



Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, April 1, 2019
7:00 PM
AGENDA

- I. Call to Order
- II. Consent Agenda Items
 - a.) Approval of Minutes from March 4, 2019
 - b.) Approval of Final Decision Document for BOA-19-01: 759 Newbern Ave.
 - c.) Approval of Final Decision Document for BOA-19-02: 612 Hemlock Dr.
- III. Review of Cases
- IV. Old Business: RZ-19-03: Request for text amendments to the zoning ordinance concerning maximum allowable floor area ratios for multiple family dwellings filed by Wynnefield Properties, Inc.
- V. RZ-19-06: Request to rezone properties located on north side of E. Salisbury St. between 853 & 933 E. Salisbury St. (Randolph County Parcel Identification Numbers 7761229556, 7761229618, & 7761229996) from R7.5 (Medium-Density Residential) to OA6 (Office-Apartment)
- VI. Items Not on the Agenda
- VII. Adjournment

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**MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, MARCH 4, 2019
7:00 p.m.**

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

Van Rich) - Chair
Lynette Garner) - Vice Chair

Ritchie Buffkin)
David Henderson)
Michael O'Kelley) - Members Present
Thomas Rush)

Pamela Vuncannon) – Member Absent

John Evans, Assistant Community Development Division Director
Justin Luck, Planning and Zoning Administrator
Brad Morton, Planning Technician/Deputy City Clerk
Trevor Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

Ten (10) citizens were present at this meeting.

CALL TO ORDER

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

APPROVAL OF MINUTES FROM FEBRUARY 4, 2019

Mr. Rich inquired if there were any corrections to be made to the minutes from the February 4, 2019 regular meeting. Hearing no corrections, the minutes were approved as presented.

REVIEW OF CASES

Mr. Justin Luck informed the board that no zoning related cases were heard at the regular February meeting of the Asheboro City Council.

RZ-19-03: REQUEST FOR TEXT AMENDMENTS TO THE ZONING ORDINANCE CONCERNING MAXIMUM ALLOWABLE FLOOR AREA RATIOS FOR MULTIPLE FAMILY DWELLINGS FILED BY WYNNEFIELD PROPERTIES, INC.

Mr. John Evans gave a visual presentation of the above proposed zoning text amendment case. He stated that the applicant is the Wynnefield Properties, Inc. He stated that the request is for amendments concerning maximum permitted floor area ratio for multiple family residential developments (increasing from current 22 percent to 43 percent). He gave the definition of gross floor area as follows:

“The sum in square feet of the horizontal areas on all floors of a building or buildings measured from the outside faces of the exterior walls including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and enclosed balconies, and any below-grade floor area used for habitation, access and storage. Attic area shall be counted when used for habitation. In calculating attic space, only areas enclosed for

habitation shall be counted. Open porches, balconies, patios, decks, and attached garages and/or carports shall not be considered in Floor area calculations.”

He stated that floor area ratio is a calculation of the gross floor area in comparison to land area. He also gave an example of how to calculate floor area ratio with a simple calculation. He then gave an overview as follows:

- Currently, the zoning ordinance regulates density of multiple family residential developments by having a maximum floor area. This is currently 17 percent by-right and 22 percent with a Special Use Permit. The applicant is requesting floor area ratio of up to 43 percent with a Special Use Permit.
- Assuming 900 SF per dwelling unit, a FAR of 17 percent equals approximately 8.2 dwelling units per acre. A FAR of 22 percent equals approximately 10.6 dwelling units per acre.
- Greater square footage results in fewer dwelling units per acre. Less square footage results in more dwelling units per acre.
- Currently in CCPA floor area is addressed through
 - Maximum built upon area
 - Maximum height

He then gave examples of multiple family dwellings and their dwelling units per acre, including Sunset Place apartments equaling 24.3 dwelling units per acre and the Asheboro Mill Lofts at 38.3 dwelling units per acre. He then gave an analysis as follows:

- Recent text amendments (adopted 11-8-18) allow single-and two family dwellings in the OA6 district to have the same maximum floor area ratio (22 percent) as other residential zoning districts. Previously, maximum floor areas (17 percent) for single- & two-family residential properties were more restrictive in the OA6 district than other residential districts.
- Prior to 1999, maximum FAR was 0.45, when it was reduced to 0.17. In 2000, a provision was added to allow FAR of up to 0.22 with a SUP.

He then gave the applicants proposal as follows:

- Requirement for development to be located on minor thoroughfare or higher classification street (New Requirement)
- Additional storm water certifications beyond NCDEQ requirements (New Requirement)
- No parking in front 25 feet of required front yard. (Required for developments with less than 45,000 SF or zoned OA6. Parking within front 10 feet is prohibited for developments zoned RA6 or with more than 45,000 SF.)
- Landscaping requirements
 - Front yard landscaping requirements currently apply only to developments zoned OA6 or having less than 45,000 SF of land area. Trees or shrubs may be used. New provisions would require street trees and shrubs in front yard.
- Landscaping requirements
 - Enhanced buffer requirements. Increase from either “A” (less than 12 units per acre) or “C” buffer (12 or more units per acre) when located adjacent to residential to “D” buffer when multi-family projects are adjacent to single or two-family residential uses.
 - Adding requirement for an “A” buffer or screen when adjoining other uses.
 - A buffer/screen = 5’ screen, 15’ buffer
 - C buffer/screen= 10’ screen, 25’ buffer
 - D buffer/screen= 15’ screen, 30’ buffer- evergreens required
- Landscaping requirement
 - New requirement of foundation plantings.
- Architectural requirements (Additional restrictions on vinyl siding. Currently, only horizontal vinyl siding with apparent board with of more than 6 inches is prohibited. With the exception of trim, vinyl siding would be not be allowed as a building material.)

He gave an overall density comparison to other municipalities within the state. He stated that the comparison graph showing Asheboro's density (dwelling units per acre) assumes a 900 SF average unit size using the existing .22 FAR and the proposed .43 FAR. He then stated that proposing the 43 percent would bring up the number of dwelling units per acre to a similar size as other jurisdictions. He then gave the following LDP Recommendations:

Goals/Policies Supporting Request (3):

- **Policy 2.3: Compact, interconnected and sustainable development patterns**
- **Goal 3.2: Quality design, demanding appropriate scale and context**
- **Policy 3.2.2: The city will require a variety of landscaping techniques appropriately designed based on desired function.**

Goals/Policies Not Supporting Request (1):

- **Goal 3.1: Enhancement, maintenance, and preservation of built environment.**

He then gave staff's statement of consistency with adopted plans, reasonableness and public interest, which included the following:

- Need for appropriate size and scale based on public input and site design, density, and architecture that fits context of where multi-family residential development is located.
- LDP vision for urban residential uses to be within walking distance to major thoroughfares and commercial areas.
- Need for quasi-judicial process for greater public input when considering increased residential density.

He stated that in light of the above analysis, staff recommends to continue the case due to the complexity of the request and to allow time for input until the April 1, 2019 Planning Board regular meeting. He stated that the City Council will review the request on Thursday, April 4th. There were no questions for Mr. Evans at this time.

Davis Ray added that Sunset Place Apartments is a project that Wynnefield Properties has developed. He stated that the company has not received any negative feedback from the development of Sunset Place Apartments. He stated that building design would be slightly different than Sunset Place Apartments due to the area that they would be developing in. He stated that landmass and the amount of land needed to develop multiple family developments with the availability of public utilities is not an easy task. He stated that he felt the request is a natural fit and a transitional change from commercial to residential and if the board had any questions he would answer them at this time.

Mr. O'Kelley inquired if the next case was related to these amendments. Mr. Ray stated that Wynnefield is the applicant in the upcoming rezoning case. Mr. Evans also pointed out that these amendments, if approved, would be for all multiple family dwelling projects and not just this specific company's project.

Mr. Buffkin moved to continue the request until the April 1, 2019 Planning Board regular meeting based on staff's recommendation. Mr. O'Kelley seconded the motion and the motion carried unanimously.

RZ-19-04: REQUEST FOR REZONING ON PROPERTY LOCATED AT 481 NC 49 SOUTH (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBERS 7740941140 & 7740931871): B2 (GENERAL COMMERCIAL) TO CU-RA6 (CONDITIONAL USE HIGH-DENSITY RESIDENTIAL)

Mr. John Evans gave a visual presentation of the above proposed rezoning case. He stated that the applicant is Wynnefield Properties, Inc. He stated the size of the parcel totaled 4.01 acres +/- with a single family dwelling on the property. He showed overview, rezoning, topographic/utilities, which showed a slightly steeper slope to the east, as well as showing aerial maps of the subject property and photographs from all directions. He then gave the property analysis:

- NC Hwy. 49 South is a state-maintained major thoroughfare

- RA6 Description:
 - 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 the 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.
- The applicant has also applied for a Conditional Use Permit for multi-family residential development
- The area includes a mix commercial, industrial, and residential uses including a 216 unit multi-family development to the southeast.

He gave the Land Development Plan recommendations as follows:

Proposed Land Use Map:
Commercial

Growth Strategy Map:
Primary Growth

Goals/Policies Supporting Request (4):

- **Checklist Item 3: Fits district intent in zoning ordinance**
- **Checklist Item 5: Complies with Growth Strategy Map**
- **Checklist Items 12-13: Outside of watershed and flood area**

Goals/Policies Not Supporting Request (2):

- **Checklist Item 1: Does not comply with LDP proposed land use map**
- **Checklist Item 14: Located within area of steep slopes**

He then gave staff's statement of consistency with adopted plans, reasonableness and public interest, which included the following:

- **Close proximity to 216 unit multi-family development and complementary commercial uses, supported by LDP's urban residential uses in close proximity to supportive non-residential uses.**
- **Conditional use permitting process to ensure property develops to "Urban Residential" description, including design features that promote walkability and harmony with surrounding land uses.**

He stated that in light of the above analysis, staff recommends approval of this request. He stated that the next step was for City Council to consider the rezoning request and request for a Conditional Use Permit on Thursday, April 7, 2019 at 7 p.m. He then asked if the board had any questions for him at this time. Mr. Buffkin inquired if the city reached out to the school system affected in the area. Mr. Evans stated that we did not reach out to the school systems with this project, however we typically do with major subdivision cases. There were no other questions for Mr. Evans. Mr. Davis Ray stated if there were any questions he would address them. There were no questions at this time for Mr. Ray. Chairman Rich asked if there was any opposition to the request. There was no opposition.

Mr. Henderson moved to recommend approval of the case based on staff's recommendation and consistency statement. Ms. Garner seconded the motion and the motion carried unanimously.

RZ-19-05: REQUEST FOR REZONING ON PROPERTY LOCATED AT 1644, 1702, & 1712 N. FAYETTEVILLE ST. (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBERS 7762064208, 7762065123, 7762067634): R10 (MEDIUM-DENSITY RESIDENTIAL) TO O&I (OFFICE & INSTITUTIONAL)

Mr. John Evans gave a visual presentation of the above proposed rezoning case. He stated that the applicant is Balfour Baptist Church. He stated the size of the parcel totaled 6.3 acres +/- . He stated there

is a place of worship on all three (3) parcels. He showed overview, rezoning, topographic/utilities, as well as showing aerial maps of the subject property and photographs from all directions. He stated that some B2 zoning exists on the property along North Fayetteville Street, and this would remain as B2 and not part of the request. He then gave the property analysis:

- North Fayetteville Street is a state-maintained major thoroughfare. East Bailey Street is a local city-maintained street.
- Applicant is asking that the property zoned B2 Remain B2 and the property zoned R10 be rezoned O&I.
- O&I District Description:
 - Intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O&I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.
- O&I includes places of worship (current use), office, medical, cultural facilities, and light commercial uses such as hair salons.
- Structures used for place of worship have been on property since 1950 (1644 N. Fayetteville St.), 1967 (1702 N. Fayetteville St.) and 1976 (1712 N. Fayetteville St.)
- Place of worship is permitted by right in O&I district. Significant modifications require Special Use Permit when located in a residential zoning district.

He gave the Land Development Plan recommendations as follows:

Proposed Land Use Map:
Commercial/Neighborhood Residential

Growth Strategy Map:
Primary Growth

Goals/Policies Supporting Request (7):

- **Checklist Item 1: Complies with LDP (Portion of property)**
- **Checklist Item 3: Fits zoning ordinance district intent**
- **Checklist Item 5: Complies with Growth Strategy Map**
- **Policy 2.1.5: Transitional land use**
- **Checklist Items 12-14: Outside of watershed, flood area, and areas with steep slopes**

Goals/Policies Not Supporting Request (1):

- **Checklist Item 1: Does not comply with LDP proposed land use map (easternmost portion of properties)**

He then gave staff's statement of consistency with adopted plans, reasonableness and public interest, which included the following:

- **LDP support for commercial zoning an additional 100 feet.**
- **Nearby institutional land uses (places of worship, school, emergency services)**
- **Transitional nature of O&I district.**
- **Buffer against residential properties, particularly to the east, and limited number of non-residential uses.**

He stated that in light of the above analysis, staff recommends approval of this request. He stated that the next step was for City Council to consider this request on Thursday, April 4, 2019 at 7 p.m. He then asked if the board had any questions for him at this time. There were no questions for Mr. Evans at this time. Mr. Roger Pritchard stated that the church is growing, adding 100 members, and is putting a strain on parking and property. He stated that the O&I zoning district would help in planning for the future. There were no

questions for Mr. Pritchard at this time. Chairman Rich asked if there was any opposition to the request. There was no opposition.

Mr. O'Kelley moved to recommend approval of the case based on staff's recommendation and consistency statement. Ms. Garner seconded the motion and the motion carried unanimously.

**PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT: (CASE NO. BOA-19-01):
VARIANCE FROM REQUIRED SIDE YARD SETBACK (ASHEBORO ZONING ORDINANCE, TABLE
200-1 & SECTION 303): 759 NEWBERN AVENUE**

Mr. Luck addressed the board and stated that before the case is heard, all who wish to give their testimony will need to be sworn in. Mr. Luck and Mr. Bobby Crumley were sworn in for their testimony. At this time, Mr. Luck stated that in the absence of Ms. Vuncannon, the board's variance decision would need to be unanimous due to the statutory requirement of a super majority of 6 of 7 members voting affirmatively in favor of the applicant. Mr. Crumley stated that he had no issue with proceeding. Mr. Luck highlighted the variance process to the board. He stated that the applicant is requesting a variance to reduce the required side and rear yard setback of 10 feet to 5 feet. He stated that the location in question is 759 Newbern Avenue, specifically parcel identification number 7760226318. He stated that the property is approximately .68 acres and is zoned R10, medium-density residential. He stated that the surrounding land uses are all residential. He gave the Land Development Plan recommendations as follows:

**Proposed Land Use Map:
Neighborhood Residential**

**Growth Strategy Map:
Primary Growth**

He then showed maps, aerial views, and photographs of the property. He then gave the analysis of the case:

- The zoning lot is located in Pinecroft Village subdivision on Newbern Avenue, a city maintain street. The subdivision was created in 1986 and the applicant purchased the zoning lot in 1992. Both the zoning lot and single family dwelling are legal, conforming.
- The applicant would like to construct an accessory detached structure. Table 200-1 of the zoning ordinance requires a 10 foot side required yard and 25 foot rear required yard for principal structures. Section 303 of the zoning ordinance reduces the 25 foot rear required yard to a 10 foot required yard for accessory detached structures. The applicant requests to reduce the side and rear required yards to 5 feet.

He then showed the board a site plan that has been prepared for the case, showing the location of the proposed garage, and the distance of 5 feet off the property rear and side property lines. He then went over the findings of fact for the board as follows:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Mr. Luck then asked if there were any questions from the board for him. There were no questions for Mr. Luck at this time.

Mr. Crumley shared his testimony with the board at this time. He showed the unique design of the lot. He stated that this is the only lot on Newbern Avenue and within the Pinecroft subdivision with this unique design. He also mentioned that there is a 4 to 6 foot drop from the west side to the east side of the lot. He stated that building on the upper side of the lot would make more sense from a construction standpoint, but the topography wouldn't allow for the placement without storm water flooding the front of the building. He also stated that the hardship didn't result from his own actions. Bringing a contractor over revealed the odd shaped lot. He also stated that if they removed the building to the north of the lot, that he would have to move an existing playhouse as well as the family pet burial grounds. He stated that if built on the lot's lower section, there would not be a need to remove trees. He stated that water runoff would be minimized with the proposed location and more trees would be saved. To answer variance test number 4, he stated that the only reasonable explanation for a 10 foot setback was likely for fire protection and separation requirements between dwellings and structures. He stated that the proposed building's placement would allow for a 20 foot separation of the adjoining dwelling. He stated that accessibility for emergency services would not be an issue. He stated that even though the setback would be limited, he would still maintain the spirit and purpose of the ordinance. He personally spoke to adjoining property owners and they have no problems with the variance request or the accessory structure project. He also stated that the intent is to build the accessory structure with the same brick and roof line as the single family dwelling. He asked the board if they had any questions for him at this time. Mr. Henderson made a comment of saving the trees and was overall in agreement with the unique situation presented by the odd shaped lot. There were no other questions or comments for Mr. Crumley. There was no opposition to the request.

Mr. Henderson moved to approve Case Number BOA-19-01. Ms. Garner seconded the motion. All were given voting slips and a unanimous decision was returned.

**PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT: (CASE NO. BOA-19-02):
VARIANCE FROM REQUIRED SIDE YARD SETBACK (ASHEBORO ZONING ORDINANCE, TABLE
200-1): 612 HEMLOCK DRIVE**

Mr. Luck addressed the board and stated that before the case is heard, all who wish to give their testimony will need to be sworn in. Mr. Luck and Mr. William Fredrick Barker were sworn in for their testimony. At this time, Mr. Luck stated that in the absence of Ms. Vuncannon, the board's variance decision would need to be unanimous due to the statutory requirement of a super majority of 6 of 7 members voting affirmatively in favor of the applicant. Mr. Barker stated that he had no issue with proceeding. Mr. Luck highlighted the variance process to the board. He stated that the applicant is requesting a variance to reduce the minimum required side yard, as regulated by Table 200-1, from 15 to 8 feet along the western portion of the lot. He stated that the location in question is 612 Hemlock Drive, specifically Parcel Identification Number 7760069000. He stated that the property is approximately .442 acres and is zoned R15, medium-density residential. He stated that the surrounding land uses are all residential. He gave the Land Development Plan recommendations as follows:

Proposed Land Use Map:
Neighborhood Residential

Growth Strategy Map:
Primary Growth

He showed maps, aerial views, topography maps, as well as photographs of the subject property, highlighting the western portion of the lot, including the existing carport. He then gave the analysis of the case:

- The zoning lot is located on Hemlock Drive, a city maintained street. The existing dwelling, single family was constructed in 1964 according to Randolph County Tax Department records. At the completion of construction, the dwelling was legal, conforming and zoned R10 Residential.
- In 1991, a rezoning (RZ-92-4) of approximately 105 acres in Dixieland Acres from R10 to R15 Residential was approved by City Council. This rezoning made the dwelling legal, nonconforming with respect to both side required yards as regulated by Table 200-1 of the zoning ordinance. R10 requires a 10 foot side required yard and R15 requires a 15 foot side required yard.
- The applicant purchased the property in November 2018 and subsequently purchased an additional small strip of land from the western adjoining property owner. After this recombination, the dwelling is legal, conforming with regards to the western side required yard, and legal, nonconforming with regards to the eastern side required yard.
- The applicant proposes to construct a 12 foot wide unenclosed carport attached to the existing dwelling. The applicant requests a reduction in the side required yard along the western lot line from 15 feet to 8 feet.

Mr. Luck also stated that the zoning change was processed by the neighborhood and included multiple properties. Mr. Luck then showed the board a site plan of the property, showing the proposed addition. He showed the additional strip of land marking the 10 additional feet purchased. He stated that with the additional land purchase, the dwelling is now conforming and is around 20 feet off the property line on the west side, and still legal non-conforming on east. He showed the difference of the property line of the addition of the unenclosed carport being 8 feet at the front of the addition and 8.5 feet at the rear. He then went over the findings of fact for the board as follows:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

He then asked the board if there were any questions for him. There were no questions for Mr. Luck at this time.

Mr. Barker spoke on his request and his addition proposal. He stated that there was initially 13 feet and 2 inches to the property line from the existing carport. He mentioned the neighbors on the side have 100 foot lots. He stated that the adjoining property owner was willing to sell the additional 10 foot of property and so he purchased the 10 foot of additional property from his neighbor. He felt that the proposal will increase the tax base as well as be more functional for him at his home. He stated that the building behind the house could be used if he drove all the way behind his house, but with the excess amount of rain has made it unable to allow him to even work in the rear yard. He stated that it could be built up with gravel and concrete to allow for a rear yard project, but that his choice would be to place the structure as proposed. He stated that if the board had any questions he would answer them. Mr. Henderson asked if the adjoining property owner would sell Mr. Barker more land. Mr. Barker stated that with the adjoining property owner only having 100 feet of frontage, he couldn't ask for more. Mr. O'Kelley asked what the distance from the existing carport, to which Mr. Barker stated that before the land purchase the existing carport was 13 feet and 2 inches and with the purchase of the adjoining property owner's existing property it is now 20 feet and 10 inches. Mr. Buffkin asked if he knew what the distance from the new structure to the adjoining house would

be, to which Mr. Barker stated he was only sure of how far off the property line the proposed structure would be. There were no further questions for Mr. Barker at this time.

Mr. Buffkin moved to approve Case Number BOA-19-02. Mr. O'Kelley seconded the motion. All were given voting slips and a unanimous decision was returned.

ITEMS NOT ON THE AGENDA

There were no other items at this time.

ADJOURNMENT

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

Bradley Morton, Planning Board Secretary

Van Rich, Planning Board Chair



RZ-19-03: Request for Text Amendments to the zoning ordinance concerning maximum allowable floor area ratios for multiple family dwellings filed by Wynnefield Properties, Inc.

Staff Report

Rezoning Staff Report

RZ Case # RZ-19-03

Date 4/1/19 PB and 4/4/19 City Council

General Information

Applicant Wynnefield Properties, Inc. C. Craig Stone

Address PO Box 395

City Asheboro NC 27203

Phone 336-822-0765

Location N/A

Requested Action Text amendment to the zoning ordinance concerning permissible maximum floor area ratios for multi-family residential developments

Existing Zone N/A

Existing Land Use N/A

Size N/A

Pin # N/A

Applicant's Reasons as stated on application

See attached. Applicant response included both RZ-19-03 (zoning text amendment) and RZ-19-04 (rezoning concerning 481 NC Hwy. 49 S.). Staff notes that these are two separate cases and the proposed text amendments would apply to any project within the applicable jurisdiction.

Surrounding Land Use

North N/A

East N/A

South N/A

West N/A

Zoning History 3-1999: FAR in RA6 district was reduced from 0.33 by right and 0.45 with SUP to 0.17. 4-2000: FAR with SUP increased to 0.22 in RA6 district. 3-2018: Last update concerning FAR for uses other than multi-family.

Legal Description

Text amendments to the zoning ordinance related to permissible floor area ratios for developments with multiple family dwellings, including Table 200-1, Table of Uses 200-2 and Notes, Article 300A, Article 600, and Article 1100.

Analysis

1. The request is to amend the zoning ordinance to establish a maximum allowable floor area ratio (FAR) of 43% for multiple family developments within the RA6 High-Density residential district and OA6 Office and Apartment zoning district that meet certain development standards and obtain a Special Use Permit. Open space ratio would be established at 40% and recreation space ratio at 6.6%.
2. Floor Area Ratio (FAR) is a ratio of gross floor area to land area. Gross floor area generally includes enclosed conditioned space that is used for habitation.
3. Current zoning regulations permit a FAR of up to 22% with a Special Use Permit. No specific special use standards apply beyond the general permit standards.
4. For illustration purposes, an allowable FAR of 43% on a lot with 100,000 square feet would permit development with a total gross floor area of 43,000 SF. This cumulative gross floor area is allowed regardless of the number of stories in a structure (i.e. a single-story structure with 20,000 SF of floor area would yield the same FAR as a two-story structure with 10,000 SF of floor area on each level).
5. Floor area ratio provisions do not apply within the Center City Planning Area. Within this area, overall density and bulk is regulated through maximum permitted built-upon area and height restrictions.
6. The applicant proposes specific use standards for projects seeking a 43% FAR. These standards are provided in new section 653 and include property access requirements, enhanced landscaping and building design requirements, stormwater control requirements, and increased recreational area criteria.

Rezoning Staff Report

RZ Case # RZ-19-03

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Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation N/A

Small Area Plan N/A

Growth Strategy Map Designation N/A

LDP Goals/Policies Which Support Request

Goal 2.3: Compact, interconnected and sustainable development patterns

Goal 3.2: Quality design demanding appropriate scale and context

3.2.2: The City will require a variety of landscaping techniques that are appropriately designed based on the desired function (i.e. riparian buffers around creeks, shade trees in parking lots, dense and expansive screening between uses of significantly different intensities, preservation of environmental character, front yard landscaping and street trees, etc.).

Rezoning Staff Report

RZ Case # RZ-19-03

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LDP Goals/Policies Which Do Not Support Request

Goal 3.1: Enhancement, maintenance, and preservation of the built environment

Checklist Item 10: Text amendment is not consistent with Land Category Descriptions. **Staff Note:** This item is selected due to the "Urban Residential" Land Category description specifying that higher density developments be located primarily around the town/city and village centers. The proposed amendment creates the possibility for higher density residential developments outside the Center City Planning Area, where such uses are currently allowed to go beyond the current maximum 22% floor area ratio.

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

The Land Development Plan (LDP) generally encourages site design, density and architecture of new residential development to be compatible with adjoining neighborhoods and land uses. During LDP preparation, significant public input was received related to the appropriate size and scale of multi-family developments. The LDP also states its vision for "urban residential" development to be located "within walking distance of commercial areas and major thoroughfares." The applicant's proposal includes development standards that can achieve these plan objectives and policies while retaining the ability for public participation through the Special Use Permit (SUP) process. The standards and the SUP process should result in developments with a FAR of up to 43% locating in appropriate places that are compatible with surrounding land uses and provide convenient access to supporting commercial services and adequate public infrastructure.

Considering these factors, staff believes that the requested text amendments are reasonable and in the public interest.

Recommendation

In light of the above analysis, staff's recommendation is to approve the text amendment request.

Application for Zoning Ordinance Amendment

APPLICANT INFORMATION

Applicant Wynnefield Properties, Inc.

Applicant's Phone # 336-822-0765

Applicant's Address PO Box 395

Jamestown, NC 27282

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Debra Burrows Setzer, Milton F. Yates Estate, Roger D. Yates

Location of Property 481 S. NC 49 HWY, Asheboro, NC

Property Size (ac. or s.f.) 4.01 +/- acres

Randolph County Property Identification Number (PIN#) 7740931871 & 7740941140

Current Zoning District B-2 General Commercial

Requested Zoning District CU-RA6

Date Property Title Acquired 01/01/1981

Deed Book 00081E Page 00146

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

ORDINANCE AMENDMENT INFORMATION

Section 1011.2 of the Asheboro Zoning Ordinance requires the applicant to answer the following questions. The application may not be accepted unless all questions are completed.

1. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Our proposal to develop a 72 multifamily community on this property is currently not allowed due to restrictions within the Asheboro Zoning Ordinance. We believe the current ordinance is overly restrictive preventing any project similar to our proposal

2. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

We feel that approval of our proposed amendment would not only allow for our development but would also enhance future development allowing for uses such as quality housing within the City of Asheboro.

3. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

Our proposal with the amended ordinance would allow and promote diversity of developments including the future development of quality housing.

4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

We feel that the current code restricts the property in a way that limits future development by not efficiently utilizing available property for multifamily housing communities.

APPLICANT AND AGENT SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

^{OWNER}
Name of Agent (if any)

Roger Yates

Agent's Address

Todd F. Yates

Telephone Number

^{OWNER}
Agent Signature

Name of Applicant or Owner
Wynnefield Properties, Inc.
C. Craig Stone

Applicant or Owner's Address

PO Box 395, Jamestown, NC 27282

Telephone Number

336-822-0765

Applicant or Owner Signature

C. Craig Stone

Owner's Signature (if different than applicant)

STAFF USE		
Received by: <u>JLE</u>	Date: <u>2-6-19</u>	Case Number: <u>R2-19-03</u> <u>R2-19-04</u>

Table 200-1
Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R40	40,000 SF 80,000 Duplex 40,000 NonRes	100	30	15	25	35	22% 22% 22%		
			1 Single Family or 1 Duplex Only						
R15	15,000	100	30	15	25	35	22%		
			1 Single Family Only						
R10	10,000 SF 15,000 Duplex 10,000 NonRes	75	30	10	25	35	22% 22% 22%		
			1 Single Family or 1 Duplex Only						
R7.5	7,500 SF 11,500 Duplex 7,500 NonRes	60	25	10	20	35	22% 22% 22%		
			1 Single Family or 1 Duplex Only						
RA6	Residential (SF & Duplex) 6,000	60	25	10	20	35	22%		
	Multi Family: Maximum 4 Units Permitted Less than 45,000						17%	30%	
	Multi Family: Greater than 45,000						17%	52%	3.3%
	Multi Family: Greater than 45,000 with SUP						22%	52%	3.3%
	<u>Multi Family: Greater than 45,000 with SUP authorized by Article 600, Section 653</u>						<u>43%</u>	<u>40%</u>	<u>6.6%</u>
	Non-residential 6,000	60	25	10	20	35	22%		
OA6	Residential (SF & Duplex) 6,000	60	25	10	20	35	22%		
	Multi Family: Maximum 4 Units Permitted Less than 45,000						17%	30%	
	Multi Family: Greater than 45,000						17%	52%	3.3%
	Multi Family: Greater than 45,000 with SUP						22%	52%	3.3%
	<u>Multi Family: Greater than 45,000 with SUP authorized by Article 600, Section 653</u>						<u>43%</u>	<u>40%</u>	<u>6.6%</u>
	Non-residential 6,000	60	25	10	20	35	30%		
	Multi Use: Minimum 45,000 for 5 or more units						30%		
O&I	6,000	60	25	10	20	35	30%		
	Multi Use: Minimum 45,000 for 5 or more units						30%		
B1	6,000	60	25	15	15	25	33%		
M	10,000	75	25	10	10	25	33%		
B2	10,000	75	25	0 or 5	0 or 5	35	100%		
TH	40,000	100	30	10	10	35	100%		
B3	N/A	N/A	0	0 or 5	0 or 5	50	N/A		
I1	10,000	75	10	10	10	45	N/A		
I2	20,000	100	10	10	10	45	N/A		
I3	30,000	100	50	20	20	45	N/A		

*Except as specifically modified by this Ordinance

Revised 4/2019

Table 200-2
Table of Permitted Uses (Amended 8-6-2015)

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Dwelling Multiple Family Units up to .17 FAR	MF					P	P										Note 15
Dwelling Multiple Family Units up to .22 FAR	MF					S	S										Note 15
<u>Dwelling Multiple Family Units up to .43 FAR</u>	<u>See Section 653</u>					<u>S</u>	<u>S</u>										<u>Section 653</u>
Dwelling Single Family Units	SF	P	P	P	P	P	P										
Dwelling Two Family Units	SF	P		P	P	P	P										
Dwelling within Mixed Use Structure							P						P				Note 16
Eating Establishments - Drivein	2										P	P					
Eating Establishments - Walkin / Carry-out	2								P	P	P	P	P				

P - Permitted as Principal Use in District
S - Permitted by Special Use Permit
A - Permitted as Accessory Use Only

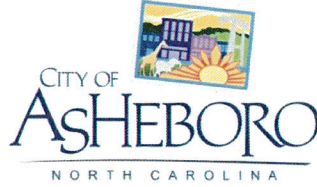
New Proposed Section 653 of the Asheboro Zoning Ordinance
Residential Development with Multiple Family Structures with a Gross Floor Area Ratio in
Excess of 0.22 and Up to 0.43

653 Residential Development with Multiple Family Structures with a Gross Floor Area Ratio in Excess of 0.22 and Up to 0.43.

- 653.1 Development shall comply with all applicable zoning and subdivision ordinance standards except as modified herein.
- 653.2 Access shall be from a minor thoroughfare or higher classification street.
- 653.3 No parking shall be permitted within the first 25 feet of the required front yard.
- 653.4 Overflow parking spaces for visitors shall be provided. One overflow parking space shall be provided for every ten (10) required parking spaces within the development.
- 653.5 Parking of recreational vehicles, including but not limited to watercraft, travel trailers, and campers, is not permitted unless such parking occurs within an entirely enclosed structure that complies with the requirements of the Zoning Ordinance.
- 653.6 Within the required front yard, there shall be planted and maintained one tree which is not less than six feet in height at the time of planting, for each twenty linear feet of street frontage or portion thereof, and one evergreen shrub for each ten linear feet of street frontage or portion thereof. The balance of the required front yard shall be covered with evergreen ground cover or mulch.
- 653.7 A Type D buffer or screen shall be provided adjacent to single or two-family uses or zoning districts. A Type A buffer or screen shall be provided adjacent to all other uses or zoning districts.
- 653.8 Foundation plantings consisting of evergreen shrubs shall be installed along the entire front foundation wall of each building. Plant installation shall be a minimum of two feet in height planted at six-foot intervals.
- 653.9 All Facades: One hundred (100) percent of the area below the fascia of any building, excluding trim and similar architectural detailing but including doors and windows, shall be finished with any Building Code approved material except:
 - (a) Unfinished wood, concrete block (except split-faced block), vinyl siding, metal panels, metal painted panels and any metal panel with "rib" or "u" configuration.

- (b) Laminated, composite or press board wood type materials composed of layers of firmly united wood materials made by bonding or impregnating superposed layers with resin and compressed under heat.

- 653.10 All multifamily structures less than three (3) stories in height using a sloped roof shall have a minimum slope of 5 in 12 on the principal roof. All multifamily structures not using a sloped roof shall have a parapet wall above the roof of at least three (3) feet in height.
- 653.11 Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.
- 653.12 The minimum recreation ratio may be satisfied with a mixture of indoor and outdoor amenity space, provided that no more than fifty (50) percent of the recreated space is located within an enclosed structure.
- 653.13 A full-time on-site manager shall be provided for multifamily dwellings with a total of 75 units or more. A permanent office shall be provided for the manager. The floor area contained in the on-site manager's office shall not be counted in the total FAR.



**RZ-19-06: Request to rezone from R7.5 (Medium-Density Residential) to
OA6 (Office-Apartment)**

North side of E. Salisbury St. between 853 and 933 E. Salisbury St. (Randolph County
Parcel Identification Numbers 7761229556, 7761229618, and 7761229996).

Staff Report

Rezoning Staff Report

RZ Case # RZ-19-06

Date 4/1/2019 Planning Board

General Information

Applicant Stephen "Bo" Davidson

Address 333 W. Ward St.

City Asheboro NC 27203

Phone 336-382-1391

Location north side of E. Salisbury Street between 853 and 933 E. Salisbury Street

Requested Action Rezone from R7.5 (Medium-Density Residential) to OA6 (Office-Apartment)

Existing Zone R7.5

Existing Land Use Undeveloped

Size 4.5 acres +/-

Pin # 7761229556, 7761229618, 7761229996

Applicant's Reasons as stated on application

Corridor has seen transition to commercial and office use. OA6 complies with urban residential and city services are available. Consistent with surrounding zoning and land uses.

Surrounding Land Use

North Single-family/Commercial (cultural facility)

East Single-family residential/Commercial

South Place of worship/Single-family residential

West Single-family residential/Public Use (electric substation)

Zoning History N/A

Legal Description

The properties of Davidson Builders and Properties, Inc., located on the north side of E. Salisbury St. between 853 and 933 E. Salisbury St., totaling approximately 4.5 acres and more specifically identified by Randolph County Parcel Identification Numbers 7761229556, 7761229618, and 7761229996.

Analysis

1. The property is inside the City limits.
2. The most recent 2014 Comprehensive Transportation Plan identifies this segment of East Salisbury Street/ NC Hwy. 42 (a state-maintained major throughfare) as over capacity based on 2012 volumes measuring average annual daily vehicles/day (11,600 capacity vs. 13,000 AADT 2012 volume).
3. In order to relieve the congestion that currently exists on NC Hwy. 42 North, the current NCDOT Transportation Improvement Program has committed funding to road improvements (Project No. U-5743) along NC Hwy. 42 extending between the E. Salisbury St. intersection and US Hwy. 64 (E. Dixie Drive). Proposed improvements include the addition of a center turn lane, sidewalks, curbing and guttering. Public right-of-way acquisition is currently scheduled to begin in 2019, with construction scheduled to begin in 2020.
4. The requested zoning district allows residential (single-family, two-family, multiple-family), office & institutional uses, and limited commercial uses. The OA6 zoning district is described by the zoning ordinance as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged." Heavier commercial uses (such as retail, eating establishments, motor vehicle sales and major/minor repair, etc.) are prohibited in the OA6 district.

Rezoning Staff Report

RZ Case # RZ-19-06

Page 2

Consistency with the 2020 LDP Growth Strategy designations

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

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

LDP Goals/Policies Which Support Request

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

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

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

Checklist Items 12, 13, and 14: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area.

Policy 2.1.5: The City will ensure development regulations provide appropriate transitional land uses, such as office & institutional, between high-intensity industrial/commercial and low-intensity residential uses.

Rezoning Staff Report

RZ Case # RZ-19-06

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 6. Existing infrastructure is not adequate to support the desired zone. (*water, sewer, roads, schools, etc.*)

Checklist Item 14: Rezoning is located on steep slopes of greater than 20%.

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

Staff's analysis considers the appropriateness of both residential and non-residential uses permitted in the requested OA6 district.

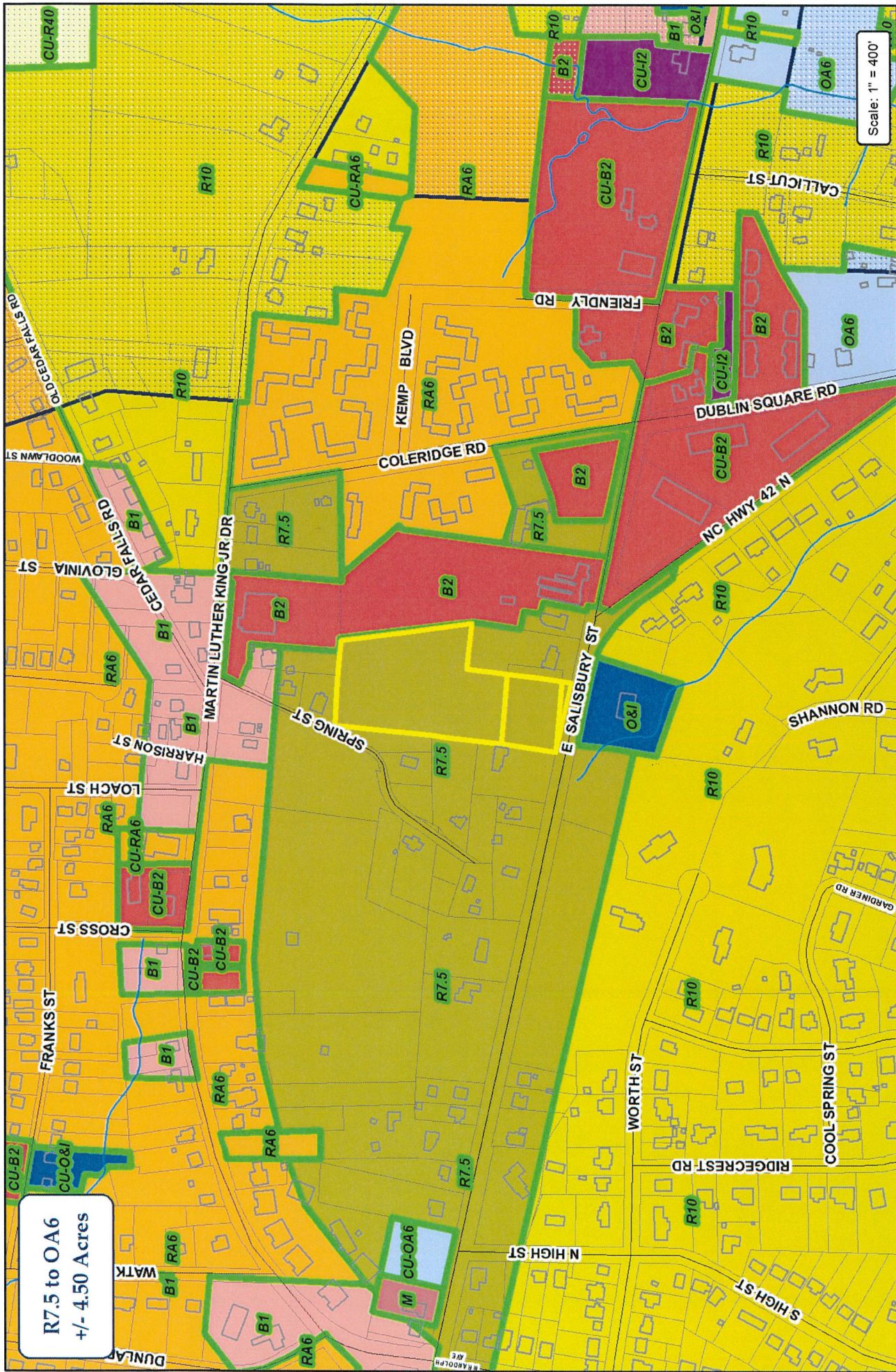
The residential component of the district is supported by the LDP's designation of the property for "urban residential" uses.

Zoning and uses of properties for commercial or institutional purposes to the north, east, and south help make the OA6 district an appropriate transitional district at this location. Limitations on the types of commercial uses and development standards for non-residential uses also help protect adjoining residential properties from adverse impacts.

Additionally, committed road improvements for both motorists and pedestrians help alleviate concern over the current capacity issues of East Salisbury Street.

Considering these factors, staff believes the requested OA6 district is consistent with the Land Development Plan and therefore reasonable and generally in the public interest.

Recommendation In light of the above analysis, staff's recommendation is to approve the OA6 district request.

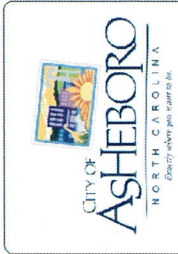


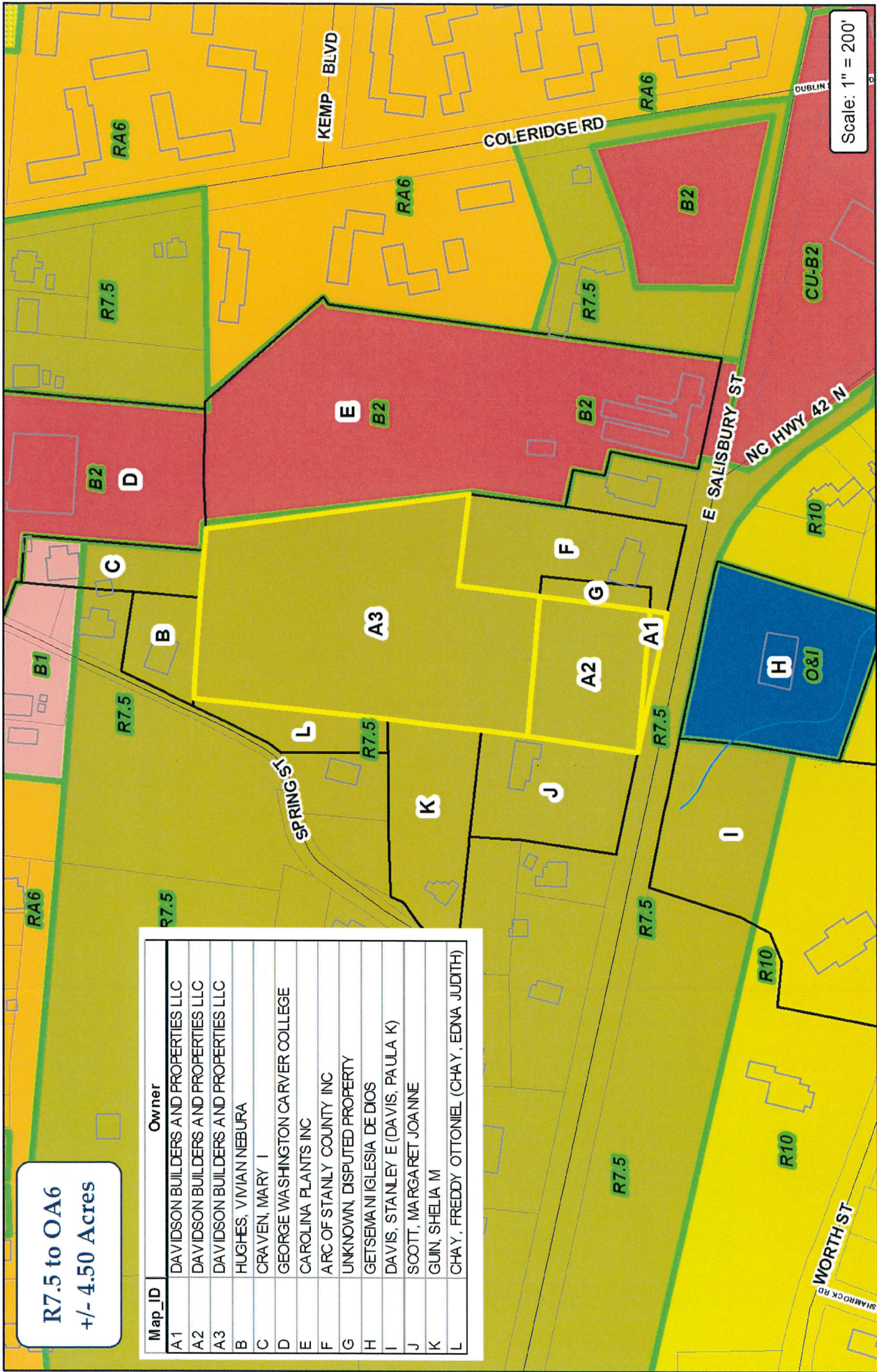
R7.5 to OA6
+/- 4.50 Acres

City of Asheville Planning & Zoning Department

Rezoning Case: RZ-19-06

Parcel: 7761229556, 7761229618 & 7761229996





R7.5 to OA6
 +/- 4.50 Acres

Map_ID	Owner
A1	DAVIDSON BUILDERS AND PROPERTIES LLC
A2	DAVIDSON BUILDERS AND PROPERTIES LLC
A3	DAVIDSON BUILDERS AND PROPERTIES LLC
B	HUGHES, VIVIAN NEBURA
C	CRAVEN, MARY I
D	GEORGE WASHINGTON CARVER COLLEGE
E	CAROLINA PLANTS INC
F	ARC OF STANLY COUNTY INC
G	UNKNOWN, DISPUTED PROPERTY
H	GETSEMANI IGLESIA DE DIOS
I	DAVIS, STANLEY E (DAVIS, PAULA K)
J	SCOTT, MARGARET JOANNE
K	GUIN, SHELIA M
L	CHAY, FREDDY OTTONIEL (CHAY, EDNA JUDITH)



CITY OF ASHEBORO
 NORTH CAROLINA
Creating Tomorrow's Community

City of Asheville Planning & Zoning Department

Rezoning Case: RZ-19-06

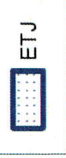
Parcel: 7761229556, 7761229618 & 7761229996



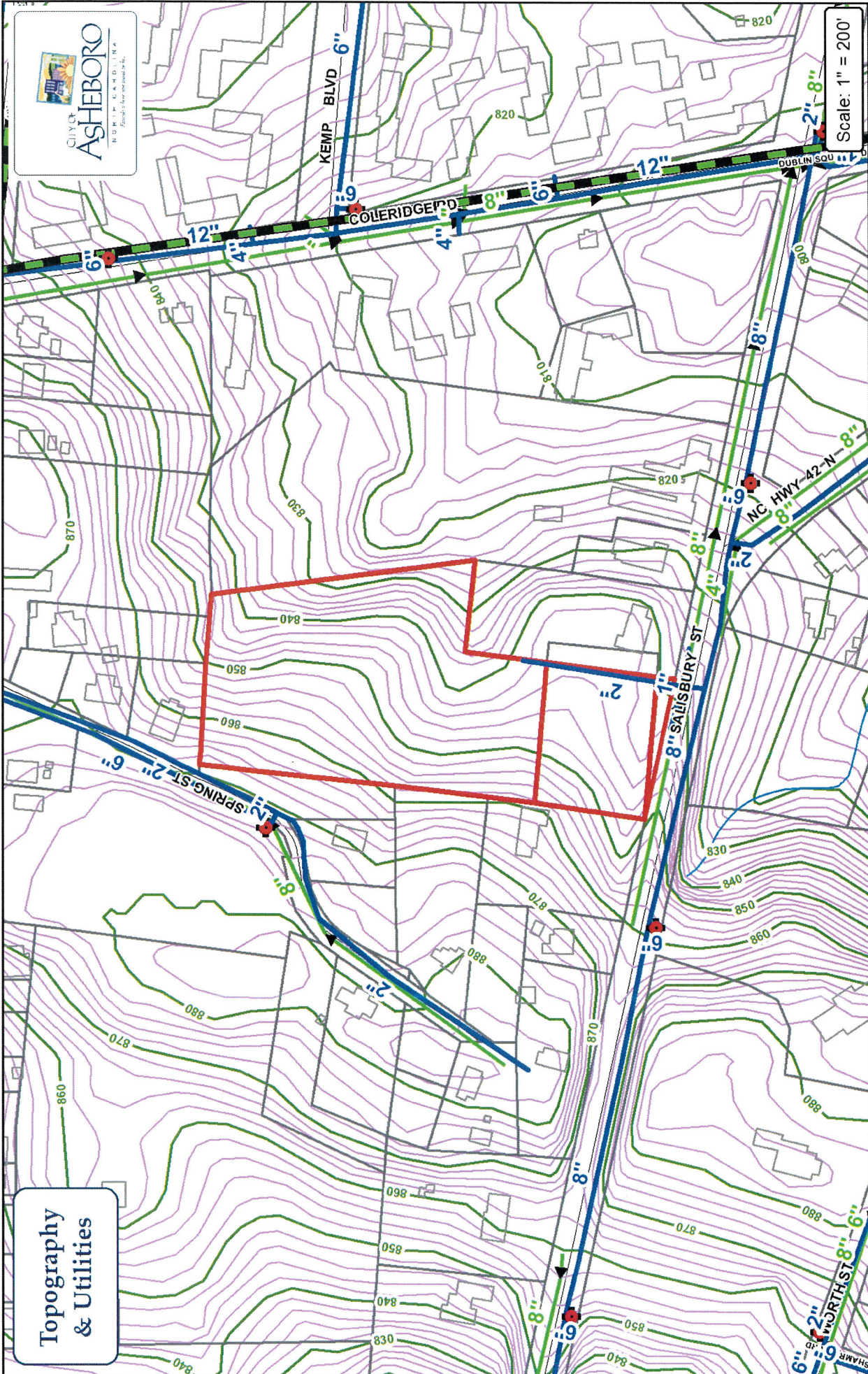
Subject Property
 Adjoining Properties
 Zoning



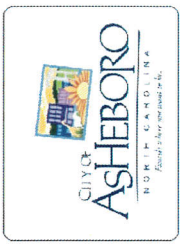
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ETJ



Topography
& Utilities



Subject Property

City of Asheville
Planning & Zoning Department
Rezoning Case: RZ-19-06

Parcel: 7761229556, 7761229618 & 7761229996

	Water Main		Fire Hydrant
	Sewer Main		Pump Station
	Force Main		



Aerial

Scale: 1" = 200'



Subject Property

Zoning

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-19-06

Parcel: 7761229556, 7761229618 & 7761229996

