



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, January 6, 2025
6:00 PM
AGENDA**

- I. Call to Order
- II. Approval of Minutes December 2, 2024
- III. Review of Cases and Monthly Report on Major Subdivisions Administratively Approved
- IV. Old Business
- V. New Business
 - (a) RZ-25-01: Request to rezone from R10 Medium-Density Residential to O&I (CZ) Office & Institutional Conditional Zoning for a public use facility at 138 Southway Road and 349 and 353 North McCrary Street, (Randolph County Parcel Identification Number 7751347980, 7751359117, 7751354017).
The applicant is requesting a continuance of this item until the February 3, 2025 Planning Board meeting.
 - (b) Organizational items
 - (i) Welcome of new Planning Board members Taylor Trogon, Jr. and Jake Wilburn.
 - (ii) Appointment of Jamie Wilkins as Board Secretary.
 - (iii) Proposed amendment to Planning Board Rules of Procedure.
 - (c) Presentation of information concerning new format of staff reports.
 - (d) Presentation of information related to Senate Bill 382 (Senate Bill 2024-57) regarding down-zoning.
- VI. Items not on the agenda
- VII. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, DECEMBER 2, 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)
Van Rich) - Members Present
Thomas Rush)
Ritchie Buffkin)

John Evans, Community Development Division Director
Justin Luck, Planning and Zoning Director
Bradley Morton, Planner/Zoning Administrator
Jeff Sugg, City Attorney
Jamie Wilkins, Planning Technician

CALL TO ORDER

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

APPROVAL OF MINUTES NOVEMBER 4, 2024

Mr. O'Kelley inquired if there were any corrections or additions to the November 4, 2024 Planning Board minutes. Hearing no corrections or additions, the minutes were approved as presented.

REVIEW OF CASES, MONTHLY REPORT ON MAJOR SUBDIVISIONS ADMINISTRATIVELY APPROVED, AND CERTIFICATE OF SERVICE FOR CASE NO. BOA-24-04. *THERE HAVE BEEN NO SUBDIVISIONS APPROVED SINCE THE NOVEMBER 4, 2024 PLANNING BOARD MEETING*

Mr. Evans went over the land use cases that the City Council heard at the November 7, 2024 Regular Meeting. He distributed information regarding a subdivision approved (Zoocrest Townhomes Final Plat, noting corrected address) since the Planning Board reports were sent to the members. A copy of the certificate of service for Case No. BOA-24-04 was distributed in the board's agenda packets.

Mr. O'Kelley entertained a motion to move old business items B & C to the end of the meeting after new business items and before items not on the agenda. Ms. Vuncannon made said motion. Mr. Anderson seconded the motion, and the motion carried unanimously.

OLD BUSINESS

- A. RZ-24-22: REQUEST TO REZONE PROPERTY LOCATED AT 1449 AND 1453 OLD LIBERTY ROAD (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7773034780) FROM R10 MEDIUM-DENSITY RESIDENTIAL TO I1 LIGHT INDUSTRIAL. *CASE WAS CONTINUED FROM THE NOVEMBER 4, 2024 PLANNING BOARD MEETING.***

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

Applicant: Donna F. Hughes

Location: 1449 and 1453 Old Liberty Rd

Request: Rezone from R10 to I1 (CZ) for the following land uses: Contractors Office, Electronic and Electrical Repair – Small, Exterminator, Furniture Refinishing and Repair, Interior Cleaning Services, Manufacturing, Processing, and Assembly – Light, Motor Vehicle Repair – Minor, Rental/Sales of Domestic Vehicles, Repair Services, Sign Painting, Warehouse.

Randolph County Parcel ID: 7773034780 and 7773035627

Size: 1.35 acres +/-

Existing Land Use: Vacant Boat Repair and Sales Shop (classified as "Repair Services" and "retail shoppers goods.")

He showed the board overview, rezoning, topographical/utilities, aerial, and oblique maps as well as photographs of the subject properties from all directions, proposed site plan, and proposal of additional evergreen trees and preservation of existing crepe myrtle tree. He then went over the analysis:

1. Both properties are in the city limits.
2. Old Liberty Road is a state-maintained minor thoroughfare.
3. The dwelling that was previously located at 1453 Old Liberty Road was removed when NCDOT acquired right-of-way for reconstruction of the bridge across the Deep River and acquired additional public right-of-way along Old Liberty Road.
4. The applicable zoning district statements of intent for each zoning district are in agenda packet.
5. A significant amount of Special Flood Hazard Area exists on the properties. The applicant proposes that no development or use activity occur in this area, and staff has added a condition to address this proposal.
6. The applicant proposes planting a row of evergreen trees, minimum 6 ft. in height at the time of planting and spaced no more than fifteen feet apart on center, between the front property line and the building, along the western property line (next to an adjoining single-family dwelling). Care should be taken to avoid conflict with existing city sewer line crossing the property.
7. The zoning ordinance allows a conditional zoning district to deviate from the city's predetermined land use requirements. The only deviation identified is not providing additional front yard landscaping to the site at a typical ratio of one tree per 20' or one shrub per 10'. The applicant proposes preserving an existing tree for front yard landscaping. In addition, the landscaping described in Item (6) would typically not be required for the land uses the applicant is proposing if the property were classified as a general I1 district.
8. The applicant proposes limiting the hours of operations for all authorized uses: 7am - 10pm.
9. The applicant states that the existing gravel parking area contains space for a minimum of 8 parking spaces and requests that gravel be permitted to meet minimum parking requirements. Continued use of this unpaved parking is allowed by the ordinance when a change of use occurs that requires no or limited expansion of parking. The existing building also features two bay doors to allow indoor parking of vehicles. Given the limitations on the types of uses proposed and the parking demands the proposed uses would create due to the site's configuration; staff does not have an objection to this proposal.

He provided the following Land Development Plan recommendations:

Proposed Land Use Map: Neighborhood Residential

Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (5):

- Checklist Item 4: The proposed rezoning is compatible with surrounding land uses.
- Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.
- Checklist Item 8: The request is an adaptive reuse of a vacant or unused lot, or is an infill lot.
- Checklist Item 12: Property is located outside of the watershed area, or the rezoning request will not impose a significant, negative environmental impact.

- 4.1.6: The City will participate the National Flood Insurance Program and utilize its Flood Damage Prevention regulations to strongly discourage development in high-risk areas.

Goals/Policies Not Supporting Request (2):

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

He then provided proposed conditions:

(A) The uses approved shall be limited to one of the following at any time:

- Contractors Office
- Electronic and Electrical Repair – Small
- Exterminator
- Furniture Refinishing and Repair
- Interior Cleaning Services
- Manufacturing, Processing, and Assembly – Light
- Motor Vehicle Repair – Minor
- Rental/Sales of Domestic Vehicles
- Repair Services
- Sign Painting
- Warehouse

(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, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.

(D) It shall be the property owner's responsibility to obtain any and all permits and approvals required for the proposed land use, including but not limited to, NCDOT driveway permitting (if required by NCDOT).

(E) Prior to the issuance of a zoning compliance permit, a site plan demonstrating compliance with all applicable zoning regulations and conditions, as well as the applicable permit fee, shall be submitted. Subsequent change of occupancy permit(s) shall be obtained as required by Section 2.03(D)(2)(a)(ii) of the Asheboro Zoning Ordinance.

(F) Prior to occupancy, the landscape buffer shall be installed as shown and described on the site plan reviewed and approved by the City Council.

(G) Existing front yard landscaping shall be maintained as shown and described on the site plan reviewed and approved by the City Council.

(H) No development or use activity shall occur in the Special Flood Hazard Area, including but not limited to, construction of new structures, addition of impervious surface, parking of vehicles, or storage of any inventory or materials.

(I) Use hours of operation shall be limited to 7:00 am to 10:00 pm.

(J) The existing gravel area may continue to be utilized to satisfy the minimum parking requirements for all approved uses, as allowed by Section 6.13(B)(5) of the Asheboro Zoning Ordinance. Expansion of a permitted use or the gravel area shall be evaluated for compliance with parking design standards.

(K) Accessory Open Storage shall not be permitted unless conducted in compliance with Screening of Open Storage regulations.

(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 this Conditional Zoning in the chain of title for the Zoning Lot.

He then provided staff's plan consistency and reasonableness statement:

"A new conditional zoning district for this property allows for a broader range of appropriate and historically similar uses while increasing protections for neighboring residences and environmentally sensitive areas. The conditions offered and accepted by the applicant can aid in achieving multiple environmental and land use goals of the Land Development Plan, as well as goals related to the reuse of unused or underutilized existing development.

The conditions also aid in reasonableness given the land use history and current development of the property, the general I1 zoning applied to multiple adjoining properties, the benefit to the property owner provided by the selective broadening of permitted land uses, and the benefit to neighbors and the surrounding community provided by land use and operational restrictions and additional proposed landscaping."

He then provided staff's recommendation: "Recommend approval of the request. " He stated that the City Council will consider the request on Thursday, December 5, 2024.

He then asked the board if there were any questions. Mr. Henderson inquired about condition A, specifically on how the list of uses were selected. Mr. Luck stated that staff worked with the applicant to generate a list of uses that were similar in kind to the existing and prior uses. Mr. Henderson inquired if a new conditional zoning district will need to be requested if a proposed use is not on the approved list. Mr. Luck confirmed that a new conditional zoning district will need to be requested. Mr. O'Kelley inquired on the location of the proposed landscaping. Mr. Luck pointed out the proposed location of the new landscaping, which would be along the western property boundary from the existing building to the front property line. Mr. Rich inquired if the existing dumpster would be screened. Mr. Luck stated that it is staff's understanding that the dumpster will be removed from the property and any new dumpsters will be required to be screened. Ms. Vuncannon inquired if any new structures that are not shown on the proposed site plan will be required to go back to the board. Mr. Luck stated that a new zoning district request likely would be required for any proposals not shown on the site plan. Mr. O'Kelley inquired if NCDEQ would be involved with new uses, such as motor vehicle repair uses, due to the property's proximity to the river. Mr. Luck stated that any new uses would need to follow all regulatory requirements, including NCDEQ if applicable.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. HR Gallimore, real estate agent and the applicant's representative, spoke in favor of the request. He stated that the reasoning behind Condition A in terms of limiting uses was to provide a list of non-impact uses that fit the Land Development Plan intent. He asked the board if there were any questions. There were no questions for Mr. Gallimore 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-24-22 based on staff's plan consistency statement, recommendation, and all proposed conditions, with the added condition to remove or screen the existing dumpster. Ms. Vuncannon seconded the motion, and the motion carried unanimously.

NEW BUSINESS

A. RZ-24-24: REQUEST TO REZONE PROPERTY LOCATED AT 207 EAST PRITCHARD STREET (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7751966980) FROM OA6 OFFICE-APARTMENT TO M MERCANTILE

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

Applicant: Rick Britt

Location: 207 E. Pritchard St.

Request: Rezone from OA6 (Office-Apartment) to M (Mercantile)

Randolph County Parcel ID: 7751966980

Size: 0.8 acres +/-

Existing Land Use: Business Services (Insurance Office). Staff Note: This was the most recent land use on the property.

Mr. Luck showed the board overview, rezoning, topographical/utilities, aerial, and oblique maps as well as photographs of the subject properties from all directions. He then provided the analysis:

1. The property is within the city limits. East Pritchard Street is a city-maintained minor thoroughfare. The property is approximately 350 feet east of East Pritchard Street's signalized intersection with North Fayetteville Street
2. The OA6 Office-Apartment district is described as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
3. The M Mercantile district is described as "intended to provide for a greater number of potential business activities than the B1 Zoning District. The Mercantile District is distinguished from the B2 General Commercial District by excluding certain uses permitted in the B2 District that are likely to create the greatest external impact (traffic, noise, lighting, etc.) and by its additional standards that address compatibility with adjoining residential neighborhoods. These districts should site-specific nodes along minor thoroughfares or higher classification streets. "
4. The requested district would allow all uses permitted by right subject to compliance with city land use regulations. No site-specific development plan is considered with this request.

He provided the following Land Development Plan recommendations:

Proposed Land Use Map: Neighborhood Residential

Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (5):

- Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance
- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Items 12 and 13: 12.) Property is located outside of watershed 13.) The property is located outside of 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.

Goals/Policies Not Supporting Request (1):

- Checklist Item 1: Complies with LDP proposed land use map

He then provided staff's plan consistency and reasonableness statement:

"Staff believes that the M district is an appropriate transition between the commercial and industrial uses to the south and west and the residential uses to the north and east as it eliminates the more intense commercial uses allowed in the B2 general commercial district. The Zoning Ordinance's description of the M district closely fits the property's location as E. Pritchard St. is classified as a minor thoroughfare. In addition, a more intense B2 commercial classification had been applied to the property for decades prior to 2023. Considering these factors, staff believes that the proposed zoning map amendment is reasonable and consistent with the Land Development Plan."

He then provided staff's recommendation: "Recommend approval of the request." He stated the City Council will consider the rezoning request likely on January 9, 2024, depending on adoption of the 2025 meeting dates.

He then asked the board if there were any questions. There were no questions for Mr. Luck. Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. HR Gallimore, real estate agent and the applicant's representative, spoke in favor of the request. He gave an overall history of the subject property and its zoning background and existing uses. He asked the board if there were any questions. There were no questions for Mr. Gallimore at this time.

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

Mr. Anderson moved to recommend approval of Case Number RZ-24-24 based on staff's plan consistency statement and recommendation. Ms. Vuncannon seconded the motion, and the motion carried unanimously.

OLD BUSINESS (MOVED TO END OF MEETING)

B. CONSIDERATION OF APPLICATIONS RELATED TO UPCOMING PLANNING BOARD VACANCY.

Mr. Evans went over the process to appoint board members for vacancies for members residing within the corporate city limits. He stated that per the board's request at the last meeting, he invited all candidates to the meeting to have a chance to address the board. There was a question regarding the recommendation and how many members needed to recommend to the City Council. Mr. Evans stated that a minimum of two applicants needs to be forwarded to the City Council for consideration, but that the board could recommend more than two applicants if the board wished to do so. Mr. Buffkin stated that he had heard from Mr. Mark Vuncannon, an applicant on the list of potential board members, and stated that Mr. Vuncannon wanted to withdraw his application. Mr. Rich also confirmed that he had a similar conversation with Mr. Vuncannon.

At this time, applicants Wayne Moore and Taylor Trogdon, Jr. addressed the board and spoke to their interests in serving on the Planning Board.

Mr. Rich moved to recommend applicants Wayne Moore and Taylor Trogdon, Jr. to the City Council for their consideration. Ms. Vuncannon seconded the motion, and the motion carried unanimously.

C. ADOPTION OF 2025 MEETING DATES AND TIMES

Mr. Evans presented the board with the proposed 2025 meeting dates and times. He stated that the only date changed would be the September meeting, which would be on a Tuesday due to City offices being closed for Labor Day on September 1. He stated that the City Council had indicated interest in changing its meeting time from 7 PM to 6 PM. He informed the Planning Board that they may want to consider moving their meeting time as well.

Mr. Anderson moved to adopt the proposed 2025 regular Planning Board meeting dates as well a change from 7 p.m. to a 6 p.m. meeting time. Mr. Rich seconded the motion, and the motion carried unanimously.

ITEMS NOT ON THE AGENDA

Mr. Evans stated that Ms. Jamie Wilkins has joined the Planning and Zoning staff, and, with the Board approval at the January regular meeting, will assume the role of Planning Board secretary as Mr. Brad Morton will be assuming the role as Zoning Administrator and will present all Board of Adjustment items going forward.

Mr. Evans stated that this meeting will be Mr. Ritchie Buffkin and Mr. David Henderson's last meeting. Mr. Evans congratulated Mr. Buffkin and Mr. Henderson for their service to the board for over a decade, and presented them both with plaques for their excellent service. Mr. O'Kelley congratulated the two members for their continued service to the board.

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

John Evans

From: Trevor Nuttall
Sent: Monday, December 23, 2024 12:23 PM
To: John Ogburn
Subject: McCrary Park rezoning

John:

I'm asking for the McCrary Park O&I (CZ) zoning to be continued from the January 6 Planning Board meeting to the February 3 Planning Board meeting. City Council still will be expected to hear the request at its February 6 meeting.

Continuing the case will allow city staff more time to finalize the development plans prior to presentation. Letters will go out to adjoining property owners this week to meet the notice requirement.

Trevor L. Nuttall
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RULES OF PROCEDURE
ASHEBORO PLANNING BOARD
ASHEBORO, NORTH CAROLINA
AMENDED JULY 12, 2021

I. GENERAL RULES

The Asheboro Planning Board shall be governed by the terms of Chapter 160D of the General Statutes of the State of North Carolina and other general and special state laws relating to planning and zoning in Asheboro and vicinity, as well as by the Asheboro Code of Ordinances which established the Planning Board.

II. OFFICERS AND DUTIES

- A. Chairman. At the regular meeting in February, a Chairman shall be elected by the Planning Board from among its members who reside within the corporate limits. The term of the chairman shall be one year, with eligibility for reelection. The Chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Board. Should the office of Chairman become vacant for any reason, a new Chairman shall be elected in accordance with this paragraph to serve the remainder of the current term.
- B. Vice-Chairman. A Vice-Chairman shall be elected by the Board from among its members for the same term and at the same time as the Chairman. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and, at such times, he shall have the same powers and duties of the Chairman. The Vice-Chairman may also preside at such times as the Chairman decides to abstain or step down during consideration of a matter in which the Chairman might have any personal involvement or concern.
- C. Secretary. At the regular meeting in February, a secretary shall be appointed by the Chairman of the Board, either from within or from outside its membership, to hold office during the term of the Chairman and/or until a successor Secretary shall have been appointed. The Secretary shall be eligible for reappointment. The Secretary, subject to the direction of the Chairman and of the Board, shall keep all records, shall conduct all correspondence of the Board, and shall generally supervise the clerical work of the Board. The Secretary shall keep the minutes of every meeting of the Board, which minutes shall constitute a public record. The minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of Board members upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote. If the Secretary is chosen from outside the membership of the Board, he shall not be eligible to vote upon any matter, nor shall he be considered as part of any quorum.

III. MEETINGS

- A. Regular Meetings. Regular meetings of the Board shall be held on the first Monday of each month at ~~7:00~~ 6:00 P. M. in the Council Chambers of City Hall; provided that meetings may be held at any other convenient place in the city if directed by the chairman in advance of the meeting.

Agenda Item V(b)(iii)

- B. Cancellation of Meetings. Whenever there is no business for the Board, or whenever so many members notify the secretary of inability to attend that a quorum will not be available, the chairman may dispense with a regular meeting by giving written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.
- C. Conduct of Meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) Call to Order; (b) Approval of Minutes of Previous Meeting; (c) Review of Cases; (d) Old Business; (e) New Business; (f) Items Not on the Agenda; (g) Adjournment. This order of business may be amended during any meeting by a majority vote of those members present, deciding only for that specific meeting being then held.
- D. Vote. All members of the Board, wherever they reside, shall have equal rights, privileges, and duties with the other members in all matters, wherever they might arise. Final action on cases pending before the Board shall be taken by means of voice vote and shall be confirmed with submission of a voting slip prior to consideration of the next case.
- E. Attendance. The Secretary, in addition to other duties as specified and assigned, shall maintain records of attendance for all members of the Planning Board. He shall also, at the direction of the Chairman, notify the appropriate appointing body as to the unsatisfactory attendance record of any member in accordance with Section 34.52(D) of the Asheboro Code of Ordinances. However, no such notification will be sent if the absentee member is and/or has been the victim of extraordinary circumstances, with such determination to be made by the Chairman.

IV. ADDENDA

- A. Amendments. These rules may, with the limits allowed by law, be amended at any time by an affirmative vote of a majority of the quorum present provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.
- B. Non-Discrimination. The use of the masculine pronouns (he, his, etc.) is in the interest of brevity; the parallel feminine pronouns (she, her, etc.) are to be considered fully interchangeable and acceptable. No part of these Rules shall be construed so as to mean that female members of the Planning Board are less than equal to their male counterparts, or that they should have any different powers, rights, duties, and responsibilities by reason of gender.

V. BOARD OF ADJUSTMENT

The Asheboro Planning Board shall serve as the Board of Adjustment. The preceding Rules of Procedure for the Asheboro Planning Board shall also apply to the Board of Adjustment.