

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, AUGUST 10, 2017  
7:00 p.m.**

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This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith            ) – Mayor Presiding  
  
Clark R. Bell             )  
Edward J. Burks         )  
Walker B. Moffitt       ) – Council Members Present  
Jane H. Redding         )  
Katie L. Snuggs         )  
Charles A. Swiers        )  
  
Linda H. Carter         ) – Council Member Absent

John N. Ogburn, III, City Manager  
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk/Paralegal  
Doug Kemp, Human Resources Director  
Michael L. Leonard, PE, City Engineer  
Mark T. Lineberry, Assistant Chief of Police  
Trevor L. Nuttall, Community Development Director  
Deborah P. Reaves, Finance Director  
Jeffrey C. Sugg, City Attorney  
Jordan Thompson, Community Development Division Intern

**1. Call to order.**

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

**2. Moment of silent prayer and pledge of allegiance.**

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and say the pledge of allegiance.

**3. Presentation of a Certificate of Achievement for Excellence in Financial Reporting.**

Mayor Smith recognized Ms. Reaves for receiving a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

**4. Recognition of the Asheboro Fire Department for 50 CPR saves.**

Dr. Jason Stopyra, M.D., who is the Randolph County Emergency Services Medical Director, recognized and presented a plaque to the Asheboro Fire Department for 50 CPR saves. Deputy Fire Chief Eddie Cockman and firefighters from Station 1 were in attendance to receive the recognition.

**5. Consent agenda.**

Upon motion by Mr. Burks and seconded by Mr. Bell, Council voted unanimously to approve/adopt each of the following consent agenda items:

**(a) The meeting minutes of the city council's regular meeting on June 8, 2017.**

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

**(b) The meeting minutes of the city council's special meeting on June 27, 2017.**

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

**(c) The meeting minutes of the city council's special meeting on July 25, 2017.**

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

**(d) Acknowledgment of the receipt from the Asheboro ABC Board of its meeting minutes for June 5, 2017.**

A copy of the Asheboro ABC Board's meeting minutes for June 5, 2017 is on file in the city clerk's office.

**(e) The final decision document for land use case no. CUP-17-04.**

Case No. CUP-17-04  
Final Decision Document  
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION FOR A CONDITIONAL USE PERMIT AUTHORIZING A LAND USE CLASSIFIED BY THE ASHEBORO ZONING ORDINANCE AS A CHILD CARE CENTER – LARGE

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

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THIS MATTER was brought before the Asheboro City Council (the "Council") for a quasi-judicial hearing that was conducted during a regular meeting of the Council held on July 13, 2017. After receiving sworn testimony and considering all of the evidence, including a proposed site plan, the Council, on the basis of competent, material, and substantial evidence, hereby resolves the question of the issuance of the requested conditional use permit by entering the following:

FINDINGS OF FACT

1. Karen Lassiter (the "Applicant") has properly submitted an application for a conditional use permit that would authorize the operation of a land use classified by the Asheboro Zoning Ordinance (the "AZO") as a Child Care Center – Large (this proposed land use will be hereinafter referred to as the "Child Care Center") at 312 West Ward Street.

2. The Applicant proposes to operate the Child Care Center on a lot that is approximately 0.95 of an acre in size and is identified by Randolph County Parcel Identification Number 7751744501 (the "Zoning Lot").

3. The existing structure on the Zoning Lot is currently vacant, but it was previously used for health services.

4. If granted, the Child Care Center authorization sought by the Applicant would allow a facility that serves 80 or more children. After school care associated with this land use is also part of the proposal.

5. The Applicant proposes using the existing structure with the addition of an opened, covered play area in front of the building, facing North Church Street.

6. There are currently two driveways into the Zoning Lot. One is located on West Ward Street, and the other is located on North Church Street. The Applicant proposes eliminating the driveway in front of North Church Street and adding a one-way (entrance only) driveway on West Ward Street to accommodate the play area.

7. The Zoning Lot is located within the Asheboro city limits, and all city services are available. West Ward Street and North Church Street are both city-maintained streets at this location.

8. The surrounding land uses are as follows:

**North:** Office/Institutional/Medical

**East:** Industrial/Commercial/Railroad

**South:** Commercial/Medical

**West:** Multi-Family/Industrial

9. The Growth Strategy Map identifies the area in which the Zoning Lot is located as a "Primary Growth" area, and the Proposed Land Development Plan Map designates this location as a "City Activity Center." The Zoning Lot is located within Tier 3 of the Center City Planning Area (Commercial and Employment Center Planning Area).

10. Prior to the Council's deliberations concerning the issuance of the requested conditional use permit ("CUP"), the Zoning Lot was legislatively placed in a Conditional Use General Commercial (CUB2) zoning district.

11. Section 102 of the AZO describes a Conditional Use District as follows:

*Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.*

12. Section 102 of the AZO further provides as follows:

*Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.*

*In addition, within a CU District no use shall be submitted (sic) except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.*

*The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.*

13. Section 1013.2 of the AZO establishes the following standards for the issuance by the Council of a conditional use permit:

*In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:*

1. *That the 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. *That the use meets all required conditions and specifications.*
3. *That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and,*
4. *That the location and character of the use if developed according to the 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.*

14. The land use for which the Applicant is seeking approval (the Child Care Center) is permitted by special use permit in the underlying B2 zoning district.

15. Section 210 of the AZO contains a statement of intent for the B2 general commercial zoning district, and this statement of intent provides as follows:

*The B2 General Commercial District is 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.*

16. Section 616 of the AZO lists the following specific requirements for the issuance of a special use permit, which will be a conditional use permit in this case, allowing the requested Child Care Center:

*Child Care Facilities may be permitted provided that the following requirements are met:*

- 616.1 *Child Care Facilities must meet the standards provided by the Child Day Care Commission. Evidence that Commission requirements are met shall be presented to the City prior to any Certificate of Zoning Compliance being issued.*
- 616.2 *Child Care Facilities may be permitted in Industrial Districts provided they are operated as an accessory use to a legal permitted use.*
- 616.3 *Facilities permitted in any Residential, OA6, O&I and B1, B2 and B3 Districts or that are contiguous to any residential district shall provide screening around play areas and parking areas to avoid any nuisance to adjoining residentially zoned property.*
- 616.4 *Facilities permitted in any residential district shall maintain the character and appearance of a residential use.*
- 616.5 *All facilities shall meet the standards of the N.C. Building Code.*
- 616.6 *Offstreet parking shall be provided in accordance with Article 400.*
- 616.7 *Applications for permits under this Section shall be accompanied by a site plan or plat which includes the location of all structures; parking areas including ingress, egress and maneuvering space; play areas; required screening; permitted signs and additional information as may be necessary to indicate compliance with these regulations.*

17. With the conditions suggested by the city's community development division staff, the site plan submitted by the Applicant is in compliance with the prescribed regulations and specifications of the AZO. The conditions offered for attachment to a potential CUP are as follows:

- (A) The site plan notes a 5' Type A Screen and 10' Type C Screen on the northern and western boundaries of the Zoning Lot, respectively; front yard landscaping consistent with AZO Section 308A along W. Ward Street and N. Church Street; and interior landscaping consistent with the requirements of AZO Section 409. Existing vegetation may also count towards these landscaping and screening requirements. However, should any deficiency in meeting these requirements occur, additional buffering or screening measures consistent with the applicable AZO sections will be required and must be installed.
- (B) The site plan does not indicate any additional outdoor lighting at this time. If the Applicant proposes outdoor lighting at a later date, such a proposal shall not be considered a modification requiring a new CUP. Information shall be submitted to city staff demonstrating compliance with AZO Section 317A.1 (Performance Standards for all Commercial Zoning Districts – Light) for inclusion in the file without further review by the Council.
- (C) The site plan labels a partially covered area for infants and toddlers. Should requirements from other agencies regulating child care dictate a different size or configuration of this covered area from the depiction on the site plan, such a change shall not be deemed to be a modification of the CUP as long as this change does not increase the gross floor area beyond the permitted limitations of AZO Section 1013.5. Within the parameters of this condition, information concerning such a change shall be submitted to city staff demonstrating compliance with the AZO requirements for review, approval, and inclusion in the file without further review by the Council.
- (D) Prior to the issuance of a Zoning Compliance Permit for the proposed Child Care Center, the owner(s) of the Zoning Lot shall properly execute for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this CUP in the chain of title for the Zoning Lot.

18. During the hearing of this matter, the Applicant, by and through her attorney, accepted the suggested conditions without modification and agreed to comply with the said conditions.

- 19. The Applicant has extensive experience properly operating a child care center.

20. No testimony was offered in opposition to the Applicant's request.

21. City employees in the community development division have reviewed the specific regulations prescribed by Section 616 of the AZO for child care facilities that require authorization by means of the issuance of a Special Use Permit, and the Applicant's proposal is compliant with these requirements.

22. As an experienced child care operator, the Applicant offered uncontroverted testimony that her existing business has not had any negative impacts on the value of adjoining property.

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

#### CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a CUP, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant has properly submitted an application for a CUP authorizing the operation of the Child Care Center on the Zoning Lot that is located in a CUB2 zoning district.

3. In light of the available evidence and the express agreement of the Applicant to accept and comply with the conditions recommended by the city's community development division staff, the Applicant's site plan for the proposed land use is compliant with the applicable requirements of the AZO.

4. On the basis of the evidence presented during the hearing of this matter, the Council has concluded that the proposed use meets the four (4) general standards for the granting of a CUP. More specifically, the proposed use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

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

#### ORDER

The Applicant is hereby issued a CUP authorizing the development and operation of a Child Care Center – Large, as defined by the Asheboro Zoning Ordinance, on the Zoning Lot. This CUP shall be valid so long as, and only so long as the Applicant, and her heirs, successors, and assigns, develop and conduct the approved land use in compliance with the provisions of the Asheboro Zoning Ordinance, the site plan reviewed and approved during the hearing on July 13, 2017, and remain in strict compliance with the following conditions:

- (A) The site plan notes a 5' Type A Screen and 10' Type C Screen on the northern and western boundaries of the Zoning Lot, respectively; front yard landscaping consistent with AZO Section 308A along W. Ward Street and N. Church Street; and interior landscaping consistent with the requirements of AZO Section 409. Existing vegetation may also count towards these landscaping and screening requirements. However, should any deficiency in meeting these requirements occur, additional buffering or screening measures consistent with the applicable AZO sections will be required and must be installed.
- (B) The site plan does not indicate any additional outdoor lighting at this time. If the Applicant proposes outdoor lighting at a later date, such a proposal shall not be considered a modification requiring a new CUP. Information shall be submitted to city staff demonstrating compliance with AZO Section 317A.1 (Performance Standards for all Commercial Zoning Districts – Light) for inclusion in the file without further review by the Council.
- (C) The site plan labels a partially covered area for infants and toddlers. Should requirements from other agencies regulating child care dictate a different size or configuration of this covered area from the depiction on the site plan, such a change shall not be deemed to be a modification of the CUP as long as this change does not increase the gross floor area beyond the permitted limitations of AZO Section 1013.5. Within the parameters of this condition, information concerning such a change shall be submitted to city staff demonstrating compliance with the AZO requirements for review, approval, and inclusion in the file without further review by the Council.

- (D) Prior to the issuance of a Zoning Compliance Permit for the proposed Child Care Center, the owner(s) of the Zoning Lot shall properly execute for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this CUP in the chain of title for the Zoning Lot.

The foregoing findings, conclusions, and order were adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of August, 2017.

/s/David H. Smith  
David H. Smith, Mayor  
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr  
Holly H. Doerr, CMC, NCCMC, City Clerk  
City of Asheboro, North Carolina

- (f) **An ordinance to amend the General Fund.**

**17 ORD 8-17**

**ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018**

WHEREAS, at the time of budget preparation, there were three monetary costs that were projected but not refined at a level that they could be allocated to specific departments and as a result, these were allocated in the Human Resources department budget, and;

WHEREAS, these three monetary costs are associated with Performance based pay awards, COG increases for 2017-2018 and an allocation for the final stages of movement of employees from Job /Grade/Step plan to the performance based pay plan, and;

WHEREAS, total cost allocated in the budget is \$100,000, and;

WHEREAS, the analysis for the movement of employees from job / grade / step plan to PBP is now complete and approved by the City Manager for implementation August 2017, and;

WHEREAS, the allocation now should be moved from Human Resources budget to the impacted departmental budgets, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
10-590-0600	Unallocated Pay Plan Changes	(17,237)
10-510-0200	Salaries	9,194
10-510-0702	FICA / Medicare	703
10-510-0705	Retirement	759
10-510-0706	401k	460
10-545-0200	Salaries	2,015
10-545-0702	FICA / Medicare	154
10-545-0705	Retirement	151
10-555-0200	Salaries	1,186
10-555-0702	FICA / Medicare	91
10-555-0705	Retirement	89
10-580-0200	Salaries	1,987
10-580-0702	FICA / Medicare	152
10-580-0705	Retirement	149
10-640-0200	Salaries	127
10-640-0702	FICA / Medicare	10
10-640-0705	Retirement	10
	Increase	<u>0</u>

Adopted this the 10th day of August 2017.

/s/David H. Smith  
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr  
Holly H. Doerr, CMC, NCCMC, City Clerk

**(g) An ordinance to amend the Water and Sewer Fund.**

**18 ORD 8-17**

**ORDINANCE TO AMEND THE WATER AND SEWER FUND FY 2017-2018**

WHEREAS, at the time of budget preparation, there were three monetary costs that were projected but not refined at a level that they could be allocated to specific departments and as a result, these were allocated in the Billing and Collection department budget, and;

WHEREAS, these three monetary costs are associated with Performance based pay awards, COG increases for 2017-2018 and an allocation for the final stages of movement of employees from Job /Grade/Step plan to the performance based pay plan, and;

WHEREAS, total cost allocated in the budget is \$35,000, and;

WHEREAS, the analysis for the movement of employees from job / grade / step plan to PBP is now complete and approved by the City Manager for implementation August 2017, and;

WHEREAS, the allocation now should be moved from Billing and Collection Department to the impacted departmental budgets, and;

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
30-720-0600	Unallocated Pay Plan Changes	(2,574)
30-830-0200	Salaries	938
30-830-0702	FICA / Medicare	72
30-830-0705	Retirement	70
30-840-0200	Salaries	1,298
30-840-0702	FICA / Medicare	99
30-840-0705	Retirement	97
	Increase	0

Adopted this the 10th day of August 2017.

/s/David H. Smith  
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr  
Holly H. Doerr, CMC, NCCMC, City Clerk

**(h) The temporary closure of streets for Fall Festival XLV, on October 6, 2016 from 9:00 p.m. until October 8, 2017 at 11:00 p.m.**

The parade permit application for the requested street closure, including a street closure map, was included in the Council's materials. Copies of these items are on file in the city clerk's office.

[At the conclusion of the council's consideration of the consent agenda, and in light of the approval of item 5(h), Mayor Smith recognized Grace McFeters, Executive Director of the Randolph Arts Guild. Ms. McFeters expressed her appreciation, as did the elected officials, for the cooperation between the city and the Arts Guild in staging events such as the Fall Festival.]

**6. Community Development Division Items:**

**(a) RZ-17-05: An application to rezone property located at 125 South Church Street (Randolph County Parcel Identification Number 7751725650) from I2 (General Industrial)/B3 (Central Commercial) to B3 on the entire parcel.**

Mayor Smith opened the public hearing, which was legislative in nature, on the following request.

The requested rezoning pertains to approximately 0.08 of an acre out of 1.67 acres of land located at 125 South Church Street that is owned by Jerry D. Neal. Randolph County Parcel Identification Number 7751725650 more specifically identifies the parcel of land that contains the 0.08 of an acre of land, more or less, that is not already zoned B3 and for which rezoning into a B3 zoning district is requested.

Mr. Nuttall utilized a visual presentation to summarize the planning staff's analysis of the request by Jerry D. Neal and Dustie Gregson to rezone the above-described land to B3 (Central Commercial) zoning.

The staff report noted the following:

1. The property is inside the city limits, and all city services are available.
2. South Church Street is a state-maintained minor thoroughfare at this location.
3. The property is located within Tier 1 (Central Business Planning Area) of the Center City Planning Area. Tier 1 is described by the zoning ordinance as "established to strengthen Asheboro's Center City Planning Area by incorporating a mix of commercial, office, institutional, residential, and public open space uses."
4. The property has previously been used for commercial activities, most recently a bar, and previously for retail shoppers' goods.
5. The majority of the property is currently zoned B3. A small portion of the property is zoned I2.
6. The B3 Central Commercial District is intended to be applied to the traditional commercial, governmental, administrative and service core of Asheboro, commonly known as the Central Business District (Zoning Ordinance, Sec. 210). It is also distinct from other commercial districts by requiring no off-street parking.
7. Adaptive reuse of formerly industrial properties for commercial and residential uses has occurred in the area in recent years, including several adjoining parcels.

The Planning Board recommended approval of the requested rezoning after concurring with the following analysis from the Community Development staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans, the reasonableness of the request, and whether the requested rezoning was in the public interest:

"The property is part of the City Activity Center, which is described by the Land Development Plan (LDP) as 'the historic core of community life in Asheboro.' This description further states that the City Activity Center 'incorporates a mix of commercial, office, institutional, residential, and public open space uses.' Uses permitted in the B3 district generally fit this description, and are likely more compatible with the City Activity Center designation than some uses permitted by the current I2 General Industrial zoning that exists on a portion of the property. The long standing history of the property for commercial activities is also more consistent with a B3 designation than an I2 designation. The Central Small Area Plan also emphasizes the importance of the preservation/revitalization of the City Center as a key issue.

The character of the immediate area has changed from industrial in nature to a mix of uses described by the City Activity Center designation, and rezoning approvals that appropriately match zoning designations with the intent of the City Activity Center have made revitalization of properties possible. Designating the property with one zoning district also helps streamline the development approval process.

These are also several transportation factors that support the B3 rezoning request. There is available on-street and off-street public parking in the vicinity. Recent improvements have also occurred which make South Church Street safer and more attractive for pedestrian and bicycle travel.

Finally, the property's location outside of watershed, flood areas, or areas with steep topography help make the requested B3 district appropriate.

These factors make the request consistent with the adopted LDP, and therefore reasonable and in the public interest."

There being no comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the hearing.

Upon motion by Mr. Bell and seconded by Mr. Swiers, Council voted unanimously to approve the requested rezoning by adopting a multi-part motion that included the following actions:

1. Approval and adoption as its own by the Council of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and
2. In light of the Council's above-stated determinations/analysis, the application for the requested zoning amendment was approved without any modifications.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

**(b) RZ-17-06: Application to rezone property located on the west side of Northampton Drive, north of Newbern Avenue and Eldorado Road (Northampton Heights subdivision, formerly Carriage at Sykes Farm III and Identified as lots 72-86 recorded in Plat Book 145, page 80) from Randolph County RE (Residential-Exclusive) zoning to City of Asheboro R10 (Medium-Density Residential) zoning, including public right-of-way of Northampton Drive.**

Mayor Smith opened the public hearing, which was legislative in nature, on the following request.

The requested rezoning pertains to approximately 7.75 acres of land located along the west side of Northampton Drive/north side of Eldorado Road/Newbern Avenue. Randolph County Parcel Identification Numbers 7750923185, 7750926840, 7750925661, 7750925522, 7750924492, 7750924353, 7750924214, 7750926700, 7750923045, 7750913916, 7750912876, 7750912747, 7750912608, 7750911578, and 7750911427 more specifically identify the parcels of land for which rezoning into an R10 Medium-Density Residential district is requested.

Mr. Nuttall utilized a visual presentation and highlighted a request by the City of Asheboro to rezone the above-described property from Randolph County (RE-Residential Exclusive) to City of Asheboro zoning (R10 Medium-Density Residential). This rezoning was filed as a consequence of the property being voluntarily annexed into the City of Asheboro. The proposed zoning reflects the most appropriate district supported by the Land Development Plan.

The staff report noted the following:

1. The property is inside the city limits and has access to city water. Sewer is approximately 200 feet from the property along Sykes Farm Road. The owner is investigating the extension of public sewer service in front of the subject property.
2. Northampton Drive and Eldorado Road/Newbern Avenue are state-maintained roads.
3. Portions of Lots 83-86 are within a Special Hazard Flood Area.
4. The property was previously in the City of Asheboro's zoning jurisdiction and zoned R10 Medium-Density Residential. The R10 zoning district permits single-family dwellings on lots with 10,000 square feet of land and two-family dwellings on lots with 15,000 square feet of land.

5. In 2013, the City released a portion of its extraterritorial zoning jurisdiction (ETJ) to Randolph County, including the subject property. Randolph County's zoning designation is RE (Residential-Exclusive), allowing primarily single-family dwellings.
6. In 2015, the city's Land Development Plan was updated. Due to the property's release from the city's ETJ, it was not included in the proposed land use or growth strategy maps in the 2015 update. However, the property was formerly designated for "neighborhood residential use." Adjacent properties within the City's zoning jurisdiction are designated for neighborhood residential use.
7. The LDP growth strategy map previously mapped the property as "Adjacent Developed," which the LDP states should receive "careful consideration for annexation and full provision of urban services."
8. The property was annexed into the City limits on June 30, 2017, at the request of the property owner. State statutes require zoning be placed on the property within sixty (60) days of annexation.

The Planning Board recommended approval of the requested rezoning after concurring with the following analysis from the Community Development staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans, the reasonableness of the request, and whether the requested rezoning was in the public interest:

"Due to the annexation of the property, zoning must be applied within 60 days. In reviewing the Land Development Plan, several checklist items and policies are supportive of the request.

First, the neighborhood residential designation emphasizes neighborhoods of similar density. Considering that the property was previously zoned R10 and adjacent properties to the east and south within the city's zoning district are zoned R10, staff believes the R10 district is the most suitable for ensuring compatibility with surrounding land uses.

Also, the growth strategy map's previous designation of the property in an 'Adjacent Developed Area' and the Central Small Area Plan's recommendation that areas adjacent to existing city limits will be given the highest priority for receiving urban services and being annexed also support an R10 designation. The Central Small Area Plan also cites areas south of Dixie Drive as one of the 'greatest development opportunities' within the Central Planning Area.

An R10 zoning designation is consistent with these goals and policies, and therefore staff believes this designation is the most reasonable and serves the public interest"

Mr. Harvey Haddock, a neighboring property owner, posed general questions for the Community Development staff in regards to the permitted uses within an R10 zoning district. There being no additional comments from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve the requested rezoning by adopting a multi-part motion that included the following actions:

1. Approval and adoption as its own by the Council of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and
2. In light of the Council's above-stated determinations/analysis, the application for the requested rezoning amendment was approved without any modifications.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

**(c) SUP-17-01: Application for Special Use Permit authorizing an addition to an Asheboro Housing Authority administrative building (a Public Use Facility) located at 338 W. Wainman Avenue at the intersection of Independence Dr. (Randolph County Parcel Identification Number 7751617880).**

Mayor Smith opened the quasi-judicial hearing on the request to issue a Special Use Permit for a Public Use Facility.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the Applicant's request that included a properly submitted site plan and building elevations for the Special Use Permit. The request pertains to approximately 5.38 acres of land owned by Asheboro Housing Authority (the Applicant) that is located at 338 West Wainman Avenue (at the intersection of Independence Drive). Randolph County Parcel Identification Number 7751617880 more specifically identifies the property.

The Applicant is seeking a Special Use Permit for a Public Use Facility, specifically to allow an addition onto the existing offices for the Asheboro Housing Authority. This addition would include, but not limited to, additional office space, restrooms, and meeting rooms. During his presentation, Mr. Nuttall utilized a visual presentation and noted the staff's analysis of the Special Use Permit application as follows:

1. The request is for a Public Use Facility, specifically to allow an addition onto the existing offices for the Asheboro Housing Authority. Multi-family housing is also on the same parcel of land.
2. West Wainman Avenue is a city-maintained street.
3. The property is located in Tier 1 (Central Business Planning Area) of the Center City Planning Area. The zoning ordinance describes this designation as encouraging the revitalization and new development in the Central Business Planning Area. Additionally, the zoning ordinance describes this designation as encouraging a pedestrian oriented mix of multi-story buildings located close to the street and containing an attractive mix of first-story storefronts, ample sidewalks, and street trees.
4. As detailed by Section 602.2 of the Zoning Ordinance, there are two options for approving a public use facility. If all zoning requirements are met, staff may approve a public use facility. If there is a deficiency in meeting zoning ordinance requirements, the applicant may apply for a special use permit to allow approval of the proposed public use facility with the identified deficiency(s).
5. After reviewing the proposed site plan, staff has identified two (2) deficiencies:
  - a. A sidewalk currently exits along West Wainman Avenue east of Independence Drive. As part of the proposed addition, Section 322A of the zoning ordinance requires a sidewalk to be extended along the entire frontage of the property since a sidewalk extends along part of the property's frontage.
  - b. Setbacks in this district are calculated from averaging the front setbacks in the same block. The front yard setback along West Wainman Avenue is a minimum of 15.75 feet and maximum of 25.75 feet. The proposed addition is 10.5 feet from the front property line, and encroachment into the front yard setback of 5.25 feet.
6. The Asheboro Comprehensive Pedestrian Plan identifies construction of sidewalks along this section of West Wainman Avenue as a high priority due to the property's location within Tier 1 of the Center City Planning area and proximity to a number of land uses (schools, parks, commercial uses, central business district, etc.)

Mr. Robert Lawler of the Asheboro Housing Authority was placed under oath and offered testimony in support of the request. This testimony was focused on addressing the four standards for issuance of a Special Use Permit. As part of his testimony, Mr. Lawler expressed his agreement with the following conditions that were recommended by the planning staff for attachment to the requested Special Use Permit:

1. The site plan erroneously labels the front setback along West Wainman Avenue as a 10' side setback with an incorrect (OA6) zoning designation. A revised site plan, reflecting the approved setback and correct zoning designation, shall be submitted to staff members in the City of Asheboro Community Development Division for staff review and inclusion in the file without further review by the Council.
2. Land use activities that do not require a Special Use Permit are permitted to the full extent permitted by the Asheboro Zoning Ordinance and shall not be deemed to be a modification requiring the issuance of a new Special Use Permit.
3. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of

Deeds, a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this Special Use Permit in the chain of title for the Zoning Lot.

No witnesses came forward in opposition to the Applicant's request for the issuance of a Special Use Permit. There being no additional comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

Upon motion by Mr. Bell and seconded by Mr. Moffitt, Council voted unanimously to approve, with the staff recommended conditions, the requested Special Use Permit. A final decision document with the formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the Council during regular session on September 14, 2017. This order will reflect the conditions imposed upon this permit as a consequence of the testimony during the public hearing.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

**(d) Notification of the City of Asheboro's award of N.C. Department of Commerce 2017-2018 Downtown Revitalization and Economic Development Grant.**

Mr. Nuttall informed the mayor and the council members that the City of Asheboro has been selected to receive \$100,000.00 for downtown revitalization as authorized under N.C. Session Law 2017-57, Senate Bill 257, Section 15.8(a). In order to receive the funding, the city staff must complete a proposal form and describe the project's proposed activities, estimated expenses, and expected outcomes. The form must be submitted to the N.C. Department of Commerce by September 15, 2017.

With the general consent of the council members, city staff will complete and submit the proposal form in order to receive the above-described funding. The funds received will be allocated for the rehabilitation of the former Acme/Sapona fitness center that was recently acquired by the city. Rehabilitation activities include, but are not limited to, the installation of a new roof and gym floor in order to transform the building into the city's recreation center. The project should be completed by July 2018.

**(e) Report of announcement by N.C. Department of Commerce of the city's inclusion in the Downtown Associate Community Program.**

Mr. Nuttall reported to the mayor and council members that the North Carolina Department of Commerce has provided notice of the selection of the City of Asheboro to receive technical assistance, training, and downtown redevelopment tools through the Downtown Associate Community Program which is coordinated under the NC Main Street and Rural Planning Center umbrella. This program is a pre-requisite for the designation as a Main Street community and will provide professional services such as a marketing analysis for Asheboro.

**(f) Presentation on recently completed marketing initiatives.**

Ms. Jordan Thompson, Community Development Division Intern, utilized a visual presentation in order to update the mayor and council members on her work with marketing initiatives during her internship. Ms. Thompson reported that city staff has been successful in advertising city events through various avenues of communication such as the government access channel, the city website and calendar, social media, an employee newsletter, press releases, local community calendars (e.g. Chamber of Commerce, the Tourism Development Authority, and Spectrum News), and through the distribution of event flyers.

Ms. Jordan's report was received positively and with great appreciation for her excellent work as an intern for the city.

**7. Public comment period.**

Mayor Smith opened the floor for public comments. During the public comment period, the following individuals came forward to speak: Barbara Chadwell, Owen Deese, Ray Read, Jeanine Read, Donna Perry, Harold Stallings, Pam Wiggins, William Walker, Barbara Ward, and Tim Greene. At the request of the mayor and council members, Community Development Director Trevor Nuttall also spoke during the public comment period in order to provide information in response to some of the questions raised by the other speakers.

The comments provided by the above-listed speakers pertained to concerns about the proposed Timber Ridge subdivision that underwent subdivision sketch design review during the council's regular July meeting. In order to more fully address the concerns raised during this portion of the

meeting, an informational workshop pertaining to the proposed subdivision will be held at a later date. City staff in the community development division will organize the workshop and will issue a press release announcing the said workshop.

No other comments were offered, and Mayor Smith closed the public comment period.

**8. Consideration of an agreement with the North Carolina Department of Transportation for a construction project to extend Commerce Place (SR 3102) from the existing end of the pavement to Pineview Road (SR 1703).**

City Engineer Michael Leonard, PE presented and recommended that the city enter into a "DOT CONSTRUCTION AGREEMENT" prepared by the North Carolina Department of Transportation ("NCDOT"). If executed, this agreement will enable a construction project to proceed to extend Commerce Place approximately 2,700 linear feet from its existing terminus to Pineview Road. Under the proposed agreement, the city would receive a \$400,000 grant from NCDOT for the construction project.

NCDOT would design and construct the proposed road. The city would be responsible for acquiring the proposed right-of-way after the final road alignment is determined.

Council Member Burks moved to accept the city engineer's recommendation and to approve the entry of the city into the proposed construction agreement with NCDOT. Council Member Swiers seconded the motion. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion and approved the city's entry into the "DOT CONSTRUCTION AGREEMENT" presented by the city engineer.

A copy of the said agreement is on file in the city clerk's office.

**9. Update on the change in bylaws of the Randolph County Economic Development Corporation.**

City Manager John Ogburn updated the mayor and city council on certain changes undertaken by the Randolph County Economic Development Corporation ("RCEDC"). The RCEDC Board of Directors is moving forward with several changes that were recommended by the Randolph County Strategic Planning Implementation Committee. These include revisions to the RCEDC bylaws and board structure to ensure that the RCEDC is organized to provide a full range of economic development services to serve the local government partners.

The RCEDC board will have 20 members. Eight of the members will be representatives of local government, and the remaining 12 members will be community directors from the RCEDC membership. Local government directors will serve by virtue of their position in local government. The Mayor of the City of Asheboro or his/her designee will be one of the local government directors.

No action was requested of the council, and none was taken.

**10. Closed session.**

Mayor Smith opened the floor for a motion to go into closed session pursuant to Section 143-318.11(a)(4) of the North Carolina General Statutes in order to discuss matters relating to the location and expansion of industries or other businesses in the area served by the City of Asheboro, including agreement on a tentative list of economic development incentives that may be offered by the city in negotiations. Mr. Bell moved to go into closed session, and Mr. Burks seconded the motion. The motion was then adopted unanimously. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

**11. Upcoming events.**

Upon returning to open session, Mayor Smith briefly led a discussion of upcoming events occurring with the city government and the community in general.

There being no further business, the meeting was adjourned at 9:11 p.m.

/s/Holly H. Doerr  
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk

/s/David H. Smith  
David H. Smith, Mayor