

**NOTICE**

**SPECIAL MEETING**

**Monday, October 10, 2005**

**7:00 O'clock P.M.**

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Notice of a special meeting of the City Council of the City of Asheboro, North Carolina is hereby given. This meeting will be held on Monday, the 10<sup>th</sup> day of October, 2005, at 7:00 o'clock p.m. in the Council Chamber of the Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina.

This special meeting of the City Council will be conducted for the purpose of considering and acting upon certain land use matters, including without limitation conducting public hearings on applications for Conditional/Special Use Permits and proposed amendments to the Asheboro Zoning Ordinance.

This notice is issued at 3:00 o'clock p.m. on October 7, 2005 pursuant to a motion unanimously adopted by the City Council of the City of Asheboro in regular session on the 6<sup>th</sup> day of October, 2005.

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s/ Holly J. Hartman  
**Holly J. Hartman, Deputy City Clerk**  
**City of Asheboro, North Carolina**

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**SPECIAL MEETING**  
**ASHEBORO CITY COUNCIL**  
**MONDAY, OCTOBER 10, 2005**  
**7:00 P.M.**

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This being the time and place for a special meeting of the Mayor and City Council, a meeting was held with the following officials and members present:

David H. Jarrell ) – Mayor Presiding

Talmage Baker )  
Linda Carter )  
Keith Crisco ) – Council Members Present  
John McGlohon )  
Archie Priest )  
David Smith )

John N. Ogburn, III, City Manager  
Dumont Bunker, P.E., City Engineer  
John Evans, Code Enforcement Officer  
Holly J. Hartman, Legal Assistant/Deputy City Clerk  
Wendell Holland, Zoning Administrator  
Reynolds Neely, Planning Director  
Trevor Nuttall, .Planner  
Lynn Priest, Community Development Director  
Jeffrey C. Sugg, City Attorney

A quorum thus being present, Mayor Jarrell called the meeting to order for the transaction of business, and business was transacted as follows:

**1. Rezoning, Permits, and Text Amendments**

Mayor Jarrell opened the public hearing on the following request:

- (a) RZ/CUP-05-26 Rezone from R7.5 to CU-RA6 and consider permit for expansion of a multi-family development / 2118 Old Farmer Road: The property of Branson McKenzie Family Limited Partnership is located at 2118 Old Farmer Road and contains approximately 2.3 acres of land. Randolph County Parcel Identification Number 7750091048 more specifically identifies the property.

Mr. Neely was sworn in and presented the site plan. He described the aforementioned property and presented the request of the Applicant, Branson McKenzie Family Limited Partnership to have the above-described property rezoned from R7.5 Medium Density Residential to CU-RA6 Conditional Use High Density Residential. In addition to having the property rezoned, the Applicant requests a Conditional Use Permit to allow multi-family development expansion by constructing a four-plex apartment on the property.

The Planning Department Staff recommended denial of this request. The Planning Board recommended approval with some suggested conditions for Council's consideration if it finds it in favor of the request.

Mr. Larry McKenzie, representative for Branson McKenzie Family Limited Partnership, was sworn in and addressed the four standard tests.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing.

Upon motion by Mr. Smith and seconded by Mr. Priest, Council ordained to accept the recommendation of the Planning Board for approval of the rezoning. Mr. Crisco opposed.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to approve the Conditional Use Permit to allow multi-family development expansion. This motion includes the conditions stated by Mr. Neely and is based on the four standard tests being met.

The formal Findings of Facts, Conclusions of Law, and Order for this Conditional Use Permit will be entered by the City Council in regular session on November 10, 2005.

Mayor Jarrell opened the public hearing for the following request:

- (b) RZ-05-27 Technical Amendments / Permit Modifications: Amend the Asheboro Zoning Ordinance removing language defining an increase in the number of signs or change in location of signs as a special permit modification requiring Council review and approval.

Mr. Neely presented the request submitted by Iglesia de Dios Getsamani to amend the text of Section 1013.5.A of the Asheboro Zoning Ordinance. A representative of the entity presented the request in detail and was available to answer questions. The Planning Department Staff and the Planning Board recommended approval of the request.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing.

Upon motion by Mr. McGhlohon and seconded by Ms. Carter, Council unanimously ordained to accept the recommendation of the Planning Board for approval of the request and amended the Asheboro Zoning Ordinance by deleting language in Section 1013.5.A defining an increase in the number of signs or a change in location of signs as constituting a modification of a Conditional Use Permit.

Mayor Jarrell opened the public hearing for the following request:

- (c) RZ-SUP-05-28 Rezone from CU-I2 to B2 and consider permit for manufacturing, processing, and assembly – light in the B2 district / 1948 N. Fayetteville Street: The property of R & M of Randolph is located at 1948 North Fayetteville Street and contains approximately 7.11 acres of land. Randolph County Parcel Identification Number 7762193771 more specifically describes the property.

Mr. Neely described the aforementioned property and presented the request of the Applicant, R & M of Randolph, to have the above-described property rezoned from CU-I2 Conditional Use General Industrial to B2 General Business Commercial.

In addition to having the property rezoned, the Applicant requests a Special Use Permit to allow Manufacturing, Processing, and Assembly – Light in the B2 zoning district.

Approval of the request would allow the Applicant to continue its dry powder coating business in a portion of the existing structure while renting the remainder portion for commercial uses as permitted in the B2 zoning district.

After receiving the staff report from Mr. Neely and comments from Mr. Jerry Raines, a representative of R & M of Randolph, the request for a legislative rezoning of the property was addressed by the Council. The Planning Department Staff and the Planning Board recommended approval of the request. Upon motion by Mr. Smith and seconded by Mr. Baker, Council unanimously ordained to accept the recommendation of the Planning Board for approval of the rezoning.

Mr. Neely was then placed under oath and presented the staff report along with the Applicant's submitted site plan for the Special Use Permit. Mr. Jerry Raines, representative for R & M of Randolph presented sworn testimony addressing the four standard tests. There being no further testimony nor opposition from the public, Mayor Jarrell closed the public hearing.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council voted unanimously to approve the Special Use Permit to allow Manufacturing, Processing, and Assembly – Light in the B2 zoning district. This motion is based on the four standard tests being met.

The formal Findings of Fact, Conclusions of Law, and Order for this Special Use Permit will be entered by the City Council during regular session on November 10, 2005.

Mayor Jarrell opened the public hearing for the following request:

- (d) RZ-05-29 Rezone from B1 to I1 / South side of Brady Avenue 500 feet west of Albemarle Road: The property of Energizer Battery Manufacturing is located along the south side of Brady Avenue approximately 500 feet west of Albemarle Road and contains approximately 21,194 square feet. Randolph County Parcel Identification Number 7750476266 (a portion) more specifically describes the property.

Mr. Neely presented the request of the Applicant, Energizer Battery Manufacturing, to rezone the above-described property from B1 Neighborhood Business to I1 Light Industrial. The I1 Industrial zoning district is intended to accommodate manufacturing, warehousing, and commercial uses. The Planning Department Staff and the Planning Board recommended approval of the request.

Mr. Bob Spence, a representative of Energizer Battery Manufacturing, was present to answer questions.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing.

Upon motion by Mr. Priest and seconded by Ms. Carter, Council ordained to accept the recommendation of the Planning Board for approval of the requested rezoning.

Mayor Jarrell opened the public hearing for the following request:

- (e) RZ-05-30: Technical Amendment / Public Street Definition: Amend the Asheboro Zoning Ordinance to change the definition of "Street, Public," to more specifically define public streets.

Mr. Neely presented the request of the Planning Department Staff and the recommendation of the Planning Board to amend Article 1100 of the Asheboro Zoning Ordinance, changing the definition of "Street, Public" to more specifically define public streets. The amendment will update the ordinance and address certain reoccurring issues.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing.

Upon motion by Mr. Crisco and seconded by Mr. Baker, Council voted unanimously to approve the request and amend the Asheboro Zoning Ordinance as follows:

Effective October 10, 2005 to December 31, 2006, the definition of "Street, Public" shall read: "A right-of-way that has been offered for dedication to the public for access to adjacent properties."

Beginning January 1, 2007, the definition of "Street, Public" shall read: "A right-of-way or fee simple tract of land that has been set aside for public travel, offered for dedication to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the City of Asheboro or the State of North Carolina."

There being no further business, the meeting was adjourned at 8:03 P.M.

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Holly J. Hartman, Deputy City Clerk

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David H. Jarrell, Mayor