



Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, October 1, 2018
7:00 PM
AGENDA

- I. Call to Order
- II. Approval of Minutes from September 6, 2018
- III. Review of Cases
- IV. RZ-18-15: Request to rezone from B1 (Neighborhood Commercial) and R7.5 (Medium-Density Residential) to OA6 (Office-Apartment): 505 E. Salisbury Street
- V. RZ-18-16: Request to rezone from R10 (Medium-Density Residential) and R15 (Low-Density Single-Family Residential) to CU-R40 (Conditional Use Low-Density Residential): Southwest of 1019 Old Liberty Rd., on the south side of Hub Morris Rd. (southeast of 1008 Hub Morris Rd.), and east of the terminus of Lakeview Rd.
- VI. RZ-18-17: Text Amendments to the Zoning Ordinance related to allowable floor area ratios
- VII. Planning Board Functioning as Board of Adjustment (BOA-18-01): Variance request from required front yard setback (Asheboro Zoning Ordinance: Table 200-1): 1431 East Salisbury Street
- VIII. Items Not on the Agenda
- IX. Adjournment

#

**MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, SEPTEMBER 4, 2018
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
Lynette Garner) - Vice Chair

Ritchie Buffkin)
Michael O'Kelley) - Members Present
Thomas Rush)
Pamela Vuncannon)

David Henderson) - Members Absent

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

Three (3) Citizens were present at this meeting.

CALL TO ORDER

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

WELCOME OF NOW PLANNING BOARD MEMBER PAMELA VUNCANNON

Mr. Rich, on behalf of the Planning Board welcomed Ms. Pamela Vuncannon to the board, to which, Ms. Vuncannon stated she was glad to be a part of the board.

APPROVAL OF MINUTES FROM AUGUST 6, 2018

Mr. Rich inquired to the board if there were any corrections to the regular August 6, 2018 Planning Board minutes. Hearing no corrections, Mr. Rich stated that the minutes were approved as presented.

REVIEW OF CASES

Mr. Trevor Nuttall informed the board of the zoning related cases which were heard at the regular August meeting of the Asheboro City Council.

RZ-18-13: REQUEST TO REZONE FROM RA6 (HIGH-DENSITY RESIDENTIAL) TO CU-O&I (CONDITIONAL USE OFFICE & INSTITUTIONAL): 618 AND 622 FRANKS STREET (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBERS 7761144135 AND 7761144098)

Mr. Evans gave a visual presentation of the above proposed rezoning case. He stated that the applicant is Ms. Hattie Johnson with New Jerusalem Pentecostal Holiness Church Inc. He stated the size of the parcels totaled .67 acres +/- . He also stated that the existing land use was last permitted as a single-family dwelling. He mentioned that the surrounding land uses were mixed between residential, including

the East Side homes, the Eastside Improvement Association center (last used for Boys and Girls Club membership facility), and some commercial and office uses along Martin Luther King Jr. Drive. He showed overview, rezoning, topographic/utilities, pointing out that there was some steeper topography at the southern portion of the eastern parcel, as well as showing aerial maps of the subject properties and photographs from all directions. He noted that the property was not in any flood areas and that it was inside the corporate city limits with city services and utilities available. He then gave the property analysis:

- Franks Street is a local, city-maintained street.
- The applicant has filed this request with a Conditional Use Permit application for a place of worship within an existing 988 square foot +/- structure that was last used for a dwelling.
- Although there is an option to apply for a Special Use Permit for a place of worship within a residential zoning district, one of the Special Use Permit requirements is for the property to be an acre or more, disqualifying the subject property.
- O&I Description: Intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O&I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.
- The current RA6 zoning allows single-family, two-family, and multi-family residential uses.
- The area consists primarily of single-family residential uses, with multi-family and institutional uses across Franks Street extending west of the subject property to Watkins Street.
- The City is investigating possibilities and funding sources to make this general areas (including Watkins Street and Martin Luther King Jr. Drive) more pedestrian friendly. The City is currently soliciting public input concerning this issue through a separate process.

He gave the Land Development Plan recommendations as follows:

Proposed Land Use Map:
Neighborhood Residential

Growth Strategy Map:
Primary Growth

Goals/Policies Supporting Request (5):

- **Checklist Item 5: Proposed rezoning is compliant with objectives of growth strategy map**
- **Checklist Item 11: Complies with LDP Design Principles**
- **Checklist Items 12-13: Outside of watershed, flood area**
- **Goal 3.2: Quality design demanding appropriate scale/context**

Goals/Policies Not Supporting Request (3):

- **Checklist Item 1: Land Development Plan Compliance**
- **Checklist Item 3: Does not fit description of Zoning Ordinance for O&I district**
- **Checklist Item 14: Presence of steep slopes over 20%**

He then gave staff's statement of consistency with adopted plans, reasonableness and public interest, which included the following:

- **Adjacent to other properties with longstanding institutional use.**
- **Conditional Use Permit process allows careful review and public input of use and manner in which it develop (building design/scale, parking, landscaping/screening, etc.) in relation to adjoining uses.**
- **LDP Design principles support having compatible mix of institutional, civic, and residential uses appropriately located and designed.**

He stated that in light of the above analysis, staff recommends approval of this request. He stated that the next step was for City Council to consider the rezoning and Conditional Use Permit requests on October 4, 2018 at 7 p.m. He then asked if the board had any questions for him at this time.

Mr. Michael O'Kelley asked what the meaning of Goal 3.2 in the goals and policies checklist was, to which Mr. Evans responded that the design criteria can be further reviewed and more closely identified with the Conditional Use Permit process.

Mr. Rush asked if in the sidewalk proposals there were any additional proposals for street widenings. Mr. Evans stated that there were no specific proposals for street widenings. Mr. Nuttall also added that curb and guttering of streets is proposed, so there would be an appearance of wider streets to some degree.

Mr. O'Kelley commented that the structure appears to only have enough square footage for a small number of people to occupy the space.

Mr. Rush also commented that the area is market challenged as it is and any viable use should be considered.

Hearing no other questions or comments, Mr. Rush moved to recommend approval of RZ-18-13 based on staff's recommendation and consistency statement. Ms. Lynette Garner seconded the motion and the motion carried unanimously.

SUB-18-01: PRELIMINARY PLAT REVIEW FOR ZOOCREST TOWNHOMES

Mr. Evans presented the case, stating that the request was for the Subdivision Preliminary Plat review for Zoocrest Townhomes, located at 1223 Crestview Church Rd (Parcel Identification Number 7669289834). He stated that the request made up approximately 9.92 +/- acres, which is slightly different from the overview map due to sight distance triangles that will be dedicated at the intersections in terms of right of way area. He stated that there were 34 lots + common area that make up this request. He stated that the average lot size would be 7,270 square feet and that there is approximately 1,140 linear feet (0.22 miles +/-) of city-maintained street. He showed maps of the area and listed the surrounding uses. He stated that the property is just outside the corporate city limits. He stated that topography shows steeper areas of the property towards the center of the property near the pond, which is proposed to remain on the development, and at the northwestern corner of the property. He stated that the main entrance is coming off of Crestview Church Rd which serves as access for all the units except two, which would have access off of Zoo Parkway. Along the northern border of the property, adjacent to an existing dwelling, buffer is proposed to remain as well as a sewer line proposed, which may require some additional grading. He also stated that the western side of the property includes planted vegetation in order to address some of the grading that is a bit more extensive than what was presented at the sketch design. Plantings need to equal or exceed requirements and the extent that existing vegetation currently provides a buffer to adjoining residentially zoned property to ensure a buffer from the adjacent properties. From the pond to the north will be least amount of grading work done. Most of the grading will be near the homes proposed on the property. He then presented plat excerpts to the board.

Mr. Evans then presented all development issues as follows:

1. The property was rezoned from R15 (Low-Density Single-Family Residential) to CU-R10 (Conditional Use Medium-Density Residential) and a Conditional Use Permit was issued for a Residential Planned Unit Development
2. A recreational area with picnic and play area is proposed between the pond and Zoo Parkway
3. Main entrance from Crestview Church Rd and driveways for two units on Zoo Parkway will require NCDOT driveway permit.
4. Two minor changes since sketch design:

- Reduction in number of units from 36 to 34.
- Moving units closer to Zebra Court and further from Crestview Church Road.

Mr. Evans then reviewed Department Comments as follows:

Engineering/Public Works:

- Plat corrections, review of plans/profiles for streets, utilities, and other engineering information is pending.
- Proposed Condition: Annexation shall be required before connection to city utilities is allowed.

Planning:

- Plat corrections are pending.
- Homeowners documents are required to be recorded with the final plat, which must include maintenance mechanisms for the common area, and restrictions concerning RV parking.

Mr. Evans stated that staff's recommendation is to approve the request, noting the condition as proposed by the Engineering Department concerning annexation prior to city utility connections and other noted staff comments. He stated if the board had any questions he would answer them. There were no questions at this time for Mr. Evans.

Mr. Bobby Kivett addressed the board stating if they had any questions he would answer them as well. There were no questions for Mr. Kivett at this time.

Ms. Lynette Garner moved to recommend approval of the request. Mr. Rush seconded the motion and the motion carried unanimously.

ITEMS NOT ON THE AGENDA

Mr. Nuttall mentioned there would be a Board of Adjustment case at the next regular meeting along with several ordinance amendments.

ADJOURNMENT

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

Bradley Morton, Planning Board Secretary

Van Rich, Planning Board Chair



**RZ-18-15: Request to rezone from R7.5 (Medium-Density Residential) and B1
(Neighborhood Commercial) to OA6 (Office-Apartment)**

(505 E. Salisbury Street)

Staff Report

Rezoning Staff Report

RZ Case # RZ-18-15

Date 10/1/2018 Planning Board

11/8/2018 City Council

General Information

Applicant Stephen David Wright

Address 3706 Buffalo Ford Road

City Asheboro NC 27205

Phone 336-963-3528

Location 505 East Salisbury Street

Requested Action Rezone from R7.5 (Medium-Density Residential) and B1 (Neighborhood Commercial) to OA6 (Office-Apartment)

Existing Zone R7.5/B1

Existing Land Use Single-family dwelling

Size 0.28 acres +/-

Pin # 7761039088

Applicant's Reasons as stated on application

Commercial limited office use is compatible with the area. Deemed for commercial use but has been used for residential use. This will allow the property to be updated for office or residential use in the future.

Surrounding Land Use

North Multi-family residential

East Commercial

South Single-family residential

West Commercial

Zoning History N/A

Legal Description

The property of Stephen Davis Wright and Rebecka S. Wright, located at 505 E. Salisbury St., totaling approximately 0.28 acres and more specifically identified by Randolph County Parcel Identification Number 7761039088

Analysis

1. The property is located within the City limits.
2. East Salisbury Street is a state-maintained major thoroughfare.
3. The majority of the property is currently zoned B1, described by the zoning ordinance as "intended to provide for limited retail and personal service uses on free-standing parcels or for small centers to serve adjacent residential neighborhoods. These districts shall normally be located in nodes along minor thoroughfares or higher classification streets." A small portion of the property is zoned R7.5 (Medium-Density Residential).
4. The requested zoning district allows residential, office & institutional uses, and limited commercial uses. The OA6 zoning district is described by the zoning ordinance as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged." Heavier commercial uses (such as retail, eating establishments, motor vehicle sales and major/minor repair, etc.) are prohibited in the OA6 district.
5. There is currently a single-family dwelling on the property that tax records indicate was built in 1940. This is a legal non-conforming use in the B1 zoning district, which places restrictions on future expansion or additions. If the property is rezoned to OA6, the current use becomes a use permitted by-right in the OA6 zoning district.
6. The adjoining property to the east was rezoned from CU-OA6 (Conditional Use Office-Apartment) to M (Mercantile) in 2014.

Rezoning Staff Report

RZ Case # RZ-18-15

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Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation	Commercial
Small Area Plan	Central
Growth Strategy Map Designation	Primary Growth

LDP Goals/Policies Which Support Request

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

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

Checklist Item 5: 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-18-15

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LDP Goals/Policies Which Do Not Support Request

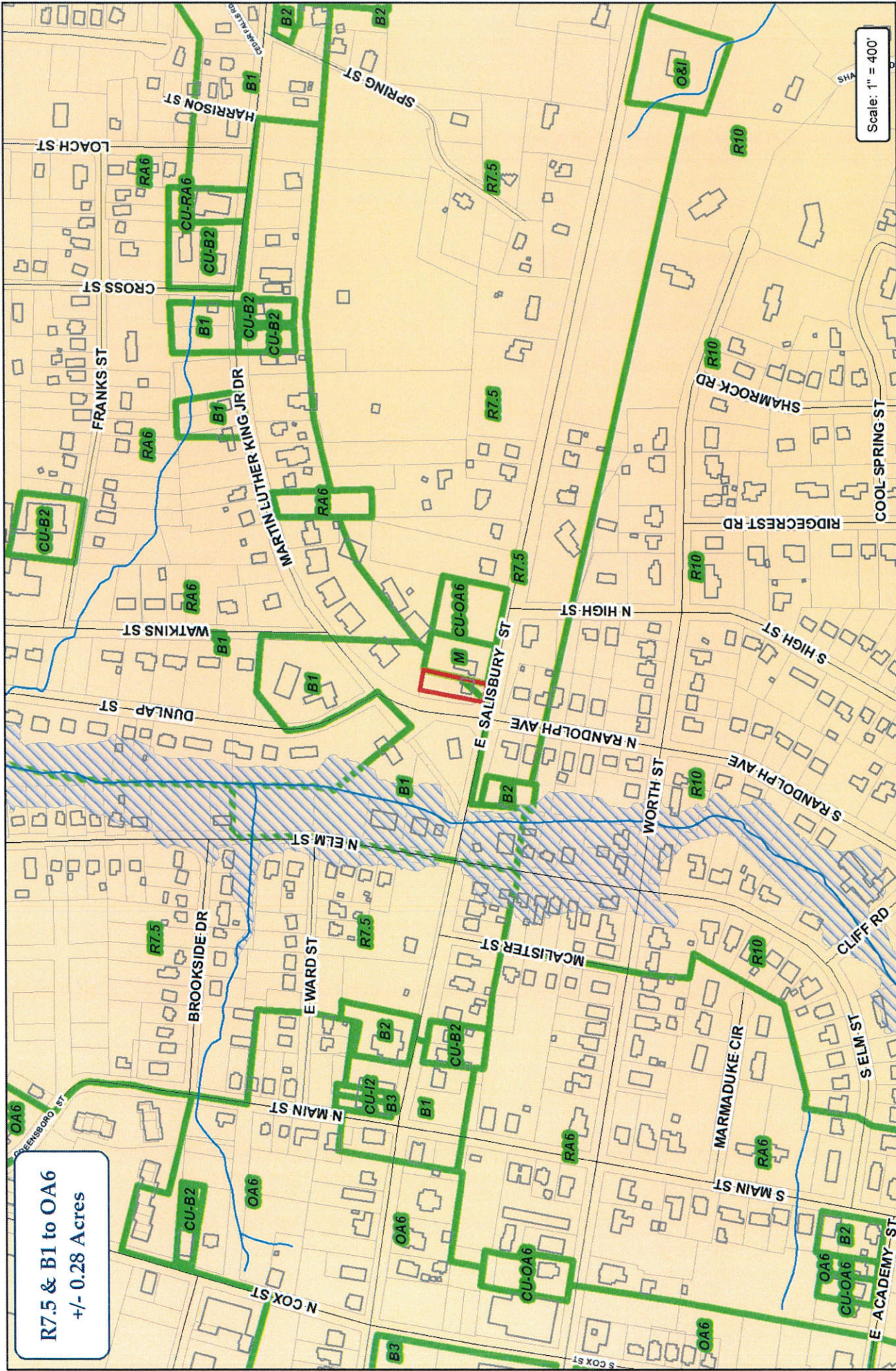
Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

The Land Development Plan proposes commercial zoning for the property. The Central Small Area Plan further states that commercial uses are designated in scattered locations along thoroughfares to accommodate some future commercial development. Also recommended in the Central Small Area Plan are "limited, local-scale, office and institutional uses" along East Salisbury Street. The requested OA6 district fits this recommendation by providing for office & institutional and limited commercial activities but also excluding heavier commercial uses that may be less appropriate to apply to the property. The designation is also consistent with surrounding land uses, which include single-family and multi-family residential uses, along with some commercial activities. The OA6 classification can also help encourage continued investment into the property by removing its non-conforming status.

Considering these factors, staff believes the requested OA6 district is consistent with the Land Development Plan and therefore reasonable and generally in the public interest.

Recommendation

In light of the above analysis, staff's recommendation is to approve the OA6 district request.



R7.5 & B1 to OA6
+/- 0.28 Acres

Scale: 1" = 400'



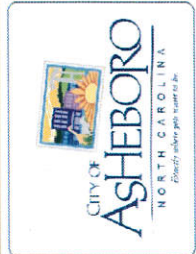
Subject Property
Zoning

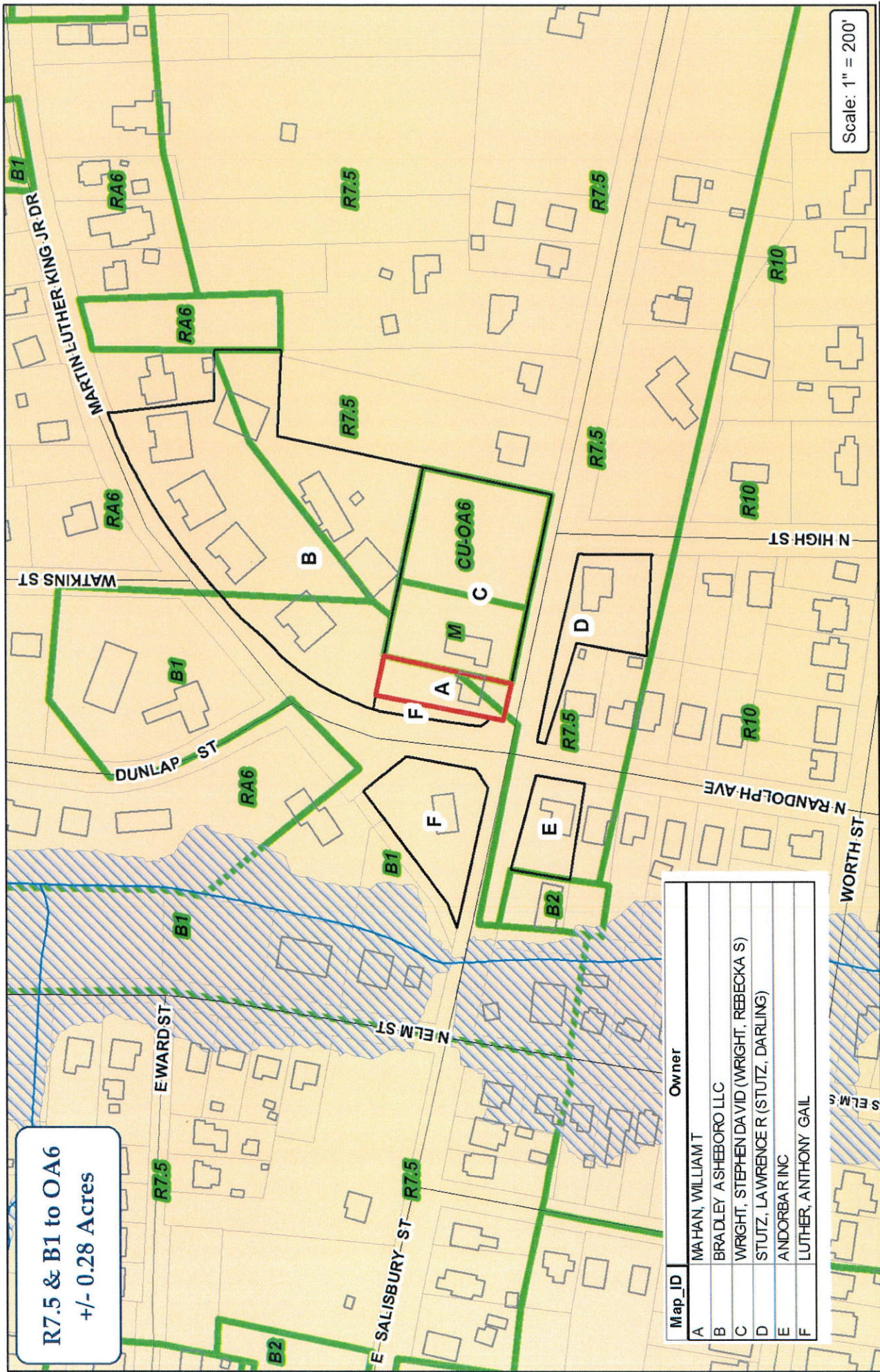
City of Asheville Planning & Zoning Department

Rezoning Case: RZ-18-15

Parcel: 7761039088

City Limits
ETJ





R7.5 & B1 to OA6
+/- 0.28 Acres

Scale: 1" = 200'



Subject Property

Adjoining Properties

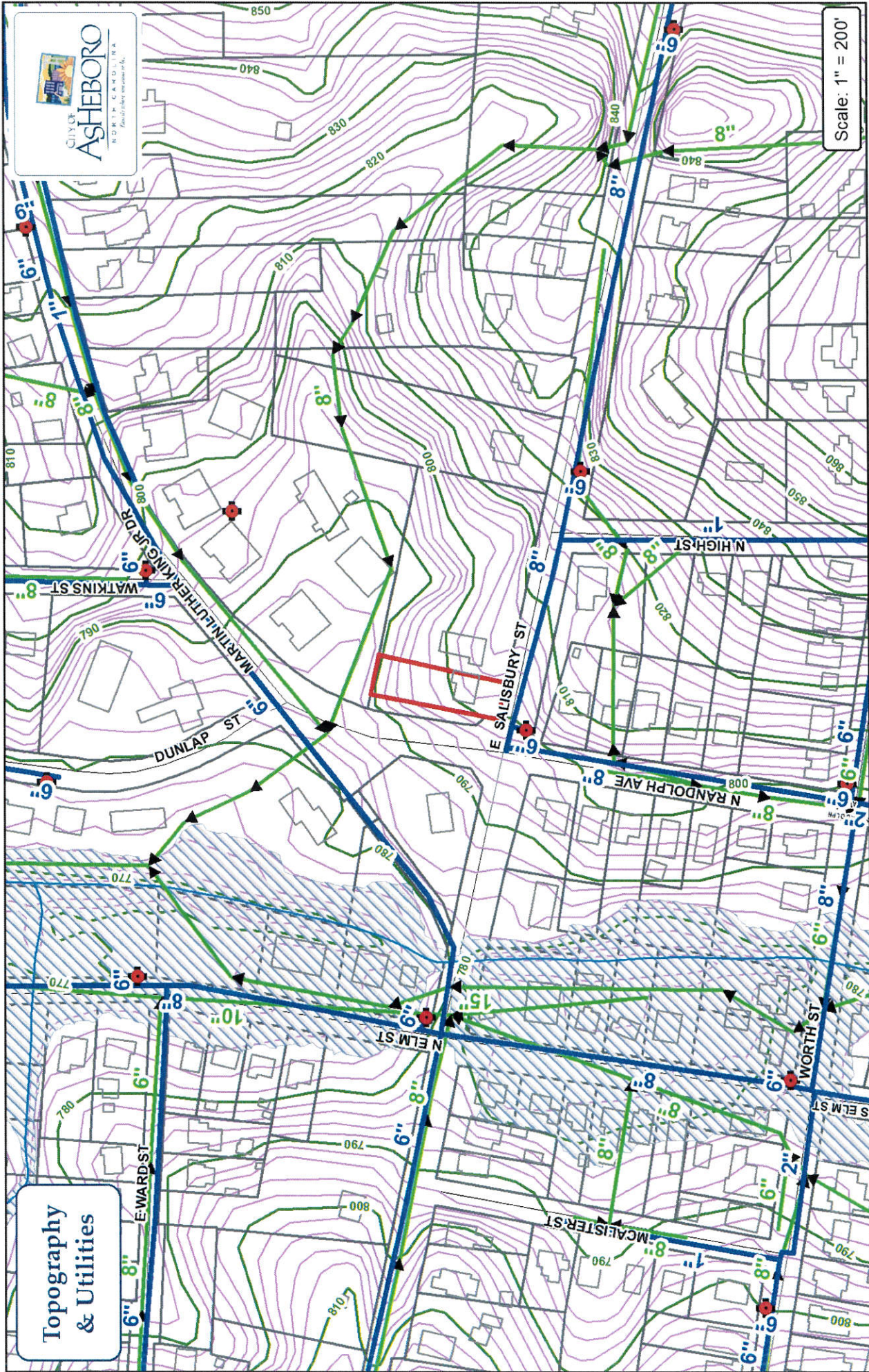
Zoning

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-15

Parcel: 7761039088

Map_ID	Owner
A	MAHAN, WILLIAM T
B	BRADLEY ASHEBORO LLC
C	WRIGHT, STEPHEN DAVID (WRIGHT, REBECCA S)
D	STUTZ, LAWRENCE R (STUTZ, DARLING)
E	ANDORBAR INC
F	LUTHER, ANTHONY GAIL



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-18-15
Parcel: 7761039088

Water Main Fire Hydrant
Sewer Main Pump Station
Force Main



Scale: 1" = 200'



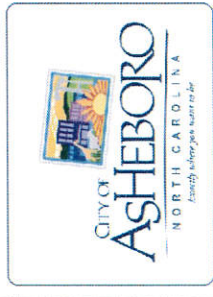
Subject Property

Zoning

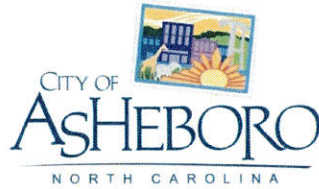
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-15

Parcel: 7761039088



Aerial



RZ-18-16: Request to rezone from R10 (Medium-Density Residential) and R15 (Low-Density Single-Family Residential) to CU-R40 (Conditional Use Low-Density Residential)

(Hub Morris, Old Liberty, & Lakeview Roads)

Staff Report

Rezoning Staff Report

RZ Case # RZ-18-16

Date 10/1/2018 Planning Board
11/8/2018 City Council

General Information

Applicant Thunderhead Solar, LLC c/o Mr. Ben Ludwig

Address 1519 King Street

City Charleston SC 29407

Phone 843-277-2090

Location north side of Old Liberty Rd./South side of Hub Morris Road, south side/terminus of Lakeview Rd.

Requested Action Rezone from R10 (Medium-Density Residential)/R15 (Low-Density Single-Family Residential) to CU-R40 (Conditional Use Low-Density Residential)

Existing Zone R10/R15

Existing Land Use Undeveloped land

Size 37.3 acres +/-

Pin # 7763505528

Applicant's Reasons as stated on application

See attached applicant statement.

Surrounding Land Use

North Single-family residential

East Industrial/Utility Substation/

South Single-family/Solar Farm (under construction)

West Mobile Home Park/Single-family residential

Zoning History N/A

Legal Description

The property of Roswell Farms, LLC, located southwest of 1019 Old Liberty Rd., on the south side of Hub Morris Road, and east of the terminus of Lakeview Road, more specifically identified by Randolph County Parcel Identification Number 7763505528 and totaling approximately 37.3 acres +/-.

Analysis

1. The property is partially within the city limits.
2. Old Liberty Road is a state-maintained minor thoroughfare. Hub Morris Rd. is a state-maintained major thoroughfare. Lakeview Drive is a city-maintained local street serving primarily multi-family uses and a manufactured home park.
3. Portions of the property are located within a Special Hazard Flood Area (100 year flood zone and floodway). The floodway is the most restrictive concerning allowing structures.
4. This rezoning request also includes a corresponding request for a Conditional Use Permit for a Solar Farm. The R40 (Low-Density Residential) district and CU-R40 (Conditional Use Low-Density Residential) districts are the only two residential zoning districts that allow a Solar Farm with Conditional or Special Use permit.
5. The property is currently undeveloped. The solar farm described in (4) above is proposed to be the sole use of the property.
6. The underlying R40 zoning district is described by the zoning ordinance as "intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to such suburban intensity living."

Rezoning Staff Report

RZ Case # RZ-18-16

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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	Neighborhood Residential
Small Area Plan	Northeast
Growth Strategy Map Designation	Primary Growth/Adjacent Developed

LDP Goals/Policies Which Support Request

Checklist Item 1: Complies with LDP proposed land use map

Goal 5.1: Cost effective, efficient and coordinated infrastructure in appropriate locations
(based on use proposed by CUP request)

Checklist Item 12: Property is located outside of watershed

Rezoning Staff Report

RZ Case # RZ-18-16

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LDP Goals/Policies Which Do Not Support Request

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

Checklist Items 13 and 14: 13.) The property is located within a Special Hazard Flood Area.
14.) Rezoning is located on steep slopes of greater than 20%.

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

Staff's analysis considers all development that is permitted in the underlying zoning district including the requested solar farm use. While a general R40 district may not be appropriate at this location where most residentially zoned properties are designated R10 (Medium-Density Residential) and R15 (Low-Density Single Family Residential), the Conditional Use permitting process helps mitigate concerns over whether potential development can be compatible with surrounding properties, which is a primary concern with properties designated for "Neighborhood Residential" use by the Land Development Plan.

Furthermore, many properties in the area currently have lower-density than what is allowable in the existing R10 and R15 zoning districts, especially along Hub Morris Road, which also helps make the requested CU-R40 district appropriate.

Considering these factors, staff believes the requested CU-R40 district is generally consistent with the Land Development Plan and therefore are generally in the public interest and support a reasonable use of property.

Recommendation In light of the above analysis, staff's recommendation is to approve the CU-R40 district request.

Application for Zoning Ordinance Amendment

APPLICANT INFORMATION

Applicant Thunderhead Solar LLC.

Applicant's Phone # 843-277-2090 Office 540-849-8758 Cell

Applicant's Address 1519 King Street Charleston SC 29407

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Roswell Farms, LLC

Location of Property Hub Morris Rd & Heathwood Dr

Property Size (ac. or s.f.) 37.37

Randolph County Property Identification Number (PIN#) 7763505528

Current Zoning District R10

Requested Zoning District CU-R40

Date Property Title Acquired March 15, 2007

Deed Book 2020 Page 750

Subdivision NA Section NA Lot # NA

Plat Book NA Page NA

ORDINANCE AMENDMENT INFORMATION

Section 1011.2 of the Asheboro Zoning Ordinance requires the applicant to answer the following questions. The application may not be accepted unless all questions are completed.

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

No alleged errors.

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

Asheboro's population continues to increase, requiring more electricity and public services. This amendment allows us to generate safe, inexpensive solar power and revenues for the city without the need for public services."

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

The amendment preserves the jurisdiction's discretion to ensure appropriate growth while furthering the twin aims of providing flexibility and diversifying development opportunities.

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

Solar energy projects like the one proposed for this property represent valuable assets in the community - creating local construction jobs, workforce training, and economic development. Because of the nature of the technology (no air or noise pollution) and low amount of maintenance required of such projects, there will be no discernible effects on traffic in the area, and otherwise, the project will have no adverse impact on the health, safety or welfare

APPLICANT AND AGENT SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Name of Agent (if any)

Agent's Address

Telephone Number

Agent Signature

Name of Applicant or Owner

Thunderhead Solar LLC

Applicant or Owner's Address

1519 King Street

Charleston, SC 29407

Telephone Number

540-849-8758

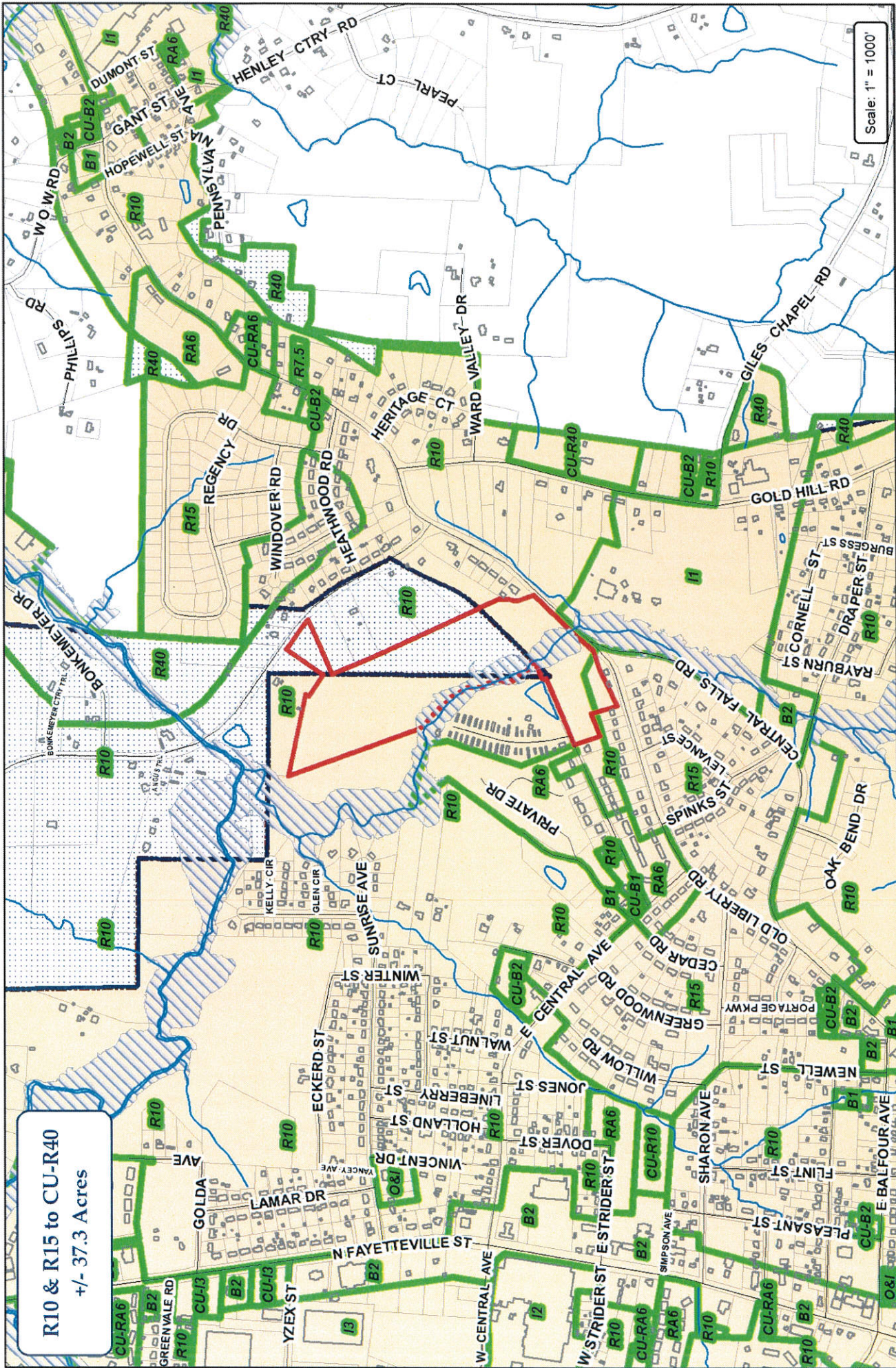
Applicant or Owner Signature

Owner's Signature (if different than applicant)

Boss D Bulla

STAFF USE

Received by: _____ Date: _____ Case Number: _____

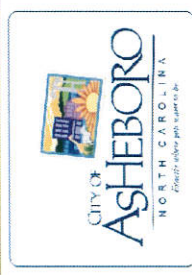


City of Asheboro Planning & Zoning Department

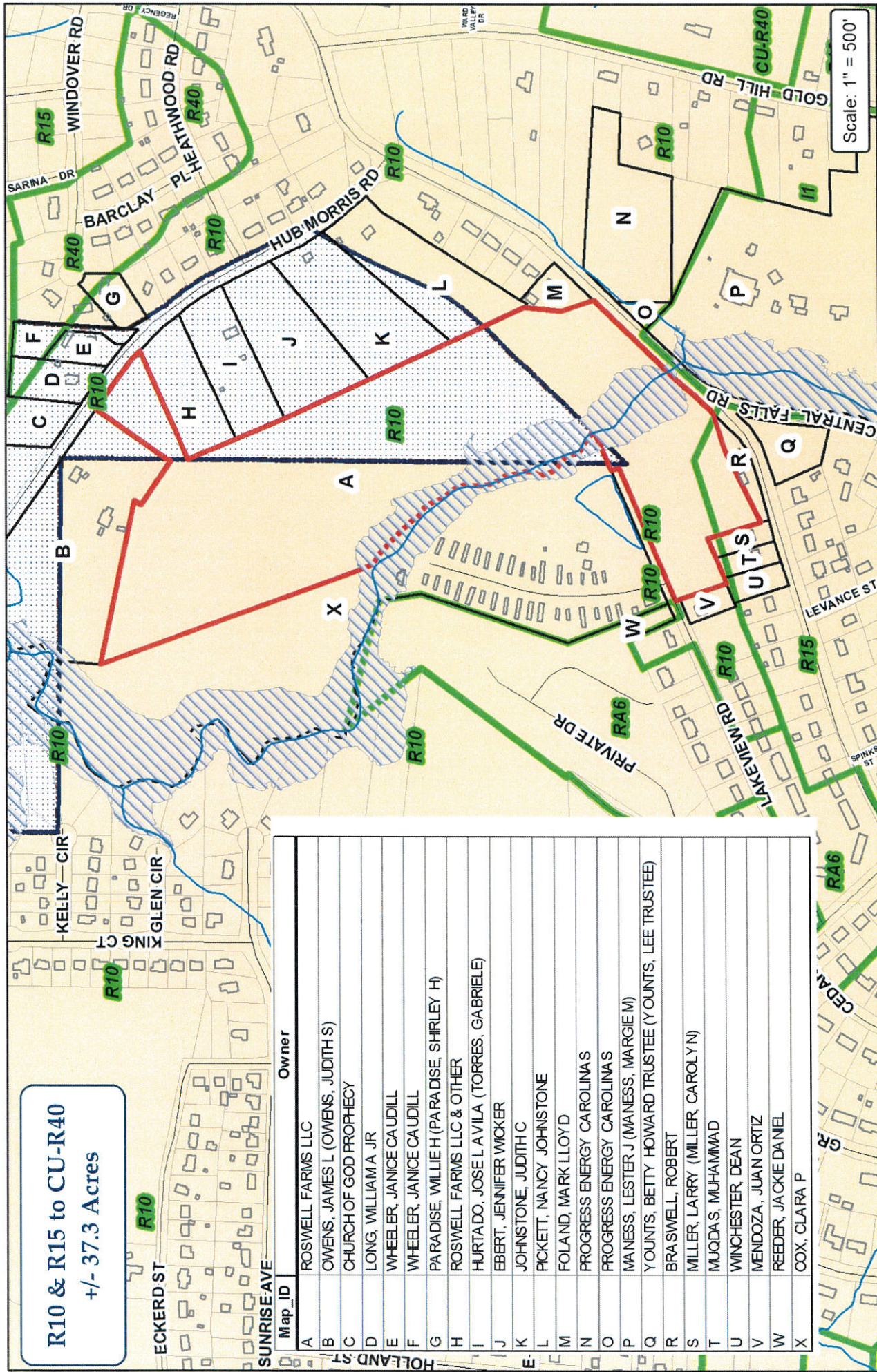
Rezoning Case: RZ-18-16

Conditional Use Permit: RZ-18-16

Parcel: 7763505528



R10 & R15 to CU-R40 +/- 37.3 Acres

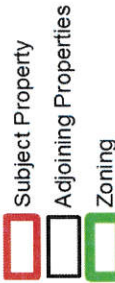


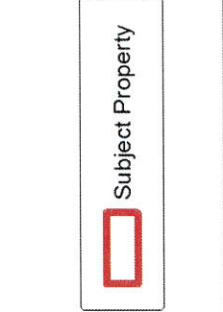
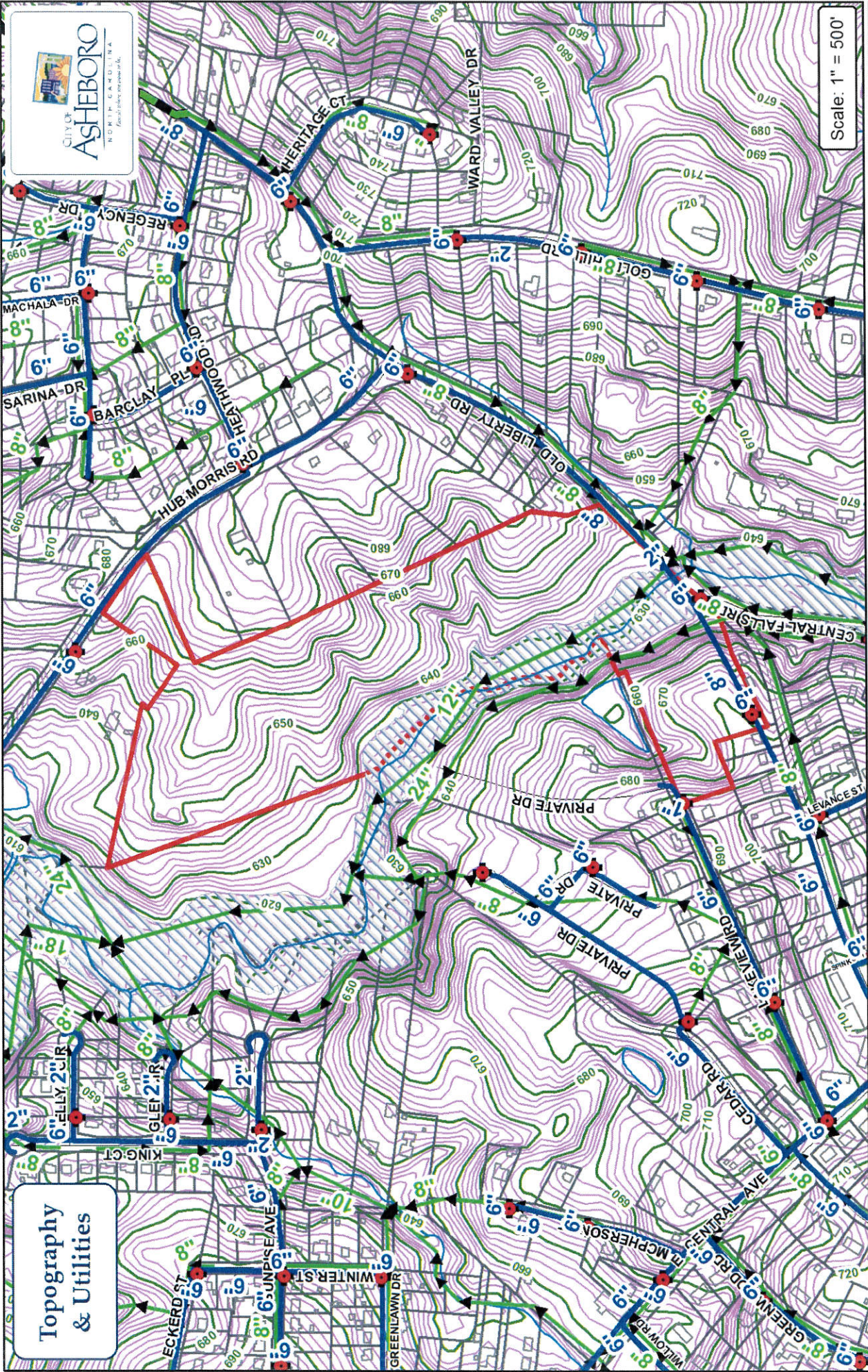
Map ID	Owner
A	ROSWELL FARMS LLC
B	OWENS, JAMES L (OWENS, JUDITH S)
C	CHURCH OF GOD PROPHECY
D	LONG, WILLIAM A JR
E	WHEELER, JANICE CAUDILL
F	WHEELER, JANICE CAUDILL
G	PARADISE, WILLIE H (PARADISE, SHIRLEY H)
H	ROSWELL FARMS LLC & OTHER
I	HURTADO, JOSE L AVILA (TORRES, GABRIELE)
J	EBERT, JENNIFER WICKER
K	JOHNSTONE, JUDITH C
L	PICKETT, NANCY JOHNSTONE
M	FOLAND, MARK LLOYD
N	PROGRESS ENERGY CAROLINAS
O	PROGRESS ENERGY CAROLINAS
P	MANESS, LESTER J (MANESS, MARGIE M)
Q	YOUNTS, BETTY HOWARD TRUSTEE (YOUNTS, LEE TRUSTEE)
R	BRASWELL, ROBERT
S	MILLER, LARRY (MILLER, CAROLYN)
T	MUJIDAS, MUHAMMAD
U	WINCHESTER, DEAN
V	MENDOZA, JUAN ORTIZ
W	REEDER, JACKIE DANIEL
X	COX, CLARA P

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-16
Conditional Use Permit: RZ-18-16

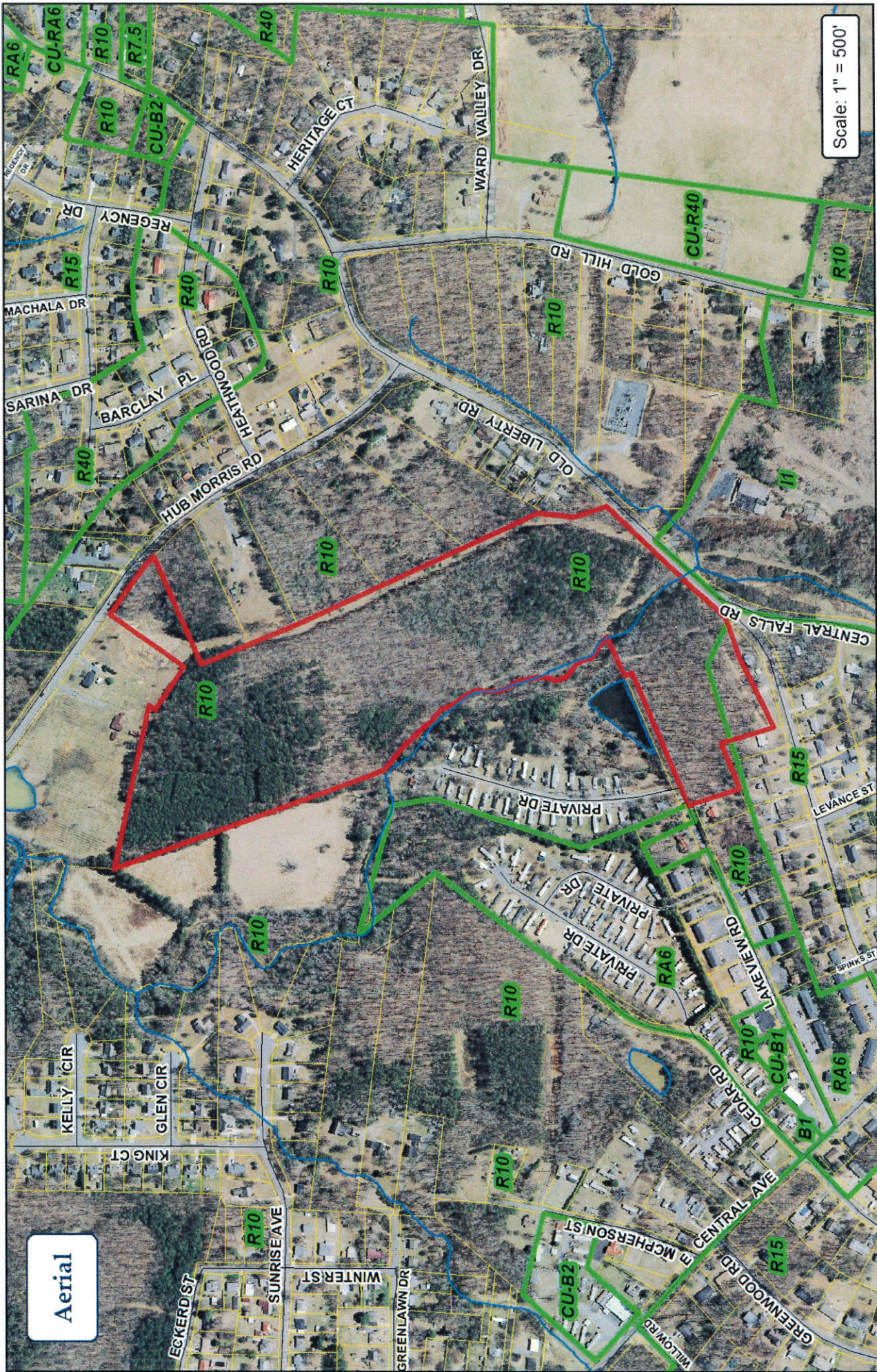
Parcel: 7763505528





City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-18-16
Conditional Use Permit: RZ-18-16
Parcel: 7763505528

	Water Main		Fire Hydrant
	Sewer Main		Pump Station
	Force Main		



Aerial

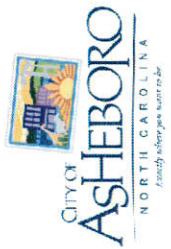
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City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-16
Conditional Use Permit: RZ-18-16

Parcel: 7763505528





RZ-18-17: Text amendments to the Zoning Ordinance related to permitted floor area ratio

Staff Report

Rezoning Staff Report

RZ Case # RZ-18-17

Date 10/1/2018 Planning Board
11/8/2018 City Council

General Information

Applicant City of Asheboro

Address 146 North Church St.

City Asheboro NC 27203

Phone 336-626-1201

Location N/A

Requested Action Text amendments to the zoning ordinance: Table 200-1 concerning area, height, bulk and placement regulations, specifically related to floor area ratio requirements

Existing Zone N/A

Existing Land Use N/A

Size N/A

Pin # N/A

Applicant's Reasons as stated on application

See staff's analysis below.

Surrounding Land Use

North N/A

East N/A

South N/A

West N/A

Zoning History Article 200, Table 200-1 was last modified in April, 2009, reflecting the addition of two new zoning districts (Mercantile and Tourism-Hospitality).

Legal Description

Amendments to Table 200-1 (Table of Area, Height, Bulk and Placement Regulations) related to floor area ratio (permitted ratio of buildings based on land area), and minimum lot sizes in certain districts.

Analysis

1. Staff is proposing text amendments to Table 200-1 concerning maximum gross floor area (FAR). FAR is defined as "the ratio of permitted floor area to the area of the lot." Related definitions are attached to this report.
2. The maximum FAR in R7.5 and R10 (both Medium-Density Residential) districts and the R15 (Low-Density Single-Family Residential) district is 22%. The maximum FAR in the R40 (Low-Density Residential) district is 19%. The RA6 (High-Density Residential) and OA6 (Office-Apartment) district has a more restrictive 17% maximum floor area which applies to all residential uses (single-family, two-family, and multi-family). If a zoning lot with RA6 or OA6 zoning possessed the minimum 6,000 SF of lot size, this would limit the maximum gross floor area to a total of 1,020 SF for a dwelling(s) located on the zoning lot.
3. The intent is to ensure that the maximum floor area is consistent for single-family and two-family dwellings in all residential zoning districts. Therefore, the current proposal is to increase the maximum FAR from 17 to 22 percent by-right for all single-family and two-family dwellings in the RA6 and OA6 districts and from 19 percent to 22 percent for all single-family and two-family dwellings in the R40 zoning district.
4. This helps address concerns over single-family and two-family dwellings becoming non conforming or becoming unable to make improvements or additions that would be allowable in other residential districts should a property be rezoned from one district allowing single- & two-family residential uses to another district allowing these residential uses.
5. Changes are not proposed related to the maximum FAR for multi-family dwellings, which is 17% by right in an RA6 (High-Density Residential) or OA6 (Office-Apartment) zoning district or 22% with a Special Use Permit.
6. The proposal would not allow more dwelling units on a zoning lot than what is currently permitted.
7. FAR provisions do not apply within the Center City Planning Area. The scale of buildings in this area is addressed through height limitations and maximum impervious coverage requirements.
8. The proposal slightly increases the allowable FAR for non-residential uses (i.e. places of worship, schools) that typically require a Special Use Permit in the R40 (from 19 to 22 percent) and RA6 (from 17 to 22 percent) district.

Rezoning Staff Report

RZ Case # RZ-18-17

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 N/A

Small Area Plan N/A

Growth Strategy Map Designation N/A

LDP Goals/Policies Which Support Request

2.1.1 The Zoning Ordinance will periodically be reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

2.1.2 The City will investigate the creation of an adaptive reuse program to aid infill development. The program will ensure that zoning and building codes are flexible to allow safe, affordable, and compatible reuse of existing buildings and guide business owners through the redevelopment process.

Goal 3.1: Enhancement, maintenance, and preservation of the built environment

Goal 3.2: Quality design demanding appropriate scale and context

Rezoning Staff Report

RZ Case # RZ-18-17

Page 3

LDP Goals/Policies Which Do Not Support Request

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

The proposed text amendments are designed to provide consistent single-family and two-family residential floor area ratio (FAR) among residential districts. The proposed text amendments do not change the allowable density (i. e. dwellings per acre) of residential development, but are designed to allow a reasonable use of property by helping to remove barriers to residential investment, particularly on smaller parcels of land in established neighborhoods.

While there is also a small increase in the allowable floor area for certain non-residential uses in residential districts, the quasi-judicial review process typically required for these uses can ensure development is at an appropriate scale in those limited cases.

Considering these factors, staff believes the proposed text amendments are consistent with the Land Development Plan and therefore are generally in the public interest and support a reasonable use of property.

Recommendation In light of the above analysis, staff's recommendation is to approve the proposed zoning text amendments.

Current Zoning Ordinance Definitions (Article 1100) are below for reference.

Floor Area, Gross- The sum in square feet of the horizontal areas on all floors of a building or buildings measured from the outside faces of the exterior walls including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and enclosed balconies, and any below-grade floor area used for habitation, access and storage. Attic area shall be counted when used for habitation. In calculating attic space, only areas enclosed for habitation shall be counted. Open porches, balconies, patios, decks, and attached garages and/or carports shall not be considered in Floor area calculations.

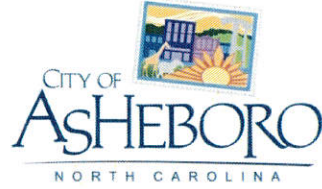
Floor Area Ratio - The ratio of permitted floor area to the area of the lot.

Table 200-1

Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard in Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
Required Yards* (Setbacks) Front Side Rear									
R40	40,000 SF 80,000 Duplex 40,000 NonRes	100	30	15	25	35	22% 22% 22%	19%	
1 Single Family or 1 Duplex Only									
R15	15,000 SF	100	30	15	25	35	22%		
1 Single Family Only									
R10	10,000 SF 15,000 Duplex 10,000 NonRes	75	30	10	25	35	22% 22% 22%		
1 Single Family or 1 Duplex Only									
R7.5	7,500 SF 11,500 Duplex 7,500 NonRes	60	25	10	20	35	22% 22% 22%		
1 Single Family or 1 Duplex Only									
RA6	Residential (SF & Duplex) 6,000	60	25	10	20	35	22%		
Multi Family: Maximum 4 Units Permitted Less than 45,000 Less than 45,000 sq. ft. 4 units									
Multi Family: Greater than 45,000 Min 45,000 sq. ft. for 5 or more units									
Multi Family: Greater than 45,000 with SUP WITH SUP 45,000 sq. ft. min. required									
Non-residential									
6,000 60 25 10 20 35 22%									
17% 30%									
17% 52% 3.3%									
22% 52% 3.3%									
OA6	Residential (SF & Duplex) 6,000	60	25	10	20	35	22%		
Multi Family: Maximum 4 Units Permitted Less than 45,000 Less than 45,000 sq. ft. 4 units									
Multi Family: Greater than 45,000 Min 45,000 sq. ft. for 5 or more units									
Multi Family: Greater than 45,000 with SUP WITH SUP 45,000 sq. ft. min. required									
Non-residential									
6,000 60 25 10 20 35 30%									
Multi Use: Minimum 45,000 for 5 or more units Min 45,000 sq. ft. for 5 or more units									
30%									
O&I	6,000	60	25	10	20	35	30%		
Multi Use: Minimum 45,000 for 5 or more units Min 45,000 sq. ft. for 5 or more units									
30%									
B1	6,000	60	25	15	15	25	33%		
M	10,000	75	25	10	10	25	33%		
B2	10,000	75	25	0 or 5	0 or 5	35	100%		
TH	40,000	100	30	10	10	35	100%		
B3	N/A	N/A	0	0 or 5	0 or 5	50	N/A		
I1	10,000	75	10	10	10	45	N/A		
I2	20,000	100	10	10	10	45	N/A		
I3	30,000	100	50	20	20	45	N/A		

*Except as specifically modified by this Ordinance by Article 300 or by buffering and screening requirements.



BOA-18-01

Variance request from required front yard setback (Asheboro Zoning Ordinance:
Table 200-1): 1431 E. Salisbury Street

Staff Report

Board of Adjustment Staff Report

Case: BOA 18-01

Date: October 1, 2018

Requested Action: Variance from Table 200-1 of the Asheboro Zoning Ordinance, which regulates required yards (setbacks).

GENERAL INFORMATION:

Applicant: Ken Gallimore

Address: 1431 E. Salisbury St.

Location of Affected Property: 1431 E. Salisbury St. (PIN 7761525272)

Size: 2.67 Acres **Existing Zone:** CU-I2: Conditional Use Industrial

Existing Land Use: Motor Vehicle Repair - Major and Retail Shoppers' Goods (specifically the sale of automotive parts)

Surrounding Land Use:

North: Commercial

East: Commercial

South: Commercial

West: Residential

Land Development Plan: Primary Growth/Commercial

ANALYSIS

The Zoning Lot is located at the intersection of East Salisbury Street and Martin Luther King Jr. Drive. Both streets are state-maintained minor thoroughfares. The Zoning Lot was annexed into the city limits by the City of Asheboro on June 6, 2013. The applicant purchased the property from the City of Asheboro on July 6, 2016. The Applicant rezoned the property from B2 Commercial to CU-I2 Conditional Use Industrial and was issued a Conditional Use Permit (CUP 16-10) for the current land use. The zoning lot currently features two structures, totaling 3,203 square feet and 7,200 square feet.

At the time of CUP issuance, the applicant considered the enclosure of a legal nonconforming accessory structure featuring an encroachment into a required 10-foot front yard setback along Martin Luther King Jr Drive. That proposed enclosure was permissible under Article 800 of the AZO so long as the Applicant's actions did not produce a building with dimensions (length, width, height) that encroach further into the required setback. The CUP site plan also noted the possibility of removing the building and constructing a new enclosed structure that would be compliant with city code provisions. The accessory structure has been removed, and per the CUP, any new structure must be compliant with current AZO regulations, including setbacks. The applicant requests a variance to reduce the minimum required front yard to 7.1 feet along the eastern portion of the lot that adjoins Martin Luther King Jr Drive.

The concurring vote of four-fifths of the Board shall be necessary to grant a variance. (904.2)

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

- 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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

The Board may impose appropriate conditions upon the granting of any variance provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance. (905)

I have found all the findings of fact as listed above in favor of the applicant.

Variance: Reduction in minimum Required Front Yard, as required by Table 200-1, to 7.1 feet along the eastern portion of the lot that adjoins Martin Luther King Jr Drive.

Member's Vote: Yes _____ No _____

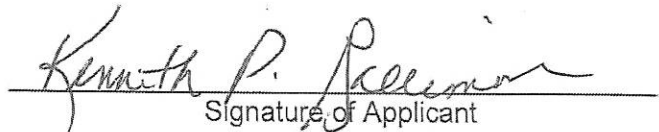
Signature _____

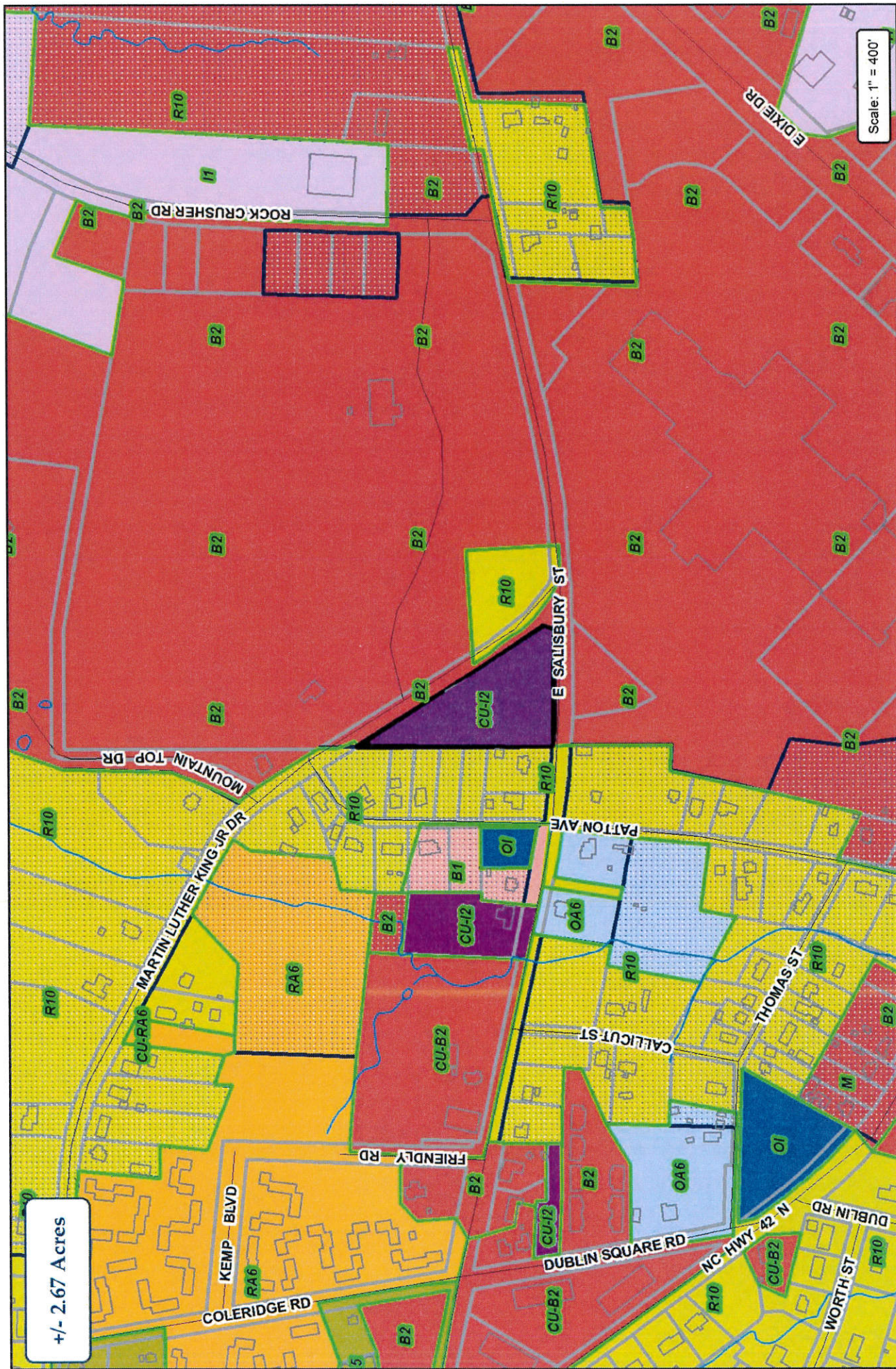
STATEMENT BY APPELLANT/APPLICANT:

In the space provided below and/or on the back of this form, please state the facts and line of argument that you believe support your appeal, request for a variance, or request for an interpretation of the Zoning Ordinance. In providing this information, please state the precise action that you would like to see taken by the Board of Adjustment.

An existing building was demolished after the current permit was issued. The original building encroached in the NCDOT right of way. The current permit allows for the structure to be replaced by a new building in the same approximate location. Storm water runoff was a major concern during the redevelopment of the property. Proper placement of this building was an important part of the design to best direct storm water. It came to our attention when we were ready to begin construction of the replacement building that while we cured the right of way encroachment, we will now have a small portion (less than 3 feet) of one corner of the new building encroached in the designated set back area. While it is still possible to relocate the new building, we feel that this may recreate the storm water problems that existed in the past. We believe that approving our request for a variance in the set back requirement is the best solution for proper storm water drainage.

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


Signature of Applicant



+/- 2.67 Acres

Scale: 1" = 400'



Subject Property

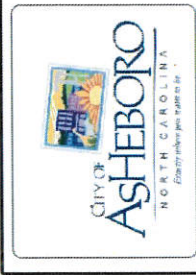
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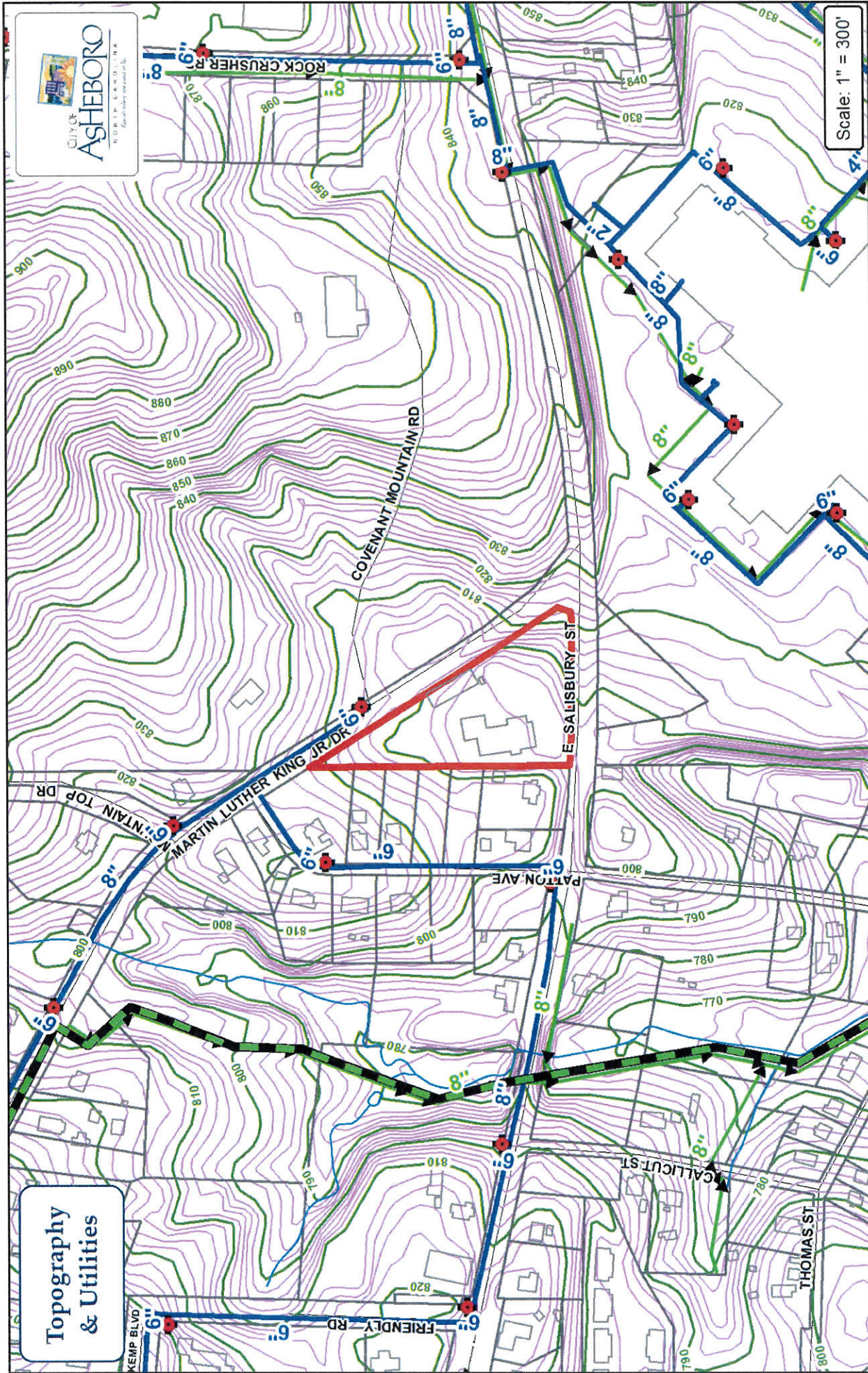
 ETJ

City of Asheville Planning & Zoning Department

Board of Adjustment Case: BOA-18-01

Parcel: 7761525272





City of Asheboro
Planning & Zoning Department
Board of Adjustment Case: BOA-18-01
Parcel: 7761525272

Subject Property

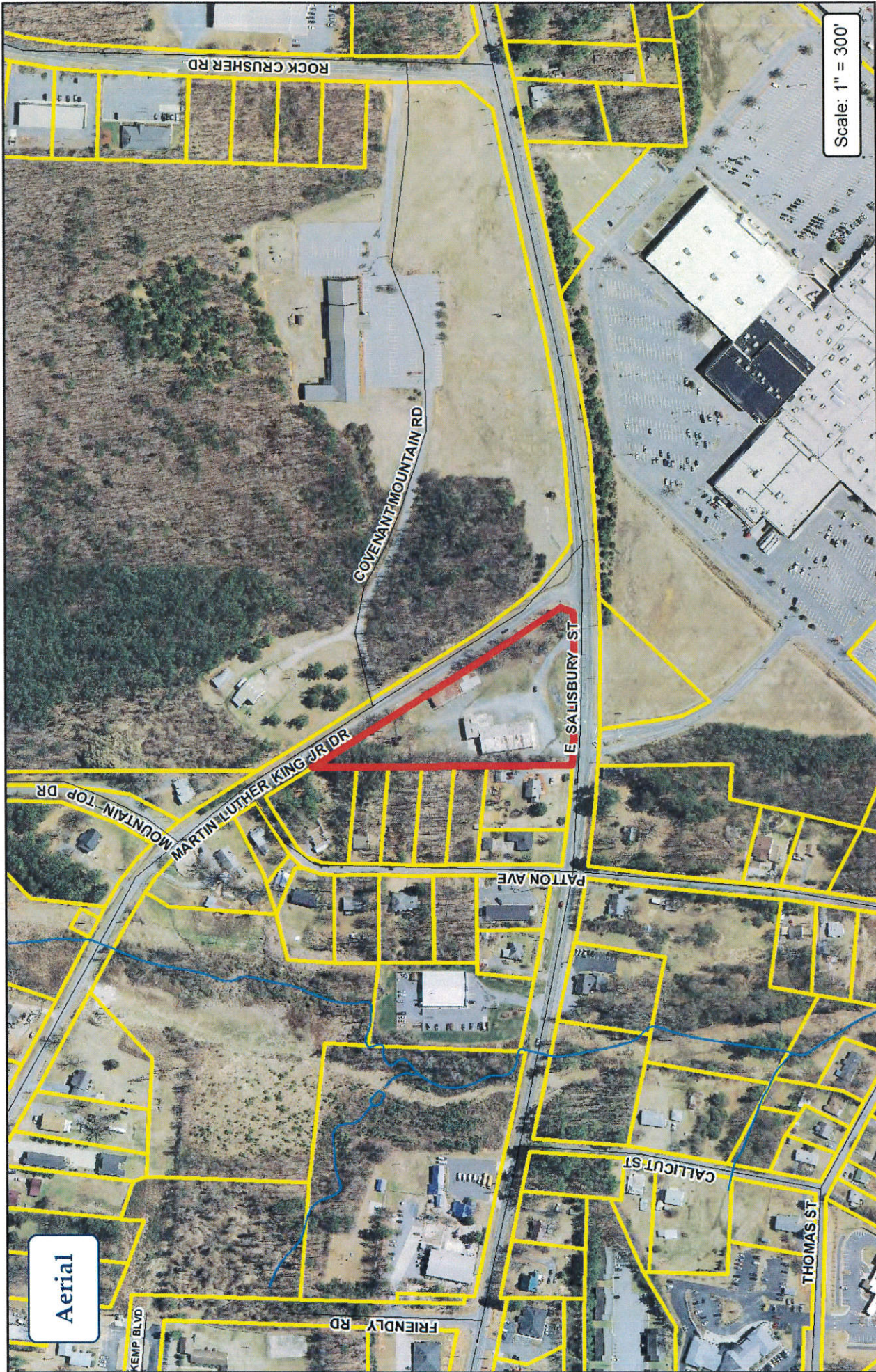
Water Main

Sewer Main

Force Main

Fire Hydrant

Pump Station



Scale: 1" = 300'

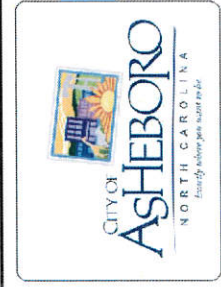


 Subject Property

City of Asheboro Planning & Zoning Department

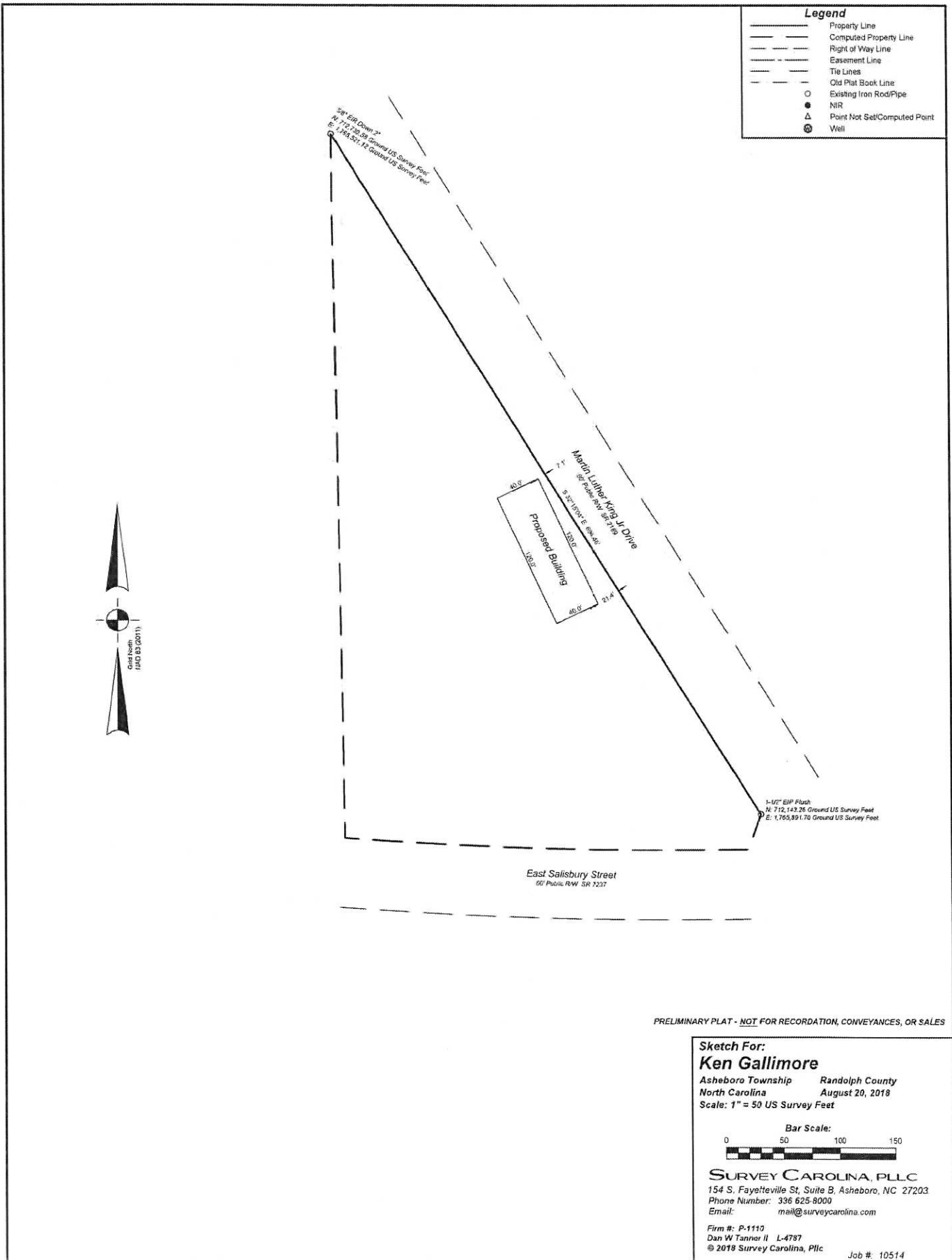
Board of Adjustment Case: BOA-18-01

Parcel: 7761525272

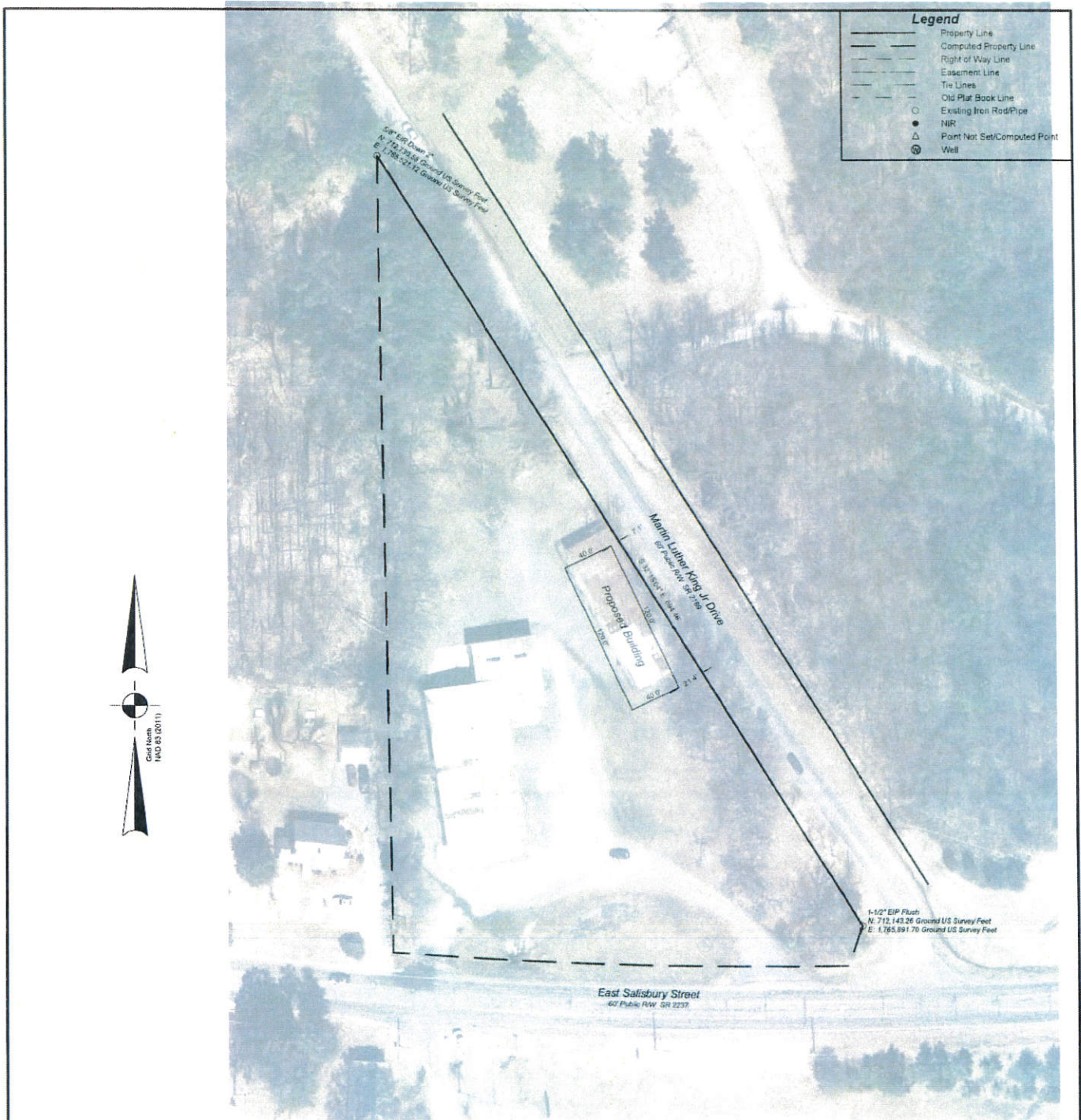


Aerial

Proposed Building



Proposed Building Overlaying Former Buildings



PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Sketch For:

Ken Gallimore

Asheboro Township Randolph County
North Carolina August 20, 2018

Scale: 1" = 50 US Survey Feet

Bar Scale:



SURVEY CAROLINA, PLLC

154 S. Fayetteville St, Suite B, Asheboro, NC 27203

Phone Number: 336 625-8000

Email: mail@surveycarolina.com

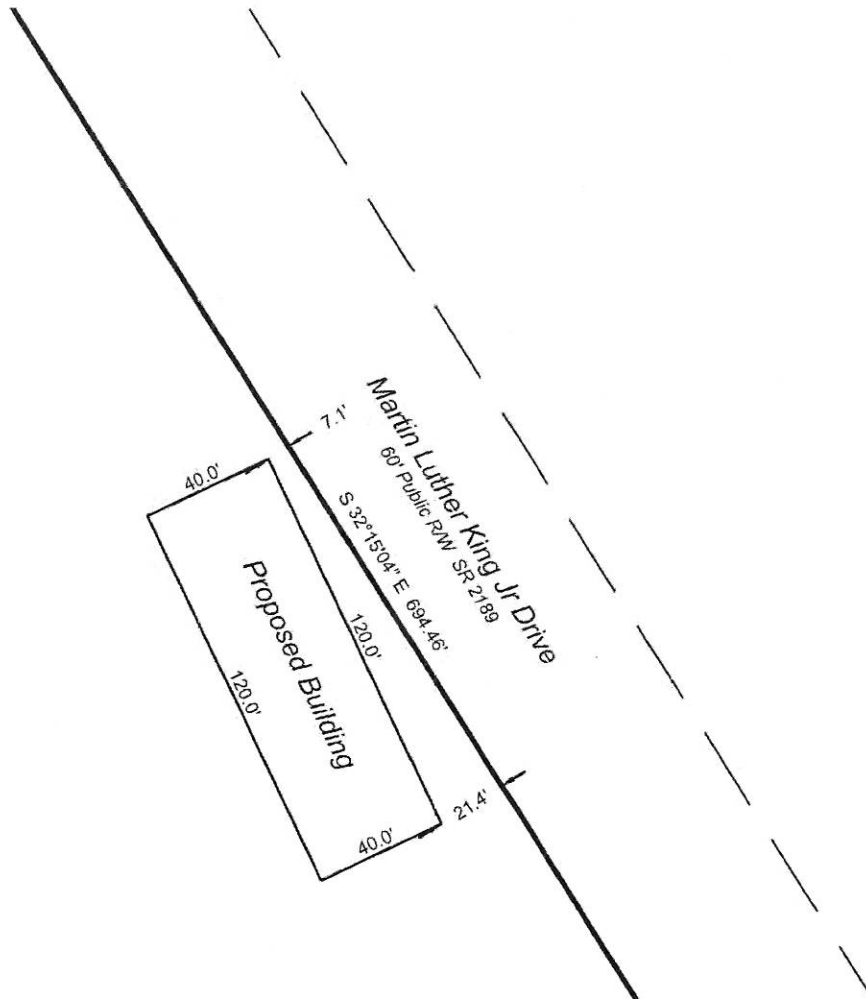
Firm #: P-1110

Dan W Tanner II L-4787

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Job #: 10514

Proposed Building, Enlarged to Show Detail



Proposed Building Overlaying Former Building

