



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

Monday, June 5, 2017

7:00 PM

AGENDA

- I. Call to Order
- II. Approval of Minutes from May 1, 2017 meeting
- III. Review of Cases
- IV. RZ-17-04: Request to rezone property located at 312 W. Ward Street from OA6 (Office-Apartment) and RA6 (High-Density Residential) to CU-B2 (Conditional Use General Commercial)
- V. SUB-14-01: Final Subdivision Plat for Springwood Townhomes
- VI. Planning Board Functioning as Board of Adjustment in the matter of an appeal of a Final Notice of Violation filed by Sydney and Donna Lowe concerning property located at 1504 N. Fayetteville St. and 107 Saunders Drive (Case No. BOA-17-02).
- VII. Items Not on the Agenda
- VIII. Adjournment

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**MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, MAY 1, 2017
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:

Van Rich) - Chair
James Lindsey) - Vice Chair

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

Dave Whitaker) - Members Absent

John Evans, Assistant Community Development Division Director
Brad Morton, Planning Technician/Deputy City Clerk
Trevor Nuttall, Community Development Division Director

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 APRIL 3, 2017 MEETING

Mr. Rich inquired to the board if there were any corrections to be made to the April 3, 2017 minutes. There being no corrections, The board approved the minutes as submitted.

III. REVIEW OF CASES

Mr. Nuttall informed the board that there were no zoning related cases at the regular April meeting of the City Council.

IV. OLD BUSINESS

- **SUB-17-01: Subdivision Sketch Design (Waterford Villas: Phase 2) continued from April 3, 2017 meeting**

Mr. Evans presented the subdivision sketch design plans for Phase 2 of Waterford Villas. He stated that this case had been continued from the April Planning Board meeting. He stated that there were 117 lots proposed plus common area and noted that there had been acreage updates to the plat, which made the total subject area 38.0 acres +/- . He also stated that there were two (2) parcels added, in addition to the existing three (3) from the previous plat submittal, which are PIN#: 7763265497 and 7763265562, which also would be reflected in the rezoning and Conditional Use Permit application scheduled to be presented to City Council on June 4, 2017. He presented the plat, which had been updated on April 19, 2017, showing the layout of the subdivision. At this time he went over department comments with the board. He stated that the Engineering department comments have been addressed. He stated that the Public Works department needed new construction plans to be submitted prior to starting development on the

site for review showing the proposed locations of individual water and sewer services with connections to the mainlines for each proposed unit. He stated that the Planning department plat corrections have been addressed, noting the condition concerning labeling of driveways (Units 100-117) and related open space calculations. He stated that if approved, homeowners documents would need to be recorded with the final plat. These documents would detail ownership/maintenance mechanisms, including restrictions on RV parking. He also mentioned that the Fire department had assessed the existing hydrants and found that they were adequate to serve the proposed development. He provided comments from Randolph County Schools, stating that Randleman Elementary is at capacity, Randleman Middle has room to grow, and Randleman High School is over capacity. He also provided comments from the NC Department of Transportation stating that no additional improvements will be required. After presenting the report, he stated that staffs' recommendation was to approve the subdivision sketch design (which is a review of whether the proposed sketch design meets the technical requirements of the Subdivision Ordinance) subject to the noted conditions. He also stated that the City Council must also approve the rezoning, and combined quasi-judicial conditional use permit and Subdivision sketch design. He stated that City Council is scheduled to review the rezoning, conditional use permit, and the subdivision on Thursday, May 4, 2017 at 7:00 p.m. He also stated that a continuance of the Council hearing has been requested by an attorney representing some area homeowners and that the next Council meeting date is June 8, 2017. He stated that he would answer any questions the board had for him. Mr. Henderson inquired if any plantings had been installed on the site. Mr. Evans mentioned that there was some existing vegetation along the boundaries of the property, and that there is a condition that around the perimeter would require screening and/or fencing to be added. There were no further questions for Mr. Evans.

Mr. Rich asked if there was anyone to speak in favor of the request. Mr. Daniel Stickler, developer, stated that if the board had any questions he would answer them. There were no questions. Mr. Rich then asked if there was anyone to speak in opposition to the request. Mr. Jim Wright stated that he was not in opposition but had a question regarding the storage building and if it were to be for the residents only, to which, Mr. Stickler stated that it would only be for homeowners. Mr. Wright then asked if the storage building does not fill up, will other people outside of the development be allowed to use it. Mr. Stickler stated that only the residents would be able to utilize the storage building. Mr. Mark Leonard inquired about the homeowners being responsible for the maintenance of the driveway to lots 34-38 which was affirmed.

Ms. Lynette Garner moved to approve the subdivision sketch design case SUB-17-01. Mr. Buffkin seconded the motion and the motion carried unanimously.

V. ANNUAL REPORT CONCERNING PLANNING BOARD ACTIVITIES, EXPENDITURES, AND BUDGET ESTIMATES

Mr. Evans presented the Annual Report concerning Planning Board activities, expenditures, and budget estimates. He stated that there were 13 different cases heard and that most of these were map amendment cases. He stated that there were two (2) zoning text amendments, one (1) subdivision text amendment, two (2) subdivision cases, as well as one (1) variance case. He stated that 13 cases is in line with prior annual reports. He then stated that \$8,400 is proposed to be budgeted for the Planning Board stipends in the upcoming fiscal year. He stated that this report will be in the City Council's agenda packet for their next meeting and that this is a city code requirement to generate a report to the council.

VI. ITEMS NOT ON THE AGENDA

There were no items at this time.

VII. ADJOURNMENT

With no further business to come before the board, Mr. Rich adjourned the meeting.

Bradley Morton, Planning Board Secretary

Van Rich, Planning Board Chairman



RZ-17-04: Request to rezone property located from RA6 (High-Density Residential) and OA6 (Office-Apartment) to Conditional Use General Commercial (CU-B2) zoning district

(312 West Ward Street)

Staff Report

Rezoning Staff Report

RZ Case # RZ-17-04

Date 6/5/2016 Planning Bd.
7/13/2016 City Council

General Information

Applicant Karen Lassiter

Address 336-302-3875

City Asheboro NC 27203

Phone 336-633-1888

Location 312 W. Ward St., Asheboro, NC 27203

Requested Action Rezone from RA6 (High-Density Residential) and OA6 (Office-Apartment) to CU-B2 (Conditional Use General Commercial)

Existing Zone RA6/OA6

Existing Land Use Health Services was previous use: Currently vacant

Size 0.95 acres +/-

Pin # 7751744501

Applicant's Reasons as stated on application

Hours flexible to the needs of hospital staff and general community. For example 12 hour shift for child care as needed. Proposed five star child care center serving infants through school age children within close proximity to hospital.

Staff Note: The applicant filed a Conditional Use Permit application for a Large Child Care Center. The Planning Board's review concerns the question of rezoning the property to the CU-B2 (Conditional Use General Commercial) district.

Surrounding Land Use

North Office/Institutional/Medical

East Industrial/Commercial/Railroad

South Commercial/Medical

West Multi-family industrial

Zoning History RZ-03-02: A request to rezone the property from OA6 to CU-B3, with a Conditional Use Permit for Health Services, was withdrawn (2003).

Legal Description

The property of Allen Gray Partnership, located at 312 W. Ward St., more specifically identified by Randolph County Parcel Identification Number 7751744501, and totaling approximately 0.95 acres +/-.

Analysis

1. The property is inside the city limits. All city services are available.
2. West Ward Street (approximately 30'-32' wide) and North Church Street (approximately 18' wide) are both city-maintained streets at this location.
3. The property currently has split zoning with the Office-Apartment (OA6) zoning on the majority of the property. A small portion of the property is zoned RA6 (High-Density Residential).
4. The area is characterized by a mix of office, medical, industrial, commercial, and residential uses.
5. The property is located within Tier 3 of the Center City Planning Area (Commercial and Employment Center Planning Area).
6. The applicant has also requested a Conditional Use Permit, as required for a Large Child Care Center (defined, in part, as providing services to 80+ children), which is only permitted in the B2 and B3 commercial zoning districts with a special use permit (or the corresponding CU-B2 or CU-B3 districts with a conditional use permit). A City Council public hearing is currently scheduled on July 13, 2017 for the Council's to review both the rezoning and Conditional Use Permit request.

Rezoning Staff Report

RZ Case # RZ/CUP-17-04

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.

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

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

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-17-04

Page 3

LDP Goals/Policies Which Do Not 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*)

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

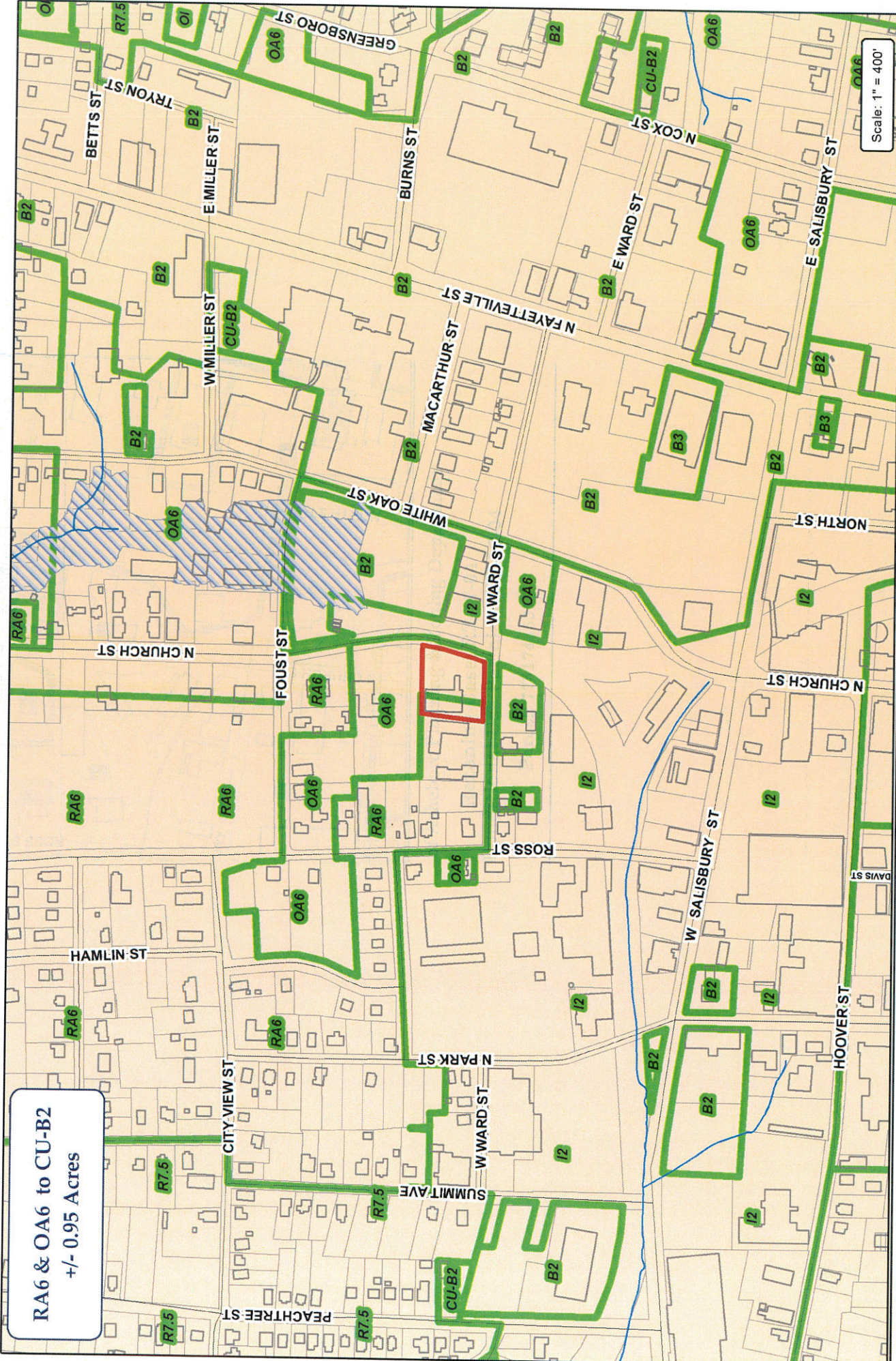
The property is located inside the City Activity Center, which is described by the Land Development Plan (LDP) as "the historic core of community life in Asheboro." This description further states that the City Activity Center "incorporates a mix of commercial, office, institutional, residential, and public open space uses."

The property is situated among a mix of uses and zoning districts which are more intense than the requested CU-B2 district. Two sides of the property are adjacent to properties with general district B2 (General Commercial) zoning and I2 (General Industrial) zoning. These surrounding properties have the potential to be more intensive than the requested CU-B2 district.

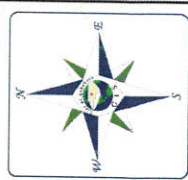
The requested CU-B2 district can accommodate a number of potential uses that are consistent with the City Activity Center designation, and the conditional use permitting process will help ensure that both the use and manner in which the property develops is an appropriate fit for this location.

Finally, several environmental factors are supportive of the request.

Recommendation In light of the above analysis, staff's recommendation is to approve the request.

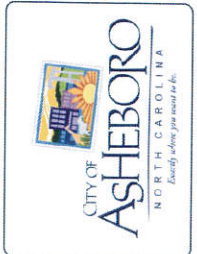


RA6 & OA6 to CU-B2
+/- 0.95 Acres

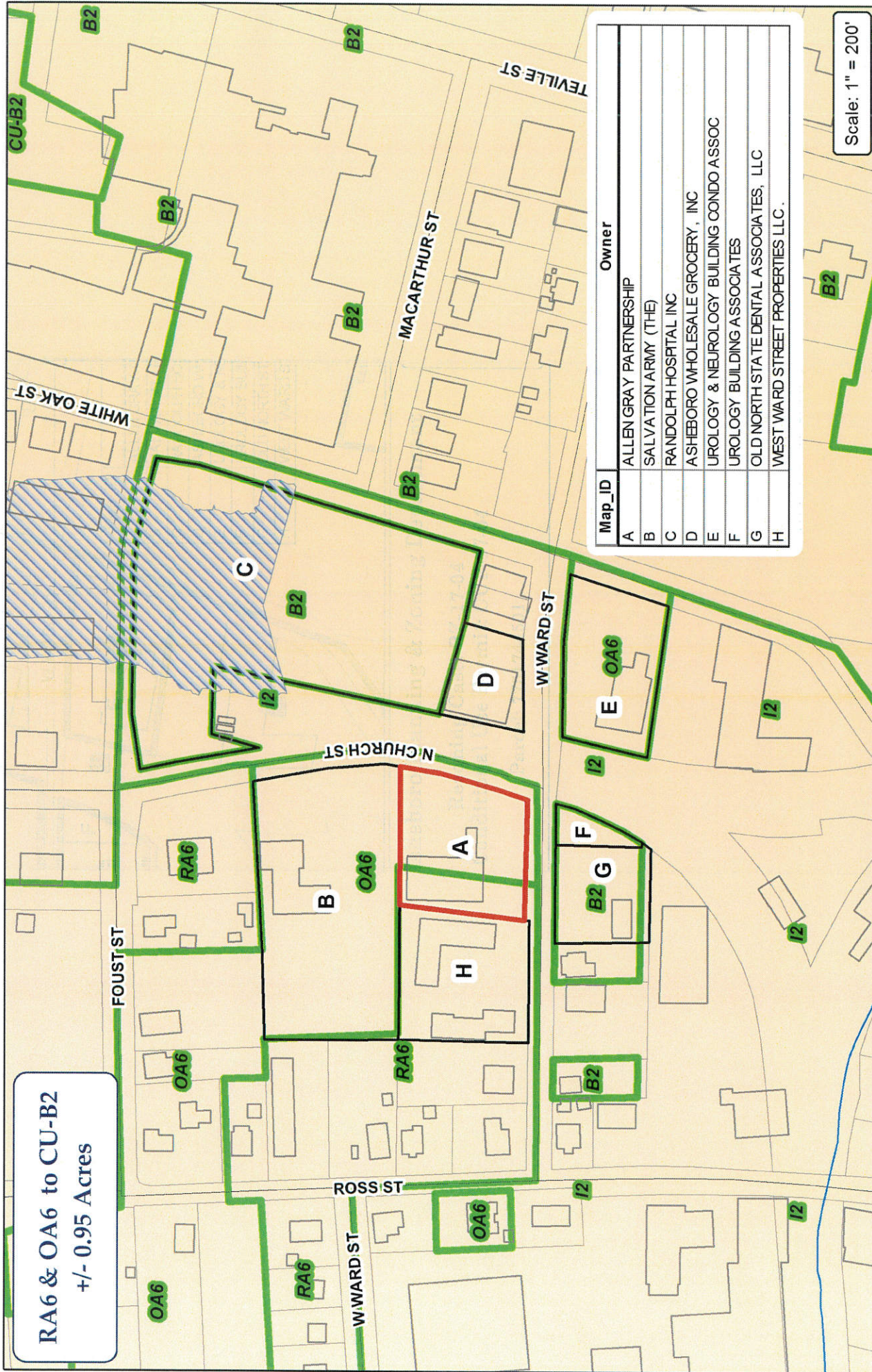


Subject Property
 Zoning
 City Limits
 ETJ

City of Asheboro Planning & Zoning Department
 Rezoning Case: RZ-17-04
 Conditional Use Permit: CUP-17-04
 Parcel: 7751744501



RA6 & OA6 to CU-B2
+/- 0.95 Acres



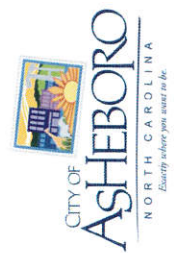
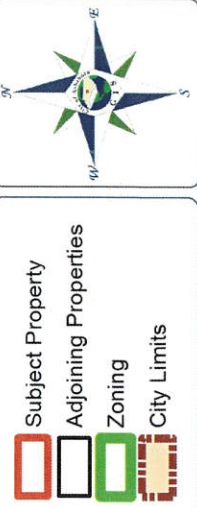
Map_ID	Owner
A	ALLEN GRAY PARTNERSHIP
B	SALVATION ARMY (THE)
C	RANDOLPH HOSPITAL INC
D	ASHEBORO WHOLESALE GROCERY, INC
E	UROLOGY & NEUROLOGY BUILDING CONDO ASSOC
F	UROLOGY BUILDING ASSOCIATES
G	OLD NORTH STATE DENTAL ASSOCIATES, LLC
H	WEST WARD STREET PROPERTIES LLC.

Scale: 1" = 200'

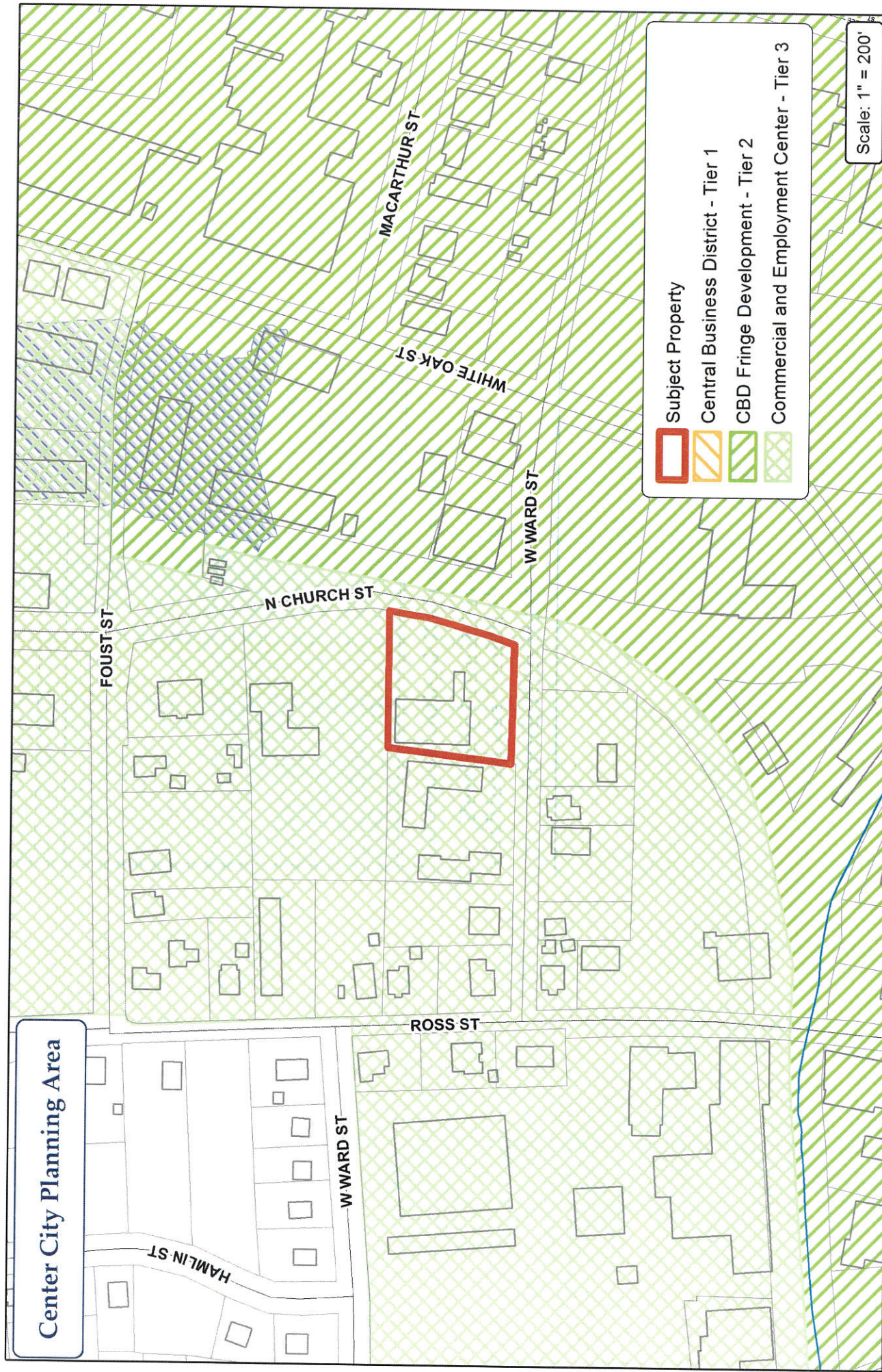
City of Asheville Planning & Zoning Department

Rezoning Case: RZ-17-04
Conditional Use Permit: CUP-17-04

Parcel: 7751744501



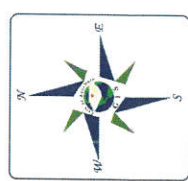
Center City Planning Area



Subject Property

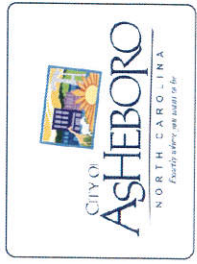
- Central Business District - Tier 1
- CBD Fringe Development - Tier 2
- Commercial and Employment Center - Tier 3

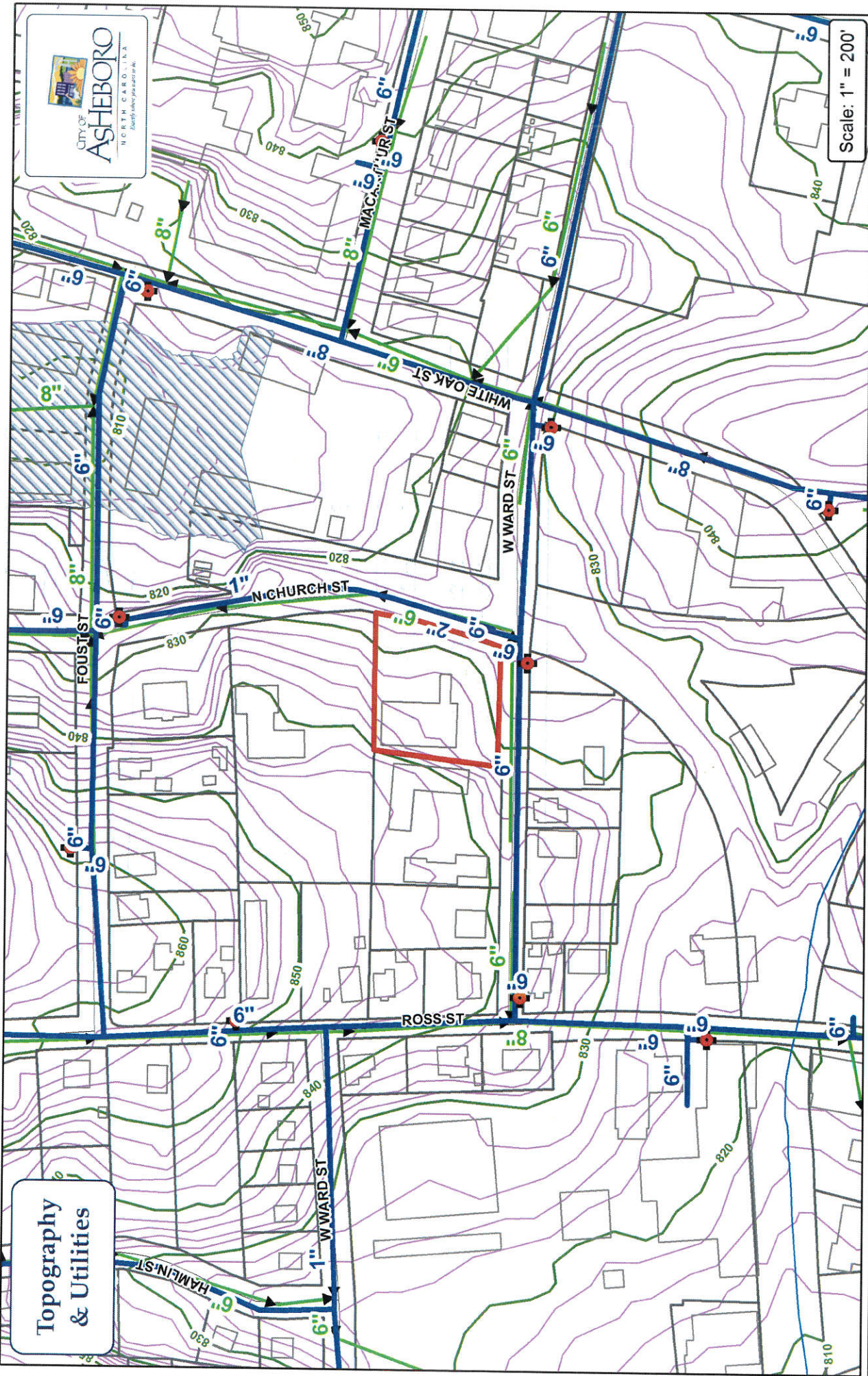
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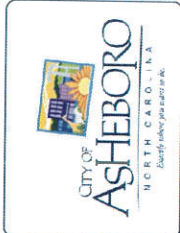
City of Asheville Planning & Zoning Department

Rezoning Case: RZ-17-04
Conditional Use Permit: CUP-17-04
Parcel: 7751744501

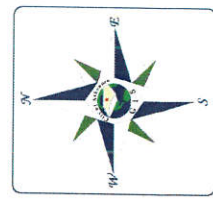




Topography
& Utilities



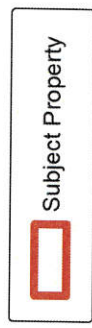
Scale: 1" = 200'



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-04
Conditional Use Permit: CUP-17-04

Parcel: 7751744501



Water Main
 Fire Hydrant

Sewer Main
 Pump Station

Force Main



Aerial

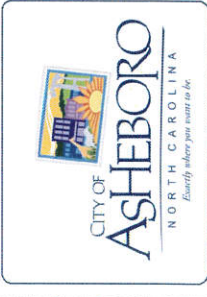


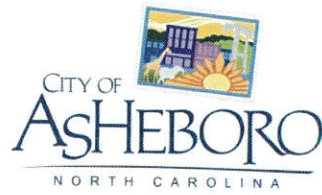
Subject Property

Zoning

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-04
Conditional Use Permit: CUP-17-04
Parcel: 7751744501





SUB-14-01: Subdivision Final Plat

(Springwood Townhomes: Larry McKenzie)

Springwood Road

Staff Report

SUBDIVISION STAFF REPORT

Final Plat

CASE # SUB-14-01

Date 6/5/2017
6/8/2017 CC

GENERAL INFORMATION

Subdivision Name Springwood Townhomes
Requested Action Final Plat Approval
Applicant McMc Properties LLC (c/o Mr. Larry McKenzie)
Address 126 Lanier Avenue, Asheboro, NC 27203
Phone 953-2913
Location Terminus of Springwood Road

PARCEL INFORMATION

PIN 7750423717
Size 6.75 acres (+/-) total **Number of Lots** 12 (22 for entire subdivision)
Existing Zoning CU-RA6 **Average Lot Size** 2251.3 square feet
Existing Land Use Undeveloped

Surrounding Land Use

North	Undeveloped/Residential	East	Residential
South	Industrial	West	I-73/I-74 (US 220 Bypass)

LAND DEVELOPMENT PLAN

Growth Strategy Map Primary Growth
Proposed Land Use Map Neighborhood Residential
Small Area Plan Map Central
Identified Activity Center? No

Development Issues

The proposed plan includes minor changes from the sketch design, including a slight difference in the shape/size of some of the lots. These include relocation of two of the dwelling units, relocation of the proposed passive recreation areas, and changes to the recreation areas (change from three to two areas that are proposed, new location for one of the recreation areas, increase in the total amount of recreation space from 10,189 square feet to 12,144 square feet). After reviewing the record of the proceedings, these changes are not considered modifications that would require a new Special Use Permit.

SUBDIVISION STAFF REPORT

Final Plat

DEPARTMENT COMMENTS

Engineering Minor plat corrections (as of 5-30-17)

Public Works Punchlist items need to be completed (as of 5-30-17)

Planning

1. Plat corrections (as of 5-30-17).
2. Homeowners' association documents (including restrictions on RVs) will need to be recorded with the final plat.
3. Uncompleted improvements must be guaranteed as allowed by Subdivision Ordinance.
4. A written one year warranty against improvement defects has been agreed to by applicant
5. This final plat proposes platting of private streets, common area, and twelve (12) of the twenty two (22) lots. Subdivision of the remaining lots may be reviewed by staff as a minor subdivision(s).

Other Fire Department: Hydrant locations have been reviewed and are acceptable.

Staff Recommendation Approve conditioned on the above noted comments being addressed.

Planning Board Recommendation The Planning Board will consider this request during its July 5, 2017 meeting.

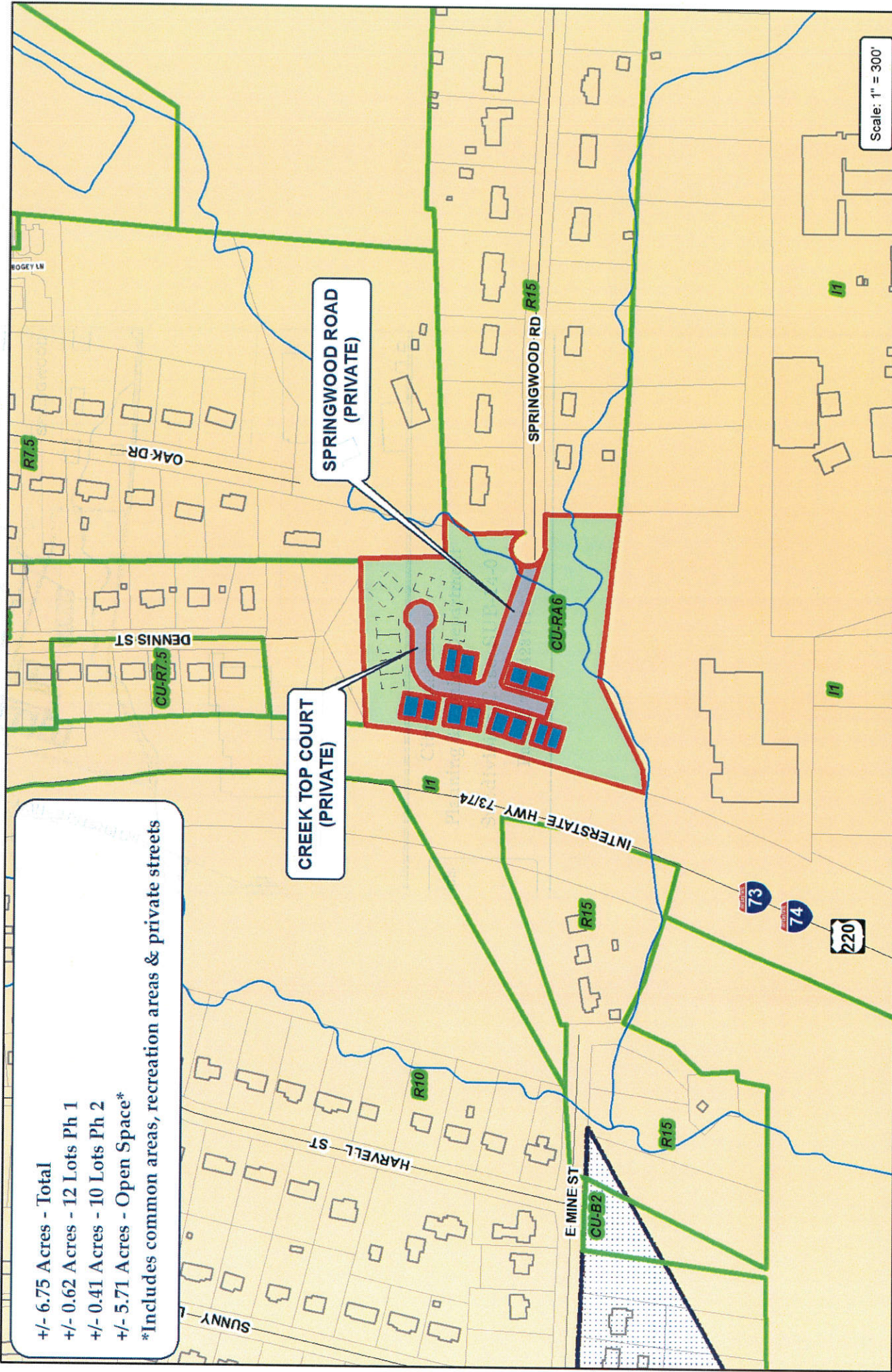
+/- 6.75 Acres - Total

+/- 0.62 Acres - 12 Lots Ph 1

+/- 0.41 Acres - 10 Lots Ph 2

+/- 5.71 Acres - Open Space*

*Includes common areas, recreation areas & private streets



Scale: 1" = 300'



Legend for map symbols:

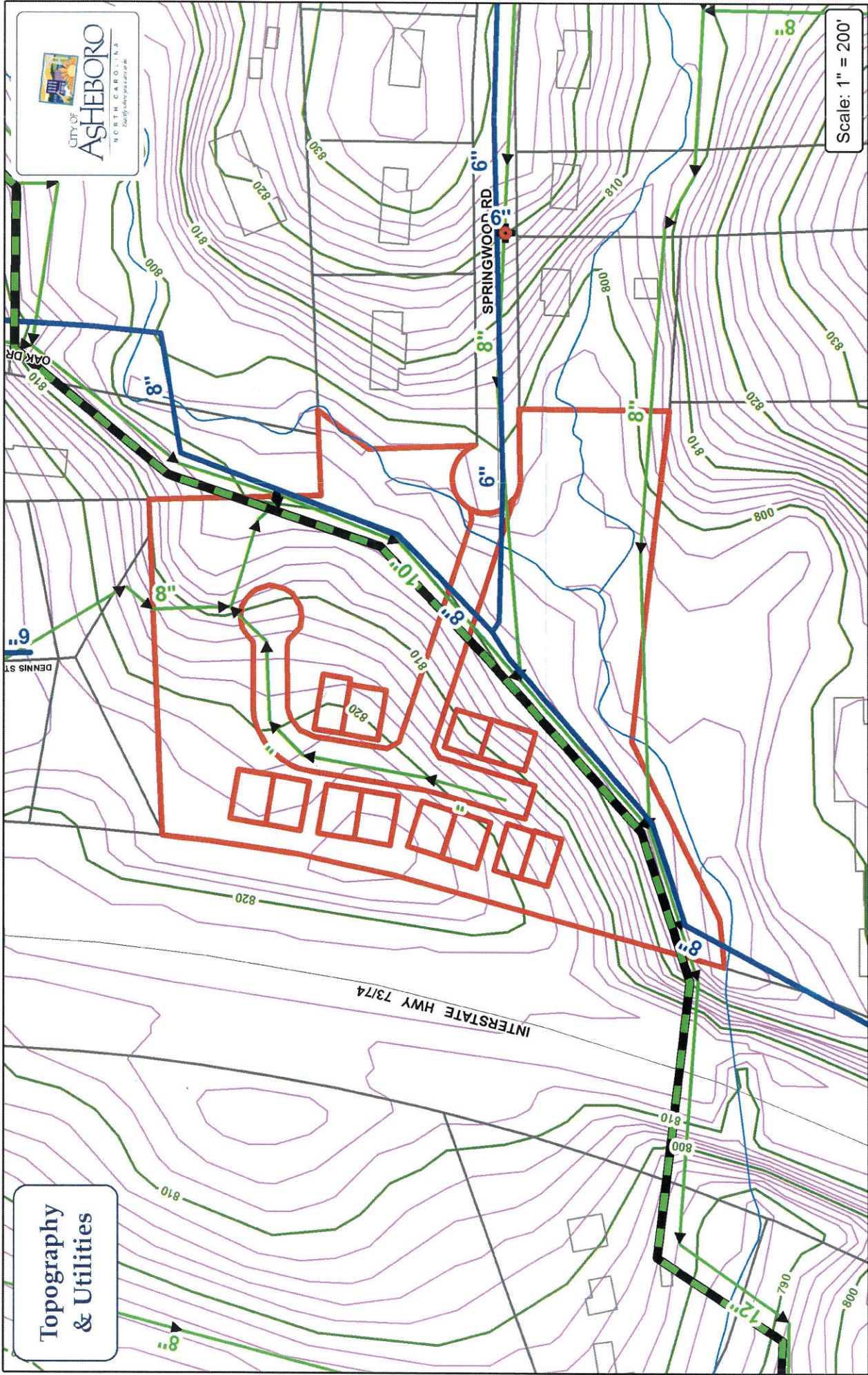
- Subject Property (Red outline)
- Zoning (Green outline)
- City Limits (Blue outline)
- ETJ (Blue outline)

City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-14-01
Parcel: 7750423717

Legend for map colors:

- Common Area (Light Green)
- Phase 1 Lots (Blue)
- Phase 2 lots (Dashed outline)
- Private ROW (Grey)



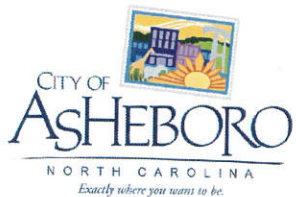
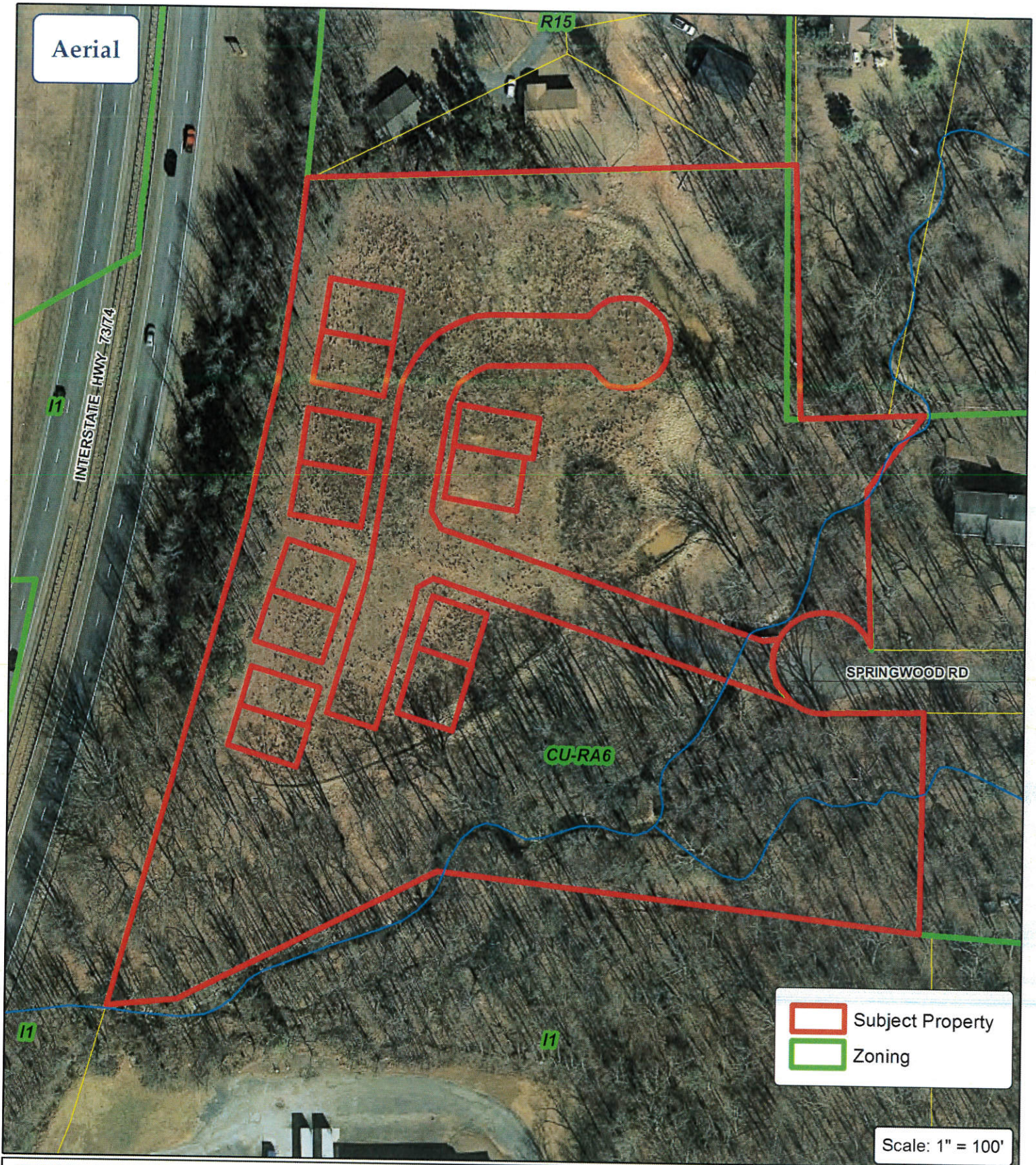


City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-12-01
Parcel: 7741981618 (pt.)

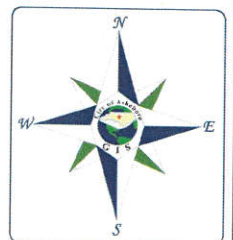


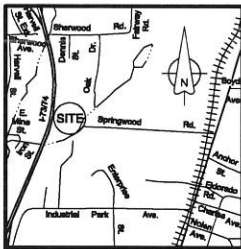
- Water Main
- Sewer Main
- Force Main
- Fire Hydrant
- Pump Station

Aerial

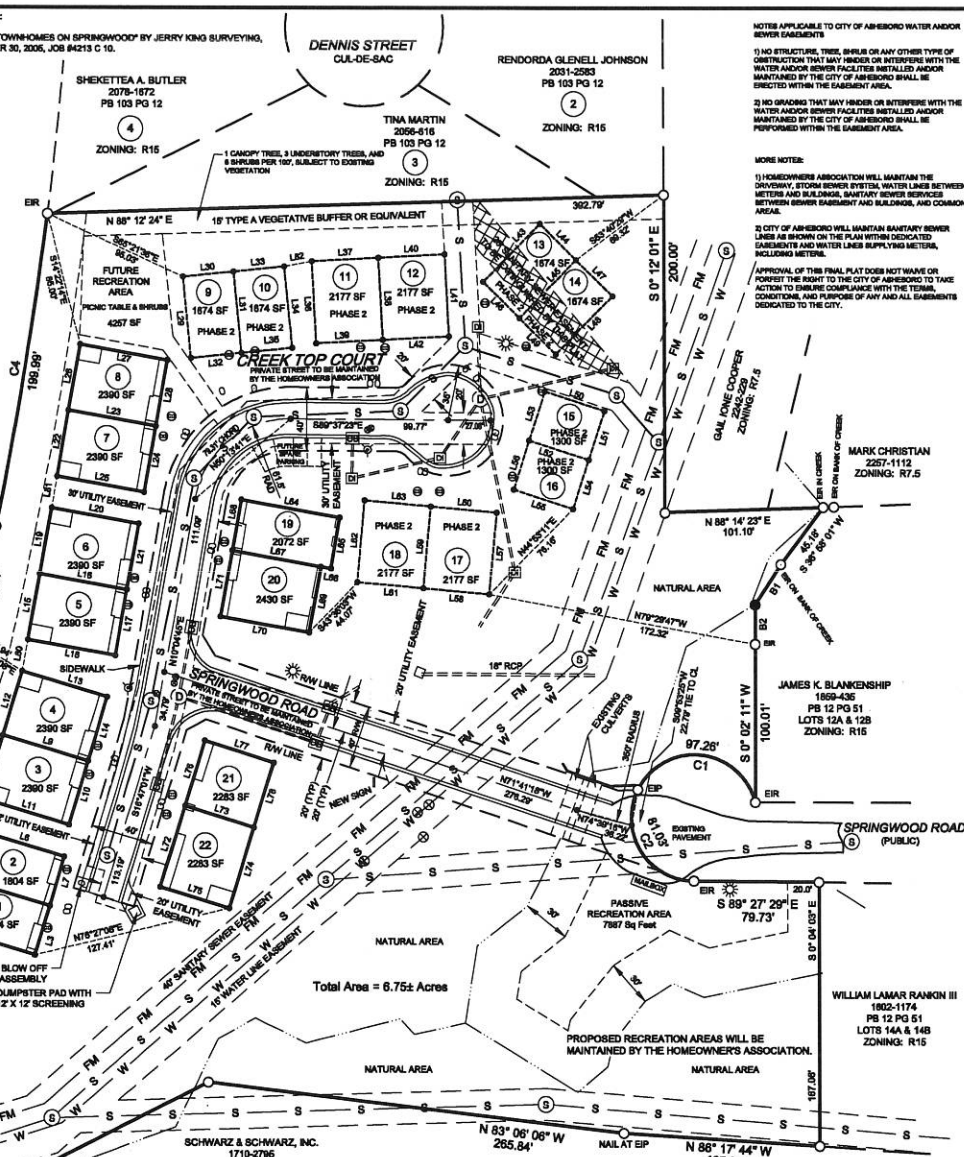


City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-14-01
Parcel: 7750423717





MAP REFERENCE:
 "SITE PLAN FOR TOWNHOMES ON SPRINGWOOD" BY JERRY KING SURVEYING,
 DATED NOVEMBER 30, 2005, JOB #4213 C 16.



NOTES APPLICABLE TO CITY OF ASHEBORO WATER AND/OR SEWER EASEMENTS:
 1) NO STRUCTURE, TREE, SHRUB OR ANY OTHER TYPE OF OBSTRUCTION THAT MAY HINDER OR INTERFERE WITH THE WATER AND/OR SEWER FACILITIES INSTALLED AND/OR MAINTAINED BY THE CITY OF ASHEBORO SHALL BE PERMITTED WITHIN THE EASEMENT AREA.
 2) NO GRADING THAT MAY HINDER OR INTERFERE WITH THE WATER AND/OR SEWER FACILITIES INSTALLED AND/OR MAINTAINED BY THE CITY OF ASHEBORO SHALL BE PERMITTED WITHIN THE EASEMENT AREA.
 3) THE CITY OF ASHEBORO WILL MAINTAIN SANITARY SEWER LINES AS SHOWN ON THE PLAN WITHIN DESIGNATED EASEMENTS AND WATER LINES SUPPLYING METERS, INCLUDING METERS.
 4) APPROVAL OF THIS FINAL PLAT DOES NOT WAIVE OR FORFEIT THE RIGHT TO THE CITY OF ASHEBORO TO TAKE ACTION TO ENFORCE COMPLIANCE WITH THE TERMS, CONDITIONS, AND PURPOSE OF ANY AND ALL EASEMENTS DEDICATED TO THE CITY.

LOCATION MAP

Line	Bearing	Distance
1	N 16° 42' 58" E	32.50'
2	S 73° 17' 04" E	55.50'
3	S 16° 42' 58" W	32.50'
4	N 73° 17' 04" W	55.50'
5	S 73° 17' 04" E	32.50'
6	S 16° 42' 58" W	32.50'
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77	S 16° 42' 58" W	32.50'
78	S 73° 17' 04" E	32.50'

STATE OF NORTH CAROLINA
 COUNTY OF RANDOLPH

_____, REVIEW OFFICER
 OF RANDOLPH COUNTY, CERTIFY THAT THE MAP OR
 PLAT TO WHICH THIS CERTIFICATION IS AFFIXED
 MEETS ALL STATUTORY REQUIREMENTS FOR
 RECORDING.

DATE _____ REVIEW OFFICER _____

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR
 MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

SURVEYOR _____ DATE _____

1. CHARLES E. MORGAN JR., CERTIFY THIS PLAT WAS DRAWN UNDER MY SUPERVISION
 FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED
 IN BOOK 2261, PAGE 621); THAT THE SOURCES OF THE BOUNDARIES NOT SURVEYED ARE
 NOTED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED IS
 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-36 AS AMENDED;
 WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS
 DAY OF _____ A.D., 2017.

SURVEYOR _____

**PRELIMINARY PLAT
 NOT FOR RECORDATION**

NOTES:

CURRENT ZONING: CURA - S

TOTAL OF 22 LOTS + COMMON AREA
 12 LOTS + COMMON AREA IN THIS PHASE

764.81 LINEAR FEET IN NEW STREETS (TO BE
 MAINTAINED BY HOA).

PARCEL #775042317

RECREATIONAL VEHICLE (RV) PARKING TO BE
 PROHIBITED ON THIS PROPERTY BY RESTRICTIVE
 COVENANTS.

THIS PROJECT WILL COMPLY WITH 318A
 PERFORMANCE STANDARDS (ASHEBORO ZONING
 ORDINANCE).

ALL REQUIRED LANDSCAPING WILL BE MAINTAINED IN
 ACCORDANCE WITH SECTION 346A.5 (ASHEBORO
 ZONING ORDINANCE).

LEGEND

NR	NEW IRON ROD	ES	SEPTIC CLEANOUT
EP	EXISTING IRON PIPE	WV	WATER VALVE
ER	EXISTING IRON ROD	LP	LIGHT POLE
PS	POINT NOT SET		
PR	PROPERTY LINE		
CL	CENTERLINE		
RW	RIGHT OF WAY		
CONC	CONCRETE		
CE	CEMENT		
PO	POWER POLE - UTILITY LINE		
MA	MANHOLE - SEWER		
WM	WATER METER - WATER		

1. I HEREBY CERTIFY THAT I AM ONE OF THE OWNERS OF THE PROPERTY
 SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADVERTISE THIS PLAN OF
 SUBDIVISION WITH MY (OUR) TRUE CONSENT. FURTHER, I (WE) ADVERTISE AS
 SHOWN HEREON IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY
 OF ASHEBORO, NORTH CAROLINA.

DATE _____ OWNER _____

1. I HEREBY CERTIFY THAT THE WATER AND SEWER FACILITIES ARE AVAILABLE AS
 SHOWN ON THIS PLAT.

DATE _____ PUBLIC WORKS DIRECTOR _____

OWNER:
 MC MC PROPERTIES, LLC
 LARRY W. MCKENZIE
 CHRISTY S. MCKENZIE
 128 LANIER AVENUE
 ASHEBORO, N.C. 27203
 PHONE: 336-953-2913

SITE ADDRESS:
 WEST END OF SPRINGWOOD ROAD
 ASHEBORO, N.C. 27205

PARCEL #775042317

SUBDIVISION BOUNDARY DATA

Curve	Radius	Arc	Chord	Chord Bearing
1	40.00	57.28	75.01	N 5° 54' 58" W
2	40.00	81.03	87.87	S 31° 38' 30" E
3	2670.24	73.07	73.06	N 12° 17' 01" E
4	2670.24	198.59	198.55	N 2° 21' 20" E

Line	Bearing	Distance
B1	S 33° 04' 08" W	30.36'
B2	S 0° 02' 11" W	24.56'

BUILDING THE LINES

	Bearing	Distance
79	N 5° 45' 20" E	20.63'
80	N 10° 36' 53" E	20.29'
81	N 10° 07' 41" E	20.20'
82	N 79° 18' 01" E	18.02'

FINAL SUBDIVISION PLAT FOR
**SPRINGWOOD
 TOWNHOMES
 PHASE 1**
 PROPERTY OF
MC MC PROPERTIES, LLC
ASHEBORO TOWNSHIP
RANDOLPH COUNTY
NORTH CAROLINA
 DATE: MAY 30, 2017
 SCALE: 1" = 50'
 DEED BOOK: 2261 PAGE: 621

CHARLIE MORGAN SURVEYING, PLLC
 154-B S. FAYETTEVILLE ST.
 ASHEBORO, N.C. 27203
 (336)928-5015 P-1147 JOB #7268 FINAL PLAT



BOA-17-02

Appeal of a Final Notice of Violation filed by Sydney and Donna Lowe concerning property located at 1504 N. Fayetteville St. and 107 Saunders Drive

Staff Report

Board of Adjustment Staff Report

Case: BOA 17-02

Date: June 5, 2017

Case Summary: Sidney and Donna Lowe have filed an appeal from a Notice of Violation, issued on March 27, 2017, by the City of Asheboro Code Enforcement Officer, Ed Brown, who is a properly authorized designee of the City of Asheboro Zoning Administrator

GENERAL INFORMATION:

Applicant: Sidney and Donna Lowe

Address: 2294 Juniper Ct.

Phone: (336) 625-3727

Location of Affected Property: 107 Saunders Dr. and 1504 N. Fayetteville St. (7762031665 & 7762031762)

Size: .53 Acres **Existing Zone:** B2: General Commercial

Surrounding Land Use:

North: Commercial

East: Commercial

South: Commercial

West: Commercial

Land Development Plan: Primary Growth/Commercial

ANALYSIS

Notice of Violation: The Notice of Violation provided that a violation of Article 1000, Section 1004 (Zoning Compliance Permit Required) had occurred on the subject properties. In pertinent part, the Article 1000, Section 1004 states:

1004.1 Also, it shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a Zoning Compliance Permit, including a determination that the proposed use does, in all respects, conform to the provisions of this Ordinance.

The Notice of Violation provided the following options to bring the subject properties into compliance:

1) Remove any junked motor vehicles and towing equipment and return the parcels to their former use, or

2) Apply for a zoning compliance permit for a change of use (Vehicle Towing Operation) and submit a site plan indicating the requirements of Article 1000 Section 1005. (This section included in NOV for reference) or,

3) Apply for a rezoning request for a Vehicle Towing Operation and Storage Facility.

The Notice of Violation provided that the subject properties would be reinspected for compliance in 60 days from the issuance of the NOV. The appellants exercised their right of appeal on March 31, 2017

Property History: The appellants acquired 1504 N. Fayetteville St. (Northern Parcel) on January 12, 2001. No evidence has been found to conclude that a towing operation, towing storage facility, or open storage principal use existed on this parcel prior to purchase. No record of zoning related permits issued for this property after purchase. The appellants acquired 107 Saunders Dr. (Southern Parcel) May 8, 2007. No evidence has been found to conclude that a towing operation, towing storage facility, or open storage principal use existed on this parcel prior to purchase. No record of zoning related permits issued for this property after purchase.

Current Use of Property: Staff believes, upon recent reinspection, that the current use of the property is properly classified as Open Storage. The definition of Open Storage is as follows:

The storage outside of a building, or within buildings with less than three sides, of materials, supplies, merchandise, equipment, commercial vehicles (i.e. delivery vans, contractor vehicles, towing trucks, cable/utility vehicles) and like items, but excluding junk.

Staff disagrees with the appellants assertion that the use of the property is properly classified as a "parking lot." The zoning ordinance permits "Parking Lot as Principal Use" in the B2 General Commercial district. Applicable parking definitions are as follows:

Parking, Off-Street

Space located outside of any street right-of-way or easement and designed to accommodate the parking of domestic vehicles.

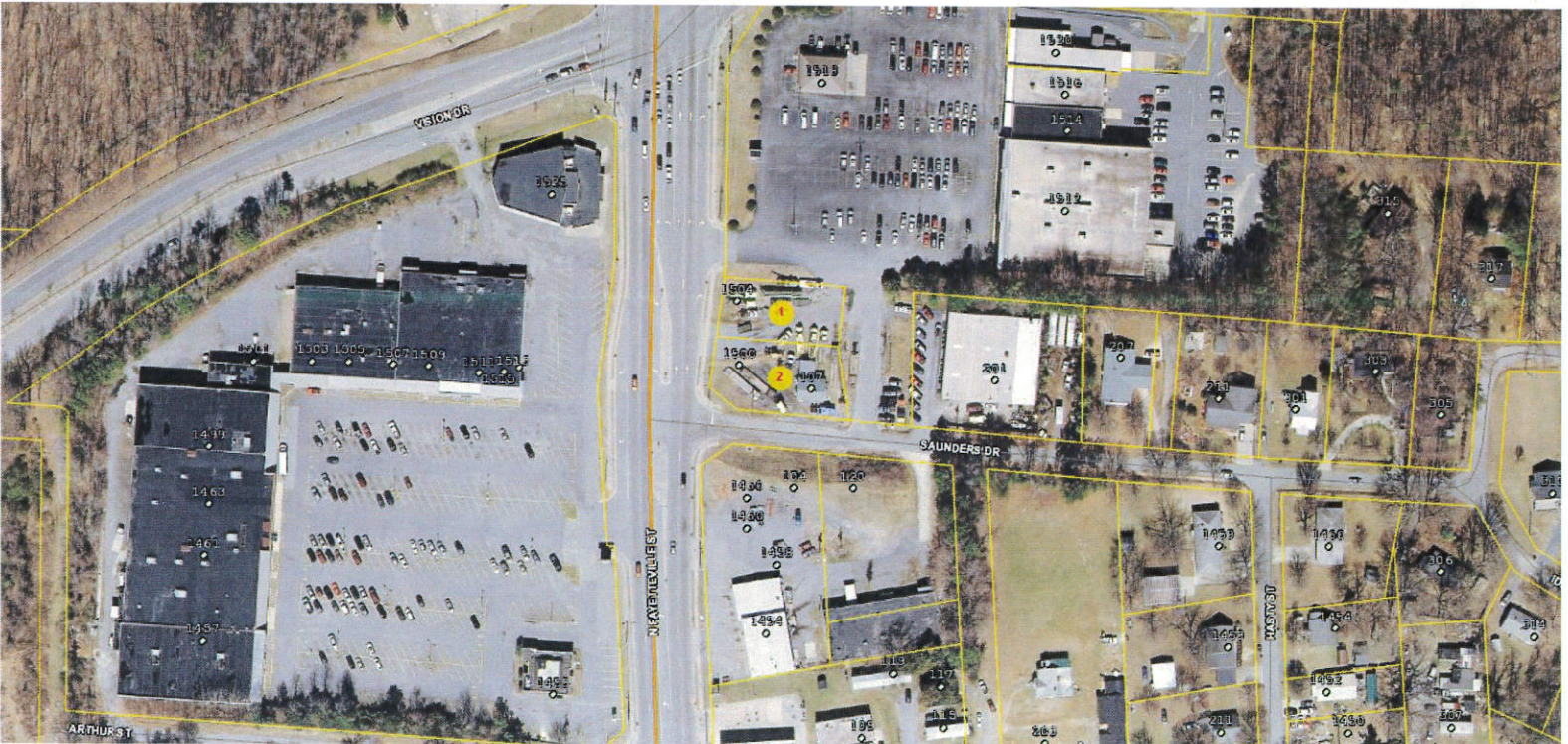
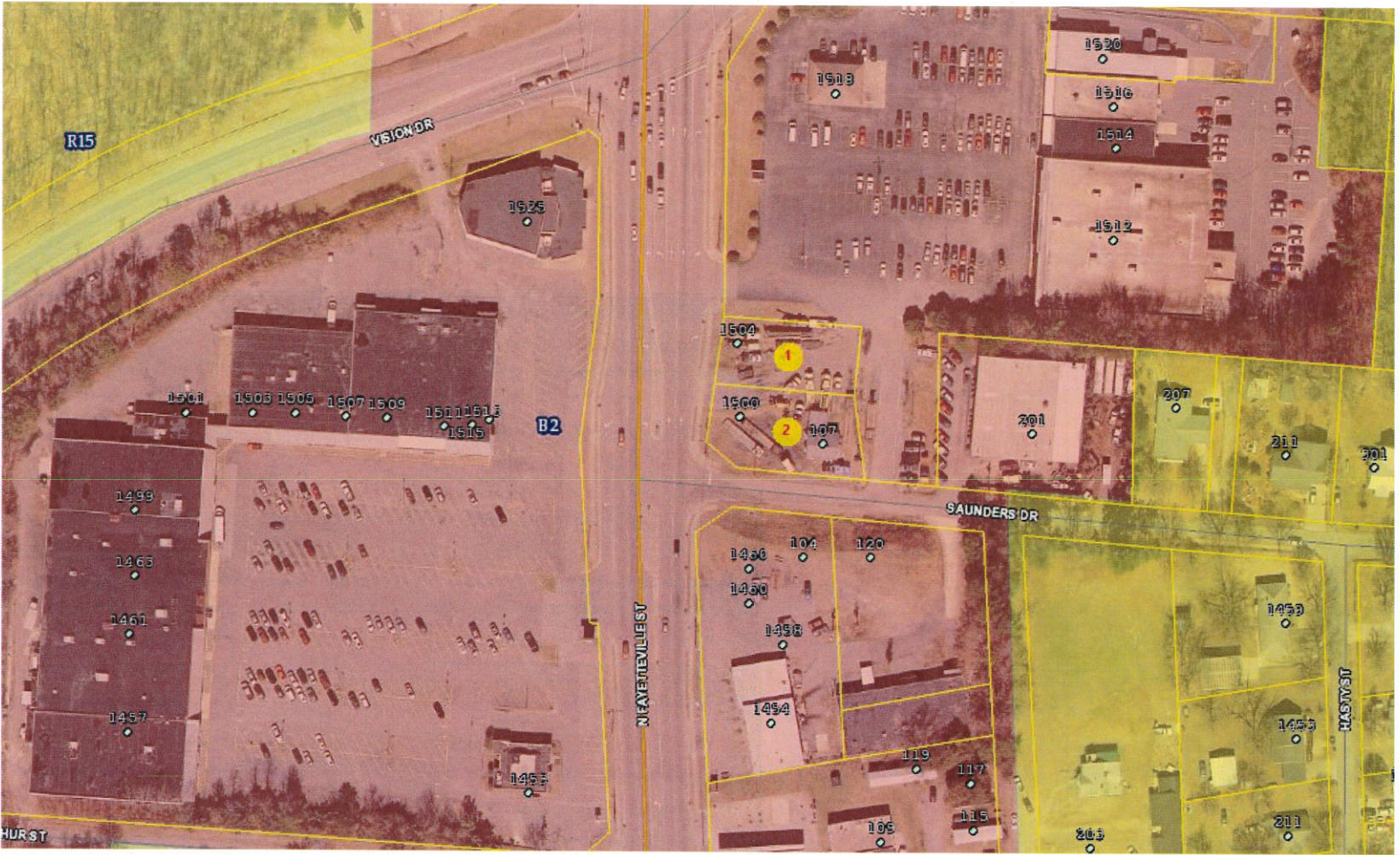
Parking Lot as Principal Use:

The use of a zoning lot for a parking lot, without a building, located on the same zoning lot.

From these definitions, it is staff's interpretation that "Parking Lot as Principal Use" is an area for parking of domestic vehicles, not commercial vehicles such as tow trucks, which are specifically listed in the definition of Open Storage.

Conclusion: The appellants are presently conducting, and have been conducting since as early as 2001, an Open Storage use on the subject properties, which are zoned B2 General Commercial and were not previously used for Open Storage. Open Storage is a permitted use in the B2 zoning district, however, no zoning compliance permit has been issued for the occurring use. Therefore, the appellants are in violation of Article 1000, Section 1004 of the Asheboro Zoning Ordinance. To remedy this violation, the appellants must stop the occurring Open Storage use, or apply for a Zoning Compliance Permit. The ZCP application must include, among other items, a site plan demonstrating how the appellants will meet all zoning requirements for the Open Storage use. Once the Zoning Compliance Permit is approved and issued, the appellants must develop the subject properties as shown on the approved site plan. After development is completed, a final zoning inspection will be conducted and, if approved, a Certificate of Zoning Compliance may be issued.

Maps





Legend:

- Blue and Yellow Lines: Property Lines**
- Green Line: Stream**
- White Dotted Lines: 2ft Contour Lines**
- Purple Lines: 10ft Contour Lines**

STATEMENT BY APPELLANT/APPLICANT:

In the space provided below and/or on with an additional attachment(s), please state the facts and line of argument that you believe support your appeal. In providing this information, please state the precise action that you would like to see taken by the Board of Adjustment.

The City says we are in violation of
Zoning ordinance but the Property is zoned B2.
Violation says need to rezone for use as
towing & storage facility. There is no actual
business being done on these parcels, it is
merely a parking lot for our trucks that
support our business. Example (there is
no power, water, or utilities on parcels).
I feel one of the main reasons we have
been approached is the city wants fence and
landscaping around parcels which would make
impossible to get our large trucks in and
out. Once again there is no towing operation,
merely a parking lot.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Sydney W. Lowe

Signature of Applicant