



RANDOLPH COUNTY PLANNING BOARD

MINUTES

APRIL 5, 2022

The Randolph County Planning Board held its monthly public hearing on April 5, 2022, at the 1909 Historic Courthouse, 145-C Worth St, Asheboro, NC.

Vice-Chair **Wayne Joyce** called the meeting to order at 6:45 pm.

County Attorney **Ben Morgan**, in the absence of the Planning Director, called the roll of Planning Board members:

- Reid Pell, Chair, *absent*;
- Wayne Joyce, Vice-Chair, *present*;
- John Cable, *present*;
- Keith Slusher, *present*;
- Kemp Davis, *present*;
- Melinda Vaughan, *absent*;
- Reggie Beeson, *present*;
- Barry Bunting, *present*; and
- Brandon Hedrick, Alternate, *absent*.

Morgan informed the **Chair** that there was a quorum of the Planning Board members present.

The **Chair** called for consideration and approval of the consent agenda.

Cable made the motion to approve the consent agenda as presented, and **Bunting** made the second to the motion to approve the consent agenda as presented. **Joyce**, having a proper motion and a second, called the question on approving the consent agenda, and the Planning Board members voted unanimously to approve the consent agenda.

Beeson announced that he had a conflict regarding the **Donald York** case listed on the agenda and asked to recuse himself.

Slusher made the motion to recuse **Beeson** from the case and **Cable** made the second to the motion to recuse **Beeson**. The vote to recuse **Beeson** from the consideration of the **Donald York** case by the Planning Board members was unanimous.

Joyce announced that the first case would be “old business” from the previous month’s meeting. He said due to the absence of the applicant, the Board voted to postpone the case until this month.

Morgan presented the case with site plans and pictures of the site and surrounding properties.

REZONING REQUEST #2022-00000086

HARDIN II, LLC, Liberty, NC, is requesting to amend the Conditional District Permit on 16.70 acres at 2604 Old 421 Rd, Columbia Township, Rocky River Balance Watershed, Tax ID #8735602322, Primary Growth Area, from HC-CD – *Highway Commercial-Conditional District* to HC-CD - *Highway Commercial-Conditional District*. The proposed Conditional Zoning District would specifically amend the existing Conditional District Permit to allow two additional mini-warehouse storage buildings as per the site plan.

William Hardin, 5010 Woody Mill Rd., Julian, NC, said he will not be changing the current use of the property and that he would just like to add two self-storage buildings to the three existing buildings on the property and is currently not allowed because they were not part of the site plan for the original approved rezoning request.

Cable asked where the buildings would be located. **Hardin** said they are shown as *D* and *E* on the site plan included in the agenda and would be north of the existing buildings. **Joyce** asked if the area would be fenced. **Hardin** said the property is already fenced.

With no further questions from the Board, **Joyce** asked if anyone else wanted to speak in favor of the request. Hearing none, **Joyce** asked if anyone would like to speak in opposition to the request.

Joseph Turner 2566 Old Hwy 421 N., Staley, NC, said he is not against the request, but he is having tremendous water problems due to the construction of the buildings because his home is located directly beside **Hardin's** property.

Davis asked **Turner** if he had water issues before the buildings were placed on **Hardin's** property. **Turner** answered no. He said before the construction of the buildings, the property was covered in trees and other natural vegetation, preventing the water runoff.

Joyce asked **Turner** where his home is located. After reviewing the maps provided to the Board and some discussion from the members, **Morgan** asked him if his home is located southwest of **Hardin's** property. **Turner** answered yes.

Turner said the side ditches fill up after a heavy rain, causing his property to flood. **Cable** asked if his water problems are coming from improper ditches that are not funneling the water. **Turner** said the water is running off **Hardin's** property and does not flow all of the ways to the ditch before turning onto his property.

Joyce asked if there were any water issues before the original clearing and construction of **Hardin's** property. **Turner** answered no.

Cable asked **Turner** if he had talked to **Hardin** about the water issues. **Turner** answered yes. **Turner** shared a video, recorded on a cell phone, showing the flooding waters. **Turner** said he contacted the State after the construction of the first buildings regarding the problems and review, the State required **Hardin** to install silk fencing and two retaining ponds. **Turner** said he didn't think the retaining ponds were large enough to handle the water. **Morgan** asked which State agency managed the issues. **Turner** said he couldn't remember because it had been so long.

Having no one else in opposition to the request, **Joyce** asked **Hardin** if he would like to address some of the issues from **Turner**. **Hardin** said his project was started a couple of years ago when there were six to eight weeks of heavy rain. He said they were unable to work properly due to the conditions and there was a great deal of runoff and sediment at that time **Turner** called The North Carolina Department of Environmental Quality (DEQ), to inspect the property.

Hardin submitted a letter from DEQ showing he complies (*Exhibit 1*). He also said **Turner** has a couple of different issues his property is located downhill from this site and his culverts are too small to manage the water.

Davis asked **Hardin** if he felt he may have caused the water problem for **Turner**. **Hardin** said he probably did cause some problems for **Turner** in the beginning and has now met all of the requirements from DEQ. **Hardin** said he feels **Turner** must have had some issues before because he is located downhill from this site and lower than the road and everyone knows water flows downhill.

Davis said everyone knows when you have vegetation on the property, it will slow the flow of water. **Hardin** said the vegetation is currently growing back. **Beeson** asked how much vegetation is currently on the property. **Hardin** said he was not sure of the amount, but he has what is required by DEQ, and the retention ponds are still in place as well. **Beeson** said there is an excessive amount of water shown in the videos that were shown to them by **Turner** and feel **Hardin** should help with the cost of fixing the problem. **Hardin** said he did not feel he is responsible for fixing all of **Turner's** problems. **Hardin** said that **Turner's** property is located approximately five feet lower than his property and he sits below the road as well. **Hardin** said he did not see how **Turner** did not have some water runoff even before he started construction.

Cable said it seems that one of the issues is the small culvert. **Hardin** said the size of the culvert is an issue and it has not been cleaned out in a while either. **Hardin** submitted a photo of the culvert (*Exhibit 2*) and another photo illustrating the property being lower than the road (*Exhibit 3*).

Joyce asked if anyone had contacted the State about cleaning the ditch or culvert. **Hardin** said he did not own that property. **Turner** answered no.

Davis said there is an engineered plan in place and asked if the failure is with the plan or with the culvert.

Hardin said DEQ has been to the property a couple of times and says he complies. **Joyce** said the compliance letter submitted by **Hardin** is approximately two years after the original application. **Davis** said this request is to expand an existing problem which is difficult for the Board to do.

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

Cable said the video shown to the Board members, has substantial water flow which seems to be coming from the upper end of **Turner's** property and the lower end of **Hardin's** property. He

said he did not want to see **Turner's** problem worsen but he did not want to put limitations on **Hardin** for expanding his business.

There was a detailed discussion between the Board members about whether or not increasing the size of the culvert would fix the water problem, who is responsible to fix the culvert, and the willingness of neighbors to work together to find a solution. They also discussed the fact that **Hardin** has complied with DEQ's regulations.

Cable said he agrees with **Davis** not wanting to cause someone's problems to worsen but he does not want to prevent someone from expanding their business when they have indicated their willingness to help solve the issues if possible. He said if **Turner** wants to replace his culvert and **Hardin** is willing to help with his backhoe, which is the neighborly thing to do but the Board cannot require **Hardin** and **Turner** to do so.

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

Joyce called the question on the motion to approve the rezoning request, and the motion was adopted unanimously.

Morgan presented the second case of the night along with site plans and pictures of the site and surrounding properties.

REZONING REQUEST #2022-00000592

DONALD YORK, Sophia, NC, is requesting to rezone 1.00 acres out of 92.96 acres at 4344 Beeson Farm Rd, New Market township, Tax ID #7735728635, Secondary Growth Area, from RA – *Residential Agriculture District* to HC-CD – *Highway Commercial-Conditional District*. The proposed Conditional Zoning District would specifically allow for an automotive sales lot in an existing building as per the site plan. Property Owner: Elmer Beeson York.

Joyce reminded the Board that **Beeson** had recused himself from this case.

Donald York, 2101 Marsh Mtn. Rd., Sophia, NC, read a statement to the Board telling them that he is not a car salesperson, he is a car enthusiast who likes to purchase, repair, and sell cars. He said NCDMV frowns upon anyone buying or selling more than five cars per year and requires a dealer's license to do so and to obtain a license you are required to have an office and a small lot. He said he would like to hold a license to access the system and gain the advantages of a dealership. He said he is not wanting a commercial sales lot or a junkyard. He also said he is wanting little to no effect on the pristine farm views. He said they have renovated an existing building on the property to use as the office and have cleared a small area around the building

to utilize as the lot. **York** told the Board if he is successful, he will outgrow this site and move to a much larger commercial lot to expand the business.

Slusher asked **York** how many vehicles he plans to display for sale. **York** said it will start small with only a few because it will be self-funded and maybe grow to a maximum of approximately fifteen because if you have vehicles sitting on the lot, you are not making money.

Slusher asked for his hours of operation. **York** said the State requires you to have one day with posted hours of operation and they plan to require appointments outside of the office hours of 9:30 a.m. until 12:00 p.m., on Wednesdays.

Slusher asked if the lot would be lit up at night. **York** said there would probably be one floodlight.

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

Davis said he is familiar with the area as well as the applicant. He said the property owners in the surrounding area are his wife's family and are very rural and pristine and feels the intention is to have it remain that way. He said the Board may want to consider addressing the maximum number of cars allowed on the property as part of the conditions.

Joyce said the property has always been pristine when he passed by. **Slusher** said **York** is not planning to have a commercial sales lot funded by a bank and when someone is self-funding, they will not want the vehicles sitting on the lot. Having no opposition, he said he is willing to make a motion. **Davis** asked if there should be a maximum number of vehicles placed on the rezoning as a condition. **Cable** said he felt **York** will self-police the number of vehicles on the lot and is not planning for this to be a commercial operation like the auto mall, he did not see the need to do so.

Slusher said he has a thirty-year background in auto sales and if **York** is self-funding this operation to purchase and sell depreciating assets, he is not going to want to have many vehicles at one time.

Slusher 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.

Joyce called the question on the motion to approve the rezoning request, and the motion was adopted unanimously.

Morgan presented the third case of the night along with site plans and pictures of the site and surrounding properties.

REZONING REQUEST #2022-00000594

ROBERT EVANS, Dallas, OR, is requesting to rezone 2.93 acres at 334 Dawson Miller Rd, Cedar Grove Township, Tax ID #7658316071, Secondary Growth Area, from RA – *Residential Agricultural District* to HC-CD – *Highway Commercial-Conditional District*. The proposed Conditional Zoning District would specifically allow a testing and repair facility for fire equipment as per the site plan.

Josh Allred, 8421 Riverside Rd., Seagrove, NC, division manager for Robert Evans. He said a majority of their business is mobile apparatus repair on fire trucks as well as pump, hose, and ladder testing. He said they have no facility to repair and service their fleet which currently includes nine service vehicles.

Allred said their initial plan is to build one building with the possibility of additional buildings in the future if needed, included on the site plan. He also said they would like to keep the house on the property to use as an office for the business.

Allred said some of the trucks will be on-site short-term for occasional equipment installation as well as small repairs on fire trucks that cannot be done in the field. He said the hours of operation are from 7:30 a.m. until 5:00 p.m., Monday through Friday and they do offer 24-hour emergency mobile service, which will not take place at the shop. The technicians take their service trucks home with them in the evening. He said some of the employees will leave their vehicles on-site during the day while working with a crew and occasionally overnight if they are called to work out of town.

Cable asked if the property will be fenced. **Allred** said they were waiting to make their decision based on the recommendation(s) of the Board but would like to keep the natural vegetation on the property as a buffer. **Cable** said he will assume that the property will be kept in pristine condition because firefighters tend to be that way. **Allred** answered yes.

Davis asked how much impervious surface is planned for the property. **Allred** said they plan to have a concrete apron in the front of the building for trucks to pull up and gravel the area between the house and the shop for parking, leaving natural vegetation on the rest of the property until future construction takes place.

Cable told **Allred** he took good advice planning for future buildings on his site plan and prevent having to come before the Board again to amend conditions when it is time to expand his business.

Slusher asked if he understood **Allred** to say that most of his work is done by mobile units and there will be occasional repairs on site. **Allred** answered yes. He said anything that comes to the shop will be inside and leave the site quickly.

Davis asked if he would have to dismantle vehicles on site. **Allred** answered no.

Having no additional questions for **Allred**, **Joyce** asked if there was anyone else that would like to speak in favor of the request. Hearing none, **Joyce** asked if anyone was present to speak in opposition.

Emory Stiner, 2325 Cole Mtn. Rd., Asheboro, NC, said he and the neighbors have concerns about additional traffic. **Stiner** said this area is already heavily traveled because of the multiple schools in the area and the exit ramp off Interstate 73/74 where there is an average of two wrecks per month. He said the new driveway would be located in the center of a curve, causing additional problems. He told the Board if they decided to approve the request, he would ask not to allow the driveway to be located on Cole Mtn. Rd.

Joyce said the site plan does not show access on Cole Mtn. **Cable** agreed, he said the only egress shown on their map is Dawson Miller Rd.

Davis asked if his main complaint would be the traffic congestion in the area and the driveway location on Dawson Miller Rd being located in a curve. **Stiner** answered yes. **Slusher** asked what the speed limit is on Dawson Miller Rd. **Stiner** said the speed limit is 45 mph.

Randy Miller 2454 Cole Mtn. Rd., Asheboro, NC, said his property backs up to the north end of the property. He said he and his neighbors are also concerned about additional traffic congestion because it is already unbearable in that area. He asked if the building would be located on the right side or left side of the house when facing the house. He was told it would be located on the right side of the house. **Miller** said in addition to the traffic concerns, he too has concerns about access being allowed off of Cole Mtn. Rd. in the future.

Michael Hayes, 481 Dawson Miller Rd., Asheboro, NC, said in addition to the school traffic, there is traffic to a nearby campground, heavy traffic for the Harley Davidson dealership just down the road, and the area is a State designated scenic bike route. **Hayes** said he also has concerns about the effects this will have on their property values. He also said with the amount of traffic on that road and the driveway is located in a curve, it would be dangerous even for a regular-sized vehicle.

David Myer, 2915 Pisgah Covered Bridge Rd., Asheboro, NC, said he is not in opposition to the request, he is pro-business, however, he is concerned with safety. He asked if traffic counts were required for rezoning and if that had been done. **Morgan** said the Board cannot consider traffic, but they can consider safety and often the traffic density does have a bearing on safety, so it is a fine line they are dealing with.

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

Joyce said it seems that the trucks will only be kept on-site occasionally, will be there mainly to pick up parts and handle small installation jobs, and having only nine trucks for the business, it is not to be like a large car lot or alike. He said this request should not add to the existing traffic problem. **Davis** agreed.

Beeson said **Allred** had mentioned adding tree buffers on the property to add integrity to the site and he feels there should be setbacks for the buffers so it will not minimize the visibility of oncoming traffic. **Cable** agreed. **Davis** said he thinks the buffering will be done if he builds the two additional buildings shown on-site plan, near other residential structures. **Cable** said the key to this business is that it is primarily mobile. He said there are occasions when someone needs specialized services that cannot be handled remotely. He said that it is important to remember that firefighters are taught to keep everything in pristine condition as part of their job.

Cable said there has been a house located on the property for years without contesting the drive. He said, in conclusion, he has taken everyone's concerns into consideration which came down to traffic which the Board does not deal with, but he did look at the safety aspect which seems to be a moot point and he does not think it will hurt tax values.

Slusher said if the Board approves the request, the driveway showed on the site plan, located on Dawson Miller Rd., is the only access that would be allowed without coming back to the Board for approval. **Joyce** said that is correct and all driveway connections will have to be approved by NCDOT.

Beeson said if this request is not approved, he feels the next request will be for commercial use as well, because of the proximity to the Interstate. He also said this is a better option for the surrounding properties because there will be less traffic for this business than for others. **Cable** said he had thought of the same thing, with Dollar General in mind because they are building all over.

Slusher said that based on the conversations among the Board and listening to all the testimony, and the safety concerns, he does not feel this will be an issue for this type of business. He said he feels this is the best option for commercial use in the area.

Slusher 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*. **Cable** made a second to the motion to approve the rezoning request, making sure that if a buffer is installed, it will not encroach on the visibility of exiting the site.

Joyce called the question on the motion to approve the rezoning request, and the motion was adopted unanimously.

Morgan presented the last case of the night along with site plans and pictures of the site and surrounding properties.

REZONING REQUEST #2022-00000623

ARNOLD RAYMOND COOK, Asheboro, NC, is requesting to rezone 3.00 acres out of 13.35 acres at 3024 Bethel Lucas Rd, Union Township, Tax ID #7645340663, Rural Growth Area, from RA – *Residential Agricultural District* to RA-CD - *Residential Agricultural-Conditional District*. The proposed Conditional Zoning District would specifically allow a new lot to be created from lot number one of the Hunter Hills subdivision as per the site plan.

Loretta Cook, 3024 Bethel Lucas Rd., Asheboro, NC, said she is requesting to split three acres off the existing tract to allow her son to build a home and have to have approval before requesting approval for a septic system. She said there will be an easement given for the driveway and for sharing a well, having a separate septic system for a three-bedroom home.

Morgan asked what the dotted lines were shown on the site plan. **Cook** explained that it is the proposed three-acre division. She explained the location well and the easements on the property also.

Cable asked how soon they planned to get started on improvements. **Cook** said he would like to obtain his septic approval as soon as possible.

Slusher asked if they would share a driveway. **Cook** answered yes.

Bunting asked if there will be a shared well and a separate septic system. **Cook** answered yes. **Morgan** told **Cook** to be aware of potential problems caused by sharing driveways and wells in the future, especially when marketing property. **Cook** said she understood.

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

Cable said he admires a family that doesn't mind sharing a driveway. **Bunting** said he agrees with **Cable** and that **Morgan** has made them aware of potential issues and they have been placed on notice. He said hearing the evidence that has been presented, he will make a motion.

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

Joyce called the question on the motion to approve the rezoning request, and the motion was adopted unanimously.

Having no further business, **Joyce** called for a motion to adjourn the meeting. **Slusher** made the motion to adjourn with **Cable** making the second to the motion.

The Vice-Chair, having a proper motion and second, called the question on adjourning the meeting. The Planning Board members voted unanimously to adjourn.

The meeting adjourned at 8:13 p.m. with 20 citizens in attendance.

**RANDOLPH COUNTY
NORTH CAROLINA**

Planning Director

Clerk to the Board

Date



**Approved by Randolph County Planning Board
May 3, 2022**

billy billyhardin.com

From: Houck, Blane <blane.houck@ncdenr.gov>
Sent: Friday, December 3, 2021 10:09 AM
To: billy billyhardin.com
Subject: RE: RANDO-2021-003
Attachments: Inspection Report 11-23-21 (RANDO-2021-003).pdf

Please see the attached inspection report for the Hardin Mini Storage project (RANDO-2021-003). In short, please remove any remaining temporary sediment and erosion control measures. Please feel free to contact me if you have any questions or concerns.

Thank you,

Blane Houck, G.I.T.
Environmental Specialist I
Land Quality Section, Winston-Salem Regional Office
Division of Energy, Mineral and Land Resources
North Carolina Department of Environmental Quality

(336) 776-9660 office
blane.houck@ncdenr.gov

450 West Hanes Mill Road, Suite 300
Winston-Salem, NC 27105-7407



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From: Houck, Blane
Sent: Monday, January 11, 2021 3:04 PM
To: billy@billyhardin.com
Subject: RE: RANDO-2021-003

Please see the attached inspection report for the Hardin Mini Storage project (RANDO-2021-003). Please feel free to contact me if you have any questions or concerns.

Thank you,

Blane Houck, G.I.T.
Environmental Specialist I
Land Quality Section, Winston-Salem Regional Office

Sedimentation/Construction Stormwater Inspection Report

North Carolina Department of Environmental Quality
Land Resources: 450 W. Hanes Mill Road, Suite 300, Winston-Salem, NC 27105
(336) 776-9800

County: Randolph

Project: Hardin Mini Storage

River basin: Cape Fear

Person financially responsible: Hardin II LLC - Billy Hardin

Project #: RANDO-2021-003

Address: PO BOX 400, Liberty, NC 27298

1. **Project Location:** Old 421 Rd., Staley

Pictures: Yes - Digital

2. **Weather and soil conditions:** sunny, workable soils

Initial inspection: No

3. **Is site currently under notice of violation?** No

4. **Is the site in compliance with S.P.C.A. and rules?** Yes If no, check violations below:

5. **Violations:**

6. **Is the site in compliance with NPDES Permit NCG010000 Construction Stormwater requirements?** Yes

Describe:

7. **Has sedimentation damage occurred since last inspection?** No If Yes, where? (check all that apply)

Degree of damage:

8. **Contact made with (name):** N/A

Title:

Inspection report: Sent Report

Date given/sent: December 03, 2021

9. **Corrective action needed:**

10. **Comments:** This site was inspected for compliance on November 23, 2021. At the time of inspection, much of the work on this project was observed to have been complete. Specifically, 80-percent permanent ground cover, sufficient to restrain erosion, was observed to be established in-place over the project area.

Please proceed with the removal of temporary erosion control measures and stabilization as per the approved construction sequence for the project. Decommissioning and dewatering of the temporary sediment basins should be conducted as per the approved plan. Please contact this office for a re-inspection once permanent ground cover sufficient to restrain erosion has been established on all areas of the site.

Reported by: Blane Houck

Others present: N/A

Date of inspection: November 23, 2021

Time arriving on site: 12:45 PM

Time leaving site: 1:15 PM

cc:



EXHIBIT

3

