

November 7, 2023

1. Call to Order of the Randolph County Planning Board.

There was a meeting of the Randolph County Planning Board on November 7, 2023, at 6:30 PM in the 1909 Historic Courthouse Meeting Room, 145-C Worth St, Asheboro, NC. Chairman Pell called the meeting to order and welcomed those in attendance.

2. Roll call of the Board members.

Reid Pell, Kemp Davis, John Cable, Melinda Vaughan, Reggie Beeson, Ken Austin, Barry Bunting were present. Brandon Hedrick was absent. County Planning Director Tonya Caddle and Associate Attorney Aimee Scotton were also present along with County Planning staff members Kayla Brown, Melissa Burkhardt, David Harris, Kim Heinzer, and Eric Martin.

3. Consent Agenda:

On the motion of Beeson, seconded by Cable, the Board voted 7-0 to approve the Consent Agenda as follows:

- Approval of agenda for the November 7, 2023, Planning Board meeting.
- Approval of the minutes from the October 3, 2023, Planning Board meeting.
- Approval of the Randolph County Planning Board Meeting Schedule for 2024.

4. Conflict of Interest

Pell asked the Planning Board members if there were any conflicts in the cases before the Planning Board tonight. There were no Conflicts of Interest or *ex parte* communication identified by Planning Board members.

- 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.

There was no old business for the Planning Board.

6. New Business.

REZONING REQUEST #2023-00002454

The Randolph County Planning Board will hold a duly published and notified Legislative Hearing on the request by **TARNIK FUNDS, LLC**, Spring, TX, and their request to rezone 3.66 acres on the intersection of US Hwy 64 E

and Lee Layne Rd, Columbia Township, Tax ID #8712578454, Municipal Growth Area, from *RA – Residential Agricultural District* and *RR - Residential Restricted District* to *HC - Highway Commercial District*. It is the desire of the applicant to rezone the property to allow any uses allowed by right in the *HC - Highway Commercial District*.

Caddle presented the first case along with site plans and pictures of the site and surrounding properties.

Pell opened the public hearing and called for anyone wishing to speak in favor of the request to come forward and address the Planning Board.

H R Gallimore, 231 S Fayetteville St, Asheboro, NC, rose to address the Planning Board. He gave an overview of the surrounding properties and stated that the owner wants to rezone the property to *HC - Highway Commercial District*.

Cable asked about the proposed use of the property and Gallimore said that the owner has not specified a proposed use.

Davis stated that since this is a straight rezoning, the allowable uses on the list provided by the Planning Staff contain ninety-two uses. Davis asked how far this property is from Eastern Randolph High School and Gallimore stated it is around three-fourths of a mile.

Gallimore stated he guesses that the property will probably be used for retail uses but he does not know at this time.

Cable stated that his concern at this site is the creek and flood zone on the property and he feels that the Planning Board is in the dark on the specifics of this request.

Gallimore stated that he would defer to Randolph County Environmental Health and the North Carolina Department of Environmental Quality for any concerns regarding the stream or the flood plain.

Caddle stated that approximately 2.50 acres are in the floodplain. Caddle also stated that the North Carolina Department of Transportation has said they prefer the access off of Lee Layne Rd to reduce potential congestion on US Hwy 64 East.

Pell called for anyone else in favor to address the Planning Board. Hearing none, Pell called for speakers in opposition to address the Planning Board.

Jim Raines, 7929 US Hwy 64 E, Ramseur, thanked the Planning Board for their service and said that he was unsure of this request other than the desire to rezone the property to *HC - Highway Commercial District*.

Caddle stated that the request is for a straight rezoning and it would allow any uses

as specified in the *Randolph County Unified Development Ordinance*.

Pell told Raines that the Planning Board cannot ask about a proposed use since it is a straight rezoning request.

Raines told the Planning Board that he was asking the question as a neighbor and that the ninety-two potential uses could open the area up to a variety of uses. Raines said that asking for a proposed use of the property was a reasonable request. Raines talked about questions regarding water quality and it will be more important with the proposed waterlines that will be running to the Wolfespeed Site in Chatham County. Raines said that it might be time for the Planning Board to look at the Table of Permitted Uses and add more specific uses and remove some uses. Raines closed by saying that he felt it was important for the Planning Board to know what the property owner is requesting and that requiring a Conditional District is not a big thing.

Vickie Bulla, 196 Lee Layne Rd, Ramseur, stated that she owns the adjoining property and that there is a lot of trash in the stream and heavy rains can cause the property to wash onto her property. Bulla talked about the potential traffic and trash problems and stated that the area is mostly a farming community and if the new owners would keep the site clean, she would not be opposed to the request.

Pell asked if there was anyone else in opposition who would like to speak. Hearing none, Pell called on Gallimore to address the concerns raised by the neighbors.

Gallimore told the Planning Board that he was representing his client and reminded the Planning Board that the County rezoned 1,800 acres to *HI-CD - Heavy Industrial - Conditional District* with no idea of what was going to happen at the site and he felt it was unrealistic to require site plans and the other requirements from the *Randolph County Unified Development Ordinance*. Gallimore stated that there is still a lot of oversight of development on the County and State level and that can stunt growth, and he advised the Planning Board to let the systems that are in place work and let the property be in the *HC - Highway Commercial District*.

Pell asked if there was anyone else that wanted to speak.

Raines stated that the County does have a process that approves and encourages growth and that the 1,800 acres that Gallimore mentioned will be mostly good for the County. Raines closed by stating the Conditional Districts are here to help control growth and he asked the Planning Board to look to the long-term future of the County when they make a decision.

Pell closed the public hearing.

Davis said that this property should probably be zoned *HC - Highway Commercial District* but, through no fault of the applicant, the Planning Board has no control over

the future development of this parcel.

Austin said that he agreed with Davis and that the Planning Board will continue going through the straight rezoning process until some changes are implemented. Austin said that the staff could probably identify more things that could fit on this property and the Planning Board has to make a difficult decision.

Davis said that the Governing Board makes it difficult for the Planning Board to make a decision.

Cable said that, like Gallimore, he does not think the property is going to be a drive-in or other potential uses on the list. Cable stated that his concern is the creek and that the Planning Board heard from the adjacent resident about problems caused by the stream. Cable said that by approving this request they are giving the applicant a blank canvas and he would like to know what is going to happen on the property.

Beeson stated that he agrees that the property does fit the *HC - Highway Commercial District*, but he also has concerns about the creek and the allowed uses and that the Planning Board should think long and hard about the allowed uses by right.

Bunting said that he has problems with the request.

Pell stated that before development took place, the developer would probably be required to do a site plan, a portion of the property would probably be used as a sediment pond and that the run-off to the adjoining property would be handled by the North Carolina Department of Environmental Quality.

Cable stated that he agreed with Pell and that the two citizens most impacted by the request spoke against this request and part of the *Northeast Randolph County Growth Management Plan* contains information about protecting the citizens.

Austin asked if the Planning Board could table this request to allow the staff and Planning Board to look at clarifying the classifications.

Pell said that he would rely on Caddle and Scotton to advise the Planning Board on this question.

Caddle stated that she thought it would have to be a different application and that tabling the request would not change the question before the Planning Board.

Pell said the applicant could withdraw the request, they could resubmit the request and they have the appeal process with the Board of County Commissioners.

Caddle said that much time would be involved with amending the *Randolph County Unified Development Ordinance* as staff would have to formulate the changes for

presentation to the Planning Board and finally to the Board of County Commissioners for adoption.

On the motion of Davis, seconded by Austin, with a vote of 5-2, Cable, Beeson voting no, the Board voted to deny the request with the motions contained in the Planning Board Packet.

7. Adjournment.

Caddle talked briefly about the meeting schedule the Planning Board had adopted earlier and she said there had been some interest in changing the start time of the Planning Board meetings.

Beeson, Austin and Cable said that a 6:00 P.M. meeting time would be good.

Davis said that 6:00 P.M. is hard for farmers and he would like to see some kind of change made to accommodate the farmers.

Caddle said the decision was entirely up to the Planning Board.

On the motion of Cable, seconded by Austin, the Board voted 7-0 to adjust the Planning Board Meeting schedule to have meetings during standard time at 6:00 P.M. (November through March) and during daylight savings time to have meetings at 6:30 P.M. (April through October) and that the new schedule would start on January 1, 2024.

Caddle and various Planning Board members had informal discussions about updates to the *Randolph County Unified Development Ordinance*.

At 7:10 p.m. on the motion of Davis, seconded by Cable, the Board voted 7-0 to adjourn.

Chairman

Clerk to the Planning Board

Approved by Randolph County Planning Board
December 5, 2023