.

For purposes of this section, *agritourism* is defined in Article 100, Section 102. Furthermore, a building or structure used for agritourism includes any

§ 106-581.1. Agriculture defined.

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

- (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- (2) The planting and production of trees and timber.
- (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- (4) Aquaculture as defined in G.S. 106-758.
- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on a farm, and similar activities incident to the operation of a farm.
- (7) A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain. (1991, c. 81, s. 1; 2005-390, s. 18; 2006-255, s. 6; 2013-347, s. 2; 2017-108, s. 8.1.)



- (281) **Manufactured Home, Class B:** See *Class B Manufactured Home*.
- (282) **Manufactured Home, Class C:** See *Class C Manufactured Home*.
- (283) **Manufacturing Plant:** A facility where raw goods or components are assembled to produce various items for sale to the public or businesses. This definition shall include, but is not limited to, machine tool manufacturing, chemical manufacturing, fertilizer manufacturing, paving materials, wood products, paper, apparel, soft goods, or textiles.
- (284) **Marquee Sign:** A sign affixed to the top of any hood or canopy over the entrance to a store, building or place of public assembly.
- (285) **Meat Packing:** A facility for slaughtering cattle or other meat animals and processing the carcass and remains for sale.
- (286) **Medical Clinic:** A facility for providing medical or psychiatric services for outpatients only.
- (287) **Medical Manufacturing:** A facility used to make implants, instruments and equipment intended for therapeutics, monitoring, and diagnostics in the healthcare field.
- (288) **Medical Laboratory:** A facility where clinical pathology tests are done on clinical specimens to obtain information about the health of a patient to aid in the diagnosis, treatment, and prevention of disease.
- (289) **Mentally Impaired Person:** A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- (290) **Metal Fabrication:** The process of creating structures or components by the cutting, bending, and assembling of metal.
- (291) **Metal Foundry:** A factory that produces metal castings where liquid metal is poured or injected into a mold to make the desired shape or appearance.
- (292) **Micro Wireless Facility:** A small wireless facility that is no larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, no longer than eleven inches.
- (293) **Miniature Golf:** A facility designed for a game of golf played with one the use of a putter on a small course usually having tunnels, bridges, corners, and other obstacles.



USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Residence, single-family detached	✓	✓	✓	✓	✓	✓						
Residence, townhouses			✓									
Residential solar collector	✓	✓	✓	✓	✓							
Restaurant							S	✓	✓	✓		
Retail stores and shops (excluding vehicle sales) not otherwise listed herein							S	✓	✓	✓		
Riding academy, commercial stables	✓						S		✓			
Rodeo									✓			✓
Rooming house	✓	✓	✓									
Rubber products manufacturing												✓
Rural family occupation of commercial/industrial nature	S	S	S	S		S						
Sanitary landfill	S											
Sawmills, planing mills - permanent												✓
Sawmills, planing mills - temporary	✓											✓
Schools, academic	S	S	S	S	S	S		S	S	S		
Schools, business/trade	S	S	S	S	S	S		S	S	✓		
Septage land application site	S											
Service stations							✓	✓	✓	✓	✓	✓
Service establishments including but not limited to							S	✓	✓	✓		

NOTES TO THE TABLE OF PERMITTED USES

1. All uses listed in these charts for the E-1 districts are permitted in individual lots. Other uses, permitted only as part a Planned Business Development are noted in Article 700, Section 719.
2. *Bone fide farms* and similar agricultural uses are exempt from zoning controls of this Ordinance. See Article 600, Section 607.
3. 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.
4. New junkyards permitted only by Special Use Permit in LI and HI must be a minimum of three acres in size. Junkyards existing in other districts at the time of adoption of this Ordinance are made nonconforming uses, subject to the provisions of Article 700, Section 726 of this Ordinance. Outdoor storage of more than four wrecked or immobilized motor vehicles is expressly prohibited in the RR and RM districts.
5. Forest harvested properties (clear-cut properties) planned for major subdivision development shall maintain a minimum thirty-five feet of existing uncut buffer along all existing State maintained roads.
6. Any obstruction to be located within the zoning jurisdiction of Randolph County that is more than 199 ft. in height above ground level at its site will require a *Notice of Proposed Construction or Alteration* submitted to the FAA and will require a finding of *No Adverse Impact to Navigation* from the FAA prior to granting a final building permit.



RURAL FAMILY OCCUPATIONS OF COMMERCIAL NATURE

Zoning Districts: *E-1, RA, RE, RM, RR*

- Requirements:**
- a. Owner must reside on the property on which the business is located.
 - b. Unlike home occupations, Rural Family Occupations of Commercial Nature may be conducted within an accessory building that meets North Carolina State Building Code.
 - c. The business use must be set back at least fifty feet from road rights-of-way.
 - d. Business use shall not create any noxious fumes, odors, traffic congestion, or other nuisance factors.
 - e. Restrictions as to fencing, indoor storage, and other appearance criteria may be added, as necessary.

Signs: Signs shall be permitted as described in Article 600, Section 634.



May 2, 2022

Mark Brodziski
U.S. Department of Agriculture
1400 Independence Avenue, SW Room 5803-S, Stop 3201
Washington, DC 20250-3201

Re: Harpley's LLC application for USDA funding support

Dear Mr. Brodziski:

On behalf of the Randolph County Economic Development Corporation, I would like to express my support for the request by Harpley's LLC for project funding through USDA. The Randolph County EDC works across our community to support growth of established production operations as well as the attraction of new business to the community.

The proposed construction of Harpley's new USDA-approved slaughter facility in Randolph County will be a welcome addition to the business community and much needed by the agricultural community. The new Harpley's facility will be a great fit for the community and our two largest industry sectors – manufacturing/production and agriculture. Randolph County is one of the North Carolina's top agriculture producers, but processing capacity has been limited over the past several years due to COVID and related staffing shortages through the pandemic. As a result, established processors have backlogs and farmers are facing long delays which are affecting their bottom line.

The importance of agriculture and related value-added businesses cannot be overstated in Randolph County. Agriculture has been a legacy industry, but retains a strong level of interest in the community. For example, Randolph County has a vibrant 4-H program county-wide, most of our high schools offer ag-related courses as part of career and technical education programming, and Randolph Community College has a partnership with Mount Olive University which offers a bachelor's degree for Randolph County. Support businesses such as Harpley's are critical to the agricultural economy in Randolph County.

Harpley's will add slaughter and processing capacity for a variety of livestock as well as deer, create opportunity for good paying jobs, and invest in taxable real and personal property. In a rural community with a significant agricultural presence and many hunters, Harpley's will bring value to Randolph County for many years to come.

Thank you for your consideration of the Harpley's LLC funding request.

Sincerely,

Kevin P. Franklin,
President

Eickman's Processing Company

3226 South Pecatonica Road
Seward, IL 61077

Phone: 815-247-8451
Fax: 815-247-8463

April 20, 2022

To Whom It May Concern:

I am writing to support Jamie Crumley and Harpleys LLC.

My name is Tom Eickman and I am the owner of Eickman's Processing Co. Inc. in Seward, IL. This is a company that my grandfather started in 1953, and I have continued as the third generation to own and run it. We were a state inspected processing facility until 2003, at which time we became inspected by USDA. We offer full slaughter, processing, sausage making, smoking, curing, retail, wholesale, and catering done by our 30 employees. I have been employed here since 1994 and have been running the plant since 2000. I have also served as the president of the Illinois Association of Meat Processors, and I am currently the 1st Vice President of the American Association of Meat Processors. Our products have been recognized at the state, national and international level of competition.

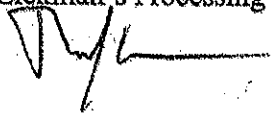
I first met Jamie a couple years ago as she was interested in learning more about meat processing. We had numerous phone calls with questions pertaining to business model, potential sources of customers, and regulatory questions. Eventually, we set up that Jamie and her husband would travel to Illinois and spend some time on our slaughter floor. During this time, they were able to observe our facility, and actually get their hands dirty in our production. We were able to skin cattle, gut hogs, and get them a basic idea of what they were looking to get into.

We also had time off the floor to talk about business models and get thoughts and ideas about general business sense. I was very impressed with Jamie's business knowledge and gained ideas and thoughts that I can use in my own company. She has a very strong understanding of how to run a business. She also has a strong understanding of the problems that may arise and ways to solve them. This relationship continued after she returned home as we have kept in contact.

We routinely send text messages or have phone calls back and forth as issues arise. I may get a question about cooler layout or drain placement. She has sent over rough sketches of layouts, or placements. We have talked about working with USDA, and how we meet the regulations to be able to operate. We discuss what the future of the industry looks like, and where we see areas for growth and opportunity.

I look forward to the day when I will be able to walk into Harpleys and see all the planning coming together in a finished, operating processing plant. I will plan on continuing to assist Jamie and Harpleys in any way that I can. I find value in having someone to talk with and bouncing ideas off of. Success of individual plants helps the success of the industry as a whole. This is an industry that I am passionate about, and anything I can do to further its success is a win. For that reason, I give my full support, years of experience and knowledge to them for any assistance Harpleys LLC may need in the future.

Sincerely,
Thomas J. Eickman
President
Eickman's Processing Co. Inc.,





April 11, 2022

ATTN: USDA

RE: Letter of Support | New Beef Slaughter Facility, Randolph County, NC

To Whom it May Concern,

The spirit of this letter is to share with you **our support of the grant/loan request being made by Harpley's, LLC for funding to assist in the construction and establishment of a Randolph County-located, USDA approved, beef slaughter facility.**

As a result of COVID, there has become a national shortage of labor, delays in supply chain, and now the rising cost of diesel fuel. **Randolph County is North Carolina's largest producer of beef cattle and is ranked among the top one-third producers in the United States.** The closest slaughter facility is located one-hour north of the County center with processing appointments filled into 2024! The cost to transport animals and the extended delays for processing are not only adding to current supply chain challenges – but are also causing consumer beef prices to rise.

Agriculture is one of Randolph County's major economic drivers; encompassing 1,500 farms, employing approximately 8,000 people and generating 13.5% of the total dollar value produced by county businesses in the amount of \$569M in 2017. In support of this, Randolph Community College has actively worked with local school districts to create agriculture technology pathways for students desiring to have careers in that field. The addition of a slaughter and processing facility in the core of North Carolina's most productive beef cattle region would contribute to helping consumer beef prices stabilize, provide even more career opportunities for our youth, and would enhance our local economy.

On behalf of the Asheboro/Randolph Chamber and its 760 members, we appreciate your positive consideration of this grant and funding request.

Respectfully,

Linda Brown, President



North Carolina General Assembly
Senate

SENATOR DAVE CRAVEN
26TH DISTRICT

OFFICE: 2106 LEGISLATIVE BUILDING
16 WEST JONES STREET
RALEIGH, NC 27601
PHONE: (919) 733-5870
EMAIL: DAVE.CRAVEN@NCLEG.GOV

May 3, 2022

COMMITTEES:

AGRICULTURE, ENERGY, AND ENVIRONMENT
APPROPRIATIONS ON EDUCATION
COMMERCE AND INSURANCE
EDUCATION
STATE AND LOCAL GOVERNMENT

Mark Brodziski
U.S. Department of Agriculture
1400 Independence Ave. SW, Room 5803-S STOP 3201
Washington, DC 20250-3201

RE: **Letter of Support**
Meat and Poultry Processing Expansion Program

Dear Mr. Brodziski,

I am writing in support of the Harpley's Taxidermy application for funding through the USDA Grant (Meat and Poultry Processing Expansion Program). This grant would aid in offering accessibility to a slaughter and processing facility for farmers in Randolph County due to the growing demand for local food options and meat processing in the area. Randolph County is the largest beef cattle producing county in the state and having a local processing facility would improve the distance farmers are forced to travel and reduce the substantial back log in processing.

The location of the USDA facility would include 3 acres and a 14,000 square foot building which would accommodate processing as well as retail butcher space. The retail store will provide not only local harvested meat products, but will include cheeses, breads, food and other products from local farmers and artisans.

I am confident a USDA slaughter and processing facility would support the economic development and long-term goals for my community.

Thank you for your consideration of this project.

Sincerely,

Senator Dave Craven





November 15, 2022

To Whom It May Concern:

As the current FHFH NC Coordinator in Davidson/Randolph County, I have been involved with this feeding ministry program since 2007. With God's call to this feeding of our needy through the efforts of hunters providing deer meat and farmers providing agricultural crops we are constantly battling food deficiencies in both counties. For those who are not aware, our local food banks and pantries are struggling daily to feed the needy with all available resources. Second Harvest Food Bank of western NC is the mainstay for distributing much needed food items to offset and help sustain our local families in need. If you want numbers in reality today as you pass by 5 homes in traveling at least 1 will have food deficiencies and little to no food in their cabinets. The sad part is a large portion of the families are made up of children who need nutrition daily to help them function in school to learn. As Jesus said in the feeding of the 5000, let us gather all available and I will break the bread and separate the fish and feed all that are here before I began to teach them. As he said, its hard to have attentive students when they are hungry. This applies also to adults. In our years of helping through our feeding ministry farmers have donated and supplied many vegetable and fruit commodities and the hunters have supplied meat meals. I say this to support any type facilities that will take practices in helping local farmers with meat processing of cattle and hunters in processing harvested deer to feed these counties and fulfill hunger needs that are forever increasing. What Harpley's is proposing is this very thing of a necessity need in building their new facility that will be of a local value to many and will offset food deficiency. If you would only go out into your local community yourself and see the need to feed your own local families then will you get the true picture of being responsible as an elected official to help battle and offset food deficiencies. In tribute to Harpley's proposing to offer and satisfy this need just take a look at their current state of the art facility and the class act they are for Randolph and surrounding areas.

Thanks In Christ,

Henry Morris

FHFH NC Coordinator for Randolph & Davidson County

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

RANDOLPH COUNTY

2022 SEP -7 P 12:48

22 CVS 1823

THE NORTH CAROLINA ZOOLOGICAL
SOCIETY, Inc. and LAURA W. PRICE, C.S.C.

Petitioners,

BY

(N)

WRIT OF CERTIORARI

v.

RANDOLPH COUNTY and JAMIE LYNN
CRUMLEY,

Respondents.

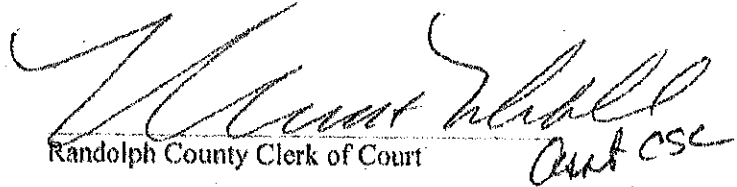
WHEREAS, Petitioners have alleged that Randolph County, through its Board of Adjustment, issued a variance enabling a change in land use and that the action was illegal and contrary to statute and ordinance and otherwise unsupported by facts appearing in the record; and

WHEREAS, the complete Record of Proceedings, including the County's video or other recordings, transcripts, minutes, records, applications, staff reports, photographs, diagrams, and all other information presented to and considered by the Board of Adjustment at its August 2, 2022 public hearing is necessary for proper review.

NOW, THEREFORE, *Certiorari* is hereby granted pursuant to N.C. Gen. Stat. §160D-1402(e). Randolph County is ordered to certify and return to this Court within thirty (30) days the complete Record of Proceedings of the public hearing related to the aforementioned application, including any video or other recordings, transcripts, minutes, records, applications, staff reports, photographs, diagrams, petitions, and all other information presented to and considered by the Board of Adjustment at the aforementioned hearing so that all evidence may be reviewed by this Court.

Petitioner, through counsel, shall serve this Petition and Writ upon the respondent in the manner provided by Rule 4(j) of the N.C. Rules of Civil Procedure, but without summons, as provided in N.C. Gen. Stat. § 160D-1402(e).

This the 7 day of September 2022


Randolph County Clerk of Court

STATE OF NORTH CAROLINA

RANDOLPH COUNTY

THE NORTH CAROLINA ZOOLOGICAL
SOCIETY, INC. and LAURA W. PRICE,

Petitioners,

v.

RANDOLPH COUNTY and JAMIE LYNN
CRUMLEY,

Respondents.

FILED
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
2022 SEP -7 P 12:41
22 CVS 1823

RANDOLPH CO., C.S.C.

BY

12A

**PETITION FOR WRIT OF
CERTIORARI**

Petitioners The North Carolina Zoological Society, Inc. and Laura W. Price (collectively, "Petitioners") file this Petition for Writ of Certiorari pursuant to N.C. Gen Stat. § 160D-1402 and show the Court the following:

I.
OVERVIEW

County boards of adjustment have no statutory power to alter a zoning district's allowed uses. Nonetheless, the Randolph County Board of Adjustment purported to assume powers not granted by statute to allow a prohibited use – an industrial slaughterhouse – through a "variance" in a zoning district where heavy industry is not allowed. This decision was (1) contrary to an express statutory prohibition against such actions in N.C. Gen. Stat. § 160D-705(d) ("No change in permitted uses may be authorized by variance."); (2) contrary to an identical section in the County's Unified Development Ordinance ("UDO"); and (3) inconsistent with other requirements in the UDO. The decision should be reversed. Further, because this exercise of illegal powers "violated . . . [the] unambiguous limits on the County's authority," N.C. Gen. Stat. § 6-21.7 requires this Court to order the County to reimburse Petitioners' costs and attorney fees.

II. PARTIES AND STANDING

1.

Randolph County is the proper respondent pursuant to N.C. Gen. Stat. § 160D-1402(d) because its decision-making board, the Board of Adjustment, made the statutorily unauthorized decision to allow a large, animal slaughterhouse with no or minimal restrictions on hours, noise, or operations, and with numerous trucks entering and exiting on property adjacent to each Petitioner.

2.

Jamie Lynn Crumley, as the applicant for the decision made, is a necessary party and respondent pursuant to N.C. Gen. Stat. § 160D-1402(d).

3.

The North Carolina Zoological Society, Inc. is a private, non-profit corporation established in 1968 to raise funds for the programs run by, and to protect the properties owned by, the North Carolina Zoo. For more than 50 years, the County has acknowledged that the Zoological Society acts as an agent for the North Carolina Zoo in general matters related to promotion and protection of the Zoo, one of the State's top tourist attractions. The Zoological Society has standing because:

a. Its mission is, among other things, to protect the properties and programs of the North Carolina Zoo. This slaughterhouse would add a loud industrial use with large trucks and animal holding pens abutting Zoo property that the Zoological Society has permission to enter for organized hikes and tours.

b. Having an abutting heavy industrial slaughterhouse (categorized in the UDO as a "Meat Packing and Processing Facility") would harm the ability of the Zoological Society to raise funds and assist with program planning for the North Carolina Zoo.

c. The slaughterhouse would generate noise created by large trucks, including 18 wheelers, and other heavy industrial operations that would detract from visitors' experience at the North Carolina Zoo, thereby harming the Zoo's desirability and attractiveness to visitors and impacting the Zoological Society's income.

d. The property protected and promoted by the Zoological Society is zoned F-1, a zoning district expressly adopted to protect the character and ambience of the land surrounding the North Carolina Zoo. The zoning district's adoption and purpose are codified in the UDO and constitute a County policy that the programs funded and supported by the Zoological Society should be protected from incompatible land uses, especially uses allowed only in the Heavy Industrial Zoning District.

e. Should it become necessary, the Zoological Society reserves the right to provide supplemental information and materials related to standing pursuant to N.C. Gen. Stat § 160D-1402(i)(1).

4.

Laura W. Price owns and lives in the home at 2567 Old Cox Road, adjacent to and abutting Respondent Crumley's property. Ms. Price has standing to bring this action because:

a. Having a heavy industrial use, especially a slaughterhouse, immediately adjacent to her property would substantially harm her property values as a result of having the noise of large industrial trucks entering and exiting the property, the noise and odors created by animals unloaded and temporarily penned adjacent to her home, and the stigma of being adjacent to and abutting a facility for slaughtering animals.

b. The facility could legally operate nights and weekends with industrial lights, thereby harming her property value and her use and enjoyment of her property.

c. Traffic, noise, odors, and stigma are considered by the Appraisal Institute to be factors creating an “external obsolescence” that causes a diminution in the value of one’s property. The presence of just one factor can be sufficient to injure adjoining property values, but the slaughterhouse would present at least four of those factors.

d. Because the facility would be immediately adjacent to her home, these harms are distinct to Ms Price.

5.

The locations of the properties owned by Petitioners and Respondent Crumley are illustrated below in an image taken from the County’s GIS website:



III. FACTS

6.

In Randolph County, Meat Packing and Processing Facilities are allowed *only* in the Heavy Industrial Zoning District, as illustrated below in the Table of Permitted Uses, UDO Article 600:

ARTICLE 600: ZONING ORDINANCE												
USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Machine shop, welding shop									✓	✓	✓	✓
Manufacturing, machine tools, chemicals, fertilizer, paving materials, wood products, paper												✓
Manufacturing, apparel, soft goods, textiles												✓
Meat packing and poultry processing												✓

7.

Respondent Crumley owns 30.48 acres of property located at 2469 Old Cox Road (Parcel 16095) with an internal 5.90-acre parcel zoned CEO-CD to allow a taxidermy shop and three "mini-rental cabins."

8.

On June 30, 2022, Respondent Crumley applied for a variance. As described in the County planning department staff report, the application was filed "[t]o allow a meat processing facility as per the site plan in CEO-CD zoning in lieu of the HI Zoning required per the Unified Development Ordinance."

9.

The staff report demonstrated not only that the County accepted the application to change the use of property through a variance procedure, but also that the planning staff knew that heavy industrial zoning was required for the requested use.

10.

The Randolph County Board of Adjustment heard the variance request at its August 2, 2022, meeting and purportedly made findings to support the issuance of a variance.

11.

Christopher Scott, the Zoological Society's Development Director and Corporate Counsel, made telephone calls and written requests to the planning department and county clerk asking for the Board's minutes and adopted order. He was told he would have to wait until the Board's September meeting when the order would be approved and signed.

12.

Pursuant to N.C. Gen. Stat. § 160D-406(j), "[t]he decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective."

13.

On August 23, 2022, Mr. Scott wrote the county clerk, county manager, and planning department to request a written copy of the Board's decision. To date, no decision has been delivered.

14.

N.C. Gen. Stat. § 160D-705(d) expressly forbids what are commonly referred to as “use variances.” The statute provides: “No change in permitted uses may be authorized by variance.”

15.

Members of the staff and Board of Adjustment either knew or should have known that UDO Section 605(D) (Variances) repeats the statutory provision prohibiting “use variances” per the image below from the UDO (emphasis added):

No change in permitted uses may be authorized by a Variance. Appropriate conditions may be imposed on any Variance if the conditions are reasonably related to the Variance. Any other development regulation that regulates land use or development may provide for Variance from the provisions of those ordinances consistent with the provisions of this subsection.

16.

Pursuant to UDO Article 600, a land use is allowed *only* in a zoning district that allows such use, and slaughterhouses are allowed only in the Heavy Industrial zoning district.

17.

Pursuant to UDO Article 400, only a rezoning can change the land uses permitted on a tract of land.

18.

County staff knew or should have known that changing the use required a rezoning, yet nonetheless chose to process the application through the vehicle of a variance, as demonstrated by the staff-prepared draft order which acknowledged that the “literal terms” of the Table of Permitted

Uses in Article 600 did not allow Respondent Crumley to have a slaughterhouse in the CEO zoning district and instead required heavy industrial zoning.

19.

Petitioners believe that Respondent Crumley was counseled to request a variance instead of rezoning to a heavy industrial zoning district because a variance would create less controversy.

20.

The Board of Adjustment's decision to allow a Meat Packing and Processing Facility on the Crumley property was illegal by statute and by local ordinance, erroneous as a matter of law, and beyond the unambiguous limits of the County's authority.

21.

Even if the Board were allowed to change a land use by variance, its decision was made without any facts in the record to support the findings necessary to support issuance of a variance, and therefore the decision was (a) unsupported by competent, material, and substantial evidence appearing in the record, and (b) arbitrary and capricious.

22.

The Petitioners further allege that the decision is erroneous as a matter of law resulting from failures to follow statutory and zoning ordinance notice requirements and the Board's failure to follow procedures which protected the citizens' rights of due process.

WHEREFORE, Petitioners pray that the Court:

1. Issue a Writ of Certiorari, ordering the County to produce the Record of Proceedings within thirty (30) days for the Court's review.
2. Upon de novo review, reverse the decision of the Board of Adjustment as being (a) an illegal change in land use through a variance; (b) the exercise of a power never granted to any

board of adjustment, including this Board of Adjustment; (c) erroneous as a matter of law for reasons stated above; and (d) legally erroneous due to errors of notice and hearing procedures.

3. Upon de novo review, determine that the Board of Adjustment's decision was not supported by evidence that was competent, material, or substantial.

4. Upon whole record review, determine that there was no evidence to support the findings and that the decision was also arbitrary and capricious.

5. Award Petitioners reasonable attorney fees and costs pursuant to N.C. Gen. Stat. § 6-21.7 because this is an action "in which a . . . county is a party" and the "county violated a statute or case law setting forth unambiguous limits on its authority."

6. Grant such other and further relief as is just and proper under the circumstances.

This the 7th day of September, 2022.



Thomas E. Terrell, Jr.
N.C. Bar No. 13133
terrell@foxrothschild.com
Kip D. Nelson
N.C. Bar No. 43848
knelson@foxrothschild.com
FOX ROTHSCHILD LLP
230 N. Elm Street, Suite 1200
PO Box 21927 (27420)
Greensboro, NC 27401
Telephone: 336.378.5200
Facsimile: 336.378.5400

Name	City	State	Postal Code	Signed On
Janice Brahms-Butler	Asheboro	NC	27205	7/29/2022
Burton Johnson	Asheboro	NC	27205	7/29/2022
Lauren Kahle	Asheboro	NC	27205	7/29/2022
Randi Hill	Asheboro	NC	27205	7/29/2022
Christine Lennon	Asheboro	NC	27203	7/29/2022
Diane Antill	Charlotte	NC	28269	7/29/2022
Rebecca Turner	Asheboro	NC	27203	7/29/2022
Patti Carlisle	Graham	NC	27253	7/29/2022
Tiffany Cameron	Sophia	NC	27350	7/29/2022
Kayla Moore	Asheboro	NC	27203	7/29/2022
Beth Allen	Forest	VA	24551	7/29/2022
Veronica Loflin	Randleman	NC	27317	7/29/2022
Caroline Staley	Asheboro	NC	27205	7/29/2022
Lori Harper	Asheboro	NC	27203	7/29/2022
Sherry Johnson	Asheboro	NC	27204	7/29/2022
Valerie Edell	Pittsboro	NC	27312	7/29/2022
Diane Andrade	Pittsboro	NC	27312	7/29/2022
Jackson Jennings	Asheboro	NC	27205	7/29/2022
Wendy Schroeder	Asheboro	NC	27205	7/29/2022
Rosemarie Goldstein	Charlotte	NC	28203	7/29/2022
Mike Allred Jr	Charlotte	NC	28209	7/29/2022
Gina Hill	Charlotte	NC	28270	7/29/2022
Beth Phelps	Randleman	NC	27317	7/29/2022
Matthew Staley	Randleman	NC	27317	7/29/2022
Andrea Alexander	Charlotte	NC	28212	7/29/2022
Tiffany Garcia	High Point	NC	27262	7/29/2022
Frankie Owens	Asheboro	NC	27205	7/29/2022
Steve Maness	Seagrove	NC	27341	7/29/2022
Joshua Santiago	Asheboro	NC	27205	7/29/2022
Brian Gordon	Asheboro	NC	27205	7/29/2022
Elizabeth Manuel	Asheboro	NC	27203	7/29/2022
Yuridia Manuel	High Point	NC	27265	7/29/2022
graves jimmy	Charlotte	NC	28205	7/29/2022
Scott Harper	Asheboro	NC	27205	7/29/2022
Rolando Martinez	Raeford	NC	28376	7/29/2022
Mimi Payne	Asheboro	NC	27205	7/29/2022
Valeria Moffitt	Asheboro	NC	27203	7/29/2022
Alexis Towriss	Asheboro	NC	27203	7/29/2022
Nathaniel H. Butler	Asheboro	NC	27205	7/29/2022
Brian Kearns	Asheboro	NC	27205	7/29/2022
Laura Mullins	Denton	NC	27239	7/29/2022
Jeremy Smith	Bennett	NC	27208	7/29/2022
Brandin Davis	Asheboro	NC	27205	7/29/2022
Ryan Garner	Winston-Salem	NC	27107	7/29/2022
Ana Torres	High Point	NC	27262	7/29/2022
Dustin Lamb	Randleman	NC	27317	7/29/2022

Billy Wiker	Franklinville	NC	27248	7/29/2022
Addison Moran	Charlotte	NC	28262	7/29/2022
Iori Robbins	Trinity	NC	27370	7/29/2022
Anthony Brady	Charlotte	NC	28205	7/29/2022
David Fugate	Asheboro	NC	27205	7/29/2022
Randi Harper	Asheboro	NC	27203	7/29/2022
Liz Russell	Charlotte	NC	28205	7/29/2022
Thomas Fields	Randleman	NC	27317	7/29/2022
Tracy Davis	New London	NC	28127	7/29/2022
Brett Grimsley	Asheboro	NC	27205	7/29/2022
Allen Spangle	Winston-Salem	NC	27107	7/29/2022
Jason Auman	Seagrove	NC	27341	7/29/2022
Lindsey Schlemmer	Concord	NC	28027	7/29/2022
Amy Ramos	Asheboro	NC	27205	7/29/2022
Claire Perry	Staley	NC	27366	7/29/2022
Emily Moffitt	Charlotte	NC	28216	7/29/2022
Samantha Ireland Nance	Asheboro	NC	27205	7/29/2022
Kevin Mincey	Greensboro	NC	27406	7/29/2022
Marta Schlemmer	Lexington	NC	27292	7/29/2022
Iisa turner	denton	NC	27239	7/29/2022
Krisitna Robbins	Asheboro	NC	27203	7/29/2022
Allred Mark	Ramseur	NC	27316	7/29/2022
Karen Mincey	Jamestown	NC	27282	7/29/2022
Katherine Knipper	Asheboro	NC	27203	7/29/2022
Jeremy McCain	Franklinville	NC	27248	7/29/2022
Casey Gaster	Asheboro	NC	27205	7/29/2022
Tracey Crawford	Charlotte	NC	28269	7/29/2022
Scott Fearington	Randleman	NC	27317	7/29/2022
Louree Wlerz	Lexington	NC	27295	7/29/2022
Tyler Keziah	Asheboro	NC	27205	7/29/2022
Patrick Schroeder	Asheboro	NC	27205	7/29/2022
David Britt	Ramseur	NC	27316	7/29/2022
Steve Davis	Charlotte	NC	28270	7/29/2022
Bob Crumley	Asheboro	NC	27203	7/29/2022
Carrie Lineberry Ritter	Asheboro	NC	27203	7/29/2022
Sean Fields	Winston-Salem	NC	27107	7/29/2022
Nannette Smith	Asheboro	NC	27205	7/29/2022
Devin Steele	Asheboro	NC	27205	7/29/2022
Crandel Coltrane	Asheboro	NC	27205	7/29/2022
Michael Latham	Asheboro	NC	27205	7/29/2022
Morgan Garner	Asheboro	NC	27205	7/29/2022
Ray Latham	Asheboro	NC	27205	7/29/2022
Melissa Lambert	Pinehurst	NC	28374	7/29/2022
Kelly Palmer	Sophia	NC	27350	7/29/2022
Pamela Penner	Asheboro	NC	27203	7/29/2022
James Wlerz	Lexington	NC	27295	7/29/2022
Catherine Britt	Bear Creek	NC	27207	7/29/2022

Dylan Nance	Asheboro	NC	27205	7/29/2022
mary Irvine	Cazenovia	NY	13035	7/29/2022
Brianna Everhart	Raleigh	NC	27607	7/29/2022
William Trujillo	Lexington	NC	27292	7/29/2022
Auston Reudelhuber	Charlotte	NC	28270	7/29/2022
Chris Bame	Thomasville	NC	27360	7/29/2022
Justin Allen	Lexington	NC	27292	7/29/2022
Christina Voncannon	Seagrove	NC	27341	7/29/2022
crystal barringer	Denton	NC	27239	7/29/2022
Frankie Beck	Lexington	NC	27295	7/29/2022
Travis Fuller	Winston-Salem	NC	27127	7/29/2022
Steven Nance	Randleman	NC	27317	7/29/2022
Maranda Owens	Thomasville	NC	27360	7/29/2022
Dustin Ritter	Seagrove	NC	27341	7/29/2022
Joey Needham	Asheboro	NC	27205	7/29/2022
Jamie Beland	Asheboro	NC	27205	7/29/2022
Steven Owens	Asheboro	NC	27205	7/29/2022
Kim Lackey	Staley	NC	27355	7/29/2022
Katie Callicutt	Clayton	NC	27520	7/29/2022
Jack Callicutt	Clayton	NC	27520	7/29/2022
sherri dalton	Charlotte	NC	28214	7/29/2022
Lance Somero	Trinity	NC	27370	7/29/2022
Haleigh Poole	Fort Mill	SC	29715	7/29/2022
Kevin Cox	Randleman	NC	27317	7/29/2022
Scott Brown	Charlotte	NC	28205	7/29/2022
Esther Hooker	Asheboro	NC	27205	7/30/2022
Emily Steele	Asheboro	NC	27205	7/30/2022
Anna Hunsucker	Candor	NC	27229	7/30/2022
Derrick Loflin	Trinity	NC	27370	7/30/2022
Deanne Williams	Candor	NC	27229	7/30/2022
Sharon Gregory	Asheboro	NC	27203	7/30/2022
Felicia Miller	Asheboro	NC	27205	7/30/2022
Dennis Wicker	Randleman	NC	27317	7/30/2022
Andrew Garrett	Thomasville	NC	27360	7/30/2022
Melissa Reudelhuber	Lexington	NC	27292	7/30/2022
Moody Jameson	Thomasville	NC	27360	7/30/2022
Angel Smith	Randleman	NC	27317	7/30/2022
Lesia Reudelhuber	Charlotte	NC	28270	7/30/2022
Thad Wymer	Thomasville	NC	27360	7/30/2022
Teresa Hinshaw	Asheboro	NC	27205	7/30/2022
Paula Lucas	Denton	NC	27371	7/30/2022
Derek Ritter	Seagrove	NC	27341	7/30/2022
Jeremy Nichols	Troy	NC	27371	7/30/2022
Kim Carter	Robbins	NC	27325	7/30/2022
Candy Neal	Asheboro	NC	27205	7/30/2022
Crystal Latham	Asheboro	NC	27205	7/30/2022
Jacob Welborn	High Point	NC	27263	7/30/2022

Matthew Bym	Seagrove	NC	27341	7/30/2022
Liz Sink	Lexington	NC	27295	7/30/2022
Karri Turner	Trinity	NC	27370	7/30/2022
Junie Smith	Lexington	NC	27295	7/30/2022
Alexa Wierz	Lexington	NC	27295	7/30/2022
Dorrie Wilhelm	Thomasville	NC	27360	7/30/2022
Samantha Brady	Asheboro	NC	27205	7/30/2022
Blanche Butcher	Ramseur	NC	27316	7/30/2022
Clay Brady	Asheboro	NC	27205	7/30/2022
Landon Allen	Asheboro	NC	27205	7/30/2022
Dakota Dennis	Lexington	NC	27292	7/30/2022
Jill Loggains	Franklinville	NC	27248	7/30/2022
Tara Reynolds	Mebane	NC	27302	7/30/2022
Brianna Turner	Trinity	NC	27370	7/30/2022
Justin Dillard	Trinity	NC	27370	7/30/2022
Loretta Lednum	Asheboro	NC	27205	7/30/2022
Dustin Brown	Pittsboro	NC	27312	7/30/2022
Judy Kassel Kassel	Asheboro	NC	27205	7/30/2022
Logan Alger	Lexington	NC	27292	7/30/2022
Justin Green	Randleman	NC	27317	7/30/2022
Spencer Lanier	Asheboro	NC	27205	7/30/2022
Beverly Richardson	Seagrove	NC	27341	7/30/2022
Laura Hemphill	Lexington	NC	27292	7/30/2022
Chastity Elliott	Asheboro	NC	27205	7/30/2022
Sechriest Elizabeth	Thomasville	NC	27360	7/30/2022
Douglas H. Smith	Asheboro	NC	27205	7/30/2022
Shannon Whitaker	Morehead City	NC	28557	7/30/2022
Jamie Hill	Seagrove	NC	27341	7/30/2022
Melissa Grindstaff	Asheboro	NC	27205	7/30/2022
Eric Grindstaff	Asheboro	NC	27205	7/30/2022
Leslie LaPlume	Seagrove	NC	27341	7/30/2022
Ellen Callicutt	Asheboro	NC	27205	7/30/2022
Dwight Harper	High Point	NC	27263	7/30/2022
Summer Blackburn	Thomasville	NC	27360	7/30/2022
Victor Stout	Asheboro	NC	27205	7/30/2022
Lisa Bingham	Thomasville	NC	27360	7/30/2022
Kelly Ratliff	Lexington	NC	27292	7/30/2022
Daniel Loflin	Thomasville	NC	27360	7/30/2022
Penny Boone	Asheboro	NC	27205	7/30/2022
Anna Ijames Ijames	Albemarle	NC	28001	7/30/2022
Joseph Callicutt	Asheboro	NC	27205	7/30/2022
Erica Poole	New London	NC	28127	7/30/2022
Brien Finnegan	Seagrove	NC	27341	7/30/2022
Cindy Whitmoyer	Seagrove	NC	27341	7/30/2022
Rachel Reudelhuber	Matthews	NC	28104	7/30/2022
Chris Garner	Seagrove	NC	27341	7/30/2022
Dustin Long	Randleman	NC	27317	7/30/2022

Michael Mayo	Seagrove	NC	27341	7/30/2022
Stacy Schmitt	Seagrove	NC	27341	7/30/2022
Jessica Moore	Asheboro	NC	27205	7/30/2022
Charlie Willis	Lexington	NC	27292	7/30/2022
Rodney Neal	Asheboro	NC	27205	7/30/2022
Carrie Chriscoe	Asheboro	NC	27205	7/30/2022
Stephanie Smedley	Norwood	NC	28128	7/30/2022
Robert Smedley	Denton	NC	27239	7/30/2022
Jessi Saruse	Randleman	NC	27317	7/30/2022
Ronald Beane	Asheboro	NC	27203	7/30/2022
Jeremy Dawson	Charlotte	NC	28214	7/30/2022
Dana Parham	Franklinville	NC	27248	7/30/2022
April Kearns	Clayton	NC	27527	7/30/2022
Wendy Parham	Thomasville	NC	27360	7/30/2022
Sydney Hampton	High Point	NC	27262	7/30/2022
Regina Williamson	Prospect Hill	NC	27314	7/30/2022
Amber Richardson	Randleman	NC	27317	7/30/2022
Crystal Sweatt	Charlotte	NC	28204	7/30/2022
Preston Everhart	Thomasville	NC	27360	7/30/2022
Rose Hollenbeck	Asheboro	NC	27205	7/30/2022
Angel McPherson	Thomasville	NC	27360	7/30/2022
Tyler Watts	Thomasville	NC	27360	7/30/2022
Brian Chriscoe	Asheboro	NC	27205	7/30/2022
Emily Dalton	Asheboro	NC	27205	7/30/2022
Kelly Muller-Stover	Franklinville	NC	27248	7/30/2022
Catherine Reeder	Asheboro	NC	27205	7/30/2022
Cody Garrison	Climax	NC	27233	7/30/2022
Margaret Kirkman	Goldston	NC	27252	7/30/2022
Joyce Belk	Monroe	NC	28110	7/30/2022
Susan Henson	Randleman	NC	27317	7/30/2022
Eric Rothrock	Charlotte	NC	28270	7/30/2022
Julie Harris	Holly Springs	NC	27540	7/30/2022
Wendy Anderson	Asheboro	NC	27205	7/30/2022
Jesse Sharpe	Asheboro	NC	27205	7/30/2022
Jonathan Bingham	Asheboro	NC	27203	7/30/2022
Rosanna Gannon Wood	Buies Creek	NC	27546	7/30/2022
Tori McCoy	Asheboro	NC	27205	7/30/2022
Megan Echerd	Denton	NC	27239	7/30/2022
Steven Cook	Asheboro	NC	27205	7/30/2022
Regina York	Julian	NC	27283	7/30/2022
Laura Sink	Asheboro	NC	27205	7/30/2022
Charles Turner	Asheboro	NC	27203	7/30/2022
Daniel Pack	Andrews	NC	28901	7/30/2022
Dallas Hurley	Charlotte	NC	28212	7/30/2022
Ann Callicutt	Monroe	NC	28110	7/30/2022
Alvin Hogan Jr.	Denton	NC	27239	7/30/2022
Karen Bird	Charlotte	NC	28273	7/30/2022

Bradley Calloway	Charlotte	NC	28202	7/30/2022
Danny King	Asheboro	NC	27205	7/30/2022
Jana Allmon	ASHEBORO	NC	27205	7/30/2022
Kim Petersen	Trinity	NC	27370	7/30/2022
Kasie Baker	Asheboro	NC	27203	7/31/2022
Stephen Brown	Ramseur	NC	27316	7/31/2022
Kinzie Brown	Randleman	NC	27317	7/31/2022
Jamie Elliott	Asheboro	NC	27205	7/31/2022
James Hull	Charlotte	NC	28211	7/31/2022
Thomas Harmon	Asheboro	NC	27203	7/31/2022
Michael Martin	Winston-salem	NC	27107	7/31/2022
Suzanne Hayes	Seagrove	NC	27341	7/31/2022
Steven Harper	Asheboro	NC	27203	7/31/2022
Jeff Davis	Charlotte	NC	28277	7/31/2022
Cody Little	Asheboro	NC	27205	7/31/2022
Neil Ellis	Liberty	NC	27298	7/31/2022
James White	Pittsboro	NC	27312	7/31/2022
Nocholas Headen	Asheboro	NC	27203	7/31/2022
April Gaddis	Greensboro	NC	27405	7/31/2022
Cindy Finch	Asheboro	NC	27205	7/31/2022
Jeremy Owens	Thimmasville	NC	27360	7/31/2022
Scott Bingham	Thomasville	NC	27360	7/31/2022
Robin Lackey	Hurdle Mills	NC	27541	7/31/2022
Stephen Eggleston	Randleman	NC	27317	7/31/2022
MATTHEW POPE	Asheboro	NC	27205	7/31/2022
Terry Grant	Clayton	NC	27520	7/31/2022
Jenna McKenzie	Asheboro	NC	27205	7/31/2022
Kelsey Gallegos	Asheboro	NC	27203	7/31/2022
Mike Corella	Kenly	NC	27542	7/31/2022
Randy Cornelison	Asheboro	NC	27203	7/31/2022
Steve Parrott	Charlotte	NC	28203	7/31/2022
Missy Barker	Siler City	NC	27344	7/31/2022
Beth Atkins	Seagrove	NC	27341	7/31/2022
Karen Smith	Asheboro	NC	27203	7/31/2022
Haley Steffey	High Point	NC	27263	7/31/2022
Alicia Willard	Asheboro	NC	27205	7/31/2022
Brittany Richardson	Asheboro	NC	27205	7/31/2022
Cassie Phillips	Ramseur	NC	27316	7/31/2022
BRYAN LITTLETON	Asheboro	NC	27205	7/31/2022
Lisa Macon	Asheboro	NC	27205	7/31/2022
Oris Harper	Asheboro	NC	27203	7/31/2022
DeAna Sweeney	Asheboro	NC	27205	8/1/2022
Melissa Cox	Asheboro	NC	27205	8/1/2022
Chris Plunkett	Trinity	NC	27370	8/1/2022
Jessica Symonds	Asheboro	NC	27203	8/1/2022
Josh Loflin	Randleman	NC	27317	8/1/2022
Loretta Adams	Lexington	NC	27295	8/1/2022

Kylie Shelton	Asheboro	NC	27203	8/1/2022
Crystal Harper	Asheboro	NC	27203	8/1/2022
Jonathan Edell	Pittsboro	NC	27312	8/1/2022
Jordan Williams	Asheboro	NC	27205	8/1/2022
John Hill	Thomasville	NC	27360	8/1/2022
Jennie Roland	High Point	NC	27263	8/1/2022
Tony Eads	Seagrove	NC	27341	8/1/2022
Joe Cruz	Randleman	NC	27317	8/1/2022
Russell Kahle	Asheboro	NC	27205	8/1/2022
Jeremy Penny	Port Carbon	PA	17965	8/1/2022
Marjorie Petesch	Siler City	NC	27344	8/1/2022
Bruce Petesch	Siler City	NC	27344	8/1/2022
Cynthia Neal	Trinity	NC	27370	8/1/2022
Steven Hayes	Seagrove	NC	27341	8/1/2022
Megan Wright	Seagrove	NC	27341	8/1/2022
Bryan Dupree	Asheboro	NC	27205	8/1/2022
William Moss	Ramseur	NC	27316	8/1/2022
Janet Wallace	Rockingham	NC	28379	8/1/2022
Jennifer Cavanagh	Pittsboro	NC	27312	8/1/2022
Shane hill	Sophia	NC	27350	8/1/2022
Kathy Pollock	Asheboro	NC	27205	8/1/2022
Maness William	Asheboro	NC	27205	8/1/2022
Eve Arroyo	Asheboro	NC	27205	8/1/2022
Cari Montgomery	Ramseur	NC	27316	8/1/2022
Faye Holmes	Troy	NC	27371	8/1/2022
Hawk Owens	Charlotte	NC	28209	8/1/2022
Lynda Hardin	Greensboro	NC	27406	8/2/2022
Roxana Shepard	Troy	NC	27371	8/2/2022
Justin Eddins	Charlotte	NC	28269	8/2/2022
Adam Lawing	Asheboro	NC	27205	8/2/2022
Ricky Tysinger	Mount Gilead	NC	27306	8/2/2022
Clell Seitz	Taylorsville	NC	28681	8/2/2022
Ashley Geary	Asheboro	NC	27205	8/2/2022
Connie Smith	St. Louis	MO	63138	8/2/2022
Drew Grim	Pleasant Garden	NC	27313	8/2/2022
S C	Siler city	NC	27344	8/2/2022
Shannon Cheek	Ramseur	NC	27316	8/3/2022
Rebecca Newcomb	Asheboro	NC	27203	8/3/2022
Holly Dunn Dunn	Seagrove	NC	27341	8/3/2022
Aaron Robbins	Asheboro	NC	27205	8/3/2022
Amy Johnson	Asheboro	NC	27205	8/3/2022
Rob Macfayden	Asheboro	NC	27203	8/3/2022
Susan Martin	Rockingham	NC	28379	8/3/2022
Patrick Cavanagh	Pittsboro	NC	27312	8/3/2022
Christy Mullins	Thomasville	NC	27360	8/4/2022
Joshua Cansler	Lexington	NC	27295	8/4/2022
David Anderson	LEXINGTON	NC	27295	8/4/2022

Barry Bartrug	Lexington	NC	27292	8/4/2022
Dwight Kenerly	Charlotte	NC	28203	8/4/2022
Cody Wyer	Winston-Salem	NC	27106	8/4/2022
Seth Causey	Lexington	NC	27295	8/5/2022
Karen Garner	Asheboro	NC	27203	8/5/2022
Jennifer Sides	Bennett	NC	27208	8/8/2022
Joe Edwards	Rabdleman	NC	27317	8/8/2022
Johnny Walser	Lexington	NC	27295	9/11/2022
Tommy Leonard	Lexington	NC	27295	9/11/2022
Michael Skinner	Asheboro	NC	27205	9/30/2022

TOTAL			338	
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November 15, 2022

2022 BOARD OF DIRECTORS

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Chair
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MARGERY J. SPRINGER
Raleigh

S. M. "MONTY" WHITE, JR.
Raleigh

CHERYL C. ARMSTRONG
Asheboro
Executive Director
Assistant Secretary

To: Randolph County Planning Board and Staff
From: The North Carolina Zoological Society Board of Directors

As Chair of the Board of the North Carolina Zoo Society, I am writing on behalf of the Board to go on the official record in opposition to application #2022-00002764, which requests rezoning of 5.9 acres of Jamie Lynn Crumley's property, from a CEO-CD classification (within the E-1 Zoning District) to an HI-Conditional District, for the purpose of operating a meat processing facility. You are no doubt aware that the E-1 classification was placed on the property in 1973 by Randolph County as protection for, and as a condition of the State choosing to build the Zoo in Randolph County.

The E-1 Zone classification allows many uses that are compatible with the Zoo. We are not opposed to a meat processing facility, but operation of such a facility is not appropriate next to the Zoo. To breach the E-1 classification would be to abandon the County's commitment to the Zoo, the citizens of Randolph County and North Carolina. In addition, it would give precedent to other contiguous parcels for further inappropriate uses. The precedent must be that the Zoo will defend, and the County will safeguard the E-1 zoning classification that brought the Zoo to Randolph County.

The State of North Carolina and its citizens have invested hundreds of millions of dollars in Randolph County since the Zoo's founding, including \$100 million currently being invested in the addition of the Asia continent. In fiscal year 2021-2022 alone, over one million people visited the Zoo and Randolph County with an overall economic impact of \$180 million.

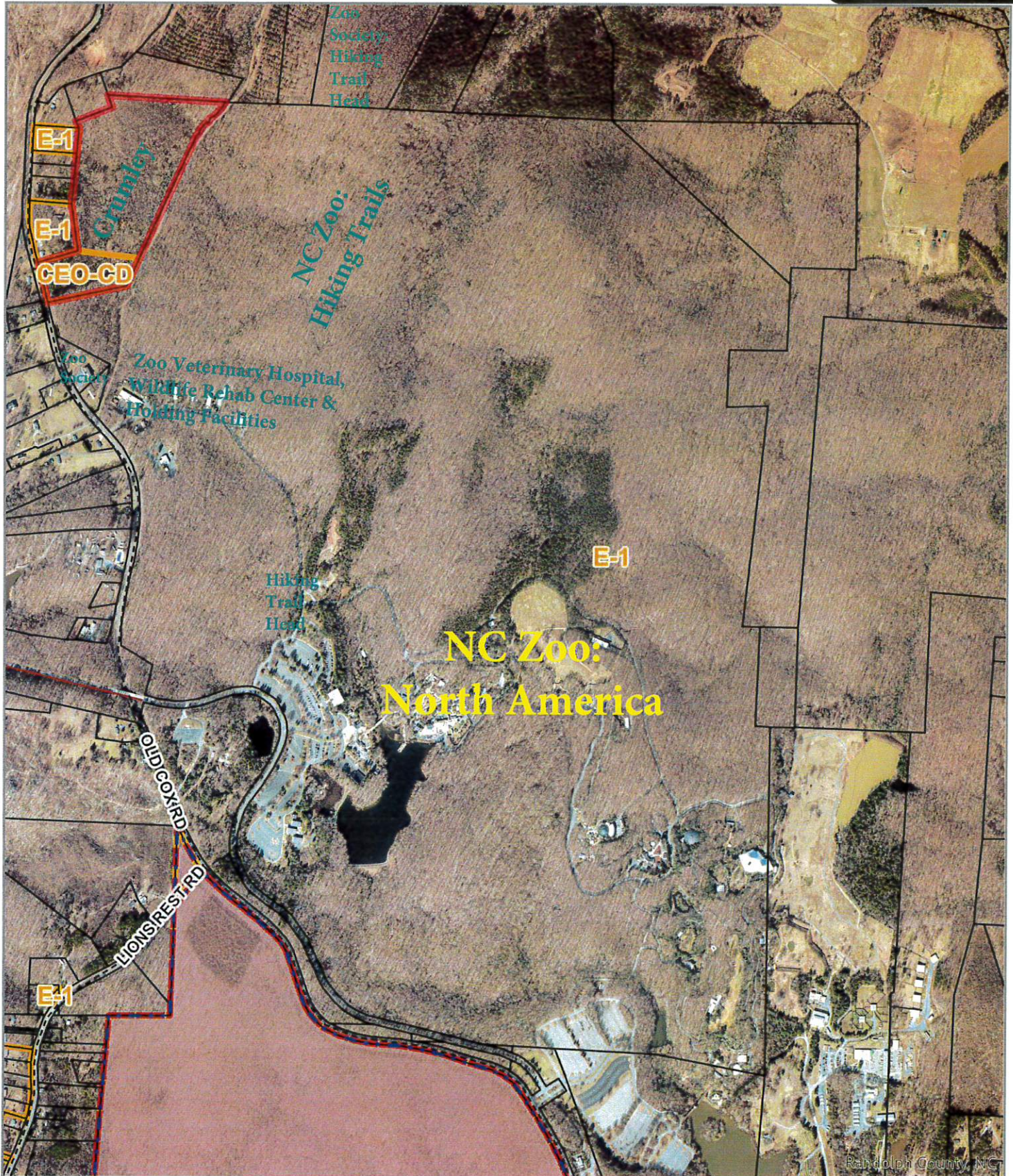
The Zoo employs a workforce of more than 350 fulltime people in the County with the number rising to nearly 700 in season. This number will significantly increase during the construction and operation of the Asia continent.

We believe this case, if approved, will bring irreparable harm to this incredible asset and endanger future growth and investment in the Zoo. We ask that you send a recommendation of denial to the County Commissioners.

Respectfully submitted,

John L. Ruffin
Chairman, Board of Directors
The North Carolina Zoological Society, Inc.

Randolph County, NC





William Johnson, et al.
P.O. Box 278
Ramseur, N.C. 27316

November 15, 2022

Board Members
Randolph County Planning Board
204 East Academy Street
Asheboro, N.C. 27203

Re: Rezoning Request #2022-00002761

Dear Planning Board Members:

This correspondence serves as our (nearby residents) expression of concern, and potential objection to, the rezoning request referenced above that is presently before the Randolph County Planning Board.

Our concerns include:

- Increased truck traffic through an already hazardous, heavily travelled intersection*
- Mud and debris deposited on the roadway by logging trucks
- Roadway deterioration from trucks entering and exiting the roadway
- Increased noise
- Unsightly staging of raw materials (logs)
- Unsightly staging of sawmill waste
- Negative impact on nearby property values

*The hazards of this intersection include:

- 55 mph speed limit on all roads approaching this intersection (Highway 22 South, Parks Cross Road Church Road, Hinshaw Town Road, Troy Caviness Road)
- Blind hill when approaching the intersection travelling north on Highway 22; drivers approaching on Highway 22 cannot see the intersection until entering it; drivers on the other roads cannot see Highway 22 traffic approaching from the south
- Blinding sun in the early morning when approaching the intersection travelling south on Highway 22 or east on Hinshaw Town Road
- Blinding sun in the late afternoon when approaching the intersection traveling north on Highway 22, west on Parks Cross Road Church Road or when approaching from Troy Caviness Road
- Heavily travelled by school traffic in the mornings and evenings (Coleridge Elementary School, Faith Christian School, SERMS, Eastern Randolph High School)

Not all nearby residents concerned with this rezoning are able to attend the zoning hearing. I have agreed to speak on their behalf and their signatures on the attached page indicate their concerns as listed above.

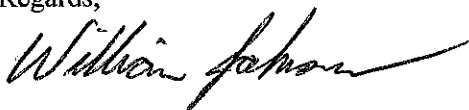
Rezoning request #2022-00002761

We are concerned about the impact of this rezoning request as previously documented.

Name	Physical Address	Phone	Signature
William Johnson Lisa Johnson	2946 NC Hwy 22 S Ramseur, NC 27316	336-302-1964	William Johnson Lisa Johnson
Rogelin Wight	3120 Parkcrossroad Ch. Rd. Ramseur, NC 27316	336-963-0645	Rogelin Wight
Kayla Waffel DM	2501 Buffalo Trail Ramseur NC 27316	331-351-8744	Kayla Waffel
David Liddard Jr	2802 Buffalo Trail Ramseur NC 27316	336-662-2102	David Liddard Jr
Lisa Carraher	2611 NC Hwy 22 S Ramseur, NC 27316	336-953-3387	Lisa Carraher
Emily C. Johnson	2648 NC Hwy 22 S Ramseur NC 27316	336-879-3673	Emily C Johnson
Celia Harris Hannah Harris	2504 NC Hwy 22 S. Ramseur NC 27316	336 824-1706	Celia Harris Hannah Harris
Rhonda K W Workman	3016 NC Hwy 22 S Ramseur, NC 27316	336-879-2442	Rhonda K W Workman

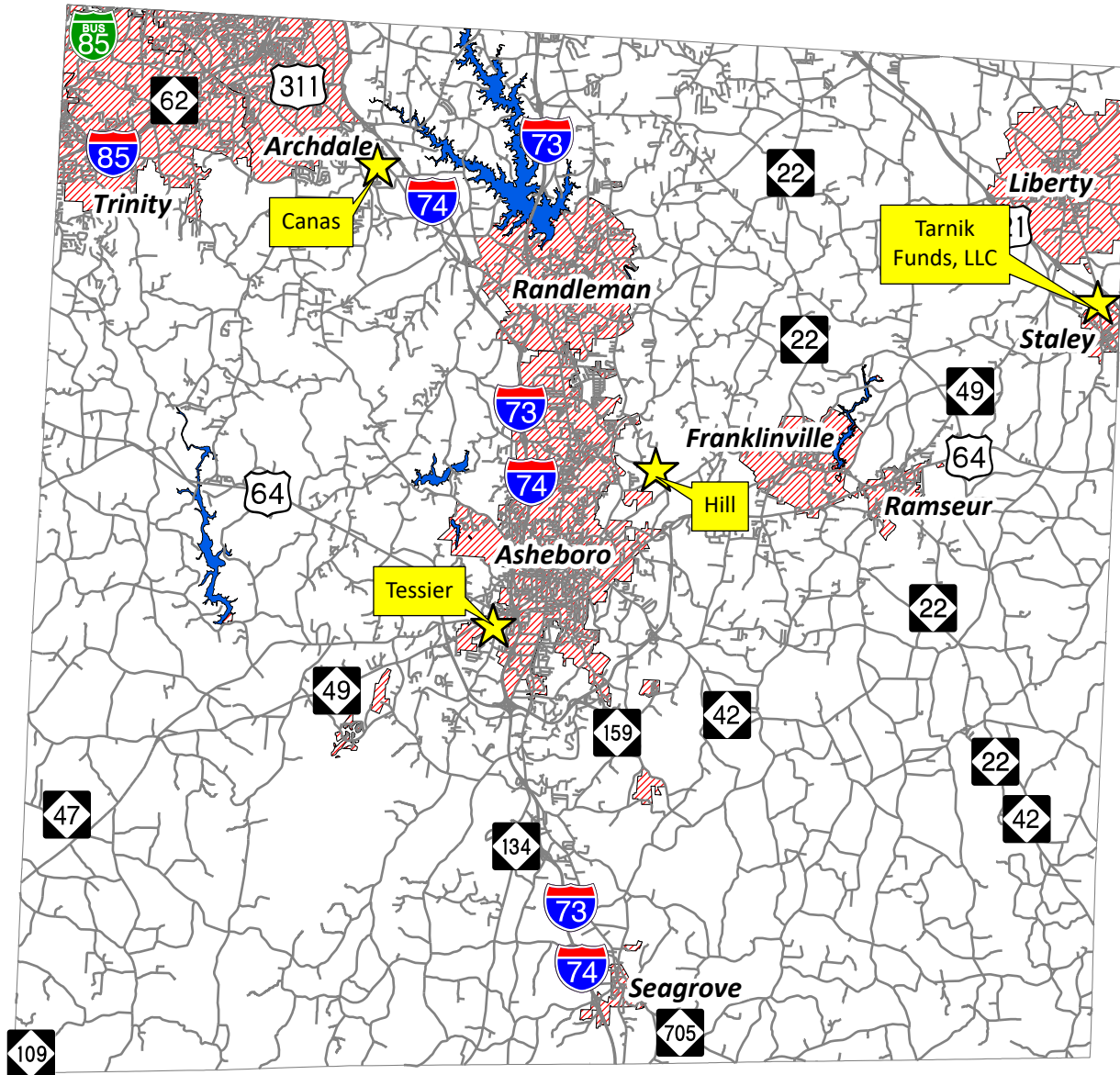
Thank you for your consideration.

Regards,



William Johnson

December Request Location Map



Legend

- Roads
- Reservoirs
- County line
- Municipal Zoning

0 1 2 4 6 8 Miles



CASE SUMMARY FOR
SPECIAL USE REQUEST #2022-00002953

The Randolph County Planning Board will hold a duly published and notified Quasi-judicial Hearing on the request by **BRANDON L TESSIER**, Asheboro, NC, and his request to obtain a Special Use Permit at 390 Mack Rd, Cedar Grove Township, Tax ID #7750036615, 0.70 acres, *RE - Residential Exclusive District*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow an automobile sales lot with as many as ten used automobiles on the site as per the site plan.

**ALL WITNESSES FOR SPECIAL USE PERMITS MUST BE
SWORN IN BEFORE GIVING TESTIMONY.**



OATH FOR QUASI-JUDICIAL HEARINGS (Special Use Permit Request, Variances or Appeals)

NORTH CAROLINA

RANDOLPH COUNTY

Before opening the public hearing on a case, the Chair must administer an oath or affirmation to those wishing to speak on a specific case. (This oath is specified in NCGS 11-11.)

The Chair should say,

“The Planning Board will now hear testimony for and against this request. Anyone wishing to offer testimony on this request must come forward and take the oath. Only those taking the oath may give testimony for this request.”

“Do you swear, or affirm, that the evidence you shall give to the Board in this action shall be the truth, the whole truth, and nothing but the truth, so help you God.”



COUNTY OF RANDOLPH
Department of Planning & Development
204 E Academy St - PO Box 771 - Asheboro NC 27204-0771

SPECIAL USE PERMIT APPLICATION

Applicant: TESSIER, BRANDON L
Address: 390 MACK RD.
City, St. Zip: ASHEBORO, NC 27205

Date: 10/28/2022
Parcel #: 7750036615

Owner: TESSIER, BRANDON L
Address: 390 MACK RD
City, St. Zip: ASHEBORO, NC 27205

Permit #: 2022-00002953
Permit Type Code: PZ 3

Location Address: 390 MACK RD ASHEBORO,
NC 27205

CONTACT NAME: TESSIER, BRANDON

Contact Phone: 336 301-7153

PARCEL INFORMATION:

Lot number: **Subdivision:**
Acreage: 0.7000 **Township:** 04 - CEDAR GROVE

ZONING INFORMATION:

Zoning District 1: RE-RESIDENTIAL EXCLUSIVE DISTRICT
Zoning District 2:
Zoning District 3:
Specialty District: MUNICIPAL AIRPORT OVERLAY DISTRICT
Watershed Name: NONE
Class A Flood Plain On Prop?: NO
Flood Plane Map #: 3710775000J

SPECIAL USE REQUESTED: TO ALLOW USED AUTOMOBILE SALES WITH AS MANY AS 10 USED AUTOMOBILES ON THE SITE AS PER THE SITE PLAN

Total Permit Fee: \$100.00

COMMENTS:

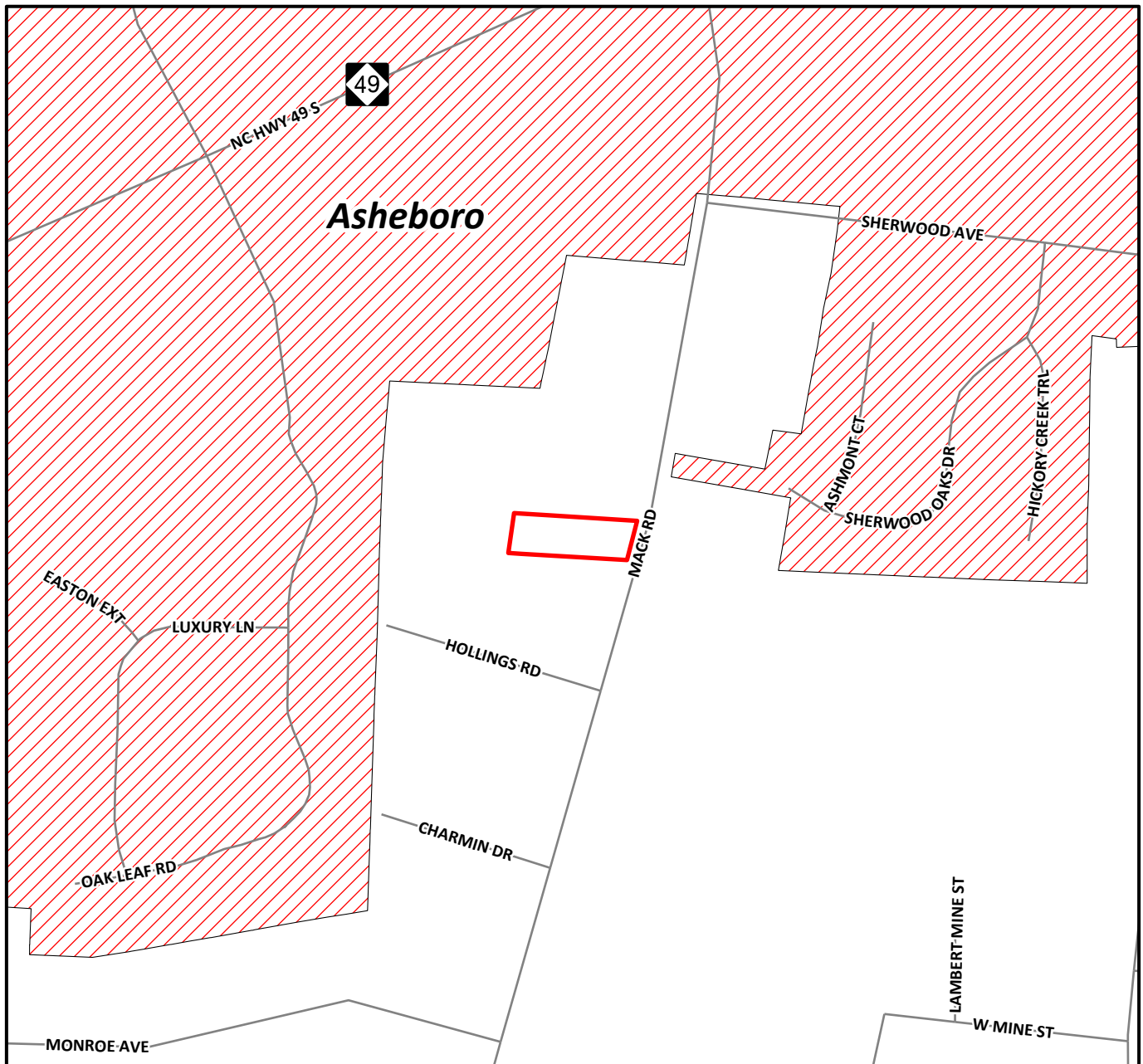
The undersigned owner/applicant do hereby make application for a SPECIAL USE PERMIT as required by the Randolph County Zoning Ordinance. By making this application the owner/applicants acknowledge that no work may be done pursuant to a Special Use Permit issued by the County Planning Board except in accordance with all conditions that may be imposed by the Board. It is also acknowledged that any restrictions or conditions imposed shall be binding on the owner/applicants and their successors in interest.

Eric Martin

Authorized County Official

Signature of Applicant:

Tessier Request Location Map



Directions to site: NC Hwy 49 S -
(L) Mack Rd - Site on (R) approx.
800 ft past Sherwood Ave at
390 Mack Rd.



1 inch equals 400 feet

Tessier Special Use Permit Request

Legend



Parcels

Structures

Type



Multi-address Structure



Permanent Structure



Duplex/Complex



Miscellaneous Structures



Roads



Streams



50 ft. Stream buffer



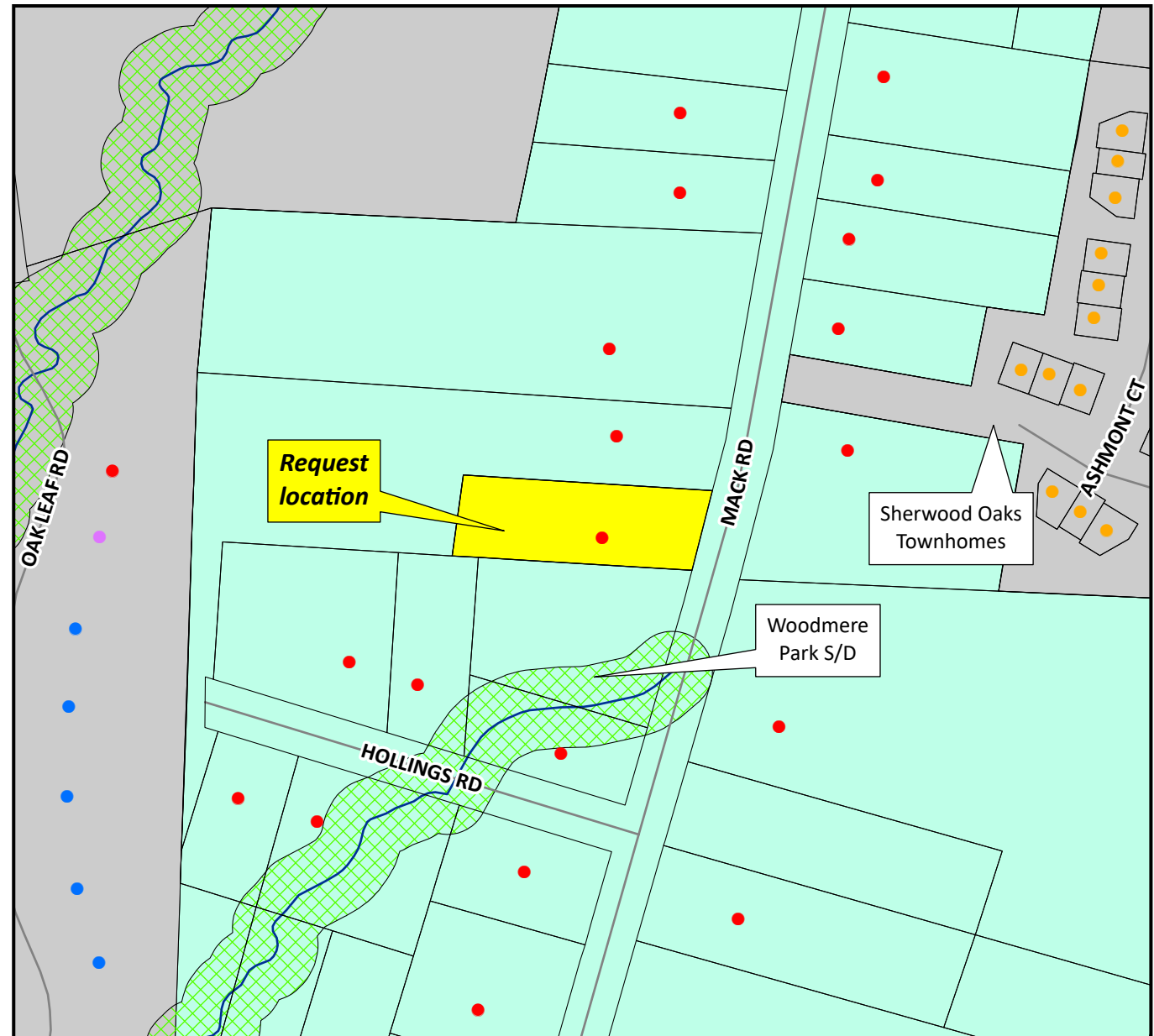
City of Asheboro ETJ

County zoning

Districts



RE

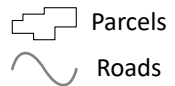


The request is located in Municipal Airport Overlay District.

1 inch equals 200 feet

Tessier Special Use Permit Request

Legend



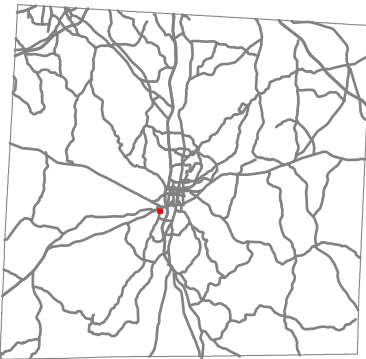
The request is located in Municipal Airport Overlay District.

1 inch equals 50 feet

Tessier Special Use Permit Request

Legend

-  Parcels
-  Roads
-  50 ft. Stream buffer



The request is located in Municipal Airport Overlay District.

1 inch equals 100 feet

Tessier Special Use Permit Request



Picture 1:
Request
location.



Picture 2:
Adjacent
residence.



Picture 3:
Adjacent
residence.



Picture 4:
Adjacent
residence.



Picture 5:
Request location on
left as seen looking
toward NC Hwy 49
S.



Picture 6:
Request location on
right as seen looking
toward Hollings Rd.



COUNTY OF RANDOLPH
ORDER Choose the decision. SPECIAL USE PERMIT

IN THE MATTER OF THE APPLICATION FOR SPECIAL USE PERMIT
BY BRANDON L TESSIER
SPECIAL USE REQUEST #2022-00002998

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

Having heard all the evidence and argument presented at the hearing on December 6, 2022, the Randolph County Planning Board finds that the application is complete, that the application complies with all of the applicable requirements of the *Randolph County Unified Development Ordinance* for the development proposed, and that therefore the application to make use of the property located at 390 Mack Rd for the purpose indicated is hereby **Choose the decision.**, subject to all applicable provisions of the *Randolph County Unified Development Ordinance*.

HAVING CONSIDERED ALL THE EVIDENCE PRESENTED, THE RANDOLPH COUNTY PLANNING BOARD **Choose the decision.** THE APPLICATION FOR A **SPECIAL USE PERMIT** FOR Brandon L Tessier BASED UPON THE FOLLOWING:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. This conclusion is based on the following FINDINGS OF FACT:
[Click here to enter findings of fact.](#)
2. That the use meets all required conditions and specifications. This conclusion is based on the following FINDINGS OF FACT:
[Click here to enter findings of fact.](#)
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. This conclusion is based on the following FINDINGS OF FACT:
[Click here to enter findings of fact.](#)
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. This conclusion is based on the following FINDINGS OF FACT:
[Click here to enter findings of fact.](#)

IN WITNESS WHEREOF, the Randolph County Planning Board has caused this Special Use Permit to be issued in its name and the property owners do hereby accept this Special Use Permit, together with all its conditions as binding on them and their successors in interest.

Adopted on December 6, 2022.

Chair, Randolph County Planning Board

ATTEST

Kimberly J. Heinzer,
Clerk to the Randolph County Planning Board



MOTION TO APPROVE SPECIAL USE PERMIT

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

“I make the motion to **APPROVE** 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, 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 the use if developed according to the plan(s) as submitted and approved, will be in harmony with the area and in general conformity with the *Randolph County Unified Development Ordinance*.”

If making a second to the motion, please change to say, “I second the motion . . .” and continue reading the rest of the motion.



MOTION TO DENY SPECIAL USE PERMIT

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

“I make the motion to **DENY** 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 may materially endanger the public health or safety, or the use does not meet all required conditions and specifications, or the use may substantially injure the value of adjoining property, that the use is not a public necessity and the location and character of use if developed according to the plan(s) as submitted and approved, or will not be in harmony with the area and in general conformity with the *Randolph County Unified Development Ordinance*.”

If making a second to the motion, please change to say, “I second the motion . . .” and continue reading the rest of the motion.



CASE SUMMARY FOR
SPECIAL USE REQUEST #2022-00002952

The Randolph County Planning Board will hold a duly published and notified Quasi-judicial Hearing on the request by **VINCENT HARRIS HILL**, Asheboro, NC, and his request to obtain a Special Use Permit at 1222 Henley Ctry Rd, Franklinville Township, Tax ID #7772352623, 3.50 acres, *RA - Residential Agricultural District*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow obtaining a federal firearms license for sales of firearms at the existing residence as per the site plan.

**ALL WITNESSES FOR SPECIAL USE PERMITS MUST BE
SWORN IN BEFORE GIVING TESTIMONY.**



OATH FOR QUASI-JUDICIAL HEARINGS (Special Use Permit Request, Variances or Appeals)

NORTH CAROLINA

RANDOLPH COUNTY

Before opening the public hearing on a case, the Chair must administer an oath or affirmation to those wishing to speak on a specific case. (This oath is specified in NCGS 11-11.)

The Chair should say,

“The Planning Board will now hear testimony for and against this request. Anyone wishing to offer testimony on this request must come forward and take the oath. Only those taking the oath may give testimony for this request.”

“Do you swear, or affirm, that the evidence you shall give to the Board in this action shall be the truth, the whole truth, and nothing but the truth, so help you God.”



COUNTY OF RANDOLPH
Department of Planning & Development
204 E Academy St - PO Box 771 - Asheboro NC 27204-0771

SPECIAL USE PERMIT APPLICATION

Applicant: HILL, VINCENT HARRIS
Address: 1222 HENLEY CTRY RD
City, St. Zip: ASHEBORO, NC 27203

Date: 10/28/2022
Parcel #: 7772352623

Owner: HILL, VINCENT HARRIS
Address: 1222 HENLEY CTRY RD
City, St. Zip: ASHEBORO, NC 27203

Permit #: 2022-00002952
Permit Type Code: PZ 3

Location Address: 1222 HENLEY CTRY RD
ASHEBORO, NC 27203

CONTACT NAME: HILL, VINCENT

Contact Phone: 336 465-8361

PARCEL INFORMATION:

Lot number: **Subdivision:**
Acreage: 3.5000 **Township:** 08 - FRANKLINVILLE

ZONING INFORMATION:

Zoning District 1: RA-RESIDENTIAL AGRICULTURAL DISTRICT
Zoning District 2:
Zoning District 3:
Specialty District: N/A
Watershed Name: NONE
Class A Flood Plain On Prop?: NO
Flood Plane Map #: 3710777200J

SPECIAL USE REQUESTED: TO OBTAIN A FEDERAL FIREARMS LICENSE FOR SALES OF FIREARMS AT THE EXISTING RESIDENCE AS PER THE SITE PLAN

Total Permit Fee: \$100.00

COMMENTS:

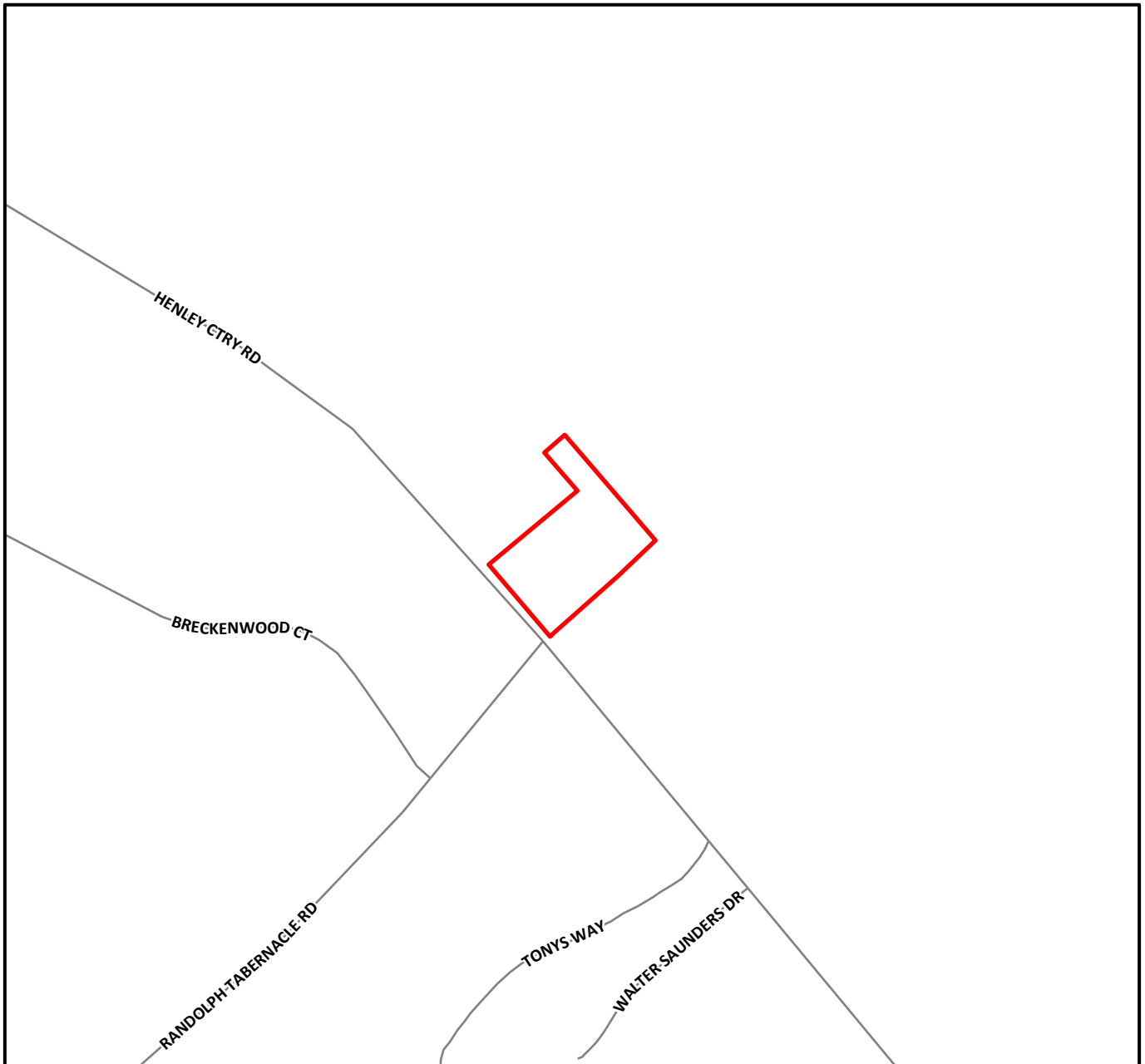
The undersigned owner/applicant do hereby make application for a SPECIAL USE PERMIT as required by the Randolph County Zoning Ordinance. By making this application the owner/applicants acknowledge that no work may be done pursuant to a Special Use Permit issued by the County Planning Board except in accordance with all conditions that may be imposed by the Board. It is also acknowledged that any restrictions or conditions imposed shall be binding on the owner/applicants and their successors in interest.

Eric Martin

Authorized County Official

Signature of Applicant:

Hill Request Location Map



Directions to site: US Hwy 64 E - (L)
E Presnell St - (R) Henley Ctry Rd -
Site on (R) just past Randolph
Tabernacle Rd at 1222 Henley Ctry Rd.



1 inch equals 500 feet

Hill Special Use Permit Request

Legend



Parcels

Structures

Type



Permanent Structure



Temporary Structure



Roads



Streams



50 ft. Stream buffer



Flood plains

County zoning

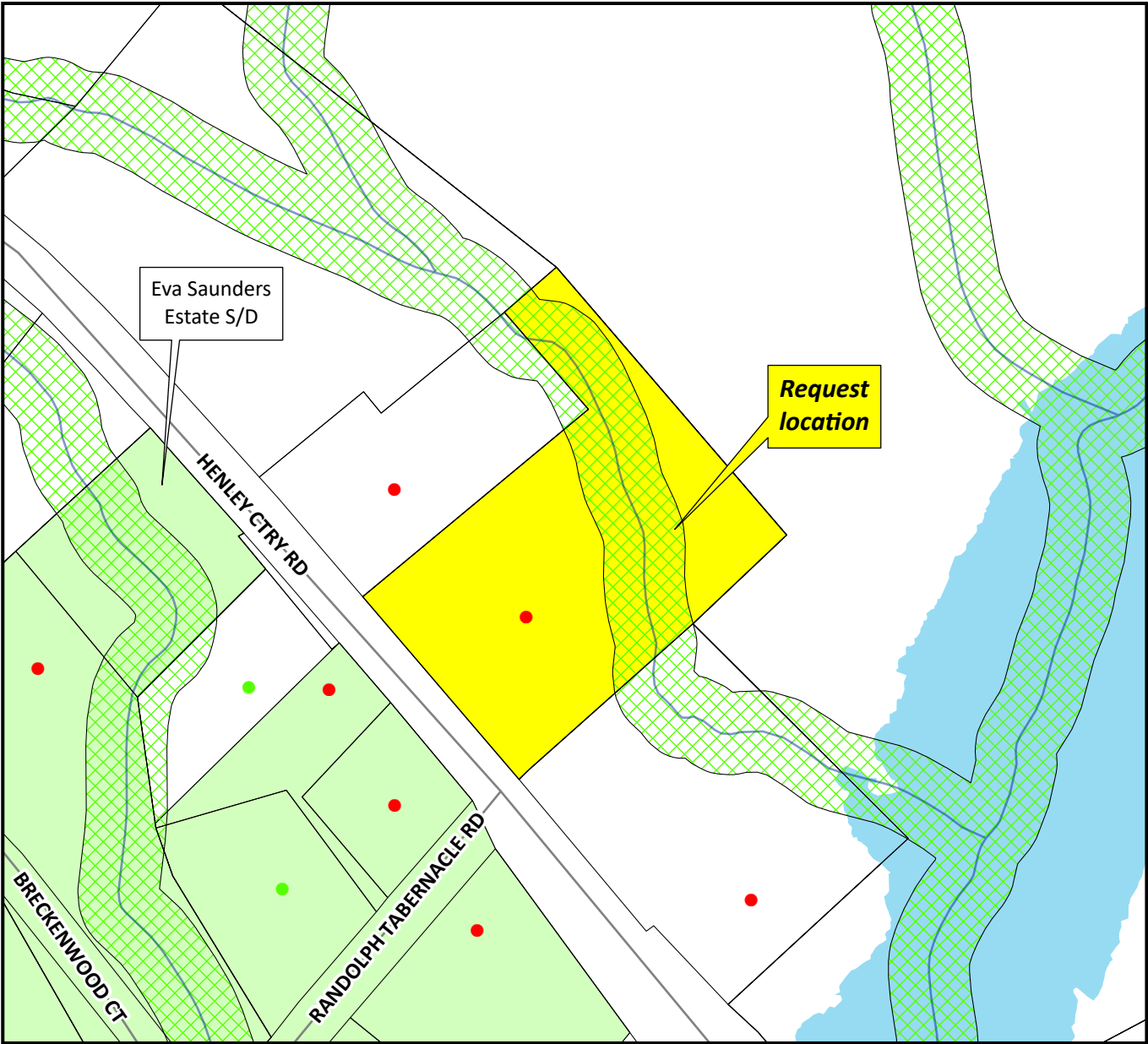
Districts



RA



RR



1 inch equals 200 feet

Hill Special Use Permit Request

Legend

-  Parcels
-  Roads
-  Streams
-  50 ft. Stream buffer

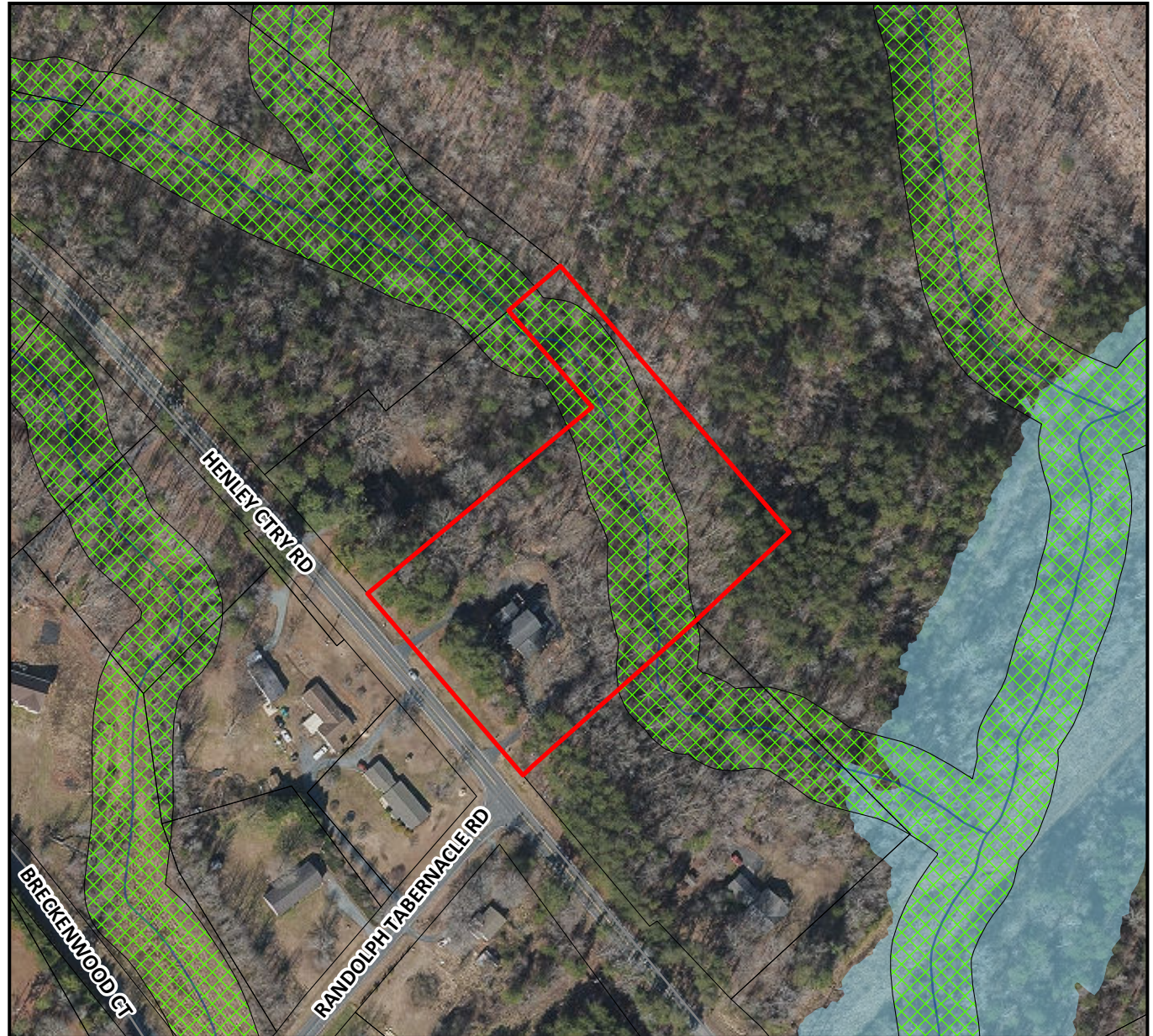


1 inch equals 100 feet

Hill Special Use Permit Request

Legend

-  Parcels
-  Roads
-  50 ft. Stream buffer
-  Flood plains
-  Streams



1 inch equals 200 feet

Hill Special Use Permit Request



Picture 1:
Request
location.



Picture 2:
Adjacent
residence.



Picture 3:
Adjacent
residence.



Picture 4:
Adjacent
residence.



Picture 5:
Adjacent
residence.



Picture 6:
Request location on
right as seen looking
toward E Presnell St.



COUNTY OF RANDOLPH
ORDER Choose the decision. SPECIAL USE PERMIT

IN THE MATTER OF THE APPLICATION FOR SPECIAL USE PERMIT
BY VINVENT HARRIS HILL
SPECIAL USE REQUEST #2022-00002756

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

Having heard all the evidence and argument presented at the hearing on December 6, 2022, the Randolph County Planning Board finds that the application is complete, that the application complies with all of the applicable requirements of the *Randolph County Unified Development Ordinance* for the development proposed, and that therefore the application to make use of the property located at 1222 Henley Ctry Rd for the purpose indicated is hereby **Choose the decision.**, subject to all applicable provisions of the *Randolph County Unified Development Ordinance*.

HAVING CONSIDERED ALL THE EVIDENCE PRESENTED, THE RANDOLPH COUNTY PLANNING BOARD **Choose the decision.** THE APPLICATION FOR A **SPECIAL USE PERMIT** FOR Vincent Harris Hill BASED UPON THE FOLLOWING:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. This conclusion is based on the following FINDINGS OF FACT:
[Click here to enter findings of fact.](#)
2. That the use meets all required conditions and specifications. This conclusion is based on the following FINDINGS OF FACT:
[Click here to enter findings of fact.](#)
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. This conclusion is based on the following FINDINGS OF FACT:
[Click here to enter findings of fact.](#)
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. This conclusion is based on the following FINDINGS OF FACT:
[Click here to enter findings of fact.](#)

IN WITNESS WHEREOF, the Randolph County Planning Board has caused this Special Use Permit to be issued in its name and the property owners do hereby accept this Special Use Permit, together with all its conditions as binding on them and their successors in interest.

Adopted on December 6, 2022.

Chair, Randolph County Planning Board

ATTEST

Kimberly J. Heinzer,
Clerk to the Randolph County Planning Board



MOTION TO APPROVE SPECIAL USE PERMIT

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

“I make the motion to **APPROVE** 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, 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 the use if developed according to the plan(s) as submitted and approved, will be in harmony with the area and in general conformity with the *Randolph County Unified Development Ordinance*.”

If making a second to the motion, please change to say, “I second the motion . . .” and continue reading the rest of the motion.



MOTION TO DENY SPECIAL USE PERMIT

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

“I make the motion to **DENY** 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 may materially endanger the public health or safety, or the use does not meet all required conditions and specifications, or the use may substantially injure the value of adjoining property, that the use is not a public necessity and the location and character of use if developed according to the plan(s) as submitted and approved, or will not be in harmony with the area and in general conformity with the *Randolph County Unified Development Ordinance*.”

If making a second to the motion, please change to say, “I second the motion . . .” and continue reading the rest of the motion.



**RANDOLPH COUNTY PLANNING & ZONING
STAFF REPORT AND MAP AMENDMENT EVALUATION**

APPLICATION #2022-00002998

GENERAL INFORMATION

Applicant:	Tarnik Funds, LLC
Property Owner:	Tarnik Funds, LLC
Hearing Type:	Legislative
Request:	To allow any uses permitted by right in the <i>HI – Heavy Industrial</i> District
Current Zoning:	<i>RA – Residential Agricultural District</i>
Requested Zoning:	<i>HI – Heavy Industrial District</i>
Small Area Plan:	None
Growth Management:	Primary Growth Area
Watershed Overlay:	Rocky River Balance
Flood Plain Overlay:	None
Airport Overlay:	None
Location:	2549 Old 421 Rd
Parcel Number:	8734595597
Parcel Size:	11.52 acres
Existing Use:	Single-family residential

SITE INFORMATION AND SURROUNDING LAND USES

Direction	Adjacent Zoning	Adjacent Land Use
North	<i>LI - Light Industrial District</i>	Commercial feed mill
South	<i>RA - Residential Agricultural District</i>	Single-family residential
East	<i>RA - Residential Agricultural District</i>	Single family residential
West	<i>LI - Light Industrial District</i>	Vacant

TRANSPORTATION INFORMATION

Information from North Carolina Department of Transportation:

No comments have been received from NC Department of Transportation.

ZONING INFORMATION

Zoning History: There is no history of a rezoning, Variance or Special Use Permit at the request location.

Proposed Zoning District Standards from the *Randolph County Unified Development Ordinance*, Article 600, Section 613 (ex. Fencing, buffers, etc.):

<i>HI: HEAVY INDUSTRIAL DISTRICT</i>	
PURPOSE	
The purpose of the <i>Heavy Industrial (HI) District</i> is to provide a place to accommodate those industries whose normal operations include dust, noise, odor, or other emissions that may be deemed as objectionable.	
DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way
Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way

Property line setback	5 ft. from any property line
DIMENSIONAL STANDARDS NOTES 1. Lot areas and setbacks shall be increased if required by Randolph County Public Health. 2. Lot areas in designated Watershed and Protected Areas are controlled by the Randolph County Watershed Protection Regulations. 3. Front yard setback shall be maintained on all road rights-of-way. 4. Minimum lot size requirements within <i>Primary Growth Areas</i> may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities. 5. Minimum lot size requirements within <i>Rural Growth Areas</i> are 3 acres. 6. Lots in major subdivisions within <i>Rural Growth Areas</i> must maintain a 1:4 ratio. 7. The minimum lot size requirements within the <i>Natural Heritage Overlay</i> are 6 acres. 8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon signed petition of all owners of the land to be included in the Conditional District.	

STAFF ANALYSIS AND RECOMMENDATION

The Planning and Zoning Staff has reviewed this request finds that this request:

- Meets all technical requirements of both the Ordinance and the Plan;
- Is consistent, reasonable, and in the public interest; and
- Should be **APPROVED** by the Randolph County Planning Board.

The following policies from the *Randolph County Growth Management Plan* were identified by the Technical Review Committee and Planning and Zoning Staff as supporting the above conclusion.

Policy 1.2 *The County will encourage new and expanding industries and businesses which (1) diversify the local economy, (2) utilize more highly skilled labor force and (3) increase area residents' income.*

Consistency Analysis: This area of the County is slowing undergoing a transition to more commercial and industrial development due to the presence of the Greensboro – Randolph County Megasite. There are several pre-existing business in the area such as Pilgrim's Pride Feed Mill and the nearby aggregate quarry. This request, if approved, would further "(1) diversify the local economy, (2) utilize more highly skilled labor force and (3) increase area residents' income" as directed by the *Growth Management Plan*.

Policy 3.1 *Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land should be encouraged.*

Consistency Analysis: As stated previously, this area of the County is slowing undergoing a transition to more commercial and industrial development due to the

presence of the Greensboro – Randolph County Megasite and also due to the train tracks that are at the rear of this property making this site “physically suitable” and uses its “unique locational advantages.”

Reasonableness and Public Interest Analysis: The policies listed above illustrate how this request is consistent with the Ordinance, the Plan, and applicable General Statutes. The parcel in this rezoning request is subject to the Conditions agreed upon between the property owner and the Planning Board. These Conditions will limit the amount and type of development on the property reducing the impact on adjoining parcels. The proposed use will also increase the tax base and increase economic activity within the County.





COUNTY OF RANDOLPH
Department of Planning & Zoning
204 E Academy St - PO Box 771 - Asheboro NC 27204-0771

APPLICATION FOR ZONING CHANGE

Applicant: TARNIK FUNDS LLC
Address: 28634 CLEAR WOODS DR.
City, St. Zip: SPRING, TX 77386

Owner: TARNIK FUNDS LLC
Address: 28634 CLEAR WOODS DR
City, St. Zip: SPRING, TX 77386

Date: 11/03/2022

Parcel #: 8734595597

Permit #: 2022-00002998

Permit Type Code: PZ 2

Location Address: 2549 OLD 421 RD STALEY,
NC 27355

CONTACT NAME: GALLIMORE, H. R.

Contact Phone: 336-626-5560

PARCEL INFORMATION:

Lot number: **Subdivision:**
Acreage: 11.5200 **Township:** 06 - COLUMBIA

ZONING INFORMATION:

Zoning District 1: RA-RESIDENTIAL AGRICULTURAL DISTRICT
Zoning District 2:
Zoning District 3:
Growth Management Areas: PRIMARY GROWTH AREA
Specialty District: N/A
Watershed Name: ROCKY RIVER WATERSHED
Class A Flood Plain On Prop?: NO
Flood Plane Map #: Flood Plain Map #: 3710872400K

REQUESTED CHANGE:

Area To Be Rezoned: 11.5200
Lot Size Indicator: ACRE(S)
Proposed Zoning District: HI-HEAVY INDUSTRIAL DISTRICT
Proposed Use(S):
Condition(S):

Total Permit Fee: \$100.00

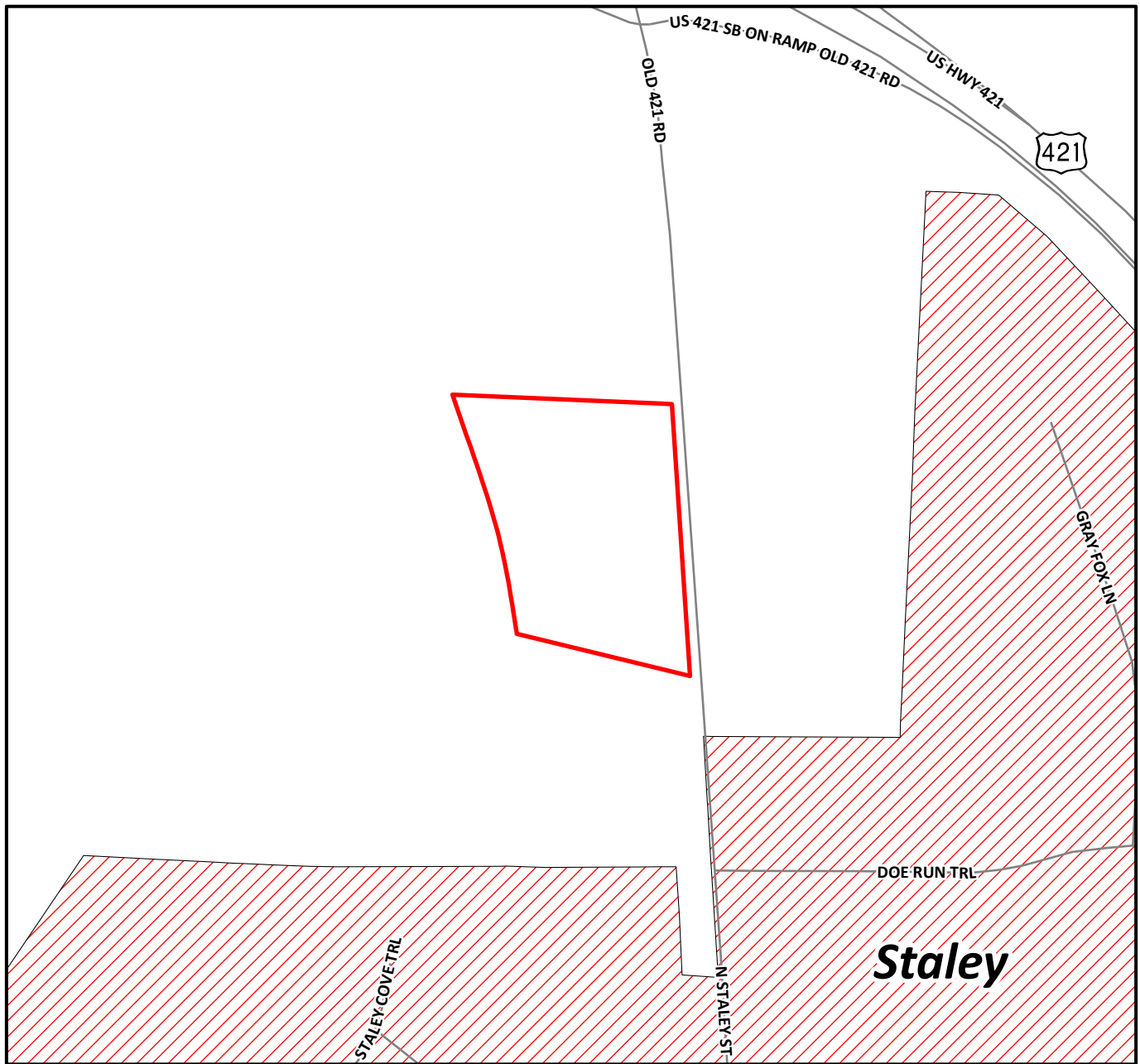
COMMENTS:

The undersigned owner/applicant do hereby make application for a PROPERTY ZONING CHANGE as allowed by the Randolph Couty Zoning Ordinance.

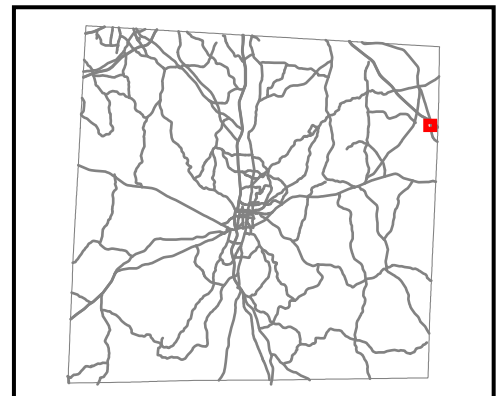
Eric Martin
Authorized County Official

Signature of Applicant:

Tarnik Funds, LLC, Request Location Map



Directions to site: US Hwy 421 S -
(R) Old 421 Rd Exit - (R) Old 421
Rd - Site on (R) approx 3/10 mile
at 2549 Old 421 Rd.



1 inch equals 500 feet

Tarnik Funds, LLC, Rezoning Request

Legend



Parcels

Structures

Type



Permanent Structure



Temporary Structure



Roads



WaterBodies



Streams



50 ft. Stream buffer



Town of Staley

County zoning

Districts



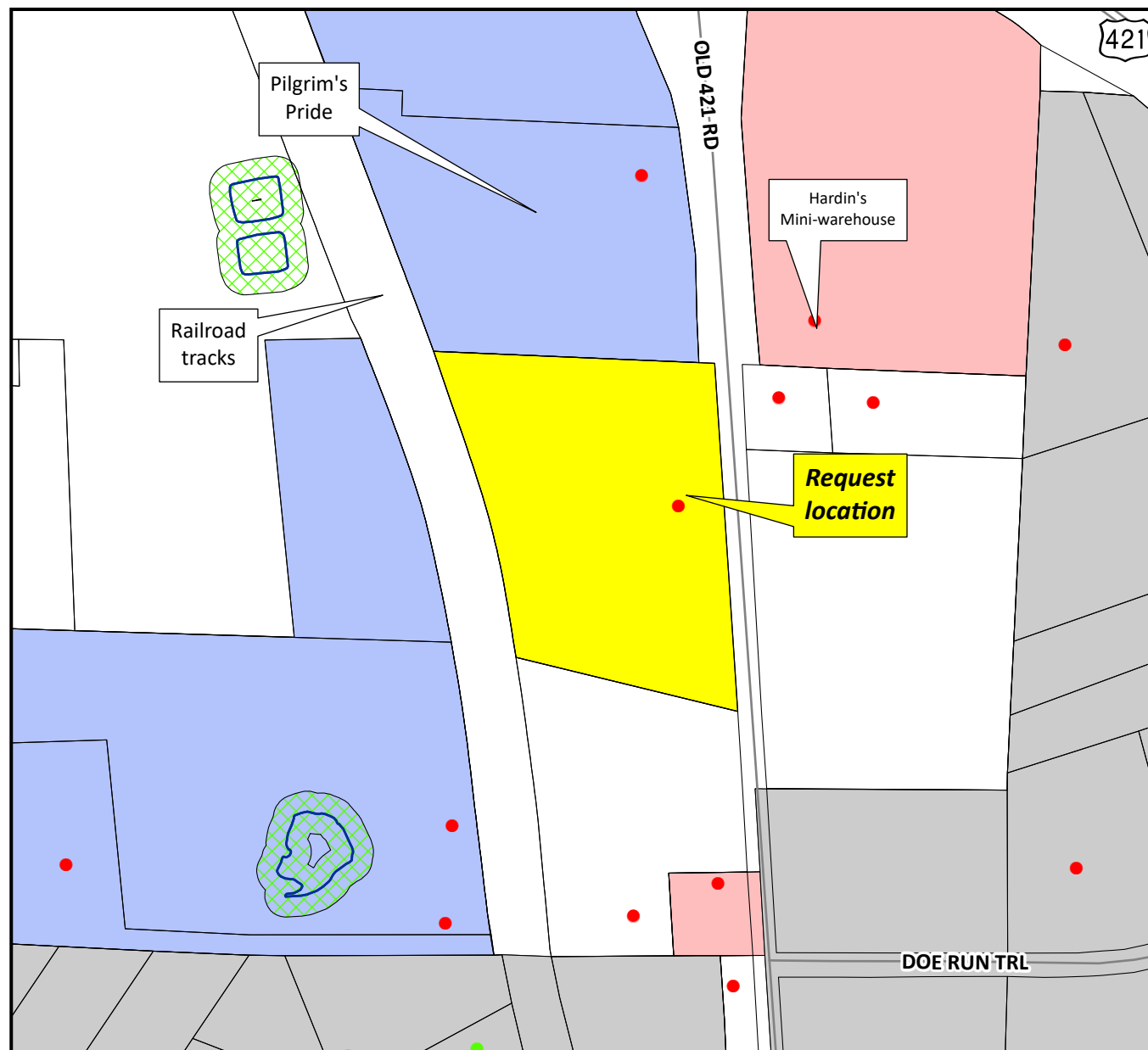
HC



LI



RA



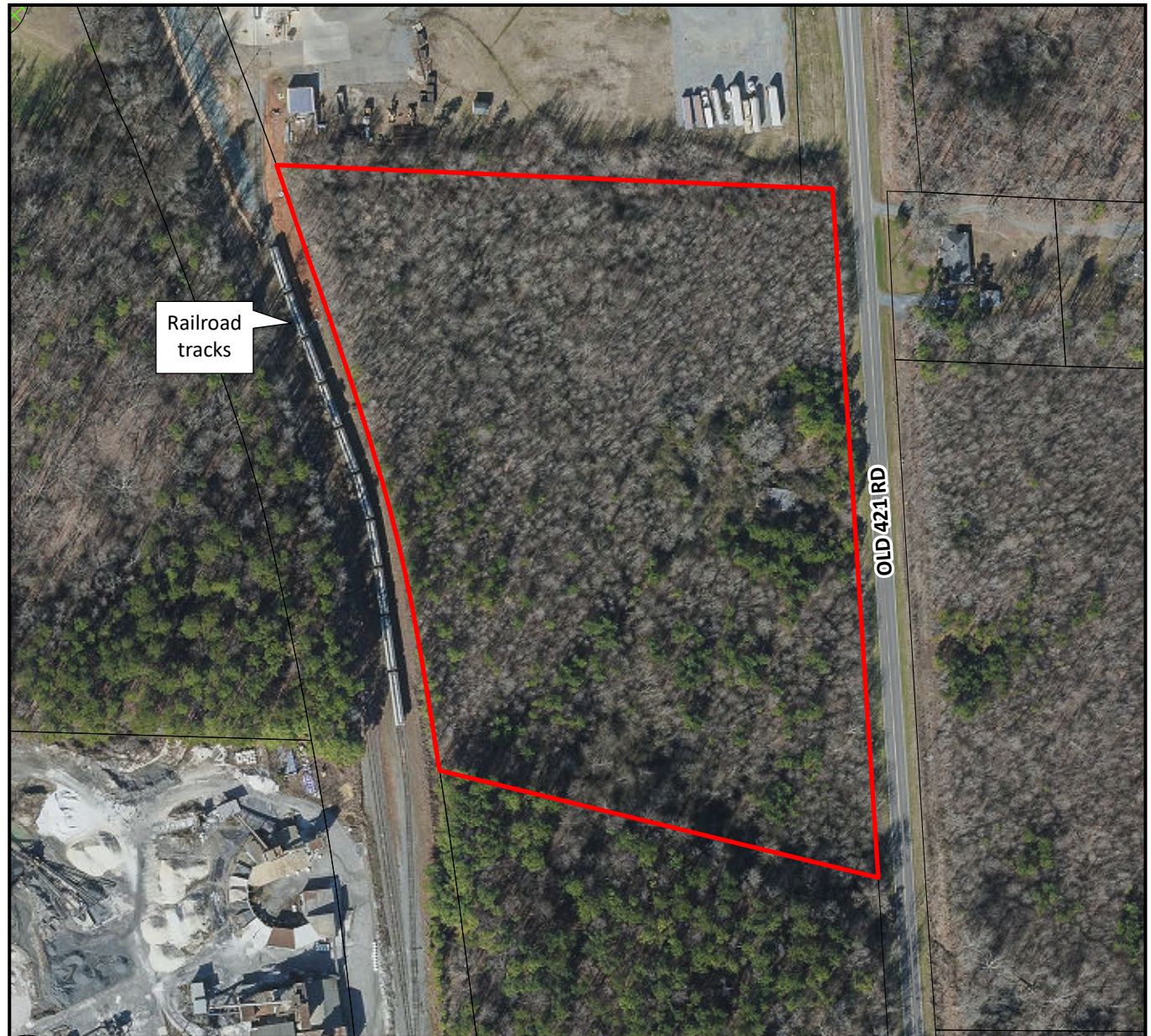
The request is located in Rocky River Watershed Area.

1 inch equals 400 feet

Tarnik Funds, LLC, Rezoning Request

Legend

-  Parcels
-  Roads
-  50 ft. Stream buffer



The request is located in Rocky River Watershed Area.

1 inch equals 200 feet

Tarnik Funds, LLC, Rezoning Request



Picture 1:
Request
location.



Picture 2:
Adjacent
residence.



Picture 3:
Nearby mini-
warehouse storage
facility.



Picture 4:
Adjacent
residence.



Picture 5:
Request location on
left as seen looking
toward US Hwy 421.



Picture 6:
Request location on
right as seen looking
toward Doe Run Trl.



**COUNTY OF RANDOLPH
CONSISTENCY DETERMINATION AND
FINDING OF REASONABLENESS AND PUBLIC INTEREST**

**IN THE MATTER OF THE APPLICATION FOR REZONING
BY TARNIK FUNDS, LLC
REZONING REQUEST #2022-00002998**

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

According to North Carolina General Statutes § 160D and the *Randolph County Unified Development Ordinance*, the Randolph County Planning Board finds that the proposed zoning district map amendments to *HI - Heavy Industrial District* as described in the application of Tarnik Funds, LLC, are consistent with the *Randolph County Unified Development Ordinance* and the 2009 *Randolph County Growth Management Plan* and are reasonable and in the public interest for the following reasons:

1. Determination of Consistency with the *Growth Management Plan*.

A. Consistency with *Growth Management Plan* Map

The *Randolph County Growth Management Plan* map for the northeast area shows the parcel to be rezoned in an area designated as *Primary Growth Area* which generally lie along major transportation corridors and have access to urban services. This parcel is near US Hwy 421 which is a major transportation corridor.

B. Consistency with Growth Policies in the *Growth Management Plan*

Policy 1.2 *The County will encourage new and expanding industries and businesses which (1) diversify the local economy, (2) utilize more highly skilled labor force and (3) increase area residents' income.*

Consistency Analysis: This area of the County is slowing undergoing a transition to more commercial and industrial development due to the presence of the Greensboro – Randolph County Megasite. There are several pre-existing business in the area such as Pilgrim's Pride Feed Mill and the nearby aggregate quarry. This request, if approved, would further "(1) diversify the local economy, (2) utilize more highly skilled labor force and (3) increase area residents' income" as directed by the *Growth Management Plan*.

Policy 3.1 *Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the*

identification of such land should be encouraged.

Consistency Analysis: As stated previously, this area of the County is slowing undergoing a transition to more commercial and industrial development due to the presence of the Greensboro – Randolph County Megasite and also due to the train tracks that are at the rear of this property making this site “physically suitable” and uses its “unique locational advantages.”

2. Statement of Reasonableness and Public Interest

Reasonableness and Public Interest Analysis:

The policies listed above illustrate how this request is consistent with the Ordinance, the Plan, and applicable General Statutes. The parcel in this rezoning request is subject to the Conditions agreed upon between the property owner and the Planning Board. These Conditions will limit the amount and type of development on the property reducing the impact on adjoining parcels. The proposed use will also increase the tax base and increase economic activity within the County.

Adopted on December 6, 2022.

Chair, Randolph County Planning Board

ATTEST

Kimberly J. Heinzer,
Clerk to the Randolph County Planning Board



AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF RANDOLPH COUNTY, NORTH CAROLINA

WHEREAS, a 11.52 acre parcel, having the Randolph County Parcel Identification Number of 8734595597 is currently zoned *RA - Residential Agricultural District* by Randolph County, North Carolina;

WHEREAS, the Randolph County Planning Board has conducted a duly noticed public hearing on December 6, 2022 to consider the proposed rezoning on application number 2022-00002998, and all procedural requirements found in North Carolina General Statute 160D and the *Randolph County Unified Development Ordinance* have been satisfied;

WHEREAS, the Randolph County Planning Board has found that the proposed rezoning is consistent with the *Randolph County Unified Development Ordinance* and the *Randolph County Growth Management Plan* and is reasonable and in the public interest, and the Randolph County Planning Board has adopted a separate statement to this effect;

NOW THEREFORE, BE IT ORDAINED BY THE RANDOLPH COUNTY PLANNING BOARD THAT, the property is hereby rezoned to *HI - Heavy Industrial District*. The official Randolph County Zoning Map and the *Randolph County Growth Management Plan Map* is hereby amended, if necessary, to reflect the same and this Ordinance shall become effective upon adoption.

Adopted on December 6, 2022.

Chair, Randolph County Planning Board

ATTEST

Kimberly J. Heinzer,
Clerk to the Randolph County Planning Board



MOTION TO APPROVE A REZONING

NORTH CAROLINA

RANDOLPH COUNTY
PLANNING BOARD

“I make the motion to **APPROVE** this rezoning request to rezone the specified parcel(s) on the rezoning application and the Map Amendment Ordinance, 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 and that the request is also consistent with the *Randolph County Growth Management Plan*.”

If making a second to the motion, please change to say, “I second the motion . . .” and continue reading the rest of the motion.



MOTION TO DENY A REZONING

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

“I make the motion to **DENY** this 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 and that the request is not consistent with the *Randolph County Growth Management Plan*.”

If making a second to the motion, please change to say, “I second the motion . . .” and continue reading the rest of the motion.



RANDOLPH COUNTY PLANNING & ZONING STAFF REPORT AND MAP AMENDMENT EVALUATION

APPLICATION #2022-00003031

GENERAL INFORMATION

Applicant:	Evarardo Suarez Canas
Property Owner:	Evarardo Suarez Canas
Hearing Type:	Legislative
Request:	To rezone 2.99 acres out of 11.93 acres to allow a dumpster rental and concrete business as per the site plan.
Current Zoning:	<i>RA – Residential Agricultural District</i>
Requested Zoning:	<i>LI-CD – Light Industrial – Conditional Use District</i>
Small Area Plan:	None
Growth Management:	Primary Growth Area
Watershed Overlay:	Randleman Lake Protected Area
Flood Plain Overlay:	None
Airport Overlay:	None
Location:	US Hwy 311
Parcel Number:	7736399235
Parcel Size:	2.99 acres out of 11.93 acres
Existing Use:	Applicant has done some grading and installation of fencing

SITE INFORMATION AND SURROUNDING LAND USES

Direction	Adjacent Zoning	Adjacent Land Use
North	HC-CD - Highway Commercial - Conditional District	Auto sales lot and auto body repair shop
South	RA - Residential Agricultural District	Holly Ridge Golf Links
East	RA - Residential Agricultural District	Holly Ridge Golf Links
West	RA - Residential Agricultural District	Holly Ridge Golf Links

TRANSPORTATION INFORMATION

Information from North Carolina Department of Transportation:

No comments have been received from NC Department of Transportation.

ZONING INFORMATION

Zoning History:

This property came before the Randolph County Planning Board at the October 4, 2022, public hearing. The request was **withdrawn** during the public hearing.

Proposed Zoning District Standards from the *Randolph County Unified Development Ordinance*, Article 600, Section 613 (ex. Fencing, buffers, etc.):

<i>LI: LIGHT INDUSTRIAL DISTRICT</i>	
PURPOSE	
The purpose of the <i>Light Industrial (LI) District</i> is to provide a place for light industrial, warehousing and distribution, and sales of large-item products.	
DIMENSIONAL STANDARDS FOR PRIMARY STRUCTURE	
Lot size with a minimum of 100 ft. of State road frontage	40,000 sq. ft. Water Quality Critical Area: 80,000 sq. ft.
Lot size with less than 100 ft. of State road frontage	5 acres
Lot width	100 ft. at building line
Front setback	35 ft. from any road right-of-way
Corner side setback	35 ft. from any road right-of-way

Side setback	10 ft. from any side property line
Rear setback	30 ft. from the rear property line
DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES	
Road setback	20 ft. from any road right-of-way
Property line setback	5 ft. from any property line
DIMENSIONAL STANDARDS NOTES 1. Lot areas and setbacks shall be increased if required by Randolph County Public Health. 2. Lot areas in designated Watershed and Protected Areas are controlled by the Randolph County Watershed Protection Regulations. 3. Front yard setback shall be maintained on all road rights-of-way. 4. Minimum lot size requirements within <i>Primary Growth Areas</i> may be reduced to a minimum of 30,000 sq. ft. or 20,000 sq. ft. with public utilities. 5. Minimum lot size requirements within <i>Rural Growth Areas</i> are 3 acres. 6. Lots in major subdivisions within <i>Rural Growth Areas</i> must maintain a 1:4 ratio. 7. The minimum lot size requirements within the <i>Natural Heritage Overlay</i> are 6 acres. 8. Conditional Districts are identical to the general use districts except for site plans and individualized development conditions are imposed only upon signed petition of all owners of the land to be included in the Conditional District.	

STAFF ANALYSIS AND RECOMMENDATION

The Planning and Zoning Staff has reviewed this request finds that this request:

- Meets all technical requirements of both the Ordinance and the Plan;
- Is consistent, reasonable, and in the public interest; and
- Should be **APPROVED** by the Randolph County Planning Board.

The following policies from the *Randolph County Growth Management Plan* were identified by the Technical Review Committee and Planning and Zoning Staff as supporting the above conclusion.

Policy 3.1 Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land should be encouraged.

Consistency Analysis: In reviewing this request, the Technical Review Committee (TRC) noted that the property is located along US Hwy 311 which is a major transportation corridor and that there are mixed uses all along the road. There are long stretches of residential development and stretches of commercial and industrial development and a mix of both all along US Hwy 311. This request, if approved, could make easy use of other nearby transportation corridors and, with the buffer mentioned below, could make the highest and best use of the “locational advantages” of this parcel.

Policy 3.3 *Light industrial sites should be located in urbanized areas to take advantage of available services and to reduce home-to-work distances. Careful design and/or buffering shall be required to ensure compatibility with surrounding areas.*

Consistency Analysis: The applicant for this rezoning is proposing to install opaque fencing and leave as much natural vegetation and trees on the property as possible to provide buffers for existing residences and the adjacent Holly Ridge Golf Links. By retaining the buffers, the applicant is working to “ensure compatibility with surrounding areas” as required by the *Growth Management Plan*.

Reasonableness and Public Interest Analysis: The policies listed above illustrate how this request is consistent with the Ordinance, the Plan, and applicable General Statutes. The parcel in this rezoning request is subject to the Conditions agreed upon between the property owner and the Planning Board. These Conditions will limit the amount and type of development on the property reducing the impact on adjoining parcels. The proposed use will also increase the tax base and increase economic activity within the County.





COUNTY OF RANDOLPH
Department of Planning & Zoning
204 E Academy St - PO Box 771 - Asheboro NC 27204-0771

APPLICATION FOR ZONING CHANGE

Applicant: CANAS, EVERARDO SUAREZ
Address: 4423 PINE NEEDLE LN.
City, St. Zip: SOPHIA, NC 27350

Date: 11/07/2022
Parcel #: 7736399235

Owner: CANAS, EVARARDO SUAREZ
Address: 4423 PINE NEEDLE LN
City, St. Zip: SOPHIA, NC 27350

Permit #: 2022-00003031
Permit Type Code: PZ 2

Location Address:

CONTACT NAME: CANAS, EVERARDO SUAREZ

Contact Phone: 919 214-1129

PARCEL INFORMATION:

Lot number: **Subdivision:**
Acreage: 11.9300 **Township:** 13 - NEW MARKET

ZONING INFORMATION:

Zoning District 1: RA-RESIDENTIAL AGRICULTURAL DISTRICT
Zoning District 2:
Zoning District 3:
Growth Management Areas: PRIMARY GROWTH AREA
Specialty District: N/A
Watershed Name: RANDLEMAN LAKE WATERSHED
Class A Flood Plain On Prop?: NO
Flood Plane Map #: Flood Plain Map #: 3710773600J

REQUESTED CHANGE:

Area To Be Rezoned: 2.9900
Lot Size Indicator: ACRE(S)
Proposed Zoning District: LI-CD-LIGHT INDUSTRIAL CONDITIONAL DISTRICT
Proposed Use(S): TO REZONE 2.99 ACRES OUT OF 11.93 ACRES TO ALLOW A
DUMPSTER RENTAL AND CONCRETE BUSINESS AS PER THE
SITE PLAN

Condition(S):

Total Permit Fee: \$100.00

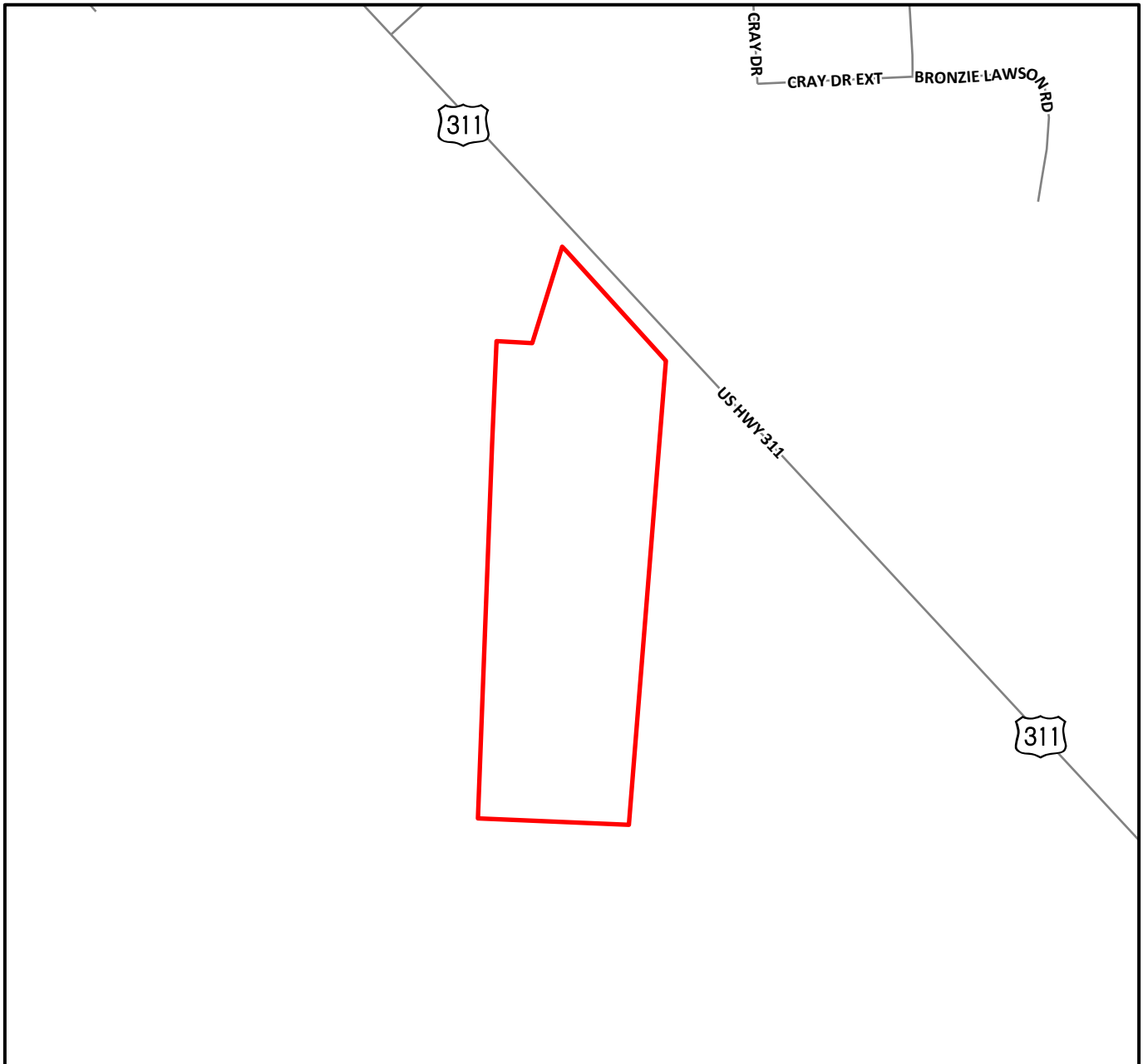
COMMENTS:

The undersigned owner/applicant do hereby make application for a PROPERTY ZONING CHANGE as allowed by the Randolph Couty Zoning Ordinance.

Eric Martin
Authorized County Official

Signature of Applicant:

Canas Request Location Map



Directions to site: US Hwy 311 N - Site on
(L) approx 2/3 mile past Banner
Whitehead Rd.



1 inch equals 400 feet

Canas Rezoning Request

Legend



Parcels

Structures

Type



Permanent Structure



Temporary Structure



Duplex/Complex



Miscellaneous Structures



Roads



Streams



50 ft. Stream buffer

County zoning

Districts



HC



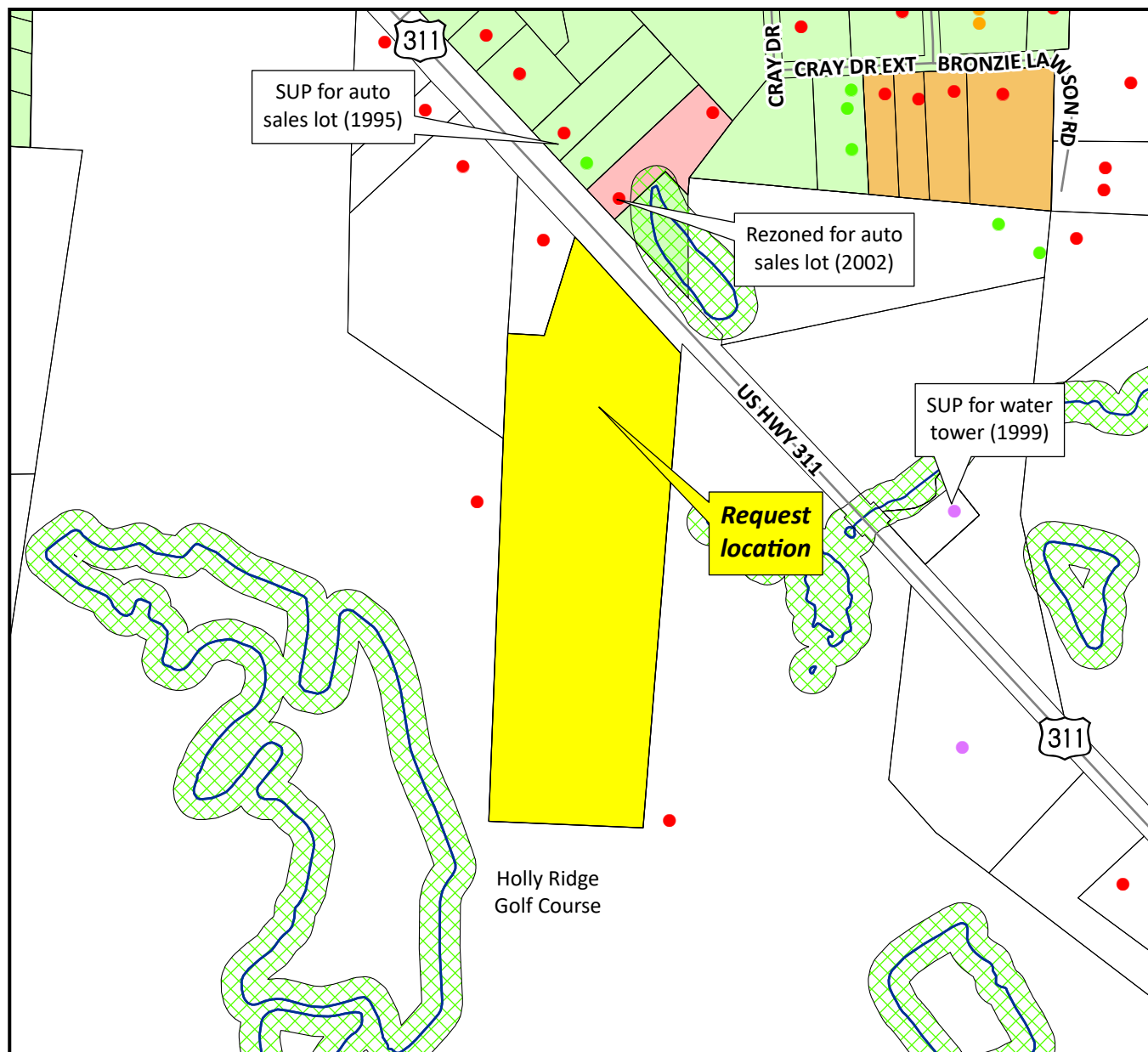
RA



RM



RR



The request is located in Randleman Lake Watershed Area.

1 inch equals 400 feet

SKEEN, KENNETH R. HILL,
MADORIE D
DB: 1830 DP: 1958

HOLLY RIDGE GOLF LINKS
INC
DB: 1576 DP: 1122

HOLLY RIDGE GOLF LINKS
INC
DB: 1576 DP: 1122

SITE NOTES:

1. PROPERTY INFORMATION
OWNERS: EVERARDO SUAREZ
PIN NUMBER: 7736399235
EXISTING ZONING: RA
EXISTING LAND USE: COMMERCIAL & RESIDENTIAL
SITE ADDRESS: US HWY 311
OWNER ADDRESS: 4433 FINE NEEDLE LANE, SOPHA, NC 27350
2. THE PROJECT IS LOCATED WITHIN THE
3. PARCEL BOUNDARIES, TOPOGRAPHIC DATA, EASEMENTS, EXISTING WATER METER AND SANITARY SEWER ARE SHOWN PER FIELD SURVEY PERFORMED BY:
4. PROPOSED USE: VACANT
5. PARKING REQUIRED:
REQUIRED: 1
PROVIDED: SPACES (1 HC VAN SPACES INCLUDED)
6. SETBACKS:
FRONT= 35 FT
SIDE= 10 FT
REAR= 30 FT
7. DISTURBED AREA: 83,210.77 SF (2.14)
8. HANDICAP SPACES SHALL BE INSTALLED PER ADA REQUIREMENTS.
9. MAXIMUM SEPARATION BETWEEN SANITARY SEWER CLEANOUTS SHALL BE 50'.
10. OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.
11. CONFIRM UTILITY TIE INS WITH ARCHITECTURAL DESIGN PRIOR TO CONSTRUCTION.
12. WATER AND SEWER UTILITY TIE IN LOCATIONS ARE SHOWN ON THIS PLAN FOR REFERENCE ONLY.

OVERALL AREA OF SITE = 525,229.59 Sq. Ft. = 12.33 ACRES
EXISTING BUA = 0.0 Sq. Ft. = 0.0 ACRES = 0.0%
PROPOSED BUA = 83,360.78 Sq. Ft. = 2.14 ACRES = 17.76%
TOTAL DISTURBED AREA = 2.14 ACRES
FINAL BUA = 83,360.78 Sq. Ft. = 2.14 ACRES = 17.76%

DRAWING LEGEND

- | | |
|-----|---------------------------------|
| --- | PROPERTY LINE |
| --- | ADJOINING PROPERTY LINE |
| --- | EXISTING TREELINE |
| --- | PROPOSED TREELINE |
| --- | SETBACK LINES |
| --- | EXISTING SANITARY SEWER MANHOLE |
| --- | EXISTING SANITARY SEWER LINE |
| --- | PROPOSED SANITARY SEWER LINE |
| --- | PROPOSED SANITARY SEWER MANHOLE |
| --- | EXISTING WATER LINE |
| --- | EXISTING WATER VALVE |
| --- | EXISTING FIRE HYDRANT |
| --- | PROPOSED WATER LINE |
| --- | 100 YEAR FLOOD PLAIN |
| --- | EXISTING STORM PIPE |



SITING PLAN
E S CHACHI CONCRETE
& 311 DUMPSITE RENTAL
US HWY 311
SOPHA - RANDOLPH COUNTY NORTH CAROLINA

Scale:	1" = 80'
Date:	MAR 21, 2022
Drawn By:	DK
Checked By:	DK
Job No.:	E-7591

Sheet No. **C-3**

Canas Rezoning Request

Legend

-  Parcels
-  Roads
-  50 ft. Stream buffer
-  Streams



The request is located in Randleman Lake Watershed Area.

1 inch equals 250 feet

Canas Rezoning Request



Picture 1:
Request location.



Picture 2:
Request location.



Picture 3:
Adjacent
residence.



Picture 4:
Holly Ridge
Golf Links



Picture 5:
Property across
road from request
location.



Picture 6:
Old commercial
operation near
request location.



**COUNTY OF RANDOLPH
CONSISTENCY DETERMINATION AND
FINDING OF REASONABLENESS AND PUBLIC INTEREST**

**IN THE MATTER OF THE APPLICATION FOR REZONING
BY EVERARDO SUAREZ CANAS
REZONING REQUEST #2022-00003031**

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

According to North Carolina General Statutes § 160D and the *Randolph County Unified Development Ordinance*, the Randolph County Planning Board finds that the proposed zoning district map amendments to *LI-CD - Light Industrial - Conditional District* as described in the application of Everardo Suarez Canas are consistent with the *Randolph County Unified Development Ordinance* and the 2009 *Randolph County Growth Management Plan* and are reasonable and in the public interest for the following reasons:

1. Determination of Consistency with the *Growth Management Plan*.

A. Consistency with *Growth Management Plan* Map

The *Randolph County Growth Management Plan* map for the northwest area shows the parcel to be rezoned in an area designated as *Primary Growth Area* which generally lie along major transportation corridors and have access to urban services. This parcel is along US Hwy 311 which is a major transportation corridor.

B. Consistency with Growth Policies in the *Growth Management Plan*

Policy 3.1 *Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land should be encouraged.*

Consistency Analysis: In reviewing this request, the Technical Review Committee (TRC) noted that the property is located along US Hwy 311 which is a major transportation corridor and that there are mixed uses all along the road. There are long stretches of residential development and stretches of commercial and industrial development and a mix of both all along US Hwy 311. This request, if approved, could make easy use of other nearby transportation corridors and, with the buffer mentioned below, could make the highest and best use of the “locational advantages” of this parcel.

Policy 3.3 *Light industrial sites should be located in urbanized areas to take advantage of available services and to reduce home-to-work distances. Careful design and/or buffering shall be required to ensure compatibility with surrounding areas.*

Consistency Analysis: The applicant for this rezoning is proposing to install opaque fencing and leave as much natural vegetation and trees on the property as possible to provide buffers for existing residences and the adjacent Holly Ridge Golf Links. By retaining the buffers, the applicant is working to “ensure compatibility with surrounding areas” as required by the *Growth Management Plan*.

2. Statement of Reasonableness and Public Interest
Reasonableness and Public Interest Analysis:

The policies listed above illustrate how this request is consistent with the Ordinance, the Plan, and applicable General Statutes. The parcel in this rezoning request is subject to the Conditions agreed upon between the property owner and the Planning Board. These Conditions will limit the amount and type of development on the property reducing the impact on adjoining parcels. The proposed use will also increase the tax base and increase economic activity within the County.

Adopted on December 6, 2022.

Chair, Randolph County Planning Board

ATTEST

Kimberly J. Heinzer,
Clerk to the Randolph County Planning Board



AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF RANDOLPH COUNTY, NORTH CAROLINA

WHEREAS, a 2.99 acre parcel out of a 11.93 acre parcel, having the Randolph County Parcel Identification Number of 7736399235 is currently zoned *RA - Residential Agricultural District* by Randolph County, North Carolina;

WHEREAS, the Randolph County Planning Board has conducted a duly noticed public hearing on December 6, 2022 to consider the proposed rezoning on application number 2022-00003031, and all procedural requirements found in North Carolina General Statute 160D and the *Randolph County Unified Development Ordinance* have been satisfied;

WHEREAS, the Randolph County Planning Board has found that the proposed rezoning is consistent with the *Randolph County Unified Development Ordinance* and the *Randolph County Growth Management Plan* and is reasonable and in the public interest, and the Randolph County Planning Board has adopted a separate statement to this effect;

NOW THEREFORE, BE IT ORDAINED BY THE RANDOLPH COUNTY PLANNING BOARD THAT, the property is hereby rezoned to *LI-CD - Light Industrial - Conditional District*. The official Randolph County Zoning Map and the *Randolph County Growth Management Plan Map* is hereby amended, if necessary, to reflect the same and this Ordinance shall become effective upon adoption.

Adopted on December 6, 2022.

Chair, Randolph County Planning Board

ATTEST

Kimberly J. Heinzer,
Clerk to the Randolph County Planning Board



MOTION TO APPROVE A CONDITIONAL DISTRICT REZONING

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

“I make the motion to **APPROVE** this rezoning request to rezone the specified parcel(s) on the rezoning application and the Map Amendment Ordinance, 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 any and all agreed-upon revisions, also incorporated into the motion and that the request is also consistent with the *Randolph County Growth Management Plan*.”

If making a second to the motion, please change to say, “I second the motion . . .” and continue reading the rest of the motion.



MOTION TO DENY A CONDITIONAL DISTRICT REZONING

NORTH CAROLINA

**RANDOLPH COUNTY
PLANNING BOARD**

“I make the motion to **DENY** this 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 any and all agreed-upon revisions, also incorporated into the motion and that the request is not consistent with the *Randolph County Growth Management Plan*.”

If making a second to the motion, please change to say, “I second the motion . . .” and continue reading the rest of the motion.