Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, November 7, 2022
7:00 PM
AGENDA

I. Call to Order

II. Approval of Minutes from October 3, 2022

III. Review of Cases

IV. New Business:

(a) Proposed amendments to the Subdivision Ordinance (Case No. SUB-22-06) and related amendments to the Zoning Ordinance (Case No. RZ-22-12)

(b) Consideration of Proposed 2023 Meeting Dates

V. Items not on the agenda

VI. Adjournment

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MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, OCTOBER 3, 2022
7:00 p.m.

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This being the time and place for the regular meeting of the Asheboro Planning Board, a meeting was held with the following officials and members present:

Michael O'Kelley) – Chair
Pamela Vuncannon) – Vice Chair

Harold Anderson)
Ritchie Buffkin)
David Henderson) - Members Present
Van Rich)
Thomas Rush)

John Evans, Assistant Community Development Division Director
Bradley Morton, Planner/Deputy City Clerk
Trevor Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

CALL TO ORDER

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

APPROVAL OF MINUTES FROM SEPTEMBER 6, 2022

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

REVIEW OF CASES

Mr. Nuttall went over the land use cases that the City Council heard at their September Regular Meeting.

NEW BUSINESS

CASE NO. RZ-22-11: REQUEST TO REZONE PROPERTY AT 1622 ZOO PARKWAY (PARCEL IDENTIFICATION NUMBER 7750955151) FROM B2 GENERAL COMMERCIAL TO I1 LIGHT INDUSTRIAL

The board unanimously approved to excuse Mr. Van Rich from hearing the above-referenced case due to a potential conflict of interest.

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

Applicant: JBBC Properties, LLC
Location: 1622 Zoo Parkway
Request: Rezone from B2 General Commercial to I1 Light Industrial
Randolph County Parcel ID: 7669289834

Size: 1.69 acres +/-
Existing Land Use: Undeveloped

He showed maps and photographs of the subject property from all directions. He then gave the analysis:

1. The property is located within the City limits.
2. Zoo Parkway (NC 159) is a state-maintained major thoroughfare. B2 building design standards (i.e. permissible building materials to be used on a street facing facade) are enforced in industrial districts located on such thoroughfares.
3. This section of Zoo Parkway, between East Dixie Drive and Ridge Street, primarily is commercially zoned and developed, with limited interspersed industrial and residential zoning.
4. The zoning ordinance describes the I1 zoning district as intended "to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts."
5. Earlier in 2022, Council approved a B2-CZ district on the adjacent property to the north for Manufacturing, Processing, and Assembly and retail shoppers & convenience goods uses.
6. The Land Development Plan Central Small Area Plan recommends the following for new industrial uses: "industrial uses are designated throughout the planning area, to accommodate existing industrial development, and provide opportunities for some new industrial development." It also identifies "preservation and revitalization of existing residential neighborhoods" as a key issue.
7. The Land Development Categories intent for industrial districts is as follows: "to expand existing and develop new industrial uses, requiring transitional uses & buffers". The Land Categories description further states that "special emphasis should be placed on providing adequate buffering and screening between industrial uses and adjacent residential and commercial uses. Whenever possible, appropriate transitional uses will be provided to surround and soften the impact of industrial uses."
8. The LDP Proposed Land Use map designates the subject property for commercial development. The plan projected new industrial development to occur along the north side of Ridge Street.

He showed an example of an adjacent property rezoning approval in a past case, specifically Case No. RZ-22-01, a B2 (CZ) approval, just north of the subject property. He then shared the Land Development Plan Recommendations:

Proposed Land Use Map:
Commercial
Small Area Plan: Central
Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (6):
- **Checklist Item 3:** Fits zoning ordinance statement of intent
- **Checklist Item 5**: Complies with Growth Strategy Map
- **Checklist Item 7:** Compatibility with small area plan
- **Checklist Item 12-14**: Outside of watershed, flood hazard area, areas of slopes > 20%

Goals/Policies Not Supporting Request (3):
- **Checklist Item 1**: Not compliant with Land Development Plan
- **Checklist Item 10:** Does not meet land category descriptions
- **Policy 2.1.1**: The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

He then gave staff's final analysis:

The Land Development Plan (LDP), recognizing Oliver Rubber's large footprint, contemplates limited industrial expansion in the area. The Proposed Land Use map forecasts such industrial growth to occur along Ridge Street instead of Zoo Pkwy. However, there remains a stable neighborhood of homes on Ridge Street and the industrial growth that had been expected has not happened. Instead, City Council recently

authorized a manufacturing processing and assembly operation and related retail use (RZ-22-01) on Zoo Pkwy to the north of the property requested for rezoning. That property is currently vacant. The staff report incorrectly identified the property to the north as also being owned by the applicant. Mr. Bob Crumley, the applicant, corrected this statement during his testimony by confirming that the above referenced property is owned by his daughter.

Approval of this request, when combined with the RZ-22-01 approval, would accommodate the limited industrial growth envisioned by the Land Development Plan while preserving the residential continuity that exists on Ridge Street. While a general non-conditioned zoning district does introduce uncertainty in terms of how the property ultimately will be used, the zoning ordinance contains development standards addressing light, noise, odor, parking, and landscaping requirements. In addition, the relatively small size of the property and adjacent B2 and B2-CZ zoning helps to assuage compatibility concerns.

He then stated that in light of the above analysis, staff's recommendation is to approve the application. He then asked if the board had any questions for him. There were no questions for Mr. Evans at this time.

Mr. O'Kelley inquired if there was anyone to speak for this request. Mr. Bob Crumley, the applicant, addressed the board and gave them a certification of mailing to the adjoining property owners of the requested rezoning. He stated that he has made several attempts to sell the property, but has been unable to do so with the current commercial zoning in place. He stated that having an industrial district in place opens up the area for more potential uses that could be established on the property. He stated that he is aware of the design standard requirements for building materials used to construct a structure on the property. He stated that he received no phone calls for or against the request from adjoining property owners. He stated that he did get one letter back, which was for the service station property to the South. He asked the board if there were any questions for him. Mr. Henderson inquired if commercial uses could also be established on the property with an industrial district in place. Mr. Crumley stated that the industrial district is a better tool to offer more options of uses, including some commercial uses. There were no further questions for Mr. Crumley at this time.

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

Mr. Henderson moved to recommend approval of Case No. RZ-22-11. Mr. Anderson seconded the motion and the motion carried unanimously.

ITEMS NOT ON THE AGENDA

Mr. Nuttall mentioned that the certificate of service for Case No. SUB-22-01 was mailed to all parties in interest.

ADJOURNMENT

With no further business to come before the board, Mr. O'Kelley adjourned the meeting.

_____ _____

Bradley Morton, Planning Board Secretary Michael O'Kelley, Planning Board Chair

Proposed amendments to the Subdivision Ordinance (**Case No. SUB-22-06**) and related amendments to the Zoning Ordinance (**Case No. RZ-22-12**)

Staff Report

Subdivision Ordinance Text Amendment

Staff Report

Case #22-06

Introduction:

City staff has been directed to investigate several topics related to the regulation of subdivisions within the City of Asheboro's land use jurisdiction. These topics emerged through discussions, questions and suggestions from the City Planning Board, City Council, and the City management team. Draft amendments to the city Subdivision Ordinance are being prepared and will be ready to be presented to the Planning Board at its November 7 meeting for input. Several of the amendments, if acceptable, are expected to require associated amendments to the Zoning Ordinance. Those amendments also are being drafted and will be presented November 7.

Purpose:

The proposed amendments address various issues related to land development and land use regulation, including review, approval, appeal, and variance processes, technical standards, and approval expiration timeframes. More specifically, topics include:

- Changing subdivision approval authority from City Council to Community Development Staff, with provisions for variances and discretionary determinations to remain with the City Council and appeals to be reviewed by the Board of Adjustment
- Establishing expiration durations for Subdivision Sketch Design plats and extending expiration durations for Preliminary plats
- Cross-referencing sections of the subdivision ordinance with other city codes and statutory provisions (such as state law regarding subdivisions and local planning and development regulation)
- Changing plat certification language and dimensional requirements
- Establishing private street design standards for Planned Unit Developments, Residential Townhouse Developments, and Recreational Vehicle Resorts
- Making miscellaneous clerical corrections
- Clarifying street lighting responsibilities within new major subdivisions

Affected Articles (as of November 3, 2022):

- Article II (Authority and Jurisdiction)
- Article IV (Legal Provisions)
- Article V (Definitions)
- Article VI (Compliance with official plans)
- Article VII (Procedure for Review and Approval of Subdivision Plats)
- Article X (Planned Unit Developments)
- Article XI (Residential Townhouse Developments)
- Article XII (Recreational Vehicle Resorts)

Land Development Plan Goals and Policies Supporting the Amendments:

Policy 1.2.1: The City will promote its expedited permitting process and continue to make the land development process user-friendly for citizens and organizations.

Goal 2.1: Development that enhances our city's character and sense of community

Policy 2.1.1: The Zoning Ordinance will periodically be reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

Policy 2.3.4: The City will adapt the subdivision review process to only require staff approval of traditional, cluster, and TND subdivisions that meet requirements **(related to traditional subdivisions)**

Goal 3.2: Quality design demanding appropriate scale and context

Goal 5.1: Cost effective, efficient, and coordinated infrastructure in appropriate locations

Policy 5.3.1: The City will amend the Zoning and Subdivision Ordinances to discourage development patterns (i.e. excessive use of cul-de sacs, lack of connectivity within and between developments) that result in the City (and its taxpayers) incurring unnecessary infrastructure costs.

Staff Recommendation:

Staff requests the Planning Board continue its deliberation to the Board's regular December meeting. Such action will allow additional time for board and staff review, as well as public input. The draft language of these text amendments is still being developed and refined and will be published and made available on Monday, November 7, 2022.

Rezoning Staff Report

RZ Case # **RZ-22-12** **Date** 11/7/2022 Planning Board

General Information

Applicant City of Asheboro

Address 146 N. Church Street

City Asheboro NC 27203

Phone 336-626-1201

Location N/A

Requested Action Amend the text of the Zoning Ordinance where necessary to support changes to the Subdivision Ordinance detailed in SUB-22-06 and described in this report.

Existing Zone N/A **Existing Land Use** N/A

Size N/A **Pin #** N/A

Applicant's Reasons as stated on application

See attached.

Surrounding Land Use

North N/A **East** N/A

South N/A **West** N/A

Zoning History The Zoning Ordinance has been amended twice in the last 20 +/- years as a result of contemplated amendments of the Subdivision Ordinance (RZ-03-11 and RZ-16-13).

Legal Description

Amend Chapter 2 and 5 of the Asheboro Zoning Ordinance to: assign appeal authority for subdivision approval or denial to the Board of Adjustment establish private street design standards for Planned Unit Developments (as of November 3, 2022).

Analysis

1. City staff has been directed to investigate several topics related to the regulation of subdivisions within the City of Asheboro's land use jurisdiction.
2. These topics emerged through discussions, questions and suggestions from the City Planning Board, City Council, and the City management team.
3. Several areas of interest within the Subdivision Ordinance could trigger necessary and associated amendments to the Zoning Ordinance.
4. Draft amendments to the Subdivision and Zoning Ordinances are being prepared and will be ready to be presented to the Planning Board at its November 7 meeting for input.
5. Zoning Ordinance amendments that may be necessary as of November 3, 2022, are as follows:

a. Assigning appeal authority for subdivision approval or denial to the Board of Adjustment

b. Establishing private street design and construction standards for Planned Unit Developments.

Rezoning Staff Report

RZ Case # **RZ-22-12**

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation	N/A
Small Area Plan	N/A
Growth Strategy Map Designation	N/A

LDP Goals/Policies Which Support Request

Policy 2.3.4: The City will adapt the subdivision review process to only require staff approval of traditional, cluster, and TND subdivisions that meet requirements **(related primarily to traditional subdivisions)**

Policy 5.3.1: The City will amend (codes) to discourage development patterns (i.e. excessive use of cul-de sacs, lack of connectivity within and between developments) that result in the City (and its taxpayers) incurring unnecessary infrastructure costs.

Rezoning Staff Report

RZ Case # **RZ-22-12**

LDP Goals/Policies Which Do Not Support Request

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

Staff requests the Planning Board continue its deliberation to the Board's regular December meeting. Such action will allow additional time for board and staff review, as well as public input. The draft language of these text amendments is still being developed and refined and will be published and made available on Monday, November 7, 2022.

Recommendation Pending.

APPLICANT INFORMATION

Applicant City of Asheboro

Applicant's Phone # 336-626-1201

Applicant's Address 146 North Church Street
Asheboro, NC 27203

Applicant Email Address jevans@ci.asheboro.nc.us

PROPERTY INFORMATION FOR MAP AMENDMENTS N/A

Property Owner's Name _____

Location of Property _____

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

Randolph County Property Identification Number (PIN#) _____

Current Zoning District _____

Requested Zoning District _____

Date Property Title Acquired _____

Deed Book _____ Page _____

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

ORDINANCE AMENDMENT INFORMATION

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

The staff report identifies several goals and policies in support of the application.

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

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

There are no specific errors of the zoning ordinance. Language will be proposed to be consistent with Subdivision Ordinance amendments.

Does not apply ☐

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

The amendments are to ensure the zoning ordinance is consistent with changes proposed to the Subdivision Ordinance

Does not apply ☐

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

The staff report, when finalized, will fully discuss factors in support of the application.

APPLICATION SIGNATURES

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

Applicant Signature

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

N/A

Owner Address

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: Filed JLE ***Date:*** _____ ***Case Number:*** RZ-22-12

Consideration of Proposed 2023 Meeting Dates

Proposed Planning Board 2023 Meeting Dates

Monday, January 9, 2023*

Monday, February 6, 2023

Monday, March 6, 2023

Monday, April 3, 2023

Monday, May 1, 2023

Monday, June 5, 2023

Monday, July 3, 2023**

Monday, August 7, 2023

Monday, September 11, 2023***

Monday, October 2, 2023

Monday, November 6, 2023

Monday, December 4, 2023

*City offices will be closed Monday, January 2, 2022, in observance of New Year's. Therefore, January 9, 2022 is proposed as the meeting date.

**Depending on Council action, this date may be proposed to be moved due to the Independence Day (July 4th) holiday.

***City Hall is closed on Monday, September 4, 2023 in observance of Labor Day. Depending on Council action, September 11, 2023 may be proposed as the Planning Board's meeting date.