

**NOTICE OF A SPECIAL MEETING OF THE
ASHEBORO CITY COUNCIL**

Thursday, August 24, 2006

7:00 o'clock p.m.

Notice of a special meeting of the City Council of the City of Asheboro, North Carolina is hereby given. Said meeting will be held on Thursday, the 24th day of August, 2006 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 has been called in order to allow the Asheboro City Council to take the following actions:

- a. Adopt findings of fact, conclusions of law, and orders in two (2) land use cases identified by planning department file numbers CUP-06-18 and SUP-06-09.
- b. Consider an application submitted under planning department file number SUP-06-10 for a special use permit for a residential planned unit development along the north side of Hub Morris Road, approximately seven hundred (700) feet east of the intersection with North Fayetteville Street.
- c. Consider an application submitted under planning department file number RZ-06-28 to rezone from B2 zoning to I2 zoning a lot located along the north side of United States Highway 64 East, approximately five hundred fifty (550) feet west of the intersection with East Presnell Street.
- d. Consider an application submitted under planning department file number RZ-06-29 to rezone from R10 zoning to B2 zoning a lot located at 2225 South Fayetteville Street and 127 Charles Avenue.
- e. Consider a resolution of intent to permanently close a portion of Dublin Road Extension.

All officers of the city and all other persons whomsoever are hereby given notice that such meeting will be held.

This notice is issued on this 17th day of August, 2006 by order of Mayor David H. Jarrell and pursuant to the laws of the State of North Carolina and the City of Asheboro relative to the time and place of holding meetings, both regular and special, of the Asheboro City Council.

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

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**SPECIAL MEETING
ASHEBORO CITY COUNCIL
THURSDAY, AUGUST 24, 2006
7:00 p.m.**

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

- David H. Jarrell) – Mayor Presiding
- Talmadge Baker)
- Linda Carter)
- Nancy Hunter) – Council Members Present
- Archie Priest)
- David Smith)

Walker Moffitt) – Council Member Absent

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Holly J. Hartman, City Clerk/Senior Legal Assistant
Wendell Holland, Zoning Administrator
Deborah P. Juberg, Finance Director
R. Reynolds Neely, Planning Director
Trevor L. Nuttall, Planner
O. 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. OLD BUSINESS:

Upon motion by Mr. Priest and seconded by Ms. Hunter, Council voted unanimously to approve the following agenda items:

- Findings of Fact, Conclusions of Law, and Order in the matter of CUP-06-18.

Case No. CUP-06-18
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF CROSS ROAD REST & RETIREMENT CENTER, INC.
FOR AN AMENDED CONDITIONAL USE PERMIT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED
CONDITIONAL USE PERMIT

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council on June 8, 2006. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Cross Road Rest & Retirement Center, Inc. (hereinafter referred to as the "Applicant") has properly submitted an application for a Conditional Use Permit that would allow the applicant to expand and renovate its primary assisted living facility.
2. The existing Conditional Use Permit issued under file number CUP-05-11 encompasses the entire 32.25 acres of the Applicant's land located at 1302-1368 Old Cox Road.
3. The real property referenced in the immediately preceding paragraph is more specifically identified by Randolph County Parcel Identification Numbers 7669466475, 7669560493, 7669564321, 7669557913, 7669554855, and 7669551809, and these parcels are hereinafter collectively referred to as the "Zoning Lot."
4. The following uses are currently permitted on the Zoning Lot: (a) Nursing, Convalescent, and Extended Care Facility, (b) Child Day Care Center - Large, and (c) Congregate Living Facility.
5. The land uses surrounding the Zoning Lot are low-density residential.
6. The area in which the Zoning Lot is located is identified on the Growth Strategy Map as "Resource Conservation," and this area is designated as "Conservation Residential" on the Proposed Land Development Plan Map.
7. The Zoning Lot is located beyond the corporate limits of the City of Asheboro, but the Zoning Lot is located within the city's extraterritorial planning jurisdiction and.
8. The City of Asheboro Municipal Water System and Sanitary Sewer System serve the Zoning Lot.
9. In addition to increasing the size of the main recreation room, laundry room, and administration area within the primary assisted living building, the Applicant proposes to construct private

bathrooms for all of the resident rooms located within this building. These proposed changes to the original building on the Zoning Lot are substantially interior changes.

10. The proposed modifications will produce a slight increase in the square footage of the 22-year old building at issue. However, the proposed changes are not designed to increase the capacity of the facility.

11. Due to the absence of any expansion in the capacity of the facility, no parking concerns are raised under the regulations prescribed by the zoning ordinance.

12. As required by the ordinance, a revised site plan reflecting the modifications proposed by the Applicant was submitted to the Council during the hearing of this matter.

13. The planning department's staff members have reviewed the revised master site plan and found the plan in compliance with the requirements prescribed by the Asheboro Zoning Ordinance.

14. The Applicant's proposal does not undermine the continuing validity of the evidence relied upon by the Council as the basis for the issuance of the existing Conditional Use Permit under file number CUP-05-11.

15. No testimony or other form of evidence was submitted to the Council during the hearing of this matter in opposition to the Applicant's request.

Based on the foregoing findings of fact, the Council makes the following:

CONCLUSIONS OF LAW

1. The Council has concluded that the proposed modernization and renovation of the existing use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

2. The evidence received during the public hearing established that the proposed modification of the existing use does meet all of the required conditions and specifications of the Asheboro Zoning Ordinance.

3. The evidence presented during the course of the hearing of this matter established that the proposed modification of the existing use would not substantially injure the value of adjoining or abutting property.

4. The location and character of the Applicant's proposed modification of the existing use if developed according to the plan as submitted and approved is in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

Cross Road Rest & Retirement Center, Inc. is hereby issued a Conditional Use Permit authorizing a Nursing Home, Convalescent, and Extended Care Facility use, a Child Day Care Center – Large use, and a Congregate Living Facility use on the Zoning Lot so long as the approved land uses are conducted in compliance with the approved site plan and the provisions of the Asheboro Zoning Ordinance.

Adopted by the Asheboro City Council in special session on the 24th day of August, 2006.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

- Findings of Fact, Conclusions of Law, and Order in the matter of SUP-06-09.

Case No. SUP-06-09
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION OF THE ASHEBORO CITY BOARD OF EDUCATION FOR AN AMENDED SPECIAL USE PERMIT ALLOWING THE EXPANSION OF A SCHOOL IN A RESIDENTIAL DISTRICT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING AN AMENDED SPECIAL USE PERMIT

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing on July 13, 2006 during the Council's rescheduled regular meeting for the month of July 2006. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. The Asheboro City Board of Education (hereinafter referred to as the "Applicant") has properly filed an application with the City of Asheboro Planning Department for an amended Special Use Permit allowing the expansion of the Guy B. Teachey Elementary School located at 294 Newbern Avenue in Asheboro.

2. The Applicant had previously applied for and received under the city planning department's file number SUP-05-04 a Special Use Permit authorizing the expansion of the Guy B. Teachey Elementary School (hereinafter referred to as the "School").

3. The School is located upon a parcel of land (hereinafter referred to as the "Zoning Lot") that is more specifically identified by Randolph County Parcel Identification Number 7750905864.

4. The Applicant's existing Special Use Permit specifically approved a site plan showing the addition of new administration offices, classroom additions, a reconfigured bus lane, and enlarged parking areas.

5. The Zoning Lot consists of approximately 20.47 acres of land and is located in an R10 zoning district.

6. The Growth Strategy Map identifies the area in which the Zoning Lot is located as "Adjacent Developed," and the Proposed Land Development Plan Map designates the area in question as "Neighborhood Residential."

7. The land uses to the north, south, and west are single-family residential, while the land use to the east is single-family residential/undeveloped.

8. The Zoning Lot is located within the corporate limits of the City of Asheboro, and all city services are available.

9. Newbern Avenue is a public street with a 60-foot right-of-way, and Teachey School Drive is a state maintained private access drive for the school.

10. The Applicant is seeking an amended Special Use Permit for this previously approved project in order to comply with the requirements of the North Carolina Department of Transportation (hereinafter referred to as "NCDOT"). The revised site plan shows three (3) curb cuts with the eastern drive relocated from its original position on the site plan approved under file number SUP-05-04. The parking spaces in the area of the eastern drive are also relocated in order to accommodate the ripple effect of relocating the driveway.

11. The revised site plan submitted to the Council during the hearing of this matter on July 13, 2006 utilizes the driveway configuration for which the NCDOT has issued a permit.

12. As a consequence of the revisions originated by the NCDOT, the distance between the School's bus exit and car exit has been increased from one hundred eighty-one feet (181') to three hundred eighty-three feet (383').

13. The revised site plan increases the "stacking" length available for cars from the previously approved one thousand thirty feet (1,030') to one thousand three hundred forty-three feet (1,343'). This increased "stacking" capability helps move passenger loading and unloading off of the public street in order to reduce congestion on the street and reduce the risk of an accident. However, this increased "stacking" area did not reduce the actual number of parking spaces available for use.

14. The realignment of the primary entrance to the School sought by the NCDOT and depicted in the revised site plan aligns the driveway with Newbern Avenue at the northeastern corner of the Zoning Lot and creates a "T" intersection with Newbern Avenue. This "T" intersection facilitates the creation of enhanced sight lines while staying within the available right-of-way.

15. In an effort to address concerns that might arise as a consequence of the required relocation of the eastern driveway, the Applicant offered uncontroverted evidence to show that the landscaped buffer zone will be increased along the new drive up to the NCDOT right-of-way.

16. The planning department's staff members have reviewed the revised site plan and testified that this site plan does comply with the requirements prescribed by the Asheboro Zoning Ordinance.

17. The evidence offered by the Applicant in support of the request for an amended Special Use Permit does not undermine the continuing validity of the evidence previously relied upon by this Council as the basis for the issuance of the existing Special Use Permit under file number SUP-05-04.

18. While an adjoining property owner did express some concerns about the proposed plan and asked some questions of the Applicant's representative, no evidence rising above the level of speculation and conjecture was offered in opposition to the Applicant's request for an amended Special Use Permit.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. During the hearing of this matter, the evidence submitted to the Council indicated that the proposed use will not materially endanger the public health or safety if located where proposed and developed according to the revised site plan as submitted and approved. At a minimum, the revised site plan enhances the safety of the proposed use of the Zoning Lot for the School.

2. The proposed use, specifically including without limitation the revised site plan, meets all required conditions and specifications of the Asheboro Zoning Ordinance.

3. As revised, the Applicant's proposed use of the Zoning Lot will not substantially injure the value of the adjoining or abutting property.

4. The location and character of the use if developed according to the revised site plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

The Asheboro City Board of Education is hereby issued an amended Special Use Permit allowing the expansion of Guy B. Teachey Elementary School so long as the approved land use is conducted in compliance with the approved revised site plan and the provisions of the Asheboro Zoning Ordinance and so long as the Applicant, and its successors and assigns, remain in strict compliance with the following condition:

1. The Land Development Plan recommends a future greenway near the southern property boundary. The property is near the proposed Asheboro-Zoo greenway. Arrangements shall be made to protect the corridor for a future spur of the Asheboro-Zoo greenway.

Adopted by the Asheboro City Council in special session on the 24th day of August, 2006.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

NEW BUSINESS:

2. Land Use Issues:

Mayor Jarrell opened the public hearing on the following request:

- (a) SUP-06-10: Special Use Permit for a Residential Planned Unit Development / North side of Hub Morris Road 700 feet east of the North Fayetteville Street intersection. The property of Waterford Meadows Development Company, LLC located along the north side of Hub Morris Road approximately 700 feet east of the North Fayetteville Street intersection and contains approximately 47.83 acres of land. Randolph County Parcel Identification Number 7763168825 more specifically identifies the property.

At the request of Staff and upon motion by Mr. Priest and seconded by Ms. Hunter, Council voted unanimously to defer this item to the council's regular meeting in September.

Mayor Jarrell opened the public hearing on the following request:

- (b) RZ-06-28: Rezone from B2 to I2 / North side of U.S. Highway 64 East 550 feet west of the East Presnell Street intersection. The property of Clyde and Allyson Phillips is located on the north side of U.S. Highway 64 East approximately 550 feet west of the East Presnell Street intersection and contains approximately 7.76 acres of land. Randolph County Parcel Identification Number 7771169006 more specifically describes the property.

Mr. Neely presented the staff's analysis of the request submitted by Clyde Phillips and Gravis Land Management to rezone from B2 General Business to I2 General Industrial. The Planning Department Staff and the Planning Board recommended approval of the request on the basis of the following:

"The Land Development Plan envisions this area as an Employment Center that will develop with a mixture of non-residential land uses. In order to make this vision a reality, an investment in public infrastructure, namely water and sewer improvements, will be necessary. Appropriate zoning also is vital for any such development; having an industrial zoning classification in place now may help to encourage development of the property in accordance with the Land Development Plan. Staff, therefore, considers the request in the public's interest as it furthers the goals and policies of the Land Development plan by providing for a multitude of permissible land uses."

Mr. Clyde Phillips was available to answer questions.

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

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to adopt the recommendation of the Planning Board and placed the above-described property in the requested I2 General Industrial district.

Mayor Jarrell opened the public hearing on the following request:

- (c) RZ-06-29: Rezone from R10 to B2 / 2225 South Fayetteville Street and 127 Charles Avenue. The property of Oakhurst Baptist Church Trustees is located at 2225 South Fayetteville Street and 127 Charles Avenue and contains approximately 6.4 acres of land. Randolph County Parcel Identification Number 7750617605 and 7750616398.

Mr. Neely presented the staff's analysis of the request submitted by Oakhurst Baptist Church (Tommy Hoover, Feasibility Committee Chair) to rezone the above-described property from R10 Medium-Density Residential to B2 General Business. The property is currently zoned B2 along North Fayetteville Street and R10 on the eastern third of the property.

The Planning Department Staff and the Planning Board recommended approval of the request in that "[t]he request is supported by several goals, maps, and policies of the Land Development Plan." Furthermore, approval of the request will allow the church to continue to use the property without the Council's issuance of Special Use Permits.

Mr. Don Blanton, a member of the Feasibility Committee, presented comments in support of the requested rezoning.

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

Upon motion by Ms. Carter and seconded by Ms. Hunter, Council voted unanimously to adopt the recommendation of the Planning Board and placed the above-described property in the requested B2 General Business district.

3. Consideration of a resolution of intent to close a portion of Dublin Road Extension, as requested by Joseph M. Burrows and Wayne King.

Mr. Bunker presented and recommended adoption, by reference, of the aforementioned resolution.

Upon motion by Mr. Priest and seconded by Mr. Smith, Council voted unanimously to adopt the following resolution by reference.

**RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF
DUBLIN ROAD EXTENSION**

WHEREAS, Section 160A-299 of the North Carolina General Statutes prescribes the procedure to be followed by a city in order to permanently close a street or alley; and

WHEREAS, in response to the receipt of a written request from Joseph M. Burrows, Zelda S. Burrows, Wayne King, and Merle King requesting the permanent closure of a certain portion of Dublin Road Extension that adjoins the Burrows' and Kings' real property, the City Council of the City of Asheboro has determined that it is advisable to formally consider the permanent closure of the said portion of Dublin Road Extension in accordance with the procedure prescribed by the North Carolina General Statutes; and

WHEREAS, in order for a municipality to lawfully permanently close a street, Section 160A-299 of the North Carolina General Statutes requires that a city council first adopt a resolution declaring its intent to permanently close the street in question and then call a public hearing on the question.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro as follows:

Section 1. It is the intent of the City Council of the City of Asheboro to permanently close a certain portion of Dublin Road Extension located within the corporate limits of the City of Asheboro and more particularly described as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a non-monumented point set in the northern margin of the 150-foot right-of-way for East Dixie Drive (U.S. Highway 64 / N.C. Highway 49) and located the following courses and distances from a mag nail set at the approximate intersection of the centerline of East Dixie Drive and Dublin Road (North Carolina Secondary Road 2197): North 77 degrees 56 minutes 21 seconds West 109.10 feet to an existing concrete right-of-way monument set in the northern margin of the right-of-way for East Dixie Drive; thence South 63 degrees 22 minutes 37 seconds West 147.78 feet along the northern margin of the right-of-way for East Dixie Drive to the said non-monumented point that is itself located by means of the North Carolina Coordinate System at the coordinates of North 708,411.299 feet and East 1,763,524.871 feet (NAD 83); thence from the said Beginning point South 63 degrees 22 minutes 37 seconds West 75.38 feet along the northern margin of the right-of-way for East Dixie Drive to a non-monumented point; thence North 10 degrees 38 minutes 02 seconds East 123.26 feet along the western margin of the 60-foot right-of-way for Dublin Road Extension that runs along the Joseph M. Burrows and Zelda S. Burrows property described in Deed Book 1069, Page 186, Randolph County Registry to a new iron pipe; thence continuing to follow the western margin of the right-of-way for Dublin Road Extension along the Wayne King and Merle King property described in Deed Book 474, Page 366, Randolph County Registry the following course and distance: North 10 degrees 38 minutes 02 seconds East 202.48 feet to a new iron pipe set in the southern margin of the 50-foot right-of-way for the undeveloped Rich Avenue; thence across the 60-foot right-of-way for Dublin Road Extension North 71 degrees 23 minutes 23 seconds East 68.31 feet to an existing concrete right-of-way monument set in the eastern margin of the right-of-way for Dublin Road Extension; thence following the eastern margin of the right-of-way for Dublin Road Extension along the Joseph M. Burrows and Zelda S. Burrows property described in Deed Book 1069, Page 186, Randolph County Registry the following course and distance: South 10 degrees 33 minutes 39 seconds West 313.47 feet to the point and place of the BEGINNING, and being all of that certain 19,120 square feet of land, more or less, encompassed by the preceding metes and bounds description.

Also included is the right-of-way for the above-described portion of Dublin Road Extension, the said portion of right-of-way to be permanently closed is shown on the plat of survey referenced below.

This description is in accordance with a plat of survey entitled "PLAT FOR PROPOSED ROAD CLOSING OF A PORTION OF RIGHT OF WAY FOR DUBLIN ROAD EXTENSION" that was drawn under the supervision of Wayne T. Sims, a professional land surveyor with registration number L-3582. The said plat of survey is dated August 14, 2006 and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 2. A public hearing on the matter of the proposed permanent closure of the above-described portion of Dublin Road Extension is hereby called and is to be held at the regular meeting of

the City Council of the City of Asheboro on October 5, 2006, at 7:00 p.m. in the Council Chamber of the City of Asheboro Municipal Building located at 146 North Church Street in Asheboro. At this public hearing, any person may be heard on the question of whether or not the intended closing of the above-described portion of Dublin Road Extension would be detrimental to the public interest or the property rights of any individual.

Section 3. The City Clerk is hereby directed to cause the publication of this Resolution of Intent once a week for four (4) successive weeks prior to the above-referenced public hearing in *The Courier Tribune*, a newspaper of general circulation in the City of Asheboro and Randolph County.

Section 4. The City Clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to each owner of property adjoining Dublin Road Extension. The identity of said property owners is to be determined on the basis of the Randolph County Tax Department's records.

Section 5. The City Clerk is further directed to cause the prominent posting of this Resolution of Intent in a minimum of two (2) locations along Dublin Road Extension.

Adopted by the Asheboro City Council in special session on the 24th day of August, 2006.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly J. Hartman
Holly J. Hartman, City Clerk

4. Discussion of items not on the agenda.

Upcoming Events.

- Saturday, August 26, 2006, Seed-Spitting Contest, Downtown Farmers' Market at 9:00 a.m.
- Tuesday, August 29, Anti-Litter Meeting at 7:00 p.m. – Sunset Theatre.
- Wednesday, August 30, 2006, Employee Appreciation Meal from 11:00 a.m. until 1:00 p.m. – Public Works Conference Room.
- Thursday, September 7, 2006, Regular City Council Meeting at 7:00 p.m. – Council Chamber.
- Tuesday, September 19, 2006, Meeting with Clearscapes Architects at 7:00 p.m. – Sunset Theatre.
- October 15, 16, and 17, 2006, NCLM 2006 Annual Conference, Greensboro, North Carolina. Registration needs to be in City Manager's Office by September 7, 2006.

There being no further business, the meeting was adjourned at 7:23 p.m.

Holly J. Hartman, City Clerk

David H. Jarrell, Mayor