

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL, ASHEBORO CITY HALL
THURSDAY, AUGUST 8, 2024
7:00 P.M.**

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Kelly L. Heath)
William N. McCaskill) – Council Members Present
Walker B. Moffitt)
Charles A. Swiers)
W. Joseph Trogon, Jr.)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Charles J. Garner, Code Enforcement Officer
Jason A. Hanson, Assistant Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jonathan M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney

1. Call to Order

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Moment of Silent Prayer and Pledge of Allegiance

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and recite the pledge of allegiance.

3. Introduction of the New President for the Asheboro/Randolph Chamber of Commerce

Mayor Smith introduced Adam Deathe, who is the new president for the Asheboro/Randolph Chamber of Commerce. After a few words from Mr. Deathe, the city council members expressed their excitement to serve the citizens of Asheboro alongside the Asheboro/Randolph Chamber of Commerce under Mr. Deathe's leadership.

No formal action was taken by the city council during this portion of the meeting.

4. An Inclusion Initiative Program for Children

Recreation Services Director Jonathan Sermon introduced UNC Greensboro Capstone Group members Brooke Parks, Mary Grace Smith, and Sidney Cassidy. The UNC Greensboro graduate students presented information concerning an inclusion initiative program for children that has received city funding.

The program is a partnership between the UNC Greensboro Department of Communication Sciences and Disorders and the City of Asheboro Cultural and Recreation Services Division. The partnership aims to improve inclusion for children with complex communication needs through providing access to core boards in community playgrounds. During their presentation, the group presented an example of a playground communication boards that have been displayed at multiple city

playgrounds, including the Cone Health ZooCity Sportsplex, Memorial Park, North Asheboro Park, Frazier Park and East Side Park in Asheboro.

With these boards on display at the parks, the communicator simply points to the picture with his/her intended message. When the communicator points to the picture, the communication partner should respond to what he/she is communicating verbally or by pointing on the board. Augmentative and Alternative Communication boards are used to promote social interactions by facilitating communication through sources other than verbal speech. These boards will enhance the communication among each person that visits the city parks.

No formal action was taken by the council during this portion of the meeting.

5. Downtown Asheboro Inc. Items

(a) North Carolina Main Street Community and the Utilization of a Quasi-Private Program Structure

Executive Director of Downtown Asheboro Inc. Addie Corder presented and recommended adoption, by reference, of a resolution in support of the city Main Street Program utilizing a quasi-public-private organizational structure.

Council Member Bell moved, and Council Member Heath seconded the motion, to approve/adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 21 RES 8-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION IN SUPPORT OF ASHEBORO'S DESIGNATION AS A
NORTH CAROLINA MAIN STREET COMMUNITY UTILIZING A
QUASI-PUBLIC-PRIVATE PROGRAM STRUCTURE**

WHEREAS, the City of Asheboro is a designated North Carolina Main Street Community, a program coordinated through the North Carolina Department of Commerce – NC Main Street & Rural Planning Center; and

WHEREAS, the City of Asheboro has embraced the concept of downtown revitalization and wishes to ensure the ongoing vitality of the downtown business district by overseeing the employment responsibilities of the Downtown Development Manager beginning August 16, 2024; and

WHEREAS, the City of Asheboro recognizes that downtown revitalization is a collaborative effort and intends to partner with Downtown Asheboro Inc., a 501c3 nonprofit organization, to execute the quasi-public-private structure of the program; and

WHEREAS, the City of Asheboro is dedicated to Main Street America's Economic Development Strategies and Main Street Four-Point Approach® to downtown revitalization utilizing the principles of Economic Vitality, Design, Promotion, and Organization; and

WHEREAS, the City of Asheboro recognizes the nationwide success of the Main Street Program for creation of new businesses, significant private sector capital investment that increases the property tax base and a significant increase in net employment; and

WHEREAS, the City of Asheboro understands that in addition to employing a full-time Downtown Development Manager to maintain its active status in the North Carolina Main Street Program, it also will need to supply information on its downtown

revitalization activities on an annual basis to the North Carolina Main Street & Rural Planning Center; and

WHEREAS, the City of Asheboro understands that technical assistance from the North Carolina Main Street & Rural Planning Center is provided at no charge to the City; reimbursement for travel- related expenses will be requested from the City if this technical assistance requires travel by the Main Street staff; and

WHEREAS, the City of Asheboro recognizes the importance of continued training in the field of downtown revitalization and will provide the resources for its Downtown Development Manager to attend the educational opportunities provided several times a year by the North Carolina Main Street & Rural Planning Center and furthermore, will maintain a membership with the National Main Street Center.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the municipal corporation be recognized as the local director of downtown revitalization efforts and Main Street Program activities in order for the City to maintain its standing in the North Carolina Main Street Program and will support the City as a designated North Carolina Main Street community with all the obligations that the designation carries.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of August, 2024.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(b) Duke Energy Hometown Revitalization Grant for \$25,000

Ms. Corder announced that DAI has received a Duke Energy Hometown Revitalization Grant for \$25,000. This grant will enhance opportunities for downtown businesses.

No formal action was taken by the council during this portion of the meeting.

6. Public Hearing: Proposed Economic Development Appropriations

This advertised public hearing pertained to proposed economic development appropriations that are not for business location incentives or related to real property. Before the public hearing was opened, Mayor Smith and Council Member Heath discussed the role they play with one of the nonprofit organizations (Downtown Asheboro Inc or “DAI”) for which an appropriation is proposed. To avoid a conflict of interest under state law, Mayor Smith and Council Member Heath asked to be recused from participating in any manner in the discussion and potential council action under meeting agenda item no. 6.

Council Member Bell moved, and Council Member Burks seconded the motion, to recuse Mayor Smith and Council Member Heath from participating or acting in any manner in connection with meeting agenda item no. 6. Council Members Bell, Burks, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

Mayor Pro Tempore Moffitt opened the public hearing on the proposed economic development appropriations. Finance Director Deborah Reaves was recognized as the first person to speak.

As part of the hearing, Ms. Reaves reported the following requests and proposed allocations of economic development funding from the General Fund for three nonprofit organizations listed below.

- \$55,000 to the Randolph County Economic Development Corporation (RCEDC)
- \$75,000 to Asheboro/Randolph Chamber of Commerce
- \$73,511 to DAI

Upon the conclusion of the finance director's presentation, Mayor Pro Tempore Moffitt invited comments from the public, and none were offered. Mayor Pro Tempore Moffitt closed the public hearing.

Council Member Bell moved, and Council Member Burks seconded the motion, to approve the above-specified allocations. Council Members Bell, Burks, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

7. Public Hearing: Potential Reassignment of CDBG Funding

(a) Action on the Question of Potential Project or Program Amendments

Community Development Division Director Trevor Nuttall the initial testimony. Consistent with the city's Citizen Participation Plan for use of Community Development Block Grant (CDBG) funds, this public hearing has been properly communicated and advertised.

CDBG funds must be used in a manner that benefits low and moderate-income persons and meets other state and federal stipulations. The advertised public hearing was focused on the question of potentially revising the Asheboro COVID-19 community assistance program to reassign remaining CDBG-CV funds to support the construction of a public facility that will increase suitable outdoor space for residents.

The CDBG-CV program is designed to help units of local government respond to and recover the health and economic impacts of COVID-19. The proposed revision is to request the reassignment of \$243,503 in remaining city CDBG-CV funds to be used towards construction of the David and Pauline Jarrell Center City Garden in Asheboro. In addition, the city plans to request an additional \$788,402 in CDBG funding to complete the majority of the project.

The location of the proposed public facility is at 205 South Cox Street. This location is within the city limits, and the facility will be open to all residents. Based on the 2016-2020 American Community Survey, Asheboro's Low-Moderate Income population was 58.6%.

In addition to receiving comments on the advertised potential use of funds for the David and Pauline Jarrell Center City Garden Project, input on other potential CDBG-supported projects was received. The other potential projects raised during the public hearing are listed below.

1. Randolph Senior Adults Association proposes to use \$25,000 in additional CDBG funds to support its Meal Program.
2. George Washing Carver Community Enrichment Center proposes to use \$300,000 in additional CDBG funding for the construction of two new classrooms and a storage room to expand the services offered to the community. Additionally, the center proposes using \$30,000 in CDBG funds to support the expansion of the center's educational and social programming.
3. Malcomb Coley proposes to use \$900,000 in CDBG funds to acquire and renovate 112 and 114 Sunset Avenue for a business committed to providing or retaining permanent jobs with at least 51% of such jobs

benefitting low-moderate income persons. The total estimated project cost is \$1.5 million.

4. East Side Improvement Association proposes to use up to \$255,101 in CDBG funding to improve two buildings located at 624 Brewer Street and 621 Franks Street. The association provides education and social programming from the property.
5. Wainman Homes, Inc. proposes to use \$320,560 in CDBG funds for renovations to CASPN Homes, an affordable housing community located at 945 South Church Street.

In addition to Community Development Director Nuttall, the following individuals spoke during the public hearing.

1. Bill Keller
2. Mark Hensley
3. John and Nan Revell
4. Clyde Foust
5. Mary Rush
6. Malcomb and Tammie Coley
7. Robert Lawler

When no one else from the public asked to speak, Mayor Smith closed the public hearing. Council Member Bell moved, and Council Member Burks seconded the motion, to authorize the submission of the documentation needed to request the reallocation of funding, along with an appropriation for new funding to construct the Jarrell Center City Garden. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

After taking action corresponding with the advertised hearing on the David and Pauline Jarrell Center City Garden Project, the council members addressed the other projects proposed by the above-listed speakers. Due to the need for an advertised public hearing on the other proposals, Council Member Bell Moved, and Council Member Burks seconded the motion, to schedule and advertise the requisite public hearing for September 5, 2024. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(b) Administrative Services – CDBG Funding Amendments

Community Development Director Nuttall then requested authorization to solicit proposals for Community Development Block Grant Administrative Services to assist with potential amendments. Council Member Heath moved, and Council Member Moffitt seconded the motion to authorize city staff to request services from an experienced CDBG program administrator. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

8. Public Comment Period

.

Mayor Smith opened the floor for comments from the public.

Barry Betts expressed his concerns about the homeless issues in and around Asheboro.

There being no further comments from the public, Mayor Smith closed the public comment period.

9. Consent Agenda

Council Member Burks moved, and Council Member Trogon seconded the motion to approve/adopt the following consent agenda items. Council Members Bell, Burks,

Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(a) Approval of the City Council Meeting Minutes for July 11, 2024

The meeting minutes for the city council's regular meeting on July 11, 2024, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(b) Approval of the City Council Meeting Minutes for July 12, 2024

The meeting minutes for the city council's special meeting on July 12, 2024, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(c) Approval of the Community Development Division's Request to Schedule for September 5, 2024, and to Advertise, Legislative Hearings for the Following Cases:

- (i) An application to rezone property located at 841 Cross Street, including property on the east side of Cross Street, totaling approximately 0.9 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7761350714 to amended B2 (CZ) zoning for an eating establishment.**
- (ii) An application to rezone property located at 308 Pineview Street identified by Randolph County Parcel Identification Number 7753876027 and a portion of PIN 7753876247, located at 307-A and 307-B Quaker Drive from R10 to R7.5 zoning.**
- (iii) An application to rezone property located at 343 North Carolina Highway 42 North, totaling approximately 19.11 acres +/-, identified by Randolph County Parcel Identification Number 7761402066 to an amended B2 (CZ) district for a membership organization.**
- (iv) An application to rezone property located at 801 and 817 Sunset Avenue, totaling approximately 1.52 acres +/-, identified by Randolph County Parcel Identification Number 7751426889 from OA6 and M (CZ) zoning to OA6 (CZ) zoning for multiple family dwellings.**

(d) Acknowledgement of the Receipt of the Monthly Report Detailing Major Subdivisions Administratively Approved

There have been none approved.

(e) Approval of a Request for a Resolution to Accept a State Loan for the City of Asheboro Lead Service Line Inventory Project

RESOLUTION NUMBER 22 RES 8-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION ACCEPTING A STATE LOAN FOR THE CITY OF ASHEBORO
LEAD SERVICE LINE INVENTORY PROJECT**

WHEREAS, the Bipartisan Infrastructure Law of 2021 and the water infrastructure provisions found in Chapter 159G of the North Carolina General Statute authorize and enable the making of loans to aid eligible drinking-water system owners in financing the cost of inventorying and replacing lead service lines; and

WHEREAS, the North Carolina Department of Environmental Quality (the “Department”) has offered a Drinking Water State Revolving Fund – Lead Service Line Replacement Loan (“DWSRF-LSLR Loan”) in the amount of \$1,000,000.00 to aid the City of Asheboro (the “City”) in conducting a field verification of service line material project (the “Project”); and

WHEREAS, the City intends to conduct the Project in accordance with a scope of work approved by the North Carolina Division of Water Infrastructure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City does hereby accept the DWSRF-LSLR Loan offer in the amount of \$1,000,000.00; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that assurance is hereby given to the North Carolina Department of Environmental Quality that the City will adhere to all applicable items specified in the standard “Conditions” and “Assurances” of the Department’s funding offer, awarded in the form of a DWSRF-LSLR Loan; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that John N. Ogburn, III, who is the city manager for the City of Asheboro, and any successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with the Project; to make the Assurances referenced above; and to execute such other documents as may be required in connection with the Project; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the City has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project and to Federal and State grants and loans pertaining thereto.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on August 8, 2024.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

- (f) **Approval of a Temporary Street Closure in Downtown Asheboro for Special Events that will Begin at 12:00 midnight on Saturday, October 5, 2024, and will Conclude at 11:00 p.m. October 5, 2024 for the Fall Festival and 10k Road Race Start/Finish**
- (g) **Approval of a Temporary Street Closure in Downtown Asheboro, on Friday October 18, 2024, between 3:00 p.m. and 4:30 p.m., for the Asheboro High School Homecoming Parade**

10. Community Development Division Items

- (a) **Legislative Hearing (Case No. RZ-24-10): An Application to rezone property located at 909, 911, and 915 Meadowbrook Road (Randolph County Parcel Identification Number 7761182410) from R10 to O&I zoning.**

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-10. Community Development Division Director Trevor Nuttall was the first speaker. In addition to entering into the records the notation that notice of this land use case had been advertised, posted, and mailed as

required by North Carolina law, he gave an overview of the zoning map amendment application submitted by David Snyder on behalf of First Assembly of God.

The land for which the above-described zoning has been requested is located at 909, 911, and 915 Meadowbrook Road. The property is approximately 13.3 acres in size, and is specifically identified by Randolph County Parcel Identification Number 7761182410 (this property will be hereinafter referred to as the “Zoning Lot”).

In addition to the written staff report, Mr. Nuttall utilized a slide show presentation in conjunction with his comments. The following points of information were noted.

1. The property is outside the city limits but within the city’s extraterritorial jurisdiction.
2. Meadowbrook Road is a state-maintained minor thoroughfare.
3. The request is for a general district Office & Institutional (O&I) rezoning. No specific uses, site plan, or conditions can be considered with this request.
4. The zoning ordinance describes the intent of the existing R10 district as “to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.”
5. The requested O&I district is described as “to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O&I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.”
6. The O&I district allows primarily office uses, such as business and professional services, health practitioner offices, and other office uses, personal service uses such as hair salons, and non-commercial places of assembly such as the current use of the property. It does not permit more intense commercial uses such as retail, eating establishments (restaurants), motor vehicles rental/sales/repair, manufactured home sales, bars, flea markets, and other higher intensity commercial uses.
7. Tax records indicate that the existing structures on the property were constructed in 1975 and 1980, and the current classification of the property is a “non-commercial place of assembly” (church), which is a permitted use in the requested O&I zoning district. The current ordinance allows expansion of a non-commercial place of assembly when located in a residential zoning district to be authorized by a Special Use Permit, or either a conditional or general non-residential zoning district.

Mr. Nuttall noted that, when evaluating a rezoning application, careful consideration must be given to each goal and policy as outlined in the Land Development Plan.

Proposed Land Use Map Designation: Neighborhood Residential

Small Area Plan: Central

Growth Strategy Map Designation: Adjacent Developed

LDP Goals/Policies that Support the Request:

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*)

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

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

LDP Goals/Policies that Do Not Support the Request:

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map.

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

The City of Asheboro Planning Board considered the zoning map amendment application, and recommended placement of the Zoning Lot into the requested O&I zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed zoning with the adopted comprehensive plans as well as the reasonableness of the proposal. The planning staff's analysis is summarized in the following indented paragraphs.

While the Land Development Plan maps this property for "Neighborhood Residential" use, the property's ongoing institutional use for decades makes an Office & Institutional zoning district an appropriate designation. This factor, along with the O&I district's limited number of non-residential uses, including continuing to accommodate the current use of the property, make it less likely to be incompatible with adjoining residential land uses.

The property is also located along a minor thoroughfare and is adjacent or close to other non-residential uses, including an adjacent public use facility (park) and commercial communications facility (radio station) with a more intensive B2 (CZ) zoning designation and in industrially zoned property further to the southeast, at the northeastern intersection of Meadowbrook Road and East Pritchard Street. This places the property in a transitional location that makes an O&I designation appropriate.

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

Mayor Smith opened the floor for comments from the public, and none were offered. Mayor Smith then transitioned to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member Heath seconded the motion, to adopt the plan consistency statement printed below and to approve the requested zoning map amendment with the following multi-part motion.

1. While the Land Development Plan maps this property for "Neighborhood Residential" use, the property's ongoing institutional use for decades as a church makes an Office & Institutional zoning

district an appropriate designation. This factor, along with the O&I district's limited number of non-residential uses, including continuing to accommodate the current use of the property, make it less likely to be incompatible with adjoining residential land uses.

The Zoning Lot is also located along a minor thoroughfare. It is adjacent to other non-residential uses, including an adjacent public use facility (park) and commercial communications facility (radio station) with a more intensive B2 (CZ) zoning designation. Additionally, a separate property is industrially zoned further to the southeast, at the northeastern intersection of Meadowbrook Road and East Pritchard Street. This places the Zoning Lot in a transitional location that makes an O&I designation appropriate.

Considering the planning board recommendation and the aforementioned analysis, the city council concluded that the proposed zoning map amendment is consistent with the adopted comprehensive land use plan, is reasonable, and is in the public interest.

2. Consequently, the zoning map amendment application seeking to place the Zoning Lot into the requested O&I zoning district is hereby approved.

Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(b) Legislative Hearing (Case No. RZ-24-11): An application to rezone property on the west side of Zoo Parkway and the south side of Newbern Avenue, between 294 and 360 Newbern Avenue, to an amended R7.5 (CZ) zoning district for a residential planned unit development.

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-11. Mr. Nuttall was the first speaker. In addition to entering into the records the notation that notice of this land use case had been advertised, posted, and mailed as required by North Carolina Law, he gave an overview of the zoning map amendment application submitted by Ridge Road Partners, LLC (c/o Drew Boggs).

The land for which the above-described zoning has been requested, which is the property of Hillcrest Farm Estates, LLC, is located on the west side of Zoo Parkway, between 2358 and 2476 Zoo Parkway, and the south side of Newbern Avenue, between 294 and 360 Newbern Avenue. The property is approximately 94.27 acres of 104.27 acres, more or less, in size, and is more specifically identified as a portion of Randolph County Parcel Identification Number 7760008593 and Randolph County Parcel Identification Number 7760013008 (this property will be hereinafter referred to as the "Zoning Lot").

In addition to the written staff report, Mr. Nuttall utilized a slide show presentation in conjunction with his comments. The following points of information were noted.

1. The property is currently outside the city limits. Annexation, in accordance with city policy, is required to connect to city-maintained utilities.
2. The zoning ordinance allows minor changes to conditional zoning site plans to be approved administratively; significant changes, including those proposed with this application, require review and approval by city council.
3. The application is re-filed for a residential Planned Unit Development to allow 350 dwellings on 350 subdivided lots. The current zoning

district permits a total of 350 dwellings on 350 lots. This application differs from the previously approved application as follows:

- (a) Project phasing, initially proposed to change from the conditional zoning district site plan approved by city council earlier this year, has been revised to generally reflect the prior council approval. In addition, the applicant has indicated an intent to develop the proposed subdivision beginning on the south side of Vestal Creek before moving to the northern portion of the property.
 - (b) The applicant has stated an intent to utilize Zoo Parkway for construction access.
 - (c) The previous council-approved site plan proposed 286 detached single-family dwellings and 64 townhome-style dwellings. The site plan filed with this application proposes 252 detached single-family dwellings and 98 townhome-style dwellings.
 - (d) The previous council-approved site plan identified all townhomes to be located between Vestal Creek and Zoo Parkway. The site plan filed with this application shows townhomes on both sides of Vestal Creek.
 - (e) Modest changes to the development's street network are proposed, including a new cul-de-sac.
 - (f) The number of proposed dwellings between Vestal Creek and Newbern Avenue has increased from 182 to 203 and decreases the number of dwellings between Vestal Creek and Zoo Parkway from 168 to 147.
 - (g) Visitor parking/common area parking has been increased from 88 to 97 off-street parking spaces; on-street parking availability at various locations throughout the development is retained.
 - (h) Connectivity to PIN 7669292577 has been adjusted.
 - (i) The site plan depicts up to 8 townhome units now attached; the previously approved plan depicted up to 7 attached units.
4. The site plan identifies several common areas; amenities within common area may include pickle ball, a dog park, garden areas, and a trail network. Some of the common area is designated specifically as conservation area. The plans note that "the exact amenity provided at each location will be determined at a later date" but the expectation will be that final decisions related to amenities generally will be consistent with the site plan. Proportional amounts of community amenities would need to be built and available with each phase. Notes also indicate that passive open space with planted grass will comprise the remainder of each area. All common areas will have a minimum of 2 understory trees and 6 shrubs, with "landscaping to have defined boundaries and complement amenity entrance points."
5. Zoo Parkway is a state-maintained major thoroughfare. Newbern Avenue is a state-maintained collector road. The development proposes two access points, one from each roadway and also shows several potential locations where the development's street network could be extended into adjacent property. Connectivity between Zoo Parkway and Newbern Avenue is shown via a stream crossing to be built by the developer.
6. Previously, a Traffic Impact Analysis (TIA) was completed by a traffic engineering firm. That TIA and NCDOT's review resulted in zoning conditions related to roadway improvements (right and left turn lanes on Zoo Parkway into the development and right turn lane on Zoo Parkway at Newbern Avenue. Both the applicant and city have shared the revised plans with NCDOT. NCDOT has indicated that the TIA did not consider construction sequencing or recommend which phase would begin first; NCDOT's recommendations were based on complete build-out. NCDOT could require additional information as part of its

permitting process. NCDOT does support construction access being provided from Zoo Parkway rather than Newbern Avenue.

7. A portion of the property is in a Special Hazard Flood Area. There is one roadway crossing shown traversing the floodway.
8. The plans identify certain areas for tree preservation, primarily within flood-prone areas of the property. There also is some landscape buffering shown to be provided between the development and adjacent property, with a minimum of 15 ft. natural buffer noted to be retained in places. Each development entrance will be landscaped with at least 4 understory trees and 12 shrubs, and street trees will be installed at a rate of 1 understory tree per 25 residential units.
9. Sidewalks customarily are required for a Residential Planned Unit Development and typically are expected to connect all lots and amenities to existing streets. The site plan proposes a sidewalk and trail network that would connect most lots and amenities. Staff does recommend that additional sidewalk be added to Nature Trail to connect the off-street parking area with the recreational area east of Orchid View Drive.
10. The zoning ordinance does allow an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-determined requirements. With the addition of the sidewalk segment described in #9 above, staff does not identify any significant deficiencies within the proposal.
11. The zoning ordinance describes the intent of the R7.5 Medium-Density Residential district as "to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living."
12. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community." This classification is also described as having a "pedestrian-friendly neighborhood, with convenient access to surrounding neighborhoods, parks and walking trails, and designated neighborhood commercial centers."
13. This property is considered a Secondary Growth Area by the LDP's growth strategy classification. This is described as "Areas with prime access to an existing city gravity sewer interceptor and/or an existing or potential future thoroughfare, and located outside of, but adjacent to existing city limits. Suitable development sites within SGAs should be given a moderately high level of encouragement and incentives for mid-range development."
14. The overall density of the development, as calculated based on the Zoning Ordinance, remains at approximately 4.4 dwellings per acre (public right-of-way is excluded from gross land area as stipulated by the code).

Mr. Nuttall noted that, when evaluating a rezoning application, careful consideration must be given to each goal and policy as outlined in the Land Development Plan.

Proposed Land Use Map Designation:

Neighborhood Residential

Small Area Plan:

Central

Growth Strategy Map Designation:

Secondary Growth

LDP Goals/Policies that Support the Request:

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map. (regarding the residential land use, pedestrian connections, and the provision of some recreational amenities)

Checklist Item 5: Complies with Growth Strategy Map

LDP Design Principles (PRINCIPLE #4): Move from “Conventional Development” toward “Cluster Development”

LDP Goals/Policies that Do Not Support the Request:

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map. (regarding density similar to surrounding neighborhoods and convenient access to neighborhood commercial center).

Checklist Items 13 and 14: 13.) The property is located within a Special Hazard Flood Area. 14.) Rezoning is located on steep slopes of greater than 20%.

The City of Asheboro Planning Board considered the zoning map application, and recommended placement of the Zoning Lot into the requested amended R7.5 (CZ) zoning district. In making this recommendation, the planning board concurred with the planning staff’s analysis of the consistency of the proposed zoning with the adopted comprehensive plans as well as the reasonableness of the proposal. The planning staff’s analysis is summarized in the following indented paragraphs.

Much of the analysis provided with RZ-23-14 remains applicable. The Land Development Plan has long anticipated medium-density residential development on this property and the application still includes several design characteristics advocated by the plan, including mixed housing options, open space and sensitive lands preservation. The development proposal again proposes recreational amenities, a street network that provides internal connectivity as well as options for external connections, and pedestrian infrastructure that generally is viewed as necessary for the number of homes proposed.

Staff believes that the Traffic Impact Analysis previously completed still is relevant despite the changes to densities proposed between phases. Roadway improvements previously required as a condition of city zoning approval again would be required through conditions recommended to be attached to this application. Further, following public comments presented at the July 8 Planning Board meeting, the applicant has indicated agreement to develop the property beginning on the south side of Vestal Creek before moving to the northern portion of the property. The applicant also has committed to use Zoo Parkway for construction access.

The requested zoning district is seeking densities at the upper limit of the city’s medium-density residential designation and approval would authorize development more dense than nearby neighborhoods, the development is designed in a manner that provides buffering between those neighborhoods, increasing the project’s compatibility with surrounding land uses.

Based on the above analysis and acknowledging the additional information and changes to project build-out offered by the applicant, staff believes approval to be consistent with the city’s plans, reasonable, and in the public’s interest.

In the event of council approval of the application, the planning staff did offer suggested conditions to include as part of a conditional zoning ordinance amendment. These conditions are as follows:

- (A) *The use approved shall be a Residential Planned Unit Development with no more than 350 dwelling units on 350 lots and development shall be per the approved site plan and materials submitted in support of the application.*
- (B) *All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.*
- (C) *Enclosure of concrete pads or other additions to the rear of townhome-style dwellings shall not be considered a modification requiring City Council review provided such additions are located on a recorded lot.*
- (D) *Maintenance of all recreation areas, any utilities not publicly maintained, and roadways and drainage facilities that are not specifically labeled on the approved site plan as public or not within public-right-of-way shall be the responsibility of the property owner and any successors in interest.*
- (E) *Any utility infrastructure indicated by the city as required to be publicly maintained shall be located within a City of Asheboro utility easement. Surveying of any required easements shall be the responsibility of the property owner.*
- (F) *Solid waste disposal for the project shall be consistent with city policies and codes.*
- (G) *Landscaping, including street trees, front yard landscaping, tree preservation, perimeter buffering, and fencing shall be installed or retained consistent with the details and specifications shown on the site plan and as modified by these conditions.*
- (H) *Prior to the recording of the Memorandum of Land Use Restrictions outlined in (CC) or approval of a Subdivision Sketch Design Plat, plans addressing the following shall be provided to the Planning Department for inclusion in the file without further review by the Council:*
 - (i) *Labeling of recreation area on plan sheets.*
 - (ii) *Correctly labeling all adjacent property zoning within 50' of subject property, including but not limited to the zoning of PIN 7760014240 (correct zoning is R15).*
 - (iii) *Labeling of all lot dimensions.*
 - (iv) *Sidewalk width and grass strip dimension in accordance with the Asheboro Subdivision Ordinance: sidewalks to be maintained by the city shall be 5' wide with a 2.5' grassed strip.*
 - (iv) *Clarification of minimum proposed setbacks for single-family dwellings and attached dwellings within each phase of the development.*
 - (v) *Confirmation of property acreage, linear feet of new street, and other Site Data calculations consistent with code requirements.*
- (I) *Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals or providing:*
 - (i) *Driveway permit(s) from NCDOT*
 - (ii) *Permitting from NC Department of Environmental Quality, and any related environmental permitting as required.*
 - (iii) *Subdivision Sketch Design and Preliminary Plat*
 - (iv) *A sealed survey plat by a Professional Land Surveyor for recording identifying the boundaries of the approved Conditional Zoning District.*

- (J) *Prior to the preliminary plat approval, plans concerning water, including provisions for fire hydrants, street lights, and sanitary sewage that comply with city policies, shall be submitted and approved.*
- (K) *All dwellings shall be located on a subdivided lot, with sufficient buildable area in compliance with Zoning Ordinance Section 3.01(C), and recorded in the public registry in accordance with the city's land development requirements.*
- (L) *Front yard averaging provisions shall not be applicable within any phase of the development.*
- (M) *Open space shall be created and recorded consistent with the conditional zoning district site plan.*
- (N) *Recreational elements proposed within each phase shall be constructed and available for use prior to the recording of subdivision plats resulting in the creation of more than 75% of the lots approved for that phase as ultimately shown on the preliminary plats to be presented.*
- (O) *Outdoor recreational vehicle (RV) parking shall be prohibited throughout the development by the homeowners' association documents.*
- (P) *A sidewalk meeting city standards shall be constructed on Nature Trail to connect the off-street parking area on Nature Trail west of Orchid View Drive with the recreational area east of Orchid View Drive.*
- (Q) *Where existing and proposed streets exceed five percent (5%) grade and sidewalks are added along those streets, sidewalks shall meet ADA standards at the intersection(s).*
- (R) *Stormwater control measures, designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual (Manual), shall be provided, unless the city is provided and accepts a professional engineer's report determining and demonstrating that such measures would be contrary to the public interest. Such report shall include, but not be limited to, a determination that the Manual's stormwater measures, if built, would increase peak flood impacts on downstream properties. The report shall also recommend design elements that can be implemented to minimize adverse stormwater impacts. In the absence of such a report, stormwater control measures shall be built to control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control structures, if built, were constructed according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all stormwater control measures shall be the responsibility of the property owner.*
- (S) *All terminations of public streets, whether permanent or temporary, shall comply with city ordinances and policies pertaining to turnaround and maneuvering area.*
- (T) *Each dwelling unit constructed shall, at a minimum, possess a garage capable of holding one passenger vehicle and at least one additional off-street parking space.*
- (U) *Final roadway names shall be subject to city and Randolph County approval.*
- (V) *Floodplain development permits shall be issued by the city prior to any construction within regulated floodplain areas.*
- (W) *Annexation shall be required prior to extension of city water and sewer.*

- (X) *Evaluation of changes necessitated by NCDOT permitting requirements resulting from the development's traffic impact analysis shall be reviewed consistent with Section 4.05(C)(13).*
- (Y) *If the postal service requires a cluster box unit (CBU) for mail delivery, such a change will not be considered a modification of the conditional zoning district requiring council action. If required within the public right-of-way, an area shall be provided that, at a minimum, is adequate for one drop-off space for a motor vehicle, including any maneuvering area. Any drop-off area shall be designed in accordance with commonly accepted traffic engineering practices. Construction of this area shall be the responsibility of the developer and is subject to approval of the City of Asheboro Public Works Division and/or Engineering Department. Alternatively, should the developer choose to construct the community mailbox and any associated vehicular areas in a location completely on private property, this activity shall not be considered a modification, subject to Section 4.05 of the Asheboro Zoning Ordinance.*
- (Z) *Prior to recording a final plat for any phase of the development, homeowners' association documents, which contain provisions consistent with this ordinance, shall be recorded in the office of the Randolph County Register of Deeds. Such homeowners' documents shall include provisions required by city ordinance and prohibit the parking of recreational vehicles (boats, campers, travel trailers, etc.) outdoors.*
- (AA) *The subdivision shall be developed in a manner consistent with the following:*
 - 1. *The only construction entrance built shall be on Zoo Parkway and permitted by NCDOT. Entry, including delivery, of all construction machinery involved with land clearing and land development activities shall occur from the Zoo Parkway construction entrance. Land clearing and land development activities shall be permitted, subject to NCDEQ approval, on the property irrespective of phasing, but entry of all construction machinery involved in such activities shall use only the Zoo Parkway construction entrance. Machinery involved with land clearing and land development activities shall include backhoes, loaders, graders, excavators, bulldozers, dump trucks, compactors, rollers, and similar equipment. Entry, including delivery, of all construction machinery involved with land clearing and land development activities from Newbern Avenue shall be prohibited. This condition shall expire upon the City of Asheboro accepting for maintenance all public rights-of-way shown on the approved conditional zoning site plan.*
 - 2. *Phase 1, as shown on the approved conditional zoning site plan, shall be the first phase recorded.*
 - 3. *Phase 2, as shown on the approved conditional zoning site plan, shall be the second phase recorded. No lot within Phase 2 shall be recorded until at least 50% of the approved lots within Phase 1 have been recorded.*
 - 4. *Phase 3, as shown on the approved conditional zoning site plan, shall be the third phase recorded. The connection between Phases 1 and 3 that is provided by Wagon Creek Road shall be built, accessible, and offered for public dedication prior to the recording of any lot within Phase 3.*
 - 5. *Phase 4, as shown on the approved conditional zoning site plan, shall be the fourth phase recorded. No lot within Phase 4 shall be recorded prior to Phase 1 and 3 roadways being built, accessible, and offered for public dedication to such an extent that continuous uninterrupted public access is assured between Zoo Parkway and New Bern Avenue through the development.*
- (BB) *At least one public street stub enabling a future public road extension into the CGW23, LLC property, identified as Randolph County Parcel Identification Number 7669292577, shall be built. The location and design of the street stub shall*

be reviewed and approved with the preliminary plat and engineering plans and in consultation with NCDOT.

- (CC) At least one public street stub enabling future public road extension into the Christopher Boyd Hayes property, identified by Randolph County Parcel Identification Number 7669170872, shall be built. The location and design of the street stub shall be reviewed and approved with the preliminary plat and engineering plans and in consultation with NCDOT.*
- (DD) Roadway improvements to Zoo Parkway (formerly NC 159), as outlined in NCDOT's letter to AJ Anastopoulos, P.E./Davenport, dated December 21, 2023 shall be constructed as required by NCDOT.*
- (EE) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning in the chain of title for the Zoning Lot.*

Mayor Smith opened the floor for comments from the public, and none were offered. However, and authorized representative for the applicant consented to the proposed conditions. Mayor Smith then transitioned to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member Swiers seconded the motion to adopt the plan consistency statement printed below and to approve the requested zoning map amendment with the following multi-part motion.

1. Much of the analysis provided with the earlier application (Case No. RZ-23-14) remains applicable. The Land Development Plan has long anticipated medium-density residential development on the property and the application still includes several design characteristics advocated by the plan, including mixed housing options, open space and sensitive lands preservation. The development proposes recreation amenities, a street network that provides internal connectivity as well as options for external connections, and pedestrian infrastructure that generally is viewed as necessary for the number of homes proposed.

The council concluded that the Traffic Impact Analysis previously completed is relevant despite the changes to densities proposed between phases. Roadway improvements previously required as a condition of city zoning approval are required through conditions that are attached to this conditional zoning ordinance. Further, following public comments presented at the July 8 Planning Board meeting, the applicant agreed to develop the property beginning on the south side of Vestal Creek before moving to the northern portion of the property. Additionally, the applicant committed to use Zoo Parkway for construction access.

While the application seeks densities at the upper limit of the city's medium-density residential designation and will lead to development more dense than nearby neighborhoods, the development is designed in a manner that provides buffering between those neighborhoods, so as to increase the project's compatibility with surrounding land uses.

Based on the above analysis and acknowledging the additional information and changes to project build-out offered by the applicant, the city council has concluded that the proposed zoning map amendment is consistent with the city's comprehensive development plans, is reasonable, and is in the public interest.

2. Consequently, and subject to the above-listed conditions, the zoning map amendment application seeking to place the Zoning Lot into the amended R7.5 (CZ) zoning district is hereby approved.

Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(c) An Application Seeking Grant Funding Through the Great Trails State Program

Mr. Nuttall presented a draft of an application seeking grant funding through the Great Trails State Program in order to complete the preliminary engineering and design for the proposed North Asheboro Greenway. Additionally, Mr. Nuttall requested authorization to submit the application.

The North Asheboro Greenway would provide connectivity to the following designations:

1. Randolph Hospice Center: Starting near Vision Drive.
2. West Bailey Street: A connector trail along this street provides access to a parcel suitable for a trailhead and parking lot.
3. Balfour Elementary School and North Asheboro Middle School: Providing educational linkages.
4. Asheboro Park and Ride: Access is provided through a side path on West Balfour Avenue.
5. North Asheboro Park: Terminating at this location, with plans for future extensions north past West Central Avenue.

During his presentation, Mr. Nuttall reported that the proposed application identifies that successful implementation of the North Asheboro Greenway, the first greenway in the city, will set a positive example for future greenway projects and potentially attract further development aligned with the following greenway objectives:

1. Enhanced Connectivity and Equity: The greenway will improve connections between various parts of Asheboro, including linking residential areas with the above-listed key destinations, and aligns with the USDOT's Justice40 initiative by serving census tracts that have higher than median Transportation Disadvantages Index (TDI) scores and provide connectivity for tracts identified as disadvantaged by the Climate and Economic Justice Screening Tool (CEJST).
2. Environmental Benefits: The greenway will promote environmental protection by utilizing existing easements and minimizing impacts on natural habitats. It will also provide opportunities for ecological preservation along Hasketts Creek.
3. Health and Wellness: The greenway will offer a recreational space for walking, biking, and outdoor activities, contributing to the overall health and well-being of residents.
4. Safety and Accessibility: By improving pedestrian and cyclist infrastructure, the greenway will enhance safety and accessibility for non-motorized transportation modes.
5. Economic Impact: The greenway could stimulate local economic development by attracting residents and businesses interested in proximity to recreational amenities.
6. Educational Opportunities: Connections to schools like Balfour Elementary and North Asheboro Middle School will promote educational engagement through active transportation options.

The City of Asheboro received a grant from NCDOT's 2023 Paved Trails, Sidewalk, and Sidepath Feasibility Studies Grant Program to fully fund and complete a feasibility study. Funding from the GTSP program will allow the city to take the next steps in making the public-desired greenway a reality.

Council Member Bell moved, and Council Member Heath seconded the motion to authorize city staff to submit an application for funding through the Great Trails State

Program to complete preliminary engineering and design for the proposed North Asheboro Greenway. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

(d) Announcement of Anticipated Vacancies on the Planning Board

Mr. Nuttall reported that the community development division anticipates approximately two (2) vacancies on the Asheboro Planning Board soon and sought direction from the city council on the process for filling the seats. With the general consent of the council members, city staff will activate the council's previously approved process for considering appointments to city authorities, boards, commissions, and committees. City staff will update the council members as the process moves forward. The application forms will be posted to the city's website.

(e) Letter of Commitment for Permanent Financing for Memorial Square

Mr. Nuttall reported that a request has been received for the city to commit to a loan for the development of a 48-unit multifamily affordable housing development to be located at 615 South Church Street and to be known as Memorial Square (the "Development"). The Development will be developed by Wynnefield Forward, LLC (the "Applicant") and owned by Memorial Square, LLC (the "Borrower").

The city has been asked to make this commitment as a lender to induce the North Carolina Housing Finance Agency to reserve to the Applicant low-income housing tax credits for the Development. The requested loan commitment is in the amount of \$650,000.

The loan would have a term of 20 years from the date of closing. The loan would have an amortization period of 20 years and, as requested, would bear interest at a fixed interest rate of 2.0% per annum.

As requested, the Borrower would make annual installments of principal and interest in the amount of \$10,000. All outstanding principal and interest would be due in a balloon payment on the maturity date.

After much discussion, the council members were willing to make, with certain modifications, the requested commitment. Council Member Moffitt initially moved, and Council Member Bell seconded the motion, to authorize the city manager to execute the requested letter of commitment on behalf of the municipal corporation subject to the modification that the loan would bear interest at a fixed rate of 4% per annum, not 2%.

The properly made and seconded motion was then discussed further. As a consequence of this discussion, Council Member Moffitt moved, and Council Member Bell seconded the motion, to amend the original motion to state as an additional modification that the Borrower shall make annual installments of principal and interest in the amount of \$26,000 rather than \$10,000. This motion to amend the original motion was approved. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

After the motion to amend was approved, the original question was called and the council voted on the amended motion to authorize the city manager to execute on behalf of the municipal corporation the letter of commitment as modified to reflect the 4% interest rate per annum and annual installments of principal and interest in the amount of \$26,000. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

11. Upcoming Events and Items Not on the Agenda

Mayor Smith and Mr. Ogburn led a brief discussion of upcoming events within the city government and the community in general.

Mr. Ogburn announced that he will be retiring from the City of Asheboro as its city manager on March 14, 2025.

No formal action was taken during this portion of the meeting.

There being no further business, the meeting was adjourned at 10:55 p.m.

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

/s/David H. Smith
David H. Smith, Mayor