



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, August 7, 2023
7:00 PM
AGENDA**

- I. Call to Order
- II. Approval of Minutes from July 10, 2023
- III. Review of Cases and Monthly Report on Major Subdivisions Administratively Approved.
- IV. Old Business item continued from July 10, 2023
RZ-23-07: An application to rezone property located at 379-1 and 379-2 South Cox Street from OA6 (Office-Apartment) to OA6 (CZ) Office-Apartment Conditional Zoning for a Congregate Living Facility. *The applicant has withdrawn this request.*
- V. New Business

RZ-23-12: An application to rezone property located on the north side of Sherwood Avenue (Randolph County Parcel Identification Number 7750340457) from R10 Medium-Density Residential to R10 (CZ) R10 (Conditional Zoning) to allow modification to a previously approved Residential Planned Unit Development.
- VI. Items not on the agenda
- VII. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, JULY 10, 2023
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)

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

CALL TO ORDER

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

APPROVAL OF MINUTES FROM JUNE 5, 2023

Mr. O'Kelley inquired if there were any corrections or additions to the June 5, 2023 minutes. Hearing no corrections or additions, the minutes were approved as presented.

REVIEW OF CASES AND MONTHLY REPORT ON MAJOR SUBDIVISIONS ADMINISTRATIVELY APPROVED

Mr. Nuttall went over the land use cases that the City Council heard at their June Regular Meeting. He stated that there were no Major Subdivisions that had been approved by staff since the last Planning Board meeting.

OLD BUSINESS ITEMS CONTINUED FROM JUNE 5, 2023

- a) **RZ-23-07: AN APPLICATION TO REZONE PROPERTY LOCATED AT 379-1 AND 379-2 SOUTH COX STREET FROM OA6 (OFFICE-APARTMENT) TO OA6 (CZ) OFFICE-APARTMENT CONDITIONAL ZONING FOR A CONGREGATE LIVING FACILITY: AN ADDITIONAL CONTINUANCE, UNTIL THE AUGUST 7, 2023 MEETING, HAS BEEN REQUESTED BY THE APPLICANT**

Mr. Evans stated that a continuance until the August 7, 2023 Planning Board meeting has been requested by the applicant. Mr. Robert Wilhoit, the applicant's legal representation, spoke on behalf of the applicant stating that they have been evaluating community feedback from a neighborhood meeting they held recently. He asked the board to consider continuing the case until the August 7th Planning Board meeting. Ms. Vuncannon moved to continue RZ-23-10 to the August 7, 2023 Planning Board meeting. Mr. Rich seconded the motion and the motion carried unanimously.

b) RZ-23-09: AN APPLICATION TO REZONE PROPERTY LOCATED AT 3114 ZOO PARKWAY (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7669460864) FROM R40 (LOW-DENSITY RESIDENTIAL) TO R10 (MEDIUM-DENSITY RESIDENTIAL)

Mr. Evans gave a visual presentation of the above-referenced agenda item. He pointed out that since the case was continued from the June 5th Planning Board meeting, he would try to focus the discussion primarily on the concerns the board had from that meeting. He gave a brief overview of the case:

Applicant: Ricky Eugene Spencer

Location: 3114 Zoo Parkway

Request: Rezone from R40 Low-Density Residential to R10 Medium-Density Residential

Randolph County Parcel ID: 7669460864

Size: 2.2 acres +/-

Existing Land Use: Undeveloped (formerly single-family dwelling)

He presented overview, rezoning, topographic/utilities, aerial, and oblique maps. He also presented photographs of the subject property from all directions. He then gave an analysis:

1. The property is outside the city limits. Zoo Parkway is a state-maintained major thoroughfare at this location.
2. Access to city utilities (water/sewer) requires annexing the property.
3. The existing R40 district allows a single-family dwelling on a lot with 40,000 SF and a two-family dwelling on a lot with 80,000 SF.
4. The zoning ordinance describes the R10 zoning district as "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."
5. The current R40 zoning only allows one two-dwelling unit on the property. If the property is rezoned, it is possible that additional lots can be created through the subdivision process and additional homes constructed.
6. The Village Activity Center is described by the Land Development plan to have a "variety of housing types surrounding the mixed-use core, including some multi-family residential units (e.g., Apartments, Townhouses, and Condominiums)." It describes the intent as to "create pedestrian-friendly, community focal points containing a mixture of commercial, office and institutional, entertainment, open space, and residential uses & housing types.
7. The area already includes a mixture of housing types (single-family, residential townhomes, Crossroads Rest and Retirement) and is across from the city-owned Zoo City Sportsplex.
8. Concerns were raised at the June 5 Planning Board meeting regarding the number of driveways that may result if the property is rezoned to R10 and later subdivided. Based on these concerns, staff inquired with NCDOT about anticipated requirements for both single-family and two-family development. NCDOT has provided the city written communication indicating that a shared driveway may be requested, especially if two-family development is proposed, due to limited site distance. This information has been shared with and acknowledged by the applicant. With a non-conditional zoning district request, no additional details can be provided but the NCDOT has an established process that should be able to address concerns of the Board.

He went over the LDP Recommendations:

Proposed Land Use Map:

Village Activity Center

Small Area Plan: Southeast

Growth Strategy Map: Secondary Growth

Goals/Policies Supporting Request (6):

- Checklist Items 3: Fits description of zoning ordinance for district
- Checklist Item 5: The proposed rezoning is compliant with the Growth Strategy Map.
- Checklist Items 12-14: Outside of watershed, flood areas, areas of steep slopes
- Policy 2.1.5: Transitional use between high-intensity commercial/industrial and low intensity residential uses.

Goals/Policies Not Supporting Request (1):

- Checklist Item 1: Does not comply with LDP Proposed Land Use Map

He then gave staff's consistency statement:

"Staff believes that the requested R10 zoning designation is appropriate for the property given the area's mixture of housing types and densities. While the application does not implement the Land Development Plan's recommendations for a mixed-use Village Activity Center, recent investments and growth in the area justify a transition to medium-density residential zoning from the present low-density district.

Considering these factors, staff asserts that the proposed zoning map amendment is reasonable and in the public interest."

He stated that staff's recommendation is to approve the requested rezoning. He then asked the board if there were any questions. Mr. Henderson inquired on how many lots could be created. Mr. Evans stated that there would be a potential for up to 3 lots, based solely on land area and the width of the property. Mr. O'Kelley inquired about keeping the zoning the same and if this would allow for a duplex. He also asked about the next zoning district up from R40 in terms of density and if this allowed for duplexes Mr. Evans stated that one duplex could be permitted on the lot as is. Mr. Evans stated that the R15 district is but doesn't allow for the development of duplexes. He stated that the requested R10 district allows for the development of 1 single family or 1 duplex development per lot. Mr. Nuttall informed the board that the applicant has been made aware of the Planning Board's concerns with number of lots and driveways and that these concerns would be addressed through the NCDOT permitting processes.

Mr. O'Kelley inquired if there was anyone to speak for or against the request. There was no one to speak for or against the request. Mr. Evans did point out that while the applicant was not present, mailed notices were sent by the applicant to the adjoining property owners.

Mr. Buffkin moved to recommend approval of RZ-23-09 based on staff's recommendation and consistency statement. Mr. Rich seconded the motion and the motion carried with a vote of 6 to 1, with Mr. O'Kelley being the dissenting vote.

c) RZ-23-10: AN APPLICATION TO REZONE PROPERTY LOCATED AT 615 & 617 SOUTH CHURCH STREET; 233 WEST KIVETT STREET; 616 & 622 HAMMER AVENUE (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7751703525), WITH AN AMENDED CONDITIONAL ZONING OFFICE-APARTMENT DESIGNATION FOR THE PURPOSE OF A MULTI-FAMILY DEVELOPMENT FOR THE ELDERLY THAT IS A WHOLE BLOCK REDEVELOPMENT PROJECT

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

Applicant: Wynnefield Forward, LLC

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

Request: Rezone to an amended OA6 (CZ) Office-Apartment Conditional Zoning designation for a Whole Block Redevelopment for a Multi Family Development for the Elderly

Randolph County Parcel ID: 7751703525

Size: 2.5 acres +/-

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

He presented overview, rezoning, Center City Planning Area, topographic/utilities, aerial, and oblique maps, as well as a proposed site plan of development, including building elevations. He also presented photographs of the subject property from all directions. He then gave an analysis:

1. The applicant is requesting a Conditional Zoning requesting a Multi Family Development for the Elderly that is a Whole Block Redevelopment project.
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. This use was approved in 2022 (Case No. RZ-22-04), allowing a four-story structure with 60 dwelling units.
5. The applicant is proposing an amended conditional zoning district, which (1) reduces the total number of units from 60 to 48; (2) moves the building closer to Hammer Avenue and further from South Church Street; and (3) changes the parking location and reduces the number of parking spaces.
6. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-prescribed requirements. Three deviations from typically applied zoning ordinance requirements are proposed: the first is the elimination of five (5) overflow parking spaces, the second is to exceed the typical 45 ft. height limitation with a building that is 47 feet and 5 inches in height; and the third is to permit indoor recreational area to be provided via indoor space as opposed to exclusively by outdoors.
7. 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.
8. 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.
9. The application seeks approval of a Whole Block Redevelopment proposal. Whole Block Redevelopment is envisioned to help with the revitalization of neighborhoods, 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.
10. There are currently two single-family dwellings, one two-family (duplex) dwelling, and one multi-family structure with five residential dwelling units located on the property requested for rezoning.

He went over the LDP Recommendations:

Proposed Land Use Map: City Activity Center

Small Area Plan: Central

Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (6):

- Checklist Item 1: Complies with LDP proposed land use map.
- Checklist Item 3: Fits district description of zoning ordinance
- Checklist Item 5: Complies with growth strategy map.
- Checklist Item 7: Complies with Small Area Plan
- Checklist Item 8: Is an adaptive reuse.
- Policy 2.1.5: Transitional location between commercial/industrial and residential

Goals/Policies Not Supporting Request (1):

- Checklist Item 14: Steep slopes of greater than 20%.

He then gave proposed conditions:

- a) The use approved shall be a Whole Block Redevelopment for a Multi Family Development for the Elderly and the site developed consistent with the site plan submitted.
- b) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- c) The existing city sewer line that will be impacted by the project shall be relocated by the developer and in a manner approved by the city.
- d) Project landscaping shall be installed in a manner to preserve appropriate sight distances and avoid conflict with public right-of-ways.
- e) The applicant shall obtain and submit documentation detailing the following approvals at the appropriate time:
 - i. NCDEQ (Erosion&Sediment Control).
 - ii. NCDOT encroachment agreement for curb and gutter modifications to South Church Street (SR 1707).
- 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 this Conditional Zoning in the chain of title for the Zoning Lot.

He then gave staff's final analysis:

"While the application shifts the building location away from S. Church Street to Hammer Avenue in order to minimize environmental impacts, many of the project's primary design elements remain. Redevelopment still will result in needed housing for the elderly in an urban location with the necessary supportive services in close proximity. Transportation-related improvements that are important for a project of this type and advocated by the Central Small Area Plan are included. Impervious surface is reduced, steeper slopes are better protected, and additional tree preservation is expected with the revised design. While the applicant is requesting deviations from certain parking provisions and the type of recreation space provided, staff believes that the requests are reasonable based on the plan presented and in light of the property's characteristics and limitations. The district and conditions proposed are consistent with the city's adopted plans and approval would facilitate a reasonable use of the property."

He then stated that staff's recommendation is to approve the requested rezoning. He then asked the board if there were any questions. Mr. O'Kelley inquired if the previous request had been approved with a deviation from the ordinance or a variance granted. Mr. Evans stated that a previous conditional zoning district had been approved with certain deviations and that this request is for a modified conditional zoning district, that also includes what staff considers to be minor deviations.

Mr. Davis Ray addressed the board and stated that notices were mailed to adjoining property owners on May 22, 2023. He also answered some general questions regarding the project such as separation from the railroad tracks, sewer and stream related questions and he provided information about parking data as well as the placement of the proposed structure. He indicated that current occupants of the existing dwelling had been offered a cash incentive to vacate by a certain date to help offset relocation expenses. Mr. Rich inquired if there would be an elevator installed. Mr. Ray stated that there would be an elevator installed in the building. Mr. Henderson inquired about the recreation areas. Mr. Ray gave a summary of the proposed recreation areas, including the interior recreation areas. There were no further questions. There was no one in the audience in opposition to the request.

There was a general consensus to accept staff's recommendation and consistency statement. Ms. Vuncannon moved to recommend approval of RZ-23-10 as presented by staff. Mr. Rich seconded the motion and the motion carried unanimously.

NEW BUSINESS

- a) **RZ-23-11: AN APPLICATION TO REZONE PROPERTY LOCATED AT 159 NORTH STREET (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7751738393) AND PROPERTY NORTH OF 148 NORTH STREET (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7751831208) FROM I2 GENERAL INDUSTRIAL, B2 GENERAL COMMERCIAL, AND B3 CENTRAL COMMERCIAL TO OA6 OFFICER-APARTMENT**

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

Applicant: City of Asheboro

Location: 159 North Street

Request: Rezone from I2 General Industrial, B2 General Commercial, and B3 Central Commercial to OA6 Office-Apartment

Randolph County Parcel ID: 7751838393 and 7750831208

Size: 2.54 acres +/-

Existing Land Use: Formerly manufacturing, processing, and assembly.

He presented overview, rezoning, Center City Planning Area, topographic/utilities, aerial, and oblique maps. He also presented photographs of the subject property from all directions. He then gave an analysis:

1. The property is inside the city limits, and within Tier 1 (Central Business Planning Area) of the Center City Planning Area. The zoning ordinance describe Tier 1 as "incorporating a mix of commercial, office, institutional, residential and public open space uses" and "a pedestrian oriented mix of multi-story buildings located close to the street and containing an attractive mix of first-story storefronts, ample sidewalks and street trees."
2. The property has frontage on West Salisbury Street (NC 42), which is a major thoroughfare maintained by NCDOT, and North Street, a local city-maintained street. Access also is provided via a driveway within right-of-way owned by Norfolk Southern that extends from Sunset Avenue to West Salisbury Street (NC 42).
3. The property was last used for manufacturing, processing, and assembly, but this ceased operation in July, 2022 according to water usage records; the city purchased the property in December, 2022.
4. The structure on the property was initially constructed in 1909 and added onto with various additions; it was placed on the National Register of Historic Places in 2014 and is a contributing structure within the city's nationally recognized historic district.
5. The zoning ordinance describes the OA6 district 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."
6. This is a general district request in which no specific uses or site plan is considered as part of the application. If approved, all uses permitted by right in the OA6 district would be permitted. The OA6 district allows residential uses (single-, two-, and multi-family dwellings), institutional uses (such as places of worship), and some lighter commercial uses (medical/professional offices, and service uses such as hair salons). Commercial activities (such as retail-oriented uses and restaurants) would not be authorized by right. Additionally, unlike the B3 district that covers a small portion of the property, and much of the surrounding Central Business District, off-street parking is a requirement of the requested OA6 district.

He went over the LDP Recommendations:

Proposed Land Use Map:

City Activity Center

Small Area Plan: Central

Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (7):

- **Checklist Item 1: Complies with LDP proposed land use map.**
- **Checklist Items 3: Fits description of zoning ordinance for district**
- **Checklist Item 5: The proposed rezoning is compliant with the Growth Strategy Map.**
- **Checklist Item 7: Is compatible with small area plan.**
- **Checklist Items 12-14: Outside of watershed, flood areas, areas of steep slopes**

Goals/Policies Not Supporting Request: None

He then gave staff's consistency statement:

"The OA6 district is the proper designation at this time. When the city purchased the property in 2022, one primary interest was ensuring that future development complements downtown's ongoing revitalization. Future industrial use of the property does not support that objective and it is in the city's interest to appropriately zone the property prior to any conveyance. The mixed-use potential offered by the OA6 district would allow flexibility in terms of how the site is redeveloped. Parking availability is the primary limiting factor affecting potential site development. While the property includes an off-street parking lot that likely can accommodate +/- 30 spaces and potential parking areas with the Norfolk Southern right-of-way (subject to authorization by the railroad), the size of the structure (approximately 150,000 s.f. of leasable area per tax records) warrants particular attention when considering a reasonable zoning designation. Public parking, via on-street and city-owned lots, are in close proximity to the property, but downtown's growing popularity means the availability of public parking has become increasingly scarce.

By placing the property in the OA6 district, the city will ensure that any redevelopment project either provides parking as required by the city zoning ordinance or is approved after reviewing site specific development plans.

Considering these factors, staff believes that the proposed zoning map amendment is reasonable and in the public interest."

He then stated that staff's recommendation is to approve the requested rezoning.

He pointed out that notification letters were mailed out to adjoining property owners on June 23, 2023. He then asked the board if there were any questions. Mr. Rush inquired if the property would be conveyed as one piece or subdivided. Mr. Nuttall stated that the city likely will sell the structure and surface parking lot as one transaction. Mr. Henderson inquired on parking options. Mr. Nuttall stated that parking depends on what type of proposal is presented. He also stated that any proposed project will need to show adequate parking or come forward with a conditional zoning district so they can present a site-specific plan to address these concerns. Mr. Buffkin inquired if the surface lot is public or private. Mr. Nuttall stated that these parking spaces can be counted toward a potential project and could still remain as public spaces, but this would depend on and be specific to what is developed. There were other general questions regarding parking and the potential for a parking deck. Mr. Nuttall stated that this has been discussed but would be rather costly. There was more general discussion regarding parking in this area. Ms. Vuncannon mentioned that the property should be historically and locally landmarked. Mr. Nuttall stated that City Council plans to consider this its upcoming meeting. There were no further questions or comments.

Mr. O'Kelley inquired if there was anyone to speak for or against the request. There was no one to speak for or against the request.

Mr. Rich moved to recommend approval of RZ-23-11, including both the rezoning and the consistency statement. Mr. Anderson 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



2023 ADMINISTRATIVELY APPROVED MAJOR SUBDIVISIONS (AS OF JULY 31, 2023)

Name of Subdivision	Case No.	Location	Number of lots	Type of Approval	Notes
Richlands Creek	SUB-23-01	Old Cox Rd. & Old Humble Mill Rd.	399	Sketch Design - Conditional (July, '23)	PUD approved by Council in July, '23 - sketch fee to be collected.
Pineview Townhomes	SUB-23-02	Pineview Road	42	Sketch Design - Conditional (July, '23)	PUD approved by Council in June, '23 - sketch fee to be collected. Sketch design should have vicinity map on plat.



RZ-23-07: An application to rezone property located at 379-1 and 379-2 South Cox Street from OA6 (Office-Apartment) to OA6 (CZ) Office-Apartment Conditional Zoning for a Congregate Living Facility.

The applicant has withdrawn this request.

Staff Report

Trevor Nuttall

From: Chip Womick <chip@keatonsplace.org>
Sent: Thursday, August 3, 2023 3:56 PM
To: Trevor Nuttall
Subject: [External Sender] Conditional Zoning for 379 S Cox St. from Keaton's Place

Trevor,

After consideration of the neighborhood/community feedback concerning our proposal for transitional housing at 379 S. Cox St., we wish to withdraw our request to rezone the property.

Our intent is not to create controversy but to help individuals who are rebuilding their lives from the ravages of addiction.

We will continue our search for a location to establish a temporary housing facility that one day will serve as a critical piece of the puzzle for many people on their journeys of recovery.

We appreciate the assistance we have received from you and the rest of your staff.

Chip Womick
Director of Services

Keaton's Place
120 Worth St.
Asheboro, N.C. 27203
336-628-0070



RZ-23-12: An application to rezone property located on the north side of Sherwood Avenue (Randolph County Parcel Identification Number 7750340457) from R10 Medium-Density Residential to R10 (CZ) R10 (Conditional Zoning) to allow modification to a previously approved Residential Planned Unit Development.

Staff Report

Rezoning Staff Report

RZ Case # RZ-23-12

Date 8/7/2023 Planning Board

General Information

Applicant Larry McKenzie

Address 1021 Sunset Avenue

City Asheboro NC 27203

Phone 336-953-2913

Location north side of Sherwood Avenue

Requested Action Rezone from R10 (with a Special Use Permit) to R10 (CZ) to establish a setback from the Sherwood Avenue right-of-way that differs from standard R10 setback and to add an exit drive from McLarkling Lane to Sherwood Avenue

Existing Zone R10

Existing Land Use Residential Planned Unit Development (Under construction)

Size 1.54 acres +/-

Pin # 7750340457

Applicant's Reasons as stated on application

To allow back decks of homes backing up to Sherwood Avenue to be 19.6 feet from property line. Keeping the property as residential. Better emergency vehicle access to Sherwood Ave. with added exit lane. Original plan was to have concrete patios. Due to the lay of the land, had to switch to decks which are subject to setbacks.

Surrounding Land Use

North Commercial

East Single-family/Two-family

South Single-family/two-family

West Single-family/Commercial

Zoning History In 2019, the applicant was granted a rezoning on a portion of the property from B2 to R10 and a Special Use Permit was issued for a Residential Planned Unit Development (Case No. RZ-19-02 and SUP-19-02)

Legal Description

Property located on the northern side of Sherwood Avenue and eastern side of Whitley Street, identified by Randolph County Parcel Identification Number 7750340457, and totaling approximately 1.54 acres +/-.

Analysis

See Attachment 1.

1. The applicant received a Special Use Permit for construction of a Residential Planned Unit Development in 2019, the final phase of which is under construction. The Planned Unit Development was approved for a total of 29 detached and attached single-family dwellings; only 27 lots and dwellings now are expected.
2. Sherwood Avenue, which provides access to the proposed development, is a local, city-maintained street with a 60' right-of-way. The development includes city-maintained Whitley Street as well as privately maintained streets. The developer is requesting to construct a secondary privately maintained exit-only driveway onto Sherwood Avenue in lieu of the previously proposed turnaround at the end of McLarkling Lane. This proposal was shared with the City's Engineering, Public Works, and Fire & Rescue departments and those departments have raised no objections to this proposal.
3. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-prescribed requirements, and the code further allows a Residential Planned Unit Development to request changes to "yard and height regulations set forth in Table 4-1 of the Zoning Ordinance. The request seeks to make use of this provision and proposes a 19.5' setback from the right-of-way of Sherwood Avenue; the prior plan utilized the standard R10 setback of 30'. The request is related to a desire to allow decks to the rear of homes that are unable to provide at-grade patios due to grade issues. Per the site plan submitted, these decks would be no less than approximately 40' from the pavement edge of Sherwood Avenue.
4. Prior to the rezoning of a portion of this property from B2 to R10 in 2019, the Land Development Plan Proposed Land Use map designated the property for Commercial Use, along with Neighborhood Residential use. The rezoning changed the Plan's designation of the property in its entirety to "Neighborhood Residential" use.
5. Based on available information, homes on several nearby properties appear to have front setbacks less than the standard 30' district setback.
6. The R10 district is described as 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."
7. The Land Development Plan's Neighborhood Residential Description states that "design elements include building placement close to the street, interconnectivity between neighborhoods, sidewalks, and street trees."
8. Staff returned site plan comments to the developer on the site plan on July 27 and July 28 and received an updated plan on August 3 that currently is under review..

Rezoning Staff Report

RZ Case # RZ-23-12

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 (See Number 4 of analysis)
Small Area Plan	Southwest
Growth Strategy Map Designation	Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 1: Complies with LDP 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 Items 12, and 13: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # RZ-23-12

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

Staff believes the requested changes to the development plan sought by this application are rational, generally consistent with the pattern of development of the immediately surrounding area and the Land Development Plan, and beneficial to both the community being built and public and private service providers. Several existing dwellings along Sherwood Avenue that are adjacent to the project appear to have front setbacks less than the R10 district typically requires, without any identifiable adverse effects, and approval will allow decks to be constructed on the rear of dwellings with designs that make outdoor living area, a desirable amenity, impractical. Further, additional means of exit from a development can be beneficial to residents, delivery drivers, and emergency providers if done in a safe manner and this rezoning process has allowed city departments to review the proposal to consider and ensure public safety. As of the date of this report, no safety or non-compliance issues have been identified but the plan continues to be evaluated.

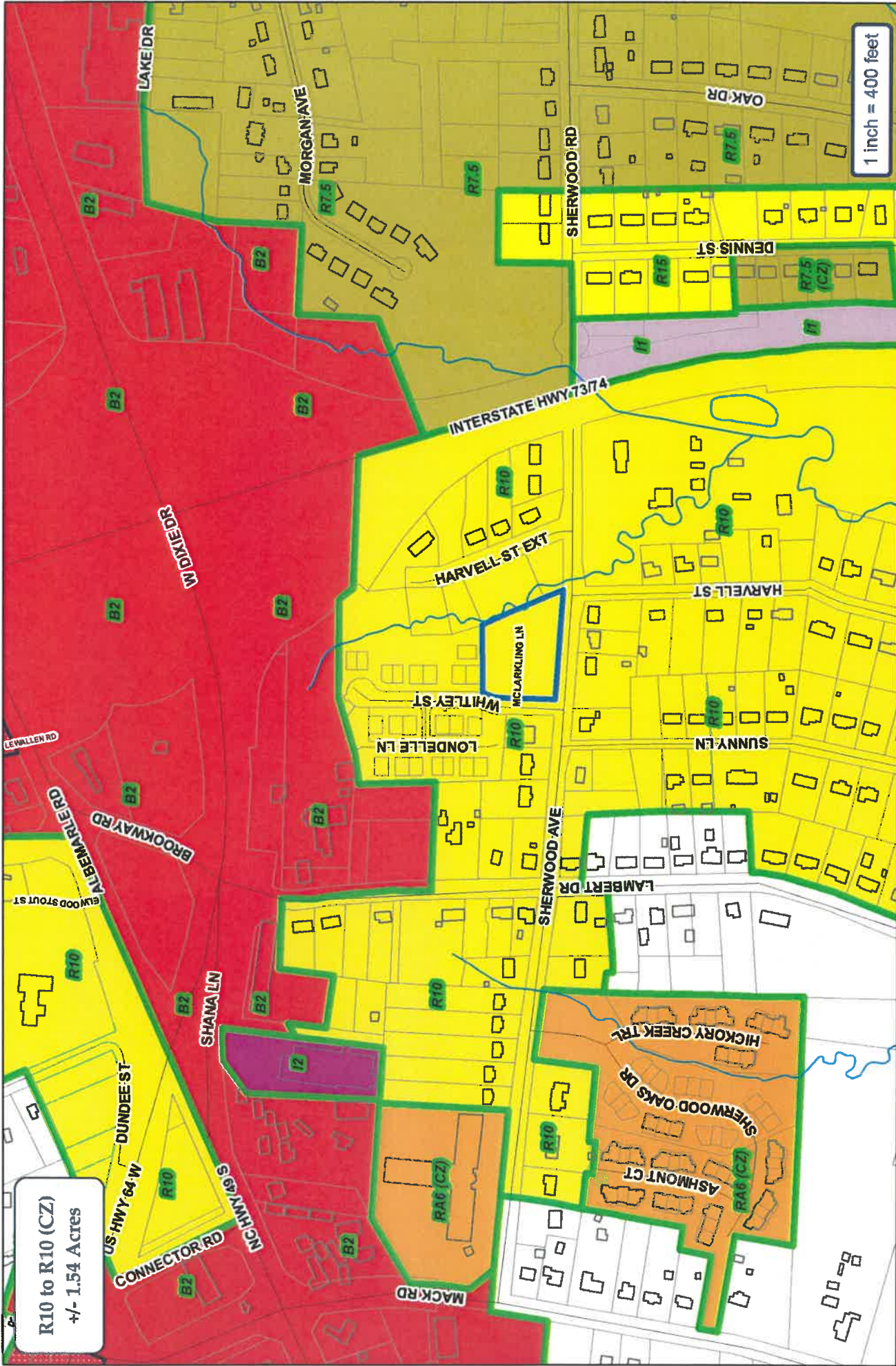
Considering these factors, staff believes that the proposed zoning map amendment is reasonable and in the public interest, provided no concerns are raised by city reviewers that are unable to be resolved.

Recommendation Staff recommends approval subject to final endorsement of the site plan.

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 and the site developed consistent with the site plan submitted.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) With the exception of the front yard setback along Sherwood Avenue, all setbacks on the approved plan for SUP-19-03 shall remain in full effect.
- (D) Except as explicitly noted to the contrary as public, roads, driveways, parking areas, storm sewer systems, and other improvements shall be maintained by the homeowners' association.
- (E) As required by the City of Asheboro Subdivision Ordinance, a declaration of restrictive covenants prohibiting recreational vehicle parking, inclusive of boats, shall be submitted and recorded with the final plat for the phase affected by this application.
- (F) The following information shall be included on a revised site plan to be reviewed by city staff for inclusion in the community development division files without further review by the Council:
 - (1) Additional detail concerning street lighting fixtures.
 - (2) Final details concerning the proposed front yard landscaping along Whitley Street.
 - (3) Labeling of minimum dimension of proposed exiting driveway.
- (G) The exiting driveway shall be constructed in a manner that does not disrupt operation of or damage the city's existing sewer line and shall be connected to Sherwood Avenue in a manner permitted and approved by the City Engineering Department consistent with city driveway permitting standards.
- (H) 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 Special Use Permit in the chain of title for the Zoning Lot.

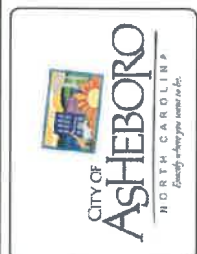


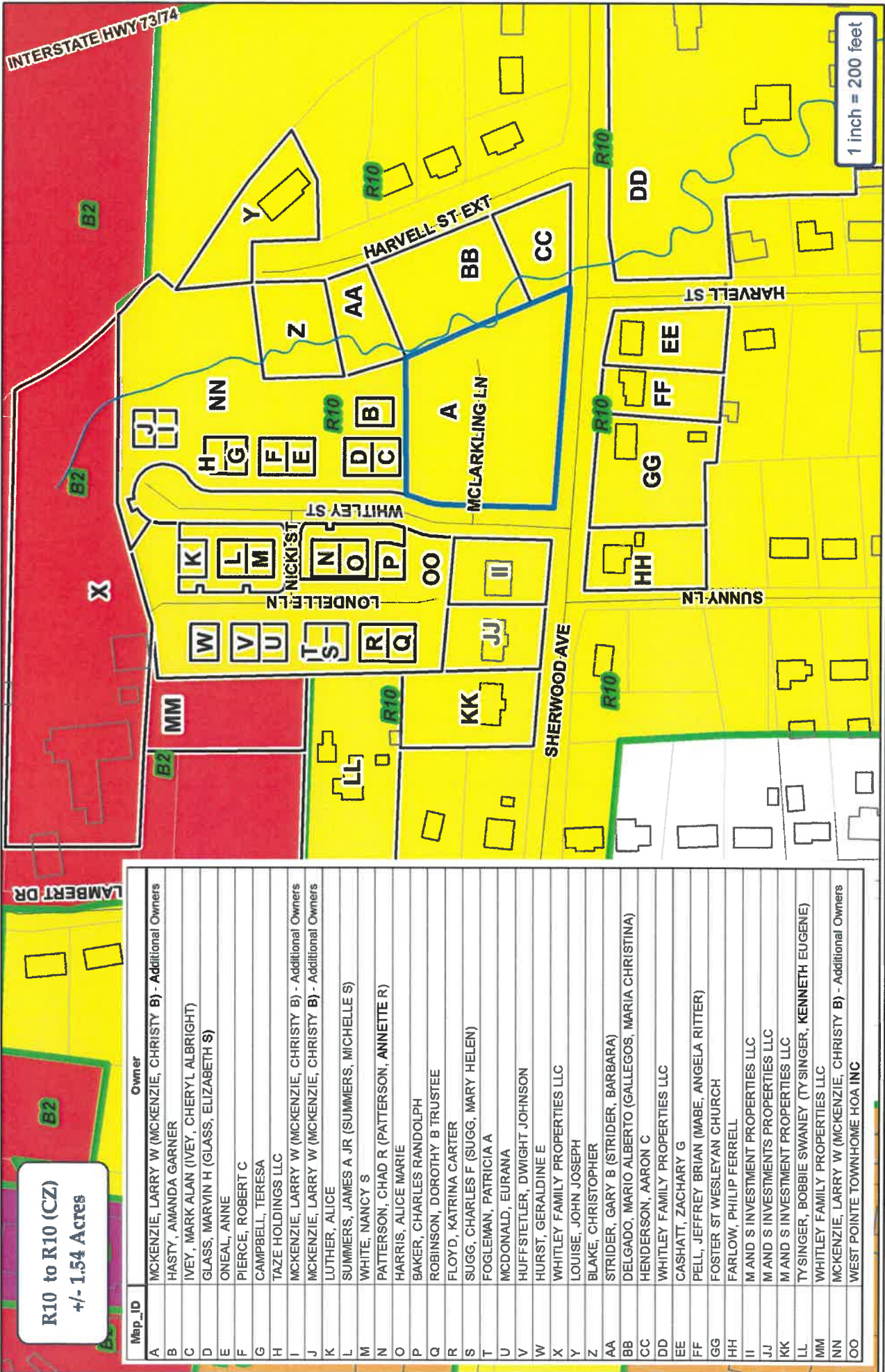
R10 to R10 (CZ)
+/- 1.54 Acres

1 inch = 400 feet



City of Asheboro Planning & Zoning Department
 Rezoning Case: RZ-23-12
 Parcels: 7750340457





R10 to R10 (CZ)
+/- 1.54 Acres

Map_ID	Owner
A	MCKENZIE, LARRY W (MCKENZIE, CHRISTY B) - Additional Owners
B	HASTY, AMANDA GARNER
C	IVEY, MARK ALAN (IVEY, CHERYL ALBRIGHT)
D	GLASS, MARVIN H (GLASS, ELIZABETH S)
E	ONEAL, ANNE
F	PIERCE, ROBERT C
G	CAMPBELL, TERESA
H	TAZE HOLDINGS LLC
I	MCKENZIE, LARRY W (MCKENZIE, CHRISTY B) - Additional Owners
J	MCKENZIE, LARRY W (MCKENZIE, CHRISTY B) - Additional Owners
K	LUTHER, ALICE
L	SUMMERS, JAMES A JR (SUMMERS, MICHELLE S)
M	WHITE, NANCY S
N	PATTERSON, CHAD R (PATTERSON, ANNETTE R)
O	HARRIS, ALICE MARIE
P	BAKER, CHARLES RANDOLPH
Q	ROBINSON, DOROTHY B TRUSTEE
R	FLOYD, KATRINA CARTER
S	SUGG, CHARLES F (SUGG, MARY HELEN)
T	FOGLEMAN, PATRICIA A
U	MCDONALD, EURANA
V	HUFFSTETLER, DWIGHT JOHNSON
W	HURST, GERALDINE E
X	WHITLEY FAMILY PROPERTIES LLC
Y	LOUISE, JOHN JOSEPH
Z	BLAKE, CHRISTOPHER
AA	STRIDER, GARY B (STRIDER, BARBARA)
BB	DELGADO, MARIO ALBERTO (GALLEGOS, MARIA CHRISTINA)
CC	HENDERSON, AARON C
DD	WHITLEY FAMILY PROPERTIES LLC
EE	CASHATT, ZACHARY G
FF	PELL, JEFFREY BRIAN (MABE, ANGELA RITTER)
GG	FOSTER ST WESLEYAN CHURCH
HH	FARLOW, PHILIP FERRELL
II	M AND S INVESTMENT PROPERTIES LLC
JJ	M AND S INVESTMENTS PROPERTIES LLC
KK	M AND S INVESTMENT PROPERTIES LLC
LL	TY SINGER, BOBBIE SWANEY (TY SINGER, KENNETH EUGENE)
MM	WHITLEY FAMILY PROPERTIES LLC
NN	MCKENZIE, LARRY W (MCKENZIE, CHRISTY B) - Additional Owners
OO	WEST POINTE TOWNHOME HOA INC



CITY OF
ASHEBORO
NORTH CAROLINA
Quality values your town is in.

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-12

Parcels: 7750340457

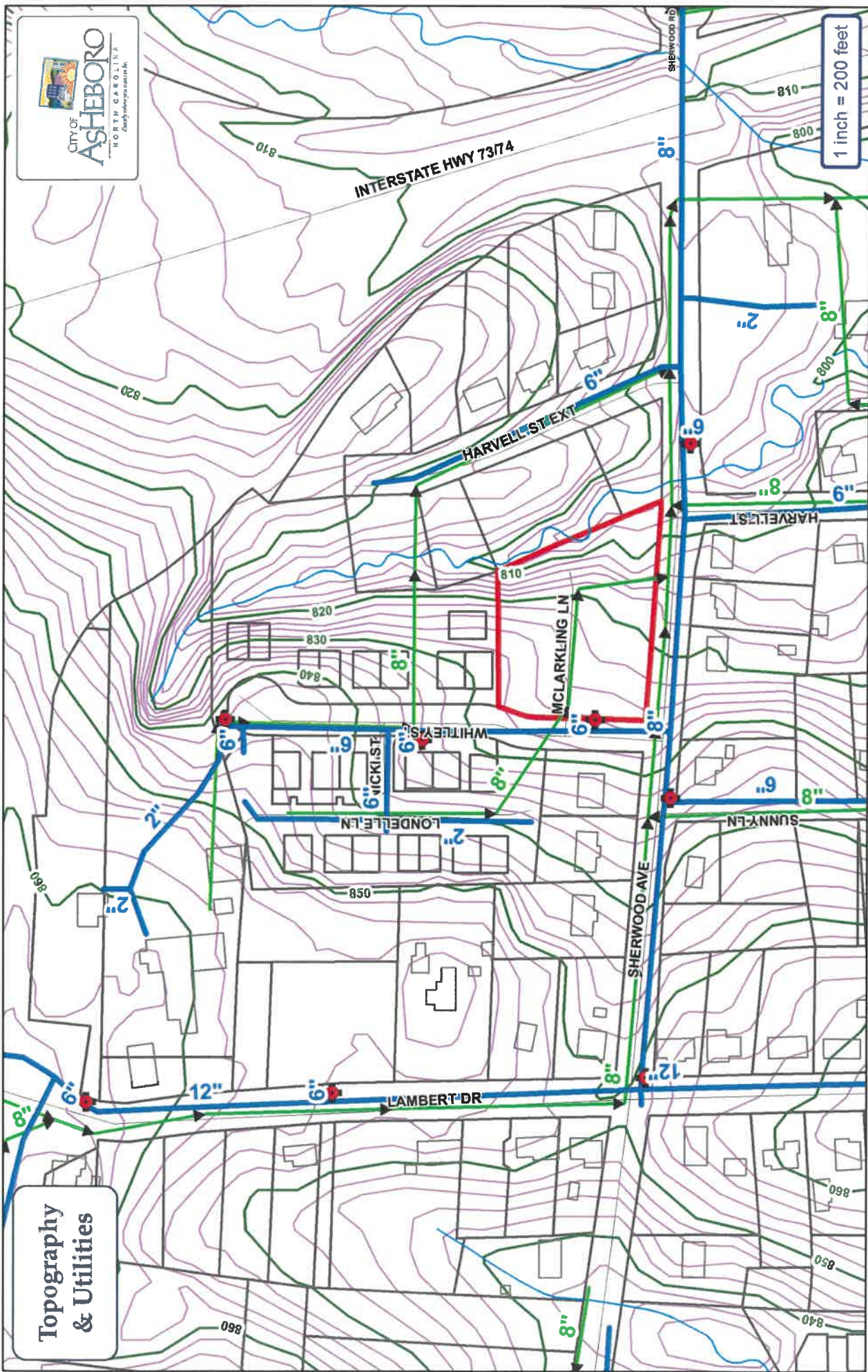
1 inch = 200 feet

Subject Property

Adjoining Properties

City Zoning

ETJ

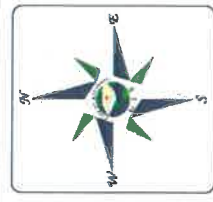


	Water Main		Fire Hydrant
	Sewer Main		Pump Station
	Force Main		Watershed

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-12

Parcels: 7750340457



Subject Property

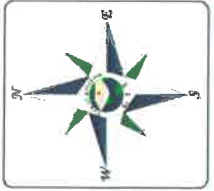
Aerial



City of Asheboro Planning & Zoning Department

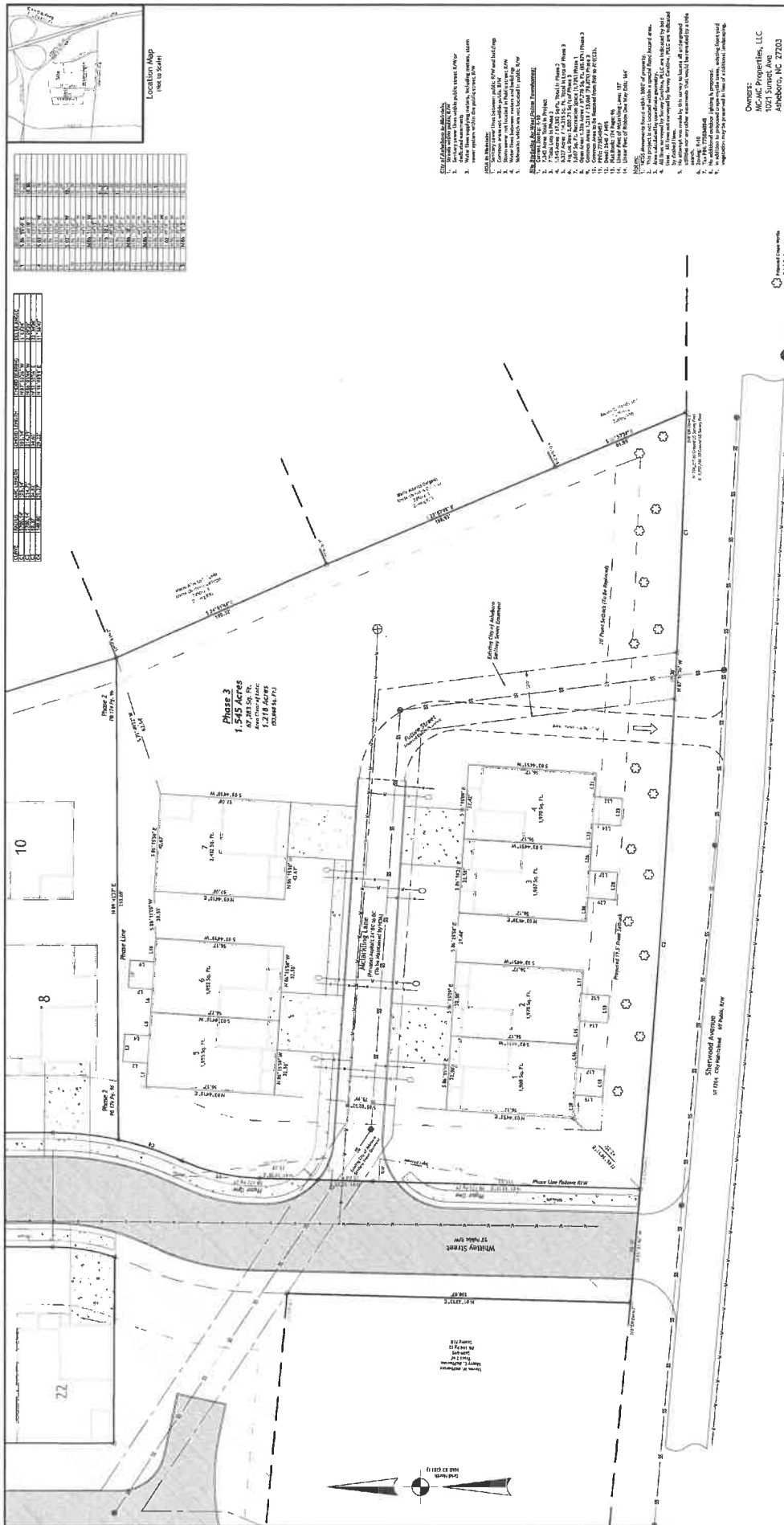
Rezoning Case: RZ-23-12

Parcels: 7750340457



Subject Property





THIS SURVEY IS NOT SUBJECT TO GS-47-30 AND IS NOT TO BE USED FOR RECORDING

I, Don W. Turner II, Professional Land Surveyor, certify that this survey is a new survey and does not create a new street or change an existing street.

I, Don W. Turner II, Professional Land Surveyor, certify that this survey is a new survey and does not create a new street or change an existing street.

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I, Don W. Turner II, certify that this map was drawn under my supervision from an actual GPS/GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Type of GPS/GNSS field procedure: Real-Time Kinematic Networks
- (2) GPS/GNSS receiver make and model: Trimble R10
- (3) GPS/GNSS antenna make and model: Trimble
- (4) Base station make and model: Trimble
- (5) Base station location: North Carolina Real Time Network
- (6) Combined grid accuracy: 0.00000003
- (7) Combined grid accuracy: 0.00000003
- (8) Combined grid accuracy: 0.00000003
- (9) Combined grid accuracy: 0.00000003
- (10) Units: US Survey Feet

Symbol	Description
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100	Proposed New Road

Phase 3 of Site Plan For:
West Pointe Townhome
City of Asheville
Asheville Township
North Carolina
Ded Book 3646 Pg 495 Pat Book 174 Pg 95
Scale: 1" = 20' Survey Feet

Owner:
MCMC Properties, LLC
1001 Sunset Ave
Asheville, NC 28703
336-953-2913

Survey Carolina, PLLC
114 S. Fayetteville St., Suite B, Asheville, NC 27203
Phone Number: 336-625-8009
Email: info@surveycarolina.com
Don W. Turner II, L-1787
7/2023 Survey Carolina, PLLC Job #: 19204

- City of Asheville Landmarks:**
1. Asheville Convention Center
 2. Asheville Convention Center
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 100. Asheville Convention Center

limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

APPLICANT INFORMATION

Applicant Larry McKenzie

Applicant's Phone # 336-953-2913

Applicant's Address 1021 Sunset Avenue

Asheboro, NC 27203

Applicant email address: larry@mckenzieproperties.net

PROPERTY INFORMATION

Property Owner's Name: Larry W. McKenzie, Christy B. McKenzie & Other owners; and West Pointe Townhomes HOA, Inc.

Location of Property: North side of Sherwood Avenue *Property Size (ac. or s.f.)* 5.34 acres +/-
Randolph County Property Identification Number (PIN#) 7750340457, 7750340845, & 7750247757

Current Zoning District: R10

Requested Zoning District: R10 (CZ)

Date Property Title Acquired 4-26-2019 and 3-18-2022 (*Deed Date for* DB 2797, PG 2155).

Deed Book; DB 2646 PG 1495 & DB 2797 PG 2155

Subdivision West Pointe Townhomes *Section:* 1 & 2; *Future Phase* 3 *Lot #:* Common Area

Plat Book: PB 172 (Page 29) and 174 (Page 96)

Page: See PB information

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:

To allow back decks of homes backing up to Sherwood Ave
to be 19.6 feet from property line

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

Keeping the property as residential

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?

Better emergency vehicle access to Sherwood Ave with
added exit lane.

Does not apply ☐

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

Original plan was to have concrete patios, due to the lay of the
land had to switch to decks which are subject to set backs

APPLICATION SIGNATURES

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

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

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

Applicant Signature

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

*Position/Relationship of Authorized
Signatory to Applicant*

Owner Signature (if different than Applicant)

James W. McKenney

Owner Address

1095 Bunting Rd
Asheboro NC 27205

Telephone Number

336-953 2913

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

*Position/Relationship of Authorized
Signatory to Owner*

STAFF USE

Received by: John Evans Date: 6-21-23 Case Number: RZ-23-12