



**Asheboro Planning Board  
Asheboro City Hall (146 N. Church Street)**

Monday, December 7, 2015

**7:00 PM**

**AGENDA**

- I. Call to Order
- II. Consent Agenda Items
  - a.) Approval of Minutes from November 2, 2015 meeting
  - b.) Adoption of Findings of Fact for BOA-15-03 (Variance from Sidewalk Requirements at 1202 S. Cox Street)
- III. Review of Cases
- IV. RZ-15-10: Rezone property located at 609 and 617 NC Hwy. 42 N from O & I (Office and Institutional) to R10 (Medium-Density Residential)
- V. Subdivision Case SUB-15-01: Olde Towne Village Section II, Phase III (Final Plat)
- VI. Subdivision Text Amendment Case #12/2015: Proposed Amendment to Subdivision Ordinance: Article X (Planned Unit Developments) concerning the expiration date for street tree provisions
- VII. Adoption of 2016 Meeting Dates
- VIII. Items Not on the Agenda
- IX. Adjournment

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**MEETING OF THE ASHEBORO PLANNING BOARD  
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.  
MONDAY, NOVEMBER 2, 2015  
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:

Van Rich ) - Chair  
  
Ritchie Buffkin )  
Lynette Garner )  
David Henderson ) - Members Present  
James Lindsey )  
Thomas Rush )  
Dave Whitaker )

John Evans, Assistant Community Development Division Director  
Justin Luck, Zoning Administrator/Planner  
Bradley Morton, Planning Technician/Deputy City Clerk  
Trevor Nuttall, Community Development Division Director  
Jeff Sugg, City Attorney

Three (3) citizens were present at this meeting.

**I. CALL TO ORDER**

Mr. Van Rich called the Asheboro Planning Board to order.

**II. APPROVAL OF MINUTES FROM OCTOBER 5, 2015 MEETING**

Mr. Rich inquired if there were any corrections to be made to the minutes of the October 5, 2015 regular meeting. There being no corrections, the minutes were approved as presented.

**III. REVIEW OF CASES**

Mr. Justin Luck informed the board of the zoning related cases that the City Council heard in October.

**IV. OLD BUSINESS: PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT (CASE NO. BOA-15-03): VARIANCE FROM SIDEWALK REQUIREMENTS (ASHEBORO ZONING ORDINANCE, SECTION 322A): 1202 SOUTH COX STREET (THIS CASE IS CONTINUED FROM THE SEPTEMBER 14, 2015 MEETING)**

Mr. Luck stated that this case had been continued from the September 14, 2015 meeting and that he had already been sworn in at the last meeting. He then offered anyone who would be providing testimony to be sworn in. At this time, Mr. Rodger Chriscoe and Mr. Clayton Burrow were sworn and affirmed, respectively, to provide their testimony. Mr. Luck gave an overview of the case, stating that the property in question was currently vacant. He also went over the surrounding land uses. He stated that the request was a variance from the sidewalk requirements of the Asheboro Zoning Ordinance, specifically Section 322A. He showed a number of maps including a zoning map, aerial views, topographic and stream maps, a copy of the Zoning Ordinance provision from which a variance is requested, and also photographs of the property from various directions. He stated that the property had been properly posted and the notices to adjoining property owners had been sent out accordingly. He gave a brief history of the property stating that an existing home was removed from the property in 2008. In February of 2015, the applicant purchased the property and in September of 2015 the property was rezoned to Mercantile to allow commercial development. He gave an analysis of the property stating that it is located in Tier 3 of the Center City Planning Area Overlay District. He gave the Land Development Plan (LDP) intent of the City Activity Center, which includes Tier 3 of the CCPA, as follows: "To create 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". He also mentioned that the Pedestrian Transportation Plan identifies S. Cox Street from Stowe Avenue to Dixie Drive as a "High Priority", however it is not identified as the "Highest Priority". He also stated that the Comprehensive Transportation Plan recommends sidewalks along both sides of S. Cox Street from Oakdale Street to Dixie Drive. Section 322A of the Zoning Ordinance requires sidewalk construction when new building construction is undertaken in the Mercantile district along street frontages that possess curb and gutter and at least 8.5 feet of public right-of-way as measured from the back of the curb to the outer boundary of the right-of-way. He stated that NCDOT has measured the right-of-way along the property and confirmed that more than 8.5 feet exists. He went over the four standards that must be met to grant a variance. At this time, Mr. Rodger Chriscoe gave his testimony. He stated that the cost of the project and the topography of the land were unnecessary hardships that he would endure if construction of the sidewalk was required. He stated that he received a verbal estimate of \$8,900 to construct the sidewalk. He had also contacted Progress Energy about moving a power pole for him. He stated that due to a curve in the road on S. Cox Street, the pole would likely need to be moved. There was not a concrete estimate provided by Progress Energy for the moving of the power pole. He stated that he did not create the hardship himself. He also stated that there was no other sidewalk constructed or proposed for construction in the foreseeable future on this particular side of the street. At this time, Mr. Burrow gave his testimony stating that the topography makes this a very challenging project. He also mentioned that the existing driveway would have to be removed for the construction of new sidewalk, and with the grade percentage, a new driveway would likely be very steep. Ms. Garner made a motion to approve the variance based on the evidence presented to the Board satisfying the four standards for granting a variance. Mr. Henderson seconded the motion and the motion carried unanimously. Voting slips were turned in to the secretary and all votes were voting "yes" to approve the requested variance. The various reports, photographs, and other handouts submitted by the Zoning Administrator and accepted as part of the record are on file in the office of the Board Secretary.

#### **V. CONSIDERATION OF 2016 MEETING DATES**

Mr. Nuttall presented the proposed 2016 meeting dates to the Planning Board. He advised the board to look over these meeting dates for any scheduling issues. He stated that the proposed dates will be voted on at the December regular Planning Board meeting.

#### **VI. ITEMS NOT ON THE AGENDA**

Mr. Nuttall mentioned that the 2015 Urgent Repair Program deadline is being extended to November 20, 2015 and encouraged all of the board members to relay this to other citizens of Asheboro.

#### **VII. ADJOURNMENT**

There being no further business to discuss, Mr. Whitaker made a motion to adjourn the meeting. Mr. Henderson seconded the motion and the motion carried unanimously. At this time, Mr. Rich declared the meeting adjourned.

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Bradley Morton, Secretary, Planning Board

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Van Rich, Planning Board Chairman



**RZ-15-10 Rezone from O & I (Office and Institutional) to R10 (Medium-Density Residential)**

(Richard Scott Stockner: 609 and 617 NC Hwy. 42 North)

**Staff Report**

# Rezoning Staff Report

RZ Case # **RZ-15-10**

Date 12/7/2015 PB  
1/7/2016 City Council

## General Information

**Applicant** Richard S. Stockner  
**Address** 6601 Old NC Hwy 13  
**City** Asheboro NC 27205  
**Phone** 336-465-6525  
**Location** 609 and 617 NC Hwy. 42 North

**Requested Action** Rezone from O&I (Office and Institutional) to R10 (Medium-Density Residential)

**Existing Zone** O & I **Existing Land Use** Single-family residential (2 dwellings)  
**Size** 1.66 acres (+/-) **Pin #** 7761322047, 7761321382, 7761322224

## Applicant's Reasons as stated on application

In the property's best interest to be zoned back to residential....

## **Surrounding Land Use**

**North** Undeveloped/Commercial/Single-family res. **East** Commercial/Office  
**South** Single-family residential **West** Undeveloped residential/Church

**Zoning History** RZ-14-04: Request to rezone from R7.5/R10 to OA6 was denied (6-5-14)  
RZ-14-06: Request to rezone from R7.5/R10 to O&I was approved (8-7-14)

## **Legal Description**

The property of Iris B. Stockner, located at 617 NC Hwy. 42 North, identified by Randolph County Parcel Identification Numbers 7761321382 and 7761322224, Richard S. Stockner and Robin S. Stockner, located at 609 NC Hwy. 42 N. identified by Parcel ID #7761322047. These properties total approximately 1.66 acres (+/-).

## **Analysis**

1. The property is inside the city limits. All city services are available.
2. NC Hwy. 42 North is a state-maintained major thoroughfare.
3. Prior to the property being rezoned to Office and Institutional (O&I) in 2014, the property was zoned R10 (with a small portion zoned R7.5).
4. The proposed R10 district allows single-family and two-family dwellings by right.
5. There are two single-family dwellings on the property (on separate parcels).
6. Once the property was rezoned to O&I, the current single-family use of the property became a legal non conforming use. As a legal non conforming use and subject to the Asheboro Zoning Ordinance, the single-family residential use may continue. However, expansion, such as additions to the dwelling(s) or new accessory structure(s), is restricted.
7. When the property was rezoned from R7.5/R10 to O&I (8-7-14), the Land Development Plan (LDP) Proposed Land Use designation was "neighborhood residential". On October 8, 2015, the proposed land use map was amended to designate this property and adjoining properties on this segment of NC Hwy. 42 North as "Office and Institutional". This amendment was part of a comprehensive update to the City's LDP to reflect changes in land uses occurring since its last update in 2000.

# Rezoning Staff Report

RZ Case # RZ-15-10

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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** Office and Institutional  
**Small Area Plan** Central  
**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 Intent*)

**Checklist Item 4:** The proposed rezoning is compatible with surrounding land uses.

**Checklist Item 6:** Existing infrastructure is adequate to support the desired zone. (*water, sewer, roads, schools, etc.*)

**Checklist Item 7:** The proposed rezoning is compatible with the applicable Small Area Plan.

**Checklist Item 10:** Rezoning is consistent with Land Category Descriptions

**Checklist Items #12, #13, #14, and #15:** 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%. 15.) Rezoning is not located on poor soils

# Rezoning Staff Report

RZ Case # RZ-15-10

Page 3

## LDP Goals/Policies Which Do Not Support Request

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

**Recommendation** Approve

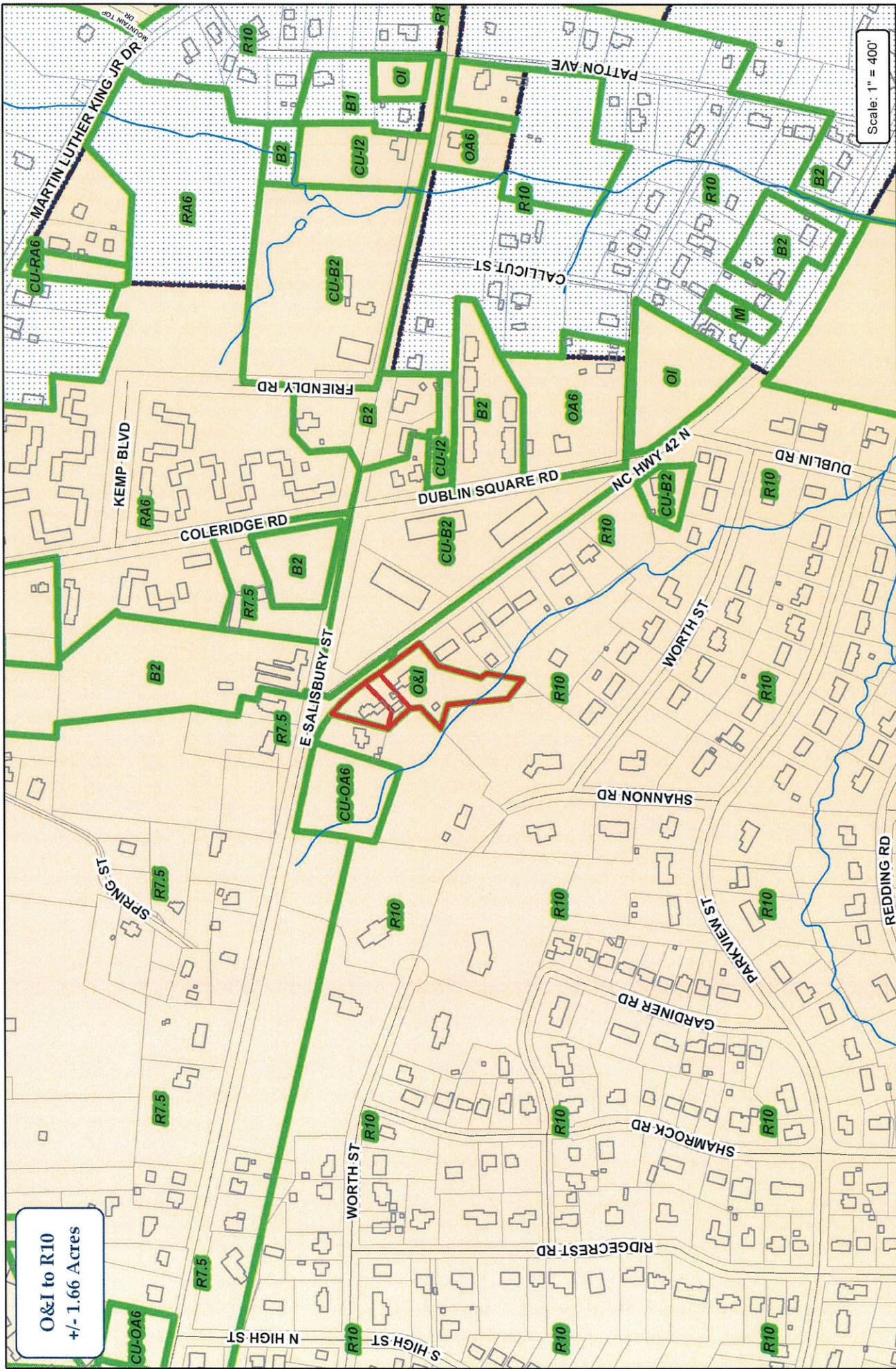
### Reason for Recommendation

Although the proposed land use map designates the property for Office and Institutional Use, this classification reflects the property's current O & I zoning. This designation is also based upon the property's location in an area mixed with residential and non-residential uses (with commercial uses primarily to the north and east and residential uses to the south and west). Accordingly, the proposed land use map proposes Office and Institutional use as an appropriate transitional designation for the property.

Prior to the recent update of the City's Land Development Plan, the property was designated for "neighborhood residential" use to reflect the single-family and two-family uses along this segment of NC Hwy. 42 North. The LDP Central Small Area Plan also supports preservation of existing residential neighborhoods. Rezoning the property back to residential zoning (R10- Medium-Density) will continue to allow viable residential use of the property while remaining compatible with adjoining residential properties.

### Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

After considering the above factors, staff believes the proposed R10 district will allow a reasonable use of the property, reflecting its residential use and history, and ensure consistency with the Land Development Plan.



O&I to R10  
+/- 1.66 Acres

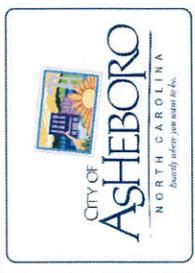
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Subject Property  
Zoning  
City Limits  
ETU

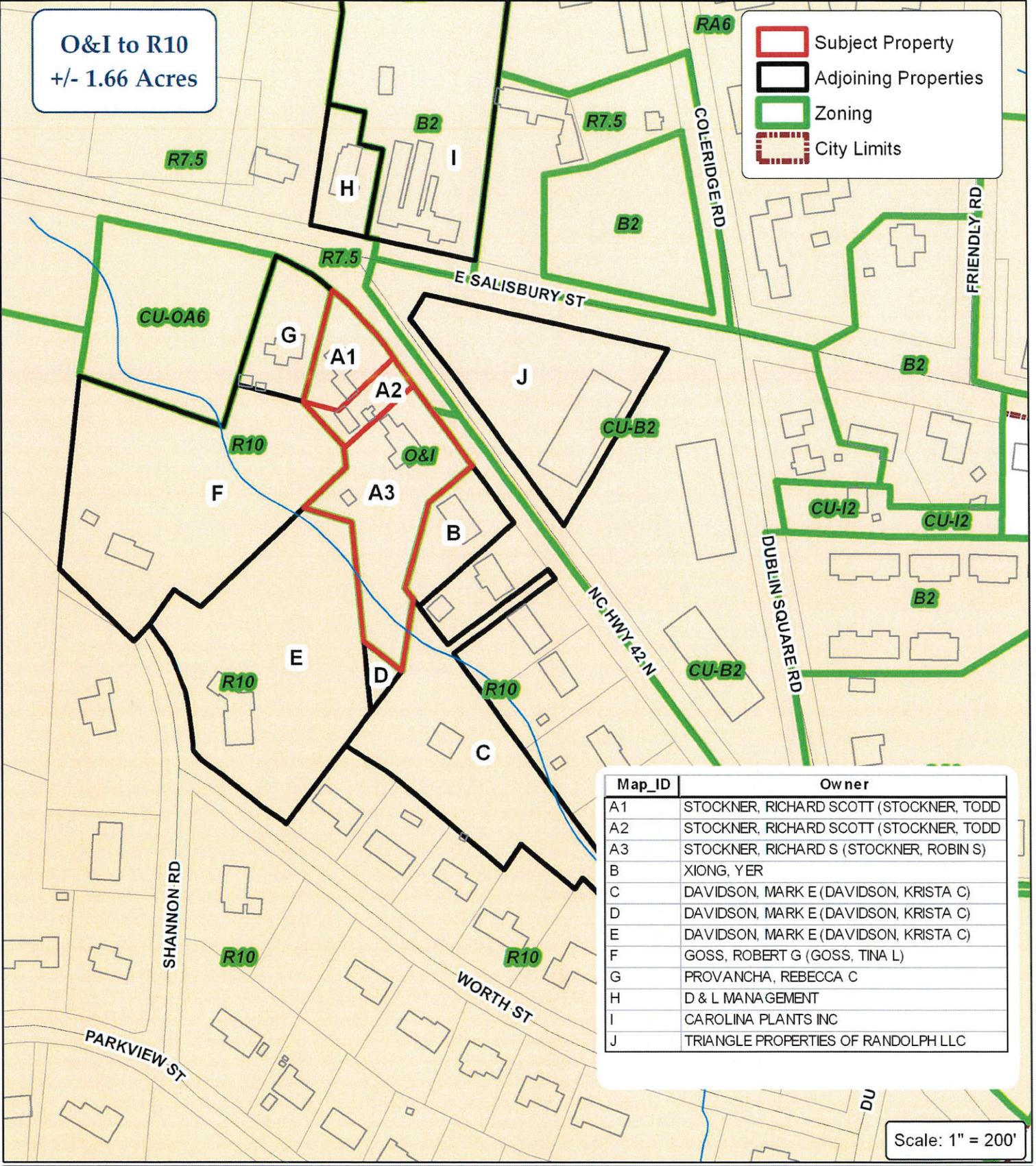
City of Asheboro  
Planning & Zoning Department  
Rezoning Case: RZ-15-10

Parcels: 7761321382, 7761322047 & 7761322224



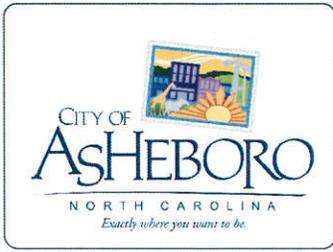
O&I to R10  
 +/- 1.66 Acres

 Subject Property  
 Adjoining Properties  
 Zoning  
 City Limits



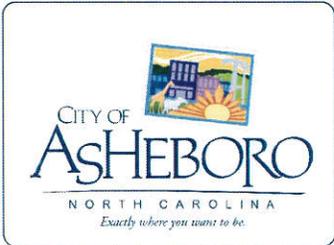
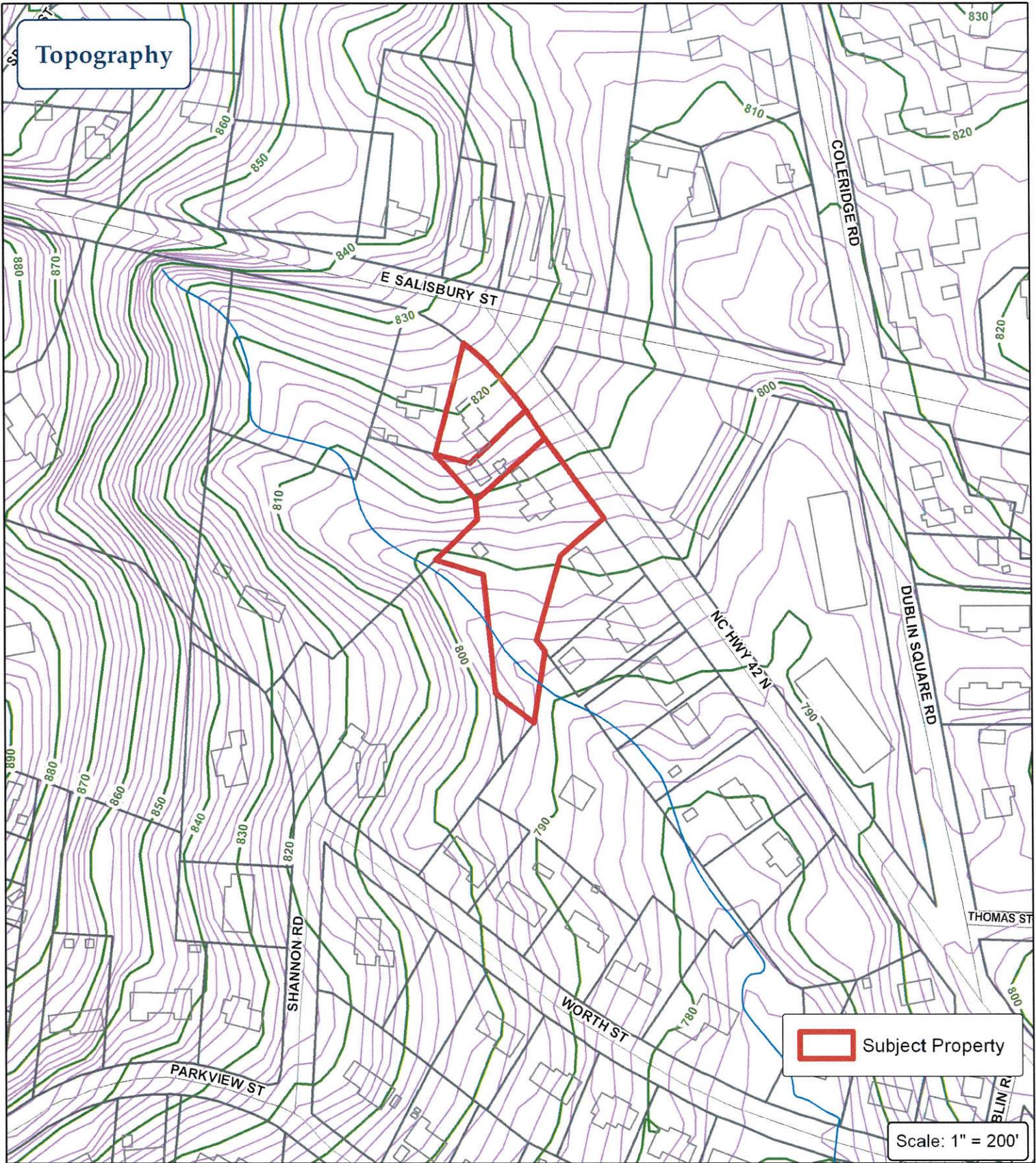
Map_ID	Owner
A1	STOCKNER, RICHARD SCOTT (STOCKNER, TODD)
A2	STOCKNER, RICHARD SCOTT (STOCKNER, TODD)
A3	STOCKNER, RICHARD S (STOCKNER, ROBIN S)
B	XIONG, YER
C	DAVIDSON, MARK E (DAVIDSON, KRISTA C)
D	DAVIDSON, MARK E (DAVIDSON, KRISTA C)
E	DAVIDSON, MARK E (DAVIDSON, KRISTA C)
F	GOSS, ROBERT G (GOSS, TINA L)
G	PROVANCHA, REBECCA C
H	D & L MANAGEMENT
I	CAROLINA PLANTS INC
J	TRIANGLE PROPERTIES OF RANDOLPH LLC

Scale: 1" = 200'



City of Asheboro  
 Planning & Zoning Department  
 Rezoning Case: RZ-15-10  
 Parcels: 7761321382, 7761322047 & 7761322224

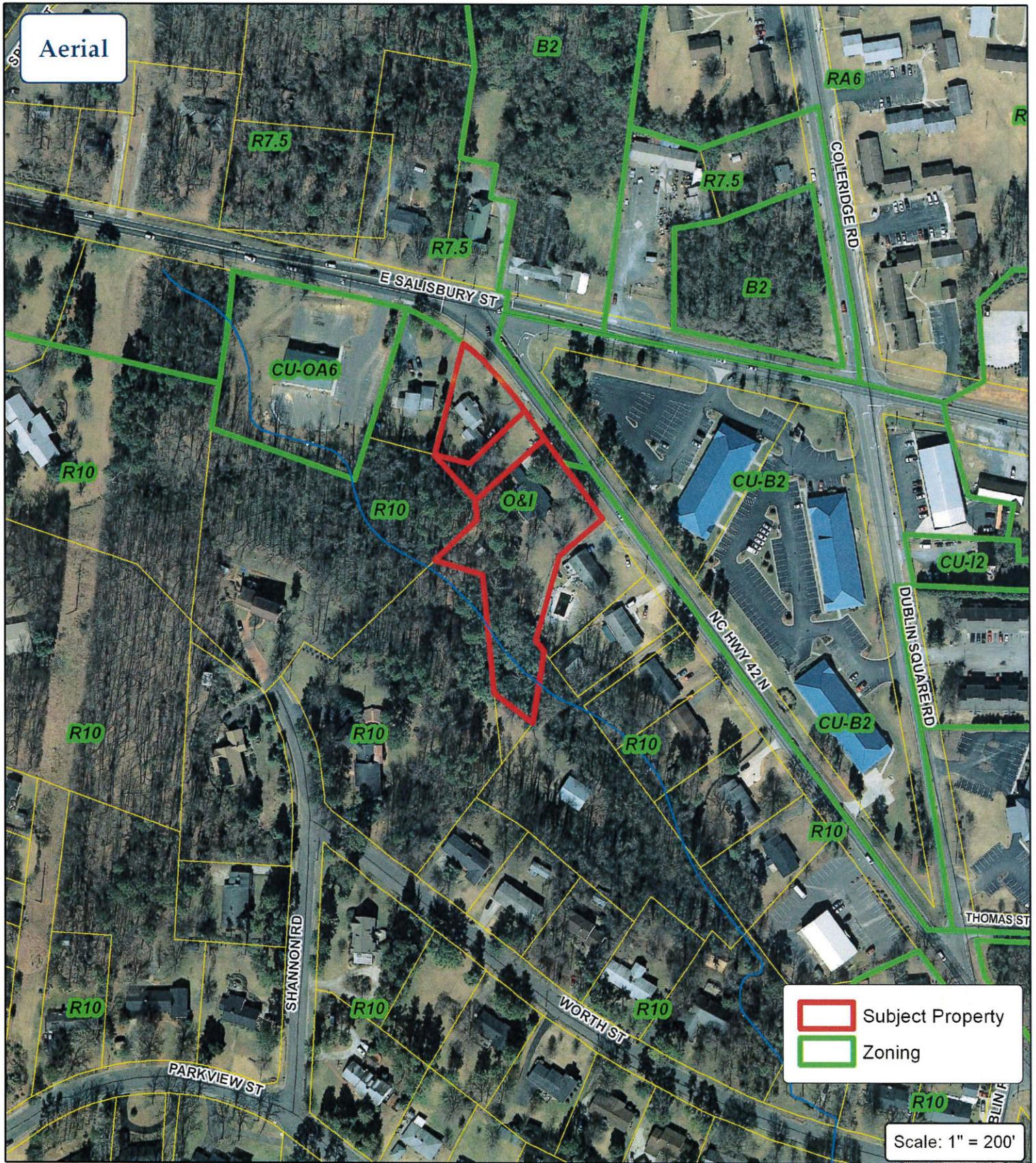




**City of Asheboro  
Planning & Zoning Department  
Rezoning Case: RZ-15-10**

**Parcels: 7761321382, 7761322047 & 7761322224**





Aerial

Subject Property  
 Zoning

Scale: 1" = 200'



**City of Asheboro**  
**Planning & Zoning Department**  
**Rezoning Case: RZ-15-10**

**Parcels: 7761321382, 7761322047 & 7761322224**





**SUB-15-01: Final Plat for Section II, Phase III of Olde Towne Village**

Olde Towne Village, LLC

**Staff Report**

**SUBDIVISION STAFF REPORT**  
Final Plat

**CASE #** SUB-15-01

**Date** 12/7/2015 PB and  
12/10/2015 CC

**GENERAL INFORMATION**

**Subdivision Name** Olde Towne Village (Phase III)  
**Requested Action** Subdivision Final Plat  
**Applicant** Olde Towne Village, LLC c/o Duane Cathell  
**Address** 5495-S New Albany Road W.; New Albany, OH 43054  
**Phone** 614-496-6415  
**Location** Southern Terminus of Olde Towne Parkway

**PARCEL INFORMATION**

**PIN** 7741971724

**Size** 6.03 acres (+/-) plus 12 acre  
future development area

**Number of Lots** 3 + common area+ future  
development area

**Existing Zoning** R15

**Average Lot Size** 3,815 sq. ft. (for PUD

**Existing Land Use** Undeveloped

lots) + common area/  
future development area

**Surrounding Land Use**

**North** Residential PUD

**East** Low-density residential/undeveloped

**South** Undeveloped

**West** Low-density residential/ R15  
Subdivision

**LAND DEVELOPMENT PLAN**

**Growth Strategy Map** Lona-Randee Growth

**Proposed Land Use Map** Suburban Residential

**Small Area Plan Map** Northwest

**Identified Activity Center?** No

**Development Issues** In March, 2015, a Special Use Permit and subdivision sketch design were approved for this Residential Planned Unit Development consisting of five (5) single family detached dwellings.

This approval included a variance from the requirement for recreation space mandated by the Asheboro Subdivision Ordinance for this phase of the development only

The purpose of this plat is to record an additional 134' of public right-of-way along Olde Parkway (ending in a cul-de-sac), 3 PUD lots, and common area. Future development area is also shown on the property.

**SUBDIVISION STAFF REPORT**  
Final Plat

**DEPARTMENT COMMENTS**

**Engineering**

1. There were no plat comments.
2. As-built drawings and engineering certification of water and sewer lines have been submitted and, as of 12-2-2015, are being reviewed.

**Public Works**

As permitted by the Subdivision Ordinance, uncompleted improvements must be guaranteed. An estimate for these uncompleted improvements has been submitted and, as of 12-2-2015, is being reviewed.

**Planning**

Plat comments have been addressed.

HOA documents (including prohibition of recreational vehicles) must be recorded with the final plat.

**Other**

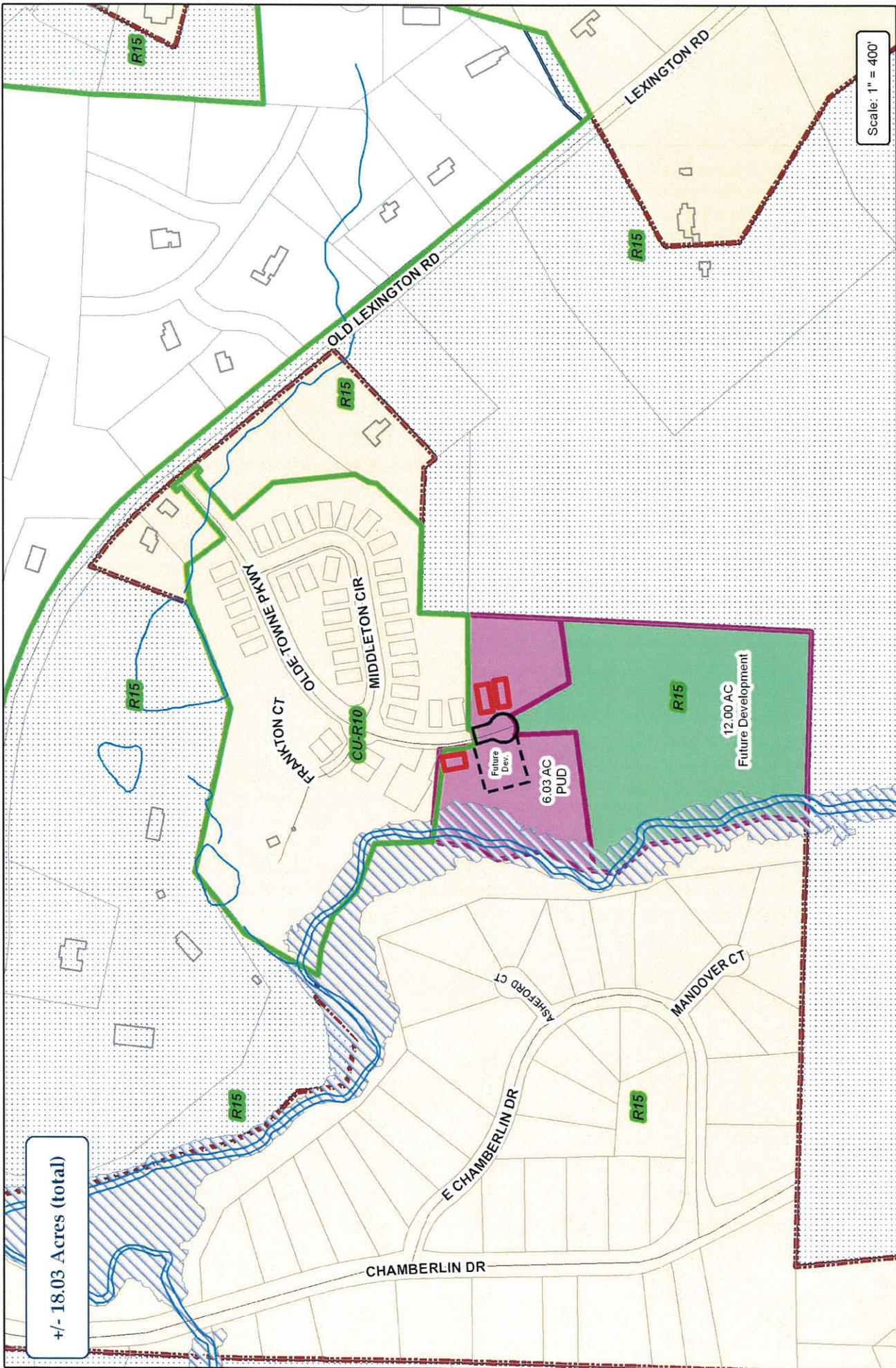
**Staff Recommendation**

Approve noting above comments.

**Planning Board  
Recommendation**

The Planning Board will consider this request during its December 7, 2015 meeting.





+/- 18.03 Acres (total)

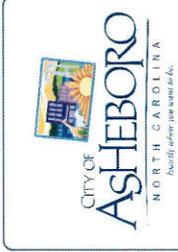
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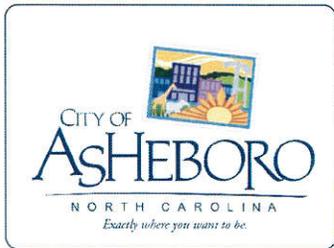
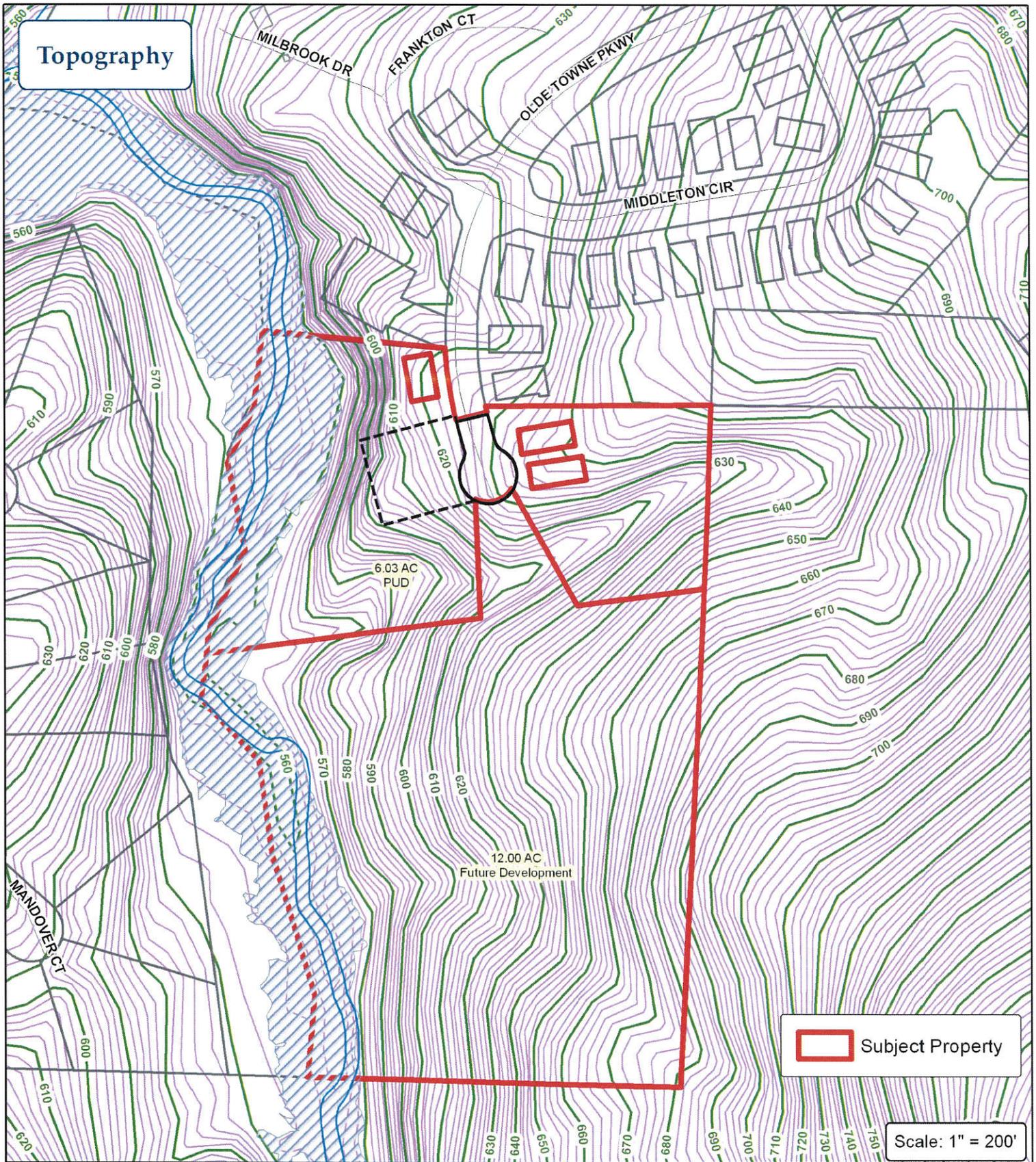


Subject Property  
 Zoning  
 City Limits  
 ETJ

City of Asheboro  
 Planning & Zoning Department  
 Subdivision Case: SUB-15-01  
 Special Use Permit: SUP-15-02  
 Parcel: 7741879667

Future Development  
 PUD

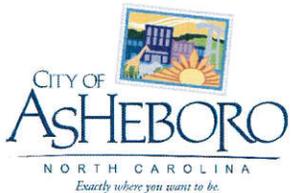
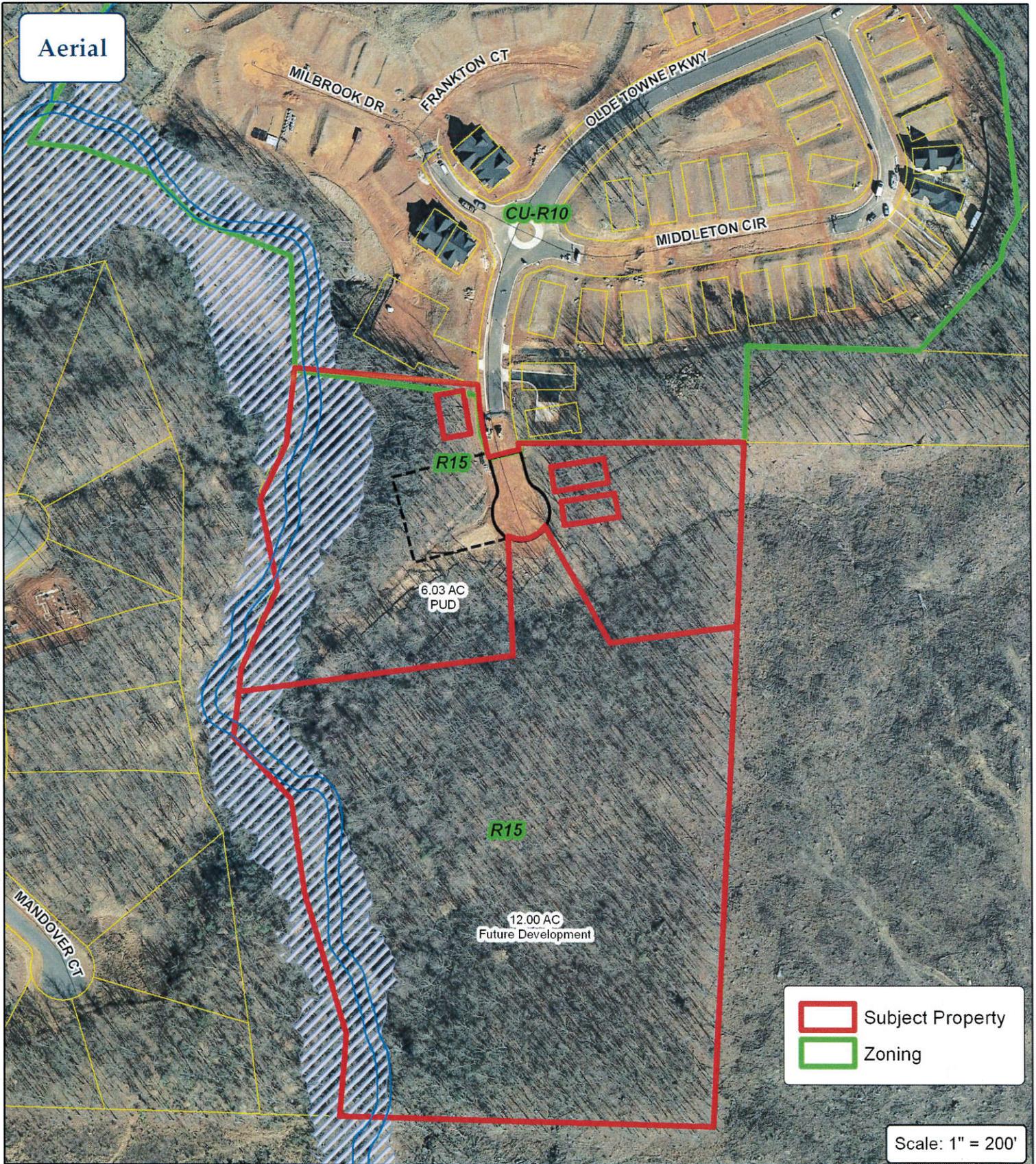




**City of Asheboro**  
**Planning & Zoning Department**  
**Subdivision Case: SUB-15-01**  
**Special Use Permit: SUP-15-02**  
**Parcels: 7741879667**



Aerial



**City of Asheboro**  
**Planning & Zoning Department**  
**Subdivision Case: SUB-15-01**  
**Special Use Permit: SUP-15-02**  
**Parcel: 7741879667**





**Proposed text amendments to the Asheboro Subdivision Ordinance:**  
Article X, Section IV (F) (Street Trees within Planned Unit Developments)

**Staff Report**

## SUBDIVISION STAFF REPORT

Case #: Text Amendment 12/2015

Date: 12-7-2015 PB  
12-10-2015 CC

### SUBDIVISION ORDINANCE

#### GENERAL INFORMATION:

**Applicant:** City of Asheboro  
**Address:** 146 N. Church Street  
**Phone:** 626-1201

**Requested Action:** Amend Subdivision Ordinance, Article X (Planned Unit Developments).

**Legal Description:** Amend Asheboro Subdivision Ordinance, Article X (Planned Unit Developments), Section IV(F) and Appendix A, concerning Street Trees within PUDs, including specifically modifying the expiration clause of these provisions.

#### **ANALYSIS:**

In 2008, the Subdivision Ordinance was amended to provide for the inclusion of Street Trees within Planned Unit Developments. Attached to this report is the existing Subdivision Ordinance providing for street trees within Planned Unit Developments (PUDs). This section of the Subdivision Ordinance contains an expiration (sunset clause), which originally was set to expire on December 31, 2010 so the feasibility of including street trees in PUDs could be determined. This sunset clause was extended in 2010 to December 31, 2012, and again in 2012 until December 31, 2015.

The street trees that have been planted using these provisions have continued to mature since the last Ordinance extension in 2012. However, due to the economic conditions during much of the program's history, the program has not had an opportunity to be fully tested to determine its feasibility. Recognizing that the number of locations in which street trees planted using these provisions is limited, and the need to accurately assess that the current program is effective, staff recommends extending the sunset clause until December 31, 2018.

#### **STAFF RECOMMENDATION:**

**Approve the proposed amendment.**

ARTICLE X  
PLANNED UNIT DEVELOPMENTS

....

F. Street Trees

Street trees may be included within the public right-of-way of a public street within a planned unit development. Street trees may be planted in a planting strip between the sidewalk and the street. Street trees, when utilized, shall have a minimum caliper of 2 inches measured 6 inches above the ground. Plant materials should be selected which are appropriate to soil and site conditions. It is recommended that species be selected which are resistant to heat, drought, insects, and diseases and which require little maintenance. Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards.

Recommended street trees include the following (listed by common name):

Large Trees (Mature Height Greater than 50 feet):

-Green Ash	-Overcup Oak	-Japanese
-Thornless Honey Locust	-Pin Oak	Pagodatree
-Dawn Redwood	-Willow Oak	-Bald Cypress
-London Planetree	-Northern Red Oak	-Silver Linden
-Swamp White Oak	-Shumard Oak	-Lacebark Elm
-Shingle Oak	-Live Oak	-Japanese Zelkova

Medium Trees (Mature Height between 35 feet and 50 feet):

-Red Maple	-American Hornbeam	-Golden Raintree
-Horsechestnut	-Sugar Hackberry	-Amur Corktree
-Red Horsechestnut	-Turkish Filbert	-Sargent Cherry
-European Hornbeam	-Easter Redcedar	

Small Trees (Mature Height less than 35 feet)

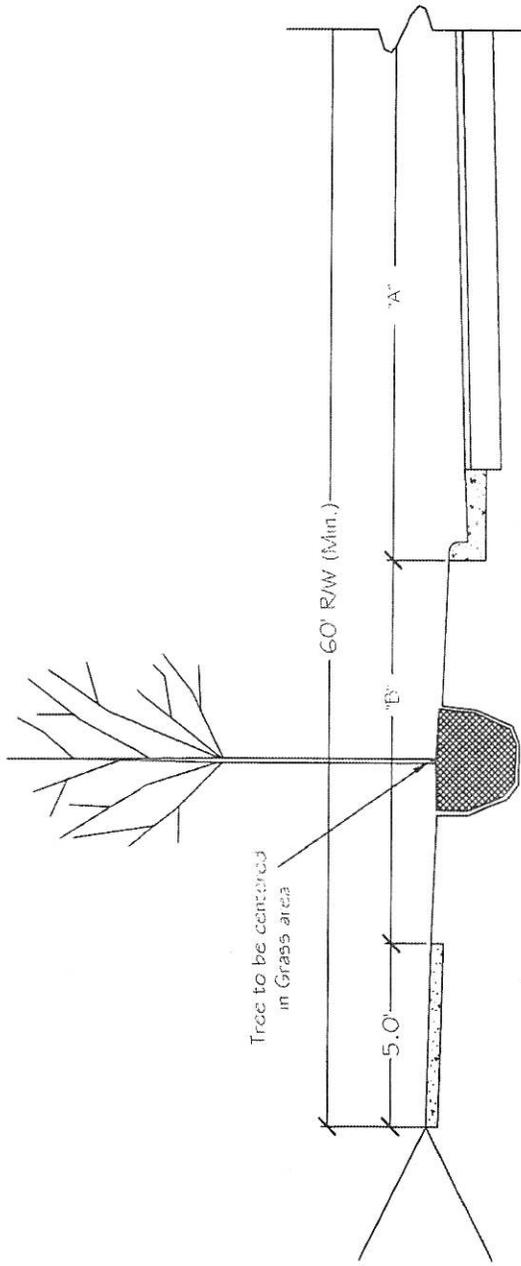
-Hedge Maple	-Kousa Dogwood	-Amur Maackia
-Serviceberry	-Green Hawthorn	-Flowering
-Eastern Redbud	-Carolina Silverbell	Crabapple
-Chinese fringetree	-Crapemyrtle	-Chinese Pistache
-Carolina Cherry	-Chokecherry	-Japanese Tree
Laurel		Lilac

Street trees shall be planted and maintained in accordance with design standards as shown in Article X, Appendix A (Street Tree Cross Section). Maintenance of street trees shall be the responsibility of the planned unit development homeowners' association. A maintenance agreement in perpetuity for

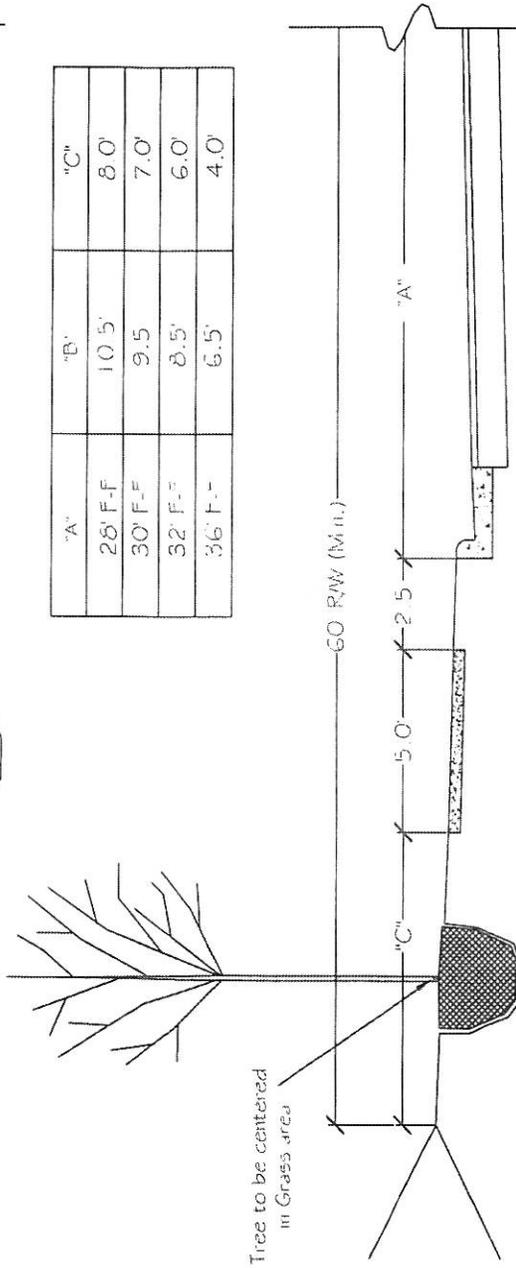
the street trees shall be included in the homeowners' association documents that shall be recorded with any final plat.

The homeowners' association shall remove, thin, prune, spray, stake, and otherwise maintain street trees in accordance with generally accepted standards of the landscaping industry. All incurred costs are to be borne by the homeowners' association. The City may remove from the public right-of-way without notice any planting or portion thereof which in the sole discretion of the City constitutes a hazard or may endanger the public health or safety or which constitutes an obstruction to the vision of traffic. The City does not assume liability for street trees. The City does not assume any responsibility or liability for the maintenance and preservation of street trees installed pursuant to this section. If any street trees installed pursuant to this section are not maintained in accordance with generally accepted industry standards, the city, upon thirty (30) days written notice to the homeowners' association, may remove the plantings from the right of way

*This subsection (Article X, Section IV.F) is an Ordinance to determine the feasibility of a system of street tree plantings. The provisions of this subsection shall expire as of midnight, December 31, ~~2015~~ 2018 without further action by City Council.*



"A"	"B"	"C"
28' F-F	10.5'	8.0'
30' F-F	9.5'	7.0'
32' F-F	8.5'	6.0'
36' F-F	6.5'	4.0'



Appendix "A"  
 Street Tree Cross Section  
 February, 2008 Not To Scale  
 Drawing By City of Asheboro

## Appendix A: Approved Street Trees

### Large Trees (Mature Height Greater than 50 feet):

- |                         |                   |                      |
|-------------------------|-------------------|----------------------|
| -Green Ash              | -Overcup Oak      | -Japanese Pagodatree |
| -Thornless Honey Locust | -Pin Oak          | -Bald Cypress        |
| -Dawn Redwood           | -Willow Oak       |                      |
| -London Planetree       | -Northern Red Oak | -Silver Linden       |
| -Swamp White Oak        | -Shumard Oak      | -Lacebark Elm        |
| -Shingle Oak            | -Live Oak         | -Japanese Zelkova    |

### Medium Trees (Mature Height between 35 feet and 50 feet):

- |                    |                    |                  |
|--------------------|--------------------|------------------|
| -Red Maple         | -American Hornbeam | -Golden Raintree |
| -Horsechestnut     | -Sugar Hackberry   | -Amur Corktree   |
| -Red Horsechestnut | -Turkish Filbert   | -Sargent Cherry  |
| -European Hornbeam | -Easter Redcedar   |                  |

### Small Trees (Mature Height less than 35 feet)

- |                         |                      |                      |
|-------------------------|----------------------|----------------------|
| -Hedge Maple            | -Kousa Dogwood       | -Amur Maackia        |
| -Serviceberry           | -Green Hawthorn      | -Flowering Crabapple |
| -Eastern Redbud         | -Carolina Silverbell | -Chinese Pistache    |
| -Chinese fringetree     | -Crapemyrtle         | -Japanese Tree Lilac |
| -Carolina Cherry Laurel | -Chokecherry         |                      |



**Adoption of 2016 Planning Board meeting dates**

## **Planning Board Proposed 2016 Meeting Dates**

Monday, January 4, 2016

Monday, February 1, 2016

Monday, March 7, 2016

Monday, April 4, 2016

Monday, May 2, 2016

Monday, June 6, 2016

Monday, July 11, 2016\*

Monday, August 1, 2016

Monday, September 12, 2016\*

Monday, October 3, 2016

Monday, November 7, 2016

Monday, December 5, 2016

\*Meeting dates are proposed on the second Monday of July and September due to the Independence Day and Labor Day holidays occurring on the first Monday of these months.