



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, October 3, 2022
7:00 PM
AGENDA**

- I. Call to Order
- II. Approval of Minutes from September 6, 2022
- III. Review of Cases
- IV. New Business:
 - (a) Case No. RZ-22-11: Request to rezone property at 1622 Zoo Parkway (Parcel Identification Number 7750955151) from B2 General Commercial to I1 Light Industrial
- V. Items not on the agenda
- VI. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
TUESDAY, SEPTEMBER 6, 2022
7:00 p.m.

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

Michael O'Kelley) – Chair
Pamela Vuncannon) – Vice Chair

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

Ritchie Buffkin) – Members Absent
Van Rich)

John Evans, Assistant Community Development Division Director
Bradley Morton, Planner/Deputy City Clerk
Trevor Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

CALL TO ORDER

Mr. O'Kelley called the Asheboro Planning Board to order.

APPROVAL OF MINUTES FROM AUGUST 1, 2022

Mr. O'Kelley 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. Evans went over the land use cases that the City Council heard at their August Regular Meeting.

NEW BUSINESS

RZ-22-10 AND SUB-22-05: REQUEST TO REZONE PROPERTY LOCATED AT 1223 CRESTVIEW CHURCH ROAD FROM R10 (CZ) MEDIUM-DENSITY RESIDENTIAL (CONDITIONAL ZONING) TO AN AMENDED R10 (CZ) MEDIUM-DENSITY RESIDENTIAL (CONDITIONAL ZONING) TO ALLOW A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND APPROVE A SUBDIVISION SKETCH DESIGN

Mr. Evans gave a visual presentation on the above referenced case. He gave an overview of the case:

Applicant: Darren Lucas

Location: 1223 Crestview Church Road

Request: Request to rezone property located at 1223 Crestview Church Road from R10 (CZ) Medium-Density Residential (Conditional Zoning) to an amended R10 (CZ) Medium-Density Residential (Conditional Zoning) to allow a residential Planned Unit Development

Randolph County Parcel ID: 7669289834

Size: 9.921 acres +/-

Existing Land Use: Undeveloped

He then showed overview, rezoning, topographic/utilities, and aerial maps of the subject property. He also showed the proposed site plan and sketch design as well as the proposed utility plan and proposed building elevations. He then showed photographs of the subject property from all directions. He then gave the analysis:

1. The application proposes a total of 58 attached single-family dwellings on 58 lots. Townhomes are reviewed as Planned Unit Developments under the code. Units shown are single-story and are approximately 825 s.f. in size. Parking for each unit and visitor parking is provided via surface parking area in front of the units. Lots would be served by privately maintained drives or streets, except for two lots that would be accessed from Zoo Parkway. Common elements incorporating open space preservation is provided. Solid waste disposal would occur via 3 dumpsters shown to be screened from public street view. Landscaping would be preserved or installed adjacent to Zoo Pkwy and Crestview Church Rd., along the project's perimeter, and within the development per the plans provided.
2. The conditional zoning process allows an applicant to propose a project-specific zoning district that establishes approval conditions and site development requirements. The project-specific zoning district is allowed to diverge from the zoning ordinance's predetermined land use requirements.
3. The property is outside the city limits. The project proposes to connect to city water and sewer; the site plan shows privately maintained sewer and publicly maintained water extended into the property to serve the lots. Connection to city services will require annexation consistent with City policies.
4. Zoo Parkway (NC 159) is a state-maintained major thoroughfare. Crestview Church Road is a state-maintained minor thoroughfare. The US64 Bypass is approximately 0.75 mile from the property; travel distance to access the bypass is about 1.9 miles.
5. The immediate area primarily consists of low to medium density single-family residential uses. Institutional uses and multi-family residential uses exist to the south. There is also industrial zoning to the south along Zoo Parkway. The Jellystone Park Campground is approximately 0.3 mile southwest on Crestview Church Road. The Zoo City Sportsplex is approximately 0.3 mile southeast on Zoo Parkway.
6. In 2018, City Council rezoned the subject property from R15 to R10 (CZ) and approved a Planned Unit Development with 36 attached single-family townhome lots accessed by new public streets. Units proposed at that time ranged in size between approximately 1400 and 1600 s.f. and included two-vehicle garages.
7. Conventional subdivisions in the R10 district require a minimum lot size of 10,000 SF per lot for single-family dwellings or 15,000 SF per lot for two-family (duplex) dwellings; under the code, generally the maximum number of lots permitted is similar for Planned Unit Developments and conventional subdivisions.
8. The R10 district is "intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.
9. The LDP Proposed Land Use Map (2015) identifies the property as appropriate for Neighborhood Residential development which should include "new neighborhoods of similar density" to the surrounding neighborhoods "to provide a greater sense of community."
10. The proposed development density is approximately 6.4 dwellings per acre when accounting for land area necessary for street right-of-way to serve the lots. In the R10 district, the maximum possible dwelling per acre is 5.8 for a project consisting of duplex dwellings when no land area is necessary for street right-of-way; for single-family projects, that maximum possible density is reduced to 4.3 units per acre.

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

Proposed Land Use Map:

Neighborhood Residential

Small Area Plan: Central

Growth Strategy Map: Secondary Growth

Goals/Policies Supporting Request (4):

- **Checklist Item 5:** Complies with Growth Strategy Map
- **Checklist Item 6:** Existing infrastructure is adequate to support the desired zone (*water, sewer, roads, schools, etc.*).
- **Checklist Item 12-13:** Outside of watershed, flood hazard area

Goals/Policies Not Supporting Request (4):

- **Checklist Item 1:** Not compliant with Land Development Plan
- **Checklist Item 3:** Does not fit zoning ordinance district description
- **Checklist Item 10:** Does not meet land category descriptions
- **Checklist Item 14:** Located on slopes > 20 %

He listed proposed conditions for the project:

- A. The use approved shall be a Residential Planned Unit Development with a total of 58 dwelling units on 58 lots.
- B. All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- C. Enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings shall not be considered a modification requiring City Council review provided such additions are located on a recorded lot.
- D. Maintenance of all recreation areas, parking lots, any utilities not publicly maintained, roads, and drainage facilities that are not specifically labeled on the approved site plan as publicly owned and maintained shall be the responsibility of the property owner and any successors in interest.
- E. Any water meter located outside the public right-of-way shall be located within a City of Asheboro waterline easement. Surveying of any required city easements shall be the responsibility of the property owner.
- F. Installation of traffic and street signs within the development shall be the responsibility of the developer.
- G. If solid waste disposal facilities as shown on the site plan are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Any such facilities shall be consistent with city policies and codes.
- H. Landscaping, including street trees, front yard landscaping, and perimeter buffering shall be installed consistent with the details and specifications shown on the site plan.
- I. 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. Permitting from NC Department of Environmental Quality
- J. Prior to the issuance of a zoning compliance permit, plans concerning water, including provisions for fire hydrants, and sanitary sewage that complies with city policies, shall be submitted. Surveying of any required city easements shall be the responsibility of the property owner.
- K. Prior to the issuance of a zoning compliance permit, the applicant shall submit a site plan reflecting any revisions necessary to comply with city codes and conditions of approval.
- L. 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 Use Permit in the chain of title for the Zoning Lot. (Staff notes that the reference to the Conditional Use Permit is erroneous due to State Law Changes and Conditional Zoning Authority).

He then gave staff's final analysis:

- Since original adoption of the Land Development Plan (LDP) in 2000, this area has seen significant change. Construction and opening of the US 64 Bypass and Zoo Connector, the building of the Zoo City Sportsplex, development of the Jellystone Park Campground, continued growth of the Crossroads Retirement Community, and other investments have altered the landscape.
- Yet, it is important to note that the LDP's "Neighborhood Residential" designation still advocates for new residential development to be comparable in density to surrounding neighborhoods. This application proposes a project with density notably higher than adjacent development and the number of lots planned exceeds the number of lots that would be expected to be created in the R10 district or even, most likely, in the R7.5 district.
- While the project would advance some LDP goals related to diverse housing options and includes sidewalks and open space preservation not always included in conventional subdivisions, the number of lots and units proposed is out of character for the area and zoning district. Staff, therefore, does not believe approval of the request would be reasonable or consistent with the Asheboro Land Development Plan.

He then stated that in light of the above analysis, staff's recommendation is to deny the application. He stated that the City Council will consider the zoning request on Thursday, October 6th. He then asked if there were any questions that the board had for him. There were no questions for Mr. Evans at this time. Mr. Evans continued the presentation with the Subdivision Sketch Design portion of the case. He gave the subdivision overview:

Applicant: Darren Lucas

Request: Sketch Design for residential Planned Unit Development

Size: 9.921 acres +/-

Parcel ID #: 7669289834

Number of Lots: 58 + common area

Average Lot Size: 1,171 SF

He gave departmental comments:

Engineering:

The plan was routed to Engineering. No corrections or comments have been noted.

Public Works:

Public Works indicated the plat is acceptable, but recommended having an additional dumpster. Individual can pickup may be available for Lots 57 and 58 facing Zoo Parkway. Public Works indicated that they will need to review engineered drawings on the proposed water system with the Preliminary Plat.

Planning:

1. Plat corrections, such as but not limited to detail on recreation area, paving detail, grading limits, and other miscellaneous clerical items such as plat certifications have been requested.
2. 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.
3. The subdivision ordinance requires that sidewalks connect all units to amenities within the development. Comments returned to the applicant include extending sidewalks to Units 57 and 58, the recreation area, and the right-of-way of Crestview Church Road.

Other:

1. The plan was routed to the NC Department of Transportation, Randolph County Schools, and the US Postal Service. As of September 1st; none have provided comments.
2. **Fire:** Hydrant locations will need to be shown on the Preliminary Plat, and approved by Asheboro Fire Department.
3. **Building Inspections** indicated they will need to review engineered drawings on the proposed private sewer prior to Building permitting.

He then gave staff's recommendation to approve the Subdivision Sketch Design noting the above referenced comments. He then asked if there were any questions that the board had for him. There were no questions for Mr. Evans at this time.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. Darren Lucas, applicant, spoke in favor of the request. He stated that there is a large demand for housing, particularly townhomes and single family dwellings. He stated that this project design will be the same as what was previously approved at his other location at Ridge Street and Zoo Parkway. He stated that a general district could allow for 52 units including duplexes. He stated that the pond will catch storm water and erosion control for state permitting. There were no questions for Mr. Lucas at this time.

Mr. O'Kelley inquired if there was anyone to speak in opposition of the request. Several nearby citizens addressed the applicant and board with opposition to various items, such as density, traffic, visibility at intersections, smaller units from what was originally proposed on this property in a former zoning approval, and concerns with stormwater runoff.

Mr. Anderson moved to recommend denial of the rezoning request based on staff's recommendation. Mr. Rush seconded the motion and the motion carried unanimously.

Ms. Vuncannon moved to recommend approval of the subdivision sketch design. Mr. Anderson seconded the motion and the motion carried unanimously.

DISCUSSION OF POTENTIAL SUBDIVISION ORDINANCE AMENDMENTS TO BE PRESENTED AT A FUTURE DATE

Mr. Nuttall gave a visual presentation of the potential amendments that could come before the planning board and city council. He mentioned the following topics that could potentially be explored for amendment:

- Update cross-references to reflect new NCGS 160D
- Subdivision variance process
- Owner certifications
- Time limits for approved major subdivision sketch design and preliminary plat approvals
- Development agreements
- Streetlight policy
- Development design standards
- Major Subdivision review and approval process

At this time, Mr. Sugg went over the final decision document for subdivision ordinance variance case SUB-22-01, which was presented at the August regular Planning Board meeting. Mr. Henderson moved to approve the final decision document. Mr. Rush seconded the motion and the motion carried unanimously.

ITEMS NOT ON THE AGENDA

There were no items to discuss.

ADJOURNMENT

With no further business to come before the board, Mr. O'Kelley adjourned the meeting.

Bradley Morton, Planning Board Secretary

Michael O'Kelley, Planning Board Chair



Case No. RZ-22-11: Request to rezone property at 1622 Zoo Parkway (Parcel Identification Number 7750955151) from B2 General Commercial to I1 Light Industrial

Staff Report

Rezoning Staff Report

RZ Case # RZ-22-11

Date 10/3/2022 Planning Board

General Information

Applicant JBBC Properties, LLC
Address 1622 Zoo Parkway
City Asheboro NC 27203
Phone 336-953-2009
Location West side of Zoo Parkway (approximately 200 feet north of Ridge Street)
Requested Action Rezone from B2 (General Commercial) to I1 (Light Industrial)

Existing Zone B2
Existing Land Use Undeveloped
Size 1.69 acres +/-
Pin # 7750955151

Applicant's Reasons as stated on application

Property is adjacent to I1 zoning and a gas station. Commercial zoning has been unsuccessful. The area is a combination of industrial, commercial, and residential. The small size of this parcel will result in a small user and does not significantly change the "flavor" of the area.

Surrounding Land Use
North Undeveloped

East Commercial

South Commercial/Single-family

West Manufacturing, processing and assembly

Zoning History The subject property was part of RZ-86-14, a request to rezone from R10 to B2 approved in 1986.

Legal Description

The property of JBBC Properties, LLC, located at 1622 Zoo Parkway, on the west side of Zoo Parkway approximately 200 ft. north of the intersection of Ridge Street, totaling approximately 1.69 acres +/-.

Analysis

1. The property is located within the City limits.
2. Zoo Parkway (NC 159) is a state-maintained major thoroughfare. B2 building design standards (i.e. permissible building materials to be used on a street facing facade) are enforced in industrial districts located on such thoroughfares.
3. This section of Zoo Parkway, between East Dixie Drive and Ridge Street, primarily is commercially zoned and developed, with limited interspersed industrial and residential zoning.
4. The zoning ordinance describes the I1 zoning district as intended "to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts."
5. Earlier in 2022, Council approved a B2-CZ district on the adjacent property to the north for Manufacturing, Processing, and Assembly and retail shoppers & convenience goods uses.
6. The Land Development Plan Central Small Area Plan recommends the following for new industrial uses: "industrial uses are designated throughout the planning area, to accommodate existing industrial development, and provide opportunities for some new industrial development." It also identifies "preservation and revitalization of existing residential neighborhoods" as a key issue.
7. The Land Development Categories intent for industrial districts is as follows: "to expand existing and develop new industrial uses, requiring transitional uses & buffers". The Land Categories description further states that "special emphasis should be placed on providing adequate buffering and screening between industrial uses and adjacent residential and commercial uses. Whenever possible, appropriate transitional uses will be provided to surround and soften the impact of industrial uses."
8. The LDP Proposed Land Use map designates the subject property for commercial development. The plan projected new industrial development to occur along the north side of Ridge Street.

Rezoning Staff Report

RZ Case # RZ-22-11

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 Commercial
Small Area Plan Central
Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist Item 7: The proposed rezoning is compatible with the applicable Small Area Plan.

Checklist Items 12, 13, and 14: 12.) Property is located outside of watershed
13.) The property is located outside of Special Hazard Flood Area.
14.) Rezoning is not located on steep slopes of greater than 20%.

Rezoning Staff Report

RZ Case # RZ-22-11

LDP Goals/Policies Which Do Not Support Request

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

Checklist Item 10: Rezoning is not consistent with land category descriptions

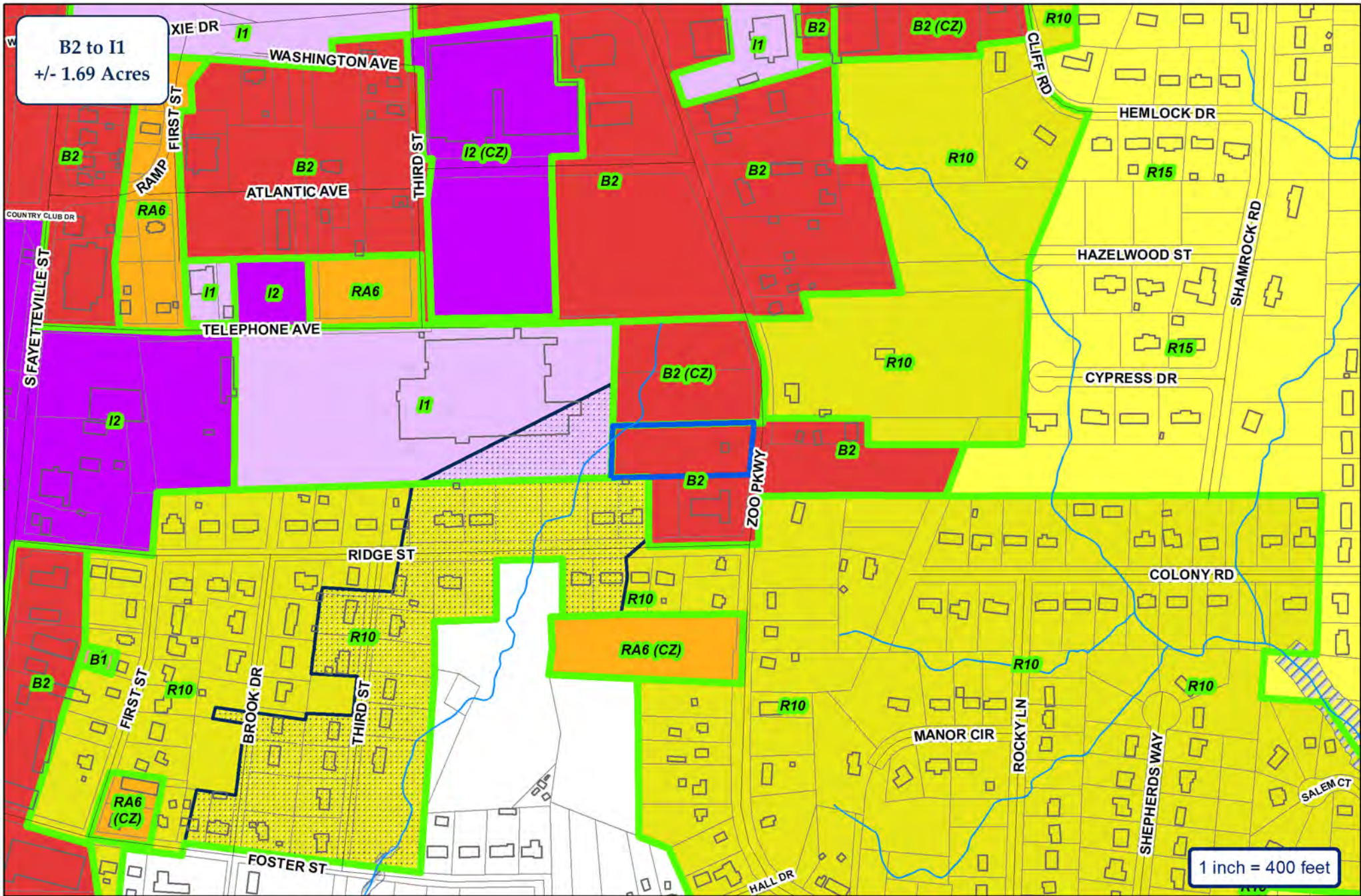
2.1.1 The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

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

The Land Development Plan (LDP), recognizing Oliver Rubber's large footprint, contemplates limited industrial expansion in the area. The Proposed Land Use map forecasts such industrial growth to occur along Ridge Street instead of Zoo Pkwy. However, there remains a stable neighborhood of homes on Ridge Street and the industrial growth that had been expected has not happened. Instead, City Council recently authorized a manufacturing processing and assembly operation and related retail use (RZ-22-01) on Zoo Pkwy to the north of the property requested for rezoning. That property is currently vacant and also is owned by the applicant.

Approval of this request, when combined with the RZ-22-01 approval, would accommodate the limited industrial growth envisioned by the Land Development Plan while preserving the residential continuity that exists on Ridge Street. While a general non-conditioned zoning district does introduce uncertainty in terms of how the property ultimately will be used, the zoning ordinance contains development standards addressing light, noise, odor, parking, and landscaping requirements. In addition, the relatively small size of the property and adjacent B2 and B2-CZ zoning helps to reduce compatibility concerns.

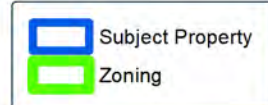
Recommendation In light of the above analysis, staff's recommendation is to approve the application.

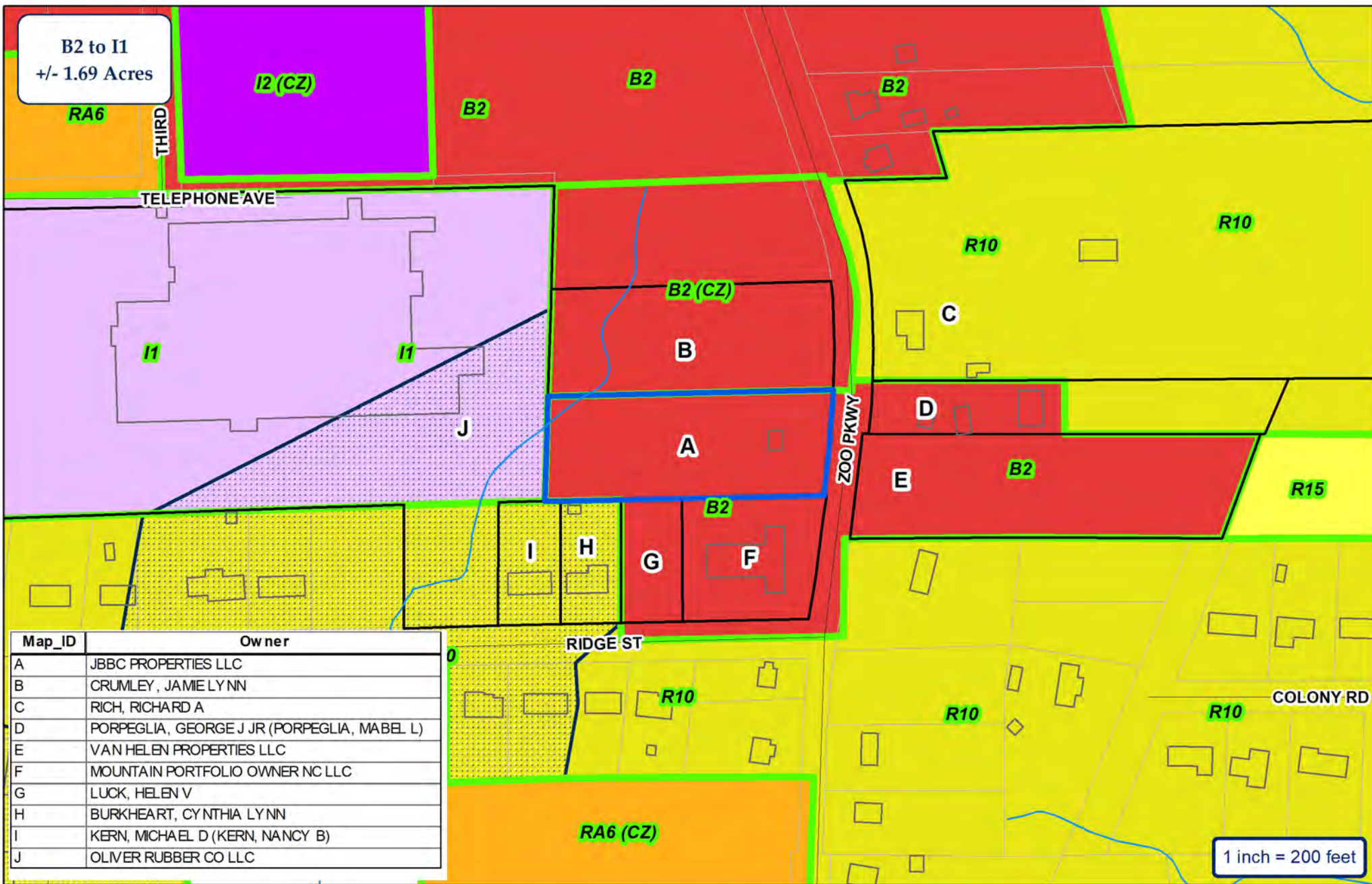


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-11

Parcels: 7750955151





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-11

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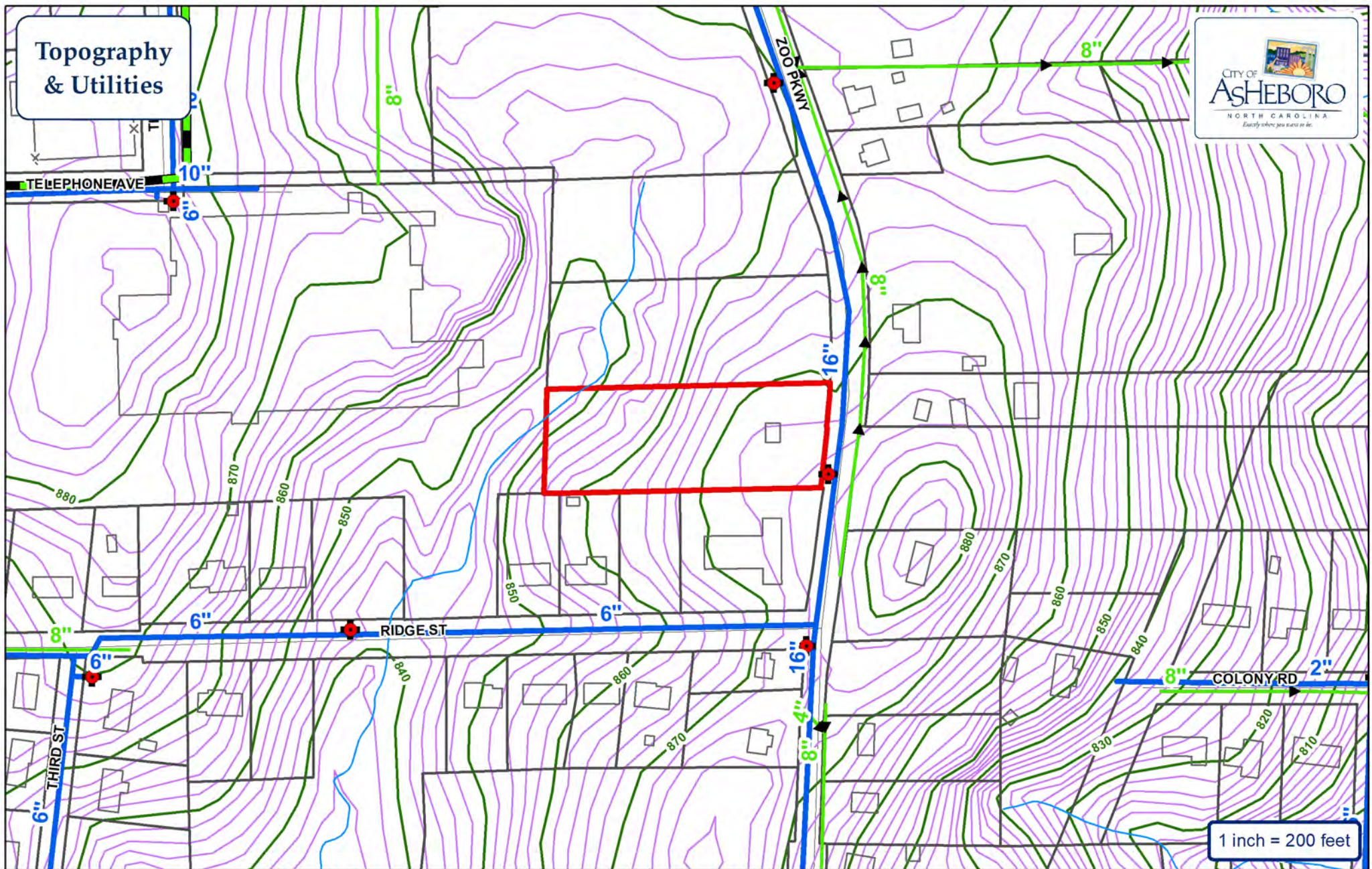


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



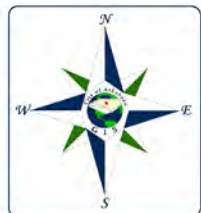
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|---|--|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main |  Watershed |

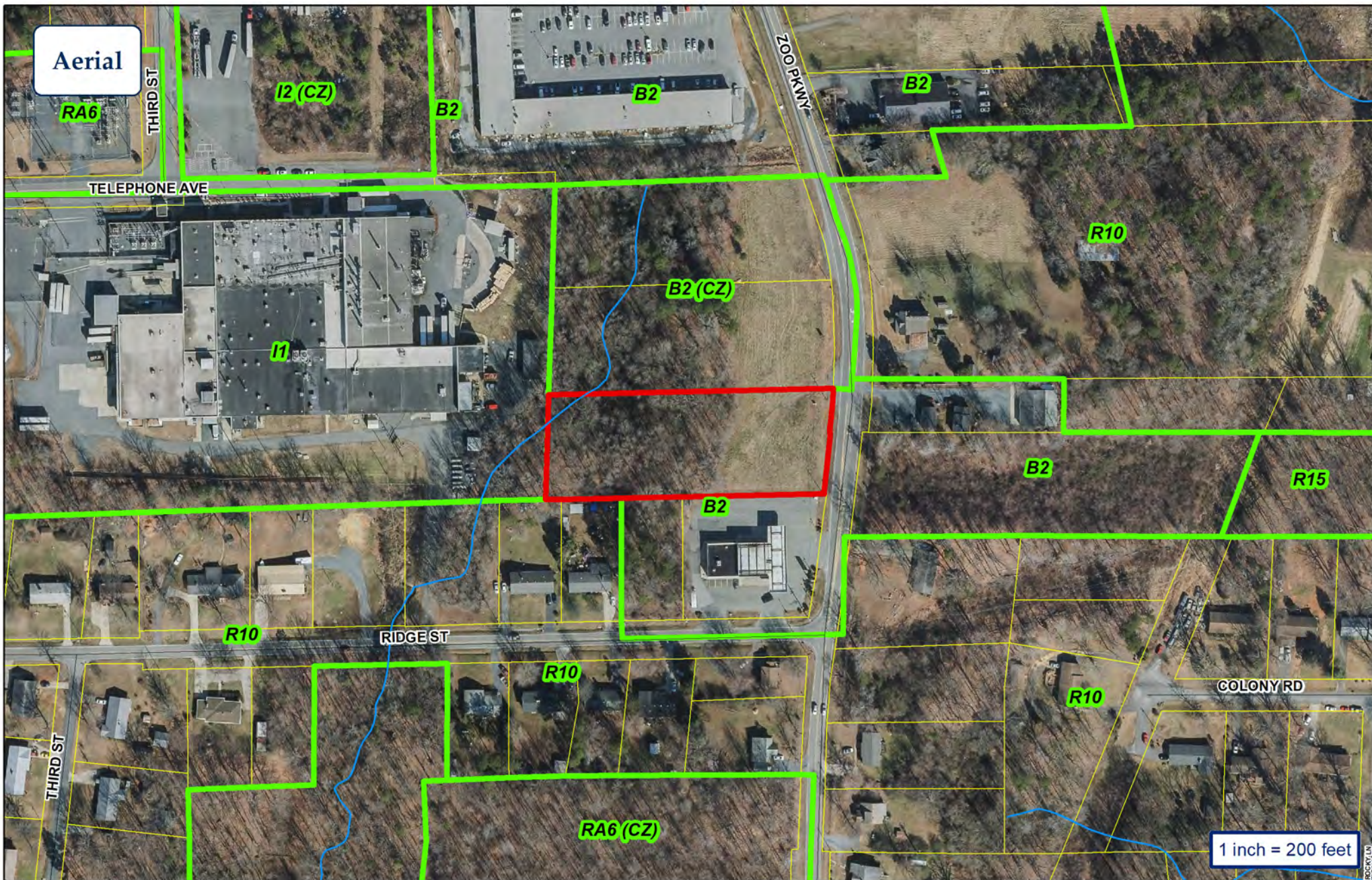
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-11

Parcels: 7750955151

 Subject Property

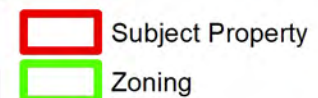




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-11

Parcels: 7750955151



RZ-22-10: Request to rezone 1622 Zoo Parkway from B2 to I1

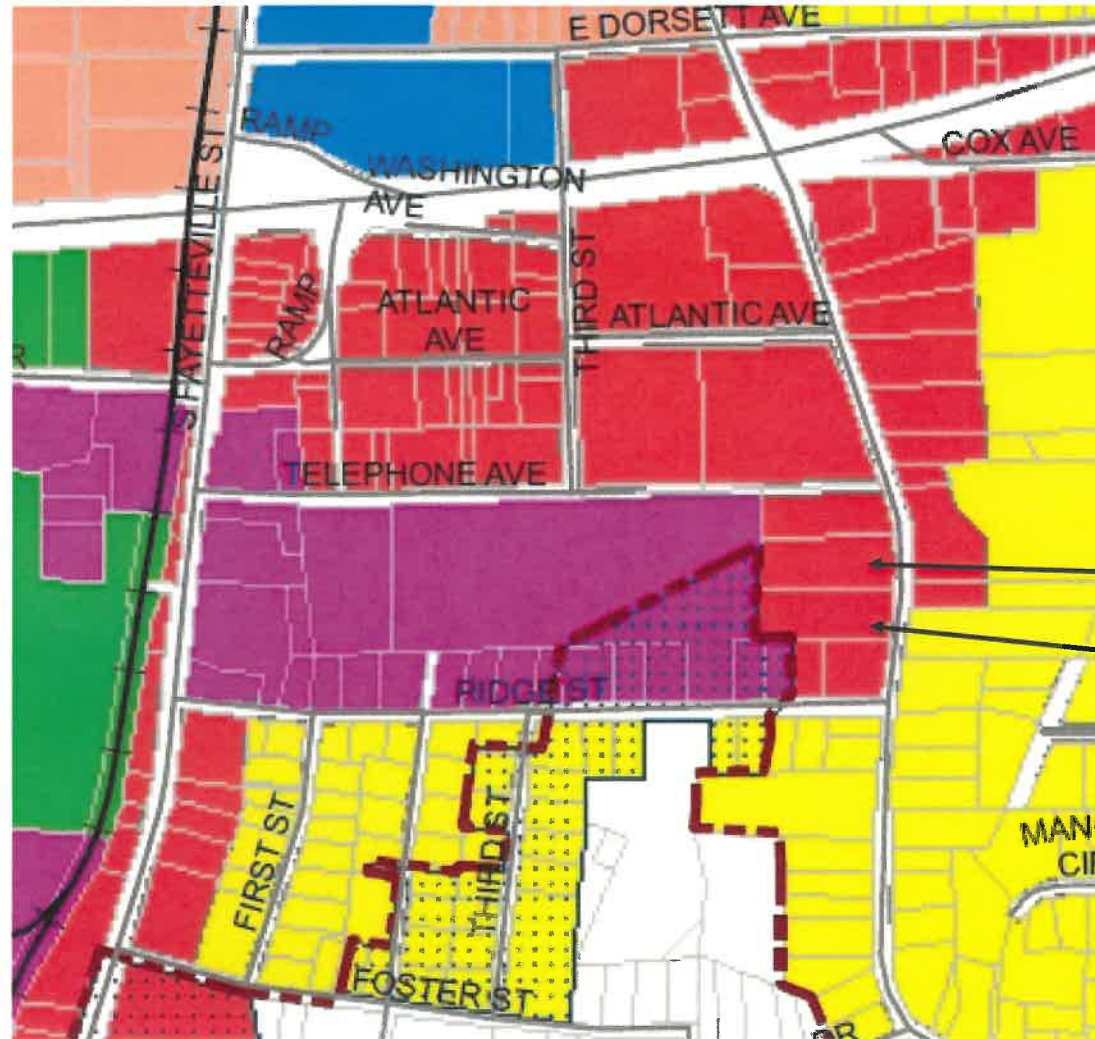
Proposed Land Use

- Commercial
- Conservation Residential
- Employment Center
- Industrial
- Neighborhood Residential
- Office & Institutional
- Parks
- Suburban Residential
- Urban Residential
- Watershed Residential
- Town Activity Center
- Village Activity Center
- Neighborhood Activity Center

Proposed US-64 Bypass

City Limits

ETJ



B2 (CZ) for manufacturing, Processing, and assembly and retail (RZ-22-01)

Subject property
1622 Zoo Parkway

APPLICANT INFORMATION

Applicant JBRC Properties, LLC
Applicant's Phone # 336-953-2009
Applicant's Address 1213 S. Cox Street Suite B
Asheboro NC 27203
Applicant Email Address bob@crenitycommercial.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name JBRC Properties, LLC
Location of Property 200 Parkway L3
Property Size (ac. or s.f.) 1.69
Randolph County Property Identification Number (PIN#) 2250953151
Current Zoning District B2
Requested Zoning District I1
Date Property Title Acquired JAN 24, 2008
Deed Book 2062 Page 1865
Subdivision 200 Parkway Commercial Section Lot # 3
Plat Book 126 Page 2

ORDINANCE AMENDMENT INFORMATION

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

Property is adjacent to I1 zoning and a gas station. Commercial zoning has been unsuccessful

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

2. 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.

no

Does not apply ☐

3. 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?

Does not apply ☒

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

THE AREA IS A COMBINATION OF INDUSTRIAL, COMMERCIAL
AND RESIDENTIAL. THE SMALL SIZE OF THIS PARCEL
WILL RESULT IN A SMALL USER AND DOES NOT SIGNIFICANTLY
CHANGE THE OVERALL "FLAVOR" OF THE AREA.

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



Printed Name of Authorized Signatory (if different from Applicant)

Bobby J Crumley

Position/Relationship of Authorized Signatory to Applicant

Manager of LLC

Owner Signature (if different than Applicant)

Owner Address

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: *John Evans* Date: *8-25-22* Case Number: *RZ-22-11*