



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

Monday, August 7, 2017

7:00 PM

AGENDA

- I. Call to Order
- II. Approval of Minutes from July 10, 2017 meeting including Final Decision Document for Board of Adjustment Case No. 17-02 (1504 N. Fayetteville St. and 107 Saunders Drive)
- III. Review of Cases
- IV. 2017 Legislative Update
- V. Items Not on the Agenda
- VI. Adjournment

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**MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, JULY 10, 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)
David Henderson) - Members Present
Thomas Rush)
Dave Whitaker)

John Evans, Assistant Community Development Division Director
Chuck Garner, Code Enforcement Officer
Justin Luck, Zoning Administrator/Planner
Brad Morton, Planning Technician/Deputy City Clerk
Trevor Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

Eight (8) citizens were present at this meeting.

CALL TO ORDER

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

APPROVAL OF MINUTES FROM JUNE 5, 2017 MEETING

Mr. Rich inquired to the board if there were any corrections to be made to the June 5, 2017 minutes. There being no corrections, The board approved the minutes as submitted.

REVIEW OF CASES

Mr. Justin Luck informed the board on the zoning related cases at the regular June meeting of the City Council.

OLD BUSINESS: PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT IN THE MATTER OF AN APPEAL OF A 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)

Mr. Luck began his testimony by stating that Case Number BOA-17-02 is a continued case from the June 5, 2017 Planning Board meeting and that he, as well as Mr. Sydney Lowe, appellant, are still under oath at this time. He stated that at tonight's meeting, he would conduct a review from June, after which the appellants would have a chance to speak on their behalf, following this would be board deliberation and a decision. He then stated that at the August 7, 2017 meeting, the Final Decision Document would be before the board for review.

Mr. Luck gave the conclusion from the June Planning Board meeting, stating that 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. He stated that 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.

Mr. Luck then stated that during the June meeting there was discussion after the staff presentation and the appellant testimony. He stated that the Board appeared to agree that the use classification for the occurring use on the subject properties is properly defined as Open Storage and that zoning compliance is required. He stated that Open Storage is defined as "*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.*" He then stated that the only substantive impediment to obtaining a ZCP for Open Storage is the screening requirement, Section 305A. Section 305A of the Asheboro Zoning Ordinance provides required fencing standards for open storage uses. The appellants submitted testimony that multiple conditions peculiar to the property would create an unnecessary hardship from strict application of Section 305. These conditions include topographical constraints resulting from acquisition of right-of-way by NCDOT that renders the N. Fayetteville St. driveway cut inaccessible to vehicles used in conjunction with the Open Storage use and a driveway owned by Randolph County along the east side of the property which combines to render the subject properties accessible only from Saunders Drive. Further, the appellants stated that the use of fencing and gates would prove a hardship to the maneuvering of vehicles used in conjunction with the Open Storage use. Having felt that unnecessary hardships would result from carrying out the strict letter of the zoning ordinance due to the preceding peculiar conditions on the property, the Board elected to continue the public hearing so that the appellants could prepare a site plan to support a variance request.

Mr. Luck then presented the board with a site plan that was drafted by the appellant, which is available in the office of the secretary of the board. He then went over eight (8) staff suggested variance conditions which are as follows:

1. Zoning Compliance Permit Application for Open Storage must be submitted, and Zoning Compliance Permit obtained, by 5:00pm on Friday, September 29, 2017.
2. Installation of required improvements and Certificate of Zoning Compliance must be completed by 5:00pm on Tuesday, January 2, 2018.
3. The Notice of Violation dated March 27, 2017, and any associated enforcement action, will be suspended so long as the appellants comply with the conditions attached to this variance approval. Upon installation of the required improvements and the issuance of a Certificate of Zoning Compliance, the said Notice of Violation will be dismissed.
4. All plantings located along N. Fayetteville St. and Saunders Dr. shall be located within the first 10 feet of the subject properties, outside all public rights-of-way, and not impair visibility at intersections, as regulated by Section 306 of the Asheboro Zoning Ordinance.
5. Plantings along the northern property line may be planted on Randolph County property with permission from Randolph County.

6. An Evergreen Screening Shrub of a type listed in Article 300A, Appendix A.D shall be planted between each Crepe Myrtle tree.

7. All trees shall be minimum six (6) feet in height at time of planting; all shrubs shall be minimum 12 inches in height at time of planting.

8. All vegetation must be maintained in a manner to continue its effectiveness.

At this time, Mr. Luck showed the site plan once more and stated that the red dots represent trees, and that there was a technical correction to reflect Condition #4 with respect to the plantings. These are required to be installed on the subject properties and outside of the public rights of way. He stated that the appellants preferred to install Crepe Myrtle trees but offered Leyland Cypress as an option for plantings as well. He then asked the board if there were any questions. The board had no questions for Mr. Luck.

Mr. Sydney Lowe offered his testimony by stating that he was agreeable to the staff proposed conditions and if there were any questions he would answer them at this time. The board had no questions for Mr. Lowe.

Mr. Luck then passed out the board's voting slips and reviewed with the board that there were a total of two (2) decisions to make.

1. To affirm or reverse the zoning decision that the appellants are conducting an Open Storage use on the Zoning Lot at 107 Saunders Drive and 1504 North Fayetteville Street (7762031665 & 7762031762) without the benefit of a Zoning Compliance Permit.

2. A Yes or No vote as to whether the standards prescribed for granting a variance from the required screening of Open Storage specified by Section 305A of the Asheboro Zoning Ordinance have been met and approving an alternate method as described on the site plan dated 7/6/2017.

Motion 1: Mr. Dave Whitaker moved to affirm. Mr. Thomas Rush seconded the motion and the motion carried unanimously.

Motion 2: Mr. Whitaker moved to approve the requested variance, with the addition of staff recommended conditions, by voting Yes. Mr. Rush seconded the motion and the motion carried unanimously.

REZONING CASES:

RZ-17-05: 126 S. CHURCH STREET: REZONE FROM I2 (GENERAL INDUSTRIAL) AND B3 (CENTRAL COMMERCIAL) TO B3

Mr. John Evans presented Case Number RZ-17-05 and stated that the applicant was Jerry Neal and Dustie Gregson. He stated that the property is located at 125 South Church Street and the request is to rezone from I2 (General Industrial) and B3 (Central Commercial) to B3. He stated that the Randolph County Tax Parcel Identification number was 7751725650 and the approximate size of the area to be rezoned on the property is .08 acres of 1.67 total acres +/- . He stated that the last land use was a bar, in addition to other previous commercial uses. The property is currently vacant. He showed topographic/utilities and aerial maps of the property as well as photographs from all directions. He then gave an analysis of the property as follows:

-South Church Street is a state maintained minor thoroughfare at this location.

-Adaptive reuse of formerly industrial properties for commercial use has occurred in recent years, including several adjoining properties.

He stated that the Proposed Land Use Map designates the property as a City Activity Center and the Growth Strategy Map designates the property in a Primary Growth area. He stated that nine (9) LDP

Goals and Policies were supporting the request and that there were no negative factors concerning the subject property. He then gave staffs' statement of consistency as follows:

- Fits intent of City Activity Center and long standing commercial uses.
- Supported by Central Small Area plan, supporting revitalization.
- Character of area has transitioned from industrial to mix of uses.
- Transportation factors.
- Environmental factors

He also stated that staff felt the request was reasonable and in the public interest, and stated that in light of the above analysis, staff recommends approval of the request. He stated that he would answer any questions the board had. The board had no questions for Mr. Evans.

Mr. Rush moved to recommend approval of Case number RZ-17-05 including staffs' consistency statement. Mr. Whitaker seconded the motion and the motion carried unanimously.

RZ-17-06: NORTHAMPTON ROAD: REZONE FROM RANDOLPH COUNTY ZONING TO CITY OF ASHEBORO R10 (MEDIUM-DENSITY RESIDENTIAL) ZONING

Mr. John Evans presented Case Number RZ-17-06 and stated that the applicant was the City of Asheboro. He stated that the subject properties were located on Northampton Drive and that the request is to rezone from Randolph County (RE Residential Exclusive) zoning to City of Asheboro (R10 Medium-Density Residential) zoning. He stated that there were 15 Randolph County Parcel Identification Numbers, which were 7750923185, 7750926840, 7750925661, 7750925522, 7750924492, 7750924353, 7750924214, 7750926700, 7750923045, 7750913916, 7750912876, 7750912747, 7750912608, 7750911578, 7750911427 and stated that the subject properties totaled approximately 7.75 acres in size, which includes the Right-of-Way of Northampton Drive. He noted that the subject properties were recently annexed in June. He also stated that there was some flood area on the southern-most subject properties. He showed aerial, topographic, and utilities maps, noting that water runs along Northampton but not sewer, as well as photos from all directions. He listed the property analysis as follows:

- Northampton Road is state-maintained.
- Portions of the property are in a Special Hazard Flood Area.
- The R10 District allows single-family dwellings on lots with a minimum of 10,000 SF and two-family dwellings on lots with a minimum of 15,000 SF.

He then gave a history of the subject properties:

Prior to 2013: Property was in City of Asheboro ETJ and zoned R10 (Medium-Density Residential)

2013: City released portion of ETJ, including property.

2013-2017: Property in Randolph County's zoning jurisdiction (Zoned RE- Residential Exclusive)

2017: Property owner requested annexation, which was approved by City Council, & effective June 30, 2017.

The City has 60 days after annexation to place zoning on property, which is the reason the city is the applicant.

He gave Land Development Plan recommendations at this time, stating that the Proposed Land Use Map called for Neighborhood Residential and the Growth Strategy map classified the property as adjacent developed, due to the proximity of city services. Both map designations applied at the time that the properties were in the City of Asheboro's zoning jurisdiction until its release from the ETJ in 2015. He also stated that 5 Goals and Policies supported the request and that there were no negative factors with the request. He then gave staff's statement of consistency as follows:

- Consistent with previous City zoning designation/adjacent City zoning
- Small area plan consistency and previous neighborhood residential classification
- Consistent with city's growth strategy

He also stated that staff felt the request was reasonable and in the public interest, and stated that in light of the above analysis, staff recommends approval of the request. He stated that he would answer any questions the board had. The board had no questions for Mr. Evans.

Ms. Lynette Garner moved to recommend approval of Case number RZ-17-06 including staff's consistency statement. Mr. Ritchie Buffkin seconded the motion and the motion carried unanimously.

SUBDIVISION CASES:

SUB-17-01: WATERFORD VILLAS PHASE 2, SECTION 1: PRELIMINARY PLAT

Mr. Evans gave a visual presentation on SUB-17-01: Waterford Villas Phase 2, Section 1: Preliminary Plat. He stated that the applicant was Waterford RE, LLC and that the location was West of Waterside Drive, and North of Hub Morris Road. He stated that the current zoning was CU-RA6 and due to clerical error in the slideshow, the parcel identification numbers contained in the written report should control. He stated that this section was approximately 13.01 acres of the total 38 acre subdivision. He stated that the existing land use is a planned unit development (proposed). He stated that there were a total of 26 lots plus common area proposed in this section (out of 117 lots in subdivision). He also stated that average lot size and new linear feet of street were pending on the plat. He stated that the streets in Phase 1, Section 2 (excluding driveways to individual units) are proposed to be city maintained. He showed overview, topography/utilities and aerial maps of Phase 2, Section 1 also with an excerpt of the preliminary plat of Phase 2, showing the existing Phase 1 and the proposed Phase 2.

He listed development issues as follows:

- Rezoning to CU-RA6 (Conditional Use High-Density Residential) approved on May 4, 2017. Council voted to approve CUP for Planned Unit Development on June 8, 2017. Adoption of Final Decision Document reflecting PUD approval is scheduled for July 13, 2017 meeting.
- Development is being proposed in several sections.
- HOA documents will need to be recorded with final plat (including RV restrictions, maintenance mechanisms, etc.).

He then listed department comments:

Engineering:

- Water/sewer certification and as-built engineering required with final plat.
- Plat corrections pending.

Public Works:

- Punch lists for all infrastructure to be maintained by the City will be prepared and must be addressed prior to final plat approval.
- Plat corrections are pending.

Planning:

- Plat corrections pending
- Proportionate amount of recreation space must be installed for this section of development.
- Prior to construction, approval of "Final Decision Document" and all regulatory approvals shall be granted.

He stated that staff's recommendation was to approve conditioned upon comments, including approval of "Final Decision Document" by City Council. He also stated that if the board had any questions he would answer them at this time. The board had no questions for Mr. Evans.

Mr. Whitaker moved to approve the request. Ms. Garner seconded the motion and the motion carried unanimously.

SUB-17-02: ROBINS NEST PHASE 2: SKETCH DESIGN

Mr. Evans gave a visual presentation on SUB-17-02: Robins Nest Phase 2: Sketch Design. He stated that the applicant was McDowell Timber Co. and that the location was North of current terminus of Robins Nest Drive on the West side of Gold Hill Road and North of East Allred Street. He stated that the current zoning was R10 (Medium-Density Residential) and that the parcel identification numbers were 7762658808, 7762750195, 7762751483, 7762752727, 7762754678. He stated that this section was approximately 27.88 +/- acres. He stated that the existing land use is undeveloped land. He stated that there were a total of 44 lots with an average lot size of 21,320 square feet +/- proposed in this section. He stated that there would be approximately 2,268 +/- new linear feet of street, which would be city-maintained. He showed overview, topography/utilities and aerial maps of Phase 2 as well as a sketch design excerpt of the project.

He listed development issues as follows:

- Property is in the city limits. City services are available to the property.
- R10 district permits single-family dwellings on lots with a minimum 10,000 SF and two-family dwellings on lots with a minimum of 15,000 SF.

He then listed department comments:

Engineering:

- Plat corrections and comments pending.

Public Works:

- Plat corrections and additional detail on utility locations are needed.

Planning:

- Plat corrections pending
- The Subdivision Ordinance states the following concerning length of cul-de-sacs (dead end streets): *Permanent dead-end streets shall not exceed five hundred (500) feet in length unless necessitated by topography or property configuration and shall be provided with a turnaround.*

Other:

- Fire hydrant locations must be coordinated with Fire Department.

He stated that staff's recommendation was to approve conditioned upon comments, including satisfactory fulfillment of requirement concerning Robins Nest Drive configuration. He explained that the sketch design shows a cul-de-sac that extends to the property to the north facing Draper Street to allow a future connection to the adjacent property. He also stated that if the board had any questions he would answer them at this time. The board had no questions for Mr. Evans.

Mr. Garner moved to approve the request. Mr. Rush seconded the motion and the motion carried unanimously.

SUB-17-03: McDOWELL SUBDIVISION (E. ALLRED ST.): SKETCH DESIGN

Mr. Evans gave a visual presentation on SUB-17-03: McDowell Subdivision: Sketch Design. He stated that the applicant was McDowell Timber Co. and that the location was the South side of East Allred Street. He stated that the current zoning was R15 (Low-Density Residential) and R10 (Medium-Density Residential) and that the parcel identification number was 7762401442. He stated that this subdivision was approximately 23.94 +/- acres. He stated that the existing land use is undeveloped land. He stated that there were a total of 26 lots plus common area (out of 117 lots in subdivision) in this section. He also

stated that average lot size is 19,952 square feet +/- and approximately 4,036 new linear feet of street is proposed to be city-maintained. He showed overview, topography/utilities and aerial maps of the development along with an excerpt of the sketch design.

He listed development issues as follows:

- Property is outside the city limits. Access to city services (water and sewer) requires annexation of the property.
- R15 district permits single-family dwellings on lots with a minimum 15,000 SF. A small portion of four of the lots has R10 zoning, which permits single-family dwellings on 10,000 SF or two-family dwellings on 15,000 SF.

He then listed department comments:

Engineering:

- Plat corrections and comments pending.
- Annexation shall be required prior to approval of preliminary plat.

Public Works:

- Plat corrections and additional detail on utility locations are needed.

Planning:

- Plat corrections.

Other:

- Hydrant locations must be coordinated with Fire Department.

He stated that staff's recommendation was to approve conditioned upon comments. He also stated that if the board had any questions he would answer them at this time. Mr. Whitaker stated that he lives off of East Allred Street and that his concern was the amount of proposed traffic and what this would do to East Allred Street. Mr. Evans stated that the City has shared the plat with NCDOT and they did not have any additional comments. Mr. Bobby Kivett, the applicant's representation, spoke on the subject that they are working with NCDOT on driveway permits and access. Mr. Nuttall stated that at this sketch design phase, this is just a conceptual layout and that the preliminary plat would lay out the traffic generation at a later date. Mr. Kivett confirmed this and asked if there were any other questions. There were no further questions for Mr. Kivett.

Mr. David Henderson moved to approve the request. Mr. Buffkin seconded the motion and the motion carried unanimously.

ITEMS NOT ON THE AGENDA

There were no items at this time.

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



2017 Legislative Update

CITY OF
ASHEBORO
COMMUNITY DEVELOPMENT DIVISION

TO: Planning Board

FROM: Trevor L. Nuttall, Community Development Director 

DATE: 8-2-17

RE: 2017 Planning-Related Bills

Below is legislation related to planning and land use regulations that may be of interest to the Board. Staff will briefly outline these bills at the August 7 Planning Board Meeting.

Bill Number	Title/Short Description	House Action	Senate Action	Session Law
H. 25	Allow planning board to hold hearing and make final decision on zoning map amendments, with appeals to governing board, applicable only in Randolph County and its municipalities	Passed	Passed	S.L. 2017-19
H.10	Revise provisions for regulation of wireless technology; limit local regulation of small wireless facilities	Passed	Passed	S.L. 2017-159
S. 131	Regulatory reform for various environmental and local development regulation statutes, including: exclude landscaped walk and bikeways from "built upon" area; revise CRC rules on temporary erosion control structures update erosion rates near terminal groins; relax numerous reporting requirements; revise requirement for plan consistency statements for zoning amendments; define comprehensive plan to include UDO; revise subdivision exemptions; set various statutes of limitations for zoning enforcement actions; DEQ study riparian buffers	Passed	Passed	S.L. 2017-10
S. 419	Consolidate and reorganize statutes on planning and development regulation (160D proposal)		Passed	