



**Asheboro Planning Board**  
**Asheboro City Hall (146 N. Church Street)**  
**Monday, August 2, 2021**  
**7:00 PM**  
**AGENDA**

- I. Call to Order
- II. Approval of Minutes from July 12, 2021
- III. Approval of Final Decision Document for BOA-21-02 (Appeal from a final administrative decision regarding the application of Section 315A of the Asheboro Zoning Ordinance at 1212 E. Dixie Drive)
- IV. Review of Cases
- V. Old Business
  - a. RZ-21-07 and SUB-21-01: Request to rezone property located west of 1591 East Allred Street, approximately 100 feet east of Ridgewood Circle, from RA6 (CZ) High-Density Residential (Conditional Zoning) to RA6 (CZ) High-Density Residential (Conditional Zoning) to allow a Residential Planned Unit and approve a subdivision sketch design. **A continuance has been requested until the September 13, 2021 Planning Board meeting.**
- VI. New Business
  - a. RZ-21-10: Request to rezone property located at 577 Gold Hill Road from Randolph County RR Restricted Residential to City of Asheboro I2 General Industrial Conditional Zoning (CZ) for a Landfill- Clean Material and/or Land Clearing Materials. **A continuance has been requested until the September 13, 2021 Planning Board meeting.**
  - b. RZ-21-11: Request to rezone property located at 1008 Hub Morris Road (Randolph County Parcel Identification Number 7763511812) from R10 Medium-Density Residential to R40 (CZ) Low Density Residential Conditional Zoning to allow vehicular access to an adjoining and previously permitted solar farm
  - c. SUB-19-01: Final Plat approval for Phase 1 of West Pointe Townhomes
  - d. BOA-21-03 (Planning Board Acting as Board of Adjustment): Variance request from Section 5.04(52)(1)(k) of the Asheboro Zoning Ordinance, regarding setbacks for telecommunication towers and facilities: 301 Carolina Avenue
- VII. Items not on the agenda
- VIII. Adjournment

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**MEETING OF THE ASHEBORO PLANNING BOARD**  
**CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.**  
**MONDAY, JULY 12, 2021**  
**7:00 p.m.**

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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  
Michael O'Kelley ) – Vice Chair

Harold Anderson )  
David Henderson ) - Members Present  
Thomas Rush )  
Pamela Vuncannon )

Ritchie Buffkin ) – Member Absent

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

**CALL TO ORDER**

Mr. Rich called the Asheboro Planning Board to order.

**APPROVAL OF MINUTES FROM JUNE 7, 2021**

Mr. Rich inquired if there were any corrections or additions to the minutes presented. Hearing no corrections or additions, the minutes were approved as presented.

**REVIEW OF CASES**

Mr. Luck informed the board of the zoning related cases that were heard at the regular June, 2021 City Council Meeting.

**OLD BUSINESS**

**a. APPROVAL OF FINAL DECISION DOCUMENT RELATED TO CASE BOA-21-01**

Mr. Rich entertained a motion for the above referenced item. Mr. O'Kelley moved to approve the final decision document related to case BOA-21-01. Mr. Anderson seconded the motion and the motion carried unanimously.

**b. RZ-21-07 AND SUB-21-01: REQUEST TO REZONE PROPERTY LOCATED WEST OF 1591 EAST ALLRED STREET, APPROXIMATELY 100 FEET EAST OF RIDGEWOOD CIRCLE, FROM RA6 (CZ) HIGH-DENSITY RESIDENTIAL (CONDITIONAL ZONING) TO RA6 (CZ) HIGH-DENSITY RESIDENTIAL (CONDITIONAL ZONING) TO ALLOW A RESIDENTIAL PLANNED**

**UNIT AND APPROVE A SUBDIVISION SKETCH DESIGN. THE APPLICANT HAS REQUESTED A CONTINUANCE OF THIS CASE UNTIL AUGUST 2, 2021.**

Mr. Rich entertained a motion for the above referenced item. Mr. O'Kelley moved to continue cases RZ-21-07 and SUB-21-01. Ms. Vuncannon seconded the motion and the motion carried unanimously.

**NEW BUSINESS**

**a. APPROVAL OF PROPOSED CHANGES TO THE BOARD'S RULES OF PROCEDURE TO UPDATE STATUTORY REFERENCES AS A RESULT OF NCGS CHAPTER 160D**

Mr. Rich entertained a motion for the above referenced item. Mr. Henderson moved to approve this item. Ms. Vuncannon seconded the motion and the motion carried unanimously.

**b. BOA-21-02 (PLANNING BOARD ACTING AS BOARD OF ADJUSTMENT): APPEAL FROM A FINAL ADMINISTRATIVE DECISION REGARDING THE APPLICATION OF SECTION 315A OF THE ASHEBORO ZONING ORDINANCE AT 1212 E. DIXIE DRIVE**

Mr. Rich opened the quasi-judicial hearing of Case No. BOA-21-02. Due to a conflict of interest for the City Attorney, the City of Asheboro retained Mr. Francis Rasberry, Esquire to advise and provide legal representation to the City of Asheboro Board of Adjustment for Case No. BOA-21-02. Mr. Rasberry provided a brief statement outlining his responsibilities, an outline of the administrative appeal process, and an outline of his role to the Board. Mr. Rich inquired if an administrative appeals decision was made by super majority, to which the answer was provided that an administrative appeals decision was made by a simple majority vote. Mr. Justin Luck was placed under oath to give his testimony of Case No. BOA-21-02:

**Administrative Appeal Sought by Tricor International, LLC for 1 Parcel of Land (PIN#: 7760594007)**

**Analysis:**

**Location: 1212 E. Dixie Drive**  
**Parcel Identification Number: 7760594007**  
**Property Size: 1.02 Acres**  
**Zoning: B2 (CZ)**

**Surrounding Land Use:**

**North: Vacant**  
**East: Commercial**  
**South: Commercial**  
**West: Commercial**

**LDP Recommendations:**

**Growth Strategy: Primary Growth**  
**Proposed Land Use Map: Commercial**

He then showed maps and photos of the property at 1212 E. Dixie Drive. Maps and photos are on file and available in the office of the Secretary of the Board of Adjustment.

**Requested Administrative Decision:**

On April 8, 2021, the City of Asheboro Zoning Administrator received from Asheboro Commons LLLP CEO, Marc Hagle, a request for an administrative decision as to whether the eating establishment at 1212 E. Dixie Drive was in "violation of the City of Asheboro's Zoning Ordinance Section 315A."

**Notice of Decision**

After research of the zoning ordinance, the legislative history of Section 315A, the zoning permit history of 1212 E. Dixie Drive, and a site inspection, a Notice of Decision was mailed to Mr. Hagle on May 11, 2021 stating that no zoning violation of Section 315A exists at 1212 E. Dixie Drive.

**Ordinance Provisions Cited**

The ordinance provisions cited in the decision letter state, in pertinent part, as follows:

**315A Stacking or Waiting Lanes for Drive-in Windows: (Effective 7-1-2021 Section 3.01(Q))**

There shall be provided for every drive in window or station a queuing lane with a minimum capacity of 5 automobiles. All lanes shall be located outside of public right-of-way and shall not interfere with other maneuvering or parking areas.

**404. Methods of Providing Required Parking (Effective 7-1-2021 Section 6.13(C)(2))**

All required parking areas (including parking access, spaces, and maneuvering areas) shall be located on the same zoning lot as the principal use(s) it serves....

**1016 Interpretation, Purpose, and Conflict. (Effective 7-1-2021 Section 2.01(E))**

In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a higher standard or greater restriction than is imposed or required by other ordinances, rules, regulations, statutes or by easements, covenants or agreements, the provisions of this ordinance shall govern. When the provisions of any other ordinances, rules, regulations or statutes impose higher standards than are required by the provisions of this Ordinance, the provisions of that ordinance, rule, regulation or statute shall govern.

On June 9, 2021, a Notice of Appeal was delivered via email to the City Clerk.

There were no questions for Mr. Luck from the Board members about the zoning regulations at issue with this case and the appeal process.

Attorney Thomas Terrell, Jr. was placed under oath and offered testimony in support of his client's appeal seeking a reversal of the Zoning Administrator's decision. Mr. Terrell presented a visual presentation to the Board. He entered into the record the following exhibits:

- "Appeal From an Administrative Decision Regarding Interpretation of Ordinance Sec. 315A As Applied to 1214 E. Dixie Drive".
- "Hearing Exhibit A, B, and C"

These exhibits are on file and available in the office of the Secretary of the Board of Adjustment.

Mr. Terrell called Mr. Steve Smith, COO of Tricor International, LLC. Mr. Smith was placed under oath and gave his testimony and answered all of Mr. Terrell's questions. Mr. Terrell called Ms. Jacqueline Cheek, General Manager of Little Caesar's Pizza. Ms. Cheek was placed under oath and gave her testimony and answered all of Mr. Terrell's questions. Mr. Terrell called Ms. Jill Beck, District Manager of Little Caesar's Pizza. Ms. Beck was placed under oath and gave her testimony and answered all of Mr. Terrell's questions. Mr. Terrell called Mr. Justin Luck, Zoning Administrator of the City of Asheboro. Mr. Luck, having been previously placed under oath answered all of Mr. Terrell's questions.

Mr. Terrell then concluded his presentation.

Attorney Victoria Alvarez was placed under oath and offered testimony in support of her client's stance of the affirmation of the decision of the Zoning Administrator. Ms. Alvarez presented a visual presentation to the Board. She entered into the record the following exhibits:

- "Ramsey Exhibit A"
- "Exhibit CFA-2"
- "Hardin Exhibit A, B, C, D, and E"

These exhibits are on file and available in the office of the Secretary of the Board of Adjustment.

Ms. Alvarez cross examined all prior above referenced witnesses, with the exception of Ms. Beck, and answers were given to Ms. Alvarez accordingly.

In terms of rebuttal, Mr. Terrell then reviewed his contentions. No new documentary evidence was introduced.

Mr. Luck entered his staff reports into the record at this time.

Ms. Vuncannon moved to close the evidentiary portion of the quasi-judicial hearing of Case No. BOA-21-02. Mr. Henderson seconded the motion and the motion carried unanimously.

There was general discussion among the board regarding the case, evidence, and their decision.

Mr. O'Kelley moved to affirm the administrative decision of the Zoning Administrator in the matter of Case No. BOA-21-02. Ms. Vuncannon seconded the motion, and the motion carried by a vote of four to two. Board members Anderson, O'Kelley, Rich, and Vuncannon voted aye. Board members Henderson and Rush voted nay.

A final decision document reflecting the Board's findings, conclusions, and order will be adopted at the next Board meeting.

An audio file of the testimony provided during this hearing is on file with the Board's secretary.

Ms. Vuncannon moved to end the Board's functioning as the Board of Adjustment. Mr. Anderson seconded the motion and the motion carried unanimously.

The Board then took a five minute recess before hearing the next case.

**c. RZ-21-08: REQUEST TO REZONE PROPERTY LOCATED AT 2078 NORTH ASHEBORO SCHOOL ROAD FROM R15 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL TO O&I OFFICE & INSTITUTIONAL**

Mr. Evans gave a visual presentation on the above referenced rezoning case. He gave a brief overview:

Applicant: Freedom Baptist Church c/o Ricky T. Byerly (Pastor)

Location: 2078 North Asheboro School Road

Request: Rezone from R15 Low-Density Single-Family Residential to O & I Office & Institutional

Randolph County Parcel ID: 7752676855

Size: 2.86 acres +/-

Existing Land Use: Place of Assembly (Non-Commercial) (church)

He then showed overview, rezoning, topographic/utilities, and aerial maps as well as photos of the subject property from all directions. He then gave the analysis:

1. The property is outside of the city limits, but located within the city's extraterritorial zoning jurisdiction (ETJ).
2. North Asheboro School Road (SR 1723) is a state-maintained collector road.
3. The property is within the Balance of the Back Creek Watershed. The maximum area that can be built upon by right with impervious surfaces such as pavement and buildings is 12% in this area, the Ordinance does allow an increase in built upon area with a Special Use Permit (Special Non-Residential Intensity Allocation or SNIA) from City Council. Records indicate that the property was granted a SNIA in April, 1998 to allow up impervious coverage on up to 70% of the property.
4. Tax records indicate the structure currently located on the property was built in 1999.
5. The current R15 district is described the zoning ordinance as "intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such suburban intensity living." The requested O&I district is 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."
6. Significant changes, or the addition of structures over 1,000 SF or representing more than a 10% increase in the size of structures related to the current use requires either a new Special Use Permit, or a rezoning of the property, which is what the owner applied for. If approved, uses permitted by right in the O&I district may be reviewed by staff in conformity with the zoning ordinance and subject to the Watershed Protection Ordinance.

He then gave the Land Development Plan (LDP) Recommendations:

Proposed Land Use Map: Office & Institutional

Small Area Plan: Northeast

Growth Strategy Map: Economic Development

**Goals/Policies Supporting Request (4):**

- Checklist Item 1: Compliant with LDP Proposed Land Use Map
- Checklist Item 5: Compliant with Growth Strategy Map
- Checklist Items 13-14: Outside of Special Flood Hazard Area and areas of steep slopes

**Goals/Policies Not Supporting Request (2):**

- Checklist Item 3: Does not fit zoning ordinance description (due to not being located on minor thoroughfare or higher classification street)
- Checklist Item 12: Location in watershed

He then gave the consistency with adopted plans, reasonableness and public interest statement:

- Supported by LDP Proposed land use map.
- History of institutional use of property.
- Commercial and industrial zoning to east and west
- Other non-residential uses served by North Asheboro School Road.

He stated that staff's recommendation is to approve the rezoning request. He stated that if there were any questions from the board he would answer them. There were no questions for Mr. Evans.

Mr. Ricky Byerly addressed the board, stating that mailed notices have been sent to adjoining property owners in the timeframe that was recommended by city staff. He then asked if the board had any questions. Mr. O'Kelley inquired if he or staff had received any opposition from adjoining owners or anyone else, to which Mr. Byerly stated that he hasn't received any opposition to the request. Mr. Evans also stated that he hasn't received any opposition to the request. There were no more questions for Mr. Byerly.

Mr. O'Kelley moved to recommend approval of Case No. RZ-21-08 based on staff's recommendation and consistency statement. Mr. Anderson seconded the motion and the motion carried unanimously.

**d. RZ-21-09: REQUEST TO REZONE PROPERTY LOCATED AT 5009 US HWY. 220 BUSINESS NORTH FROM R15 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL TO I2 GENERAL INDUSTRIAL**

Mr. Evans gave a visual presentation on the above referenced rezoning case. He gave a brief overview:

Applicant: Joel M. Brown (HR Gallimore, Agent)

Location: 5009 US Hwy. 220 Business North

Request: Rezone from R15 Low-Density Single-Family Residential to I2 General Industrial

Randolph County Parcel ID: 7754913917 and 7754818703 (portion)

Size: 2.86 acres +/-

Existing Land Use: Single-Family Dwelling (vacant)

He then showed overview, rezoning, topographic/utilities, and aerial maps as well as photos of the subject property from all directions. He then gave the analysis:

1. The property is inside the city limits.
2. US 220 Business North is a state-maintained major thoroughfare.
3. Section 4.04 of the Zoning Ordinance describes the R15 Residential District as "intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such suburban intensity living." The intent of the requested I2 zoning 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 majority of Parcel Identification Number 7754818703 is currently zoned I2 General Industrial. However, a provision of the Zoning Ordinance (Section 3.01) generally prohibits access through residential properties into uses not permitted in residential zones. As this property is currently zoned, accessing the portions that are zoned I2 from US 220 Business North would require going through residential property unless access were from an adjoining property.
5. Both properties are designated as an "Employment Center" on the Land Development Plan Proposed land use map. The Growth Strategy map designates Parcel ID 7754818703 (the larger of the two parcels to the south) as part of the "Economic Development" area and Parcel ID 7754913917 as a "Primary Growth" parcel.
6. The property is within a North Carolina Opportunity Zone. Economic investment in these zones, based on income criteria within census tracts, may receive favorable tax treatment.
7. The property is adjacent to the Norfolk Southern Railroad.

He then gave the Land Development Plan (LDP) Recommendations:

Proposed Land Use Map: Employment Center

Small Area Plan: Northeast

Growth Strategy Map: Primary Growth/Economic Development

Goals/Policies Supporting Request (7):

- Checklist Item 1: Compliant with LDP Proposed Land Use Map
- Checklist Item 3: Compliant with Zoning Ordinance Description
- Checklist Item 5: Compliant with Growth Strategy Map
- Checklist Item 9: Within state economic development area
- Checklist Items 12-14: Outside of Special Flood Hazard Area and areas of steep slopes

Goals/Policies Not Supporting Request (1):

- Policy 2.1.5: Lack of transition from high intensity use (industrial) to lower intensity use (single-family residential)

He then gave the consistency with adopted plans, reasonableness and public interest statement:

- Supported by LDP Proposed Land Use map (Employment Center) and Growth Strategy Map (Economic Development and Primary Growth)
- Consistency with uses along US 220 Business North.
- Located in NC Dept. of Commerce Opportunity Zone.
- Majority of property is I2, R15 frontage presents zoning issue with access
- Residential uses separated by major thoroughfare

He stated that staff's recommendation is to approve the rezoning request. He stated that if there were any questions from the board he would answer them. There were no questions for Mr. Evans.

Mr. HR Gallimore addressed the board, stating that mailed notices have been sent to adjoining property owners on June 30<sup>th</sup>, 2021. He stated that rail is adjoining the property in question, which could positively coincide with an Industrial zoning. He also mentioned that the residentially zoned portions of the properties in question can't be used to access the industrial zoning. He stated that if there were any questions from the board he would answer them. There were no questions for Mr. Gallimore.

Ms. Vuncannon moved to recommend approval of Case No. RZ-21-09 based on staff's recommendation and consistency statement. Mr. Anderson seconded the motion and the motion carried unanimously.

#### **ITEMS NOT ON THE AGENDA**

There were no items.

#### **ADJOURNMENT**

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

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Bradley Morton, Planning Board Secretary

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Van Rich, Planning Board Chair

**IN THE MATTER OF AN APPEAL FROM A FINAL ADMINISTRATIVE DECISION  
REGARDING THE APPLICATION OF SECTION 315A OF THE ASHEBORO ZONING  
ORDINANCE TO PROPERTY LOCATED AT 1212 E. DIXIE DRIVE**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

This Case, representing an appeal from a final administrative decision, came before the City of Asheboro Planning Board. During these meetings, while hearing and deliberating about the above-captioned case, the Planning Board functioned, in accordance with the applicable statutory and ordinance provisions, as the City of Asheboro Board of Adjustment (the “Board”).

Having considered all competent evidence and argument, the Board, on the basis of competent, material, and substantial evidence, hereby enters the following:

**FINDINGS OF FACT**

1. This matter represents an appeal from the Final Administrative Decision of the City of Asheboro (the “City”) regarding whether a zoning violation exists under Section 315 A of the Asheboro Zoning Ordinance (the “Ordinance”), with respect to the properties located at 1214 E. Dixie Drive (the “1214 property”) and 1212 E. Dixie Drive (the “1212 Property”). At the hearing, the Appellants, Tricor International, LLC, and other appealing parties named herein, were represented by Mr. Tom Terrell, Jr. of Fox, Rothchild, L.L.P. The Responding Party to the appeal, Chick Fil-A, was represented by Ms. Victoria Alvarez of the Troutman Pepper Law Firm. The Board of Adjustment was represented by Mr. Francis Rasberry, of Cauley Pridgen, P.A.
2. The appeal has been brought by the filing of a Notice of Appeal to the City of Asheboro Board of Adjustment by Asheboro Commons, LLLP (“Asheboro Commons”; N.C. Income Properties LLLP (N.C. Income Properties”); Tricor International, LLC (“Tricor”); RMG LC, LLC (“RMG”); and Spencer Third Generation, LLC (“Spencer”); collectively referred to as the “Appellants”.
3. The evidentiary hearing (the “hearing”) on the matter in issue was conducted before the City of Asheboro Board of Adjustment on July 12, 2021.
4. N.C. Income Properties owns the 1214 Dixie Drive property, which comprises the shopping center known as Asheboro Commons. Asheboro Commons LLLP ground leases the 1214 Dixie Drive property and owns the improvements on the property. Asheboro Commons is landlord to three tenants in the shopping center, Firehouse Subs, Little Caesar’s, and T-Mobile. Tricor is the

management company which manages the property. RMG leases space and operates the Little Caesar's restaurant, and Spencer leases space and operates the Firehouse Subs restaurant at the shopping center.

4. Chick-Fil-A operates its restaurant at the 1212 E. Dixie Trail property, a shopping center outparcel immediately adjacent to the 1214 Dixie Drive property. The respective properties have shared use of common vehicular, parking, and pedestrian access areas, as shown by photographic and video evidence, and as supported by recorded instruments introduced into evidence by counsel for Chick Fil-A.

5. On April 7, 2021, Mr. Steven Smith, Chief Operating Officer of Tricor, wrote Mr. Justin Luck, Zoning Administrator of the City, requesting enforcement of City Zoning Ordinance provisions against Chick-Fil-A. Mr. Smith provided photographic and other evidence that, during peak business hours, the queuing lanes serving the Chick-Fil-A restaurant were backed up with vehicles, which blocked the shopping center tenants' space, or otherwise interfered with vehicles and pedestrians using the parking and vehicular areas of Asheboro Commons. Mr. Smith requested an administrative determination by Mr. Luck that Chick-Fil-A's traffic was blocking and interfering with the maneuvering and parking areas on the adjoining shopping center property, and that this constituted an active violation of Zoning Ordinance Section 315A.

6. Mr. Luck conducted an on-site inspection of the properties on May 10, 2021.

7. By letter of May 11, 2021 to Mr. Marc Hagle, CEO of Asheboro Commons LLLP, Mr. Luck provided his Notice of Decision regarding the applicability of Section 315A to the conditions at the 1212 and 1214 Dixie Trail properties, and whether a zoning violation under the cited ordinance existed.

8. In the May 11 Notice of Decision letter, after quoting Zoning Ordinance Section 1016, *Interpretation, Purpose, and Conflict*, Mr. Luck set forth the text of Zoning Ordinance Section 315A, which states as follows:

*There shall be provided for every drive in window or station a queuing lane with a minimum capacity of 5 automobiles. All lanes shall be located outside of public right-of-way and shall not interfere with other maneuvering or parking areas.*

9. In the Notice of Decision letter, Mr. Luck further stated, "Please note that the requirements of 315A are focused on the zoning lot where the queuing lanes are located, not adjoining properties". Mr. Luck quoted Section 404 of the Asheboro Zoning Ordinance, as follows:

*"All required parking areas (including parking access, spaces, and maneuvering areas) shall be located on the same lot as the principal use(s) it serves"*

9. The Chick-Fil-A zoning lot was issued a Zoning compliance permit (PL-17-00814) on June 15, 2017. With regards to Section 315A, zoning compliance of the proposed site plan was

determined and approved. Mr. Luck's determination as set forth in the May 11 Notice of Decision, and as testified to at the hearing, is set forth (being summarized) herein as follows:

(1) Chick-Fil-A proposed a drive thru with one window and two order stations; (2) A queuing lane satisfying the minimum required vehicle capacity was shown; (3) Such was located outside all public rights of way; (4) such was located in a manner that did not interfere with the minimum required maneuvering area, nor minimum required parking area on the zoning lot; and (5) such was located on the same zoning lot as the principal use it serves.

10. Mr. Luck testified that the Notice of Decision letter of May 11 reflected his opinion as zoning Administrator that an active zoning violation of Section 315A does not exist and that, based upon his opinion, no enforcement action is to be taken.

12. Appearing as witnesses for the Appellants were Mr. Steve Smith, Chief Operating Officer of Tricor International, Ms. Jacqueline Cheek, General Manager of Little Caesar's Pizza, Ms. Jill Beck, District Manager of Little Caesar's Pizza. Referencing documents, photographs, video, and other exhibits introduced into evidence, these witnesses testified at length with respect to vehicles backed up from the Chick-Fil-A drive up/ordering window in a manner causing substantial blocking of, and interference with, parking and vehicular accesses to businesses and their customers in the shopping center, and Little Caesar's Pizza, in particular. Several of these witnesses further testified to their concerns over the safety of pedestrians and motorists resulting from the situation. Mr. Smith testified that the parking, maneuvering, and backing up of traffic was causing difficulties in maintaining shopping center tenants, and in attracting new tenants. Documentary evidence was introduced, and Mr. Smith testified with respect to, complaints made to Chick-Fil-A, and unsuccessful efforts to have Chick-Fil-A mitigate or resolve the parking and vehicular issues.

13. Mr. Terrell and Ms. Alvarez both questioned Mr. Luck with respect to his interpretation of pertinent provisions and key terms contained in the Zoning Ordinance, and Mr. Luck's Final Decision letter.

14. Ms. Alvarez introduced into evidence four recorded instruments, consisting of a shopping center lease, easement agreements, and restrictive covenants, conditions, and restrictions, purportedly to show the various private agreements regarding parking and vehicular areas and uses, common to the shopping center, businesses therein, and Chick-Fil-A.

15. Ms. Alvarez introduced into evidence documentary evidence consisting of communications between Chick-Fil-A and the Appellants regarding the backing up of vehicles and consequent parking and maneuvering problems.

16. Ms. Alvarez introduced into evidence drone footage evidence, purportedly to show the results of recent efforts by Chick Fil-A to mitigate parking and vehicular maneuvering problems.

17. There is substantial, material and competent evidence in the record to shows that queuing or stacking lanes are provided at Chick Fil-A sufficient to accommodate more than 5 vehicles.

17. There is no evidence in the record that the Chick Fil-A queuing or stacking lanes have been shortened, re-located, or altered or that the parking and vehicular areas of Chick Fil-A's zoning lot have been otherwise altered, subsequent to the issuance of zoning compliance permit Pl-17-00814.

18. At the conclusion of the presentation of evidence, counsel for the parties offered arguments regarding the interpretation of pertinent Zoning Ordinance provisions and key terms of such provisions.

Based on the evidence received at the hearing, arguments of counsel, and the foregoing findings of fact, the Board hereby enters the following:

### **CONCLUSIONS OF LAW**

1. There is substantial, competent and material evidence in the record to demonstrate that backed-up vehicles from the queuing, or stacking, lanes serving the Chick-Fil-A window interfered with vehicular movements in the shopping center, including ingress and egress to, and parking for, other businesses in the shopping center. The Board formally notes its concern and empathy for those businesses, employees, and customers experiencing such difficulties.
2. The sole issue for determination by the Board is whether the conditions present at the 1212 and 1214 Dixie Drive properties, as demonstrated by the evidence, constitute a violation of Section 315A of the City's Zoning Ordinance. Accordingly, the issue before the Board is limited to how this Ordinance should be interpreted and applied in this case.
3. While substantial evidence was received and admitted with respect to communications between the Appellants, Chick-Fil-A, and their respective representatives regarding parking, vehicular conflicts, complaints about and measures to address such problems, this evidence was not given substantial weight in the Board's determination of how Section 315A should be interpreted and applied.
4. While evidence was presented by counsel for Chick-Fil-A, received and admitted, consisting of four recorded instruments pertaining to the Dixie Drive properties, this evidence was not given substantial weight in the Board's determination of how Section 315A should be interpreted and applied in this case.
5. In addressing how Section 315A should be interpreted, the Board has concluded that the requirement for *lanes* to be provided on the zoning lot as a condition of compliance with Section 315A, as contrasted with *vehicles*, *vehicular congestion*, or *interference* on adjacent property, is notable in its interpretation.

6. The Board has interpreted Section 315A in light of the Zoning Ordinance in its entirety, and in keeping with the spirit and intent of the Zoning Ordinance.

7. There is substantial, competent, and material evidence in the record to show that, by providing more than 5 spaces in queuing lanes, which lanes are located outside of public rights of way and are not interfering with other maneuvering or parking areas of the Chick Fil-A zoning lot, the Chick Filet zoning lot was in compliance, and remains in compliance, with zoning permit PL-17-00814.

8. There is no active zoning violation of Section 315A by Chick-Fil-A.

Based on the above-recited Findings of Fact and Conclusions of Law, the Board hereby enters the following:

**ORDER**

**The Decision of the City's Zoning Administrator is hereby Affirmed.**

**The foregoing final decision document was adopted by the Board in open session during a regular meeting held on August 2, 2021.**

\_\_\_\_\_  
**Van Rich, Chair**

**ATTEST:**

\_\_\_\_\_  
**Bradley Morton, Secretary to the Board**



**RZ-21-07 and SUB-21-01:** A request for a Planned Unit Development on the property (Randolph County Parcel Identification Number 7762740259) located west of 1591 East Allred Street, approximately 100 feet east of Ridgewood Circle, including a subdivision sketch design

### **Staff Report**

This case is continued from the June 7, 2021 and July 12, 2021 Planning Board meetings. **The applicant has requested an additional continuance until the September 13, 2021 Planning Board meeting.**

**Staff Note:** The applications contained in this report were filed during the transitional period before the current zoning ordinance and conditional zoning were in effect. As a result of the current zoning ordinance, the applications have automatically been converted into a conditional zoning request.

## Rezoning Staff Report

**RZ Case #** RZ-21-07

**Date** 8/2/2021 Planning Board (continued  
from 6/7/2021 & 7/12/2021)

### General Information

**Applicant**

Davidson Land Development, LLC

**Address** 896 Shiptontown Road

**City** Lexington NC 27292

**Phone** 336-250-0483

**Location** North side of East Allred Street, west of Gold Hill Road

**Requested**

**Action** Rezone from RA6 (CZ) High Density Residential (Conditional Zoning) to RA6 (CZ) High Density Residential (Conditional Zoning)

**Existing Zone** RA6 (CZ)

**Existing Land Use** Undeveloped

**Size** 4.04 acres +/-

**Pin #** 7762740259

### Applicant's Reasons as stated on application

The best available use of this property for the owner and public welfare is residential townhomes. Proposed adequate additional housing promoting the growth and betterment of the City of Asheboro. The project will comply with all land development codes and the land development plan to promote growth and welfare. There is currently a shortage of available adequate housing, this project will provide homes for working and growing families in the City of Asheboro.

### **Surrounding Land Use**

**North** Medium-Density Residential

**East** Medium-density residential

**South** Undeveloped Residential

**West** Medium-Density Residential

**Zoning History** A conditional use permit for a residential Planned Unit Development consisting of 10 townhomes was approved in 2018 (RZ-CUP-18-10). Council approved a residential Planned Unit Development in 2001 (CUP-01-26).

### **Legal Description**

The property of Davidson Land Development, LLC located on the north side of E. Allred St., immediately west of 1591 E. Allred St. This property contains approximately 4.04 acres (+/-) and is more specifically identified by Randolph County Parcel ID No. 7762740259.

### **Analysis**

1. This property is inside of the city limits.
2. East Allred Street is a state-maintained minor thoroughfare.
3. Most recently, a residential Planned Unit Development consisting of 10 dwelling unit was proposed and approved in 2018.
4. The RA6 (CZ) district would allow multi-family development. The proposed site plan is requesting a total of 16 two-story townhome style units with single-car garages.
5. The western portion of the property (approximately 1.6 acres) is located within a flood hazard area. The site plan indicates that the units are located outside of the flood hazard area.
6. The zoning ordinance describes the RA6 Residential 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."
7. This request was filed during the transitional period when the existing and requested zoning district was classified as a Conditional Use District (CU-RA6). Changes to state law have changed the request a to High Density Residential Conditional Zoning RA6 (CZ) district since these requests are now reviewed under a legislative process that receives input from the Planning Board.
8. Since the previous request referenced in (3) above was granted in 2018, additional residential growth has occurred, including the continued construction of the Robins Nest subdivision to the east, and rezoning of property on the corner of East Allred Street and Gold Hill Road from a commercial to a residential district.

# Rezoning Staff Report

RZ Case # RZ-21-07

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** Neighborhood Residential

**Small Area Plan** East

**Growth Strategy Map Designation** Primary Growth

## LDP Goals/Policies Which Support Request

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

**Checklist Item 11:** Rezoning will promote the type of development described in Design Principles

**Checklist Item 12:** Property is located outside of watershed

**Goal 4.1.6:** The City will participate the National Flood Insurance Program and utilize its Flood Damage Prevention regulations to strongly discourage development in high-risk areas.

## Rezoning Staff Report

RZ Case # RZ-21-07

Page 3

### LDP Goals/Policies Which Do Not Support Request

**Checklist Item 1:** Rezoning is not compliant with the Proposed Land Use Map.

**Checklist Items 13-14:** 13.) The property is located within Special Hazard Flood Area. 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

The conditional zoning process allows for 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 conditional zoning 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 RA6 (CZ) district is consistent with the Land Development Plan and therefore reasonable and in the public interest.

### Recommendation

In light of the above analysis, staff's recommendation is to approve the request, subject to reasonable conditions that are identified during the conditional zoning process.

## Rezoning Staff Report

### **Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)**

#### Suggested Conditions as of July 8, 2021

- (A) The site plan shows preservation of existing vegetation, outside of areas of necessary site disturbance, along the western and northern portions of the property. If the vegetation is not preserved in this area, a Type A Buffer or Screen shall be installed by the developer.
- (B) 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 Chapter 6 of the zoning ordinance shall be installed and maintained within the front yard along East Allred Street.
- (C) 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.
- (D) Prior to a Preliminary Plat, the applicant shall submit details on the sewer connection involving the adjoining property to the north.
- (E) The site plan contains labeling errors and omitted information that shall be corrected on the Preliminary Plat. These include:
- (i) Site notes related to the number, size, and average lot sizes of lots.
  - (ii) Current zoning classification
  - (iii) Current ownership information of subject and adjoining property owners
  - (iv) Labeling of sanitary sewer easement as City of Asheboro easement, and identification of whether this is new or existing.
  - (v) Grading information, including whether grading is occurring within floodplain(s).
  - (vi) Correction of sight distance triangle location, removing sections from the adjoining property.
  - (vii) Additional details on recreation area, including identification of proposed play equipment/structure(s), and labeling of sidewalk between Cane Creek Court and recreation area.
  - (viii) Additional detail on height of landscaping
- (F) Area within public right-of-way for turnaround at the end of Cane Creek Drive shall be prohibited from parking in such a way that interferes with emergency or sanitation vehicles in compliance with Chapter 71 of the Asheboro Code of Ordinance.
- (G) The site plan indicates mail delivery through individual boxes. If the postal service requires a community mailbox, such a change will not be considered a modification of the Conditional Zoning district requiring Council action. If required within the public right-of-way shall, at a minimum, provide an area that is adequate for one (1) drop off space for a motor vehicle including any maneuvering area. Such drop off area shall be designed in accordance with commonly accepted traffic engineering practices. Construction of this area shall be the responsibility of the developer and is subject to approval of the City of Asheboro Public Works Division and/or Engineering Department. Alternatively, should the developer choose to construct the community mailbox and any associated vehicular areas in a location completely on private property, this shall not be considered a modification of the Special Use Permit, subject to Section 4.05 of the Asheboro Zoning Ordinance.
- (H) 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
- (I) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning district in the chain of title for the Zoning Lot.

# Rezoning Staff Report

**RZ Case # RZ-21-07**

**Date** 8/2/2021 Planning Board (continued  
from 6/7/2021 & 7/12/2021)

## General Information

**Applicant**

Davidson Land Development, LLC

**Address** 896 Shiptontown Road

**City** Lexington NC 27292

**Phone** 336-250-0483

**Location** North side of East Allred Street, west of Gold Hill Road

**Requested**

**Action** Rezone from RA6 (CZ) High Density Residential (Conditional Zoning) to RA6 (CZ) High Density Residential (Conditional Zoning)

**Existing Zone** RA6 (CZ)

**Existing Land Use** Undeveloped

**Size** 4.04 acres +/-

**Pin #** 7762740259

## Applicant's Reasons as stated on application

The best available use of this property for the owner and public welfare is residential townhomes. Proposed adequate additional housing promoting the growth and betterment of the City of Asheboro. The project will comply with all land development codes and the land development plan to promote growth and welfare. There is currently a shortage of available adequate housing, this project will provide homes for working and growing families in the City of Asheboro.

## **Surrounding Land Use**

**North** Medium-Density Residential

**East** Medium-density residential

**South** Undeveloped Residential

**West** Medium-Density Residential

**Zoning History** A conditional use permit for a residential Planned Unit Development consisting of 10 townhomes was approved in 2018 (RZ-CUP-18-10)

## **Legal Description**

The property of Davidson Land Development, LLC located on the north side of E. Allred St., immediately west of 1591 E. Allred St. This property contains approximately 4.04 acres (+/-) and is more specifically identified by Randolph County Parcel ID No. 7762740259.

## **Analysis**

1. This property is inside of the city limits.
2. East Allred Street is a state-maintained minor thoroughfare.
3. Most recently, a residential Planned Unit Development consisting of 10 dwelling unit was proposed and approved in 2018.
4. The RA6 (CZ) district would allow single, two-family and multi-family dwellings. The proposed site plan is requesting a total of 16 two-story townhome style units with single-car garages.
5. The western portion of the property (approximately 1.6 acres) is located within a flood hazard area. The site plan indicates that the units are located outside of the flood hazard area.
6. The zoning ordinance describes the RA6 Residential 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."
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# Rezoning Staff Report

RZ Case # RZ-21-07

Page 2

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**Proposed Land Use Map Designation** Neighborhood Residential

**Small Area Plan** East

**Growth Strategy Map Designation** Primary Growth

## LDP Goals/Policies Which Support Request

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

**Checklist Item 11:** Rezoning will promote the type of development described in Design Principles

**Checklist Item 12:** Property is located outside of watershed

**Goal 4.1.6:** The City will participate the National Flood Insurance Program and utilize its Flood Damage Prevention regulations to strongly discourage development in high-risk areas.

## Rezoning Staff Report

RZ Case # RZ-21-07

Page 3

### LDP Goals/Policies Which Do Not Support Request

**Checklist Item 1:** Rezoning is not compliant with the Proposed Land Use Map.

**Checklist Items 13-14:** 13.) The property is located within Special Hazard Flood Area. 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

The conditional zoning process allows for 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 conditional zoning 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 RA6 (CZ) district is consistent with the Land Development Plan and therefore reasonable and in the public interest.

### Recommendation

In light of the above analysis, staff's recommendation is to approve the request, subject to reasonable conditions that are identified during the conditional zoning process.

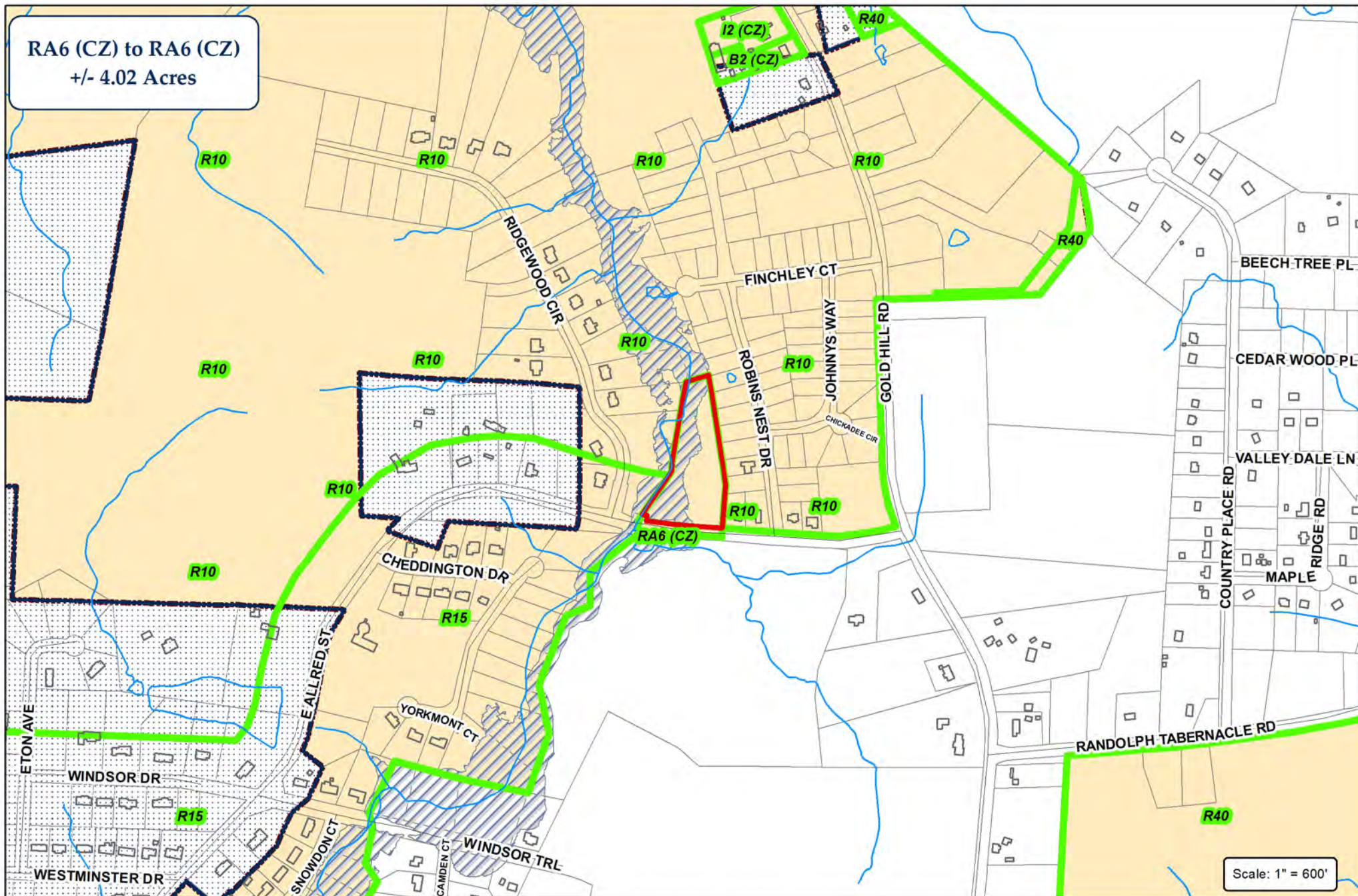
## Rezoning Staff Report

### **Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)**

#### Suggested Conditions as of July 8, 2021

- (A) The site plan shows preservation of existing vegetation, outside of areas of necessary site disturbance, along the western and northern portions of the property. If the vegetation is not preserved in this area, a Type A Buffer or Screen shall be installed by the developer.
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- (D) Prior to a Preliminary Plat, the applicant shall submit details on the sewer connection involving the adjoining property to the north.
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  - (iii) Current ownership information of subject and adjoining property owners
  - (iv) Labeling of sanitary sewer easement as City of Asheboro easement, and identification of whether this is new or existing.
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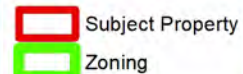
RA6 (CZ) to RA6 (CZ)  
+/- 4.02 Acres



City of Asheboro Planning & Zoning Department

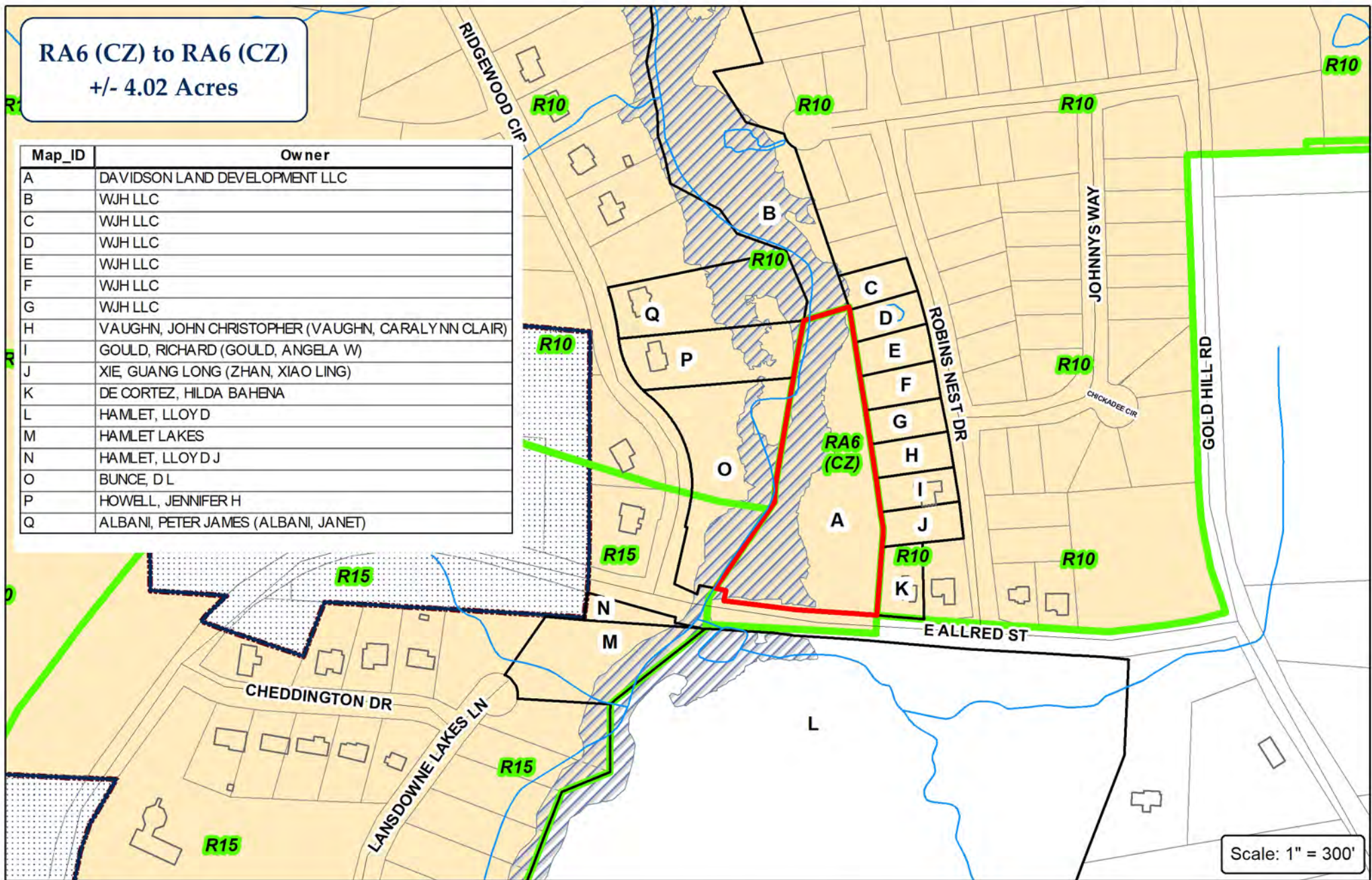
Rezoning Case: RZ-21-07

Parcel: 7762740259



**RA6 (CZ) to RA6 (CZ)**  
**+/- 4.02 Acres**

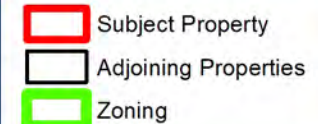
| Map_ID | Owner                                             |
|--------|---------------------------------------------------|
| A      | DAVIDSON LAND DEVELOPMENT LLC                     |
| B      | WJH LLC                                           |
| C      | WJH LLC                                           |
| D      | WJH LLC                                           |
| E      | WJH LLC                                           |
| F      | WJH LLC                                           |
| G      | WJH LLC                                           |
| H      | WJH LLC                                           |
| I      | WJH LLC                                           |
| J      | WJH LLC                                           |
| K      | WJH LLC                                           |
| L      | VAUGHN, JOHN CHRISTOPHER (VAUGHN, CARALYNN CLAIR) |
| M      | GOULD, RICHARD (GOULD, ANGELA W)                  |
| N      | XIE, GUANG LONG (ZHAN, XIAO LING)                 |
| O      | DE CORTEZ, HILDA BAHENA                           |
| P      | HAMLET, LLOYD D                                   |
| Q      | HAMLET LAKES                                      |
| R      | HAMLET, LLOYD J                                   |
| S      | BUNCE, D L                                        |
| T      | HOWELL, JENNIFER H                                |
| U      | ALBANI, PETER JAMES (ALBANI, JANET)               |



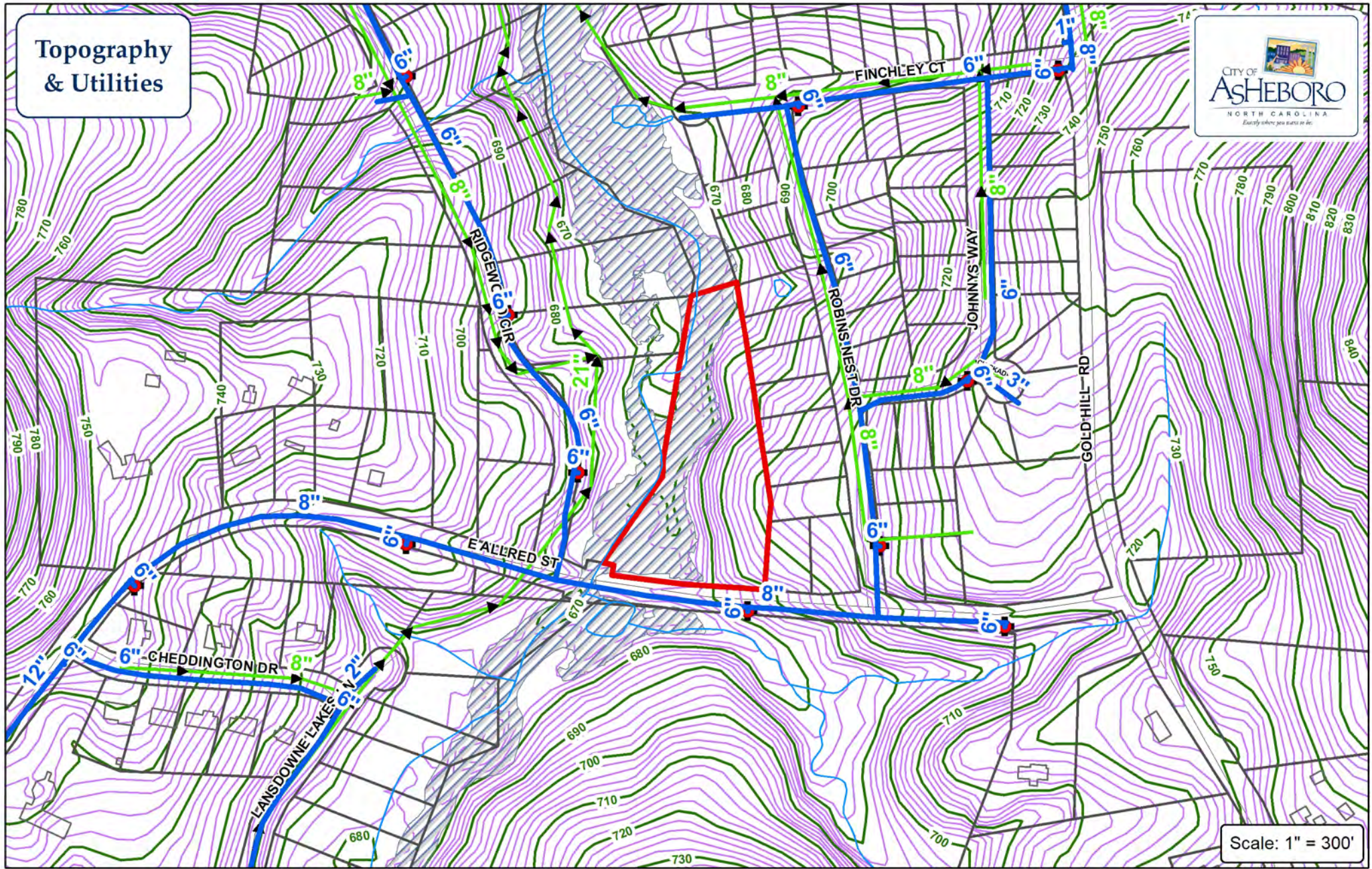
**City of Asheboro Planning & Zoning Department**

**Rezoning Case: RZ-21-07**

**Parcel: 7762740259**



# Topography & Utilities



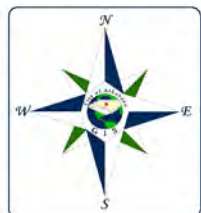
- Force Main
- Water Main
- Sewer Main
- Fire Hydrant
- Pump Station

City of Asheboro Planning & Zoning Department

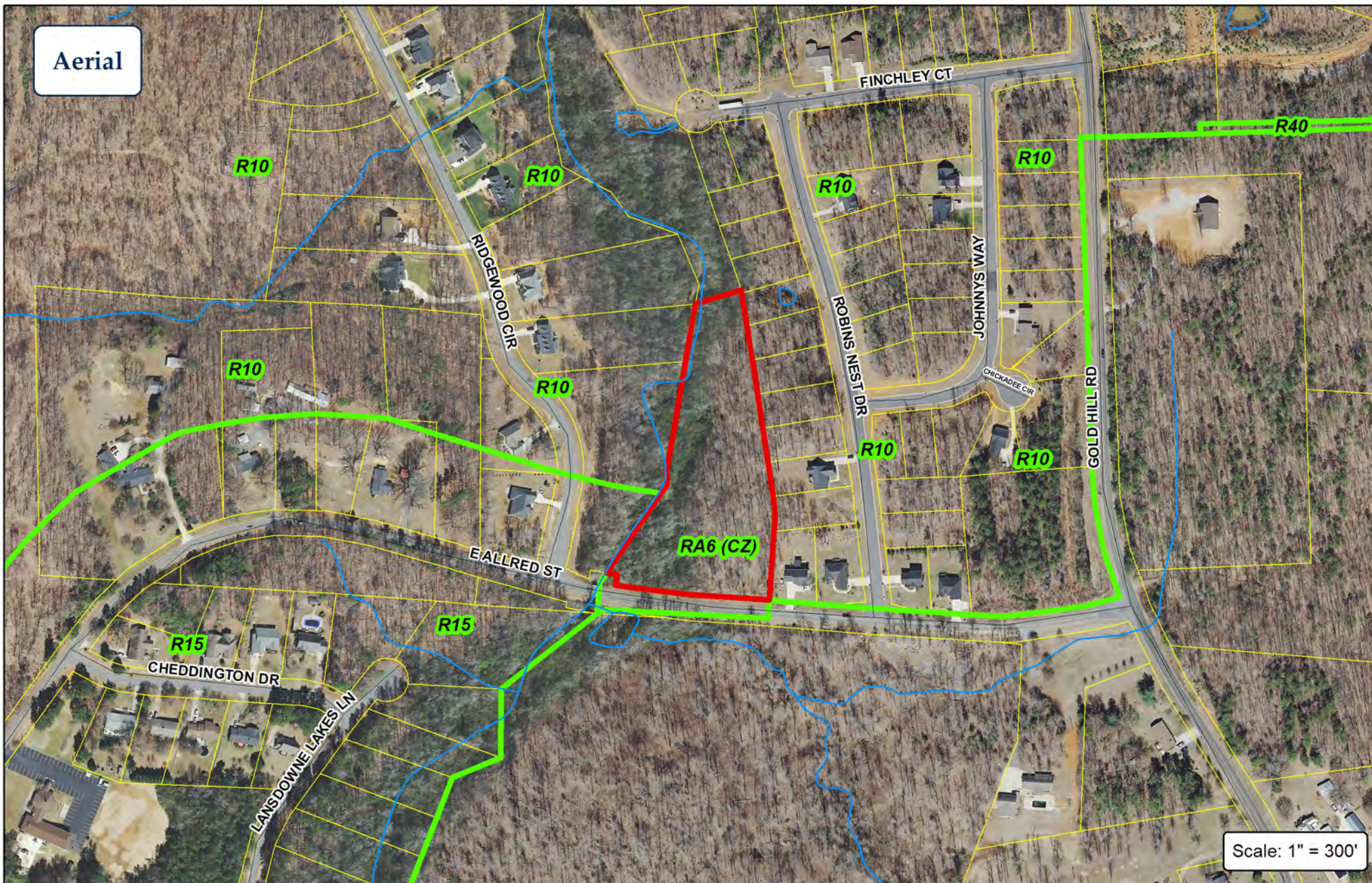
Rezoning Case: RZ-21-07

Parcel: 7762740259

Subject Property



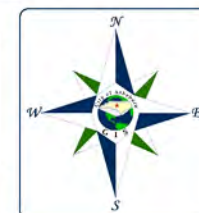
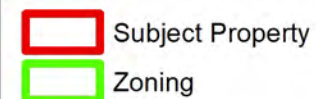
Aerial



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-07

Parcel: 7762740259





## **Application for Zoning Ordinance/Map Amendment**

### **APPLICATION FEE**

A \$200 filing fee is required for any amendment.

### **APPLICATION INSTRUCTIONS**

The rezoning process can be complex. It is highly recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

### **REQUIRED APPLICATION CONTENTS**

- 1) A dimensional map, at a scale of not more than 200 feet to the inch, showing the land that would be covered by the proposed amendment, if the amendment would require a change in the zoning atlas.
- 2) A legal description/deed reference of such land.

It is recommended that the applicant mail letters to the adjoining property owners a minimum of 10 days prior to the scheduled Planning Board meeting. A template showing the required information contained in the letters is on Page 4 of this application. Please verify location and meeting times with staff prior to mailing.

One copy is to be filed with the city manager and one copy filed with the Zoning Administrator by 5:00 pm on the day which is at least 55 days prior to the City Council meeting at which the request will be considered. At no time shall the city council hear more than five (5) cases per month. If five applications have been received prior to the cut-off date, the request will be heard the following month.

**MEETING INFORMATION\*** Dates are subject to final Planning Board/Council approval in December, 2019.

| <b><i>Application Deadline</i></b>       | <b><i>Planning Board Meeting</i></b> | <b><i>City Council Meeting</i></b>              |
|------------------------------------------|--------------------------------------|-------------------------------------------------|
| December 11, 2020                        | Monday, January 4, 2021              | Thursday, February 4, 2021                      |
| January 8, 2021                          | Monday, February 1, 2021             | Thursday, March 4, 2021                         |
| February 12, 2021                        | Monday, March 1, 2021                | Thursday, April 8, 2021                         |
| March 12, 2021                           | Monday, April 5, 2021                | Thursday, May 6, 2021                           |
| April 16, 2021                           | Monday, May 3, 2021                  | Thursday, June 10, 2021                         |
| May 21, 2021                             | Monday, June 7, 2021                 | Thursday, July 15, 2021                         |
| June 11, 2021                            | Monday, July 12, 2021                | Thursday, August 5, 2021                        |
| July 23, 2021                            | Monday, August 2, 2021               | Thursday, September 16, 2021                    |
| August 13, 2021                          | Monday, September 13, 2021           | Thursday, October 7, 2021                       |
| September 10, 2021                       | Monday, October 4, 2021              | Thursday, November 4, 2021                      |
| October 15, 2021                         | Monday, November 1, 2021             | Thursday, December 9, 2021                      |
| *Confirm application deadline with staff | Monday, December 6, 2021             | *January, 2022: Confirm meeting date with staff |

\*January, 2022 Council meeting dates are not set by Council until December, 2021.

## Application for Zoning Ordinance/Map Amendment

### APPLICANT INFORMATION

Applicant Davidson Land Development, LLC

Applicant's Phone # 336-746-5115 250-0483

Applicant's Address 896 Shiptontown road, Lexington, NC 27292

Applicant Email Address chris@reidfarm.com

### PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Davidson Land Development, LLC

Location of Property East Allred Street

Property Size (ac. or s.f.) 4.02 AC.

Randolph County Property Identification Number (PIN#) 110214025 7762740259

Current Zoning District R-10

Requested Zoning District CU-R-A6

Date Property Title Acquired 09/12/2014

Deed Book 00212 002723 Page 0050 00506

Subdivision \_\_\_\_\_ Section \_\_\_\_\_ Lot # \_\_\_\_\_

Plat Book 70 Page 73

### 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.

The best available use of this property for the owner and public welfare is residential townhomes.

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?

Proposed adequate additional housing promoting the growth and betterment of the city of Asheboro.

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

The project will comply with all land development codes and the land development plan to  
promote growth and welfare.

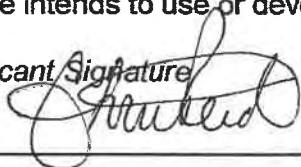
4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

There is currently a shortage available of adequate housing, this project will provide homes for  
working and growing families in the City of Asheboro.

#### **APPLICATION 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.

*Applicant Signature*



*Owner Signature (if different than Applicant)*

*Printed Name of Authorized Signatory (if different from Applicant)*

James Christopher Reid

*Owner Address*

896 Shiptontown Rd  
27292

*Position/Relationship of Authorized Signatory to Applicant*

member

*Telephone Number*

(336)-250-0483

*Printed Name of Authorized Signatory (if different from Owner)*

James Christopher Reid

*Position/Relationship of Authorized Signatory to Owner*

member

#### **STAFF USE**

**Received by:** JLE **Date:** 5-21-21 **Case Number:** ~~17~~ TRD

**NOTICE OF ZONING MAP AMENDMENT (REZONING)  
TO ADJOINING PROPERTY OWNERS**

This is to notify you that I (we), Davidson Land Development  
have filed an application with the City of Asheboro to rezone property located at  
East Allred Street from M-1 R-10  
to CU-R-A6.

On Monday, \_\_\_\_\_, 2021, at 7:00 pm the Asheboro  
Planning Board will meet to hear this request and forward their report to the City  
Council. On Thursday, \_\_\_\_\_, \_\_\_\_\_, at 7:00 pm the  
City Council will hold a public hearing on the rezoning request.

The meetings will be held in the City Council Chambers, 146 North Church Street,  
Asheboro, NC. The Council, after considering the information/testimony presented  
during the public hearings and reviewing the reports of the Planning Board and Planning  
and Zoning Department, will take action on the application. Such action may include  
approval of the request, denial of the request, or approval of a modified version of the  
request on the basis of the Council's determination that such action is reasonably  
necessary to promote the public health, safety, or general welfare and to achieve the  
purposes of the adopted Land Development Plan. The meeting is open to the public and  
your participation is encouraged. If you have any questions, please contact the Planning  
and Zoning Department at 336-626-1201 Ext. 225. You may also contact me at  
336-746-5115 250-0483.



## **Application for Conditional Use Permit**

### **APPLICATION FEE**

A \$350 filing fee is required.

### **APPLICATION INSTRUCTIONS:**

The Conditional Use Permitting process can be complex. It is highly recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

### **REQUIRED APPLICATION CONTENTS**

- 1) A legal description/deed reference of such land.
- 2) Two (2) draft copies of a site plan drawn to scale that has will be reviewed by staff for conformity with zoning ordinance requirements, with revisions due as noted below. Once the applicant submits the final draft is submitted by the site plan cutoff date, staff will also require six (6) copies of the site plan to be submitted. See page 2 for required site plan information.

The application is to be filed with the Zoning Administrator by 5:00 pm on the day which is at least 55 days prior to the City Council meeting at which the request will be considered. No changes may be made to any site plan fifteen (15) days prior to a City Council hearing. At no time shall the city council hear more than five (5) cases per month. If five applications have been received prior to the cut-off date, the request will be heard the following month. Site plans must conform to the ordinance by the site plan cutoff date. No revisions to site plans can be accepted after 15 days prior to the scheduled City Council meeting. Failure to submit a conforming site plan by the cutoff date will result in the case being delayed.

In addition to staff's notification of the request to adjoining property owners, it is recommended that the applicant also notify adjoining property owners of the request. A template of the notification is in this application and staff can assist the applicant with creating the list of property owners to be notified of the request.

### **MEETING INFORMATION\***

| <b><i>Application Deadline</i></b>       | <b><i>SITE PLAN CUTOFF</i></b>          | <b><i>City Council Meeting</i></b>              |
|------------------------------------------|-----------------------------------------|-------------------------------------------------|
| December 11, 2020                        | January 20, 2021                        | Thursday, February 4, 2021                      |
| January 8, 2021                          | February 17, 2021                       | Thursday, March 4, 2021                         |
| February 12, 2021                        | March 24, 2021                          | Thursday, April 8, 2021                         |
| March 12, 2021                           | April 21, 2021                          | Thursday, May 6, 2021                           |
| April 16, 2021                           | May 26, 2021                            | Thursday, June 10, 2021                         |
| May 21, 2021                             | June 30, 2021                           | Thursday, July 15, 2021                         |
| June 11, 2021                            | July 21, 2021                           | Thursday, August 5, 2021                        |
| July 23, 2021                            | September 1, 2021                       | Thursday, September 16, 2021                    |
| August 13, 2021                          | September 22, 2021                      | Thursday, October 7, 2021                       |
| September 10, 2021                       | October 20, 2021                        | Thursday, November 4, 2021                      |
| October 15, 2021                         | November 24, 2021                       | Thursday, December 9, 2021                      |
| *Confirm application deadline with staff | *Confirm site plan deadline with staff. | *January, 2022: Confirm meeting date with staff |

**APPLICANT INFORMATION**

**Applicant** Davidson Land Development, LLC **Applicant's Phone #** 336-746-5115

**Applicant's Address** 896 Shiptontown road, Lexington, NC 27292

**Applicant email address** chris@reidfarm.com

**PROPERTY INFORMATION**

**Property Owner's Name** Davidson Land Development, LLC

**Location of Property** East Allred Street **Property Size (ac. or s.f.)** 4.02 AC.

**Randolph County Property Identification Number (PIN#)** 7762740259

**Current Zoning District** CU-R-A6

**Date Property Title Acquired** 09/12/2014 **Deed Book** 002723 **Page** 00506

**Subdivision** \_\_\_\_\_ **Section** \_\_\_\_\_ **Lot #** \_\_\_\_\_

**Plat Book** 70 **Page** 73

**CONDITIONAL USE PERMIT INFORMATION**

Application is hereby made to the City of Asheboro for a Conditional Use Permit for the following purpose:

The purpose of the conditional use permit is to serve the proposed 16 townhomes

with associated driveways, parking, and utility improvements.

### **CONDITIONAL USE PERMIT REQUIRED SITE PLAN INFORMATION**

- 1) Actual shape, location, and dimensions of the lot
- 2) For new construction, building elevations of all exterior facades at a minimum scale of 1/8" = 1'
- 3) The shape, size, and location of any existing buildings and all buildings or structures to be erected, altered, moved
- 4) The existing and intended use of the lot and all structures on the lot
- 5) Location and size of any required buffers and/or screens (Article 200A and/or 300A)
- 6) Location and type of mechanical equipment screening (Section 306A)
- 7) Location, access, and screening of central solid waste facility (Section 307A)
- 8) Location and dimension of off-street parking indicating compliance with parking setbacks and loading spaces (Articles 300A and 400)
- 9) Grade separation of building and parking areas (Section 409)
- 10) Paving material for parking lots (Section 409)
- 11) Location of curb cuts: only 1 permitted if lot width is less than 120' (Section 408)
- 12) Driveway permit approval information by NCDOT or the City of Asheboro
- 13) Front yard landscaping or street planting (Articles 200A or Section 308A)
- 14) Location, type, size, and height of all signs (Article 500)
- 15) Notation certifying compliance with relevant Performance Standards (Article 300A) and a lighting plan demonstrating such compliance
- 16) Location of any flood zones if applicable (Article 700)
- 17) Watershed information if applicable (Article 300B)
- 18) If site disturbance is in excess of 1 acre, a soil and erosion control plan is required. The applicant shall submit the plan to NCDEQ Division of Energy, Mineral and Land Resources, located at 450 Hanes Mill Rd. Suite 300, Winston Salem, NC 27106.
- 19) Sidewalk construction if applicable (Section 322A)

**Please note that specific uses may also be subject to supplemental regulations.**

### **APPLICATION SIGNATURES**

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a Conditional Use Permit rests with the applicant.

No application for a Conditional Use Permit will be advertised for public hearing until the Planning and Zoning Department has received materials. If all required materials are not received prior to the specified deadlines, this will result in delays in the case being heard.

If any Conditional Use Permit is discontinued for a period of 180 days; or the permit is not initiated within 180 days; or replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the Conditional Use Permit shall be null and void and of no effect.

*Applicant Signature*



*Printed Name of Authorized Signatory (if different from Applicant)*

James Christopher Reid

*Position/Relationship of Authorized Signatory to Applicant*

Member

*Owner Signature (if different than Applicant)*

*Owner Address*

896 Shiptontown Rd

Lexington NC 27292

*Telephone Number*

(336)-250-0483

*Printed Name of Authorized Signatory (if different from Owner)*

James Christopher Reid

*Position/Relationship of Authorized Signatory to Owner*

Member

### **STAFF USE**

Received by: JLE Date: 5-21-21 Case Number: TBD

**CITY OF ASHEBORO**  
Application for Conditional Use Permit

**BASIC INFORMATION**

The granting of a Conditional Use Permit is a quasi-judicial process requiring sworn testimony. The testimony given should be directed at providing evidence that supports the application. Such evidence shall address the following four items. Failure to address these items will result in the delay or denial of your request.

- 1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- 2) That the use meets all required conditions and specifications.
- 3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
- 4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

The City Council shall make these general findings based upon substantial evidence contained in the proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans, and the like to support the application for a Conditional Use Permit.

*I have read and received a copy of the above information regarding the testimony and the evidence required at the public hearing for the Conditional Use Permit for which I have made an application. I understand my responsibilities in this matter. I have also received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.*

Applicant \_\_\_\_\_

Date \_\_\_\_\_

Received by staff: 5-21-21-AM-JLE

**SUBDIVISION STAFF REPORT**  
Sketch Design

**CASE #** SUB-21-01

**Date** 8-2-2021 PB continued from  
7-12-2021 and 6-7-2021

**GENERAL INFORMATION**

**Subdivision Name** Cane Creek Townhomes  
**Requested Action** Subdivision Sketch Design  
**Applicant** Davidson Land Development LLC  
**Address** 896 Shiptontown Rd., Lexington, NC 27292  
**Phone** 336-250-0483  
**Location** North side of East Allred Street

**PARCEL INFORMATION**

**PIN** 7762740259

**Size** 4.04 acres +/-

**Number of Lots** 16 + common area

**Existing Zoning** R10

**Average Lot Size** Pending

**Existing Land Use** Undeveloped

**Surrounding Land Use**

**North** Medium-Density Residential

**East** Medium-Density Residential

**South** Undeveloped Residential

**West** Medium-Density Residential

**LAND DEVELOPMENT PLAN**

**Growth Strategy Map** Primary Growth

**Proposed Land Use Map** Neighborhood Residential

**Small Area Plan Map** East

**Identified Activity Center?** No

**Development Issues**

1. The request is for a Residential Planned Unit Development with 16 townhome units.
2. A portion of the property is within a Special Hazard Flood Area. However, no units are proposed to be within this area.
3. The subdivision ordinance limits the use & length of dead end streets exceeding 500 feet unless topography or property configuration necessitates their use. The length of the proposed street is 457 linear feet, less than the street that was proposed on the previous plan.
4. One recreational area is shown along Pennwood Branch on the west side of the property.

**SUBDIVISION STAFF REPORT**  
Sketch Design

**DEPARTMENT COMMENTS**

**Engineering**      Plat corrections are pending as of 7-26-2021

**Public Works**      Plat corrections are pending as of 7-26-2021

**Planning**      Plat corrections are pending as of 7-26-2021.

The method of mail delivery must be approved by the US Postal Service. The City of Asheboro has no jurisdiction over mail delivery. If Community mailbox is required by USPS, this shall be located outside public right-of-way unless approved by City.

**Other**      Asheboro City Schools has reviewed the sketch design and indicated they had no comments.

**Staff Recommendation**      Staff's recommendation is pending.

**Planning Board  
Recommendation**



#### SITE NOTES:

SITE AREA FOR P.U.D.: 4.04 ACRES (176,022 SF)  
 TOTAL # OF LOTS: 10 LOTS PLUS COMMON AREA  
 LOT 1 = 2,690 SF LOT 2 = 2,690 SF LOT 3 = 2,690 SF  
 LOT 4 = 2,690 SF LOT 5 = 2,690 SF LOT 6 = 2,690 SF  
 LOT 7 = 2,690 SF LOT 8 = 2,690 SF LOT 9 = 2,690 SF  
 LOT 10 = 2,690 SF  
 TOTAL COMMON LOT AREAS: 27,584 S.F. (0.83 AC)  
 TOWNHOMES COMMON AREA: 147,658 S.F. = (3.39 AC)  
 TOTAL COMMON AREA: 175,242 S.F. = (4.02 AC) = 4.02 AC  
 TOTAL BUA: 36,805 SF = (0.85 AC)

ALL COMMON AREA INCLUDING RECREATION AREA & LANDSCAPING TO BE MAINTAINED BY HOMEOWNERS ASSOCIATION.

OPEN SPACE AREA RATIO (32% MIN): 79,008 (138,217 S.F.)  
 RECREATIONAL SPACE REQ'D (3.33% OF 52% OF TOTAL AREA): (3,048 SF)  
 RECREATIONAL SPACE REQ'D (3.07% SF REQ AREA SHOWN)

PROPERTY USE: CURRENT ZONING = R10  
 PROPOSED ZONING = CU-RAS FOR P.U.D. ONLY  
 PROPOSED UNITS = 10 TOWNHOMES (1,200 S.F. HEATED SF/UNIT MINIMUM)

LINEAR FEET OF STREETS: PUBLIC: 25' WITH C&G - 457 LF  
 PRIVATE: NONE

PROPOSED NAME OF STREET: CANE CREEK LANE

LANDSCAPING: CANOPY & UNDERSTORY TREES PLACED AROUND PERIMETER  
 TRASH DISPOSAL PLAN: TRASH CAN USE ONLY UNLESS OTHERWISE SHOWN

NOT ALLOWED ON SITE  
 NOTES: 1. H.O.A. DOCUMENTS WILL BE REQUIRED PRIOR TO FINAL PLAT APPROVAL.  
 2. DETAILED GRADING PLAN WILL BE SUBMITTED WITH ENGINEERING PLANS.  
 3. ALL BUILDINGS ARE CITY OF ASHBORO WATER AND SEWER UTILITIES.  
 4. MAIL TO BE DELIVERED TO EACH INDIVIDUAL UNIT.

FIRE HYDRANT NOTE  
 FIRE HYDRANT LOCATIONS ARE TENTATIVE  
 SUBJECT TO APPROVAL BY FIRE DEPT.

BUILDING SETBACK NOTE  
 STREET-FRONT PORCHES WILL TYPICALLY HAVE A SETBACK OF 20' IN THE FRONT ALONG CANE CREEK LANE, BUT NO LESS THAN 15'.

PERMIT NOTE  
 CONDITIONAL USE PERMIT AND REZONING FOR PLANNED UNIT DEVELOPMENT (P.U.D.) ONLY.

CITY OF ASHBORO NOTES  
 1. 30' WIDE CITY OF ASHBORO SANITARY SEWER EASEMENT WILL BE PROVIDED ALONG ALL 10' SANITARY SEWER LINES NOT IN PUBLIC ROW.  
 2. 20' WIDE CITY OF ASHBORO WATER LINE EASEMENT WILL BE PROVIDED ALONG ALL WATER LINES CONNECTING TO THE CITY OF ASHBORO WATER SYSTEM TO THE FIRE HYDRANTS AND METERS THAT ARE NOT IN PUBLIC ROW.  
 3. ALL STORM SEWERS NOT IN PUBLIC ROW WILL BE MAINTAINED BY HOMEOWNERS ASSOCIATION.

GENERAL SITE NOTES  
 1. BOUNDARY & TOPOGRAPHIC INFORMATION TAKEN FROM ASHBORO CONNECT GIS & RANDOLPH COUNTY GIS.  
 2. NO SURVEY TAKEN BY THIS OFFICE AS OF 3/15/18.  
 3. TOTAL AREA = 4.04 ACRES ±  
 4. PIN: 7752740259  
 5. DEED REFERENCE: DB 2406 PG 1000  
 6. PLAT REFERENCE: PG 70 PG 71  
 7. EXISTING ZONING: R-10 ASHBORO  
 8. PROPOSED ZONING: CU-RAS ASHBORO  
 9. SETBACKS  
 FRONT - 30' (ALLRED ST) 15' (CANE CREEK LN)  
 REAR - 0' (UNLESS OTHERWISE SHOWN)  
 SIDE - 5' (UNLESS OTHERWISE SHOWN)  
 10. PROPOSED PUBLIC ROADS: 457 LF ±  
 11. TOTAL UNITS: 10  
 12. ALL ROADWAY SECTIONS TO BE CONSTRUCTED PER NCDOT STANDARDS  
 NCDOT DRIVEWAY PERMIT REQ'D  
 13. MONUMENT SIGN TO BE 40 SO FT MAX. AREA MIN. OF 10' FROM RIGHT OF WAY  
 14. MAIL WILL BE DELIVERED TO EACH INDIVIDUAL UNIT.

#### DRAWING LEGEND

PROPERTY LINE  
 ADJOINING PROPERTY LINE  
 PROPOSED RIGHT OF WAY  
 PROPOSED LOT LINE  
 100 YR FLOODPLAIN  
 REGULATORY FLOODWAY  
 PROPOSED TREELINE  
 EXISTING SANITARY SEWER  
 PROPOSED SANITARY SEWER  
 WATER LINE  
 SAN. SEWER MANHOLE  
 FIRE HYDRANT

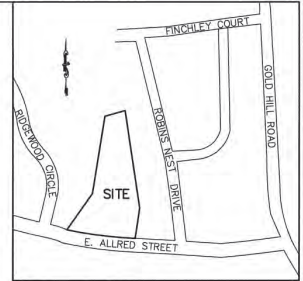
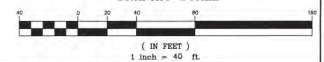
#### LANDSCAPE NOTES

TYPE "A" BUFFER REQUIREMENTS:  
 15' MIN. WIDTH, 1 CANOPY TREE, 3 UNDERSTORY TREES, AND 8 SHRUBS PER 100 LF  
 WHERE EXISTING VEGETATION DOES NOT MEET OR EXCEED ABOVE REQUIREMENTS, LANDSCAPE SHOULD BE ADDED TO THE CANOPY TREES AT THE RATE OF 8 SHRUBS AND 3 UNDERSTORY TREES PER 100 LF

TYPE "A" SCREEN PROPOSED:  
 A ROW OF EVERGREEN SHRUBS PLACED NOT MORE THAN FIVE FEET APART ON CENTER TO FORM A CONTINUOUS OPAQUE HEDGE A MINIMUM OF SIX FEET IN HEIGHT ABOVE FINISHED GRADE

\*FIRE MAIL WILL COMPLY WITH PERFORMANCE STANDARDS OF ASHBORO ZONING ORDINANCE, SECTION 318A.

#### GRAPHIC SCALE

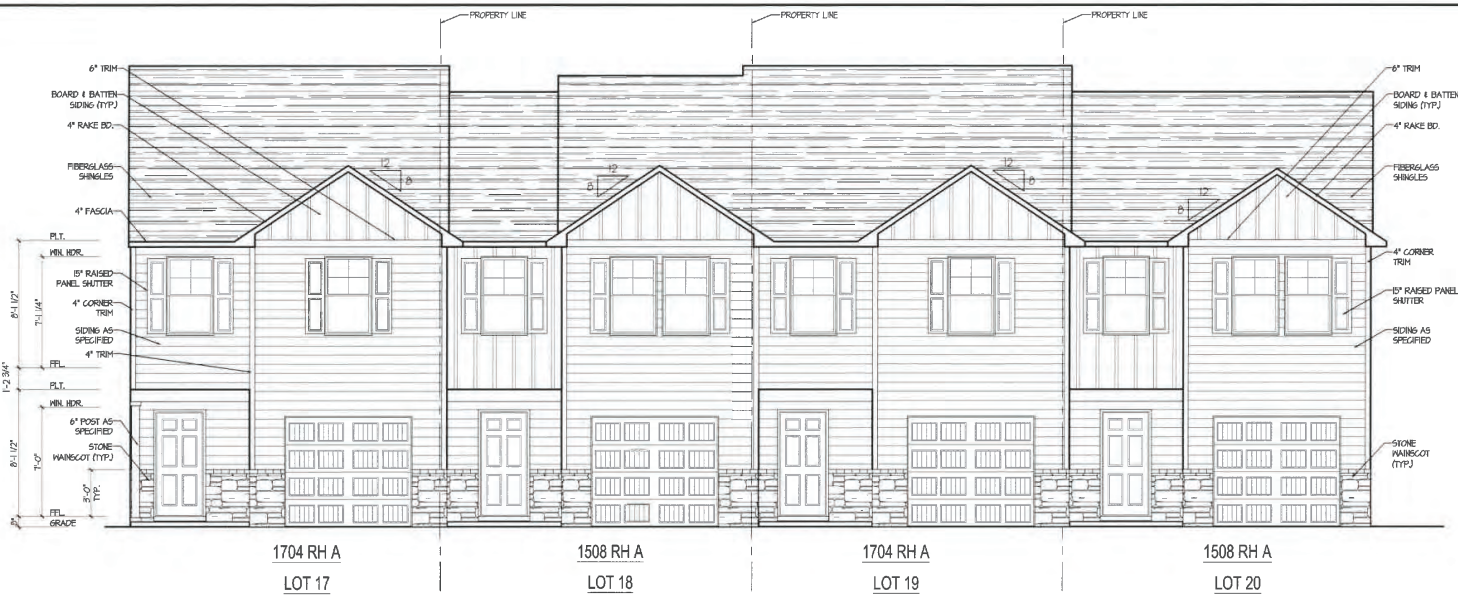


VICINITY MAP  
 N.T.S.

**Summey Engineering Associates, LLC**  
 Engineering - Land Planning - Consulting  
 1000 S. 10th St.  
 Asheville, NC 28806  
 Phone: 336-224-2922 Fax: 336-224-2922  
 Email: info@summeyeng.com  
 NC Professional Engineering Firm License No. F0314

**CANE CREEK TOWNHOMES**  
 EAST ALLRED STREET  
 RANDOLPH COUNTY, ASHBORO - NORTH CAROLINA

| PROPOSED SITE PLAN |            |
|--------------------|------------|
| Drawn by           | Checked by |
| JK                 | JK         |
| Date               | Date       |
| 10/1/2024          | 10/1/2024  |
| Scale              | Scale      |
| 1" = 40'           | 1" = 40'   |
| Sheet No.          | Sheet No.  |
| 1                  | 1          |

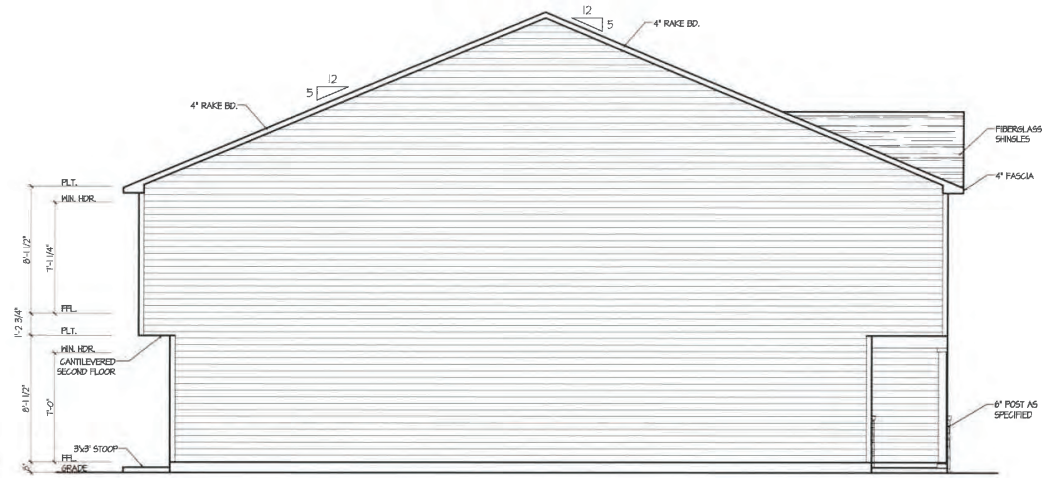


FRONT ELEVATION  
4 UNIT BUILDING

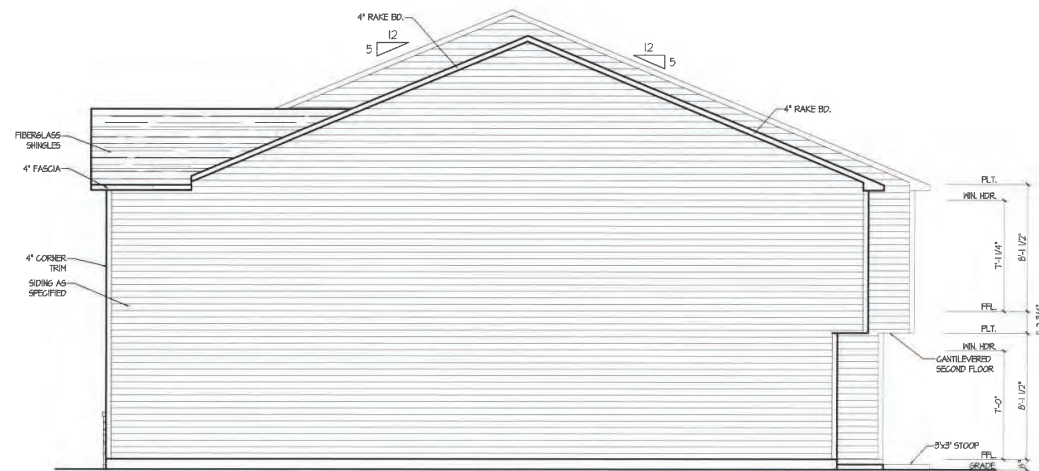


REAR ELEVATION

SCALE: 1/8" = 1'-0" U.N.O. (11x17)  
SCALE: 1/4" = 1'-0" U.N.O. (24x36)



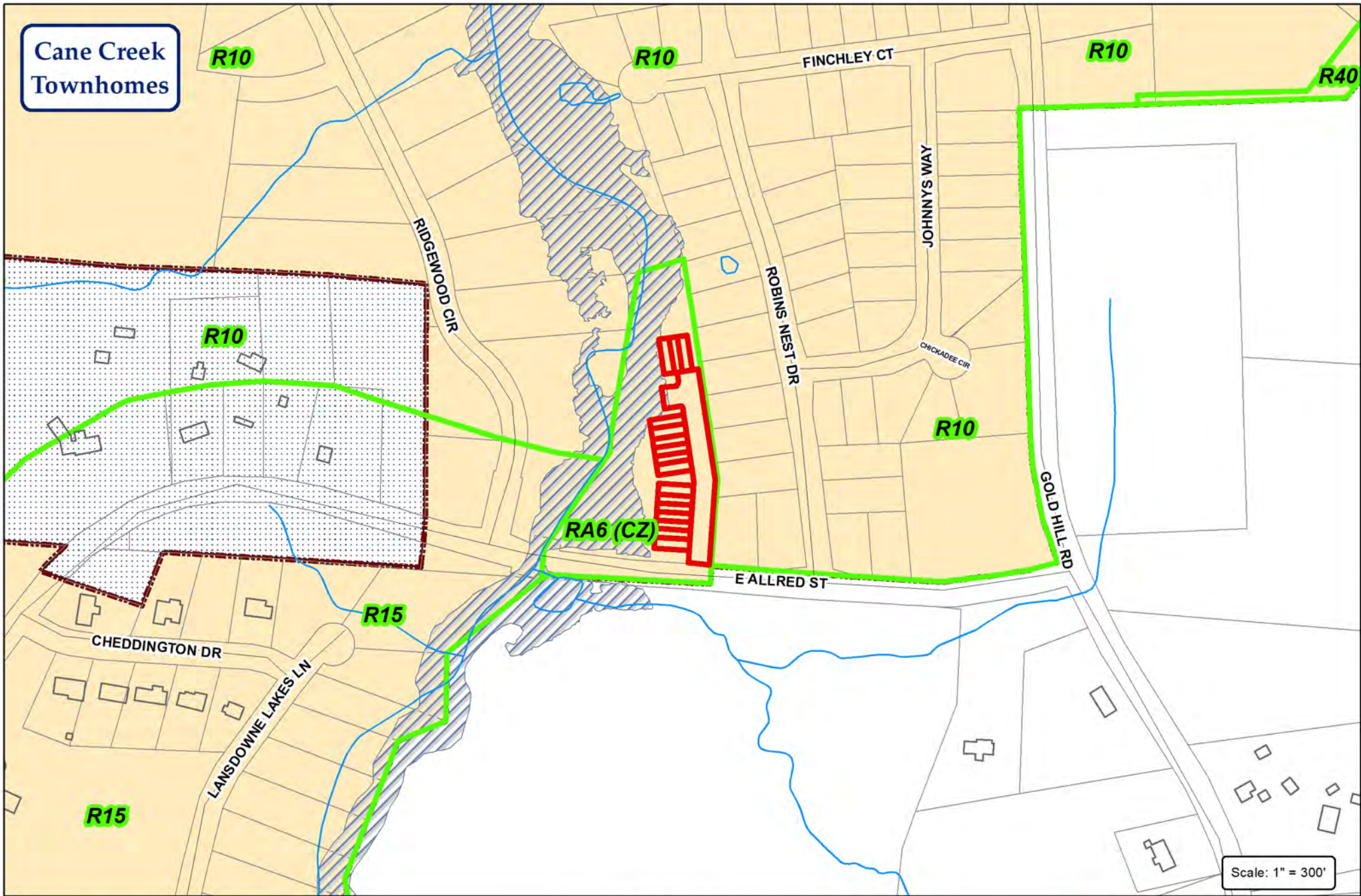
1704 RH LEFT ELEVATION



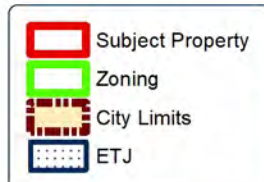
1508 RH RIGHT ELEVATION

SCALE: 1/8" = 1'-0" U.N.O. (11x17)  
SCALE: 1/4" = 1'-0" U.N.O. (24x36)

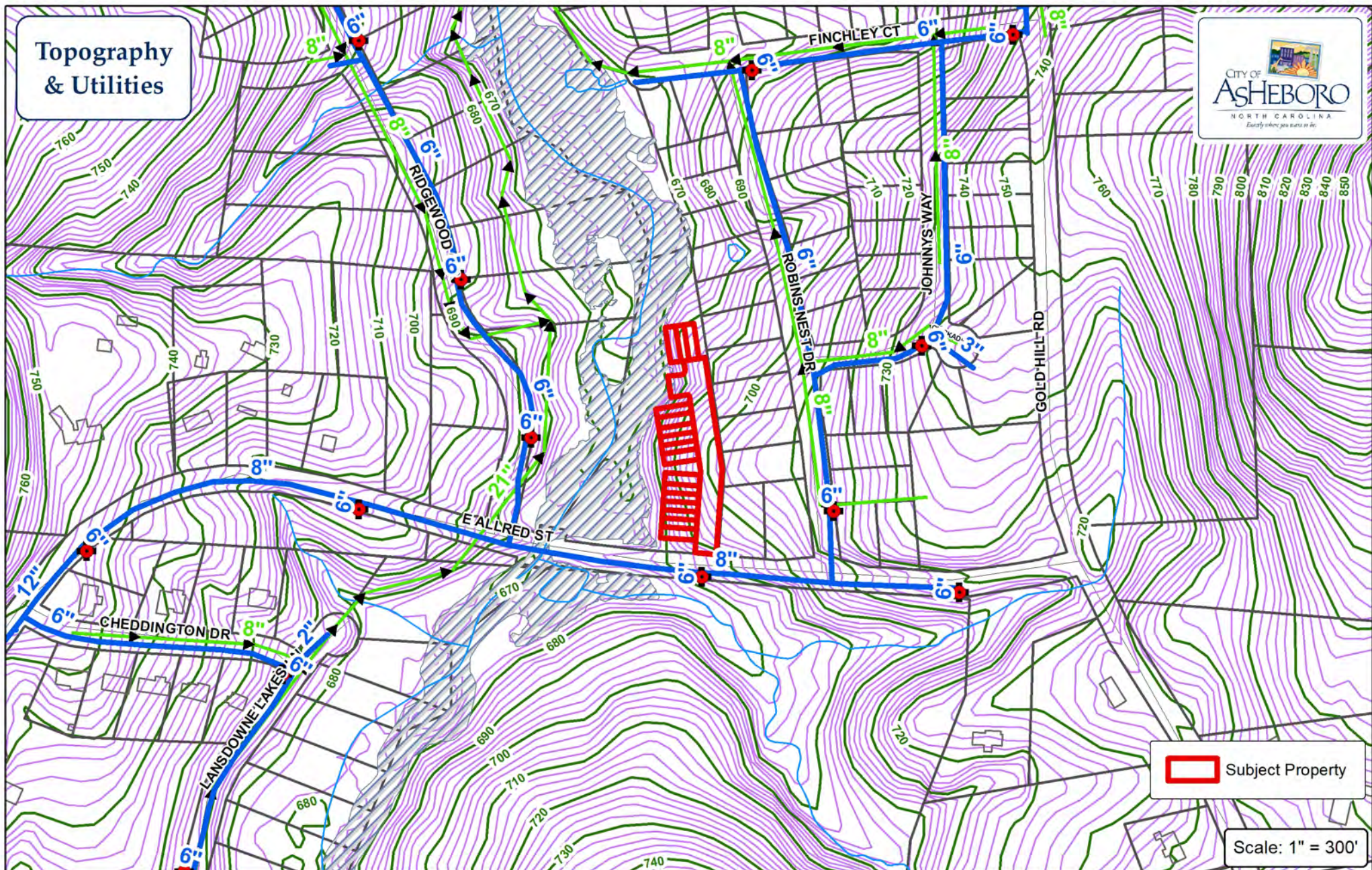
Cane Creek  
Townhomes



City of Asheboro  
Planning & Zoning Department  
Subdivision Case: SUB-21-01  
Parcel: 7762740259



# Topography & Utilities



 Subject Property

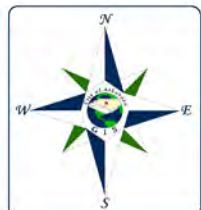
Scale: 1" = 300'

- |                                                                                    |            |                                                                                     |              |
|------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------------------|--------------|
|  | Water Main |  | Fire Hydrant |
|  | Sewer Main |  | Pump Station |
|  | Force Main |                                                                                     |              |

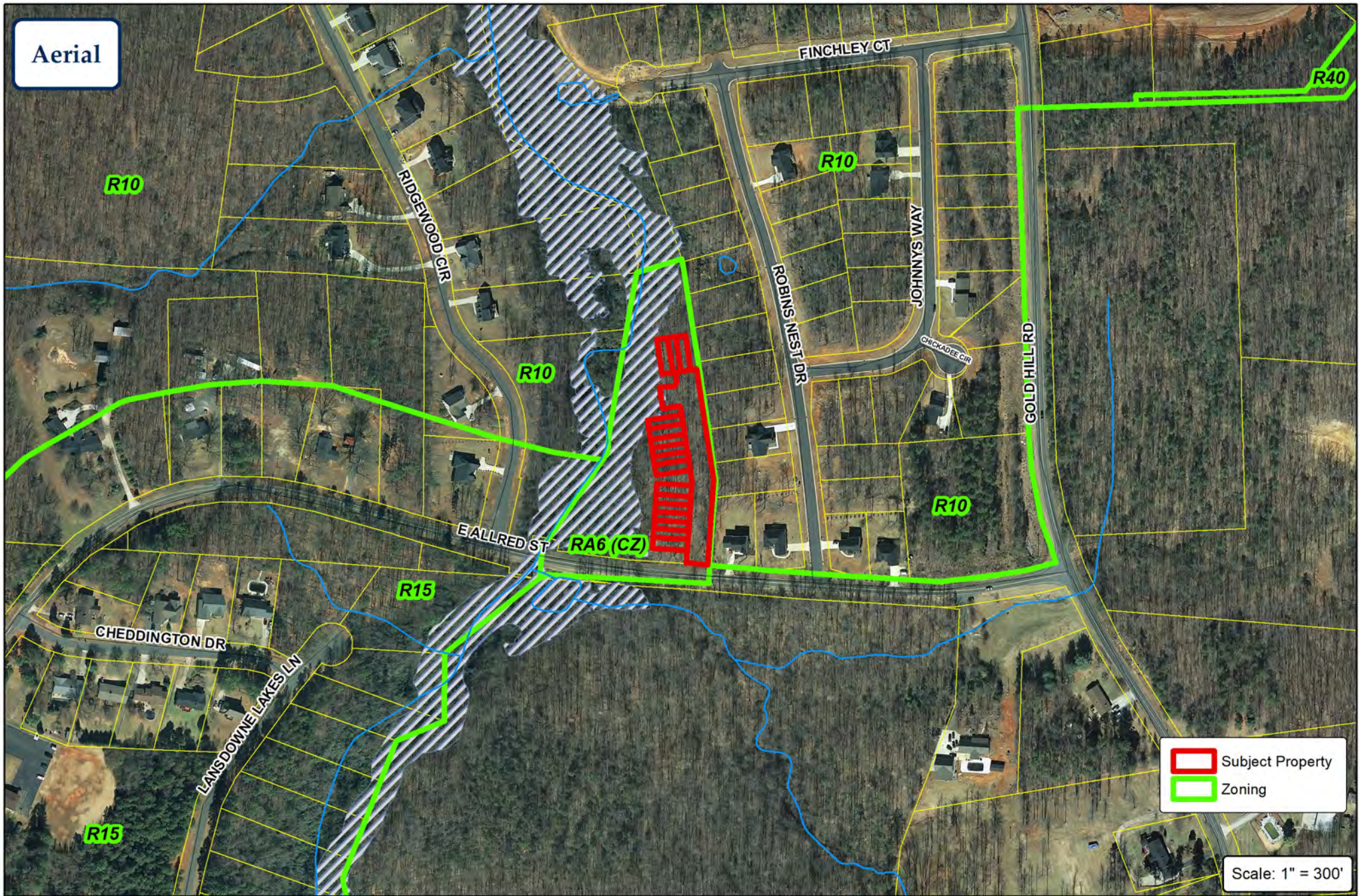
City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-21-01

Parcel: 7762740259



Aerial



City of Asheboro  
Planning & Zoning Department  
Subdivision Case: SUB-21-01  
Parcel: 7762740259





**RZ-21-10:** Rezone from Randolph County RR Residential Restricted Zoning to City of Asheboro I2 (CZ) General Industrial CZ Zoning: 577 Gold Hill Road

### **Staff Report**

**The applicant has requested a continuance of this request until the September 13, 2021 Planning Board meeting.**

# Rezoning Staff Report

**RZ Case # RZ-21-10**

**Date 8/2/2021 Planning Board**

## General Information

**Applicant** Asheboro Land Development LLC

**Address** 2310 Garner Road

**City** Raleigh NC 27610

**Phone** 919-552-2149

**Location** Gold Hill Rd.

**Requested Action** Rezone from Randolph County RR Restricted Residential zoning to I2 (CZ) City of Asheboro General Industrial Conditional Zoning

**Existing Zone** Randolph County RR **Existing Land Use** Undeveloped

**Size** 114 acres

**Pin #** 7761597738

## Applicant's Reasons as stated on application

Future access to city sewers and water. In accordance with the Asheboro Development Plan (draft March 2021), this proposed amendment would support the expansion of an existing industry and would keep both properties within City limits. By annexing this property into the City, will simplify the process of obtaining future NCDEQ permits for an expansion.

## **Surrounding Land Use**

**North** Low-Density Residential (Single-family)

**East** Undeveloped/Low-Density residential (single-family)

**South** Existing Clean Material Landfill

**West** Medium-Density Residential (single-family)

**Zoning History** Prior to being released from the City's ETJ in 2013, the former City zoning designation was R10 Medium-Density Residential

## **Legal Description**

The property of Asheboro Land Development LLC, located at 577 Gold Hill Road, totaling approximately 114 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7761597738.

## **Analysis**

1. The property is currently outside of the city limits and city extraterritorial zoning jurisdiction. An annexation is being filed concurrently and the property owner is requesting that the property be designated I2 (CZ) City of Asheboro General Industrial Conditional Zoning.
2. Gold Hill Road is a state-maintained minor thoroughfare.
3. Prior to 2013, when the City relinquished some of its extraterritorial zoning jurisdiction (ETJ) to Randolph County, the property was within the City of Asheboro's zoning jurisdiction and zoned R10 Medium-Density Residential. Once the County applied zoning, it was designated RR Residential Restricted. Definitions of the current Randolph County zoning and I2 City of Asheboro zoning (requested with conditions) are attached.
4. When the property was within the City's zoning jurisdiction, the Land Development Plan mapped this property as "Neighborhood Residential" on the proposed land use map and "Economic Development" on the Growth Strategy Map and part of the Eastern Small Area Plan. Since the property is no longer in the City's jurisdiction, the current LDP map (updated in 2015) does not map this property for a specific use or with a Growth Strategy designation. .
5. Part of the property, along the western side, is within a floodplain.
6. The requested land use is a "Landfill- Clean Material" and the applicant has also requested that this include land clearing materials. A definition of "Landfill- Clean Material" is attached. Access for the proposed use is proposed to be from the adjoining site with access provided from Gold Hill Road. The applicant also proposes leaving a vegetative buffer adjacent to residential properties ranging from 200 to 500 feet.

Rezoning Staff Report

RZ Case # RZ-21-10

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 N/A- See #4 of Analysis

Small Area Plan N/A- See #4 of Analysis

Growth Strategy Map Designation N/A- See #4 of Analysis

LDP Goals/Policies Which Support Request

See final analysis on p. 3

## Rezoning Staff Report

RZ Case # RZ-21-10

Page 3

### LDP Goals/Policies Which Do Not Support Request

See final analysis below.

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

As requested by the applicant, staff recommends continuing this request to provide additional time for review and public comment.

#### Recommendation

As noted above, staff's recommendation is to continue the request until the September 13, 2021 Planning Board meeting.

## Rezoning Staff Report

**Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)**

See final analysis on p. 3.

## Definitions

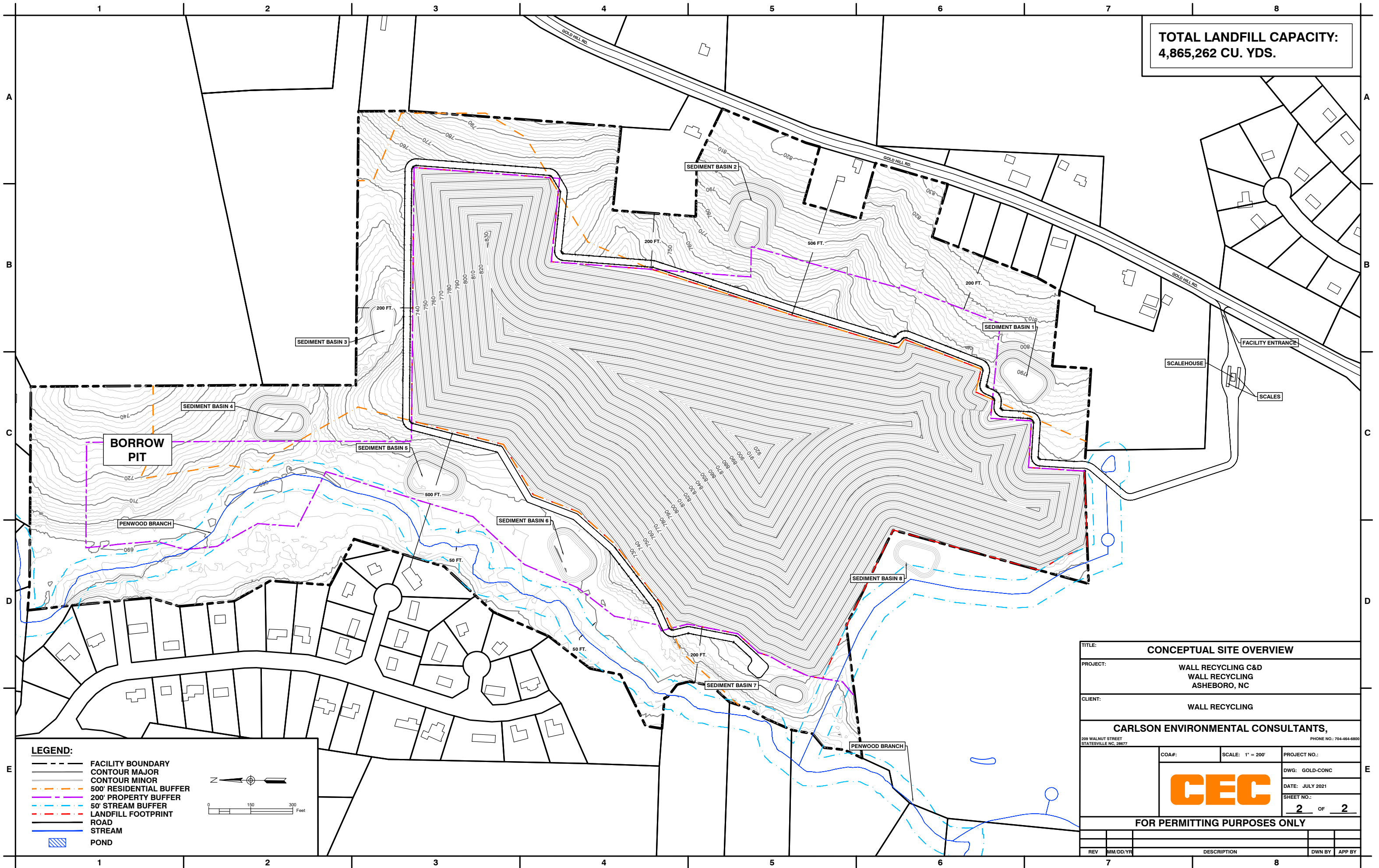
**RR Residential Restricted District:** The purpose of this district is to provide a place for single-family residential uses (site built homes, Class A manufactured housing).

*Source: Randolph County Unified Development Ordinance*

**I2 Industrial Development District:** The intent of the I2 Industrial Development 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.

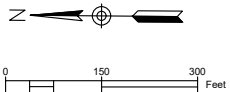
*Source: City of Asheboro Zoning Ordinance*

**Clean Material Landfills:** Land used for the disposal of only non-water soluble, non decomposable, inert material, consisting of concrete, brick, steel, clean fill dirt and other similar material.



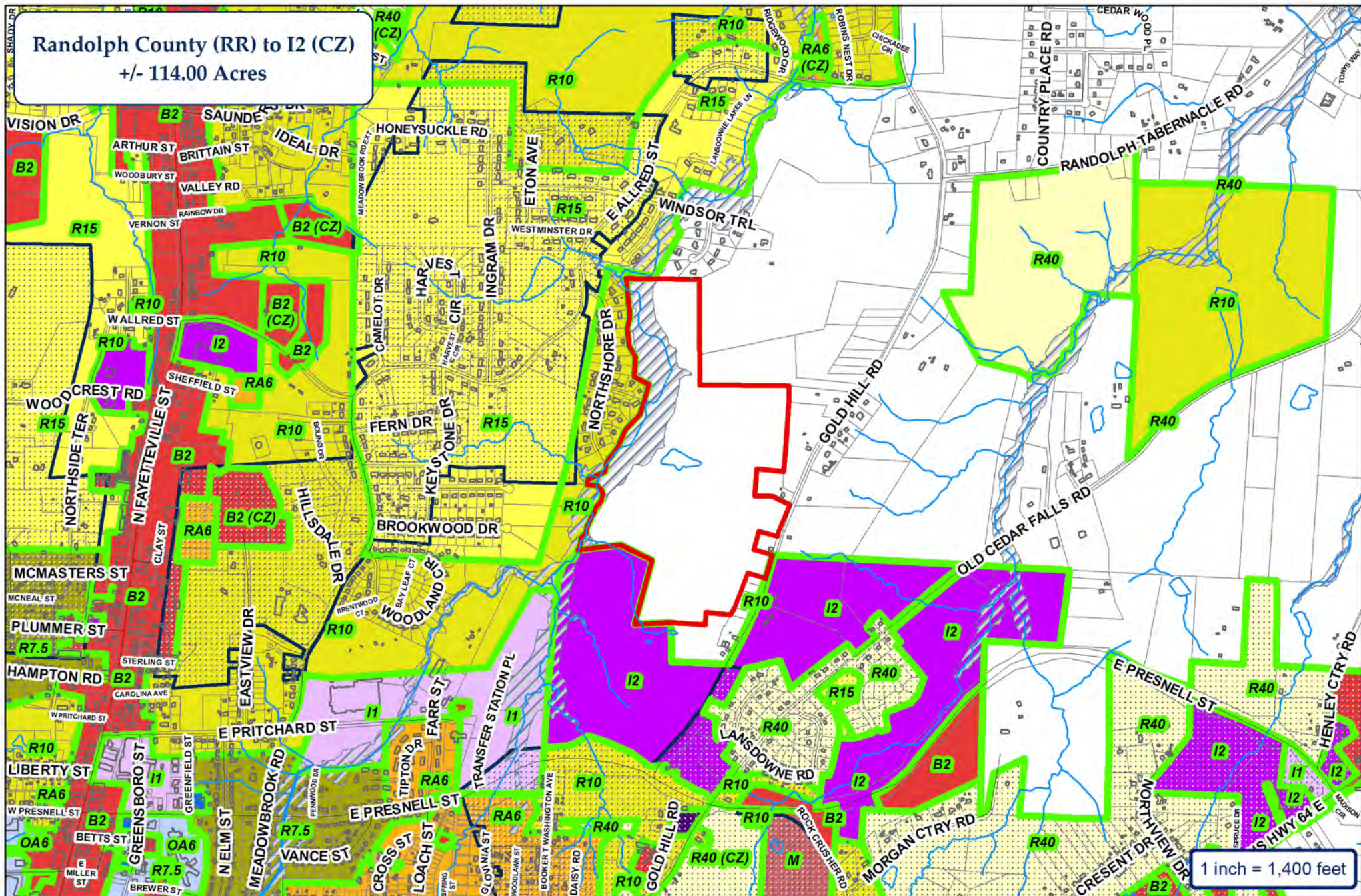
TOTAL LANDFILL CAPACITY:  
4,865,262 CU. YDS.

- LEGEND:**
- FACILITY BOUNDARY
  - CONTOUR MAJOR
  - CONTOUR MINOR
  - 500' RESIDENTIAL BUFFER
  - 200' PROPERTY BUFFER
  - 50' STREAM BUFFER
  - LANDFILL FOOTPRINT
  - ROAD
  - STREAM
  - POND



|                                                                                                                                 |                |                  |                                 |
|---------------------------------------------------------------------------------------------------------------------------------|----------------|------------------|---------------------------------|
| TITLE: CONCEPTUAL SITE OVERVIEW                                                                                                 |                |                  |                                 |
| PROJECT: WALL RECYCLING C&D<br>WALL RECYCLING<br>ASHEBORO, NC                                                                   |                |                  |                                 |
| CLIENT: WALL RECYCLING                                                                                                          |                |                  |                                 |
| CARLSON ENVIRONMENTAL CONSULTANTS,<br><div>209 WALNUT STREET<br/>STATESVILLE NC, 28677</div> <div>PHONE NO.: 704-664-6800</div> |                |                  |                                 |
| <div></div>                                                                                                                     | COA#:          | SCALE: 1" = 200' | PROJECT NO.:                    |
|                                                                                                                                 | <div>CEC</div> |                  | DWG: GOLD-CONC                  |
|                                                                                                                                 |                |                  | DATE: JULY 2021                 |
|                                                                                                                                 |                |                  | SHEET NO.:<br><div>2 OF 2</div> |
| FOR PERMITTING PURPOSES ONLY                                                                                                    |                |                  |                                 |
|                                                                                                                                 |                |                  |                                 |
| REV                                                                                                                             | MM/DD/YR       | DESCRIPTION      | DWN BY APP BY                   |

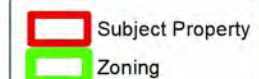
Randolph County (RR) to I2 (CZ)  
+/- 114.00 Acres



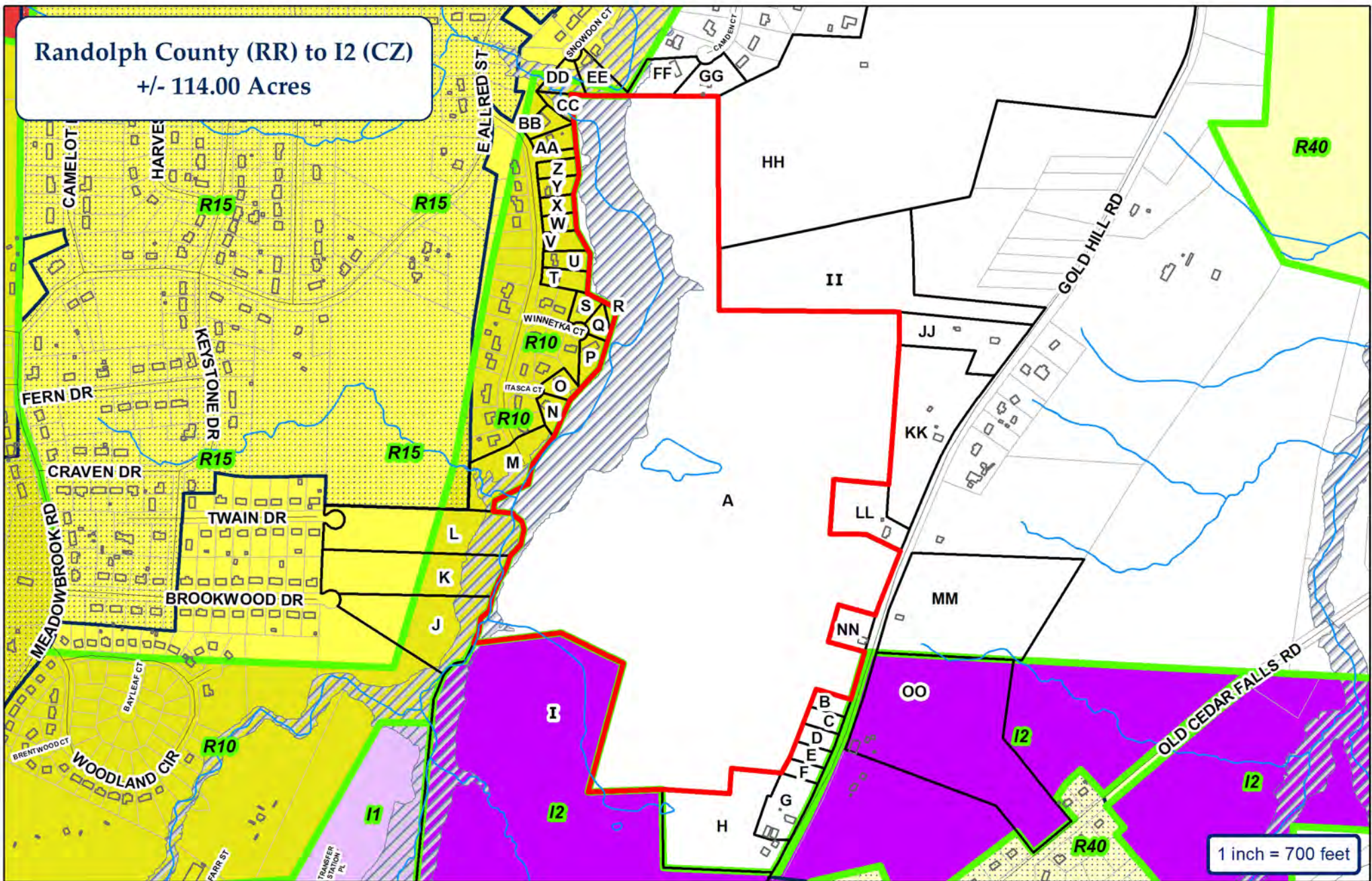
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-10

Parcel: 7761597738



Randolph County (RR) to I2 (CZ)  
+/- 114.00 Acres



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-10

Parcel: 7761597738

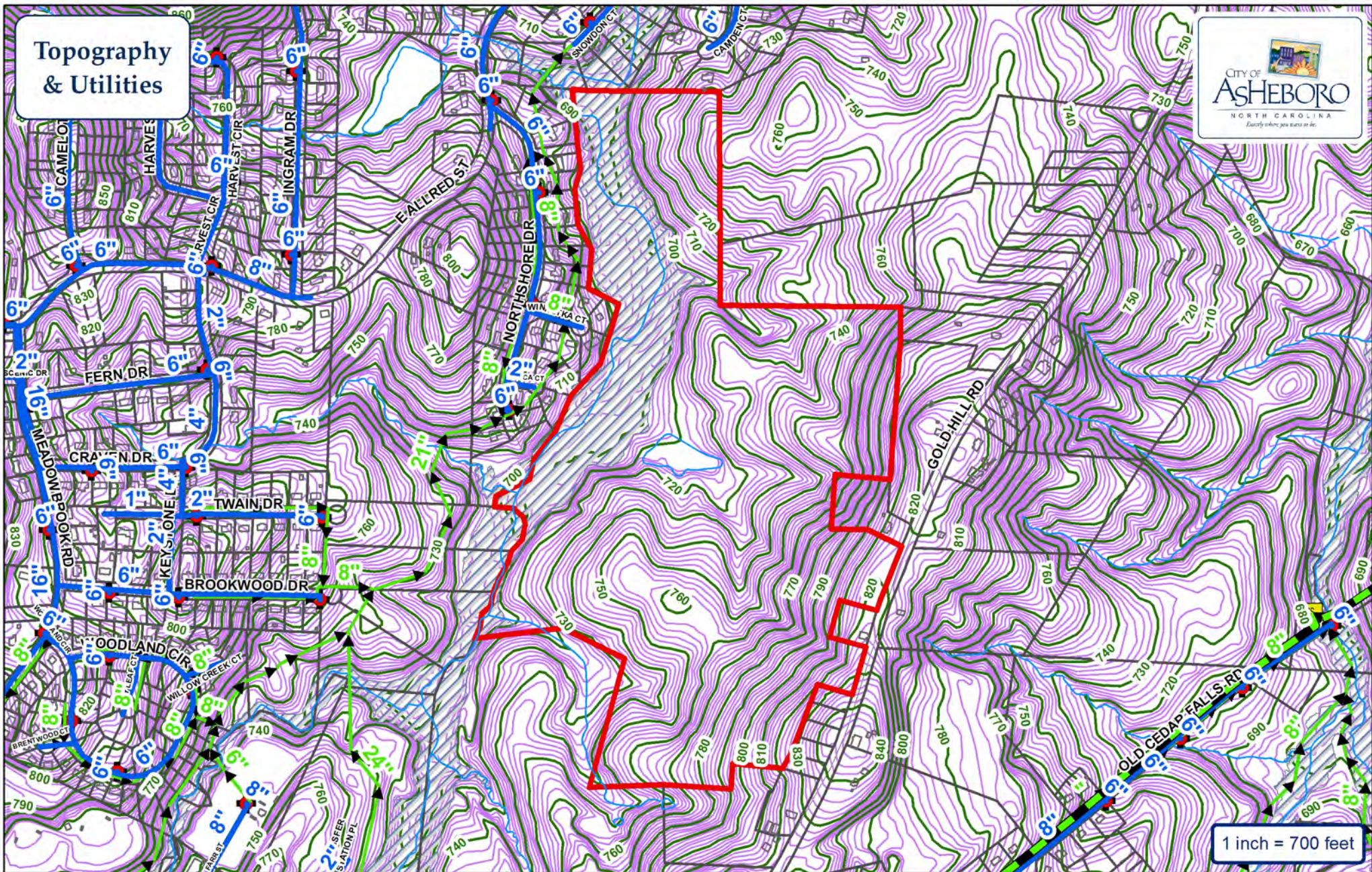


ETJ

- Subject Property
- Adjoining Properties
- Zoning



# Topography & Utilities



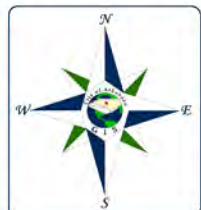
- |  |            |  |              |
|--|------------|--|--------------|
|  | Water Main |  | Fire Hydrant |
|  | Sewer Main |  | Pump Station |
|  | Force Main |  | Watershed    |

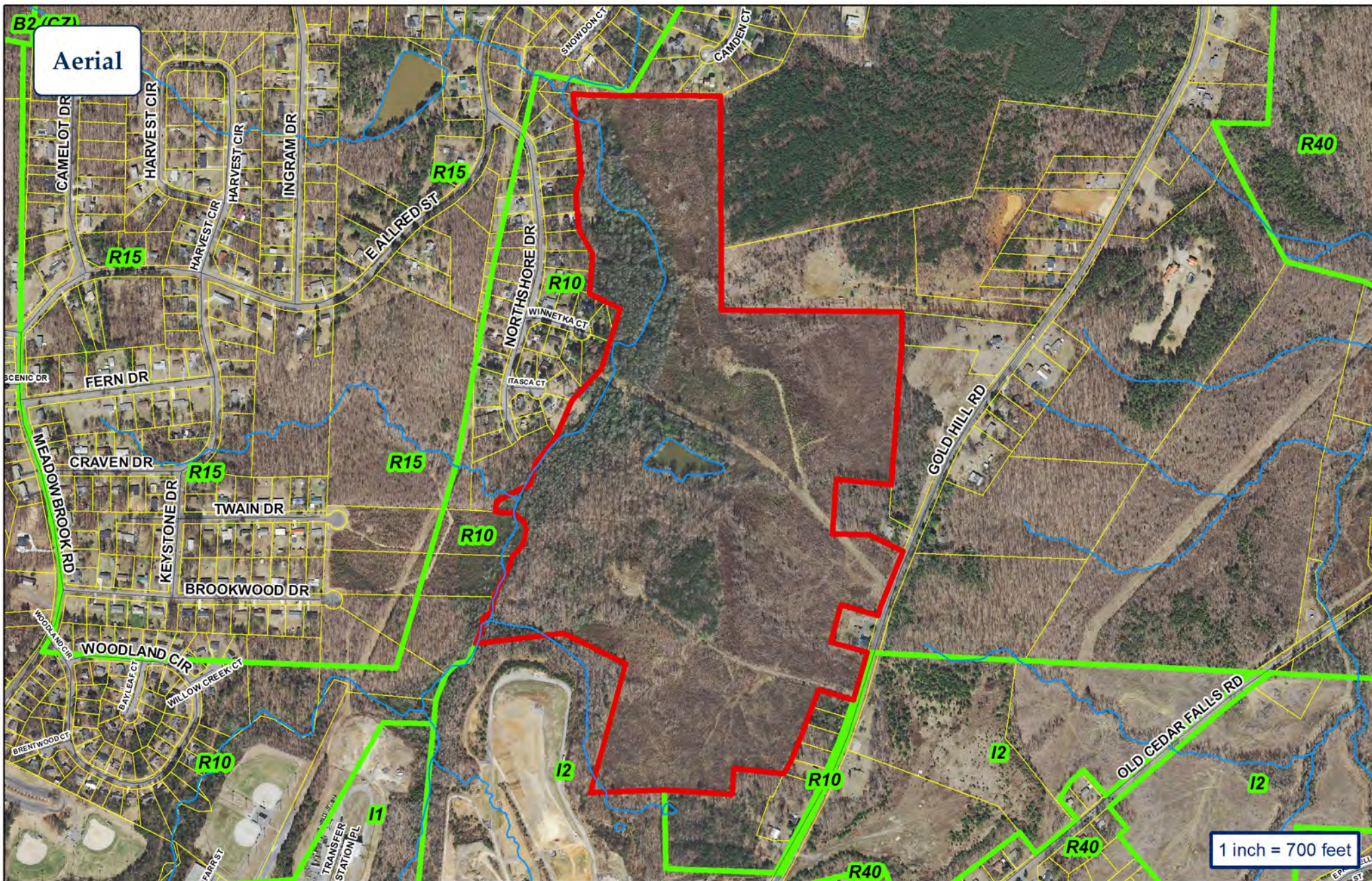
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-10

Parcel: 7761597738

Subject Property

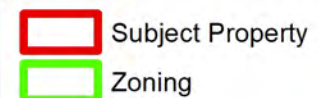




## City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-10

Parcel: 7761597738





## **Application for Conditional Zoning District**

### **APPLICATION FEE**

A \$550 filing fee is required.

### **APPLICATION INSTRUCTIONS:**

The conditional zoning process can be complex. A Conditional Zoning District involves a proposal for a specific use that is customized to a particular property. In order to ensure compliance with application requirements, the applicant is **required** to have a pre-application conference with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Please contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

### **REQUIRED APPLICATION CONTENTS**

1. A pre-application conference with staff is **required** prior to the application being accepted. At this conference, staff and the applicant will discuss the rezoning request, the unique aspects of conditional zoning, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plans, landscaping, and other development requirements. This meeting must occur no more than sixty (60) days prior to the application filing deadline.
2. A legal description/deed reference of such land.
3. Six (6) copies of a site plan drawn to scale to be submitted to the Planning Board. The Planning Board will review the proposal and forward a recommendation, including conditions for the zoning, to City Council. The month following the Planning Board meeting, City Council will review the proposed Conditional Zoning District application and site plan and may adopt, not adopt, or refer the application back to the Planning Board for review of any revisions made to the site plan subsequent to the initial submittal of the application materials.
4. Letter to be mailed by applicant notifying neighboring property owners of the request. Consistent with Section 160D-602(e) of the North Carolina General Statutes, the applicant shall notify neighboring property owners of the requested conditional zoning as well as the location, time, and date on which the Planning Board will hold a legislative hearing on the request. This notice must be in the form of a mailed notice provided in compliance with the guidance found in Section 160D-602(a) of the North Carolina General Statutes. During the legislative hearing, the applicant shall report to the Planning Board on the delivery of the required notice and any communication with neighboring property owners and residents concerning the requested conditional zoning.

### **APPLICATION DEADLINES AND MEETING DATES**

The deadline for filing of applications for legislative hearings will be the day which is 55 days prior to the date of the City Council meeting for which the public hearing is to be set, provided that the deadline is no less than 17 days prior to the Planning Board's required legislative hearing; in these instances, the deadline will be 62 days prior to the date of the City Council meeting for which the public hearing is to be set.

If five (5) applications have been received prior to the cut-off date, the request will be heard the following month.

| <b><i>Application Deadline</i></b>                       | <b><i>Planning Board Meeting</i></b> | <b><i>City Council Meeting</i></b>              |
|----------------------------------------------------------|--------------------------------------|-------------------------------------------------|
| December 11, 2020                                        | Monday, January 4, 2021              | Thursday, February 4, 2021                      |
| January 8, 2021                                          | Monday, February 1, 2021             | Thursday, March 4, 2021                         |
| February 12, 2021                                        | Monday, March 1, 2021                | Thursday, April 8, 2021                         |
| March 12, 2021                                           | Monday, April 5, 2021                | Thursday, May 6, 2021                           |
| April 16, 2021                                           | Monday, May 3, 2021                  | Thursday, June 10, 2021                         |
| May 21, 2021                                             | Monday, June 7, 2021                 | Thursday, July 15, 2021                         |
| June 11, 2021                                            | Monday, July 12, 2021                | Thursday, August 5, 2021                        |
| July 16, 2021                                            | Monday, August 2, 2021               | Thursday, September 16, 2021                    |
| August 13, 2021                                          | Monday, September 13, 2021           | Thursday, October 7, 2021                       |
| September 10, 2021                                       | Monday, October 4, 2021              | Thursday, November 4, 2021                      |
| October 15, 2021                                         | Monday, November 1, 2021             | Thursday, December 9, 2021                      |
| *November, 2021: Confirm application deadline with staff | Monday, December 6, 2021             | *January, 2022: Confirm meeting date with staff |

**\*January, 2022 Council meeting dates are not set by Council until December, 2021.**

### **ITEMS TO BE SHOWN ON THE SITE PLAN:**

The application for a Conditional Zoning District shall include a site plan, which must be drawn to scale, with supporting information and text that specifies the actual use or uses intended for the Zoning Lot and any rules, regulations, and conditions that, in addition to all predetermined Ordinance requirements, will govern the development and use of the Zoning Lot. The following information must be provided, if applicable:

- 1) The actual shape, location, dimensions, and total acreage of the Zoning Lot; its zoning classification; the general location of the Zoning Lot in relation to major streets, railroads, and/or waterways; a north arrow; and, if the Zoning Lot is not of record, sufficient data to locate the lot on the ground;
- 2) All existing rights-of-way, easements, and reservations;
- 3) In addition to providing the shape, size, and location of any structure(s) already located on the Zoning Lot, the site plan must show the shape, size, and location of all structures to be erected, altered, or moved on the Zoning Lot;
- 4) Building elevations of all exterior facades at a minimum scale of 1/8" = 1';

- 5) The existing and intended use(s) of the Zoning Lot, specifically including the number of residential units and the total square footage of any nonresidential development;
- 6) The location and size of all yards, buffers, screening, and landscaping, including by way of illustration and not limitation front yard and parking lot landscaping, required by the Ordinance's predetermined standards for the general zoning classification applicable to the Zoning Lot or as otherwise proposed by the applicant;
- 7) All existing and proposed points of access to public streets;
- 8) Proposed phasing, if any;
- 9) The location and type of screening used to screen mechanical equipment;
- 10) The location, access to, and screening of a central solid waste area;
- 11) Traffic, parking, and circulation plans, specifically including the location and dimensions of off-street parking areas and loading spaces;
- 12) The grade separation of structure(s) and parking areas;
- 13) The paving material for parking areas;
- 14) Curb cuts;
- 15) The compliance of the proposed development with the Ordinance's predetermined sign regulations;
- 16) The level of compliance of the land use(s) proposed for the Zoning Lot with the Ordinance's predetermined performance standards for the general zoning classification assigned to the Zoning Lot, including by way of illustration and not limitation performance standards pertaining to light, noise, and vibration;
- 17) If applicable, the location of any flood zones;
- 18) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
- 19) If applicable, the location of the watershed;
- 20) When required by the Ordinance's predetermined specifications, sidewalks; and
- 21) Information addressing the applicable permitting requirements of other local governmental agencies as well as federal and state agencies, including by way of illustration and not limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

**APPLICANT INFORMATION**Applicant Asheboro Land Development, LLC Applicant's Phone # 919-552-2149Applicant's Address 2310 Garner Rd  
Raleigh, NC 27610Applicant email address dan@wallrecycling.com**PROPERTY INFORMATION**Property Owner's Name Asheboro Land Development, LLCLocation of Property 577 Gold Hill Rd Asheboro Property Size (ac. or s.f.) 114 ac.Randolph County Property Identification Number (PIN#) 7761597738Current Zoning District RR Requested Zoning District I-2Date Property Title Acquired 12/17/2020 Deed Book 2732 Page 2772-2774Subdivision NA Section NA Lot # NAPlat Book NA Page NA**CONDITIONAL ZONING DISTRICT INFORMATION** (Attach additional sheets if necessary)

1. Application is hereby made to the City of Asheboro for a Conditional Zoning District for the following purpose:

Rezoning of 114 acres for planned use of a C&D landfill  
in a similar manner as the adjoining property at  
385 Gold Hill Rd.

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

In accordance with Asheboro Land Development Plan (draft March 2021)  
this proposed amendment would support the expansion of an existing  
industry and help keep both properties within city limits.

**For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".**

3. 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.

\_\_\_\_\_  
\_\_\_\_\_

Does not apply ☒

4. 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?

Future access to City Sewer and water  
\_\_\_\_\_

Does not apply ☐

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

Annexation of this property into the city will simplify the  
process of obtaining future NCD&A permits for expansion.

### APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a Conditional Zoning District rests with the applicant.

No application for a Conditional Zoning District will be advertised for public hearing until the Planning and Zoning Department has received all required materials. If all required materials are not received prior to the specified deadlines, hearings for the case may be delayed.

Per Section 4.05 of the zoning ordinance, it is intended that property will be reclassified to a Conditional Zoning District only in the event of firm plans to develop the property. Accordingly, subject to any specific durational limits imposed by the ordinance applying conditional zoning to the Zoning Lot, if no action has been taken to obtain a Zoning Compliance Permit in conformance with the conditional zoning ordinance within 36 months of the City Council's approval of conditional zoning for the Zoning Lot, the Community Development Director or his or her designee shall initiate appropriate action to rezone the Zoning Lot to a general zoning classification that is consistent with the adopted comprehensive plan.

Applicant Signature

\_\_\_\_\_

Printed Name of Authorized Signatory (if  
different from Applicant)

\_\_\_\_\_

Position/Relationship of Authorized  
Signatory to Applicant

\_\_\_\_\_

Owner Signature (if different than Applicant)

\_\_\_\_\_

Owner Address

2310 Garner Rd

Raleigh, NC 27610

Telephone Number

919-552-2149

Printed Name of Authorized Signatory (if  
different from Owner)

Dan Wall

Position/Relationship of Authorized  
Signatory to Owner

owner/manager

7-14-2021;  
amended  
7-23-2021  
JE as CZ application

|                        |                        |                             |
|------------------------|------------------------|-----------------------------|
| Received by: <u>JE</u> | Date: <u>7-23-2021</u> | Case Number: <u>RZ-2110</u> |
|------------------------|------------------------|-----------------------------|

STAFF USE

## **NOTICE OF ZONING MAP AMENDMENT (REZONING)**

### **TO ADJOINING PROPERTY OWNERS**

This is to notify you that I, Raymond Hoffman, P.E., on behalf of Asheboro Land Development, LLC, have filed an application with the City of Asheboro to rezone the property, located at 577 Gold Hill Road, more specifically identified by Randolph County Parcel Identification Numbers 7761597738, totaling approximately 114 acres +/-.

The request is to rezone this property from Randolph County zoning designation RR Residential Restricted to City of Asheboro designation I2 (CZ) General Industrial (Conditional Zoning). The proposed use is a clean material landfill and/or a land clearing landfill. More details on the proposed use are enclosed, including a site plan showing proposed buffers from residential properties (which will be a minimum of 200 feet and in some locations, up to 500 feet).

On Monday, August 2, 2021 at 7:00 pm the Asheboro Planning Board will meet to hear this request and forward their report to the City Council. However, I intend to request a continuance of the request until Monday, September 13, 2021 at 7:00 pm to allow more time for review of the proposal. On Thursday, September 16, 2021, at 7:00 pm the City Council will hold a public hearing on the rezoning request. The meetings will be held in the City Council Chambers, 146 North Church Street, Asheboro, NC.

The Council, after considering the information/testimony presented during the public hearings and reviewing the reports of the Planning Board and Planning and Zoning Department, will take action on the application. Such action may include approval of the request, denial of the request, or approval of a modified version of the request on the basis of the Council's determination that such action is reasonably necessary to promote the public health, safety, or general welfare and to achieve the purposes of the adopted Land Development Plan. The meeting is open to the public and your participation is encouraged. If you have any questions, please contact the Planning and Zoning Department at 336-626-1201 Ext. 225. You may also contact me at

704-464-6800.

Garcia, Wualterio Ponce  
401 B Spring St  
Asheboro, NC 27203

Potts, Vickie Boggs Trustee (Potts,  
Thomas Stevenson Trustee) -  
Additional Owners  
562 Twain Drive  
Asheboro, NC 27203

Norman, William (Norman, Brenda)  
146 Lakemont Rd  
New London, NC 28127

Mroczkowski, Jason D (Mroczkowski,  
Angela C)  
1850 Mt View Church Rd  
Asheboro, NC 27203

Brown, Rodney Thomas (Brown, Deanna  
Dorsett)  
P O Box 966  
Ramseur, NC 27316

Willett, Jeffery N (Willett, Ruth B)  
1047 Camden Ct  
Asheboro, NC 27203

Race, Kenneth Shawn (Race, Michelle  
S)  
1028 Snowdon Ct  
Asheboro, NC 27203

Brower, D Faedene  
896 N Shore Dr  
Asheboro, NC 27203

Richardson, Ronald Dean Life Estate  
(Richardson, Rolinda Kay Life  
Estate)  
779 Gold Hill Rd  
Asheboro, NC 27203

Swlnk, Howard C Life Estate  
910 Greystone Rd  
Asheboro, NC 27203

Vences, Rogelio Jaimés (Jaimés,  
Marla Santos Jaimés)  
532 Rock Crusher Rd  
Asheboro, NC 27203

Swaney, Carey P  
633 Winnetka Ct  
Asheboro, NC 27203

Wallace, Jeffrey W (Wallace, Kendra  
L)  
620 Itasca Ct  
Asheboro, NC 27203

Wiggins, Pamela G (Chadwell,  
Barbara)  
968 Northshore Dr  
Asheboro, NC 27203

Brown, Rodney Thomas (Brown, Deanna  
D)  
P O Box 966  
Ramseur, NC 27316

Terry, Kristen P (Terry, Ryan D)  
1034 Snowdon Ct  
Asheboro, NC 27203

Mroczkowski, Jason D (Mroczkowski,  
Angela)  
1850 Mt View Church Rd  
Asheboro, NC 27203

Ulmer, James C (Ulmer, Janet K)  
619 Itasca Ct  
Asheboro, NC 27203

York, Gregory S (York, Betty T)  
906 N Shore Dr  
Asheboro, NC 27203

Underwood, Kaitlyn R (Still, David)  
930 Northshore Dr  
Asheboro, NC 27203

Lichty, Guy L (Zur, Suzanne I)  
1787 Lake Country Dr Ext  
Asheboro, NC 27205

Sewell Family Trust & Others  
359 Birdie Pl  
Asheboro, NC 27205

McCahan, Thomas C (McCahan, Debra J)  
972 N Shore Dr  
Asheboro, NC 27203

Mabe, David Odell (Mabe, Cynthia B)  
946 North Shore Dr  
Asheboro, NC 27203

Coria, David C  
629 Winnetka Ct  
Asheboro, NC 27203

Cjw Investments LLC  
P O Box 707  
Ramseur, NC 27316

Lichty, Guy L (Zur, Suzanne I)  
1787 Lake Country Dr Ext  
Asheboro, NC 27205

Charlesworth, Matthew Gest Trustee  
(Charlesworth, Jennifer Lynn  
Trustee)  
1240 Viewmont Dr  
Asheboro, NC 27205

Conner, Ray  
10460 Gum Swamp Lake Rd C/O Charlie  
Conner  
Marston, NC 28363

Hamlet Lakes  
569 Windsor Dr C/O Lloyd J Hamlet  
Asheboro, NC 27203

Cox, Nathaniel R  
129 E Wainman Ave  
Asheboro, NC 27203

Asheboro Land Development LLC  
2310 Garner Rd  
Raleigh, NC 27610

Asheboro Land Development LLC  
2310 Garner Rd  
Raleigh, NC 27610

Powers, Gregory Shane  
525 Gold Hill Rd  
Asheboro, NC 27203

Burrow, Gregory S (Burrow, Carla T)  
1046 Camden Ct  
Asheboro, NC 27203

Perry, Donna M  
632 Winnetka Ct  
Asheboro, NC 27203

Sewell, Ronald Leigh (Sewell, Kathi A)  
2504 Parks Crossrds Church Rd  
Ramseur, NC 27316

Rich, D Randolph Sr Trustee (Rich, Kaye B Trustee)  
384 Inwood Dr  
Asheboro, NC 27205

Lichty, Guy L (Zur, Suzanne I)  
1787 Lake Country Dr Ext  
Asheboro, NC 27205

Voncannon, Amy Michele Roberts  
(Roberts, Bo Christopher)  
1833 Levance St  
Asheboro, NC 27203

Brown, Michael Lynn  
1045 Wyndfall Dr  
Kernersville, NC 27284

Polindexter, Margaret  
2220 N Fayetteville St Apt Gg  
Asheboro, NC 27203



**RZ-21-11:** Rezone from R10 Medium-Density Residential Zoning to R40 (CZ) Low-Density Residential Conditional Zoning: 1008 Hub Morris Road (portion of Randolph County Parcel Identification Number 7763511812)

### **Staff Report**

# Rezoning Staff Report

**RZ Case #** RZ-21-11

**Date** 8/2/2021 Planning Board

## General Information

**Applicant** Thunderhead Solar, LLC

**Address** 66 York St., 5th Floor

**City** Jersey City NJ 07032

**Phone** 201-432-1786

**Location** 1008 Hub Morris Road

**Requested Action** Rezone from R10 Medium-Density Residential to R40 (CZ) Low-Density Residential (Conditional Zoning)

**Existing Zone** R10

**Existing Land Use** Single-family dwelling

**Size** 0.402 acres of 9.72 acres +/-

**Pin #** 7763511812 (portion)

## Applicant's Reasons as stated on application

See statement on attached application

## **Surrounding Land Use**

**North** Undeveloped

**East** Solar farm (under construction)/Single-family

**South** Solar Farm (under construction)

**West** Low-Density Single-family/Manufactured housing

**Zoning History** The property was permitted for Agricultural Tourism in 2010 (SUP-10-05), which also included any uses permitted by right in the R10 zoning district.

## **Legal Description**

A portion of the property located at 1008 Hub Morris Road consisting of a portion of Randolph County Parcel Identification Number 7763511812, totaling approximately 0.402 acres +/- of 9.72 acres +/- on the eastern side of the property.

## **Analysis**

1. The property is partially in the city limits and partially within the city's extraterritorial zoning jurisdiction.
2. Hub Morris Road is a state-maintained major thoroughfare.
3. The request is being made because the applicant wishes to use a portion of the subject property for access to the adjoining permitted solar farm. Since solar farms are not permitted in the R10 district, the rezoning is being requested.
4. The request only pertains to a small area of the property (totaling 0.402 acres +/- of 9.72 acres +/-). The request only includes the access driveway and utilities. No buildings are proposed with the request.
5. The previously permitted solar farm (CUP 18-16 approved in 2018) on the adjoining property, is not part of this review.
6. The underlying R40 zoning district is described by the zoning ordinance as "intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to such suburban intensity living."

# Rezoning Staff Report

RZ Case # RZ-21-11

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** Neighborhood Residential  
**Small Area Plan** Northeast  
**Growth Strategy Map Designation** Primary Growth (inside city)/Long Range Growth (In ETJ)

## LDP Goals/Policies Which Support Request

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

**Checklist Item #4:** The proposed rezoning is compatible with surrounding land uses.

**Checklist Items 12-14:** 12.) Property is located outside of the watershed area, Special Hazard Flood Area, or Area with Steep Slopes (>20%).

**Goal 5.1:** Cost effective, efficient and coordinated infrastructure in appropriate locations (based on purpose of use proposed by CZ request)

## Rezoning Staff Report

RZ Case # RZ-21-11

Page 3

### LDP Goals/Policies Which Do Not Support Request

**Checklist Item 10:** Rezoning is not consistent with Land Category Descriptions

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

This request involves the limited purpose of providing access to development on an adjacent property that is not part of this application, but was previously permitted in 2018.

The R40 district permits a lower density than other properties along Hub Morris Road, but is not out of character with the area, as the developed density is below R10 standards.

The Conditional Zoning process allows reasonable conditions to be placed on the property when necessary to ensure compatibility with surrounding land uses.

Given these factors, staff believes that the requested R40 (CZ) district is generally consistent with the Land Development Plan, and consistent with the public interest.

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

#### Recommendation

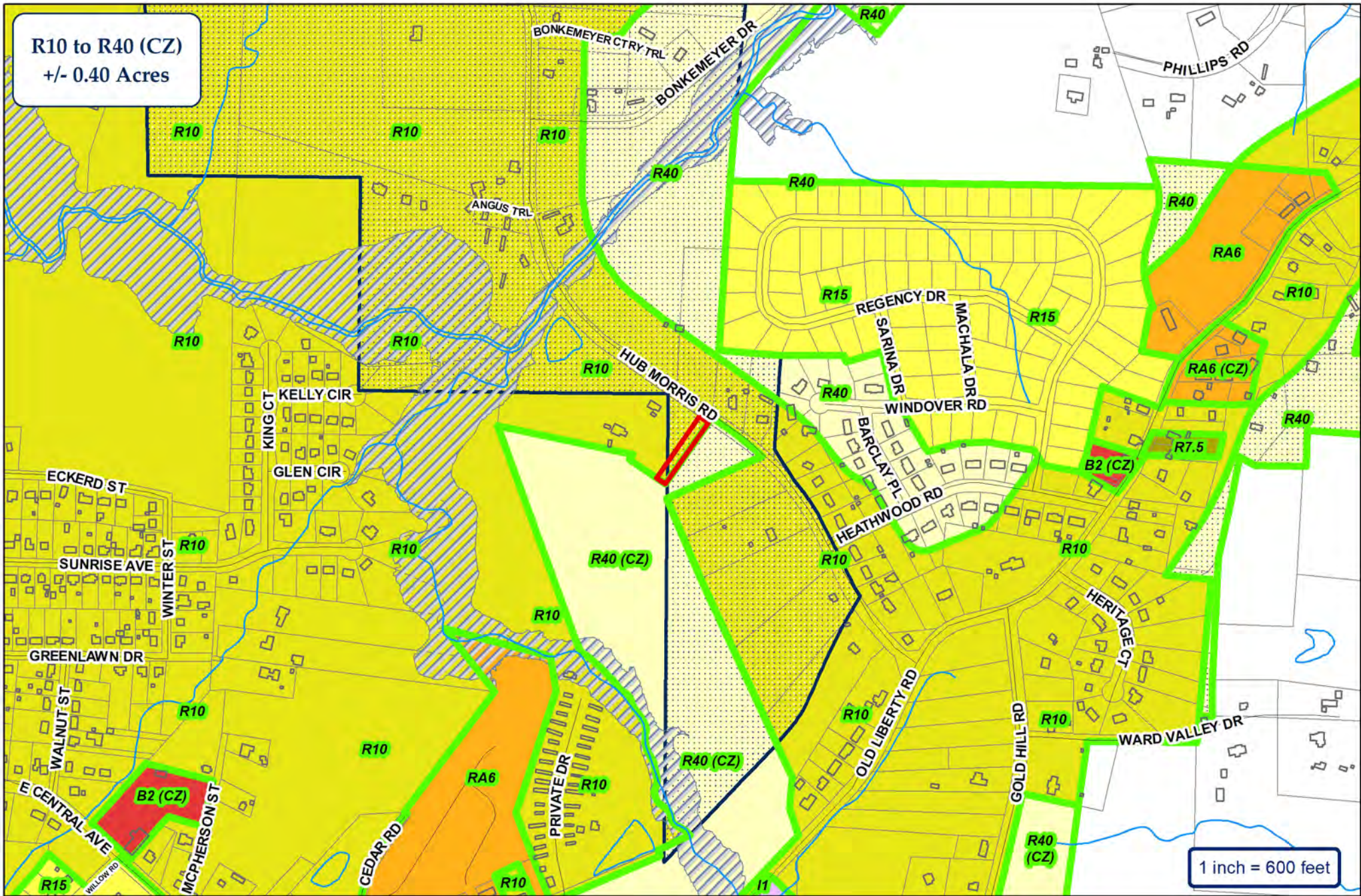
## Rezoning Staff Report

### **Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)**

(A) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing driveway permit approval from NCDOT.

(B) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning in the chain of title for the Zoning Lot.

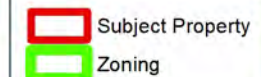
R10 to R40 (CZ)  
+/- 0.40 Acres



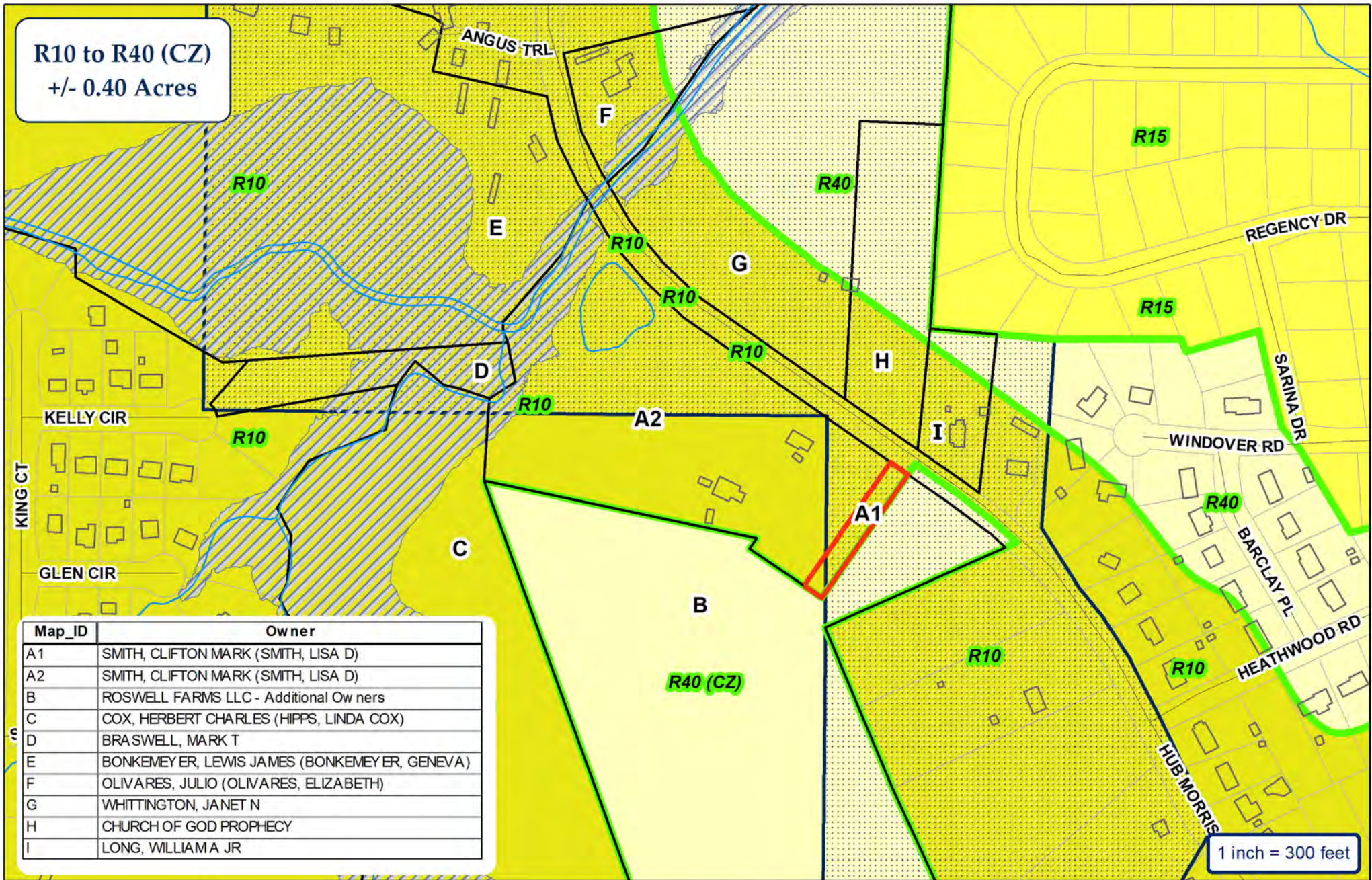
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-11

Parcel: 7763511812 (pt.)



R10 to R40 (CZ)  
+/- 0.40 Acres

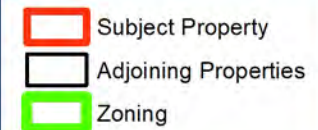


| Map_ID | Owner                                        |
|--------|----------------------------------------------|
| A1     | SMITH, CLIFTON MARK (SMITH, LISA D)          |
| A2     | SMITH, CLIFTON MARK (SMITH, LISA D)          |
| B      | ROSWELL FARMS LLC - Additional Owners        |
| C      | COX, HERBERT CHARLES (HIPPS, LINDA COX)      |
| D      | BRASWELL, MARK T                             |
| E      | BONKEMEYER, LEWIS JAMES (BONKEMEYER, GENEVA) |
| F      | OLIVARES, JULIO (OLIVARES, ELIZABETH)        |
| G      | WHITTINGTON, JANET N                         |
| H      | CHURCH OF GOD PROPHECY                       |
| I      | LONG, WILLIAM A JR                           |

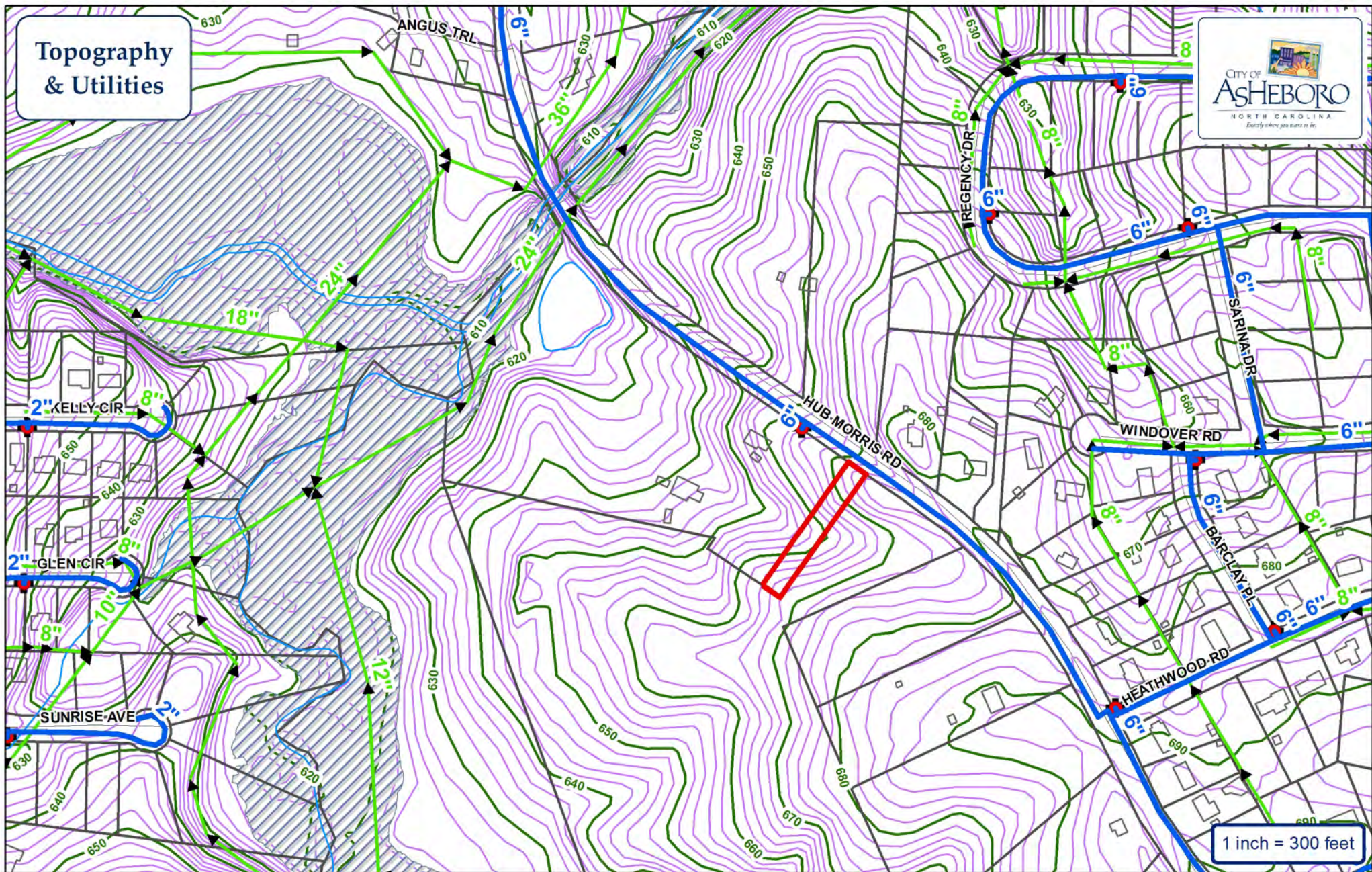
## City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-11

Parcel: 7763511812 (pt.)



# Topography & Utilities



- |                                                                                               |                                                                                                  |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main |  Watershed    |

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-11

Parcel: 7763511812 (pt.)

 Subject Property



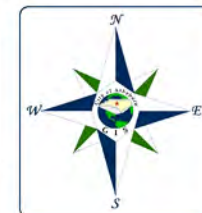
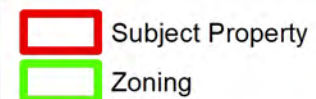
Aerial

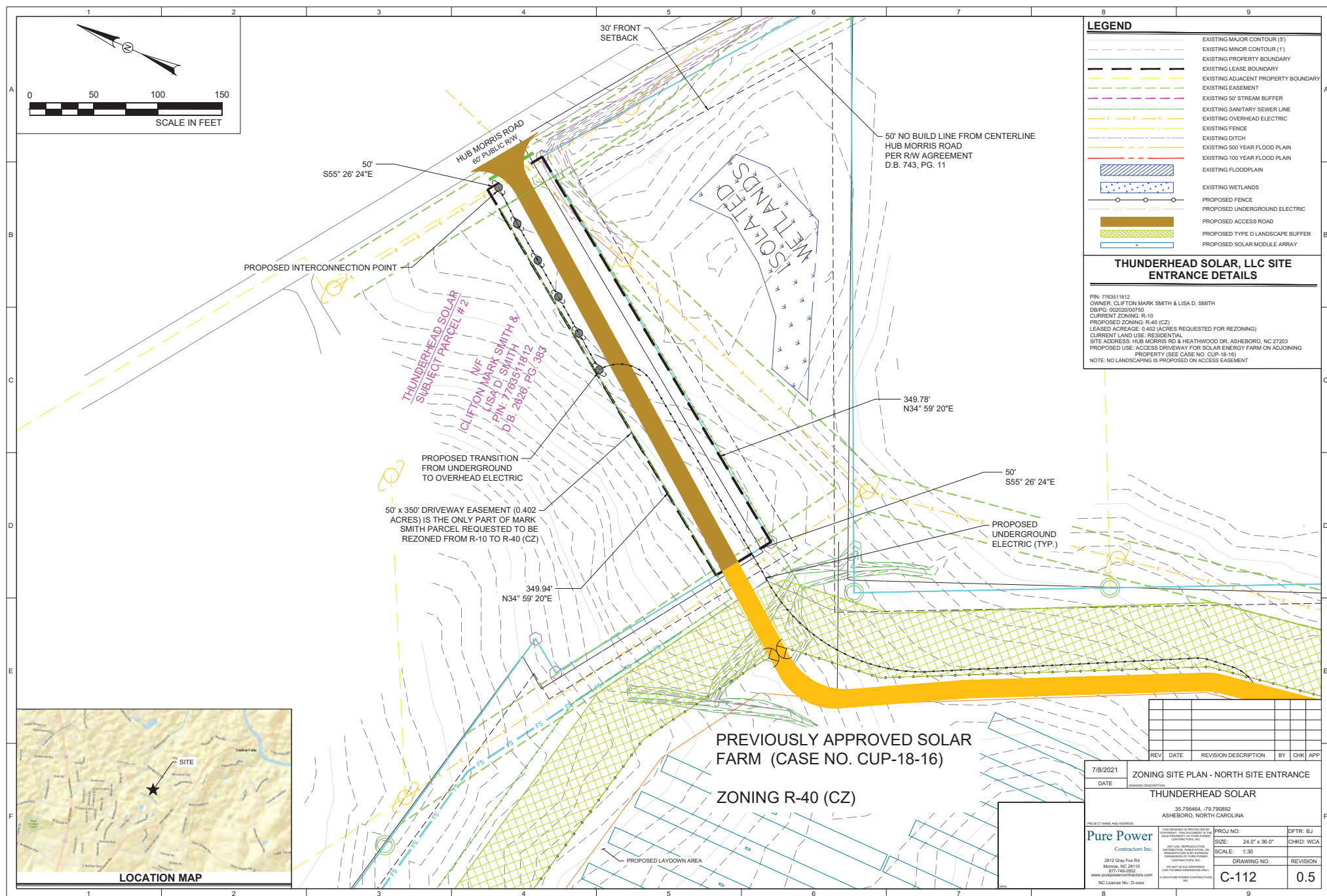


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-11

Parcel: 7763511812 (pt.)







## **Application for Conditional Zoning District**

### **APPLICATION FEE**

A \$550 filing fee is required.

### **APPLICATION INSTRUCTIONS:**

The conditional zoning process can be complex. A Conditional Zoning District involves a proposal for a specific use that is customized to a particular property. In order to ensure compliance with application requirements, the applicant is **required** to have a pre-application conference with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Please contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

### **REQUIRED APPLICATION CONTENTS**

1. A pre-application conference with staff is **required** prior to the application being accepted. At this conference, staff and the applicant will discuss the rezoning request, the unique aspects of conditional zoning, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plans, landscaping, and other development requirements. This meeting must occur no more than sixty (60) days prior to the application filing deadline.
2. A legal description/deed reference of such land.
3. Six (6) copies of a site plan drawn to scale to be submitted to the Planning Board. The Planning Board will review the proposal and forward a recommendation, including conditions for the zoning, to City Council. The month following the Planning Board meeting, City Council will review the proposed Conditional Zoning District application and site plan and may adopt, not adopt, or refer the application back to the Planning Board for review of any revisions made to the site plan subsequent to the initial submittal of the application materials.
4. Letter to be mailed by applicant notifying neighboring property owners of the request. Consistent with Section 160D-602(e) of the North Carolina General Statutes, the applicant shall notify neighboring property owners of the requested conditional zoning as well as the location, time, and date on which the Planning Board will hold a legislative hearing on the request. This notice must be in the form of a mailed notice provided in compliance with the guidance found in Section 160D-602(a) of the North Carolina General Statutes. During the legislative hearing, the applicant shall report to the Planning Board on the delivery of the required notice and any communication with neighboring property owners and residents concerning the requested conditional zoning.

### **APPLICATION DEADLINES AND MEETING DATES**

The deadline for filing of applications for legislative hearings will be the day which is 55 days prior to the date of the City Council meeting for which the public hearing is to be set, provided that the deadline is no less than 17 days prior to the Planning Board's required legislative hearing; in these instances, the deadline will be 62 days prior to the date of the City Council meeting for which the public hearing is to be set.

If five (5) applications have been received prior to the cut-off date, the request will be heard the following month.

| <b><i>Application Deadline</i></b>                       | <b><i>Planning Board Meeting</i></b> | <b><i>City Council Meeting</i></b>              |
|----------------------------------------------------------|--------------------------------------|-------------------------------------------------|
| December 11, 2020                                        | Monday, January 4, 2021              | Thursday, February 4, 2021                      |
| January 8, 2021                                          | Monday, February 1, 2021             | Thursday, March 4, 2021                         |
| February 12, 2021                                        | Monday, March 1, 2021                | Thursday, April 8, 2021                         |
| March 12, 2021                                           | Monday, April 5, 2021                | Thursday, May 6, 2021                           |
| April 16, 2021                                           | Monday, May 3, 2021                  | Thursday, June 10, 2021                         |
| May 21, 2021                                             | Monday, June 7, 2021                 | Thursday, July 15, 2021                         |
| June 11, 2021                                            | Monday, July 12, 2021                | Thursday, August 5, 2021                        |
| July 16, 2021                                            | Monday, August 2, 2021               | Thursday, September 16, 2021                    |
| August 13, 2021                                          | Monday, September 13, 2021           | Thursday, October 7, 2021                       |
| September 10, 2021                                       | Monday, October 4, 2021              | Thursday, November 4, 2021                      |
| October 15, 2021                                         | Monday, November 1, 2021             | Thursday, December 9, 2021                      |
| *November, 2021: Confirm application deadline with staff | Monday, December 6, 2021             | *January, 2022: Confirm meeting date with staff |

**\*January, 2022 Council meeting dates are not set by Council until December, 2021.**

### **ITEMS TO BE SHOWN ON THE SITE PLAN:**

The application for a Conditional Zoning District shall include a site plan, which must be drawn to scale, with supporting information and text that specifies the actual use or uses intended for the Zoning Lot and any rules, regulations, and conditions that, in addition to all predetermined Ordinance requirements, will govern the development and use of the Zoning Lot. The following information must be provided, if applicable:

- 1) The actual shape, location, dimensions, and total acreage of the Zoning Lot; its zoning classification; the general location of the Zoning Lot in relation to major streets, railroads, and/or waterways; a north arrow; and, if the Zoning Lot is not of record, sufficient data to locate the lot on the ground;
- 2) All existing rights-of-way, easements, and reservations;
- 3) In addition to providing the shape, size, and location of any structure(s) already located on the Zoning Lot, the site plan must show the shape, size, and location of all structures to be erected, altered, or moved on the Zoning Lot;
- 4) Building elevations of all exterior facades at a minimum scale of 1/8" = 1';

- 5) The existing and intended use(s) of the Zoning Lot, specifically including the number of residential units and the total square footage of any nonresidential development;
- 6) The location and size of all yards, buffers, screening, and landscaping, including by way of illustration and not limitation front yard and parking lot landscaping, required by the Ordinance's predetermined standards for the general zoning classification applicable to the Zoning Lot or as otherwise proposed by the applicant;
- 7) All existing and proposed points of access to public streets;
- 8) Proposed phasing, if any;
- 9) The location and type of screening used to screen mechanical equipment;
- 10) The location, access to, and screening of a central solid waste area;
- 11) Traffic, parking, and circulation plans, specifically including the location and dimensions of off-street parking areas and loading spaces;
- 12) The grade separation of structure(s) and parking areas;
- 13) The paving material for parking areas;
- 14) Curb cuts;
- 15) The compliance of the proposed development with the Ordinance's predetermined sign regulations;
- 16) The level of compliance of the land use(s) proposed for the Zoning Lot with the Ordinance's predetermined performance standards for the general zoning classification assigned to the Zoning Lot, including by way of illustration and not limitation performance standards pertaining to light, noise, and vibration;
- 17) If applicable, the location of any flood zones;
- 18) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
- 19) If applicable, the location of the watershed;
- 20) When required by the Ordinance's predetermined specifications, sidewalks; and
- 21) Information addressing the applicable permitting requirements of other local governmental agencies as well as federal and state agencies, including by way of illustration and not limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

**APPLICANT INFORMATION**

*Applicant* Thunderhead Solar, LLC *Applicant's Phone #* (201) 432-1786

*Applicant's Address* 66 York Street, 5th Floor  
Jersey City, NJ 07302

*Applicant email address* assetmanagement@soltage.com

**PROPERTY INFORMATION**

*Property Owner's Name* Clifton Mark Smith & Lisa D. Smith

*Location of Property* 1008 Hub Morris Road *Property Size (ac. or s.f.)* 9.72 ac, area to be rezoned is approx. 0.402 acres

*Randolph County Property Identification Number (PIN#)* 7763511812

*Current Zoning District* R-10 *Requested Zoning District* R-40 (CZ)

*Date Property Title Acquired* December 4, 2018 *Deed Book* 002626 *Page* 00383

*Subdivision* \_\_\_\_\_ *Section* \_\_\_\_\_ *Lot #* \_\_\_\_\_

*Plat Book* \_\_\_\_\_ *Page* \_\_\_\_\_

**CONDITIONAL ZONING DISTRICT INFORMATION** (Attach additional sheets if necessary)

1. Application is hereby made to the City of Asheboro for a Conditional Zoning District for the following purpose:

On November 8, 2018, the City of Asheboro granted CUP-18-16 authorizing a solar farm to  
Thunderhead Solar, LLC. In the course of development, the driveway access has shifted  
slightly down Hub Morris Road and is now sited on the Smith property. In addition, the final  
point of interconnection is sited on the Smith property. As such, the Smith property will contain a  
site access point off of Hub Morris Road, an access drive, and certain interconnection facilities.  
Thunderhead Solar, LLC has a fully executed Access and Utility Easement Agreement with the  
Smiths. Thunderhead Solar, LLC is seeking this conditional rezoning to allow for the access  
driveway and interconnection facilities for the solar farm approved in CUP-18-16 to be sited on  
the Smith property.

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

Rezoning will be in furtherance of the development of the solar farm approved in CUP-18-16 and will allow generation of safe, inexpensive solar power and revenues for the city without the need for public services.

**For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".**

3. 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.

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Does not apply ☒

4. 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?

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Does not apply ☒

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

The updated driveway location off Hub Morris Road, access drive, and interconnection facilities will not negatively impact the public and will allow the approved solar farm to proceed with development.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a Conditional Zoning District rests with the applicant.

No application for a Conditional Zoning District will be advertised for public hearing until the Planning and Zoning Department has received all required materials. If all required materials are not received prior to the specified deadlines, hearings for the case may be delayed.

Per Section 4.05 of the zoning ordinance, it is intended that property will be reclassified to a Conditional Zoning District only in the event of firm plans to develop the property. Accordingly, subject to any specific durational limits imposed by the ordinance applying conditional zoning to the Zoning Lot, if no action has been taken to obtain a Zoning Compliance Permit in conformance with the conditional zoning ordinance within 36 months of the City Council's approval of conditional zoning for the Zoning Lot, the Community Development Director or his or her designee shall initiate appropriate action to rezone the Zoning Lot to a general zoning classification that is consistent with the adopted comprehensive plan.

*Applicant Signature*

*Printed Name of Authorized Signatory (if different from Applicant)*

*Position/Relationship of Authorized Signatory to Applicant*

*Owner Signature (if different than Applicant)*

*Owner Address*

*1008 Hub Morris Rd  
Randall County, NC, 27317*

*Telephone Number*

*336-301-0784*

*Printed Name of Authorized Signatory (if different from Owner)*

*Cliffen Mark Smith*

*Position/Relationship of Authorized Signatory to Owner*

|                                |                        |                             |
|--------------------------------|------------------------|-----------------------------|
| <b>STAFF USE</b>               |                        |                             |
| Received by: <u>John Evans</u> | Date: <u>7-16-2021</u> | Case Number: <u>RZ-21-1</u> |

**CITY OF ASHEBORO  
NOTICE OF CONDITIONAL ZONING DISTRICT HEARING**

This is to notify you that I (we) Thunderhead Solar, LLC have filed an application with the City of Asheboro for a Conditional Zoning District for the property located at 1008 Hub Morris Road for the purpose of an access driveway and interconnection facilities for the solar farm previously approved on the adjacent property in CUP-18-16. This includes rezoning a portion of the property (Randolph County PIN 77635121812) from R-10 Medium-Density Residential to R-40 (CZ) Low Density Residential Conditional zoning for this purpose.

On Monday, August 2, 2021, at 7:00 PM, the Planning Board will review the Conditional Zoning District request and forward its recommendation to City Council. As part of this process, you and others will have an opportunity to speak concerning the request and offer input.

On Thursday, September 16, 2021, at 7:00 pm the City Council will hold a public hearing on the Conditional Zoning District request. As part of this process, you and others again will have an opportunity to speak concerning the request and offer input.

The meetings will be held in the City Council Chambers, 146 North Church Street, Asheboro, NC. The Council, after considering the information/testimony presented during the public hearing and reviewing the report of the Planning and Zoning Department and recommendation of the Planning Board, will take action on the application. Such action may include approval of the request, referral back to the Planning Board, denial of the request, or approval of a modified version of the request on the basis of the Council's determination that such action is reasonably necessary to promote the public health, safety, or general welfare and to achieve the purposes of the adopted Land Development Plan. The meeting is open to the public and your participation is encouraged. If you have any questions, please contact the Planning and Zoning Department at 336-626-1201 Ext. 225. In addition, you may contact me (or my representative) Jonathan Roberts at 515-537-6738.



**SUB-19-01: West Pointe Townhomes, Phase 1**

Sherwood Avenue and Whitley Street  
(Final Plat)

**Staff Report**

**SUBDIVISION STAFF REPORT**  
Final Plat

**CASE #** SUB-19-01

**Date** 8/2/2021 Planning Board

**GENERAL INFORMATION**

|                         |                                                                           |
|-------------------------|---------------------------------------------------------------------------|
| <b>Subdivision Name</b> | West Pointe Townhomes                                                     |
| <b>Requested Action</b> | Subdivision Final Plat                                                    |
| <b>Applicant</b>        | Larry McKenzie                                                            |
| <b>Address</b>          | 1021 Sunset Avenue                                                        |
| <b>Phone</b>            | 336-953-2913                                                              |
| <b>Location</b>         | Whitley Street (north of Sherwood Avenue), Londelle Lane and Nicki Street |

**PARCEL INFORMATION**

|                             |                                                         |                         |                              |
|-----------------------------|---------------------------------------------------------|-------------------------|------------------------------|
| <b>PIN</b>                  | 7750249743                                              |                         |                              |
| <b>Size</b>                 | 2.72 acres +/- of 7.34 acres +/-                        | <b>Number of Lots</b>   | 7 lots (of 29 + common area) |
| <b>Existing Zoning</b>      | R10                                                     | <b>Average Lot Size</b> | 2,259 SF in Phase 1          |
| <b>Existing Land Use</b>    | Residential Planned Unit Development under construction |                         |                              |
| <b>Surrounding Land Use</b> |                                                         |                         |                              |
| <b>North</b>                | Commercial                                              | <b>East</b>             | Single-family/Two-family     |
| <b>South</b>                | Single-family/two-family                                | <b>West</b>             | Single-family/Commercial     |

**LAND DEVELOPMENT PLAN**

|                                    |                                     |
|------------------------------------|-------------------------------------|
| <b>Growth Strategy Map</b>         | Primary Growth                      |
| <b>Proposed Land Use Map</b>       | Neighborhood Residential/Commercial |
| <b>Small Area Plan Map</b>         | Central                             |
| <b>Identified Activity Center?</b> | No                                  |

**Development Issues**

1. The applicant proposes a mix of detached patio style homes and attached duplex style units. Following Council's approval during a March, 2019 hearing, Council formally granted the Special Use Permit for this project during its April, 2019 meeting.
2. The applicant proposes a combination of city-maintained and privately maintained streets. Whitley Street, proposed as a city maintained street contains approximately 640 linear feet. The other privately maintained streets include 1,000 linear feet. This phase of the development includes platting the public right-of-way of Whitley Street, and private streets that will be maintained by the homeowners association (Londelle Lane & Nicki Street)
3. One recreation area on the northern side of the property is proposed and included with this phase of the subdivision.

## **SUBDIVISION STAFF REPORT**

Final Plat

### **DEPARTMENT COMMENTS**

**Engineering**      Plat corrections are pending.

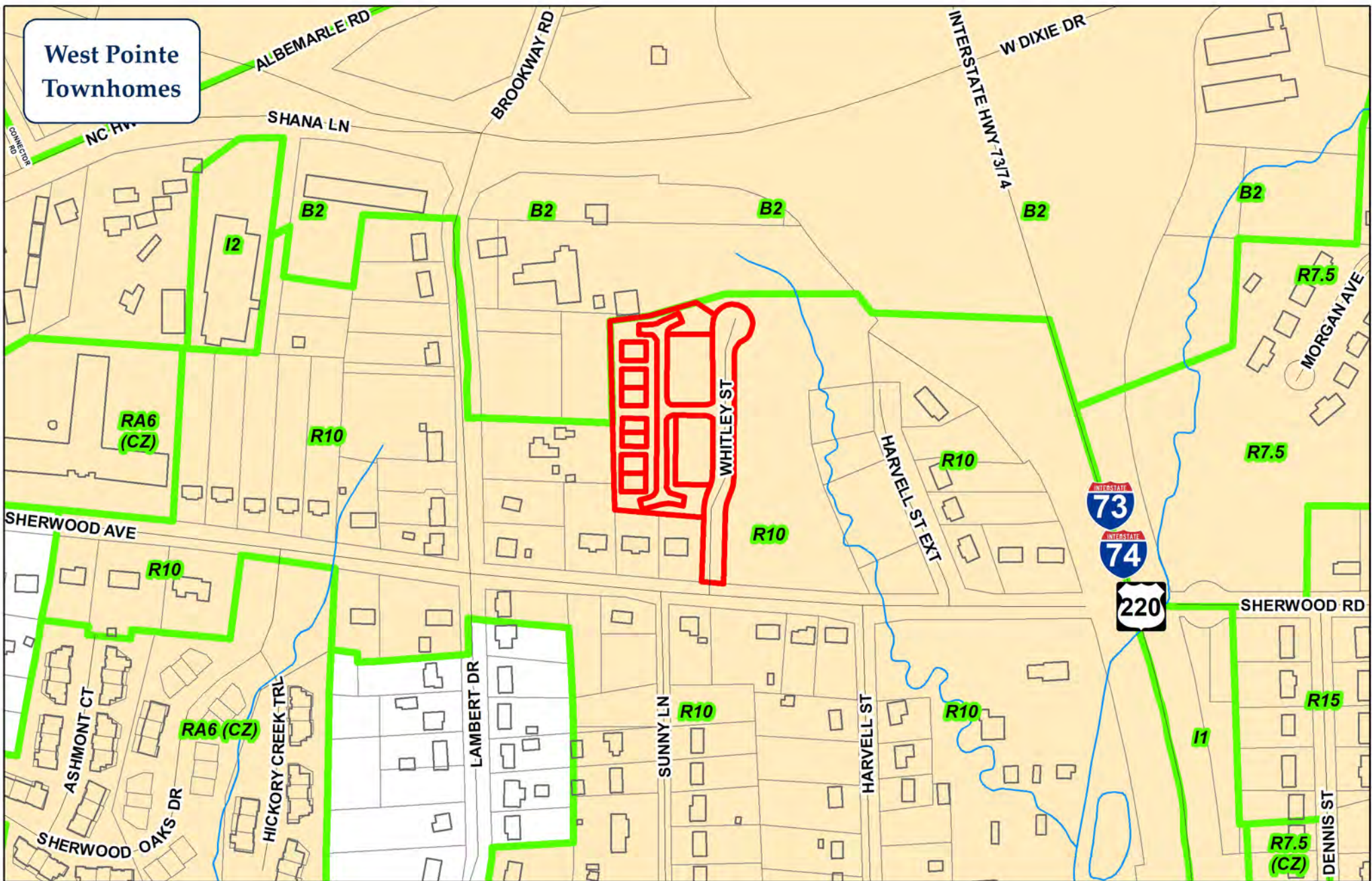
**Public Works**      Plat corrections are pending.

**Planning**      1.) Plat corrections are pending.  
2.) The owner has provided a one year (1) maintenance and defects warranty as required by the Subdivision Ordinance.  
3.) Homeowners documents are required to be recorded with the final plat, which must include maintenance mechanisms for the common area, and restrictions concerning recreational vehicle (RV) parking.  
4.) Required sidewalks and overflow parking within this phase must be built or guaranteed prior to Final Plat approval.

**Other**

**Staff Recommendation**      Staff's Recommendation is pending.

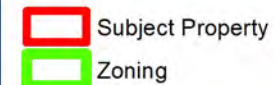
**Planning Board Recommendation**      A recommendation from the Planning Board will be available after its August 2, 2021 meeting.



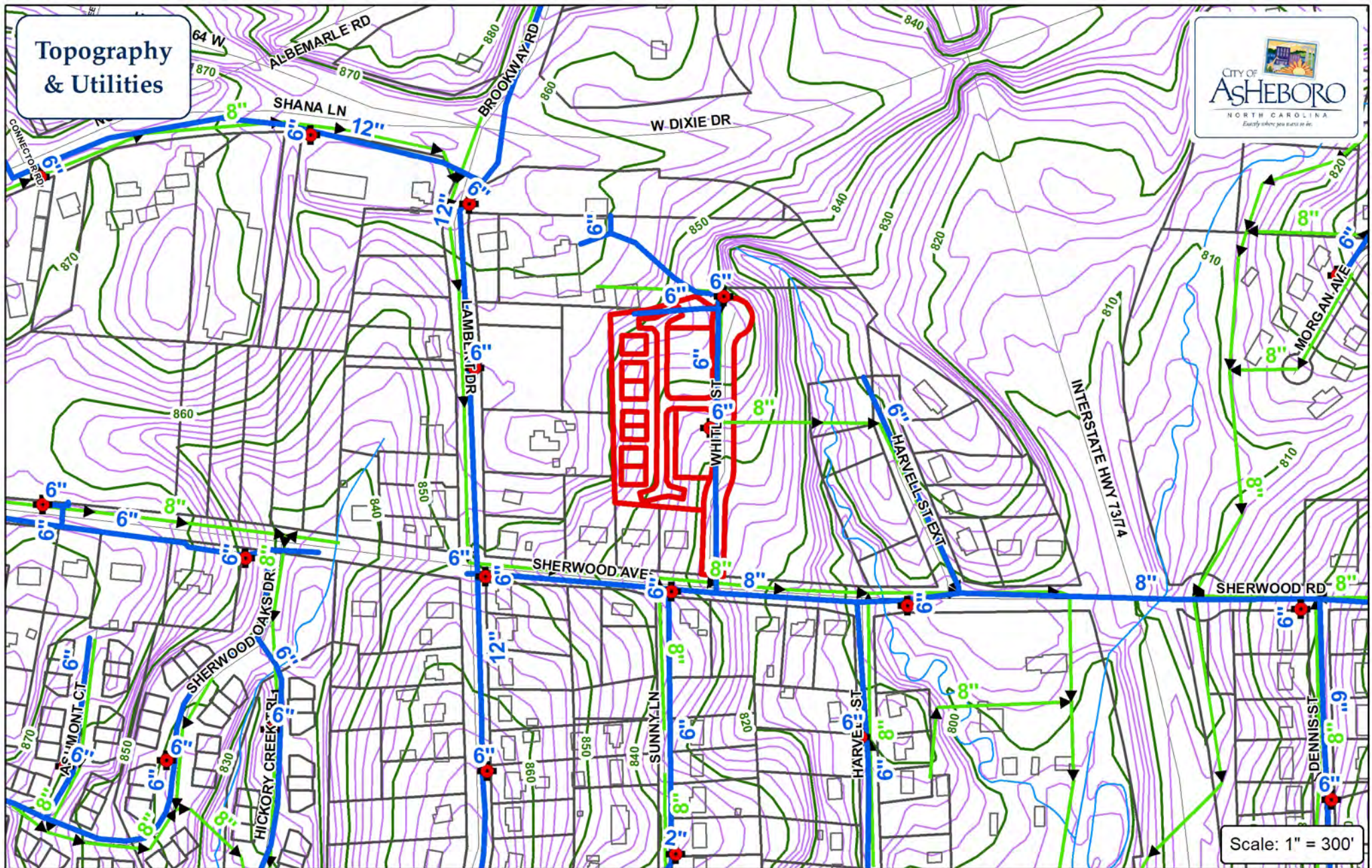
City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-19-01  
Phase 1

Parcel: 7750249743



# Topography & Utilities

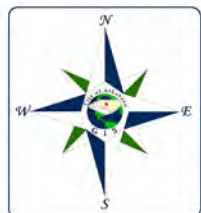


Scale: 1" = 300'

- |  |            |  |              |
|--|------------|--|--------------|
|  | Force Main |  | Fire Hydrant |
|  | Water Main |  | Pump Station |
|  | Sewer Main |  | Watershed    |

City of Asheboro  
Planning & Zoning Department  
Subdivision Case: SUB-19-01  
Phase 1  
Parcel: 7750249743

Subject Property



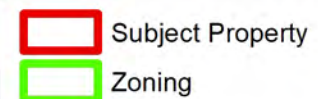


## City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-19-01

Phase 1

Parcel: 7750249743



| LINE | MARKER | DATE | LENGTH | BEARING       | COORDINATES | DATE | MARKER |
|------|--------|------|--------|---------------|-------------|------|--------|
| 1    | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 2    | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 3    | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
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| 76   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 77   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 78   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 79   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 80   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 81   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 82   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 83   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 84   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 85   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 86   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 87   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 88   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 89   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 90   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 91   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 92   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 93   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 94   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 95   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 96   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 97   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 98   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 99   | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |
| 100  | 20.25  | 2018 | 20.25  | S 89°47'00" E | 1000.0000   | 2018 | 20.25  |

Whitney Family Properties, LLC  
1744-2005

| Lot | Size       |
|-----|------------|
| 1   | 0.4000 Ac. |
| 2   | 0.4000 Ac. |
| 3   | 0.4000 Ac. |
| 4   | 0.4000 Ac. |
| 5   | 0.4000 Ac. |
| 6   | 0.4000 Ac. |
| 7   | 0.4000 Ac. |
| 8   | 0.4000 Ac. |
| 9   | 0.4000 Ac. |
| 10  | 0.4000 Ac. |
| 11  | 0.4000 Ac. |
| 12  | 0.4000 Ac. |
| 13  | 0.4000 Ac. |
| 14  | 0.4000 Ac. |
| 15  | 0.4000 Ac. |
| 16  | 0.4000 Ac. |
| 17  | 0.4000 Ac. |
| 18  | 0.4000 Ac. |
| 19  | 0.4000 Ac. |
| 20  | 0.4000 Ac. |
| 21  | 0.4000 Ac. |
| 22  | 0.4000 Ac. |
| 23  | 0.4000 Ac. |
| 24  | 0.4000 Ac. |
| 25  | 0.4000 Ac. |
| 26  | 0.4000 Ac. |
| 27  | 0.4000 Ac. |
| 28  | 0.4000 Ac. |
| 29  | 0.4000 Ac. |
| 30  | 0.4000 Ac. |
| 31  | 0.4000 Ac. |
| 32  | 0.4000 Ac. |
| 33  | 0.4000 Ac. |
| 34  | 0.4000 Ac. |
| 35  | 0.4000 Ac. |
| 36  | 0.4000 Ac. |
| 37  | 0.4000 Ac. |
| 38  | 0.4000 Ac. |
| 39  | 0.4000 Ac. |
| 40  | 0.4000 Ac. |
| 41  | 0.4000 Ac. |
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| 43  | 0.4000 Ac. |
| 44  | 0.4000 Ac. |
| 45  | 0.4000 Ac. |
| 46  | 0.4000 Ac. |
| 47  | 0.4000 Ac. |
| 48  | 0.4000 Ac. |
| 49  | 0.4000 Ac. |
| 50  | 0.4000 Ac. |
| 51  | 0.4000 Ac. |
| 52  | 0.4000 Ac. |
| 53  | 0.4000 Ac. |
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| 78  | 0.4000 Ac. |
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| 80  | 0.4000 Ac. |
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| 87  | 0.4000 Ac. |
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| 89  | 0.4000 Ac. |
| 90  | 0.4000 Ac. |
| 91  | 0.4000 Ac. |
| 92  | 0.4000 Ac. |
| 93  | 0.4000 Ac. |
| 94  | 0.4000 Ac. |
| 95  | 0.4000 Ac. |
| 96  | 0.4000 Ac. |
| 97  | 0.4000 Ac. |
| 98  | 0.4000 Ac. |
| 99  | 0.4000 Ac. |
| 100 | 0.4000 Ac. |

#### City of Asheboro to Maintain:

- Sanitary sewer lines within public street R/W or dedicated easements
- Water lines supplying meters, including meters, storm sewer system within the public street R/W
- Sidewalks which are not located in public R/W

#### HOA to Maintain:

- Sanitary sewer lines between public R/W and buildings
- Common areas not within public R/W
- Storm sewer not located in public street R/W
- Water lines between meters and buildings
- Sidewalks which are not located in public R/W

#### Site Statistics for West Pointe Townhomes:

- Current Zoning: R-10
- 7.343 Acres Total in Project
- 7 Total Lots in Project
- 0.807 Acres / 35,154 Sq. Ft. in Dedicated Public R/W in All Phases
- 5.274 Acres / 149,874 Sq. Ft. Total in Phase 1
- 0.363 Acres / 15,852 Sq. Ft. Total in Lots of Phase 1
- Avg Lot Size: 2,289 Sq. Ft. of Phase 1
- 5,687 Sq. Ft. Recreation Space (1.730) Phase 1
- Open Area: 1.370 Acres (59.30



**BOA-21-03 (Planning Board Acting as Board of Adjustment):** Variance request from Section 5.04(52)(1)(k) of the Asheboro Zoning Ordinance, regarding setbacks for telecommunication towers and facilities: 301 Carolina Avenue

### **Staff Report**

## Board of Adjustment Staff Report

**Case:** BOA 21-03

**Date:** August 2, 2021

**Requested Action:** Variance from Section 5.04(52)(1)(k) of the Asheboro Zoning Ordinance, regarding setbacks for telecommunication towers and facilities.

### **GENERAL INFORMATION:**

**Applicant:** Jonathan L. Yates for Optima Towers IV and Verizon Wireless

**Applicant Address:** 105 Broad Street, 3<sup>rd</sup> Floor, Charleston, SC 29401

**Location of Affected Property:** 301 Carolina Avenue (Randolph County PIN# 7761073807)

**Property Size:** 23.84 Acres

**Underlying Zone:** R10 and B2

**Overlay Zone:** None

**Existing Land Use:** Single Family Dwelling

**Surrounding Land Use:**

**North:** Vacant, Residential

**East:** Residential

**South:** Residential

**West:** Residential, Commercial

**Land Development Plan:** Neighborhood Residential/Primary Growth & Adjacent Developed

### **ANALYSIS**

Telecommunication towers are permitted by right in all zoning districts, subject to compliance with supplemental use regulations, as shown below in Table 5-1 (Table of Permitted Uses):

|                         |  |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |                                             |
|-------------------------|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------------------------------------|
| Communication<br>Towers |  | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | Section<br>5.04(52);<br>Section<br>5.05(29) |
|-------------------------|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------------------------------------|

Chapter 5, Section 5.04(52) provides multiple supplemental use regulations specific to the telecommunication tower use. The regulations set forth requirements relating to height, engineering evidence of need for tower, compliance with FAA and aviation standards, landscaping, etc. The applicant seeks a variance from only one of the supplemental use regulations, Section 5.04(52)(1)(k) regarding setbacks. While a zoning compliance permit application has not

been received, city staff have reviewed draft plans and do not see potential noncompliance with other supplemental use regulations.

Chapter 5, Section 5.04(52)(1)(k) states:

Setback requirements in all residential zoning districts shall be one and one half feet for every one (1) foot of tower height and one foot for per 1 foot of tower height in commercial and industrial districts. In all zoning districts setbacks shall be measured from the edge of all property lines to the edge of the concrete pad.

A telecommunication tower with height of 195' is proposed to be constructed at 301 Carolina Avenue. With the property's underlying R10 Residential zoning, the required setback for the tower is 292.5' (195' tower height x 1.5'). The portion of the property zoned B2 is not at issue with the variance request. The applicant is requesting a variance to reduce the required setback to the distances proposed on the included site plan, which at the minimum point is 204'8".



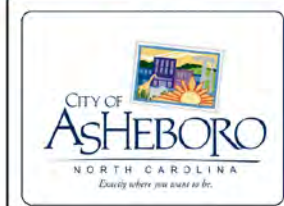
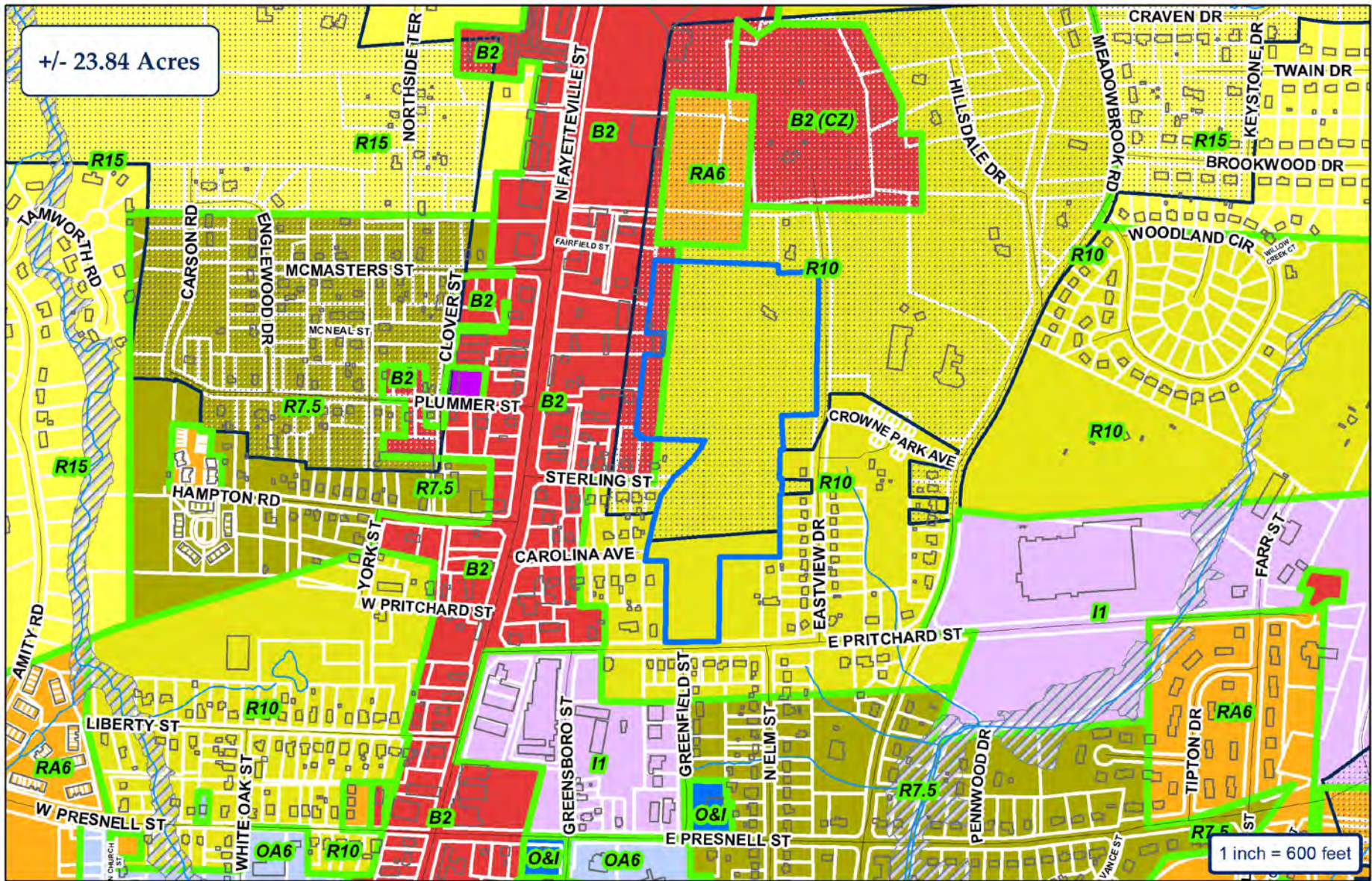
# City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-21-03  
Variance

Parcel: 7761073807

- Subject Property
- Zoning



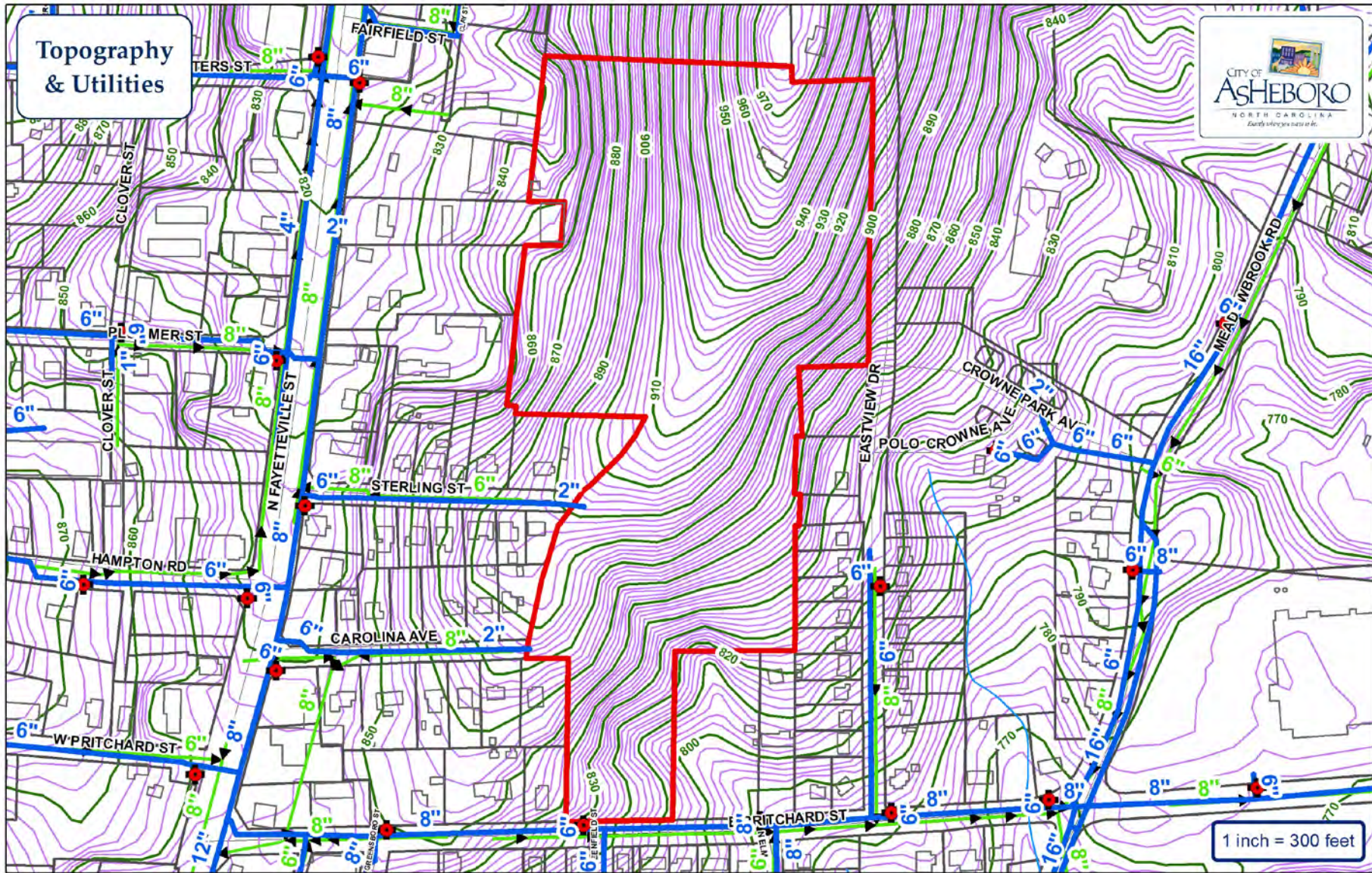


City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-21-03  
Variance

Parcel: 7761073807

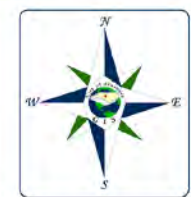




|  |            |  |              |
|--|------------|--|--------------|
|  | Force Main |  | Fire Hydrant |
|  | Water Main |  | Pump Station |
|  | Sewer Main |  |              |

City of Asheboro  
 Planning & Zoning Department  
 Board of Adjustment Case: RZ-21-03  
 Variance  
 Parcel: 7761073807

Subject Property



The concurring vote of four-fifths of the Board shall be necessary to grant a variance.

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- 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.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose appropriate conditions upon the granting of any variance provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance.

**I have found all the findings of fact as listed above in favor of the applicant.**

**Board Action:** Approve a variance, to an extent no greater than shown on the site plan submitted to the Board of Adjustment, in the setback(s) required by Section 5.04(52)(1)(k) of the Asheboro Zoning Ordinance.

Member's Vote: Yes \_\_\_\_\_ No \_\_\_\_\_ Yes with Conditions \_\_\_\_\_

Signature \_\_\_\_\_

C:/Users/atecs/Dropbox (BC)/Server/BC Files/Drawings - 2021/Optima Towers/NC-1048-E Asheboro/\_FCD's - Rev 1/AO.dwg 07-08-21 ATECS 15:40:38

LEGEND

NEW FENCE

EXISTING FENCE

SETBACK

EASEMENT

LEASE

PROPERTY LINE

EXIST. CONTOUR

NEW CONTOUR

TYP. BUILDING

TYP. ROAD

EXISTING ADJACENT PROPERTY INFORMATION:

- ①

PIN: 7751987565  
ACREAGE: 1.89  
DEED BOOK & PAGE: 001618/00951  
OWNER: HOFFMAN, R E JR (HOFFMAN, PEARL)  
ASHEBORO, NC ZIP27205  
LOCATION ADDRESS: 018 N FAYETTEVILLE ST  
ASHEBORO, NC 27203  
USE: AUX IMPR  
ZONING: B-2
- ②

PIN: 751987396  
ACREAGE: 1.50  
DEED BOOK & PAGE: 001159/01656  
OWNER: HOFFMAN, R E JR  
OWNER ADDRESS: 1434 CLIFF RD  
ASHEBORO, NC 27205  
LOCATION ADDRESS: 1014 N FAYETTEVILLE ST  
ASHEBORO, NC 27203  
USE: RETAIL  
ZONING: B-2
- ③

PIN: 7751987273  
ACREAGE: 1.24  
DEED BOOK & PAGE: 002210/00856  
OWNER: JHS MASTER CAPITAL LLC  
OWNER ADDRESS: P O BOX 1104  
ASHEBORO, NC 27204  
LOCATION ADDRESS: 1010 N FAYETTEVILLE ST  
ASHEBORO, NC 27203  
USE: RETAIL  
ZONING: B-2
- ④

PIN: 7751987016  
ACREAGE: 1.85  
DEED BOOK & PAGE: 001871/01155  
OWNER: DAVIS, HAYES CLYDE (DAVIS, LISA H)  
1193 POWDER BRANCH RD  
ELIZABETHTN, TN 37643  
LOCATION ADDRESS: 1004 N FAYETTEVILLE ST  
ASHEBORO, NC 27203  
USE: RETAIL  
ZONING: B-2
- ⑤

PIN: 7751977986  
ACREAGE: 1.24  
DEED BOOK & PAGE: 001679/00839  
OWNER: KING, GLENN R  
OWNER ADDRESS: 1000 N FAYETTEVILLE ST  
ASHEBORO, NC 27203  
LOCATION ADDRESS: 1000 N FAYETTEVILLE ST  
ASHEBORO, NC 27203  
USE: APARTMENTS  
ZONING: B-2
- ⑥

PIN: 7751979712  
ACREAGE: 0.48  
DEED BOOK & PAGE: 001775/00846  
OWNER: CAVIN, KATHY P  
OWNER ADDRESS: 205 STERLING ST  
ASHEBORO, NC, 27203  
LOCATION ADDRESS: 205 STERLING ST  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENCE  
ZONING: B-2
- ⑦

PIN: 7761071608  
ACREAGE: 1.00  
DEED BOOK & PAGE: 002031/00698  
OWNER: DOUTHIT, KEVIN LYNN  
ASHEBORO, NC 27203  
LOCATION ADDRESS: 209 STERLING ST  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENCE  
ZONING: R-10
- ⑧

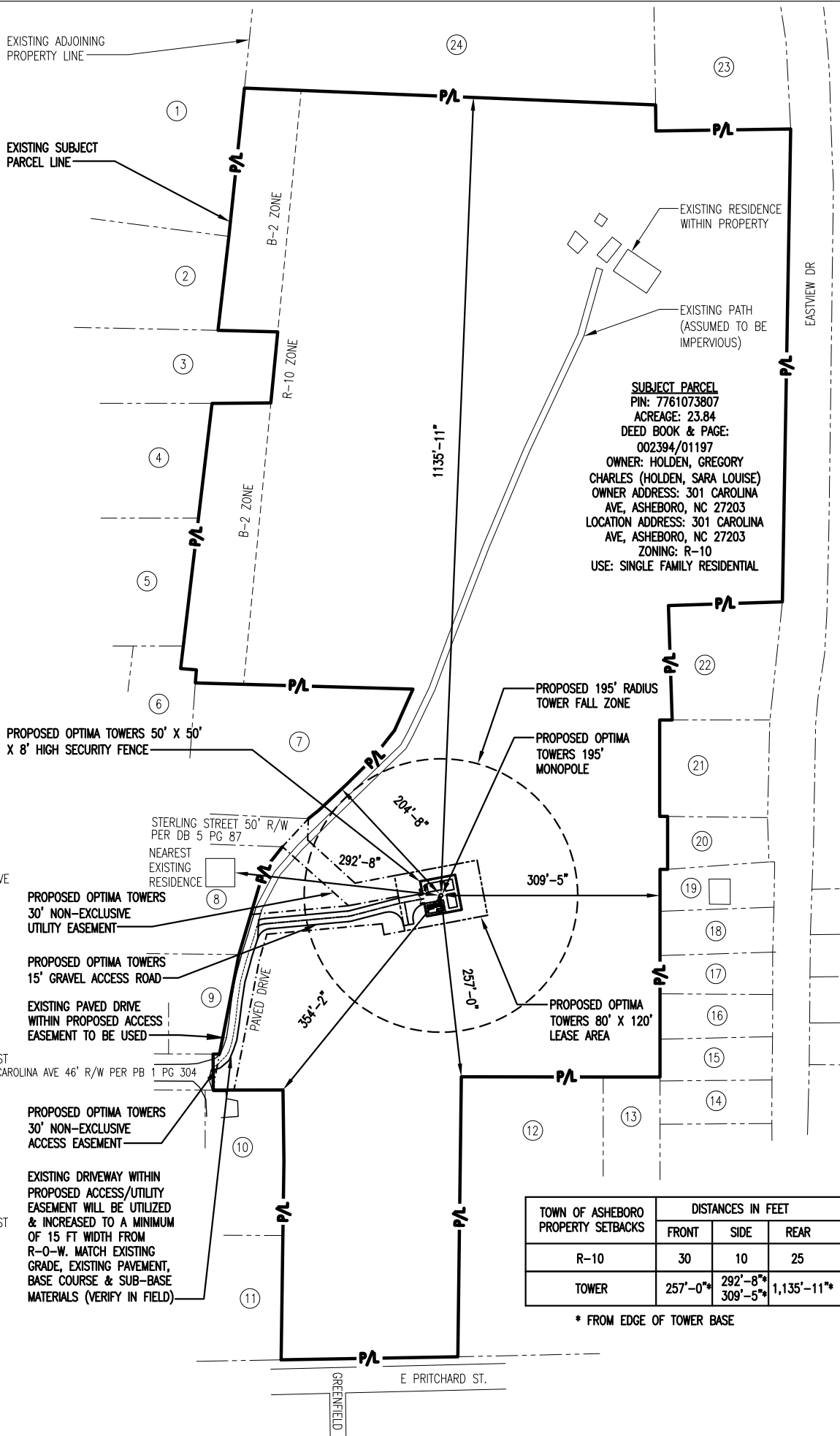
PIN: 7761070520  
ACREAGE: 0.29  
DEED BOOK & PAGE: 002105/00150  
OWNER: BRYANT, STEPHEN P  
OWNER ADDRESS: 208 STERLING ST  
ASHEBORO, NC 27203  
LOCATION ADDRESS: 208 STERLING ST  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENCE  
ZONING: R-10
- ⑨

PIN: 7751979335  
ACREAGE: 0.43  
DEED BOOK & PAGE002349/00386  
OWNER: SEXTON, LISA C  
OWNER ADDRESS: 221 CAROLINA AVE  
ASHEBORO, NC 27203  
LOCATION ADDRESS: 221 CAROLINA AVE,  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ⑩

PIN: 7761070130  
ACREAGE: 0.51  
DEED BOOK & PAGE: 001625/01208  
OWNER: PINE LAKE PARTNERS LLC  
ASHEBORO, NC 27203  
LOCATION ADDRESS: 224-B CAROLINA AVE  
ASHEBORO, NC 27203  
USE: DUPLEX  
ZONING: R-10
- ⑪

PIN: 7761060931  
TAXED ACREAGE0.40  
DEED BOOK & PAGE: 002534/01269  
OWNER: MAHAN, WILLIAM  
OWNER ADDRESS: 2044 NC HWY 49 S  
ASHEBORO, NC 27205  
LOCATION ADDRESS: 229 E PRITCHARD ST  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ⑫

PIN: 7761074034  
ACREAGE: 1.77  
DEED BOOK & PAGE: 002274/01780  
OWNER: TURNER, LYNN  
OWNER ADDRESS: 325 E PRITCHARD ST  
ASHEBORO, NC 27203  
LOCATION ADDRESS: 325 E PRITCHARD ST  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENCE  
ZONING: R-10



| TOWN OF ASHEBORO<br>PROPERTY SETBACKS | DISTANCES IN FEET |                      |             |
|---------------------------------------|-------------------|----------------------|-------------|
|                                       | FRONT             | SIDE                 | REAR        |
| R-10                                  | 30                | 10                   | 25          |
| TOWER                                 | 257'-0"*          | 292'-8"*<br>309'-5"* | 1,135'-11"* |

\* FROM EDGE OF TOWER BASE

- ⑬

PIN: 7761075071  
ACREAGE: 0.73  
DEED BOOK & PAGE: 001767/00277  
OWNER: MCELREATH, FAYE CAROL HUNT  
OWNER ADDRESS: 331 E PRITCHARD ST  
ASHEBORO, NC 27203  
LOCATION ADDRESS: 331 E PRITCHARD ST  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ⑭

PIN: 7761076198  
ACREAGE: 0.23  
DEED BOOK & PAGE: 002340/00961  
OWNER: ROCK LLC  
OWNER ADDRESS: 1619 TUDOR DR  
ASHEBORO, NC 27205  
LOCATION ADDRESS: 725 EASTVIEW DR  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ⑮

PIN: 7761076294  
ACREAGE: 0.22  
DEED BOOK & PAGE: 001782/00665  
OWNER: LOWE, JOYCE W  
OWNER ADDRESS: 1755 BROOK DR  
ASHEBORO, NC 27205  
LOCATION ADDRESS: 731 EASTVIEW DR  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ⑯

PIN: 7761076390  
ACREAGE: 0.22  
DEED BOOK & PAGE: 002673/00656  
OWNER: BROWN, BETTY A TRUSTEE  
OWNER ADDRESS: 1109 MCDOWELL DR  
GREENSBORO, NC 27408  
LOCATION ADDRESS: 735 EASTVIEW DR  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ⑰

PIN: 7761076396  
ACREAGE: 0.22  
DEED BOOK & PAGE: 001970/02728  
OWNER: ACOSTA, ADOLFO (AREVALO, NORA C)  
ASHEBORO, NC 27203  
LOCATION ADDRESS: 739 EASTVIEW DR  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ⑱

PIN: 7761076492  
ACREAGE: 0.21  
DEED BOOK & PAGE: 002538/01072  
OWNER: GARCIA, EDGAR IVAN VAZQUEZ (FLORES, FLOR AIDA BARRIOS)  
OWNER ADDRESS: 1819 HENSON RD LOT 7  
ASHEBORO, NC 27203  
LOCATION ADDRESS: 745 EASTVIEW DR  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ⑲

PIN: 7761076498  
ACREAGE: 0.21  
DEED BOOK & PAGE: 001093/00934  
OWNER: STRICKLAND, ANN PUGH WILLIAMSON  
OWNER ADDRESS: 749 EASTVIEW DR  
ASHEBORO, NC 27203  
LOCATION ADDRESS: 749 EASTVIEW DR  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ⑳

PIN: 7761076594  
ACREAGE: 0.19  
DEED BOOK & PAGE: 001276/00580  
OWNER: STRICKLAND, ANN PUGH  
OWNER ADDRESS: 749 EASTVIEW DR  
ASHEBORO, NC 27203  
LOCATION ADDRESS: NO PHYSICAL ADDRESS  
USE: VACANT  
ZONING: R-10
- ㉑

PIN: 7761076694  
ACREAGE: 0.42  
DEED BOOK & PAGE: 002430/00876  
OWNER: BEESON FARM LLC  
P O BOX 2165  
ASHEBORO, NC 27204  
LOCATION ADDRESS: 751 EASTVIEW DR  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ㉒

PIN: 7761077709  
ACREAGE: 0.58  
DEED BOOK & PAGE: 00006E/00686  
OWNER: PRITCHARD, CECELIA ANNETTE  
OWNER ADDRESS: PO BOX 3521  
ASHEBORO, NC 27204  
LOCATION ADDRESS: NO PHYSICAL ADDRESS  
USE: VACANT  
ZONING: R-10
- ㉓

PIN: 7761086687  
ACREAGE: 1.12  
DEED BOOK & PAGE: 002403/00907  
OWNER: SANTANELLA, GABRIEL J (SANTANELLA, EVELYN I)  
OWNER ADDRESS: PO BOX 4272  
ASHEBORO, NC 27204  
LOCATION ADDRESS: 1103 EASTVIEW DR  
ASHEBORO, NC 27203  
USE: SINGLE FAMILY RESIDENTIAL  
ZONING: R-10
- ㉔

PIN: 7761083721  
ACREAGE: 2.80  
DEED BOOK & PAGE: 001409/01262  
OWNER: OSBORNE, DORIS HINSHAW  
OWNER ADDRESS: 511 W BAILEY ST ASHEBORO, NC 27203  
LOCATION ADDRESS: NO PHYSICAL ADDRESS  
LOCATION ZIPNO ZIP  
ZONING: RA-6  
USE: VACANT

ALL EXISTING TOWERS WITHIN 20,000 FEET OF PROPOSED SITE:

1.

0.36 MI N TO 281-FIT GUYED TOWER BY RANDOLPH BROADCASTING WKXR
2.

0.41 MI N TO 280-FIT GUYED TOWER BY RANDOLPH BROADCASTING WKXR
3.

0.43 MI N TO 38-FIT SELF SUPPORT TOWER TOWER BY CROWN CASTLE
4.

1.93 MI SE TO 220-FIT SELF SUPPORT TOWER BY AMERICAN TOWERS
5.

3.66 MI S TO 340-FIT SELF SUPPORT TOWER BY CROWN CASTLE
6.

1.2 MI SSW TO 150-FIT WATER TANK
7.

2.3 MI SSW TO 274-FIT SELF SUPPORT TOWER BY AMERICAN TOWERS
8.

3.84 MI SSW TO 255-FIT SELF SUPPORT TOWER BY RANDOLPH EMC
9.

3.98 MI SSW TO 460-FIT SELF SUPPORT TOWER BY NC HWY PATROL
10.

2.9 MI SW TO 104-FIT MONOPOLE BY AMERICAN TOWERS
11.

3.5 MI NW TO 347-FIT GUYED (3EA) BY RCR OF RANDOLF COUNTY
12.

1.2 MI NW TO 290-FIT SELF SUPPORT TOWER BY CROWN CASTLE

SCALE IN FEET

0

100

200

400

600

1"=200' (11" x 17")

1"=100' (24" x 36")

SITE PLAN



OPIMA Towers IV

OPTIMA TOWERS IV LLC  
P.O. BOX 2041  
MT. PLEASANT, SC 29465

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF OPTIMA TOWERS IV LLC AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM OPTIMA TOWERS IV LLC. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH OPTIMA TOWERS IV LLC WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BC

architects  
engineers

5661 COLUMBIA PIKE, SUITE 200  
FALLS CHURCH, VA 22041-2868  
TEL: (703) 671-6000  
FAX: (703) 671-6300

SET REVISION

| NO. | DESCRIPTION     | BY  | DATE     |
|-----|-----------------|-----|----------|
| 2   | CLIENT COMMENTS | AGT | 07-08-21 |
| 3   |                 |     |          |
| 4   |                 |     |          |
| 5   |                 |     |          |
| 6   |                 |     |          |
| 7   |                 |     |          |

SITE NAME:  
ASHEBORO

SITE NUMBER:  
NC-1048-E

SITE ADDRESS:  
301 CAROLINA AVENUE  
ASHEBORO, NC 27203

NORTH CAROLINA  
PROFESSIONAL  
SEAL  
0024902  
7.8.21  
ENGINEER  
CHRISTOPHER D. MORIN

DRAWN BY:

AGT

CHECKED BY:

CDM

DATE DRAWN:

06-03-21

SUBMISSION:

FINAL CD'S

SHEET TITLE:

SITE PLAN

SHEET NUMBER:

A-0

REV. #

1

CITY OF  
**ASHEBORO**  
PLANNING & ZONING

**Application for Board of Adjustment Hearing**

**APPLICATION FEE**

A \$250 filing fee is required for a variance request.

**APPLICATION INSTRUCTIONS**

It is recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the hearing fee. Contact staff at (336) 626-1201 ext. 292 to ensure application requirements are satisfied.

**REQUIRED APPLICATION CONTENTS**

1. A copy of the property deed(s)
2. Five copies of a surveyed plat and/or site plan

The application must be filed with the planning department by 5:00 p.m. on the day which is at least 30 days prior to the Board of Adjustment meeting at which the request will be considered (see below).

No application for a variance request will be advertised for public hearing until the planning department has received all required materials.

**MEETING INFORMATION\***

| <b><i>Filing Date</i></b> | <b><i>BOA Meeting*</i></b> |
|---------------------------|----------------------------|
| December 4, 2020          | Monday, January 4, 2021    |
| December 31, 2020         | Monday, February 1, 2021   |
| January 29, 2021          | Monday, March 1, 2021      |
| March 5, 2021             | Monday, April 5, 2021      |
| April 1, 2021             | Monday, May 3, 2021        |
| May 7, 2021               | Monday, June 7, 2021       |
| June 11, 2021             | Monday, July 12, 2021      |
| July 2, 2021              | Monday, August 2, 2021     |
| August 13, 2021           | Monday, September 13, 2021 |
| September 3, 2021         | Monday, October 4, 2021    |
| October 1, 2021           | Monday, November 1, 2021   |
| November 5, 2021          | Monday, December 6, 2021   |

*\*Dates are tentative and subject to change. Check with staff to verify meeting dates.*

**CITY OF ASHEBORO**  
**Application for Board of Adjustment Hearing**

**APPLICANT INFORMATION**

Applicant Jonathan L. Yates for Optima Towers IV  
and Verizon Wireless Applicant's Phone # (843) 414-9754

Applicant's Address 105 Broad Street, 3rd Floor, Charleston, SC 29401

Applicant's Email Address jlc@hellmanyates.com

**PROPERTY INFORMATION**

Property Owner's Name Gregory and Sara Holden

Location of Property 301 Carolina Avenue, Asheboro, NC 27203

Property Size (ac. or sq.ft.) 23.84 Acres

Randolph County Property Identification Number (PIN#) 7761073807

Current Zoning District R10 and B2

Date Property Title Acquired 06/20/2014 Deed Book 002394 Page 01197

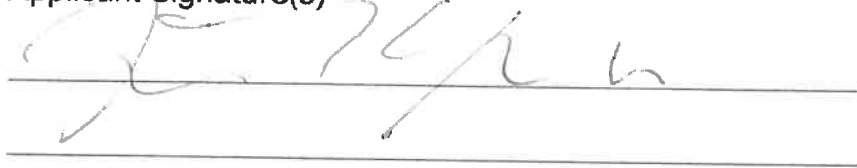
Subdivision \_\_\_\_\_ Section \_\_\_\_\_ Lot # \_\_\_\_\_

Plat Book PL45 Page 12

**APPLICATION 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 variance rests with the applicant.

Applicant Signature(s)



If Applicant is not the Property Owner, has Property Owner been notified?

☒ Yes ☐ No

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

**CITY OF ASHEBORO**  
**Application for Board of Adjustment Hearing**

**REQUEST FOR A VARIANCE**

**TO THE CITY OF ASHEBORO BOARD OF ADJUSTMENT:**

I, Jonathan L. Yates hereby petition the Board of Adjustment to grant the following variance from the Asheboro Zoning Ordinance (please specify the variance that is requested):

We respectfully request relief from the Telecommunications Tower and Facilities Ordinance 302.8-K to allow for a  
195 ft. monopole style wireless communications facility on the property of Gregory and Sara Holden that does not  
meet the setback requirements of 292.5 ft. on the South and West sides of the Holden's property. Please see  
the attached narrative for additional information regarding this request.

**STATEMENT BY APPLICANT:**

In the space provided below and/or on the back of this form, please state the facts and line of argument that you believe support your request for a variance. In providing this information, please state the precise action that you would like to see taken by the Board of Adjustment.

Verizon Wireless (Verizon) has determined there are no existing towers or buildings in the vicinity capable of providing Verizon the appropriate platform to improve its network in this area. Presently, Verizon is located on all available adjacent structures that are capable of providing appropriate locations for Verizon's equipment. The proposed 195 ft. monopole meets Verizon's radio frequency and network design requirements for improving its in-building coverage and capacity needs in this area. The proposed 195 ft. monopole is centered between existing Verizon sites and accurately located to effectively relieve capacity issues, and provide additional in-building coverage North to Woodcrest Drive and Craven Drive, East to Old Cedar Falls Road, South to Presnell Street, and West to Amity Rd.

Unnecessary hardship would result from the strict application of the ordinance, in that we will be unable to achieve a height of 195 ft. for the proposed monopole on the Holden property. The height of 195 ft. is essential for Verizon to meet their network coverage objectives and to provide essential wireless infrastructure to the surrounding area. The setback requirements would limit the monopole to a height of approximately 138 ft. which will not meet Verizon network coverage objectives or allow for adequate collocation heights by other broadband carriers. The hardship results from the peculiar configuration of the Holden property. The ordinance requires a setback of 292.5 ft. on all sides and the peculiar configuration of the southern portion of the Holden property will not allow for this setback to the South and West sides of the Holden property. We are able to meet a setback of more than the height of the monopole from all sides. The hardship did not result from actions taken by the applicant or the property owner. 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. The proposed monopole is setback more than the fall zone certified by North Carolina Professional Engineer Stephen Yeo and thus the intent of the ordinance is met by providing sufficient setbacks to protect adjacent properties. The proposed monopole will enhance public safety in the surrounding area by providing effective access to 911 first responders: Fire, Police; and EMS. Please see the attached narrative for additional information in support of this request for variance relief.

We respectfully request that the Board of Adjustment grant variance relief from the setback requirements of 302.8-K.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information, and belief.



---

Signature of Applicant

## VARIANCE REQUEST - BASIC INFORMATION

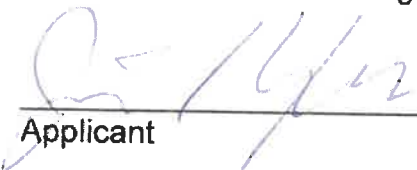
The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Enabling Act, the Board is required to reach four conclusions as a prerequisite to issuance of a variance. Specifically, the four findings are as follows:

- 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.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

*I received a copy of the above requirements outlining the conclusions required to be found for the granting of a Variance by a Board of Adjustment and have been informed that the burden of providing evidence to support such conclusions to obtain such variance rest with the applicant. I have also been advised of the application process by staff and received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.*

  
Applicant

06-09-21  
Date

### STAFF USE

Received by: JTL

Date: 6/14/21

Case Number: 21-03

20140620000081900 DEED  
Bk: RE2394 Pg: 1197  
06/20/2014 10:51:02 AM 1/3



Excise Tax \$ 300.00

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. \_\_\_\_\_  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_

Mail after recording to Grantee:

This instrument was prepared by TAYLOR B. CALLICUTT, HAYES LAW FIRM - *pu*

Brief Description for the index

301 CAROLINA AVE. ASHEBORO NC

## NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made JUNE \_\_\_\_\_, 2014, by and between

GRANTOR

ANNA JOHNSON BROWER FAMILY TRUST by  
CLARENCE J. GLOVER JR., TRUSTEE

GRANTEE

GREGORY CHARLES HOLDEN and wife  
SARA LOUISE HOLDEN  
301 CAROLINA AVE  
ASHEBORO NC 27203

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neutral as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Asheboro Township, Randolph County, North Carolina and more particularly described as follows:

**SEE ATTACHED EXHIBIT "A"**

With respect to the remainder estate: Clarence J. Glover Jr. is acting as Trustee under that certain Memorandum of Trust recorded in Book 2355, Page 485 in the Randolph County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, at the office of the Register of Deeds in Randolph County North Carolina.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.



Title to the property hereinabove described is subject to the following exceptions:

Property is subject to all easements, restrictions and other matters or encumbrances of record, if any.

**PROPERTY BEING CONVEYED IS NOT THE PRIMARY RESIDENCE OF THE GRANTOR.**

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By:

Clarence J. Glover Jr. (SEAL)  
ANNA JOHNSON BROWER FAMILY TRUST by  
CLARENCE J. GLOVER JR., TRUSTEE



• SOUTH CAROLINA, Charleston County.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that **CLARENCE J. GLOVER JR., TRUSTEE** Grantors, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 6/10/14.

My commission expires:

Dec 2, 2014

Patty Baldrey Notary Public

SEAL-STAMP

NORTH CAROLINA, Randolph County.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he/she is Secretary of, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by him/her as its Secretary. Witness my hand and official stamp or seal, this 1/1.

My commission expires:

Notary Public

The \_\_\_\_\_ foregoing \_\_\_\_\_ Certificate(s) \_\_\_\_\_ of  
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page  
shown on the first page hereof.

REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY

By \_\_\_\_\_ Deputy/Assistant-Register of Deeds.



## EXHIBIT A

Beginning at a concrete monument in the northern right of way line of East Pritchard Street, Charles E. McRae's southwest corner; thence from said beginning point along said right of way line, South 88 degrees 44 minutes 16 seconds West 246.00 feet to an iron pipe set, Blanch Luther's corner; thence North 00 degrees 33 minutes 21 seconds West 376.92 feet to an iron pipe; North 89 degrees 57 minutes 07 seconds West 99.75 feet to an iron pipe in the southern right of way line of Carolina Avenue; thence crossing Carolina Avenue North 00 degrees 02 minutes 40 seconds East 51.25 feet to an iron pipe in the northern right of way line of Carolina Avenue; thence North 89 degrees 29 minutes 29 seconds East 9.14 feet to an iron pipe; thence North 11 degrees 05 minutes 09 seconds East

144.51 feet to an iron pipe; thence North 16 degrees 36 minutes 09 seconds East 124.54 feet to an iron pipe set; thence North 37 degrees 59 minutes 19 seconds East 43.50 feet to an iron pipe; thence North 87 degrees 57 minutes 24 seconds West 21.17 feet to a point; thence North 87 degrees 57 minutes 24 seconds West 81.70 feet to an iron pipe, having NC Grid Coordinates of N=218,729.2937 and E= 536,466.9768 and located in the southern right of way line of Sterling Street located 552 feet along said right of way line easterly from the centerline of N. Fayetteville Street; thence North 00 degrees 40 minutes 30 seconds West 42.98 feet to an iron pipe set; thence South 87 degrees 16 minutes 13 seconds East 83.75 feet to a point; thence South 87 degrees 16 minutes 13 seconds East 29.00 feet to an iron pipe; thence South 87 degrees 16 minutes 13 seconds East 27.77 feet to an iron pipe set; thence North 54 degrees 06 minutes 42 seconds East 19.37 feet to an iron pipe set; thence North 47 degrees 23 minutes 52 seconds East 54.07 feet to an iron pipe set; thence North 45 degrees 49 minutes 36 seconds East 49.75 feet to an iron pipe set; thence North 38 degrees 21 minutes 15 seconds East 53.85 feet to an iron pipe set; thence North 30 degrees 05 minutes 03 seconds East 49.45 feet to an iron pipe set; thence North 87 degrees 16 minutes 13 seconds West 302.67 feet to an iron pipe set; thence North 06 degrees 27 minutes 46 seconds East 29.28 feet to an iron pipe; thence North 87 degrees 10 minutes 27 seconds West 19.94 feet to an iron pipe; thence North 07 degrees 24 minutes 58 seconds East 31.36 feet to an iron rod; thence North 05 degrees 55 minutes 19 seconds East 331.61 feet to an iron pipe set; thence South 89 degrees 14 minutes 34 seconds East 75.00 feet to an iron pipe set; thence North 05 degrees 55 minutes 19 seconds East 111.00 feet to an iron pipe set; thence North 89 degrees 14 minutes 34 seconds West 75.00 feet to an iron pipe set; thence North 05 degrees 55 minutes 19 seconds East 156.67 feet to an iron pipe set; thence North 06 degrees 29 minutes 43 seconds East 85.16 feet to an iron pipe; thence North 06 degrees 12 minutes 27 seconds East 96.47 feet to an iron pipe; thence South 87 degrees 09 minutes 00 seconds East 572.07 feet to an iron pipe; thence South 01 degrees 07 minutes 58 seconds East 37.80 feet to an iron pipe; thence North 87 degrees 53 minutes 11 seconds East 188.20 feet to an iron pipe; thence North 87 degrees 53 minutes 11 seconds East 38.00 feet to a nail set within Eastview Drive; thence along a line within Eastview Drive South 01 degree 14 minutes 00 seconds West 663.45 feet to a nail set; thence South 87 degrees 55 minutes 34 seconds West 25.00 feet to an iron pipe set; thence continuing South 87 degrees 55 minutes 34 seconds West 171.66 feet to an existing iron pipe; thence South 03 degrees 00 minutes 34 seconds East 159.48 feet; thence North 89 degrees 20 minutes 35 seconds West 14.00 feet; thence South 02 degrees 01 minute 25 seconds West 134.90 feet to an iron pipe; thence 88 degrees 01 minutes 21 seconds East 14.00 feet to an iron pipe set; thence South 02 degrees 03 minutes 22 seconds West 72.75 feet to a point; thence South 86 degrees 47 minutes 31 seconds West 14.00 feet to a concrete monument; thence South 00 degrees 51 minutes 50 seconds East 59.75 feet to an iron pipe; thence South 00 degrees 03 minutes 34 seconds East 119.87 feet to an iron pipe; thence South 00 degrees 18 minutes 25 seconds East 96.87 feet to an iron pipe set; thence South 88 degrees 50 minutes 35 seconds West 82.82 feet to a concrete monument; thence South 88 degrees 50 minutes 35 seconds West 100.11 feet to an iron pipe; thence South 88 degrees 50 minutes 35 seconds West 99.90 feet to an iron pipe set; thence South 00 degrees 29 minutes 45 seconds East 399.76 feet to the Beginning, containing 23.838 acres, more or less.

This is an aerial map of a residential area in Fayetteville, North Carolina. The map displays property boundaries, streets, and parcel numbers. Key streets include N Fayetteville St, E Pritchard St, Meadowbrook Rd, and others. Several parcels are highlighted with red and green outlines, and parcel numbers are visible throughout the map.

Streets shown include:

- N FAYETTEVILLE ST
- EASTVIEW DR
- MEADOWBROOK RD
- E-PRITCHARD ST
- GREENFIELD ST
- NIELM ST
- PENNYWOOD DR
- LIBERTY ST
- W-PRITCHARD ST
- HAMPTON RD
- PLUMMER ST
- FAIRFIELD ST
- STERLING ST
- CAROLINA AVE
- CROWNE PARK AVE
- MEADOWBROOK RD
- HILLSDALE DR

Parcel numbers visible include:

- 7751991797
- 7751993577
- 7751993197
- 7761090523
- 7751998150
- 7761092191
- 7761098305
- 7761099753
- 7761192465
- 7761193181
- 7761182410
- 7761184599
- 7761083721
- 7761073807
- 7761182410
- 7761184599
- 7761271656
- 7761073807
- 7761171664
- 7761179189
- 7761179189
- 7761167699
- 7761167699
- 7761263503
- 7761069302
- 7751969309
- 7751964240
- 7751960816

209 STERLING ST

Sawyer, John Thomas  
936 Worth St Ext  
Asheboro, NC 27203

Pine Lake Partners LLC  
122 N Fayetteville St  
Asheboro, NC 27203

Hoffman, R E Jr (Hoffman, Pearl)  
1434 Cliff Road  
Asheboro, NC 27205

First Assembly of God  
P O Box 1031 909 Meadowbrook Rd  
Asheboro, NC 27204

Pritchard, Cecelia Annette  
Po Box 3521  
Asheboro, NC 27204

Beane, Mark C (Beane, Bette T)  
2238 Westchapel Rd  
Asheboro, NC 27205

Beane, Mark C (Beane, Bette T)  
302 E Pritchard St  
Asheboro, NC 27203

Strickland, Ann Pugh  
749 Eastview Dr  
Asheboro, NC 27203

Douthit, Kevin Lynn  
209 Sterling St  
Asheboro, NC 27203

Beeson Farm LLC  
P O Box 2165  
Asheboro, NC 27204

Holden, Gregory Charles (Holden,  
Sara Louise)  
301 Carolina Ave  
Asheboro, NC 27203

Troche, Hilda (Campos, Gloria)  
230 E Pritchard St  
Asheboro, NC 27203

Lucas, Darren Keith (Lucas, Amy C)  
P O Box 4363  
Asheboro, NC 27204

Santanella, Gabriel J (Santanella,  
Evelyn I)  
P O Box 4272  
Asheboro, NC 27204

Turner, Lynn  
325 E Pritchard St  
Asheboro, NC 27203

Bryant, Stephen P  
208 Sterling St  
Asheboro, NC 27203

First Assembly of God  
P O Box 1031 909 Meadowbrook Rd  
Asheboro, NC 27204

Osborne, Doris Hinshaw  
511 W Bailey St  
Asheboro, NC 27203

Hoffman, R E Jr  
1434 Cliff Rd  
Asheboro, NC 27205

Acosta, Adolfo (Arevalo, Nora C)  
963 Amity Rd  
Asheboro, NC 27203

Jhs Master Capital LLC  
P O Box 1104  
Asheboro, NC 27204

Sawyer, John T (Sawyer, Sharon M)  
936 Worth St Ext  
Asheboro, NC 27203

McElreath, Faye Carol Hunt  
331 E Pritchard St  
Asheboro, NC 27203

Garcia, Edgar Ivan Vazquez (Flores,  
Flor Aida Barrios)  
1819 Henson Rd Lot 7  
Asheboro, NC 27203

Brown, Betty A Trustee  
1109 McDowell Dr  
Greensboro, NC 27408

Campos, Laura Martinez  
234 E Pritchard St  
Asheboro, NC 27203

Strickland, Ann Pugh Williamson  
749 Eastview Dr  
Asheboro, NC 27203

Lowe, Joyce W  
1755 Brook Dr  
Asheboro, NC 27205

Mahan, William  
2044 NC Hwy 49 S  
Asheboro, NC 27205

Davis, Hayes Clyde (Davis, Lisa H)  
1193 Powder Branch Rd  
Elizabethton, Tn 37643

Cavin, Kathy P  
205 Sterling St  
Asheboro, NC 27203

King, Glenn R  
1000 N Fayetteville St  
Asheboro, NC 27203

Sexton, Lisa C  
221 Carolina Ave  
Asheboro, NC 27203