



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, April 4, 2022
7:00 PM
AGENDA**

- I. Call to Order
- II. Approval of Minutes from March 7, 2022
- III. Review of Cases
- IV. Old Business: Requests related to property located west of 2513 Old Cedar Falls Road (a portion of Randolph County Parcel Identification Number 7772117810)
 - (a) Case No. RZ-22-03: Request to rezone from R10 to RZ (CZ) for a Residential Planned Unit Development
 - (b) Case No. SUB-22-02: Request for a subdivision sketch design for the Thomas Estates Planned Unit Development (PUD)
- V. New Business:
 - (a) Case No. RZ-22-04: Request to rezone property located at 233 West Kivett Street; 615 and 617 South Church Street; and 616 and 622 Hammer Avenue (Randolph County Parcel Identification Number 7751703525) from OA6 zoning to OA6 (CZ) zoning for a Multiple Family Dwelling Development for the Elderly that is a Whole Block Redevelopment.
 - (b) SUB-22-03: Subdivision Sketch Design for Timber Ridge (East Allred Street)
 - (c) Planning Board Functioning as Board of Adjustment: BOA-22-01: Appeal from a final administrative decision regarding the validity of Special Use Permit CUP-18-10 for property identified by Randolph County PIN# 7762740259
- VI. Items not on the agenda
- VII. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, MARCH 7, 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)
Ritchie Buffkin)
David Henderson) - Members Present
Van Rich)
Thomas Rush)

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 FEBRUARY 7, 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. Nuttall went over the land use cases that the City Council heard at their February Regular Meeting.

NEW BUSINESS

REQUESTS BY BRIAN THOMAS RELATED TO PROPERTY LOCATED WEST OF 2513 OLD CEDAR FALLS ROAD (A PORTION OF RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7772117810)

- a) CASE NO. RZ-22-03: REQUEST TO REZONE FROM R10 TO R10 (CZ) FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT
- b) CASE NO. SUB-22-02: REQUEST FOR A SUBDIVISION SKETCH DESIGN

Mr. O'Kelley opened the public hearing for Case No. RZ-22-03. At this time, Mr. Nuttall informed the board that staff received an email communication from Mr. Brian Thomas, the applicant, requesting a continuance for the above referenced items.

Ms. Vuncannon moved to continue Case No. RZ-22-03 and Case No. SUB-22-02 until the April 4th regular Planning Board meeting. Mr. Rich seconded the motion and the motion carried unanimously.

ITEMS NOT ON THE AGENDA

There were no items at this time.

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



Requests by Brian Thomas related to property located west of 2513
Old Cedar Falls Road (a portion of Randolph County Parcel Identification Number
7772117810)

- a.) **Case No. RZ-22-03**: Request to rezone from R10 to RZ (CZ) for a Residential
Planned Unit Development
- b.) **Case No. SUB-22-02**: Request for a subdivision sketch design

Staff Report

Rezoning Staff Report

RZ Case # RZ-22-03

Date 4/4/2022 Planning Board;
continued from 3/7/2022

General Information

Applicant Brian Thomas

Address 2513 Old Cedar Falls Road

City Asheboro NC 27203

Phone 727-243-0887

Location West of 2513 Old Cedar Falls Road

Requested Action Rezone from R10 Medium-Density Residential to R10 (CZ) Conditional Zoning for Residential Planned Unit Development

Existing Zone R10

Existing Land Use Undeveloped

Size 50.78 acres +/-

Pin # 7772117810 (portion)

Applicant's Reasons as stated on application

The purpose of the CUP [Staff Note: This is a CZ request. Conditional Use Permits are no longer an option]. is to develop a 179 unit duplex project that is phased with associated driveways, parking and utilities. One single model will be constructed as a sales model. The project will comply with all land development code and the land development plan to promote growth and welfare. The approval of this project will provide needed housing, with the current shortage of adequate housing this project will provide homes for families in the City of Asheboro. The development will help meet the demands of much needed housing within the City of Asheboro.

Surrounding Land Use

North Low-Density Residential/Agricultural

East Low-Density Residential/Agricultural

South Low-Density Residential/Agricultural

West Low-Density Residential/Agricultural

Zoning History City zoning was first applied to the property in 2006 for a proposed RV Resort. Since that time, there have been two additional proposals approved for an RV resort (2007 and 2011), and a banquet facility/residential PUD in

Legal Description

A portion of Randolph County Parcel Identification Number 77721178110, located west of 2513 Old Cedar Falls Road, totaling approximately 50.78 acres +/- of 106.13 acres +/-.

Analysis

1. The applicant is requesting a Conditional Zoning request for a Residential Planned Unit Development.
2. The property, and the adjacent tract to the west, was brought into the city as a satellite annexation in 2006 at the request of a prior owner.
3. Old Cedar Falls Road is a state-maintained minor thoroughfare.
4. The applicant's proposal for a 51 acre Planned Unit Development consists of 85 attached single-family structures and one detached structure (initially to serve as a model home) for a total of 171 dwelling units. In 2013, the same applicant presented a different PUD proposal via a rezoning and special use permit (SUP) with 160 dwelling units, which included an agricultural tourism use, on the entirety of the property. Council did approve that rezoning to R10 and the SUP; the SUP is now considered null and void due to its expiration but the R10 district remains in place.
5. Units are proposed to be single-story dwellings with a one-car garage.
6. The project proposes development with private streets with two entrances serving the development from Old Cedar Falls Road. The developer would also be extending city water and sewer mains to serve the project and constructing a lift station.
7. *The R10 Residential 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.*
8. The overall net density of the development is approximately 4.2 units per acre (excluding street right-of-way per the city code). Historically, conventional subdivision density within the R10 district averages around 3.8 units per acre.
9. The conditional zoning process allows an applicant to propose a project-specific zoning district that establishes permitted uses, development conditions and site development requirements. The project-specific zoning district is allowed to diverge from the zoning ordinance's predetermined land use requirements.
10. A portion of the property is located within a Special Hazard Flood Area. However, no development is proposed within this area.
11. Staff is reviewing revisions to the site plan that were submitted on March 25, 2022, in response to city comments. An updated report, including where the project proposes to deviate from predetermined land use requirements, is expected to be issued upon receipt and review of that information and revisions.

Rezoning Staff Report

RZ Case # RZ-22-03

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 1: Complies with LDP proposed land use map

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

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

Checklist Item #12: Property is located outside of the watershed area.

Rezoning Staff Report

RZ Case # **RZ-22-03**

LDP Goals/Policies Which Do Not Support Request

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

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

Since the 2013 PUD approval, additional non-residential development has occurred within the East Small Area Plan boundaries and late last year Toyota announced plans to build a large manufacturing facility near Liberty approximately 12 miles northeast of the subject property. Such growth likely will necessitate new housing opportunities and the city's Land Development Plan (LDP) advocates for different housing types, including townhome development, as part of the housing inventory.

The LDP's Neighborhood Residential Future Land Use Designation generally is supportive of PUD development at around 4 units per acre when adequate street connectivity and elements encouraged by the Plan, such as pedestrian amenities, project landscaping, recreation area, and open space are incorporated into project design.

Staff continues to work with the applicant on project details to make it more consistent with the city's pre-determined land use requirements and LDP objectives. An updated report will be presented at the April 4th Planning Board meeting.

Recommendation Due to submittal of revised plans on March 25, 2022, staff continues to review these plans and additional information and a final recommendation is pending.

Rezoning Staff Report

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

- (A) The use approved shall be a Residential Planned Unit Development.
 - (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
 - (C) All required amenities in Phase One, as shown on the approved site plan, shall be built or guaranteed as allowed by the Subdivision Ordinance. This requirement pertains to, but is not limited to, the playground/picnic area, and areas for small and large dogs shown on the site plan. Such areas shall be properly graded, stabilized, and seeded for the purpose so indicated.
 - (D) Prior to recording a final plat for any phase of the development, homeowners' association documents, which contain provisions consistent with this order, shall be recorded in the office of the Randolph County Register of Deeds. Such homeowners' documents shall include, but not be limited to, maintenance responsibilities of the association, a release of City of Asheboro from liability due to utility maintenance on private streets, indication that walls between units are party walls, and prohibition of parking recreational vehicles (boats, campers, travel trailers, etc.) outdoors.
 - (E) Due to the proposed roadway width, on-street parking shall be prohibited.
 - (F) Public infrastructure to be maintained by the city must be constructed to City of Asheboro standards and specifications and receive the appropriate approvals from the NCDOT and NCDEQ. Maintenance easements shall be granted to the city for such infrastructure, including hydrants and meters. A lot containing the lift station shall be platted and conveyed to the city along with an access maintenance. Surveying and construction drawings for state permitting and necessary legal instruments will be the developer's responsibility.
 - (G) An engineering study of storm water runoff shall be made of the Zoning Lot. If this study indicates that post development runoff will exceed predevelopment conditions, plans for runoff control shall be designed and certified by a professional engineer. Such controls shall be designed to reduce the runoff during the occurrence of a 10-year storm to predevelopment volumes and rates. A professional engineer shall provide certification that the storm water controls were built according to the plans. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner and any successors in interest.
 - (H) Maintenance of all recreation areas, parking lots, 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.
 - (I) The site plan indicates that trash collection will be from mobile toters. Collection must be done by a private entity. The City of Asheboro will not pick up solid waste within the development. All final plats shall state that the City of Asheboro will not pick up individual cans for the development. Prior to issuing a certificate of occupancy for any unit, the developer shall provide evidence of an arrangement for private solid waste disposal service.
 - (J) 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
 - (iii) Preliminary plat approval from City Council
 - (K) Pursuant to Section 4.05 (C)(18) of the zoning ordinance, action to obtain a Zoning Compliance Permit shall have commenced for the proposed land use within thirty six (36) months of the City Council's approval of this Conditional Zoning for the Zoning Lot.
 - (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 Zoning in the chain of title for the Zoning Lot.
- These are draft conditions proposed by staff as of March 31, 2022. Suggested conditions may be modified depending on updated information that is presented by the applicant.

PRELIMINARY
CIVIL SITE DEVELOPMENT PLANS
FOR
THOMAS ESTATES

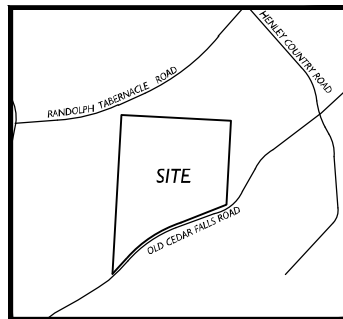
2513 OLD CEDAR FALLS ROAD
RANDOLPH COUNTY - ASHEBORO - NORTH CAROLINA

PROJECT NO.: E-7794

FEB. 2022



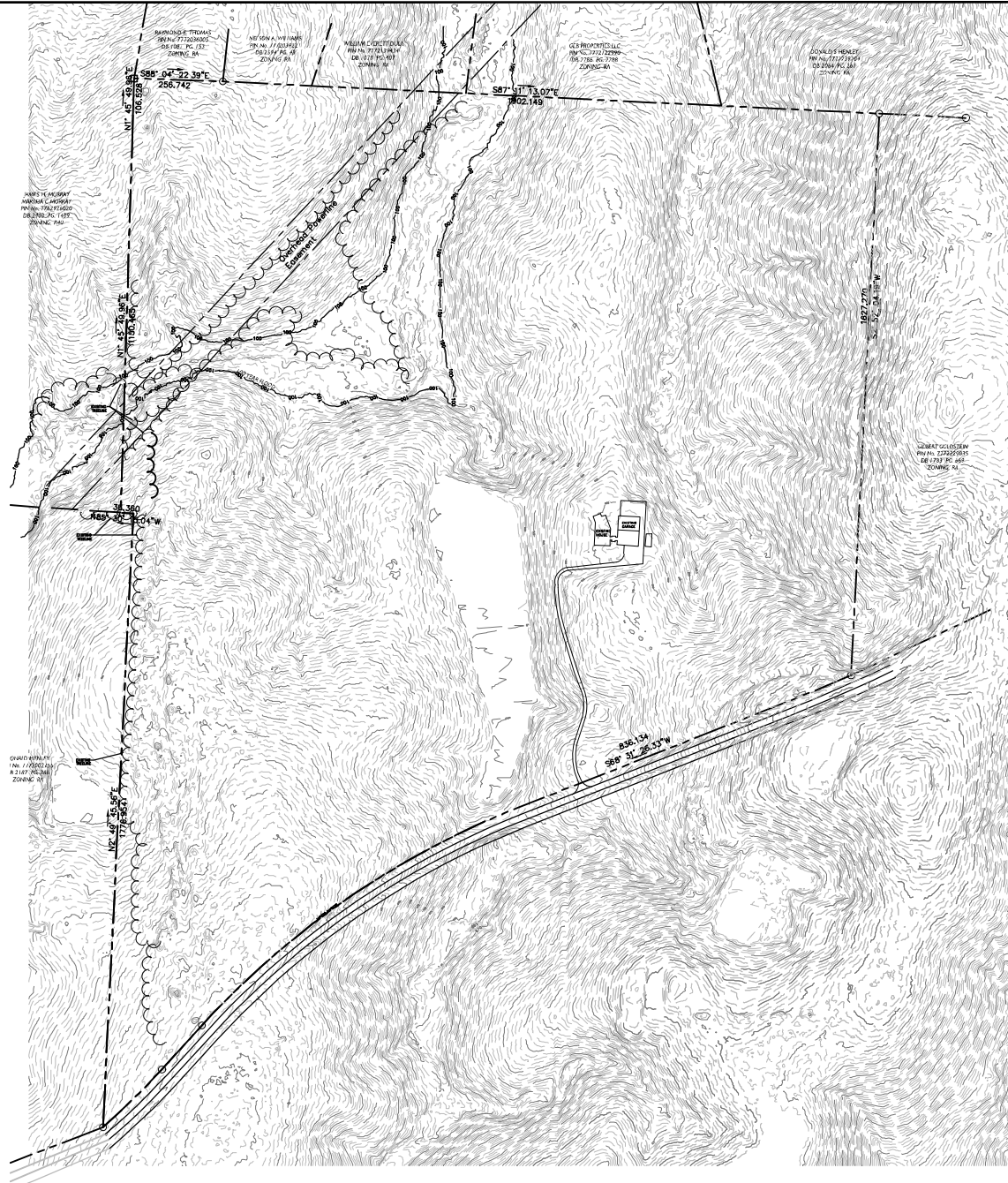
Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying
P.O. Box 268
Asheboro, NC 27204
ph: (336) 328-0902 fx: (336) 328-0922
email: info@summeyengineering.com



VICINITY MAP
N.T.S.

#	SHEET INDEX
C-1	COVER SHEET
C-2	EXISTING CONDITIONS AND DEMO
C-3	MASTER SKETCH PLAN
C-4	PRELIMINARY GRADING PLAN
C-5	UTILITY AND LIGHTING PLAN
C-6	OFF SITE UTILITIES
C-7	STORM SEWER PLAN
C-8	FLOOR PLAN
C-9	FRONT ELEVATIONS
C-10	LANDSCAPING PLAN
C-11	LANDSCAPING DETAILS
C-12	STANDARD WATER DETAILS
C-13	STANDARD SANITARY SEWER DETAILS
C-14	STANDARD STREET DETAILS
C-15	EROSION CONTROL DETAILS
C-16	EROSION CONTROL DETAILS

P:\2024\Bates\Thomas - Demo\Site\Surveying - To Plot\Drawings\1 - 2513 Old Cedar Falls Road - Civil Plan File - As Shown, NC\DWG1118.DWG 11/27/2024 10:26:27 AM
3/3/2025 9:47:53 AM TWC1118.DWG



DRAWING LEGEND

	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	100 YEAR FLOOD PLANE
	PROPERTY LINE
	ADJOINING PROPERTY LINE
	EXISTING STORM PIPE
	EXISTING UTILITY POLE
	EXISTING SANITARY SEWER MANHOLE
	EXISTING SANITARY SEWER LINE
	EXISTING WATER MAIN (12\"/>
	EXISTING FIRE HYDRANT
	OVERHEAD ELECTRIC
	LIMITS OF CONSTRUCTION
	EXISTING TREELINE
	PROPOSED TREELINE
	DEMO TREELINE

0' 150' 300' 450'

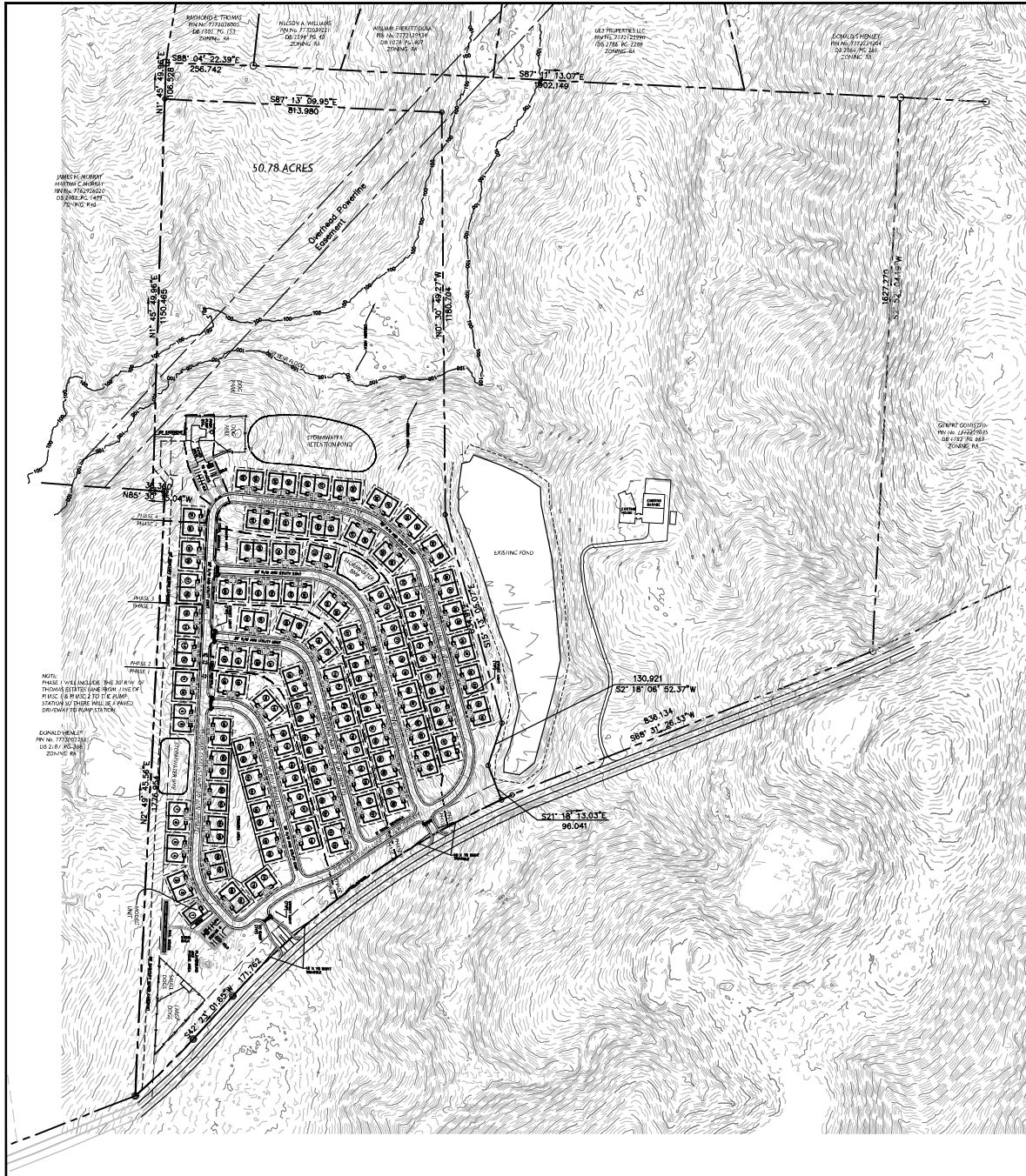
DRAWING SCALE

N

ASHEBORO NORTH CAROLINA

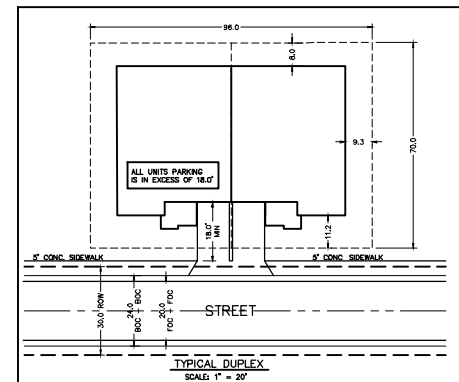
Summey Engineering Associates, PLLC Engineering - Consulting - Surveying 10000 N. 12th St. Asheboro, NC 27205 Phone: 336-224-0000 Fax: 336-224-0002 NC Professional Engineering Firm License No. 123456	
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Date: 11/27/24	Drawn By: JEC
Sheet No: C-2	Checked By: JEC
Job No: 2513-4	

EXISTING CONDITIONS AND DEMO
THOMAS ESTATES
2513 OLD CEDAR FALLS ROAD
ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA



SITE NOTES:

- PROPERTY INFORMATION
TOTAL OVERALL ACREAGE = 108.78 ACRES OVERALL
50.78 ACRES ARE TO BE INCLUDED IN THE CONDITIONAL ZONING REQUEST.
56.01 ACRES ARE TO BE LEFT IN THE R-10 ZONING
- OWNERS: PHILLIS E. THOMAS
PIN NUMBERS: 777217810
EXISTING ZONING: R10
EXISTING LAND USE: VACANT
REQUESTED ZONING: R10 (C2)
SITE ADDRESS: 2513 OLD CEDAR FALLS ROAD ASHEBORO, NC
OWNER ADDRESSES: 2845 UPPER RIDGE ROAD PINEBURG, PA
- THE PROJECT IS LOCATED WITHIN THE CITY OF ASHEBORO.
- PARCEL BOUNDARIES, TOPOGRAPHIC DATA, EASEMENTS, EXISTING WATER METER AND SANITARY SEWER ARE SHOWN FOR FIELD SURVEY PERFORMED BY SURVEY CAROLINA, PLS
- PROPOSED USE: RESIDENTIAL PLANNED UNIT DEVELOPMENT
- PARKING REQUIRED: 2 SPACES PER UNIT
85 DUPLEX UNITS AND 1 SINGLE MODEL UNIT = 171 DWELLINGS
REQUIRED: 342 SPACES
PROVIDED: 342 SPACES = 2 PER UNIT
PLUS 19 GUEST PARKING SPACES = 361 TOTAL SPACES
- SUBDIVISION LOT BUILDING SETBACKS:
FRONT= 23 FT MIN. TO BACK OF CURB
SIDE= 0 = 9.3 FT
REAR= 8 FT
- DISTURBED AREA: 12,604.35 Sq. Ft. = 28.93 ACRES
- HANDICAP SPACES SHALL BE INSTALLED PER ADA REQUIREMENTS.
- MAXIMUM SEPARATION BETWEEN SANITARY SEWER CLEANOUTS SHALL BE 50'.
- OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.
- CONFIRM UTILITY TIE INS WITH ARCHITECTURAL DESIGN PRIOR TO CONSTRUCTION.
- WATER AND SEWER UTILITY TIE IN LOCATIONS ARE SHOWN ON THIS PLAN FOR REFERENCE ONLY.
- TRASH COLLECTION SHALL BE ACHIEVED WITH MOBILE TITERS
- RVS, TRAVEL TRAILERS, AND BOAT STORAGE WILL NOT BE PERMITTED
- PERMITTED SQ. LAND AREA MINUS AREA IN R/W = 2,022,208.00 Sq. Ft. = 46.42 ACRES
DIVIDED BY 10,000 Sq. Ft. = 202 UNITS ALLOWED
PROVIDED = 171 INDIVIDUAL UNITS INCLUDING MODEL
- REQUIRED OPEN SPACE = 50.78 ACRES X 52% = 26.40 ACRES
PROVIDED TOTAL COMMON AREA = 33.23 ACRES
- REQUIRED RECREATION AREA = 50.78 ACRES X 1.72% = 0.87 ACRES
PROVIDED 84,877.12 Sq. Ft. = 1.80 ACRES INCLUDES BOTH GOLF COURSE, PLAYGROUNDS AND PLOIC AREA.
- THE H.O.A. IS TO MAINTAIN ALL COMMON AND RECREATION AREAS.
- THE SINGLE DETACHED UNIT WILL HAVE THE SAME DESIGN AS ATTACHED UNITS
- LINEAR FEET IN STREETS: THOMAS ESTATES = 3,404 L.F.
ALEXIA WAY = 669 L.F.
ANDRIANA WAY = 902 L.F.
ANGELA WAY = 1,115 L.F.
ENTRANCE DRIVES = 144 L.F. & 89 L.F.
- AVERAGE LOT SIZE 6,720 (DUPLEX) = 3,360 PER SINGLE UNIT
- 30' ROAD R/W WILL ALSO SERVE AS A 30' BLANKET UTILITY EASEMENT.



0' 150' 300' 450'
DRAWING SCALE



SEA
INC.

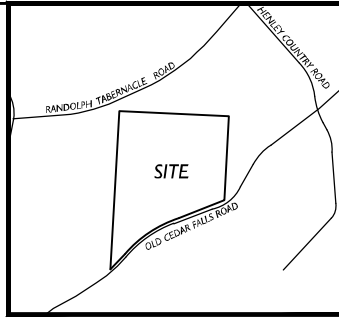
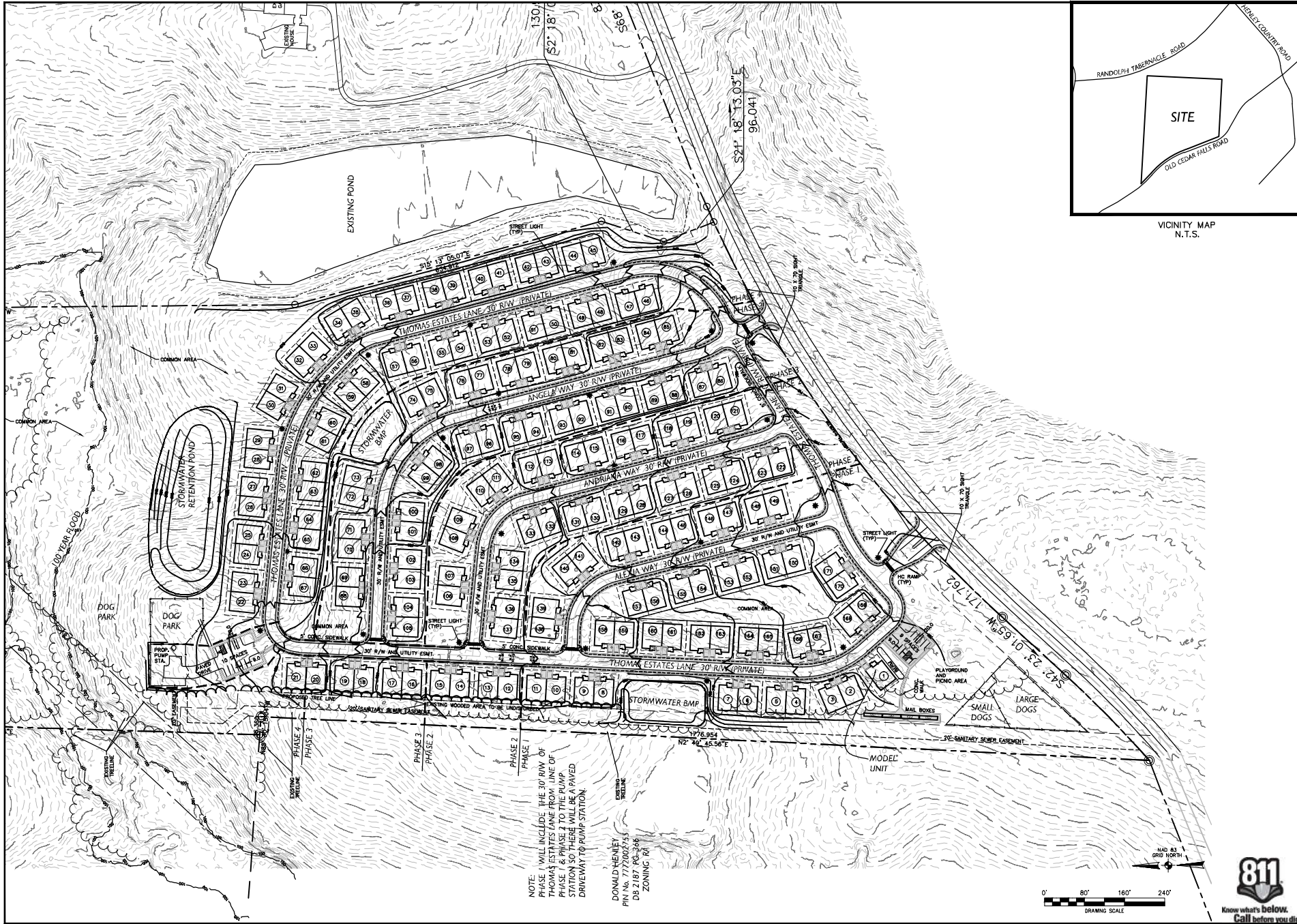
Summey Engineering Associates, PLLC
F. Engineering - Consulting - Surveying
10 B-904
Asheboro, NC 27203
Phone: 336-224-0000 Fax: 336-224-0002
N.C. Professional Engineering License No. 172374

Rev.	Description
1	

MASTER SKETCH PLAN
THOMAS ESTATES
2513 OLD CEDAR FALLS ROAD
ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA

Scale:	1/8" = 1'-0"
Date:	11/27/22
Drawn By:	PLC
Checked By:	WLC
Job No.:	2-1794

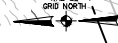
Sheet No. C-3



VICINITY MAP
N.T.S.

NOTE:
PHASE 1 WILL INCLUDE THE 30' R/W OF
THOMAS ESTATES LANE FROM LUMP
PHASE 1 & PHASE 2 TO THE PUMP
STATION SO THERE WILL BE A PAVED
DRIVEWAY TO PUMP STATION.

DONALD HENNEY
PIN No. 7772002755
DB 2187 PG-346
ZONING: R4



PRELIMINARY GRADING PLAN
THOMAS ESTATES
2513 OLD CEDAR FALLS ROAD
ASHBORO • RANDOLPH COUNTY • NORTH CAROLINA

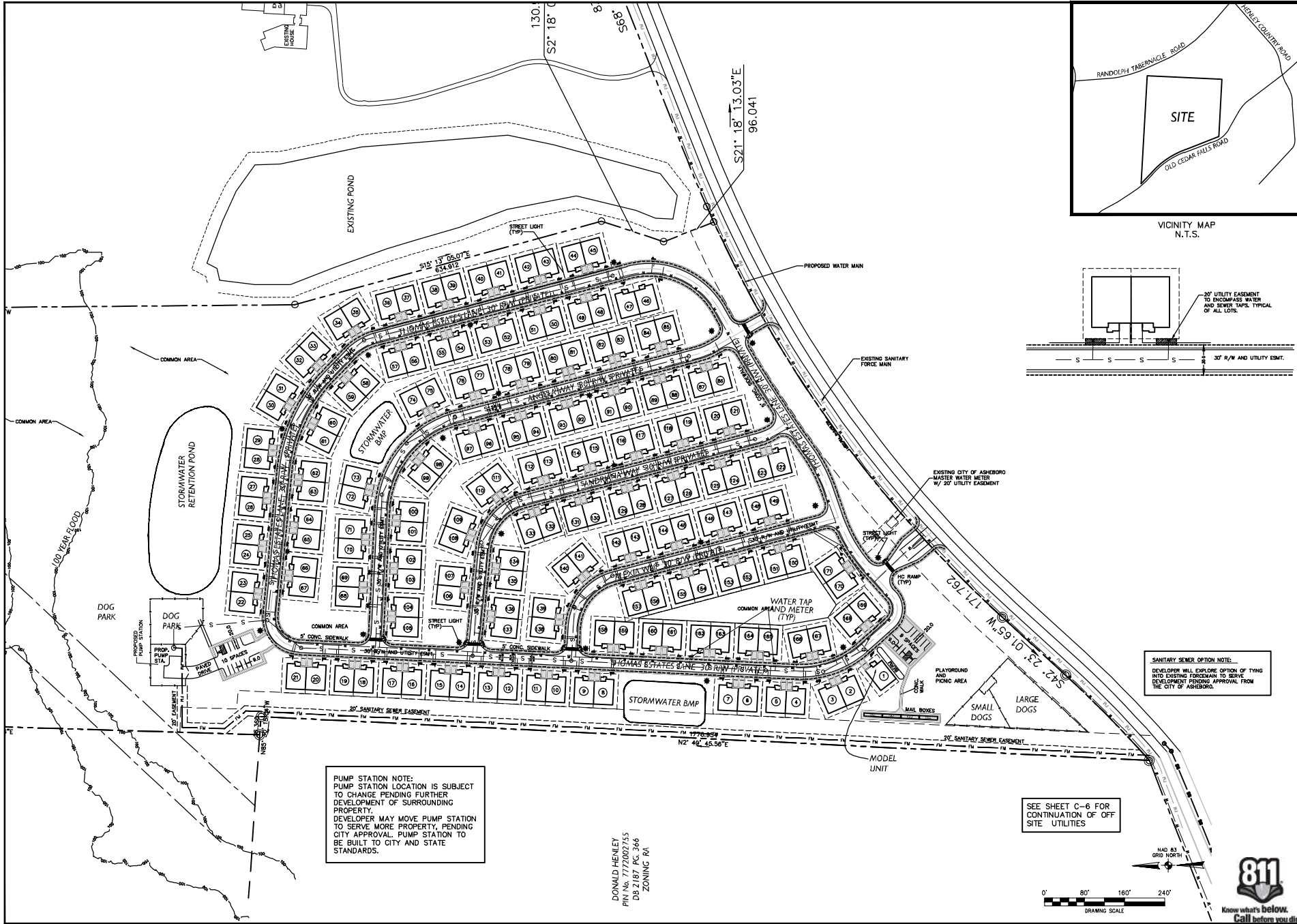
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Checked By: [blank]
Job No.: 2-1754

Sheet No. **C-4**

Summey Engineering Associates, PLLC
F. Engineering - Consulting - Surveying
Address: NC 27204
Phone: 336-346-0002 Fax: 336-346-0022
N.C. Professional Engineering License No. 72324

SEA





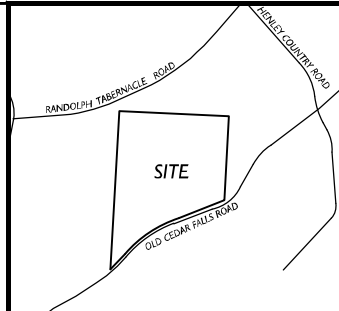
PUMP STATION NOTE:
PUMP STATION LOCATION IS SUBJECT
TO CHANGE PENDING FURTHER
DEVELOPMENT OF SURROUNDING
PROPERTY.
DEVELOPER MAY MOVE PUMP STATION
TO SERVE MORE PROPERTY, PENDING
CITY APPROVAL. PUMP STATION TO
BE BUILT TO CITY AND STATE
STANDARDS.

DONALD HENLEY
PIN No. 7772002755
DB 2187 PC 346
ZONING RA

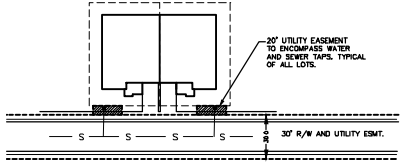
SEE SHEET C-6 FOR
CONTINUATION OF OFF
SITE UTILITIES

SANITARY SEWER OPTION NOTE:
DEVELOPER WILL EXPLORE OPTION OF TYPING
INTO EXISTING FORECANN TO SERVE
DEVELOPMENT PENDING APPROVAL FROM
THE CITY OF ASHEBORO.

0' 80' 160' 240'
DRAWING SCALE



VICINITY MAP
N.T.S.



UTILITY AND LIGHTING PLAN

THOMAS ESTATES

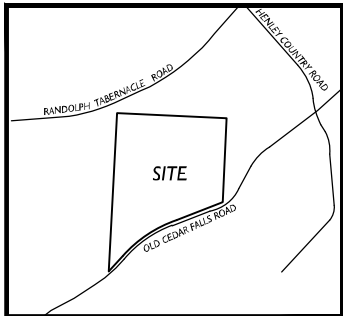
2513 OLD CEDAR FALLS ROAD
ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA

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Date:	11/21/2022
Drawn By:	THC
Checked By:	BAC
Job No.:	2-17194

Sheet No. C-5

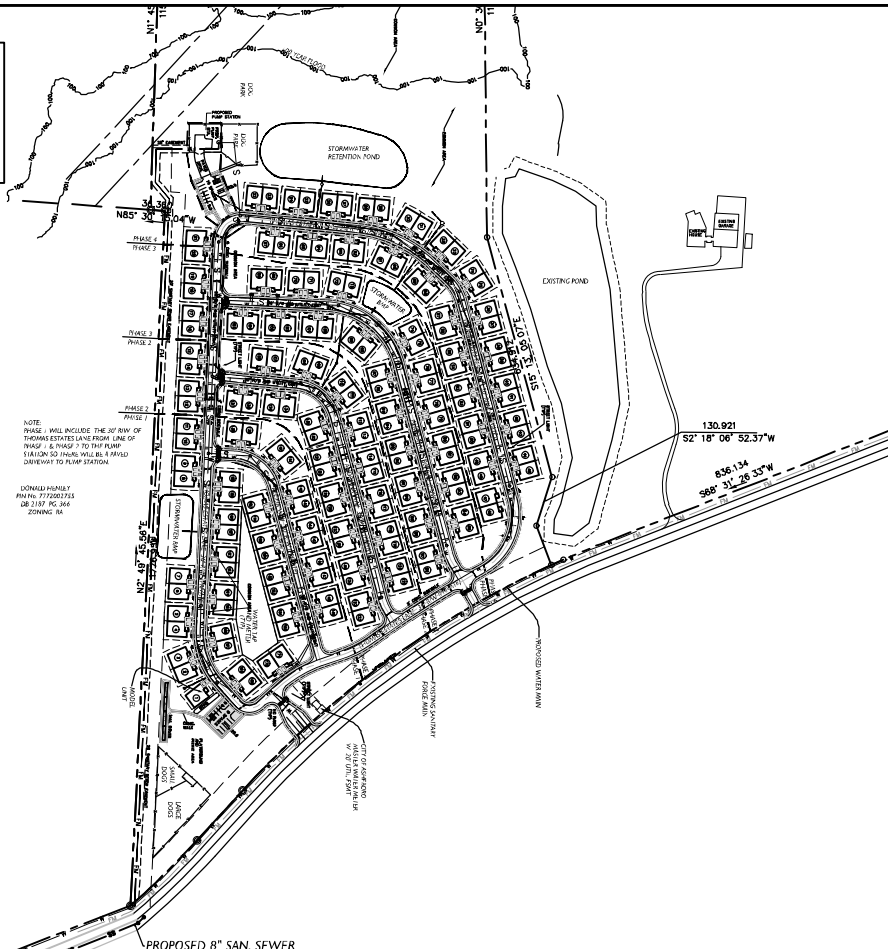
Summy Engineering Associates, PLLC
Engineering - Consulting - Surveying
1000 B-904
Asheboro, NC 27209
Phone: 336-346-0002 Fax: 336-346-0022
N.C. Professional Engineering License No. 72324

SEA
NORTH CAROLINA
SEAL
3446
SUMMY ENGINEERING ASSOCIATES, PLLC



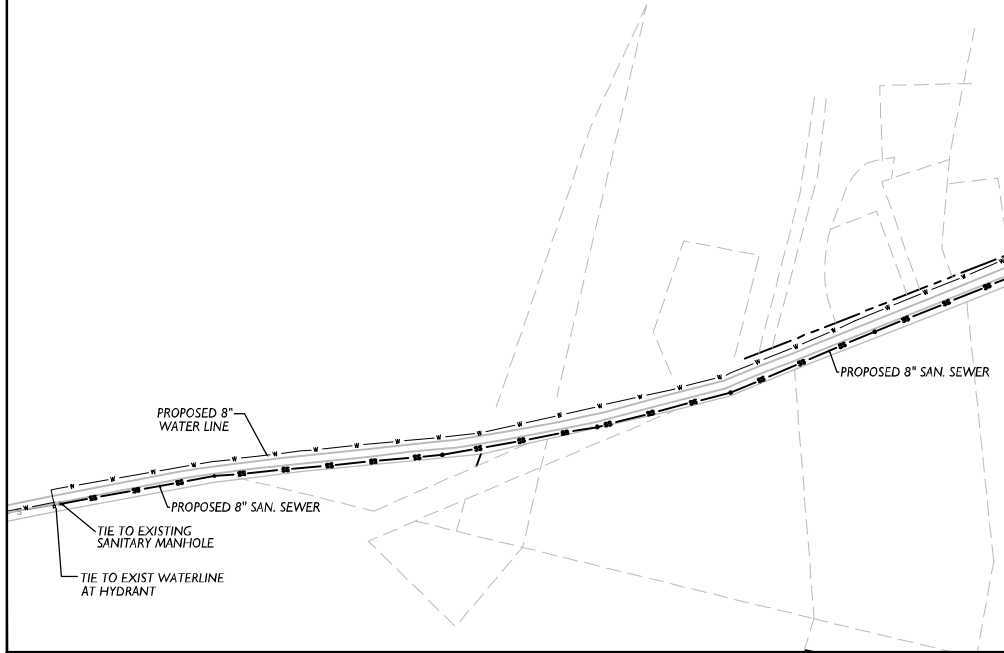
VICINITY MAP
N.T.S.

PUMP STATION NOTE:
PUMP STATION LOCATION IS SUBJECT
TO CHANGE PENDING FURTHER
DEVELOPMENT OF SURROUNDING
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DEVELOPER MAY MOVE PUMP STATION
TO SERVE MORE PROPERTY, PENDING
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BE BUILT TO CITY AND STATE
STANDARDS.

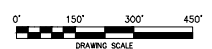


NOTE:
PHASE 1 WILL INCLUDE THE 30' R/W OF
THE EXISTING LINE FROM LINE OF
PHASE 1 & PHASE 2 TO THE PUMP
STATION TO BE BUILT. A 10' R/W
VIEWPOINT TO PUMP STATION.

CONVEYANCE
PUMP STATION
20' 11' 10\"/>



DRAWING LEGEND	
	PROPERTY LINE
	ADJOINING PROPERTY LINE
	EXISTING TREELINE
	PROPOSED TREELINE
	SETBACK LINES
	EXISTING SANITARY SEWER MANHOLE
	PROPOSED SANITARY SEWER LINE
	PROPOSED SANITARY SEWER MANHOLE
	EXISTING WATER LINE
	EXISTING WATER VALVE
	EXISTING FIRE HYDRANT
	PROPOSED WATER LINE
	100 YEAR FLOOD PLAIN
	EXISTING STORM PIPE





SEA

Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying
10 B-904
Asheboro, NC 27203
Phone: 336-334-0002 Fax: 336-334-0022
N.C. Professional Engineering License No. 72324

By	
Description	
Date	
Job No.	

OFF SITE UTILITIES

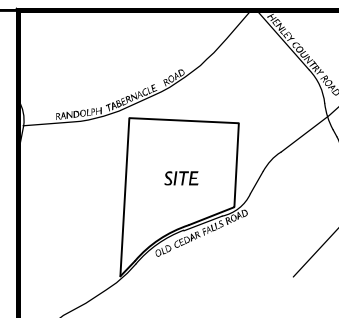
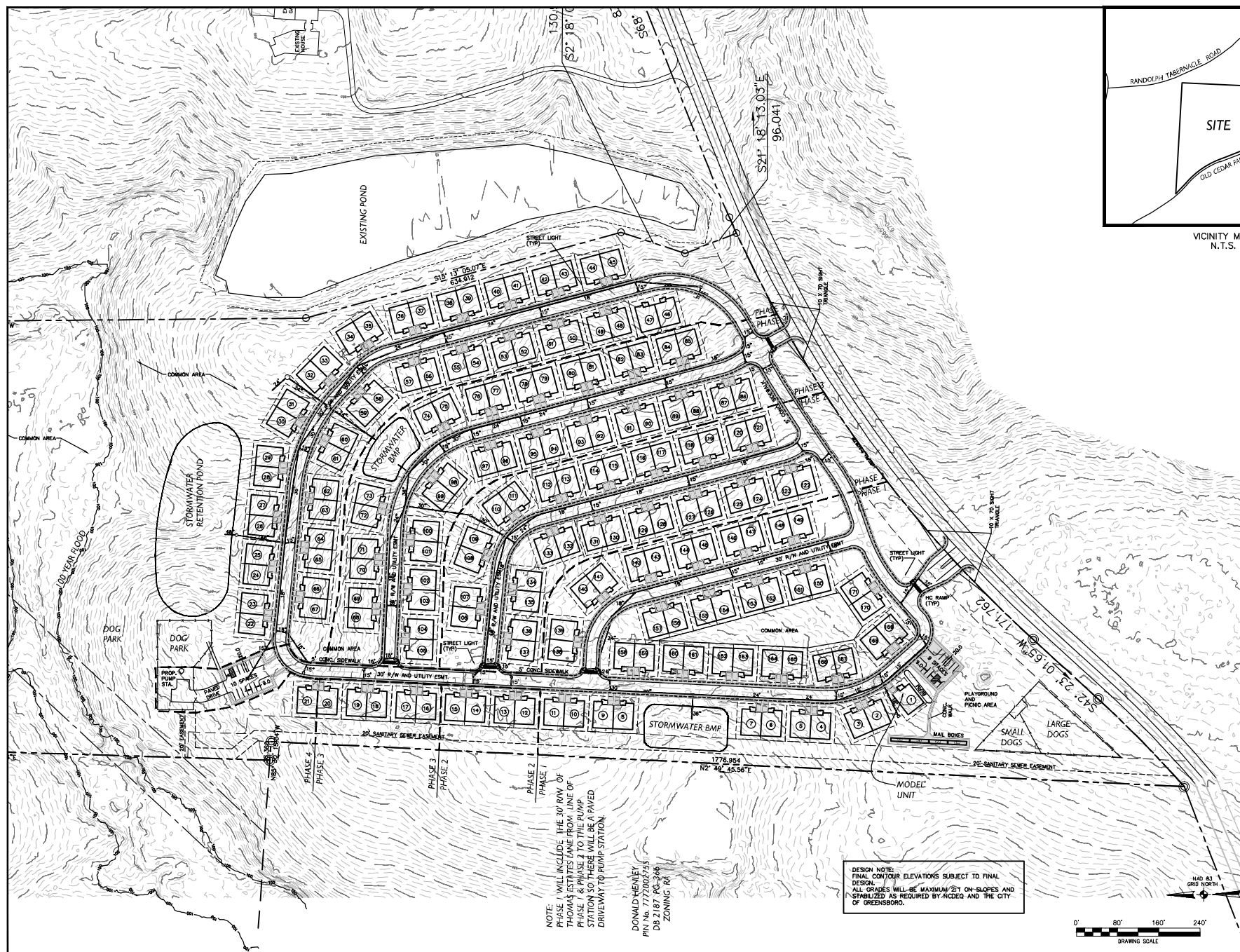
THOMAS ESTATES

2513 OLD CEDAR FALLS ROAD

ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA

Scale:	1/8" = 1'-0"
Date:	DEC, 2022
Drawn By:	WEC
Checked By:	WEC
Job No.:	2-1754

Sheet No. **C-6**



Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying

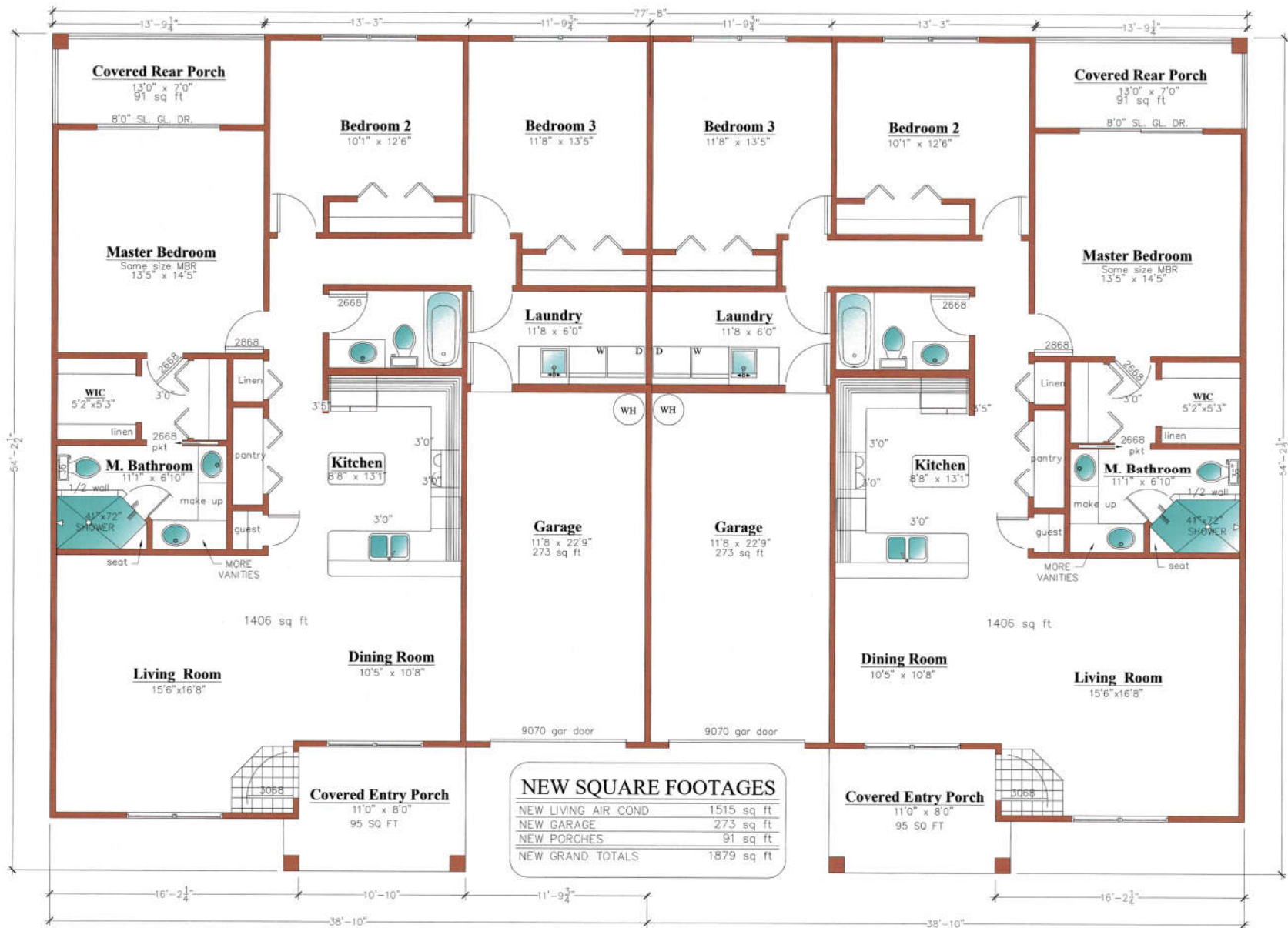
[illegible]

STORM SEWER PLAN

2513 OLD CEDAR FALLS ROAD

Score:	15/17
Date:	PL, 2022
Drawn By:	PL
Checked By:	WS



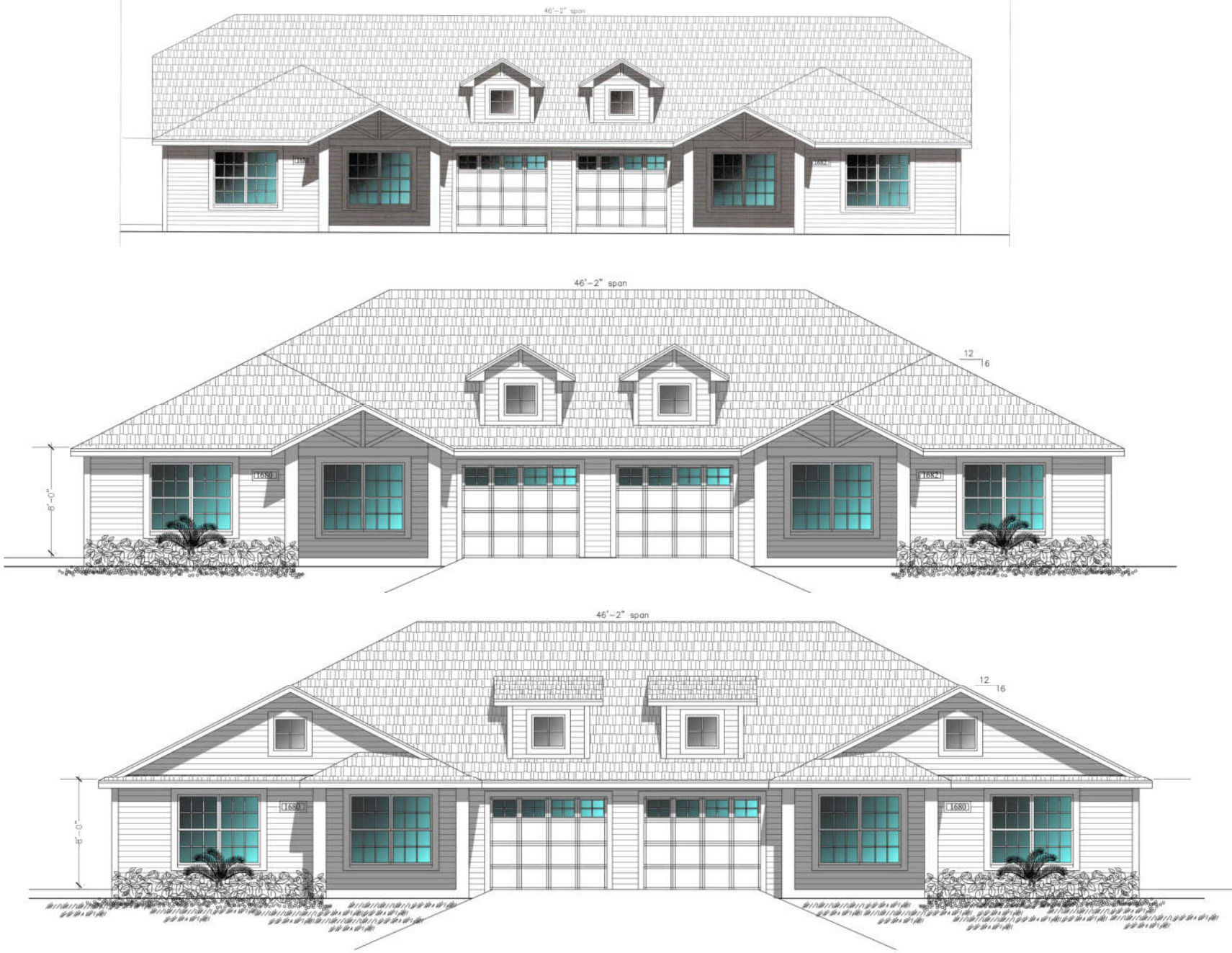


Floor Plan

FLOOR PLAN
THOMAS ESTATES
 2513 OLD CEDAR FALLS ROAD
 ASHEBORO • RANDOLPH COUNTY • NORTH CAROLINA

Scale: 1/8" = 1'-0"
 Date: 11/22/22
 Drawn By: JTC
 Checked By: JTC
 Job No.: 2-1794

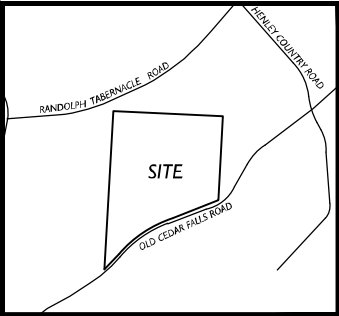
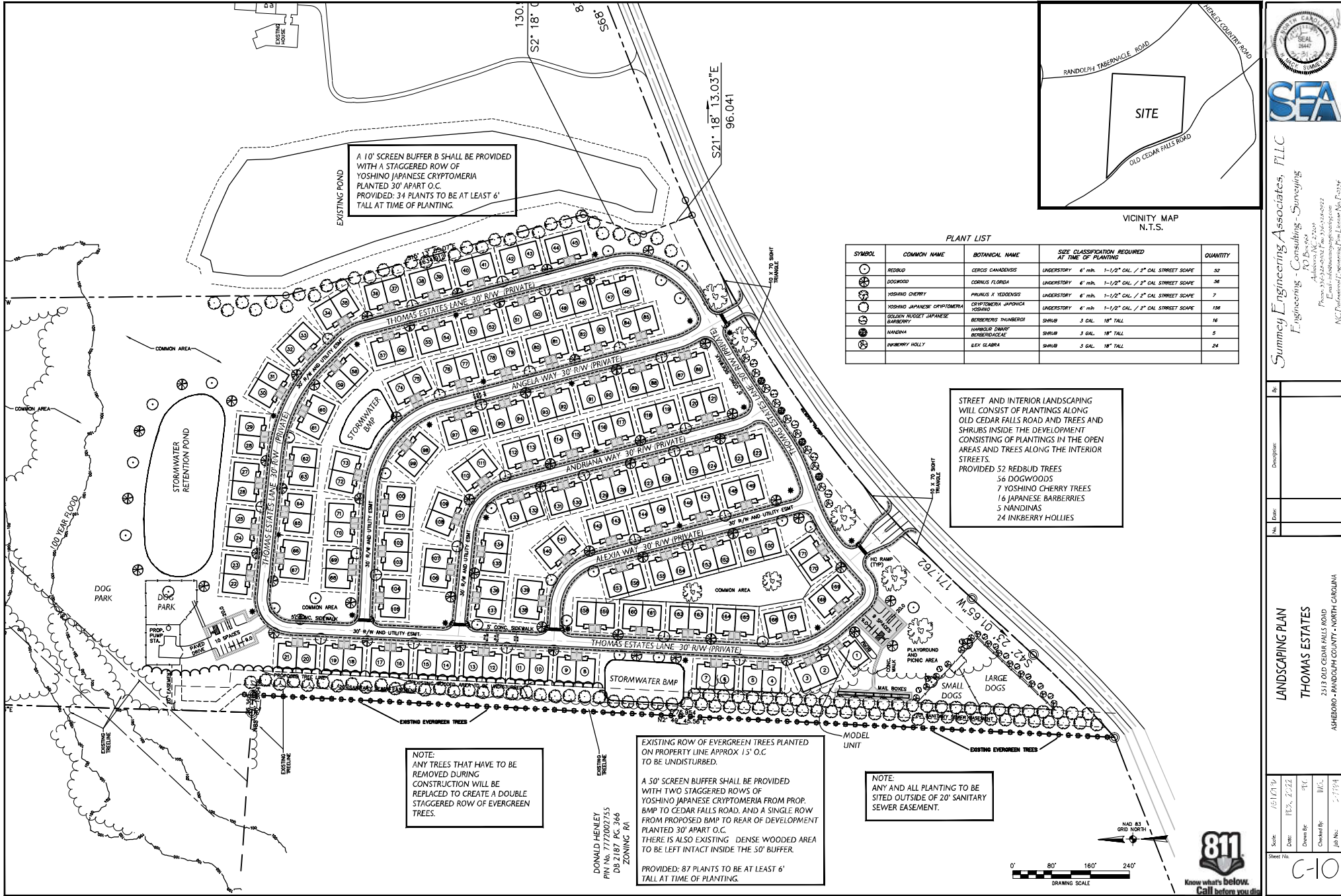
Sheet No. **C-8**



FRONT ELEVATIONS	
THOMAS ESTATES	
2513 OLD CEDAR FALLS ROAD	
ASHEBORO • RANDOLPH COUNTY • NORTH CAROLINA	
Scale:	1/8" = 1'-0"
Date:	11/27/22
Drawn By:	WEC
Checked By:	WEC
Job No.:	2-1754

Sheet No.	C-9
Revision	
Description	
By	

P:\24774_Bldg_Thomas_Estates - 2513 Old Cedar Falls Rd, Asheboro, NC\DWG\18 Front Elevation.dwg
 3/31/2023 9:42:39 AM TWC/TLC/PLS



PLANT LIST				
SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE CLASSIFICATION REQUIRED AT TIME OF PLANTING	QUANTITY
	REDBUD	CERIS CANADENSIS	UNDERSTORY 6' min. 1-1/2" CAL. / 2" CAL STREET SCOPE	30
	DOGWOOD	CORNUS FLORIDA	UNDERSTORY 6' min. 1-1/2" CAL. / 2" CAL STREET SCOPE	26
	YOSHINO CHERRY	PRUNUS X YEDENSIS	UNDERSTORY 6' min. 1-1/2" CAL. / 2" CAL STREET SCOPE	7
	YOSHINO JAPANESE CRYPTOMERIA	CRYPTOMERIA JAPONICA YOSHINO	UNDERSTORY 6' min. 1-1/2" CAL. / 2" CAL STREET SCOPE	156
	GOLDEN NUGGET JAPANESE BARBERRY	BERBERIS THUNBERGII	SHRUB 3 CAL. 18" TALL	16
	NANDINA	HARDY DWARF BERBERIDACEAE	SHRUB 3 CAL. 18" TALL	5
	INKBERRY HOLLY	ILEX GLABRA	SHRUB 3 CAL. 18" TALL	24

STREET AND INTERIOR LANDSCAPING WILL CONSIST OF PLANTINGS ALONG OLD CEDAR FALLS ROAD AND TREES AND SHRUBS INSIDE THE DEVELOPMENT CONSISTING OF PLANTINGS IN THE OPEN AREAS AND TREES ALONG THE INTERIOR STREETS.

PROVIDED 52 REDBUD TREES
56 DOGWOODS
7 YOSHINO CHERRY TREES
16 JAPANESE BARBERIES
5 NANDINAS
24 INKBERY HOLLIES

EXISTING ROW OF EVERGREEN TREES PLANTED ON PROPERTY LINE APPROX. 15' O.C. TO BE UNDISTURBED.

A 50' SCREEN BUFFER SHALL BE PROVIDED WITH TWO STAGGERED ROWS OF YOSHINO JAPANESE CRYPTOMERIA FROM PROP. BMP TO CEDAR FALLS ROAD, AND A SINGLE ROW FROM PROPOSED BMP TO REAR OF DEVELOPMENT PLANTED 30' APART O.C.

THERE IS ALSO EXISTING DENSE WOODED AREA TO BE LEFT INTACT INSIDE THE 50' BUFFER.

PROVIDED: 87 PLANTS TO BE AT LEAST 6' TALL AT TIME OF PLANTING.

NOTE: ANY TREES THAT HAVE TO BE REMOVED DURING CONSTRUCTION WILL BE REPLACED TO CREATE A DOUBLE STAGGERED ROW OF EVERGREEN TREES.

NOTE: ANY AND ALL PLANTING TO BE SITED OUTSIDE OF 20' SANITARY SEWER EASEMENT.

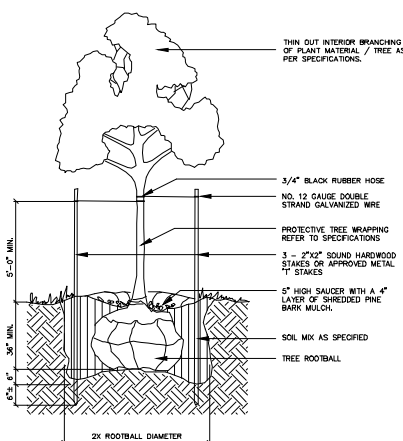
DONALD HENLEY
PIN No. 1772002755
DB 2187 PC 346
ZONING RA



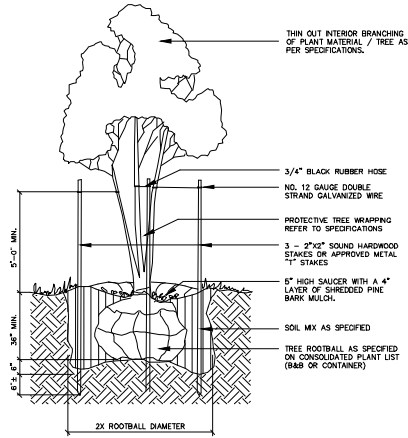
Surveying Engineering Associates, PLLC
F. Engineering - Consulting - Surveying
10 B-904
Asheboro, NC 27203
Phone: 336-246-0002 Fax: 336-246-0022
N.C. Professional Engineering License No. 1772002755

LANDSCAPING PLAN
THOMAS ESTATES
2513 OLD CEDAR FALLS ROAD
ASHEBORO • RANDOLPH COUNTY • NORTH CAROLINA

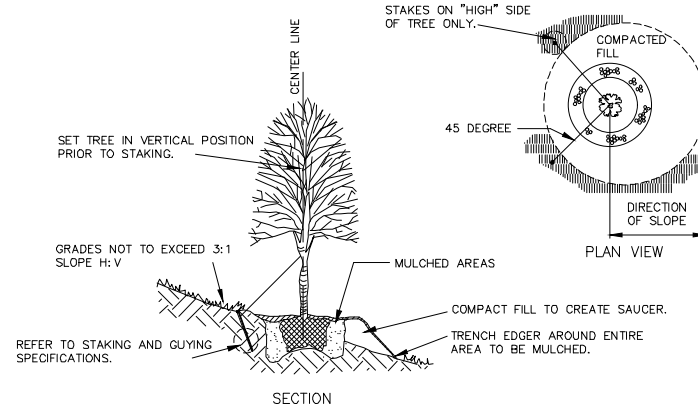
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Date: 11/21/2022
Drawn By: JEC
Checked By: BAC
Job No.: 2-1754
Sheet No.: C-10



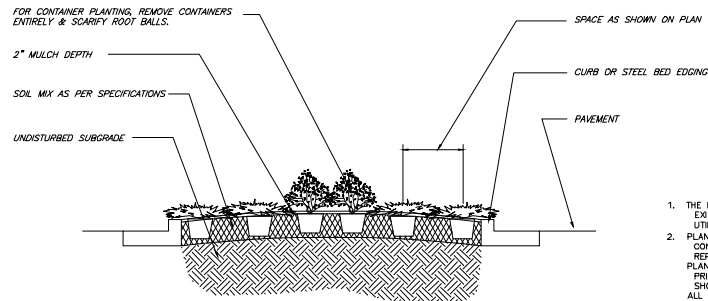
TYPICAL TREE PLANTING



MULTI-TRUNK TREE PLANTING



PLANTING OF TREES ON SLOPES
N.T.S.



TYPICAL SECTION - SHRUB PLANTING
NOT TO SCALE

LANDSCAPE NOTES

1. THE LANDSCAPE CONTRACTOR SHALL MAKE HIMSELF AWARE OF EXISTING UTILITIES. HE SHALL NOTIFY THE RESPECTIVE PUBLIC UTILITIES PRIOR TO BEGINNING CONSTRUCTION.
2. PLANTING BEDS AND PLANT LOCATIONS SHALL BE STAKED BY THE CONTRACTOR AND APPROVED BY THE OWNER OR OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION. PLANTING BEDS SHALL BE CLEARED OF ALL GRASS AND WEEDS PRIOR TO INSTALLATION OF PLANTS, AND SHALL BE CULTIVATED AS SHOWN ON THE PLANTING DETAILS. ALL DISTURBED AREAS TO BE SEEDDED UNLESS OTHERWISE NOTED. PLANTING BEDS SHALL HAVE 4\"/>

PLANT LIST

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE CLASSIFICATION REQUIRED AT TIME OF PLANTING	QUANTITY
	REDBUD	GERARDIA CANADENSIS	UNDERSTORY 6' min. 1-1/2" CAL. / 2" CAL STREET SCAPE	52
	DOGWOOD	CORNUS FLORIDA	UNDERSTORY 6' min. 1-1/2" CAL. / 2" CAL STREET SCAPE	58
	YOSHINO CHERRY	PRUNUS X YEDDENSIS	UNDERSTORY 6' min. 1-1/2" CAL. / 2" CAL STREET SCAPE	7
	YOSHINO JAPANESE CRYPTOMERIA	CRYPTOMERIA JAPONICA YOSHINO	UNDERSTORY 6' min. 1-1/2" CAL. / 2" CAL STREET SCAPE	156
	GOLDEN NUGGET JAPANESE BARBERY	BERBERIS THUNBERGII	SHRUB 3 GAL. 18" TALL	16
	NANDINA	NARBOLDF DWARF BERBERISACEAE	SHRUB 3 GAL. 18" TALL	5
	INKBERRY HOLLY	ILEX GLABRA	SHRUB 3 GAL. 18" TALL	24



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Asheboro, NC 27209
Phone: 336-346-0002 Fax: 336-346-0022
N.C. Professional Engineering License No. 17224

Dr.	Description

LANDSCAPING DETAILS
THOMAS E. ANDERSON
2513 OLD CEDAR FALLS ROAD
ASHEBORO • RANDOLPH COUNTY • NORTH CAROLINA

Scale: 1/8\"/>

Sheet No. C-11





Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying
10 Boyette
Asheville, NC 28204
Phone 312-346-0000 Fax 312-346-0022
E-Mail: info@seasfa.com
N.C. Professional Engineering License No. 17344

Rev.	Description	Date
1		
2		
3		

STANDARD WATER DETAILS
THOMAS ESTATES
2513 OLD CEDAR FALLS ROAD
ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA

Scale:	1/8" = 1'-0"
Date:	11/2/2022
Drawn By:	TEC
Checked By:	WEC
Job No.:	21-1754

Sheet No. C-12

CONCRETE THRUST BLOCKING SCHEDULE									
PIPE DIA.	PIPE WALL THICKNESS	PIPE DIA.	PIPE WALL THICKNESS	PIPE DIA.	PIPE WALL THICKNESS	PIPE DIA.	PIPE WALL THICKNESS	PIPE DIA.	PIPE WALL THICKNESS
4"	1/2"	6"	3/4"	8"	1"	10"	1 1/4"	12"	1 1/2"
14"	1 1/2"	16"	1 3/4"	18"	2"	20"	2 1/4"	22"	2 1/2"
24"	2 1/2"	26"	2 3/4"	28"	3"	30"	3 1/4"	32"	3 1/2"
36"	3 1/2"	38"	3 3/4"	40"	4"	42"	4 1/4"	44"	4 1/2"
48"	4 1/2"	50"	4 3/4"	52"	5"	54"	5 1/4"	56"	5 1/2"
60"	5 1/2"	62"	5 3/4"	64"	6"	66"	6 1/4"	68"	6 1/2"
72"	6 1/2"	74"	6 3/4"	76"	7"	78"	7 1/4"	80"	7 1/2"
84"	7 1/2"	86"	7 3/4"	88"	8"	90"	8 1/4"	92"	8 1/2"
96"	8 1/2"	98"	8 3/4"	100"	9"	102"	9 1/4"	104"	9 1/2"
108"	9 1/2"	110"	9 3/4"	112"	10"	114"	10 1/4"	116"	10 1/2"
120"	10 1/2"	122"	10 3/4"	124"	11"	126"	11 1/4"	128"	11 1/2"
132"	11 1/2"	134"	11 3/4"	136"	12"	138"	12 1/4"	140"	12 1/2"
144"	12 1/2"	146"	12 3/4"	148"	13"	150"	13 1/4"	152"	13 1/2"
156"	13 1/2"	158"	13 3/4"	160"	14"	162"	14 1/4"	164"	14 1/2"
168"	14 1/2"	170"	14 3/4"	172"	15"	174"	15 1/4"	176"	15 1/2"
180"	15 1/2"	182"	15 3/4"	184"	16"	186"	16 1/4"	188"	16 1/2"
192"	16 1/2"	194"	16 3/4"	196"	17"	198"	17 1/4"	200"	17 1/2"
204"	17 1/2"	206"	17 3/4"	208"	18"	210"	18 1/4"	212"	18 1/2"
216"	18 1/2"	218"	18 3/4"	220"	19"	222"	19 1/4"	224"	19 1/2"
228"	19 1/2"	230"	19 3/4"	232"	20"	234"	20 1/4"	236"	20 1/2"
240"	20 1/2"	242"	20 3/4"	244"	21"	246"	21 1/4"	248"	21 1/2"
252"	21 1/2"	254"	21 3/4"	256"	22"	258"	22 1/4"	260"	22 1/2"
264"	22 1/2"	266"	22 3/4"	268"	23"	270"	23 1/4"	272"	23 1/2"
276"	23 1/2"	278"	23 3/4"	280"	24"	282"	24 1/4"	284"	24 1/2"
288"	24 1/2"	290"	24 3/4"	292"	25"	294"	25 1/4"	296"	25 1/2"
300"	25 1/2"	302"	25 3/4"	304"	26"	306"	26 1/4"	308"	26 1/2"
312"	26 1/2"	314"	26 3/4"	316"	27"	318"	27 1/4"	320"	27 1/2"
324"	27 1/2"	326"	27 3/4"	328"	28"	330"	28 1/4"	332"	28 1/2"
336"	28 1/2"	338"	28 3/4"	340"	29"	342"	29 1/4"	344"	29 1/2"
348"	29 1/2"	350"	29 3/4"	352"	30"	354"	30 1/4"	356"	30 1/2"
360"	30 1/2"	362"	30 3/4"	364"	31"	366"	31 1/4"	368"	31 1/2"
372"	31 1/2"	374"	31 3/4"	376"	32"	378"	32 1/4"	380"	32 1/2"
384"	32 1/2"	386"	32 3/4"	388"	33"	390"	33 1/4"	392"	33 1/2"
396"	33 1/2"	398"	33 3/4"	400"	34"	402"	34 1/4"	404"	34 1/2"
408"	34 1/2"	410"	34 3/4"	412"	35"	414"	35 1/4"	416"	35 1/2"
420"	35 1/2"	422"	35 3/4"	424"	36"	426"	36 1/4"	428"	36 1/2"
432"	36 1/2"	434"	36 3/4"	436"	37"	438"	37 1/4"	440"	37 1/2"
444"	37 1/2"	446"	37 3/4"	448"	38"	450"	38 1/4"	452"	38 1/2"
456"	38 1/2"	458"	38 3/4"	460"	39"	462"	39 1/4"	464"	39 1/2"
468"	39 1/2"	470"	39 3/4"	472"	40"	474"	40 1/4"	476"	40 1/2"
480"	40 1/2"	482"	40 3/4"	484"	41"	486"	41 1/4"	488"	41 1/2"
492"	41 1/2"	494"	41 3/4"	496"	42"	498"	42 1/4"	500"	42 1/2"
504"	42 1/2"	506"	42 3/4"	508"	43"	510"	43 1/4"	512"	43 1/2"
516"	43 1/2"	518"	43 3/4"	520"	44"	522"	44 1/4"	524"	44 1/2"
528"	44 1/2"	530"	44 3/4"	532"	45"	534"	45 1/4"	536"	45 1/2"
540"	45 1/2"	542"	45 3/4"	544"	46"	546"	46 1/4"	548"	46 1/2"
552"	46 1/2"	554"	46 3/4"	556"	47"	558"	47 1/4"	560"	47 1/2"
564"	47 1/2"	566"	47 3/4"	568"	48"	570"	48 1/4"	572"	48 1/2"
576"	48 1/2"	578"	48 3/4"	580"	49"	582"	49 1/4"	584"	49 1/2"
588"	49 1/2"	590"	49 3/4"	592"	50"	594"	50 1/4"	596"	50 1/2"
600"	50 1/2"	602"	50 3/4"	604"	51"	606"	51 1/4"	608"	51 1/2"
612"	51 1/2"	614"	51 3/4"	616"	52"	618"	52 1/4"	620"	52 1/2"
624"	52 1/2"	626"	52 3/4"	628"	53"	630"	53 1/4"	632"	53 1/2"
636"	53 1/2"	638"	53 3/4"	640"	54"	642"	54 1/4"	644"	54 1/2"
648"	54 1/2"	650"	54 3/4"	652"	55"	654"	55 1/4"	656"	55 1/2"
660"	55 1/2"	662"	55 3/4"	664"	56"	666"	56 1/4"	668"	56 1/2"
672"	56 1/2"	674"	56 3/4"	676"	57"	678"	57 1/4"	680"	57 1/2"
684"	57 1/2"	686"	57 3/4"	688"	58"	690"	58 1/4"	692"	58 1/2"
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708"	59 1/2"	710"	59 3/4"	712"	60"	714"	60 1/4"	716"	60 1/2"
720"	60 1/2"	722"	60 3/4"	724"	61"	726"	61 1/4"	728"	61 1/2"
732"	61 1/2"	734"	61 3/4"	736"	62"	738"	62 1/4"	740"	62 1/2"
744"	62 1/2"	746"	62 3/4"	748"	63"	750"	63 1/4"	752"	63 1/2"
756"	63 1/2"	758"	63 3/4"	760"	64"	762"	64 1/4"	764"	64 1/2"
768"	64 1/2"	770"	64 3/4"	772"	65"	774"	65 1/4"	776"	65 1/2"
780"	65 1/2"	782"	65 3/4"	784"	66"	786"	66 1/4"	788"	66 1/2"
792"	66 1/2"	794"	66 3/4"	796"	67"	798"	67 1/4"	800"	67 1/2"
804"	67 1/2"	806"	67 3/4"	808"	68"	810"	68 1/4"	812"	68 1/2"
816"	68 1/2"	818"	68 3/4"	820"	69"	822"	69 1/4"	824"	69 1/2"
828"	69 1/2"	830"	69 3/4"	832"	70"	834"	70 1/4"	836"	70 1/2"
840"	70 1/2"	842"	70 3/4"	844"	71"	846"	71 1/4"	848"	71 1/2"
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924"	77 1/2"	926"	77 3/4"	928"	78"	930"	78 1/4"	932"	78 1/2"
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1116"	93 1/2"	1118"	93 3/4"	1120"	94"	1122"	94 1/4"	1124"	94 1/2"
1128"	94 1/2"	1130"	94 3/4"	1132"	95"	1134"	95 1/4"	1136"	95 1/2"
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1164"	97 1/2"	1166"	97 3/4"	1168"	98"	1170"	98 1/4"	1172"	98 1/2"
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1198"	100 1/2"	1200"	100 3/4"	1202"	101"	1204"	101 1/4"	1206"	101 1/2"
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1248"	105 1/2"	1250"	105 3/4"	1252"	106"	1254"	106 1/4"	1256"	106 1/2"
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1268"	107 1/2"	1270"	107 3/4"	1272"	108"	1274"	108 1/4"	1276"	108 1/2"
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1298"	110 1/2"	1300"	110 3/4"	1302"	111"	1304"	111 1/4"	1306"	111 1/2"
1308"	111 1/2"	1310"	111 3/4"	1312"	112"	1314"	112 1/4"	1316"	112 1/2"
1318"	112 1/2"	1320"	112 3/4"	1322"	113"	1324"	113 1/4"	1326"	113 1/2"
1328"	113 1/2"	1330"	113 3/4"	1332"	114"	1334"	114 1/4"	1336"	114 1/2"
1338"	114 1/2"	1340"	114 3/4"	1342"	115"	1344"	115 1/4"	1346"	115 1/2"
1348"	115 1/2"	1350"	115 3/4"	1352"	116"	1354"	116 1/4"	1356"	116 1/2"
1358"	116 1/2"	1360"	116 3/4"	1362"	117"	1364"	117 1/4"	1366"	117 1/2"
1368"	117 1/2"	1370"	117 3/4"	1372"	118"	1374"	118 1/4"	1376"	118 1/2"
1378"	118 1/2"	1380"	118 3/4"	1382"	119"	1384"	119 1/4"	1386"	119 1/2"
1388"	119 1/2"	1390"	119 3/4"	1392"	120"	1394"	120 1/4"	1396"	120 1/2"
1398"	120 1/2"	1400"	120 3/4"	1402"	121"	1404"	121 1/4"	1406"	121 1/2"
1408"	121 1/2"	1410"	121 3/4"	1412"	122"	1414"	122 1/4"	1416"	122 1/2"
1418"	122 1/2"	1420"	122 3/4"	1422"	123"	1424"	123 1/4"	1426"	123 1/2"
1428"	123 1/2"	1430"	123 3/4"	1432"	124"	1434"	124 1/4"	1436"	124 1/2"
1438"	124 1/2"	1440"	124 3/4"	1442"	125"	1444"	125 1/4"	1446"	125 1/2"
1448"	125 1/2"	1450"	125 3/4"	1452"	126"	1454"	126 1/4"	1456"	126 1/2"
1458"	126 1/2"	1460"	126 3/4"	1462"</					



SEA

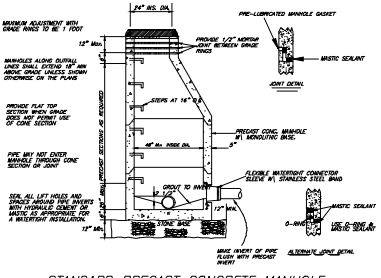
Summy Engineering Associates, PLLC
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NC Professional Engineering License No. 10844

Rev.	Description
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2	Issue
3	Issue

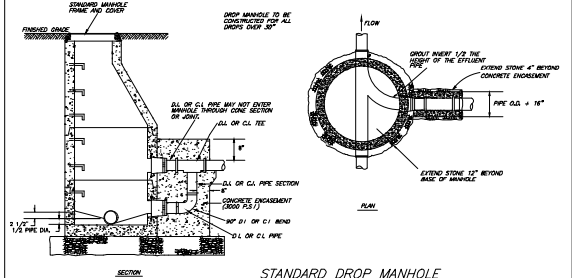
STANDARD SANITARY SEWER DETAILS
THOMAS ESTATES
2513 OLD CEDAR FALLS ROAD
ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA

Scale:	1/8" = 1'-0"
Date:	11/27/22
Drawn By:	TEC
Checked By:	WEC
Job No.:	2-1754

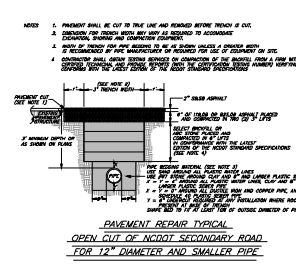
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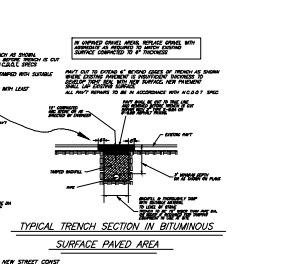
STANDARD PRECAST CONCRETE MANHOLE



STANDARD DROP MANHOLE

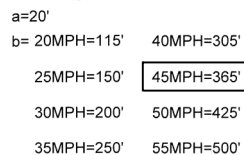
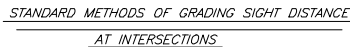
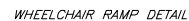
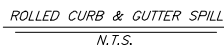


TYPICAL TRENCH SECTION IN CONCRETE PAVED AREA



TYPICAL TRENCH SECTION IN BITUMINOUS SURFACE PAVED AREA

PIPE DIAMETER (INCHES)									
	4	6	8	10	12	15	18	21	24
25	505	511	516	522	527	532	537	542	548
30	609	621	633	645	657	669	681	693	705
36	714	726	738	750	762	774	786	798	810
42	818	830	842	854	866	878	890	902	914
48	918	930	942	954	966	978	990	1002	1014
54	1018	1030	1042	1054	1066	1078	1090	1102	1114
60	1118	1130	1142	1154	1166	1178	1190	1202	1214
66	1218	1230	1242	1254	1266	1278	1290	1302	1314
72	1318	1330	1342	1354	1366	1378	1390	1402	1414
78	1418	1430	1442	1454	1466	1478	1490	1502	1514
84	1518	1530	1542	1554	1566	1578	1590	1602	1614
90	1618	1630	1642	1654	1666	1678	1690	1702	1714
96	1718	1730	1742	1754	1766	1778	1790	1802	1814
102	1818	1830	1842	1854	1866	1878	1890	1902	1914
108	1918	1930	1942	1954	1966	1978	1990	2002	2014
114	2018	2030	2042	2054	2066	2078	2090	2102	2114
120	2118	2130	2142	2154	2166	2178	2190	2202	2214
126	2218	2230	2242	2254	2266	2278	2290	2302	2314
132	2318	2330	2342	2354	2366	2378	2390	2402	2414
138	2418	2430	2442	2454	2466	2478	2490	2502	2514
144	2518	2530	2542	2554	2566	2578	2590	2602	2614
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156	2718	2730	2742	2754	2766	2778	2790	2802	2814
162	2818	2830	2842	2854	2866	2878	2890	2902	2914
168	2918	2930	2942	2954	2966	2978	2990	3002	3014
174	3018	3030	3042	3054	3066	3078	3090	3102	3114
180	3118	3130	3142	3154	3166	3178	3190	3202	3214
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222	3818	3830	3842	3854	3866	3878	3890	3902	3914
228	3918	3930	3942	3954	3966	3978	3990	4002	4014
234	4018	4030	4042	4054	4066	4078	4090	4102	4114
240	4118	4130	4142	4154	4166	4178	4190	4202	4214
246	4218	4230	4242	4254	4266	4278	4290	4302	4314
252	4318	4330	4342	4354	4366	4378	4390	4402	4414
258	4418	4430	4442	4454	4466	4478	4490	4502	4514
264	4518	4530	4542	4554	4566	4578	4590	4602	4614
270	4618	4630	4642	4654	4666	4678	4690	4702	4714
276	4718	4730	4742	4754	4766	4778	4790	4802	4814
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288	4918	4930	4942	4954	4966	4978	4990	5002	5014
294	5018	5030	5042	5054	5066	5078	5090	5102	5114
300	5118	5130	5142	5154	5166	5178	5190	5202	5214
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312	5318	5330	5342	5354	5366	5378	5390	5402	5414
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354	6018	6030	6042	6054	6066	6078	6090	6102	6114
360	6118	6130	6142	6154	6166	6178	6190	6202	6214
366	6218	6230	6242	6254	6266	6278	6290	6302	6314
372	6318	6330	6342	6354	6366	6378	6390	6402	6414
378	6418	6430	6442	6454	6466	6478	6490	6502	6514
384	6518	6530	6542	6554	6566	6578	6590	6602	6614
390	6618	6630	6642	6654	6666	6678	6690	6702	6714
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438	7418	7430	7442	7454	7466	7478	7490	7502	7514
444	7518	7530	7542	7554	7566	7578	7590	7602	7614
450	7618	7630	7642	7654	7666	7678	7690	7702	7714
456	7718	7730	7742	7754	7766	7778	7790	7802	7814
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474	8018	8030	8042	8054	8066	8078	8090	8102	8114
480	8118	8130	8142	8154	8166	8178	8190	8202	8214
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492	8318	8330	8342	8354	8366	8378	8390	8402	8414
498	8418	8430	8442	8454	8466	8478	8490	8502	8514
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510	8618	8630	8642	8654	8666	8678	8690	8702	8714
516	8718	8730	8742	8754	8766	8778	8790	8802	8814
522	8818	8830	8842	8854	8866	8878	8890	8902	8914
528	8918	8930	8942	8954	8966	8978	8990	9002	9014
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540	9118	9130	9142	9154	9166	9178	9190	9202	9214
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564	9518	9530	9542	9554	9566	9578	9590	9602	9614
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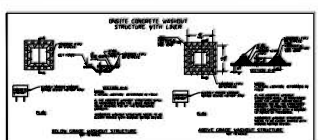


SEAL
STATE OF NORTH CAROLINA

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EROSION CONTROL DETAILS
THOMAS ESTATES
2313 OLD CEDAR FALLS ROAD
ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA

Scale: 1/8" = 1'-0"
Date: 11/27/22
Drawn By: JEC
Checked By: JEC
Job No.: 22-1724



CONCRETE WASHOUT

- Do not discharge concrete or cement slurry from the site.
- Dispose of, or recycle, settled, hardened concrete residue in accordance with local and state solid waste regulations and in an approved facility.
- Manage washout from mixer trucks in accordance with the above item and install place the mixer and associated materials on impermeable barrier and within lot perimeter at all times.
- Install temporary concrete washouts per local requirements, where applicable. If an alternate method or product is to be used, contact your approved authority for review and approval. If local standard details are not available, use one of the two types of temporary concrete washouts provided on this detail.
- Do not use concrete washouts for dewatering or storing defective curbs or sidewalks sections. Stormwater accumulated within the washout may not be pumped into or discharged to the storm drain system or receiving surface waters. Liquid waste must be pumped out and removed from project.
- Locate washouts at least 50 feet from storm drain inlets and surface waters unless it can be shown that no other alternatives are reasonably available. At a minimum, install protection of storm drain inlets closest to the washout which could receive spills or overflow.
- Locate washouts in an easily accessible area, on level ground and install a stone entrance pad in front of the washout. Additional controls may be required by the approving authority.
- Install at least one sign directing concrete trucks to the washout within the project limits. Post signage on the washout itself to identify this location.
- Remove bearings from the washout when at approximately 75% capacity to limit overflow events. Replace the sign, and bags or other temporary structural components when no longer functional. When utilizing alternative or proprietary products, follow manufacturer's instructions.
- At the completion of the concrete work, remove remaining bearings and dispose of in an approved disposal facility. Fill pit, if applicable, and stabilize any disturbance caused by removal of washout.

HAZARDOUS AND TOXIC WASTE

- Create designated hazardous waste collection areas on-site.
- Place hazardous waste containers under cover or in secondary containment.
- Do not store hazardous chemicals, drums or liquid materials directly on the ground.
- Do not dispose these materials on-site.

HERBICIDES, PESTICIDES AND RODENTICIDES

- Store and apply herbicides, pesticides and rodenticides in accordance with label instructions.
- Store herbicides, pesticides and rodenticides in their original containers with the label, which lists directions for use, ingredients and first aid steps in case of accidental poisoning.
- Do not store herbicides, pesticides and rodenticides in areas where flooding is possible or where they may spill or leak into walls, stormwater drains, ground water or surface water. If a spill occurs, clean area immediately.
- Do not dispose these materials on-site.

EQUIPMENT AND VEHICLE MAINTENANCE

- Maintain vehicles and equipment to prevent leaks or spills of oil, grease, or other fluids.
- Provide drip pans under any stored equipment.
- Identify leaks and repair as soon as feasible, or remove leaking equipment from the project.
- Collect all spent fluids, store in separate containers and properly dispose as hazardous waste (except where prohibited).
- Remove leaking vehicles and construction equipment from service until the problem has been corrected.
- Bring used fuels, lubricants, coolants, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.

BETTER BUILDING MATERIAL AND LAND CLEARING WASTE

- Never bury or burn waste. Place litter and debris in approved waste containers.
- Provide a sufficient number and size of waste containers (e.g. Dumpster, trash incinerator) on site to contain construction and domestic wastes.
- Locate waste containers at least 50 feet away from storm drain inlets and surface waters unless other alternatives are reasonably available.
- Locate waste containers on areas that do not receive substantial amounts of runoff from upland areas and does not drain directly to a storm drain, stream or wetland.
- Cover waste containers at the end of each workday and before storm events or provide secondary containment. Repair or replace damaged waste containers.
- Anchor all lightweight items in waste containers during times of high winds.
- Empty waste containers as needed to prevent overflow. Clean up immediately if containers overflow.
- Dispose waste off-site at an approved disposal facility.
- On business days, close up and dispose of waste in designated waste containers.

PAINT AND OTHER LIQUID WASTE

- Do not dump paint and other liquid waste into storm drains, streams or wetlands.
- Locate paint washouts at least 50 feet from storm drain inlets and surface waters unless other alternatives are reasonably available.
- Contain liquid waste in a spill containment berm or other approved method.
- Containment must be labeled, sealed and placed immediately for the needs of site.
- Prevent the discharge of soaps, solvents, degreasers and other liquid wastes from construction activities.

PORTABLE TOILETS

- Install portable toilets on level ground, at least 50 feet away from storm drains, streams or wetlands unless there is no alternative reasonably available. If 50 foot offset is not obtainable, provide relocation of portable toilet behind all fence or place on a gravel pad and surround with sand bags.
- Provide an enclosure or screening of portable toilets during periods of high winds or in high foot traffic areas.
- Provide adequate toilet for housing and properly dispose of any toilet material. (Utilize a licensed sanitary waste hauler to remove leaking toilets and replace with properly operating unit.)

LANDFILL WASTE MANAGEMENT

- Show stockpile locations on plans. Locate weather-resistant stockpile areas at least 50 feet away from storm drain inlets, wetland buffers, perimeter sediment control and surface waters unless it can be shown that no other alternatives are reasonably available.
- Protect stockpile with all fence installed along slope of slope with a minimum offset of five feet from the top of stockpile.
- Provide stable stone access point when feasible.
- Stabilize stockpile within the timeframe provided on this sheet and in accordance with the approved plan and any additional requirements. Soil stabilization is defined as vegetative, physical or chemical coverage techniques that will remain accelerated erosion on disturbed soils for temporary or permanent control needs.



GROUND STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE NCG01 CONSTRUCTION GENERAL PERMIT

Implementing the details and specifications on this plan sheet will result in the construction activity being considered compliant with the NCG01 Ground Stabilization and Materials Handling sections of the NCG01 Construction General Permit (Sections E and F, respectively). The permittee shall comply with the Erosion and Sediment Control plan approved by the delegated authority having jurisdiction. All details and specifications shown on this sheet may not apply depending on site conditions and the delegated authority having jurisdiction.

SECTION F: GROUND STABILIZATION			
Minimum Stabilization Timeframes			
Site Area Description	Stabilize within the many calendar days after clearing land disturbance	Timeframes variations	
(a) Perimeter ditches, swales, ditches, and perimeter slopes	7	None	
(b) High Quality Water (H2O) Zones	7	None	
(c) Steeper slopes greater than 4:1	7	If slopes are 10:1 or less, 14 days after clearing; if slopes are greater than 10:1, 21 days after clearing.	
(d) Slopes 3:1 to 4:1	14	7 days for slopes greater than 4:1 length and width; 14 days for perimeter ditches, swales, ditches, perimeter slopes and H2O Zones	
(e) Areas with slopes flatter than 4:1	14	14 days for Full Lake Watershed	

Note: After the permanent construction of construction activities, any areas with temporary ground stabilization shall be converted to permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization must be maintained in a manner that will enable the surface stable against accelerated erosion and sedimentation caused by wind, water, or other natural forces.

GROUND STABILIZATION SPECIFICATION

Stabilize the ground sufficiently so that rain will not dislodge the soil. Use one of the techniques in the table below:

Temporary Stabilization	Permanent Stabilization
• Temporary grass seed cover over soil or other mulches and sods	• Permanent grass seed cover over soil or other mulches and sods
• Erosion control blankets	• Erosion control blankets
• Rolled erosion control products with or without temporary grass seed	• Rolled erosion control products with or without permanent mulch
• Appropriately applied straw or other mulch	• Straws or other permanent plantings covered with mulch
• Plastic sheeting	• Straws and evenly distributed ground cover sods to retain erosion
	• Erosion control blankets with or without mulch or sods
	• Rolled erosion control products with grass seed

HAZARDOUS WASTE MANAGEMENT

- Select hazardous materials that are appropriate for the soils being exposed during construction, selecting from the NC DWL List of Approved PMS/Procedures.
- Apply PMS/Procedures at or before the start of Erosion and Sediment Control Measures.
- Apply PMS/Procedures at the concentrations specified in the NC DWL List of Approved PMS/Procedures and in accordance with the manufacturer's instructions.
- Provide pending areas for containment of treated stormwater before discharging offsite.
- Store PMS/Procedures in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures.

NCG01 GROUND STABILIZATION AND MATERIALS HANDLING

EFFECTIVE: 04/01/19

PART II: SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION A: SELF-INSPECTION

Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs outside of normal business hours, self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the Inspection Record.

Inspection	Frequency	Inspection records must include:
(a) Rain gauge maintained on property	Quarterly	Daily rainfall amounts
(b) Erosion control measures	As soon as possible after each rainfall event of 0.5 inch or greater	(i) An inspection of the erosion control measures made during or within 24 hours of the rainfall event. The inspection shall include a visual inspection of the erosion control measures, and a check of the erosion control measures to ensure they are in place and functioning properly.
(c) Sediment control measures	As soon as possible after each rainfall event of 0.5 inch or greater	(i) An inspection of the sediment control measures made during or within 24 hours of the rainfall event. The inspection shall include a visual inspection of the sediment control measures, and a check of the sediment control measures to ensure they are in place and functioning properly.
(d) Stormwater management	As soon as possible after each rainfall event of 0.5 inch or greater	(i) An inspection of the stormwater management measures made during or within 24 hours of the rainfall event. The inspection shall include a visual inspection of the stormwater management measures, and a check of the stormwater management measures to ensure they are in place and functioning properly.

NOTE: The rain inspection records the required 7 calendar day inspection requirement.

PART II: SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION B: RECORDKEEPING

The approved EASC plan as well as any approved deviation shall be kept on the site. The approved EASC plan must be kept up-to-date throughout the coverage under this permit. The following items pertaining to the EASC plan shall be kept on site and available for inspection at all times during normal business hours:

- The EASC plan.
- Records of inspections made during the project.
- Records of inspections made during the project.
- Records of inspections made during the project.

NOTE: The rain inspection records the required 7 calendar day inspection requirement.

PART II: SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION C: REPORTING

Permittees shall report the following occurrences:

- Visible sediment deposition in a stream or wetland.
- Oil spills.
- They are 25 gallons or more.
- They are less than 25 gallons but cannot be cleaned up within 24 hours.
- They cause shore or surface erosion (regardless of volume).
- They are within 100 feet of surface waters (regardless of volume).

Release of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (40 CFR 113.3 and 40 CFR 113.3) or Section 302 of CERCLA (40 CFR 302.4) or 40 CFR 302.4.

Anticipated bypasses and unanticipated bypasses.

Noncompliance with the conditions of this permit that may endanger health or the environment.

2. Reporting Timeframes and Other Requirements

After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframes set forth in the table below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Center personnel at (800) 358-2586.

Occurrence	Reporting Timeframes (After Occurrence and Other Requirements)
(a) Visible sediment deposition in a stream or wetland	• Within 24 hours, or end of business notification. • Within 7 calendar days, a report that includes a description of the location and actions taken to address the cause of the deposition. Division staff may require the permittee to submit a written report as a condition of release.
(b) Oil spills	• If the release is equal to or greater than 25 gallons, a report that includes a description of the location and actions taken to address the cause of the release. Division staff may require the permittee to submit a written report as a condition of release.
(c) Anticipated bypasses	• Within 24 hours, or end of business notification. • Within 7 calendar days, a report that includes a description of the location and actions taken to address the cause of the bypass. Division staff may require the permittee to submit a written report as a condition of release.
(d) Unanticipated bypasses	• Within 24 hours, or end of business notification. • Within 7 calendar days, a report that includes a description of the location and actions taken to address the cause of the bypass. Division staff may require the permittee to submit a written report as a condition of release.

PART II: SECTION G, ITEM (H)

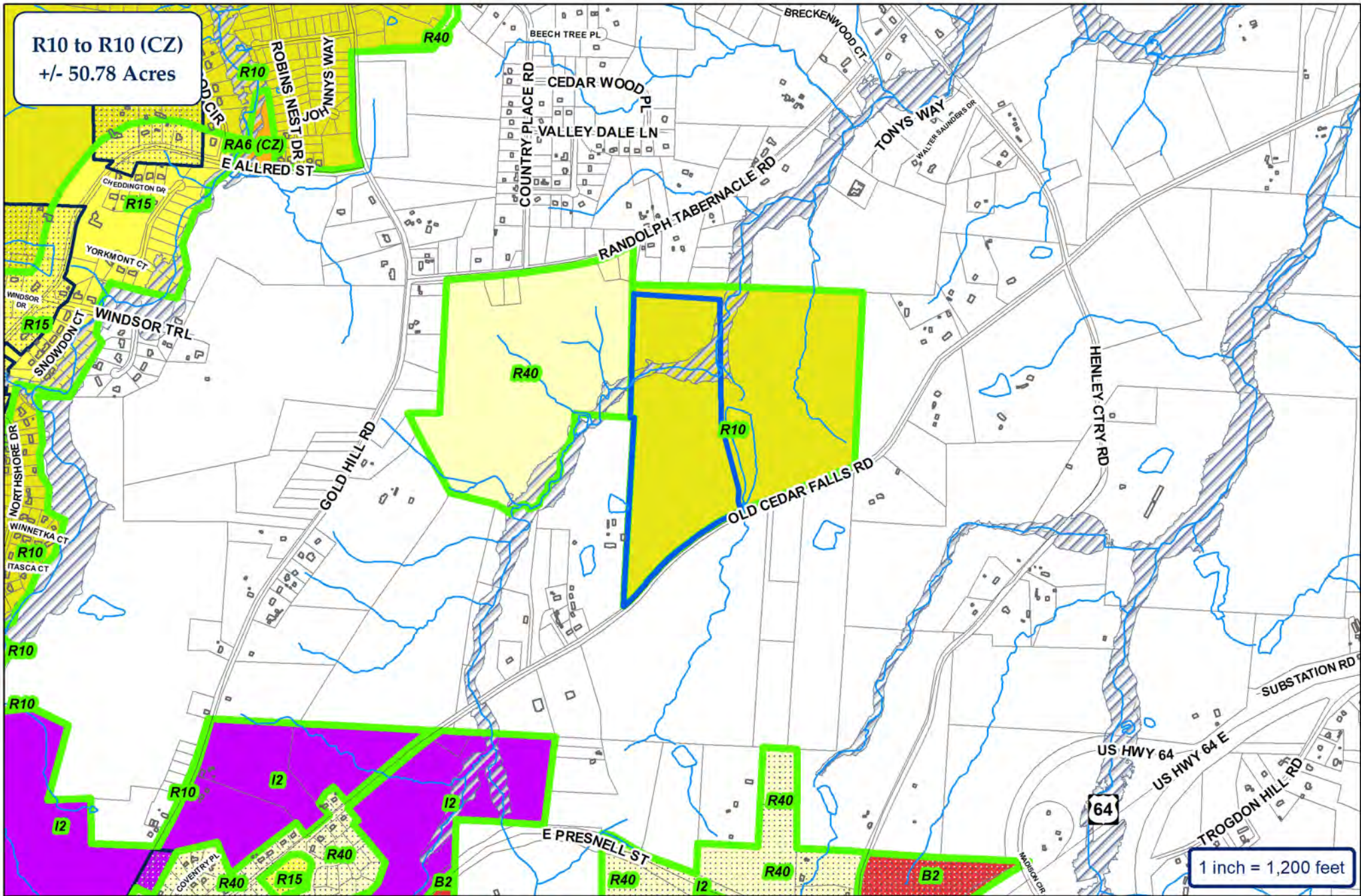
DRAW DOWN OF SEDIMENT BASINS FOR MAINTENANCE OR CLOSE OUT

Sediment basins and traps that receive runoff from drainage areas of one acre or more shall use outlet structures that withdraw water from the surface when these devices need to be drawn down for maintenance or close out. The circumstances in which it is not feasible to withdraw water from the surface shall be rare (for example, times with extended cold weather). Non-surface withdrawals from sediment basins shall be allowed only when all of the following criteria have been met:

- The EASC plan authority has been provided with documentation of the non-surface withdrawal and the specific time periods or conditions in which it will occur. The non-surface withdrawal shall not commence until the EASC plan authority has approved these items.
- The non-surface withdrawal has been reported as an anticipated bypass in accordance with Part II, Section C, Item (b) and (d) of this permit.
- Dewatering discharges are treated with controls to minimize discharges of pollutants from stormwater that is removed from the sediment basin. Examples of appropriate controls include properly sized, designed and maintained dewatering tanks, wet tanks, and filtration systems.
- Vegetation, upland areas of the site or a properly designed zone pad is used to the extent feasible at the outlet of the dewatering treatment devices described in item (b) above.
- Velocity dissipation devices such as check dams, sediment traps, and riprap are provided at the discharge points of all dewatering devices, and
- Sediment removed from the dewatering treatment devices described in item (b) above is disposed of in a manner that does not cause deposition of sediment into waters of the United States.

NCG01 SELF-INSPECTION, RECORDKEEPING AND REPORTING

EFFECTIVE: 04/01/19



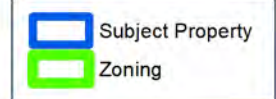
R10 to R10 (CZ)
+/- 50.78 Acres



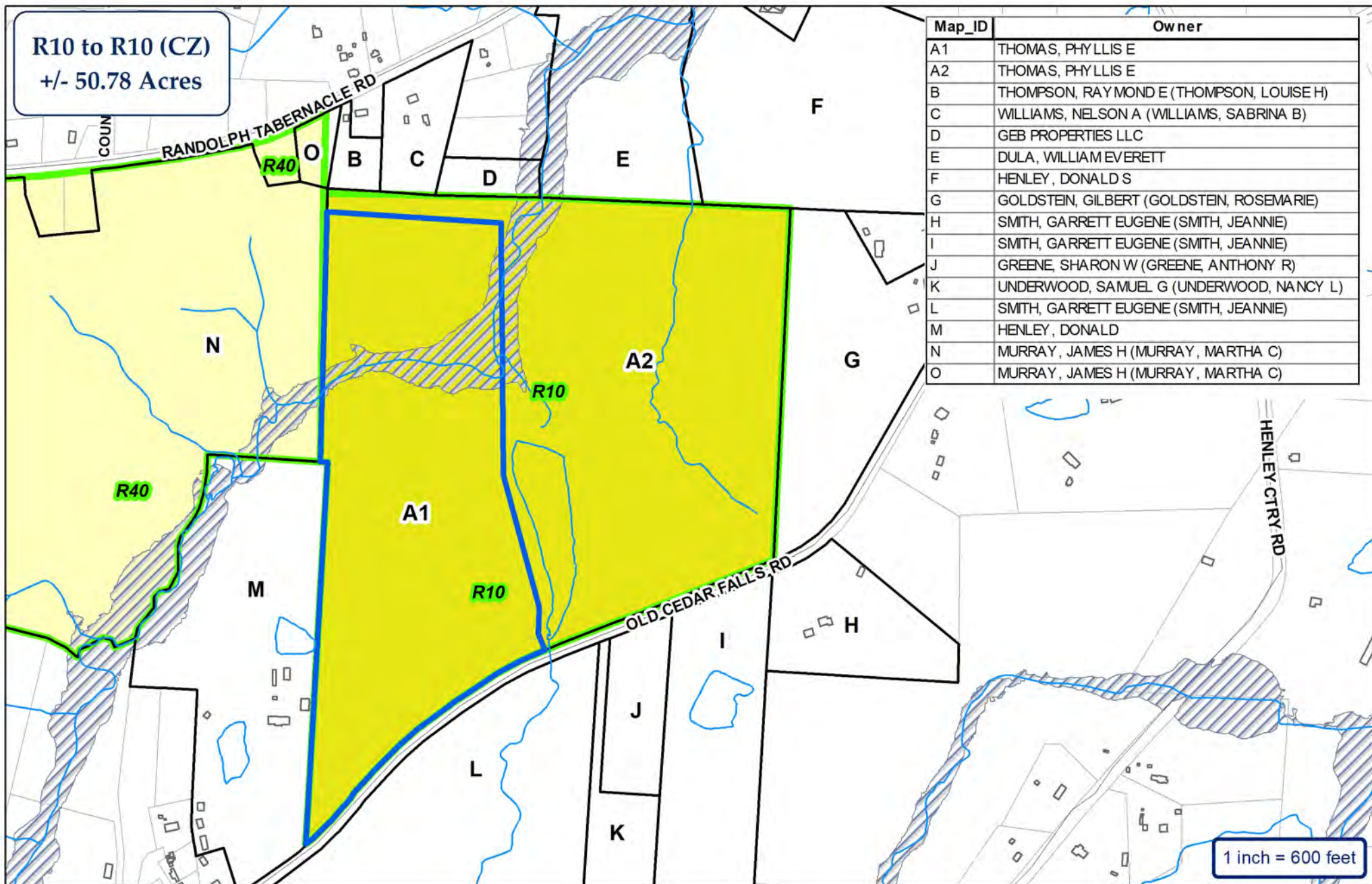
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-03

Parcel: 7772117810 (pt.)



R10 to R10 (CZ)
+/- 50.78 Acres



Map_ID	Owner
A1	THOMAS, PHYLLIS E
A2	THOMAS, PHYLLIS E
B	THOMPSON, RAYMOND E (THOMPSON, LOUISE H)
C	WILLIAMS, NELSON A (WILLIAMS, SABRINA B)
D	GEB PROPERTIES LLC
E	DULA, WILLIAM EVERETT
F	HENLEY, DONALD S
G	GOLDSTEIN, GILBERT (GOLDSTEIN, ROSEMARIE)
H	SMITH, GARRETT EUGENE (SMITH, JEANNIE)
I	SMITH, GARRETT EUGENE (SMITH, JEANNIE)
J	GREENE, SHARON W (GREENE, ANTHONY R)
K	UNDERWOOD, SAMUEL G (UNDERWOOD, NANCY L)
L	SMITH, GARRETT EUGENE (SMITH, JEANNIE)
M	HENLEY, DONALD
N	MURRAY, JAMES H (MURRAY, MARTHA C)
O	MURRAY, JAMES H (MURRAY, MARTHA C)

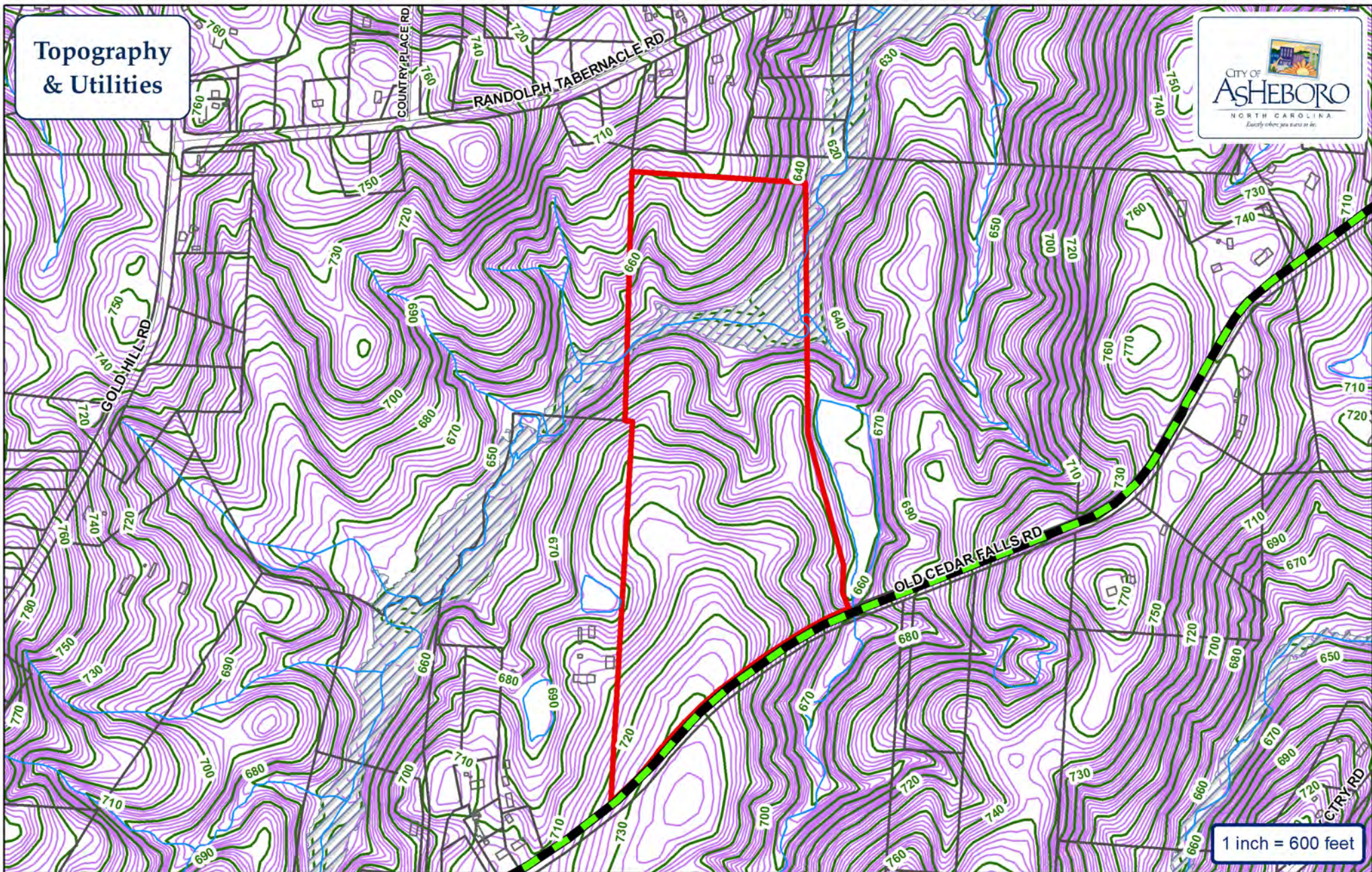
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-03

Parcel: 7772117810 (pt.)



Topography & Utilities



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

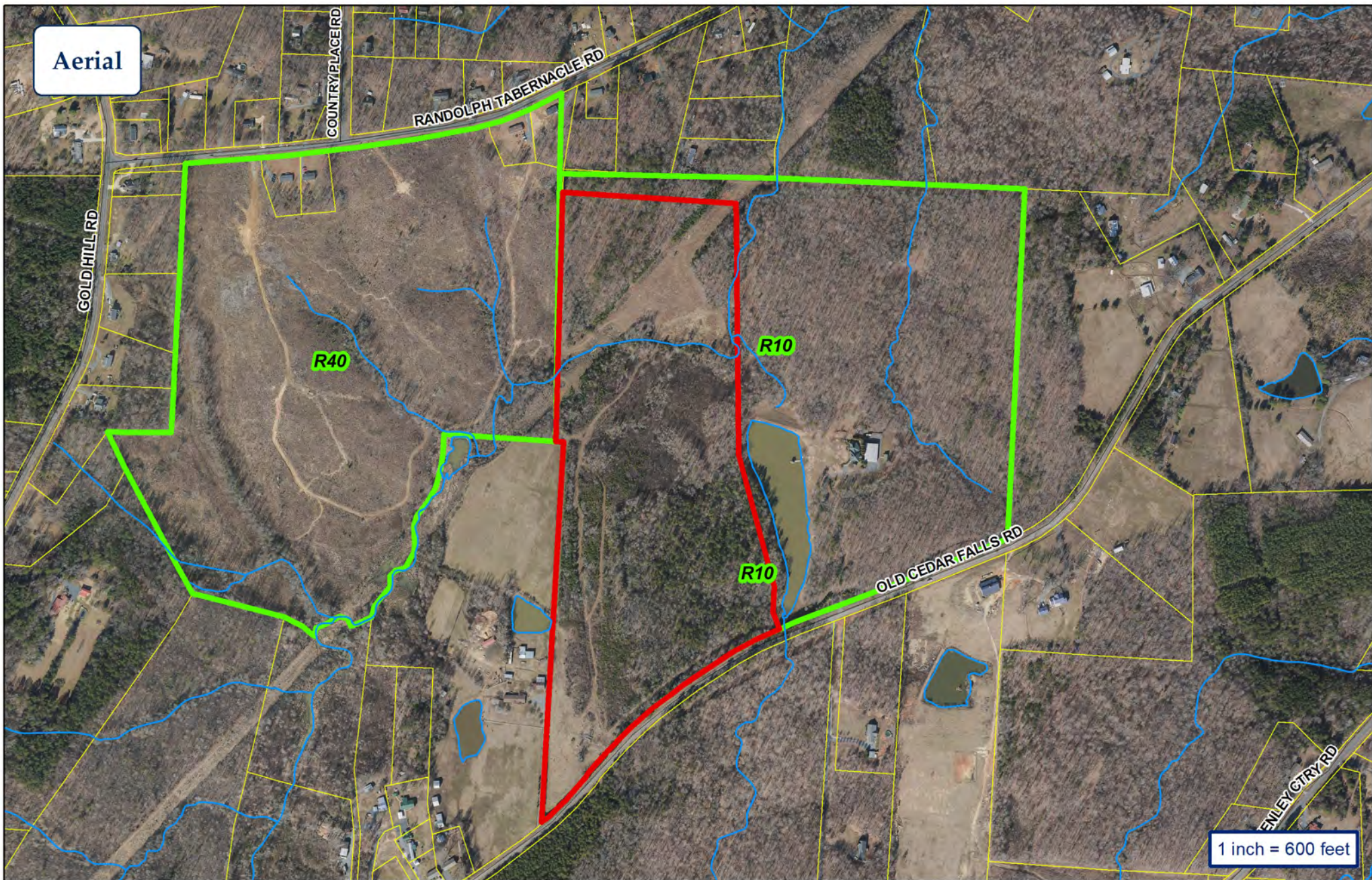
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-03

Parcel: 7772117810 (pt.)

 Subject Property

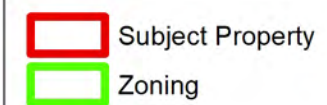




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-03

Parcel: 7772117810 (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.

<i>Application Deadline</i>	<i>Planning Board Meeting</i>	<i>City Council Meeting</i>
December 17, 2021	Monday, January 3, 2022	Thursday, February 10, 2022
January 14, 2022	Monday, February 7, 2022	Thursday, March 10, 2022
February 11, 2022	Monday, March 7, 2022	Thursday, April 7, 2022
March 11, 2022	Monday, April 4, 2022	Thursday, May 5, 2022
April 15, 2022	Monday, May 2, 2022	Thursday, June 9, 2022
May 20, 2022	Monday, June 6, 2022	Thursday, July 14, 2022
June 10, 2022	Monday, July 11, 2022	Thursday, August 4, 2022
July 15, 2022	Monday, August 1, 2022	Thursday, September 8, 2022
August 12, 2022	Tuesday, September 6, 2022	Thursday, October 6, 2022
September 16, 2022	Monday, October 3, 2022	Thursday, November 10, 2022
October 14, 2022	Monday, November 7, 2022	Thursday, December 8, 2022
*November, 2022: Confirm application deadline with staff	Monday, December 5, 2022. Confirm meeting date with staff	*January, 2023: Confirm meeting date with staff

***January, 2023 Council meeting date is not set by Council until December, 2022.**

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 Phyllis Thomas Applicant's Phone # 727-243-0887
Applicant's Address 2965 Upper Ridge Rd
Pawling PA 18073
Applicant email address T7835231@aol.com

PROPERTY INFORMATION

Property Owner's Name Phyllis Thomas
Location of Property 2513 Old Cedar Falls Rd Property Size (ac. or s.f.) 50 Ac of
Asheboro NC 27203 106.13
Randolph County Property Identification Number (PIN#) 7772117810
Current Zoning District R10 Requested Zoning District CU-R10
Date Property Title Acquired 4-17-2007 Deed Book 2021 Page 984
Subdivision N/A Section N/A Lot # N/A
Plat Book N/A Page N/A

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:

The purpose of the CUP is to develop a 179 unit
duplex project that is phased with associated driveways, parking
& utilities. One single model will be constructed as a sales model.

2. 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 + the land development plan to promote growth + welfare

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.

NO

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?

The approval of this project will provide needed housing, with the current shortage of adequate housing this project will provide homes for families in the City of Asheboro.

Does not apply ☐

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

This development will help meet the demands of much needed housing within 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 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)

Brian Thomas

Position/Relationship of Authorized Signatory to Applicant

SON

Owner Signature (if different than Applicant)



Owner Address

2965 Upper Ridge Rd

Peweesburg Pa 18073

Telephone Number

727-243-0887

Printed Name of Authorized Signatory (if different from Owner)

Brian Thomas

Position/Relationship of Authorized Signatory to Owner

SON

STAFF USE

Received by: JE Date: 2-11-22 Case Number: R2-22-03

SUBDIVISION STAFF REPORT
Sketch Design

CASE # SUB-22-02

Date 4/4/2022 Planning Board

GENERAL INFORMATION

Subdivision Name Thomas Estates
Requested Action Subdivision Sketch Design for residential PUD
Applicant Brian Thomas
Address 2513 Old Cedar Falls Road
Phone 727-243-0887
Location West of 2513 Old Cedar Falls Road

PARCEL INFORMATION

PIN 7772117810 (portion)

Size 50.87 acres +/-

Number of Lots 171+ common area

Existing Zoning R10

Average Lot Size Verification of information
is pending

Existing Land Use Undeveloped

Surrounding Land Use

North Low-Density Res./Agricultural

East Low-Density Res./Agricultural

South Low-Density Res./Agricultural

West Low-Density Res./Agricultural

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 development proposes two entrances from Old Cedar Falls Road.
2. The application is showing four phases, with recreational amenities located within the first phase.
3. Streets within the development are proposed to be privately maintained.
4. The developer will be extending water and sewer along Old Cedar Falls Road, and also constructing a lift (pump) station within the development.
5. The Subdivision Ordinance requires Planned Unit Developments to build sidewalks connecting all units with mail facilities, recreation facilities, other amenities and public streets.

SUBDIVISION STAFF REPORT
Sketch Design

DEPARTMENT COMMENTS

Engineering No comments have been offered as of March 29, 2022.

Public Works Public Works had previously indicated the need for more detail on utilities. The updated plans have been sent to Public Works for review.

Planning Plat corrections are pending.

Other Fire Department: Second access is needed for emergency services and operations.
Water Resources: Water and sewerage is not directly available and requires extension along Old Cedar Falls Road. Such extensions must be consistent with NCDOT and NCDEQ requirements and city policies.
NCDOT: Roadway improvements including turning lanes will likely be required for the site. NCDOT recommended staking of proposed access location so that they can inspect issues such as sight distance prior to site design.

Staff Recommendation As of March 31, 2022, staff's recommendation is pending, as staff continues to work with the applicant on completing final items on the sketch design.

**Planning Board
Recommendation**



Case No. RZ-22-04: Request to rezone property located at 615 & 617 South Church Street; 233 West Kivett Street; 616 & 622 Hammer Avenue (Randolph County Parcel Identification Number 7751703525) from OA6 zoning to OA6 (CZ) zoning for a Whole Block Redevelopment for a Multi Family Development for the Elderly

Staff Report

Rezoning Staff Report

RZ Case # RZ-22-04

Date 4/4/2022 Planning Board

General Information

Applicant

Wynnefield Forward, LLC

Address PO Box 566

City Jamestown NC 27282

Phone 336-822-0765

Location 615 & 617 South Church Street; 233 West Kivett Street; 616 & 622 Hammer Avenue

Requested

Action

Rezone from OA6 (Office-Apartment) to OA6 (CZ) requesting a Whole Block Redevelopment for a Multi Family Development for the Elderly

Existing Zone OA6

Existing Land Use Single Family (2); Two-Family (1); Multi-Family (5 units)

Size 2.5 acres +/-

Pin # 7751703525

Applicant's Reasons as stated on application

See attached

Surrounding Land Use

North Commercial/Office

East Commercial/Industrial/Railroad

South Multi-family residential

West Single-Family dwelling /Office

Zoning History N/A

Legal Description

The property of Andobar, Inc., located at 615 & 617 South Church Street; 233 W. Kivett Street, and 616 & 622 Hammer Avenue, consisting of approximately 2.5 acres and more specifically identified by Randolph County Parcel Identification Number 7751703525.

Analysis

1. The applicant is requesting a Conditional Zoning requesting a Whole Block Redevelopment for a Multi Family Development for the Elderly
2. The property is within the city limits.
3. South Church Street is a state-maintained minor thoroughfare. West Kivett Street is a city-maintained minor thoroughfare. Lanier Avenue and Hammer Avenue are city-maintained local streets.
4. The applicant proposes a four story structure with 60 residential dwelling units and associated off-street parking.
5. The OA6 zoning district is described as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged." Multi-family Development for the Elderly is a permitted use within the OA6 district.
6. The property is located within Tier 3 (Commercial and Employment Center) of the Center City Planning Area. Two properties with a B3 (Central Commercial) designation are within 300 feet of the subject property.
7. The application seeks approval of a Whole Block Redevelopment proposal. Whole Block Redevelopment is envisioned to help with the revitalization of neighborhoods, the removal of blighted and unsafe structures, encouragement of reinvestment into properties in the vicinity of the development, stabilization and enhancement of property values, improvement of the City's housing stock, enhancement of the historic integrity of neighborhoods and improvement to public infrastructure.
8. The applicant is requesting conditional zoning due to two deviations the project is seeking from the Ordinance's pre-prescribed requirements. They are:
 - (a) A building height in excess of the 45 feet permitted by the Whole Block Redevelopment standards, and;
 - (b) A front yard setback along South Church Street of less than the 25 feet stipulated by the Whole Block Redevelopment standards.
9. There are currently two single-family dwellings, one two-family (duplex) dwelling, and one multi-family structure with five residential dwelling units. The multi-family structure currently has a 0' setback from South Church Street.

Rezoning Staff Report

RZ Case # RZ-22-04

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 City Activity Center

Small Area Plan Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

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

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Item 8: The request is an adaptive reuse of a vacant or unused lot, or is an infill lot.

Checklist Items 12-13: The property is located outside of watershed and Special Hazard Flood Area.

2.1.5: 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.

Rezoning Staff Report

RZ Case # RZ-22-04

LDP Goals/Policies Which Do Not Support Request

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

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

Whole Block Redevelopment options were incorporated into the zoning ordinance less than 15 years ago to facilitate large-scale revitalization projects that are consistent with city policy by streamlining the zoning approval of such proposals. The ordinance identifies specific development standards, and provided an applicant complies with the predetermined zoning requirements, project approval is administrative in nature and does not require city council review and action. Due to at least two deviations from these predetermined standards, one pertaining to building height and one related to minimum building setback, the applicant is requesting accommodation through this conditional zoning application.

The primary reason for the proposal to reduce the building setback on S. Church St. is to maximize separation between the proposed building and the railroad right-of-way. Reduced building setbacks are design characteristics encouraged, and in some areas of the city such as the central business district two blocks to the north, generally mandated by the development codes. When reviewing development proposals with lesser street setbacks, impacts to future right-of-way needs and transportation improvements should be considered. In this location, the S. Church St. right-of-way is 50' - 60' in width and is designated as adequate in the city's Transportation Plan; no transportation improvements are proposed. In fact, the last improvement to S. Church St. was a lane reduction project designed to reduce speeds on the roadway and improve safety. Similarly, a deviation of less than a story from the ordinance's predetermined standard for a Whole Block Redevelopment project is not out of character for this area of the city, which is within a designated activity center that includes other buildings of similar or greater height.

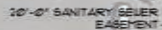
Recommendation Pending.

Rezoning Staff Report

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

Discussion are on-going with the applicant on plan revisions believed to be important to the overall purpose and intent of the Whole Block Redevelopment Ordinance, including necessary street and pedestrian improvements as well as project amenities. Suggested conditions are pending and will be presented following receipt and review of pending site plan revisions.

ASHEBORO, NC



EXISTING TOWNHOUSES

EXISTING
COMMERCIAL

PROJECT
MONUMENTAL SIGNS

825' W. KIVETT STREET

250'-0" RAILROAD SETBACK

- 20'-0" SANITARY SEWER
EASEMENT

— STREET TREES, TYP.

VE.

HAMMER AVE.

LANIER AVE.

PROJECT
MONUMENTAL SIGNS

EXISTING
COMMERCIAL

SITE: 2.5 +/- ACRES
DENSITY: 24.0 UNITS/ACRES
ZONING: OA-6
SETRACKS: 5' MINIMUM ALONG CHURCH ST.
BUILDINGS: (1) 4-STORY SENIOR APARTMENT BUILDING
SPRINKLERS: 13R
PARKING SPACES: 60 SPACES REQUIRED @ 1.0 PER UNIT
60 SPACES PROVIDED

- NO FLOOD PLAIN LOCATED ON SITE.
- SITE HAS NO DETENTION POND
- NO RETAINING WALLS ANTICIPATED

UNIT MIX	SPCS/UNIT	PAINT TO PAINT SQ. FT.
1-BR (A UNITS)	= 24	668 SQ. FT.
2-BR (B UNITS)	= 36	974 SQ. FT.
TOTAL	= 60 UNITS	

24 (1 BR) x 668 P.P. SQ. FT.	= 16,032 SQ. FT.
36 (2 BR) x 974 P.P. SQ. FT.	= 35,064 SQ. FT.

- (2) ONE BEDROOM WITH TUB
- (2) ONE BEDROOM WITH ROLL-IN SHOWER
- (2) TWO BEDROOM WITH TUB
- (2) TWO BEDROOM WITH ROLL-IN SHOWER

☐ INDOOR/OUTDOOR SITTING AREAS (W/ MIN. 1 BENCH, 3 LOCATIONS)
☐ MULTI-PURPOSE ROOM (MIN. 250 SQ. FT.)
☐ GAZEBO

- D** COVERED DRIVE-THRU AT ENTRY
- E** COVERED PATIO WITH SEATING - (MIN. 150 SQ. FT.)
- F** RESIDENT COMPUTER CENTER - (MIN. 2 COMPUTERS)



MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
215 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3329 404-373-2800

MEMORIAL SQUARE
ASHEBORO, NC

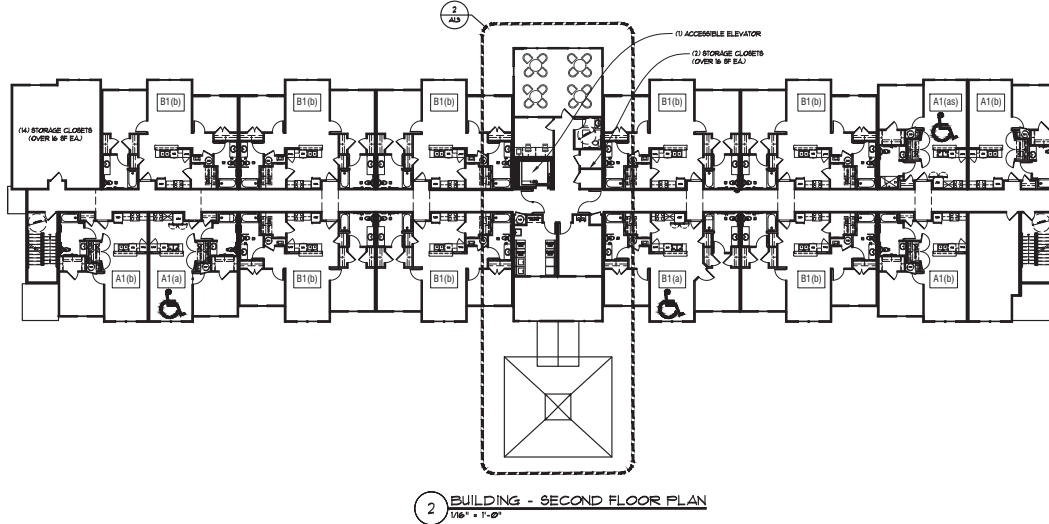
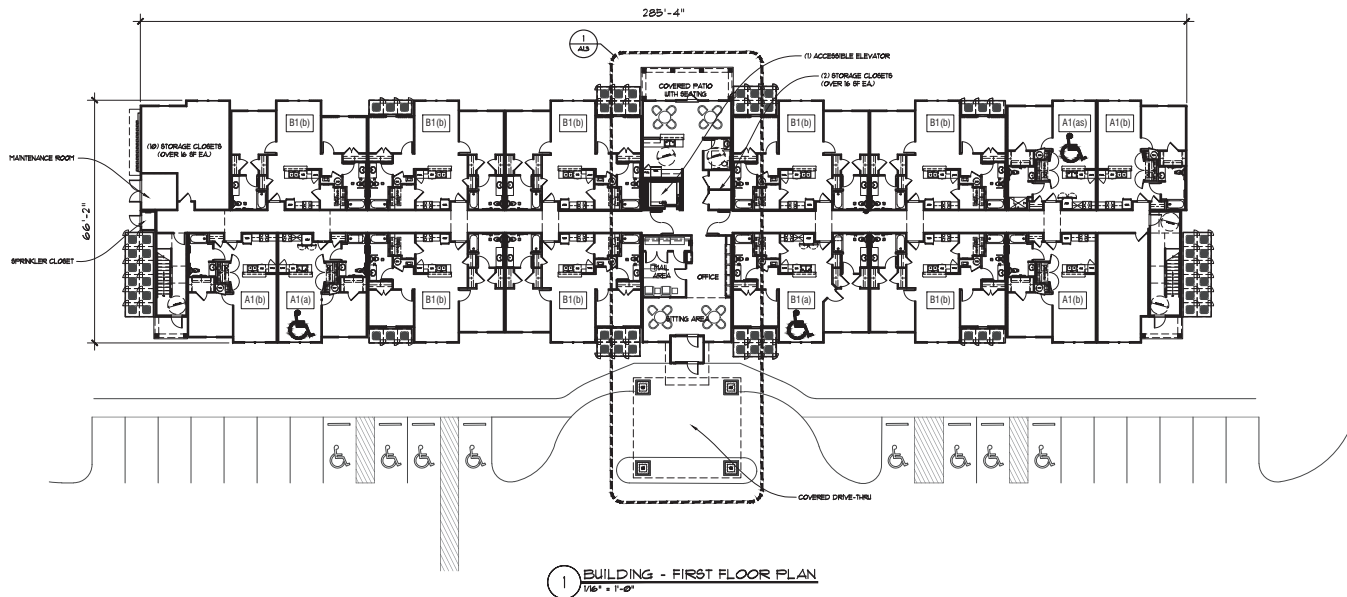
NR1A

CSP.1

2022 ROUND 1 - PRELIMINARY DRAWING SET

PLOTTED: 1/21/2022 10:31:41 AM - DRAWING: P:\V\N\CTEL IN 2022-002 ASHCROFT, NC FAMILY 9% TC\DRAWINGS\PRELIM\2022\SHEETS\CSP.LDW - PLOTTED BY: SHARON CHAN - COPYRIGHT 2022

1/21/2022 8:12:38 AM - DRAWING: P:\V\W\W\FIELD\2022-002 ASHEBORO, NC FAMILY 9X TC.DRAWINGS\PRELIM\2022\SHEETS\A1.1.DWG - PLOTTED BY: MICHAEL LEE - COPYRIGHT 2022



0' 6' 12' 30'
SCALE: 1/16" = 1'-0"



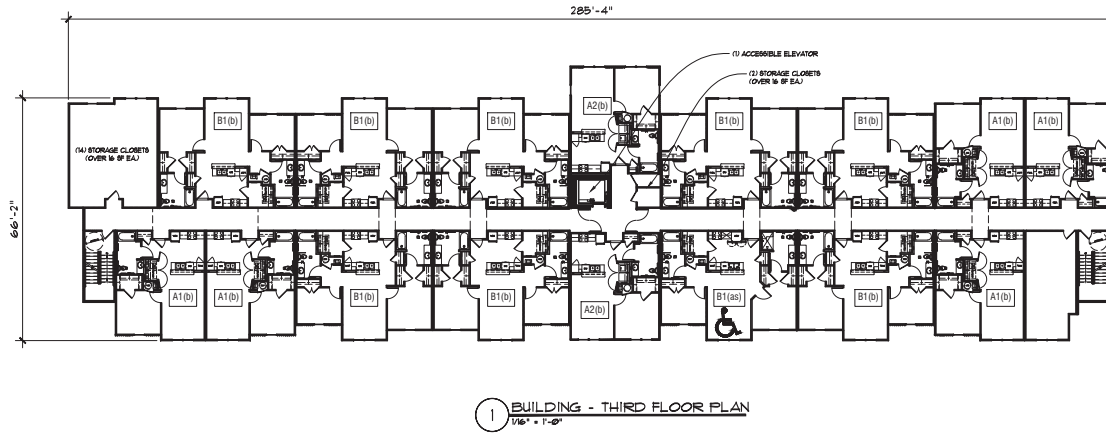
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
25 CHURCH STREET SUITE 200 DECATUR GEORGIA 3003-535 404-573-200
MEMORIAL SQUARE
ASHEBORO, NC

BUILDING - FIRST & SECOND FLOOR PLANS

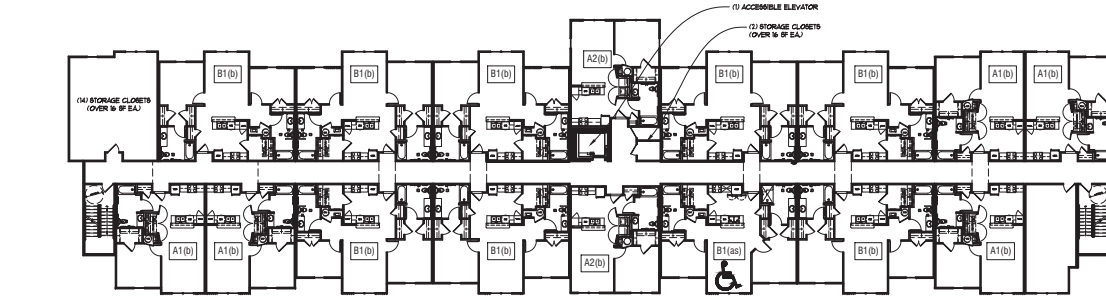
A1.1

2022 ROUND 1 - PRELIMINARY DRAWING SET

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1 BUILDING - THIRD FLOOR PLAN
1/16" = 1'-0"



2 BUILDING - FOURTH FLOOR PLAN
1/16" = 1'-0"

0' 6' 12' 30'
SCALE: 1/16" = 1'-0"

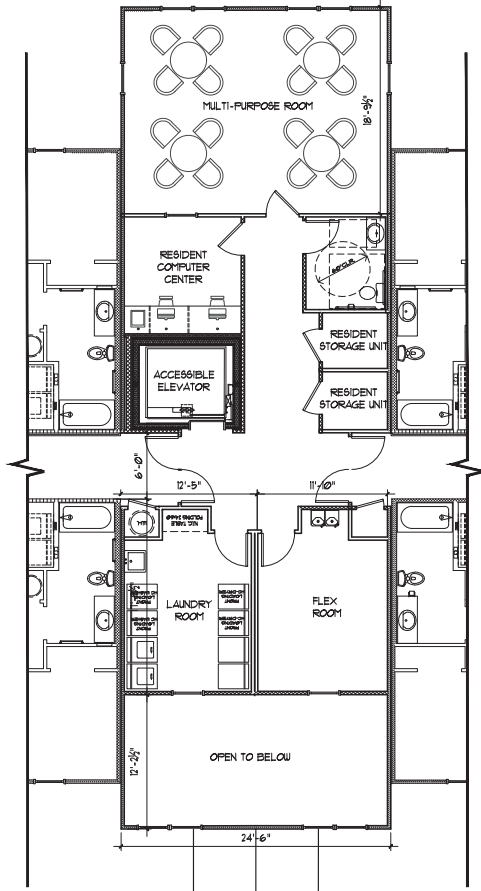


MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
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MEMORIAL SQUARE
ASHEBORD, NC

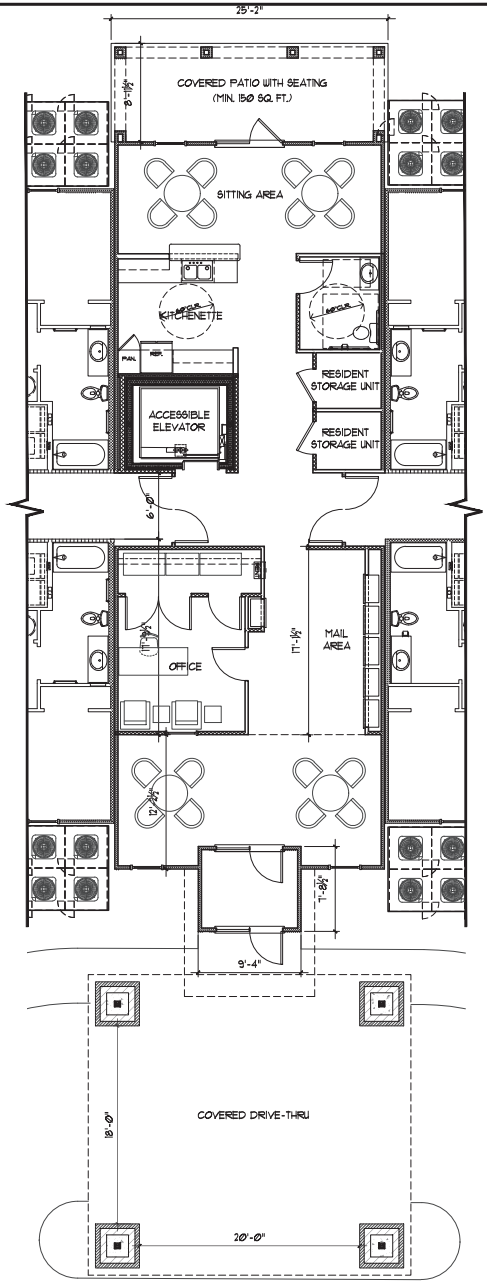
BUILDING - THIRD & FOURTH FLOOR PLANS

A1.2

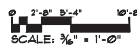
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2 COMMUNITY AREA - ENLARGED SECOND FLOOR PLAN
3/16" = 1'-0"



1 COMMUNITY AREA - ENLARGED FIRST FLOOR PLAN
3/16" = 1'-0"

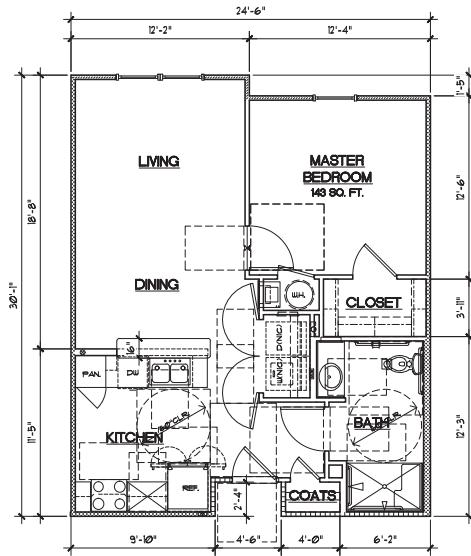


MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
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MEMORIAL SQUARE
ASHEBORO, NC

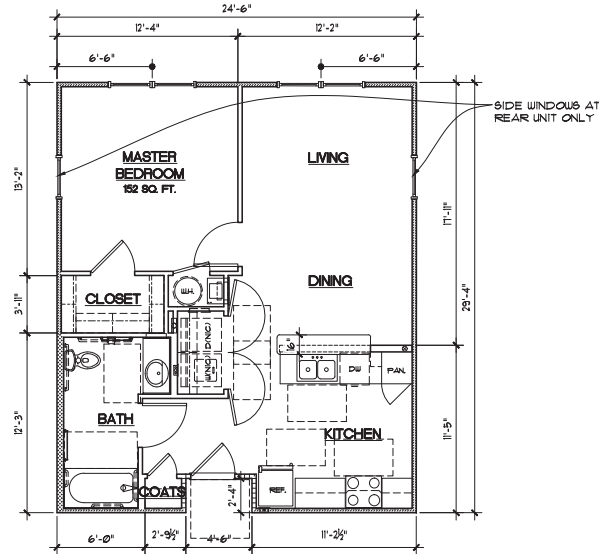
ENLARGED BUILDING PLANS

PROJECT	2022-002
DATE	1-15-2022
DRAWN BY / CHECKED BY	MYL

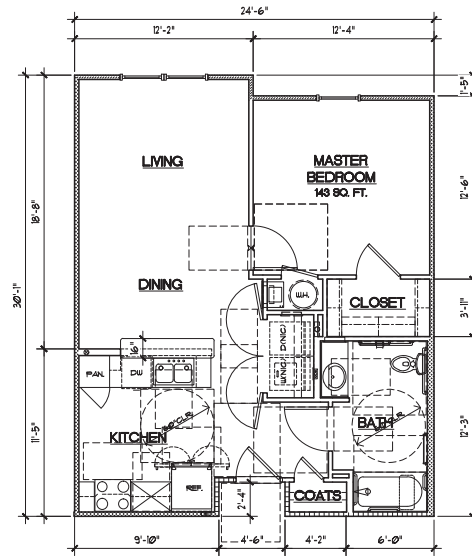
A1.3



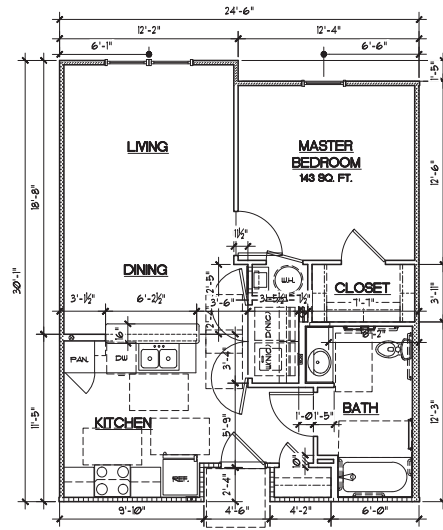
4 A1(a) ONE BEDROOM HC UNIT FLOOR PLANS w/ ROLL-IN SHOWER
1/4" = 1'-0"
PAINT TO PAINT AREA = 668 SF.



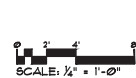
2 A2(b) ONE BEDROOM CENTER UNIT FLOOR PLANS
1/4" = 1'-0"
PAINT TO PAINT AREA = 668 SF.



3 A1(a) ONE BEDROOM HC UNIT FLOOR PLANS
1/4" = 1'-0"
PAINT TO PAINT AREA = 668 SF.



1 A1(b) ONE BEDROOM UNIT FLOOR PLANS
1/4" = 1'-0"
PAINT TO PAINT AREA = 668 SF.



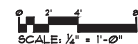
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
25 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3329 404-573-2800

MEMORIAL SQUARE
ASHEBORO, NC

PROJECT	2022-002
DATE	1-15-2022
DRAWN BY / CHECKED BY	MYL

ONE BEDROOM UNIT FLOOR PLANS

A21

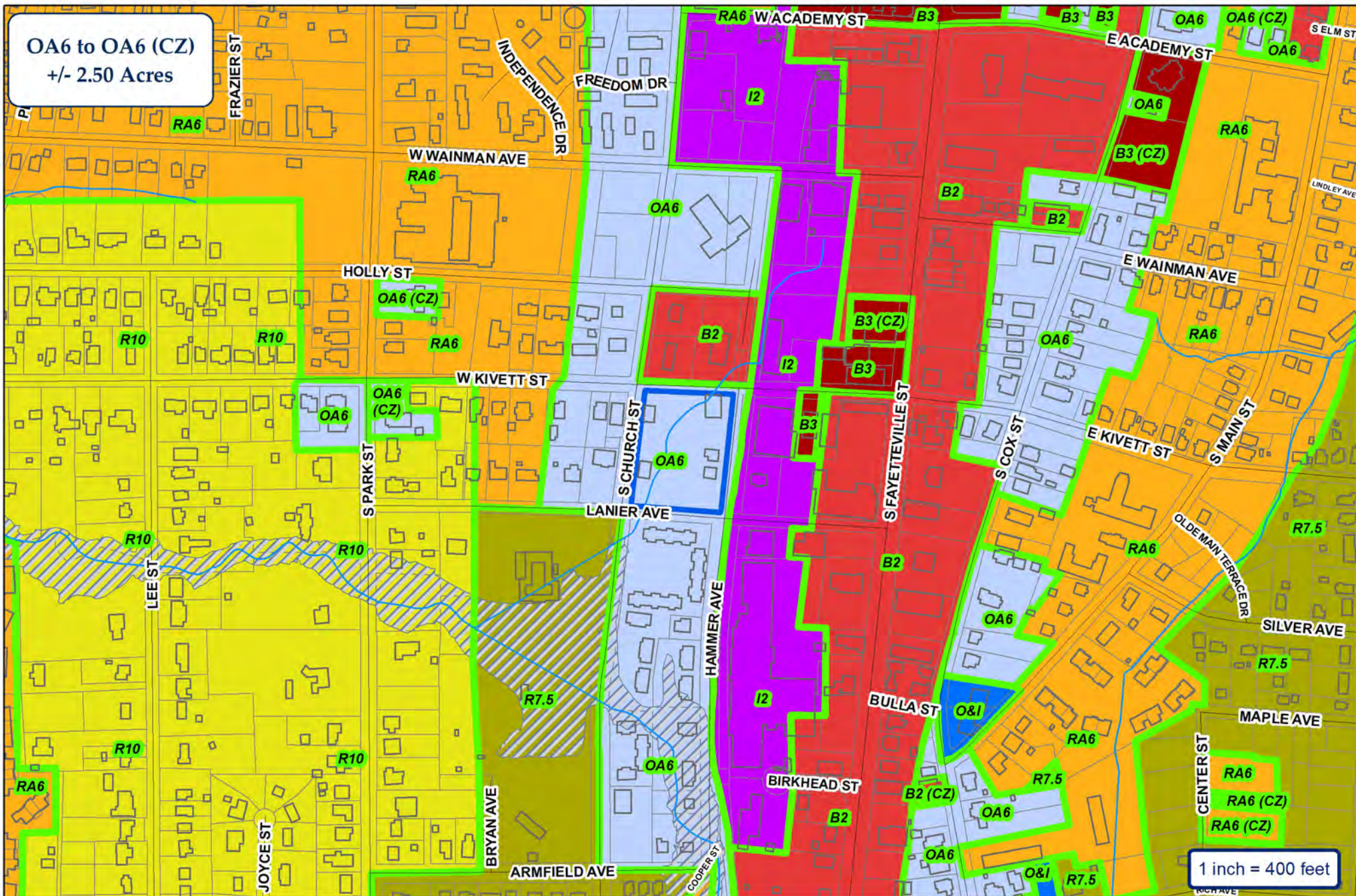


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PROJECT 2632-002		DATE 1-16-2022	DRAWN BY / CHECKED BY MEL
SHEET 1 OF 1			
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C. 25 CHURCH STREET SUITE 200 DECATUR GEORGIA 3003-329 404-372-2800 MEMORIAL SQUARE ASHBORO, NC			
EXTERIOR ELEVATIONS			
A3.1			

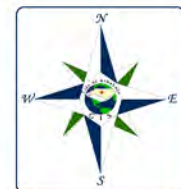
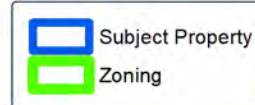
OA6 to OA6 (CZ)
+/- 2.50 Acres



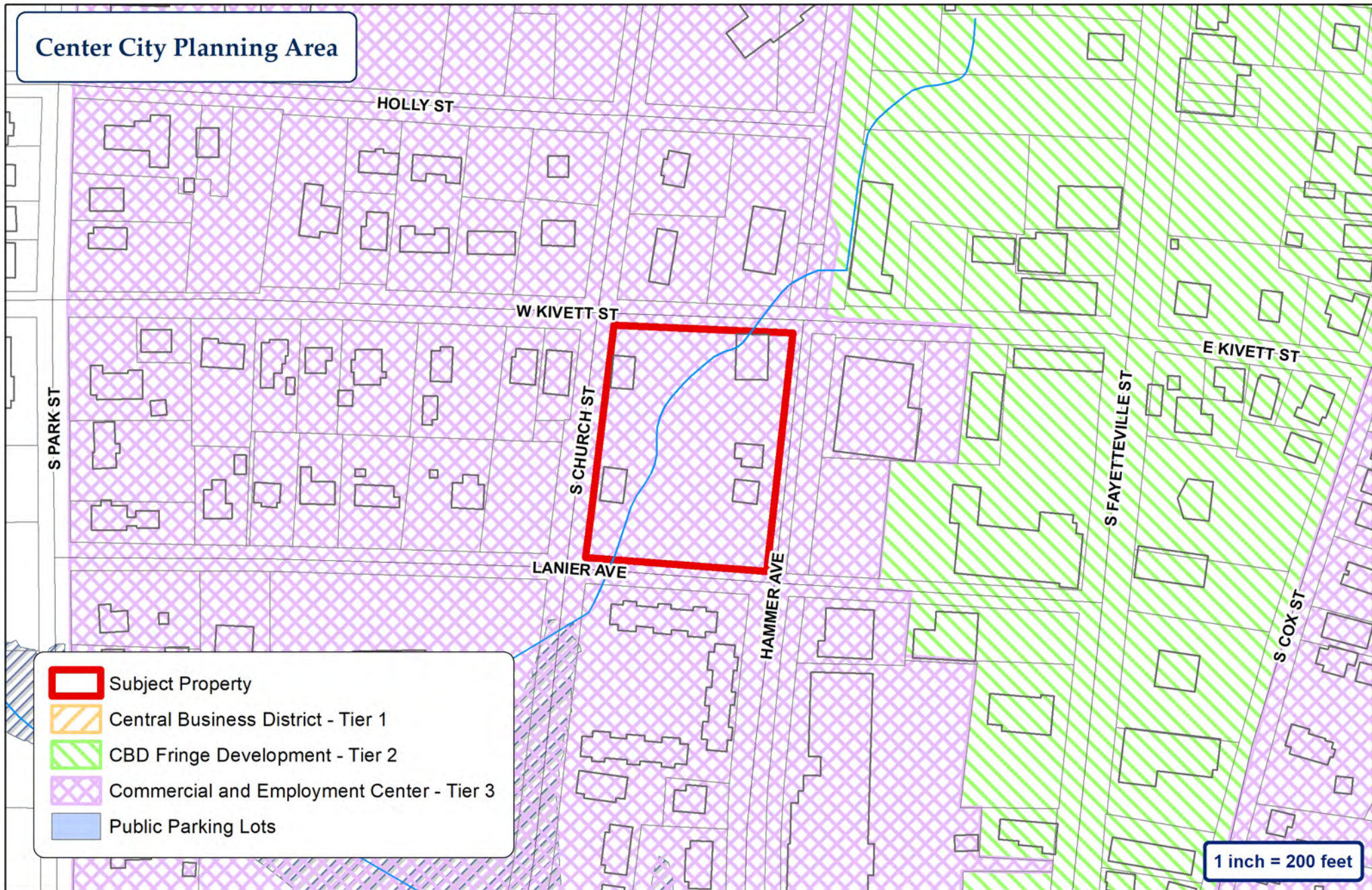
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-04

Parcel: 7751703525



Center City Planning Area



City of Asheville Planning & Zoning Department

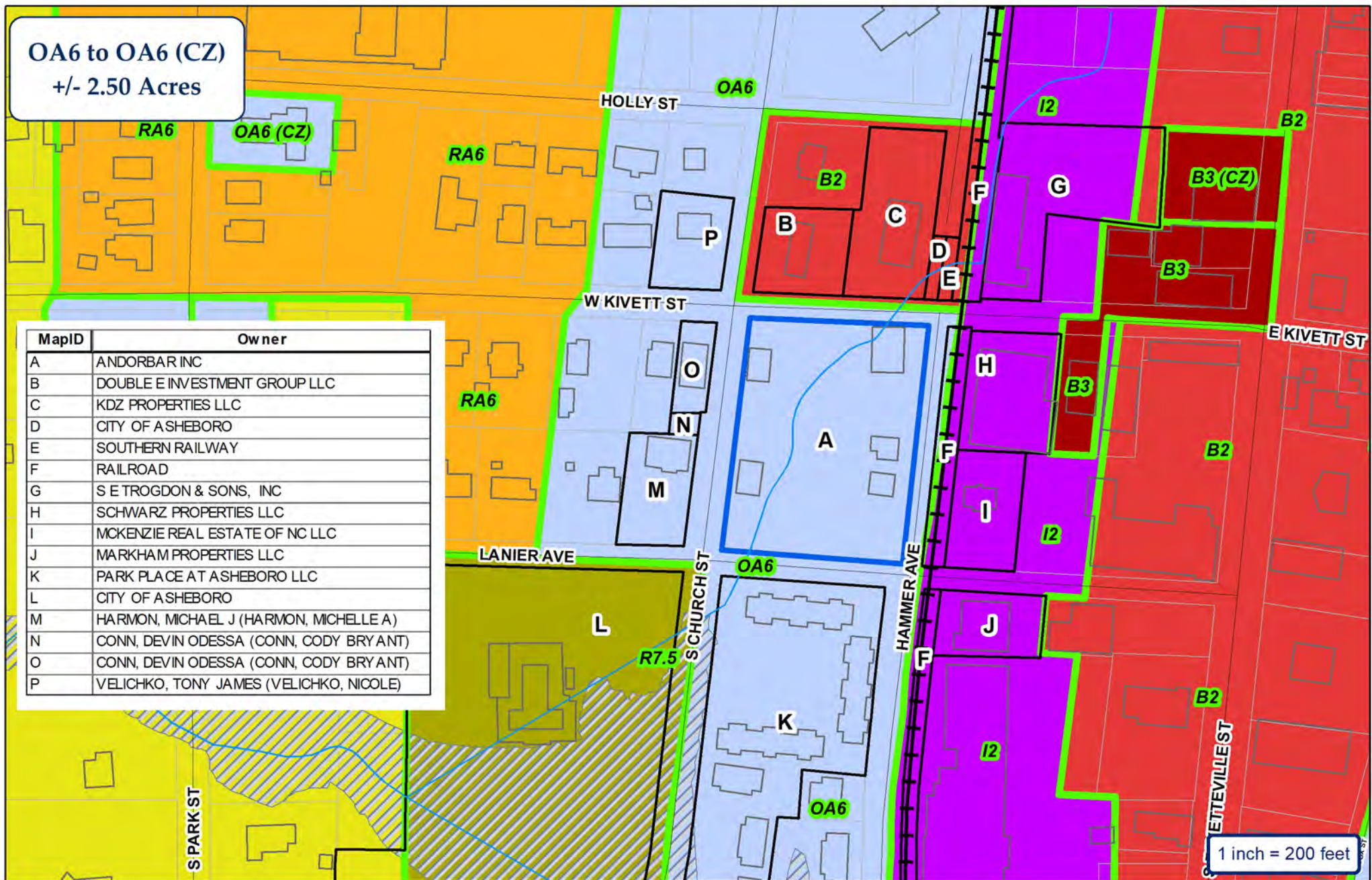
Rezoning Case: RZ-22-04

Parcel: 7751703525



OA6 to OA6 (CZ)
+/- 2.50 Acres

MapID	Owner
A	ANDORBAR INC
B	DOUBLE E INVESTMENT GROUP LLC
C	KDZ PROPERTIES LLC
D	CITY OF ASHEBORO
E	SOUTHERN RAILWAY
F	RAILROAD
G	S E TROGDON & SONS, INC
H	SCHWARZ PROPERTIES LLC
I	MCKENZIE REAL ESTATE OF NC LLC
J	MARKHAM PROPERTIES LLC
K	PARK PLACE AT ASHEBORO LLC
L	CITY OF ASHEBORO
M	HARMON, MICHAEL J (HARMON, MICHELLE A)
N	CONN, DEVIN ODESSA (CONN, CODY BRY ANT)
O	CONN, DEVIN ODESSA (CONN, CODY BRY ANT)
P	VELICHKO, TONY JAMES (VELICHKO, NICOLE)



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-04

Parcel: 7751703525

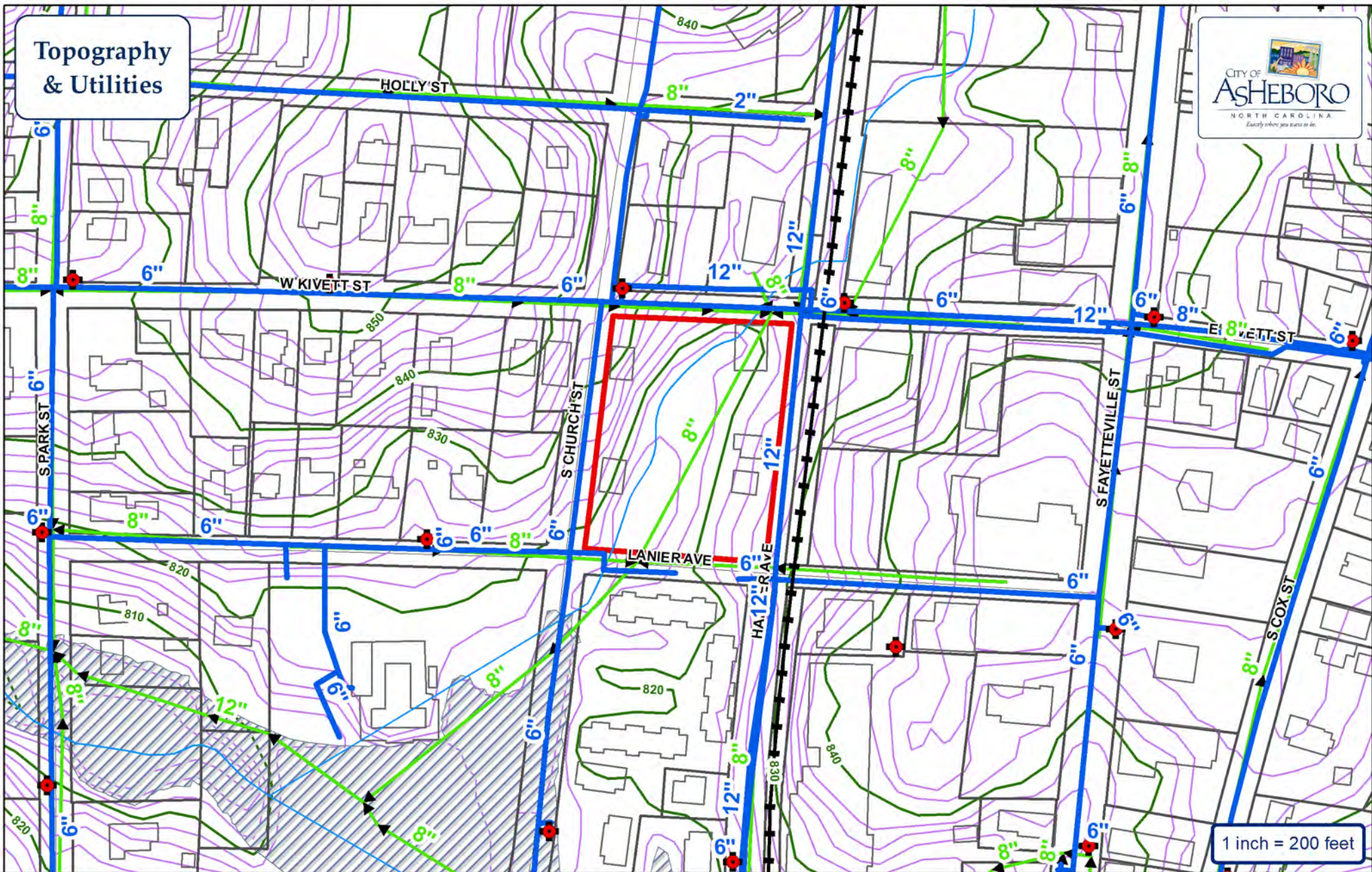


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



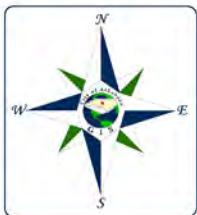
- | | |
|---|--|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main |  Watershed |

City of Asheboro Planning & Zoning Department

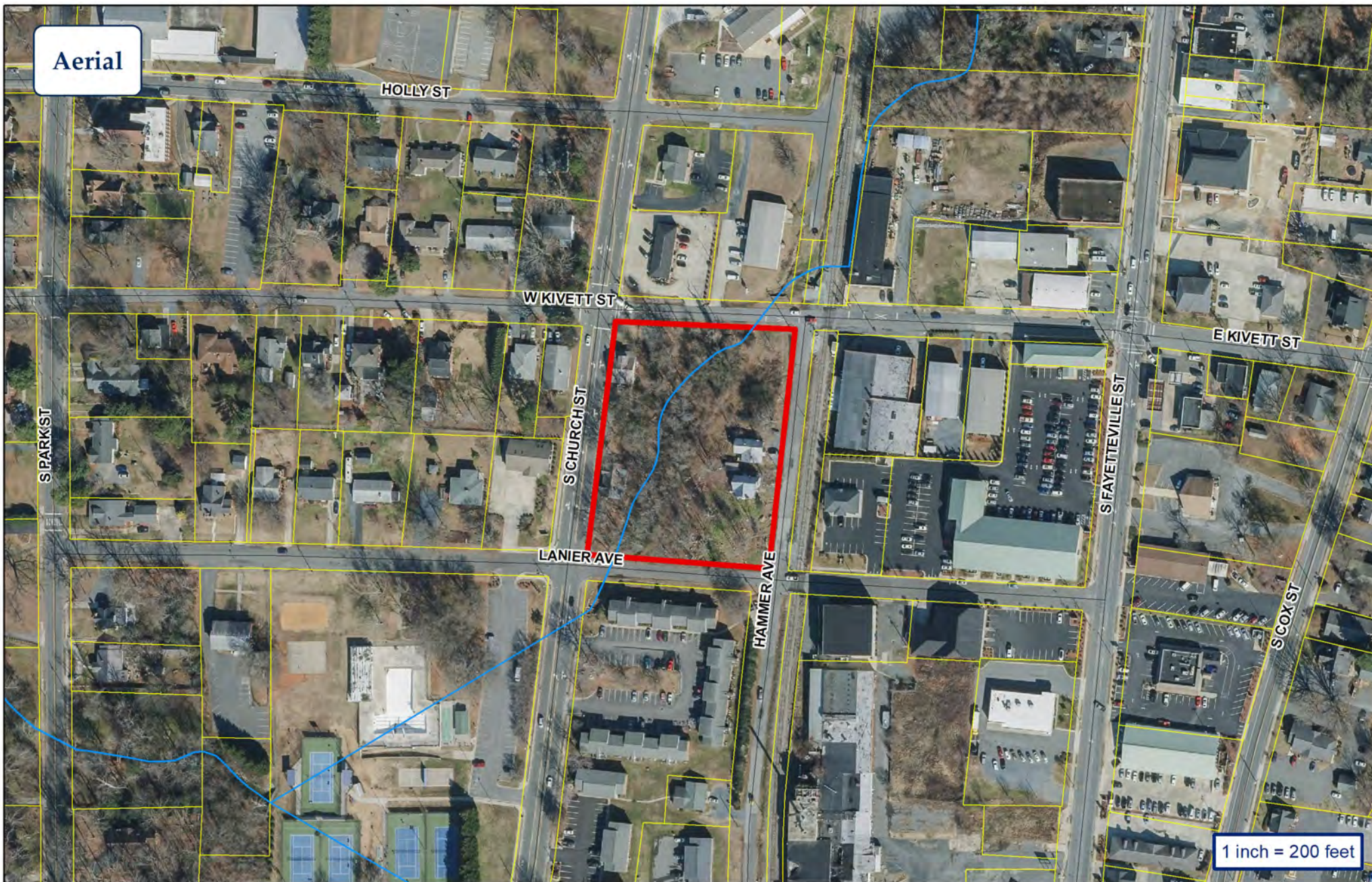
Rezoning Case: RZ-22-04

Parcel: 7751703525

 Subject Property



Aerial

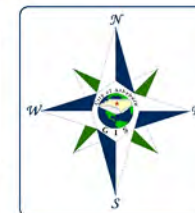
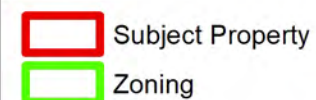


1 inch = 200 feet

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-04

Parcel: 7751703525





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.

<i>Application Deadline</i>	<i>Planning Board Meeting</i>	<i>City Council Meeting</i>
December 17, 2021	Monday, January 3, 2022	Thursday, February 10, 2022
January 14, 2022	Monday, February 7, 2022	Thursday, March 10, 2022
February 11, 2022	Monday, March 7, 2022	Thursday, April 7, 2022
March 11, 2022	Monday, April 4, 2022	Thursday, May 5, 2022
April 15, 2022	Monday, May 2, 2022	Thursday, June 9, 2022
May 20, 2022	Monday, June 6, 2022	Thursday, July 14, 2022
June 10, 2022	Monday, July 11, 2022	Thursday, August 4, 2022
July 15, 2022	Monday, August 1, 2022	Thursday, September 8, 2022
August 12, 2022	Tuesday, September 6, 2022	Thursday, October 6, 2022
September 16, 2022	Monday, October 3, 2022	Thursday, November 10, 2022
October 14, 2022	Monday, November 7, 2022	Thursday, December 8, 2022
*November, 2022: Confirm application deadline with staff	Monday, December 5, 2022. Confirm meeting date with staff	*January, 2023: Confirm meeting date with staff

***January, 2023 Council meeting date is not set by Council until December, 2022.**

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 Wynnefield Forward, LLC *Applicant's Phone #* 336.822.0765

Applicant's Address PO Box 566
Jamestown, NC 27282

Applicant email address davis@wynnefieldforward.com

PROPERTY INFORMATION

Property Owner's Name Andorbar, Inc.

Location of Property 617 S. Church Street *Property Size (ac. or s.f.)* 2.50 +/- acres

Randolph County Property Identification Number (PIN#) 7751703525

Current Zoning District OA6 *Requested Zoning District* OA6 (CZ)

Date Property Title Acquired 06/25/1985 *Deed Book* 001165 *Page* 00491

Subdivision _____ *Section* _____ *Lot #* _____

Plat Book 1 *Page* 177

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:

Our firm respectfully requests a Conditional Zoning designation to allow for the development of

a 60 unit multifamily community. Our current design consists of one and two bedroom units in

a four story building at in the S. Church Street, Lanier Avenue, Hammer Avenue and W. Kivett

Street block of Asheboro. The applicaiton would utilize a Whole Block Redevelopment for our senior

community including sitting areas throughout the property, community room, a covered drive-thru drop off

at entry, resident computer center along with many others. Each unit will be spacious and include

washer/dryer hookups, dishwasher, refrigerator, range, walk-in closets, and an Energy Star

certification. The four story building will consist of brick, hardi-board and vinyl materials along

with a broken roof line and accents such as banding to expand on the architectural integrity.

Our design is currently encroaching the 25' setback along S. Church St. The building setback from S. Church St has been designed to avoid disruption with the sanitary sewer line.

Additionally, we have designed the site to keep the residential structures as far from the railroad tracks (Running parallel to Hammer Ave.) as possible. We are requesting to deviate from the current setback requirement of 25' off of a thoroughfare as well as exceeding the building height to no more than 50', compared to the existing 45' cap.

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

The Land Development Plan, shows the subject property as "Primary Growth" on the 'Growth Map', which is detailed as 'Areas with prime access to existing city infrastructure and urban services and located within existing city limits. Suitable development sites within PGAs should be given the highest level of encouragement and incentives for short-range development' (Section 5.3 – Land Development Toolkit). The Proposed Land Use as a 'Town Activity Center' designation. While our plan is in conformity with current zoning it also a natural fit and addresses the desires of the City of Asheboro's future goals.

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?

Does not apply ☒

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

This requested admentment is project specific due to the existing circumstances on this parcel.

The sewer line and railroad tracks create some design challenges that we feel would be best mitigated by our proposed application.

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

 C. CRAIG STONE

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)



Owner Address

P.O. Box 2572

Asheboro NC 27204

Telephone Number

336-259-7693

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: JTL Date: 3-11-22 Case Number: _____

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

This is to notify you that I (we) _____ have filed an application with the City of Asheboro for a Conditional Zoning District for the property located at _____ for the purpose of _____

_____.

On _____, _____, 2022, 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, _____, 2022, 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) _____ at _____.



Case No. SUB-22-03: Request for a subdivision sketch design (Timber Ridge:
East Allred Street)

Staff Report

SUBDIVISION STAFF REPORT
Sketch Design

CASE # SUB-22-03

Date 4-4-2022 Planning Board

GENERAL INFORMATION

Subdivision Name Timber Ridge
Requested Action Subdivision Sketch Design
Applicant Davidson Land Development LLC
Address 896 Shiptontown Rd.; Lexington, NC 27292
Phone 336-746-5115
Location south side of East Allred Street approximately 200 ft. east of Ingram Dr.

PARCEL INFORMATION

PIN 7762401107

Size 20.44 acres +/-

Number of Lots 36

Existing Zoning R15/R10

Average Lot Size 0.47 acres +/-

Existing Land Use Undeveloped

Surrounding Land Use

North Single-Family/Undeveloped

East Single-Family/Undeveloped

South Undeveloped

West Single-Family/Undeveloped

LAND DEVELOPMENT PLAN

Growth Strategy Map Adjacent Developed

Proposed Land Use Map Neighborhood Residential

Small Area Plan Map East

Identified Activity Center? No

Development Issues

1. The property is outside the city limits. Access to city services (water/sewer) requires annexation of the property.
2. The subdivision plat does not include sidewalks. While the subdivision ordinance encourages sidewalks, it does not require them for a residential subdivision that is not a planned unit development.
3. The property includes one point of access from East Allred Street.
4. The physical characteristics and development patterns of the adjoining properties make having a future connection impractical.
5. This property was part of a previously submitted and approved sketch (2017). That included additional property to the north. That sketch included a second entrance and a street network in closer proximity to the North Shore neighborhood.

SUBDIVISION STAFF REPORT

Sketch Design

DEPARTMENT COMMENTS

Engineering Plat comments have been addressed.

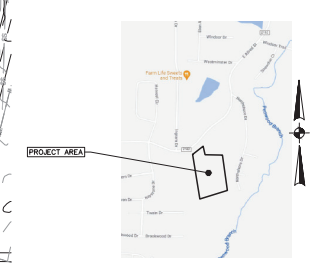
Public Works Public Works reviewed and had no suggested changes.

Planning 1. Road names will need to be approved by Randolph County
Emergency Services.
2. Final hydrant locations will be subject to Fire Department review
with preliminary plat.

Other This plat was forwarded to NCDOT, the US Post Office, and Asheboro
City Schools.
1. NCDOT asked that the property be staked to ensure driveway
location complies with NCDOT requirements.
2. The US Post Office indicated that a community mail box may be
required. Design of this will be needed at the Preliminary Plat review.
3. Asheboro City Schools had no specific comment.

Staff Recommendation Approve noting staff comments.

**Planning Board
Recommendation**



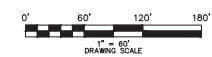
SITE NOTES:

1. PROPERTY INFORMATION
CURRENT OWNER: MCDOWELL TIMBER COMPANY
DEVELOPER: DAVENSON LAND DEVELOPMENT, LLC
PIN NUMBERS: 776240107
EXISTING ZONING: R15 / R10
EXISTING LAND USE: VACANT
OWNER / DEVELOPER ADDRESS: 806 SHIPTONTOWN RD LEXINGTON, NC 27292
NUMBER: 336-746-5115
2. THE PROJECT IS LOCATED OUTSIDE THE CITY LIMITS AND WILL NEED TO BE ANNEXED
3. PARCEL BOUNDARIES, TOPOGRAPHIC DATA, EASEMENTS, EXISTING WATER METER AND SANITARY SEWER ARE SHOWN FOR FIELD SURVEY REDEVELOPED FROM SURVEY CAROLINA, PLLC AND RANDOLPH COUNTY GIS
4. PROPOSED USE: RESIDENTIAL
5. LOT INFORMATION
- NUMBER OF LOTS: 36
- TOTAL TRACT AREA: 20.21 AC
- NUMBER OF LOTS: 36 LOTS
- TOTAL SITE AREA: 20.21 AC
- AVERAGE LOT SIZE: 0.47 AC
- PUBLIC R/W AREA: 3.16

- R 15 SETBACKS:
FRONT= 30 FT
SIDE= 15 FT
REAR= 25 FT
MIN. LOT SIZE: 15,000 SF
MIN. LOT WIDTH: 100
6. PROPOSED STREET INFORMATION
- TIMBERLAND LOOP 2,100 LF
- DEER CREEK TRAIL 125 LF
- OLIVER BRANCH RD 270 LF
- YORK BRANCH TRAIL 125 LF
- 50' R/W
7. MAINTENANCE NOTES
- MUNICIPALITY TO MAINTAIN ALL STORM SEWER, SANITARY SEWER, AND WATER LINES WITHIN PUBLIC R/W
8. OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.
9. CONFIRM UTILITY TIE INS WITH CITY PRIOR TO CONSTRUCTION.

DRAWING LEGEND

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- SETBACK LINES
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- RIGHT OF WAY LINE
- EXISTING OVERHEAD UTILITY
- EXISTING POWER POLE
- EXISTING STREAM CENTERLINE
- 100 YEAR FLOOD LINE



PRELIMINARY - F OR REVIEW ONLY

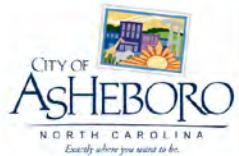
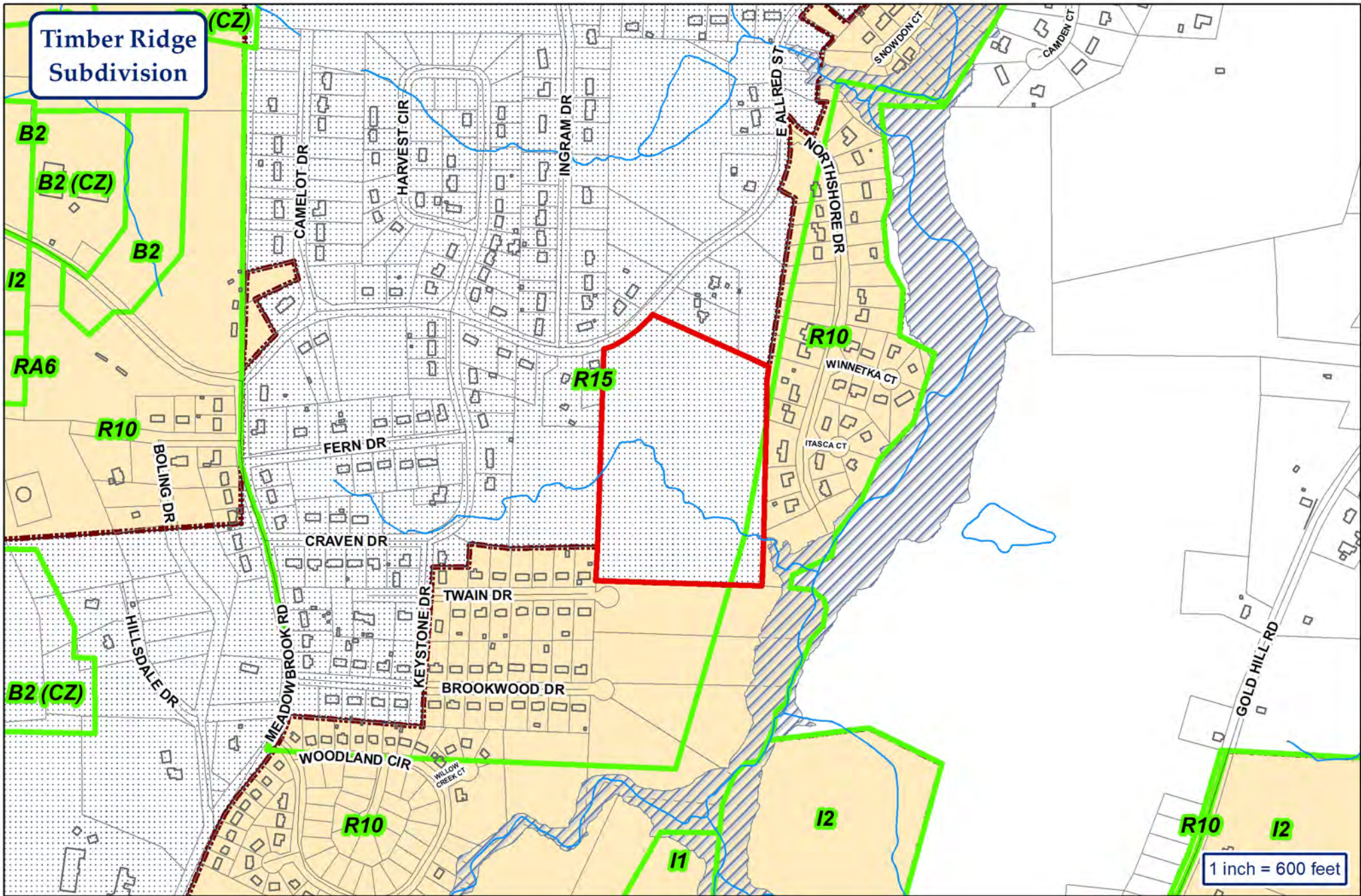
PRELIMINARY SKETCH PLAN
TIMBER RIDGE SUBDIVISION

E. ALLED STREET
ASHBORO - RANDOLPH COUNTY - NC

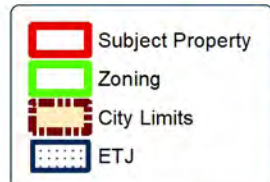
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Date:	AUGUST 2023
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Checked By:	CH
Job No.:	E-745

SEA

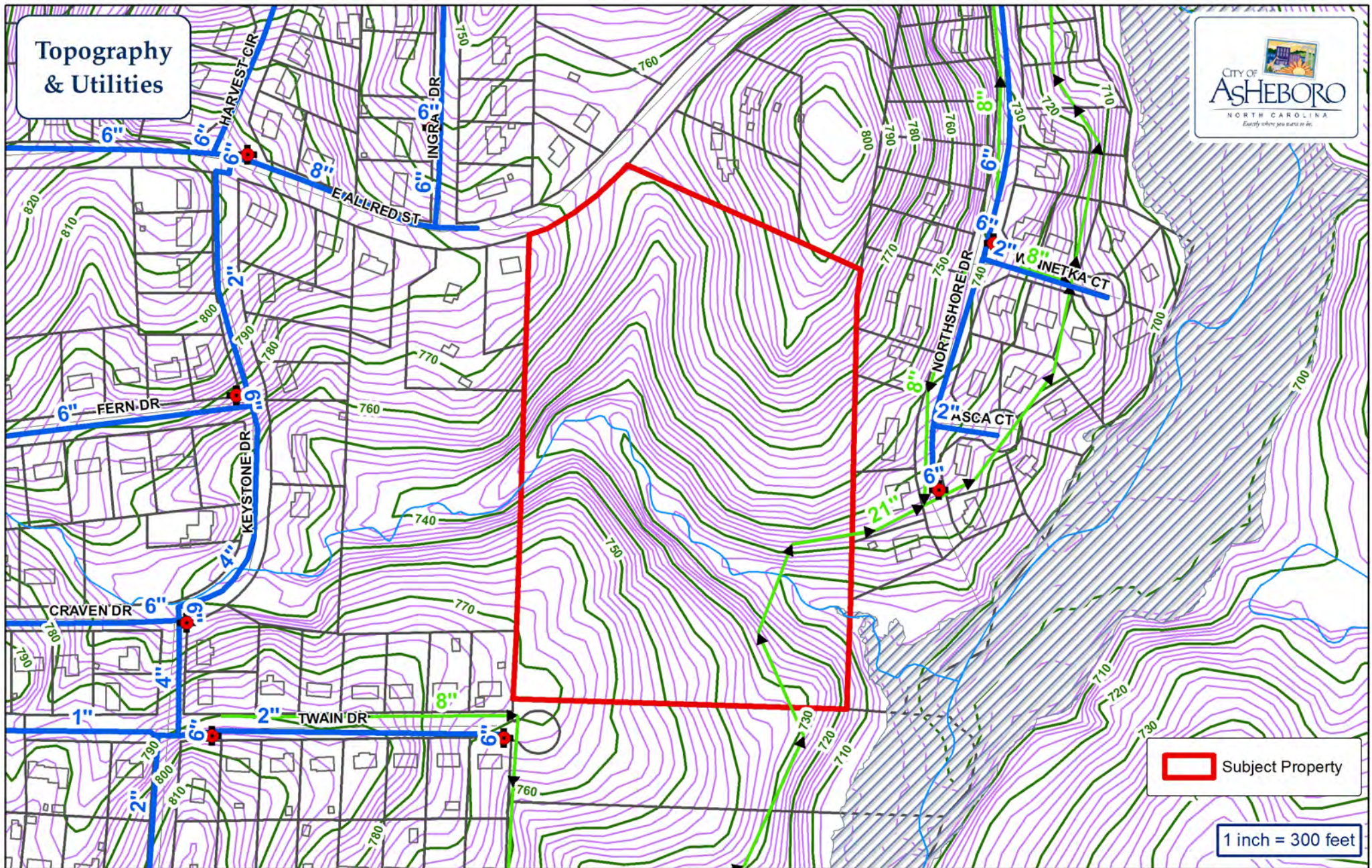
Survey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
Ashboro NC 27204
Phone: 336-746-5115
Email: info@sea-nc.com
NC Professional Engineering Firm License No. 55385



City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-22-03
Parcel: 7762401107



Topography & Utilities



 Subject Property

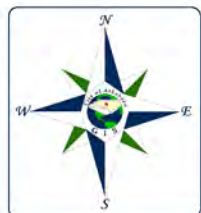
1 inch = 300 feet

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

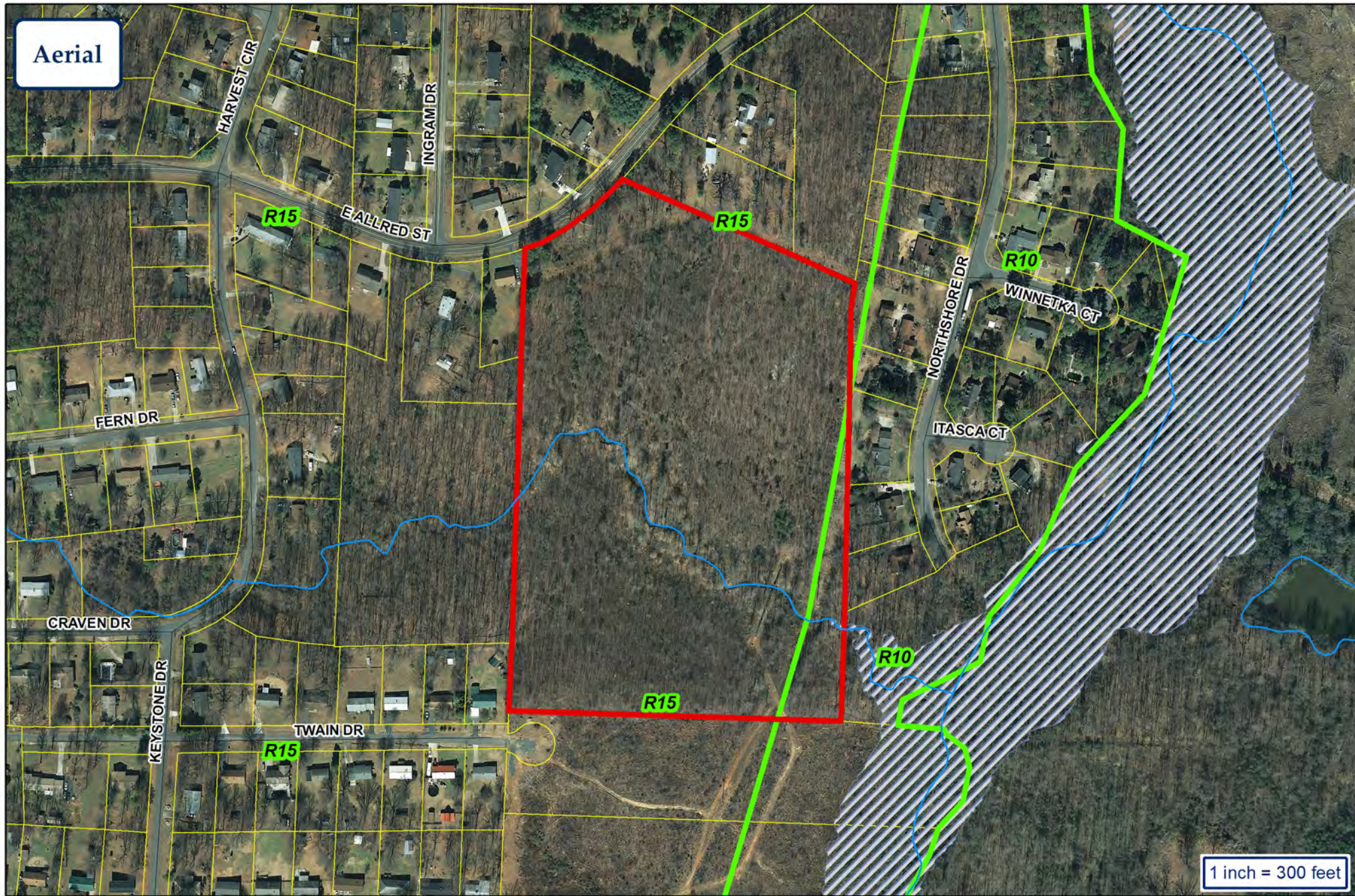
City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-22-03

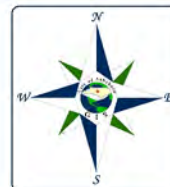
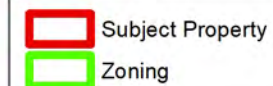
Parcel: 7762401107



Aerial



City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-22-03
Parcel: 7762401107





Planning Board Functioning as Board of Adjustment:

BOA-22-01: Appeal from a final administrative decision regarding the validity of
Special Use Permit CUP-18-10 for property identified by Randolph County
PIN# 7762740259

Staff Report

Board of Adjustment Staff Report

Case: BOA 22-01

Date: April 4, 2022

Appeal from a final administrative decision regarding the validity of Special Use Permit CUP-18-10, authorized in 2018, for property identified by Randolph County PIN# 7762740259.

GENERAL INFORMATION:

Appellant: Hilda DeCortez

Appellant Address: 1591 East Allred St.

Location of Affected Property: Randolph County PIN# 7762740259

Property Size: 4.02 Acres

Underlying Zone: RA6 (CZ)

Overlay Zone: None

Existing Land Use: Undeveloped

Surrounding Land Use:

North: Undeveloped/Residential

East: Residential

South: Undeveloped/Residential

West: Residential

Land Development Plan: Neighborhood Residential/Primary Growth

Requested Administrative Decision

On November 23, 2021, the City of Asheboro Zoning Administrator received from Summey Engineering Associates (See Attachment A) a request for an administrative decision as to whether Special Use Permit CUP-18-10 was still valid. The request was sent on behalf of the property owner, Davidson Land Development, LLC, who was copied on the email.

Notice of Decision

After review of the zoning ordinance, the final decision document for CUP-18-10, and documentation provided by the property owner, a Notice of Decision was mailed to Davidson Land Development on December 30, 2021 (Attachment B) stating that CUP-18-10 has not expired and is valid.

Ordinance Provision Cited

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

1013.8 Discontinuance of Permitted Activity or Failure to Act on a Conditional Use Permit

If any Conditional Use 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. The owner shall demonstrate that the Conditional Use has not been discontinued for a period exceeding 180 days; the project has been started within 180 days; or has not been replaced by a use otherwise permitted to maintain a valid Conditional Use Permit. (7/10/97)

Summary of Zoning Administrator's Determination

When interpreting the zoning ordinance, words not expressly defined by the ordinance "shall have the meaning commonly assigned to them" (AZO Section 1.01). Webster's New World Dictionary of the American Language shall be the reference. Webster's defines the following terms:

Initiate: to cause or facilitate the beginning of: set going

Start: to come into being, activity, or operation; to begin a course or journey; to begin an activity or undertaking, especially: to begin work

Discontinue: to break the continuity of: cease to operate, administer, use, produce, or take

Use: to put into action or service: avail oneself of: EMPLOY; to carry out a purpose or action by means of: UTILIZE

Documentation (Attachment C) provided from the property owner demonstrated that CUP-18-10 was started within 180 days of approval, was not discontinued for a period exceeding 180 days, and was not replaced by a use otherwise permitted. The following facts were found in the final decision:

1) On September 21, 2018, as required by the conditions of CUP-18-10, a properly executed Memorandum of Land Use Restrictions by the previous property owner, McDowell Timber Company, was recorded in the office of the Randolph County Register of Deeds.

Rationale: Planning and Zoning staff view the recordation to the Memorandum of Land Use Restrictions as “starting” or “initiating” CUP-18-10 as it is the first step and beginning of the zoning compliance permitting process. A zoning compliance permit cannot be issued until the Memorandum is recorded. Condition (F) of CUP-18-10 states, “Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to the Conditional Use Permit in the chain of title for the Zoning Lot.

2) On October 26, 2018, McDowell Timber Company made an expenditure of \$2,997.50 to Summey Engineering Associates, PLLC for professional services, including site plan revisions, for CUP-18-10. On December 10, 2018, on site surveying work executed by Survey Carolina was requested by Summey Engineering Associates for the CUP-18-10 property.

Rationale: Planning and Zoning staff view financial expenditures made in reliance of an approved permit as utilizing CUP-18-10. Staff conclude that this view is consistent with UNC School of Government analysis.¹

3) On March 23, 2019, McDowell Timber Company listed the CUP-18-10 property for sale. In their listing through Triad MLS, Inc., McDowell stated “Builders/Developers take a look. Property has been approved by City of Asheboro for 10 townhomes,” showing reliance on the CUP-18-10 approval. This language demonstrating reliance on the CUP-18-10 approval was also included in a listing on the Lands of America real estate website. Further, McDowell included a map in the listings showing the site plan configuration approved as part of CUP-18-10.

Rationale: Planning and Zoning Staff view the listing of property for sale, specifically for the use and site configuration approved as part of CUP-18-10, as utilizing CUP-18-10. Staff conclude that this view is consistent with UNC School of Government analysis.^{1, 2}

4) The CUP-18-10 property was continuously marketed for sale by McDowell Timber Company until, on October 12, 2020, the property was sold to the current owner, Davidson Land Development, LLC.

5) To relieve downward economic pressures on land development resulting from the COVID-19 pandemic, the North Carolina General Assembly extended the term of

development approvals, including CUP-18-10, three times: on May 4, 2020, on September 4, 2020, and on March 11, 2021.

Rationale: Being that the property was listed for sale specifically for the use and site configuration approved as part of CUP-18-10 on the date of the first development approval extension (May 4, 2020), it is the opinion of Planning & Zoning Staff that CUP-18-10 was active and in use on the date of development approval extension by the General Assembly, and its active status has been maintained by the development approval extension. This development approval extension has not been rescinded by the General Assembly.

6) The use of the CUP-18-10 property has not been replaced by a use otherwise permitted in the zoning district for which the property is located.

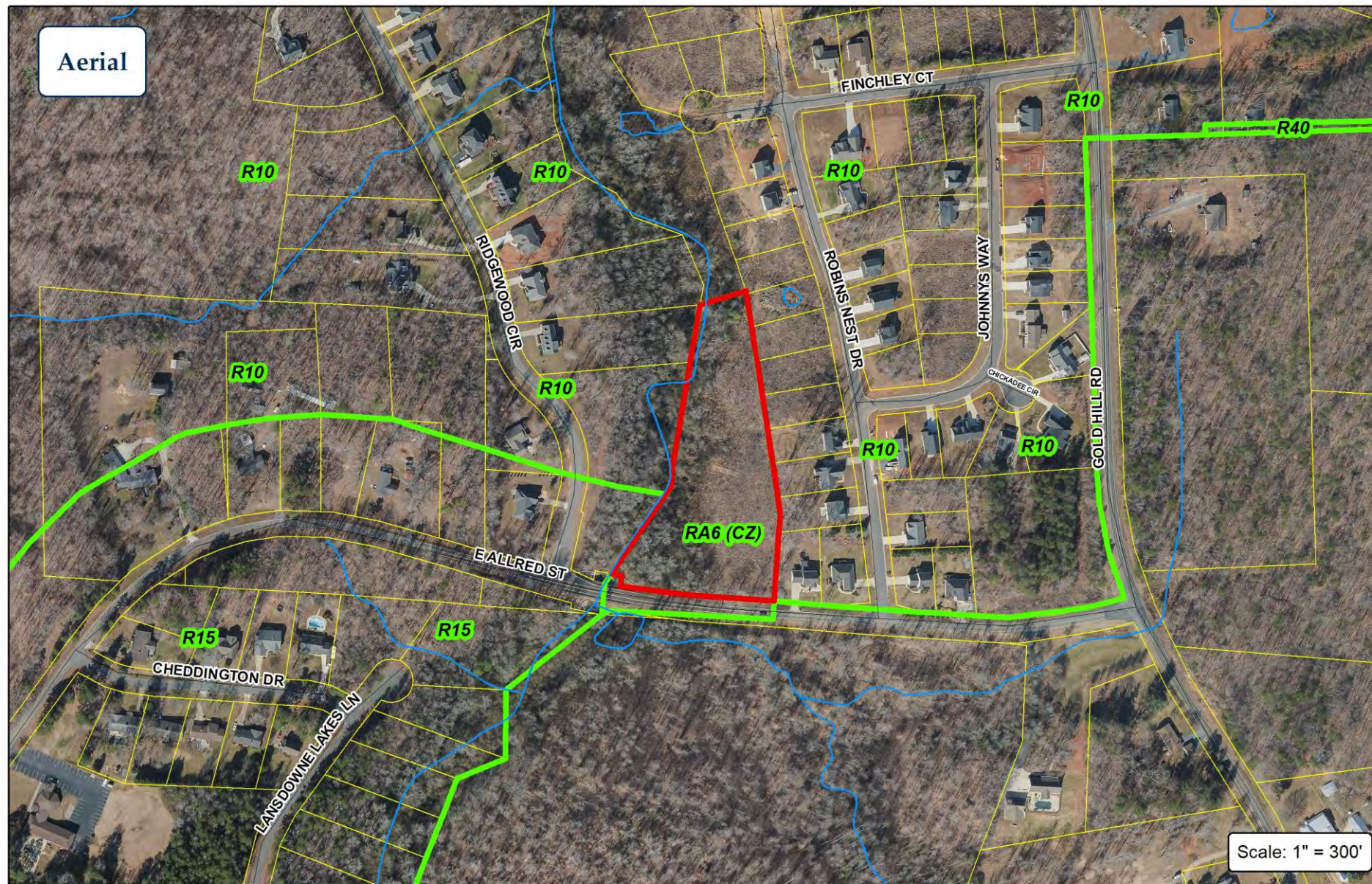
Appeal

On February 14, 2022, notice of the final administrative decision was posted on the property by the property owner in compliance with 160D-403(b) (Attachment D). On February 22, 2022, a Notice of Appeal (Attachment E) was submitted to the City Clerk.

¹ Ducker, Richard. "When Is That Guy Going to Finish His Remodeling Job??" Coates' Canons NC Local Government Law, 27 Feb. 2013, <https://canons.sog.unc.edu/2013/02/when-is-that-guy-going-to-finish-his-remodeling-job/>.

² Lovelady, Adam. "Determining and Distinguishing Land Uses." Coates' Canons NC Local Government Law, 31 May 2013, <https://canons.sog.unc.edu/2013/05/determining-and-distinguishing-land-uses/>.

Aerial



City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-22-01
Appeal

Parcel: 7762740259

 Subject Property
 Zoning



Justin Luck

From: Christian Vestal <christian@summeyengineering.com>
Sent: Tuesday, November 23, 2021 4:51 PM
To: Justin Luck
Cc: John Evans; Chris Reid; Mack Summey
Subject: [External Sender] Cane Creek Townhomes
Attachments: Cane Creek Corresp. Continuation.pdf

Hey Justin,

The client has decided to see if the original CUP-18-10 is still current.

We are requesting for a decision as to the permits status.
See the attached document with noted dates of project related correspondence.
Let us know if you need anything from us on this.
Thanks

Christian Vestal
Design Technician
Summey Engineering Associates, PLLC
P.O. Box 968 | Asheboro, NC 27204
Office: 336.328.0902 | Fax: 336.328.0922
Email: christian@summeyengineering.com

From: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>
Sent: Wednesday, October 13, 2021 1:22 PM
To: Christian Vestal <christian@summeyengineering.com>
Cc: Mack Summey <mack@summeyengineering.com>; Justin Luck <jluck@ci.asheboro.nc.us>; John Evans <jevans@ci.asheboro.nc.us>
Subject: RE: Cane Creek Townhomes 10 Unit

Christian:

In order to determine whether or not CUP-18-10 is expired, a request for a decision from the Zoning Administrator as to the Permit's status will need to be filed with Zoning Administrator Justin Luck. The relevant language from the zoning ordinance, in effect until July 1, 2021 is as follows:

If any Conditional Use 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. The owner shall demonstrate that the Conditional Use has not been discontinued for a period exceeding 180 days; the project has been started within 180 days ; or has not been replaced by a use otherwise permitted to maintain a valid Conditional Use Permit.

City Council adopted the final decision document authorizing the CUP on September 6, 2018. Thus, in order for the permit to be deemed valid, it likely will be necessary to submit to Justin documentation that action was taken initiating that permit (likely including expenditures made in reliance on that permit) within 180 days of Sep. 6, 2018 and that there was a continuation of efforts to advance the project authorized by the permit at least every 180 days thereafter. I will note that in 2020, the General Assembly took action to extend certain development approvals and has since taken subsequent actions that may be relevant to this matter.

Justin Luck and John Evans are copied on this email; should you have questions, please email or call the office.

From: Christian Vestal [<mailto:christian@summeyengineering.com>]
Sent: Wednesday, October 13, 2021 12:58 PM
To: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>
Cc: Mack Summey <mack@summeyengineering.com>
Subject: [External Sender] Cane Creek Townhomes 10 Unit

Hey Trevor,

When you get a chance, can you outline the request that needs to be made by the applicant and the wording that needs to be included in the letter. We are putting together the dates and invoices that were sent for survey/design and planning.

I'm open to a phone call for any clarification on what is required or the process that we need to go through.
Thanks

Christian Vestal
Design Technician

Summey Engineering Associates, PLLC

P.O. Box 968 | Asheboro, NC 27204
Office: 336.328.0902 | Fax: 336.328.0922
Email: christian@summeyengineering.com



December 30, 2021

USPS 1st Class Mail

Davidson Land Development LLC
896 Shiptontown Rd
Lexington, NC 27292

RE: Notice of Decision as to the validity of CUP-18-10 (Randolph County PIN 7762740259)

Dear Property Owner,

In response to your request for an administrative decision received on November 23, 2021, I have researched the issue of whether Conditional Use Permit CUP-18-10 entered by the Asheboro City Council on September 6, 2018, is valid. Conditional Use Permit CUP-18-10 is now properly classified as Special Use Permit CUP-18-10 due to Zoning Ordinance amendments adopted on July 1, 2021. The decision reached is that Special Use Permit CUP-18-10 has not expired and is valid.

I have made this final decision on the basis of the following factors. At the time of approval, section 1013.8 of the Ordinance provided that, in determining the validity of a Conditional Use Permit, the property owner shall demonstrate that the project has been started within 180 days, the Conditional Use has not been discontinued for a period exceeding 180 days, or has not been replaced by a use otherwise permitted. The full text of section 1013.8 was as follows:

1013.8 Discontinuance of Permitted Activity or Failure to Act on a Conditional Use Permit

*If any Conditional Use 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. The owner shall demonstrate that the Conditional Use has not been discontinued for a period exceeding 180 days; the project has been started within 180 days; or has not been replaced by a use otherwise permitted to maintain a **valid** Conditional Use Permit. (7/10/97)*

I am in receipt of documentation demonstrating that Special Use Permit CUP-18-10 was started within 180 days of approval, was not discontinued for a period exceeding 180 days,

and was not replaced by a use otherwise permitted. The following facts have been found in this final decision:

- (1) On September 21, 2018, as required by the conditions of CUP-18-10, a properly executed Memorandum of Land Use Restrictions by the previous property owner, McDowell Timber Company, was recorded in the office of the Randolph County Register of Deeds.
- (2) On October 26, 2018, McDowell Timber Company made an expenditure of \$2,997.50 to Summey Engineering Associates, PLLC for professional services, including site plan revisions, for CUP-18-10.
- (3) On December 10, 2018, on site surveying work executed by Survey Carolina was requested by Summey Engineering Associates for the CUP-18-10 property.
- (4) On March 23, 2019, McDowell Timber Company listed the CUP-18-10 property for sale. In their listing through Triad MLS, Inc., McDowell stated "Builders/Developers take a look. Property has been approved by City of Asheboro for 10 townhomes," showing reliance on the CUP-18-10 approval. This language demonstrating reliance on the CUP-18-10 approval was also included in a listing on the Lands of America real estate website. Further, McDowell included a map in the listings showing the site plan configuration approved as part of CUP-18-10.
- (5) The CUP-18-10 property was continuously marketed for sale by McDowell Timber Company until, on October 12, 2020, the property was sold to the current owner, Davidson Land Development, LLC.
- (6) To relieve downward economic pressures on land development resulting from the COVID-19 pandemic, the North Carolina General Assembly extended the term of development approvals, including CUP-18-10, three times: on May 4, 2020, on September 4, 2020, and on March 11, 2021.
- (7) The use of the CUP-18-10 property has not been replaced by a use otherwise permitted in the zoning district for which the property is located.

Therefore, I have reached the conclusion and final decision, in my capacity as the Zoning Administrator for the City of Asheboro, that Conditional Use Permit CUP-18-10, now Special Use Permit CUP-18-10, has not expired and is valid. The continuing validity of this special use permit is contingent upon compliance at all times with the applicable provisions of the Asheboro Zoning Ordinance, the approved site plan, and supplementary conditions. This Notice of Decision does not serve as a zoning compliance permit, and does not preclude any future enforcement action by officers, employees or contractors of the City charged with enforcement duties under the Ordinance and any other applicable laws, ordinances, and regulations.

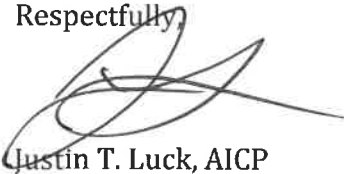
Appeal Rights

You and third parties with standing to appeal my determination of the validity of Special Use Permit CUP-18-10 have a right to file an appeal of this decision to the Board of Adjustment of the City of Asheboro. An application for an appeal to the Board of Adjustment has been included in this letter. Additionally, I have included a copy of section 160D-403 of the North Carolina General Statutes, which discusses staff determinations under development regulations.

If dissatisfied with this final decision, your deadline to file an appeal of decision with the Board of Adjustment is 30 days after the receipt of this notice. The application must be delivered to the City Clerk at 146 N. Church St. Asheboro, NC 27203 or mailed to PO Box 1106 Asheboro, NC 27204.

Should you have any questions please feel free to give me a call at (336) 626-1201 x 292.

Respectfully,

A handwritten signature in black ink, appearing to read 'Justin T. Luck', is written over the word 'Respectfully,'.

Justin T. Luck, AICP
Planning & Zoning Administrator

Cc: Trevor L. Nuttall, Community Development Director

Enclosures

- (E) The Applicant shall be responsible for ensuring compliance with all state and federal permitting requirements.
- (F) A setback of 125 feet rather than 100 feet shall be maintained between the residential property to the west of the Zoning Lot and the activities on the Zoning Lot by means of utilizing undeveloped space on the former residential lot at 208 Pineview Street.
- (G) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to the Conditional Use Permit in the chain of title for the Zoning Lot.

The above-listed final decision document was adopted by the Asheboro City Council in open session during a regular meeting on the 6th day of September, 2018.

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

ATTEST:

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

(e) The final decision document for land use case nos. CUP-18-10 and SUB-18-02.

Case Nos. CUP-18-10 and SUB-18-02
Final Decision Document
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF MCDOWELL TIMBER COMPANY'S APPLICATION FOR A CONDITIONAL USE PERMIT, INCLUDING SUBDIVISION SKETCH DESIGN APPROVAL, AUTHORIZING A RESIDENTIAL PLANNED UNIT DEVELOPMENT KNOWN AS CANE CREEK TOWNHOMES

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH CONDITIONS, THE REQUESTED LAND USE APPROVALS

THIS LAND USE CASE came before the Asheboro City Council (the "Council") for a properly advertised quasi-judicial hearing on August 9, 2018. During this hearing, the Council received evidence, including sworn testimony, and considered all competent evidence and argument. On the basis of competent, material, and substantial evidence, the Council does hereby enter the following:

FINDINGS OF FACT

1. McDowell Timber Company (the "Applicant") has properly applied for a Conditional Use Permit (a "CUP") authorizing a residential planned unit development (a "PUD") with 10 dwelling units. This PUD is to be known as Cane Creek Townhomes. Along with the PUD application, the Applicant properly submitted the mandated subdivision sketch design plat for review and approval.

2. The PUD is proposed for a parcel of land (the "Zoning Lot") owned by the Applicant and located on the north side of East Allred Street, immediately west of 1591 East Allred Street. The Zoning Lot is approximately 4.04 acres in size and is more specifically identified by Randolph County Parcel Identification Number 7762740259.

3. In a legislative act, the Council placed the Zoning Lot in a CU-RA6 (Conditional Use High-Density Residential) zoning district before deliberating about the requested CUP.

4. Section 102 of the City of Asheboro Zoning Ordinance (the "Ordinance") describes a Conditional Use District as follows:

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

5. Section 102 of the Ordinance also provides:

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

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

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

6. Section 1013.2 of the Ordinance establishes the following standards for the issuance by the Council of a CUP:

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

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

7. Section 210 of the Ordinance contains a statement of intent for the RA6 residential zoning district, and this statement of intent provides as follows:

The RA6 Residential District is 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.

8. A PUD is permitted by special use permit in an RA6 zoning district.

9. Section 630, Subsection A of the Ordinance lists the following specific requirements for the issuance of a special use permit, which will be a CUP in this case, allowing a PUD:

- 1. Residential Planned Unit Developments may be permitted in any R40, R15, R10, R7.5, RA6 or OA6 zoning district as long as the proposed development contains a minimum of 2 acres. Those uses ordinarily permitted by right, by SUP, or as an accessory within the district (where) the development is to be located may be included in the development.*
- 2. Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD requires review as a "major" subdivision the Sketch Design Plat shall be properly submitted, reviewed and recommended by*

the Planning Board for the City Council's consideration as the PUD SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the PUD requires a minor subdivision the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council.

3. *Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.*
4. *Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.*
5. *The yard and height regulations set forth in Table 200-1 may be modified for a PUD, provided that, for such development as a whole, excluding public street right-of-ways or the area dedicated to private streets but including individual lots, common areas, parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.*
6. *Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.*
7. *Provisions and plans for garbage and waste collection shall be included with the application.*
8. *Buffers and/or screening shall be installed and maintained based on the types of individual uses contained within the development as per Article 304A.*
9. *Signs will be regulated as per Article 500.*
10. *Off street parking shall be provided as per Article 400.*
11. *General landscaping shall be installed and maintained. Plans indicating all required and non-required landscaping shall be submitted as part of the application.*
10. The land uses surrounding the Zoning Lot are as follows:

North: Medium-Density Residential	East: Medium-Density Residential
South: Undeveloped Residential	West: Medium-Density Residential
11. With regard to the city's comprehensive development plans, the growth strategy map identifies the area in which the Zoning Lot is located as a primary growth area, and the proposed land development plan map designates the area as neighborhood residential.
12. The Zoning Lot's existing land use is classified as undeveloped.
13. The Zoning Lot is located inside the city's corporate limits.
14. East Allred Street is a state-maintained minor thoroughfare.
15. The underlying RA6 zoning district allows single, two-family, and multi-family dwellings.
16. The western portion of the Zoning Lot (approximately 1.6 acres of land) is located within a flood hazard area.
17. The Zoning Lot was previously zoned CU-RA6 with a permit issued for 11 residential dwelling units. This permit expired, and the Zoning Lot was rezoned back to R10 in 2015.
18. Portions of the Zoning Lot are within a flood area, including a part of the proposed turnaround for emergency vehicles. Although the dwelling units appear to be outside of the flood hazard area, Units 8 and 9 are immediately adjacent to the flood area. Confirmation that dwellings and other development activity requiring a flood permit are either completely outside of the flood area or meet flood ordinance requirements (including any required flood development permit(s)) will be needed prior to the issuance of a Zoning Compliance Permit(s).
19. The Applicant's site plan indicates that the units will have a minimum of 1,200 square feet. There are three residential structures. Two of the structures contain four dwelling units each. The third

structure contains two dwelling units. The proposed design includes single-story units with a one-car garage provided for each of the units.

20. The North Carolina Building Code requires a two-hour rated firewall for the structures with two dwellings. The structures with four dwellings require a one-hour rated firewall plus a sprinkler system.

21. A recreational area is proposed for the west side of the Zoning Lot.

22. The Applicant proposes to use a combination of planted buffering/landscaping, existing vegetation, and an evergreen screen between the proposed public street and the adjoining residential use to the east.

23. Mr. Barron Thompson, Esq. was placed under oath and provided testimony on behalf of the Applicant. As part of his testimony, Mr. Thompson expressed agreement with the following conditions that were recommended by the city's planning staff for attachment to the requested Conditional Use Permit in order to ensure long-term compliance of the proposed development with the Ordinance:

- (A) The site plan shows preservation of the existing vegetation, outside of areas of necessary site disturbance, along the western and northern portions of the Zoning Lot. If the vegetation is not preserved in this area, a Type A Buffer or Screen shall be installed by the developer.
- (B) The site plan shows a combination of preserved existing vegetation and planted vegetation, outside of areas of necessary site disturbance, within the front yard along East Allred Street. At a minimum, the vegetation required by Section 308A of the Ordinance shall be installed and maintained within the front yard along East Allred Street.
- (C) The enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside of the common area will not be considered a modification that requires a new permit.
- (D) Units shall possess a minimum of 1,200 square feet of heated space.
- (E) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (1) Driveway permit(s) from the North Carolina Department of Transportation.
 - (2) Erosion control approval(s) from the North Carolina Department of Environmental Quality.
- (F) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to the Conditional Use Permit in the chain of title for the Zoning Lot.

24. The proposed street is 457 linear feet in length and includes a public service vehicle turnaround. This length meets the requirement that permanent dead-end streets not exceed 500 feet unless topography or property configuration necessitates their use. The presence of extensive flood plain and adjacent development patterns support the subdivision's street layout.

25. The proposed PUD does not pose any elevated risk of generating health and safety concerns.

26. No testimony was offered in opposition to either the Applicant's request or the testimony/evidence introduced during the hearing of this land use case.

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

CONCLUSIONS OF LAW

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

2. In this case, the Applicant properly submitted an application for a conditional use permit authorizing a PUD on the Zoning Lot that is located in a CU-RA6 zoning district.

3. In light of the evidence and the Applicant's acceptance of the conditions attached to the conditional use permit by the Council, the Applicant's proposed land use is compliant with the applicable requirements of the Ordinance.

4. On the basis of substantial evidence in the record, the Council has concluded that, with the clarifications and protections provided by the conditions attached to this permit, the proposed land use meets the four general standards for granting the requested conditional use permit. The proposed land use will not materially endanger the public health or safety, meets all required conditions and specifications of the Ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

5. The Applicant's subdivision sketch design review application, with the comments/conditions noted herein, is compliant with the applicable land use regulations.

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

ORDER

Part 1 – Conditional Use Permit

Subject to the following conditions, a Conditional Use Permit authorizing the proposed residential planned unit development on the Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. The continuing validity of this Conditional Use Permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the approved site plan, and the following supplementary conditions:

- (A) The site plan shows preservation of the existing vegetation, outside of areas of necessary site disturbance, along the western and northern portions of the Zoning Lot. If the vegetation is not preserved in this area, a Type A Buffer or Screen shall be installed by the developer.
- (B) The site plan shows a combination of preserved existing vegetation and planted vegetation, outside of areas of necessary site disturbance, within the front yard along East Allred Street. At a minimum, the vegetation required by Section 308A of the Ordinance shall be installed and maintained within the front yard along East Allred Street.
- (C) The enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside of the common area will not be considered a modification that requires a new permit.
- (D) Units shall possess a minimum of 1,200 square feet of heated space.
- (E) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (1) Driveway permit(s) from the North Carolina Department of Transportation.
 - (2) Erosion control approval(s) from the North Carolina Department of Environmental Quality.
- (F) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to the Conditional Use Permit in the chain of title for the Zoning Lot.

Part 2 – Subdivision Sketch Design Approval

The subdivision sketch design plat submitted under Case No. SUB-18-02 for the residential planned unit development known as Cane Creek Townhomes is hereby approved with the comment/condition that homeowners' documents with restrictions concerning recreational vehicle parking and maintenance mechanisms for the common area must be recorded with the final subdivision plat.

The foregoing final decision document was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of September, 2018.

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

ATTEST:

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

- (f) **The final decision document for land use case no. CUP-18-14 (the original meeting agenda listed the erroneous case no. SUP-18-03).**

**Case No. CUP-18-14
City Council
City Council of the City of Asheboro, North Carolina**

**IN THE MATTER OF THE APPLICATION BY ANTONIO CALIZ, JUAN CALIZ, BRAYAN CALIZ, AND
ABRAHAM CALIZ FOR A CONDITIONAL USE PERMIT AUTHORIZING A MANUFACTURING,
PROCESSING, AND ASSEMBLY – LIGHT LAND USE**

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

THIS LAND USE CASE came before the Asheboro City Council (the "Council") for a properly advertised quasi-judicial hearing on August 9, 2018, under file no. SUP-18-03. The assignment of a special use permit file number was the result of a clerical error. The applicants need a conditional use permit to conduct the proposed land use, and the correct file/case number is CUP-18-14.

During the quasi-judicial hearing, sworn testimony was received, and the Council considered all competent evidence and argument. On the basis of competent, material, and substantial evidence, the Council does hereby enter the following:

FINDINGS OF FACT

1. By and through their agent, Antonio Caliz, Juan Caliz, Brayan Caliz, and Abraham Caliz (these individuals will be hereafter collectively referred to as the "Applicant") properly submitted an application for a Conditional Use Permit (a "CUP") authorizing a land use identified in Table 200-2 of the Asheboro Zoning Ordinance (the "Ordinance") as a manufacturing, processing, and assembly – light land use.
2. In compliance with the Ordinance, the Applicant submitted a site plan showing the proposed land use on a parcel of land owned by Kathryn H. Allred. Ms. Allred testified during this hearing as to her support for the CUP application.
3. This land for which a CUP is sought (the "Zoning Lot") is approximately 6.7 acres in size and is located at 307 and 313 East Allred Street. The Zoning Lot is more specifically described as a portion of the parcel of land identified by Randolph County Parcel Identification Number 7762112401.
4. The Zoning Lot is located in a CU-B2 (Conditional Use General Commercial) zoning district.
5. Section 102 of the Ordinance describes a Conditional Use District as follows:
Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.
6. Section 102 of the Ordinance further provides as follows:
Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

September 13, 2018

Via Certified Mail

Mr. Ken McDowell
1926 Old Humble Mill Rd.
Asheboro, NC 27205

RE: RZ-CUP-18-10 (Rezoning and Conditional Use Permit for Cane Creek Townhomes) and
SUB-18-02 (Subdivision Sketch Design Review for Cane Creek Townhomes)

Dear Mr. McDowell:

During the City Council meeting on August 6, 2018 the Council voted to approve both the rezoning (from R10 Medium-Density Residential to RA6 Medium-Density Residential) and the request allowing a Residential Planned Unit Development for the following property:

The property of McDowell Timber Company 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 Identification No. 7762740259.

On September 6, 2018, the Council approved the "Final Decision Document" detailing approval of the Conditional Use Permit, which also included approval of the Subdivision Sketch Design for Cane Creek Townhomes. The final decision document, which includes supplementary conditions which the Conditional Use Permit is subject to, is enclosed for your records, along with the site plan and building elevations that were reviewed during the August 6, 2018 City Council meeting.

The next steps to initiate the permit are as follows:

1.) Execute the "Memorandum of Land Use Restrictions" provided by the City of Asheboro. City staff will contact the property owner once this is ready to be picked up from the Planning & Zoning Department office at City Hall (146 N. Church St.).

Once executed, the Memorandum of Land Use Restrictions will need to be returned to the Planning and Zoning Office at City Hall in a timely manner. City officials/staff will then sign and record the memo in the Randolph County Public Registry (Register of Deeds Office). There is no additional cost to you to record the memo upon confirmation that the conveyance to establish the revised/new boundary lines on the approved site plan has been properly executed and recorded.

Cane Creek Townhomes RZ-CUP-18-10/SUB-18-10
Residential Planned Unit Development
Page Two

2.) In order to begin construction, a Preliminary Plat must be approved by the Planning Board and City Council. A checklist noting the items generally required for a Preliminary Plat is enclosed. Additionally, the Final Decision Document Order (Part 1, Conditional Use Permit, Items (E)(1) and (E)(2)) requires driveway permit approval from NC Department of Transportation and erosion control approval from NC Department of Environmental Quality be obtained prior to receiving a zoning compliance permit and applicable building permits to begin construction of dwelling(s).

If you are dissatisfied with the decision of the Council, an appeal may be taken to the Superior Court of Randolph County within 30 days of the receipt of this letter. 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 Permit shall be null and void and of no effect.

If you have any questions, please contact me at 336-626-1201 ext. 225.

Sincerely,

John L. Evans, AICP
Assistant Director
City of Asheboro Community Development Division
336-626-1201 Ext. 225
jevans@ci.asheboro.nc.us

c.c. Ben C. Morgan, Attorney at Law

Enclosures: Approved Site Plan & Building Elevations,
Final Decision Document
Preliminary Plat Checklist

09/21/2018 09:52:06 AM

MEMORANDUM
Fee \$26.00



20067222

Randolph County North Carolina
Krista M. Lowe, Register of Deeds

MEMORANDUM OF LAND USE RESTRICTIONS

Brief Description of Property: Cane Creek Townhomes Subdivision; North Side of East Allred Street, West of Gold Hill Road and Robins Nest Drive

This instrument was prepared by Jeffrey C. Sugg, Asheboro City Attorney, Post Office Box 1106, Asheboro, North Carolina 27204-1106.

AK ✓
Please place the recorded instrument in the City of Asheboro box for pickup.

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

THIS MEMORANDUM OF LAND USE RESTRICTIONS is executed this 20th day of September, 2018, by and between the following Grantor and Grantee:

GRANTOR: McDOWELL TIMBER COMPANY,
A North Carolina General Partnership,
1926 Old Humble Mill Road,
Asheboro, North Carolina 27205

GRANTEE: CITY OF ASHEBORO,
A North Carolina Municipal Corporation,
Post Office Box 1106,
Asheboro, North Carolina 27204-1106

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

WITNESSETH:

During a regular meeting on August 9, 2018, the City Council of the City of Asheboro, North Carolina (the "Council") considered the evidence presented during a properly advertised quasi-judicial hearing and approved, subject to the conditions referenced herein, a Conditional Use Permit ("CUP") and a subdivision sketch design plat authorizing the development of a residential planned unit development ("PUD") on the Grantor's parcel of land that is described in the next paragraph.

The parcel of land subject to the CUP and the subdivision sketch design plat approval (this land will be hereafter referred to as the "Zoning Lot") is more specifically described as follows:

City of Asheboro, Franklinville Township, Randolph County,
North Carolina:

BEING ALL of the 4.04 acres, more or less, of McDowell Timber Company land lying on the north side of East Allred Street that was conveyed to the Grantor as Tract 5 in the North Carolina Special Warranty Deed recorded in the Office of the Register of Deeds for Randolph County, North Carolina in Book of Record 2406, Page 1000.

At the time of the execution of this instrument, the Randolph County Parcel Identification Number assigned to the Zoning Lot was 7762740259.

Without the conditions attached to the CUP identified by City of Asheboro Community Development Division Case Number CUP-18-10, the Council would have been unable to properly enter the findings and conclusions required for the issuance of a CUP. Consequently, during the hearing on August 9, 2018, authorized representatives of the Grantor (also referred to as the "Applicant") accepted the conditions attached to the CUP that was initially approved on August 9, 2018, and formally issued with the Council's adoption of the final decision document on September 6, 2018.

The subdivision sketch design plat approval, with the comment/condition referenced herein, was granted under City of Asheboro Community Development Division Case Number SUB-18-02.

Consistent with the testimony offered on August 9, 2018, and in order to develop a PUD on the Zoning Lot in compliance with the Asheboro Zoning Ordinance (the "Ordinance"), the Grantor/Applicant hereby expressly agrees to the CUP terms and conditions referenced herein. The issuance of the requested CUP, and the acceptance of the permit by the Applicant, has the legal impact of subjecting the Zoning Lot to land use restrictions that run with the land.

On September 6, 2018, with the adoption of the final decision document granting the requested land use approvals, the Council entered the following Order for Case Nos. CUP-18-10 and SUB-18-02.

**ORDER ADOPTED BY THE CITY COUNCIL OF THE CITY
OF ASHEBORO ON SEPTEMBER 6, 2018**

Part 1 – Conditional Use Permit

Subject to the following conditions, a Conditional Use Permit authorizing the proposed residential planned unit development on the Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. The continuing validity of this Conditional Use Permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the approved site plan, and the following supplementary conditions:

- (A) The site plan shows preservation of the existing vegetation, outside of areas of necessary site disturbance, along the western and northern portions of the Zoning Lot. If the vegetation is not preserved in this area, a Type A Buffer or Screen shall be installed by the developer.

- (B) The site plan shows a combination of preserved existing vegetation and planted vegetation, outside of areas of necessary site disturbance, within the front yard along East Allred Street. At a minimum, the vegetation required by Section 308A of the Ordinance shall be installed and maintained within the front yard along East Allred Street.
- (C) The enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside of the common area will not be considered a modification that requires a new permit.
- (D) Units shall possess a minimum of 1,200 square feet of heated space.
- (E) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (1) Driveway permit(s) from the North Carolina Department of Transportation.
 - (2) Erosion control approval(s) from the North Carolina Department of Environmental Quality.
- (F) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to the Conditional Use Permit in the chain of title for the Zoning Lot.

Part 2 – Subdivision Sketch Design Approval

The subdivision sketch design plat submitted under Case No. SUB-18-02 for the residential planned unit development known as Cane Creek Townhomes is hereby approved with the comment/condition that homeowners' documents with restrictions concerning recreational vehicle parking and maintenance mechanisms for the common area must be recorded with the final subdivision plat.

**[The remainder of this page has been intentionally left blank.
The signature pages for the parties are on the next three pages.]**

IN WITNESS WHEREOF, the parties have caused this instrument to be executed on the day and year first written above.

GRANTOR:

**MCDOWELL TIMBER COMPANY,
A North Carolina General Partnership**

By: Herman K. McDowell, Jr. (SEAL)
Herman K. McDowell, Jr., General Partner

**STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH**

I, the undersigned Notary Public of Randolph County, North Carolina, do hereby certify that Herman K. McDowell, Jr., who is either personally known by me or whose identity was proven to me by satisfactory evidence, appeared before me in person this day and acknowledged that he is a General Partner of McDowell Timber Company, a North Carolina General Partnership, and he further acknowledged that as General Partner, with authority to do so, he voluntarily executed the foregoing instrument on behalf of the partnership for the purposes stated therein.

WITNESS my hand and notarial seal or stamp, this the 19 day of September, 2018.

Juanita G Neptune
Notary Public's Signature

NOTARIAL SEAL OR STAMP

Juanita G Neptune
Notary Public's Printed or Typed Name

My commission expires:

10/25/2020



GRANTOR:

**MCDOWELL TIMBER COMPANY,
A North Carolina General Partnership**

By: Tony D. McDowell (SEAL)
Tony D. McDowell, General Partner

**STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH**

I, the undersigned Notary Public of Randolph County, North Carolina, do hereby certify that Tony D. McDowell, who is either personally known by me or whose identity was proven to me by satisfactory evidence, appeared before me in person this day and acknowledged that he is a General Partner of McDowell Timber Company, a North Carolina General Partnership, and he further acknowledged that as General Partner, with authority to do so, he voluntarily executed the foregoing instrument on behalf of the partnership for the purposes stated therein.

WITNESS my hand and notarial seal or stamp, this the 19 day of September, 2018.

Juanita G Neptune
Notary Public's Signature

NOTARIAL SEAL OR STAMP

Juanita G Neptune
Notary Public's Printed or Typed Name

My commission expires:

10/25/2020



GRANTEE:

CITY OF ASHEBORO, NORTH CAROLINA,
A North Carolina Municipal Corporation



By:

David H. Smith

(SEAL)

David H. Smith, Mayor

ATTEST:

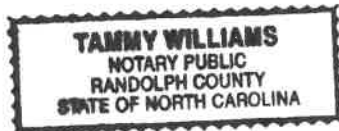
Holly H. Doerr

Holly H. Doerr, CMC, NCCMC, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I, the undersigned Notary Public of Randolph County, North Carolina, do hereby certify that Holly H. Doerr, who is personally known by me, appeared in person before me this day and acknowledged that she is City Clerk for the City of Asheboro, a North Carolina municipal corporation, and that, by authority duly given and as the act of the municipal corporation, the foregoing instrument was voluntarily signed by Mayor David H. Smith for the purposes stated therein with Ms. Doerr affixing the municipal corporation's seal and attesting the instrument in her capacity as City Clerk for the City of Asheboro.

WITNESS my hand and notarial seal or stamp, this the 20th day of September, 2018.



Tammy Williams
Notary Public's Signature

NOTARIAL SEAL OR STAMP

Tammy Williams
Notary Public's Printed or Typed Name

My commission expires:

6/20/21

Summey Engineering Associates, PLLC

Phone: 336-328-0902 Fax: 336-328-0922

Asheboro, NC 27204

Engineering - Land Planning - Consulting

P.O. Box 968

Invoice

Date	Invoice #
10/23/2018	5917

Bill To
Ken McDowell McDowell Timber Co. 1934 Old Humble Mill Road Asheboro, NC 27205

10-23-18

For UPS, Fedex deliveries, etc., please remit to:
1342 East Salisbury St.
Asheboro NC 27203

Project	Terms
SEA Job E-4849	Due on receipt

Item	Description	Amount
Professional Services Rende...	Cane Creek Town Home Development - Sketch Plan	0.00
Civil/Site Development	Includes site plan revisions as required by City of Asheboro for approval of sketch plan review. Includes meetings with planning board and city council and meetings with city staff. (Includes reduced rates)	2,897.50
City Review Fee	Fee paid by SEA, PLLC to City of Asheboro - at cost.	100.00
Note: A processing fee of \$25.00 will be charged on all returned checks.		

Thank You For This Opportunity to Serve You!

Total \$2,997.50

A FINANCE CHARGE OF 1.5% PER MONTH (18% ANNUALLY) WILL BE ADDED TO ALL INVOICES UNPAID AFTER 30 DAYS.
CREDIT CARD PAYMENTS ARE ACCEPTABLE BY PHONE.
PLEASE RETURN 1 COPY OF INVOICE WITH PAYMENT.

Summey Engineering Associates, PLLC

Engineering - Land Planning - Consulting

Phone: 336-328-0902 Fax: 336-328-0922

P.O. Box 968

Asheboro, NC 27204

Invoice

Date	Invoice #
10/23/2018	5917

Bill To
Ken McDowell McDowell Timber Co. 1934 Old Humble Mill Road Asheboro, NC 27205

PAID
10/26/2018

For UPS, Fedex deliveries, etc., please remit to: 150 S. Fayetteville Street Asheboro, NC 27203

Project	Terms
SEA Job E-4849	Due on receipt

Item	Description	Amount
Professional Services Rende...	Cane Creek Town Home Development - Sketch Plan	0.00
Civil/Site Development	Includes site plan revisions as required by City of Asheboro for approval of sketch plan review. Includes meetings with planning board and city council and meetings with city staff. (Includes reduced rates)	2,897.50
City Review Fee	Fee paid by SEA, PLLC to City of Asheboro - at cost.	100.00
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Thank You For This Opportunity to Serve You!

Total \$2,997.50

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CREDIT CARD PAYMENTS ARE ACCEPTABLE BY PHONE.
PLEASE RETURN 1 COPY OF INVOICE WITH PAYMENT.

From: Daniel Tanner <mail@surveycarolina.com>
Sent: Monday, December 10, 2018 9:00 AM
To: Christian Vestal
Subject: Allred St

12-10-18

Christian, we shot the corners. Let me check and see if that's the file we sent

On 12/7/2018 7:55 AM, Christian Vestal wrote:

Hey Dan,
Did this boundary get surveyed? Or is it just meets / bounds

Christian Vestal

Summey Engineering Associates, PLLC

P.O. Box 968 | Asheboro, NC 27204

Office: 336.328.0902 | Fax: 336.328.0922

Email: christian@asheboro.com

0 Allred Street Asheboro, NC 27205

MLS#: **924958** Sub Type: **Vacant Land/MultiFamily**
 Tax Parcel: **7762740259**
 Neighborhood:
 Zoning: **CURA-6** City Limits:
 Legal Desc:
 Deed Bk/Pg: **2406/1000** Lot #:

Status: **Expired**
 County: **Randolph**

List Price: **\$59,900**DOM: **283** CDOM: **283**Plat Bk/Pg: **70/73**Deed Restriction: **No****General Information**

Deed Restrict: **No** Easement:
 Best Use: **Multi-Family**
 Fencing:
 Main Rd Type: **2-Lane, Paved, State Maintained**

Acres: **4.02**Price/AC: **\$14,900****Informational**

Directions: **220 Bus north, turn right on Allred Street property on left just past Ridgewood Circle.**

Public Remarks: **Builders/Developers take a look. Property has been approved by City of Asheboro for 10 townhomes. See map attached. Call listing agent for more information.**

HOA: **No** HOA Fee 1:
 Tax Map: **No** Tax Block:
 Tax Value: **\$14,760.00** Tax Rate: **1.4675** HOA Fee 1 Paid:
 Seller Rep: **Owned property for at least one year** Tax Lot:
 Tax Amount: **\$195.04** Tax Year: **2018**
 Financing Opt: **Cash**

Owner/Listing/Agent/Office Information

Owner Name: **McDowell Timber Company** Type of Sale: **Owner Sale** LF Holds Earnest \$: **No**
 Agency Type: **Buyer Agent Only** List Type: **Exclusive Right to Sell**
 Listing Office: **McDowell Real Estate (AMCDRE01)**
 Listing Agent: **Ken McDowell (AMCDOWK) imcdowell4@triad.rr.com** List Office Phone: **336-625-4567**
 CoList Office: **McDowell Real Estate (AMCDRE01)** Preferred Phone: **336-302-9225**
 CoList Agent: **Lowanda McDowell (AMCDOWL) imcdowell4@gmail.com** CoList Office Phone: **336-625-4567**
 CoList Agent Phone: **336-625-4567**
 Comp Type: **%** Compensation: **2.50**
 Show Instruct: **Appointment Required** Appt Phone: **855-920-8200**
 Broker Package:
 Expire Date: **12/31/2019** Modification Dt: **03/17/2021** Contract Date:
 Allow AVM: **Yes** Allow Blog: **No** Withdrawn Dt:
 Advertise on Inet: **Yes** Auction Price Type:
 List/Marketing Date: **03/23/2019**
 DDP End Date:
 Address on Inet: **Yes**



Property Marketing Report prepared by: McDowell Real Estate

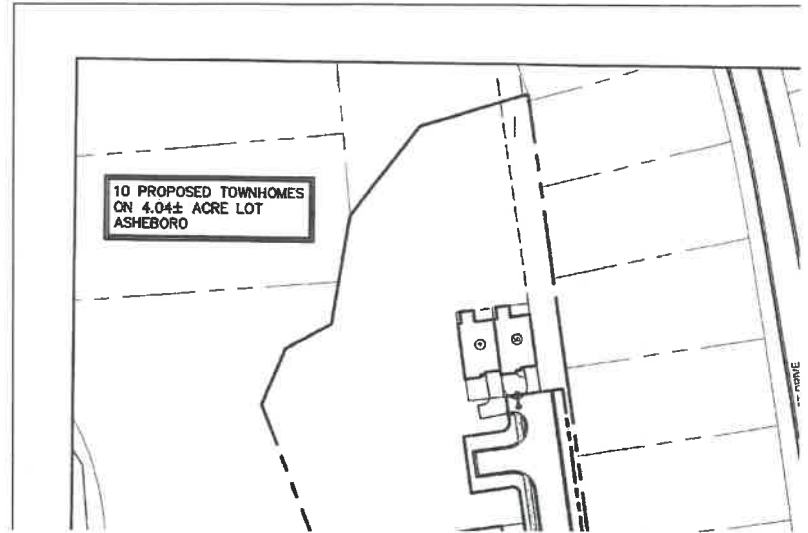
Property ID: 6682737 | 4.02 acres in Randolph County, North Carolina | www.landsofamerica.com/listing/6682737

Property Details (For Sale)

Acres: 4
Price: \$59,900
Type: Residential Property
County: Randolph
City: Asheboro
State: North Carolina

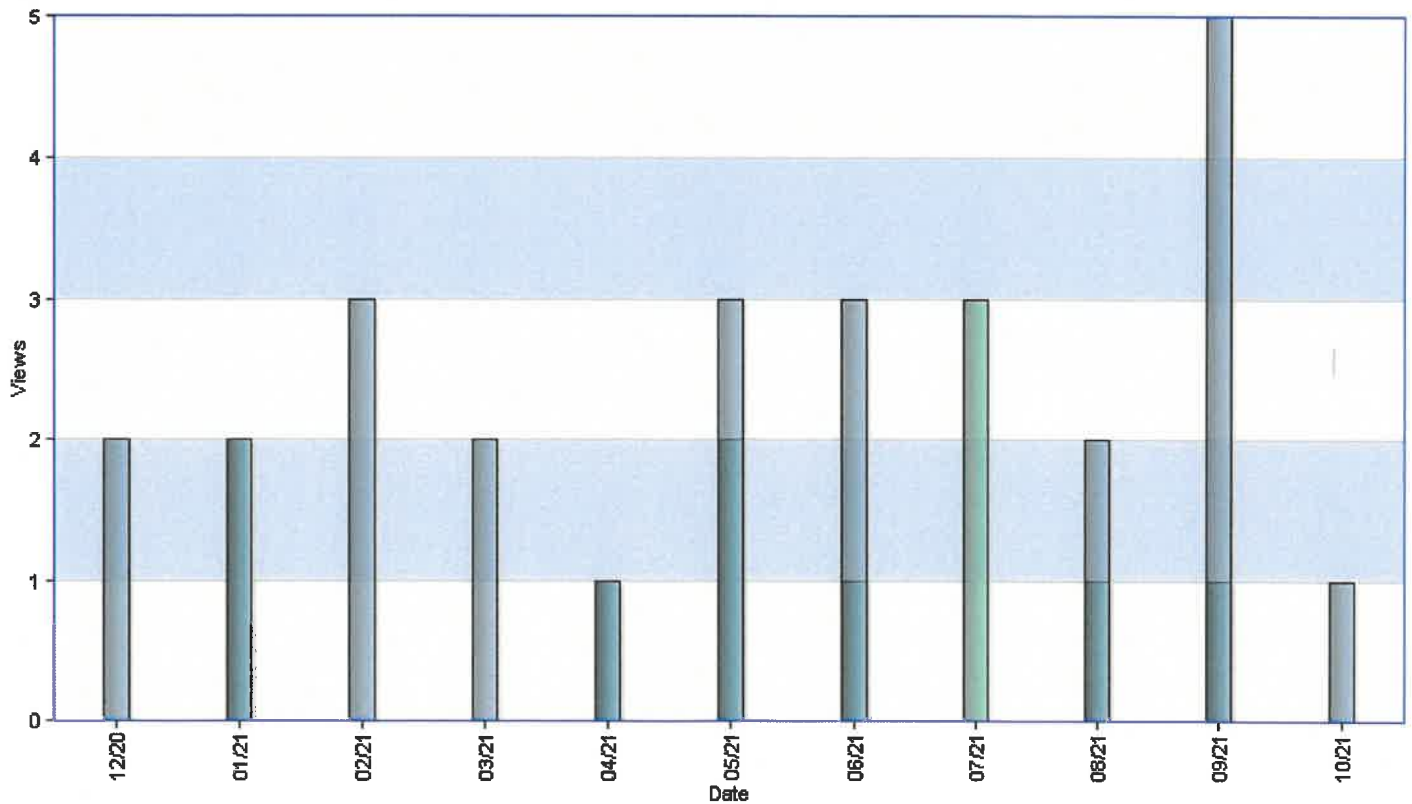
Lifetime Property Statistics

Days Advertised: 996
Displayed in Searches: 19,461
Details Viewed: 277
Inquired by Email: 0
Shared with Someone: 0
Flyers Printed: 0
Visited Website: 0
Requested Phone: 1
Total Actions & Leads: 1



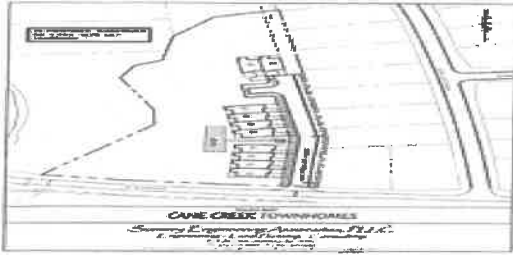
From Dec 1, 2020 to Dec 13, 2021 (12 months): Displayed 11 times in search results; clicked and viewed 24 times

■ Detail Page Clicked and Viewed ■ Displays in Search Results



Property Marketing Report prepared by: McDowell Real Estate

Property ID: 6682737 | 4.02 acres in Randolph County, North Carolina | www.landsofamerica.com/listing/6682737



\$59,900 -- 4.02 acres

East Allred Street, Asheboro, NC 27203

- Randolph County

Residential Property

Cane Creek

State	County	City	Zip
North Carolina	Randolph County	Asheboro	27203
Address	Price	Acreage	Bedrooms
East Allred Street	\$59,900 -	4.02 acres	0
Baths			
0			

Description

Builders & Developers take a look! Property has been approved by the City of Asheboro for 10 townhomes. North Asheboro area.

Seller Contact Information

McDowell Real Estate

McDowell Real Estate
1934 Old Humble Mill Rd
Asheboro, NC 27205
lmcowell@klwestern.com
(336) 302-7818 (Office)
(336) 302-7818 (Mobile)

Property Boundaries



Powered by Lands of America

This information believed accurate but not warranted

From: Daniel Tanner <mail@surveycarolina.com>
Sent: Tuesday, May 07, 2019 11:19 AM
To: Christian Vestal
Subject: Mcdowell Property Allred st
Attachments: 13111_canecreek Allred Lidar

5-7-19

I've got some on this, let me know if you need more
Thanks
Daniel

On 05/06/2019 10:31 AM, Christian Vestal wrote:

> Dan,
>
> Can you get us topo / lidar?
> Let me know when you think you'll have it, and if you need anything else.
> Thanks
>
>
> Christian Vestal
> Summey Engineering Associates, PLLC
> P.O. Box 968 | Asheboro, NC 27204
> Office: 336.328.0902 | Fax: 336.328.0922
> Email:
> Christian@summeyengineering.com<mailto:Christian@summeyengineering.com>

INVOICE

Survey Carolina, PLLC

154 S. Fayetteville St., Ste. B

Asheboro, NC 27203

336-625-8000

mail@surveycarolina.comwww.surveycarolina.com**BILL TO**

Summey Engineering Associates, PLLC

INVOICE #	DATE	TOTAL DUE		TERMS	ENCLOSED
10184	05/12/2019	\$0.00		Due on Receipt	

DESCRIPTION	AMOUNT
Survey for LIDAR TOPO for Property Located at Cane Creek Subdivision, Asheboro	\$250.00

Invoices are Due Upon Receipt. Interest at a rate of 1.5% per month may be charged if not paid within 30 days of the invoice date and may be applied retroactively to due date. Charging of such interest shall not be construed as obligating Survey Carolina, PLLC to grant any extension of time in the terms of payment.

PAYMENT	\$250.00
BALANCE DUE	\$ 0.00

Thank you for your business.

The highest compliment I can receive is your referral.

From: Daniel Tanner <mail@surveycarolina.com>
Sent: Friday, October 25, 2019 3:19 PM
To: Christian Vestal
Subject: Cane Creek

10 - 25 - 19

Did we talk about a buyer for this the other day, or was that Timber Ridge?
If so, how many units did it have
Thanks
Daniel

From: Mack Summey
Sent: Friday, December 27, 2019 10:30 AM
To: Bobby Pittenger
Subject: Asheboro - Cane Creek Building elevations_1, Cane Creek Site 7-25-18 _1
Attachments: Cane Creek Building elevations_1.pdf; Cane Creek Site 7-25-18 _1.pdf

12-27-19

Bobby

Heres the Town home sketch plan that was approved and the building sketch elevations.
I think this one was around \$60k plus or minus for the property.

Thanks!

Mack

H. Mack Summey, Jr., PE

Summey Engineering Associates, PLLC

Engineering - Land Planning - Consulting P.O. Box 968 Asheboro, NC 27204 Office - 336-328-0902 Fax - 336-328-0922

Email: Mack@summeyengineering.com

SEA, PLLC COMPUTER FILE DISCLAIMER

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Your message is ready to be sent with the following file or link attachments:

Cane Creek Building elevations_1

Cane Creek Site 7-25-18 _1

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

From: Survey Carolina <mail@surveycarolina.com>
Sent: Friday, April 17, 2020 2:45 PM
To: Christian Vestal
Cc: Mack Summey
Subject: RE: Cane Creek
Attachments: 13111 allred points

4-17-20

Christian, I have the inverts in this point file.
Thanks
Daniel

From: Christian Vestal <christian@summeyengineering.com>
Sent: Friday, April 17, 2020 1:02 PM
To: Survey Carolina <mail@surveycarolina.com>
Cc: Mack Summey <mack@summeyengineering.com>
Subject: Cane Creek

Daniel,
Do you have flood plain shape files for Cane Creek? Manhole info at the creek in robins nest needed too
Thanks

Christian Vestal
Design Technician
Summey Engineering Associates, PLLC
P.O. Box 968 | Asheboro, NC 27204
Office: 336.328.0902 | Fax: 336.328.0922
Email: christian@summeyengineering.com

Commission on Governmental Operations, and the Office of State Budget and Management on its specific efforts to exercise regulatory flexibility under this section.

SECTION 4.38.(d) State agencies shall exercise the authority granted pursuant to this section to the maximum extent practicable in order to protect the economic well-being of the citizens and businesses of the State, while also continuing to protect public health, safety, and welfare.

SECTION 4.38.(e) State agencies may adopt emergency rules for the implementation of this section in accordance with G.S. 150B-21.1A. Notwithstanding G.S. 150B-21.1A(a), an agency shall not commence the adoption of temporary rules pursuant to this section. Notwithstanding G.S. 150B-21.1A(d)(4), an emergency rule adopted pursuant to this section shall expire August 1, 2020.

SECTION 4.38.(f) This section is effective retroactively to March 10, 2020. Subsections (a), (b), (d), and (e) of this section expire August 1, 2020.

AUTHORIZE EXTENSION OF TRAINING AND CERTIFICATION OF LAW ENFORCEMENT OFFICERS BY FORENSIC TESTS FOR ALCOHOL BRANCH

SECTION 4.39.(a) The Forensic Tests for Alcohol Branch of the Department of Health and Human Services (Branch) may delay or modify any educational or examination requirements for recertification of law enforcement officers. For any certification issued prior to March 10, 2020, the Branch may extend that certification no later than December 31, 2020, if the educational or examination requirements associated with renewal or recertification are delayed in accordance with this section.

SECTION 4.39.(b) This section is effective retroactively to March 10, 2020, and expires January 1, 2021.

EXTEND CERTAIN LOCAL GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE

SECTION 4.40.(a) Definitions. – As used in this section, the following definitions apply:

- (1) Development approval. – Any of the following approvals issued by any unit of local government, regardless of the form of the approval, that are for the development of land:
 - a. Any approval of an erosion and sedimentation control plan granted by a local government under Article 4 of Chapter 113A of the General Statutes.
 - b. Any building permit issued under Article 9 of Chapter 143 of the General Statutes.
 - c. Any approval by a county of sketch plans, preliminary plats, plats regarding a subdivision of land, a site-specific development plan or a phased development plan, a development permit, a development agreement, or a building permit under Article 18 of Chapter 153A of the General Statutes.
 - d. Any approval by a city of sketch plans, preliminary plats, plats regarding a subdivision of land, a site-specific development plan or a phased development plan, a development permit, a development agreement, or a building permit under Article 19 of Chapter 160A of the General Statutes.
 - e. Any certificate of appropriateness issued by a preservation commission of a city under Part 3C of Article 19 of Chapter 160A of the General Statutes.

- (2) Development. – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or facility, or any grading, soil removal or relocation, excavation or landfill, or any use or change in the use of any building or other structure or land or extension of the use of land.

SECTION 4.40.(b) For any development approval that is current and valid at any point during the period beginning March 10, 2020, and ending April 28, 2020, the expiration date of the period of the development approval and any associated vested right under G.S. 153A-344.1 or G.S. 160A-385.1 is extended for five months.

SECTION 4.40.(c) This section shall not be construed or implemented to:

- (1) Extend any permit or approval issued by the United States or any of its agencies or instrumentalities.
- (2) Extend any permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law.
- (3) Shorten the duration that any development approval would have had in the absence of this section.
- (4) Prohibit the granting of such additional extensions as are provided by law.
- (5) Affect any administrative consent order issued by the Department of Environmental Quality in effect or issued at any time from the effective date of this section to September 28, 2020.
- (6) Affect the ability of a government entity to revoke or modify a development approval or to accept voluntary relinquishment of a development approval by the holder of the development approval pursuant to law.
- (7) Modify any requirement of law that is necessary to retain federal delegation by the State of the authority to implement a federal law or program.
- (8) Modify any person's obligations or impair the rights of any party under contract, including bond or other similar undertaking.
- (9) Authorize the charging of a water or wastewater tap fee that has been previously paid in full for a project subject to a development approval.

SECTION 4.40.(d) The provisions of this section shall be liberally construed to effectuate the purposes of this section.

SECTION 4.40.(e) For any development approval extended by this section, the holder of the development approval shall:

- (1) Comply with all applicable laws, regulations, and policies in effect at the time the development approval was originally issued by the governmental entity.
- (2) Maintain all performance guarantees that are imposed as a condition of the initial development approval for the duration of the period the development approval is extended or until affirmatively released from that obligation by the issuing governmental entity.
- (3) Complete any infrastructure necessary in order to obtain a certificate of occupancy or other final permit approval from the issuing governmental entity.

SECTION 4.40.(f) Failure to comply with any condition in this section may result in termination of the extension of the development approval by the issuing governmental entity. In the event of a termination of the extension of a development approval, the issuing governmental entity shall provide written notice to the last known address of the original holder of the development approval of the termination of the extension of the development approval, including the reason for the termination. Termination of an extension of a development approval shall be subject to appeal to the Board of Adjustment under the requirements set forth in law if the development approval was issued by a unit of local government with planning authority under

Article 18 of Chapter 153A of the General Statutes or Article 19 of Chapter 160A of the General Statutes.

SECTION 4.40.(g) This section is effective when it becomes law and expires September 28, 2020.

AUTHORIZE MODIFICATION OF CRIMINAL JUDGMENTS REQUIRING INTERMITTENT ACTIVE TIME

SECTION 4.41.(a) Any criminal judgment requiring a defendant to serve periods of confinement or imprisonment in a local confinement facility may be modified by the chief district court judge of the judicial district in which the order was issued if the chief district court judge finds that all of the following requirements are met:

- (1) The defendant is unable to serve one or more ordered periods of confinement or imprisonment due to the local confinement facility's restrictions on inmates during the COVID-19 state of emergency.
- (2) Without modification, the defendant will be in violation of the criminal judgment.
- (3) The District Attorney consents to modification of the criminal judgment.

Any modification made pursuant to this authorization shall be as minimal as possible to allow the defendant to comply with the requirements of the criminal judgment.

SECTION 4.41.(b) This section is effective when it becomes law and expires August 1, 2020.

USE OF REGIONAL COUNCIL OF GOVERNMENTS IN ADMINISTRATION OF FEMA PUBLIC ASSISTANCE AND INDIVIDUAL ASSISTANCE FUNDS

SECTION 4.42.(a) In administering Federal Emergency Management Agency public assistance and individual assistance funds, the North Carolina Department of Emergency Management may utilize the North Carolina Regional Councils of Government established in accordance with Article 19 of Chapter 153A of the General Statutes and Part 2 of Article 20 of Chapter 160A of the General Statutes to provide assistance with training, grant applications, and any other requested service by qualifying units of local government. A regional council of government may be designated by a unit or units of local government to administer any Federal Emergency Management Agency public assistance funds on its behalf.

SECTION 4.42.(b) This section is effective when it becomes law.

JOINT LEGISLATIVE OVERSIGHT COMMITTEES/EXTEND REPORTING DEADLINES

SECTION 4.43. Notwithstanding any other provision of law, any report required by law to be submitted to a joint legislative oversight committee of the General Assembly after March 10, 2020, but before July 15, 2020, shall be held in abeyance until July 15, 2020. Thereafter, the report shall be submitted to the appropriate oversight committee and shall contain the information required by law. Any report required by law to be submitted to a joint legislative oversight committee on or after July 15, 2020, shall be submitted as provided by law.

PART V. SEVERABILITY

SECTION 5. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end, the provisions of this act are severable.

PART VI. EFFECTIVE DATE

From: Mack Summey
Sent: Monday, August 31, 2020 10:56 AM
To: 'Lanny Hedrick'; Chris Reid
Subject: FW: Asheboro - Cane Creek Building elevations_1, Cane Creek Site 7-25-18 _1
Attachments: Cane Creek Building elevations_1.pdf; Cane Creek Site 7-25-18 _1.pdf

8-31-20

H. Mack Summey, Jr., P.E.
Principal Engineer
Summey Engineering Associates, PLLC
Engineering – Land Planning – Consulting P.O. Box 968 Asheboro, NC 27204
Office: 336.328.0902
Fax: 336.328.0922

-----Original Message-----

From: Mack Summey
Sent: Friday, December 27, 2019 10:30 AM
To: Bobby Pittenger <Bobby@pittenger.com>
Subject: Asheboro - Cane Creek Building elevations_1, Cane Creek Site 7-25-18 _1

Bobby

Heres the Town home sketch plan that was approved and the building sketch elevations.
I think this one was around \$60k plus or minus for the property.

Thanks!

Mack

H. Mack Summey, Jr., PE
Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting P.O. Box 968 Asheboro, NC 27204 Office - 336-328-0902 Fax - 336-328-0922
Email: Mack@summeyengineering.com

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Your message is ready to be sent with the following file or link attachments:

Cane Creek Building elevations_1

REEXTEND CERTAIN LOCAL GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE

SECTION 3.21.(a) Definitions. – As used in this section, the following definitions apply:

- (1) Development approval. – Any of the following approvals issued by any unit of local government, regardless of the form of the approval, that are for the development of land:
 - a. Any approval of an erosion and sedimentation control plan granted by a local government under Article 4 of Chapter 113A of the General Statutes.
 - b. Any building permit issued under Article 9 of Chapter 143 of the General Statutes.
 - c. Any approval by a county of sketch plans, preliminary plats, plats regarding a subdivision of land, a site-specific development plan or a phased development plan, a development permit, a development agreement, or a building permit under Chapter 160D of the General Statutes.
 - d. Any approval by a city of sketch plans, preliminary plats, plats regarding a subdivision of land, a site-specific development plan or a phased development plan, a development permit, a development agreement, or a building permit under Chapter 160D of the General Statutes.
 - e. Any certificate of appropriateness issued by a preservation commission of a city under Chapter 160D of the General Statutes.
- (2) Development. – The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or facility; or any grading, soil removal or relocation, excavation or landfill, or any use or change in the use of any building or other structure or land or extension of the use of land.

SECTION 3.21.(b) For any development approval that is current and valid at any point during the period beginning September 2, 2020, and ending 30 days after Executive Order No. 116 is rescinded, the expiration date of the period of the development approval and any associated vested right under G.S. 160D-108 or G.S. 160D-108.1 is automatically extended 120 days from the expiration date.

SECTION 3.21.(c) This section shall not be construed or implemented to:

- (1) Extend any permit or approval issued by the United States or any of its agencies or instrumentalities.
- (2) Extend any permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law.
- (3) Shorten the duration that any development approval would have had in the absence of this section.
- (4) Prohibit the granting of such additional extensions as are provided by law.
- (5) Affect any administrative consent order issued by the Department of Environmental Quality in effect or issued at any time from the effective date of this section to 30 days after Executive Order No. 116 is rescinded.
- (6) Affect the ability of a government entity to revoke or modify a development approval or to accept voluntary relinquishment of a development approval by the holder of the development approval pursuant to law.
- (7) Modify any requirement of law that is necessary to retain federal delegation by the State of the authority to implement a federal law or program.

- (8) Modify any person's obligations or impair the rights of any party under contract, including bond or other similar undertaking.
- (9) Authorize the charging of a water or wastewater tap fee that has been previously paid in full for a project subject to a development approval.

SECTION 3.21.(d) The provisions of this section shall be liberally construed to effectuate the purposes of this section.

SECTION 3.21.(e) For any development approval extended by this section, the holder of the development approval shall:

- (1) Comply with all applicable laws, regulations, and policies in effect at the time the development approval was originally issued by the governmental entity.
- (2) Maintain all performance guarantees that are imposed as a condition of the initial development approval for the duration of the period the development approval is extended or until affirmatively released from that obligation by the issuing governmental entity.
- (3) Complete any infrastructure necessary in order to obtain a certificate of occupancy or other final permit approval from the issuing governmental entity.

SECTION 3.21.(f) Failure to comply with any condition in this section may result in termination of the extension of the development approval by the issuing governmental entity. In the event of a termination of the extension of a development approval, the issuing governmental entity shall provide written notice to the last known address of the original holder of the development approval of the termination of the extension of the development approval, including the reason for the termination. Termination of an extension of a development approval shall be subject to appeal to the Board of Adjustment under the requirements set forth in law if the development approval was issued by a unit of local government with planning authority under Chapter 160D of the General Statutes.

SECTION 3.21.(g) This section is effective when it becomes law and expires 30 days after Executive Order No. 116 is rescinded. Any development approval extended in accordance with subsection (b) of this section shall remain in effect until its expiration date in accordance with subsection (b) of this section.

PART IV. MISCELLANEOUS AND EFFECTIVE DATE

STATE BUDGET ACT APPLICABILITY

SECTION 4.1. The provisions of the State Budget Act, Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

EFFECT OF PRIOR CORONAVIRUS RELIEF FUND LEGISLATION

SECTION 4.2. The provisions of any legislation enacted during any session of the 2019 General Assembly expressly appropriating funds from the Coronavirus Relief Fund established in S.L. 2020-4 to an agency, a department, or an institution covered under this act shall remain in effect, except where expressly repealed or amended by this act or any of the following acts of the 2019 General Assembly:

- (1) S.L. 2020-4.
- (2) S.L. 2020-14.
- (3) S.L. 2020-27.
- (4) S.L. 2020-32.
- (5) S.L. 2020-49.
- (6) S.L. 2020-53.
- (7) S.L. 2020-64.

BK 2723 PG 506 - 508 (3)
This Document eRecorded:
Fee: \$26.00 DocType: DEED
Randolph County, North Carolina
Krista M. Lowe, Register of Deeds

DOC# 20107240
10/13/2020 02:45:24 PM
Tax: \$330.00

NORTH CAROLINA GENERAL WARRANTY DEED

Mail to:

Prepared by: Law Office of Ben C. Morgan, 150A Scarboro St., Asheboro, NC 27203

Revenue Stamps: \$330

THIS DEED is made this 12th day of October, 2020, by and between the following Grantor and Grantee:

Grantor: MCDOWELL TIMBER COMPANY
(A North Carolina General Partnership)
1926 Old Humble Mill Road
Asheboro, NC 27205

Grantee: DAVIDSON LAND DEVELOPMENT, LLC
896 Shiptontown Road
Lexington, NC 27292

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall signify either singular, plural, masculine, feminine or neuter 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, that certain lot or parcel of land situated in Franklinville Township, Randolph County, North Carolina, which is more particularly described as follows:

TRACT 1:

BEING ALL of Tract 2 as shown on the map of JTP Properties, LLC
recorded in Plat Book 70 at Page 73, Randolph County Registry.

For title reference see Book 2406, Page 1000, Randolph County Registry.

submitted electronically by "Brinkley Walser Stoner, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Randolph County Register of Deeds.

TRACT 2:

BEING ALL OF LOTS 6, 7, 8, 9, 10, 11, 40, 41, 42 & 43 of the Final Plat Phase I, Map 2 and Phase II, Map 2, Sheet 1 of 2 and Sheet 2 of 2 of ROBINS NEST SUBDIVISION, map of which is recorded in Plat Book 108, Pages 39 & 40, in the Office of the Register of Deeds of Randolph County, North Carolina.

For title reference see Book 2429, Page 677, Randolph County Registry.

The property that is the subject matter of this conveyance is not the primary residence of the Grantor.

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, other than the following exceptions:

Subject to easements, limitations, restrictions and uses of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal the day and year first above written.

MCDOWELL TIMBER COMPANY
(A North Carolina General Partnership)

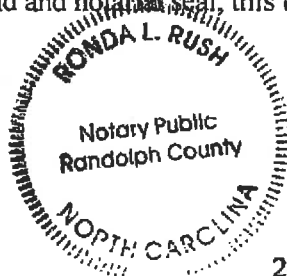
By: *Herman K. McDowell, Jr.* (SEAL)
Herman K. McDowell, Jr., General Partner

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I, *Ronda L. Rush*, a Notary Public of *Randolph* County, State of North Carolina, certify that **Herman K. McDowell, Jr.**, personally appeared before me this day and acknowledged that he is a **General Partner** of **McDowell Timber Company**, a North Carolina General Partnership, and that he as **General Partner**, being authorized to do so, executed the foregoing on behalf of the partnership.

WITNESS my hand and notarial seal, this the *12th* day of *October*, 2020.

(SEAL)



Ronda L. Rush
Notary Public

My commission expires: *11-27-22*

MCDOWELL TIMBER COMPANY
(A North Carolina General Partnership)

By: Tony D. McDowell (SEAL)
Tony D. McDowell, General Partner

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I, Ronda L. Rush, a Notary Public of Randolph County, State of North Carolina, certify that **Tony D. McDowell**, personally appeared before me this day and acknowledged that he is a **General Partner of McDowell Timber Company**, a North Carolina General Partnership, and that he as **General Partner**, being authorized to do so, executed the foregoing on behalf of the partnership.

WITNESS my hand and notarial seal, this the 12th day of October, 2020.

(SEAL)



Ronda L. Rush
Notary Public

My commission expires: 11-27-22

in whole or in part, shall repay the loan, including interest, from occupancy tax proceeds remitted to the authority on or after receipt of the PPP loan proceeds.

(e) Sunset. – This Article is repealed effective January 1, 2022."

SECTION 2.19.(c) This section is effective when it becomes law.

PREPAID HEALTH PLAN ACCESS TO NC IMMUNIZATION REGISTRY INFORMATION

SECTION 2.20. Notwithstanding any provision of Chapter 130A of the General Statutes or any other provision of law to the contrary, the Department of Health and Human Services shall, by July 1, 2021, grant each prepaid health plan, as defined in G.S. 108D-1, access to client-specific immunization information contained within the secure, web-based North Carolina Immunization Registry.

CLARIFY DEVELOPMENT APPROVAL EXTENSION

SECTION 2.21.(a) Section 3.21 of S.L. 2020-97 reads as rewritten:

"REEXTEND CERTAIN LOCAL GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE

...
"**SECTION 3.21.(b)** For any development approval that is current and valid at any point during the period beginning September 2, 2020, and ending 30 days after Executive Order No. 116 is rescinded, the expiration date of the period of the development approval and any associated vested right under G.S. 160D-108 or G.S. 160D-108.1 is automatically extended ~~420~~ 150 days from the ~~expiration date~~ date the Executive Order is rescinded.

...
"**SECTION 3.21.(g)** This section is effective when it becomes law and expires 30 days after Executive Order No. 116 is rescinded. Any development approval extended in accordance with subsection (b) of this section shall remain in effect until ~~its expiration date~~ 150 days from the date the Executive Order is rescinded in accordance with subsection (b) of this section."

SECTION 2.21.(b) This section is effective when it becomes law and applies retroactively to vested rights existing on and after September 4, 2020.

EXPAND ACCESS TO EMERGENCY MEAT PROCESSING GRANTS

SECTION 2.22. Section 4.2A of S.L. 2020-4, as enacted by Section 1.1(e) of S.L. 2020-80 and amended by Section 1.4A of S.L. 2020-97, reads as rewritten:

"**SECTION 4.2A.(a)** Findings. – The General Assembly finds that the COVID-19 emergency has resulted in serious and substantial impacts on the food supply chain. In particular, small livestock producers in the State have found that bottlenecks and lack of capacity among the small and independent meat processors and producers of further processed meat products who serve small livestock producers due to COVID-19 related slowdowns and capacity reductions have had a substantial negative impact on their ability to have their animals slaughtered and processed. Seafood processors lack capacity to meet increased and altered consumer demand for seafood products due to COVID-19 related changes in the market for seafood and seafood products. The General Assembly further finds that financial assistance to these processors for physical expansion and facility improvements, for workforce development, and for the creation of additional processing capacity is necessary to reduce disruptions in the supply chain for fresh meat and seafood and to help small producers get their product to market.

...
"**SECTION 4.2A.(c)** Grant Types and Criteria. – The Department shall develop policies and procedures for the disbursement of the grants authorized by this section that include, at a minimum, the following:

(1) The Department may provide three categories of grants:

From: Christian Vestal
Sent: Thursday, August 19, 2021 9:06 AM
To: John Evans
Cc: Mack Summey; Zach Gardner
Subject: Cane Creek Preliminary Plans

8-19-21

John,

See the link below to the plan set for Cane Creek. Can you get these routed for review?
Let me know if you need anything else on this.

 [2021-08- 19 Prelim Site Plan - Cane Creek.pdf](#)

Thanks

Christian Vestal
Design Technician
Summey Engineering Associates, PLLC
P.O. Box 968 | Asheboro, NC 27204
Office: 336.328.0902 | Fax: 336.328.0922
Email: christian@summeyengineering.com

Justin Luck

From: Christian Vestal <christian@summeyengineering.com>
Sent: Monday, February 14, 2022 1:18 PM
To: Justin Luck
Cc: Chris Reid
Subject: [External Sender] Cane Creek Zoning Decision

See below. Just sending this for documentation.
Thanks

Cane Creek zoning sign put out 2-14-22.





**Board of Adjustment
Application to Appeal Administrative Decision**

APPLICATION FEE

No filing fee is required for an appeal of an administrative decision.

APPLICATION INSTRUCTIONS

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

The application must be filed with the City Clerk no more than 30 days after written or constructive notice of the decision being appealed. A properly filed application normally will be heard at least 30 days after filing (see below.)

MEETING SCHEDULE*

<i>Filing Date</i>	<i>BOA Meeting*</i>
Friday, December 3, 2021	Monday, January 3, 2022
Friday, January 7, 2022	Monday, February 7, 2022
Friday, February 4, 2022	Monday, March 7, 2022
Friday, March 4, 2022	Monday, April 4, 2022
Friday, April 1, 2022	Monday, May 2, 2022
Friday, May 6, 2022	Monday, June 6, 2022
Friday, June 10, 2022	Monday, July 11, 2022
Friday, July 1, 2022	Monday, August 1, 2022
Friday, August 5, 2022	Tuesday, September 6, 2022
Friday, September 2, 2022	Monday, October 3, 2022
Friday, October 7, 2022	Monday, November 7, 2022
Friday, November 4, 2022	Monday, December 5, 2022

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

STAFF USE

Received by: JTL Date: 2-22-22 Case Number: 22-01

APPLICANT INFORMATION

Applicant Hilda DeCortez Applicant's Phone # (714) 305-0823

Applicant's Address 1591 East Allred St.
Asheboro NC 27203

Applicant's Email sales@KandVpallets.com

PROPERTY INFORMATION (If Applicable)

Property Owner's Name Davidson Land Development, LLC

Location of Property _____

Property Size (ac. or s.f.) 4.4 acres

Randolph County Property Identification Number (PIN#) 7762740259

Current Zoning District _____

Date Property Title Acquired _____ Deed Book _____ Page _____

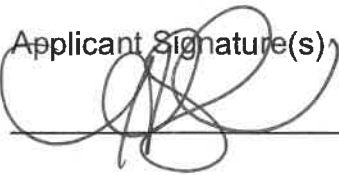
Subdivision Cane Creek Townhomes Section _____ Lot # _____

Plat Book _____ Page _____

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof 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

February 22, 2022

Dear City of Asheboro Planning & Zoning Board,

My name is Hilda DeCortez. I'm writing to you to appeal the development of the ten townhomes on East Allred Street. My house is letter "K" right next to where the main entrance to this community would be. I want to share with you why I'm appealing to this project.

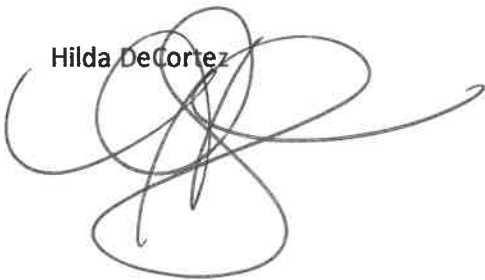
This project was first approved back in 2018, which of what I was not appropriated notified. I don't understand why if the project was approved in 2018, why it was up for sale in 2019. I know this information because I have considered purchasing this land in the past. There was a for sale sign for a few months during 2019. But, because of the pandemic, I didn't make an offer.

Back in November of 2021 when the second application was denied during BOA meeting, we discussed some of the negative impact this project will have in our community. Here is a list of some of the reasons why this project is not welcome in our community.

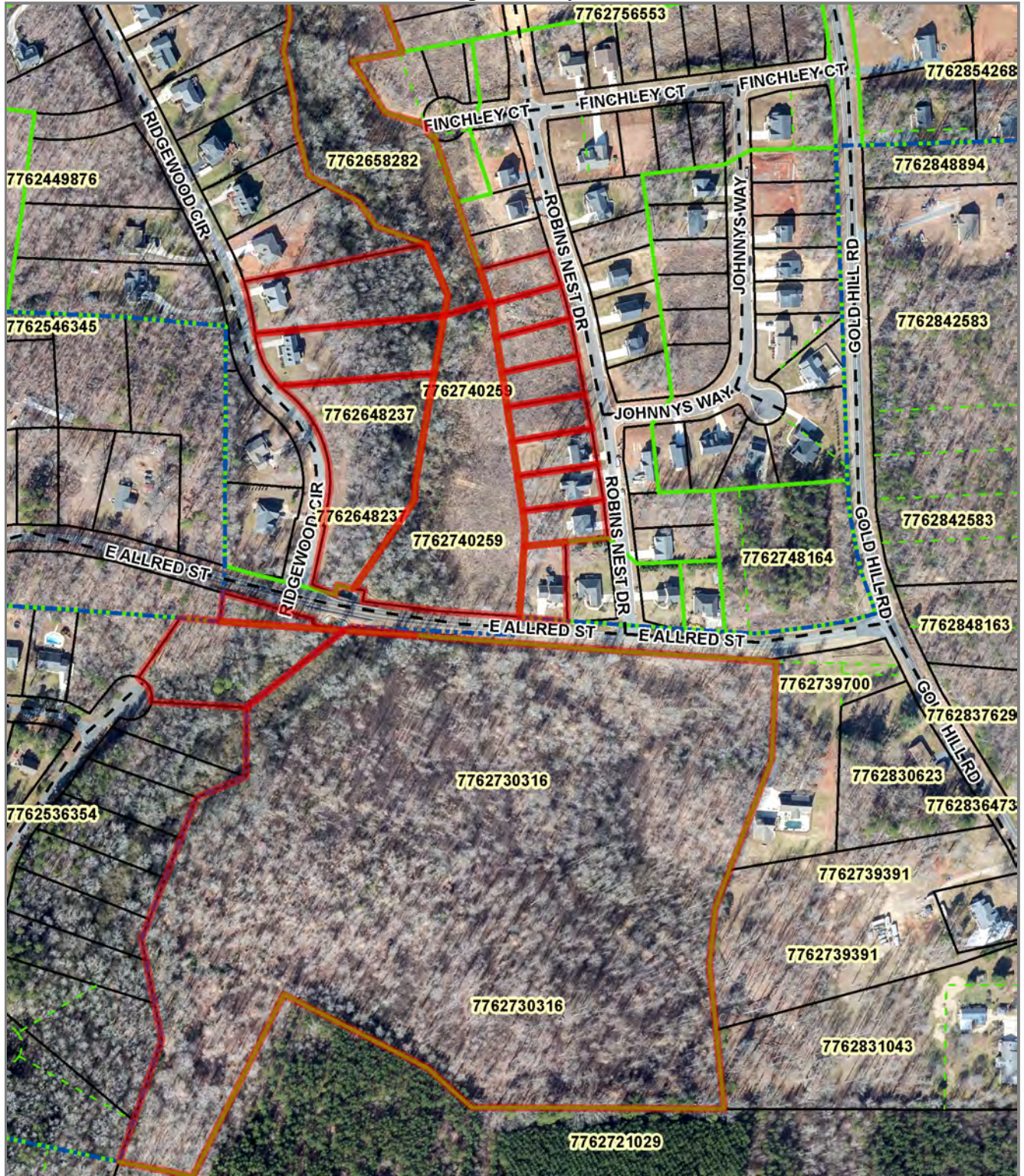
- If it's no good for 16 is no good for 10 townhomes.
- These townhomes are still going to be one car garage. Not enough parking.
- This project will definitely have a major negative impact on the property value on the 100 plus new homes recently built on Robin Nest.
- Utility trucks, such as garbage trucks and mail will not have easy access
- Emergency vehicles will not easy access
- This land is a flood zone. We should protect the land.
- Allred St. is already fast and crowded traffic street

I asked that you please consider my concerns. Thank you for your time.

Hilda DeCortez

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Randolph County, NC



Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.

Map Scale
1 inch = 333 feet
3/14/2022

Howell, Jennifer H
1344 Ridgewood Cir
Asheboro, NC 27203

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

Chavez, Guillermo Marin (Newman,
Catherine N)
1369 Robins Nest Dr
Asheboro, NC 27203

Bunce, D L
414 Glenwood Dr
Lexington, NC 27292

Vaughn, John Christopher (Vaughn,
Caralynn Clair)
1335 Robins Nest Drive
Asheboro, NC 27203

Hamlet, Lloyd
569 Windsor Dr
Asheboro, NC 27203

Albani, Peter James (Albani, Janet)
1356 Ridgewood Cir
Asheboro, NC 27203

Hamlet, Lloyd J
569 Windsor Dr
Asheboro, NC 27203

Gould, Richard (Gould, Angela W)
1321 Robins Nest Dr
Asheboro, NC 27203

Musgrave, Avery Collin (Musgrave,
Ciara McNeill)
1361 Robins Nest Dr
Asheboro, NC 27203

Reaves, Angela Garland
1586 Finchley Ct
Asheboro, NC 27203

De Cortez, Hilda Bahena
1591 E Allred St
Asheboro, NC 27203

Xie, Guang Long (Zhan, Xiao Ling)
1315 Robins Nest Dr
Asheboro, NC 27203

Davidson Land Development LLC
896 Shiptontown Rd
Lexington, NC 27292

Department of Transportation
1546 Mail Service Center
Raleigh, NC 27611

Ahmad, Tausif
1353 Robins Nest Dr
Asheboro, NC 27203

Chambers, Ian Fraser (Chambers,
Laura)
292 Walnut Dr
Asheboro, NC 27203

Haga, Ryan Anthony (Haga, Hilary P)
1339 Robins Nest Dr
Asheboro, NC 27203