



Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, September 12, 2016
7:00 PM
AGENDA

- I. Call to Order
- II. Approval of Minutes from August 1, 2016 meeting
- III. Review of Cases
- IV. RZ-16-11: Rezone from CU-B2 (Conditional Use General Commercial) and R15 (Low-Density Residential) to B2 (General Commercial): 614 East Dixie Drive
- V. Items not on the Agenda
- VI. Adjournment

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**MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, AUGUST 1, 2016
7:00 p.m.**

This being the time and place for the regular meeting of the Asheboro Planning Board, a meeting was held with the following officials and members present:

- Van Rich) - Chair
- James Lindsey) - Vice Chair
- Ritchie Buffkin)
- Lynette Garner)
- David Henderson) - Members Present
- Thomas Rush)
- Dave Whitaker)

John Evans, Assistant Community Development Division Director
Bradley Morton, Planning Technician/Deputy City Clerk
Trevor Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

Three (3) citizens were present at this meeting.

I. CALL TO ORDER

Mr. Van Rich called the Asheboro Planning Board to order.

II. APPROVAL OF MINUTES FROM JULY 11, 2016 MEETING

Mr. Rich inquired if there were any corrections to be made to the minutes of the July 11, 2016 regular meeting. There being no corrections, the minutes were approved as presented.

III. REVIEW OF CASES

Mr. John Evans informed the board that no zoning related cases heard by the City Council in July.

IV. RZ-16-09: TEXT AMENDMENTS TO THE ZONING ORDINANCE REGARDING NONCONFORMING STRUCTURES (ARTICLE 800)

Mr. Evans presented text amendments regarding nonconforming structures. He stated that the applicant is the City of Asheboro. He stated that these nonconformities were with respect to the expansion of structures that are legally nonconforming due to encroachment into setbacks and they only apply to residential structures. He stated that the text amendments only affected Article 800 (Nonconformities) of the Zoning Ordinance. He gave a history of text amendments, stating that in February of 2016, Article 800 was amended as part of a reorganization that took place to the Zoning Ordinance, but no major policies were affected in Article 800 at that time. He stated that these amendments would apply to legally nonconforming structures. He noted that Article 804 (A) (4) (b) prohibits "greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements." He also mentioned that Section 804 (A) (2) states "the volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this subsection occur." He stated that there could be some ambiguity of how these provisions are interpreted, which is why the text amendments are being proposed. In order to demonstrate the practical impact of the proposal, he showed diagrams of possible construction on a hypothetical lot, showing three (3) principal structure additions and one (1) accessory building. He showed the board which proposals would work under the text amendments, showing only "Addition A" and "Accessory Addition A" (as shown on the slideshow presentation) would be permitted because the setback nonconformity does not exceed 50% of the linear footage that the existing structures are nonconforming, does not further encroach into the setback, and doesn't involve construction of a new structure. He listed six (6) goals and

policies that supported the request and had none that were negative to the request. Mr. Evans states that in light of these factors the staff recommended approval of the proposed text amendments and provided a consistency statement that the request allowed for continued investment, it allowed for architectural continuity with existing structures, it gives flexibility for additions and may help discourage placement in environmentally sensitive locations, and that it gives clarity to interpretation of the Zoning Ordinance. Mr. Evans asked the board if there were any questions at this time. There were no questions for Mr. Evans. Mr. Rich asked at this time if there was anyone to speak for or against this request. There was no one to speak for or against this request.

Upon motion by Mr. Whitaker and seconded by Ms. Garner, the planning board unanimously recommended to approve the text amendments to the Zoning Ordinance regarding nonconforming structures and adopted staff's consistency statement.

V. RZ-16-10: REZONE FROM B2 TO CU-I2 (CONDITIONAL USE GENERAL INDUSTRIAL): 1431 EAST SALISBURY STREET

Mr. Evans went over a proposal to rezone the property located at 1431 East Salisbury Street from B2 General Commercial to Conditional Use I2 General Industrial. He stated that the applicant was Ken Gallimore and that the parcel number was 7761525272. He stated that the previous land use was rental/sales of heavy equipment that has been abandoned. He showed an overview map and went over the surrounding land uses being commercial, multi-family residential, as well as some industrial uses. He showed a rezoning map and stated that the property was inside the corporate city limits, as it had been annexed in 2013. He mentioned that the elevation of the property was lower than much of the surrounding property, and the steepest slope on the property was near the intersection of Martin Luther King Junior Drive and East Salisbury Street. He stated that there was no direct access to water and sewer currently. He showed photos of the property from all directions. He stated that East Salisbury Street as well as Martin Luther King Junior Drive are state maintained minor thoroughfares. He stated that the applicant is also requesting a conditional use permit for motor vehicle repair, major, including associated retail shoppers' goods sales (specifically for automotive parts). He stated that the Land Development Plan (LDP) proposed land use map calls for commercial development, reflecting its current B2 zoning. He stated that the growth strategy map designates the property as a primary growth area.

He stated that five (5) goals and policies supported the request and that two (2) were negative to the request. The two goals/policies negative towards the request included the LDP proposed land use map's designation of the property for commercial use (reflecting the current B2 zoning) and the lack of transition between higher intensity industrial and low intensity residential uses. He gave staff's consistency statement with adopted plans, and stated that the request was reasonable and in the public interest due to the following:

- Central Small Area Plan support, recognizing a need for viable use of properties
- The property is adjacent to an expansive area with General Commercial B2 zoning and commercial properties.
- No major known environmental factors
- Conditional use district and permitting process can better ensure development is compatible with surrounding residential land uses.

He stated that in light of the above analysis, staff recommends approval and asked if there were any questions for him at this time. There were no questions for Mr. Evans.

Mr. H.R. Gallimore, the applicant's representative, gave a thorough report to the board outlining the request and mentioning the proposed use of the property. He then stated that if the board had any questions he would answer them at this time. The board had no questions for Mr. Gallimore.

Upon motion by Mr. Henderson and seconded by Ms. Garner, the board unanimously recommended approval of the request and staff's consistency statement.

VI. DISCUSSION OF THE DRAFT RANDOLPH COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Mr. Evans gave the board information on the Randolph County Multi-Jurisdictional Hazard Mitigation Plan. He stated that it is a coordinated effort to reduce hazards in Randolph County. He stated that the plan has to be updated every five (5) years by Robert T. Stafford Disaster Relief, Emergency Assistance Act and other federal legislation. He stated that there were several plan components, including citizen surveys, steering committees, a community profile, risk assessments, capability assessments, as well as mitigation strategies. He went over the risk assessment in some detail at this time, which included various issues from atmospheric/weather related hazards to other hazards

such as infectious disease threats. He mentioned some of the Planning and Land Use strategies, which included GIS capability, which has been completed. He also mentioned some items that may be completed in the future, including the mapping of mobile home parks as well as evaluating a need for storm water requirements on a case-by-case basis for large projects. He also mentioned some actions, such as requiring ice resistant trees as part of the landscaping requirements in the zoning and subdivision ordinances as well as encouragement for underground utilities were actions familiar to the Planning Board's typical reviews. He also mentioned some items involving maintenance (such as clearing debris from culverts and storm drains in priority flood plains), emergency response, including a countywide 911 reverse call system to warn the public of disaster, some public awareness items including educating residents in flood prone areas of emergency procedures, as well as educating local government and elected officials regarding the hazard mitigation planning. He stated that the next steps were the adoption of a resolution to the City Council at their regular meeting in August of 2016, as well as final approval by the Federal Emergency Management Agency (FEMA) and NC Division of Emergency Management. He asked the board if they had any questions at this time. The board had no questions for Mr. Evans.

VII. ITEMS NOT ON THE AGENDA

Mr. Nuttall mentioned that on August 2, the annual National Night Out will take place with the Asheboro Police Department at the various community watch locations. He mentioned Pigs and Pedals occurring downtown on August 5th and 6th and went over street closing information. He mentioned the date of the Talmadge Baker highway naming ceremony has been finalized and that formal invitations would be mailed out soon. He stated that the next Planning Board meeting will be September 12th due to the Labor Day holiday. Mr. Whitaker mentioned Church Street is looking its best since the restriping and resurfacing project.

VIII. ADJOURNMENT

With no further business to come before the board, Mr. Rich adjourned the meeting.

Bradley Morton, Secretary, Planning Board

Van Rich, Planning Board Chairman



**RZ-16-11: Rezone from CU-B2 (Conditional Use General Commercial) and
R15 (Low-Density Residential) to B2 (General Commercial)**

(614 East Dixie Drive)

Staff Report

Rezoning Staff Report

RZ Case # RZ-16-11

Date 9/12/2016 PB

10/6/2016 CC

General Information

Applicant Jack Nance (H.R. Gallimore, Agent)

Address 1633 Pepperidge Road

City Asheboro NC 27203

Phone 336-629-2762

Location 614 East Dixie Drive

Requested Action Rezone from CU-B2 (Conditional Use General Commercial) and R15 (Low-Density Residential) to B2 (General Commercial)

Existing Zone CU-B2/R15/B2 **Existing Land Use** Retail shoppers' goods

Size 0.52 acres +/- of 1.08 acres +/- **Pin #** 7760068764

Applicant's Reasons as stated on application

To make the entire property consistent with one zoning. This street has become Asheboro's premiere business corridor. Complete zoning of property increases the safety for ingress and egress to better utilize the traffic signal. Future Land Development Plan designates commercial development for this property. To maintain consistency for the entire property and to best utilize its best and safety use for the community.

Surrounding Land Use

North Commercial

East Multi-family residential/Commercial

South Single-family Residential

West Commercial/Single-family residential

Zoning History RZ-81-13 (5-8-1981): A portion of this property was rezoned from R15 (Low-Density Residential) to CU-B2.

Legal Description

The property of Jack C. Nance, located at 614 East Dixie Drive, totaling approximately 1.08 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7760068764.

Analysis

1. East Dixie Drive is a state-maintained boulevard. Emerson Drive is a city-maintained street that is approximately 18 feet in width.
2. The property is inside the city limits. All city services are available.
3. Approximately 0.55 acres of the property (totaling 1.08 acres) is currently zoned B2. Approximately 0.28 acres is zoned CU-B2 (Conditional Use General Commercial) and approximately 0.25 acres is zoned R15 (Low-Density Residential). The request is to rezone the entire parcel to B2.
4. The zoning ordinance statement of intent (Section 210) describes the B2 district as "intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets."
4. A conditional use permit was issued in 1981 for .28 acres of the rear portion of the property fronting on Emerson Drive, which was for a delivery entrance/exit for the retail use on a portion of the property. Conditions applied to this portion of the property included the requirements for a dense evergreen screen along Emerson Drive, a gate at the Emerson Drive entrance to be closed except for deliveries, prohibition of outdoor displays within 150' of Emerson Drive right-of-way, and a condition concerning outdoor lighting.
5. The requested B2 zoning would permit any use permitted by right in the district on the entire property.

Rezoning Staff Report

RZ Case # RZ-16-11

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Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation	Commercial
Small Area Plan	Central
Growth Strategy Map Designation	Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Items 12, and 13: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area.

Rezoning Staff Report

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LDP Goals/Policies Which Do Not Support Request

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)

Checklist Item 6: Existing infrastructure is adequate to support the desired zone. (water, sewer, roads, schools, etc.) (Specifically related to road design on Emerson Drive).

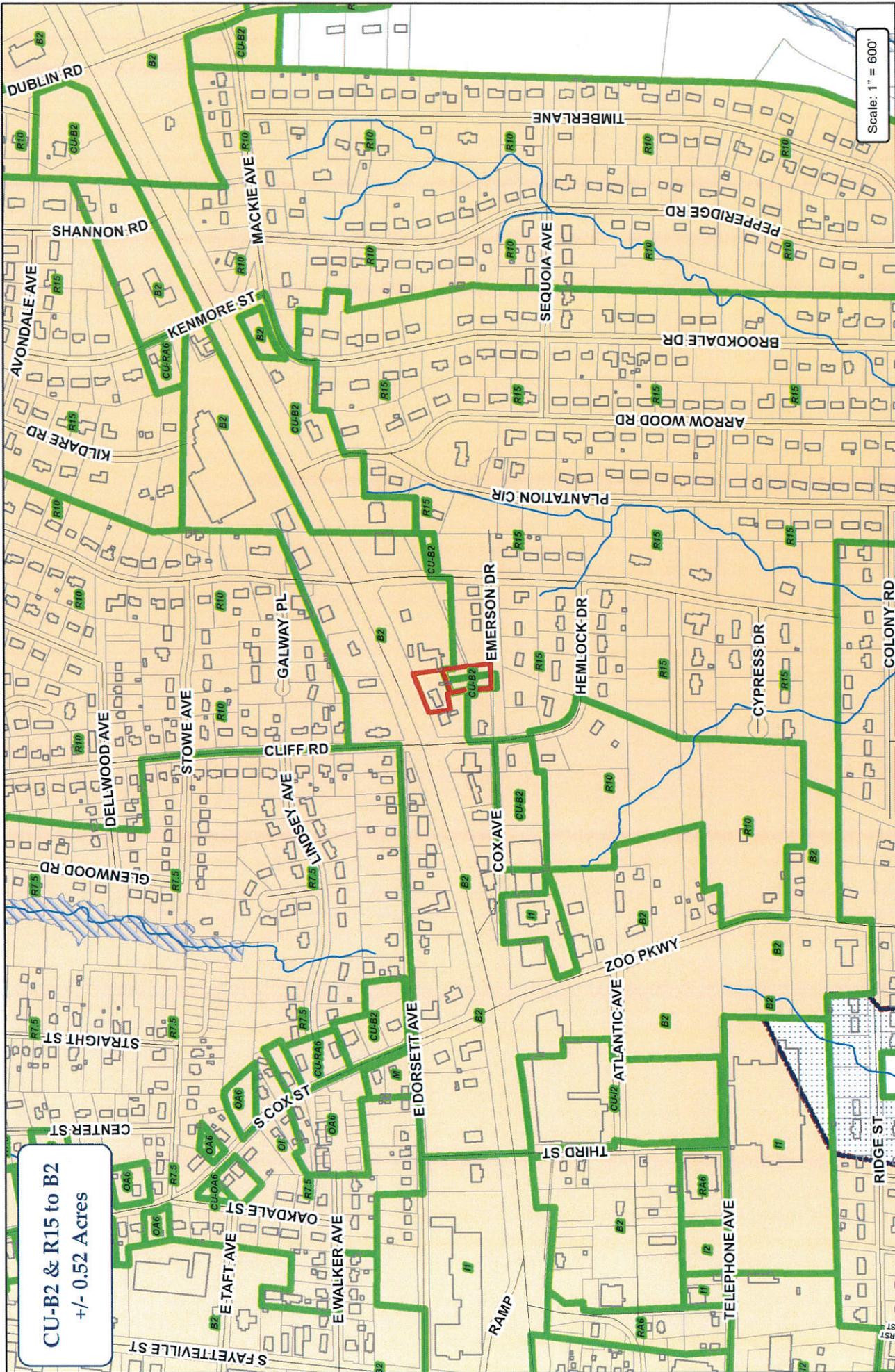
2.1.1 The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

Staff acknowledges that the Land Development Plan designates the property for commercial use, part of the property facing East Dixie Drive is currently zoned B2, and the property does have access to city services. For these reasons, staff can support expanding commercial zoning to encompass more of the property.

However, we are concerned over the potential for access onto Emerson Drive without an ability to best ensure it can receive the additional traffic volume or minimize impacts on the adjoining residential neighborhood.

Recommendation In light of the above analysis, staff's recommendation is to deny the rezoning request.



**CU-B2 & R15 to B2
+/- 0.52 Acres**

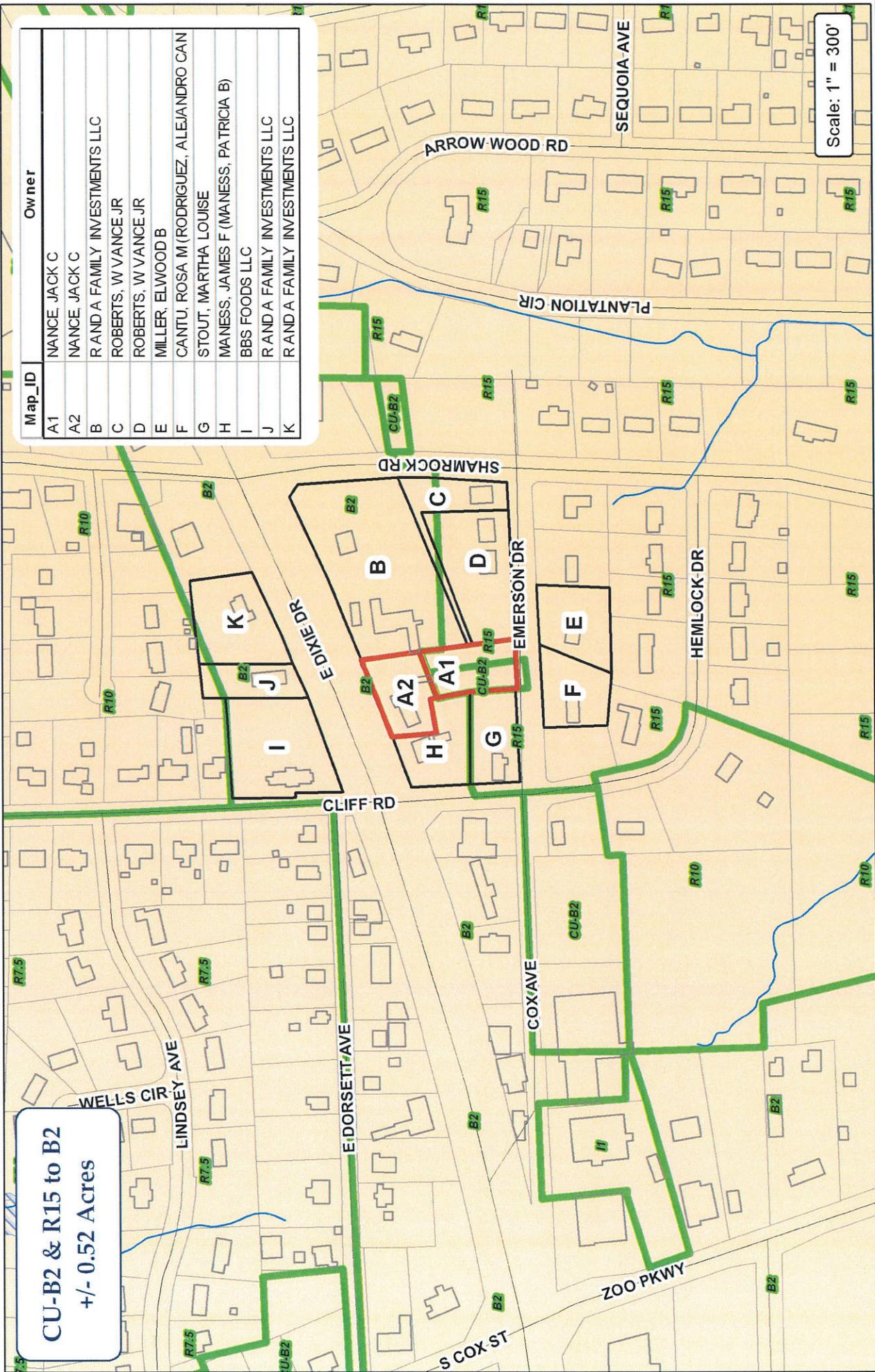


Scale: 1" = 600'

Subject Property
Zoning
City Limits
ETJ

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-16-11
Parcel: 7760068764





Map_ID	Owner
A1	NANCE, JACK C
A2	NANCE, JACK C
B	R AND A FAMILY INVESTMENTS LLC
C	ROBERTS, W VANCE JR
D	ROBERTS, W VANCE JR
E	MILLER, ELWOOD B
F	CANTU, ROSA M (RODRIGUEZ, ALEJANDRO CAN
G	STOUT, MARTHA LOUISE
H	MANESS, JAMES F (MANESS, PATRICIA B)
I	BBS FOODS LLC
J	R AND A FAMILY INVESTMENTS LLC
K	R AND A FAMILY INVESTMENTS LLC

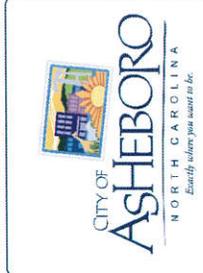
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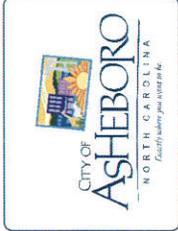
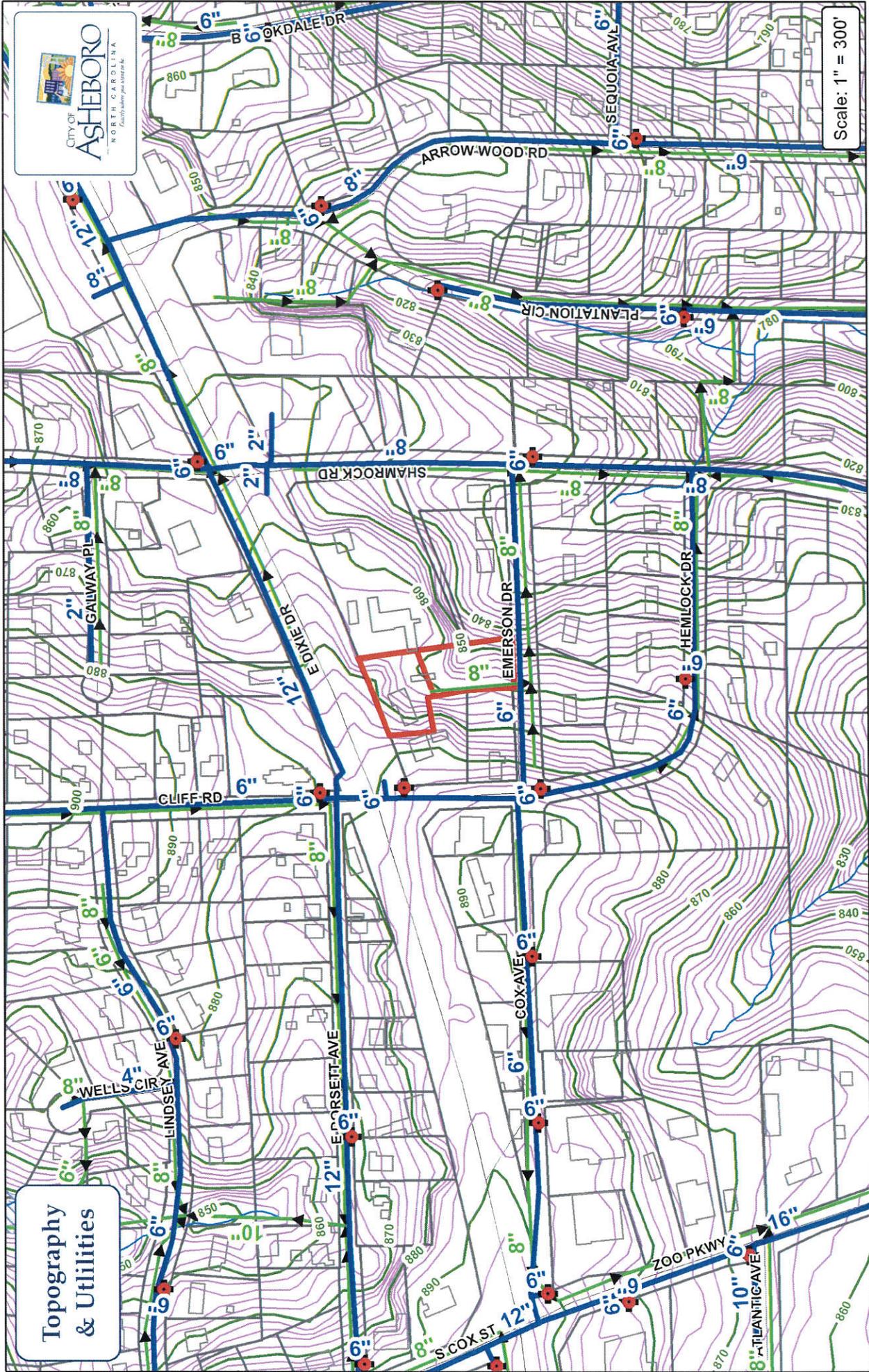


-  Subject Property
-  Adjoining Properties
-  Zoning
-  City Limits

CU-B2 & R15 to B2
 +/- 0.52 Acres

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-16-11
Parcel: 7760068764





Scale: 1" = 300'



City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-16-11
 Parcel: 7760068764

Topography
& Utilities

	Water Main		Fire Hydrant
	Sewer Main		Pump Station
	Force Main		



Scale: 1" = 300'



Subject Property
Zoning

City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-16-11
 Parcel: 7760068764

Aerial

