



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, April 5, 2021
7:00 PM**

AGENDA

- I. Call to Order
- II. Approval of Minutes from March 1, 2021
- III. Review of Cases
- IV. RZ-21-02 (Old Business): Text amendments to the zoning ordinance for compliance with NC General Statutes 160D (Local Planning and Development Regulations)
- V. Requests involving property located on the north side of Kidd Drive (Randolph County Parcel Identification Number 7761458800)
 - a.) RZ-21-03: Request to rezone property from R10 Medium-Density Residential to R40 Low-Density Residential
 - b.) BOA-21-01 (Planning Board Acting as Board of Adjustment): Variance request from Section 106 (Every Lot Must Abut a Street...)
- The applicant's representative has requested a continuance for Items (V)(a) and (V)(b) until the May 3, 2021 Planning Board meeting.**
- VI. RZ-21-04: Request to rezone from I2 General Industrial to B2 General Commercial: 532 West Salisbury Street (Randolph County Parcel Identification Number 7751640197)
- VII. Items not on the agenda
- VIII. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, MARCH 1, 2021
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
Michael O'Kelley) – Vice Chair

Harold Anderson)
Ritchie Buffkin)
David Henderson) - Members Present
Thomas Rush)
Pamela Vuncannon)

Brad Morton, Planner/Deputy City Clerk
Trevor Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

CALL TO ORDER

Mr. Rich called the Asheboro Planning Board to order.

APPROVAL OF MINUTES FROM FEBRUARY 1, 2021

Mr. Rich inquired if there were any corrections or additions to the minutes presented. Hearing no corrections or additions, the minutes were approved as presented.

REVIEW OF CASES

Mr. Nuttall informed the board of the zoning related cases that were heard at the regular December, 2020 and January, 2021 City Council meetings.

RZ-21-02: TEXT AMENDMENTS TO THE ZONING ORDINANCE FOR COMPLIANCE WITH NC GENERAL STATUTES 160D (LOCAL PLANNING AND DEVELOPMENT REGULATIONS)

Mr. Nuttall gave a visual presentation on the above referenced agenda item. He stated that the applicant is the City of Asheboro and the request is text amendments to the zoning ordinance concerning compliance with Chapter 160D (Local Planning and Development Regulation). He then gave an overview:

- Chapter 160D – new section of NC General Statutes containing rules for local land use authority (Senate Bill 355)
- Enacted in 2019 with the majority of the rules becoming effective in the summer of 2021
- Consolidated provisions for municipal and county regulation into one chapter (formerly NCGS 153 and 160A).
- The chapter includes some provisions that are requiring the city to amend its Zoning Ordinance.

He then gave the analysis by stating that changes to the ordinance would include the following:

- Reorganizing existing law and technical changes in state law rather than sweeping policy changes.
- Zoning text amendment also proposes reorganization of existing zoning ordinance.

He showed a table of the reorganization of the Zoning Ordinance to comply with NCGS 160D, noting the New Ordinance chapters and where the existing Ordinance chapters would fit into the new chapters.

He then gave an analysis regarding the Conditional Zoning process:

- Mandated replacement of combined legislative rezoning and quasi-judicial Conditional Use Permit applications with legislative Conditional Zoning, which places conditions on a property as part of a rezoning process.
- Use of *Conditional Use District Zoning*, which involves our current practice of combining a quasi-judicial Conditional Use Permit with a legislative rezoning. This is a frequently utilized option for placing conditions on property as a part of the rezoning process.
- *Conditional Zoning* is a tool that can accomplish many of the same objectives as *Conditional Use District Zoning*. A key difference is that *Conditional Zoning* includes only a legislative process with no Conditional Use Permit used in combination with the rezoning.
- Must obtain applicant's/landowner's written consent to conditions related to a conditional zoning district or special use permit to ensure enforceability.
- Quasi-judicial proceedings for Special Use Permits will continue to exist for sensitive land uses that already require a Special Use Permit.

He stated that changes also include the following:

- Prohibition of non-governmental third party "down zonings" (from commercial to residential for example).
- Adopted land use plan that is reasonably maintained
- Land Use Plan's Future Land Use Map must be updated each time a rezoning this is not consistent with the map is approved.

He then listed the Land Development Plan Recommendations:

Goals/Policies Supporting Request (3)

- Policy 1.2.4: Expedited permitting process and user-friendly permitting process and user-friendly land development process
- Policy 2.1.1: Periodic updates to zoning ordinance
- Policy 2.2.3: Periodic updates of LDP maps to reflect current conditions

He then gave a statement of consistency with adopted plans, reasonableness and public interest:

- Proposed primarily to comply with state law
- Formalizes many of staff's existing practice (ensuring updates of LDP, ensuring consistency of zoning designations with LDP or offering rationale as to why a zoning amendment is contrary to plan)
- Current practice offers citizens various procedural options to change a land use designation of their property, and legislative conditional zoning will provide a new option, replacing conditional use district permits.

He listed the anticipated schedule of changes:

- January – February: Write text amendments necessary to comply with N.C.G.S. 160D.
- March and April- Planning Board review and recommendation
- April and May – Council review and adoption if acceptable

- June – Final month to adopt required amendments if not previously approved

He finally stated staff's recommendation to continue the case, and if continued, the case will be on the April 5, 2021 Planning Board agenda. It will remain scheduled for the April 8, 2021 City Council meeting.

Mr. Jeff Sugg mentioned that in addition to the text amendments previously mentioned, there will be additional sign regulation amendments beyond NCGS 160D due to a Supreme Court case ruling regarding content neutral signage. Mr. Sugg and Mr. Nuttall both gave certain examples of how signs could be regulated under an amended ordinance that complies with the Supreme Court case ruling.

Mr. Nuttall asked if there were any questions from the board at this time. Mr. Henderson asked how offensive signs are regulated, to which Mr. Nuttall state that the standard hasn't changed on profane language.

Mr. O'Kelley moved to continue the case until the April 5, 2021 Planning Board meeting. Mr. Rush 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 Chair



RZ-21-02: Text Amendments to the zoning ordinance to be consistent with North Carolina General Statutes 160D (Local Government Planning and Development Regulation) & Signs

Staff Report

Rezoning Staff Report

RZ Case # RZ-21-02

Date 4/5/2021 Planning Board

General Information

Applicant City of Asheboro

Address 146 North Church Street

City Asheboro NC 27203

Phone 336-626-1201

Location N/A

Requested Action Text amendments to the zoning ordinance to be consistent with North Carolina General Statutes 160D (Local Planning and Development Regulation) & Signs

Existing Zone N/A

Existing Land Use N/A

Size N/A

Pin # N/A

Applicant's Reasons as stated on application

See attached statement.

Surrounding Land Use

North N/A

East N/A

South N/A

West N/A

Zoning History See analysis for historic background.

Legal Description

Text amendments to the zoning ordinance to incorporate Chapter 160D of the NC General Statutes (Local Planning and Development Regulation) into the Asheboro Zoning Ordinance & Signs

Analysis

1. Changes to state law concerning land use were adopted in 2019 (Senate Bill 355, NCGS 160D) . The provisions consolidated provisions for city and county land use regulations into one chapter. Many of the provisions were focused on reorganizing existing law, and making primarily technical changes rather than sweeping policy changes. However, some provisions have a greater impact on how land use decisions are made.
2. One of the most significant mandated changes is replacement of combined legislative rezoning and quasi-judicial Conditional Use Permit applications with legislative Conditional Zoning, which places conditions on a property as part of a rezoning process. Quasi-judicial proceedings for Special Use Permits would continue to exist for sensitive land uses that already require a Special Use Permit. The text amendments also propose amendments to sign provisions.
3. Other changes include requiring an applicant/landowner's written consent to enforce conditional zoning district or special use permit, prohibition of non-governmental third party "downzonings" (from commercial to residential for example).
4. The law now also requires an adopted land use plan that is reasonably maintained. Also, a Land Use Plan's Future Land Use Map must be updated each time a rezoning this is not consistent with the map is approved.
5. NCGS 160D requires that amendments be made by July 1, 2021 for local zoning provisions to remain valid.
6. As noted in (1) above, a key goal of NCGS 160D was to consolidate and reorganize existing state law into a more coherent fashion. Similar reorganization of the zoning ordinance's format is proposed.

Rezoning Staff Report

RZ Case # RZ-21-02

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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 Not applicable

Small Area Plan Not applicable

Growth Strategy Map Designation Not applicable

LDP Goals/Policies Which Support Request

1.2.4 The City will promote its expedited permitting process and continue to make the land development process user-friendly for citizens and organizations.

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.

2.2.3 The City will periodically update maps in the Land Development Plan to ensure they accurately represent current conditions in our city and are consistent with the goals and policies.

Rezoning Staff Report

RZ Case # RZ-21-02

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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

These amendments are proposed primarily to comply with recent changes in state law. In addition, the proposed changes formalize many of staff's existing practices (ensuring that the Land Development Plan is regularly updated, ensuring consistency of zoning designation with the Land Development plan or offering a rationale for why a decision was made that was contrary to the plan). Current practice offers citizens various procedural options to change a land use designation of their property, and legislative conditional zoning will provide a new option, replacing conditional use district permits. The proposed language will also reflect model language related to federal case law related to signs. As noted above, staff is also proposing some organizational changes to the zoning ordinance that offer improvements in how it is formatted and useable for applicants and staff.

Considering these factors and state law requiring these changes, staff believes that the proposed text amendment is overall consist with the Land Development Plan and is therefore reasonable and in the public interest.

Recommendation

In order to give the Planning Board and the public adequate time to review the proposed draft text amendment, staff's recommendation is to **continue** the request until May 3, 2021.



Application for Zoning Ordinance/Map Amendment

APPLICATION FEE

A \$200 filing fee is required for any amendment.

APPLICATION INSTRUCTIONS

The rezoning process can be complex. It is highly recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

- 1) A dimensional map, at a scale of not more than 200 feet to the inch, showing the land that would be covered by the proposed amendment, if the amendment would require a change in the zoning atlas.
- 2) A legal description/deed reference of such land.

It is recommended that the applicant mail letters to the adjoining property owners a minimum of 10 days prior to the scheduled Planning Board meeting. A template showing the required information contained in the letters is on Page 4 of this application. Please verify location and meeting times with staff prior to mailing.

One copy is to be filed with the city manager and one copy filed with the Zoning Administrator by 5:00 pm on the day which is at least 55 days prior to the City Council meeting at which the request will be considered. At no time shall the city council hear more than five (5) cases per month. If five applications have been received prior to the cut-off date, the request will be heard the following month.

MEETING INFORMATION* Dates are subject to final Planning Board/Council approval in December, 2019.

<i>Application Deadline</i>	<i>Planning Board Meeting</i>	<i>City Council Meeting</i>
December 11, 2020	Monday, January 4, 2021	Thursday, February 4, 2021
January 8, 2021	Monday, February 1, 2021	Thursday, March 4, 2021
February 12, 2021	Monday, March 1, 2021	Thursday, April 8, 2021
March 12, 2021	Monday, April 5, 2021	Thursday, May 6, 2021
April 16, 2021	Monday, May 3, 2021	Thursday, June 10, 2021
May 21, 2021	Monday, June 7, 2021	Thursday, July 15, 2021
June 11, 2021	Monday, July 12, 2021	Thursday, August 5, 2021
July 23, 2021	Monday, August 2, 2021	Thursday, September 16, 2021
August 13, 2021	Monday, September 13, 2021	Thursday, October 7, 2021
September 10, 2021	Monday, October 4, 2021	Thursday, November 4, 2021
October 15, 2021	Monday, November 1, 2021	Thursday, December 9, 2021
*Confirm application deadline with staff	Monday, December 6, 2021	*January, 2022: Confirm meeting date with staff

***January, 2022 Council meeting dates are not set by Council until December, 2021.**

Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant: City of Asheboro

Applicant's Phone #: 336-626-1201

Applicant's Address: 146 N. Church Street

Applicant Email Address: jevans@ci.asheboro.nc.us

PROPERTY INFORMATION FOR MAP AMENDMENTS Not applicable as this is a text amendment.

Property Owner's Name _____

Location of Property _____

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

Randolph County Property Identification Number (PIN#) _____

Current Zoning District _____

Requested Zoning District _____

Date Property Title Acquired _____

Deed Book _____ Page _____

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

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.

There are no specific errors but there is a mandate by North Carolina General Statutes for municipalities who want to apply zoning to codify the newly organized Chapter 160D, which pertains to land use law, into local zoning ordinance. Additionally, the proposed amendments to the sign ordinance are to comply with federal case law.

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?

It is important that the Asheboro Zoning Ordinance reflect changes to state and federal legislation and case law.

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

Goal 2.1.1 of the Land Development Plan states “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.” This has been interpreted broadly to include updates to the zoning ordinance which make sure that it is responsive to changes in local, state, and federal laws, regulations, and mandates. It applies to this case.

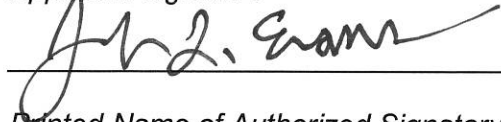
4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

NCGS 160D mandates that local governments enact legislation in a timely manner, no later than July 1, 2021. This makes filing this amendment in a timely manner essential to give adequate time for public review and comment. Additional supportive information will be presented in future staff analyses.

APPLICATION 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.

Applicant Signature



Printed Name of Authorized Signatory (if different from Applicant)

John L. Evans, Assistant Community
Development Director, City of Asheboro

Position/Relationship of Authorized
Signatory to Applicant

Owner Signature (if different than Applicant)

Owner Address

146 N. Church Street

Telephone Number

336-626-1201 Ext. 225

Printed Name of Authorized Signatory (if different from Owner)

*Position/Relationship of Authorized
Signatory to Owner*

STAFF USE

JLE

Received by: Filed by JLE Date: 2-12-2021 and updated 3-29-2021 Case Number: RZ-21-02 (tentative case #)



RZ-21-03: Request to rezone from R10 (Medium-Density Residential) to R40 (Low-Density Residential): Kidd Drive (Randolph County Parcel Identification Number 7761458800)

Staff Report

The applicant's representative has requested a continuance for this item until the May 3, 2021 Planning Board meeting.

Rezoning Staff Report

RZ Case # RZ-21-03

Date 4/5/2021 Planning Board

General Information

Applicant Jacqueline M. Cheek

Address 1387 Old Cedar Falls Rd.

City Asheboro NC 27203

Phone 336-964-8585

Location north side of Kidd Dr., approximately 375 ft. west of Gold Hill Road and 1100 ft. north of Old Cedar Falls Road

Requested Action Rezone from R10 Medium-Density Residential to R40 Low-Density Residential

Existing Zone R10

Existing Land Use Undeveloped* (see (4) of analysis)

Size 1.99 acres +/-

Pin # 7761458800

Applicant's Reasons as stated on application

My current property that I reside is now R40. which is only a few hundred feet away from this location. I will put a permanent foundation under my home which would only make the value of my home more. It will be on the standard of a home, and with a permanent foundation. It will bring property value up. 20 years ago, I came before the board concerning putting a manufactured home at 1387 Old Cedar Falls Rd. which was approved and I did not let the board down.

Surrounding Land Use

North Undeveloped residential

East Undeveloped residential

South Manufactured home/commercial

West Medium-density residential (single-family)

Zoning History N/A

Legal Description

The property of Jacqueline M. Cheek, located on the north side of Kidd Drive, approximately 1100 ft. north of its intersection with Old Cedar Falls Road and 375 feet west of its intersection with Gold Hill Road, totaling approximately 1.99 acres +/- and more specifically identified by Randolph County Parcel Identification Number 77614458800 and Plat Book 164, Page 57.

Analysis

1. The property is outside of the city limits. The property is not served by city water or sewer.
2. Kidd Drive/Sunset Circle is platted as an unopened 50' right-of-way (PB, 164, PG. 57). The applicant has also requested a variance from Section 106 of the zoning ordinance, requiring every lot to abut a public street.
3. The property is accessible from Old Cedar Falls Road. While Sunset Circle is platted as an unopened right-of-way that extends to Gold Hill Road, the subject property is not accessible from Gold Hill Road.
4. A manufactured home has been moved onto the property, but is not currently permitted or occupied because a manufactured home is not a permitted use in the current R10 zoning district. The R40 district allows manufactured homes that are built to "Class A" standards. Other manufactured homes are located in the area.
5. There are three additional single-family dwelling units between Kidd Drive and the subject property. The property to the east has major motor vehicle repair, which was permitted by a Conditional Use Permit in 1977.
6. The closest R40 zoning designation is located at 1387 Old Cedar Falls Rd, approximately 550 ft. south of the subject property.
7. The intent of the current R10 district is *to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.* The intent of the requested R40 district is *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.* A comparison between the existing R10 and proposed R40 districts is attached.

Rezoning Staff Report

RZ Case # RZ-21-03

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 Neighborhood Residential

Small Area Plan East

Growth Strategy Map Designation Economic Development

LDP Goals/Policies Which Support Request

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

Checklist Item 6: Existing infrastructure is adequate to support the desired zone (*water, sewer, roads, schools, etc.*). **Note:** This item was selected because there is currently no water and public sewer.

Checklist Items 12-15: 12.) Property is located outside of the watershed area, or the rezoning request will not impose a significant, negative environmental impact.

13.) The property is located outside of Special Hazard Flood Area.

14.) Rezoning is located on steep slopes (>20%). **Note:** Staff notes that a portion of the property is located on slopes exceeding 20%. However, an R40 designation may be more suitable to having more options to place a building footprint appropriately because of the larger minimum lot size.

15.) The rezoning is not located on poor soils or the rezoning district is unlikely to create additional problems caused by poor soil conditions. **Note:** The property is identified by the Land Development Plan Physical Limitations map as potentially having poor soils. Approval of

a private well and septic system at a density allowable by R10 standards is less likely than a private well and septic built to lower-density R40 standards.

Rezoning Staff Report

RZ Case # RZ-21-03

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LDP Goals/Policies Which Do Not Support Request

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

Checklist Item 5: The proposed rezoning is not compliant with the objectives of the Growth Strategy Map.

Checklist Item 7: The proposed rezoning is not compatible with the applicable Small Area Plan.

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

Although the property is designated as “neighborhood residential” by the proposed land use map and as an “economic development” area by the growth strategy map, infrastructure limitations of this property create challenges to develop the property with density envisioned by the Land Development Plan.

The zoning ordinance describes the R40 district as having the “necessary governmental and other support facilities to provide service to such suburban intensity living”. The R40 description more accurately characterizes the property than the existing R10 district. The property's lack of access to public water/sewer, plus the lack of street frontage that is built to city or state standards limit the ability for the property to be developed at a density typically seen in an R10 Medium-Density district.

While the R40 district differs from the R10 district by allowing manufactured homes on individual lots, zoning ordinance standards require manufactured homes to have a base consisting of solid materials, such as masonry and minimum roof pitch requirements, which help create an appearance more similar to site-built homes.

Considering these factors, staff believes that the requested R40 district maintains overall consistency with the Land Development Plan and therefore is reasonable and in the public interest.

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

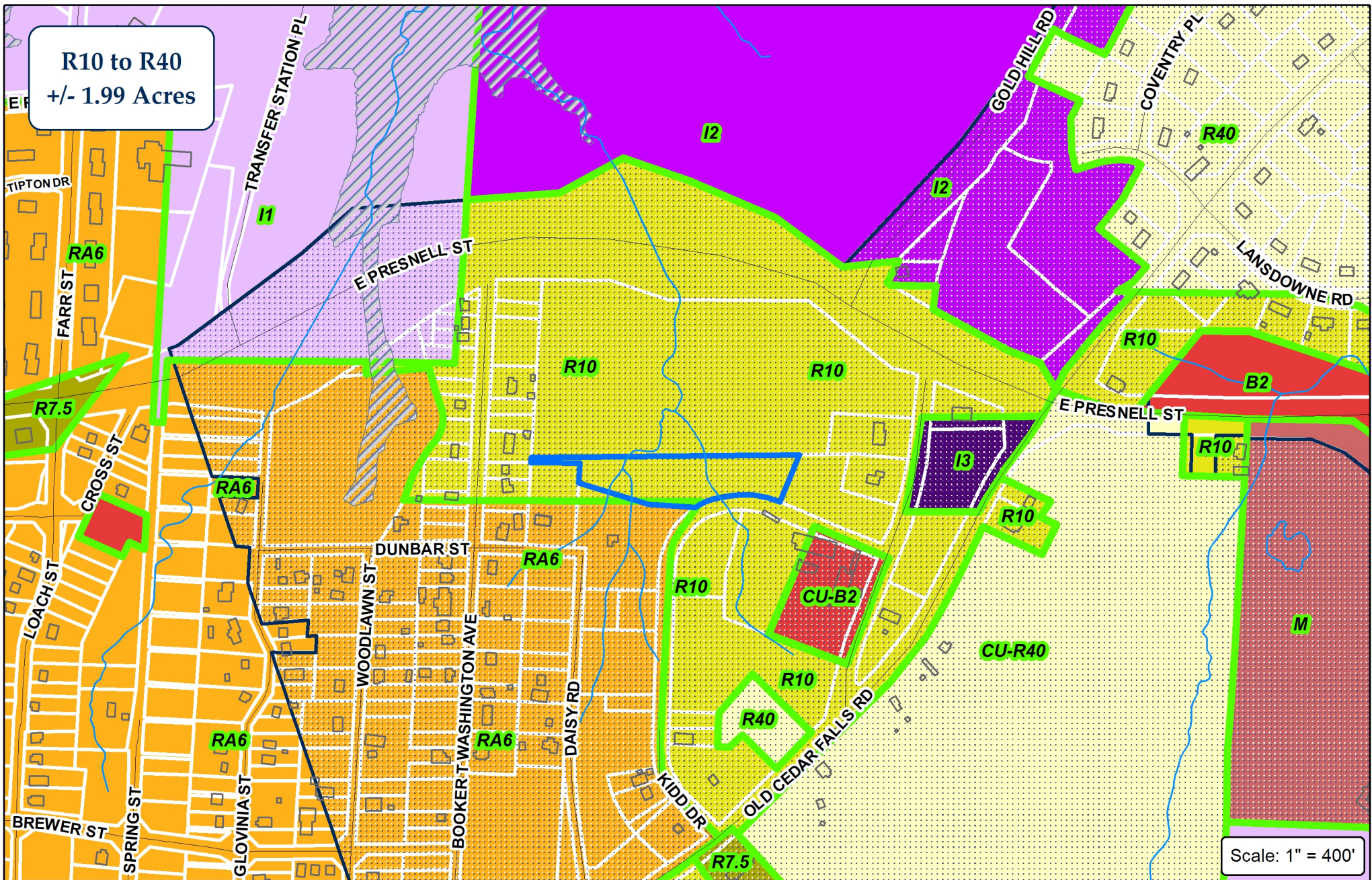
Table 200-1

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*
R40	40,000 SF	100	30	15	25	35	22%		
	80,000 Duplex	1 Single Family or 1 Duplex Only					22%		
	40,000 NonRes						22%		
R10	10,000 SF	75	30	10	25	35	22%		
	15,000 Duplex	1 Single Family or 1 Duplex Only					22%		
	10,000 NonRes						22%		

*Except as specifically modified by this Ordinance

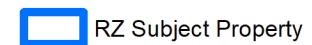
Revised 10/2019



City of Asheboro Planning & Zoning Department

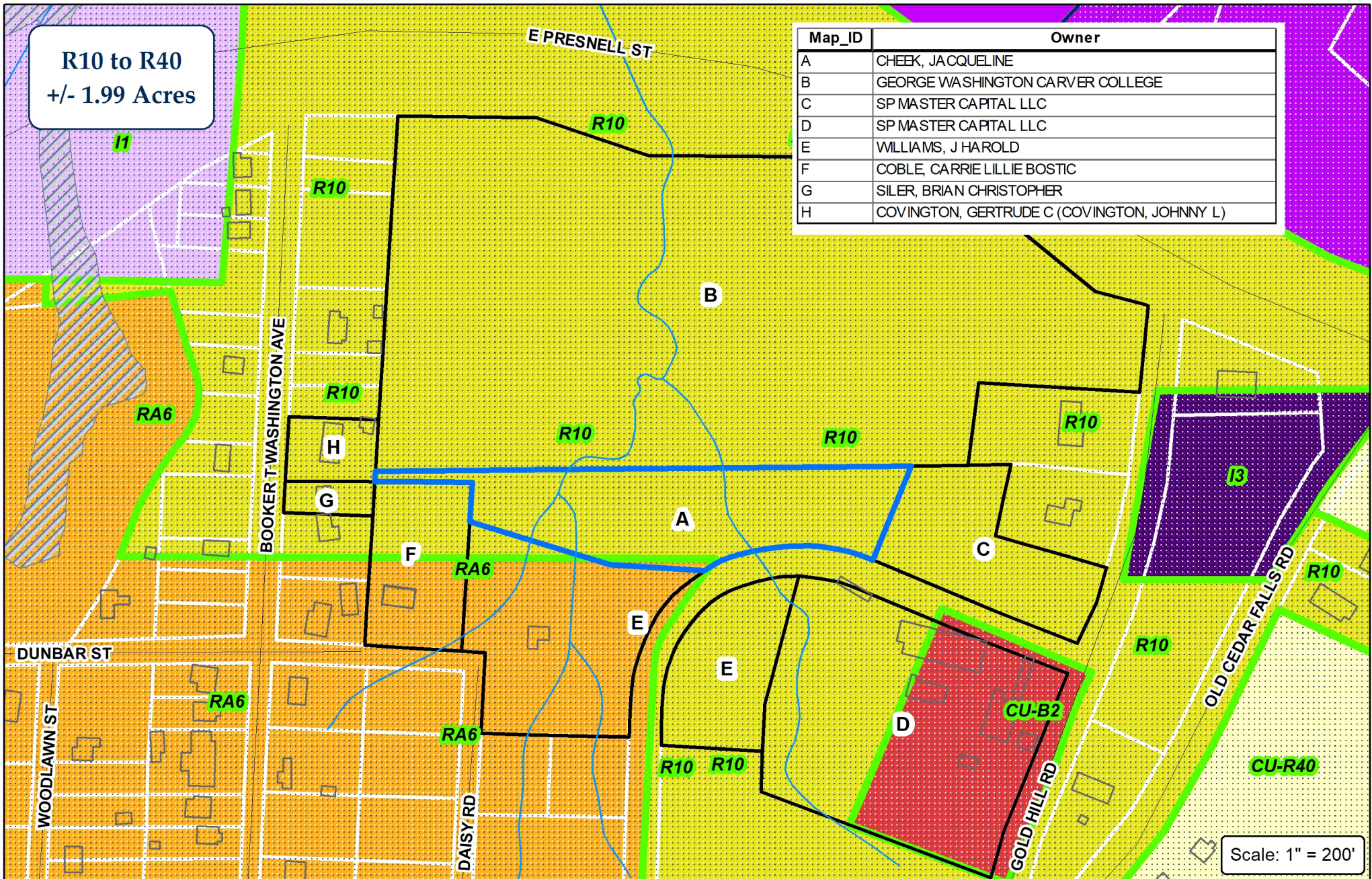
Rezoning Case: RZ-21-03

Parcel: 7761458800



R10 to R40
+/- 1.99 Acres

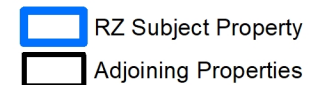
Map_ID	Owner
A	CHEEK, JACQUELINE
B	GEORGE WASHINGTON CARVER COLLEGE
C	SP MASTER CAPITAL LLC
D	SP MASTER CAPITAL LLC
E	WILLIAMS, J HAROLD
F	COBLE, CARRIE LILLIE BOSTIC
G	SILER, BRIAN CHRISTOPHER
H	COVINGTON, GERTRUDE C (COVINGTON, JOHNNY L)



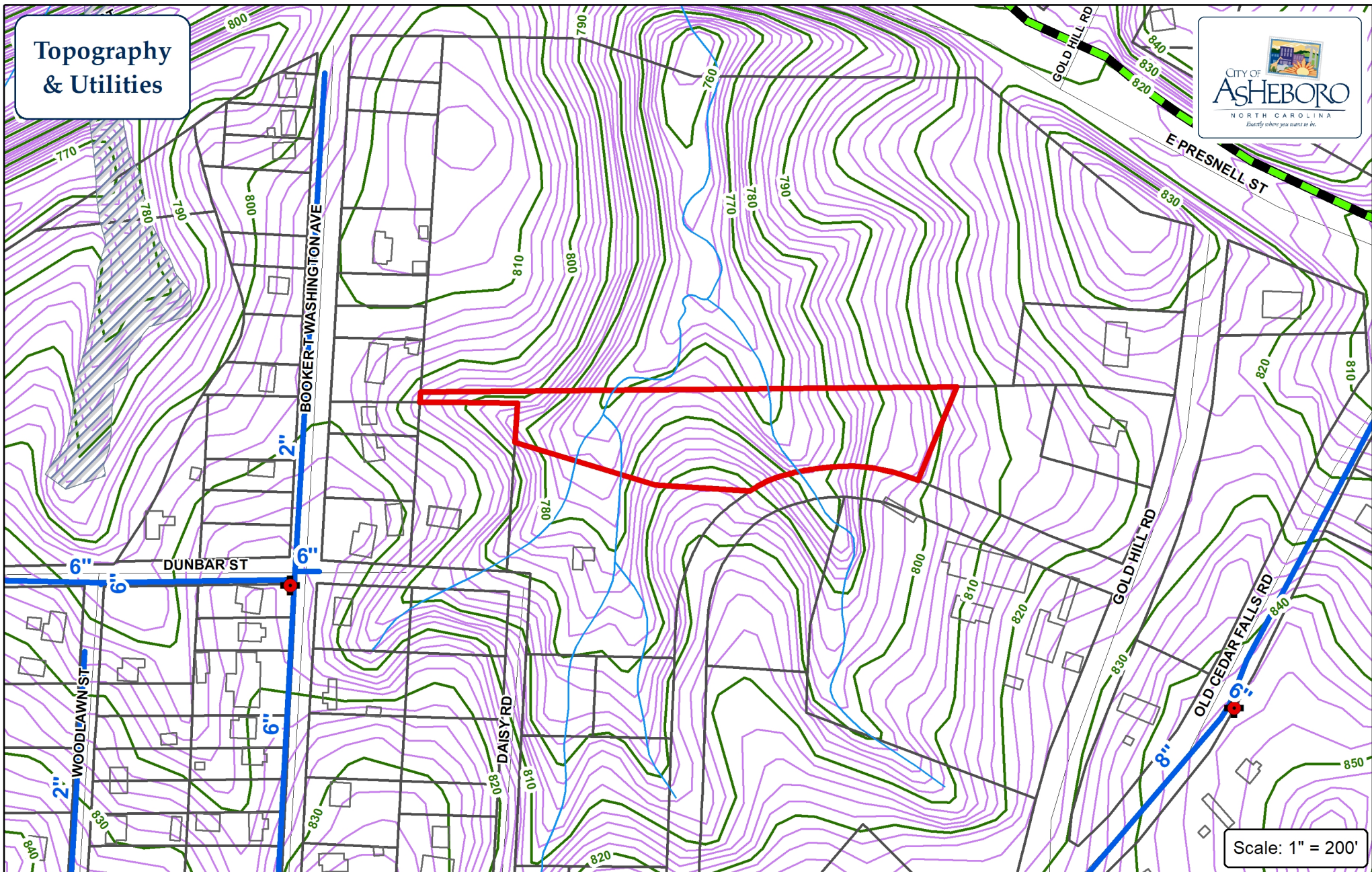
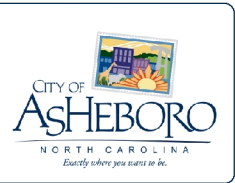
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-03

Parcel: 7761458800



Topography & Utilities

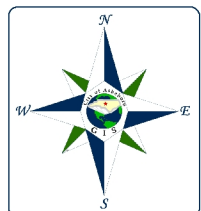


Scale: 1" = 200'

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

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-21-03
Parcel: 7761458800

RZ Subject Property

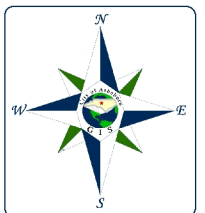
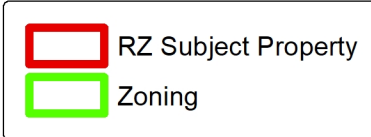




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-03

Parcel: 7761458800



Application for Zoning Ordinance/Map Amendment**APPLICANT INFORMATION**

Applicant Jacqueline M. Check
Applicant's Phone # 336-964-8525
Applicant's Address 1387 Old Cedar Falls Rd.
Asheboro, NC -27203-
Applicant Email Address jaki.check@aol.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name same as above
Location of Property TBD - Kiron Drive
Property Size (ac. or s.f.) 1.83 - .86 acres
Randolph County Property Identification Number (PIN#) 1761458800
Current Zoning District R10
Requested Zoning District R40
Date Property Title Acquired 5/2020
Deed Book 2708 Page 1469
Subdivision _____ Section _____ Lot # _____
Plat Book 164 Page 57

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.

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?

My current property is now that I reside
 is I40 which is only ~~100~~ ~~100~~ feet away;
 from this location. A few hundred

I will put a permanent foundation under
 my home which would only make the value
 of my home more.

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

It will be on the standard of a
 home, and with a permanent foundation
 it will bring property value up.

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

20 yrs ago I came before the board concerning
 putting a manufactured home at 1387 Old Cedar
 Falls Rd. which it was approved and I did not let
 the board down.

APPLICATION 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.

Applicant Signature

Jacqueline M. (Check)

Owner Signature (if different than Applicant)

Printed Name of Authorized Signatory (if
 different from Applicant)

Owner Address

Position/Relationship of Authorized
 Signatory to Applicant

Telephone Number

Printed Name of Authorized Signatory (if
 different from Owner)

Position/Relationship of Authorized
 Signatory to Owner

STAFF USE

Received by: JLE Date: 3-4-2021 Case Number: RZ-21-03

NOTICE OF ZONING MAP AMENDMENT (REZONING)
TO ADJOINING PROPERTY OWNERS

This is to notify you that I (we), Jaqueline Check
have filed an application with the City of Asheboro to rezone property located at
TBD Kidd Dr from _____
to _____.

On Monday, April 5, 2021, at 7:00 pm the Asheboro
Planning Board will meet to hear this request and forward their report to the City
Council. On Thursday, May 10, 2021, at 7:00 pm the
City Council will hold a public hearing on the rezoning request.

The meetings will be held in the City Council Chambers, 146 North Church Street,
Asheboro, NC. The Council, after considering the information/testimony presented
during the public hearings and reviewing the reports of the Planning Board and Planning
and Zoning Department, will take action on the application. Such action may include
approval of the request, denial of the request, or approval of a modified version of the
request on the basis of the Council's determination that such action is reasonably
necessary to promote the public health, safety, or general welfare and to achieve the
purposes of the adopted Land Development Plan. The meeting is open to the public and
your participation is encouraged. If you have any questions, please contact the Planning
and Zoning Department at 336-626-1201 Ext. 225. You may also contact me at

Jaqueline Check - 336-964-8585



**BOA-21-01: (Planning Board Acting as Board of Adjustment): Variance request from
Section 106 (Every Lot Must Abut a Street...)**
(Randolph County Parcel Identification Number 7761458800 located on North side of
Kidd Drive)

Staff Report

**The applicant's representative has requested a continuance for this item until the May 3,
2021 Planning Board meeting.**

Board of Adjustment Staff Report

Case: BOA 21-01

Date: April 5, 2021

Requested Action: Variance from Article 100, Section 106 of the Asheboro Zoning Ordinance to eliminate requirement that lot abut and have direct access to a dedicated public street.

GENERAL INFORMATION:

Applicant: Jacqueline Cheek

Applicant Address: 1387 Old Cedar Falls Rd.

Location of Affected Property: Kidd Dr. (Randolph County PIN# 7761458800)

Property Size: 1.86 Acres

Underlying Zone: R10

Overlay Zone: None

Existing Land Use: Vacant/Unpermitted Mobile Home

Surrounding Land Use:

North: Vacant

East: Commercial/Residential

South: Vacant/Residential

West: Residential

Land Development Plan: Neighborhood Residential/Economic Development

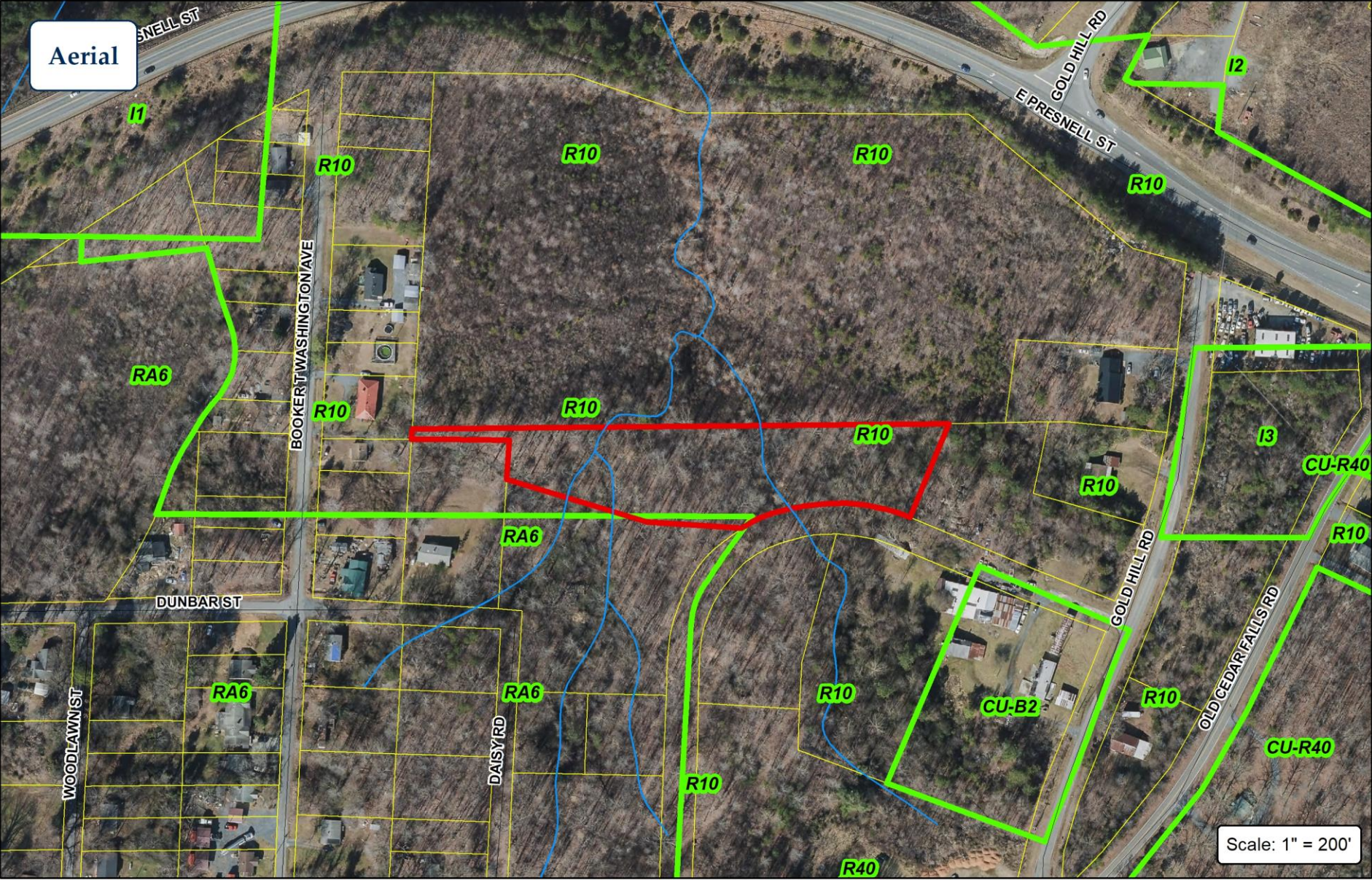
ANALYSIS

The Lot

The Zoning Lot is located in the City of Asheboro ETJ with no utilities available.

Variance: Article 100, Section 106

Article 100, Section 106 states that “no building, structure, or use of land other than for agricultural purposes or for a special purpose lot shall be established on a lot that does not abut and have direct access to a dedicated public street.” The Asheboro Zoning Ordinance, effective January 1, 2007, defines public street as “a right-of-way or fee simple tract of land that has been set aside for public travel, offered for dedication to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the City of Asheboro or the State of North Carolina.” The Zoning Lot is currently accessed by a gravel drive that is not built to public street standards nor eligible for maintenance. The applicant proposes to develop the lot for a Mobile Home – Class A use.



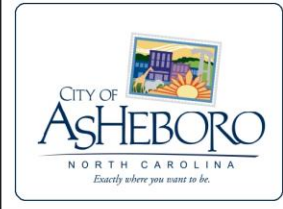
City of Asheboro Planning & Zoning Department

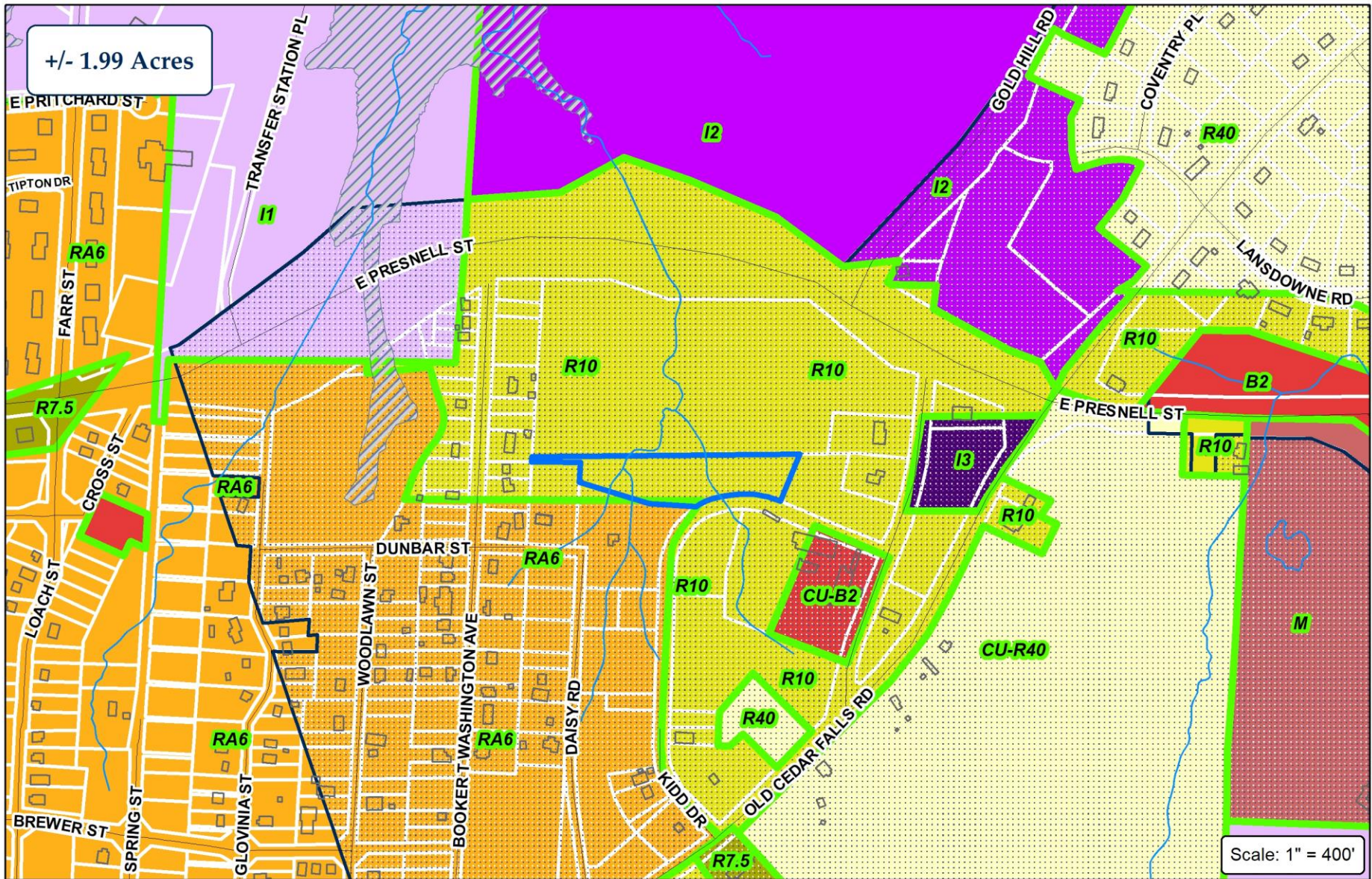
Board of Adjustment Case: BOA-21-01
Variance

Parcel: 7761458800

 RZ Subject Property

 Zoning







City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-21-01

Variance

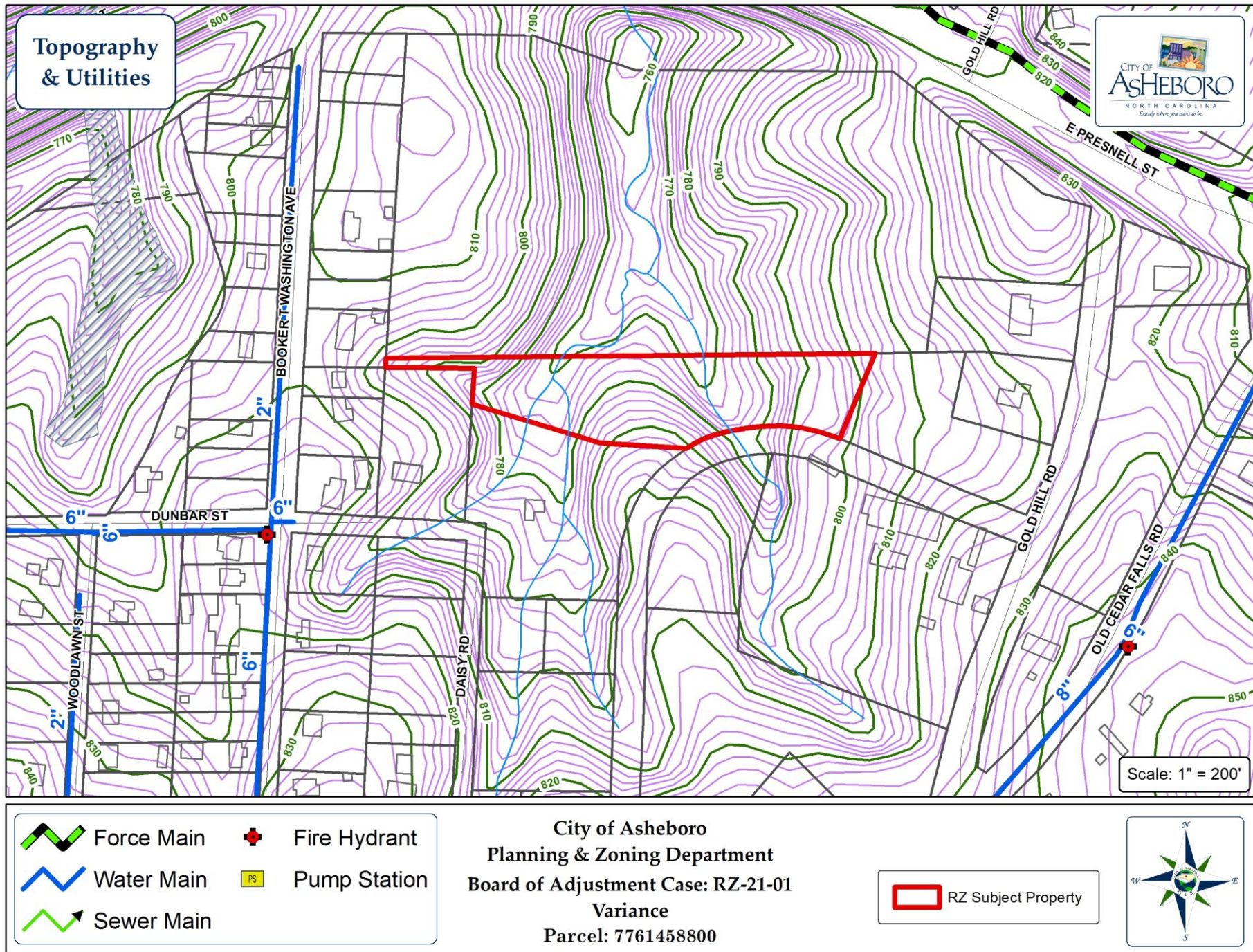
Parcel: 7761458800

ETJ

Zoning

RZ Subject Property





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: To eliminate Article 100, Section 106 of the Asheboro Zoning Ordinance requirement that no building, structure, or use of land other than for agricultural purposes or for a special purpose lot shall be established on a lot that does not abut and have direct access to a dedicated public street.

Member's Vote: Yes _____ No _____

Signature _____

103.5 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Planning Director shall be the final authority as to the current zoning status of land, buildings, or other structures in the affected territory as described in Section 101, above.

104 Zoning Affects Every Building and Use

No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used, except in compliance with all the regulations established by this Ordinance for the district in which the building or land is located.

105 Open Space Not to Be Encroached Upon

The minimum yards or other spaces or off-street parking or loading space required by this Ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements for any other building.

106 Every Lot Must Abut A Street and Possess Sufficient Buildable Area
(Amended 8-6-2015)

No building, structure or use of land other than for agricultural purposes or for a special purpose lot shall be established on a lot that does not abut and have direct access to a dedicated public street and does not have at least one thousand (1,000) square feet of contiguous buildable area of a shape sufficient to hold a principal building.

107 One Principal Building Per Lot

Not more than one principal building shall be constructed on any R40, R15, R10, and R-7.5 lot.

108 Required Open Space May Not Be Used By Another Building

Story

The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street

A thoroughfare which affords the principal means of access to abutting property.

Street Line

The street line is the dividing line between the street and the lot, as established by the City of Asheboro; also called the "right-of-way line".

Street, Private

A roadway, not dedicated to the public, providing primary access to adjacent properties and meeting the regulations of the City of Asheboro for private street development.

Street, Public

Effective October 10, 2005 to December 31, 2006: A right-of-way that has been offered for dedication to the public for access to adjacent properties.

Effective January 1, 2007: A right-of-way or fee simple tract of land that has been set aside for public travel, offered for dedication to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the City of Asheboro or the State of North Carolina.

Structural Alteration

Any change, except for repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams or girders.

Structure

Anything built or constructed which requires location on the ground or attachment to something having a fixed location on the ground. For purposes of this ordinance, this definition does not include retaining walls or fences.

Structure, Accessory

A subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Dumpsters and their required screening are not to be considered accessory structures.

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

APPLICANT INFORMATION

Applicant Jacqueline Check Applicant's Phone # 336-9164-8585
Applicant's Address 1387 Old Cedar Falls Rd
Asheboro North Carolina 27203-
Applicant's Email Address jcheck@aol.com

PROPERTY INFORMATION

Property Owner's Name Same as above
Location of Property TBD Kidd Dr.
Property Size (ac. or sq.ft.) 1.86 acres
Randolph County Property Identification Number (PIN#) 7761458800
Current Zoning District R10
Date Property Title Acquired 5/2020 Deed Book 2708 Page 1469
Subdivision _____ Section _____ Lot # _____
Plat Book 164 Page 57

APPLICATION 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 variance rests with the applicant.

Applicant Signature(s)

Jacqueline M. Check

If Applicant is not the Property Owner, has Property Owner been notified?

☐ Yes ☐ No

Printed Name of Authorized Signatory (If different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

REQUEST FOR A VARIANCE

TO THE CITY OF ASHEBORO BOARD OF ADJUSTMENT:

I, Jacqueline Chock hereby petition the Board of Adjustment to grant the following variance from the Asheboro Zoning Ordinance (please specify the variance that is requested):

Section 106: Every Lot Must Abut A Street
and Possess Sufficient Buildable Area

STATEMENT BY 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 request for a variance. In providing this information, please state the precise action that you would like to see taken by the Board of Adjustment.

I'm requesting this variance because this same road were in used years ago, I have since had it cleared out, had rock and gravel brought in; I Do plan to have the turn about widen as soon as it dries up; but I did without knowing had my home brought in which is a double wide manufactured home and placed on my property the guys that brought it in were able to bring this and set it up with no problem and were able to turn around and go back out.

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

Jacqueline M. Check
Signature of Applicant

I had pipe brought in to widen the drive and I followed the specks as to how far my home should set back. I'm more than willing to have it widen even more if need be. My parents Joe and Jannie Miller owns property at 540 Kidd Drive my brother Billy Miller also owns land on Kidd Dr. also my sister Judy and James Pemberton owns land on Kidd Drive. Opening this road is only benefiting them and brings more value to their property.

VARIANCE REQUEST - BASIC INFORMATION

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Enabling Act, the Board is required to reach four conclusions as a prerequisite to issuance of a variance. Specifically, the four findings are as follows:

- 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 reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

I received a copy of the above requirements outlining the conclusions required to be found for the granting of a Variance by a Board of Adjustment and have been informed that the burden of providing evidence to support such conclusions to obtain such variance rest with the applicant. I have also been advised of the application process by staff and received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.

Jacqueline M. Cheek 3/3/21
Applicant Date

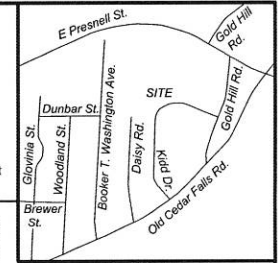
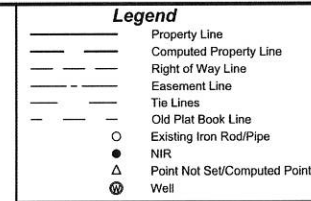
STAFF USE		
Received by: <u>JTL</u>	Date: <u>3-4-21</u>	Case Number: <u>21-01</u>

BK 164 PG 57 - 57 (1)
This Document eRecorded:
Fee: \$21.00 DocType: PLAT
Randolph County, North Carolina
Krista M. Lowe, Register of Deeds

DOC# 20096487
04/07/2020 04:17:47 PM
Tax: \$0.00

Notes:

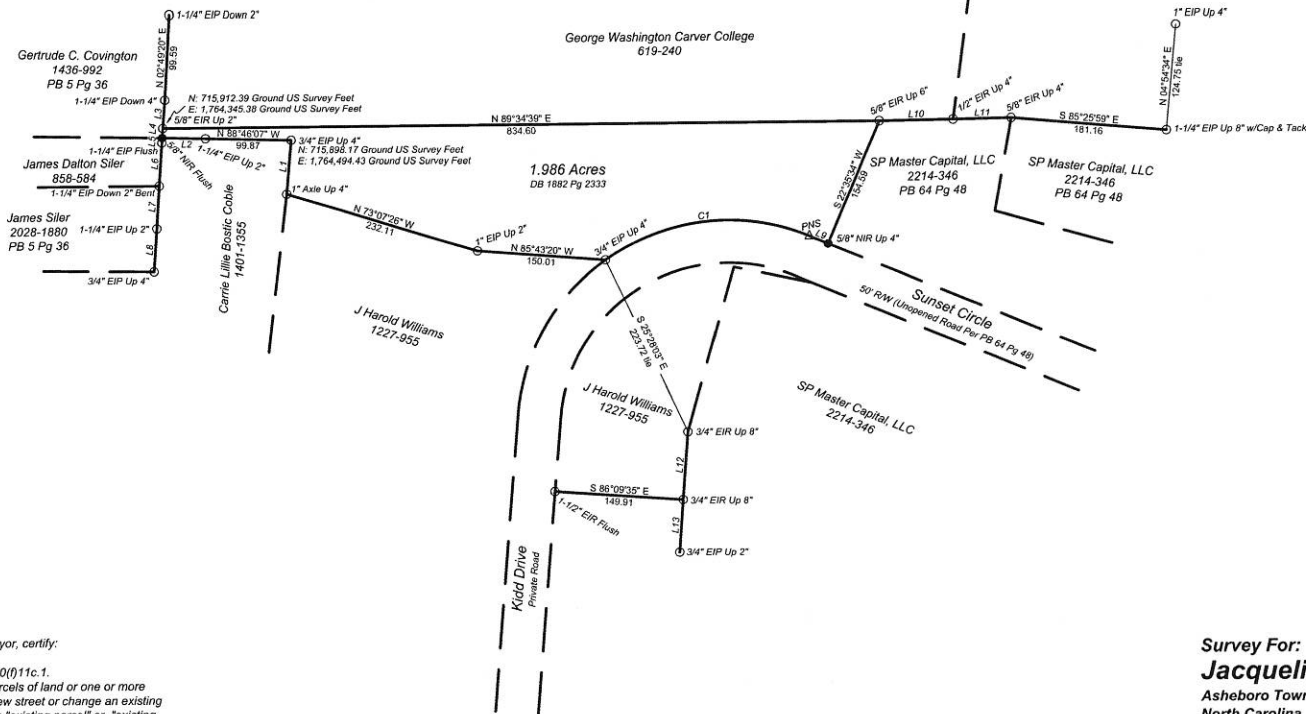
1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. Tax PIN: 7761458800



Location Map
(Not to Scale)

LINE	BEARING	DISTANCE
L1	N 04°25'16" E	62.67
L2	N 88°46'07" W	49.91
L3	S 03°58'12" W	33.15
L4	N 03°55'11" E	11.02
L5	S 03°35'11" W	5.96
L6	S 03°23'35" W	49.73
L7	S 03°07'55" W	50.03
L8	S 03°35'23" W	50.98
L9	N 67°39'57" W	23.63
L10	N 85°56'19" E	86.98
L11	N 88°44'48" E	67.11
L12	N 04°02'47" E	79.78
L13	N 03°41'46" E	61.70

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	246.71	249.60	239.09	S 53°21'05" W	97°57'36"



I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)(1)c.1.
That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book See page Notes etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book See page Notes; that the ratio of precision or positional accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this 2 day of April A.D., 2020.

Dan W Tanner II
Digitally signed by Dan W Tanner II
Date: 2020.04.06 15:14:04 -04'00'



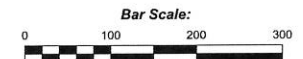
I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: <0.10'
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: March 26, 2020
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99987508
- (9) GPS/GNSS Scale Point: N:715,673.35 E:1,765,339.49 EL:817.44
- (10) Units: US Survey Feet

Owners:
Harris John Kidd
938 Thornburg Rd.
Asheboro, NC 27205

Survey For:
Jacqueline Cheek

Asheboro Township Randolph County
North Carolina April 2, 2020
Deed Book:1882 Pg:2333
Scale: 1" = 100 US Survey Feet



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
© 2020 Survey Carolina, PLLC Job #: 11745

This document presented and filed:

07/01/2020 03:47:59 PM

DEED

Fee \$26.00 Excise Tax: \$7.00



20100975

Randolph County North Carolina
Krista M. Lowe, Register of Deeds

Purchase Price: \$3,500.00

NCREET: \$7.00

Prepared by: The Law Office of Ben C. Morgan, 150-A Scarboro Street, Asheboro, NC 27203

Parcel Identification Number: 7761.45.8800

✓ Mail to: The Law Office of Ben C. Morgan, 150-A Scarboro Street, Asheboro, NC 27203

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 29th day of June, 2020, by and between the following Grantor and Grantee:

Grantor: Harris John Kidd and wife Kathy Lynn Inman Kidd
938 Thornburg Road
Asheboro, NC 27205

Grantee: Jacqueline Cheek
1387 Old Cedar Falls Road
Asheboro, NC 27203

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall signify either singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by theses presents does grant, bargain, sell, and convey unto the Grantee in fee simple that certain lot or parcel of land situated in Asheboro Township, Randolph County, North Carolina, which is more particularly described as follows:

BEING all of that 1.986 acre tract shown on a plat entitled "Survey for Jacqueline Cheek" dated April 2, 2020, by Survey Carolina, PLLC, Job #: 11745, and recorded in Plat Book 164, Page 57, Randolph County Registry.

The tract described is not the primary residence of the Grantor.

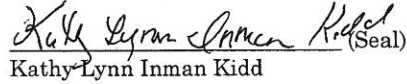
In connection with the preparation of this instrument, The Law Office of Ben C. Morgan has not examined any public records as they may pertain to the above-described premises and does not certify title.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals the day and year first above written.

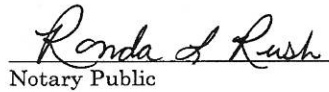
 (Seal)
Harris John Kidd

 (Seal)
Kathy Lynn Inman Kidd

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I, Ronda L. Rush, a Notary Public of the County of Randolph and State of North Carolina, certify Harris John Kidd and wife Kathy Lynn Inman Kidd, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 15th day of ~~June~~ ^{July}, 2020.

 My commission expires: 11-27-22
Notary Public

[The remainder of this page intentionally has been left blank.]



Siler, Brian Christopher
14500 Sycamore Spring St
Chester, Va 23836

Coble, Carrie Lillie Bostic
P O Box 2339
Asheboro, NC 27204

Cheek, Jacqueline
1387 Old Cedar Falls Rd
Asheboro, NC 27203

Sp Master Capital LLC
P O Box 1104
Asheboro, NC 27204

Williams, J Harold
589 Lord Randolph Cir
Asheboro, NC 27205

Covington, Gertrude C (Covington,
Johnny L)
736 Booker T Washington Ave
Asheboro, NC 27203

George Washington Carver College
3746 Midway Acres Rd
Asheboro, NC 27205

Sp Master Capital LLC
P O Box 1104
Asheboro, NC 27204



COUNTY OF RANDOLPH
Health Department
204 E Academy St - Asheboro NC 27204-0771

**AUTHORIZATION FOR WASTEWATER
SYSTEM CONSTRUCTION PERMIT**

Authorizations for Wastewater System Construction are valid for 5 years from the date of issuance, not to exceed the validity of the Improvements Permit, and are required before other construction permits can be issued.

DO NOT GRADE OR DISTURB THE APPROVED SEPTIC AREA! This permit is subject to revocation if the site and soil conditions are altered, the proposed facility, site plan or plat has changed, and the design wastewater flow or wastewater characteristics have increased. The wastewater system shall be inspected and approved by the Health Department prior to covering and placing the system into use. This permit is subject to compliance with the provisions of the Laws and Rules for Sewage Treatment and Disposal and to conditions of this permit.

Permit Type: SEPTIC NEW

Applicant Name: JACKIE CHEEK
Address: 1387 OLD CEDAR FALLS RD
City, St. Zip: ASHEBORO, NC 27203
Phone:

Permit #: 2020-00000272

Parcel #: 7761458800

Contact: JOHN KIDD

Contact Phone: 336 953-5631

Owner: KIDD, HARRIS JOHN
Address: 938 THORNBURG RD
City, St. Zip: ASHEBORO, NC 27205

LOCATION INFORMATION:

Address:

Township: 01 - ASHEBORO

Acreage: 1.8600

Subdivision Name:

Lot Number:

FACILITY INFORMATION:

Proposed Use: SINGLE FAMILY RESIDENCE

Design Flow: 360

Number Of Bedrooms: 3

Max. Number Of People: 6

Number Of Shifts: 0

Basement: NO

Basement Fixtures: N/A

Dispersal Type: GRAVITY

Wastewater System Type: APPROVED 25% REDUCTION GRAVITY SYSTEM

Drainfield Size: 360 LINEAR FEET

Grease Trap Size: GALLONS

Septic Tank Size: 1000 GALLONS

Pump Tank Size: GALLONS

Pump GPM:

Pump TDH:

Trench Depth: 16 INCHES

Trench Width: 36 INCHES

Stone Depth: INCHES

Cover Depth: 6 INCHES

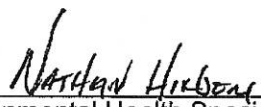
Conditions:

Number of Conditional Attachments:

Issued By: NATHAN HINSON

Date Issued: 08/11/2020

Expiration Date: 04/29/2025


Environmental Health Specialist:

- LOCAL TELEPHONE NUMBER -

Asheboro: (336) 318-6262 - Greensboro/Liberty: (336) 218-4242 - Archdale/Trinity: (336) 819-3262
<http://www.co.randolph.nc.us>

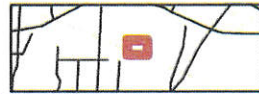


Randolph County
Environmental Health

Location: 7761458800

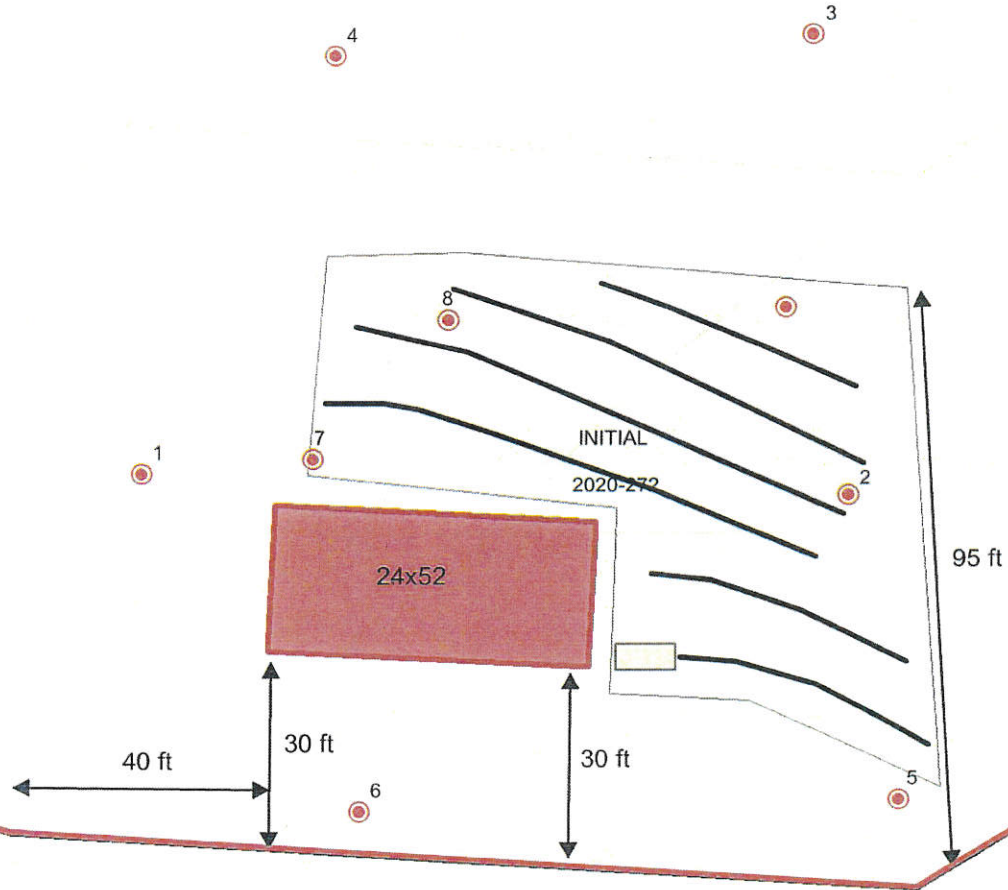


1 inch = 30 feet



7761468088

7761458800



7761455651

7761455651

CITY OF ASHEBORO - FEES RECEIPT

Plan Review Summary

Type:	Board of Adjustment	Submittal Date:	03/04/2021
Description of Work:	Variance request		

Property Information

Address:	NC 0 (7761458800)	Tax ID:	7761458800
Owner:	CHEEK, JACQUELINE	Phone:	

Contacts

Contact Type: Applicant Full Name: CHEEK, JACQUELINE Address: 1387 OLD CEDAR FALLS RD ASHEBORO, NC 27203
Contact Type: Property Owner Full Name: CHEEK, JACQUELINE Address: 1387 OLD CEDAR FALLS RD ASHEBORO, NC 27203

Plan Review Fees

Fee Information		Amount
Variance		\$250.00
Payment Information	Payment Type	Amount
Variance	Credit	\$250.00
Paid By: Jacqueline Cheek - Notes: 6705		
AMOUNT PAID		\$250.00
BALANCE DUE		\$0.00



RZ-20-04: Request to rezone from I2 (General Industrial) to B2 (General Commercial):
532 W. Salisbury Street (Randolph County Parcel Identification Number 7751640197)

Staff Report

Rezoning Staff Report

RZ Case # RZ-21-04

Date 4/5/2021 Planning Board

General Information

Applicant Carolina Farmers Mutual Insurance Company

Address 515 W. Salisbury Street

City Asheboro NC 27203

Phone 336-625-6323

Location 532 W. Salisbury Street

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

Existing Zone I2

Existing Land Use Undeveloped property (formerly furniture manufacturing)

Size 2.67 acres +/-

Pin # 7751640197

Applicant's Reasons as stated on application

There are no alleged errors in this Ordinance that would be corrected by the proposed amendment. Over several decades, adjoining properties have transitioned to B2 and this would be consistent with the development of the area and promoted the general welfare of the community. The proposed amendment will carry out the intent of the Land Development Plan by encouraging Asheboro's economic development while enhancing the community's environment and quality of life.

Surrounding Land Use

North Industrial

East Industrial

South Norfolk Southern Railroad/Commercial

West Commercial/Medical

Zoning History N/A

Legal Description

The property of Carolina Farmer's Mutual Insurance Company, located at 532 East Salisbury Street, totaling approximately 2.67 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7751640197.

Analysis

1. The property is inside the city limits.
2. West Salisbury Street (NC Hwy. 42 N.) is a state-maintained major thoroughfare. North Park Street and Summit Avenue are both city-maintained streets. North Park Street has a signalized intersection with West Salisbury Street (NC Hwy. 42 N.).
3. The property is adjacent to Norfolk Southern Railroad. While a driveway cut was previously used to access the property from West Salisbury Street, any encroachment across the railroad requires approval from Norfolk Southern.
4. The area is within the Center City Planning Area (Commercial and Employment Center Planning Area). This area has restrictions on the proportion of property that can be built upon with impervious surfaces.
5. The zoning ordinance requires sidewalks for new commercial development on streets with curb/gutter and adequate public right-of-way.
6. The area includes a mix of industrial, commercial, office, and residential uses.
7. The zoning ordinance states that the intent of the current I2 district is *to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts*. The intent of the requested B2 district is *to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to major or minor thoroughfares, never local streets*.

Rezoning Staff Report

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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 Employment Center (City)

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 Item 8: The request is an adaptive reuse of a vacant or unused lot, or is an infill lot.

Checklist Items #12 and #13: Property is located outside of watershed , special hazard flood area

Rezoning Staff Report

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LDP Goals/Policies Which Do Not Support Request

Checklist Item 14. Rezoning is located on steep slopes (>20%)

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

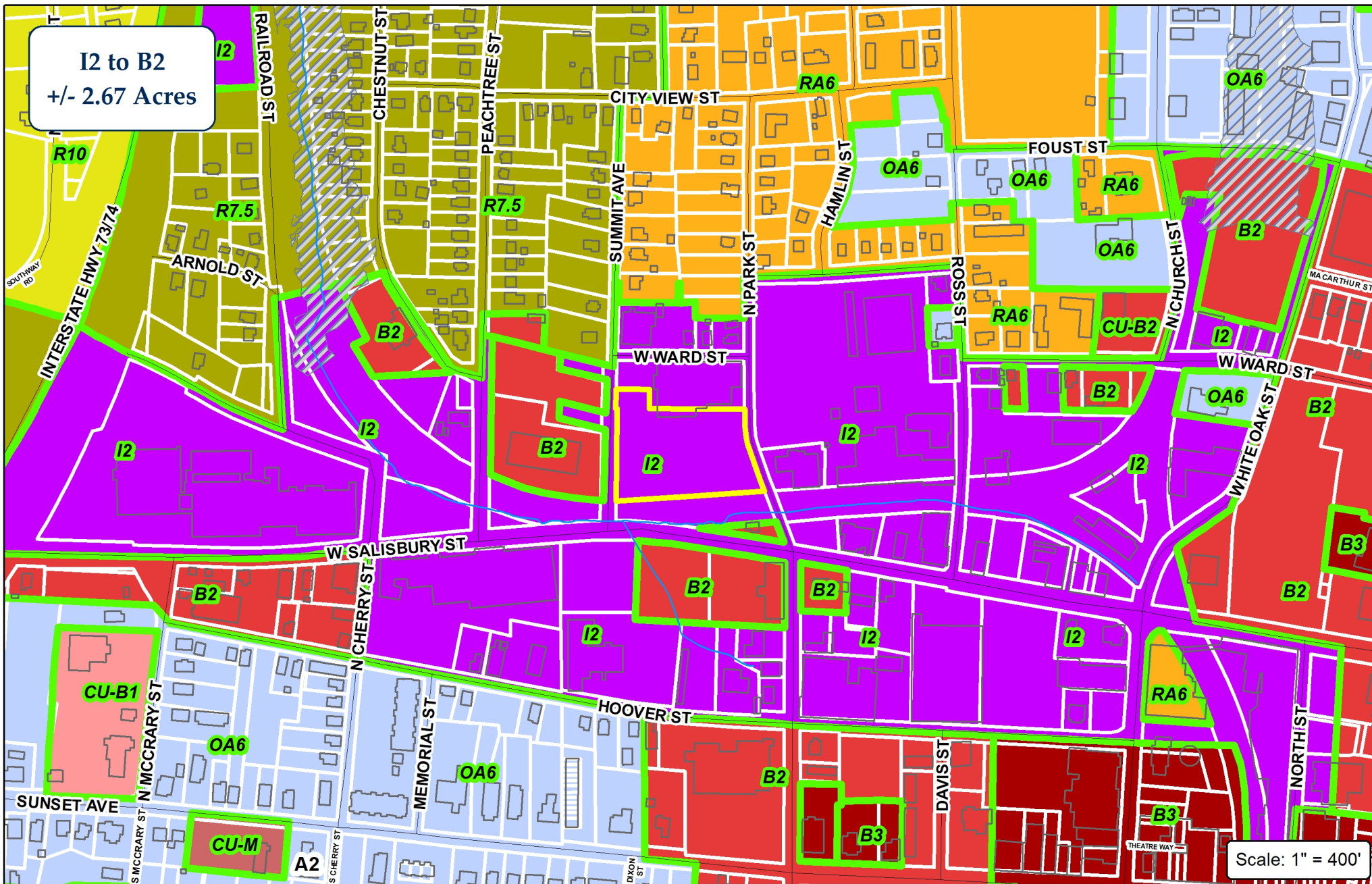
The Land Development Plan proposed land use map designates the property as part of the City's Activity Center, which is intended "to create pedestrian-friendly community focal points" containing a mix of complementary residential and non-residential (commercial, office/institutional) uses. Such a mix of uses is also supported by the Central Small Area Plan. This LDP idea matches what currently exists today with a mix of residential and non-residential uses in the area surrounding the subject property, with much of that tied to a pedestrian network (particularly to the south and east).

The proposed B2 district is a better fit than a General Industrial District on a property which has not had industrial activity in over a decade. New residential development within a quarter of a mile of the subject property, which has either been built in the last decade or is planned in the near future, also helps complement land uses providing a range of goods and services that may be possible in the B2 district.

Considering these factors, staff believes that the requested B2 district is overall consistent with the Land Development Plan and is therefore reasonable and in the public interest.

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

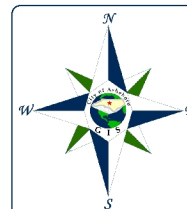
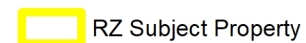
Recommendation



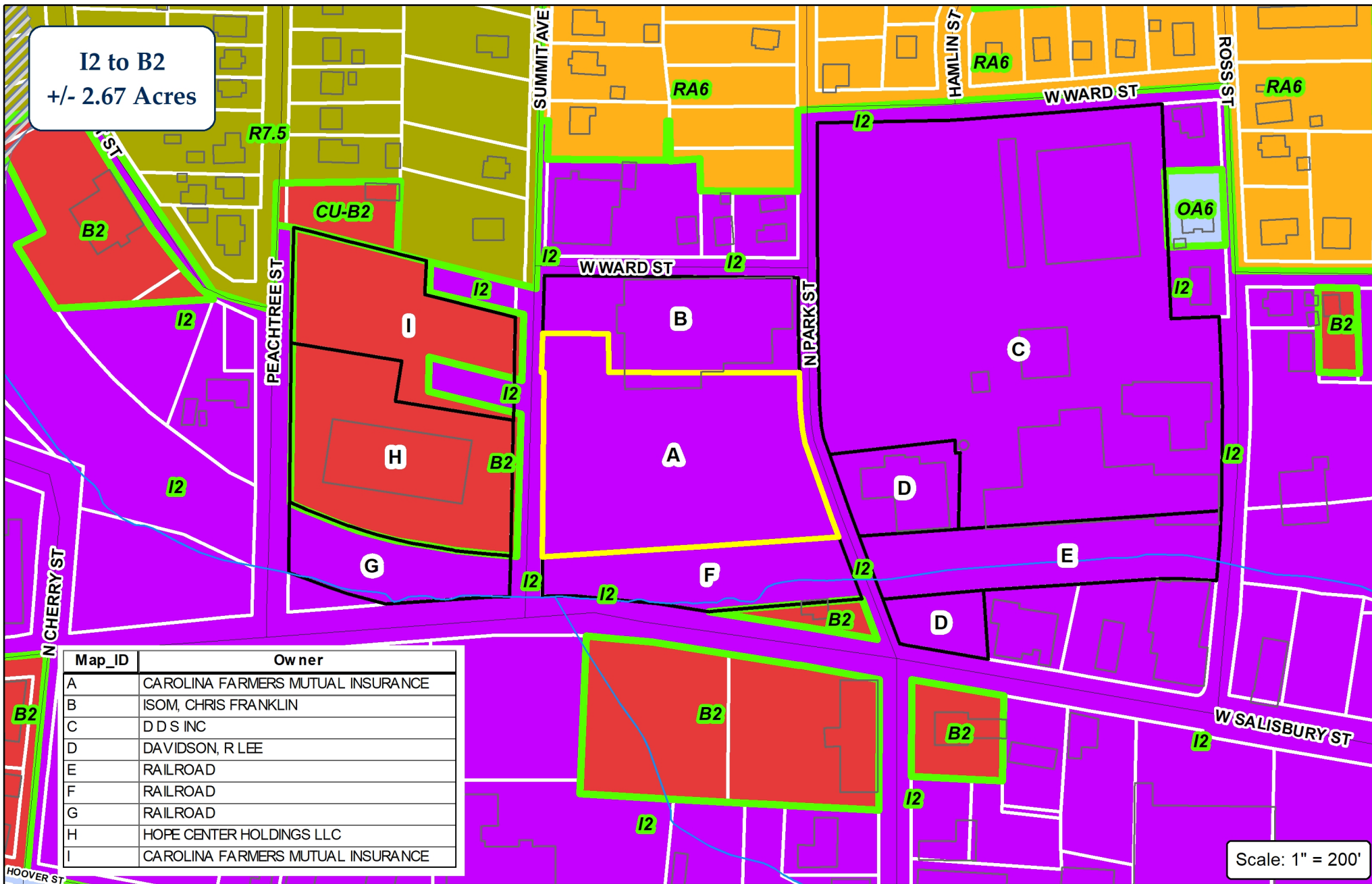
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-04

Parcel: 7751640197



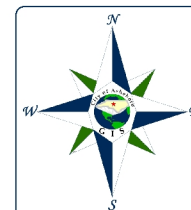
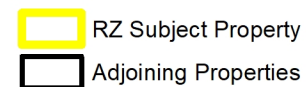
I2 to B2
+/- 2.67 Acres



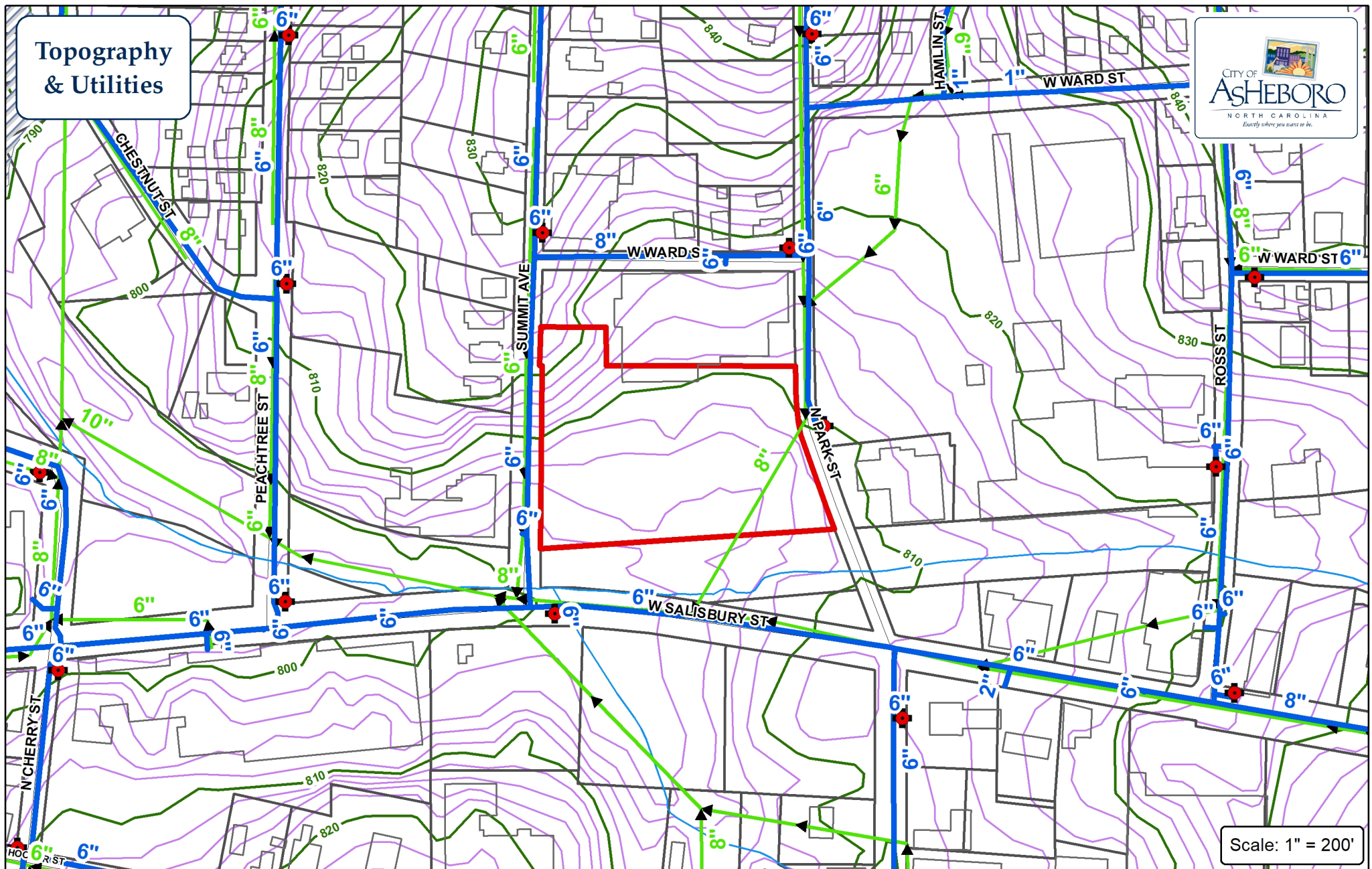
City of Asheboro Planning & Zoning Department

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Topography & Utilities



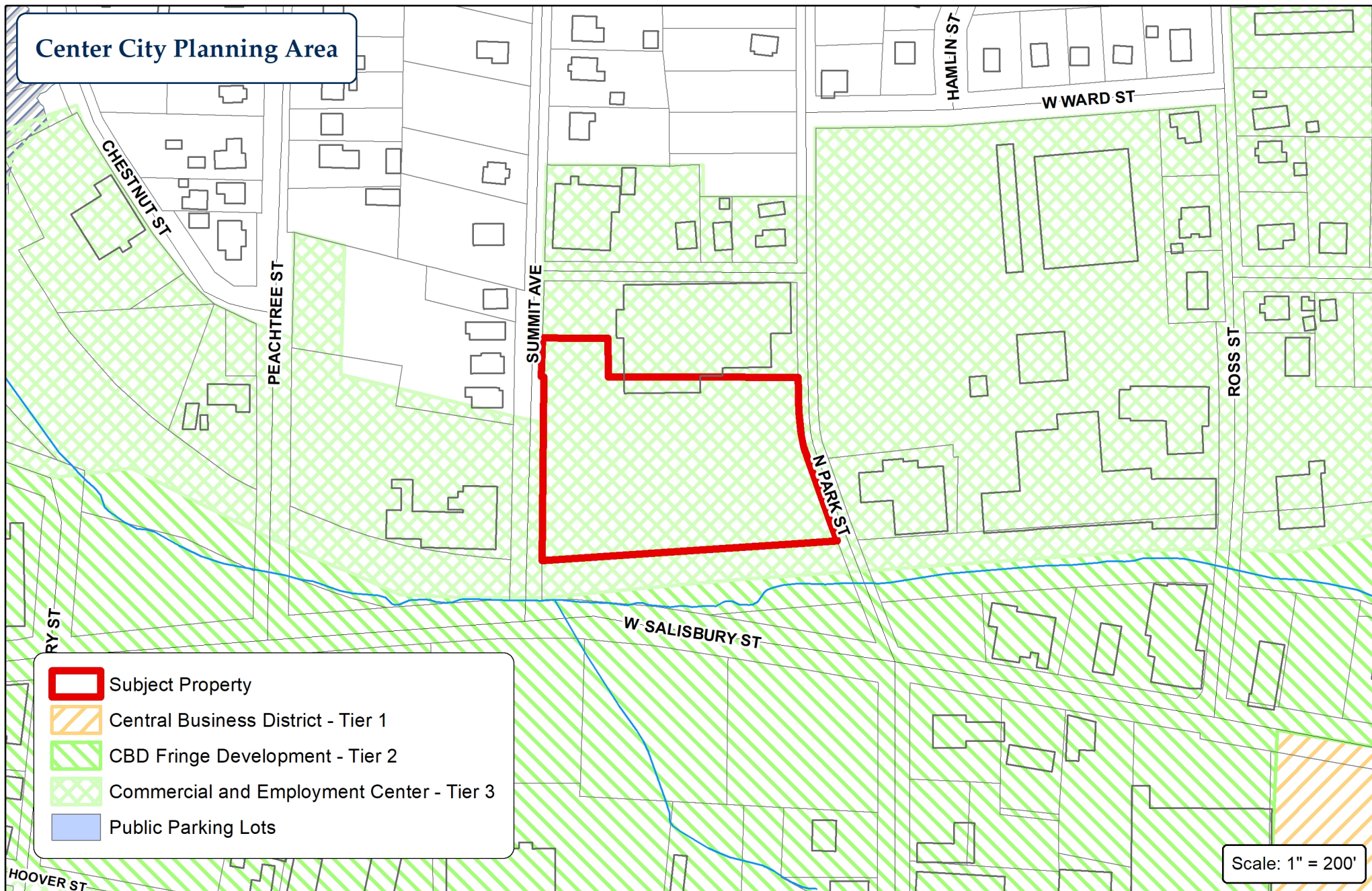
- | | | | |
|--|------------|--|--------------|
| | Force Main | | Fire Hydrant |
| | Water Main | | Pump Station |
| | Sewer Main | | |

City of Asheboro
Planning & Zoning Department
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RZ Subject Property



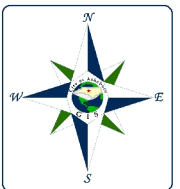
Center City Planning Area

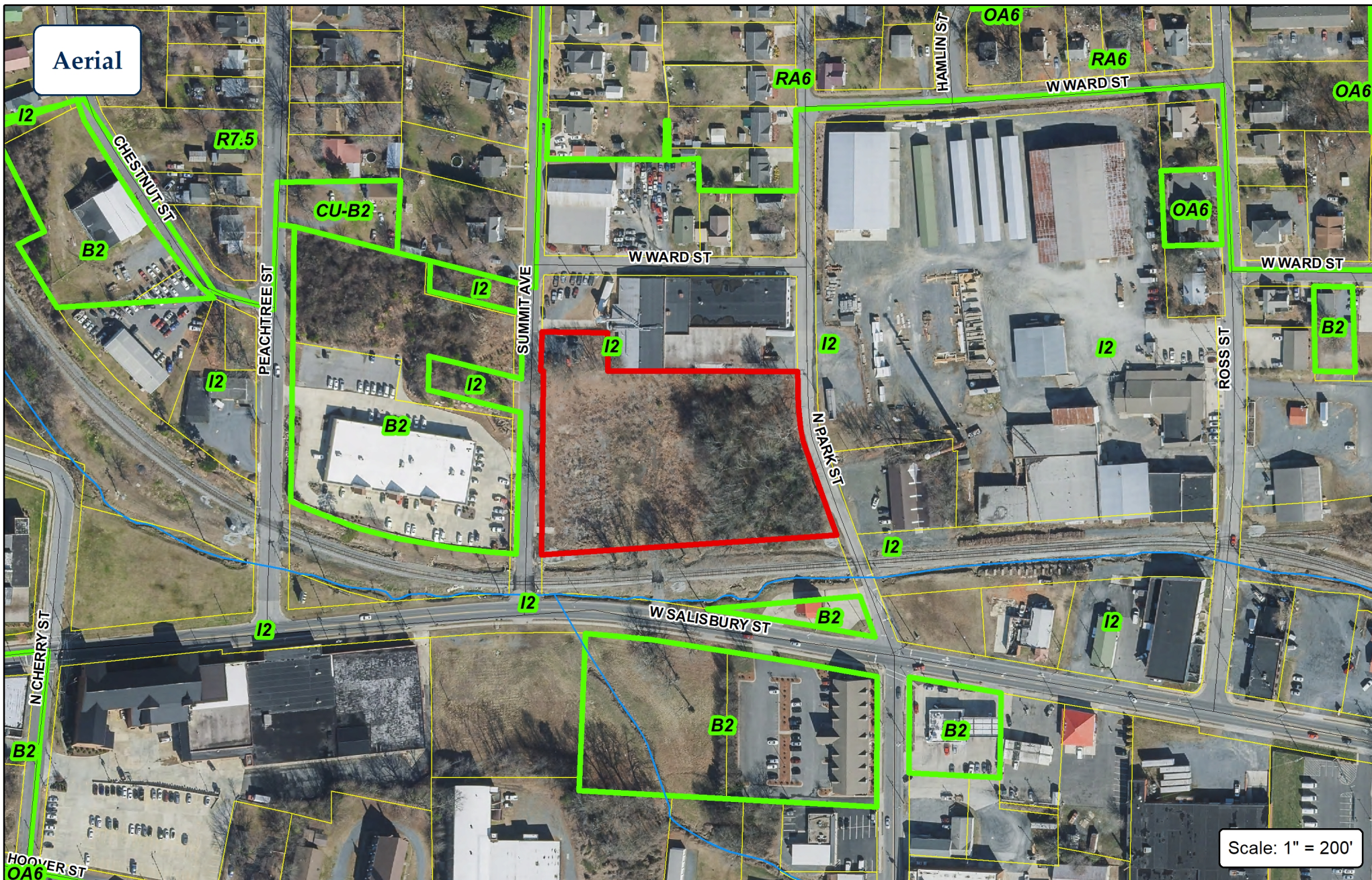


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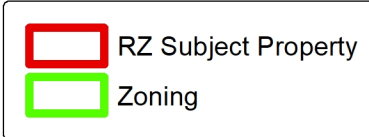




City of Asheboro Planning & Zoning Department

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Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant Carolina Farmers Mutual Insurance Company

Applicant's Phone # 336-625-6323

Applicant's Address 515 W Salisbury Street, Ste. A

Asheboro, North Carolina 27203

Applicant Email Address _____

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Carolina Farmers Mutual Insurance Company

Location of Property 532 W Salisbury Street, Asheboro, North Carolina 27203

Property Size (ac. or s.f.) 2.67 acres

Randolph County Property Identification Number (PIN#) 7751640197

Current Zoning District I-2

Requested Zoning District B-2

Date Property Title Acquired February 9, 2009

Deed Book 002116 Page 00250

Subdivision _____ Section _____ Lot # _____

Plat Book 149 Page 78

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.

There are no alleged errors in this Ordinance that would be corrected by the proposed amendment.

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?

Over several decades, adjoining properties have transitioned to B-2 and this would be consistent with the development of the area
and promote the general welfare of the community.

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

The proposed amendment will carry out the intent of the Land Development Plan by encouraging
Asheboro's economic development while enhancing the community's environment and quality of life.

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

APPLICATION 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.

Applicant Signature

Brook F Farlow

Owner Signature (if different than Applicant)

Printed Name of Authorized Signatory (if different from Applicant)

Brook F Farlow

Owner Address

Position/Relationship of Authorized Signatory to Applicant

Treasurer

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: JLE Date: 3-8-2021 Case Number: R2-21-04