

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, SEPTEMBER 5, 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
Robert L. Brown, Jr., Chief of Police
Alyssa R. Chapuis, Public Information Officer
Timothy E. Cockman, Deputy Fire Chief
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Assistant City Manager
Deborah P. Reaves, Finance Director
Michael D. Rhoney, P.E. Water Resources 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. Public Comment Period

Mayor Smith opened the floor for comments from the public, and none were offered.

Mayor Smith closed the public comment period.

4. Public Hearing on Community Development Block Grant (CDBG) Funding Amendment

(a) Public Hearing

Assistant City Manager Trevor Nuttall provided the initial testimony. Consistent with the city’s Citizen Participation Plan for the 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 public hearing related to potential revisions and/or amendments to existing programs.

The City of Asheboro is considering amending its Asheboro COVID-19 Community Assistance program and CASPN Homes Neighborhood Revitalization program to request additional Community Development Block Grant funds for the following eligible activities: Rehabilitation, Public Facilities and Improvements, Acquisition of Real Property for Economic Development, Public Services, and/or Program Administration Costs. The program amendments now being considered are expected to request an additional \$2,116,918 in funding that will provide benefits to Asheboro's Low-Moderate Income population, which was 58.6% based on the 2016-2020 American Community Survey.

The Asheboro City Council has already taken the necessary action to seek \$1,031,905 in CDBG funds to be used towards the construction of the David and Pauline Jarrell Center City Garden in Asheboro. A summary of the program activities discussed at the public hearing is printed below.

1. Randolph Senior Adults Association proposes to use \$25,000 in additional CDBG funds to support its Meal Program that provides nutritional food to clients at or below the poverty level who live in Asheboro. The program operates at 347 W. Salisbury Street, and in 2023- 2024, provided 43.7% more meals to Asheboro residents in need than it served in 2020- 2021; funding would stabilize households impacted by COVID-19.
2. George Washing Carver College proposes to use \$300,000 in additional CDBG funds for construction of two new classrooms and storage room to expand the services it provides the community located at 950 Martin Luther King Jr. Drive. An additional \$30,000 in CDBG funds will be used to support expansion of its educational and social programming. The project would provide safe educational and social space where insufficient facilities currently are available. It would also increase social connectedness among neighborhood residents.
3. Malcomb Coley proposes to use \$900,000 in CDBG funds to acquire and renovate 112 and 114 Sunset Avenue, a partially vacant and currently underutilized commercial structure, for a business committed to providing or retaining permanent jobs with at least 51% of such jobs benefitting low-moderate income persons. The project would support local businesses impacted by COVID-19 to create and retain jobs; the total estimated project cost is \$1.5M.
4. East Side Improvement Association proposes to use up to \$255,101 in additional CDBG funds to improve two buildings located at 624 Brewer Street and 621 Frank Street. East Side Improvement Association provides educational and social programming, from the property. Sidewalk improvements, heating and air conditioning-related improvements, roof repairs, and bathroom improvements are planned. The project would provide safe educational and social space where insufficient facilities currently are available. It would also increase social connectedness among neighborhood residents.
5. Wainman Homes, Inc. proposes to use \$320,560 in CDBG funds for renovations to CASPN Homes, an affordable housing community, located at 945 S. Church Street. The property owner will replace the building's windows, resulting in greater energy efficiency, reduced air and moisture infiltration, and replacement of all deficient windows that do not open or close properly.
6. The City of Asheboro proposes to use up to \$ 286,257 in CDBG funds to administer the amended program. Management, coordination, monitoring, reporting, and evaluation activities are expected to be contracted out to an experienced CDBG administrator.

In addition to Mr. Nuttall, the following individuals spoke during the hearing.

1. Mark Hensley
2. Clyde Foust
3. Lara Foust
4. D'Neal McNair
5. Tammie Coley
6. Betty Foust
7. Robert Lawler

When no one else asked to speak, Mayor Smith closed the public hearing.

(b) Authorization for Mayor Smith to Execute any Documents Specified by the NC Department of Commerce

After receiving comments on the contemplated projects, community needs, and desired development activities, Mr. Nuttall requested that the council authorize Mayor Smith to execute the documents specified by the NC Department of Commerce for additional CDBG funds. Council Member Bell moved, and Council Member Heath seconded the motion to authorize Mayor Smith to execute any documents specified by the NC Department of Commerce for the requested additional CDBG funds. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

5. The Permanent Closure of a Section of Hammer Avenue

(a) Public Hearing

Mr. Nuttall presented the initial testimony during the public hearing. This initial testimony focused on the procedural steps taken by the city to provide notice of the public hearing in compliance with the applicable statutes and ordinances.

The street closure petition was received from Memorial Square, LLC, who is the owner of the real property located at 617 South Church Street in Asheboro. The property adjoins Hammer Avenue, and the owner requested the permanent closure of an 11,244 square foot section of public right-of-way for Hammer Avenue located between West Kivett Street and Lanier Avenue.

Mayor Smith opened the floor for comments from the public. Julian Robb and Matt Williams presented comments in support of the street closure. When no one else asked to speak, Mayor Smith transitioned to the deliberative phase of the hearing.

(b) Consideration of an Ordinance to Permanently Close the Identified Section of Hammer Avenue

Mr. Nuttall presented an ordinance to close the section of public right-of-way for Hammer Avenue located between West Kivett Street and Lanier Avenue. Council Member Bell moved, and Council Member Swiers seconded the motion to approve/adopt the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

CITY OF ASHEBORO STREET CLOSURE ORDINANCE NO. 34 ORD 9-24

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

IN RE THE PERMANENT CLOSURE OF	)	
THE SECTION OF PUBLIC RIGHT-OF-	)	
WAY FOR HAMMER AVENUE LOCATED	)	<u>STREET CLOSURE</u>
BETWEEN WEST KIVETT STREET	)	<u>ORDER</u>
AND LANIER AVENUE	)	
	)	

WHEREAS, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Asheboro adopted on the 11th day of July, 2024, during a regular meeting, a resolution of intent identified as Asheboro City Council Resolution No. 19 RES 7-24 (the “Resolution”) declaring the intent of the city council to permanently close the section of public right-of-way for Hammer Avenue located between West Kivett Street and Lanier Avenue; and

WHEREAS, the Resolution called for a public hearing on the question of whether or not the proposed permanent street closure would be detrimental to the public interest or the property rights of any individual, and the Resolution also scheduled the mandated public hearing for the city council’s regular meeting on September 5, 2024, which will begin at 7:00 p.m., in the council chamber on the second floor of Asheboro City Hall, 146 N. Church Street, Asheboro, North Carolina 27203; and

WHEREAS, pursuant to Section 160A-299 of the North Carolina General Statutes, legal notice of the Resolution was published in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, once a week for four successive weeks prior to the above-referenced public hearing (Scheduled Dates of Publication: August 8, 2024; August 15, 2024; August 22, 2024; and August 29, 2024); and

WHEREAS, on August 2, 2024, copies of the Resolution were sent by certified mail to the entities listed below, who were determined by reviewing the county tax records to be all of the owners of property adjoining the Hammer Avenue closure area:

- 1. McKenzie Real Estate of NC, LLC;
- 2. Schwarz Properties, LLC;
- 3. Memorial Square LLC;
- 4. Norfolk Southern Real Estate Department; and

WHEREAS, on August 5, 2024, copies of the notice of the city council’s intention to permanently close the section of public right-of-way for Hammer Avenue located between West Kivett Street and Lanier Avenue, including the call for a public hearing on the question of the proposed permanent street closure, were prominently posted along two (2) places on the section of Hammer Avenue proposed for permanent closure; and

WHEREAS, after holding the public hearing called by the Resolution, it appears to the satisfaction of the Asheboro City Council that the permanent closure of the below-described section of the public right-of-way for Hammer Avenue is not contrary to the public interest and that no individual or legal entity owning property in the vicinity of the section of public right-of-way proposed for permanent closure would be deprived of a reasonable means of ingress and egress to the owner’s property;

NOW, THEREFORE, BE IT ORDAINED AND ORDERED by the City Council of the City of Asheboro as follows:

Section 1. The section of public right-of-way for Hammer Avenue located between West Kivett Street and Lanier Avenue is hereby permanently closed. The permanently closed section of public right-of-way for Hammer Avenue is located within the corporate limits of the City of Asheboro and is more particularly described by metes and bounds as follows:

City of Asheboro, Asheboro Township, Randolph County, North Carolina:

BEGINNING at a point in the southern right-of-way line of Kivett Street (30-foot public right-of-way), said point being in the western right-of-way line of Hammer Avenue (30-foot public right-of-way), said point being also the northeast corner of the property of Memorial Square, LLC, a North Carolina limited liability company (Deed Book 2860, Page 631, Randolph County Registry); thence from said point of Beginning along the southern right-of-way line of Kivett Street, South 88 degrees 04 minutes 02 seconds East 30.82 feet to a point in the western line of a 35-foot right-of-way to the Southern Railroad Company; thence with the western line of the Southern Railroad Company's 35-foot right-of-way South 06 degrees 46 minutes 13 seconds West 381.14 feet to a point in the northern right-of-way line of Lanier Avenue (30-foot public right-of-way); thence along the northern right-of-way line of Lanier Avenue North 85 degrees 59 minutes 25 seconds West 28.41 feet to a point in the eastern line of the property of Memorial Square, LLC, a North Carolina limited liability company (Deed Book 2860, Page 631, Randolph County Registry); thence with the line of Memorial Square, LLC, North 06 degrees 25 minutes 05 seconds East 379.91 feet to the point and place of BEGINNING, and being all of that certain 11,244 square feet of land, more or less, encompassed by the preceding metes and bounds description, specifically including the entirety of the public right-of-way for the above-described section of Hammer Avenue located between West Kivett Street and Lanier Avenue. The public right-of-way permanently closed by this Ordinance/Order is shown on the plat of survey referenced below.

The preceding description is in accordance with a plat of survey titled, "MEMORIAL SQUARE – PROPOSED STREET CLOSURE MEMORIAL SQUARE, LLC," dated September 3, 2024, and prepared by Borum, Wade and Associates, P.A., Plan Sheet No. C 1962.

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book _____, Page _____, Randolph County Registry.

Section 2. The City of Asheboro, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, hereby reserves its perpetual right, title, and interest in and to the City of Asheboro water line infrastructure and sanitary sewer line infrastructure shown on the above-referenced plat of survey. This express reservation of a perpetual right, title, and interest in the said municipal water and sanitary sewer infrastructure includes, without limitation, an express reservation of a perpetual right, title, and interest in easements for the referenced municipal water and sanitary sewer infrastructure. The easements referenced in the immediately preceding sentence are shown on the plat of survey listed in Section 1 of this Ordinance/Order and shall be utilized for the operation and maintenance of the municipal water and sanitary sewer infrastructure. Furthermore, this reservation by the City of Asheboro of its right, title, and interest in the public infrastructure easements expressly includes, without limitation, the city's perpetual right and privilege of going in, upon, and over the easement areas shown on the plat of survey listed in Section 1 of this Ordinance/Order at any time or times, and from time to time, at the city's option, for the purpose of constructing, inspecting, operating, repairing, and maintaining municipal water and sanitary sewer lines, including such alterations, replacements, and expansions of capacity as may, in the city's sole judgment, be necessary or proper as a part of the Public Water Supply System and Sanitary Sewer System of the City of Asheboro, North Carolina.

Section 3. This Ordinance/Order shall take effect and be in force from and after the date of its adoption.

Section 4. Any person aggrieved by the permanent closure of the above-described section of the public right-of-way for Hammer Avenue may appeal the adoption of this Ordinance to the General Court of Justice of Randolph County, North Carolina within 30 days after the adoption of the Ordinance.

Section 5. In the event there is no appeal within thirty (30) days after the adoption of this Ordinance, a certified copy of the Ordinance shall be filed in the Office of the Register of Deeds for Randolph County, North Carolina as provided by law.

This Ordinance was approved by the Asheboro City Council in open session during a regular meeting held on September 5, 2024.

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

CITY SEAL

ATTEST:

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

6. Consent Agenda

Council Member Heath moved, and Council Member Burks 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 August 8, 2024

The meeting minutes for the city council's regular meeting on August 8, 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) Acknowledgement of the Receipt of the Meeting Minutes for the Asheboro ABC Board Meetings Held on June 25, 2024 and August 6, 2024

The meeting minutes for the above-listed Asheboro ABC Board meeting were received and distributed to the elected officials. The documents have been filed in the city clerk's office.

(c) Approval of the Community Development Division's Request to Schedule for October 10, 2024, and to Advertise, Legislative Hearings for the Following Cases:

- (i) An application 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 Highway 13 and Fairview Farm Road, as shown on Plat Book 187, Page 17.**
- (ii) An application to rezone property located at 223 Brewer Street (Randolph County Parcel Identification Number 7751957267) from OA6 Office-Apartment to R7.5 Medium Density Residential rezoning.**
- (iii) 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 zoning to R40 (CZ) Low-Density Conditional Zoning for a manufactured home park.**

(d) Approval of Contract Amendments to Extend the Termination Dates for the StarPet, PEMMCO, and Upstyled Goods Building Reuse Grants

Copies of the contract amendments are on file in the city clerk's office.

(e) Adoption of Required Plans and Policies Specific to the CASPN Homes Rehabilitation Project to be Funded with CDBG-Neighborhood Revitalization Funds

The following plans and policies were approved by the city council with the adoption of the consent agenda.

- (i) Analysis of Impediments to Fair Housing Choice for the Community Development Block Grant Program by the City of Asheboro for Grant Number 22-C-4113
- (ii) Equal Employment Plan – Grant Number 22-C-4113
- (iii) Fair Housing Plan for the Community Development Block Grant Program by the City of Asheboro for Grant Number 22-C-4113
- (iv) Language Access Plan for the Community Development Block Grant Program by the City of Asheboro for Grant Number 22-C-4113
- (v) Section 3 Plan for the Community Development Block Grant Program by the City of Asheboro for Grant Number 22-C-4113
- (vi) City of Asheboro Procurement Plan for the Community Development Block Grant Program

23 RES 9-24

RESOLUTION ADOPTING THE PROCUREMENT PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM BY THE CITY OF ASHEBORO FOR GRANT NUMBER 22-C-4113

WHEREAS, the City of Asheboro is participating in the Community Development Block Grant Program (CDBG) under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and

WHEREAS, a Procurement Policy is required for the City's CDBG project;

NOW, THEREFORE, BE IT RESOLVED, that to accomplish the above, the Asheboro City Council hereby adopts the attached Procurement Policy to be used throughout the implementation of this Community Development Block Grant project.

BE IT FURTHER RESOLVED that the Asheboro City Council certifies the City of Asheboro will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program; and

This resolution was duly adopted by the Asheboro City Council in open session during a regular meeting held on the 5th day of September, 2024.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

[In addition to the procurement policy referenced in the immediately preceding resolution, all plans and policies listed in this portion of the consent agenda are on file in the city clerk's office.]

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

There have been none approved.

(g) Approval of a Temporary Street Closure in Downtown Asheboro on Sunday, October 6, 2024, from 3:00 p.m. to 6:00 p.m. for the Asheboro Latinxs Services Event

The council approved a special event closure order, including a temporary street closure for the Asheboro Latinxs Services Event. The temporary closure will take effect at 1500 hours on October 6, 2024 and will end at 1800 hours on October 6, 2024.

(h) Approval of a Temporary Closure of South Bound Lanes of South Church Street between Kivett Street and Armfield Avenue on Saturday, October 19, 2024, from 7:30 a.m. to 2:00 p.m., for a 5K Walk/Run Event

The council approved a special event closure order, including a temporary street closure for a 5K Walk/Run Event. The temporary closure will take effect at 730 hours on October 19, 2024 and will end at 1400 hours on October 19, 2024.

7. Community Development Items:

(a) Legislative Hearing (Case No. RZ-24-12): An application to rezone property located at 842 Cross Street, including property on the east side of Cross Street, totaling approximately 0.9 acre +/- and more specifically identified by Randolph County Parcel Identification Number 7761350714 to an amended B2 (CZ) zoning district for an eating establishment.

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-12. Assistant City Manager Trevor Nuttall was the first to speak. 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 Raul Munoz.

The land for which the above-described zoning has been requested is located at 841 Cross Street and along the east side of Cross Street. The property is approximately 0.9 of an acre in size, and is specifically identified by Randolph County Parcel Identification Number 7761350714 (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 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 typically requires a 25' front setback from the Loach Street and Cross Street right-of-way; the Cross Street setback was reduced to 19' by variance in 2006.
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. Following the Planning Board meeting on September 3, the applicant submitted a revised plan proposing increased setbacks and reduced structure sizes; a 15' setback on Loach Street and a 11' setback on Cross Street is now proposed.

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: Primary Growth

LDP Goals/Policies that Support the Request:

Checklist Item 5: Complies with Growth Strategy Map

Checklist Item 12-14: Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes.

LDP Goals/Policies that Do Not Support the Request:

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

Checklist Item 3: The property on which the rezoning district is proposed does not fit the description of the Zoning Ordinance.

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.

The City of Asheboro Planning Board recommended denial of the request. As part of this recommendation, the planning board included comments that the applicant should consider revising the site plan to reduce the extent of the encroachment into the front setbacks and reduce the size of the structure(s).

As noted above, the applicant followed these recommendations and made reductions. The current staff analysis of the application is summarized as follows:

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 amended application seeks to add more than 1,400 square feet of covered eating area for up to 28 seats.

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. Drive to East Presnell Street. With the latest change to the site plan, staff has more comfort with the proposal; the setbacks now are more consistent with neighborhood and city policies related to land use and transportation. Approval of the district will further facilitate a reasonable use of the property.

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 an eating establishment with seating, including outside seating, for up to 28 patrons. If additional seats are proposed, the off-street parking area shall be expanded in compliance with the Asheboro Zoning Ordinance. Such expansion shall not be considered a modification; a site plan shall be submitted to city staff for inclusion in the file without re-review by city council.*
- (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 it is 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 sign shall be permitted to be replaced with a monument style sign no more than six (6) feet in height and 75 square feet in area. All 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 the 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.*

Mayor Smith opened the floor for comments from the public. Raul Munoz and Lara Foust presented comments in support of the request. When no one else asked to speak, Mayor Smith 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 Burks 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. The Zoning Lot has been commercially zoned and intermittent restaurant uses have occurred on the Zoning Lot consistent with prior city approvals for about 20 years. The amended application seeks to add more than 1,400 square feet of covered eating area for up to 28 seats.

The Board of Adjustment previously heard evidence and granted a variance from the front yard setback on Cross Street. This amendment seeks to further modify setbacks, including on Loach Street. Loach Street serves as a collector level roadway moving traffic from Martin Luther King, Jr. Drive to East Presnell Street. With the latest change to the site plan; the setbacks are sufficiently consistent with neighborhood and city policies related to land use and transportation. The conditional use district will further facilitate a reasonable use of the property.

Based on the above-analysis, 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 B2 (CZ) 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-24-14): 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 R 7.5 zoning.

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-14. 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 Brian Lucas.

The land for which the above-described zoning has been requested is located at 308 Pineview Street and south of 307-A and 307-B Quaker Drive. The property is approximately 11,508 square feet in size, and is specifically identified by Randolph County Parcel Identification Numbers 7753876027 and a portion of PIN 7753876247 (this property will be hereinafter referred to as the "Zoning Lot").

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

1. The property is inside the city limits.
2. Pineview Street is a state-maintained minor thoroughfare at this location. State transportation plans identify that this section of

Pineview Street will be widened to a three lane facility from west of Sylvan Drive to North Fayetteville Street possibly in 2025.

- 3. Parcel Identification Number 7753876027 is currently zoned R10 and is a nonconforming lot with 9,309 square feet according to a survey presented with the application. While an R10 district typically requires 10,000 square feet for a single-family dwelling and 15,000 square feet for a two-family dwelling (duplex), the zoning ordinance does allow for a single-family dwelling on the existing nonconforming lot if it can meet other requirements. The lot is also a legal nonconforming lot due to only having about 49.5 feet of width compared to the 75 feet required in an R10 district and 60 feet in an R7.5 district.
- 4. The zoning ordinance describes the existing R10 and required R7.5 designations 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.*

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.*
- 5. Within 500 feet of the property and on the opposite side of Pineview Street, there is a parcel zoned R7.5 with a two-family dwelling, a parcel zoned R7.5 (CZ) with a multiple family use and a 0.29 acre parcel with three manufactured homes.
- 6. The area consists of primarily two-family dwellings, with some single-family dwellings. The Land Development Plan identifies an area north and south of the Pineview Street corridor as an Employment Center.

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:	Northeast
Growth Strategy Map Designation:	Primary Growth

LDP Goals/Policies that Support the Request:

<u>Checklist Item 3:</u>	The property on which the rezoning district is proposed does fit the description of the Zoning Ordinance.
<u>Checklist Item 4:</u>	The proposed rezoning is compatible with surrounding land uses.
<u>Checklist Item 5:</u>	Complies with Growth Strategy Map
<u>Checklist Item 12-14:</u>	Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes.

LDP Goals/Policies that Do Not Support the Request:

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map (related to density).

The City of Asheboro Planning Board considered the zoning map amendment application, and recommended placement of the Zoning Lot into the requested R7.5 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.

The legal non-conforming status of PIN 7753876027 and presence of R7.5 zoning both east and west of the land requested to be rezoned supports approval of the application. It is reasonable and in the public interest to eliminate non-conforming situations when doing so can be done in a manner that is compatible with adjacent land uses and consistent with the Land Development Plan. Further, expanding housing opportunities within this stable residential neighborhood in close proximity to employers can be beneficial to residents and industry alike.

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 Heath moved, and Council Member Trogdon 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. The legal non-conforming status of PIN 7753876027 and the presence of R7.5 zoning both east and west of the land supports the approval of the application. It is reasonable and in the public interest to eliminate non-conforming situations when doing so can be done in a manner that is compatible with adjacent land uses and consistent with the Land Development Plan. Further expanding housing opportunities within this stable residential neighborhood in close proximity to employers can be beneficial to residents and industry alike.

Considering the aforementioned analysis, the council believes that the proposed zoning map amendment is consistent with comprehensive plan, reasonable, and in the public interest.

2. Consequently, the zoning map amendment application seeking to place the Zoning Lot into the requested R7.5 zoning district is hereby approved.

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

- (c) Legislative Hearing (Case No RZ-24-15): 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.**

Before the public hearing was opened, Council Member Swiers discussed the role he plays with the Randolph-Asheboro YMCA. To avoid a conflict of interest under state

law, Council Member Swiers asked to be recused from participating in any manner in the discussion and potential council action under meeting agenda item no. 7(c). Council Member Burks moved, and Council Member Heath seconded the motion to recuse Council Member Swiers from participating or acting in any manner in connection with meeting agenda item no. 7(c). Council Members Bell, Burks, Heath, McCaskill, Moffitt, and Trogon voted aye. There were no dissenting votes.

Mayor Smith then opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-15. 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 the YMCA of Asheboro (c/o Patrick O'Hara, Executive Director).

The land for which the above-described zoning has been requested, which is the property of the YMCA of Asheboro, is located at 343 North Carolina Highway 42 North. The property is approximately 19.11 acres in size and is more specifically identified by Randolph County Parcel Identification Number 7761402066 (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 inside the city limits
2. North Carolina Highway 42 is a state-maintained major thoroughfare. State transportation plans call for widening this segment of North Carolina Highway 42 North between East Salisbury Street intersection and north of East Dixie Drive possibly in 2025. The widening will add a center turning lane, new storm drainage, and sidewalks.
3. The property owner proposes to replace an existing ball field with an indoor soccer building and additional parking. The site plan also includes a potential future outdoor pool. These changes are considered a modification of the previously approved conditional zoning district; an amended zoning district is therefore required.
4. The plan was routed to NCDOT for review and comment. NCDOT indicated that it will not require a driveway permit or improvements as part of the proposed improvements.
5. The use of the property for a membership organization (YMCA) has existed since the early 1970's. The zoning ordinance defines a membership organization as "a membership establishment operated by a corporation or association of persons for activities which include, but are not limited to, business, professional, literary, political, educational, fraternal, or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business."
6. Staff received an updated plan on 8-5-2024 before the planning board meeting on that date. After reviewing the additional detail on that plan, staff believes the current plan meets zoning requirements but will need outdoor lighting information prior to permitting. The applicant has also indicated a possibility of relocating some of the newly proposed parking that is closest to the residentially zoned properties to the west towards the interior of the property. Staff proposes conditions that address these two issues.

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: Commercial

Small Area Plan: Central

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies that Support the 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 Statement of Intent*)
- Checklist Item 5:** Complies with Growth Strategy Map
- Checklist Item 12-13:** Property is located outside of the watershed area and Special Hazard Flood Area.

LDP Goals/Policies that Do Not Support the Request:

- Checklist Item 14:** Rezoning is located on steep slopes of greater than 20%.
Note: Areas of proposed improvements are not generally on these slopes.

The City of Asheboro Planning Board considered the zoning map amendment application, and recommended placement of the Zoning Lot into the requested amended B2 (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.

The property has been commercially zoned and used by the YMCA for decades. The application seeks to improve an area of the property, initially designated for outdoor use, for indoor recreational use. This change likely can offer increased compatibility to adjacent homes in terms of reduced noise and additional buffering/screening, and additional information on lighting obtained prior to permitting will also ensure compatibility with those adjacent residential properties.

Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public 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 membership organization.*
- (B) *All parties involved in this request, including the owner, successor, 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) *Outdoor lighting shall comply with city ordinances. Information on such lighting shall be provided to staff for review and approval prior to installation.*
- (F) *Existing landscaping shall be maintained in compliance with code requirements for membership organization and previous approvals. New landscaping or other provisions for buffering submitted and approved with the application shall be installed and maintained.*
- (G) *Should any new parking spaces be located to a different location than location(s) shown on the site plan, such a relocation shall not be considered a modification of the conditional zoning approval, subject to such parking being located in compliance outside of any required buffer/screening yards and in compliance with requirements of the Asheboro Zoning Ordinance, with an adequate number of spaces to serve each new phase of the proposed land use as determined by Table 6-1 of the zoning ordinance. If such relocation of new parking occurs, such relocation shall comply with Section 4.05(C)(15)(d) of the Asheboro Zoning Ordinance. If proposed, a revised site plan reflecting this change shall be submitted to city staff for review and inclusion in the file without further review by city council.*
- (H) *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. Patrick O'Hara presented comments in support of the application. When no one else asked to speak, Mayor Smith 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 Burks seconded the motion to adopt the plan consistency statement below and to approve the requested rezoning map amendment with the following multi-part motion.

1. The Zoning Lot has been commercially zoned and used by the YMCA for decades. The zoning map amendment seeks to improve an area of the Zoning Lot, initially designated for outdoor use, for indoor recreational use. This change will offer increased compatibility to adjacent homes in terms of reduced noise and additional buffering/screening.

Based on the aforementioned analysis, the council has concluded that the proposed zoning map amendment is consistent with the adopted comprehensive plan, 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 B2 (CZ) zoning district is hereby approved.

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

- (d) **Legislative Hearing (Case No. RZ-24-16): 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 a multi-family dwelling development.**

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-16. 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 Nash Duggins.

The land for which the above-described zoning has been requested, which is the property of Baybuilt Properties, LLC, is located at 801 and 817 Sunset Avenue. The property is approximately 1.52 acres more or less in size, and is more specifically identified by Randolph County Parcel Identification Number 7751426889 (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 within the city limits.
2. Sunset Avenue and South Cherry Street are both state-maintained 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 and 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 a proposal consisting of one three-story building with 52 units; 14 one-bedroom and 38 two-bedroom apartments. The Center City Planning Area building setback provisions typically would require a minimum of 25’ setback from Sunset Avenue and 20’ from South 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 South 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.
- 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.
- 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 were 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.
- 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.

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

Proposed Land Use Designation:	City Activity Center
Small Area Plan:	Central
Growth Strategy Map Designation:	Primary Growth

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.
- Checklist Item 5:** Complies with 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 12-14:** Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes.

LDP Goals/Policies Which Do Not Support the Request:

- Checklist Item 6:** Existing infrastructure is adequate to support the desired zone, *(water, sewer, roads, schools, etc.) (regarding availability of adequate off-and on-street parking)*
- Checklist Item 7:** The proposed rezoning is compatible with the applicable Small Area Plan *(potential impacts to existing neighborhoods due to parking limitations)*

The City of Asheboro Planning Board considered the zoning map application, and recommended approving the placement of the Zoning Lot into the requested OA6 (CZ) zoning district. In making this recommendation, the planning board gave more weight to the validity of the Land Development Goals and Policies cited in the report as supportive of the application. Therefore, the request was deemed to be reasonable and in the public interest.. The planning staff's analysis is summarized in the following indented paragraphs.

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 even is 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, and vehicular, and pedestrian access, and site amenities are all 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.

In light of the above analysis, staff recommends denial of the request to be in the public 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. These conditions are as follows:

- (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 which 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 of 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 Transpiration 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.*

Mayor Smith opened the floor for comments from the public. Nash Duggins, Christian Vestal, and H.R. Gallimore presented comments in support of the application. Mr. Duggins expressed his agreement with the staff proposed conditions.

Reynolds Neely and Nicole Patino presented comments in opposition to the application. When no one else asked to speak, Mayor Smith transitioned to the deliberative phase of the process.

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

1. 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.

Architecture, stormwater management, landscaping, and vehicular and pedestrian access, and site amenities are important considerations. The proposal promotes many adopted city policies. Additionally, the proposal promotes the redevelopment of and investment in underutilized properties. The site design considers walkability and reasonable mitigation of stormwater impacts. The applicant has made meaningful changes to the plan to address setback concerns and solid waste disposal capacity.

The city council concurs with the planning board's recommendation and gives more weight than the staff to the validity of the Land Development Goals and Policies cited in the staff report as supportive of the application.

Based on the above analysis, 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 requested OA6 (CZ) zoning district is hereby approved.

Council Members Bell, Burks, Moffitt, and Swiers voted aye. Council Members Heath, McCaskill, and Trogon voted no.

- (e) Quasi-Judicial Hearing (Case No. SUP-24-01): An application for a Special Use Permit for property located at 749 Pineview Road, totaling approximately 16.51 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7753668338, to authorize new land uses under a Special Intensity Allocation within the Back Creek Lake Watershed.**

Mayor Smith opened the quasi-judicial hearing on the application by H.R. Gallimore for a Special Use Permit authorizing a special intensity allocation ("SIA") within a watershed balance area for manufacturing, processing, and assembly/wholesale distribution and storage use.

Mr. Nutall was placed under oath and presented the planning staff's analysis of the request that included a properly submitted site plan for the Special Use Permit. The request pertains to approximately 16.51 acres of land at 749 Pineview Road. Randolph County Parcel Identification Number 7753668338 more specifically identifies the property.

Mr. Nuttall stated that, in addition to publishing the required notice of this hearing, legal notices were mailed to adjoining property owners.

With assistance of a slide show, Mr. Nuttall testified as to the following facts about the Special Use Permit application:

1. The request is for a Special Intensity Allocation (SIA). The proposed land use of the property is manufacturing, processing, and assembly with additional wholesale distribution and storage. The SIA is requested to expressly authorize all uses now proposed.
2. There is currently one entrance to the subject property from Pineview Road. Pineview Street east of the property is scheduled to be widened to three lanes facility (STIP U-5711)
3. The Norfolk Southern railroad is adjacent to the subject property to the east.
4. The property is located within the balance of the Back Creek/Lake Lucas Watershed area. The city code, per state watershed protection rules, regulates new built-upon area and the property was granted a SIA in 1998 that authorized what is currently built. Based on the application submitted, no new building construction or built-upon area is proposed; the site plan submitted with the application is a ALTA survey showing existing conditions from 2015.
5. Ten percent of the watershed area may be granted SIAs. Within this watershed, approximately 45 acres of special allocation area remains. Since a prior allocation previously was authorized, this request will not reduce allocatable area.
6. Approval of a SIA has no effect on watershed development regulations intended to protect water quality; all applicable watershed protection rules would be in effect. Underground fuel storage tanks are not permitted. Storage of hazardous materials, as defined by state or federal law, requires submission of a spill prevention, containment, and control plan (SPCC) prepared by a professional competent in SPCC development.
7. The property is surrounded by industrially zoned parcels, with the exception of a residential neighborhood located to the east.
8. The site plan does not indicate any open storage activity. If in the future open storage is proposed, such activity shall occur in strict compliance with the zoning ordinance, including but not limited to Section 5.04(25) and Chapter 10. Plans for such activity shall be submitted for staff review and inclusion in the file without further review by the city council.

Greg Davis and H.R. Gallimore were placed under oath and offered testimony in support of the request. This testimony was focused, in addition to addressing the four standards for issuance of a Special Use Permit, on demonstrating compliance with the specific SUP requirements for a watershed SIA stated in section 5.05(30) of the zoning ordinance.

No witness came forward in opposition to the Special Use Permit application. In the absence of any additional testimony or evidence, Mayor Smith transitioned to the deliberative phase of the process.

Upon motion by Council Member Bell, and seconded by Council Member Trogon, the council voted unanimously to find the required standards had been met and to issue the requested Special Use Permit. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

A final decision document with the formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the council during its next

regular meeting on October 10, 2024. A copy of the slide show presentation utilized by Mr. Nuttall is on file in the city clerk's office.

8. Approval of Design-Build Contract Amendment #1 for the Wolfspeed Water Main Extension Project

Water Resources Director Michael Rhoney, PE presented amendment #1 to the design-build contract for the Wolfspeed Water Main Extension Project. The initial agreement is dated February 1, 2024.

As part of his presentation, Mr. Rhoney reported that, during the pre-construction phase of the project, Garney Construction determined that ductile iron pipe was the most cost-effective material to meet the goals of the project. The material quantities being procured reflect anticipated material needed for Section 4 of the extension, which is between Lee Layne Road and the Wolfspeed connection. All material items are based on the Water Hydraulic Modeling Report development by Garney's engineering subconsultant.

Mr. Rhoney gave a summary of the amendment to the agreement. Section 6.6.1 and 6.6.2 need to be amended to include GMP 1. GMP 1 is for early material procurement for Section 4 and has a lump sum value of \$4,011,109.79. The updated total contract value will be \$9,045,711.69.

Council Member Trogdon moved, and Council Member Bell seconded the motion to approve amendment #1 of the design-build contract for the Wolfspeed Water Main Extension Project. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

A copy of the amendment #1 is on file in the city clerk's office.

9. Engineering Items

(a) Consideration of the Lowest Responsible/Responsive Bid for the New HVAC System at the Randolph/Asheboro Public Library

City Engineer Michael Leonard, PE presented the tabulation of bids for the HVAC replacement for the Randolph/Asheboro Public Library including alternate 1 for the boiler room demolition. The bids were received at 2:00 p.m. on August 8, 2024. The bids received inclusive of an alternate bid amount are as follows:

Terry's Plumbing & Utilities, Inc.	\$931,640.00
H.M. Kern Corporation	\$782,000.00
PEG Contracting Inc.	\$759,000.00

Mr. Leonard recommended PEG Contracting, Inc. as the lowest responsible/responsive bidder for the HVAC system replacement at the library. Council Member Bell moved, and Council Member Heath seconded the motion to award the contract, inclusive of the alternate bid amount, to PEG Contracting, Inc. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

(b) Ordinance to Amend the General Fund

Finance Director Debbie Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund. Council Member Burks moved, and Council member Swiers seconded the motion, to approve/adopt the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

30 ORD 9-24

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2024-2025**

WHEREAS, The Asheboro Public Library HVAC needs to be replaced.

WHEREAS, the City of Asheboro has \$500,000 budgeted from operating funds in the 2024-2025 adopted budget for this purpose.

WHEREAS, of the three bids received for the replacement, the lowest responsive bid was \$749,000.

WHEREAS, the remaining funds needed is \$249,000 to match the lowest responsive bid.

WHEREAS, the City of Asheboro desires to reduce expenditures in the Facilities Maintenance department to fund the need in the Library budget.

WHEREAS, the City of Asheboro wishes amend the current adopted budget to account for changes in revenues and expenses as required by law.

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-640-515.0700	Maint & Repair- McCrary Ballpark	(249,000)
10-630-515.0001	Maint. & Repair- Library Building	249,000
	Total change	(0)

Adopted this 5th day of September 2024

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

ATTEST:

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

- 10. Airport Items**
- (a) Terminal Building Design/Bid**
- (i) Work Authorization No. 3 Between the City of Asheboro and WK Dickson for the Design and Bid Administration of a New Terminal Building**
- Mr. Leonard reported that the existing terminal building at the Asheboro Regional Airport is antiquated and requires replacement to accommodate growth and development at the airport. A space allocation study was completed in 2015 to determine the desired new terminal building square footage and the desired layout and architectural style. The city plans to reduce

the terminal square footage from that derived with conceptual study to approximately 7,000 square feet. The proposed terminal building is to be located between the existing terminal building and the aviation museum.

This work authorization includes the design and bid phase services for the new terminal building. Civil drawings will be developed by WK Dickson, including modifications to the existing access drives, proposed traffic circle, parking lot, and service utilities. The building plans will be developed by C-Design as a sub-consultant to WK Dickson. The architectural services include structural, mechanical, electrical, and plumbing design.

This design and bid effort is intended to be funded locally, and grant funding will be sought for the future construction and construction phase services. The total fee of all work and expenses is in the amount of \$436,049.

Council Member Bell moved, and Council Member Heath seconded the motion to approve the Work Authorization No. 3 between the City of Asheboro and WK Dickson for the design and bid administration of a new terminal building located at Asheboro Regional Airport. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(ii) Ordinance to Amend the General Fund

Ms. Reaves presented recommended adoption, by reference, of an ordinance to amend the general fund. Council Member Heath moved, and Council Member Burks seconded the motion to approve/adopt the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

31 ORD 9-24

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2024-2025**

WHEREAS, The City of Asheboro is expecting a contract for professional services with W.K.Dickson & CO., Inc.for engineering services relating to New Terminal Building Design Bid services..

WHEREAS, W.K.Dickson & CO., Inc has submitted Work Authorization No. 3 for the design and bid administration of a new Terminal Building at Asheboro Regional Airport.

WHEREAS, the additional cost for Amendment 3 is \$436,049 and will covered by Federal Grant funding which has a 10% match requirement from the City of Asheboro.

WHEREAS, the 10% match is \$43,605.

WHEREAS, the City Council is expected to approve this contract amendment at the September 5, 2024 council meeting.

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: The following revenue line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-000-399.0000	Fund Balance Allocation	43,605

Section 4: The following amounts are appropriated as expenditures for this project:

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-650-576.0000	Contribution to Airport Improvements Fund II (76)	43,605

Adopted this the 5th day of September 2024.

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

ATTEST:

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

(iii) Ordinance to Amend Airport Improvements Fund II (#76)

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend airport improvements fund II (#76) FY 2024-2025. Council Member Trogdon moved, and Council Member Bell seconded the motion to approve/adopt the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

32 ORD 9-24

WHEREAS, The City of Asheboro wishes to enter into a contract for professional services with W.K.Dickson & CO., Inc. for engineering services relating to New Terminal Building (Design Bid).

WHEREAS, W.K.Dickson & CO., Inc has submitted Work Authorization No. 3 for the design and bid phase services for a new terminal building at the Asheboro Regional Airport.

WHEREAS, the additional cost for Work Authorization 3 is \$436,049 and is expected to be covered by Federal Grant funding which has a 10% match requirement from the City of Asheboro.

WHEREAS, the City Council is expected to approve this contract amendment at the September 5, 2024 council meeting.

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: The following revenue line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
76-000-301.0000-76	Federal Grant	392,444
76-000-300.0000-76	GF Contribution	<u>43,605</u>
		436,049

Section 4: The following amounts are appropriated as expenditures for this project:

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
76-000-410.0002-76	Design & Bid Administration Terminal (WA#3)	436,049

Adopted this the 5th day of September 2024.

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

ATTEST:

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

(b) New Museum Hangar Design/Bid/Construction Administration
(i) Work Authorization #4 Between the City of Asheboro and WK Dickson for the Design/Bid and Construction Administration for a New Museum Hangar

Mr. Leonard summarized a contract for professional services (Work Authorization #4) between the City of Asheboro and WK Dickson for the design, bid, and project management of the construction of a new museum hangar at the Asheboro Regional Airport. In essence, the North Carolina Aviation Museum wishes to construct a new 130’x80’ aircraft storage hangar and has received grant funding for the project. The City of Asheboro has agreed to enter into a professional services contract with WK Dickson to implement the project. The new hangar will be located just north of the existing aviation museum hangar.

The project will include site preparation consisting of grading and the association erosion control, concrete apron in front of the new hangar, modifications to the existing museum’s asphalt auto parking lot, electrical power supply to the new hangar and auto parking lighting, and water and sanitary sewer service to the new hangar for restrooms. This project will also include plans and specifications for the new hangar building that will be performance based.

During his report, Mr. Leonard asked for the council’s approval of work authorization #4. Council Member Bell moved, and Council Member Burks seconded the motion to approve work authorization #4 between the City of Asheboro and WK Dickson. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(ii) Ordinance to Amend the Airport Improvements Fund II (#76)

In light of the council’s approval of work authorization #4, Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the airport improvements fund II (#76). Council Member Heath moved, and Council Member Burks seconded the motion, to approve/adopt the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

33 ORD 9-24

**ORDINANCE TO AMEND
AIRPORT IMPROVEMENTS FUND II (#76)
FY 2024-2025**

WHEREAS, The City of Asheboro wishes to enter into a contract for professional services with W.K. Dickson & CO., Inc. for engineering services relating to Museum Hangar project.

WHEREAS, W.K. Dickson & CO., Inc has submitted Work Authorization No. 4 for the design and bid phase services and project management services for the City of Asheboro on behalf of the North Carolina Aviation Museum for a new 130’x80’ aircraft storage hangar at the Asheboro Regional Airport.

WHEREAS, the additional cost for Work Authorization 4 is \$157,358 and is expected to be covered by Grant funding that will pass thru the City of Asheboro from the NC Aviation Museum.

WHEREAS, the City Council is expected to approve this contract amendment at the September 5, 2024 council meeting.

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: The following revenue line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
76-000-303.0000-76	NC Aviation Museum Pass-Thru Grant	157,358

Section 4: The following amounts are appropriated as expenditures for this project:

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
76-000-410.0003-76	Design & Bid Administration Museum Hangar (WA#4)	157,358

Adopted this the 5th day of September 2024.

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

ATTEST:

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

11. Request for Authorization to Enter Into an Agreement with Walker Consultants for Preparation of a Central Business District Parking Study and Strategy

Mr. Nuttall summarized a proposal for a central business district parking study and strategy for the City of Asheboro. City staff has recommended that the city hire

Walker Consultants to perform a parking study and strategy for the City of Asheboro's Central Business District.

The City of Asheboro's Central Business District (CBD) is identified by the Asheboro Zoning Ordinance's Center City Planning Area Map and is the historic commercial core of the community. The Center City Planning Area, including the CBD, has been extensive investment and experienced significant redevelopment over the last twenty (20) years. Public on-street and off-street parking availability, an important element to maintaining the CBD's vibrancy, has grown increasingly scarce as downtown's popularity and limited public transportation options have increased the demand for such parking. The parking study and strategy is intended to be a comprehensive approach that will identify opportunities to improve public parking availability and options for all uses.

Walker Consultants proposes to perform the study for a fee \$60,000.00. Council Member Burks moved, and Council Member Bell seconded the motion, to authorize city staff to execute and enter into a contract with Walker Consultants for the preparation of a parking study and strategy for the city's central business district. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

12. Upcoming Events and Items Not on the Agenda

The city was asked to make a commitment as a lender to induce the North Carolina Housing Finance Agency to reserve the low-income housing tax credits for the development of Memorial Square to be located at 615 South Church Street. The requested loan commitment is in the amount of \$650,000, and the loan will have a term of 20 years from the date of closing.

During the regular August meeting, the council voted to authorize the city manager to execute an amended letter of commitment on behalf of the municipal corporation that was modified to reflect that the loan would bear interest at a fixed rate of 4% per annum, not 2%, with annual installment payments in the amount of \$26,000.00. As a follow-up from the city council's regular August meeting, City Attorney Jeff Sugg reported that a revised letter of commitment for permanent financing for Memorial Square has been sent to Wynnefield Forward, LLC that reflects the modification. In preparation for an anticipated loan closing in the middle of October 2024, an ordinance to amend the budget will be presented to the council for consideration during the regular October meeting.

After Mr. Sugg's report, Mayor Smith and Mr. Ogburn led a brief discussion of upcoming events within the city government and the community in general. No formal action was taken by the council during this portion of the meeting.

There being no further business, the meeting was adjourned at 11:19 p.m.

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

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