Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, November 4, 2024
7:00 PM
AGENDA

I. Call to Order

II. Consent Agenda Items:

a) Approval of Minutes October 7, 2024
b) Approval of Final Decision Document for BOA 24-04.

III. Review of Cases, Monthly Report on Major Subdivisions Administratively Approved, and Certificate of Service for Case No. BOA-24-06. *There have been no subdivisions approved since the October 7, 2024, Planning Board meeting.*

IV. Old Business

(a) RZ-24-20: Request to rezone property located at 1135 and 1147 South Cox Street (Randolph County Parcel Identification Number 7750970387) from R7.5 Medium-Density Residential and RA6 (CZ) High-Density Residential Conditional Zoning to an amended RA6 (CZ) (High-Density Residential Conditional Zoning) zoning district to add two dwelling units to an existing development with multiple family dwellings. *Case was continued from the October 7, 2024, Planning Board meeting.*

V. New Business

(a) RZ-24-22: Request to rezone property located at 1449 and 1453 Old Liberty Road (Randolph County Parcel Identification Number 7773034780) from R10 Medium-Density Residential to I1 Light Industrial. *The applicant has requested a continuance of this case until the December 2, 2024, Planning Board meeting.*

(b) RZ-24-23: Request to rezone property located at 305 Old Liberty Road. (Randolph County Parcel Identification Number 7762059321) from B2 General Commercial and R10 Medium-Density Residential to R10 Medium-Density Residential.

(c) Consideration of applications related to upcoming Planning Board vacancy.

(d) Presentation of potential 2025 meeting dates

VI. Items not on the agenda

VII. Adjournment

# # # # # # # # #
MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, OCTOBER 7, 2024
7:00 p.m.
****

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

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

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

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

CALL TO ORDER

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

At this time, Mr. O'Kelley elected to move the consent agenda items after all new business items. There was no objection from the board.

REVIEW OF CASES, MONTHLY REPORT ON MAJOR SUBDIVISIONS ADMINISTRATIVELY APPROVED

Mr. Evans went over the land use cases that the City Council heard at the September 5, 2024 Regular Meeting. Mr. Henderson inquired if Case No. RZ-24-16 (801 and 817 Sunset Avenue) was approved as the Planning Board had reviewed and recommended. Mr. Evans stated that the council approved this case with no changes from when the Planning Board had reviewed it. He stated that there have been no new major subdivisions approved since the September 3, 2024 Planning Board meeting.

Mr. O'Kelley made a motion to place Old Business Item A at the end of the meeting, after the Consent Agenda items. Ms. Vuncannon seconded the motion, and the motion carried unanimously.

NEW BUSINESS

A. RZ-24-19: REQUEST TO REZONE PROPERTY LOCATED ON EAST SIDE OF US 220 BUSINESS SOUTH AT OAKHURST ROAD (RANDOLPH COUNTY PIN#s 7659569317 AND 7659660333) FROM R10 MEDIUM-DENSITY RESIDENTIAL TO I2 GENERAL INDUSTRIAL

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

Applicant: Rodney Tyler
Location: US 220 Business South and Oakhurst Road
Request: Rezone from R10 Medium-Density Residential to I2 General Industrial
Randolph County Parcel ID: 7659569317 and 7659660333
Size: 1.12 acres +/-

Existing Land Use: Undeveloped

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

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

He provided the following Land Development Plan recommendations:

Proposed Land Use Map: Commercial (south of Oakhurst Dr.; majority of property); Industrial (north of Oakhurst Dr.)
Small Area Plan: Central
Growth Strategy Map: Adjacent Developed

Goals/Policies Supporting Request (5):
- Checklist Item 1: Complies with Land Development Plan (northern portion of property)
- Checklist Item 3: Fits zoning ordinance district intent
- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Items 12-13: Property is located outside of the watershed area, Special Hazard Flood zone

Goals/Policies Not Supporting Request (2):
- Checklist Item 1**:** Does not comply with the Land Development Plan (southern portion of property)
- Policy 2.1.5: Is not a transitional location.

He then gave staff's consistency statement:

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

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

He then gave staff's recommendation: "Staff's recommendation is to approve the request."

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

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. Chris Hayes, who works with the applicant, spoke in favor of the request. He stated that letters were mailed to adjoining property owners on September 13, 2024. He asked the board if there were any questions. There were no questions for Mr. Hayes at this time.

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

Mr. Henderson made a motion to recommend approval of Case No. RZ-24-19 based on staff's consistency statement and recommendation. Ms. Vuncannon seconded the motion, and the motion carried unanimously.

B. RZ-24-20: REQUEST TO REZONE PROPETY LOCATED AT 1135 AND 1147 SOUTH COX STREET (RANDOLPH COUNTY PIN# 7750970387) FROM R7.5 MEDIUM-DENSITY RESIDENTIAL AND RA6(CZ) HIGH-DENSITY RESIDENTIAL CONDITIONAL ZONING TO AN AMENDED RA6(CZ) HIGH-DENSITY RESIDENTIAL CONDITIONAL ZONING DISTRICT TO ADD TWO DWEELING UNITS TO AN EXISTING DEVELOPMENT WITH MULTIPLE FAMILY DWELLINGS

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

Applicant: Rick Powell
Location: 1135 and 1147 South Cox Street
Request: Rezone from OA6 Office-Apartment and M (CZ) Mercantile
Conditional Zoning to OA6 Conditional Zoning for multi-family development
Randolph County Parcel ID: 7750970387
Size: 1.15 acres +/-
Existing Land Use: Dwellings, Multiple Family (4 units total in 2 duplex style structures)

He showed the board overview, rezoning, center city planning area, topographical/utilities, aerial, and oblique maps as well as photographs of the subject properties from all directions. He also provided the applicant's site plan showing details of the location of proposed new structures, parking spaces, picnic area, landscaping, sidewalk construction, and setback details. He also provided building elevations. He then went over the analysis:

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

   R7.5: Intended to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.

   RA6: Intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.
4. The property currently has four dwelling units in two duplex-style structures. An additional similar structure with two dwelling units is proposed. If approved, six (6) dwelling units would be on the property, equaling approximately 5.2 dwelling units per acre.
5. The property is located in Tier 3 of the Center City Planning Area. Density for multi-family development is regulated based on maximum height (35 feet) and impervious coverage (no more than 55 percent) rather than floor area ratio, which is a maximum square footage based on the area of a zoning lot.

6. Tax records indicate that the current structures were built in 1977. The property is mapped as having RA6(CZ) zoning. However, despite research to locate information regarding this conditional zoning, staff has been unable to do so. The RA6(CZ) portion of the property may be mapped in error, but that has not been determined conclusively.
7. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-prescribed requirements. **One such deviation exists:**
    a. Reduction from the 25' front setback in the area in front of the right-of-way along Lindsey Avenue, and 20' in other locations along the rear property lines on the opposite side of the property from South Cox Street. The site plan indicates a building setback of 15'7" in these locations. In this area, the applicant proposes preserving existing vegetation.
8. The site plan shows a sidewalk along South Cox Street.
9. Staff returned comments to the applicant on September 26, 2024, in response to the site plan submitted with the application. Comments included specifying that new landscaping be relocated outside of city utility easement, clarification of existing vegetation to be maintained, front yard landscaping detail, visitor parking, recreation space, and other miscellaneous plan details. **Staff received an updated plan on October 3, 2024, and building elevations on October 7, 2024.**

He provided the following Land Development Plan recommendations:

Proposed Land Use Map: City Activity Center
Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (6):

- Checklist Item 1: Complies with Land Development Plan
- Checklist Item 3: Fits zoning ordinance district intent
- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Items 12-13: Property is located outside of the watershed area, Special Hazard Flood zone
- Policy 2.1.5: The City will ensure development regulations provide appropriate transactional land uses, such as office and institutional, between high intensity industrial/commercial and low-intensity residential uses.

Goals/Policies Not Supporting Request (1):

- Checklist Item 1**:** Located on slopes of > 20%.

He then provided proposed conditions:

A. The use approved shall be Multiple Family Dwellings consisting of a total of 6 dwelling units.
B. All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
C. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.
D. Mail delivery shall be provided on the final site plan, subject to postal service and/or NCDOT requirements. Any changes on the site plan necessary to comply with requirements for mail delivery will not be considered a modification of the Conditional Zoning district requiring Council action.
E. Outdoor recreational vehicle parking or storage shall be prohibited on the property.
F. It shall be the property owner's responsibility to obtain any and all permits and approvals required for the proposed land use.
G. If plans for solid waste disposal are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Any such facilities shall be consistent with city policies and codes.
H. The sidewalk parallel to South Cox Street, extending the length of the subject property, may be located within the public right-of-way or on private property, if topography or NCDOT not granting an encroachment agreement precludes location entirely within the public right-of-way of South Cox Street.

I. The applicant shall submit a revised site plan that details the following information to city staff prior to permitting:
   i. Front yard landscaping detail consistent with requirements of Section 6.10 of zoning ordinance.
   ii. Clarification of locations of areas that will retain existing vegetation
   iii. Information on outdoor lighting if any lighting is added.
   iv. Information on building height and materials in compliance with Section 4.07(E)(2)(v) and Section 6.11(F)
   v. Information on outdoor recreation area
   vi. Revised location of new landscaping plantings, relocating such plantings outside of city utility easement.

J. Prior to the issuance of a zoning compliance permit, the applicant shall submit a site plan reflecting any revisions necessary to comply with city codes and conditions of approval.

K. Prior to the issuance of a zoning compliance permit, the applicant shall obtain driveway and other permitting as required by NCDOT.

L. The owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to the conditional zoning district in the chain of title for the Zoning Lot.

He then provided staff's consistency statement:

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

Staff believes that the proposed land use and request to add two additional dwellings is generally consistent with the Land Development Plan, and the plan includes many of these elements. Staff believes that the proposed use of the property is reasonable and in the public interest."

He then provided staff's recommendation:

"Subject to final site plan revisions being made prior to Council review, staff recommends approval of the application. "

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

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. Brian Powell, the applicant's representative, stated that letter to adjoining property owners were mailed out and that they have received no response at this time. He asked the board if there were any questions. There were general comments and concerns by various board members with the location of the proposed new structure, location of the proposed parking, as well as the location of the proposed recreation area.

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

Ms. Vuncannon made a motion to continue the case to the November regular meeting to allow the applicant the opportunity to address the concerns raised by the board. Mr. Henderson seconded the motion, and the motion carried unanimously.

M. RZ-24-21: REQUEST TO REZONE PROPERTY LOCATED ON THE WEST SIDE OF WOW ROAD (RANDOLPH COUNTY PIN# 7764703184), APPROXIMATELY 200 FEET NORTH OF

OLD CASTLE DRIVE, FROM R15(CZ) LOW-DENSITY SINGLE-FAMILY RESIDENTIAL CONDITIONAL ZONING TO R15 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL

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

Applicant: Christian Vestal
Location: WOW Road
Request: Request to rezone from R15 (CZ) Low-Density Single-Family Conditional Zoning to R15 Low-Density Single-Family Conditional Zoning
Randolph County Parcel ID: 7764703184
Size: 0.73 acres +/-
Existing Land Use: Undeveloped

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

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

He provided the following Land Development Plan recommendations:

Proposed Land Use Map: Suburban Residential
Small Area Plan: Northeast
Growth Strategy Map: Primary Growth area

Goals/Policies Supporting Request (5):

- Checklist Item 1: Complies with Land Development Plan (northern portion of property)
- Checklist Item 3: Fits zoning ordinance district intent
- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Items 12-13: Property is located outside of the watershed area, Special Hazard Flood zone

Goals/Policies Not Supporting Request (1):

- Checklist Item 1**:** Located on slopes of > 20%.

He then provided staff's consistency statement:

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

He then provided staff's recommendation:

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

He then asked the board if there were any questions. Mr. O'Kelley inquired as to the type of home permitted in the R15 zoning district. Mr. Evans stated that R15 is a single-family residential district that would allow site built homes and modular homes built to North Carolina Building Code standards. He stated that this district does not allow for single or double-wide manufactured or mobile homes. There were no further questions for Mr. Evans.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. Christian Vestal, the applicant, spoke in favor of the request. He mentioned a stream in front of the property and that residential development would be proposed to the rear of the lot. He asked the board if there were any questions. There were no questions for Mr. Vestal at this time.

Mr. Henderson moved to recommend approval of Case No. RZ-24-21. Mr. Rich seconded the motion, and the motion carried unanimously.

CONSENT AGENDA ITEMS

a) **APPROVAL OF MINUTES SEPTEMBER 3, 2024**
b) **APPROVAL OF FINAL DECISION DOCUMENT FOR BOA 24-06**

Mr. Sugg reviewed the Final Decision Document for BOA 24-06 with the board, and entered the conclusions of law and the order into the record.

Ms. Vuncannon moved to approve both consent agenda items. Mr. Anderson seconded the motion, and the motion carried unanimously.

OLD BUSINESS

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

Mr. Luck, having previously taken an oath of affirmation to provide testimony, addressed the board and provided them with an update on all correspondence between staff and the applicant following the July regular meeting. He stated that the latest correspondence was an email sent by the applicant at 4:41 p.m. on this day. He stated that the applicant has asked for another continuance. Mr. Luck stated that he sent a reply to the applicant stating that the continuance request would be forwarded to the board for consideration; however, the granting of the continuance would not be guaranteed as the board had previously indicated a desire to take formal action. Mr. Luck stated that no further correspondence had been received from the applicant. The board discussed their options, highlighting that the case has been continued at the July, August, and September meetings.

Mr. Buffkin moved to direct city staff to prepare a final decision document reflecting the denial of both the fourth continuance request and the variance application due to the lack of evidence to support the requested

actions. A proposed final decision document will be presented for Board action the November regular meeting. Ms. Vuncannon seconded the motion, and the motion carried unanimously.

ITEMS NOT ON THE AGENDA

There were no items at this time.

ADJOURNMENT

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

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

CERTIFICATE OF SERVICE

This Certificate of Service is provided to certify that the undersigned has this day served via first-class mail, in compliance with 160D-406, the attached Final Decision Document on the parties listed below by depositing a copy hereof in a postage-paid wrapper, addressed as follows, in a post office depository under the exclusive care and custody of the United States Postal Service:

Brian Lucas
PO Box 2021
Asheboro, NC 27204

This the 8 day of October 2024.

Justin T. Luck, Planning & Zoning Director
City of Asheboro
Post Office Box 1106
Asheboro, North Carolina 27204-1106
Telephone: (336) 626-1201, Extension 2392
Email: jluck@ci.asheboro.nc.us

RECEIVED
OCT 0 8 2024

Case No. BOA-24-06
Final Decision Document
City of Asheboro Board of Adjustment

IN THE MATTER OF AN APPLICATION FOR A VARIANCE FROM THE REQUIRED FRONT YARD REGULATIONS APPLICABLE TO A LOT AT THE INTERSECTION OF EAST CENTRAL AVENUE AND GREENWOOD ROAD

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED VARIANCE

THIS VARIANCE CASE came before the City of Asheboro Board of Adjustment for a properly advertised quasi-judicial hearing during the regular meeting of the City of Asheboro Planning Board on September 3, 2024. During this meeting, while hearing and deliberating about the above-captioned case, the planning board functioned, in accordance with the applicable statutory and ordinance provisions, as the City of Asheboro Board of Adjustment (the "Board").

Having considered all competent evidence and argument, the Board, on the basis of competent, material, and substantial evidence, hereby enters the following:

FINDINGS OF FACT

1. On July 17, 2024, Brian L. Lucas (the "Applicant") properly filed an application, including the required site plan, seeking a variance from the minimum front yard regulations prescribed by the City of Asheboro Zoning Ordinance (the "AZO") for real property located at the corner of the intersection of East Central Avenue and Greenwood Road. At the time of the hearing, the lot was undeveloped. In the absence of a structure on the lot, no street address had been assigned at the time of the hearing. However, the lot for which a variance has been requested was more specifically identified in the variance application by reference to Randolph County Parcel Identification Number 7762393222, and the lot will be hereinafter referred to as the "Zoning Lot."

2. The Zoning Lot is owned by BLL Holdings, LLC, a North Carolina limited liability company. The Applicant, Brian L. Lucas, is a managing member of the limited liability company, which acquired the Zoning Lot by means of a North Carolina General Warranty Deed recorded in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Book of Record 2889, Page 1096.

3. Notice of the variance application was mailed and posted in accordance with the applicable statutory and ordinance provisions.

4. The Zoning Lot is 0.48 acres (20,697 square feet), more or less, in size and is shown on a plat of survey recorded in Plat Book 184, Page 14, Randolph County Registry.

5. The Zoning Lot is located within the corporate limits of the City of Asheboro, and municipal services are available to the lot.

6. The Zoning Lot is located in an R15 zoning district. No overlay zone is present.

7. Within the schedule of statements of intent, Section 4.04(B) of the AZO provides as follows:

(B) R15 Residential District:

> *The R15 Residential District is intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such urban intensity living.*

8. The Zoning Lot is a legal, conforming lot.

9. In terms of Land Development Plan recommendations, this area within the corporate limits is designated by the Growth Strategy Map as Primary Growth, and the Proposed Land Use Map identifies the area as Neighborhood Residential.

10. The land uses surrounding the Zoning Lot are described as follows:

North:	Single-Family Residential	East:	Undeveloped/Single-Family Residential
South:	Single-Family Residential	West:	Single-Family Residential

11. Within the variance application, the following sentences written by the Applicant offered support for the granting of the requested variance by stating in pertinent part:

> *The home cannot be slid any further back because there is a large wet weather drainage ditch at the rear of the property. The drainage ditch cannot be moved in front of the house because of the lay of the land per*

the neighbors (sic) property to the left. The house cannot face Greenwood Rd because there is a large culvert in place almost in the center of this property running under Greenwood Rd. I have chosen a home thats (sic) only 24' in depth so choosing a smaller home is impossible.

12. During the quasi-judicial hearing, the testimony offered by the Applicant was consistent with the above-quoted written comments.

13. In the application materials, the terms "house" and "home" were used in the Applicant's written statement because the proposed land use for the Zoning Lot is a single-family dwelling, which is consistent with the zoning district in which the lot is located.

14. In the absence of the requested variance, the proposed single-family dwelling cannot be developed without violating the required front yard (setback) requirement specified in the AZO.

15. The term "yard" is defined in Chapter 1 of the AZO as follows:

An open space unoccupied and unobstructed by any structure or portion of a structure provided, however, that fences and walls may be permitted in any yard subject to height limitations established herein., [sic] and further provided that poles, posts and other customary yard accessories, ornaments, and furniture shall be permitted in any required yard, if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties.

16. AZO Chapter 1 defines a "front yard" as the "*yard extending between the side lot lines across the portion of a lot adjacent to a street.*"

17. AZO Chapter 1 defines a "side yard" as *"a yard extending along the side of a lot between the front yard and the rear yard except on corner lots where the side yard is the yard along any interior lot line which intersects with a street lot line."*

18. AZO Table 4-1 specifies that the required front yard in the R15 zoning district is 30'. The required side yard in the R15 zoning is listed in Table 4-1 as 15'.

19. In the case of the Zoning Lot, the required 30-foot front yard setback is modified by the measurement regulations found in AZO Section 3.02(D)(2) that provide, in pertinent part, as follows:

3.02 MEASUREMENT

(D) Averaging a Front Setback Line

*(1) **Reduction to Front Yard Setback***

In a residential or commercial district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot, is less than the minimum required front setback, the required setback line may be reduced to this lesser average depth, but in no case to less than fifteen feet. For purposes of computing such average, an adjacent vacant lot shall not be included in the calculation.

*(2) **Increase to Front yard Setback***

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

20. There are a total of three adjacent lots within 200' of either side of the Zoning Lot. Utilizing AZO Section 3.02(D)(2), the required front yard for the Zoning Lot along East Central Avenue is 52.33'. This required front yard determination is made by using the data listed below to perform the calculation prescribed by AZO Section 3.02(D)(2).

Address	**Apparent Existing Front Yard Setback**
430 East Central Avenue	70'
426 East Central Avenue	57'
Randolph County Parcel Identification No. 7762394057	30'
Average =	52.33'

21. During the quasi-judicial hearing, no testimony or other evidence was offered in opposition to the accuracy of the required yard determinations made by the city's acting zoning administrator.

22. The Zoning Lot is a corner lot. However, the requested variance only pertains to the required front yard along East Central Avenue.

23. Based on the Applicant's site plan, the proposed single-family dwelling would come no closer than 35' from the front property line along East Central Avenue. Consequently, the Applicant has requested a required front yard variance of 17.33'.

24. The following sworn testimony and documentary evidence items, inclusive of the application form and attachments, were offered by the Applicant and the Applicant's expert witness, HR Gallimore, CCIM who is a commercial real estate broker at RE/MAX Central Realty in Asheboro with over 17 years of experience as a commercial realtor:

(A) The Zoning Lot, which is an undeveloped corner lot, is unique because of its location, design, and the impact of the surrounding topography on the lot. The proposed single-family dwelling is situated in the only location on the lot that the Applicant has found suitable for constructing a dwelling structure;

(B) The proposed dwelling cannot face Greenwood Road because of the large existing culvert that runs under Greenwood Road and is situated in approximately the center of the Zoning Lot;

(C) A large wet weather drainage ditch located in the rear portion of the Zoning Lot forced the Applicant to move the proposed dwelling structure toward East Central Avenue, and the 35-foot front setback shown on the site plan is as far back, practically speaking, as the Applicant can get from the front property line along East Central Avenue;

(D) Due to the topography of the area and the resulting impact on the flow of stormwater, the ability to move the wet weather ditch is very limited;

(E) As evidenced by the Applicant's choice of a house design with a depth of 24', the dilemma posed by the increased size of the required front yard calculated under the front yard averaging provisions cannot be resolved, as a practical matter, by means of shrinking any further the size of the proposed dwelling structure;

(F) The layout of the subdivision in which the Zoning Lot is located predates the effective date of the AZO's setback or required front yard standards at issue with this variance application; and

(G) The Applicant did not create this situation and does not know of a practical manner to develop the proposed land use without the benefit of the requested variance.

25. While neighboring property owners in the area testified as to their opposition to the granting of the requested variance, the testimony offered in opposition to the requested variance consisted of generalized concerns and was speculative in regard to certain engineering and traffic impact concerns. No expert testimony was offered in opposition to the application for a variance.

26. To approve a variance, AZO Section 2.03(B)(3)(a) requires the Board to make an affirmative determination on each of four standards.

27. AZO Section 2.03(B)(3)(a) specifically provides as follows:

(a) ***Intent and General Standards***

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

(i) *Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*

(ii) *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting the variance.*

(iii) *The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.*

(iv) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

All of the findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose appropriate conditions upon the granting of any variance provided that the conditions reasonably relate to the variance. Violation of such conditions shall be a violation of this Ordinance.

Based on the foregoing findings of fact, the Board hereby enters the following:

CONCLUSIONS OF LAW

1. The unnecessary hardship caused by a strict application of the front yard setback requirements constitutes more than mere inconvenience or a higher cost of compliance. Without the benefit of a variance to address the interplay of unique factors (e.g., the location of the existing culvert under Greenwood Road, the topography and stormwater flow in the area, and the inability to move in an impactful manner the large wet weather ditch that forced the proposed dwelling structure closer to East Central Avenue), the Applicant will be prevented from developing a viable single-family land use on the Zoning Lot. The Applicant's goal for developing single-family housing is expected for the residential zoning district in which the Zoning Lot is located.

2. As stated above, without the benefit of the requested variance from the required front yard setback, the Applicant will encounter an unnecessary hardship that is the result of a combination of factors unique to the Zoning Lot. The factors creating the hardship associated with the front yard setback requirement are not shared in common with the neighborhood or the general community.

3. The applicant did not willfully or knowingly create the conditions that necessitated the filing of this variance case. Consequently, the hardship necessitating the front yard variance request was not self-created by the applicant.

4. Based on the totality of the above-stated evidence, the Board has concluded that the requested variance from the front yard setback regulation is

consistent with the spirit, purpose, and intent of the Asheboro Zoning Ordinance and that substantial justice will be achieved by granting this specific variance.

Based on the above-recited findings of fact and conclusions of law, the Board hereby enters the following:

ORDER

The City of Asheboro Board of Adjustment hereby **grants**, to an extent no greater than shown on the site plan submitted to the Board, a variance from the required front yard (setback) regulations prescribed by AZO Section 3.02(D) to reduce the required front yard setback to 35 feet.

All regulations found in the City of Asheboro Zoning Ordinance that are not specifically addressed by this Final Decision Document remain in full force and effect.

The foregoing Final Decision Document was adopted by the Board in open session during a regular meeting held on October 7, 2024.

Michael O'Kelley, Chair

ATTEST:

Bradley Morton, Secretary to the Board

RZ-24-20: Request to rezone property located at 1135 and 1147 South Cox Street (Randolph County Parcel Identification Number 7750970387) from R7.5 Medium-Density Residential and RA6 (CZ) High-Density Residential Conditional Zoning to an amended RA6 (CZ) (High-Density Residential Conditional Zoning) zoning district to add two dwelling units to an existing development with multiple family dwellings. *Case was continued from the October 7, 2024, Planning Board meeting.*

Rezoning Staff Report

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

Date 11/4/2024 Planning Board
(continued from 10/7/24)

General Information

Applicant Rick Powell

Address 4365 Granite Rock Drive

City Denton NC 27239

Phone 336-736-0782

Location 1135 and 1147 South Cox Street

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

Existing Zone RA6 (CZ)/R7.5

Size 1.15 acres +/-

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

Pin # 7750970387

Applicant's Reasons as stated on application

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

Surrounding Land Use

North Undeveloped/Zoned OA6 Office-Apartment

East Single-family residential

South Commercial

West Office/Residential Planned Unit Development

Zoning History See (6) of Analysis.

Legal Description

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

Analysis

See Attachment 1.

RZ-24-20: 1135 and 1147 South Cox Street: Rezone from R7.5 Medium-Density Residential and RA6 (CZ) High Density Residential Conditional Zoning to an amended RA6 (CZ) High-Density Residential Conditional Zoning district for multiple family dwellings. Updated 10-31-24

1. The property is inside the city limits.
2. South Cox Street is a state-maintained major thoroughfare.
3. The existing and proposed RA6 (CZ) district and existing R7.5 district are described by the zoning ordinance as follows:
R7.5: *Intended to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.*
RA6: *Intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged*
4. The property currently has four dwelling units in two duplex-style structures. An additional similar structure with two dwelling units is proposed. If approved, six (6) dwelling units would be on the property, equaling approximately 5.2 dwelling units per acre.
5. The property is located in Tier 3 of the Center City Planning Area. Density for multi-family development is regulated based on maximum height (35 feet) and impervious coverage (no more than 55 percent) rather than floor area ratio, which is a maximum square footage based on the area of a zoning lot.
6. Tax records indicate that the current structures were built in 1977. The property is mapped as having RA6(CZ) zoning. However, despite research to locate information regarding this conditional zoning, staff has been unable to do so. The RA6(CZ) portion of the property may be mapped in error, but that has not been determined conclusively.
7. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-prescribed requirements. As of October 29, one noted deviation includes a reduction of the 25’ front setback in the area in front of the right-of-way along Lindsey Avenue, and 20’ in other locations along the rear property lines on the opposite side of the property from South Cox Street. The site plan indicates a building setback of 15'7" in these locations. In this area, the applicant states that existing vegetation and fencing will provide buffering between the subject property and the adjoining properties as shown on the site plan with “proposed tree line”.
8. The site plan shows a sidewalk along South Cox Street.
9. On October 24, staff received an updated site plan. The building, parking, and recreation areas are in the same location that was reviewed by the Planning Board during its meeting on October 7. The site plan also labels a concrete pad on each of the dwellings, and clarifies that existing vegetation is intended to remain, but if existing vegetation is removed, a Type C screen will be replanted in areas along Lindsay Avenue. A Type C screen generally consists of evergreen trees at least 6’ in height at the time of planting no further than 20’ apart; and a row of evergreen shrubs planted no more than 5 feet apart to form an opaque hedge at least 6 feet in height or a minimum 6’ minimum solid wooden fence, solid vinyl fence, or masonry wall. Staff has added a condition related to this landscaping.

Rezoning Staff Report

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

Consistency with the 2020 LDP Growth Strategy designations

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

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

LDP Goals/Policies Which Support Request

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

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

Checklist Item 5: Complies with Growth Strategy Map

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

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

Rezoning Staff Report

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

LDP Goals/Policies Which Do Not Support Request

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

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

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

Staff believes that the proposed land use and request to add two additional dwellings is generally consistent with the Land Development Plan by including many of the above elements such as the addition of a sidewalk, ample landscaping and tree preservation, and recreation space. Additionally, the proposal provides additional housing opportunities in close proximity to a number of service and employment options.

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

Rezoning Staff Report

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

(A) The use approved shall be Multiple Family Dwellings consisting of a total of 6 dwelling units.

(B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.

(C) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.

(D) Mail delivery shall be provided on the final site plan, subject to postal service and/or NCDOT requirements. Any changes on the site plan necessary to comply with requirements for mail delivery will not be considered a modification of the Conditional Zoning district requiring Council action.

(E) Outdoor recreational vehicle parking or storage shall be prohibited on the property.

(F) It shall be the property owner's responsibility to obtain any and all permits and approvals required for the proposed land use.

(G) If plans for solid waste disposal are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Any such facilities shall be consistent with city policies and codes.

(H) The sidewalk parallel to South Cox Street, extending the length of the subject property, may be located within the public right-of-way or on private property, if topography or NCDOT not granting an encroachment agreement precludes location entirely within the public right-of-way of South Cox Street.

(I) The applicant shall submit a revised site plan that details the following information to city staff prior to permitting:

(i) Clarification of locations of areas that will retain existing vegetation

(ii) Information on outdoor lighting if any lighting is added.

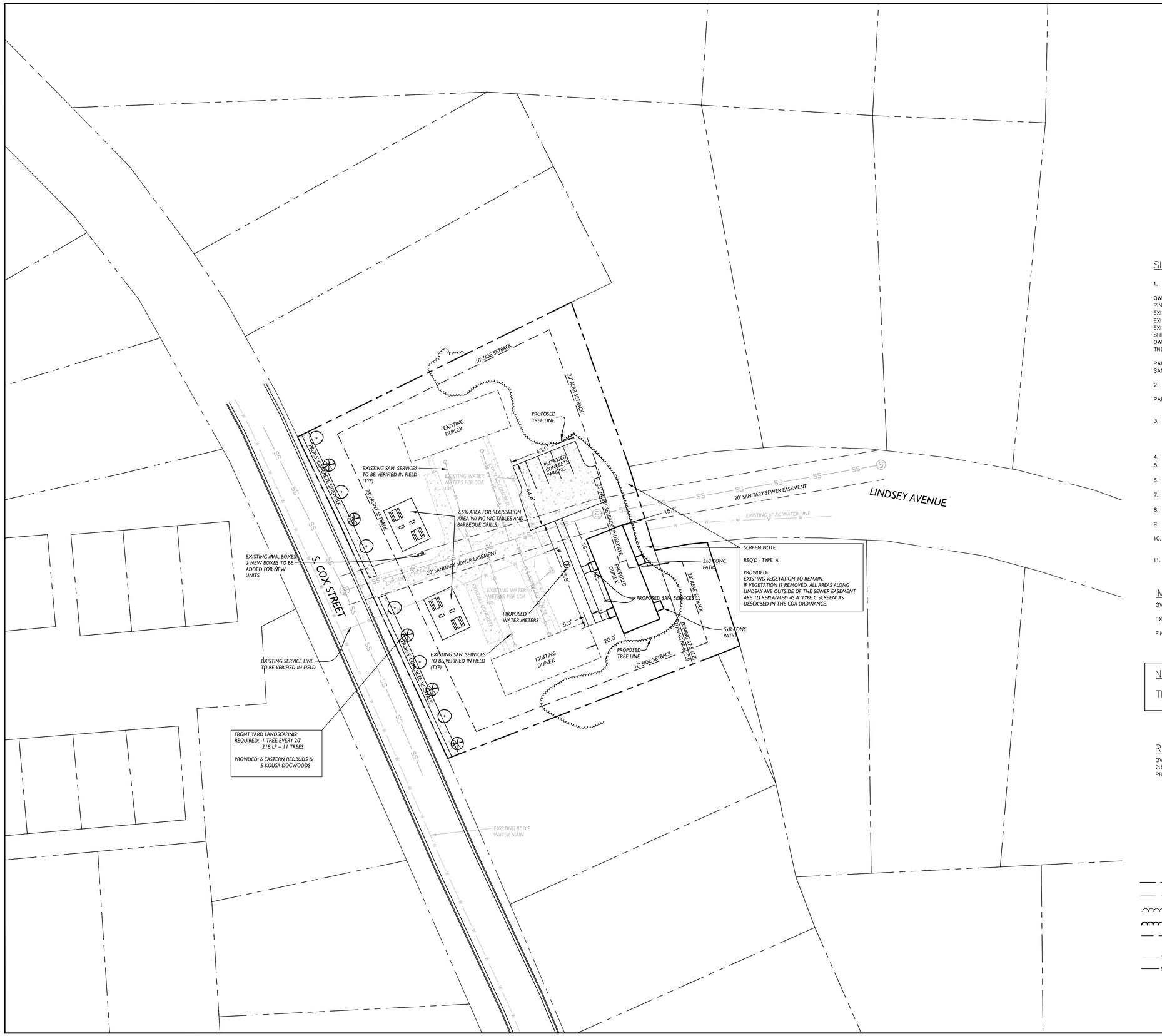
(iii) Information on building height and materials in compliance with Section 4.07(E)(2)(v) and Section 6.11(F)

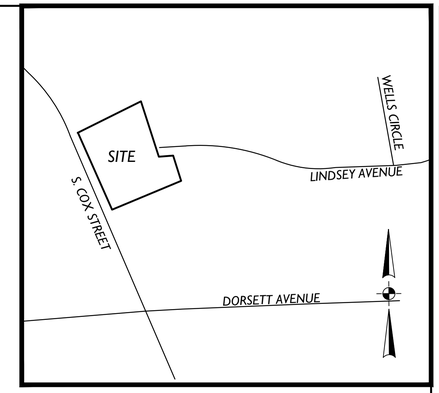
(J) Existing vegetation shall be preserved consistent with the approved site plan, except as required for utility maintenance or extension to each dwelling. If vegetation is removed along the front yard facing Lindsey Avenue, or adjacent to Randolph County Parcel Identification Numbers 7750971593 or 7750972295, landscaping consistent with a Type C screen shall be installed in those are areas, with the exception of the area contained within the City of Asheboro 20' Sanitary Sewer Easement identified on the site plan.

(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.

(L) Prior to the issuance of a zoning compliance permit, the applicant shall obtain driveway and other permitting as required by NCDOT.

(M) 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.





VICINITY MAP
N.T.S.

SITE NOTES:

1. PROPERTY INFORMATION

OWNERS: 41 CHEVY REALTY, LLC
PIN NUMBERS: 7750970387
EXISTING ZONING: RA6 (CZ) & R7.5 (CZ)
EXISTING LAND USE: DUPLEXES
EXISTING LAND AREA: 1.12 ACRES
SITE ADDRESS: 1135 S. COX STREET ASHEBORO, NC
OWNER ADDRESSES: 4365 GRANITE ROCK DRIVE DENTON, NC 27239
THE PROJECT IS LOCATED WITHIN THE CITY OF ASHEBORO

PARCEL BOUNDARIES, TOPOGRAPHIC DATA, EASEMENTS, EXISTING WATER METER AND SANITARY SEWER ARE SHOWN PER CITY OF ASHEBORO GIS.

2. PROPOSED USE: DUPLEX

PARKING REQUIRED: 2 SPACES PER DWELLING
REQUIRED: 4
PROVIDED: 5
3. SETBACKS:
FRONT= 25 FT
SIDE= 10 FT
REAR= 20 FT

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

6. HANDICAP SPACES SHALL BE INSTALLED PER ADA REQUIREMENTS.

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

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

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

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

11. MAX. BUILDING HEIGHT = 35'

IMPERVIOUS AREA NOTES:

OVERALL AREA: 1.15 ACRES

EXISTING IMPERVIOUS AREA: 7733.91 Sq. Ft. = 0.177 ACRES = 15.39%

FINAL IMPERVIOUS: 12570.61 SQ. Ft. = 0.288 ACRES = 25.04%

NOTE:

THERE WILL BE NO ON SITE RV PARKING.

RECREATION AREA NOTE:

OVER ALL SITE AREA = 1.12 ACRES = 48,787.2 Sq. Ft.
2.5% REQUIRED RECREATION AREA = 1,219.68 Sq. Ft.
PROVEDED: 1,219.68 Sq. Ft.

PRELIMINARY CIVIL SITE DEVELOPMENT PLANS

DRAWING LEGEND

PROPERTY LINE
ADJOINING PROPERTY LINE
EXISTING TREELINE
PROPOSED TREELINE
SETBACK LINES
EXISTING SANITARY SEWER MANHOLE
EXISTING SANITARY SEWER LINE
PROPOSED SANITARY SEWER LINE
PROPOSED SANITARY SEWER MANHOLE

GRID NORTH

0' 30' 60' 90'
DRAWING SCALE

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 26447 H. MACK SUMMEY, JR.

SEA

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-328-0902 Fax: 336-328-0922
E-mail - info@summeyengineering.com
NC Professional Engineering Firm License No. P-0336

No.	Date:	Description:	By:

SITE AND UTILITY

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

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

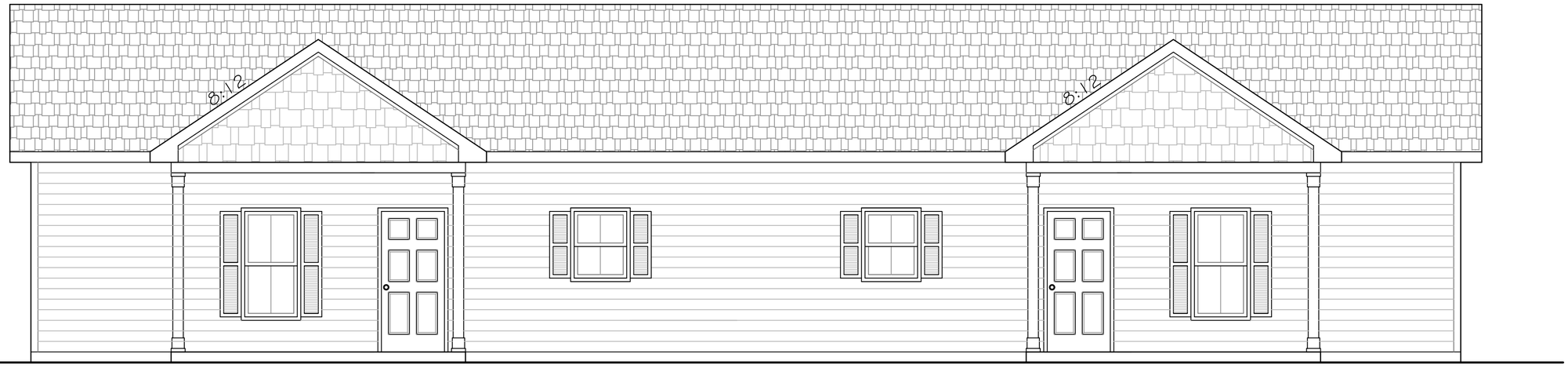
Sheet No.
C-3

LEFT ELEVATION

Scale 3/16" = 1'-0"

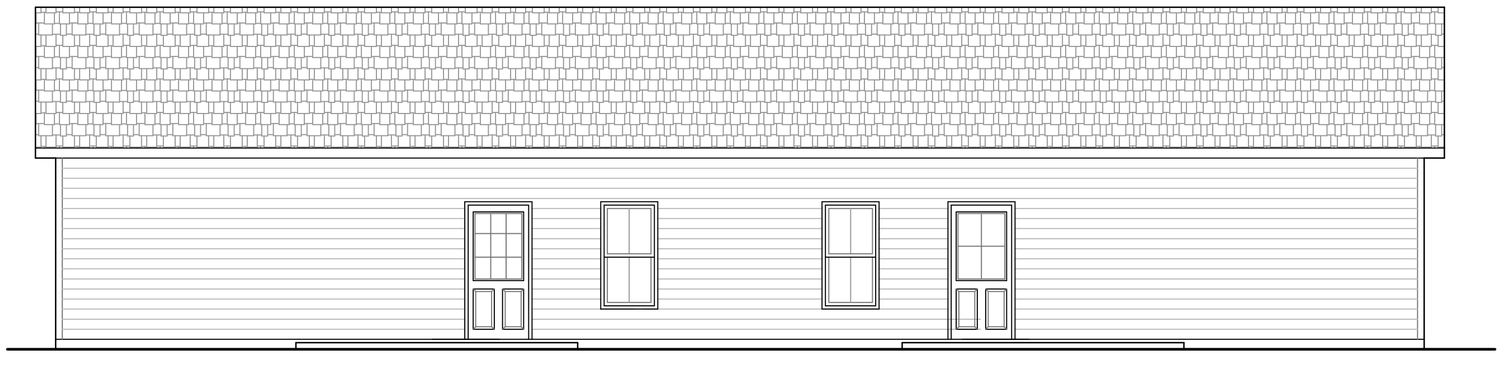
RIGHT ELEVATION

Scale 3/16" = 1'-0"



FRONT ELEVATION

Scale 1/4" = 1'-0"

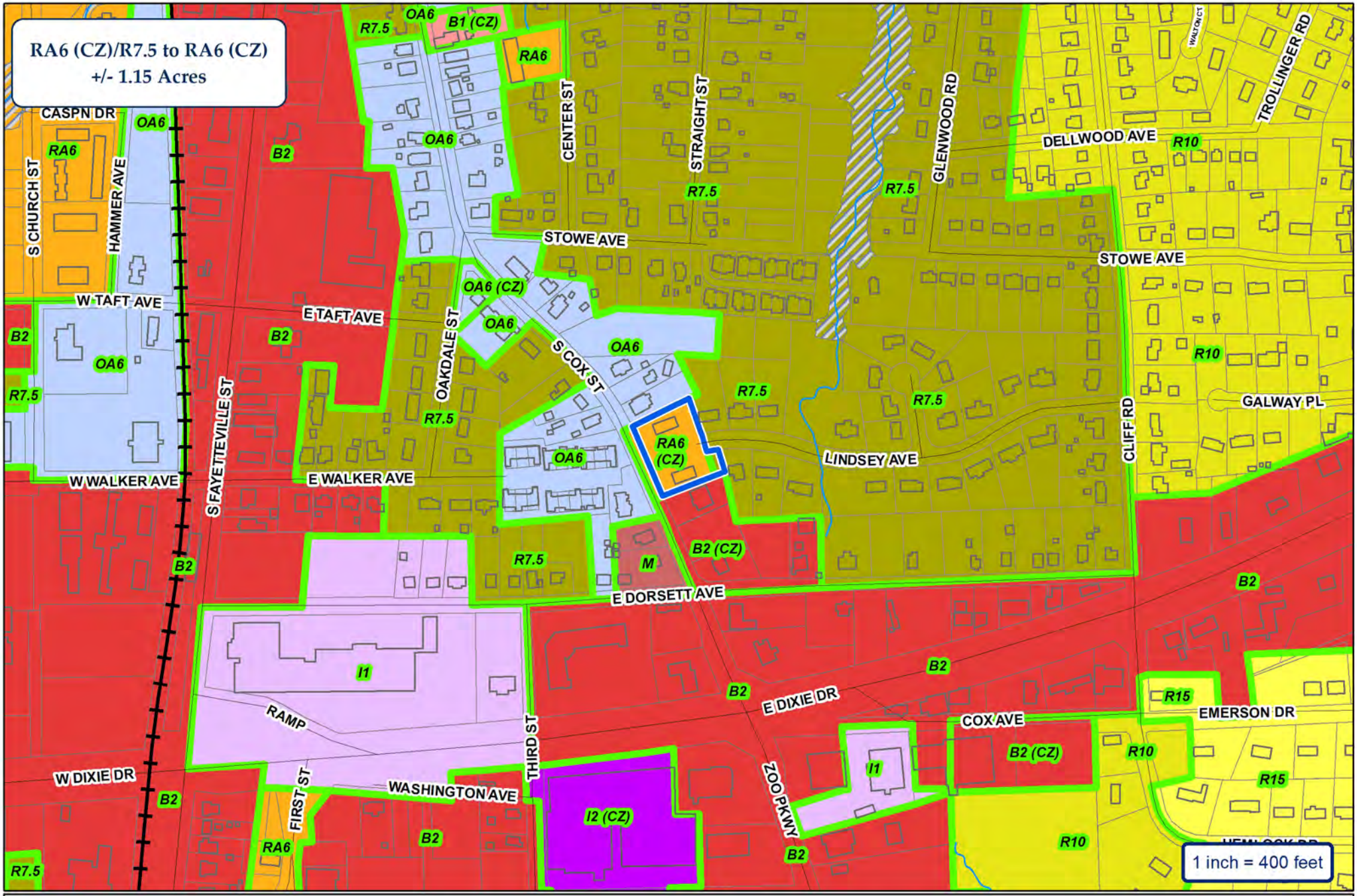


REAR ELEVATION

Scale 3/16" = 1'-0"

Note:
Plans could change/alter due to code or site conditions

POWELL DUPLEX	
Scale: As Shown	Job #: 24-056
Date: 10-4-24	
Elevations	Sheet 1 of 3



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

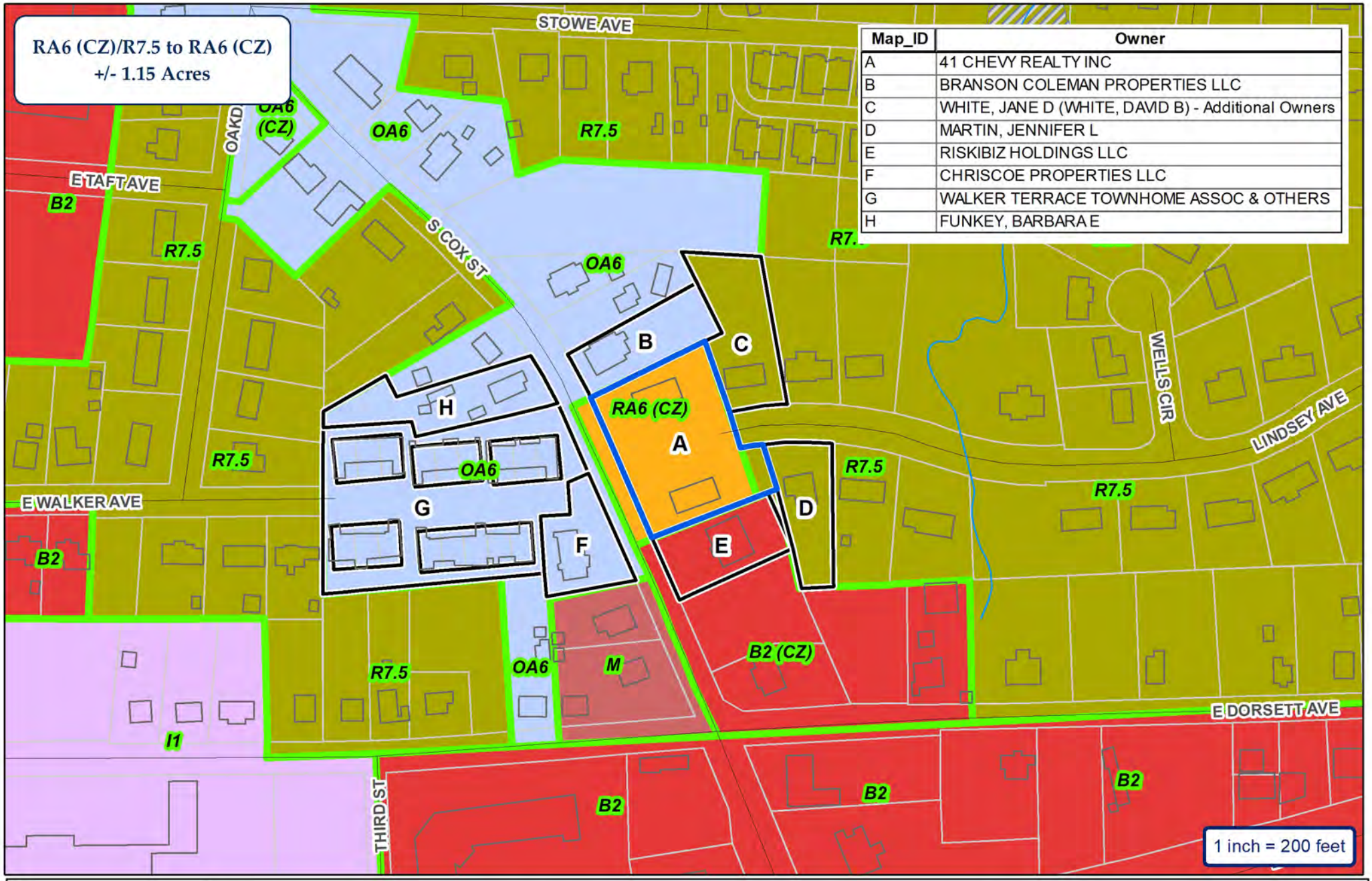
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-20

Parcels: 7750970387

Subject Property
Zoning

N
W
E
S



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

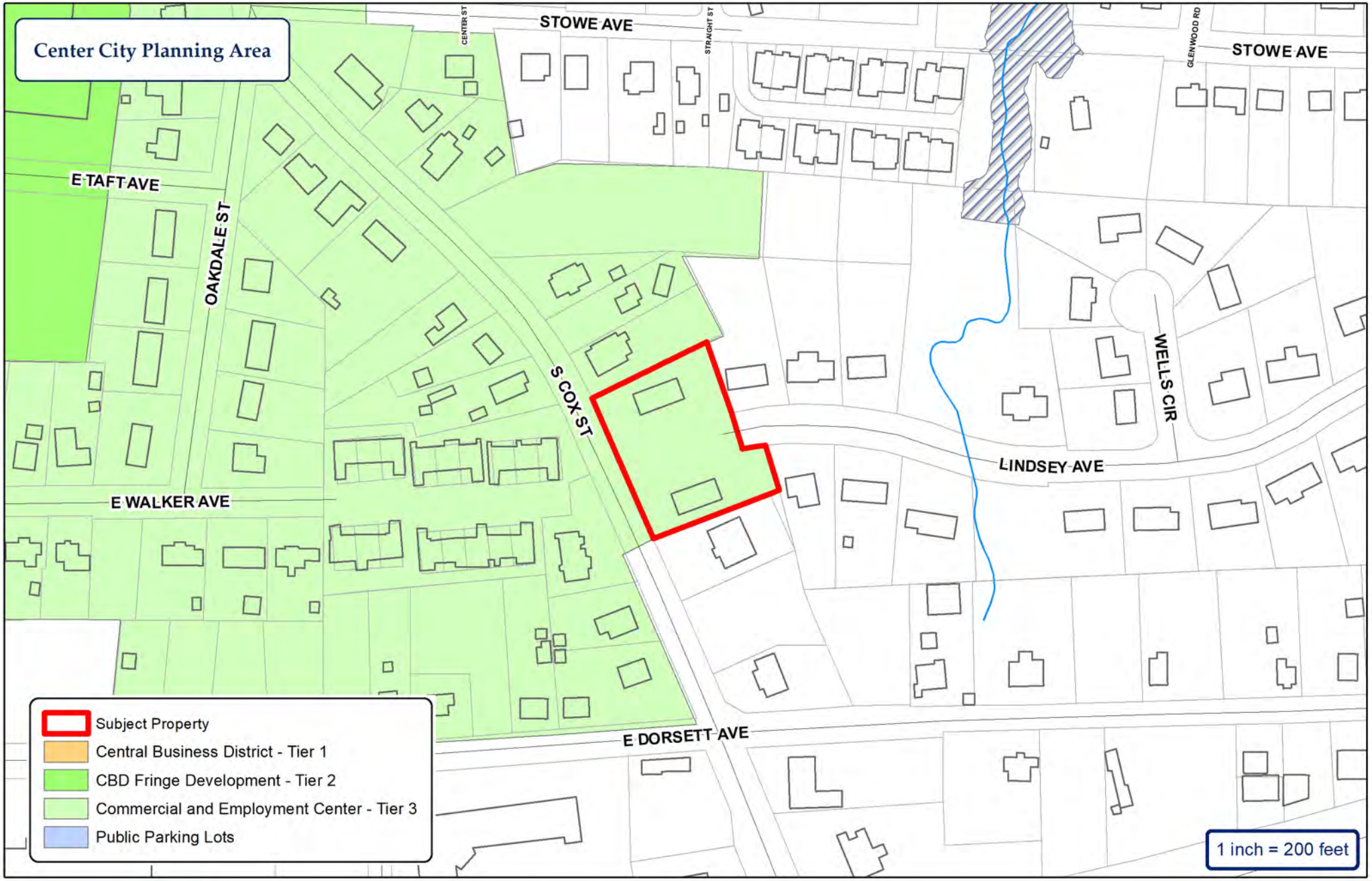
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-20

Parcels: 7750970387

Subject Property
Adjoining Properties
City Zoning

N
W
E
S



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-20

Parcels: 7750970387

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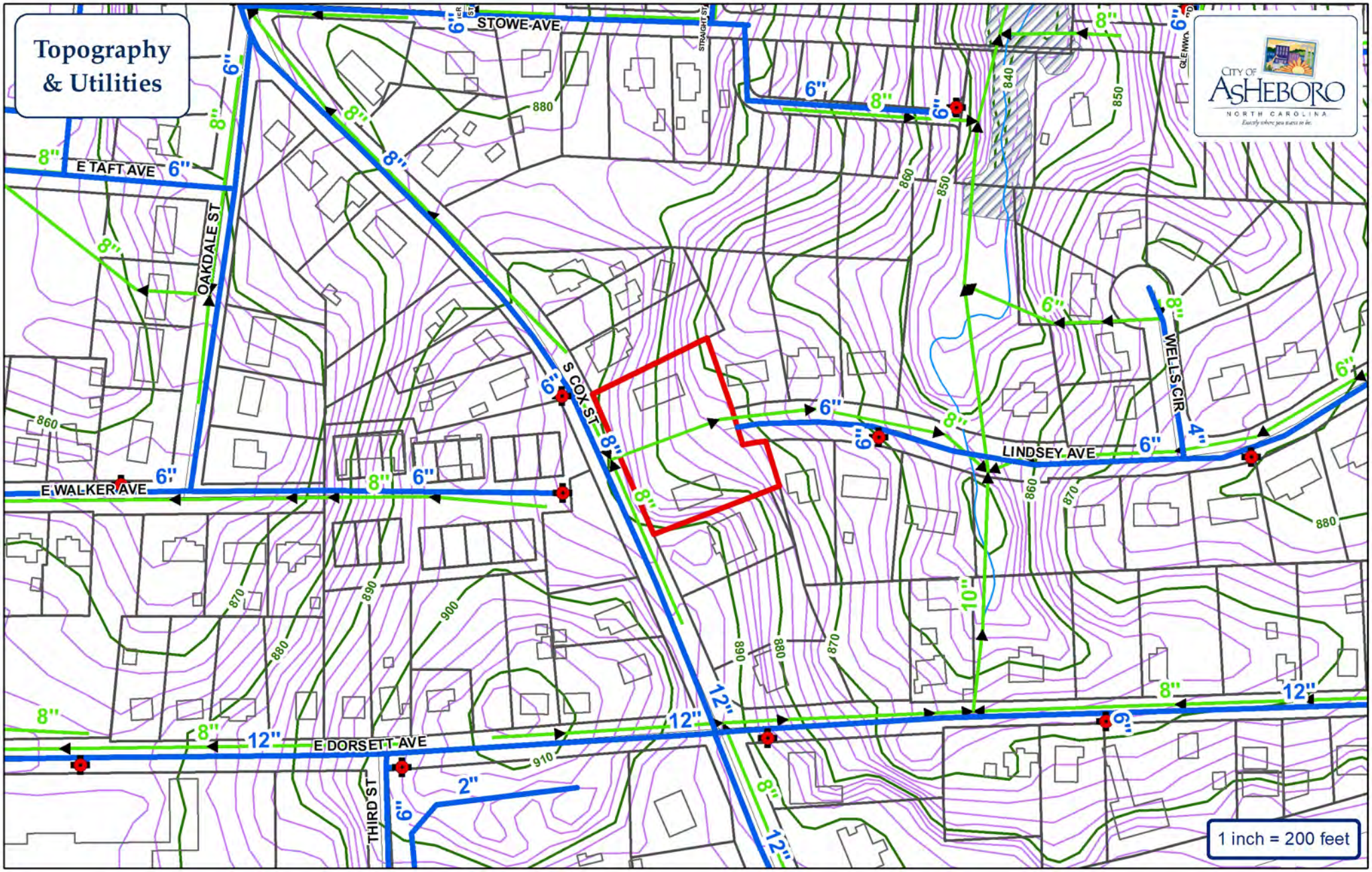

Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station
Watershed

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-20

Parcels: 7750970387

Subject Property

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-20

Parcels: 7750970387

Subject Property

N
W
E
S

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

APPLICANT INFORMATION

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

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

Applicant email address rickp@pemmcomfg.com

PROPERTY INFORMATION

Property Owner's Name 41 Chevy Reality Inc

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

Randolph County Property Identification Number (PIN#) 7750970387

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

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

Subdivision _____ *Section* _____ *Lot #* _____

Plat Book _____ *Page* _____

CONDITIONAL ZONING DISTRICT INFORMATION (Attach additional sheets if necessary)

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

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

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

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

For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

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

Does not apply ☒

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

Does not apply ☒

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

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a Conditional Zoning District rests with the applicant.

No application for a Conditional Zoning District will be advertised for public hearing until the Planning and Zoning Department has received all required materials. If all required materials are not received prior to the specified deadlines, hearings for the case may be delayed.

Per Section 4.05 of the zoning ordinance, it is intended that property will be reclassified to a Conditional Zoning District only in the event of firm plans to develop the property. Accordingly, subject to any specific durational limits imposed by the ordinance applying conditional zoning to the Zoning Lot, if no action has been taken to obtain a Zoning Compliance Permit in conformance with the conditional zoning ordinance within 36 months of the City Council's approval of conditional zoning for the Zoning Lot, the Community Development Director or his or her designee shall initiate appropriate action to rezone the Zoning Lot to a general zoning classification that is consistent with the adopted comprehensive plan.

Applicant Signature

_____

Printed Name of Authorized Signatory (if different from Applicant)

_____

Position/Relationship of Authorized Signatory to Applicant

_____

Owner Signature (if different than Applicant)

Rich Powell

Owner Address

4365 Granite Rock Dr

Denton, NC 27239

Telephone Number

336-736-0782

Printed Name of Authorized Signatory (if different from Owner)

_____

Position/Relationship of Authorized Signatory to Owner

_____

STAFF USE

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

146 N. Church St., Asheboro, NC 27203
Telephone: (336) 626-1201; Fax: (336) 626-1218; www.asheboronc.gov

RZ-24-22: Request to rezone property located at 1449 and 1453 Old Liberty Road (Randolph County Parcel Identification Number 7773034780) from R10 Medium-Density Residential to I1 Light Industrial. *The applicant has requested a continuance of this case until the December 2, 2024, Planning Board meeting.*

From: H. R. Gallimore
To: John Evans
Cc: donnahughes888@gmail.com; Justin Luck
Subject: Re: [External Sender] Rezoning application for 1449/1453 Old Liberty Road
Date: Thursday, October 24, 2024 3:06:34 PM
Attachments: image002.png

John.

Thanks for the information. Please consider this email as our formal request to continue this to the December meeting of the Asheboro Planning Board. Feel free to reach out with any questions.

H.R.
H. R. Gallimore, SIOR, CCIM

RE/MAX Central Realty
231 S. Fayetteville Street
Asheboro, NC 27203

CELL: 336-626-5560
OFFICE: 336-626-5600

What is CCIM?

Working with Real Estate Agents

On Thu, Oct 24, 2024 at 2:23 PM John Evans <jevans@ci.asheboro.nc.us> wrote:

> Hello HR:
> We enjoyed meeting with you and Donna Hughes this morning. Attached is the application that was filed if you would like to sign as “Agent” on the part where it says “Applicant” on the next to the last page.
>
> As we discussed, since we understand you wish to ask for a continuance of the request, we need a written request from either you or the property owner to submit to the Planning Board. Please feel free to respond to this email, asking for a continuance to the December 2

Planning Board meeting. Since we will present the continuance request to the Board, it would be a good idea for you or the property owner to give a brief explanation stating the reason you are asking for the case to be continued.

If you have any questions, please let me know.

Thanks!
John

John L. Evans, AICP, CZO

Assistant Director

Community Development Division

City of Asheboro

146 North Church Street

Asheboro, NC 27203

336-626-1201 Ext. 2325 (phone)

336-626-1218 (fax)

http://www.asheboronc.gov | *Note: Development-related fees will change effective January 1, 2025.*

E-mail correspondence to and from this sender is subject to North Carolina Public Records Law and may be disclosed to third parties.

RZ-24-23: Request to rezone property located at 305 Old Liberty Road. (Randolph County Parcel Identification Number 7762059321) from B2 General Commercial and R10 Medium-Density Residential to R10 Medium-Density Residential.

Staff Report

Rezoning Staff Report

RZ Case # **RZ-24-23** **Date** 11/4/2024 Planning Board

General Information

Applicant Innovision Group Jeffrey B. Davis

Address 3437 High Ridge Road

City Charlotte NC 28270

Phone 336-626-5417

Location 305 Old Liberty Road

Requested Action Rezone from B2 General Commercial and R10 Medium-Density Residential to R10 Medium-Density Residential on entire property

Existing Zone B2/R10 **Existing Land Use** Undeveloped

Size 0.4 acres +/- **Pin #** 7762059321

Applicant's Reasons as stated on application

Will help carry out LDP's plan for residential development, located in a primary growth area. The request will bring affordable housing to a designated primary growth area. There is a shortage of new construction, affordable housing, in the city of Asheboro, which is experiencing considerable growth as a result of successful economic development and industrial expansion. We hope to provide such housing for two families if request is granted.

Surrounding Land Use

North Single-family residential **East** Single-family residential

South Single-family residential **West** Single-family residential

Zoning History In 2018, the previous property owner voluntarily entered into a consent agreement with the City of Asheboro to remove the former manufactured home.

Legal Description

The property of Innovision Group, LLC, located at 305 Old Liberty Road, totaling approximately 0.4 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7762059321

Analysis

1. The property is inside the city limits.
2. Old Liberty Road is a state-maintained minor thoroughfare.
3. The property is currently split-zoned with approximately 0.3 acres +/- closest to Old Liberty Road having B2 General Commercial zoning and 0.1 acres +/- having R10 Medium-Density Residential zoning.
4. The zoning ordinance describes the B2 General Commercial and R10 Medium-Density Residential districts as follows:

B2: 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 street

R10: Intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living

5. There was previously a manufactured home on the property, which was a legal nonconforming use.
6. The B2 district allows any use permitted in that district by right, including a broad range of commercial uses. The primary use by right in the R10 district is one single-family dwelling or one two-family dwelling on properties with at least 15,000 square feet.

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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	Commercial
Small Area Plan	Northeast
Growth Strategy Map Designation	Primary Growth

LDP Goals/Policies Which Support Request

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

Checklist Item 5: Complies with Growth Strategy Map

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

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

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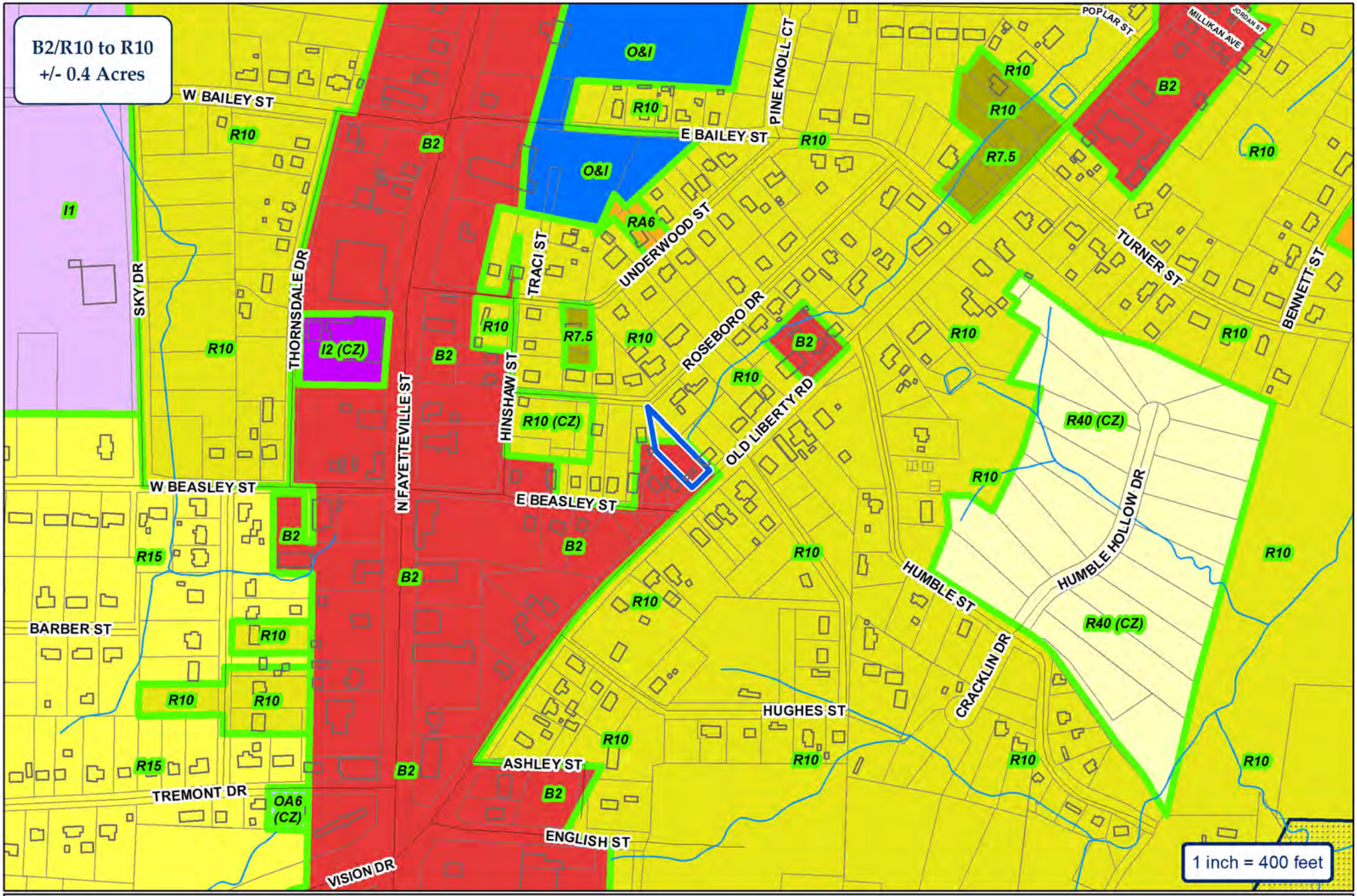
LDP Goals/Policies Which Do Not Support Request

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

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

Despite the property's designation by the Proposed Land Use map for commercial use, the requested R10 district is consistent with contiguous residential properties. Rezoning the property from its more permissive current B2 commercial zoning classification to R10 zoning reduces the potential for land uses conflicts. Additionally, the R10 zoning designation provides additional housing opportunities in an established residential neighborhood in close proximity to area employers.

Recommendation Considering the aformentioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest and recommends approval of the request.



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NORTH CAROLINA
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ETJ

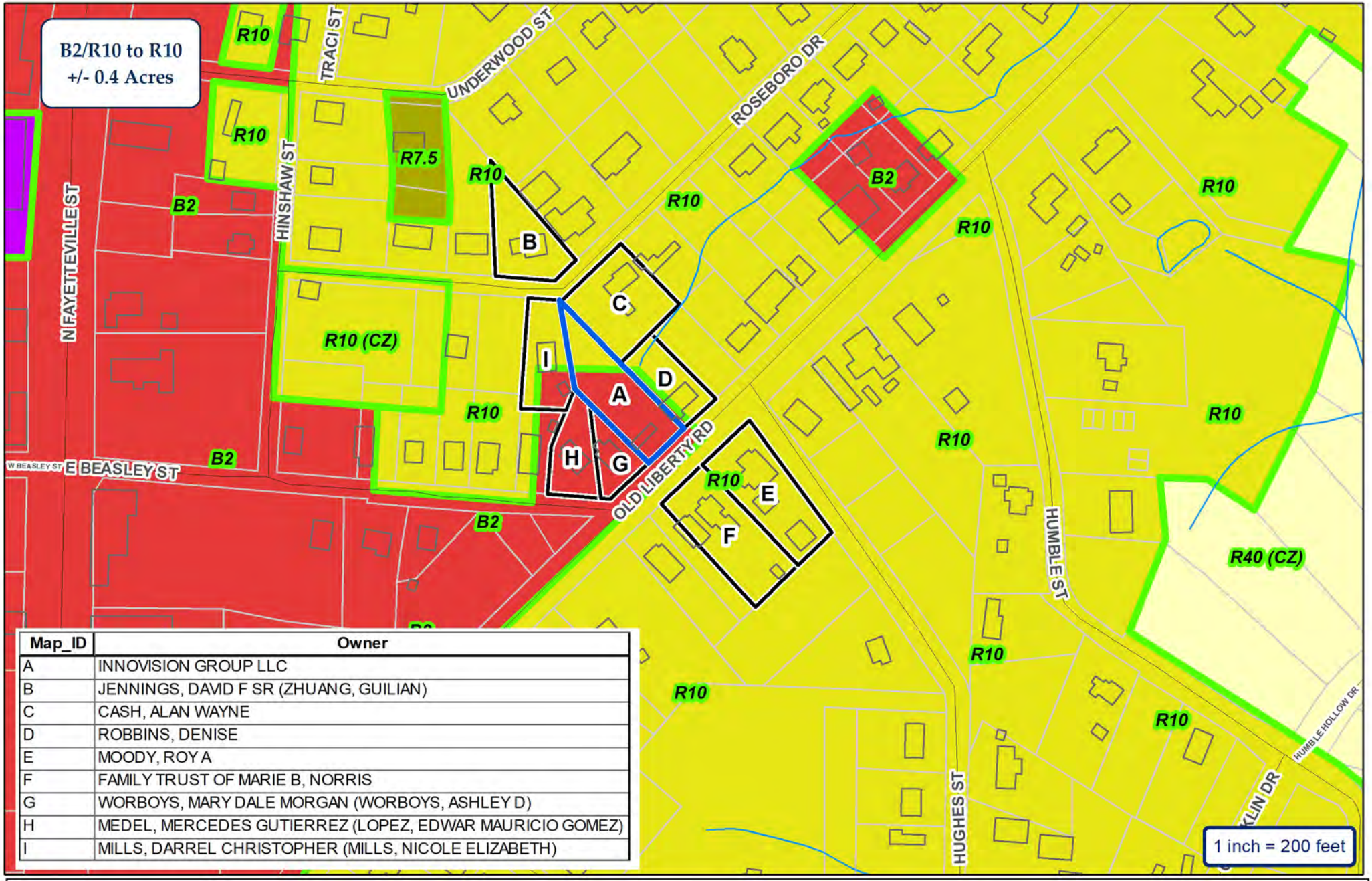
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-23

Parcels: 7762059321

Subject Property
Zoning

N
W
E
S



Map_ID	Owner
A	INNOVISION GROUP LLC
B	JENNINGS, DAVID F SR (ZHUANG, GUILIAN)
C	CASH, ALAN WAYNE
D	ROBBINS, DENISE
E	MOODY, ROY A
F	FAMILY TRUST OF MARIE B, NORRIS
G	WORBOYS, MARY DALE MORGAN (WORBOYS, ASHLEY D)
H	MEDEL, MERCEDES GUTIERREZ (LOPEZ, EDWAR MAURICIO GOMEZ)
I	MILLS, DARREL CHRISTOPHER (MILLS, NICOLE ELIZABETH)

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City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-23

Parcels: 7762059321

Subject Property
Adjoining Properties
City Zoning

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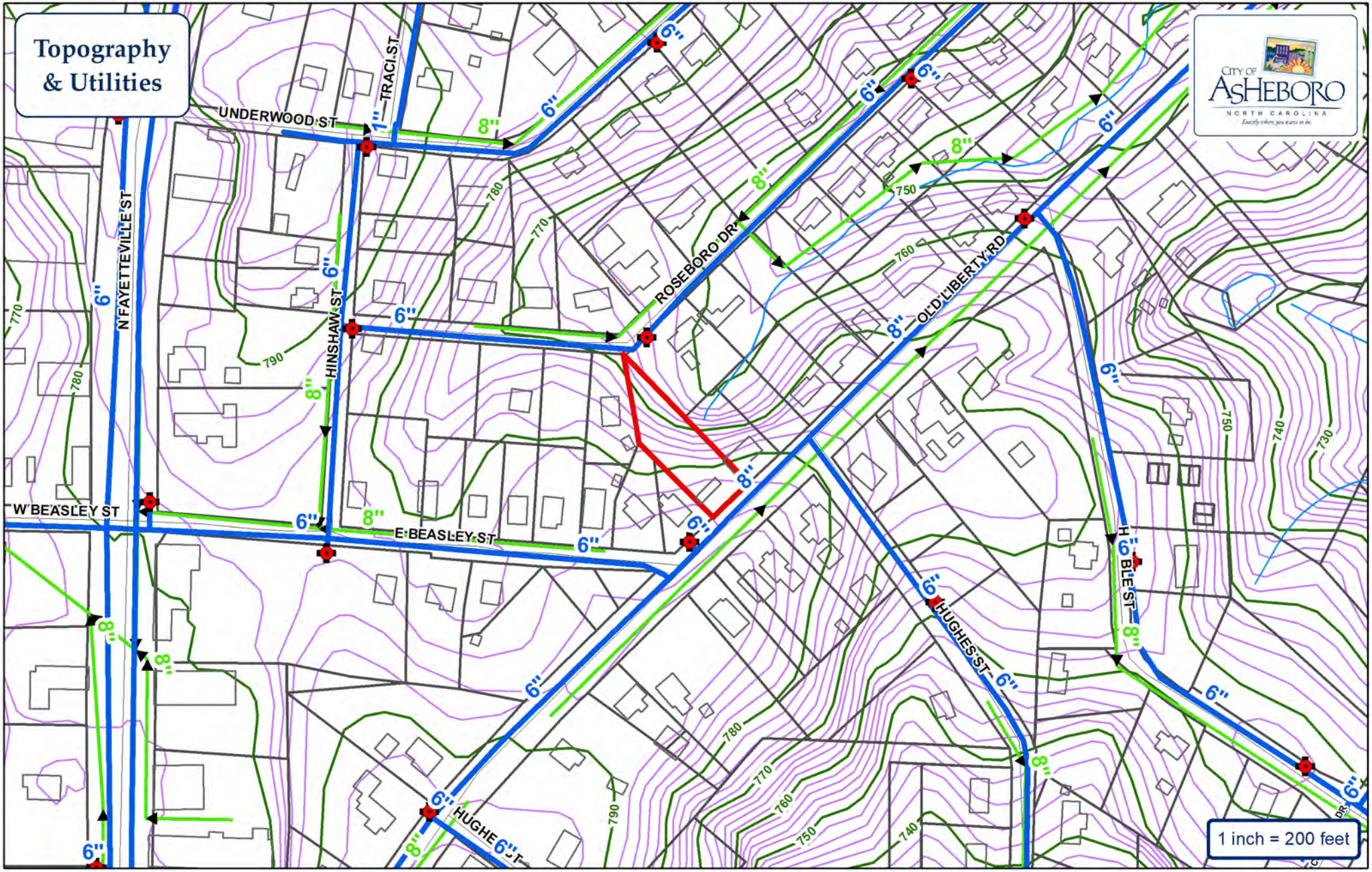
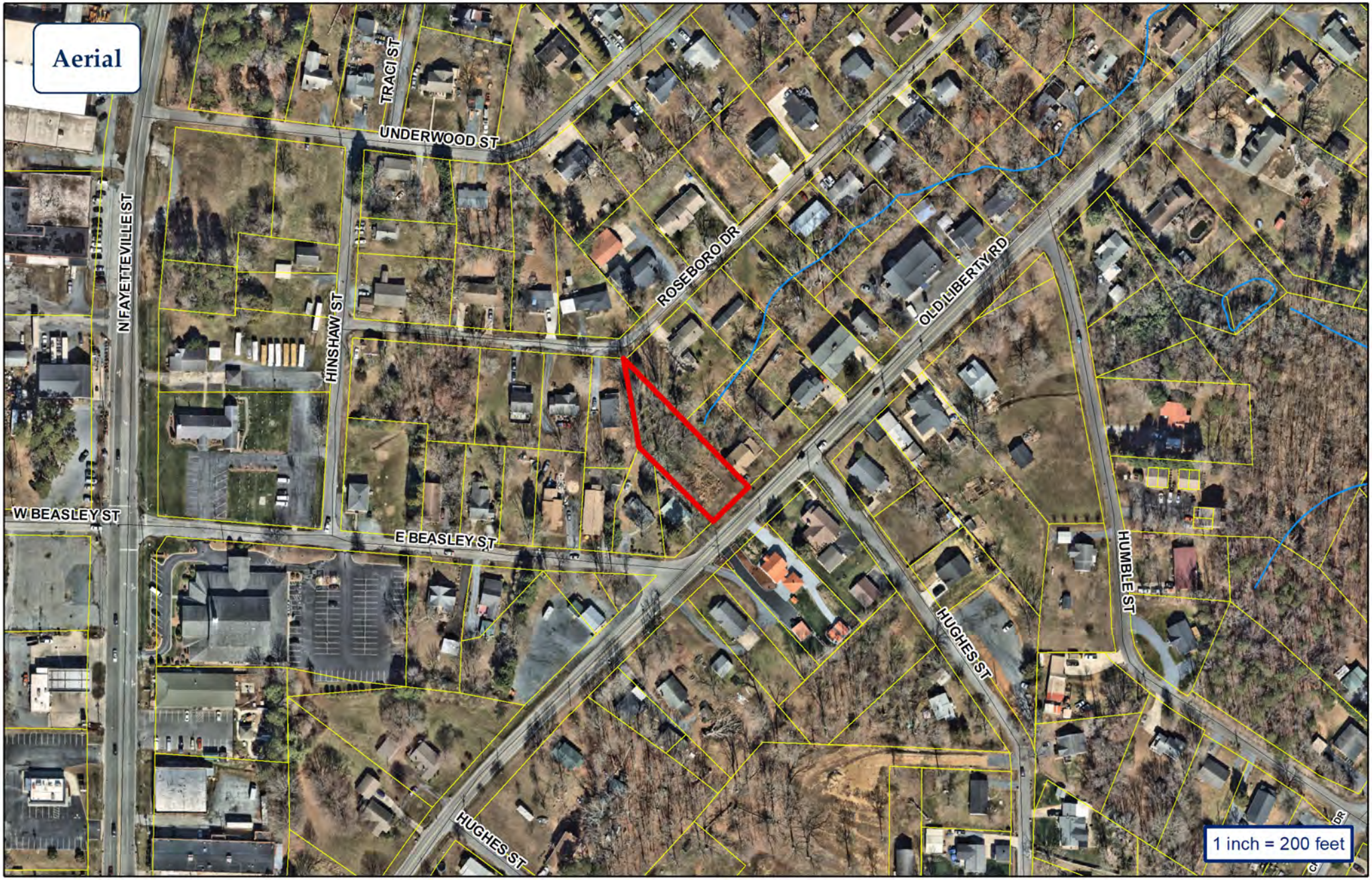

Topography & Utilities
CITY OF ASHEBORO
NORTH CAROLINA
UNDERWOOD ST
TRACI ST
N FAYETTEVILLE ST
HINSHAW ST
ROSEBORO DR
OLD LIBERTY RD
W BEASLEY ST
E BEASLEY ST
HUGHES ST
1 inch = 200 feet
Water Main
Sewer Main
Force Main
Fire Hydrant
PS
Pump Station
Watershed
City of Asheboro Planning & Zoning Department
Rezoning Case: RZ-24-23
Parcels: 7762059321
Subject Property



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Rezoning Case: RZ-24-23

Parcels: 7762059321

Subject Property

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Consideration of applications related to upcoming Planning Board vacancies.

CITY OF
ASHEBORO
NORTH CAROLINA

Process for Considering Appointments to City Authorities, Boards, Commissions and Committees

(Hereafter collectively referred to as "Boards")

At all times: Application and instructions on applying for board placed on web site. The web site will also list the names of all current board members and their terms of service. Interested persons should submit application form and resume. Application files are maintained by City Clerk.

When board vacancy opens: Notice placed on web site, on Ch. 8 and media release sent to local publications. Applicants on file are contacted to see if they are still interested in being considered

City Council is given the list of applicants. Council may choose to select a person for appointment, or they may decide to forward the list of applicants to the board for futher screening.

If the list is forwarded to the board, the board members will return a minimum of two recommendations for each opening for City Council consideration

City Council votes selects the appointee.

CITY OF ASHEBORO
COMMUNITY DEVELOPMENT DIVISION

TO: Planning Board

FROM: John L. Evans, Assistant Director

DATE: October 31, 2024

RE: Applicants for vacating seat on Planning Board

Consistent with the City Council's process for appointments, the following city residents have applied to serve on the Planning Board upon the expiring term of Mr. Ritchie Buffkin (January 1, 2025):

Taylor Trogdon, Jr.: application received March 4, 2021

Rob Brisley: application received August 19, 2024

Wayne Moore: application received August 21, 2024

Mark Vuncannon: application received August 26, 2024

Per the policy, Council may choose to select a person for the appointment or may decide to forward the list of applicants to the Planning Board for screening.

During its October 10, 2024 meeting, the City Council decided to forward the list of applicants to the Planning Board for screening.

146 N. Church Street
PO Box 1106
Asheboro, NC 27204
Tel: 336-626-1201
Fax: 336-626-1218

Presentation of potential 2025 meeting dates

Staff Note: Dates are tentative and subject to change. Final adoption of Planning Board meeting dates will be on the Board's December 2, 2024 agenda.

Proposed Planning Board 2025 Meeting Dates

Monday, January 6, 2025

Monday, February 3, 2025

Monday, March 3, 2025

Monday, April 7, 2025

Monday, May 5, 2025

Monday, June 2, 2025

Monday July 7, 2025

Monday, August 4, 2025

Monday, September 8, 2025* (Alternate Date: Tuesday, September 2, 2025)

Monday, October 6, 2025

Monday, November 3, 2025

Monday, December 1, 2025

*City Hall is closed on Monday, September 1, 2025 in observance of Labor Day. Therefore, Monday, September 8, 2025 is proposed as the September Planning Board meeting date. If Council opts to keep its meeting on the first Thursday of September, an alternative meeting date is Tuesday, September 2, 2025.

These dates are subject to City Council's formal adoption of its 2025 calendar on December 5, 2024.