

July 9, 2024

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

There was a meeting of the Randolph County Planning Board on July 9, 2024, at 6:30 PM in Meeting Room A, Randolph County Office Building, 725 McDowell Rd, Asheboro, NC. Chairman Pell called the meeting to order and welcomed those in attendance. Pell reminded those in attendance that the *Planning Board Rules of Procedure* state that anyone wishing to speak must sign up to speak and that speakers other than the applicant are limited to three minutes.

2. Roll call of the Board members. (Completed by staff.)

The County Planning staff completed the roll call of the members of the Board as they arrived to the meeting. Reid Pell, Ken Austin, Kemp Davis, Reggie Beeson, Melinda Vaughan, Brandon Hedrick, John Cable, Susan Thompson were present. County Planning Director Tonya Caddle and County Attorney Ben Morgan were also present, along with County Planning staff members Kayla Brown, Melissa Burkhardt, David Harris, Kim Heinzer, and Tim Mangum.

3. Consent Agenda:

- Approval of agenda for the July 9, 2024, Planning Board meeting.
- Approval of the minutes from the June 4, 2024, Planning Board meeting.

*On the motion of Davis, seconded by Cable, the Board voted 7-0 to **approve** the Consent Agenda as presented.*

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.)*

There were no Conflicts of Interest or *ex parte* communication identified by any Planning Board member.

5. Old Business.

There was no old business for the Planning Board to consider.

6. New Business.

SPECIAL USE PERMIT REQUEST #2024-00022004

The Randolph County Planning Board will hold a duly published and notified Quasi-judicial Hearing on the request by **FIDEL DEGOLLADO**, Asheboro, NC, and their request to obtain a Special Use Permit at 1523 Spanish Dr, Cedar Grove Township, Tax ID #7649353271, 0.72 acres, *RR - Residential Restricted*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow online sales of motor vehicles.

Caddle presented the first case of the night along with site plans and photographs of the Degollado Special Use Permit Request.

Pell opened the public hearing and explained that anyone wishing to speak during the Special Use Permit Requests must be sworn in.

Morgan administered the oath to Fidel Degollado, the applicant.

Degollado, 1523 Spanish Dr, told the Board that he has a full-time job with Duke Energy and would like to buy and sell automobiles part-time, through online sales, to supplement his income, and will be required to obtain a dealer's license.

Pell asked the Board if they had any questions for Mr. Degollado.

Cable asked Degollado if he had a business plan, how many vehicles he would have at one time, and how much traffic would be involved with the sales. Degollado said this would be part-time, he doesn't plan to have more than five cars at one time, and the sales would be online.

Morgan asked Degollado to explain online sales. Degollado explained that he would advertise the vehicles on marketplace and anyone interested would come to his home to look at vehicle.

Beeson asked how many cars he plans to have per month. Degollado said probably around three but no more than five per month.

Austin asked if he would have advertisement signs. Degollado said no. Austin asked how he would advertise without signs. He said he would advertise online, using his home address and everything would be legal.

Cable asked how he would deliver cars. Degollado said that the customer would have to come to his house to do paperwork.

Davis asked where his house is located, how long he has lived there, and if he had talked to any of his neighbors. Degollado described location of his home on the site plans provided, said he has lived there since April, 2024, and he has talked to neighbors and knows most of them.

Cable asked if anyone would come to his house and what the hours of operations would be. Degollado said the buyers would have to come to his house to complete the paperwork for the vehicles and he would be available Monday through Friday from 5:00 pm, until 9:00 pm.

Beeson said he had mentioned a garage or shop and asked if he would be repairing vehicles as well. Degollado said he would have minor repairs, clean up and detailing vehicles before selling.

Cable asked how many of his neighbors he had talked to and what was their feedback. Degollado said he had talked to eight or nine of them and they were fine with his request.

Hedrick asked if the vehicles would be inside the garage or have a fenced area for vehicles. Degollado said that he could have up to three in garage, and possibly two in driveway.

Vaughan said the property appears to have a good buffer. Degollado said he didn't feel that he would bother anyone.

Besson, (referring to photo one of presentation), asked if that would be the area where the cars would be parked. Degollado answered yes. He said he likes to keep things organized.

Cable asked if the customers would come to his house to test drive vehicles. Degollado said they would more than likely test drive on Danny Bell Rd.

Hedrick asked if Spanish Drive was a gravel drive. Degollado answered yes. He said it has been extended from asphalt.

Austin asked if there were any deed restrictions for the property. Degollado said his Realtor told him there were not.

Hedrick asked who maintains the gravel road. Degollado said he and the other two neighbors would have to maintain the road, but he hasn't been there long enough to need maintenance yet.

There were no additional questions from the Board.

Kathryn Bennett, 1515 Spanish Dr., Asheboro, took oath from Morgan. Bennett said she had not spoken with Degollado. She said she purchased her home a year ago in January, and the entire area was wooded. She said her home flooded in December, and they had to move for renovations. She explained that there are now two new homes, and she worries about the noise, traffic, and what this will do to her property value.

Davis asked Bennett if she was aware of how online sales work. Bennett said she has purchased other items online, but not a car. Davis said there would be only one person at a time on the property.

Cable asked when she would be back in her home. Bennett said she is hoping that it will be by the end of summer.

Austin asked about the amount of traffic since moving there. Bennett said there was rarely any traffic until construction started for the new houses. She said the cars on display will not be appealing, and the driveway is probably not more than twenty feet from her home.

Morgan asked about the location of her home. Beeson said her home is located just before Degollado's home and asked Bennett if she would feel more comfortable with a limit on the number of cars allowed on display. Bennett answered yes.

Having no additional questions from the Board, and no one else signed up to speak, Pell asked Degollado if he would like to come up and address the concerns of Ms. Bennett.

Degollado said if Ms. Bennett is concerned about the number of cars in the driveway, he could store three inside the garage and possibly two outside if needed.

Davis asked if he would agree to being limited to three cars inside the building and no more than two outside. Degollado answered yes.

Hedrick stated that this is a Special Use request for Degollado and not a rezoning of any kind. He said it should not impact property values. Degollado said he will not have any junk on property because he lives there.

Austin asked Degollado if he would agree to hours of 5:00 pm until no later than 9:00 pm. Degollado answered yes. Pell asked if it would be just Monday through Friday. Degollado answered yes.

Cable asked if there would be an office, and if so, would there be an additional driveway for the office or use the existing drive. Degollado said there would be a 10x10 office and gravel extended to office for display area.

Hedrick asked if the office and display area would be located on the south side of property. Degollado said everything would be on the lower driveway.

Beeson stated that there is a requirement for set hours one day a week for a dealer's license and asked which day he would be open for an inspector. Degollado said his set hours would be on Thursdays.

Having no additional questions from the Board, Pell closed the public hearing for

discussion or a motion.

Davis said Degollado is proposing restrictive hours. Hedrick and Beeson talked about the consideration of Saturday hours. Austin suggested a limit of two cars being visible, agreed by Beeson. Cable shared his concerns about the negative impact on neighbors if five vehicles were allowed, although there is good vegetation, and buffers. Hedrick expressed concerns about road maintenance.

Cable said even though others have come before the Board with a more specific plan, Bennett does not seem opposed if there is a more specific plan from Degollado with some conditions.

Morgan stated that a business plan is not required.

After further discussion from the Board, Degollado was asked if he would consider operation hours to be limited to Monday through Friday, from 5:00 pm until 8:00 pm, and Saturday from 10:00 am until 3:00 pm with a limit of two cars outside on display and no outside signage.

Degollado agreed to the conditions and signed an updated application to reflect those conditions.

Davis said the request satisfies the four-part test for a Special Use Permit request, and Degollado has agreed to the conditions so he would proceed with a motion.

*On the motion of Davis, seconded by Austin, with a vote of 7-0, the Board voted to **approve** the request with the motions contained in the Planning Board packet.*

SPECIAL USE PERMIT REQUEST #2024-00022005

The Randolph County Planning Board will hold a duly published and notified Quasi-judicial Hearing on the request by **DARRELL TILLER**, Seagrove, NC, and their request to obtain a Special Use Permit at 9113 Erect Rd, Brower Township, Tax ID #8604994235, 10.11 acres, *RA - Residential Agricultural District*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow a second residence for a family member as per the site plan.

Caddle presented the next case of the night, along with site plans and photographs of the site.

Morgan administered an oath to Darrell Tiller, the applicant.

Darrell Tiller, 9113 Erect Rd, explained that he would like to add a second residence to his property for his niece because he is trying to help her.

Morgan asked what type of home he was proposing. Tiller said it would be a 2400 square foot double-wide mobile home on a permanent foundation.

Pell asked if there were any questions from the Board.

Austin asked if this home would have a new well and septic and use the existing driveway. Tiller said it would require a new well and septic and the existing driveway would be extended to the new home. Austin asked how close the new home would be to his home. Tiller said it would be approximately four hundred feet.

Morgan explained to Tiller that if the Planning Board were to approve the request, one home could not be sold without the other. Tiller asked if he could come back later to divide the property. Morgan said he could request the subdivision, but it would not be a guarantee. He said he just wanted Tiller to be aware. Tiller said that he understood and agreed to the circumstances.

Having no additional questions from the Board, Pell closed the public hearing for discussion or a motion.

Hedrick said the photos and information provided for the request seem to be consistent with the area.

Cable said the only downside to the request had been explained by Morgan and Tiller said he understood.

Austin asked if the placement of the home would make a difference. Tonya explained that the road frontage would be the only concern.

Hedrick said the request meets the Findings of Fact and he proceeded with a motion.

*On the motion of Hedrick, seconded by Beeson, with a vote of 7-0, the Board voted to **approve** the request with the motions contained in the Planning Board packet.*

REZONING REQUEST #2024-00022003

The Randolph County Planning Board will hold a duly published and notified Legislative Hearing on the request by **EMMER AND OAT, LLC**, Franklinville, NC, and their request to rezone 1.78-acres out of 3.21 acres at 3314 NC Hwy 22 N, Franklinville Township, Sandy Creek Balance Watershed, Tax ID #7793370945, *Secondary Growth Area*, from *RR - Residential Restricted District* and *RA – Residential Agricultural District* to *RBO-CD - Rural Business Overlay - Conditional District*. The proposed Conditional Zoning District would specifically allow a digital commercial photography studio as per the site plan.

Caddle presented the first rezoning case of the night, Emmer and Oat, LLC, Rezoning Request, along with site plans and photographs of the site.

Marcus Santa, Cedar Forest Rd., Franklinville, said he is requesting the rezoning for a digital photo studio up to 4,000 sq ft. He said he and his wife currently rent a facility in Asheboro and would like their own space. He said they provide fashion photos for industries with no public traffic. He said once the photos are completed, they are uploaded digitally to the companies. He then submitted an updated site plan and samples of digital photography (Exhibits 1 & 2).

Pell asked if there were any questions from the Board.

Cable asked him about his hours of operation. Santa said they usually work onsite from 10:00 am until 1:00 pm, with occasional early morning or evening hours depending on the photo needs. He said he and his wife would be the only people on site and most of their work was completed indoors. He also told the Board the single-wide mobile home that was previously on the property had been removed because they were trying to make the property look nicer.

Davis asked if the only traffic would be mail service other than him and his wife. Santa answered yes.

Morgan asked how he got here. Santa said he knew because this was a business, some avenues would have to be addressed, so he asked for the steps needed. He told the Board that the building would look more like a home than a business and although he is asking for 4000 square feet, it would probably only be 3200 square feet. Morgan stated that the Board appreciates him asking for permission rather than forgiveness.

Austin told Santa congratulations on needing to expand. He asked if he would be obtaining a driveway permit from NCDOT. Santa answered yes. He said the new plans show a driveway on Cedar Forest Rd, but he will agree to either road as required.

Hedrick commended Santa for adding a level 3 buffer and leaving the existing vegetation as well.

Having no additional questions for Santa, the next speaker was called upon.

Dane Cain, 3956 Cedar Forest Rd, said he was opposed to the driveway entrance entering off Cedar Forest Rd because there is a blind spot and too many accidents have already occurred in that area. He continued to say that commercial activity should not be allowed on this property with the potential of having a retail store or other activity in the future that would create an even greater amount of traffic.

Pell explained to Mr. Cain that NCDOT had recommended the driveway be

connected to Cedar Forest Rd.

Hedrick stated that the request was for a Conditional District to allow only a digital photo studio.

Caddle also explained that nothing else would be an allowed use without additional approvals from the Board.

Cain asked if there would be any advertisement signs. Caddle said there may be signs but no billboards. Cain repeated that the entrance should not be approved on Cedar Forest Dr.

Beeson said the drawing of the proposal is very nice and would be good for the area. He said he understands his concerns, but the current proposal is better than what was previously on the property.

Having no other questions from the Board, Pell asked the next speaker to come forward.

John Wagoner, 3429 Cedar Forest Rd, asked if any of the photos would be taken outside the facility. He also mentioned the blind spot on the road and said the entrance should be required on NC Hwy 22. Pell said NCDOT will determine the driveway entrance, not the Board. Wagoner then told the Board that there is stress on the existing power grid for the residents (causing power outages), and allowing a business would only increase the problem.

Pell asked Santa if he would like to address any of the concerns mentioned to the Board.

Santa said he appreciates the farming community and would not do anything to negatively impact the area. He also stated that he would not have major signage, the security lights would be facing inward on the property, and the outdoor photos would strictly be used for fashion as needed for clients. He continued to say that he would prefer the entrance on NC Hwy 22 as well, but he would have to follow the requirements from NCDOT. He mentioned that a new electrical service would be installed with no impact on Cedar Forest Rd.

Cable asked Santa if he had talked to anyone with NCDOT or State Highway Patrol concerning accidents. Santa said he had never seen accidents there.

Cable asked if this studio would be similar to a studio used for furniture photography, referring to one in High Point. Santa answered yes.

Having no additional questions from the Board, Pell closed the public hearing for discussion or a motion.

Cable said the concerns about the driveway location fall under the NCDOT requirements. He said this request seems to be a good product and will enhance the neighborhood. He said he also understands the concerns of people wanting things to remain the same. He said he believes this couple is making a big improvement on the property.

Hedrick said the applicant has worked with NCDOT on the proposed driveway requirements, there are already commercial uses surrounding the property, and the proposed building has been designed to look like a home.

Davis said the Conditional District request is for specific operations rather than open commercial use.

Cable said based on the information given along with the site plans and exhibits, he would make a motion.

*On the motion of Cable, seconded by Austin, with a vote of 7-0, the Board voted to **approve** the request with the motions contained in the Planning Board packet.*

REZONING REQUEST #2024-00022007

The Randolph County Planning Board will hold a duly published and notified Legislative Hearing on the request by **THOMAS GWYN**, High Point, NC, and their request to rezone 2.59-acres at 1585 Gable St, Trinity Township, Lake Reese Balance Watershed, Tax ID #6799603709, *Primary Growth Area*, from *LI-CD - Light Industrial - Conditional District* to *LI - Light Industrial District*. It is the desire of the applicant to rezone the property to allow any uses allowed by right in the *LI - Light Industrial District*.

Caddle presented the second rezoning case of the night, along with site plans and photographs of the site.

Landon Hilliard, 1516 York Ave, High Point, said Mr. Gwyn is requesting a rezoning to LI, on the recommendation of Eric Martin.

Having no one else signed up to speak, and no additional questions from the Board, Pell closed the public hearing for discussion or a motion.

Cable said there is a chemical company across the street from this request. Hedrick stated that it seems to be a prime area for rezoning because most of the surrounding area is commercial. Davis said that he normally has issues with straight rezoning because of the unknown use of the property and the effects it will have on the neighboring area, and this property is surrounded by other commercial uses so the request would be a fit for the area.

On the motion of Cable, seconded by Beeson, with a vote of 7-0, the Board voted to

approve the request with the motions contained in the Planning Board packet.

REZONING REQUEST #2024-00022008

The Randolph County Planning Board will hold a duly published and notified Legislative Hearing on the request by **DONALD E. LEIDIGH**, Asheboro, NC, and their request to rezone 1.26-acres out of 14.57 acres at 4284 US Hwy 64 W, Back Creek Township, Tax ID #7721981112, *Secondary Growth Area*, from *ictRA - Residential Agricultural District* to *LI - Light Industrial District*. It is the desire of the applicant to rezone the property to allow any uses allowed by right in the *LI - Light Industrial District*.

Caddle presented the last rezoning case of the night, Donald E. Leidigh Rezoning Request, along with site plans and photographs of the site.

Donald E Leidigh, 4284 US Hwy 64 W, Asheboro, told the Board that he moved to NC twenty years ago. He said he has been wanting this property zoned to LI since he bought it due to the location, but has been working to clear the property of all the trees and brush to make it presentable and now mows the property.

Having no one else to speak regarding the request, Pell closed the public hearing for discussion or a motion.

Cable mentioned the solar farm near the property.

Davis said there is a mix of commercial uses near the property, including solar farm, but Amity Hills Church is nearby as well.

Hedrick referred to the Growth Management Plan 4.3; "Light Industrial uses should be located near Primary and Municipal Growth Areas to take advantage of proximity to available services and infrastructure and should be visually buffered according to their location". He said with the LI request having no conditions, the Board cannot require buffers so he finds it difficult to approve.

Cable said there is a big difference between a church and LI use. He said the area is mixed-use.

Davis explained that straight zoning opens up to multiple uses that may not be suitable for neighboring properties.

Hedrick stated there are a lot of residential homes in the area.

Beeson mentioned that requests are easier to approve if the Board understands the use of the property in this type of area.

Davis said based on the discussion from the Board, he would make a motion.

On the motion of Davis, seconded by Hedrick, with a vote of 7-0, the Board voted to deny the request with the motions contained in the Planning Board packet.

HC - HIGHWAY COMMERCIAL DISTRICT UPDATE DISCUSSION

HC - Highway Commercial District Update Discussion

Caddle presented updated information to the Planning Board regarding the proposed updates to the *HC - Highway Commercial District*. She explained the proposal for rezoning has broken the existing HC zoning into three categories, taking multiple factors into consideration including the size of buildings, and the potential disruptive nature of development to neighboring properties. She mentioned the new definitions that were proposed as part of the amendment, and some of the considerations to be made for potential uses in the future.

The Board discussed some of the positive considerations that have been made and stated that this change was moving in the right direction, allowing them to feel more comfortable about straight rezoning requests.

Morgan stated that it might be a good idea to share the information with groups within the County before final drafts are presented. Caddle agreed.

7. Update from the Planning Director.

The Planning Director had no updates for the Planning Board.

8. Adjournment.

At 8:19 pm on motion of Cable, seconded by Hedrick, the Board voted 7-0 to adjourn.

Chairman

Clerk to the Planning Board

**Approved by Randolph County Planning Board
August 6, 2024**