



Asheboro Planning Board
Monday, January 5, 2015
7:00 PM
AGENDA

- I. Call to Order
- II. Approval of Minutes from December 1, 2014 meeting
- III. Review of Cases
- IV. Planning Board Functioning as Board of Adjustment:
Approval of Findings of Fact in Appeal of Decision of Zoning Administrator
concerning status of Vehicle Towing Operation and Storage Facility located at
217 NC Hwy. 49 South.
- V. RZ-15-01: Terry Adkins: 160 Henley Country Road: Rezone from B2 (General
Commercial) to I2 (General Industrial)
- VI. RZ-15-02: Trollinger Investment Company: Gold Hill Road, Old Cedar Falls
Road, Lansdowne Rd. (Rezone from R40 Low-Density Residential and R10
Medium-Density Residential to I2 General Industrial)
- VII. Announcement of Land Development Plan Update Kickoff Meeting: Randolph
County-Asheboro Public Library Meeting Room (201 Worth Street), Tuesday,
January 27, 2015 between 4:30 p.m. and 6:30 p.m.
- VIII. Items Not on the Agenda
- IX. Adjournment

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**MEETING OF THE ASHEBORO PLANNING BOARD
COUNCIL CHAMBERS, 146 N. Church St.
MONDAY, DECEMBER 1, 2014
7:00 p.m.**

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

Van Rich) - Chair
James Lindsey) - Vice Chair

Ritchie Buffkin)
Lynette Garner)
David Henderson) - Members Present
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

Four (4) 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 NOVEMBER 3, 2014 MEETING

Mr. Morton noted that a change was made to reflect Mr. Justin Luck as the acting secretary for the November 3, 2014 regular meeting. After the change was noted, the minutes were approved unanimously.

III. REVIEW OF CASES

Mr. Luck informed the board of the zoning related cases that went before the City Council in November.

IV. PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT IN APPEAL OF DECISION OF ZONING ADMINISTRATOR CONCERNING STATUS OF VEHICLE TOWING OPERATION AND STARAGE FACILITY LOCATED AT 217 NC HIGHWAY 49 SOUTH

Mr. Luck went over the appeal process, mentioning it was a quasi-judicial public hearing and that a simple majority was required. He stated that the four (4) variance tests were not applicable, but the decision must be supported by substantial evidence. He also mentioned that voting slips would be passed out and would need to be signed at the end of the case to either affirm the decision of the Zoning Administrator or to reverse the decision. He stated that the applicants, Richard and Wanda Lyda were present, as well as their attorney, Holly Wright. He also mentioned Wade Dawkins, executor of Mr. Donald Goins' estate, was present.

At this time, Mr. Luck, Mr. Lyda, Ms. Wright and Mr. Dawkins were all sworn in to give their testimonies on the case. Mr. Luck listed the Parcel Identification Number as 7750048965. He stated that the address of the property was 217 NC Highway 49 South with a total of 0.75 acres zoned B2 General Commercial. He gave an overview of the property, mentioning the existing vehicle towing operation and storage facility use, which the city views as non-conforming, and also gave the surrounding land uses to the north, south and east being commercial, as well as a nonconforming residential use to the west. He stated that the Land Development Plan called for primary growth on the Growth Strategy Map and the Proposed Land Use Map called for commercial. He stated that the request of the applicant was to reverse the final zoning decision that a vehicle towing operation and storage facility is not a continuing legal nonconforming use at 217 NC Highway 49 South since the city viewed the previous use as a

rental/sales of domestic vehicles use. He showed aerial and zoning maps of the property, as well as photos of the property from all directions. He stated that a vehicle towing operation is permitted in the B2 zoning district. He then stated that Lyda's Towing has put in a request to join the city towing rotation and operate a vehicle towing operation and storage facility, which is a different use in the zoning ordinance from a vehicle towing operation and is not permitted in the B2 Commercial District. He stated that the only possible exception to prohibition would be through the continuation of a legal nonconforming use; according to staff's records, the last use on the property, D&G Motorsports, was rental/sales of domestic vehicles, which would not give it any legal nonconforming status.

Ms. Holly Wright, Esq., representing the Lydas, then gave a presentation that the previous use was, in fact, included towing and storage operations. She presented copies of Lyda's Towing and D&G Motorsports' liability garage insurance policies. She stated that both garage policies included storage and towing. She stated that according to the 2010 aerials, storage was taking place on the property. She then showed written statements with signatures from Mr. John McDaniel, Mr. Robert Salisbury and Mr. Stephen Brueilly stating that they had personal knowledge of Mr. Goins' towing and storage of vehicles for the general public on this property. She then showed photographs of a tow truck from the time when a Shell station operated from the property. She then called Mr. Lyda before the board wherein he informed them that he began operation at 217 NC Highway 49 S. sometime around 2011 and cleaned the property, which had several cluttered buildings, various stored vehicles and trash. He stated that several people came to collect their personal belongings, but they still had many vehicles left over after this. He stated that the property can house about 20 vehicles. He also stated that he has two (2) tow trucks on the premises. He stated that he would not be changing the size of the structure and they would only work on their own vehicles for maintenance. Ms. Garner inquired if the towing operation was licensed with the Highway Patrol. Mr. Lyda informed her that it was and gave an outline on the state's approval process. Ms. Wright then called Mr. Dawkins before the board wherein he informed them that he was the executor of Mr. Goins' estate. He stated that he was very familiar with Mr. Goins' business, which did include towing and storage services. He mentioned that the NCDOT would be buying a portion of this property at some point for a project on NC Highway 49 South.

Ms. Garner mentioned that she knew of towing and storage that went on while Mr. Goins occupied the property. She then made a motion to reverse the decision of the Zoning Administrator and stated that Lyda's Towing was a legal nonconforming use based on the evidence provided. Mr. Whitaker seconded the motion. Voting slips were signed and all were in favor of the motion.

V. ADOPTION OF 2015 MEETING DATES

Mr. Evans reviewed the proposed meeting dates with the board. The board was given a choice for the September meeting of August 31 or September 14, due to Labor Day and when this holiday occurred. Mr. Buffkin made a motion to adopt the 2015 meeting dates with the September 14th date chosen. Ms. Garner seconded the motion and the motion carried unanimously.

VI. REVIEW OF PROPOSED NON-RESIDENTIAL BUILDING MAINTENANCE CODE

Mr. Nuttall briefly outlined the proposal of a non-residential building maintenance code. He mentioned that we currently have a residential minimum housing code. He stated that if the non-residential code was adopted, any appeals would be heard by the Board of Adjustment. He stated that the City Council would hear the proposal at their regular December 4th meeting.

VII. ITEMS NOT ON THE AGENDA

There were no items to discuss at this time.

VIII. ADJOURNMENT

There being no further business to discuss, Mr. Rich adjourned the meeting.

Bradley Morton, Secretary, Planning Board

Van Rich, Planning Board Chairman



RZ-15-01 Rezone from B2 (General Commercial) to I2 (General Industrial)

(Terry Adkins: 160 Henley Country Road)

Staff Report

Rezoning Staff Report

RZ Case # RZ-15-01

Date 1/5/2015 Planning Bd.
2/8/2015 City Council

General Information

Applicant Terry Adkins

Address 160 Henley Country Road

City Asheboro NC 27203

Phone 336-736-7796

Location 160 Henley Country Road

Requested

Action

Rezone from B2 (General Commercial) to I2 (General Industrial)

Existing Zone B2

Existing Land Use Minor Motor Vehicle Repair

Size 1.35 acres (+/-)

Pin # 7771267446

Applicant's Reasons as stated on application

Area has seen industrial rezoning in recent years. Property is in an economic development area and the land use plan proposes an employment center.

Surrounding Land Use

North Industrial

East Single-family residential

South Commercial/Undeveloped residential (County)

West Single-family residential

Zoning History N/A

Legal Description

The property of Mc Mc Properties, LLC, located at 160 Henley Country Road, totaling approximately 1.35 acres (+/-) and more specifically identified by Randolph County Parcel Identification Number 7771267446

Analysis

1. The property has street frontage of three state-maintained major thoroughfares, US Hwy. 64 East, Henley Country Road, and East Presnell Street. The property is close to the interchange of the US Hwy. 64 Bypass.
2. The property is outside of the city limits. City water service is currently available to the property, however, sewer service is not available.
3. The Land Development Plan Growth Strategy Map designates this property as an "economic development area", described by the LDP as "areas with prime access to a major thoroughfare and/or highway interchange, with high potential for economic development expansion. Suitable economic development sites within EDAs should be given a high level of encouragement and incentives as provided by policy 1.2.3."
4. The proposed land use map designates this property as an employment center. The land development plan describes the intent of an employment center as follows: "to integrate a mixture of commercial, office, and institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities, and open space."
5. In order to develop the property consistent with the Employment Center designation in the LDP, all city services should be provided.
6. A mix of commercial, residential, and industrial uses are in the vicinity.
7. No site-specific uses or development plans are considered with the requested I2 district.

Rezoning Staff Report

RZ Case # RZ-15-01

Page 2

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.

Growth Strategy Map Designation	Economic Development
Proposed Land Use Map Designation	Employment Center
Small Area Plan	East

LDP Goals/Policies Which Support Request

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

Checklist Item #5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

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

Checklist Items 12, 13, and 14: 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%.

Rezoning Staff Report

RZ Case # RZ-15-01

Page 3

LDP Goals/Policies Which Do Not Support Request

Policy 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.

Recommendation

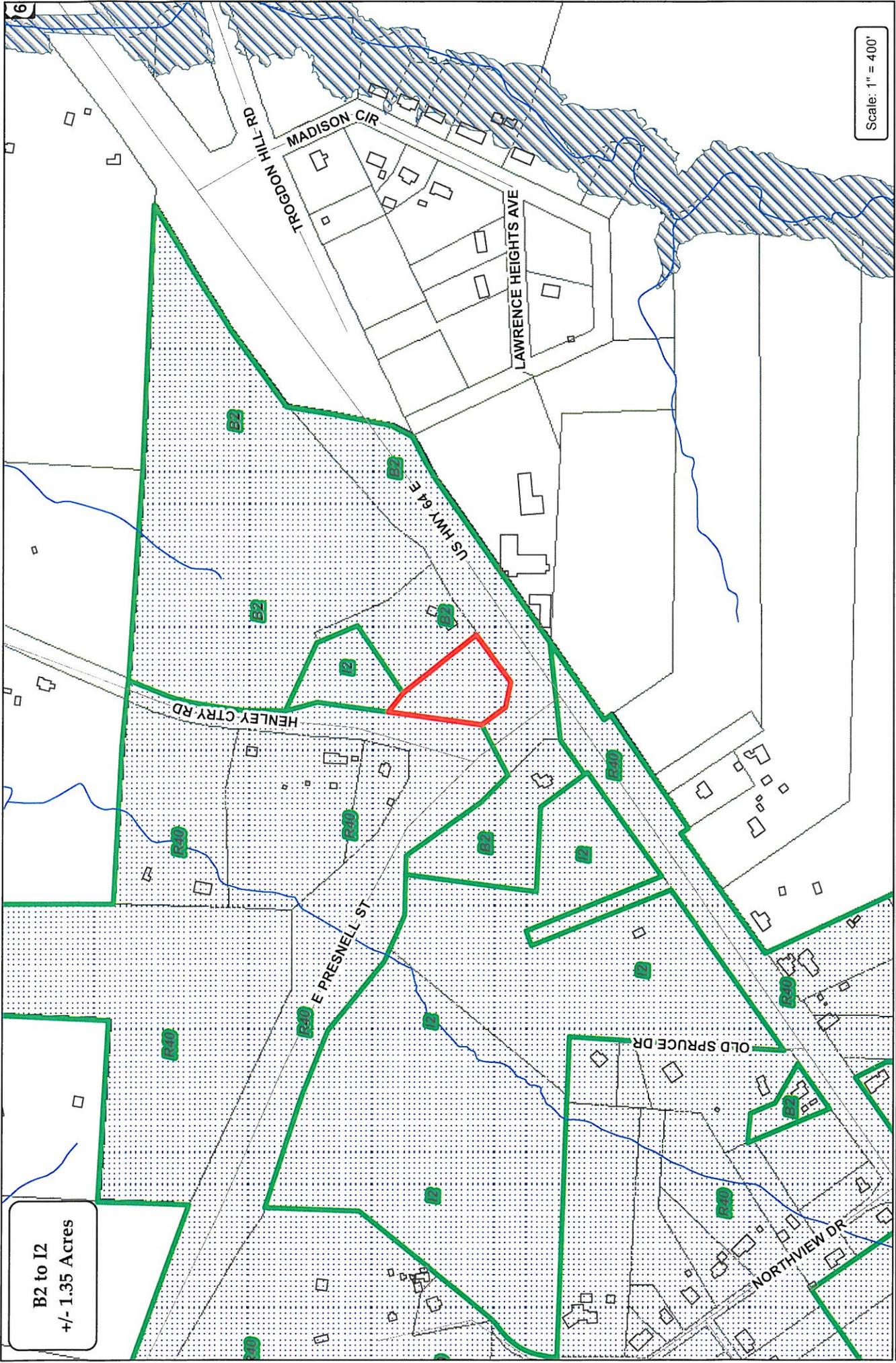
Approve

Reason for Recommendation

The property is designated by the Land Development Plan proposed land use map and East Small Area Plan as part of an employment center. The Land Development Plan toolkit incorporates a mix of office and institutional, commercial, and industrial uses into an employment center, and zoning the property for industrial use is consistent with this designation and may allow for additional economic development opportunities to be fully realized when the necessary infrastructure (i.e. public water and sewerage) becomes available. Additionally, recent rezoning activity in the area (including property that is contiguous to the North and property further west that have been rezoned to I2) demonstrate the increasingly industrial nature of the area. Considering these factors, staff believes that the rezoning request is generally within the public interest in supporting a reasonable use of property.

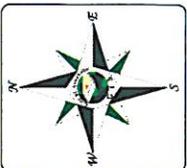
Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

Considering the above factors, staff believes the I2 designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the Land Development Plan.



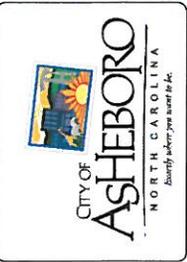
B2 to I2
 +/- 1.35 Acres

Scale: 1" = 400'

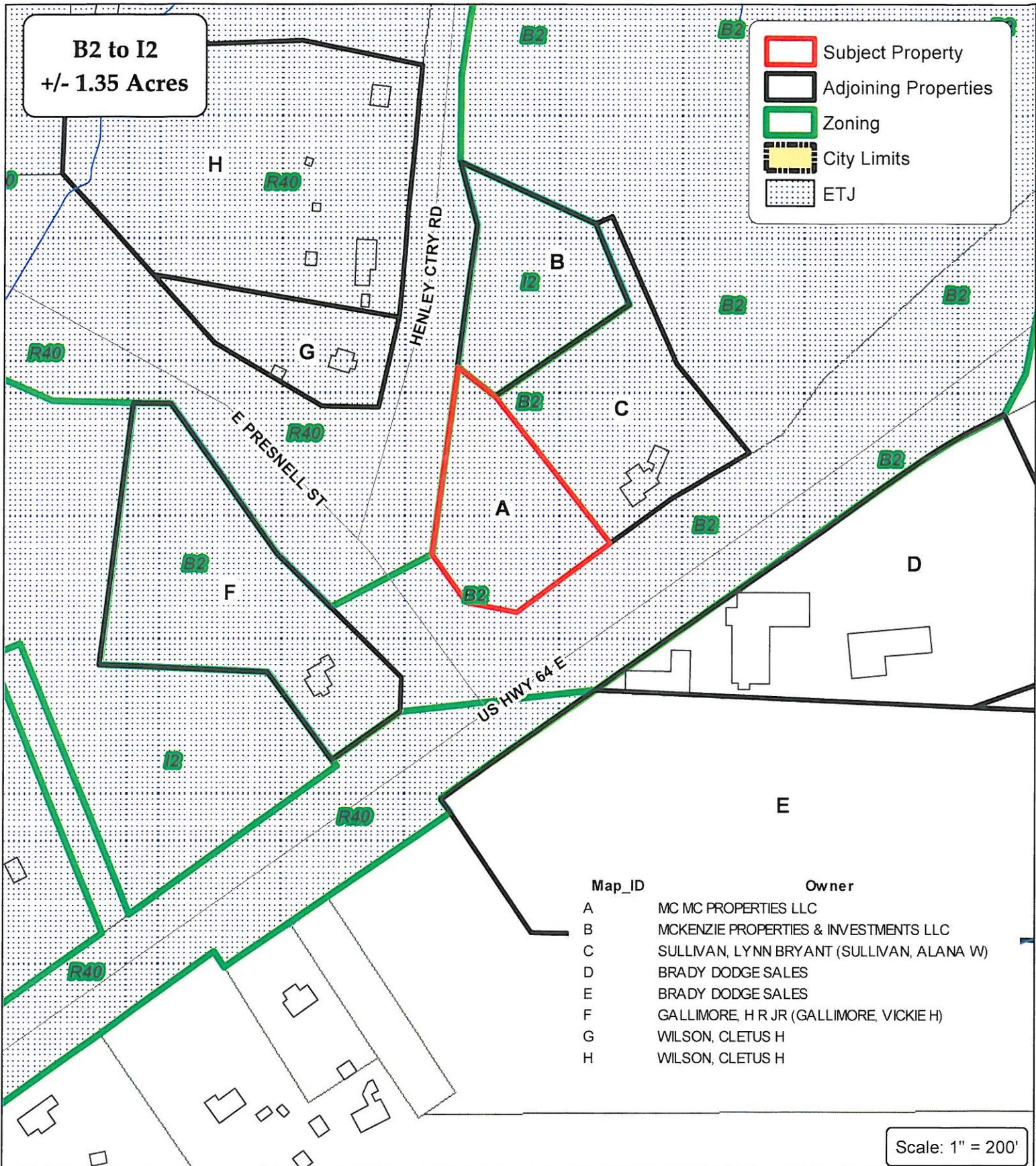


Subject Property
 Zoning
 City Limits
 ETJ

City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-15-01
 Parcels: 7771267446



**B2 to I2
+/- 1.35 Acres**



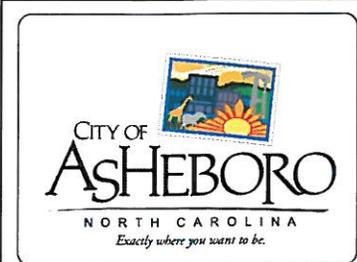
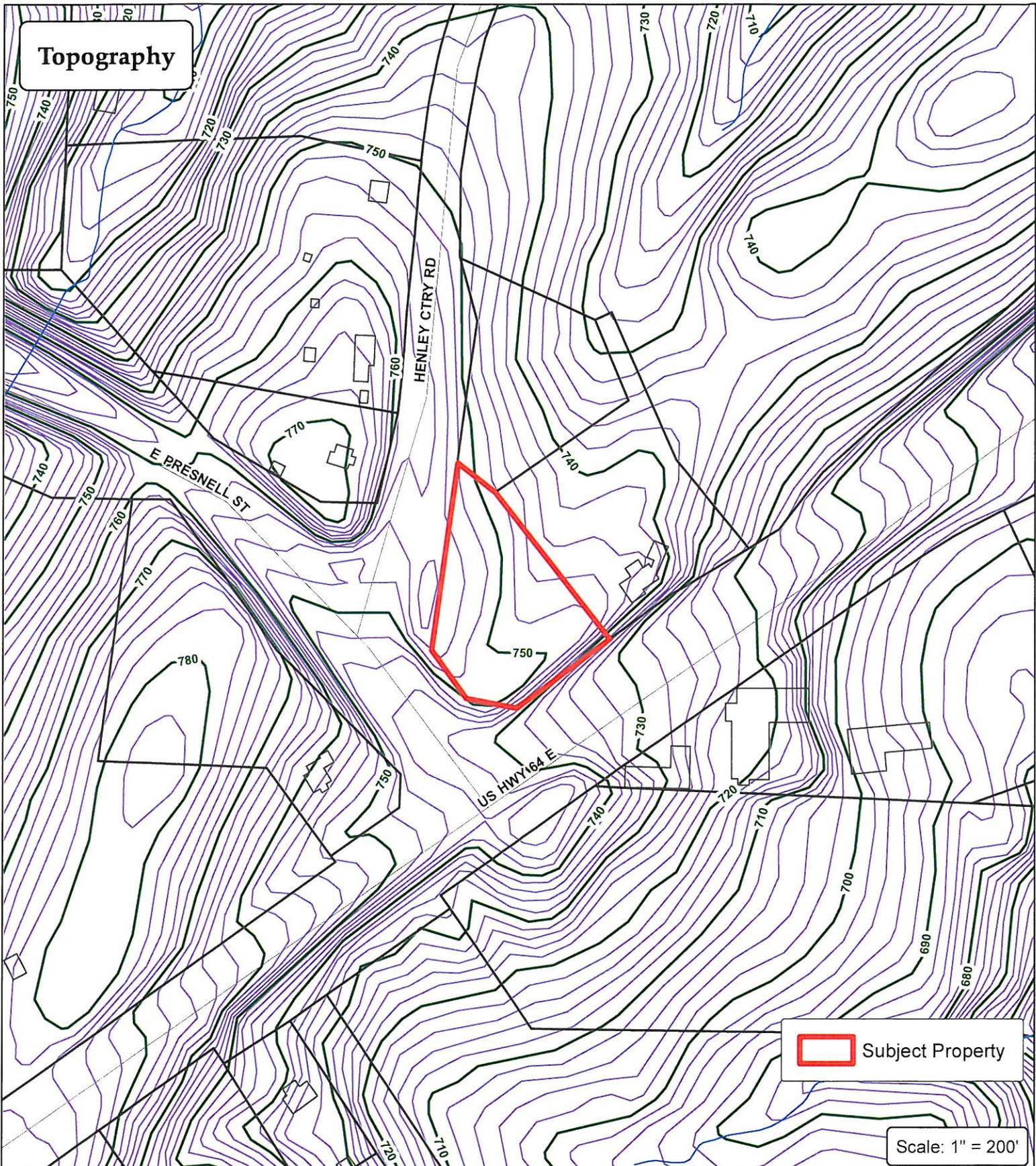
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A	MC MC PROPERTIES LLC
B	MCKENZIE PROPERTIES & INVESTMENTS LLC
C	SULLIVAN, LYNN BRYANT (SULLIVAN, ALANA W)
D	BRADY DODGE SALES
E	BRADY DODGE SALES
F	GALLIMORE, H R JR (GALLIMORE, VICKIE H)
G	WILSON, CLETUS H
H	WILSON, CLETUS H

Scale: 1" = 200'



**City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-01
Parcels: 7771267446**

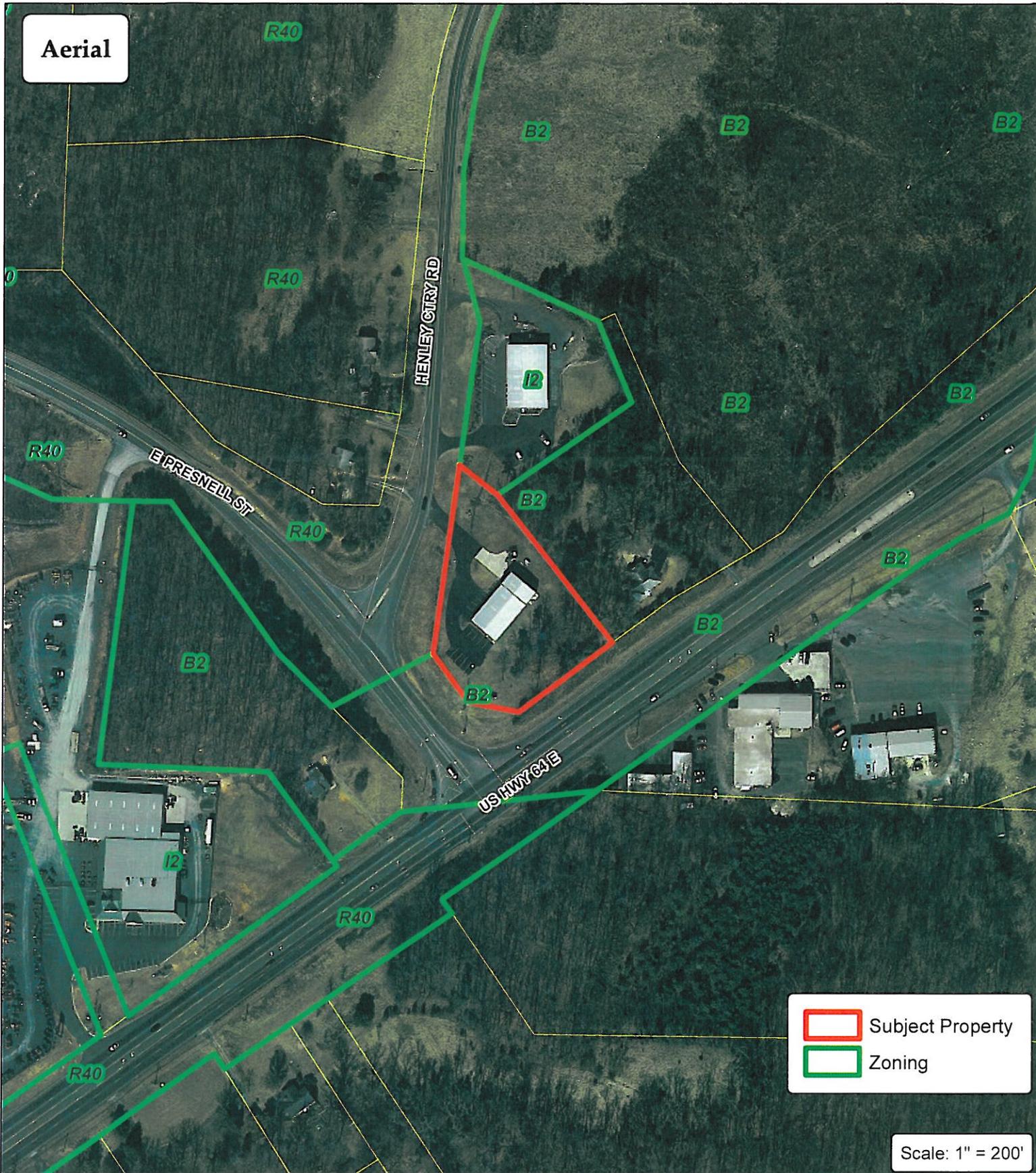




City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-01
Parcels: 7771267446



Aerial

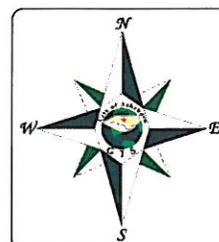


-  Subject Property
-  Zoning

Scale: 1" = 200'



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-01
Parcels: 7771267446



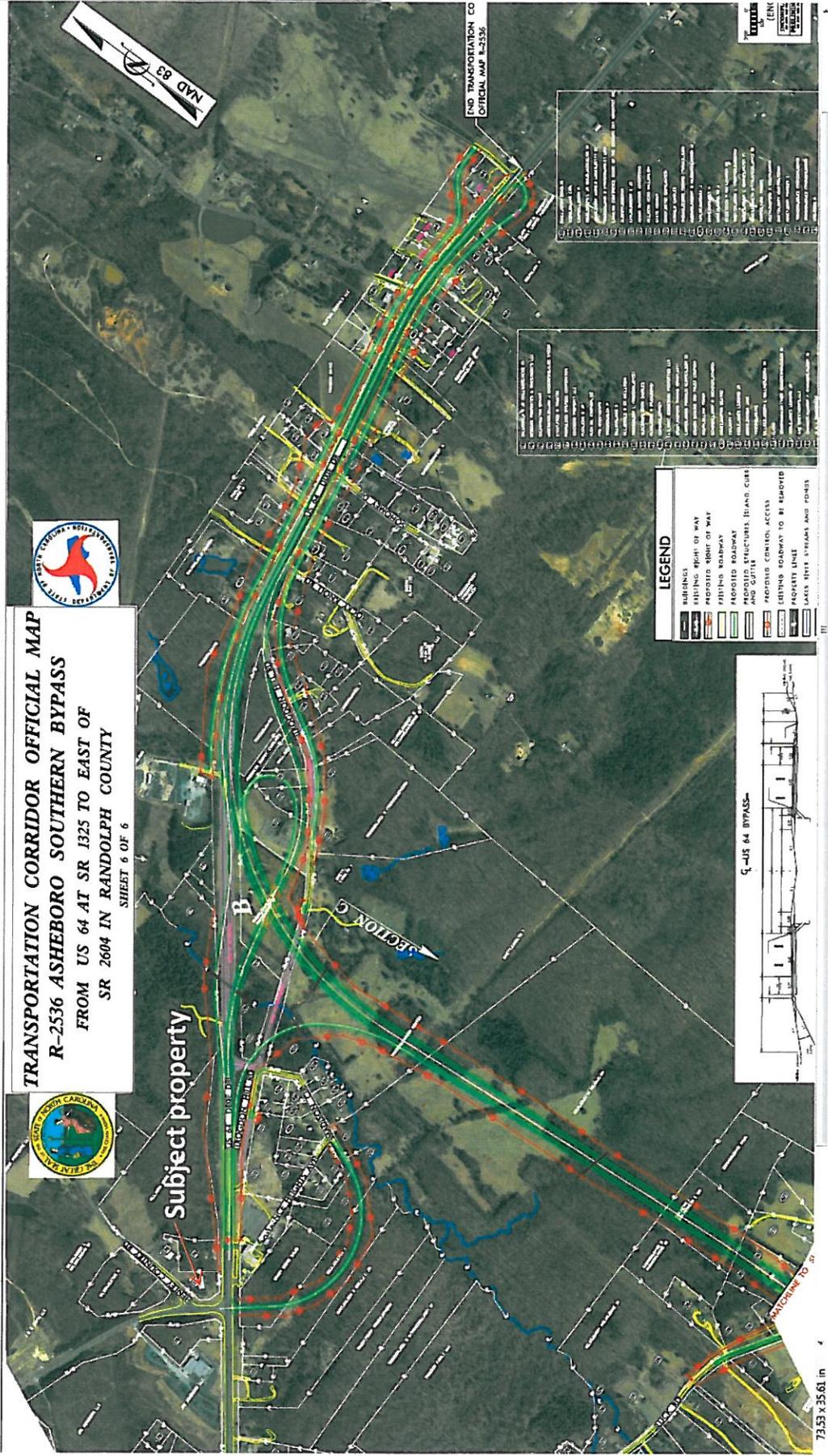
Proposed US Hwy. 64 Bypass



CITY OF
ASHEBORO
NORTH CAROLINA



TRANSPORTATION CORRIDOR OFFICIAL MAP
R-2536 ASHEBORO SOUTHERN BYPASS
FROM US 64 AT SR 1325 TO EAST OF
SR 2604 IN RANDOLPH COUNTY
SHEET 6 OF 6





RZ-15-02 Rezone from R40 (Low-Density Residential) and R10 (Medium-Density Residential) to I2 (General Industrial)

(Trollinger Investment Company: Gold Hill Road, Old Cedar Falls Road, Lansdowne Road)

Staff Report

Rezoning Staff Report

RZ Case # **RZ-15-02**

Date 1/5/2015 PB
2/5/2015 CC

General Information

Applicant Trollinger Investment Company

Address 350 N. Cox Street, Suite 24

City Asheboro NC 27203

Phone 336-625-6033

Location east side of Gold Hill Road

Requested Action Rezone from R40 Low-Density Residential and R10 Medium-Density Residential to I2 General Industrial

Existing Zone R10/R40

Existing Land Use Undeveloped

Size 5.06 acres (+/-)

Pin # 7761569794, 7761670394, 7761670233, 7761579174,
7761671455, 7761660448, 7761569378

Applicant's Reasons as stated on application

See attached.

Surrounding Land Use

North Industrial (undeveloped)/Low Density Res.

East Single-family residential

South Industrial/Church

West Industrial

Zoning History N/A

Legal Description

The property of Trollinger Investment Co. located on the east side of Gold Hill Rd., east of 385 Gold Hill Rd., the west side of Old Cedar Falls Road, and the western terminus of Lansdowne Rd. The properties total approximately 5.06 acres (+/-), are identified by Randolph County Parcel Identification Numbers 7761569794, 7761670394, 7761670233, 7761579174, 7761671455, 7761660448, and 7761569378, and are recorded in PB 142, PG 52 of the Randolph County Public Registry.

Analysis

1. Gold Hill Road and Old Cedar Falls Road are both state-maintained minor thoroughfares. Lansdowne Road is a state maintained road serving single-family residential uses.
2. The property is located outside of the city limits. Properties along Old Cedar Falls Road and Lansdowne Road currently have access to water but not sewer service. Properties along Gold Hill Road do not have access to water or sewer service.
3. The Land Development Plan (LDP) designates the subject properties for neighborhood residential land use. An industrial designation and use is to the west of the subject property across Gold Hill Road. Propertyies to the east of and contiguous to the subject property is designated as neighborhood residential and are characterized as an established single-family residential neighborhood. Properties further east of the subject property are designated as an economic development area development area (EDA), and include a mixture of industrial (I2) and commercial (B2) zoning.
4. The LDP growth strategy map designates the property as an economic development area, described as "areas with prime access to a major thoroughfare and/or highway interchange with high potential for economic development expansion, but in need of public infrastructure investment."
5. As stated by the zoning ordinance *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.*

Rezoning Staff Report

RZ Case # RZ-15-02

Page 2

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.

Growth Strategy Map Designation	Economic Development
Proposed Land Use Map Designation	Neighborhood Residential
Small Area Plan	East

LDP Goals/Policies Which Support Request

Checklist Item #5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Item #9: Rezoning will benefit the economic vitality of City designated Economic Development Area.

Checklist Items #12-14: 12.) Property is located outside of the watershed area 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%. (portion of property).

Rezoning Staff Report

RZ Case # RZ-15-02

Page 3

LDP Goals/Policies Which Do Not Support Request

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

Checklist Item #10: Rezoning is not consistent with Land Category Descriptions

-**Policy 2.1.5.** 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.

Checklist Items 14-15. 14.) Rezoning is located on steep slopes of greater than 20%. (portion of property)

15.) Rezoning is located on poor soils (per "Physical Development Limitations" map in LDP)*

* Staff Note Concerning Checklist Item 15: The LDP identified poor soils as a challenge to developing the property, regardless of the zoning district in which it is located.

However, it could be a significant factor limiting larger scale development, which is why it is identified.

Recommendation Deny

Reason for Recommendation

Several Land Development Plan (LDP) goals and policies support the request. The property is contiguous to industrial zoning and uses to the west and is designated as part of the economic development growth strategy area. Areas to the east have also seen rezoning activity in recent years, reflecting the increased potential for commercial and industrial development activity.

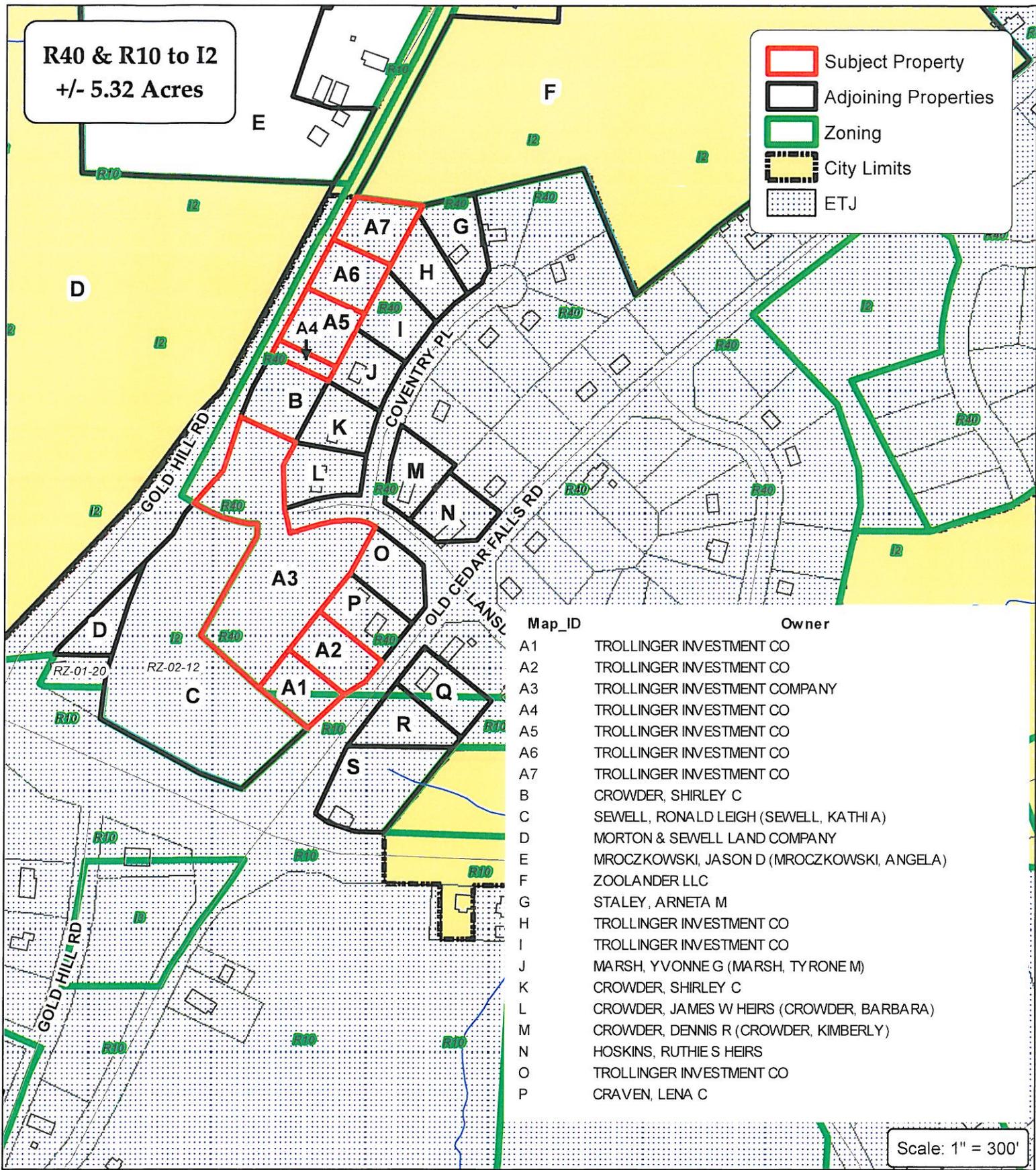
However, several LDP goals and policies are negative towards the request. The property is designated for neighborhood residential use, reflecting that the property is contiguous to an established residential neighborhood. The industrial land category description in the LDP emphasizes transitional uses to soften the impact industrial uses may have on adjacent residential uses. Compatibility with contiguous residential uses is uncertain if this general district I2 request is approved.

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

Considering the above factors, staff believes that the existing R40 (Low-Density Residential) and R10 (Medium-Density Residential) zoning is consistent with the adopted comprehensive Land Development Plan and is therefore reasonable and in the public interest.

R40 & R10 to I2
+/- 5.32 Acres

-  Subject Property
-  Adjoining Properties
-  Zoning
-  City Limits
-  ETJ

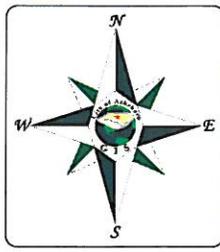
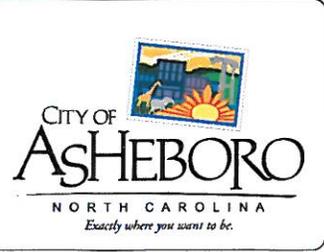


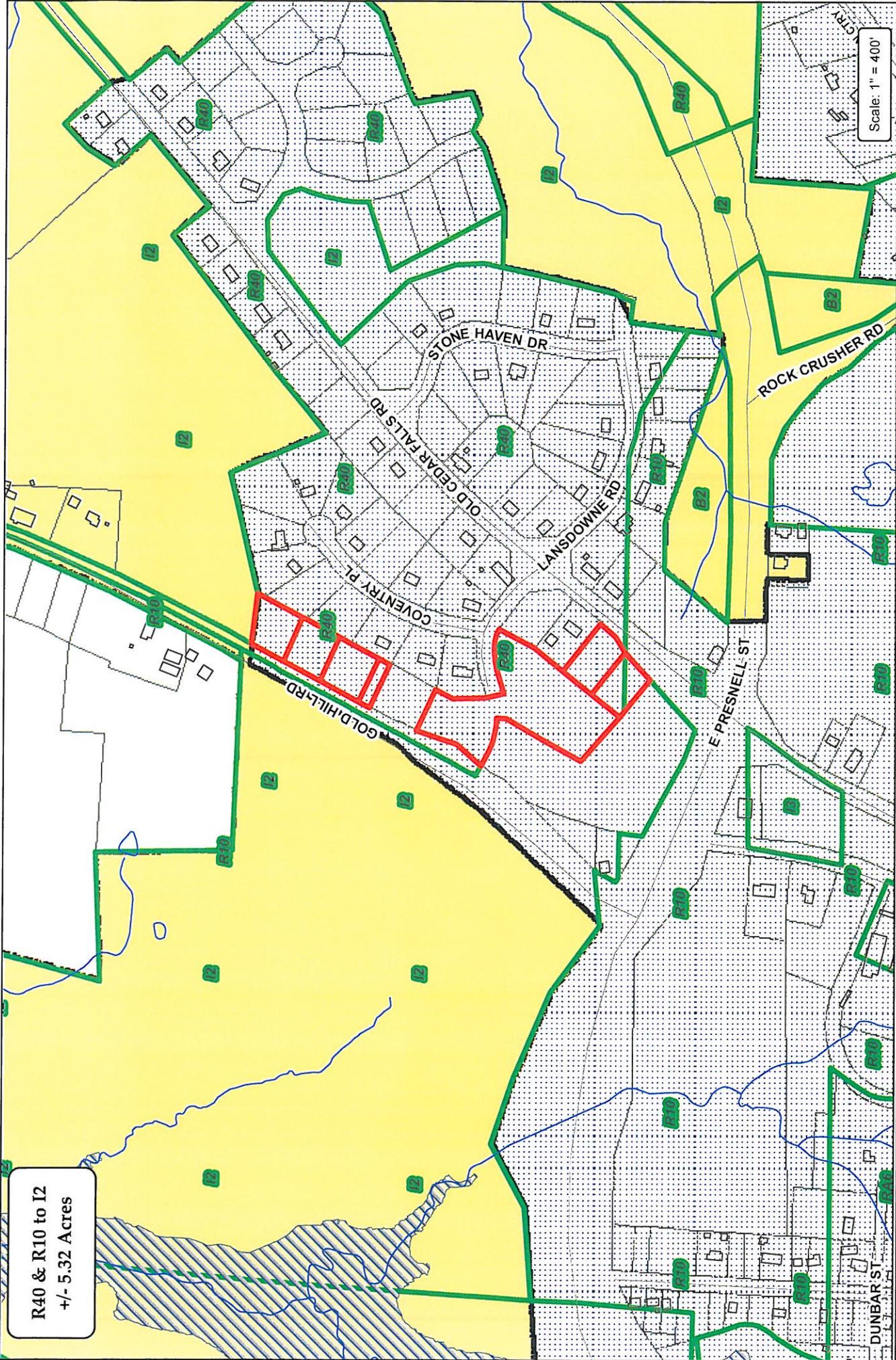
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A2	TROLLINGER INVESTMENT CO
A3	TROLLINGER INVESTMENT COMPANY
A4	TROLLINGER INVESTMENT CO
A5	TROLLINGER INVESTMENT CO
A6	TROLLINGER INVESTMENT CO
A7	TROLLINGER INVESTMENT CO
B	CROWDER, SHIRLEY C
C	SEWELL, RONALD LEIGH (SEWELL, KATHI A)
D	MORTON & SEWELL LAND COMPANY
E	MROCKOWSKI, JASON D (MROCKOWSKI, ANGELA)
F	ZOOLANDER LLC
G	STALEY, ARNETA M
H	TROLLINGER INVESTMENT CO
I	TROLLINGER INVESTMENT CO
J	MARSH, YVONNE G (MARSH, TYRONE M)
K	CROWDER, SHIRLEY C
L	CROWDER, JAMES W HEIRS (CROWDER, BARBARA)
M	CROWDER, DENNIS R (CROWDER, KIMBERLY)
N	HOSKINS, RUTHIE S HEIRS
O	TROLLINGER INVESTMENT CO
P	CRAVEN, LENA C

Scale: 1" = 300'

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-02

Parcels: 7761569794, 7761670394, 7761670233,
 7761579174, 7761671455, 7761660448, 7761569378





**R40 & R10 to I2
+/- 5.32 Acres**

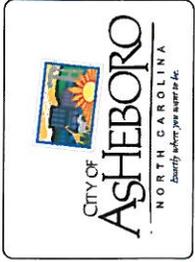
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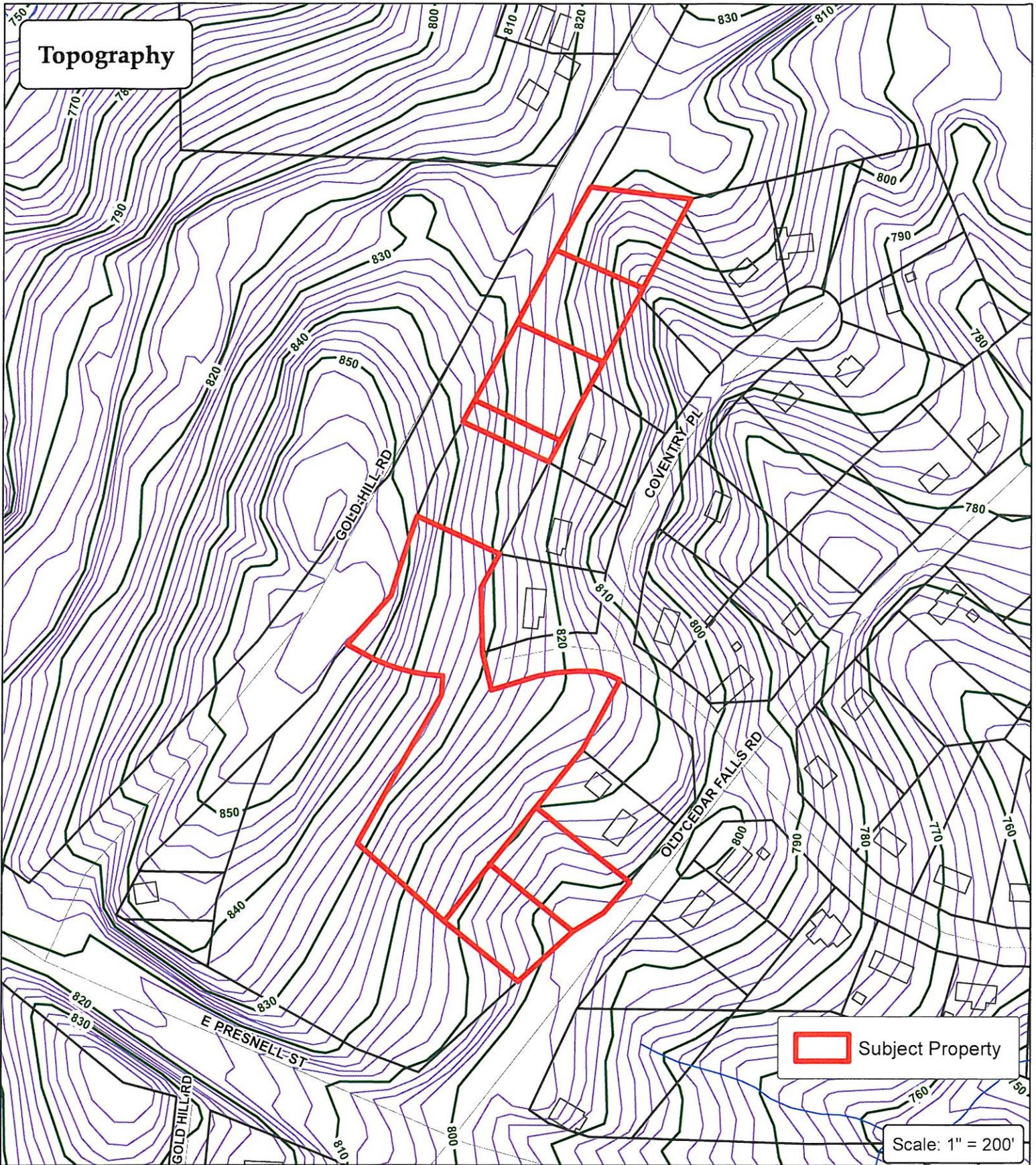
Subject Property 
 Zoning 
 City Limits 
 ETJ 

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-02

Parcels: 7761569794, 7761670394, 7761670233,
 7761579174, 7761671455, 7761660448, 7761569378



Topography



 Subject Property

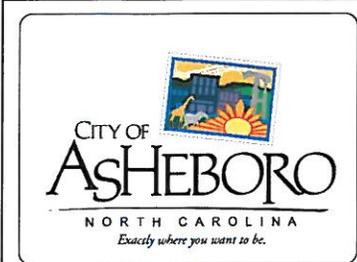
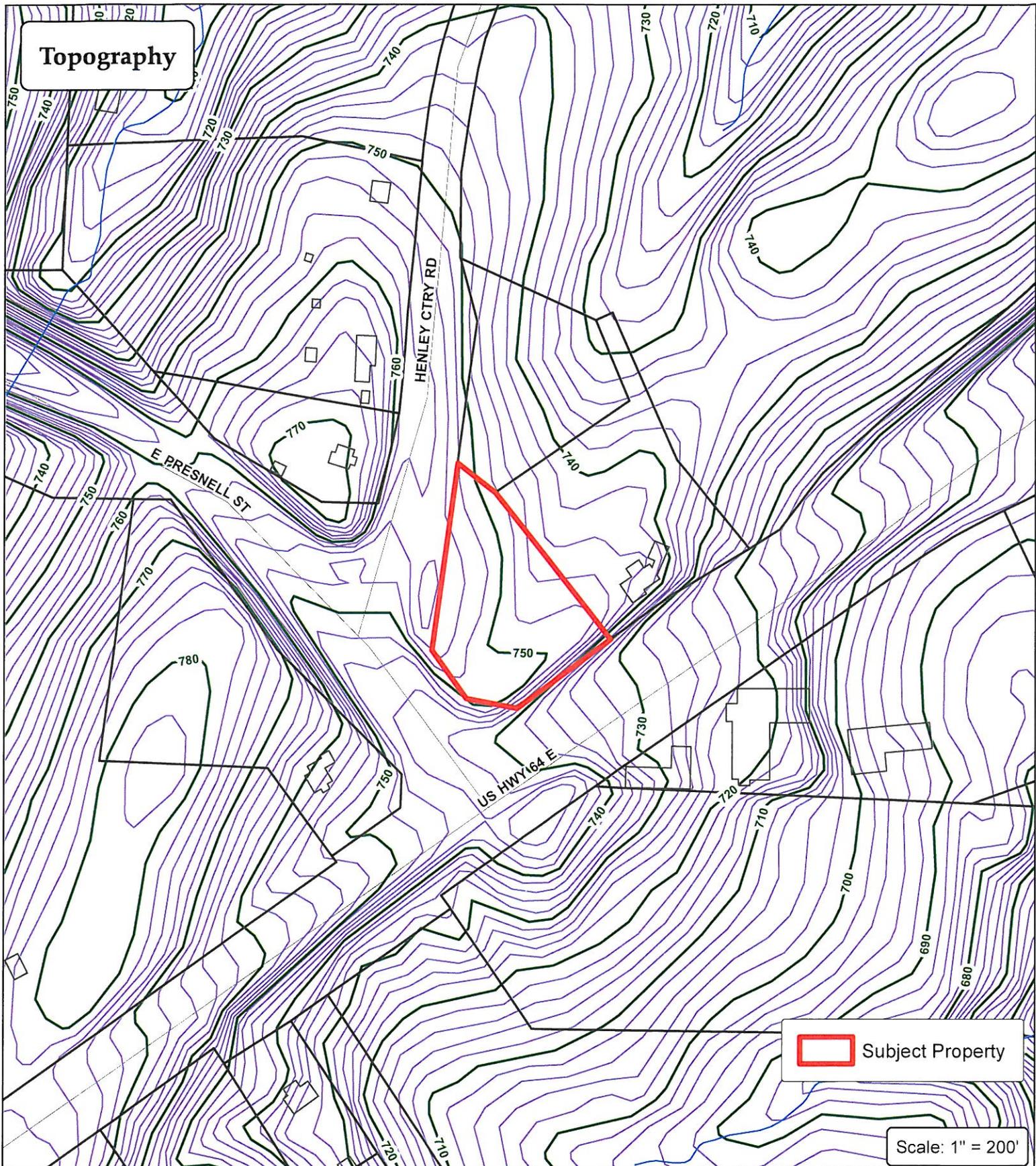
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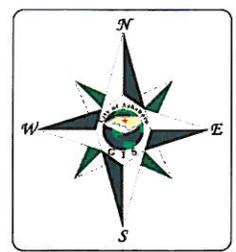
**City of Asheboro
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Parcels: 7761569794, 7761670394, 7761670233,
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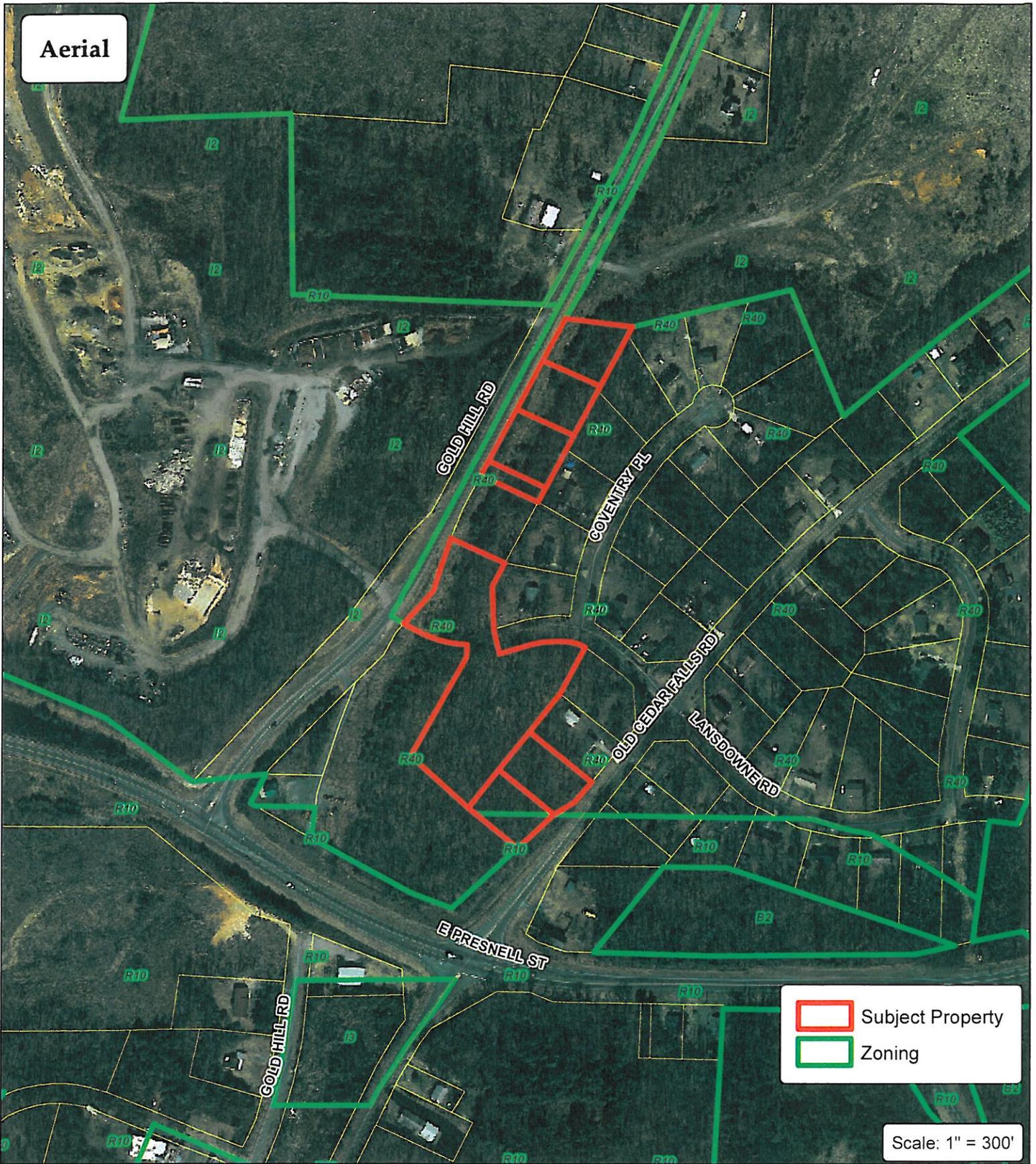




City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-01
Parcels: 7771267446



Aerial



 Subject Property
 Zoning

Scale: 1" = 300'



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-02

Parcels: 7761569794, 7761670394, 7761670233,
7761579174, 7761671455, 7761660448, 7761569378

