



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, February 5, 2024
7:00 PM
AGENDA**

- I. Call to Order
- II. Consent Agenda Items:
 - (a) Approval of Minutes from January 8, 2024
 - (b) Approval of Final Decision Document for Case No. BOA-24-02): Request for variance from Chapter 4, Section 4.07(D)(2)(a)(iii) (Front Yard Setback) for property located at 428 South Fayetteville Street
- III. Review of Cases and Monthly Report on Major Subdivisions Administratively Approved.
Staff Note: There currently have been no major subdivisions approved since January 8, 2024.
- IV. New Business
 - (a) Election of Board Officers (Chair, Vice-Chair, and Secretary)
 - (b) RZ-24-02: Request to rezone property adjacent to 1901 North Fayetteville Street (Randolph County Parcel Identification Numbers 7752988469 and 7762091068) to an amended RA6 (CZ) High-Density Residential Conditional Zoning for Multiple-Family dwellings
 - (c) Planning Board Functioning as Board of Adjustment: BOA-24-02: Request for variance from Chapter 4, Section 3.01(C) of the zoning ordinance requiring every lot to abut a street for property located on Stowe Avenue (Randolph County Parcel Identification Numbers 7750983098 and 7750983093).
- V. Items not on the agenda
- VI. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, JANUARY 8, 2024
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
Justin Luck, Planning and Zoning Administrator
Bradley Morton, Planner/Deputy City Clerk
Trevor Nuttall, Community Development Division Director
Jeffrey Sugg, City Attorney

CALL TO ORDER

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

APPROVAL OF MINUTES FROM DECEMBER 4, 2023

Mr. O'Kelley inquired if there were any corrections or additions to the December 4, 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. Evans went over the land use cases that the City Council heard at the December, 2023 Regular Meeting. He also reported on one (1) major subdivision administratively approved (Case No. SUB-22-01, Windcrest Acres, Section 4, 15 lot conventional subdivision, preliminary plat approval).

OLD BUSINESS

RZ-23-14: REQUEST TO REZONE PROPERTY LOCATED ALONG THE WEST SIDE OF ZOO PARKWAY AND THE SOUTH SIDE OF NEWBERN AVENUE FROM R40 LOW-DENSITY RESIDENTIAL, R15 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL, AND R10 MEDIUM-DENSITY RESIDENTIAL TO R7.5(CZ) MEDIUM-DENSITY RESIDENTIAL CONDITIONAL ZONING FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT

Mr. Nuttall gave a visual presentation on the above-referenced rezoning request. He gave an overview of the case:

Applicant: Ridge Road Partners, LLC
Location: Zoo Parkway and Newbern Avenue

Request: Rezone from R40 Low-Density Residential, R15 Low-Density Single Family Residential, and R10 Medium-Density Residential to R7.5 (CZ) Medium Density Residential Conditional Zoning for a Residential Planned Unit Development

Randolph County Parcel ID: 7760008593 (portion) and 7760013008

Size: 94.27 acres +/- of 104.27 acres +/-

Existing Land Use: Undeveloped

He mentioned that all the maps and reports are available to view on the City's website. He showed a rezoning map, pointing out adjoining property owners, noting that the property has been properly posted with a rezoning sign and the request has been properly advertised. He also showed a site plan of the proposed project. He then provided the following updates since the case had been first heard at the September 2023 regular Planning Board meeting:

- Traffic Impact Analysis completed and reviewed by NCDOT; both adjacent and off-site recommendations have been made.
- Number of units increased from 346 to 350 (four additional single-family dwellings)
- Alignment of entrance entering from Newbern Avenue has changed.
- Additional screening (with fence) proposed adjacent to residential property along Newbern Avenue.
- Reposition of some lots closest to Newbern Avenue more into interior of the property.
- Additional visitor parking dispersed throughout development.
- Redesign of trail network providing more access to dwellings

He showed an overview, topography/utilities, aerial, and oblique maps, detailed site plans of the project phases, as well as building renderings and photo of the different building types, provided by the applicant. He showed photographs of the property from all directions. He also provided traffic engineer recommendations, suggesting the need for a left turn lane into the property from Zoo Parkway and compared this with the NCDOT recommendations, which includes left and right turn lanes into the property from Zoo Parkway, a right turn lane on Newbern Avenue 1/3 mile north of the property, and a right turn lane onto Wildlife Way from Zoo Parkway 1.75 miles south of the property.

At this time Mr. Nuttall asked the board if there were any questions before he moved into the analysis of the case. Mr. O'Kelley inquired about the connection to the sidewalk and trails. Mr. Nuttall stated that there are some lots that don't have access to sidewalk or trail network, but there is a condition to re-work the trail network or sidewalk to satisfy the ordinance requirement for all lots to connect to either the sidewalk or the trail network. Mr. Henderson asked about an example of a trail. Mr. Nuttall noted that trails likely would be a five- to six-foot-wide natural surface area throughout the trail network per the plan.

He then went over the analysis of the case:

1. The property is currently outside of the city limits. Annexation, in accordance with city policy, is required to connect to city-maintained utilities.
2. The request is for a residential Planned Unit Development. The latest plan shows a total of 350 dwellings on 350 lots (an increase of 4 dwellings from what was shown on the previous draft of the plan). 286 of these units are detached single-family residences. 64 units are attached townhome style dwellings, clustered in groups of 5 to 7 attached dwellings.
3. Development plans show several common areas with each including amenities such as pickle ball, dog parks, garden areas, and a trail network. Some of the common area is designated specifically as conservation area. The plans note that "the exact amenity provided at each location will be determined at a later date" but the expectation will be that final decisions related to amenities will generally be consistent with what is submitted. Proportional amounts of community amenities would need to be built and available with each phase. Notes also indicate that passive open space with planted grass will comprise the remainder of each area. All common areas will have a minimum of 2 understory trees and 6 shrubs, with "landscaping to have defined boundaries and complement amenity entrance points."
4. Zoo Parkway is a state-maintained major thoroughfare. Newbern Avenue is a state-maintained collector road. The development proposes two access points, one from each roadway and also

shows several potential locations where the internal street network could be extended into adjacent property should future development be proposed. Connectivity between Zoo Parkway and New Bern Avenue is shown via a stream crossing to be built by the developer. Following an initial presentation of the case to the Planning Board in September, the case was continued multiple times, giving the applicant time to continue working on preparation of a traffic study. A Traffic Impact Analysis (TIA) was completed by a traffic engineering firm in November and NCDOT completed its review in December. While the TIA found only improvements to be warranted on Zoo Parkway at the development's entrance (addition of left turn lane), NCDOT is recommending and could require additional improvements. These include both right and left turn lanes at the Zoo Pkwy entrance, a right turn lane on Zoo Parkway at Newbern Avenue, approximately 1/3 mile north of the subject property, and a right turn lane on Zoo Connector at Wildlife Way, approximately 1.75 miles south of the subject property. No other improvements were recommended by the traffic engineer or NCDOT, including to New Bern Avenue near Teachey Elementary.

5. A portion of the property is in a Special Hazard Flood Area. There is one roadway crossing shown traversing the floodway.
6. The plans identify certain areas for tree preservation, primarily within flood-prone areas of the property. There also is some landscape buffering shown to be provided between the development and adjacent property, with a minimum 15 ft. natural buffer to be retained adjacent to the townhomes. Each development entrance will be landscaped with at least 4 understory trees and 12 shrubs, and street trees will be installed at a rate of 1 understory tree per 25 residential units.
7. Staff had suggested additional fencing be provided adjacent to two additional residential properties (Parcel Identification Numbers 7760013216 and 7760014240) along Newbern Avenue. In response, the applicant revised the site plan to add common elements on both sides of the street entering the development from Newbern Avenue (Orchid View Drive). This revision increases separation between new lots and existing homes. The applicant's current plan also proposes a 6' high wooden privacy fence adjacent to the property closest to the development's entrance on Newbern Avenue (PIN 7760013219).
8. Sidewalks customarily are required for a Residential Planned Unit Development and typically is expected to connect all lots and amenities to existing streets. The site plan shows a sidewalk network only on one side of the new streets which is not adequate under the code when lots are proposed to be on both sides. Staff has identified this deviation and, in response, the applicant has added a trail that would provide additional pedestrian access for many of the lots. The latest plan makes additional adjustments to the trail's location to improve the access of this trail to lots within the development. Several lots, however, remain unconnected to a pedestrian feature (Lots 2, Lots 11-16 and Lots 103-132), and the common area south of the intersection of Wagon Creek Road and Rusty Willow Road. Staff has proposed a condition requiring that all lots and amenities be directly connected to a pedestrian element.
9. The zoning ordinance does allow an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-determined requirements. The aforementioned pedestrian network is the primary deviation identified on the site plan.
10. The zoning ordinance describes the intent of the R7.5 Medium-Density Residential district as "to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than 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."
11. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community." This classification is also described as having a "pedestrian-friendly neighborhood, with convenient access to surrounding neighborhoods, parks and walking trails, and designated neighborhood commercial centers. "
12. This property is considered a Secondary Growth Area by the LDP's growth strategy classification. This is described as "Areas with prime access to an existing city gravity sewer interceptor and/or an existing or potential future thoroughfare, and located outside of, but adjacent to existing city limits. Suitable development sites within SGAs should be given a moderately high level of encouragement and incentives for mid-range development."

13. The overall density of the development is approximately 4.4 dwellings per acre (when excluding public right-of-way as stipulated by the code). The plans indicate that lot sizes range from 3,000 to 4,000 SF, with minimum unit sizes of 1,150 SF of conditioned area for the attached townhomes. The plans indicate lot sizes ranging from 4,100 to 5,100 SF for the detached single-family dwellings, with minimum unit size of 1,200 SF of conditioned area for each detached dwelling. The average lot size for the development as a whole, after deducting public right-of-way, is 9,928 s.f.
14. As noted during the regular December Planning Board and City Council meetings, this case was readvertised and the applicant participated in the cost of readvertisement, occurring on December 28, 2023 and January 4, 2024. Neighboring property owners were also mailed an additional notice on December 19, 2023, regarding the January Planning Board and City Council meeting dates.

He then provided the following Land Development Plan recommendations:

Proposed Land Use Map:

Neighborhood Residential

Small Area Plan: Central

Growth Strategy Map: Secondary Growth

Goals/Policies Supporting Request (3):

- Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map. (regarding the residential land use, pedestrian connections, and the provision of some recreational amenities)
- Checklist Item 5: Complies with Growth Strategy Map
- LDP Design Principles: PRINCIPLE #4 – Move from “Conventional Development” Towards “Cluster Development”

Goals/Policies Not Supporting Request (3):

- Checklist Item 1: Does not comply with LDP proposed land use map (regarding density similar to surrounding neighborhoods and convenient access to neighborhood commercial center).
- Checklist Item 12-13: Property has steep slopes (>20%) and is within special flood hazard area.

He then presented staff's proposed conditions:

- a) The use approved shall be a Residential Planned Unit Development with no more than 350 dwelling units on 350 lots and development shall be per the approved site plan and materials submitted in support of the application.
- b) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- c) Enclosure of concrete pads or other additions to the rear of dwellings within Phase 1 of the development shall not be considered a modification requiring City Council review provided such additions are located on a recorded lot.
- d) Maintenance of all recreation areas, any utilities not publicly maintained, and roadways and drainage facilities that are not specifically labeled on the approved as public or not within public-right-of-way shall be the responsibility of the property owner and any successors in interest.
- e) Any utility infrastructure indicated by the city as required to be publicly maintained shall be located within a City of Asheboro utility easement. Surveying of any required easements shall be the responsibility of the property owner.
- f) Solid waste disposal for the project shall be consistent with city policies and codes.
- g) Landscaping, including street trees, front yard landscaping, tree preservation, perimeter buffering, and fencing shall be installed or retained consistent with the details and specifications shown on the site plan and as modified by these conditions.
- h) Prior to the recording of Memorandum of Land Use Restrictions outlined in (CC), the site plan shall be revised with the following information and resubmitted to the Planning Department for review of code compliance and inclusion in the file without further review by the Council:
 - i. Labeling of recreation area on plan sheets.
 - ii. Labeling of adjacent property zoning within 50' of subject property.
 - iii. Labeling of all lot dimensions.

- iv. Sidewalk width and grass strip dimension in accordance with the Asheboro Subdivision Ordinance: sidewalks to be maintained by the city shall be 5' wide with a 2.5' grassed strip.
- v. Clarification on site plan that stormwater management is the responsibility of the property owner and/or homeowners' association outside of the public right-of-way. Cover Sheet Note 19 shall be updated to reflect City of Asheboro stormwater maintenance responsibilities only exist within public right-of-ways.
- vi. Extending sidewalks to roadway intersections and between phases if gap exists.
- i) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:
 - i. Driveway permit from NCDOT.
 - ii. Permitting from NC Department of Environmental Quality
 - iii. Subdivision Sketch Design and Preliminary Plat
 - iv. A sealed survey plat shall be submitted by a Professional Land Survey to city staff for recording identifying the boundaries of the approved Conditional Zoning District.
- j) Prior to the preliminary plat approval, plans concerning water, including provisions for fire hydrants, streetlights, and sanitary sewage that comply with city policies, shall be submitted and approved.
- k) All dwellings shall be located on a subdivided lot, with sufficient buildable area in compliance with Zoning Ordinance Section 3.01(C), and recorded in the public registry in accordance with the city's land development requirements.
- l) Front yard averaging provisions shall not be applicable within any phase of the development.
- m) Open space shall be created and recorded consistent with the conditional zoning district site plan.
- n) Recreational elements proposed within each phase shall be constructed and available for use prior to the recording of subdivision plats resulting in the creation of more than 75% of the lots approved for that phase as ultimately shown on the preliminary plats to be presented.
- o) Outdoor recreational vehicle (RV) parking shall be prohibited throughout the development by the homeowners' association documents.
- p) Sidewalks meeting ADA standards or a trail shall be provided to connect units and lots, parking areas, recreation facilities, trash facilities, community mailboxes Sidewalks shall extend to intersections with existing streets and along existing public streets (except as noted below) where new curb and gutter is added; a trail network shall be built as shown on the final approved conditional zoning district site plan. Where existing and proposed streets exceed five percent (5%) grade, and sidewalks area added along those streets, sidewalks shall meet ADA standards at the intersection(s).
- q) Stormwater control measures, designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual (Manual), shall be provided, unless the city is provided and accepts a professional engineer's report determining and demonstrating that such measures would be contrary to the public interest. Such report shall include, but not be limited to, a determination that the Manual's stormwater measures, if built, would increase peak flood impacts on downstream properties. The report shall also recommend design elements that can be implemented to minimize adverse stormwater impacts. In the absence of such a report, stormwater control measures shall be built to control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control structures, if built, were constructed according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all stormwater control measures shall be the responsibility of the property owner.
- r) All terminations of public streets, whether permanent or temporary, shall comply with city ordinances and policies pertaining to turnaround and maneuvering area.
- s) Each dwelling unit constructed shall, at a minimum, possess a garage capable of holding one passenger vehicle and at least one additional off-street parking space.
- t) Final roadway names shall be subject to city and Randolph County approval.
- u) Floodplain development permits shall be issued by the city prior to any construction within regulated floodplain areas.
- v) Annexation shall be required prior to extension of city water and sewer.
- w) Evaluation of changes necessitated by NCDOT permitting requirements resulting from the development's traffic impact analysis shall be reviewed consistent with Section 4.05(C)(13).

- x) If the postal service requires a cluster box unit (CBU) for mail delivery, such a change will not be considered a modification of the conditional zoning district requiring council action. If required within the public right-of-way, an area shall be provided that, at a minimum, is adequate for one drop-off space for a motor vehicle, including any maneuvering area. Any drop-off area shall be designed in accordance with commonly accepted traffic engineering practices. Construction of this area shall be the responsibility of the developer and is subject to approval of the City of Asheboro Public Works Division and/or Engineering Department. Alternatively, should the developer choose to construct the community mailbox and any associated vehicular areas in a location completely on private property, this activity shall not be considered a modification, subject to Section 4.05 of the Asheboro Zoning Ordinance.
- y) 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 provisions required by city ordinance and prohibit the parking of recreational vehicles (boats, campers, travel trailers, etc.) outdoors.
- z) The connection between Phases 1 and 3 that is provided by Wagon Creek Road shall be built, accessible, and offered for public dedication prior to the platting of any lot(s) within Phases 3 and/or 4 of the development. No lots within Phase 4 shall be platted prior to Phase 1 and 3 roadways being built, accessible, and offered for public dedication to such an extent that continuous uninterrupted public access is assured between Zoo Parkway and New Bern Avenue through the development. If Phase 3 or 4 development occurs before Phase 1 or 2, Wagon Creek Road shall be built, accessible, and offered for public dedication to connect Phase 3 with Phase 1 prior to the platting of any lot(s) within Phases 1 or 2. No lots within Phase 2 shall be platted prior to Phase 1 and 3 roadways being built, accessible, and offered for public dedication to such an extent that continuous uninterrupted public access is assured between Zoo Parkway and New Bern Avenue through the development.
- aa) At least one public street stub enabling a future public road extension into the Donna Ruth Brown Heirs property, identified as Randolph County Parcel Number 7669292429, shall be built. The location and design of the street stub shall be reviewed and approved with the preliminary plat and engineering plans and in consultation with NCDOT.
- bb) At least one additional public street stub enabling a future public road extension into the Christopher Boyd Hayes property, identified by Randolph County Parcel Identification Number 7669170872, shall be built. The location and design of the street stub shall be reviewed and approved with the preliminary plat and engineering plans and in consultation with NCDOT.
- cc) 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 provided staff's consistency statement:

"The Land Development Plan has anticipated medium-density residential development on this property since plan adoption. The application includes several design characteristics advocated by the plan, including mixed housing options, open space and sensitive lands preservation. The development also includes recreational amenities, a street network that provides internal connectivity as well as options for external connections, and pedestrian infrastructure that generally is viewed as necessary for the number of homes proposed.

The applicant has provided a Traffic Impact Analysis (TIA) that has been reviewed by NCDOT; both the TIA and NCDOT have recommended roadway improvements to mitigate traffic impacts should the project be approved. Ultimately, NCDOT will dictate requirements for access to Zoo Parkway and New Bern Avenue and will utilize the TIA to determine necessary improvements.

While the requested zoning district does seek densities at the upper limit of the city's medium-density residential designation and approval would authorize development more dense than nearby

neighborhoods, the development is designed in a manner that buffers (and) provides separation between those neighborhoods, increasing the project's compatibility with surrounding land uses."

He then provided staff's recommendation:

"Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest, subject to acceptance of the staff suggested conditions."

He asked the board if there were any additional questions. Mr. Buffkin asked if the Asheboro City Schools have provided any comments regarding this proposal. Mr. Nuttall stated that the City has provided information to Asheboro City and Randolph County Schools. He stated that no written document has been received by the City related to comments from either Asheboro City Schools or Randolph County Schools. Mr. Buffkin asked if this project will incorporate a Homeowner's Association (HOA). Mr. Nuttall stated that while the streets will be publicly maintained city streets, the common-area elements of the project would be owned and maintained by an HOA. There were no further questions for Mr. Nuttall at this time.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request.

Mr. John Ross, representing the applicant, spoke in favor of the request and provided a visual presentation to the board. He introduced the design team that was present for the meeting:

- John Ross, PE Project Engineer/Coordinator
- Jerry Fitzgerald, CCIM Project Coordinator
- Christian Vestal - Summey Engineering Associates, PLLC Land Design Technician
- A. J. Anastopoulou PE – Davenport Project Manager/Traffic Engineer

He provided an overview:

Public Notice

- Letters of Notice for the Zoning Map Amendment were mailed August 21, 2023
- Letters of Notice for a Voluntary Neighborhood Meeting were included in the Zoning Notice Package and mailed August 21, 2023
- 29 Letters Mailed to adjoining Property Owners with Additional Letters to Town and Applicant Representatives.

He went over the property boundary map briefly. He then provided the following information:

Voluntary Neighborhood Meeting

- Meeting Held at Cross Road Baptist Church on August 28th.
- In addition to Applicant, Owner and Town Staff, a total of 5 residents signed-in as attending representing 4 adjoining properties.

He showed the initial site plan shown at the neighborhood meeting and provided the following community discussion items:

Community Discussion Items Included:

- Traffic Generation and Mitigation
- Open Space for Wildlife/Habitat
- Use of Pesticides/Herbicides
- Buffering Against Existing Residences
- Vehicular Connectivity for Emergency Response
- Proposed Amenities
- Value of Homes to be Constructed.

He provided information related to the Traffic Impact Analysis (TIA):

Traffic Impact Analysis Schedule

- Sept. 5th Planning Board Continued Pending Traffic Impact Analysis (TIA)
- September 2023: Final Scoping Approved by NCDOT
- October 2023: Traffic Counts Completed and Analysis Initiated
- November 6, 2023: Traffic Impact Analysis Completed and Submitted to NCDOT for Approval
- Traffic Impact Analysis NCDOT Approval received December 21, 2023

He then allowed Mr. Anastopoulo to address the board and speak about the traffic impact analysis information. Mr. Anastopoulo showed maps that included the proposed traffic improvements. He also provided information that was agreed upon with the applicant and NCDOT, including trip generation, traffic counts, trip distribution and study intersections, which were provided in the maps, including Wildlife Way, US Highway 220 and Charles Avenue, Newbern Avenue and Zoo Parkway.

A member of the audience inquired if the City or State has plans to make any improvements to Zoo Parkway. Mr. Anastopoulo stated that in the TIA process, the applicant inquired with NCDOT to see if there were any committed improvements to Zoo Parkway in the future and that, at this time, there are no committed improvements along the parkway. Mr. O'Kelley reminded the audience they would have a chance to address the board and the applicant at a later period of the meeting.

He then inquired if the board had any additional questions for the applicant's design team. Mr. Buffkin inquired if there were discussions about roundabouts or traffic signals, to which Mr. Anastopoulo stated that the project would not warrant the need for either a roundabout or traffic signals at either of the study intersections. Mr. O'Kelley inquired about information in the presentation that speaks on traffic distributions and to explain the percentages of these traffic distributions. Mr. Anastopoulo explained that the percentages show the amount of traffic that goes into town and the amount of traffic that leaves town. He stated that NCDOT anticipates more traffic coming off the bypass. There were no further questions for Mr. Anastopoulo at this time.

Mr. John Ross showed the board the updated site plan proposed. He focused on green space and natural conditions, overhead powerlines, and noted that the net result into the site is a better flow and fit with the new plan. He focused on amenities and open spaces, including pickleball courts, dog park, and community garden proposed. He spoke briefly about the builder, True Homes, and the many awards received and programs they provide throughout the triad and the state. He stated that "Staff Believes that the proposed Zoning Map Amendment is reasonable and in the public interest, subject to acceptance of the staff-suggested conditions or Council's Approval of Modified Conditions". He stated that the development team accepts the proposed conditions as defined in the staff report.

He then asked the board if there were any additional questions. Mr. O'Kelley inquired about the current zoning and if the need to go to the R7.5 conditional zoning is due to the attached unit development. Mr. Nuttall stated that the proposed R7.5 is consistent with the density that the project is proposing. Mr. O'Kelley asked that if R10 was the district requested for this property, what would it allow the developer to build. Mr. Nuttall spoke on the project being a Planned Unit Development, which allows the developer to cluster development into the most workable areas of the site, rather than a conventional subdivision project which clears the site and only allows lots to meet the district minimums regarding lot size and road frontage. He stated that with a traditional R10 subdivision would not require pedestrian elements or tree preservation. Mr. O'Kelley asked if the applicant could request an R10 (CZ) district. Mr. Nuttall stated that this could be a possibility. Mr. Henderson asked about restrictions on building within the overhead powerline area. Mr. Ross stated that the power company dictates this and doesn't allow development within their powerline easements, and in particular this is a 40-foot-wide easement. Mr. Buffkin asked about HOA maintenance on the site. Mr. Ross stated that the properties would be fee-simple lots for purchase, and the HOA will maintain all amenities, open spaces, trails, and common areas. There were no further questions from the board for Mr. Ross at this time.

Mr. O'Kelley inquired if there was anyone else to speak for the request. Mr. Lee Roberts spoke in favor of the request. He stated that he is an adjoining property owner. He stated that initially he had questions about future connections from this project to adjoining properties, but that a specific condition in the report addressed such connections. He stated that there is a lack of housing in the community and that this is a good project to relieve pressure of the lack of said housing inventory. He stated that growth is needed in Asheboro.

Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. Mr. Gary Jarrett, an adjoining owner, had questions about the NCDOT improvements and if turning lanes would be put in at the Newbern Avenue and Zoo Parkway intersection near the Pinecroft neighborhood. Mr. Ross confirmed that this would be implemented. Mr. Jarrett asked about the area near Teachey Elementary and how access from the development into Newbern at Teachey would look. Mr. O'Kelley stated, and Mr. Ross confirmed that there would be a four-way stop at this area. He also asked if there would be access from Zoo Parkway. Mr. Ross confirmed that there would be access into the development from Zoo Parkway. He also asked about the schools and the phasing of the projects. Mr. Ross showed an updated site plan of the T-intersection at the school and the development and Newbern Avenue. Regarding the phasing of the project, if approved, he stated it likely will take six months to get the first phase permitted and would likely be a year process to be able to break ground on the first phase. He stated that after the first phase breaks ground, there would be 50 to 75 homes constructed and that the total buildout process would likely be 6 to 8 years. He stated that the schools should have adequate time to plan for it with this amount of time. Ms. Vuncannon asked when the first house would be built. He stated that the applicant is hopeful for the first home to be built in 18 months and the first occupant in the house in 2 to 3 years. O'Kelley asked about the phases and if the townhomes would come first. Mr. Ross stated phases are representative, but phase 1 or 3 likely would be the first phases of construction. Sandra Spivey with Asheboro City Schools asked if there will be a sidewalk over to the school. Mr. Ross stated that there would be a sidewalk on at least one side of the street. Mr. Rich asked about the intersection of Newbern and Teachey school and if this intersection would be a candidate for a roundabout. Mr. Ross stated that due to the lack of volume, there would not be a need for a roundabout. Mr. Richard Chandler addressed the board and stated that he was in opposition to the project due to several concerns with the lack of housing types, steep slopes, density of the project, existing landscapes having to be eliminated due to the project construction, and runoff concerns. He also asked if members of the public can use school properties for their playgrounds and other amenities. Ms. Vuncannon pointed out several public-school amenities that members of the public use, like walking on the SAMS track, and pickup games at the ballfield and basketball courts at elementary schools in town. There were no further questions from the audience or the board.

Mr. Anderson moved to recommend approval of Case No. RZ-23-14 with the staff's adopted consistency statement and the applicant's acceptance of all the conditions. Mr. Buffkin seconded the motion and the motion carried unanimously.

RZ-23-21: REQUEST TO REZONE PROPERTY LOCATED AT 115 SOUTH FAYETTEVILLE STREET AND 142 WORTH STREET (IDENTIFIED BY A PORTION OF RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7751823582 AND ALL OF PIN 7751825638) FROM OA6 OFFICE-APARTMENT TO B3 CENTRAL COMMERCIAL ZONING

Mr. Evans stated that this item was heard and continued at the December 2023 regular meeting. He gave an overview of the case:

Applicant: Al LaPrade (on behalf of DLLA, LLC)

Location: 115 South Fayetteville Street & 142 Worth Street

Request: Rezone from OA6 Office-Apartment to B3 Central Commercial

Randolph County Parcel ID: 7751825638 and 7751823582

Size: 0.93 acres +/- of 1.46 acres +/-

Existing Land Use: Formerly bank, including associated surface parking & deck.

At this time, Mr. O'Kelley asked if there was anyone to speak for or against this continued request. The applicant, Mr. Al LaPrade, was present. There was no one else in favor or opposition to the request in the audience.

Mr. Evans mentioned that at the December meeting, the analysis, consistency statement, and staff's recommendation were clearly stated and if the board wanted him to go over any portions of the report, he would do so. It was the consensus of the board that they did not require any further review of the case due to the continuance only being for the purpose of mailing notices to all adjoining property owners. Mr. O'Kelley invited the applicant to address the board for any additional comments.

Mr. Al LaPrade, the applicant, stated that all mailings to adjoining property owners were sent on December 20th, 2023. He had no further comments or questions.

Mr. Evans stated that the city has also notified all property owners, the rezoning sign is posted on the properties, and the rezoning request was properly advertised. There were no further questions or discussion from the board.

Ms. Vuncannon moved to recommend approval of RZ-23-21, based on the staff's consistency statement as presented. Mr. Rich seconded the motion and the motion carried unanimously.

NEW BUSINESS

RZ-24-01: REQUEST TO REZONE PROPERTY LOCATED AT 1419 AND 1425 OLD LIBERTY ROAD FROM R10 MEDIUM-DENSITY RESIDENTIAL AND B1 NEIGHBORHOOD COMMERCIAL TO R10 (CZ) MEDIUM-DENSITY RESIDENTIAL CONDITIONAL ZONING

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

Applicant: Christian Vestal

Location: 1419 and 1425 Old Liberty Road

Request: Rezone from R10 Medium-Density Residential and B1 Neighborhood Commercial to R10 (CZ) Medium-Density Residential Conditional Zoning

Randolph County Parcel ID: 7763939476 and 7763933912

Size: 1.84 acres +/-

Existing Land Use: Single-family dwelling

He showed overview, rezoning, topographic/utilities, aerial, and oblique maps, as well as photographs of the property from all directions. He also showed a site plan, including building elevations of the applicant's request. He then gave an analysis of the case:

1. The property is inside the city limits.
2. Old Liberty Road is a minor thoroughfare at this location.
3. The property currently has R10 (Medium-Density Residential) zoning on the majority of the property at 1425 Old Liberty Road and B1 zoning at 1419 Old Liberty Road and a small portion of the property at 1425 Old Liberty Road.
4. The zoning ordinance describes the B1 district as "intended to provide for limited retail and personal service uses on free-standing parcels or for small centers to serve adjacent residential neighborhoods. These districts shall normally be located in nodes along minor thoroughfares or higher classification streets." The R10 district is described as producing 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 owner proposes retaining the single-family dwelling on one parcel and dividing the larger parcel into two lots, with a two-family dwelling on each of the new lots. Typical R10 minimum lot sizes are 10,000 square feet for a single-family dwelling and 15,000 for a two-family dwelling. Each lot exceeds the minimum lot size for the use proposed.
6. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-determined requirements. The primary deviation requested by the applicant is the reduction of the lot width from the standard R10 lot width of 75 feet to 70 feet.

7. The applicant proposes a shared driveway to serve both two-family dwellings. One driveway serving the single-family dwelling already exists. The applicant has indicated he has contacted NCDOT, and a driveway permit will be required.

8. The property is in close proximity to the intersection of WOW Road and Old Liberty Road, which is designated as a proposed Neighborhood Activity Center. Such a designation advocates a small, pedestrian-oriented neighborhood activity center with a "mix of commercial, office and institutional, entertainment, open space, and residential uses and housing types". While that particular plan recommendation has not been realized, there are non-residential uses and zoning in close proximity, including industrial zoning across Old Liberty Road to the east.

He went over the Land Development Plan (LDP) Recommendations:

Proposed Land Use Map:

Neighborhood Residential

Small Area Plan: Northeast

Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (6):

- Checklist Item 1: Property is compliant with Proposed Land Use Map
- Checklist Item 5: Complies with Growth Strategy map.
- Checklist Item 12-14: Outside of watershed, flood area, area of steep slopes
- 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.

Goals/Policies Not Supporting Request: N/A

He then went over proposed conditions:

(A) The use approved shall be a single-family dwelling on PIN 77639933912 and one single or two-family dwelling on each new lot created through the subdivision of PIN 7763939476 as depicted on the site plan. Any accessory uses permitted by-right in the R10 district shall be authorized subject to compliance with general R10 district regulations.

(B) Development on the new lots to be created through the subdivision of PIN 7763939476 shall share a single-driveway connection to Old Liberty Road.

(C) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.

(D) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.

(E) Deviations from the Zoning Ordinance's pre-determined development requirements shall be strictly limited to the reduction in lot width to no less than 70 feet at a lot's front setback line.

(F) Prior to issuance of a zoning permit for development depicted, the owner shall provide the following:

- (i) NCDOT permit(s) and updates to the plan as necessary to obtain said permit.
- (ii) Recordation of a survey plat creating the lots as shown on the site plan.

(G) 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 zoning district in the chain of title for the Zoning Lot.

He then provided staff's consistency statement:

"The application seeks to eliminate a small area of Neighborhood Commercial zoning that would be challenging to utilize, and instead proposes a conditional R10 district, similar to the surrounding residential zoning, that would allow single and two-family uses permitted by right in the R10. The request does include a slight modification to R10 lot width standards but offers to provide a shared driveway for the new

development proposed, which helps to manage the number of driveways connecting to Old Liberty Road and promotes public safety. The number of dwellings and housing types requested are consistent with what would be expected in the R10 district.”

He then provided staff’s recommendation:

“Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest, subject to acceptance of the staff suggested conditions.”

He then stated that if there were any questions from the board, he would answer them at this time. Mr. O’Kelley inquired if the driveway is existing. Mr. Evans stated that there is an existing driveway at 1419 Old Liberty Road and there is a driveway at 1425 Old Liberty Road that they are improving. Mr. O’Kelley asked if there was a change to the plan if NCDOT would require additional improvements. Mr. Evans confirmed that NCDOT would review changes. He also pointed out that the driveway access and parking areas would be paved. There were no further questions for Mr. Evans at this time. Mr. O’Kelley inquired if there was anyone to speak for the request. The applicant stated that he is present if there are any questions from the board. There were no questions for the applicant at this time.

Mr. O’Kelley inquired if there was anyone to speak against the request. Ms. Sylvia Smith, an adjoining owner, spoke in opposition to the request due to traffic, more vehicles, lights and noise coming across the street to her yard, lot width and visibility concerns, as well as density concerns. She stated that a lot of people did not get letters and there are no signs posted on the property. Mr. Evans clarified that letters only get sent out to adjoining property owners by the applicant prior to Planning Board meeting, which includes any properties directly across the street or contiguous to the subject property. He also stated that regarding signage, these signs are posted prior to the City Council meeting per the timeline mandated by State law.

Mr. Christian Vestal, the applicant, addressed the board and clarified that he did send letters to all adjoining property owners. Mr. Rush asked Ms. Smith if she received a letter. Ms. Smith confirmed that she did receive a letter. Mr. Vestal also stated that these lots have a good amount of acreage, and that the density is supported for the district. Mr. O’Kelley asked if what is shown is the most that can be developed. Mr. Evans stated that the R10 district only allows for 1 single-family or 1 duplex per lot. Mr. Vestal stated that with the current zoning and amount of acreage on the property, it could be subdivided in such a way to allow for up to 6 to 8 homes if a street were to be built into the property, but the current request is to conditionally zone the property per the plan presented. There were no further questions from the board or audience.

Mr. Buffkin moved to recommend approval of Case No. RZ-24-01 as presented with the staff’s adopted consistency statement and all conditions. Ms. Vuncannon seconded the motion and the motion carried unanimously.

PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT (CASE NO. BOA-24-01): REQUEST FOR VARIANCE FROM CHAPTER 4, SECTION 4.07(D)(2)(a)(iii) (FRONT YARD SETBACK) FOR PROPERTY LOCATED AT 428 SOUTH FAYETTEVILLE STREET

Mr. Luck gave a visual presentation of the above-referenced Board of Adjustment case. At this time, he and the applicant, Mr. Donald Lanier, were placed under oath to give their testimony regarding BOA-24-01. Mr. Luck provided the following information regarding the request:

Request: Variance from the front required yard (setback), as required by Section 4.07(D)(2)(a)(iii) of the Asheboro Zoning Ordinance, strictly limited to the proposed ramp structure as shown on the site plan submitted.

Location: 428 S. Fayetteville St.
Parcel Identification Number: 7751718165
Property Size: 0.66 Acres (28,704 sq.ft.)

Zoning: B2 Commercial and I2 Industrial
Overlay Zone: Tier 2 Center City Planning Area
Surrounding Land Use:

North: Commercial
East: Commercial
South: Vacant/Commercial
West: Industrial

LDP Recommendations:

Growth Strategy: Primary Growth
Proposed Land Use Map: City Activity Center

He showed aerial, overview, topography/utilities maps, as well as photographs of the property from all directions. He then provided the following analysis:

428 S. Fayetteville St. (The Lot) is a legal, conforming lot that is zoned B2 and I2. The Lot is within the corporate limits and utilities are available. The Lot features an existing structure, located within the B2-zoned portion of the property, that contains two tenant spaces, most recently occupied by a law office and beauty salon. The structure was constructed in 1930 according to Randolph County Tax Records, prior to current ADA accessibility standards and requirements. The construction of the proposed ramp is not required at this time by city ordinances or the North Carolina State Building Code. The applicant/property owner desires to construct an uncovered ramp to improve accessibility to the existing structure. The Lot is in Tier 2 of the Center City Planning Area, which modifies the standard 25-foot front required yard (setback) requirement of Table 4-1, which was included in the staff report for reference. Section 4.07(D)(2)(a)(iii) states:

Commercial and Industrial Zones: A required front yard setback line shall be provided on the lot equal to average depth but not to exceed 30 feet, nor less than 10 feet. This measurement shall include the average of the front setbacks for all adjacent lots within the same block as the subject property.

There are five adjacent structures and one vacant B2 zoned lot on the same block as The Lot. Utilizing Randolph County GIS, a front yard setback of 29 feet has been calculated. Details on this calculation are below:

PIN	Apparent Existing Setback
7751719343	26.1'
7751719244	22.1'
7751718006	25'
7751709933	0'
7751709980	61.7'
7751709825	38'

The applicant is requesting a variance from the 29-foot front required yard (setback), as required by Section 4.07(D)(2)(a)(iii) of the Asheboro Zoning Ordinance, for the proposed ramp structure as shown on the site plan submitted. The plan identifies a 3.5' setback from the proposed ramp to the right-of-way; a variance of 25.5' therefore is requested.

The submitted site plan was emailed to NCDOT for their review. The location of the proposed ramp, as shown on the plan, was confirmed to be outside the NCDOT-maintained right-of-way and no revisions were requested.

He showed a site plan noting the location of the proposed ramp. He also showed examples, provided by the applicant, of similar ramp construction that would occur on the property if the variance were granted. He then went over the Findings of Fact to grant a variance:

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

At this time, he asked the board if there were any questions. Mr. Henderson asked if the variance were granted, how would properties on either side be averaged for front yard averaging purposes in the future. Mr. Luck stated that this structure, if the variance were approved, would be factored into future front yard averaging calculations. There were no further questions for Mr. Luck at this time.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. Donald Lanier, the applicant, addressed the board and provided testimony that would highlight each of the four findings of fact necessary to grant a variance. He stated that the ramp will bring the building into compliance with Americans with Disabilities Act (ADA). He stated that the public will gain easier access into the building. He stated that the property slopes from front to back only allows for rear parking. He stated that to safely get drivers into the existing use of an attorney's office, they propose a one-way driveway entrance on the South side and one-way exit on the North side of the property. He stated that there are utilities and a significant slope along the side and rear of the building that would not allow the ramp to be placed in these areas. He gave specifics on the dimensions of the ramp and the ability for a wheelchair turnaround. He stated that the road was previously a two-lane road that now has been widened into a three-lane road. He stated that the construction materials of the ramp will be an open railing style, with wrought iron railing and wood decking boards for the ramp, and that the railing would match the existing building railing. The spirit, purpose, and intent of the ordinance is carried out because the ramp allows easier handicap access to the general public and will make the existing building in compliance with the ADA.

He then asked the board if there were any questions at this time. Mr. Henderson asked why the ramp would not be in the rear of the building at the parking area. Mr. Lanier stated that there is a lower level with a set of steps, and the Southernmost front corner was utilized because of the utilities at the South entrance and due to the slope of the land. Mr. O'Kelley inquired about the location of the ramp and if it could be oriented differently. Mr. Lanier stated that with the fall of the land and the way you must construct a handicap accessible ramp, this would be the only option. He stated that the slope exceeds the slope of the ramp. Mr. Rush asked which driveway cut is the exit. Mr. Lanier noted that the Northernmost driveway is the exit with parking in the rear. Ms. Vuncannon asked what materials will be used. Mr. Lanier stated that the ramp would be a wooden floor with wrought iron railing to match the existing building railing. Mr. Buffkin

asked about a wheelchair lift. Mr. Lanier stated that he did not know how a wheelchair lift would withstand the weather on the exterior of the building. There were no further questions for the applicant at this time.

Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. There was no one present at this time.

Mr. Rush moved to approve Case No. BOA-24-01. Mr. Rich seconded the motion and the motion carried with a 6 to 1 vote, with Mr. Buffkin being the dissenting vote.

ITEMS NOT ON THE AGENDA

Mr. Luck mentioned that there will be another variance case at the February meeting and to let staff know if they will not be present prior to the February meeting.

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



RZ-24-02: Request to rezone property adjacent to 1901 North Fayetteville Street (Randolph County Parcel Identification Numbers 7752988469 and 7762091068) to an amended RA6 (CZ) High-Density Residential Conditional Zoning for Multiple-Family dwellings

Staff Report

Rezoning Staff Report

RZ Case # RZ-24-02

Date 2/5/2023 Planning Board

General Information

Applicant

Lyn Van Lurette Trust, LLC (Brian Newman)

Address PO Box 1450

City Kitty Hawk NC 27949

Phone 252-202-6248

Location 1901 North Fayetteville Street

Requested

Action

Rezone to an amended RA6 (CZ) High Density Conditional Zoning to allow for a development with multiple family dwellings

Existing Zone RA6 (CZ)

Existing Land Use Undeveloped

Size 15.79 acres +/-

Pin # 7762091068

Applicant's Reasons as stated on application

To renew the previously approved RA6 CZ for PIN 7762094082 and 7752988469. Future growth needs in the city limits, with the use of current zoning and infrastructure.

Surrounding Land Use

North Undeveloped/Single-Family

East Commercial/Multi-family residential

South Single/multi-family residential/Manuf. home Park

West Undeveloped/Residential PUD

Zoning History RZ-01-13: The property was rezoned to a conditional use zoning district in 2000 prior to the current conditional zoning process. Only the district was approved; no specific plan or conditional use permit authorized.

Legal Description

The property of Lyn Van Lurette Trust, LLC located contiguous to 1901 North Fayetteville Street (identified by Randolph County Parcel Identification Numbers 7762091068 and 7752988469 and, totaling approximately 15.79 acres +/-).

Analysis

See Attachment 1.

Attachment 1: RZ-24-02 (Arlington Apartments rezoning request): Staff analysis as of 2-1-24

1. The property is inside the city limits.
2. North Fayetteville Street (US 220 Business North) is a state-maintained major thoroughfare. The adopted 2024-2033 State Transportation Improvement Plan identifies improvements for this segment of North Fayetteville Street (widen to multi lanes); the proposed improvements currently are not funded.
3. The property adjoins the Arlington Square apartments which were built in 1999. That development, which is owned by the applicant, includes a total of 120 units contained within 15 two-story structures and a clubhouse. The application proposes to add 180 units to be contained within 15 three-story buildings. Developments of this size typically require a full-time on-site property manager to be provided.
4. The submitted site plan shows access to the new units from the existing development's driveway on N. Fayetteville Street. NCDOT has indicated that an increase to existing right and left turn-lane storages likely will be required as part of the state permitting process. City departments have reviewed the plan related to service delivery. While a second means of access would be beneficial, no department has raised an objection to the proposal.
5. The site plan identifies two recreational picnic areas and one pavilion. A 6' wide private trail also is proposed that could provide a connection to North Asheboro Park. The city currently is studying the feasibility of a public greenway along Hasketts Creek and is proposing a condition that would facilitate its construction should the project move forward in the future. The development's private trail could connect to this future greenway.
6. The western portion of the property is located within a flood hazard area. No structures or parking is proposed within the flood hazard area. There may also be a jurisdictional tributary to Hasketts creek that drains from east to west on the southern portion of the property. If jurisdictional, impacts may have to be mitigated. The applicant is advised to consult with NCDEQ.
7. The application proposes a Floor Area Ratio of 21% (habitable conditioned space) on the subject property; density would be 11.4 dwellings per acre. The existing Arlington Square development has a Floor Area Ratio of 30% and a density of 18.1 dwellings per acre. In 1999, multi-family developments with a ratio of up to 33% were permitted by right in the RA6 district. Current codes limit the ratio to 17% unless additional intensity is authorized through a public hearing process. Projects proposing a ratio of greater than 22% also are expected to comply with additional development standards; these primarily deal with enhanced landscaping, mandatory stormwater control, and requirements pertaining to building design, including acceptable exterior facades or cladding material. When combining the existing Arlington Square development's floor area ratio with that of the proposed application, the ratio exceeds 22%.
8. The zoning ordinance describes the RA6 District as "intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
9. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-determined requirements. One apparent deviation is the lack of recreational vehicle parking for residents that is typically required by the code. City staff is awaiting information on the following to determine if any deviations are proposed:
 - A. Confirmation that the equivalent of a full-time property manager will be provided.
 - B. Accurate parking counts: the plan does not provide the noted 396 spaces.
 - C. Calculations on open space and recreational area to be provided with information on how such area was calculated.
 - D. More details on any landscaping to be installed, to include within the parking areas and along the boundaries of the adjoining Smith Properties property and adjacent residential zoned property also owned by the applicant.
10. There appear to be some erroneous labels that need to be corrected, including mis-identifying the property owner to the west of the subject parcel. Additional information also should be added to the final site plan, including base flood elevations and lighting details (both building and parking lot). More

Attachment 1: RZ-24-02 (Arlington Apartments rezoning request): Staff analysis as of 2-1-24

specifics related to building design, particularly materials to be used, also are needed. Confirmation on landscaping and screening proposed along the southern property lines is requested; in some locations, it exceeds the code requirements but if shown will be required to be installed.

Rezoning Staff Report

RZ Case # RZ-24-02

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation Urban Residential

Small Area Plan Northeast

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.

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Items 12: Property is not located within a watershed area.

Rezoning Staff Report

RZ Case # RZ-24-02

LDP Goals/Policies Which Do Not Support Request

Checklist Items 13-14: (13) Property is located with Special Hazard Flood Area and (14) on slopes of greater than 20%.

Checklist Item 6: Existing infrastructure is adequate to support the desired zone (*water, sewer, roads, schools, etc.*). **Staff Note:** *Concern with this item is related to capacity of existing roadway without roadway improvements.*

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

An RA6 (CZ) district could be generally consistent with the Land Development Plan. The Plan's Proposed Land Use map recognizes the high-density zoning approved for the property in 2000 and designates it for Urban Residential development. The property is adjacent to two high-density multi-family developments and the Small Area Plan advocates accommodating new multi-family projects in certain areas along N. Fayetteville Street. The presence of nearby employment centers also supports the notion of expanding higher-density opportunities.

In order to finalize a recommendation, staff is seeking information and clarification on several items. It is possible that a recommendation will be available at the February 5 Planning Board.

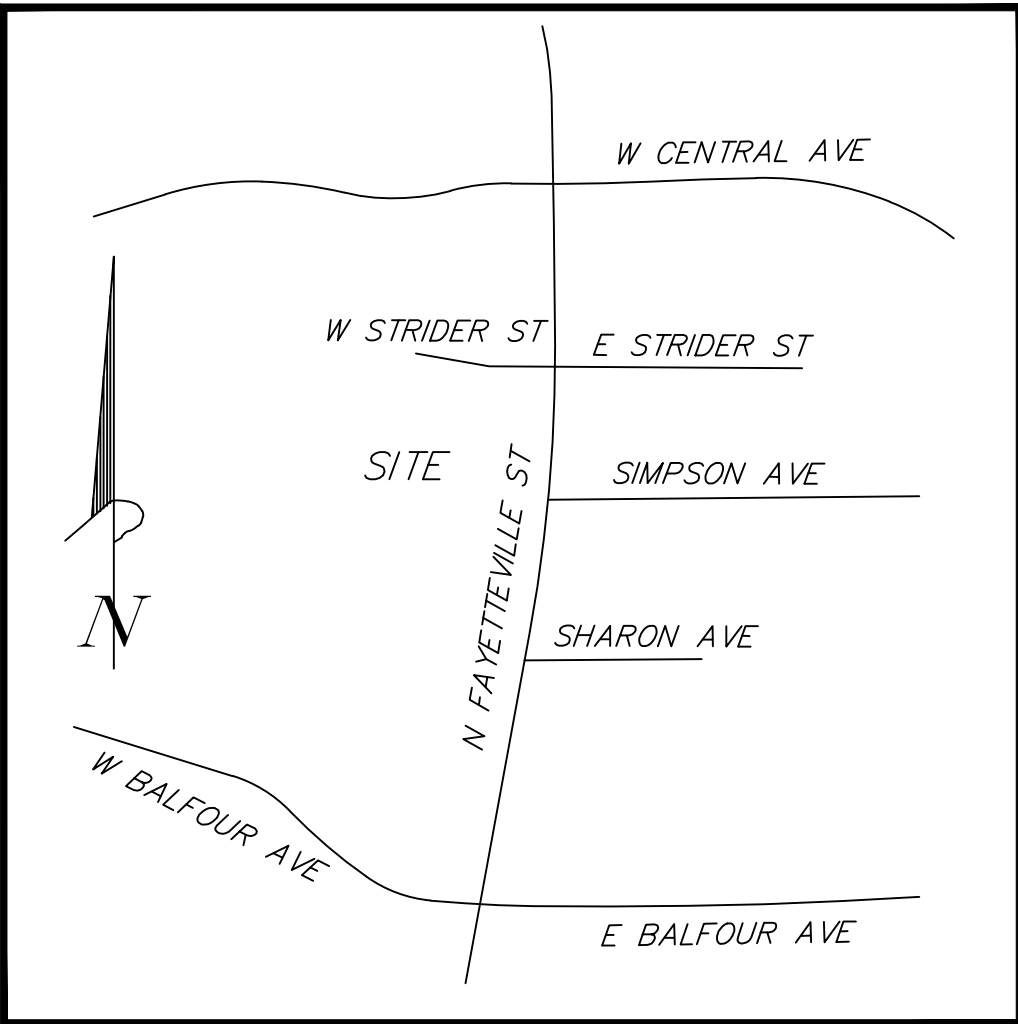
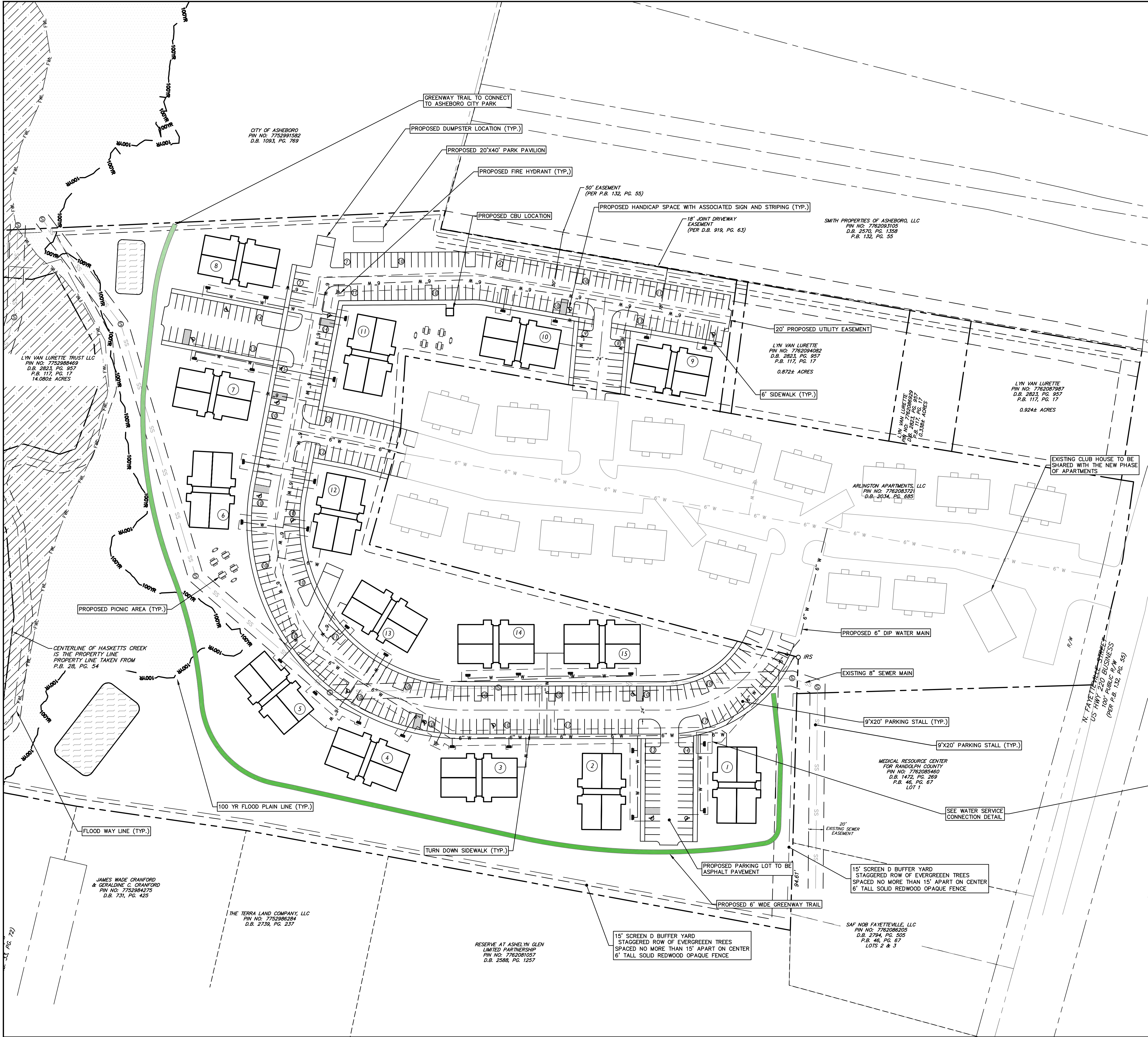
Recommendation Staff's recommendation is pending.

Rezoning Staff Report

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)
See Attachment 2.

Attachment 2: RZ-24-02 Arlington Apartments: Proposed conditions as of February 1, 2024

- (A) The use approved shall be a Development with Multiple Family Dwellings, consisting of a total of 180 dwelling units with a floor area of up to 22 percent.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.
- (D) If solid waste disposal facilities as shown on the site plan are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Such facilities shall be consistent with city policies and codes.
- (E) Maintenance of all areas not within public easements or noted to be publicly maintained on the site plan shall be the responsibility of the property owner and any successors in interest. Surveying and plat preparation needed for any public easements shall be the responsibility of the developer.
- (F) Parking of recreational vehicles shall be prohibited.
- (G) Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.
- (H) A 20' public use easement for the proposed Hasketts Creek Greenway shall be granted at no cost to the city within the 100 year floodplain, if sought by the city and consistent with engineering plans to be prepared for the greenway. The cost to prepare and record the easement shall be the responsibility of the city. The trail location depicted on the site plan may be changed to include a connection to a future North Asheboro Greenway. Any connection of the depicted trail to North Asheboro Park shall occur in coordination and after consultation with the city's recreation director.
- (I) The site plan indicates mail delivery through a cluster mailboxes. If the postal service and/or NCDOT require a different facility(s) or location for mail delivery, such a change will not be considered a modification requiring City Council action.
- (J) If future development of adjoining property provides an opportunity for a second access to be provided from N. Fayetteville Street, the property owner and city staff shall be authorized to work together to investigate the benefits of such a connection. If mutually agreeable and consistent with city codes, such connection shall be permitted and not be considered a modification requiring City Council action.
- (K) Prior to issuance of a zoning permit for development depicted, the owner shall provide the following:
 - (i) A final site plan and the permit fee as required by city codes. The plan shall include all required elements, including but not limited to landscaping and lighting details, final building elevations consistent with the approved conditional zoning district and ordinance,
 - (ii) NCDOT permit(s) and updates to the plan as necessary to obtain said permit.
 - (iii) NCDEQ approval for land disturbance and, if applicable, stream impacts.
 - (iv) Necessary information for a floodplain development permit, if required.
- (L) 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 zoning district in the chain of title for the Zoning Lot.



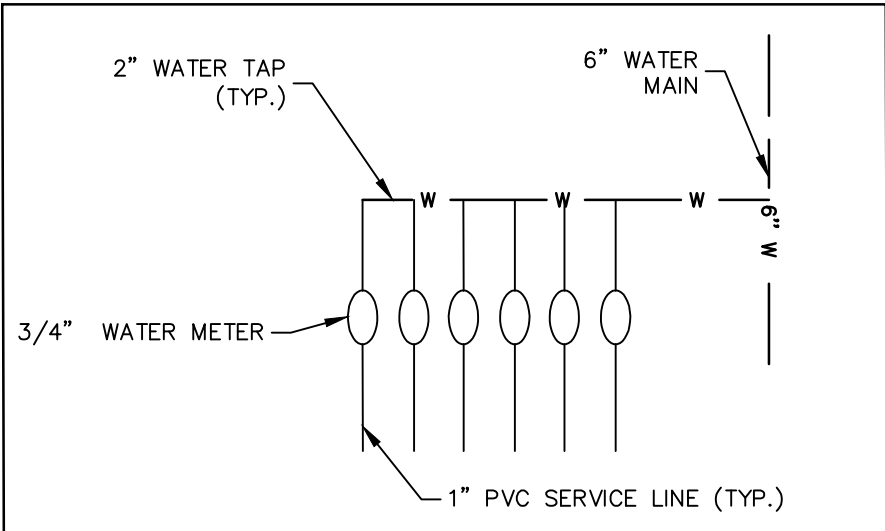
VICINITY MAP
N.T.S.

PRELIMINARY SITE PLAN NOTES:

1. PROPERTY INFORMATION
OWNERS: LYN VAN LURETTE TRUST LLC
PIN NUMBERS: 7752988469, 7762091068, 7762083721
EXISTING ZONING: RA-6 C2
EXISTING LAND USE: UNDEVELOPED
SITE ADDRESS: 1901 N FAYETTEVILLE ST, ASHEBORO NC 27203
OWNER ADDRESSES: P.O. BOX 1450 KITTY HAWK, NC 27949
2. THE PROJECT IS LOCATED INSIDE THE CITY OF ASHEBORO ETJ.
3. PARCEL BOUNDARIES, TOPOGRAPHIC DATA, AND EASEMENTS ARE SHOWN PER FIELD SURVEY PERFORMED BY SUMMEY ENGINEERING ASSOCIATES, PLLC.
4. PROPOSED USE: APARTMENTS - 180 UNITS TOTAL
REQUIRED PARKING SPACES: 360 SPACES (2 SPACES FOR EACH DWELLING UNIT)
+ 1 VISITOR SPACE PER EVERY 10 REQUIRED PARKING SPACES
TOTAL: 396 TOTAL SPACES
- PROPOSED PARKING SPACES: 396 SPACES TOTAL SPACES (2 SPACES FOR EACH DWELLING UNIT)
5. MAXIMUM BUILDING HEIGHT: 35 FT
6. SETBACKS:
FRONT: 25'
SIDE: 10'
REAR: 20'
7. CONTRACTOR TO ENSURE ALL APPLICABLE PERMIT APPROVALS ARE OBTAINED PRIOR TO ANY CONSTRUCTION.
8. CONTRACTOR TO ENSURE ALL SIDEWALKS ARE INSTALLED PER CODES.
9. ALL ELECTRICAL AND TELECOM UTILITY DESIGN BY OTHERS.

DENSITY NOTE:

1 UNIT = 815 HEATED SQUARE FOOTAGE
180 UNITS PROPOSED = 146,700 SF.
TOTAL PROJECT AREA= 688,338 SF. (15.80 AC.)
PROJECT DENSITY= 21%



WATER SERVICE CONNECTION EXHIBIT
NOT TO SCALE

ALL DOMESTIC AND FIRE LINE SIZES ARE SHOWN FOR REFERENCE ONLY AND ARE TO BE CONSTRUCTED PER THE ARCHITECTURAL AND PLUMBING DESIGN DRAWINGS BASED ON THE REQUIRED FLOW RATES PER THE APPROVED BUILDING DESIGN.

DRAWING LEGEND

- | | |
|-----|---------------------------------|
| --- | PROPERTY LINE |
| --- | ADJOINING PROPERTY LINE |
| --- | SETBACK LINES |
| SS | EXISTING SANITARY SEWER MANHOLE |
| --- | EXISTING SANITARY SEWER LINE |
| --- | EASEMENT LINE |
| --- | 100 YR FLOOD PLAIN LINE |



DRAWING SCALE

PRELIMINARY PLANS NOT FOR CONSTRUCTION

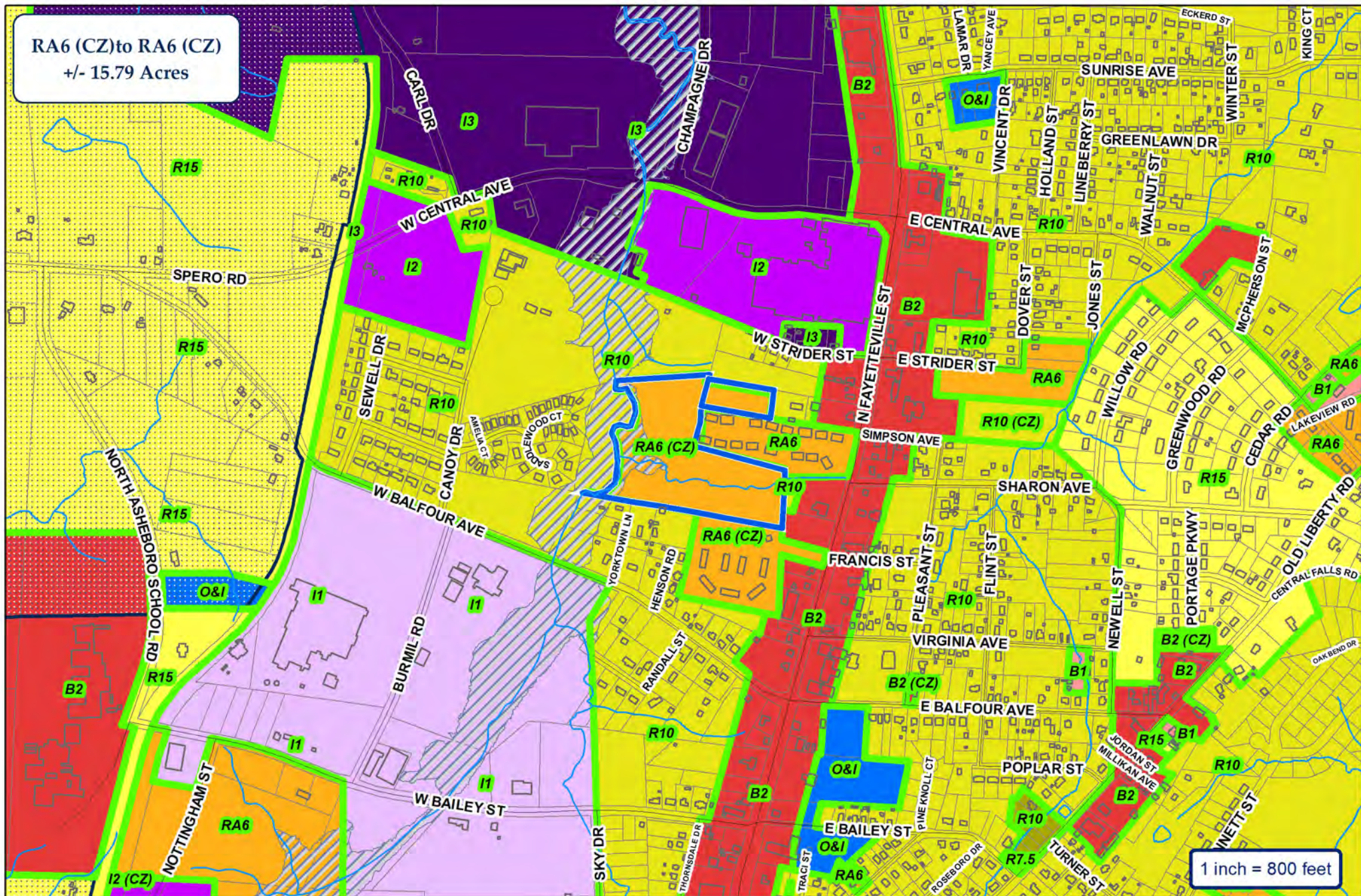
PRELIM SITE SKETCH
ARLINGTON APARTMENTS PH.2
1901 N FAYETTEVILLE ST
ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA

Scale:	AS NOTED
Date:	NOV. 2023
Drawn By:	SEA
Checked By:	HMSJ
Job No.:	E-9055
Sheet No.	C-1

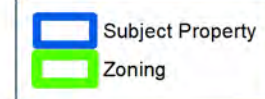


Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
1901 N Fayetteville St
Asheboro, NC 27204
Phone: 336-324-0902 Fax: 336-324-0922
Email: info@summeyengineering.com
NC Professional Engineering Firm License No. P-09336

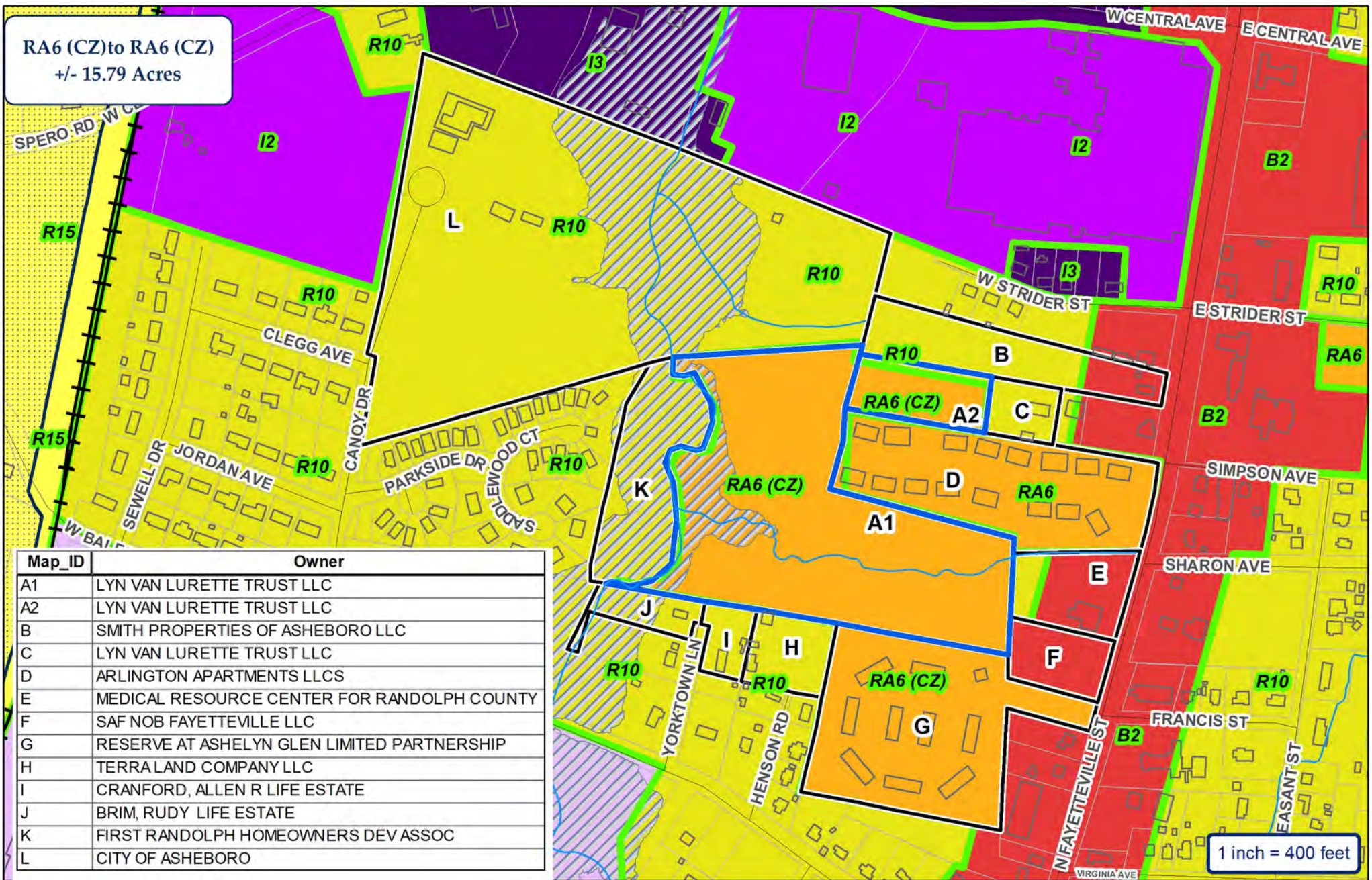
RA6 (CZ)to RA6 (CZ)
+/- 15.79 Acres



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-02**Parcels: 7762091068 & 7752988469**

RA6 (CZ) to RA6 (CZ)
+/- 15.79 Acres



Map_ID	Owner
A1	LYN VAN LURETTE TRUST LLC
A2	LYN VAN LURETTE TRUST LLC
B	SMITH PROPERTIES OF ASHEBORO LLC
C	LYN VAN LURETTE TRUST LLC
D	ARLINGTON APARTMENTS LLCs
E	MEDICAL RESOURCE CENTER FOR RANDOLPH COUNTY
F	SAF NOB FAYETTEVILLE LLC
G	RESERVE AT ASHELYN GLEN LIMITED PARTNERSHIP
H	TERRA LAND COMPANY LLC
I	CRANFORD, ALLEN R LIFE ESTATE
J	BRIM, RUDY LIFE ESTATE
K	FIRST RANDOLPH HOMEOWNERS DEV ASSOC
L	CITY OF ASHEBORO

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-02

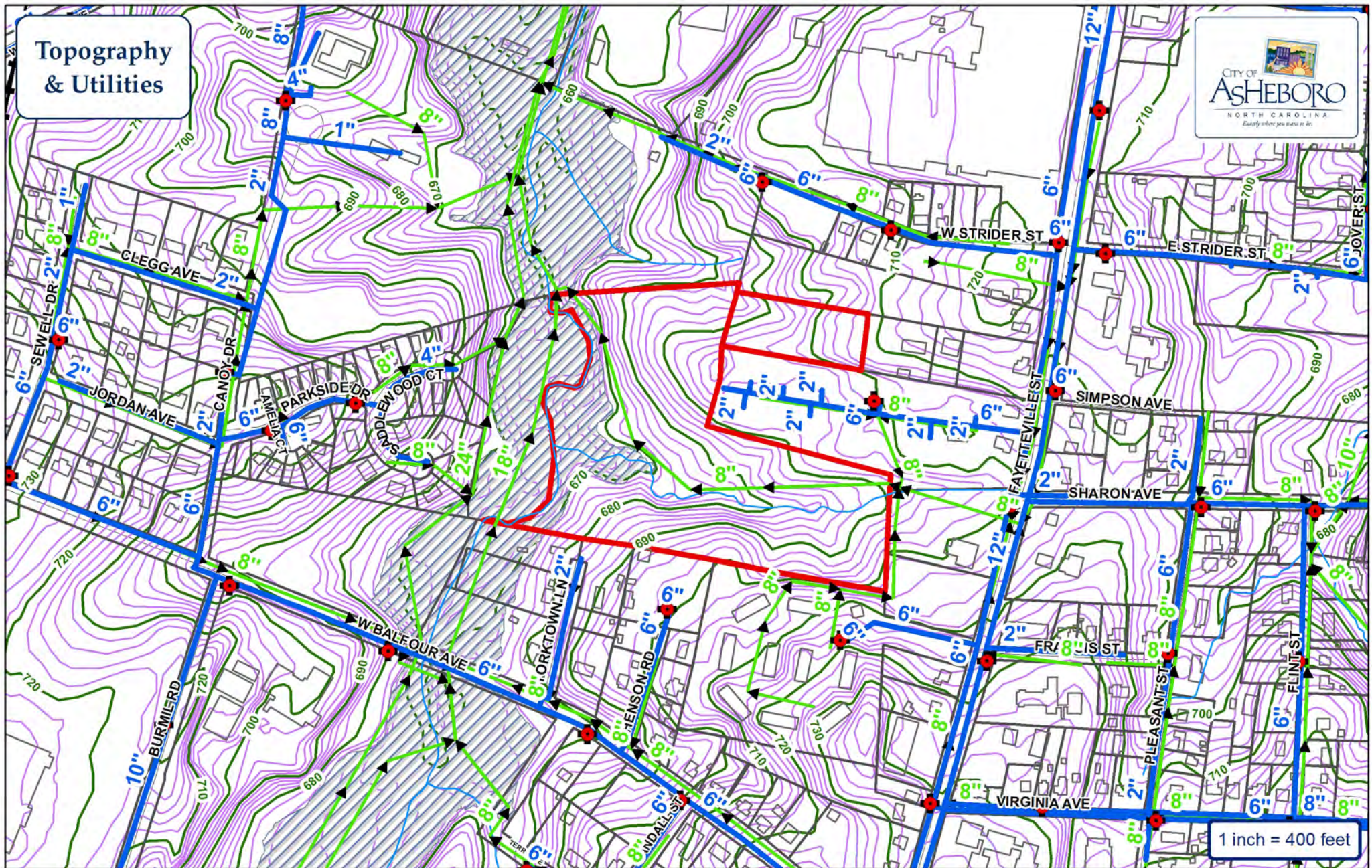
Parcels: 7762091068 & 7752988469

- Subject Property
- Adjoining Properties
- City Zoning



ETJ

Topography & Utilities



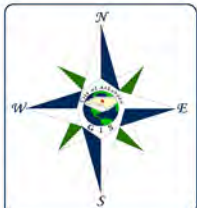
- | | | | |
|--|------------|--|--------------|
| | Water Main | | Fire Hydrant |
| | Sewer Main | | Pump Station |
| | Force Main | | Watershed |

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-02

Parcels: 7762091068 & 7752988469

Subject Property





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-02

Parcels: 7762091068 & 7752988469

 Subject Property





RZ-24-02: Request to rezone property adjacent to 1901 North Fayetteville Street (Randolph County Parcel Identification Numbers 7752988469 and 7762091068) to an amended RA6 (CZ) High-Density Residential Conditional Zoning for Multiple Family dwellings

Photos of existing development, proposed building elevation, and application provided by applicant





0051972



0051972

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

APPLICANT INFORMATION

Lyn Van Lurette Trust, LLC (Brian Newman)
Applicant _____ Applicant's Phone # 252-202-6248

Applicant's Address PO Box 1450
Kitty Hawk, NC 27949

Applicant email address buildnewman@msn.com

PROPERTY INFORMATION

Property Owner's Name Lyn Van Lurette Trust, LLC

Location of Property _____ Property Size (ac. or s.f.) 15.79

Randolph County Property Identification Number (PIN#) 7762091068, 7752988469

Current Zoning District RA6 CZ Requested Zoning District RA6 CZ

Date Property Title Acquired Aug. 9 2022 Deed Book 2823 Page 957

Subdivision _____ Section _____ Lot # _____

Plat Book 177 Page 017

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 renew the previously approved RA6 CZ for PIN 7762094082 and 7752988469

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

Future growth needs in the city limits, with the use of current zoning and infrastructure

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?

APPLICATION SIGNATURES

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

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

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

Applicant Signature



Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)



Owner Address

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: JE Date: 1-12-24 Case Number: RZ-24-02



Planning Board Functioning as Board of Adjustment: BOA-24-02: Request for variance from Chapter 4, Section 3.01(C) of the zoning ordinance requiring every lot abut a street for property located on Stowe Avenue (Randolph County Parcel Identification Numbers 7750983098 and 7750983093).

Staff Report

Board of Adjustment Staff Report

Case: BOA 24-02

Date: February 5, 2024

Requested Action: Variance request from Section 3.01(C) of the Asheboro Zoning Ordinance which requires that every lot must abut a street.

GENERAL INFORMATION:

Applicant: Larry McKenzie

Applicant Address: 1095 Bunting Rd. Asheboro, NC 27205

Location of Affected Property: Stowe Avenue

(Randolph County PIN#7750983098 and 7750983093)

Property Size: 0.34 Acres (15,000 sq.ft.)

Underlying Zone: R7.5

Overlay Zone: None

Existing Land Use: Undeveloped

Surrounding Land Use:

North: Single Family Residential

East: Undeveloped

South: Planned Unit Development (Townhomes)

West: Single Family Residential

Land Development Plan: Neighborhood Residential/Primary Growth

ANALYSIS

Randolph County PIN#7750983098 and 7750983093 (The Zoning Lot) are legal lots created in 1934 (Plat Book 1, Page 71). It is the intention of the applicant to purchase both lots and combine to make one legal, conforming lot for the development of a single-family dwelling.

Section 3.01(C) of the Asheboro Zoning Ordinance states:

Every Lot Must Abut A Street and Possess Sufficient Buildable Area

No building, structure or use of land other than for agricultural purposes or for a special purpose lot shall be established on a lot that does not abut and have direct access to a dedicated public street and does not have at least one thousand (1,000) square feet of contiguous buildable area of a shape sufficient to hold a principal building.

The Ordinance defines a public street as:

Street, Public

Effective January 1, 2007: A right-of-way or fee simple tract of land that has been set aside for public travel, offered for dedication to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the City of Asheboro or the State of North Carolina.

The Zoning Lot does abut and have direct access to a platted street; however, it has not been built to public street standards, has no record of being accepted for maintenance by the City of Asheboro or State of North Carolina, and is currently ineligible for maintenance by either the City of Asheboro or State of North Carolina. Therefore, presently, no building, structure, or use of land other than for agricultural purposes or for a special purpose lot shall be established on The Zoning Lot.

The applicant proposes to extend a 16-foot-wide gravel driveway off the end of Stowe Ave. to provide access to the dwelling.

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

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

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

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

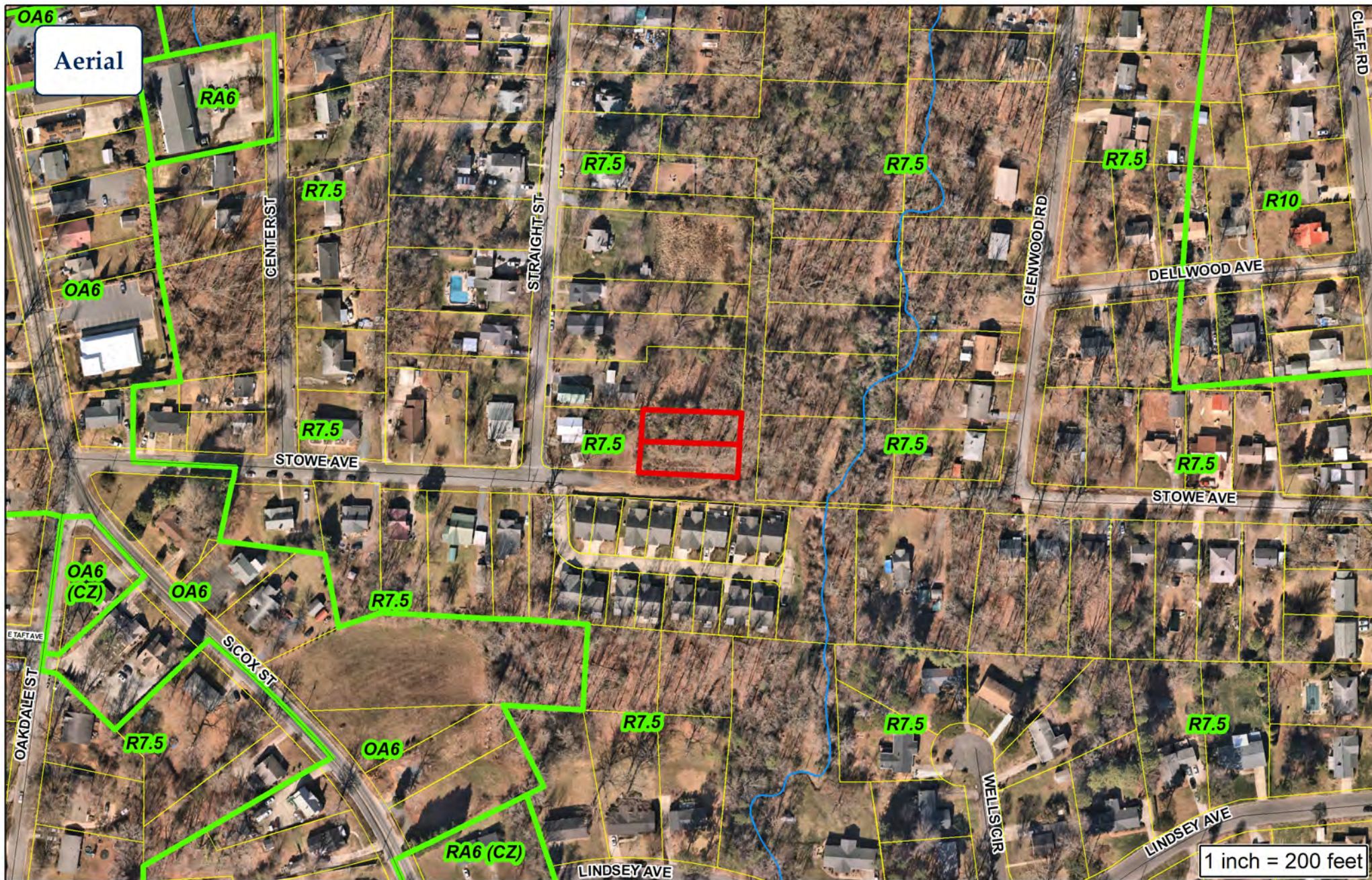
The Board may impose appropriate conditions upon the granting of any variance provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance.

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

Board Action: Approve a variance from Section 3.01(C) of the Asheboro Zoning Ordinance which requires that every lot must abut a street. Provided, however, the variance is limited by any conditions stated in the final decision document.

Member's Vote: Yes _____ No _____ Yes with Conditions _____

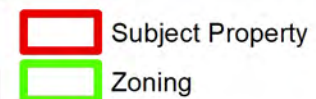
Signature _____

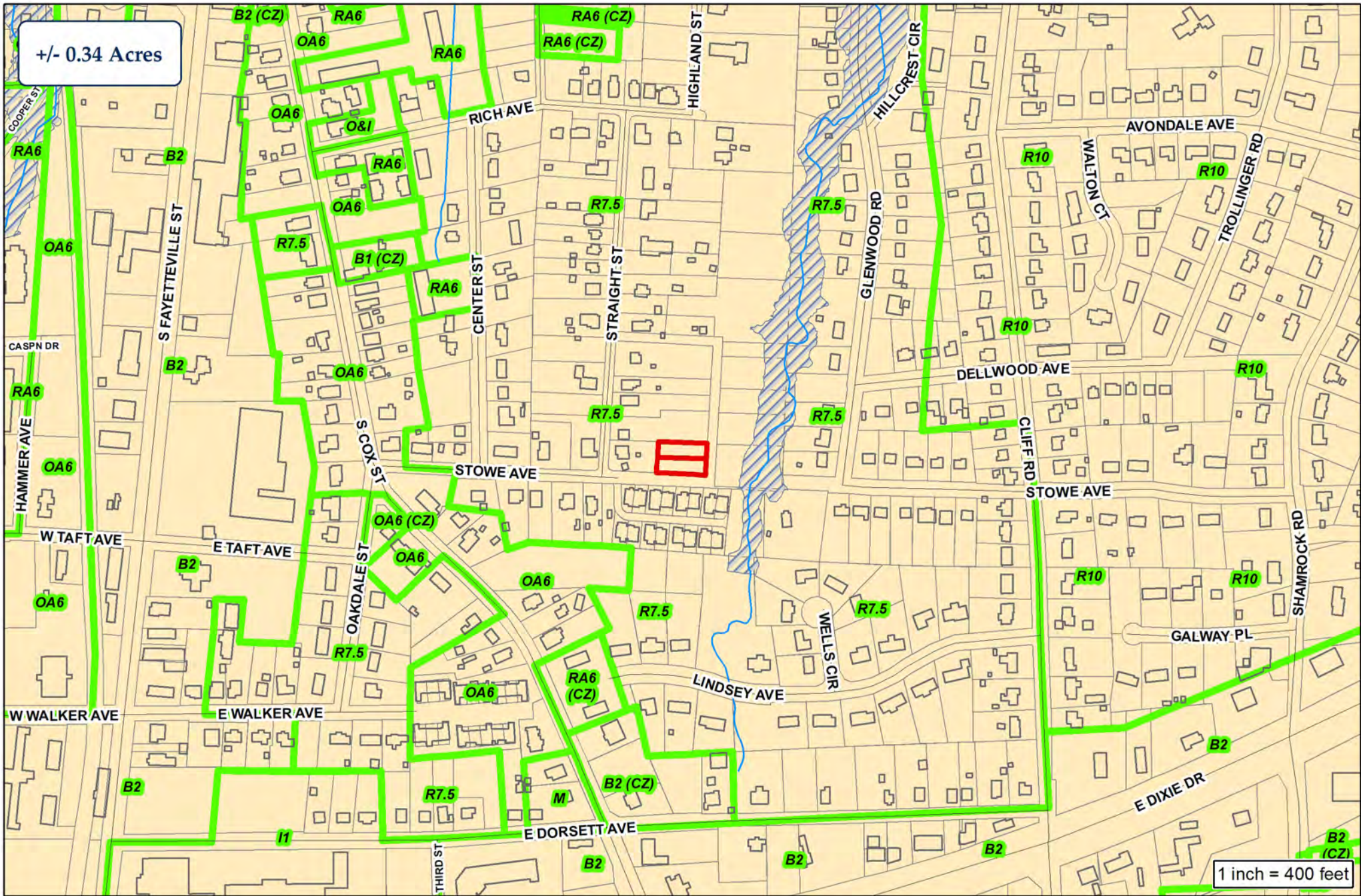


City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-02
Variance

Parcel: 7750983098 & 7750983093





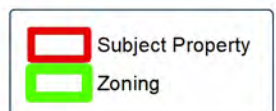
+/- 0.34 Acres

1 inch = 400 feet

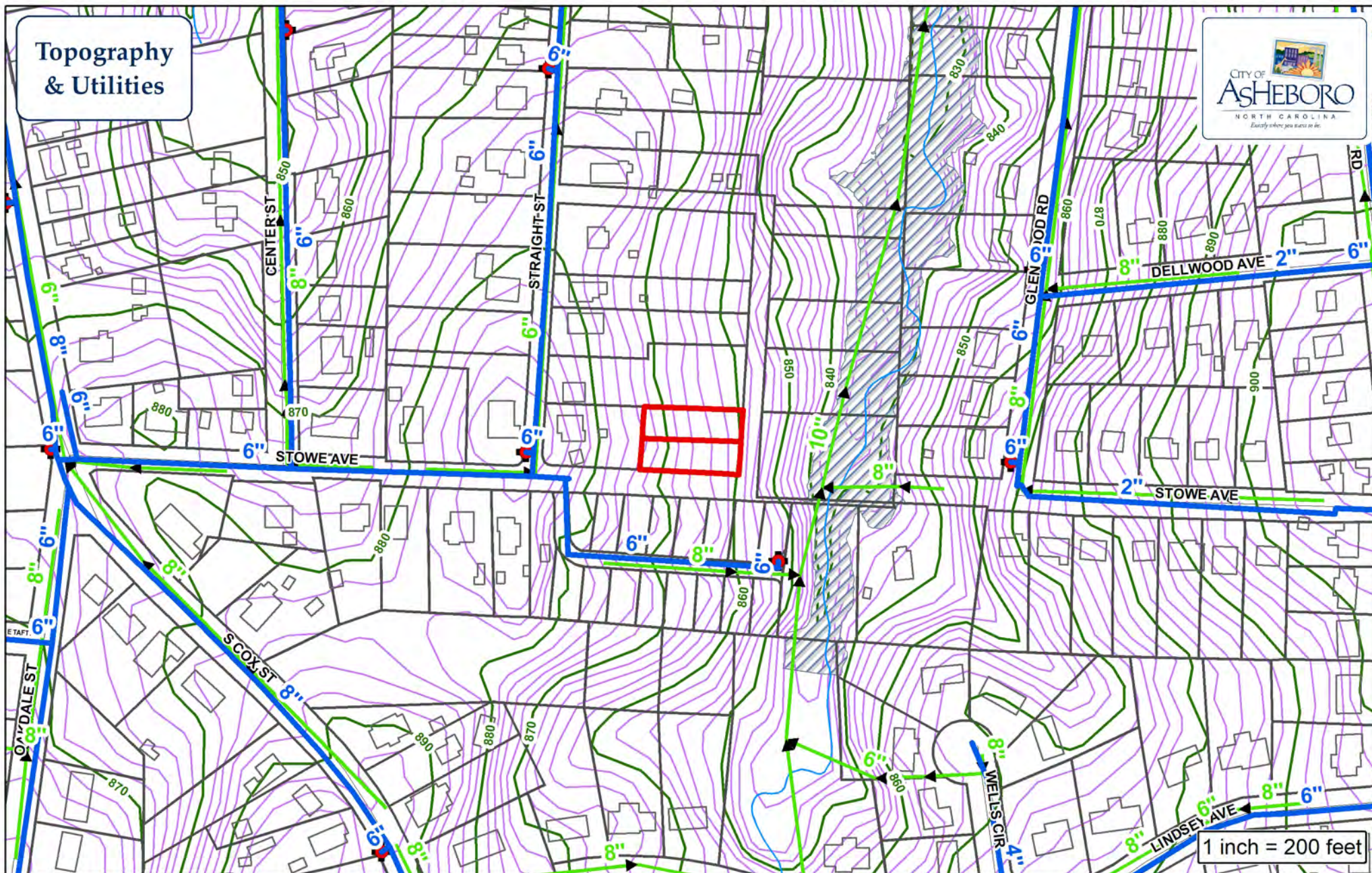
City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-02
Variance

Parcel: 7750983098 & 7750983093



Topography & Utilities



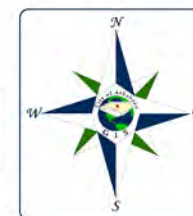
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| | Force Main | | Fire Hydrant |
| | Water Main | | Pump Station |
| | Sewer Main | | Parcels |

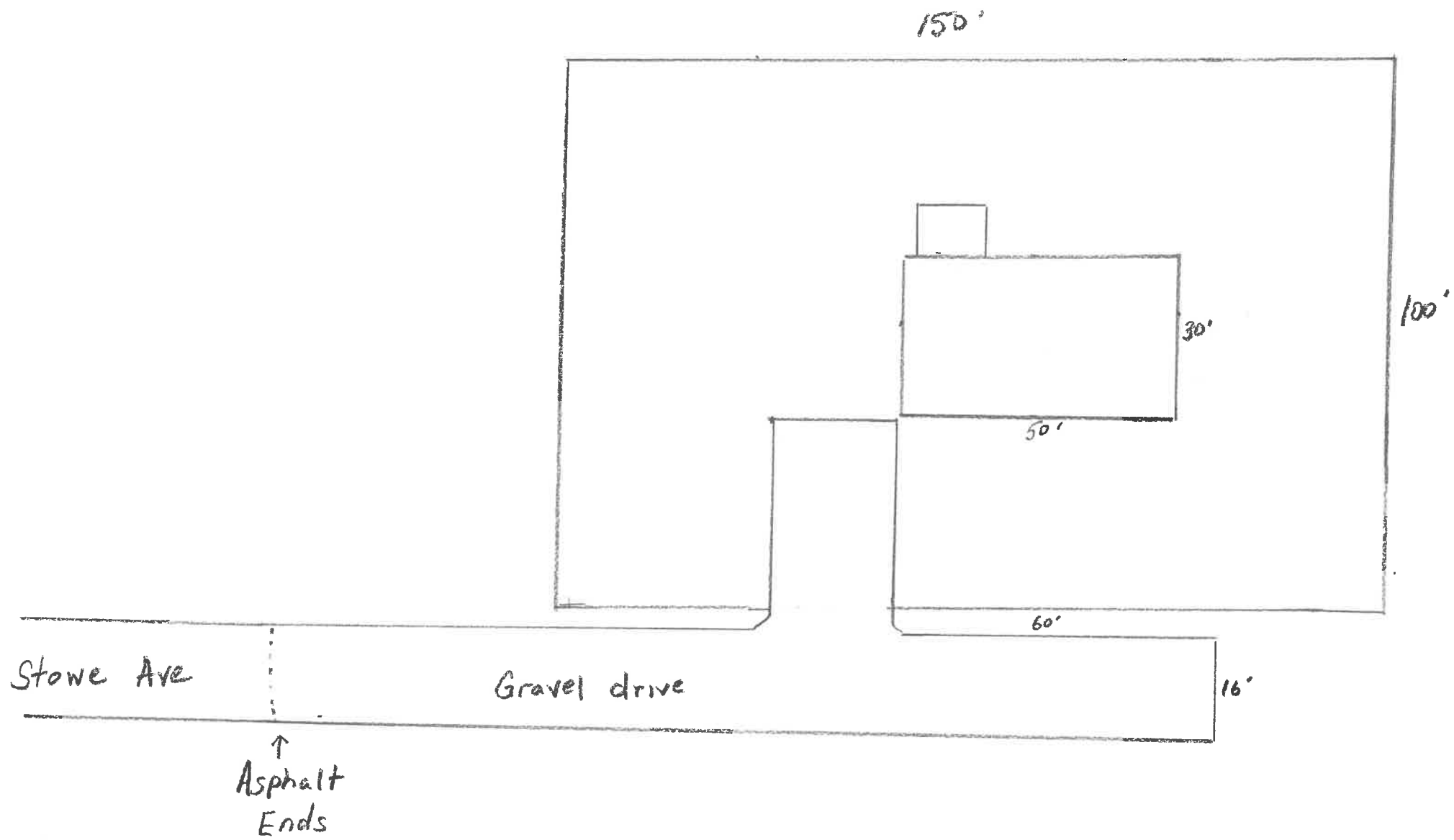
City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-01
Variance

Parcel: 7750983098 & 7750983093

Subject Property





CITY OF ASHEBORO
Application for Board of Adjustment Hearing

APPLICANT INFORMATION

Applicant Larry McKenzie Applicant's Phone # 336 953 2913
Applicant's Address 1095 Bunting Road
Asheboro NC 27205
Applicant's Email Address Larry@mcKenzieproperties.net

PROPERTY INFORMATION

Property Owner's Name Lois C Muse Hays, Joy E Ward
Location of Property Stowe Avenue
Property Size (ac. or sq.ft.) 100' X 200'
Randolph County Property Identification Number (PIN#) 7750983093, 7750983098
Current Zoning District R 7.5
Date Property Title Acquired _____ Deed Book _____ Page _____
Subdivision _____ 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 proving the need for the proposed variance rests with the applicant.

Applicant Signature(s)

Larry McKenzie

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

☒ Yes ☐ No

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

REQUEST FOR A VARIANCE

TO THE CITY OF ASHEBORO BOARD OF ADJUSTMENT:

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

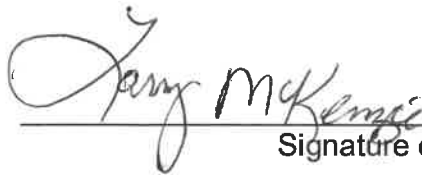
3.01 C Every lot must abut a street.

STATEMENT BY APPLICANT:

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

It is impossible to build a street to serve one home. I will provide a turnaround for easy access for emergency vehicles.

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



Signature of Applicant

VARIANCE REQUEST - BASIC INFORMATION

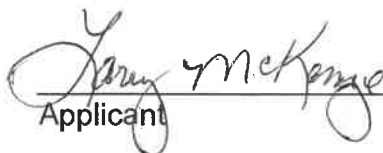
The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Enabling Act, the Board is required to reach four conclusions as a prerequisite to issuance of a variance. Specifically, the four findings are as follows:

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

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

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

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


Applicant

12-18-23
Date

STAFF USE

Received by: JTL Date: 12-18-23 Case Number: 24-02

OFFER TO PURCHASE AND CONTRACT

Larry W McKenzie
Joy E Ward
hereby offers to purchase and _____ as Buyer,
_____ as Seller,
upon acceptance of said offer, agrees to sell and convey, all of that plot, piece or parcel of land described below, together with all improvements
located thereon and such personal property as is listed below (the real and personal property are collectively referred to as "the Property"), in
accordance with the Standard Provisions on the REVERSE SIDE HEREOF and upon the following terms and conditions:

1. **REAL PROPERTY:** Located in the City of Asheboro, County of Randolph
State of North Carolina, being known as and more particularly described as:
Street Address Stone Ave Asheboro NC Zip 27203
Legal Description Plat # 7750983093

2. PERSONAL PROPERTY:

3. **PURCHASE PRICE:** The purchase price is \$ 4000.00 and shall be paid as follows:
(a) \$ -0- in earnest money paid by _____ (cash; bank, certified, or personal check)
with the delivery of this contract, to be held in escrow by _____ as agent,
until the sale is closed, at which time it will be credited to Buyer, or until this contract is otherwise terminated and it is
disbursed in accordance with the Standard Provisions on the REVERSE SIDE HEREOF;
(b) \$ _____ by assumption of the unpaid principal balance and all obligations of Seller on the existing loan secured by a deed of trust
on the Property;
(c) \$ _____ by a promissory note secured by a purchase money deed of trust on the Property with interest prior to default at the rate of
_____ % per annum payable as follows:
Prepayment restrictions and/or penalties, if any, shall be:
Assumption or transfer rights, if any, shall be:
(d) \$ 4000.00 the balance of the purchase price in cash at closing.

4. CONDITIONS: (State N/A in each blank of paragraph 4(a) and 4(b) that is not a condition to this contract.)

(a) The Buyer must be able to obtain a firm commitment on or before _____, effective through the date of closing,
for a _____ loan in the principal amount of \$ _____ for a term of _____ year(s), at an interest
rate not to exceed _____ % per annum, with mortgage loan discount points not to exceed _____ % of the loan amount. Buyer agrees to use his best
efforts to secure such commitment and to advise Seller immediately upon receipt of the lender's decision. If Seller is to pay any loan closing costs, those costs
are as follows:
(b) The Buyer must be able to assume the unpaid principal balance of the existing loan described in paragraph 3(b) above for the remainder of the
loan term, at an interest rate not to exceed _____ % per annum fixed (or describe type of loan) _____
with mortgage loan assumption and/or discount points not to exceed _____ % of the loan balance. (See Standard Provision No. 2). If such assumption
requires the lender's approval, approval must be granted on or before _____. Buyer agrees to use his best efforts to
secure such approval and to advise Seller immediately upon his receipt of the lender's decision. If Seller is to pay any loan assumption costs, those costs
are as follows:
(c) There must be no restriction, easement, zoning or other governmental regulation that would prevent the reasonable use of the real property for
_____ purposes.

5. **ASSESSMENTS:** Seller warrants that there are no special assessments, either pending or confirmed, for sidewalk, paving, water, sewer or
other improvements on or adjoining the Property, except as follows:

(Insert "None" or the identification of such assessments, if any. The agreement
for payment or proration of any assessments indicated is to be set forth in paragraph 6 below.)

6. OTHER PROVISIONS AND CONDITIONS:

(a) All of the Standard Provisions on the REVERSE SIDE HEREOF are understood and shall apply to this instrument, except the following numbered
Standard Provisions shall be deleted: (If none are to be deleted, state "None"). Must get approved by planning board

7. **CLOSING:** All parties agree to execute any and all documents and papers necessary in connection with closing and transfer of title on or
before _____ at a place designated by _____

The deed is to be made to _____

8. POSSESSION:

Possession shall be delivered _____
In the event that Buyer has agreed that possession is not delivered at closing, then Seller agrees to pay to Buyer the sum of \$ _____ per day from
and including the date of closing to and including the date that possession is to be delivered as above set forth.

9. **COUNTERPARTS:** This offer shall become a binding contract when signed by both Buyer and Seller. It is to be signed in _____
counterparts with a signed counterpart being retained by each party hereto and the escrow agent, if any.

Date of Offer: 12-16-23 Date of Acceptance: 12-18-23
Buyer Larry W McKenzie (SEAL) Seller Joy E Ward (SEAL)
Buyer _____ (SEAL) Seller _____ (SEAL)

I hereby acknowledge receipt of the earnest money herein set forth and agree to hold and disburse the same in accordance with the terms hereof.

Date _____ Firm _____

OFFER TO PURCHASE AND CONTRACT

Larry W McKenzie as Buyer,
 hereby offers to purchase and Lois C Muse Heins as Seller,
 upon acceptance of said offer, agrees to sell and convey, all of that plot, piece or parcel of land described below, together with all improvements located thereon and such personal property as is listed below (the real and personal property are collectively referred to as "the Property"), in accordance with the Standard Provisions on the REVERSE SIDE HEREOF and upon the following terms and conditions:

1. **REAL PROPERTY:** Located in the City of Asheboro County of Randolph
 State of North Carolina, being known as and more particularly described as:
 Street Address Stowe Ave Asheboro NC Zip 27203
 Legal Description Pio # 775 0983098

2. **PERSONAL PROPERTY:**

3. **PURCHASE PRICE:** The purchase price is \$ 4000.00 and shall be paid as follows:

- (a) \$ 0.00 in earnest money paid by _____ (cash, bank, certified, or personal check) with the delivery of this contract, to be held in escrow by _____ as agent, until the sale is closed, at which time it will be credited to Buyer, or until this contract is otherwise terminated and it is disbursed in accordance with the Standard Provisions on the REVERSE SIDE HEREOF.
- (b) \$ _____ by assumption of the unpaid principal balance and all obligations of Seller on the existing loan secured by a deed of trust on the Property;
- (c) \$ _____ by a promissory note secured by a purchase money deed of trust on the Property with interest prior to default at the rate of _____ % per annum payable as follows: _____

Prepayment restrictions and/or penalties, if any, shall be: _____

Assumption or transfer rights, if any, shall be: _____

(d) \$ 4000.00 the balance of the purchase price in cash at closing.

4. **CONDITIONS:** (State N/A in each blank of paragraph 4(a) and 4(b) that is not a condition to this contract.)

- (a) The Buyer must be able to obtain a firm commitment on or before _____ effective through the date of closing, for a _____ loan in the principal amount of \$ _____ for a term of _____ year(s) at an interest rate not to exceed _____ % per annum, with mortgage loan discount points not to exceed _____ % of the loan amount. Buyer agrees to use his best efforts to secure such commitment and to advise Seller immediately upon receipt of the lender's decision. If Seller is to pay any loan closing costs, those costs are as follows: _____
- (b) The Buyer must be able to assume the unpaid principal balance of the existing loan described in paragraph 3(b) above for the remainder of the loan term, at an interest rate not to exceed _____ % per annum fixed (or describe type of loan) with mortgage loan assumption and/or discount points not to exceed _____ % of the loan balance. (See Standard Provision No. 2). If such assumption requires the lender's approval, approval must be granted on or before _____. Buyer agrees to use his best efforts to secure such approval and to advise Seller immediately upon his receipt of the lender's decision. If Seller is to pay any loan assumption costs, those costs are as follows: _____
- (c) There must be no restriction, easement, zoning or other governmental regulation that would prevent the reasonable use of the real property for _____ purposes.

5. **ASSESSMENTS:** Seller warrants that there are no special assessments, either pending or confirmed, for sidewalk, paving, water, sewer or other improvements on or adjoining the Property, except as follows: _____

(Insert "None" or the identification of such assessments, if any. The agreement

for payment or proration of any assessments indicated is to be set forth in paragraph 6 below.)

6. **OTHER PROVISIONS AND CONDITIONS:**

(a) All of the Standard Provisions on the REVERSE SIDE HEREOF are understood and shall apply to this instrument, except the following numbered Standard Provisions shall be deleted: (If none are to be deleted, state "None".) Must get approved by Planning Board

7. **CLOSING:** All parties agree to execute any and all documents and papers necessary in connection with closing and transfer of title on or before _____ at a place designated by _____

The deed is to be made to _____

8. **POSSESSION:** Possession shall be delivered _____

In the event that Buyer has agreed that possession is not delivered at closing, then Seller agrees to pay to Buyer the sum of \$ _____ per day from and including the date of closing to and including the date that possession is to be delivered as above set forth.

9. **COUNTERPARTS:** This offer shall become a binding contract when signed by both Buyer and Seller. It is to be signed in _____ counterparts with a signed counterpart being retained by each party hereto and the escrow agent, if any.

Date of Offer: 12-16-23

Date of Acceptance: 12-16-23

Buyer Larry W. McKenzie (SEAL)

Seller Lois C Muse Heins (SEAL)

Buyer _____ (SEAL)

Seller _____ (SEAL)

I hereby acknowledge receipt of the earnest money herein set forth and agree to hold and disburse the same in accordance with the terms hereof.

Date _____ Firm _____

49

STATE OF NORTH CAROLINA

Randolph County.

This Deed Made this 24th day of

July, A. D. 1962 by and between

Grace Morris Williams, (Widow)

of the County of Randolph and State of North Carolina

Part Y of the first part, and

J. T. Pugh, Jr.

of the County of Randolph and State of North Carolina

part Y of the second part:

WITNESSETH, that the said part Y of the first part, in consideration of
Ten (\$10.00) Dollars and other valuable considerations-----Dollars
to her paid by the party of the second part, the receipt of which is hereby
acknowledged, have bargained and sold, and by these present do grant, bargain, sell and
convey unto the said party of the second part and
his heirs, all a one-half undivided interest in and to those
lots or parcels

of land, situate, lying and being in
Asheboro Township, Randolph County, State of

North Carolina, and more particularly described and defined as follows:

IN THE TOWN OF ASHEBORO, NORTH CAROLINA and BEING Lots Nos. 27 and 28
in the Subdivision of a certain tract of land the property of Nancy
J. King and J. M. King and known as "Nancy King Property", see Plat
Book 1, page 71, Office of the Register of Deeds, Randolph County,
North Carolina.

For prior reference see Book 327, Page 67, Office of the Register of
Deeds, Randolph County, North Carolina.

BK 1424 PG 0469

PREPARED BY WILLIAMSON, DEAN, BROWN & WILLIAMSON

14.00
NR

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

WDBW & PARCELL
213-C East Crowley St.
P.O. Box 1627
Laurinburg, NC 28352

THIS QUITCLAIM DEED, made this the 5th day of May, 1995, by and between JOHN D. CARMICHAEL, JR. and wife, HENRIETTA J. CARMICHAEL, and WILLIAM P. CARMICHAEL and wife, COURTNEY L. CARMICHAEL, of Scotland County, North Carolina, parties of the first part; to LOIS C. MUSE, 15421 McArn Road, Laurinburg, Scotland County, North Carolina, party of the second part;

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of ONE (\$1.00) DOLLAR to them paid by the party of the second part, the receipt of which is hereby acknowledged, have remised, released and quitclaimed, and by these presents, does remise, release and forever quitclaim unto the said party of the second part, her heirs and assigns, a certain lot or parcel of land lying and being in Randolph County, North Carolina, and being more particularly described as follows:

FIRST TRACT: Lying and being in the City of Asheboro, Asheboro Township, Randolph County, North Carolina, and being Lots #27, 28, 29 and 30 of the Nancy J. King Subdivision, as shown by plat recorded in Plat Book 1, at Page 71, Randolph County Registry. The same having a frontage of 25 feet each fronting Wood Street and extending back to a distance of 150 feet each on back.

The above described lots were conveyed to Essie Parks Carmichael, Widow, by Susan Steed Muse and husband, William Rowe Muse, be deed dated October 23, 1981, and recording in Book 1130, at Page 677, Randolph County Registry. Essie P. Carmichael died testate in Scotland County, North Carolina, on February 17, 1993. By the terms of her Will, which was probated in Estate File No. 93-E-32, Scotland County Clerk of Court's office, she devised the above described property in equal shares to her three children, Lois C. Muse, John D. Carmichael, Jr. and William P. Carmichael.

SECOND TRACT: Lying and being Union Township, Randolph County, North Carolina, and being more particularly described as follows:

BEGINNING: at a stake in Zebedee Rush's line; thence South 58½ chains crossing the Tantrough branch and Hannah Creek at the falls above the Old Gold mine to a stake; thence West 32 chains 91 links to a stake; thence North 4 chains to a post oak; thence North 25 degrees East 10 chains to a small dogwood; thence North 45 degrees East 15 chains to a small hickory; thence

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North 83/4 degrees East 4 chains to stake in Robbins line; thence 9 chains to Robbins corner; thence North 30 chains 50 links to a stake in Rush's line; thence East with said line 9 chains 41 links to the beginning, containing 125 acres more or less.

A 1/3 undivided interest in and to the above described tract of land was conveyed to Essie Parks Carmichael by Simon Parks and wife, Zettie A. Parks, by deed dated February 7, 1964 and recorded in Book 980, at Page 479, Randolph County Registry. Essie P. Carmichael died testate in Scotland County, North Carolina, on February 7, 1993. By the terms of her Will, which was probated in Estate File No. 93-E-32, Scotland County Clerk's office, she devised her interest in the above described property in equal shares to her three children, Lois C. Muse, John D. Carmichael, Jr. and William P. Carmichael.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land, and all privileges and appurtenances thereto belonging, to the said party of the second part, and her heirs and assigns, free and discharges from all right, title, claim or interest of the said parties of the first part or anyone claiming by, through or under them.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and seals all of the day and year first above written.

 (SEAL)
John D. Carmichael, Jr.

 (SEAL)
Henrietta J. Carmichael

 (SEAL)
William P. Carmichael

 (SEAL)
Courtney L. Carmichael

BK 1424 PG 0471

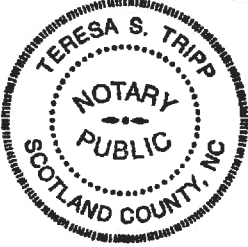
STATE OF NORTH CAROLINA
COUNTY OF SCOTLAND

I, Teresa S. Tripp, a Notary Public of the State and County aforesaid, do hereby certify that JOHN D. CARMICHAEL, JR. and wife, HENRIETTA J. CARMICHAEL personally appeared before me this day and acknowledged the due execution of the foregoing Quitclaim Deed for all intents and purposes therein contained.

WITNESS my hand and Notarial Seal this 5th day of May, 1995.

Teresa S. Tripp
Notary Public

My Commission Expires:
10-30-99



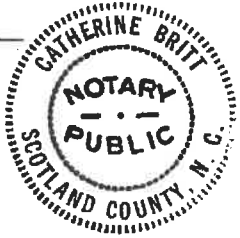
STATE OF NORTH CAROLINA
COUNTY OF SCOTLAND

I, Catherine Britt, a Notary Public for the State and County aforesaid, do hereby certify that WILLIAM P. CARMICHAEL and wife, COURTNEY L. CARMICHAEL personally appeared before this day and acknowledged the due execution of the foregoing Quitclaim Deed for all intents and purposes therein contained.

WITNESS my hand and Notarial Seal this 15 day of May, 1995.

Catherine Britt
Notary Public

My Commission Expires:
9-7-96



STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

The foregoing certificate of _____ is
certified to be correct. This instrument was presented in this office for
registration and recorded in Book _____, at Page _____.

This the _____ day of _____, 1995, at _____
o'clock __.M.

Register of Deeds
Randolph County, North Carolina

NORTH CAROLINA — Randolph County

The foregoing certificate(s) of _____

Marisa S. Shipp & Catherine Bittner's

is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book _____
Page *469*, This *26th* day of *May*, 19 *95* at *11:59* o'clock *11* M.

Ann Shaw, Register of Deeds

By *Dail Kirk* Deputy Register of Deeds

BK 1424 PG 0472