

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, AUGUST 9, 2018
7:00 p.m.**

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)
Linda H. Carter)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)
Charles A. Swiers)

John N. Ogburn, III, City Manager
Edsel L. Brown, Code Enforcement Officer
D. Jason Cheek, Police Captain
Timothy E. Cockman, Deputy Fire Chief
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

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. Consent agenda.

Upon motion by Mr. Burks and seconded by Ms. Snuggs, the Council Members voted unanimously to approve/adopt the following consent agenda items.

(a) The meeting minutes for the city council's regular meeting on July 12, 2018.

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) A revised ordinance designating the exterior of the Asheboro Female Academy as a local historic landmark (the revision corrects a typographical error in the previously adopted ordinance).

ORDINANCE NO. _____ 16 ORD 8-18 _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A REVISED ORDINANCE DESIGNATING THE EXTERIOR OF THE ASHEBORO FEMALE ACADEMY, 1839, AS A LOCAL HISTORIC LANDMARK IN ASHEBORO, NORTH CAROLINA

WHEREAS, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of local historic landmarks; and

WHEREAS, the City of Asheboro designated the Randolph County Historic Landmark Preservation Commission as a joint historic preservation commission on September 4, 2008, having the authority to exercise, within the planning jurisdiction of the City of Asheboro, all powers and duties given it by the Randolph County Historic Preservation Ordinance; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has taken into consideration all information contained in the Historic Landmark Designation Application for the Asheboro Female Academy, 1839; and

WHEREAS, the North Carolina Department of Natural and Cultural Resources, State Historic Preservation Office, has been given the opportunity to review the Local Landmark designation report which contains the historical information necessary for the Randolph County Historic Landmark Preservation Commission to determine special historical significance and integrity; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission and the Asheboro City Council conducted the require public hearings, and published legal notices with mailings to adjoining property owners; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has adopted a unanimous resolution requesting the City of Asheboro to designate the exterior of the Asheboro Female Academy, 1839, as a local historic landmark; and

WHEREAS, the Asheboro City Council finds that the Asheboro Female Academy, 1839, a two-room schoolhouse with a central hallway, and Asheboro's oldest existing building, meets the following specific criteria outlined in the Ordinance establishing the Commission: (1) Critical part of the City of Asheboro's and Randolph County's heritage by having value as an example of the cultural, historic and social heritage of the City of Asheboro and Randolph County; (2) Its identification with persons who significantly contributed to the architectural, cultural, economic, historical, social or other aspect of the development of the City of Asheboro and Randolph County; (3) Its distinctive theme, representing an architectural, cultural, economic, historic or other theme expressed through a distinctive building; and

WHEREAS, the property is more specifically described as follows:

The Asheboro Female Academy is located on approximately 0.5 acres on the southwest corner of 1126 S. Part Street, facing W. Walker Avenue, PIN 7750670033, Asheboro Township, Asheboro, N.C.

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

- 1: The property known as the exterior of the Asheboro Female Academy, 1839, located at 1126 S. Park Street, Asheboro, N.C., within the planning jurisdiction of the City of Asheboro, North Carolina, is hereby designated as a Local Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C, of the North Carolina General Statutes, and by inter-local agreement approved September 4, 2008, between the City of Asheboro and the County of Randolph.
- 2: That the exterior of the Asheboro Female Academy building may be materially altered, restored, remodeled, or demolished only following issuance of a Certificate of Appropriateness from the Historic Landmark Preservation Commission.
- 3: That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material or outer appearance thereof, after obtaining the necessary permits and official approval for said stated repair. Nothing herein shall prevent the construction, alteration, restoration, demolition, or removal of such features when a building inspector or similar authorized official certifies to the Historic Landmark Preservation Commission that such action is required for the public safety because of an unsafe condition. Furthermore, nothing shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.
- 4: That a suitable sign may be posted indicating the designation as a Local Historic Landmark and containing appropriate information.
- 5: That the Asheboro City Schools Board of Education, owner of the Asheboro Female Academy building, hereby accepts notice as required by the applicable law of this action, and directs that copies of this Ordinance be filed and indexed in the office of the Asheboro City Clerk, the Randolph County Register of Deeds, the Randolph County Tax Department, and both the City and County Planning and Inspections Departments as required by applicable law.

This ordinance was initially adopted by the Asheboro City Council in open session during a regular meeting held on the 12th day of July, 2018.

A revised Ordinance correcting typographical errors noted in the recitals was adopted by the Asheboro City Council in open session during a regular meeting held on August 9, 2018.

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

ATTEST:

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

- (c) **The temporary closure of certain streets and sections of streets for Fall Festival XLVI from 12:01 a.m. on October 6, 2018 12:01 a.m. until 11:00 p.m. on October 7, 2018.**

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.

- (d) **Approval to schedule for September 6, 2018, and to advertise, a public hearing pertaining to an application to rezone property located at 936 East Salisbury Street (Randolph County Parcel Identification Number 7761229036) from CU-OA6 (Conditional Use Office-Apartment) to O & I (Office & Institutional).**

4. Community Development Items:

- (a) **Land Use Case No. RZ-18-11: An application to rezone a parcel of land (Randolph County Parcel Identification Number 7761256503) owned by the Eastside Improvement Association, Inc. at 624 Brewer Street and 621 Franks Street from RA6 (High-Density Residential) and CU-B2 (Conditional Use General Commercial) to O & I (Office and Institutional).**

This land use case was listed on the meeting agenda as Item 4(b). Due to a pending request for a continuance, and with the general consent of the Council Members, Mayor Smith modified the order of items on the meeting agenda in order to hear the request for a continuance before considering the other land use items.

The request for a continuance was found in a written statement from Harold Odell Anderson, which noted that Rodney C. Mason, Esq. was functioning as attorney for the petitioners. The written statement was dated August 7, 2018, and asked for a continuance of not less than 60 days. In compliance with G.S. 160A-385, the city clerk distributed this written statement to the Council Members on August 8, 2018.

Immediately after moving the continuance request to the front of the land use items listed on the meeting agenda, Mayor Smith opened the public hearing on Case No. RZ-18-11. At this point, Mayor Smith asked Community Development Director Nuttall if there was any additional information that needed to be brought to the governing board's attention prior to considering the request for a continuance.

Mr. Nuttall informed the Council that the Applicant's representatives had questioned whether a conflict of interest precluded Council Member Snuggs from participating in this case. In order to respond to the Applicant's question, Mr. Nuttall noted that highlighted copies of Section 160A-381 of the North Carolina General Statutes had been placed in the Council Members' materials. Mr. Nuttall further stated that as noted in the statute "a city council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member."

Subsequently, Mayor Smith inquired of Ms. Snuggs as to whether the outcome of this case is reasonably likely to have a direct, substantial, and readily identifiable financial impact on her, and Ms. Snuggs indicated that the outcome of the case would not have such an impact on her. Ms. Snuggs did not request to be excused from voting on this case. Additionally, no other Council Member moved to excuse Ms. Snuggs from voting.

Once the question of whether Ms. Snuggs should be excused from voting was resolved, Mayor Smith provided Mr. Rodney Mason and Dr. Dannellia Green to present opposing views on the appropriateness of the requested continuance.

After discussion and deliberation by the Council Members, Council Member Redding moved to continue the public hearing to the Council's regular meeting on October 4, 2018. Council Member Moffitt seconded the motion.

During the ensuing debate, concerns were raised about the length of time before the Council would make a final decision about this rezoning case. In response to this concern, Council Member Redding moved to amend the previously seconded motion to reflect that the public hearing on this rezoning case would be continued to the Council's regular meeting on September 6, 2018, not October 4, 2018. Council Member Bell seconded the motion to amend the underlying motion to continue the public hearing. Council Members Bell, Burks, Carter, Redding, Snuggs, and Swiers voted aye. Council Member Moffitt voted no. Thus, the motion to amend was approved.

After the adoption of the motion to amend, the Council Members voted on the underlying motion to continue the public hearing for Case No. RZ-18-11. Council Members Bell, Burks, Carter, Redding, Snuggs, and Swiers voted aye. Council Member Moffitt voted no. Thus, the public hearing for this land use case was continued to the Council's regular meeting on September 6, 2018.

- (b) Combined quasi-judicial hearing (Case No. RZ/CUP-18-08): An application to rezone property from R10 (Medium-Density Residential), B2 (General Commercial), and I2 (General Industrial) to CU-I2 (Conditional Use General Industrial) and to issue a Conditional Use Permit for a transfer station, including ancillary manufacturing, processing, and assembly activities. This property is located at 2445 and 2455 North Fayetteville Street and 200, 204, and 208 Pineview Street (Randolph County Parcel Identification Numbers 7753975069, 7753976059, 7753977009, 7753978029, 7753978243, 7763070038, 7753974069, and 7753973059.) [As noted in the preceding entry, this case was listed on the meeting agenda as item 4(a) until the order of cases was modified in order to give earlier consideration to a continuance request for another land use case.]**

Mayor Smith re-opened the hearing on the combined request from Covanta Environmental Solutions, LLC (the "Applicant") to legislatively rezone the above-described property (the "Zoning Lot") and to issue a Conditional Use Permit on the basis of evidence presented during the quasi-judicial hearing. This hearing was continued from the council meeting held on July 12, 2018.

Mr. Nuttall, who was originally placed under oath on July 12, 2018, presented the planning staff's analysis of the Applicant's request that included a properly submitted site plan for the Conditional Use Permit. The analysis of the requested rezoning to a CU-I2 zoning district noted in part:

1. The property is located inside the city limits.
2. North Fayetteville Street is a state-maintained major thoroughfare at this location. Pineview Street is a state-maintained minor thoroughfare at this location that connects North Fayetteville Street with I-73/I-74. This section of Pineview Street is proposed to be widened from two lanes in each direction to three lanes (two lanes in each direction plus a center turn lane) with construction projected to begin during the Winter of 2020 (Project U-5711).
3. The zoning ordinance description of the underlying I2 General Industrial district is "to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts."
4. The Land Development Plan's Proposed Land Use Map has three separate designations for the Zoning Lot: Employment Center, Commercial, and Neighborhood Residential.
5. The Zoning Lot is located within an Opportunity Zone. These zones, comprised of lower income census tracts, provide certain federal tax incentives for qualifying economic investments.

Mr. Nuttall also presented the staff's analysis of the Conditional Use Permit application. This analysis noted, in part, as follows:

1. The requested permit is for a transfer station. A transfer station is defined as "a use of land where non-hazardous or nontoxic waste such as residential, commercial or industrial is temporarily deposited for the purpose of a break in bulk and further shipment to a landfill or other appropriate destination." The request also includes ancillary manufacturing, processing, and assembly activities.
2. If the rezoning request is not approved in its entirety, the site plan as submitted will have to be revised and resubmitted to Council for consideration at a later date.
3. There is a transfer station on the adjoining property at 2501, 2503, and 2505 North Fayetteville Street. Although there is a vehicular connection to the existing transfer station proposed, the adjoining property is not part of this request.
4. The request includes the addition of a shredding/process building that is approximately 24,000 square feet (120' X 200'), parking areas, a guardhouse, open storage, and a future office.

5. One entrance is proposed from Pineview Street and one entrance is proposed from North Fayetteville Street.

The planning board adopted the planning staff's analysis of the rezoning request and recommended approval of the requested rezoning for the portion of the Zoning Lot identified by the following parcel identification numbers: 7753978243, 7763070038, 7753978029, 7753977009, and 7753976059. However, the staff and planning board recommendation was to deny the requested rezoning of the portion of the Zoning Lot identified by the following parcel identification numbers: 7753975069, 7753974069, and 7753973059. The basis for these recommendations was articulated as follows:

The Land Development Plan's Proposed Land Use Map recommends development of an employment center on one of the parcels requested for rezoning (2455 N. Fayetteville St.). This designation supports accommodating industrial uses and expansions of existing businesses. Outside of the employment center, this map essentially recognizes the current zoning and suggests a continuation of the status quo in terms of future development. However, the existence of industrial uses to the east, north, and south of the subject properties, combined with the planned road improvements to Pineview Street and several supportive Land Development Plan goals and policies, make the request to rezone the applicant's B2 zoned parcels to a conditional use industrial zoning district reasonable and in the public's interest.

The requested rezoning of the applicant's residentially zoned parcels to a conditional use industrial zoning district are less supported by the Land Development Plan and would result in the expansion of industrial zoning into a residentially zoned area with no transition. While the conditional use permitting process can help to mitigate compatibility concerns and the planned road improvements will have an effect on the existing residential character of the area, staff does not believe the Land Development Plan offers sufficient support to find this portion of the request reasonable and in the public interest.

On behalf of the applicant, Mr. Barron Thompson, Esq. and Mr. Greg Russell were placed under oath and offered testimony in support of the application. This testimony specifically included addressing the four standards for the issuance of a Conditional Use Permit. As part of his testimony, Mr. Thompson expressed that the applicant agreed with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:
 - (i) Driveway permit from NCDOT
 - (ii) Erosion control approval from NC Department of Environmental Quality
2. Prior to issuing a Zoning Compliance Permit, the applicant shall submit additional detail concerning the following items on a revised site plan:
 - (i) Outdoor lighting consistent with Performance Standards in Industrial Zoning Districts (Section 317A)
 - (ii) Number of employees in largest shift and number of facility vehicles to determine compliance with minimum number of parking spaces required by Table 400-1
 - (iii) Screening of open storage consistent with the requirements of Section 305A
 - (iv) Front yard landscaping consistent with Section 308A
 - (v) Buffer "D" adjacent to Michael T. Davis property (DB 1578, PG 551)

The revised site plan shall be submitted to staff members of the Asheboro Community Development Division for staff review and inclusion in the file without further review by the city council.

3. The following items shall be approved by the Asheboro Fire Department prior to the issuance of a Zoning Compliance Permit:
 - (i) Additional fire hydrant(s) within the Zoning Lot as determined necessary by the Fire Chief.
 - (ii) Determination that proposed access gate(s) meet requirements of NC Fire Prevention Code.
 - (iii) A Spill Prevention, Control, and Countermeasures Plan approved by Fire Department.
4. Building materials on facade(s) facing North Fayetteville Street may be any material as permitted by Article 300A, Section 316A.C.
5. The Applicant shall be responsible for ensuring compliance with all state and federal permitting requirements.

6. 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 the Conditional Use Permit in the chain of title for the Zoning Lot.

No one offered testimony in opposition to the application. There being no further comments, Mayor Smith transitioned to the deliberative phase of the application process.

With regard to the requested zoning map amendment, the Council disagreed with the staff and planning board analysis of the consistency of the request with the land development plan. Council Member Moffitt moved, and Council Member Bell seconded the motion, to adopt a plan consistency statement and to approve the requested rezoning in its entirety with the following multi-part motion:

1. City Council Analysis of the Requested Map Amendment: The Land Development Plan's Proposed Land Use Map recommends development of an employment center on the parcel of land at 2455 N. Fayetteville Street. This designation supports accommodating industrial uses and expansions of existing businesses. Outside of the employment center, this map essentially recognizes the current zoning and suggests a continuation of the status quo in terms of future development. However, the existence of industrial uses to the east, north, and south of the subject properties in combination with the planned road improvements to Pineview Street and several supportive Land Development Plan goals and policies make the request to rezone the B2 parcels within the Zoning Lot to a conditional use industrial zoning district reasonable and in the public's interest.

The requested rezoning of the Zoning Lot's residentially zoned parcels to a conditional use industrial zoning district also finds support in the Land Development Plan. The conditional use permitting process can help to mitigate compatibility concerns, and the planned road improvements will impact the existing residential character of the area. Thus, the city council finds the entirety of the rezoning request to be reasonable and in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the entirety of the Zoning Lot's eight identified parcels in a CU-I2 zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

After approving the requested zoning map amendment, the Council Members concluded that the standards for granting the requested Conditional Use Permit had been met. Upon motion by Mr. Moffitt and seconded by Mr. Burks, the Council voted unanimously to approve the requested Conditional Use Permit, with the stated conditions, authorizing a transfer station and ancillary manufacturing, processing, and assembly. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

The final decision document authorizing the Conditional Use Permit and specifying the conditions attached to the permit will be entered by the Council during regular session on September 6, 2018.

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

- (c) **Combined quasi-judicial hearing (Case Nos. RZ/CUP-18-10 and SUB-18-02): An application to rezone property from R10 (Medium-Density Single-Family Residential) to CU-RA6 (Conditional Use High-Density Residential) and to issue a conditional use permit, including the required subdivision sketch design review, for a residential planned unit development. This property (Randolph County Parcel Identification Number 7762740259) is located on the north side of East Allred Street, west of 1591 East Allred Street.**

Mayor Smith opened the public hearing on these land use cases and asked for the witnesses to be placed under oath. Community Development Director Trevor Nuttall was placed under oath and provided the Community Development Division staff's analysis of the application for the

above-described legislative rezoning, Conditional Use Permit, and subdivision sketch design approval.

McDowell Timber Company (the "Applicant") filed this application in order to develop a residential planned unit development on approximately 4.04 acres of the Applicant's land that is more specifically identified by Randolph County Parcel Identification Number 7762740259 (the "Zoning Lot").

The planning staff's analysis of the application for a zoning map amendment noted, in part, as follows:

1. The Zoning Lot is located inside the city's corporate limits.
2. East Allred Street is a state-maintained minor thoroughfare.
3. The Zoning Lot was rezoned in 2001 and 2002. Along with the rezoning, Conditional Use Permits were issued for two residential planned unit developments.
4. These developments were not initiated within the permitted time frame. Consequently, in 2015, the city followed the applicable Asheboro Zoning Ordinance regulations and placed the Zoning Lot back into the R10 zoning district.
5. The current R10 district allows a single-family dwelling on a lot with at least 10,000 square feet and a two-family dwelling on lot with at least 15,000 square feet.
6. The RA6 district allows single, two-family, and multi-family dwellings.
7. The western portion of the Zoning Lot (approximately 1.6 acres of land) is located within a flood hazard area.
8. The zoning ordinance describes the RA6 zoning district as "intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."

With regard to the application for a Conditional Use Permit, Mr. Nuttall provided the following analysis:

1. The requested permit is for a residential planned unit development consisting of 10 proposed units to be known as Cane Creek Townhomes.
2. The Zoning Lot was previously zoned CU-RA6 with a permit issued for 11 residential dwelling units. This permit expired, and the Zoning Lot was rezoned back to R10 in 2015.
3. Portions of the Zoning Lot are within a flood area, including a part of the proposed turnaround for emergency vehicles. Although the dwelling units appear to be outside of the flood hazard area, Units 8 and 9 are immediately adjacent to the flood area. Confirmation that dwellings and other development activity requiring a flood permit are either completely outside of the flood area or meet flood ordinance requirements (including any required flood development permit(s)) will be needed prior to the issuance of a Zoning Compliance Permit(s).
4. The site plan indicates that the units will have a minimum of 1,200 square feet. There are three residential structures. Two of the structures contain four dwelling units each. The third structure contains two dwelling units. The proposed design includes single-story units with a one-car garage provided for each of the units.
5. The North Carolina Building Code requires a two-hour rated firewall for the structures with two dwellings. The structures with four dwellings require a one-hour rated firewall plus a sprinkler system.
6. There is a proposed recreational area on the west side of the Zoning Lot.
7. The Applicant proposes using a combination of planted buffering/landscaping, existing vegetation, and an evergreen screen between the proposed public street and the adjoining residential use to the east.

The Community Development Division staff and the Planning Board recommended approval of the requested legislative rezoning based on the following analysis:

Prior to the city-initiated rezoning of the property in 2015, the property had been in the CU-RA6 district. City staff took action to rezone the property to R10 due to inactivity of the conditional use permits as prescribed by the zoning ordinance. The current request does include a corresponding Conditional Use Permit and site plan review that can best ensure the property is developed in harmony with surrounding uses and also incorporate design elements promoted by the Land Development Plan's Neighborhood Residential designation. Such elements include sidewalks, open space, and recreation area that typically are not required in conventional subdivisions.

Additionally, the CU-RA6 district and conditional use permitting process can lead to less disturbance of flood area, steep slopes, and other environmentally sensitive features that are unique to this property. Considering these factors, staff believes that the requested CU-RA6 district is consistent with the Land Development Plan and therefore reasonable and in the public interest.

On behalf of the Applicant, Mr. Barron Thompson, Esq. was placed under oath and addressed the four standards for the issuance of a Conditional Use Permit. As part of his testimony, Mr. Thompson expressed agreement with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. The site plan shows preservation of existing vegetation, outside of areas of necessary site disturbance, along the western and northern portions of the Zoning Lot. If the vegetation is not preserved in this area, a Type A Buffer or Screen shall be installed by the developer.
2. The site plan shows a combination of preservation of existing vegetation and planted vegetation, outside of areas of necessary site disturbance, within the front yard along East Allred Street. At a minimum, vegetation required by Section 308A shall be installed and maintained within the front yard along East Allred Street.
3. Enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside the common area shall not be considered a modification of the permit requiring City Council review.
4. Units shall possess a minimum of 1,200 square feet of heated space.
5. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:
 - (i) Driveway permit from NCDOT.
 - (ii) Erosion control approval from NC Department of Environmental Quality.
6. 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 the Conditional Use Permit in the chain of title for the Zoning Lot.

When reviewing the staff analysis of the subdivision sketch design plat, Mr. Nuttall noted that the proposed street is 457 linear feet in length and includes a public service vehicle turnaround. This length meets the requirement that permanent dead-end streets not exceed 500 feet unless topography or property configuration necessitates their use. The staff analysis is consistent with the conclusion that the presence of extensive flood plain and adjacent development patterns support the subdivision's street layout.

No one offered testimony in opposition to the Application. There being no further comments, Mayor Smith transitioned to the deliberative phase of the application process.

With regard to the requested zoning map amendment, the Council concurred with the staff and planning board analysis of the consistency of the request with the land development plan. Council Member Bell moved, and Council Member Carter seconded the motion, to adopt a plan consistency statement and to approve the requested rezoning with the following multi-part motion:

1. City Council Analysis of the Requested Map Amendment: Prior to the city-initiated rezoning of the property in 2015, the Zoning Lot had been in a CU-RA6 district. Due to a lack of development activity, the City staff

followed the applicable Asheboro Zoning Ordinance provisions in order to return the Zoning Lot to an R10 zoning district. The current request includes a corresponding Conditional Use Permit and site plan review process that can best ensure the property is developed in harmony with surrounding uses and incorporates design elements promoted by the Land Development Plan's Neighborhood Residential designation. These elements include sidewalks, open space, and recreation area that are not typically required in conventional subdivisions.

Additionally, the CU-RA6 district and conditional use permitting process can lead to less disturbance of flood area, steep slopes, and other environmentally sensitive features that are unique to the Zoning Lot. Considering these factors, the city council has concluded that the requested CU-RA6 district is consistent with the Land Development Plan and therefore reasonable and in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the Zoning Lot in a CU-RA6 zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

After approving the requested zoning map amendment, the Council Members concluded that the standards for granting the requested Conditional Use Permit had been met. Upon motion by Council Member Bell and seconded by Council Member Burks, the Council voted unanimously to approve the requested Conditional Use Permit, with the stated conditions, authorizing a residential planned unit development. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

The final decision document authorizing the Conditional Use Permit and specifying the conditions attached to the permit will be entered by the Council during regular session on September 6, 2018.

With regard to the request for subdivision sketch design review and approval, the Council Members concurred with the recommendations of the Community Development Division staff and the Planning Board. Subject to the comment/condition that homeowners' documents are required to be recorded with the final plat and must include maintenance mechanisms for the common area along with restrictions concerning recreational vehicle (RV) parking, Council Member Bell moved to approve the sketch design for the proposed Crane Creek Townhomes:

Council Member Carter seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the submitted sketch design plat was approved.

The visual presentation utilized by Mr. Nuttall during his presentation is on file in the City Clerk's office.

- (d) **Quasi-judicial hearing (Case No. CUP-18-14) [Due to a clerical error, the staff analysis and the meeting agenda referred to this case as a Special Use Permit application identified as Case No. SUP-18-03. This designation was incorrect. The permit sought by the applicant is a Conditional Use Permit, and the correct case no. is CUP-18-14.]: An application for a Conditional Use Permit authorizing manufacturing, processing, and assembly (light) in a conditional use general commercial (CU-B2) district at 307 and 313 East Allred Street, more specifically identified as a portion of Randolph County Parcel Identification Number 7762112401.**

Mayor Smith opened the quasi-judicial hearing on this application for a Condition Use Permit authorizing a manufacturing, processing, and assembly (light) use in a CU-B2 zoning district. Due to the location of the proposed land use in a CU-B2 zoning district, a Conditional Use Permit rather than a Special Use Permit is needed.

The proposed land use is to be located on approximately 6.7 acres of land (the "Zoning Lot") that is currently owned by Kathryn H. Allred and located at 307 and 313 E. Allred Street. The Zoning Lot is more specifically identified as a portion of the parcel of land identified by Randolph County Parcel Identification Number 7762112401.

The Conditional Use Permit application was submitted by Betsy T. Moody as an agent for Antonio Caliz, Abraham Caliz, Juan Caliz, and Brayan Caliz (collectively referred to as the "Applicant"). The property owner, Ms. Allred, supports the Conditional Use Permit application.

Community Development Director Trevor Nuttall was placed under oath and presented the planning staff's analysis of the Conditional Use Permit application, which included a properly submitted site plan. During his testimony, Mr. Nuttall utilized a visual presentation that included the following uncontested information:

1. The Zoning Lot is located inside the city's corporate limits.
2. East Allred Street is a state-maintained minor thoroughfare.
3. The request is for a Conditional Use Permit allowing manufacturing, processing, and assembly-light. This use is allowed in the CU-B2 zoning district with a Conditional Use Permit.
4. The proposal is to use existing buildings.
5. There are currently two access driveways on the property. One is to serve the proposed land use, and the second driveway serves the existing manufactured (mobile) home.
6. A Special Use Permit was previously issued for manufacturing, processing, and assembly-light for construction of accessory buildings (i.e. storage sheds, etc.)
7. The Zoning Ordinance requires a new permit, in this case a Conditional Use Permit, when there is deemed to be a significant change in the "manufacturing, process, and assembly-light" activities.
8. The Applicant is proposing to operate a granite and marble business on the Zoning Lot.
9. The existing manufactured home is a legal non-conforming use. This use may continue subject to meeting code requirements.
10. Certain legal non-conforming situations exist on the property, such as a lack of paved parking and a deficiency in front yard landscaping. The Applicant proposes to retain the existing vegetation along the west and north side of the Zoning Lot, which is not required by the zoning ordinance. The Applicant's site plan proposes retaining existing vegetation in the front yard and adding five trees. The Applicant proposes to maintain access drives and parking areas as required by the Fire Department.

Ms. Kathryn Allred and Mr. H.R. Gallimore were placed under oath and offered testimony in support of the request. This testimony focused on addressing the four standards for the issuance of a Conditional Use Permit.

As part of their testimony, Ms. Allred and Mr. Gallimore expressed agreement with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit:

1. Prior to occupancy of the proposed land use, the following items shall be approved and completed:
 - (i) The Final Decision Document approving the requested Special Use Permit.
 - (ii) Approvals related to a Change of Occupancy application.
 - (iii) One or more instrument(s) drafted to establish in fact the boundary lines shown on the submitted site plan shall be properly executed and recorded in the Office of the Randolph County Register of Deeds. Notice of such recordation shall be provided in a timely manner to the City of Asheboro Zoning Administrator.
 - (iv) The construction of a fire access road at least 20 feet in width consisting of an all-weather surface in the location shown on the approved site plan and repairs to existing access/driveway surfaces as required by the Asheboro Fire Chief and Asheboro Fire Marshal for emergency services.
 - (v) Van accessible handicapped parking space as labeled on the approved site plan.
2. The site plan identifies one mobile (manufactured) home on the Zoning Lot. Subject to Article 800 (Nonconformities), if this structure is replaced by another manufactured home, this shall not be considered a modification requiring a new Conditional Use Permit.
3. Removal of structure(s) on the Zoning Lot not required for the proposed land use shall not be considered a modification requiring a new Conditional Use Permit.

4. Along with meeting the requirements of Conditions 1(iv) and 1(v) above, parking spaces serving customer(s) and employee(s) consistent with Table 400-1 shall be provided and clearly marked with wheel stops or similar means of marking spaces. Subject to other permit conditions and regular requirements, if the Applicant relocates the designated parking space, this shall not be considered a modification of the Conditional Use Permit.
5. If the Applicant chooses to either pave these parking areas (including parking spaces, access, and maneuvering areas) or loading spaces, which is optional, such an action shall not be considered to be a modification of the Conditional Use Permit.
6. Access gate(s) shall be subject to the approval of the Asheboro Fire Department.
7. Existing vegetation on the north side of the Zoning Lot shall be retained to the maximum extent possible, with the exception of grading and the placement of required infrastructure. Existing vegetation within the front yard shall be maintained. If any vegetation within the required front yard is removed, the removed vegetation shall be replaced consistent with the requirements of Section 308A.

No witnesses testified in opposition to the Conditional Use Permit application. Mayor Smith then transitioned to the deliberative phase of the public hearing.

Upon motion by Council Member Bell and seconded by Council Member Swiers, the Council voted unanimously to approve, with the staff recommended conditions, the requested Conditional Use Permit. A final decision document will be entered by the Council during regular session on September 6, 2018. This order will reflect the conditions imposed upon this permit as a consequence of the testimony received during the public hearing.

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

(e) Public hearing (Case No. RZ-18-09): An application to rezone property at the western corner of East Dixie Drive and Arrowwood Road (including Randolph County Parcel Identification Numbers 7760177267 and 7760177187) from CU-B2 (Conditional Use General Commercial) to B2 (General Commercial).

Mayor Smith opened the public hearing, which was legislative in nature, on the request by Mark Hammer (the "Applicant") to rezone approximately 0.73 of an acre of land from CU-B2 (Conditional Use General Commercial) to B2 (General Commercial). The land to be rezoned (the "Zoning Lot") is owned by Andy and Dreama Archibald and Karl Mark Hammer.

The Zoning Lot consists of two parcels of land located at the western corner of East Dixie Drive and Arrowwood Road. The Zoning Lot is more specifically identified by the following Randolph County Parcel Identification Numbers: 7760177267 and 7760477187.

Mr. Nuttall utilized a visual presentation to summarize the planning staff's analysis of the rezoning application. The staff report noted the following:

1. The Zoning Lot is located inside the city limits.
2. East Dixie Drive is a state-maintained boulevard (a type of major thoroughfare). Arrowwood Road is a local, city-maintained street. The intersection of East Dixie Drive and Arrowwood Road in front of the Zoning Lot contains a traffic signal for traffic exiting Arrowwood Road, and going left and straight/right.
3. The Zoning Lot is currently used for driveway access to the adjoining eating establishment. While there is no structure on the property, permits for seasonal sales activities have been permitted on the property.
4. The existing conditional use permit (CUP-85-03) included a broad array of permitted uses, including a "unified housing development" that would not be permitted in a B2 district under current requirements.
5. The zoning ordinance states that the intent of the B2 district is *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 major or minor thoroughfares, never local streets.*
6. Along with other zoning requirements (including but not limited to paving of required parking, landscaping, etc.), new commercial construction requiring a building permit and located on a street with curb and gutter generally requires the

owner or developer to install a sidewalk along the property's public street frontage.

The Planning Board recommended approval of the request. This recommendation was based on the Planning Board's concurrence with the following analysis from the Community Development Division staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

The land development plan designates this property for commercial use in its entirety, recognizing that East Dixie Drive has increasingly been one of the city's primary commercial areas since the CU-B2 designation was applied to this property over three decades ago. Since that time, numerous general district rezoning requests have been applied for and granted, solidifying much of the corridor for commercial use.

The direct access to East Dixie Drive, with a signalized intersection at Arrowwood Road, also supports the request for a B2 General Commercial designation.

While staff acknowledges the possibility that a conditional use district and permitting process typically offer greater certainty in knowing the specific use and manner in which a property develops, staff also acknowledges that many of the conditions applied to the property at that time (i.e. buffering, lighting, paved parking, building design requirements, etc.) are now a standard requirement for any new commercial development located in a B2 zoning district. Considering these factors, staff believes the request is consistent with the adopted comprehensive Land Development Plan and therefore reasonable and in the public interest.

Mr. H.R. Gallimore presented comments in support of the request.

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

The city council concurred with the staff and planning board analysis of the consistency of the request with the land development plan. Council Member Moffitt moved, and Council Member Snuggs seconded the motion, to adopt a plan consistency statement and to approve the requested rezoning with the following multi-part motion:

1. City Council Analysis of the Requested Map Amendment: The land development plan designates this property for commercial use in its entirety, recognizing that East Dixie Drive has increasingly been one of the city's primary commercial areas since the CU-B2 designation was applied to this property over three decades ago. Since that time, numerous general district rezoning requests have been applied for and granted, solidifying much of the corridor for commercial use.

The direct access to East Dixie Drive, with a signalized intersection at Arrowwood Road, also supports the request for a B2 General Commercial designation.

The conditional use district and permitting process typically offer greater certainty in knowing the specific use and manner in which a property develops. However, many of the conditions applied to the Zoning Lot at the time the property was placed in a conditional use district (i.e. buffering, lighting, paved parking, building design requirements, etc.) are now a standard requirement for any new commercial development located in the requested B2 zoning district. Considering these factors, the city council has concluded that this application for a zoning map amendment is consistent with the adopted comprehensive Land Development Plan and therefore reasonable and in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the Zoning Lot in a B2 (General Commercial) zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

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

(f) Consideration of appointments to the Redevelopment Commission and Planning Board:

(i) Planning Board vacancy.

Mr. Nuttall reported to the Council that Mr. James Lindsey will no longer be available to serve on the Planning Board.

Ms. Pamela Vuncannon previously submitted an application to serve on the Planning Board. With this knowledge in mind, Mr. Nuttall recommended the appointment of Ms. Pamela Vuncannon to fill the unexpired term of Mr. Lindsey on the Asheboro Planning Board.

Upon motion by Mr. Burks and seconded by Mr. Moffitt, the Council voted unanimously to appoint Ms. Pamela Vuncannon to complete Mr. Lindsey's unexpired term of office on the Asheboro Planning Board.

(ii) Redevelopment Commission vacancy.

Mr. Nuttall reported that Mr. Ross Holt previously submitted an application expressing interest in serving on the Asheboro Redevelopment Commission. With this knowledge in mind, Mr. Nuttall recommended the appointment of Mr. Holt to complete the unexpired term of office of the late Mr. Roger Spoon on the Asheboro Redevelopment Commission.

Upon motion by Mr. Moffitt and seconded by Mr. Swiers, the Council voted unanimously to appoint Mr. Ross Holt to the Asheboro Redevelopment Commission.

(iii) Re-appointment of Jonna Libbert to Redevelopment Commission

Mr. Nuttall reported that current Asheboro Redevelopment Commission Member Ms. Jonna Libbert has expressed interest in serving another term on the Asheboro Redevelopment Commission and recommended that she be re-appointed to the commission.

Upon motion by Mr. Burks and seconded by Mr. Bell, the Council voted unanimously to re-appoint Ms. Libbert to the Asheboro Redevelopment Commission.

(g) Update on a potential CDBG Neighborhood Revitalization Grant.

Mr. Nuttall reported that during a public hearing in June 2018 for a potential CDBG Neighborhood Revitalization Grant, individuals expressed interest in the city hosting a public workshop to receive input and suggestions on potential projects. The workshop is tentatively scheduled for the last week in August.

Upon motion by Mr. Bell and seconded by Ms. Carter, the Council voted unanimously to allow city staff members to move forward with this process.

(h) Acknowledgement of the city manager's execution of the URP18 Funding Agreement with the North Carolina Housing Finance Agency.

City Council Members were updated on the status of the previously discussed funding agreement with the North Carolina Housing Finance Agency. The council was satisfied with the update and expressed no objection to the city manager's execution of documents pertaining to the URP18 Funding Agreement with the North Carolina Housing Finance Agency.

No formal action was taken by the Council during this portion of the meeting.

5. Public comment period.

Mayor Smith opened the floor for public comments, and none were offered.

Mayor Smith closed the public comment period.

6. Upcoming events.

Mayor Smith led a brief discussion of upcoming events occurring within the city government and the community in general. No action was taken by the city council during this portion of the meeting.

There being no further business, the meeting was adjourned at 9:23 p.m.

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

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