



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

- I. Call to Order
- II. Consent Agenda Items:
 - a) Approval of Minutes September 3, 2024
 - b) Approval of Final Decision Document for BOA 24-06.
- III. Review of Cases, Monthly Report on Major Subdivisions Administratively Approved.
There have been no subdivisions approved since the September 3, 2024 Planning Board meeting.
- IV. Old Business
 - (a) Planning Board Functioning as Board of Adjustment: BOA-24-04: Request for variances from Table 4-1 and Section 3.02(D) of the Asheboro Zoning Ordinance which regulates required yards (setbacks) and front yard averaging for property located at 1001 Parkview St. (Randolph County PIN# 7761313052). *Case was continued at July, August, and September meetings.*
- V. New Business
 - (a) RZ-24-19: Request to rezone property located on east side of US 220 Business south at Oakhurst Road (Randolph County Parcel Identification Numbers 7659569317 and 7659660333 from R10 Medium-Density Residential to I2 General Industrial.
 - (b) RZ-24-20: Request to rezone property located at 1135 and 1147 South Cox Street (Randolph County Parcel Identification Number 7750970387) from R7.5 Medium-Density Residential and RA6 (CZ) High-Density Residential Conditional Zoning to an amended RA6 (CZ) (High-Density Residential Conditional Zoning) zoning district to add two dwelling units to an existing development with multiple family dwellings.
 - (c) RZ-24-21: Request to rezone property located on the west side of WOW Road (Randolph County Parcel Identification Number 7764703184), approximately 200 feet north of Old Castle Drive, from R15 (CZ) Low-Density Single-Family Residential Conditional Zoning to R15 Low-Density Single-Family Residential.
- VI. Items not on the agenda
- VII. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
TUESDAY, SEPTEMBER 3, 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)
David Henderson) - Members Present
Van Rich)
Thomas Rush)

Ritchie Buffkin) - Members Absent

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

CALL TO ORDER

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

APPROVAL OF MINUTES FROM AUGUST 5, 2024

Mr. O'Kelley inquired if there were any corrections or additions to the August 5, 2024 Planning Board minutes. Hearing no corrections or additions, the minutes were approved as presented.

REVIEW OF CASES AND MONTHLY REPORT ON MAJOR SUBDIVISIONS ADMINISTRATIVELY APPROVED, AND ACKNOWLEDGEMENT OF CERTIFICATE OF SERVICE FOR BOA CASE NO. 24-05

Mr. Evans went over the land use cases that the City Council heard at the August 8, 2024 Regular Meeting. He stated that there have been no new major subdivisions approved since the August 5, 2024 Planning Board meeting. Mr. Luck provided the Certificate of Service for BOA-24-05, stating that the Final Decision Document has been served in accordance with state law and city ordinance and noted that the appeal period has started.

OLD BUSINESS

Mr. O'Kelley entertained a motion to place Old Business Item A at the end of the meeting. Mr. Rich moved to place Old Business Item A at the end of the meeting. Ms. Vuncannon seconded the motion, and the motion carried unanimously.

- B. RZ-24-12: REQUEST TO REZONE PROPERTY LOCATED AT 841 CROSS STREET (AND ON THE EAST SIDE OF CROSS STREET) IDENTIFIED BY RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7761350714 TO AN AMENDED B2 (CZ) GENERAL COMMERCIAL CONDITIONAL ZONING DISTRICT FOR AN EATING ESTABLISHMENT. *CASE WAS CONTINUED AT AUGUST BOARD MEETING***

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

Applicant: Raul Munoz

Location: 841 Cross Street

Request: Rezone to an amended B2 (CZ) General Commercial Conditional Zoning district for an eating establishment

Randolph County Parcel ID: 7761350714

Size: 0.9 acres +/-

Existing Land Use: Previously eating establishment

He showed overview, rezoning, topographic/utilities, aerial, and oblique maps, as well as photographs of the property. He then provided the site plan, outlining some detail including existing vegetation and evergreen trees, new landscaping proposed, a proposed walk-in cooler and concrete pad, as well as proposed covered dining areas and noted the distances off Loach Street and Cross Street. He also provided a building elevation of the proposed covered dining areas. He then went over the analysis:

1. The property is inside the city limits.
2. Loach Street and Cross Street are local, city-maintained streets.
3. The request is to amend the existing B2 (CZ) General Commercial Conditional Zoning district approved in 2003. The amendment is to add outdoor covered dining area, a walk-in cooler, and outdoor grill area.
4. While no seating counts are provided, the site plan provided indicates availability of 11 parking places within an existing parking lot which could accommodate a restaurant with up to 28 seats. The condition of that parking area is poor.
5. The zoning ordinance allows an applicant to deviate from predetermined requirements. The following deviations are noted:
 - a. The zoning ordinance typically requires a 25' front setback from the Loach Street and Cross Street right-of-way; the Cross St. setback reduced to 19' by variance in 2006. The conditional zoning district seeks to further reduce the Cross St. setback from 19' to 2.8' (labeled as 2') and to reduce the 25' setback on Loach Street from 25' to 9.6' (labeled as 7.5') per the site plan submitted.
6. The zoning ordinance describes the B2 zoning district as "intended to serve the convenience goods, shoppers' goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets."
7. Staff has provided comments on the site plan and since August 9 has been awaiting additional information. Details are needed on project landscaping (street yard and adjacent to residential property), lighting, paving materials, outdoor seating count, signage, and building design.

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

Proposed Land Use Map: Neighborhood Residential

Small Area Plan: Central

Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (4):

- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Items 12-14: Property is located outside of the watershed area, Special Hazard Flood zone, area of steep slopes

Goals/Policies Not Supporting Request (3):

- Checklist Item 1: Does not comply with the Land Development Plan
- Checklist Item 3: Does not comply with zoning ordinance descriptions
- Policy 2.1.5: Is not a transitional location.

He then went over the proposed conditions:

- A. The use approved shall be an eating establishment with outside seating for up to 28 patrons.
- 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. Prior to the issuance of a zoning compliance permit, a final site plan and the applicable permit fee shall be submitted.
- E. The parking area shown on the site plan shall have spaces properly dimensioned and striped; repairs to the parking lot shall be completed so that parking spaces are in acceptable condition as defined by the city code.
- F. Outdoor lighting (pole and wall mounted) shall comply with city ordinances and information on such lighting shall be provided to staff for review and approval prior to installation of this outdoor lighting.
- G. Existing signage shall be allowed to be refaced and replaced provided no additional sign area or height is proposed. The existing pole otherwise sign shall be permitted to be replaced with a monument style sign no more than six (6) feet in height 75 square feet in area. Wall signage shall be limited to no more than 10 percent of the wall area for each wall.
- H. Operating hours for the business shall be limited to the hours of 6:00 o'clock a.m. to 9:00 o'clock p.m. each day of the week. (a current condition)
- I. The applicant shall submit a revised site plan indicating compliance with the Asheboro Zoning Ordinance concerning the following:
 - i. Detail on street yard landscaping along Cross Street and Loach Street and screening that meets a "C" Type Screen adjacent to residential properties.
 - ii. Labeling of paving materials of parking in compliance with Asheboro zoning ordinance
 - iii. Labeling of approved building setbacks, including setbacks from public rights-of-way, noting approval of variance per Case Number
 - iv. Details on the location of proposed seating.
- J. 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 property has been commercially zoned and intermittent restaurant uses have occurred on the property consistent with prior city approvals for about 20 years. The application seeks to add more than 2000 s.f. of covered eating area for a presently undetermined number of seats. Without more plan details, it is difficult to ensure compatibility with the surrounding neighborhood. The proposed setback deviations, particularly the proposed 9.6' setback from the Loach Street right-of-way, also generate public safety concerns.

While the Board of Adjustment previously had heard evidence and granted a variance from the front yard setback on Cross Street, this application seeks to further modify setbacks, including on Loach Street which serves as a collector level roadway moving traffic from Martin Luther King Jr. Dr. to E. Presnell Street. While a modest deviation of front setbacks likely could be supported, staff does not support the extent of the setback reductions sought, finding them to be inconsistent with the area's development pattern and contrary to city plans and policies related to land use and transportation."

He then provided staff's recommendation: "Staff's recommendation is to deny the request."

Mr. Nuttall stated that he would answer any questions from the board at this time. Mr. Rush asked if there was a way to reconfigure the plan to make the proposal more compatible with the ordinance requirements. Mr. Nuttall stated that the applicants have already scaled the project back and this plan is what has been submitted to staff. Ms. Vuncannon asked how many feet from the paved roadway would the structure be placed. Mr. Nuttall stated that it is likely around 25 feet off the pavement, but approximately 2 feet off the

Cross Street right of way and 7.5 feet off the Loach Street right of way. Ms. Vuncannon also had concerns about pedestrians crossing from the parking lot to the restaurant, however there is no code that prohibits this. Mr. Rush noted that there is minimal vehicle volume on Cross Street. Ms. Vuncannon inquired if the site was illuminated. Mr. Nuttall stated that there was lighting at the site. Mr. O'Kelley inquired if on-street parking was allowed. Mr. Nuttall stated that it was probably not allowed on these streets due to the street dimensions. Mr. Rich had concerns with public safety and traffic. 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. Raul Munoz and daughter, Jackie, spoke in favor of the request. They asked the board if there were any questions. Mr. O'Kelley inquired if the proposal for the open structure could be reduced in size and moved further away from the street right of ways. The applicants stated that this could be made smaller. Mr. O'Kelley inquired about the number of parking spaces. Mr. Nuttall stated that there is a condition the amount of patrons and this is a result of the number of parking spaces that they have proposed. He stated that if they wish to have more patrons then the need to re-evaluate parking and increase the number of spaces likely will be required.

Mr. O'Kelley inquired if there was any to speak in opposition to the request. There was no one to speak in opposition.

Ms. Vuncannon moved to deny the request based on the size of the proposed structure and the distance from the right of way of Cross Street and Loach Street and suggested to reduce the size and reduce the extent of the structure's encroachment into front setbacks prior to the City Council meeting. Mr. O'Kelley seconded the motion, and the motion carried unanimously.

C. RZ-24-16: REQUEST TO REZONE PROPERTY LOCATED AT 801 AND 817 SUNSET AVENUE (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7751426889 FROM OA6 OFFICE-APARTMENT AND M (CZ) MERCANTILE CONDITIONAL ZONING TO OA6 (CZ) OFFICE-APARTMENT CONDITIONAL ZONING FOR A RESIDENTIAL DEVELOPMENT WITH MULTIPLE-FAMILY STRUCTURE(S)

Mr. Nuttall gave a visual presentation of the above referenced rezoning request, continued from the August 5, 2024, Planning Board meeting. He reviewed an overview of the request:

Applicant: Nash Duggins

Location: 801 & 817 Sunset Avenue

Request: Rezone from OA6 Office-Apartment and M (CZ) Mercantile Conditional Zoning to OA6 Conditional Zoning for multi-family development

Randolph County Parcel ID: 7751426889

Size: 1.52 acres +/-

Existing Land Use: Previously Place of Assembly-Non Commercial (church)
Previously permitted for Banquet Facility (817 Sunset Avenue)

He showed the board overview, rezoning, center city planning area, topographic/utilities, aerial, and oblique maps, as well as photographs of the property from all directions. He also presented a site plan of the proposal, along with conceptual drawings of the proposed building provided by the application. He then went over the analysis:

1. The property is within the city limits.
2. Sunset Avenue and South Cherry Street are both state-maintained minor thoroughfares at this location.
3. The property is located within Tier 3 of the Center City Planning Area and presently is zoned OA6 and M (CZ). The OA6 zoning district allows residential (single-family, two-family, multiple-family) uses, office & institutional uses, and limited commercial uses. The M (CZ) portion of the property previously authorized the repurposing of the former church fellowship hall into a banquet facility; that project never commenced.

4. The site plan identifies one three-story building with 52 units; 14 one-bedroom and 38 two-bedroom apartments are proposed. The Center City Planning Area building setback provisions typically would require a minimum 25' setback from Sunset Avenue and 20' from S. Cherry Street. In order to maximize buffering for adjacent residential properties and to make the parking areas less visible from street vantage points, staff generally has been supportive of reducing the minimum setback to 20'. The latest plan submitted (received on August 16) identifies the building 20' from both the Sunset Avenue and S. Cherry Street rights-of-way; the applicant relocated the building from 15' to 20' following input received at the August Planning Board meeting.
5. In the Center City Planning Area, development intensity is regulated by permissible built-upon area, (55%) instead of Floor-Area Ratio, and generally applicable maximum building height (35'). The Board of Adjustment granted a variance in 2020 (BOA-20-02) to allow a permissible built-upon area of up to 56.8% for a new banquet center use. The existing built-upon area covers 51.38% of the site. The latest plan shows proposed built-upon area at 76.1% (increased from 72.46% on the previous plan) but does include an underground stormwater control device to mitigate 10-year storm runoff resulting from the increased built-upon area.
6. Project density is proposed at 34.2 dwellings per acre. In comparison, Sunset Place Apartments, adjacent to the development, is at 24.3 dwellings per acre. The proposed density is more similar to Church Street Lofts (32.5 dwellings per acre), a project within Tier 1 of the Center City Planning Area (commonly referred to as the Central Business District).
7. 83 off-street parking spaces are proposed to serve the 52 units. The Zoning Ordinance requirement for parking for a traditional multi-family development, based on the number and composition of units shown, is 107 spaces; this calculation includes the required 10 visitor spaces. The 83 parking spaces identified on the site plan could support, as an illustration, 37 two-bedroom units or 50 one-bedroom units.

Mr. Nuttall also pointed out there are bike racks proposed, which in some municipalities can act as a mechanism to reduce required parking. The City of Asheboro zoning ordinance does not credit bike racks towards meeting parking requirements; however, staff supports the inclusion of bike racks in the project.

8. The parking proposed is comparable to the parking provided for Sunset Place apartments (76 off-street and approximately 12 spaces available on Memorial Street). That development was approved as a Whole Block Redevelopment project specifically to provide affordable housing. That developer provided the city with an opinion from a licensed design professional that the parking proposed would be sufficient to accommodate the needs of the tenants; the availability of on-street parking was part of the rationale. A similar opinion has been provided by the applicant's engineer indicating that the amount of parking proposed is adequate and also consistent with the requirements of "many major cities."
9. Other development features include indoor and outdoor recreational elements, 20' street planting yards, 5'- 6.5' screening yards along adjacent properties, and interior sidewalks and new sidewalk construction along South Cherry Street. A solid waste enclosure, large enough for two dumpsters, is shown. According to city Environmental Services, 52 units typically would need 2 dumpsters that are emptied 2-3 times a week.
10. A rendering provided by the applicant is included with this report. The elevations indicate that building materials will include brick and cementitious stucco; the building may or may not include balconies.
11. The conditional zoning process allows an applicant to propose a project-specific zoning district that may diverge from the zoning ordinance's predetermined land use requirements. The deviations from the city's predetermined land use regulations are noted as follows:
 - a. Building setbacks discussed in #4 above.
 - b. Proposed built-upon area discussed in #5 above; it is acknowledged that storm control measures are offered.
 - c. Off-street parking provisions discussed in #7 above.
 - d. The placement of mechanical equipment within the front yard setback.
 - e. No designated and screened area for recreational vehicles is provided; the applicant has included a condition to prohibit the parking of such vehicles.

- f. The building's height is considered 3.57' taller than generally permitted. The use of a pitched roof is contributing to the deviation.
12. The site plan was routed to NCDOT, Asheboro City Schools, and the US Postal Service. NCDOT stated the need for a driveway permit and confirmation that the building is not impeding site distance prior to construction but noted that the plan appears to be consistent with its policies.

He went over the LDP Recommendations:

Proposed Land Use Map: City Activity Center

Small Area Plan: Central

Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (6):

- Checklist Item 3: Fits zoning ordinance description
- Checklist Item 5: Complies with Growth Strategy map
- Checklist Item 8: Adaptive reuse
- Checklist Item 12-14: Outside of watershed, flood area, area of steep slopes

Goals/Policies Not Supporting Request (2):

- Checklist Item 6: Infrastructure inadequacy *(regarding availability of off-street and on-street parking)*
- Checklist Item 7: Not compatible with small area plan *(potential impacts to existing neighborhood due to parking limitations)*

He then went over the proposed conditions:

- A. The use approved shall be a Development with Multiple Family Dwellings consisting of a total of 52 dwelling units.
- 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. Mail delivery shall be provided on the final site plan, subject to postal service and/or NCDOT requirements. Any changes on the site plan necessary to comply with requirements for mail delivery will not be considered a modification of the Conditional Zoning district requiring Council action.
- E. The sidewalk as shown on the site plan, shall be extended along the entire frontage of South Cherry Street, and shall be built to NCDOT standards. The applicant shall obtain any required encroachment authorization from NCDOT for the construction of the sidewalk.
- F. No outdoor recreational vehicle parking or storage shall be permitted on the property.
- G. Mechanical equipment located on street facing sides of the structure shall be screened from street view with a vegetative screening.
- H. Pole mounted and/or wall mounted outdoor lighting shall comply with city ordinances and information on such lighting shall be provided to staff for review and approval prior to installation of this outdoor lighting.
- I. Stormwater control measures designed by a licensed professional shall be provided. Measures shall control, at minimum, the ten-year post-development peak discharge rates to pre-development peak flow rates, for any net increase of built-upon area on the site. 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.
- J. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation showing approval from NC Department of Transportation and NC Department of Environmental Quality.

- K. Prior to the issuance of a zoning compliance permit, the applicant shall submit a site plan reflecting any revisions necessary to comply with city codes and conditions of approval, including increasing the dumpster enclosure to a width of 24'.
- 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.

He then provided staff's consistency statement:

"This area of the city has been zoned for both office and higher-density residential uses for many years. The Center City Planning Area zoning provisions, adopted about 20 years ago, lend further support to higher residential densities since those rules manage land development based on built-upon area and building height limits instead of the amount of building square footage.

With higher density projects, it is even more important to ensure that land development occurs in a manner that promotes and supports community goals. Design should complement existing development and provide elements to ensure the health and safety of all residents. Architecture, stormwater management, landscaping, vehicular and pedestrian access, and site amenities all are important considerations. The proposal promotes many adopted city policies; redevelopment of and investment in underutilized properties, site design that considers walkability and views from public streets, and reasonable mitigation of stormwater impacts all are objectives advanced by the project. It is also acknowledged that the applicant has made meaningful changes to the plan to address setback concerns and solid waste disposal capacity. However, staff believes that the project is more dense than the city's adopted plans or the property can support."

He then provided staff's recommendation: "In light of the report's analysis, staff believes denial of the request to be in the public interest." He then asked the board if there were any questions. There were no questions for Mr. Nuttall at this time.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. Nash Duggins, the applicant, spoke in favor of the request. He stated that the project is very comparable to Sunset Place Apartments. Mr. HR Gallimore, realtor, spoke in favor of the request and stated that this property has been on and off the market for three (3) years now. He stated that the former use of a church is not a viable option and is very cost prohibitive. Mr. Christian Vestal, Summey Engineering, spoke in favor of the request as the Engineer on record. He asked the board if there were any questions for anyone. Mr. Henderson asked to explain the impact of the bike racks. Mr. Vestal stated that in larger cities, a common form of commuting is either by walking or by bicycle and this offers a way to achieve alternate forms of transportation. Mr. Henderson asked how many racks are proposed and how many bikes will fit in each rack. Mr. Vestal stated that two (2) bicycle racks are proposed and around six (6) bikes can fit in each rack. He asked if there was any other configuration that could be done to get closer to meeting the requirements of the ordinance regarding parking. The applicant stated that they have laid out every possibility and this is the most efficient way to design the project. Mr. Rich inquired about retention pools for stormwater runoff. Mr. Vestal stated that the project will be conditioned to install the proper stormwater control systems. There were no further questions from the board at this time.

Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. Ms. Nicole Patino spoke in opposition to the request and stated concerns with the project, including noise, odor of solid waste facilities, parking and asked if balconies are proposed. Mr. Duggins confirmed that there will be no balconies. Mr. Reynolds Neely spoke in opposition to the project, stating that the intensity of the project exceeds what should be proposed.

Mr. HR Gallimore addressed the board again, stating that retirees and younger people have a lower amount of vehicles than most and likely will need less parking spaces. He stated that the rental management company likely will accommodate the needs of the tenants regarding parking. Mr. Duggins addressed the

board again, stating that he can double screen the dumpster if this would help with some of the concerns stated.

Mr. Henderson made a motion to recommend approval of the request, with the added conditions of double screening the dumpster and having assigned parking for the tenants. He provided a consistency statement that differed from staff's by stating that the request is consistent based on the traffic engineer's letter regarding the amount of parking, therefore placing the negative goals and policies mentioned by staff into the positive goals and policies category to support the request. Mr. Rush seconded the motion, and the motion carried unanimously.

NEW BUSINESS

- A. RZ-24-13: REQUEST TO APPLY INITIAL CITY ZONING ON PROPERTY RECENTLY ANNEXED INTO THE CITY OF ASHEBORO RELATED TO THE NC ZOOLOGICAL PARK AND NC ZOOLOGICAL SOCIETY PROPERTIES LOCATED AT 2653, 2663, 2703, 2723, 2755, AND 3733 OLD COX ROAD, 4297, 4401, 4403, AND 4405 ZOO PARKWAY, 1745 PANTHER CREEK ROAD, ROSS HARRIS ROAD, OLD NC HWY. 13, AND FAIRVIEW FARM ROAD, AS SHOWN IN PLAT BOOK 187, PAGE 17. *CASE WAS DEFERRED BY APPLICANT FROM THE AUGUST AGENDA TO THE SEPTEMBER AGENDA DUE TO THE NUMBER OF APPLICATIONS FILED.***

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

Applicant: City of Asheboro

Location: 2653, 2663, 2703, 2723, 2755, and 3733 Old Cox Road 4297, 4401, 4403, 4405 Zoo Parkway | 1745 Panther Creek Road | Ross Harris Road | Old NC Highway 13 | Fairview Farm Road

Request: Request to apply initial city zoning (R40 Low-Density Residential) and TH (Tourism Hospitality) on property recently annexed into the City of Asheboro related to the NC Zoological Park and NC Zoological Society properties

Randolph County Parcel ID: 28 total (see legal description)

Size: 2,272.01 acres +/-

Existing Land Use: Varies (Public Use, undeveloped residential)

He showed an overview map of all properties, and went over zoning ordinance descriptions of the requested zoning districts:

R40 Low-Density Residential District: The R40 Residential District is intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to such suburban intensity living.

TH Tourism-Hospitality District: The TH Tourism-Hospitality District is intended to serve the lodging, tourism, convenience goods, shoppers' goods retail and service needs of the traveling public, with emphasis on promoting compatible tourism development and complementing existing tourism venues. This district shall be located with access directly to freeways and minor thoroughfares or higher classification streets, but never local residential streets. The use of commercial service roads to access properties in this district shall be strongly encouraged.

He showed a rezoning map and stated that notices were mailed to adjoining property owners on Monday, August 19, 2024. He showed topographic/utilities, aerial, and oblique maps, as well as photographs of the subject properties. He then went over the analysis:

1. The subject PINs now are inside the city limits through action of the NC General Assembly. The PINs are owned by either by the State of North Carolina, the NC Zoological Authority, or the North Carolina Zoological Society.

2. The application includes property containing the NC Zoological Park and supporting uses, such as educational, training, and maintenance facilities; under the city zoning code, such activities are considered part of a Public Use Facility. Also included are a few residential uses and undeveloped properties.
3. The proposal is to apply TH (Tourism-Hospitality) to property developed with or in close proximity to an active Public Use Facility operation, and to property which the city previously zoned TH (the state legislative action included property that had been previously annexed and zoned by the city). The proposed R40 Low-Density Residential Zoning would apply to locations that primarily are undeveloped. The property formerly was zoned by Randolph County with two designations (E-1 and RA Residential-Agricultural).
4. A Public Use Facility is permitted in every city zoning district subject to compliance with the city's pre-determined land use regulations. In the R40 district, a Non-Public Use Facility development would be limited to single-family dwelling, two family dwelling (on 80,000 SF), Class A manufactured homes, and agricultural uses on the R40-zoned property.
5. Much of the area surrounding the subject property is characterized by low-density residential or agricultural uses.
6. The Zoo Connector and Zoo Pkwy. are state-maintained major thoroughfares. Old Cox Rd is a state-maintained minor thoroughfare. Panther Creek, Fairview Farm, Ross Harris Roads & Old NC Highway 13 all are state-maintained roads.
7. The property formerly was zoned by Randolph County with two designations (E-1 and RA Residential-Agricultural).

He went over LDP Recommendations:

Proposed Land Use Map: N/A

Small Area Plan: N/A

Growth Strategy Map: N/A

Goals/Policies Supporting Request (4):

- Goal 1.4: A thriving tourism industry
- 1.4.1: The City will continue to strengthen its countywide and regional partnerships with existing tourism venues (*NC Zoo, NC Aviation Museum, Richard Petty Museum, Seagrove potteries, Harley Davidson Museum, Uwharrie National Forest, etc.*) and organizations (*Randolph County Tourism Development Authority, etc.*) and form partnerships with new and potential tourism venues.
- 1.4.2: The City will utilize the Tourism-Hospitality Zoning District as a tool to attract new, compatible tourism opportunities, as well as tourism supported businesses.
- Goal 2.2: Development that is located in appropriate locations

Goals/Policies Not Supporting Request (2):

- Checklist Items 13-14: Located within Special Hazard Flood Area (portion); and on slopes of greater than 20% (portion)

He then gave staff's consistency statement:

"The city must apply zoning to all property within its corporate limits. Staff proposes applying a Tourism-Hospitality designation to those properties actively used by or supporting the NC Zoo and its operation and to land that previously had been annexed into the city and zoned TH.

Additionally, some property located along thoroughfares or higher classification streets, and land that is reasonably likely to be developed as part of a Public Use Facility operation is recommended to be placed in the TH District. All other property is proposed to be zoned R40 Low-Density Residential designation consistent with the surrounding Randolph County zoning designation and existing land uses."

He then gave staff's recommendation: "Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest."

He asked the board if there were any questions. Mr. Henderson inquired if there were any nonconforming properties included in this request. Mr. Evans stated that no major nonconforming properties or uses were included in this request. There were no further questions for Mr. Evans at this time.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Ms. Pat Simmons, Director and CEO of the North Carolina Zoo, spoke in favor of the request and stated that she was very satisfied with the application request. Mr. Chris Scott, in-house attorney for the North Carolina Zoo Society, also spoke in favor of the request and stated that the R40 zoning applied to some of these properties will create and maintain the character of the area.

Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. Mr. Lewis Thomas inquired as to why the property was being annexed now. Ms. Simmons stated that utilities are currently being provided by the City of Asheboro. She stated that as new exhibits are built in the future, there will be more people visiting the NC Zoo and they thought it would be a good time to come into the city so that all city services could be obtained, such as police and fire protection. She also stated that with millions of people visiting each year, the NC Zoo's priority is the safety of these visitors.

There were no further questions or comments at this time. Ms. Vuncannon moved to recommend approval of Case No. RZ-24-13 based on staff's consistency statement and recommendation. Mr. Rush seconded the motion, and the motion carried unanimously.

B. RZ-24-17: REQUEST TO REZONE PROPERTY LOCATED AT 223 BREWER STREET (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7751957267) FROM OA6 OFFICE-APARTMENT TO R7.5 MEDIUM-DENSITY RESIDENTIAL

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

Applicant: Aranza Gallegos
Location: 217 and 223 Brewer Street
Request: Rezone from OA6 Office-Apartment to R7.5 Medium-Density Residential
Randolph County Parcel ID: 7751957267
Size: 0.72 acres +/-
Existing Land Use: Single-family dwelling

He then showed overview, rezoning, topographic/utilities, aerial, and oblique maps, along with photographs of the subject property from all directions. He then provided an analysis of the request:

1. The property is inside the city limits.
2. Brewer Street is a city-maintained collector street. Greensboro Street is a city-maintained minor thoroughfare.
3. The zoning ordinance describes the existing OA6 and requested R7.5 designations as follows:
 - OA6: Intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.
 - R7.5: 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.
4. The current OA6 zoning allows single-family, two-family, and multi-family residential uses subject to code compliance. It also allows for certain non-residential uses such as business and professional services, health practitioner offices, personal services (i.e. hair salons), but does not allow commercial uses such as retail, restaurants, or motor vehicle sales and services. The proposed R7.5 district allows only a single-family dwelling or two-family dwelling.

5. There is currently a single-family dwelling on the property; tax records indicate the home was constructed in 1979.
6. In 2019, the city initiated a rezoning along both Cox and Greensboro Streets that included 52 parcels due the continuing transition of the corridor from residential to office uses. This parcel, however, was not included in the request as it was already zoned OA6 at the time.

He provided Land Development Plan recommendations:

Proposed Land Use Map: Office & Institutional
Small Area Plan: Central
Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (4):

- Checklist Item 3: Fits district description of zoning ordinance
- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Items 12-13: Is outside of flood area, watershed area

Goals/Policies Not Supporting Request (2):

- Checklist Item 1: Does not comply with LDP proposed land use map
- Checklist Item 14: Located on slopes of more than 20 percent

He provided staff's consistency statement:

"The requested R7.5 district is intended to produce single-family and two-family development. The R7.5 district is considered more restrictive than the OA6 district as it does not allow non-residential or multi-family. Accordingly, the district generally can be viewed as more compatible with the adjoining single-family dwellings than the current zoning. The Central Small Area plan also indicates "preservation and revitalization of existing residential neighborhoods" to be a key issue for the city to promote."

He provided staff's recommendation: "Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest."

He asked the board if there were any questions. There were no questions for Mr. Evans at this time.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Ms. Aranza Gallegos, the applicant, spoke in favor of the request and stated that notices were mailed to adjoining property owners on August 16, 2024. She also stated that she would be happy to answer any questions the board has. There were no questions for Ms. Gallegos at this time. Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. There was no one to speak in opposition to the request.

Mr. Henderson moved to recommend approval of Case No. RZ-24-17 based on staff's consistency statement and recommendation. Ms. Vuncannon seconded the motion, and the motion carried unanimously.

C. RZ-24-18: REQUEST TO REZONE PROPERTY LOCATED AT THE WESTERN TERMINUS OF FERRARI DRIVE, NORTHWEST OF OLD HUMBLE MILL ROAD (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7679350119) FROM R40 LOW-DENSITY RESIDENTIAL ZONING TO R40 (CZ) LOW-DENSITY CONDITIONAL ZONING FOR A MANUFACTURED HOME PARK

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

Applicant: Walker B. Moffitt (President, Moffitts, Inc.)

Location: Old Humble Mill Road

Request: Rezone property from R40 Low-Density Residential to R40 (CZ) Low-Density Residential Conditional Zoning for a manufactured home park

Randolph County Parcel ID: 7679148928
Size: 61.527 acres +/-
Existing Land Use: Undeveloped

He then showed overview, rezoning, topographic/utilities, aerial, and oblique maps, along with a site plan showing existing conditions and new development, and photographs of the subject property from all directions. He then provided an analysis of the request:

1. Old Humble Mill Road is a state-maintained road. The property and development would be accessed via Ferrari Drive, a private maintained roadway located within Richland Village, an adjoining manufactured home park. The request seeks approval for a limited expansion of the park.
2. The property was annexed into the city in 2009; the R40 designation was applied at that time.
3. The R40 zoning district is described by the zoning ordinance as "intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings..."
4. The site plan submitted with the application show a total of 21 manufactured home sites. The adjoining manufactured home park provides recreational amenities (play area), a community store, school bus stop, and a community mail facility. Streets within the development are proposed to be privately maintained and each manufactured home space includes a driveway with room to accommodate three vehicles.
5. The property has access to city sewer and a privately operated water system. Other than the existing sewer main, all utilities will be privately maintained.
6. The zoning ordinance allows a conditional zoning district to deviate from the city's predetermined land use requirements. The applicant proposes to develop the property in a manner consistent with the existing community. Deviations include:
 - a. proposed paved roadway surface widths of between 18' and 20'; 22' is the city's typical requirement for new manufactured home park development. The Fire Code will require each roadway to be all-weather surfaced with at least 20' of width.
 - b. the site plan doesn't indicate a buffer yard or screen against a small amount of adjacent residentially used property (area of required buffer or screen would be 400' from adjacent residence).

He provided Land Development Plan recommendations:

Proposed Land Use Map: Conservation Residential
Small Area Plan: N/A
Growth Strategy Map: Primary (due to annexation)

Goals/Policies Supporting Request (3):

- Checklist Item 1: Complies with Land Development Plan Proposed Land Use Map
- Checklist Item 3: Fits the district intent described by the zoning ordinance
- Checklist Item 5: Complies with growth strategy map

Goals/Policies Not Supporting Request (2):

- Checklist Item 13-14: Property is in special hazard flood area and located on steep slopes (>20%)

He provided all proposed conditions:

- A. The use approved shall be a Manufactured Home Park consisting of a total of 21 dwelling units.
- 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. Mail delivery shall be provided on the final site plan, subject to postal service and/or NCDOT requirements. Any changes on the site plan necessary to comply with requirements for mail delivery will not be considered a modification of the Conditional Zoning district requiring Council action.
- E. Outdoor recreational vehicle parking or storage shall continue to be prohibited on the property, consistent with the community "rules" submitted by the applicant.
- F. It shall be the property owner's responsibility to obtain any and all permits and approvals required for the proposed land use.
- G. Installation of traffic and street signs within the development shall be the responsibility of the developer. Approval of any proposed name of the private road shall be obtained from Randolph County for E-911 purposes.
- H. If plans for solid waste disposal are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Any such facilities shall be consistent with city policies and codes.
- I. Prior to the issuance of a zoning compliance permit, the applicant shall submit a final site plan demonstrating compliance with the conditional zoning district, including details on roadway widths compliance with the district and Fire Code.
- J. The applicant shall submit to the city a recordable survey plat to identify the new approved private road names for E911 purposes prior to a final building inspection being performed for a new dwelling.
- K. 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 provided staff's consistency statement:

"The low-density nature of the proposed conditional zoning district is consistent with the Land Development Plan's designation as a Conservation Residential Area; the goal of these areas is to "accommodate allowable densities while using less land". Approval of the district will promote the offering of varied and affordable housing options for residents, objectives the Land Development Plan advocates. Further, the conditional zoning process can help to ensure that new land development is compatible with existing and neighboring uses."

He provided staff's recommendation:

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

He then asked the board if there were any questions. Mr. Henderson inquired if the zoning change would cover the entire property. Mr. Nuttall stated that this zoning change would cover the entire property, so if there is a change in the future proposed, an amended zoning district would be required to be requested. Ms. Vuncannon had a question regarding the paving of the roadway at Ferrari Drive. Mr. Nuttall stated that Ferrari Drive is proposed to be a total of 20 feet in width with at least 18 feet of paved roadway. He stated that a foot of roadway on either side of the paved portion could be of an all-weather surface, which would comply with the Fire Code for emergency vehicle access. 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. Walker Moffitt, the applicant, spoke in favor of the request. He provided the board with the business model of Moffitts, Inc. and additional photos of the existing manufactured home park, which is located on an adjoining property. He then provided further exhibits to show detail of the office, store, bus stop, water tower, mailbox units, play areas and examples of the homes within the adjoining park. He also provided an exhibit showing existing development and expansion plan, which had been previously reviewed by NCDEQ. He stated that the park also has many owner-occupied homes. He stated that he would answer any questions that the board may have. Mr. Henderson inquired if the roadways are publicly or privately maintained roads. Mr. Moffitt stated that the roads are proposed to be privately maintained. Ms. Vuncannon inquired about the owner-occupied

homes and the number of these homes within the adjoining park. Mr. Moffitt stated that there are approximately 26 of these Tru Home owner-occupied homes within the park. Mr. HR Gallimore entered into the record an email from the Assistant Transportation Director of Randolph County Schools regarding the bus stop that was installed, thanking Mr. Moffit for keeping the children safe in this area. Mr. Gallimore also pointed out that the need for affordable housing is vital in the current real estate market and that pride of ownership of these homes within the park makes for a cleaner community. He also stated that there are no satellite dishes in the yards of the homes within the adjoining park and the addition of high-speed internet, supplied by the applicant, is a great amenity to the park.

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

Ms. Vuncannon moved to recommend approval of Case No. RZ-24-18 based on staff's consistency statement and recommendation. Mr. Henderson seconded the motion, and the motion carried unanimously.

L. PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT: BOA-24-06: REQUEST FOR VARIANCE FROM SECTION 3.02(D) OF THE ASHEBORO ZONING ORDINANCE WHICH REGULATES FRONT YARD AVERAGING FOR PROPERTY LOCATED AT THE EASTERN INTERSECTION OF EAST CENTRAL AVE. AND GREENWOOD RD. (RANDOLPH COUNTY PIN #: 7762393222)

Mr. Luck and the applicant, Mr. Brian Lucas were placed under oath to offer their testimony. Mr. Luck gave a visual presentation to the board. He stated that if the applicant wishes to proceed, due to an absence of one board member meaning that a 6 of 6 unanimous vote of the board members in attendance is needed for the granting of the variance, that he could do so or that he may request a continuance. Mr. Lucas wished to proceed with the variance request. Mr. Luck stated that this request was a properly advertised quasi-judicial hearing. He stated that at this time, the board would hear staff's analysis of the request, applicant testimony, after which they would have board deliberation, and a decision could be made. He stated that a final decision document could be drafted and presented for adoption at the October 2024 regular meeting.

He stated that the request is a variance from Section 3.02(d) of the Asheboro Zoning Ordinance which regulates front yard averaging. He then gave the analysis:

Location: Intersection of E. Central Avenue and Greenwood Road
Parcel Identification Number: 7762393222
Property Size: 0.48 Acres
Zoning: R15 Residential
Overlay Zone: None

Surrounding Land Use:

North: SF Residential
South: SF Residential
East: Undeveloped/SF Residential
West: SF Residential

LDP Recommendations:

Growth Strategy: Primary Growth
Proposed Land Use Map: Neighborhood Residential

He provided overview, aerial, and topographic/utilities maps of the subject property, as well as a survey of the property and photographs of the property from all directions. He mentioned that PIN 7762393222 ("The Lot") is a conforming undeveloped R15 lot. Required yards for the R15 zoning district are regulated through Table 4-1 as follows:

Table 4-1
Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R15	15,000	100	30	15	25	35	22%		

1 Single Family Only

The required 30-foot front yard setback is modified by Section 3.02(D), Averaging a Front Setback Line, as follows:

3.02(D)(2) Increase to Front Yard Setback

In a residential district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot is greater than the required front setback specified in this Ordinance, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed sixty feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified for the zoning district.

The Lot is a corner lot; however, the requested variance only involves the required front yard along East Central Avenue. Along East Central Avenue, there are a total of three adjacent lots within two hundred feet of either side of The Lot. Utilizing Section 3.02(D), the required front yard becomes 52.33', calculated as follows:

Address	Apparent Existing Setback
430 East Central Ave.	70'
426 East Central Ave.	57'
PIN 7762394057	30'
Average	52.33 Feet

The applicant's proposed single-family dwelling would come no closer than 35 feet from the front property line, thus a required front yard variance of 17.33 feet is requested. He then provided a site plan showing the location of the proposed structure. He then went over the findings of fact necessary 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.

He then asked the board if there were any questions. There were no questions for Mr. Luck at this time.

Mr. Brian Lucas, the applicant, provided testimony to the board to address the four findings of fact. He stated that the lot is peculiar in size and shape, he stated that the lot is not as deep as the others around it and that there is a ditch that puts a limit on where a structure can be placed on the lot. He stated that the home cannot face Greenwood because the drainage tile cannot be moved, thereby addressing that the hardship did not result from actions taken by himself, the property owner and applicant. He stated that to preserve public safety, placing the structure away from Greenwood would protect the neighborhood. He

stated that the layout and house size is the only way to place a structure. Mr. Henderson asked for clarification on the location of the ditch, to which it was pointed out on the provided site plan. Mr. Lucas asked the board if there were any other questions. There were no further questions from the board at this time.

Mr. O'Kelley asked if anyone else wished to address the board. Mr. Larry Draughan and Debby Draughan, owners residing at 435 East Central Avenue, were placed under oath to offer testimony. They stated that they were unsure what type of development is being constructed and felt that due to stormwater, appearance, and safety concerns, it would be a detriment to their property. Mr. HR Gallimore was placed under oath and stated that this lot was platted many years ago and before zoning was in place. He stated that this lot is also a corner lot which makes it more difficult to place a structure from a setback standpoint. Mr. Rich noted that the topography of the lot makes the proposal likely is the only way to place a structure on this lot. There were no further comments or questions.

Mr. Henderson moved to approval Case No. BOA-24-06 based on the request meeting all four findings of fact. Mr. Rich seconded the motion, and the motion carried unanimously.

OLD BUSINESS

- A. PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT: BOA-24-04: REQUEST FOR VARIANCES FROM TABLE 4-1 AND SECTION 3.02(D) OF THE ASHEBORO ZONING ORDINANCE WHICH REGULATES REQUIRED YARDS (SETBACKS) AND FRONT YARD AVERAGING FOR THE PROPERTY LOCATED AT 1001 PARKVIEW ST. (RANDOLPH COUNTY PIN#: 7761313052). *CASE WAS CONTINUED AT JULY AND AUGUST BOARD MEETINGS.***

Mr. O'Kelley stated that the applicant was not present for the hearing. He informed the board that the applicant has been in contact with staff and has an updated site plan to present along with testimony to address the findings but has requested that this case be heard at the October meeting due to the absence of one board member. Mr. Rich moved to continue Case No. BOA-24-04 to the regular October meeting. Mr. Henderson seconded the motion, and the motion carried unanimously.

ITEMS NOT ON THE AGENDA

There were no items at this time.

ADJOURNMENT

Hearing 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



Planning Board Functioning as Board of Adjustment: BOA-24-04: Request for variances from Table 4-1 and Section 3.02(D) of the Asheboro Zoning Ordinance which regulates required yards (setbacks) and front yard averaging for property located at 1001 Parkview St. (Randolph County PIN# 7761313052).

Staff Report

**Continued from September 3, 2024,
August 5, 2024 and July 8, 2024.**

Board of Adjustment Staff Report

Case: BOA 24-04

Date: October 7, 2024 (continued from 9-3-24, 8-5-24 and 7-8-24)

Requested Action: Request for variances from Table 4-1 and Section 3.02(D) of the Asheboro Zoning Ordinance which regulates required yards (setbacks) and front yard averaging.

GENERAL INFORMATION:

Applicant: Edwin E. Pollard Jr.

Applicant Address: 1001 Parkview St. Asheboro, NC 27203

Location of Affected Property: 1001 Parkview St. (PIN 7761313052)

Property Size: 0.40 Acres (17,308 sq.ft.)

Underlying Zone: R10

Overlay Zone: None

Existing Land Use: Single Family Dwelling

Surrounding Land Use:

North: Single Family Residential

East: Single Family Residential

South: Single Family Residential

West: Single Family Residential

Land Development Plan: Neighborhood Residential/Primary Growth

ANALYSIS

1001 Parkview St. ("The Lot") is a conforming R10 lot with an existing single family dwelling use. Required yards for the R10 zoning district are regulated through Table 4-1 as follows:

Table 4-1
Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R10	10,000 SF	75	30	10	25	35	22%		

The 10-foot required side yard is applicable to both principal and accessory structures. The required 30-foot front yard setback is modified by Section 3.02(D), Averaging a Front Setback Line, as follows:

3.02(D)(2) Increase to Front Yard Setback

In a residential district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot is greater than the required front setback specified in this Ordinance, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed sixty feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified for the zoning district.

There are a total of four adjacent lots within two hundred feet of either side of The Lot. Utilizing Section 3.02(D), the required front yard becomes 52.35', calculated as follows:

Address	Apparent Existing Setback
935 Parkview St.	61'
943 Parkview St.	61.2'
1009 Parkview St.	37.2'
1017 Parkview St.	50'
Average	52.35

The existing single-family dwelling conforms with all required yards. The applicant proposes to construct a new, unenclosed carport. This proposed carport would come no closer than 7 feet from the side property line, and 42 feet from the front property line, thus a required side yard variance of three feet and a front yard variance of 10.35 feet are requested.

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.

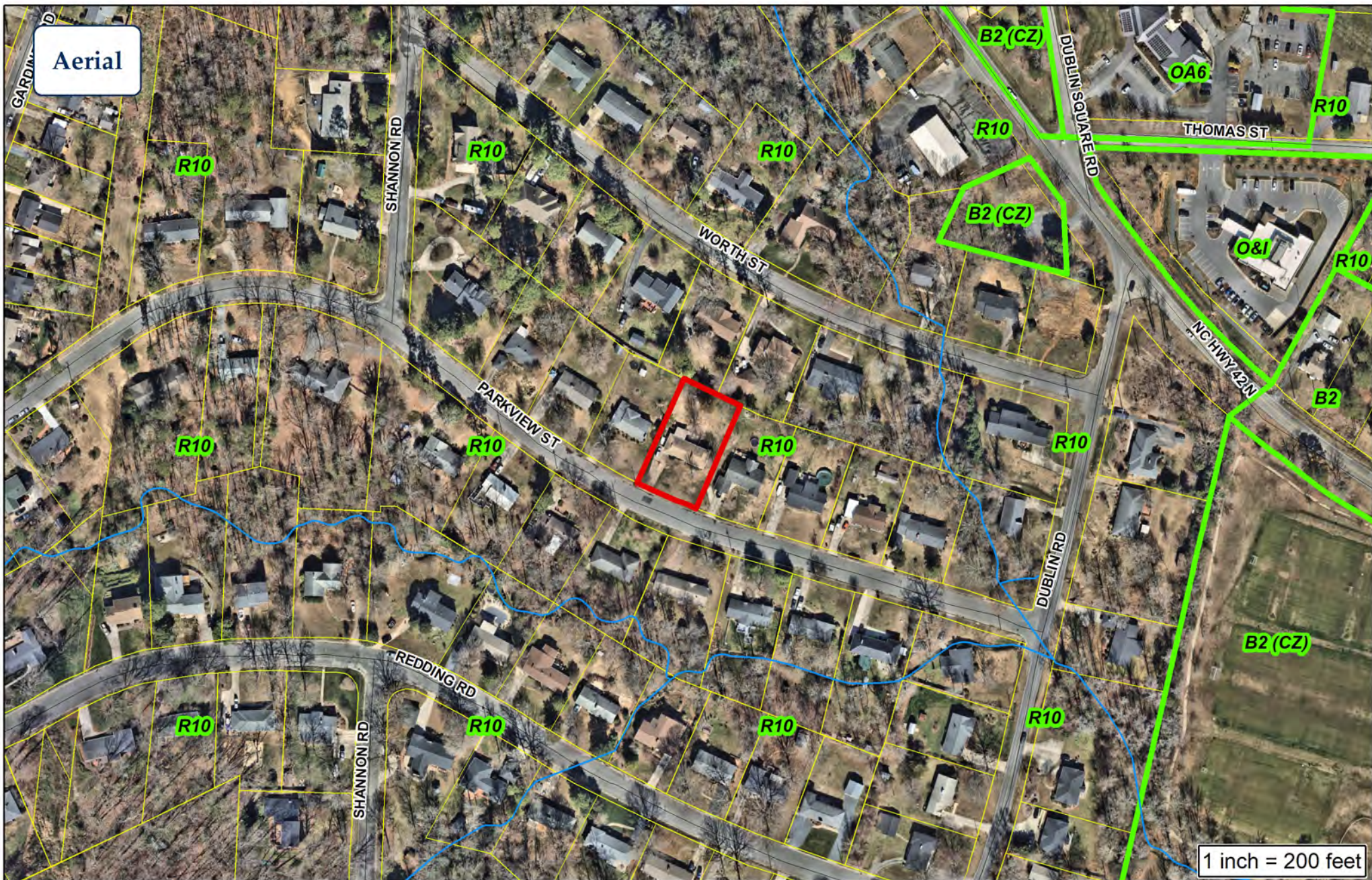
Board Action 1: Approve a variance from Table 4-1 of the Asheboro Zoning Ordinance to reduce the required side yard setback to 7 feet. Provided, however, the variance is limited by any conditions stated in the final decision document.

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

Board Action 2: Approve a variance from Section 3.02(D) of the Asheboro Zoning Ordinance to reduce the required front yard setback to 42 feet. Provided, however, the variance is limited by any conditions stated in the final decision document.

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

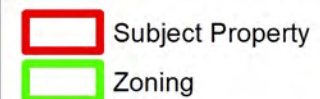
Signature _____

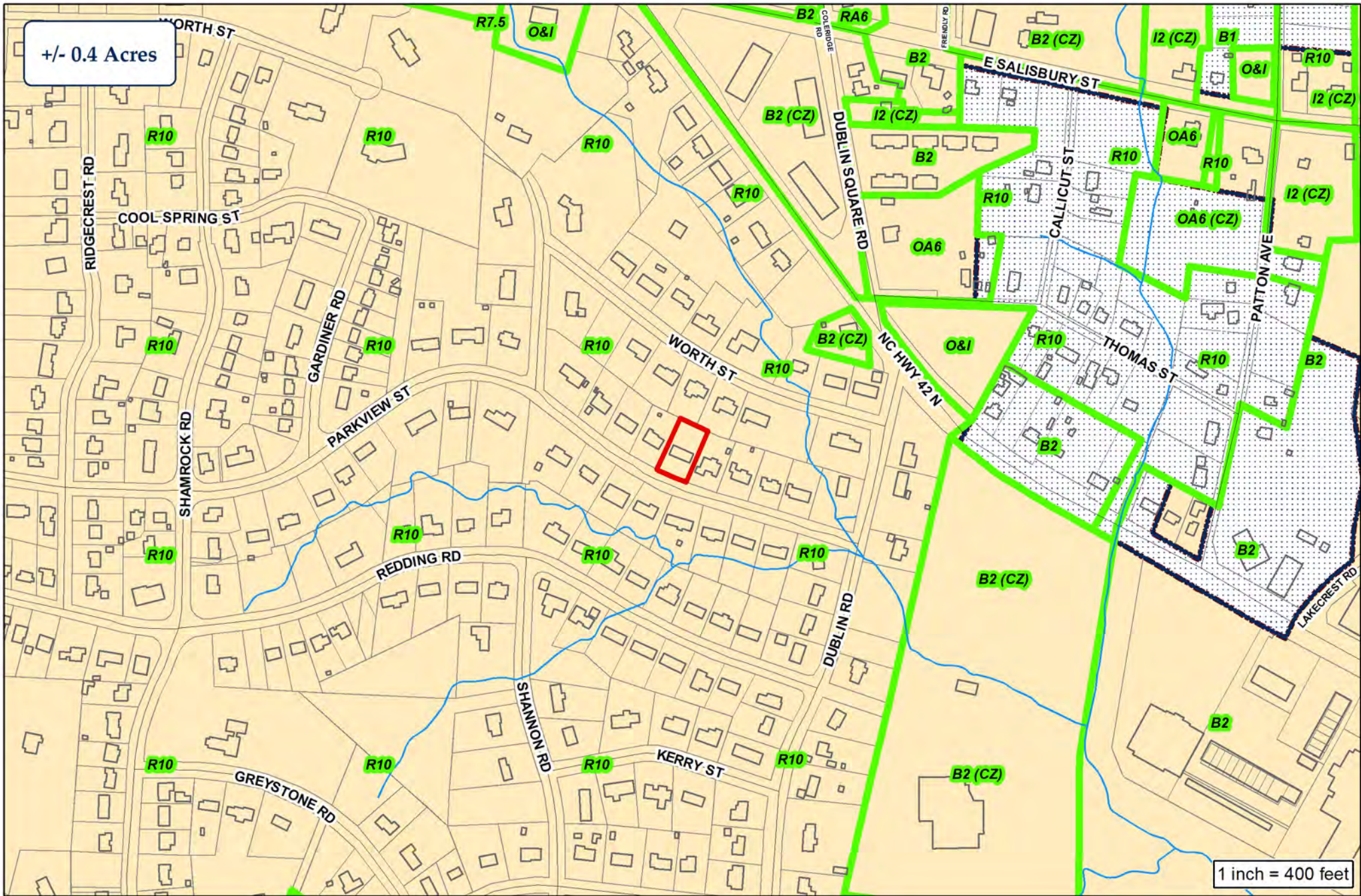


City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-04
Variance

Parcel: 7761313052

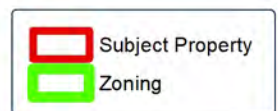




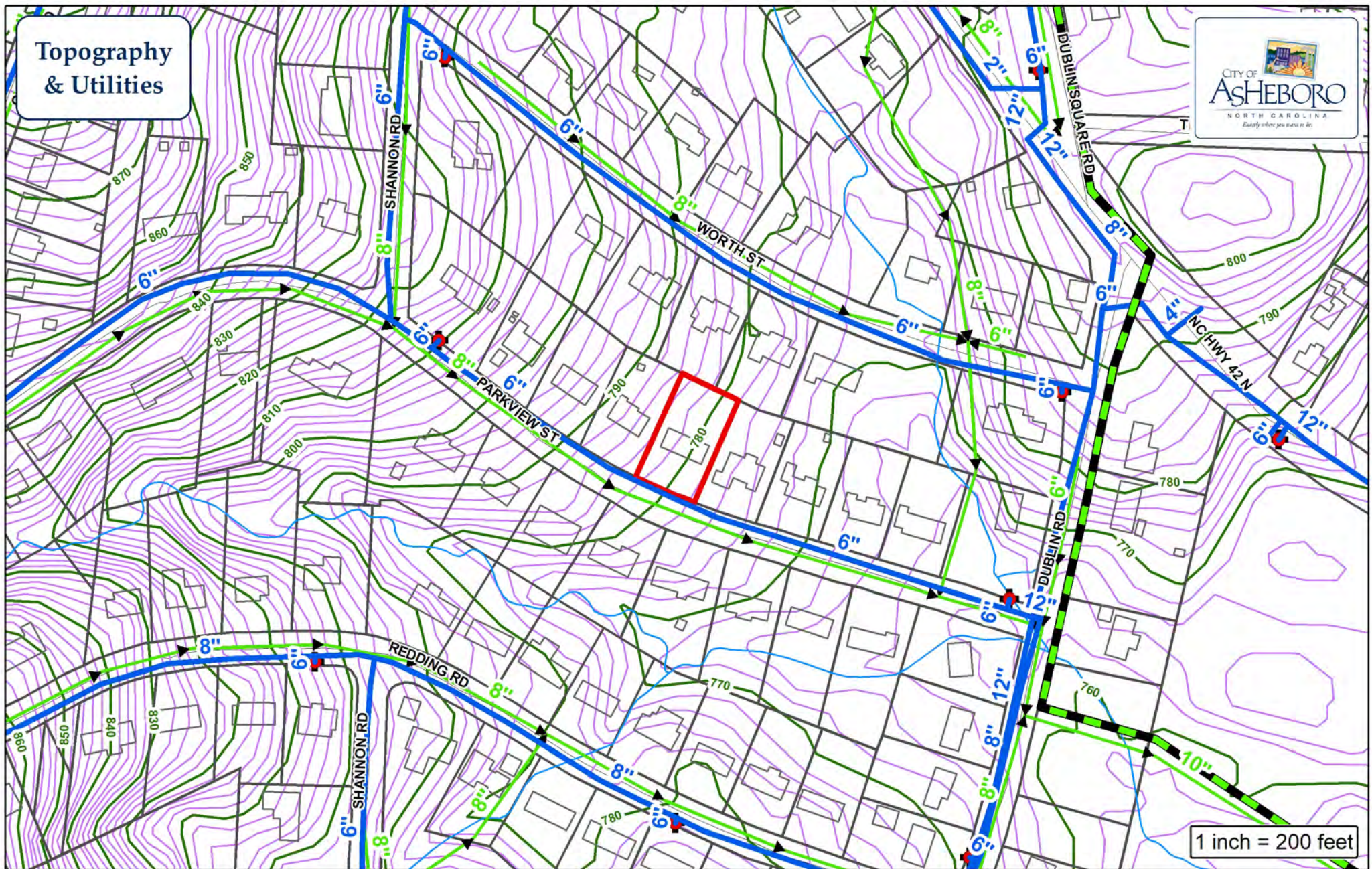
City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-04
Variance

Parcel: 7761313052



Topography & Utilities



1 inch = 200 feet

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

City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-04
Variance

Parcel: 7761313052

Subject Property



C2	930.35	99.71	99.66	S 60°26'41" E	6°08'26"
----	--------	-------	-------	---------------	----------

LINE	BEARING	DISTANCE
L1	S 64°56'52" E	34.92



CITY OF ASHEBORO
Application for Board of Adjustment Hearing

APPLICANT INFORMATION

Applicant EDWIN E. POLLARD JR Applicant's Phone # 336-953-8048

Applicant's Address 1001 PARKVIEW ST
ASHEBORO, NC 27203

Applicant's Email Address EPOLLARDJR@YAHOO.COM

PROPERTY INFORMATION

Property Owner's Name EDWIN E POLLARD JR

Location of Property 1001 PARKVIEW ST ASHEBORO, NC 27203

Property Size (ac. or sq.ft.) 1600 SQ. FT

Randolph County Property Identification Number (PIN#) _____

Current Zoning District _____

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)

EE Pollard Jr

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, EDWIN E. POLLARD JR hereby petition the Board of Adjustment to grant the following variance from the Asheboro Zoning Ordinance (please specify the variance that is requested):

ALLOW MY NEW CARPORT TO BE
42 FT FROM THE 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.

I WANT TO BUILD A CARPORT IN FRONT OF MY HOUSE FREE STANDING. THERE IS ALREADY A DRIVE WAY THAT I WILL BUILD THE 2 CAR CARPORT ON. THIS IS THE ONLY LOCATION THAT IS FEASIBLE. ACCESS TO THE BACKYARD IS NOT GOOD, TOO NARROW BETWEEN THE END OF THE HOUSE & THE PROPERTY LINE. MY GRANDKIDS PLAY IN ~~THE~~ BACKYARD. I WOULD LIKE THE CITY TO ISSUE ME A PERMIT, PLEASE.

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.

EE Pelland Jr 5/7/24
Applicant Date

STAFF USE		
Received by: <u>JTL</u>	Date: <u>5-7-27</u>	Case Number: <u>24-04</u>

RE BOOK Book: 1818
Page: 3766

FILED 2003-019433
May 30 2003 04:35:33 pm

Randolph County, NC
Ann Shaw, REGISTER of DEEDS

Recording Fee 17.00
NC Real Estate ExTx 216.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: 216.00

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____
By _____

Mail/Box: ☒ Grantee

This instrument was prepared by: _____ Alie E. Yates, Attorney At Law

Brief description for the Index:

THIS DEED made this 30th day of May, 2003 by and between

GRANTOR

MARY KING SMITH, married
(formerly Mary Ella King)

GRANTEE

EDWIN E. POLLARD JR. and wife,
CAROL J. POLLARD

1001 Parkview Street
Asheboro, NC 27203

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that

Certain lot or parcel of land situated in the City of Asheboro Township, Randolph County, North Carolina and more particularly as follows:

Beginning at an existing iron pipe, in the northern right-of-way of Parkview St., said iron pipe being located 0.1 mile from Dublin Road (NCSR 2197) and also being Andrew Garner's southwestern corner; thence from the point and place of beginning along the northern right-of-way line of Parkview St. along a curve with a bearing and distance of North 67 deg 10' 13" West with a chord distance of 99.82 feet and a radius of 930.35 feet to an existing iron pipe, Hiatt Morgan's southeastern corner; thence leaving the right-of-way of Parkview St. and along Morgan's eastern line, North 23 deg 45' 00" East 18.02 feet to an existing iron pipe; thence leaving Morgan's line South 65 deg 45' 11" East 94.90 feet to an existing iron pipe, Garner's northwestern corner; thence along Garner's western line, South 22 deg 08' 42" West 175.66 feet to an existing iron pipe, the point and place of beginning and containing 0.397

The property hereinabove described was acquired by Grantor by instrument recorded Book 1408 page 593.

A map showing the above described property is recorded in Plat Book _____ page _____

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

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

All other easements, Right(s) of Way, and Restrictions of record, if any.

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

(Entity Name)

Mary King Smith (SEAL)
MARY KING SMITH

By: _____

Title

William V. Smith (SEAL)
WILLIAM V. SMITH

By: _____

Title

Alie E. Yates (SEAL)
ALIE E. YATES

By: _____

Title

Notary Public, State of North Carolina
Wilkes County (SEAL)
My Commission Expires Oct. 14, 2006

State of North Carolina - County of Wilkes Randolph

I, the undersigned Notary Public of the County and State aforesaid, certify that Mary King Smith and William V. Smith personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 30th day of May 2003.

My Commission Expires: 10-14-06

Alie E. Yates
Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a North Carolina or corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 2002

NORTH CAROLINA - RANDOLPH COUNTY

The foregoing certificate(s) of _____

Alie E. Yates

Notary/Notaries Public is/are certified to be correct.

This 30 day of May, 2003.

ANN SHAW, REGISTER OF DEEDS

by: Alie E. Yates Register of Deeds

My Commission Expires: _____

Notary Public

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

Register of Deeds for _____ County
By: _____ Deputy/Assistant - Register of Deeds



RZ-24-19: Request to rezone property located on east side of US 220 Business south at Oakhurst Road (Randolph County Parcel Identification Numbers 7659569317 and 7659660333 from R10 Medium-Density Residential to I2 General Industrial.

Rezoning Staff Report

RZ Case # RZ-24-19

Date 10/7/2024 Planning Board

General Information

Applicant Rodney Tyler

Address 607 South Park Street

City Asheboro NC 27203

Phone 336-625-8923

Location US 220 Business South and Oakhurst Road

Requested Action Rezone from R10 Medium-Density Residential to I2 General Industrial

Existing Zone R10

Existing Land Use Undeveloped

Size 1.12 acres +/-

Pin # 7659569317 and 7659660333

Applicant's Reasons as stated on application

Surrounding land is industrial and commercial. City plan supports non-residential development.

Surrounding Land Use

North Industrial

East Industrial

South Commercial (Undeveloped)

West Commercial zoning with legal non-conforming dwelling

Zoning History N/A

Legal Description

The property of AIM Integrated Solutions, LLC, located on the east side of US 220 Business S., at the intersection of Oakhurst Rd., totaling approximately 1.12 acres +/- and identified by Randolph County Parcel Identification Numbers 7659569317 and 7659660333.

Analysis

1. The property is outside of the city limits, but within the City's extraterritorial zoning jurisdiction.
2. US 220 Business South is a major thoroughfare. This section of Oakhurst Road is identified as privately maintained, and serves industrially zoned properties.
3. The existing R10 district is described by the zoning ordinance as follows:
R10: To provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living. The proposed I2 zoning district is described as follows:
I2: The intent of the I2 Industrial Development District is to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.
4. The property is currently undeveloped.
5. The request is for an I2 General Commercial district. No specific use or site plan can be reviewed with this request.
6. The majority of the property is located south of Oakhurst Road. However, there is a small portion of the subject property that is north of Oakhurst Road.

Rezoning Staff Report

RZ Case # RZ-24-19

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	Industrial (north of Oakhurst Rd.);Commercial (south of Oakhurst Rd.)
Small Area Plan	Central
Growth Strategy Map Designation	Adjacent Developed

LDP Goals/Policies Which Support Request

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map (north of Oakhurst Drive)

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist Items 12-13: 12.) Property is located outside of the watershed area. 13.) Property is outside the Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # **RZ-24-19**

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map (South of Oakhurst Drive, on majority of the property).

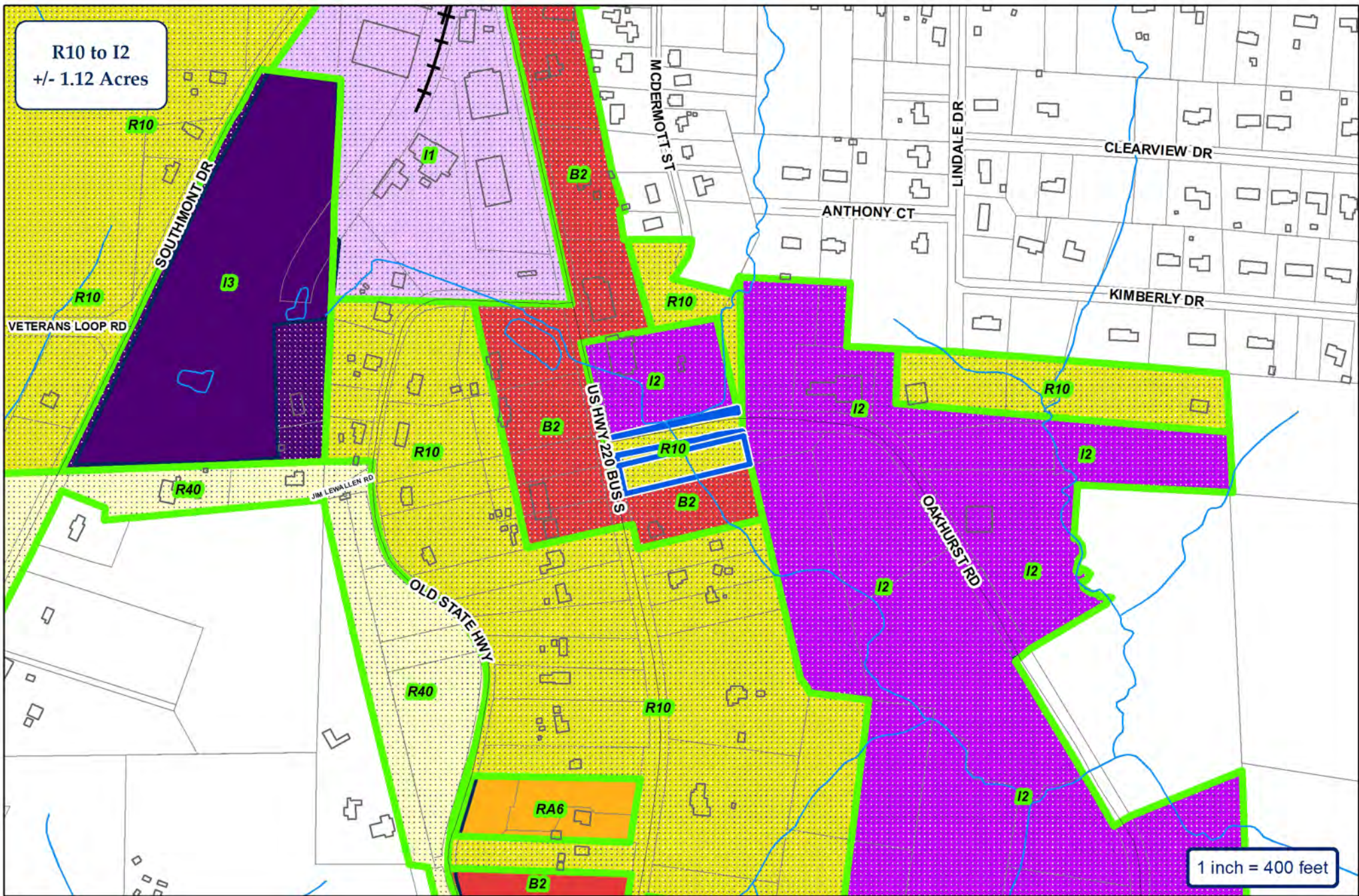
2.1.5: The City will ensure development regulations provide appropriate transitional land uses, such as office & institutional, between high-intensity industrial/commercial & low-intensity residential uses.

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

This property is situated in an area that has primarily non-residential land uses, with industrial and commercial activities. Although it is ideal to have transitional land uses between industrial and residential uses, the property is surrounded by other properties that are either non-residential, including industrial properties to the north along US 220 Business South and Oakhurst Road, or that are legal nonconforming residential uses, such as dwellings across US 220 Business South.

Staff believes, given the land use patterns in the area and the property's location on a major thoroughfare, that an industrial designation of the property is reasonable and in the public interest.

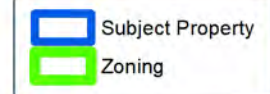
Recommendation Staff recommends approval of the request.

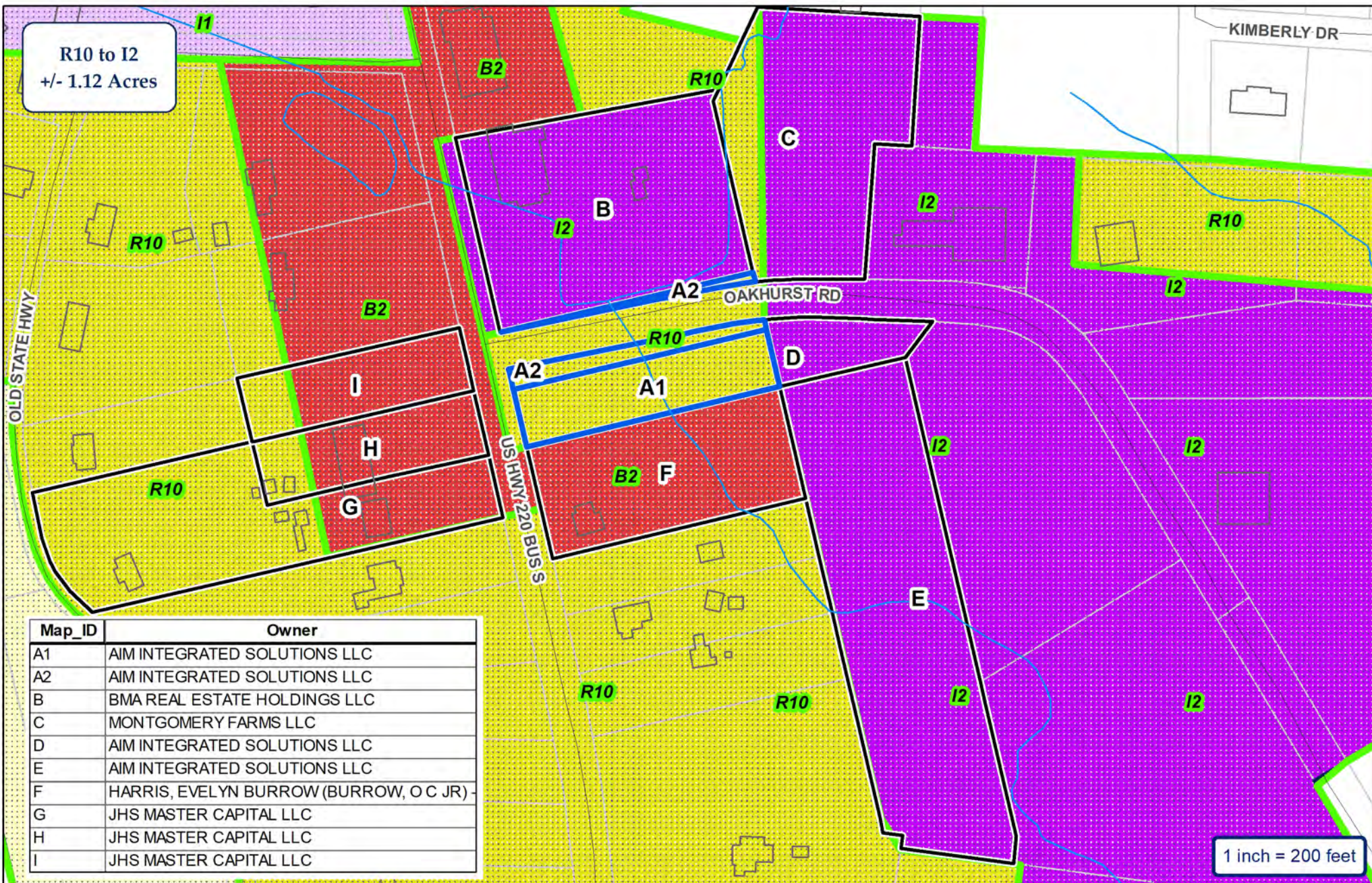


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-19

Parcels: 7659569317 & 7659660333





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-19

Parcels: 7659569317 & 7659660333

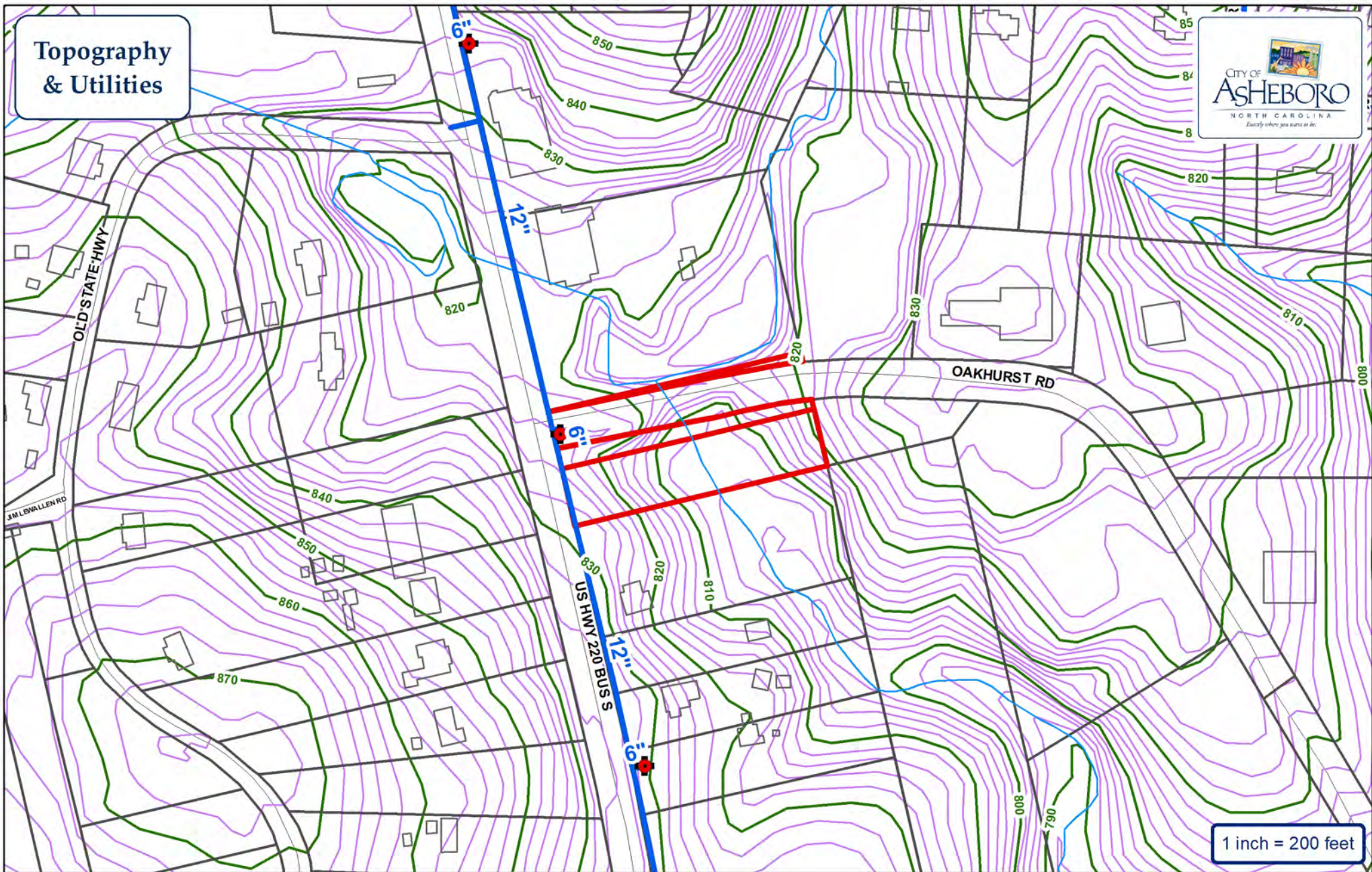


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



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

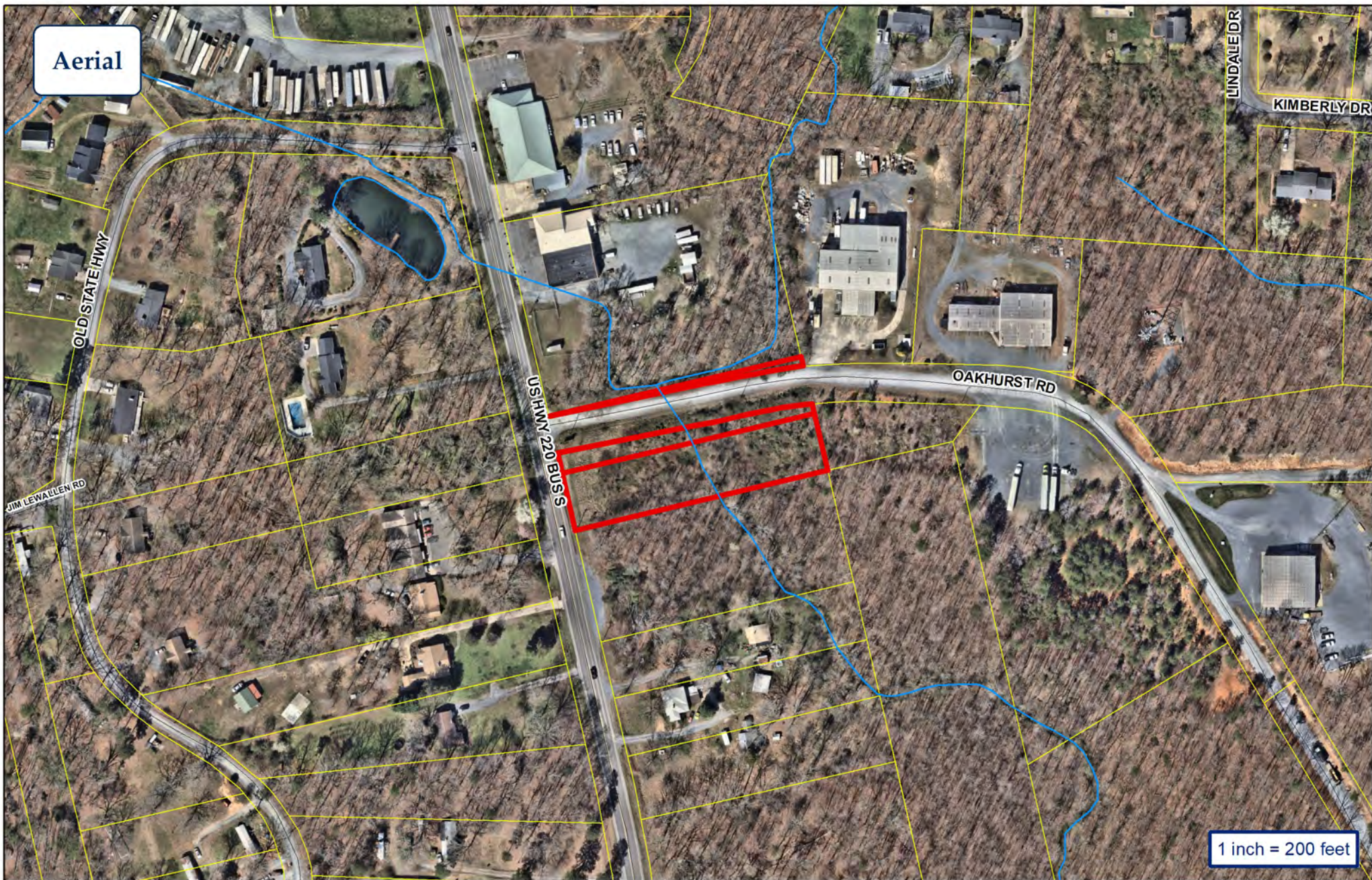
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-19

Parcels: 7659569317 & 7659660333

Subject Property





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-19

Parcels: 7659569317 & 7659660333

 Subject Property



APPLICANT INFORMATION

Applicant Rodney Tyler
Applicant's Phone # 336-625-8923
Applicant's Address 607 S Park
Asheboro NC 27203
Applicant Email Address rodney@aimisresults.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name AIM Integrated Solutions LLC
Location of Property Intersection Oakhurst + S. Fay
Property Size (ac. or s.f.) 1.12 Acres
Randolph County Property Identification Number (PIN#) 7659569317 + 7659660333
Current Zoning District R10
Requested Zoning District I2
Date Property Title Acquired _____
Deed Book _____ Page _____
Subdivision _____ Section _____ Lot # _____
Plat Book _____ Page _____

ORDINANCE AMENDMENT INFORMATION

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

Surrounding land is Industrial + Commercial.
City plan supports non-residential development.

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

2. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Does not apply ☒

3. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Does not apply ☒

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

N/A

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Applicant Signature

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

*Position/Relationship of Authorized
Signatory to Applicant*

Owner Signature (if different than Applicant)



Owner Address Member Manager

528 Albemarle Road

Asheboro NC 27205

Telephone Number

336-625-8923

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

*Position/Relationship of Authorized
Signatory to Owner*

STAFF USE

Received by: JTL *Date:* 8-28-24 *Case Number:* 24-



RZ-24-20: Request to rezone property located at 1135 and 1147 South Cox Street (Randolph County Parcel Identification Number 7750970387) from R7.5 Medium-Density Residential and RA6 (CZ) High-Density Residential Conditional Zoning to an amended RA6 (CZ) (High-Density Residential Conditional Zoning) zoning district to add two dwelling units to an existing development with multiple family dwellings.

Rezoning Staff Report

RZ Case # RZ-24-20

Date 10/7/2024 Planning Board

General Information

Applicant Rick Powell

Address 4365 Granite Rock Drive

City Denton NC 27239

Phone 336-736-0782

Location 1135 and 1147 South Cox Street

Requested Action Rezone from R7.5 Medium-Density Residential and RA6 (CZ) High Density Residential Conditional Zoning to an amended RA6 (CZ) High-Density Residential Conditional Zoning district for multiple family dwellings.

Existing Zone RA6 (CZ)/R7.5

Size 1.15 acres +/-

Existing Land Use Dwellings, Multiple Family. There are currently four (4) dwelling units on the parcel.

Pin # 7750970387

Applicant's Reasons as stated on application

For the construction of one additional duplex unit on the subject property with associated parking. To meet the current and future residential growth demands for this area.

Surrounding Land Use

North Undeveloped/Zoned OA6 Office-Apartment

East Single-family residential

South Commercial

West Office/Residential Planned Unit Development

Zoning History See (6) of Analysis.

Legal Description

The property of 41 Chevy Realty, LLC, located at 1135 A&B South Cox Street and 1147 A&B South Cox Street, totaling approximately 1.15 acres +/- and more specifically located at Parcel Identification Number 7750970387.

Analysis

See Attachment 1.

RZ-24-20: 1135 and 1147 South Cox Street: Rezone from R7.5 Medium-Density Residential and RA6 (CZ) High Density Residential Conditional Zoning to an amended RA6 (CZ) High-Density Residential Conditional Zoning district for multiple family dwellings.

1. The property is inside the city limits.
2. South Cox Street is a state-maintained major thoroughfare.
3. The existing and proposed RA6 (CZ) district and existing R7.5 district are described by the zoning ordinance as follows:

R7.5: *Intended 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.*

RA6: *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*

4. The property currently has four dwelling units in two duplex-style structures. An additional similar structure with two dwelling units is proposed. If approved, six (6) dwelling units would be on the property, equaling approximately 5.2 dwelling units per acre.
5. The property is located in Tier 3 of the Center City Planning Area. Density for multi-family development is regulated based on maximum height (35 feet) and impervious coverage (no more than 55 percent) rather than floor area ratio, which is a maximum square footage based on the area of a zoning lot.
6. Tax records indicate that the current structures were built in 1977. The property is mapped as having RA6(CZ) zoning. However, despite research to locate information regarding this conditional zoning, staff has been unable to do so. The RA6(CZ) portion of the property may be mapped in error, but that has not been determined conclusively.
7. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-prescribed requirements. As of September 30, two deviations noted include the following:
 - (a) Reduction from the 25' front setback in the area in front of the right-of-way along Lindsey Avenue, and 20' in other locations along the rear property lines on the opposite side of the property from South Cox Street. The site plan indicates a building setback of 15'7" in these locations. In this area, the applicant proposes screening including 12 evergreen trees and 15 evergreen shrubs.
 - (b) One additional parking space for visitors. Staff notes that during discussions with the applicant, this issue was identified, and the applicant expressed a willingness to include an additional visitor parking space.
8. The site plan shows a sidewalk along South Cox Street.
9. Staff returned comments to the applicant on September 26, 2024, in response to the site plan submitted with the application. Comments included specifying that new landscaping be relocated outside of city utility easement, clarification of existing vegetation to be maintained, front yard landscaping detail, visitor parking, recreation space, and other miscellaneous plan details.

Rezoning Staff Report

RZ Case # RZ-24-20

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation City Activity Center

Small Area Plan Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist Items 12-13: 12.) Property is located outside of the watershed area. 13.) Property is outside the Special Hazard Flood Area.

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

Rezoning Staff Report

RZ Case # **RZ-24-20**

LDP Goals/Policies Which Do Not Support Request

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

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

The property's location is along South Cox Street, that has long been considered a transitional location between heavier commercial uses to the west and south along South Fayetteville Street and East Dixie Drive and residential uses to the east. The property is part of the City Activity Center, which the Land Development Plan states is intended to provide "pedestrian-friendly, community focal points containing a mixture of commercial, office and institutional, entertainment, open space, and residential uses & housing types, with ample sidewalks, street trees, on-street parking, public amenities & open space uses."

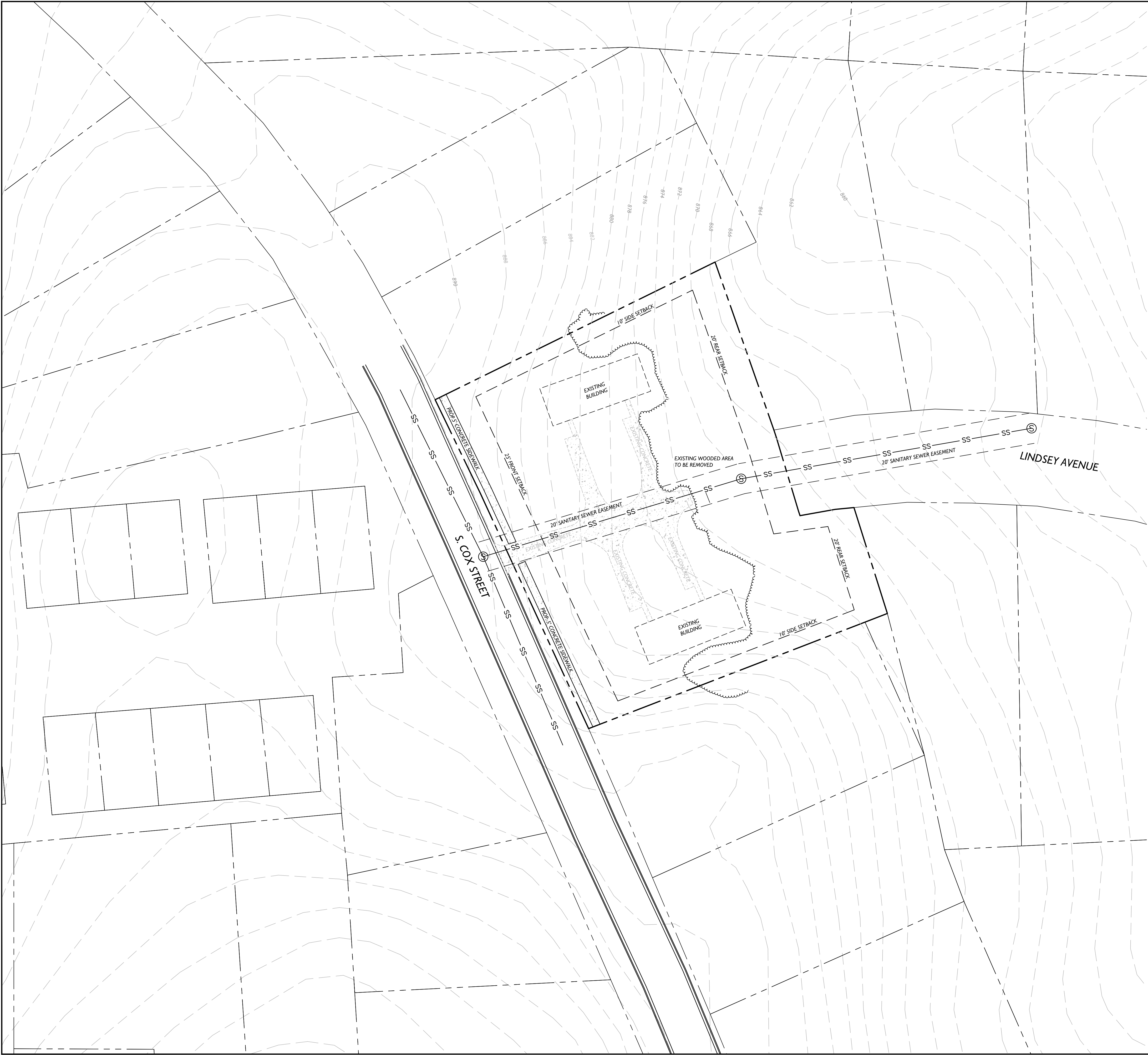
Staff believes that the proposed land use and request to add two additional dwellings is generally consistent with the Land Development Plan if these elements are incorporated into a site plan, but is awaiting a more finalized site plan before making a final recommendation on the request.

Recommendation As of October 1, 2024, staff's recommendation is pending.

Rezoning Staff Report

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

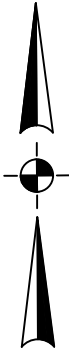
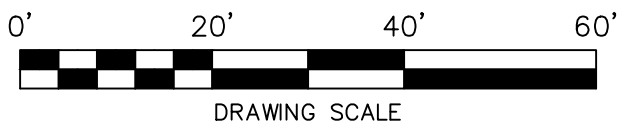
- (A) The use approved shall be Multiple Family Dwellings consisting of a total of 6 dwelling units.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) Prior to the issuance of a Zoning Compliance Permit 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) Mail delivery shall be provided on the final site plan, subject to postal service and/or NCDOT requirements. Any changes on the site plan necessary to comply with requirements for mail delivery will not be considered a modification of the Conditional Zoning district requiring Council action.
- (E) Outdoor recreational vehicle parking or storage shall be prohibited on the property.
- (F) It shall be the property owner's responsibility to obtain any and all permits and approvals required for the proposed land use.
- (G) If plans for solid waste disposal are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Any such facilities shall be consistent with city policies and codes.
- (H) The sidewalk parallel to South Cox Street, extending the length of the subject property, may be located within the public right-of-way or on private property, if topography or NCDOT not granting an encroachment agreement precludes location entirely within the public right-of-way of South Cox Street.
- (I) The applicant shall submit a revised site plan that details the following information to city staff prior to permitting:
 - (i) Front yard landscaping detail consistent with requirements of Section 6.10 of zoning ordinance.
 - (ii) Clarification of locations of areas that will retain existing vegetation
 - (iii) Information on outdoor lighting if any lighting is added.
 - (iv) Information on building height and materials in compliance with Section 4.07(E)(2)(v) and Section 6.11(F)
 - (v) Information on outdoor recreation area
 - (vi) Revised location of new landscaping plantings, relocating such plantings outside of city utility easement.
- (J) Prior to the issuance of a zoning compliance permit, the applicant shall submit a site plan reflecting any revisions necessary to comply with city codes and conditions of approval.
- (K) Prior to the issuance of a zoning compliance permit, the applicant shall obtain driveway and other permitting as required by NCDOT.
- (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.



NOTES:

1. PROPERTY LINES, TOPOGRAPHIC DATA, UTILITIES, 100 YEAR FLOOD ELEVATION, AND ROADWAY AND EDGE OF PAVEMENT ARE SHOWN PER ASHEBORO, NC GIS MAPS
2. EXISTING TREELINES HAVE BEEN ESTIMATED BY AERIAL IMAGERY AND SITE PHOTOGRAPHY.
3. TOTAL PARCEL SIZE: 1.15 ACRES
4. WATER LINES SHOWN ARE APPROXIMATE LOCATIONS THAT HAVE BEEN ESTIMATED PER DATA RECEIVED FROM THE SURVEY CAROLINA.
5. CONTRACTOR TO SAVE ALL EXISTING TREES TO THE EXTENT POSSIBLE OVER THE ENTIRE PROPERTY.
6. LIMITS OF DISTURBANCE SHOULD BE USED FOR SITE CLEARING LIMITS.

DRAWING LEGEND	
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	100 YR FLOOD PLANE
	PROPERTY LINE
	ADJOINING PROPERTY LINE
	EXISTING STORM PIPE
	EXISTING UTILITY POLE
	EXISTING SANITARY SEWER MANHOLE
	EXISTING SANITARY SEWER LINE
	EXISTING WATER MAIN (TYP.)
	EXISTING FIRE HYDRANT
	OVERHEAD ELECTRIC
	LIMITS OF CONSTRUCTION
	EXISTING TREELINE
	PROPOSED TREELINE
	DEMO TREELINE



PRELIMINARY CIVIL SITE
DEVELOPMENT PLANS

EXISTING CONDITIONS AND DEMO

PEMMCO DUPLEX ADDITION

S. COX STREET
RANDOLPH COUNTY - NORTH CAROLINA

Scale:	AS NOTED
Date:	DEC., 2022
Drawn By:	PBC
Checked By:	HMSJ
Job No.:	E-7557

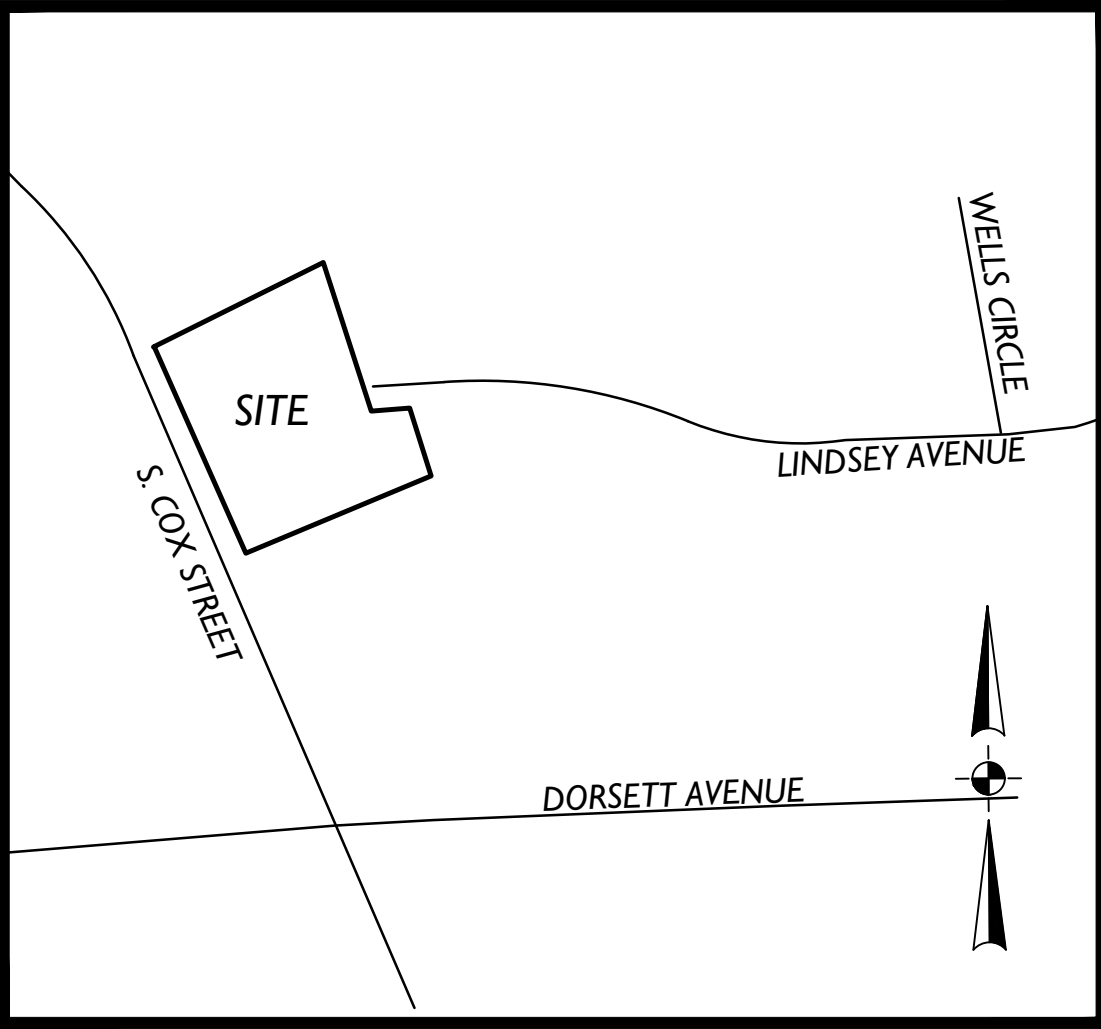
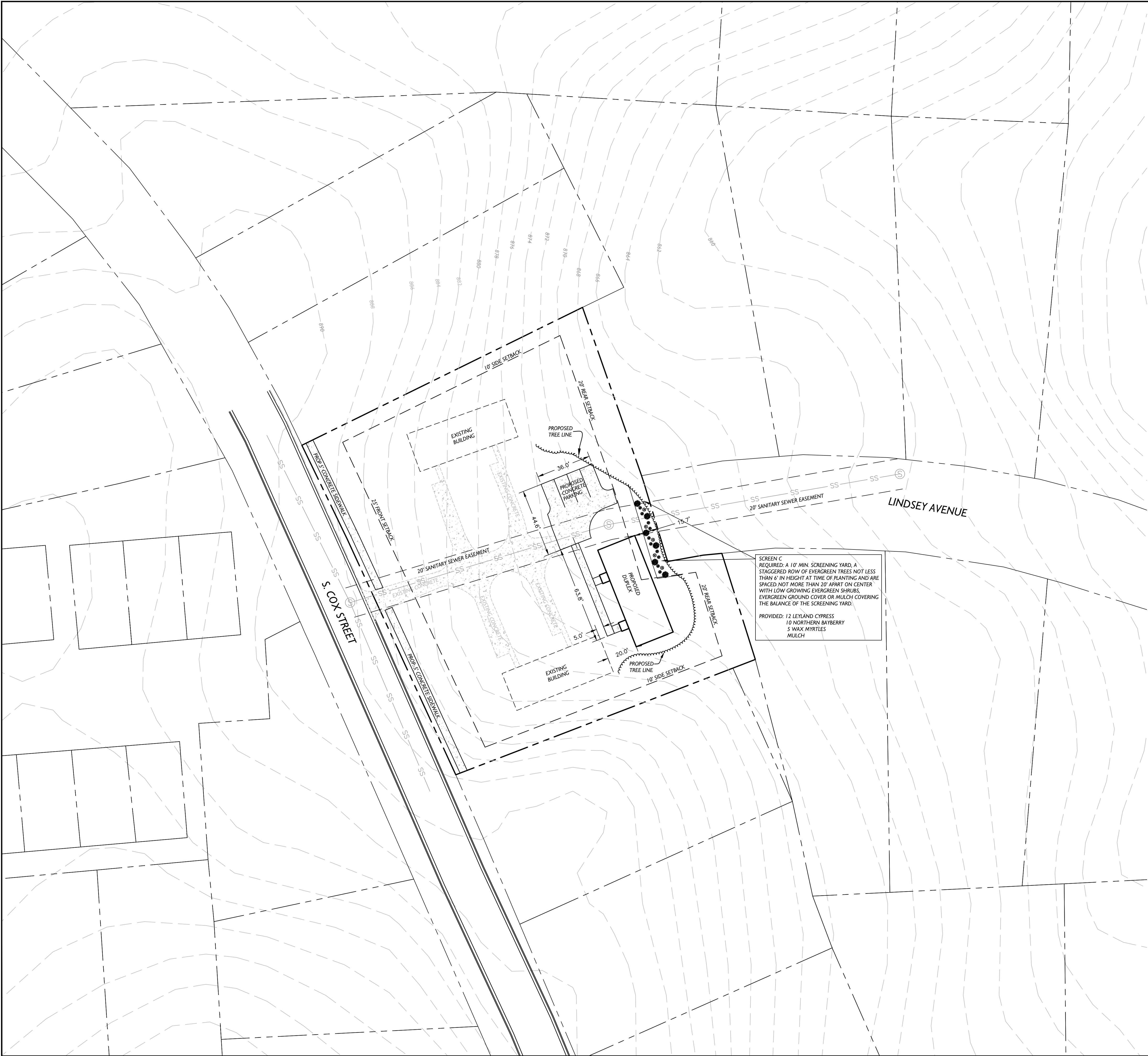
Sheet No.

C-2

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting

PO Box 568
Asheboro, NC 27204
Phone: 336-324-0902 Fax: 336-324-0922
Email: info@summeyengineering.com
NC Professional Engineering Firm License No. P-09336





SITE NOTES:

1. PROPERTY INFORMATION
OWNERS: 41 CHEVY REALTY, LLC
PIN NUMBERS: 7750970387
EXISTING ZONING: RA6 (CZ)
EXISTING LAND USE: DUPLEXES
SITE ADDRESS: 1135 S. COX STREET ASHEBORO, NC
OWNER ADDRESSES: 4365 GRANITE ROCK DRIVE DENTON, NC 27239
THE PROJECT IS LOCATED WITHIN THE CITY OF ASHEBORO GIS.

2. PROPOSED USE: DUPLEX

PARKING REQUIRED: 2 SPACES PER DWELLING
REQUIRED: 4
PROVIDED: 4

3. SETBACKS:
FRONT= 25 FT
SIDE= 10 FT
REAR= 20 FT

4. DISTURBED AREA: 7,853.53 SF (0.18) ACRES
5. ACRES)

6. HANDICAP SPACES SHALL BE INSTALLED PER ADA REQUIREMENTS.

7. MAXIMUM SEPARATION BETWEEN SANITARY SEWER CLEANOUTS SHALL BE 50'.

8. OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.

9. CONFIRM UTILITY TIE INS WITH ARCHITECTURAL DESIGN PRIOR TO CONSTRUCTION.

10. WATER AND SEWER UTILITY TIE IN LOCATIONS ARE SHOWN ON THIS PLAN FOR REFERENCE ONLY.

11. MAX. BUILDING HEIGHT = 35'

IMPERVIOUS AREA NOTES:

OVERALL AREA: 1.15 ACRES
EXISTING IMPERVIOUS AREA: 7733.91 Sq. Ft. = 0.177 ACRES = 15.39%
FINAL IMPERVIOUS: 12570.61 SQ. Ft. = 0.288 ACRES = 25.04%

DRAWING LEGEND

- | | |
|-------|---------------------------------|
| --- | PROPERTY LINE |
| --- | ADJOINING PROPERTY LINE |
| ~~~~~ | EXISTING TREELINE |
| ~~~~~ | PROPOSED TREELINE |
| --- | SETBACK LINES |
| ⊕ | EXISTING SANITARY SEWER MANHOLE |
| SS | EXISTING SANITARY SEWER LINE |
| SS | PROPOSED SANITARY SEWER LINE |
| ⊕ | PROPOSED SANITARY SEWER MANHOLE |



PRELIMINARY CIVIL SITE
DEVELOPMENT PLANS

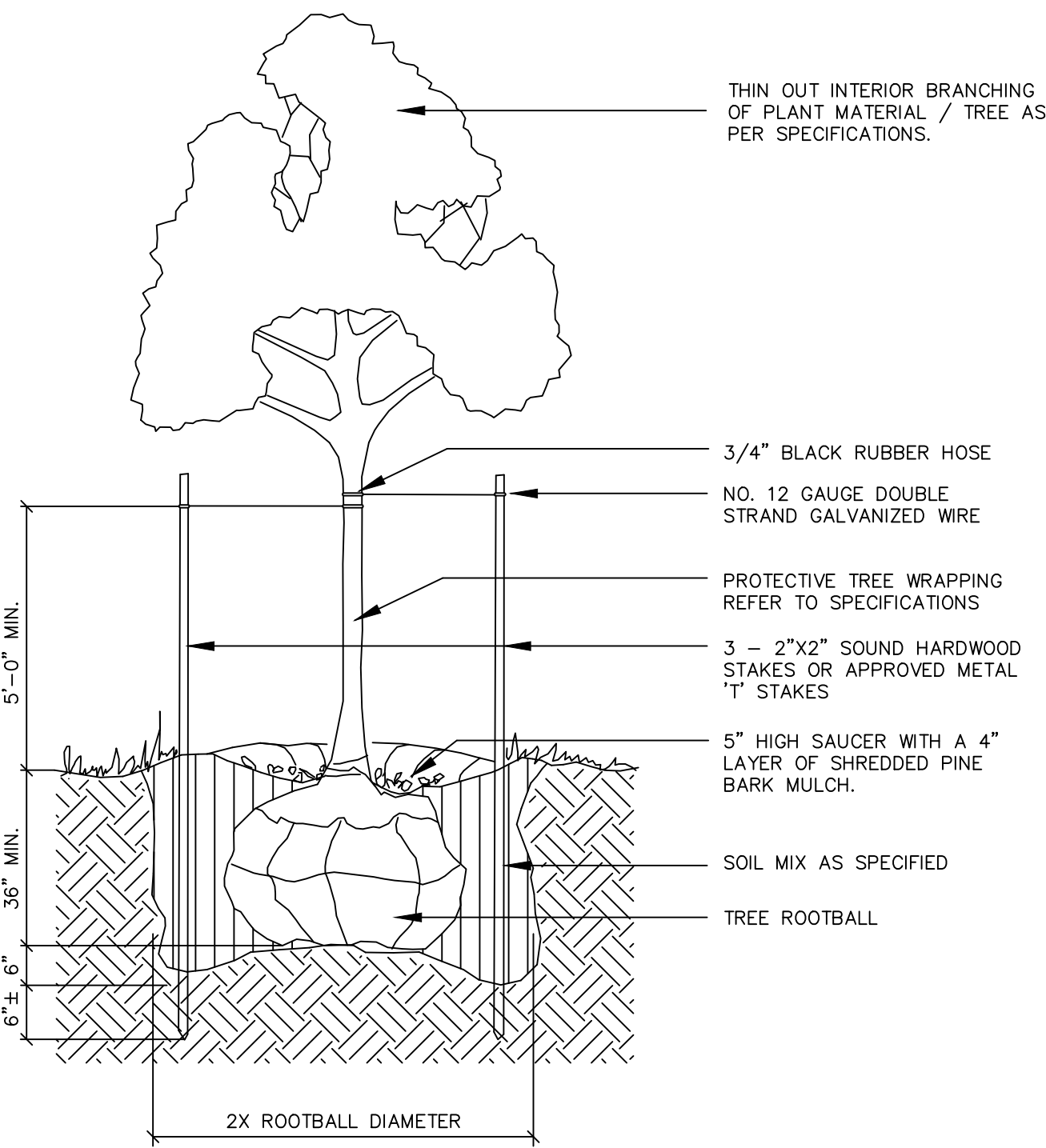
SITE AND UTILITY
PEMMCO DUPLEX ADDITION
S. COX STREET
RANDOLPH COUNTY - ASHEBORO - NORTH CAROLINA

Scale:	AS NOTED
Date:	DEC., 2022
Drawn By:	PBC
Checked By:	HMSJ
Job No.:	E-7957

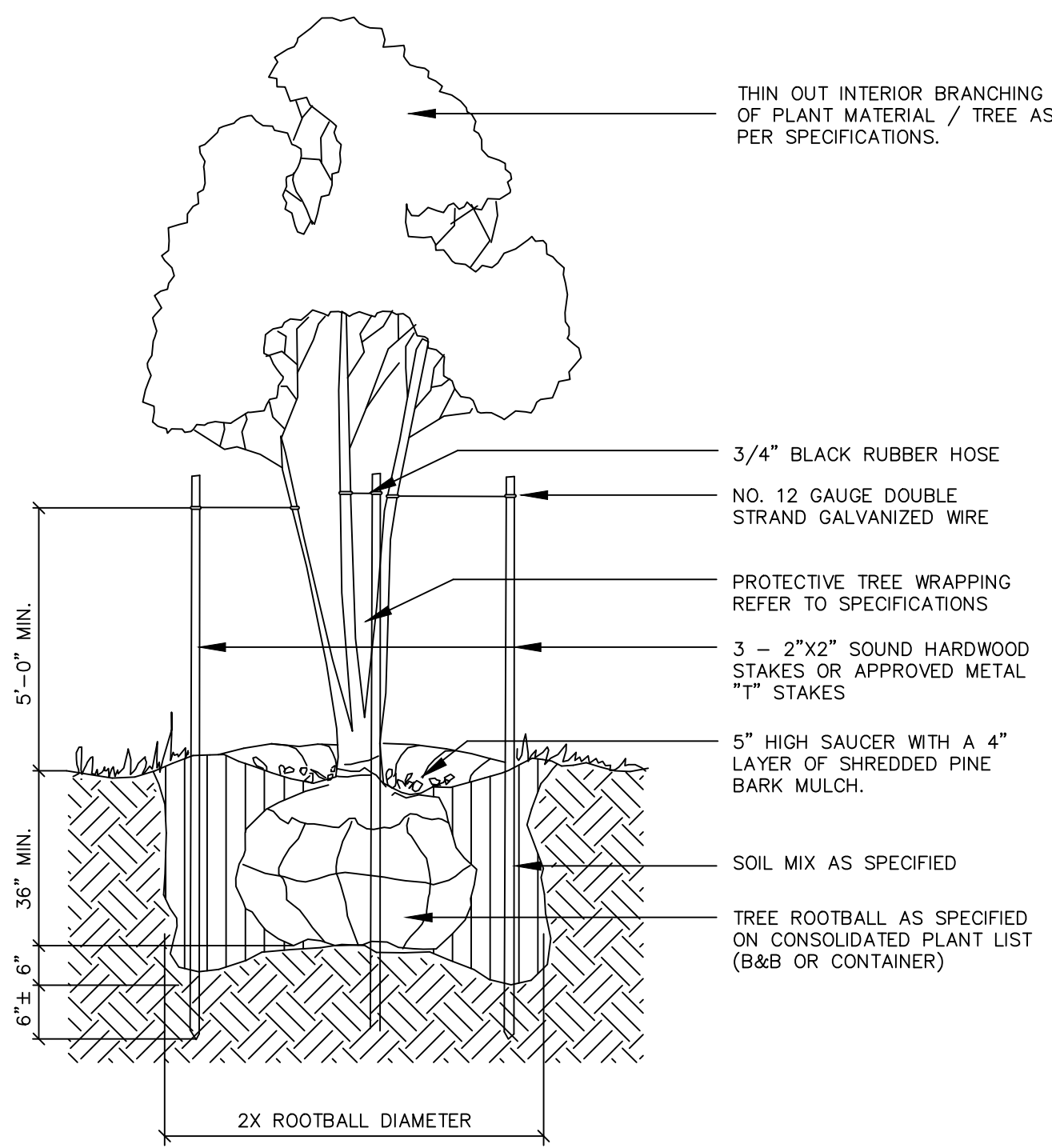
Sheet No. C-3

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
10 Box 568
Asheboro, NC 27204
Phone: 336-324-0902 Fax: 336-324-0922
Email: info@summeyengineering.com
NC Professional Engineering Firm License No. P-09336

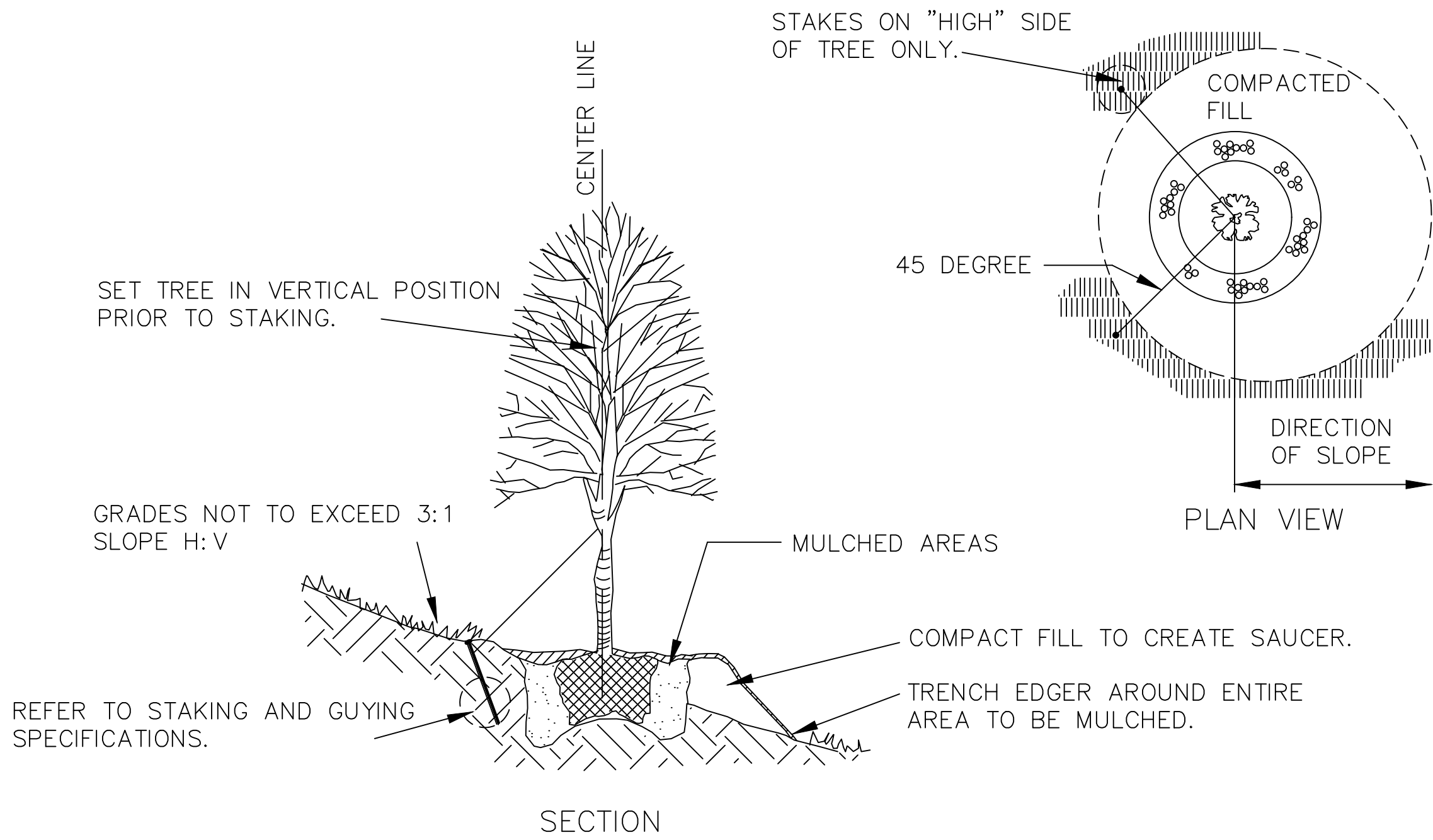




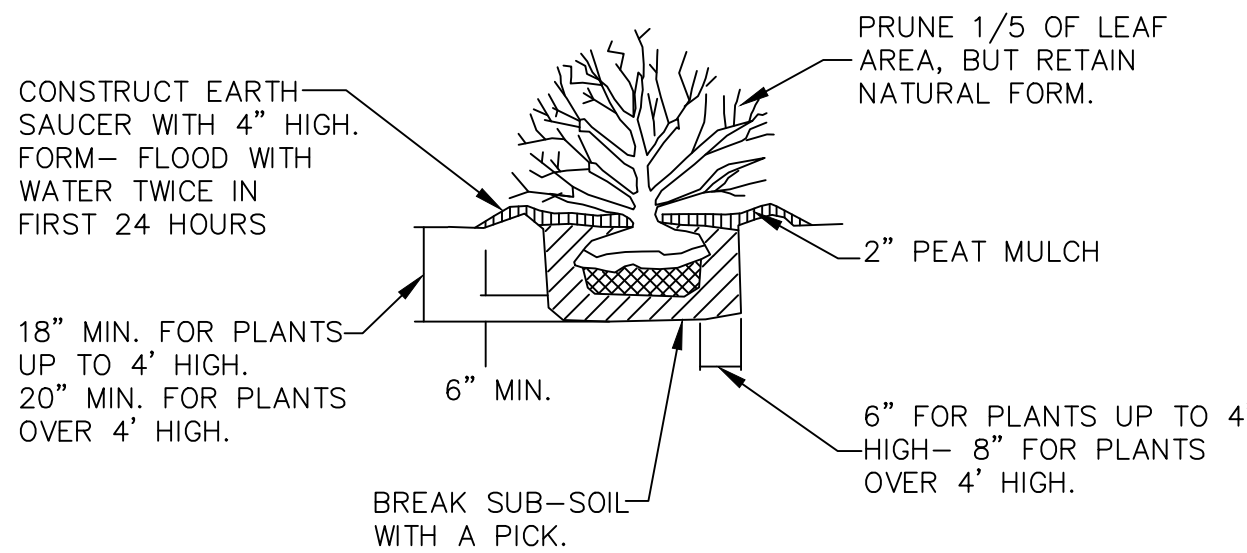
TYPICAL TREE PLANTING



MULTI-TRUNK TREE PLANTING



PLANTING OF TREES ON SLOPES
N.T.S.



SHRUB PLANTING DETAIL
N.T.S.

LANDSCAPE NOTES

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

TREE CONSERVATION NOTES

1. CONTACT THE PLANNING DIRECTOR TO SCHEDULE A PRE-CONSTRUCTION MEETING BEFORE ANY TREE DISTURBANCE, EXCEPT AS NOTED IN SEC. 30-4-26.3(C)(5), OCCURS ON THIS SITE.
2. ALL TREE CONSERVATION DEVICES MUST BE INSTALLED BEFORE INSPECTION BY THE PLANNING DIRECTOR AND BEFORE ANY TREE DISTURBANCE ACTIVITIES, EXCEPT AS NOTED IN SEC. 30-4-26.3(C)(5), OCCUR.
3. REMOVAL OF OR DAMAGE TO TREES IN THE TREE CONSERVATION AREA WILL BE SUBJECT TO ALL AVAILABLE REMEDIES AND PENALTIES UNDER THE CITY'S DEVELOPMENT ORDINANCE.
4. NO PARKING, STORAGE, DIRT STOCKPILING, CONCRETE WASHOUT OR ANY OTHER ACTIVITIES IS PERMITTED IN THE TREE CONSERVATION AREA.

TREE PROTECTION FENCING NOTE

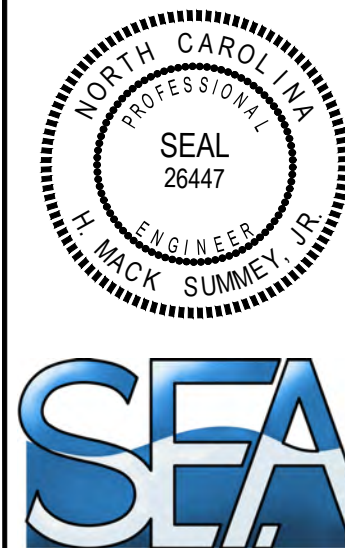
PROTECTIVE FENCING MUST BE INSTALLED AROUND THE TREE CONSERVATION AREA BEFORE ANY TREE DISTURBING ACTIVITIES. SUCH FENCES MUST BE AT LEAST 4 FT. IN HEIGHT AND MUST CONSIST OF ORANGE POLYETHYLENE SAFETY FENCING. WHERE THE TREE PROTECTION FENCE AND THE SOIL EROSION CONTROL FENCE RUN CONGRUENT, THE SOIL EROSION CONTROL FENCE MAY BE SUBSTITUTED FOR THE TREE PROTECTION FENCE. FENCING MUST REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETE AND OTHER LANDSCAPING HAS BEEN INSTALLED, AND THE PLANNING DIRECTOR HAS APPROVED ITS REMOVAL.

CREDITS FOR SAVING EXISTING TREES:

APPLICANT WILL CONTACT THE URBAN FORESTER AT 373-2150 AFTER THE COMPLETION OF THE SITE GRADING TO ARRANGE FOR AN ON-SITE MEETING/ INSPECTION TO DETERMINE THE CREDIT FOR THE EXISTING VEGETATION TOWARDS THE NUMBER OF PLANTS IN THE PERIMETER BUFFER YARDS.

WATER WISE PLANTING TECHNIQUES:

1. SOIL PREPARATION FOR THE ENTIRE LANDSCAPE YARD INCLUDES THE ADDITION OF ORGANIC AMENDMENTS TILLED TO A DEPTH OF EIGHT (8) TO TWELVE (12) INCHES.
2. ALL PLANTINGS IN THE LANDSCAPE YARDS SHALL BE MULCHED, INCLUDING INTERIOR PARKING LOT ISLANDS LESS THAN FIVE HUNDRED (500) SQUARE FEET TO A DEPTH OF THREE (3) TO FOUR (4) INCHES. THE MULCH SHALL BE FREE OF TRASH AND MAINTAINED WEED FREE THEREAFTER.
3. EARTHEN BASINS SHALL BE CONSTRUCTED AROUND THE INSTALLED PLANTS. PLANTS, AS PERMITTED BY THIS ORDINANCE, ARE GROUPED TOGETHER WHERE POSSIBLE.
4. FOR ESTABLISHMENT AND SURVIVAL, PLANTS SHALL BE WATERED IN THE FIRST YEAR OF PLANTING.
5. IRRIGATION: IT IS SUGGESTED THAT DRIP IRRIGATION, WHICH INCLUDES DRIP MASTERS, BE USED FOR REQUIRED LANDSCAPING PLANTING BEDS DURING THE REQUIRED ESTABLISHMENT PERIOD. AFTER ESTABLISHMENT, SUPPLEMENTAL WATERING CAN BE REDUCED AND USED ON AN AS NEEDED BASIS. TRADITIONAL SPRAY IRRIGATION IS PROHIBITED EXCEPT ON TURF AREAS.



Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting

PO Box 568
Asheboro, NC 27204
Phone: 336-524-0902 Fax: 336-524-0922
Email: info@summeyengineering.com
NC Professional Engineering Firm License No. F-0936

By:	
Description:	
Date:	
No.	

LANDSCAPE DETAILS
PEMMCO DUPLEX ADDITION
S. COX STREET
RANDOLPH COUNTY - ASHEBORO - NORTH CAROLINA

Scale:	AS NOTED
Date:	DEC., 2022
Drawn By:	PBC
Checked By:	HMSJ
Job No.:	E-7957

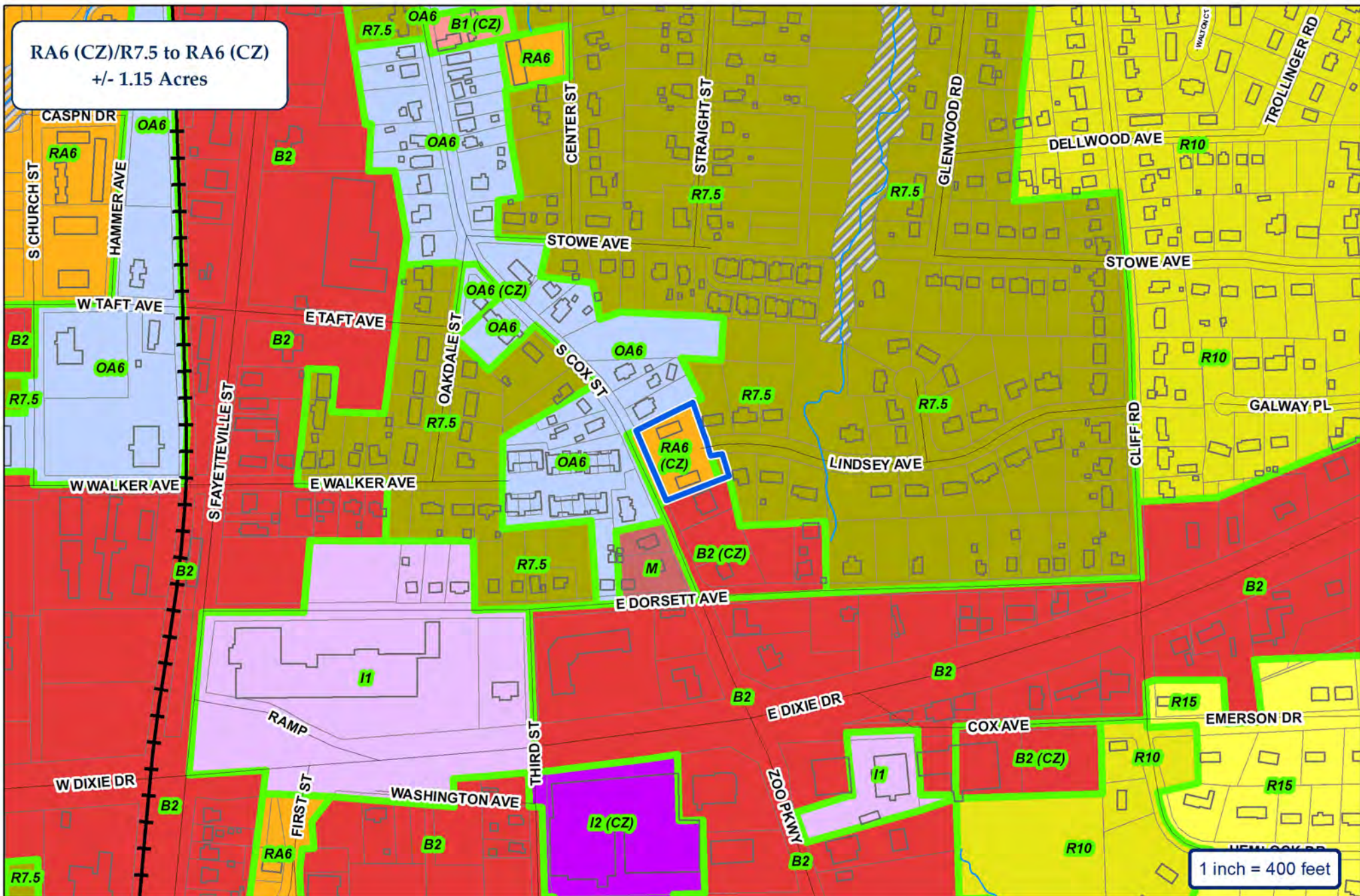
Sheet No.

C-4



Know what's below.
Call before you dig.

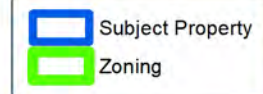
RA6 (CZ)/R7.5 to RA6 (CZ)
+/- 1.15 Acres



City of Asheboro Planning & Zoning Department

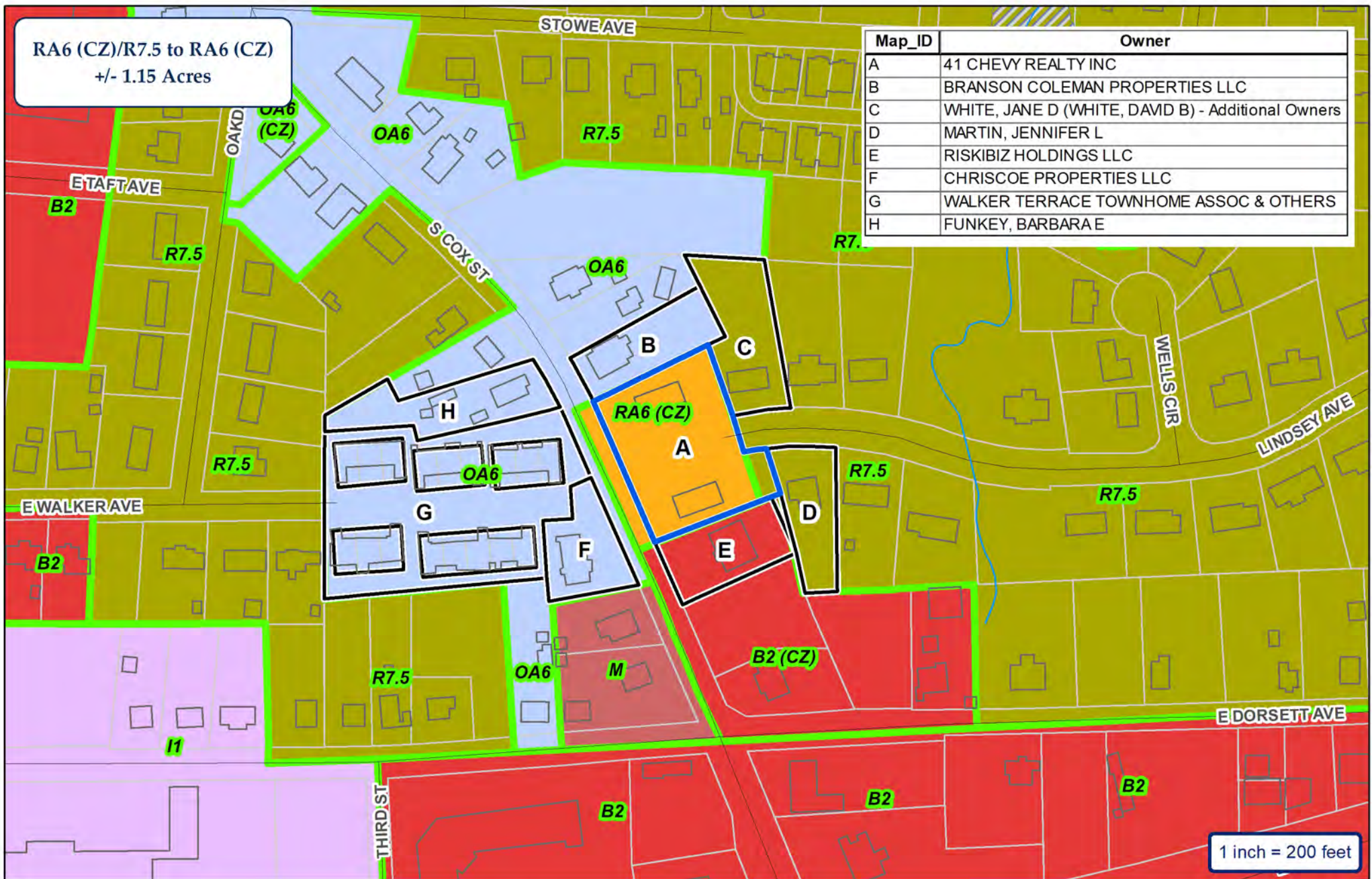
Rezoning Case: RZ-24-20

Parcels: 7750970387



RA6 (CZ)/R7.5 to RA6 (CZ)
+/- 1.15 Acres

Map_ID	Owner
A	41 CHEVY REALTY INC
B	BRANSON COLEMAN PROPERTIES LLC
C	WHITE, JANE D (WHITE, DAVID B) - Additional Owners
D	MARTIN, JENNIFER L
E	RISKIBIZ HOLDINGS LLC
F	CHRISCOE PROPERTIES LLC
G	WALKER TERRACE TOWNHOME ASSOC & OTHERS
H	FUNKEY, BARBARA E



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-20

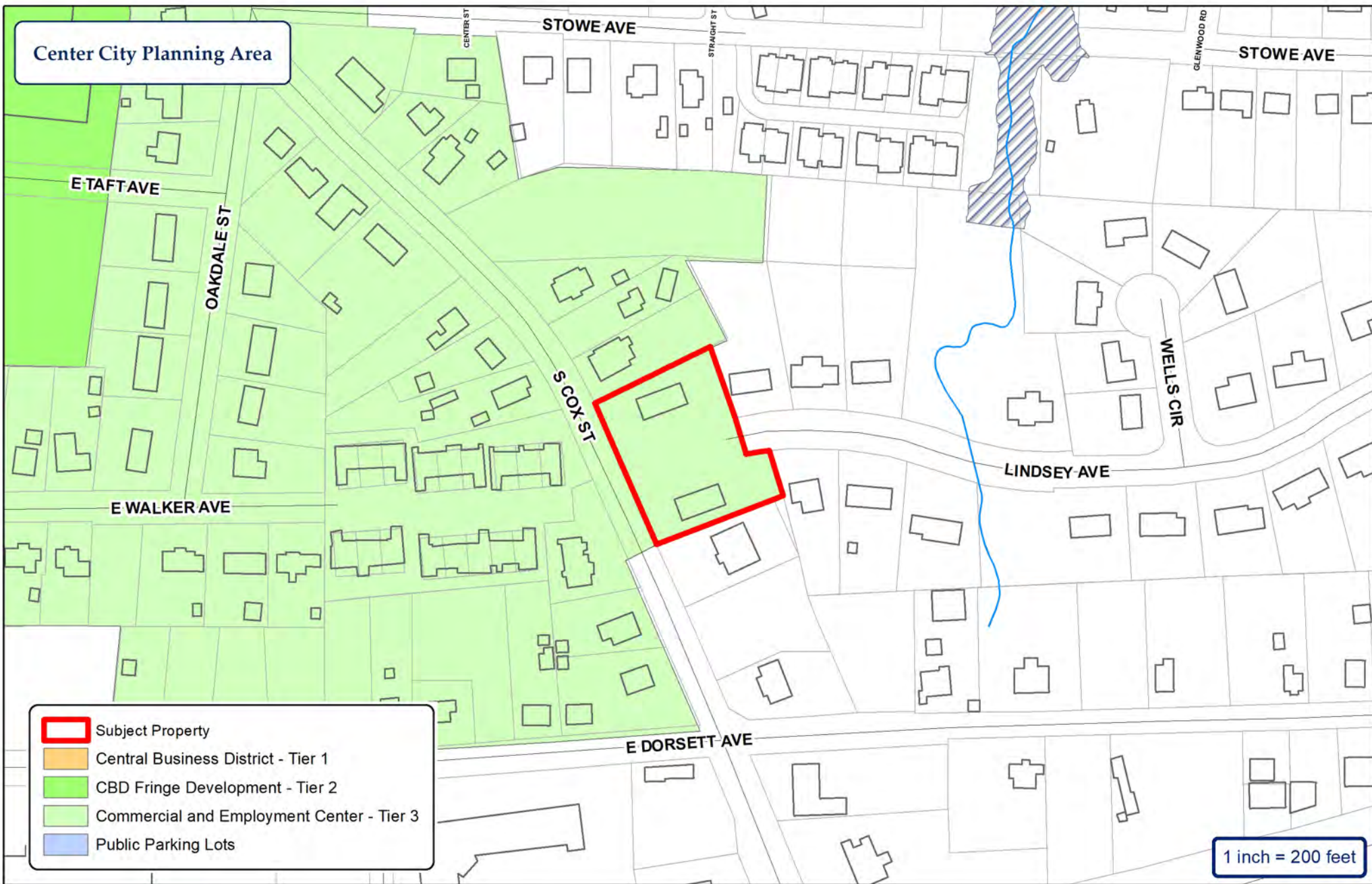
Parcels: 7750970387



ETJ

- Subject Property
- Adjoining Properties
- City Zoning

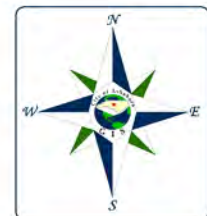




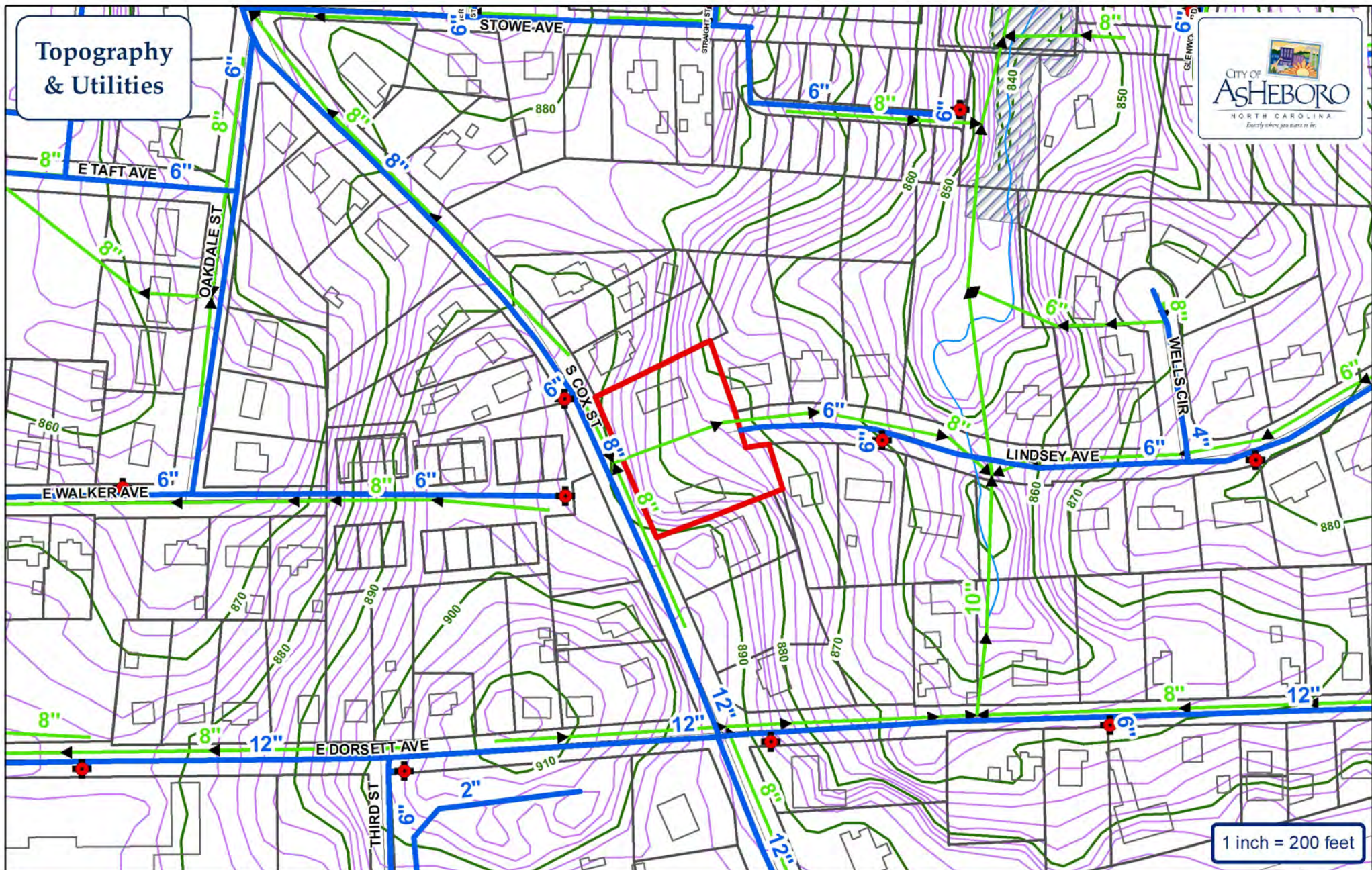
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-20

Parcels: 7750970387



Topography & Utilities



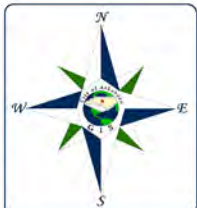
- | | |
|---|--|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main |  Watershed |

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-20

Parcels: 7750970387

 Subject Property





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-20

Parcels: 7750970387

 Subject Property



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

APPLICANT INFORMATION

Applicant Rick Powell Applicant's Phone # 336 736-0782

Applicant's Address 4365 Granite Rock Dr Denton, NC 27239

Applicant email address rickp@pemmcomfg.com

PROPERTY INFORMATION

Property Owner's Name 41 Chevy Reality Inc

Location of Property 1135 A S Cox St Asheboro Nc 27203 Property Size (ac. or s.f.) 1.15 Acres

Randolph County Property Identification Number (PIN#) 7750970387

Current Zoning District RA6 (CZ) Requested Zoning District RA6 (CZ)

Date Property Title Acquired 07/09/2020 Deed Book 002709 Page 01445

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

CONDITIONAL ZONING DISTRICT INFORMATION (Attach additional sheets if necessary)

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

for the construction of one additional duplex unit on the subject property with

associated parking.

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

to meet the current and future residential growth demands for this area

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)

Rich Powell

Owner Address

4365 Granite Rock Dr

Denton, NC 27239

Telephone Number

336-736-0782

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: John Evans *Date:* 9-5-24 *Case Number:* RZ-24-20



RZ-24-21: Request to rezone property located on the west side of WOW Road (Randolph County Parcel Identification Number 7764703184), approximately 200 feet north of Old Castle Drive, from R15 (CZ) Low-Density Single-Family Residential Conditional Zoning to R15 Low-Density Single-Family Residential.

Rezoning Staff Report

RZ Case # RZ-24-21

Date 10/7/2024 Planning Board

General Information

Applicant Christian Vestal

Address PO Box 968

City Asheboro NC 27204

Phone 336-328-0902

Location WOW Road

Requested Action Rezone from R15 (CZ) Low-Density Single-Family Residential Zoning to R15 Low-Density Single-Family Residential Zoning.

Existing Zone R15 (CZ)

Existing Land Use Undeveloped

Size 0.73 acres +/-

Pin # 7764703184

Applicant's Reasons as stated on application

Residential growth consistent with neighboring properties. The land as zoned will not be able to be developed. The proposed rezoning will support the designated land use.

Surrounding Land Use

North Non-Commercial Place of assembly/residential **East** Undeveloped

South City lift station/Single-family residential **West** Non-Commercial Place of assembly/residential

Zoning History The initial R15 (CZ) city zoning was applied to the property in 1999, at the time the Heathwood Acres subdivision was approved (Case No.CUP-00-19).

Legal Description

The property of Jose Juan Ruiz, located on the west side of WOW Road, approximately 200 feet north located on the west side of WOW Road, approximately 200 feet north of Old Castle Drive (approximately 0.73 acres +/- and identified by Randolph County Parcel Identification Number (PIN) 7764703184).

Analysis

1. The property is inside the city limits, annexed in 1999 with the adjoining Heathwood Acres subdivision.
2. WOW Road (SR 2128) is a state-maintained collector road.
3. The current Conditional Zoning district is due to the property being included with the adjoining Heathwood Acres subdivision, located south of the subject property. At that time, the subdivision plat indicated the intention of recombining the property with the adjoining property to the north. However, that was not completed. The property also has not been platted as a lot, and one of the conditions the current conditional zoning states that, "no lot shall be created which requires a driveway connection to WOW Road." This precludes platting the subject property as a lot and developing it for a single-family dwelling.
4. One factor that is reviewed for platting is access to utilities (either city water and city sewer or private well and septic systems). Water and sewer are not located directly in front of the property, but are south of the property along Old Castle Drive.
5. The request is for a general R15 Low-Density Single-Family designation. If approved, one single-family dwelling would be allowed on the property subject to zoning and other code requirements.
6. The R15 district is described by the zoning ordinance as "intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such suburban intensity living."
7. The Land Development Plan states that the general intent of the suburban residential land use designation is "to accommodate existing & limit new medium-low density residential uses to designated areas."

Rezoning Staff Report

RZ Case # RZ-24-21

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 Suburban 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. (*Article 200, Section 210, Schedule of Statements of Intent*)

Checklist Item 5: Complies with Growth Strategy Map

Checklist Items 12-13: 12.) Property is located outside of the watershed area. 13.) Property is outside the Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # **RZ-24-21**

LDP Goals/Policies Which Do Not Support Request

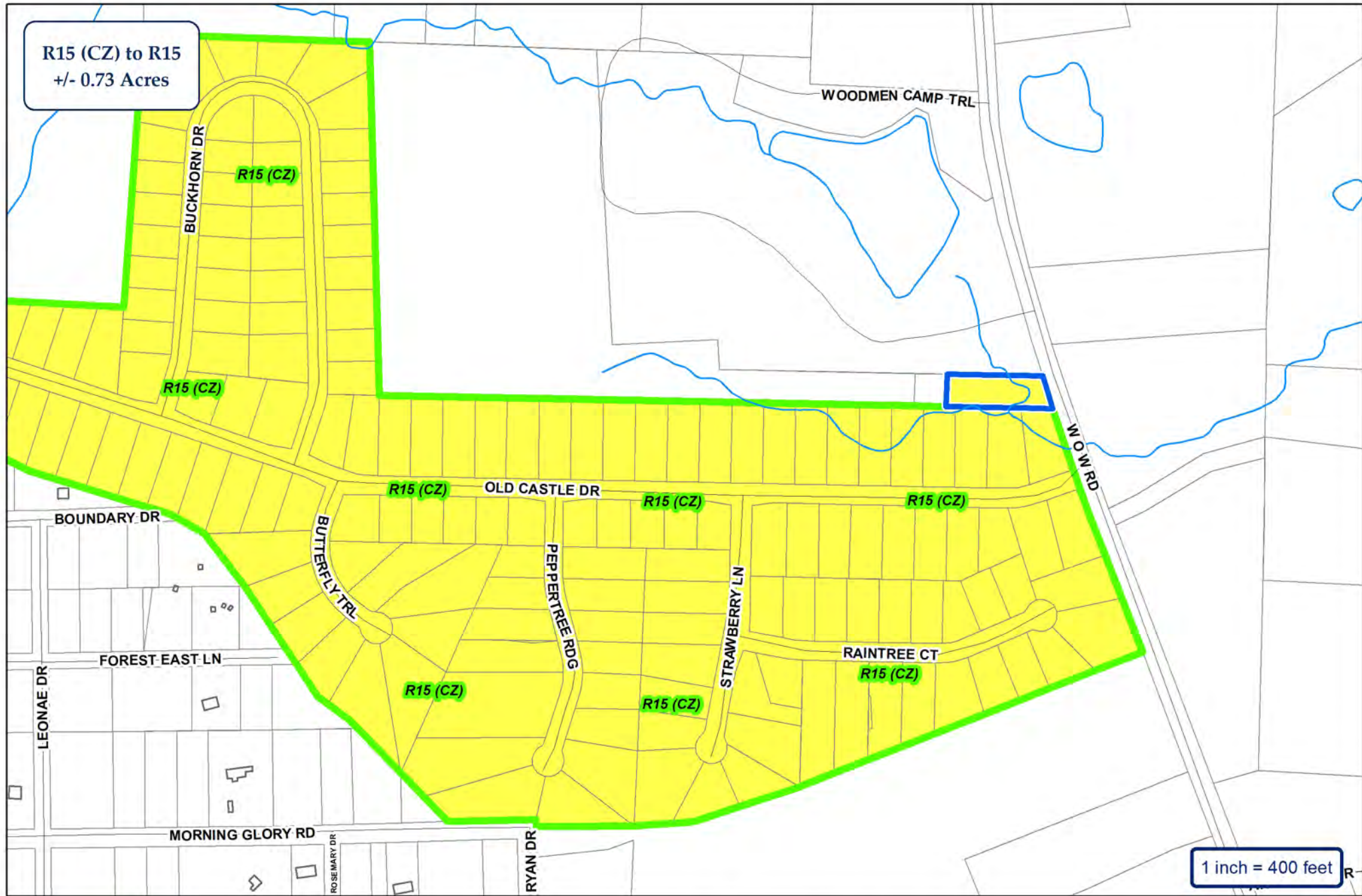
Checklist Item 14: Property is located on slopes of greater than 20%.

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

The requested R15 zoning remains consistent with the Land Development Plan's designation of the property for suburban residential use and surrounding properties. Removing this property from a conditional zoning designation into a general district allows a reasonable use of property consistent with adjoining land uses.

Recommendation Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

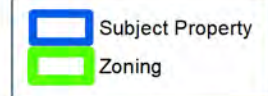
R15 (CZ) to R15
+/- 0.73 Acres



City of Asheboro Planning & Zoning Department

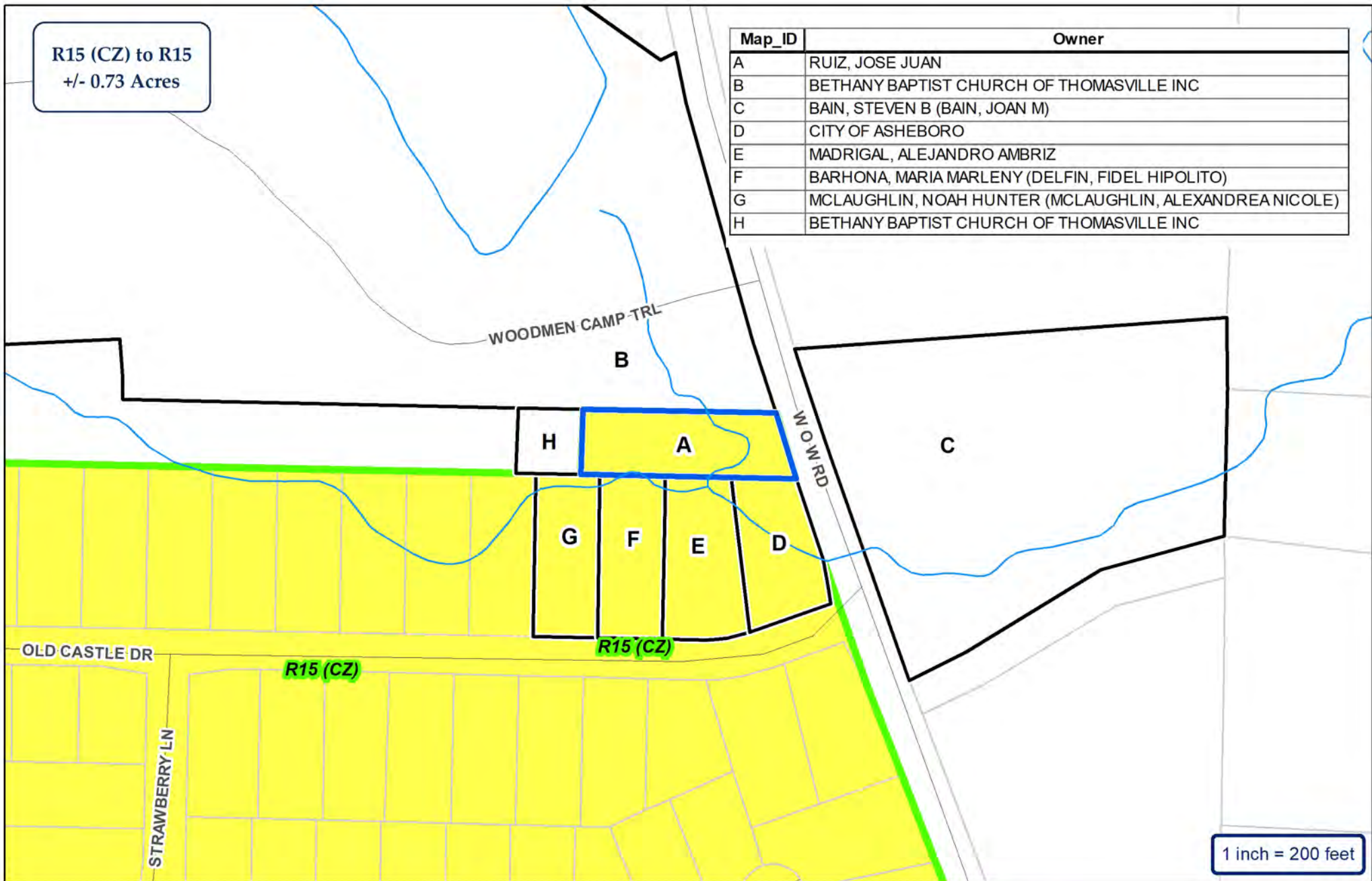
Rezoning Case: RZ-24-21

Parcels: 7764703184



R15 (CZ) to R15
+/- 0.73 Acres

Map_ID	Owner
A	RUIZ, JOSE JUAN
B	BETHANY BAPTIST CHURCH OF THOMASVILLE INC
C	BAIN, STEVEN B (BAIN, JOAN M)
D	CITY OF ASHEBORO
E	MADRIGAL, ALEJANDRO AMBRIZ
F	BARHONA, MARIA MARLENY (DELFIN, FIDEL HIPOLITO)
G	MCLAUGHLIN, NOAH HUNTER (MCLAUGHLIN, ALEXANDREA NICOLE)
H	BETHANY BAPTIST CHURCH OF THOMASVILLE INC



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-21

Parcels: 7764703184

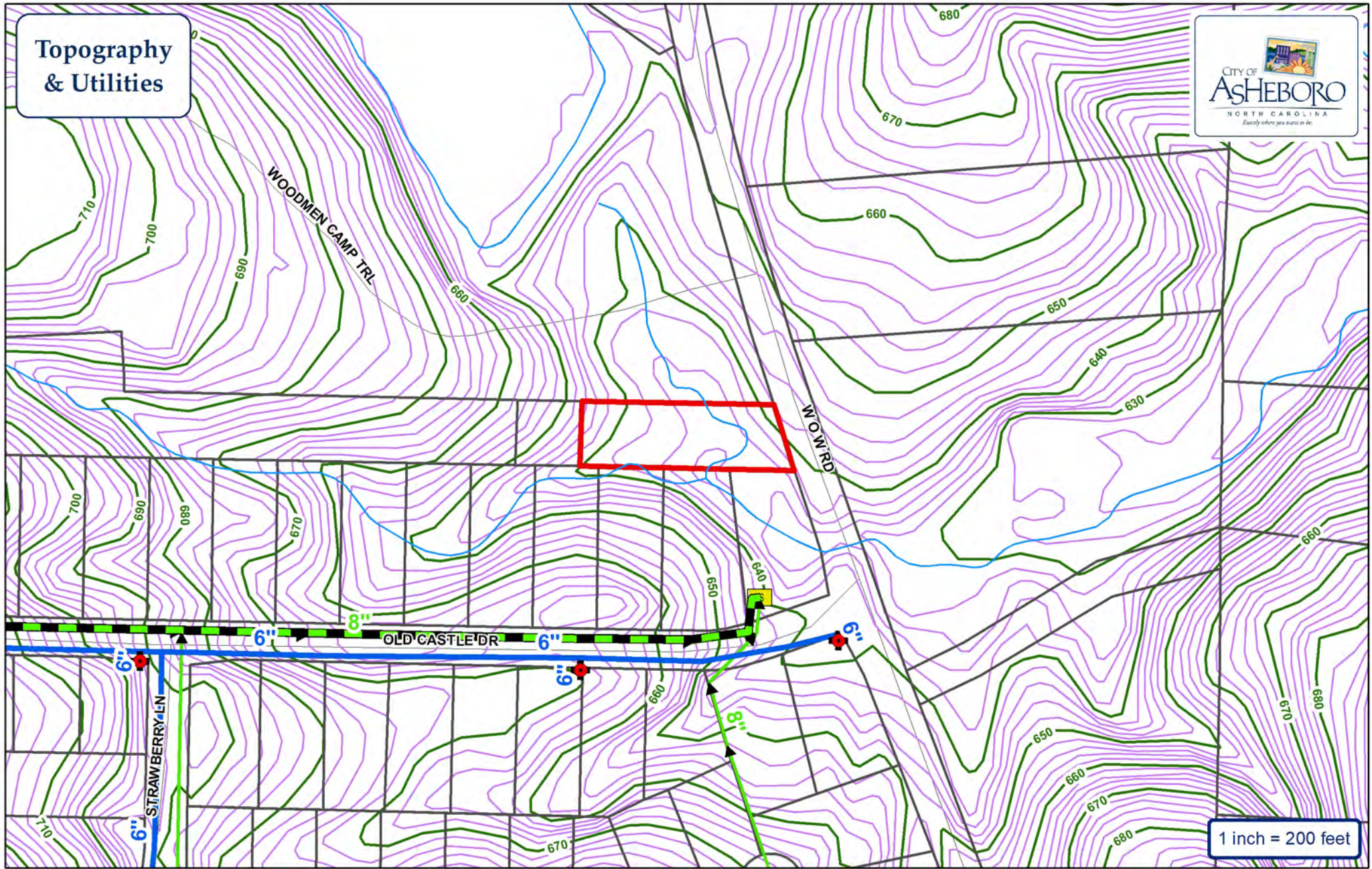


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities

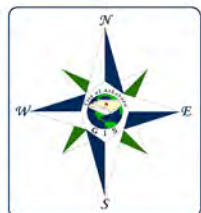
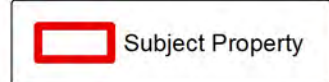


- | | | | |
|--|------------|--|--------------|
| | Water Main | | Fire Hydrant |
| | Sewer Main | | Pump Station |
| | Force Main | | Watershed |

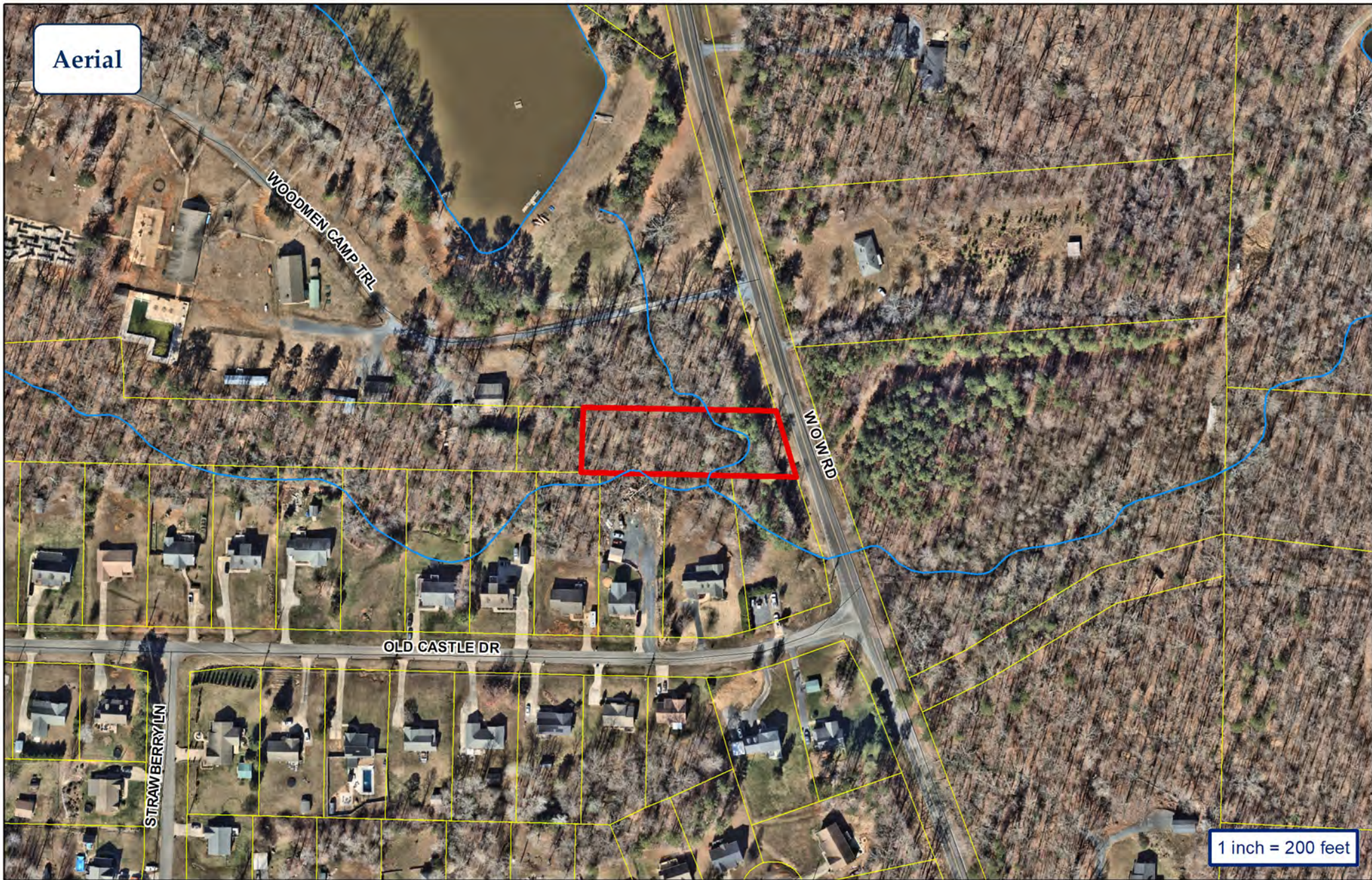
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-21

Parcels: 7764703184



Aerial



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-21

Parcels: 7764703184



 Subject Property



APPLICANT INFORMATION

Applicant Christian Vestal

Applicant's Phone # 336-410-2221

Applicant's Address 2803 George York Rd Randleman NC 27317

Applicant Email Address _____

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Jaun Ruiz

Location of Property WOW Rd Asheboro NC

Property Size (ac. or s.f.) 0.73 ac

Randolph County Property Identification Number (PIN#) 7764703184

Current Zoning District CZ - R15

Requested Zoning District R-15

Date Property Title Acquired _____

Deed Book 2907 Page 1332

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

ORDINANCE AMENDMENT INFORMATION

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

Residential growth consistent with neighboring properties

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

2. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Does not apply ☒

3. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Does not apply ☒

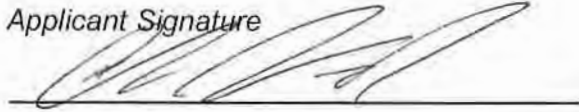
4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

This land as zoned is not able to be developed. the proposed rezoning will support the designated land use.

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Applicant Signature



Printed Name of Authorized Signatory (if
different from Applicant)

Position/Relationship of Authorized
Signatory to Applicant

Owner Signature (if different than Applicant)

 dotloop verified
09/06/24 1:25 PM CST
DW01-HL17-FRTC-V9XR

Owner Address

105 JESS FERREE CRT , RANDLEMAN NC

Telephone Number

336.328.6821

Printed Name of Authorized Signatory (if
different from Owner)

Position/Relationship of Authorized
Signatory to Owner

STAFF USE

Received by: John Evans **Date:** 9-9-2024 **Case Number:** RZ-24-21