



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, September 13, 2021
7:00 PM
AGENDA**

- I. Call to Order
- II. Consent Agenda Items
 - a.) Approval of Minutes from August 2, 2021
 - b.) Approval of Final Decision Document for BOA-21-03 (Variance request from Section 5.04(52)(1)(k) of the Asheboro Zoning Ordinance, regarding setbacks for telecommunication towers and facilities: 301 Carolina Avenue)
- III. Review of Cases and Service of Final Decision Document
- IV. Old Business
 - a. RZ-21-07 and SUB-21-01: Request to rezone property located west of 1591 East Allred Street, approximately 100 feet east of Ridgewood Circle, from RA6 (CZ) High-Density Residential (Conditional Zoning) to an amended RA6 (CZ) High-Density Residential (Conditional Zoning) to allow a Residential Planned Unit and approve a subdivision sketch design.
 - b. RZ-21-10: Request to rezone property located at 577 Gold Hill Road from Randolph County RR Restricted Residential to City of Asheboro I2 General Industrial Conditional Zoning (CZ) for a Landfill- Clean Material and/or Land Clearing Materials. **This request has been withdrawn by the applicant.**
- V. New Business
 - a. RZ-21-12: Request to rezone property located at 222 and 224 Brewer Street (Randolph County Parcel Identification Number 7751949927, 7751956082, 7751957092, and 7751958081) from B2 (CZ) General Commercial (Conditional Zoning) to an amended B2 (CZ) district to allow an accessory structure at an existing funeral parlor/crematorium
- VI. Items not on the agenda
- VII. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, AUGUST 2, 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) - Members Present
Thomas Rush)
Pamela Vuncannon)

David Henderson) – Members Absent

John Evans, Assistant Community Development Division Director
Justin Luck, Planning and Zoning Administrator
Brad Morton, Planner/Deputy City Clerk
Trevor Nuttall, Community Development Division Director
Francis Rasberry, Esq., BOA Legal Counsel (Case No. BOA 21-02)
Jeff Sugg, City Attorney

CALL TO ORDER

Mr. Rich called the Asheboro Planning Board to order.

APPROVAL OF MINUTES FROM JULY 12, 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.

APPROVAL OF FINAL DECISION DOCUMENT FOR BOA-21-02 (APPEAL FROM A FINAL ADMINISTRATIVE DECISION REGARDING THE APPLICATION OF SECTION 315A OF THE ASHEBORO ZONING ORDINANCE AT 1212 E. DIXIE DRIVE)

Due to his absence at the July 12, 2021 regular meeting and not having read completely the minutes/final decision document for Case No. BOA-21-02, Mr. Buffkin asked to be excused from the vote.

Ms. Vuncannon moved to excuse Mr. Buffkin from voting on the above referenced document. Mr. O'Kelley seconded the motion and the motion carried unanimously.

After some discussion about the pending vote, Mr. O'Kelley moved to approve the Final Decision Document for Case No. BOA-21-02. Ms. Vuncannon seconded the motion and the motion carried by a vote of four to one. Board members Anderson, O'Kelley, Rich, and Vuncannon voted aye. Board member Rush voted nay.

REVIEW OF CASES

Mr. Luck informed the board that no zoning related cases were heard at the regular July, 2021 City Council Meeting.

OLD BUSINESS

- a) **RZ-21-07 AND SUB 21-01: REQUEST TO REZONE PROPERTY LOCATED WEST OF 1591 EAST ALLRED STREET, APPROXIMATELY 100 FEET EAST OF RIDGEWOOD CIRCLE, FROM RA6 (CZ) HIGH-DENSITY RESIDENTIAL (CONDITIONAL ZONING) TO RA6 (CZ) HIGH-DENSITY RESIDENTIAL (CONDITIONAL ZONING) TO ALLOW A RESIDEENTIAL PLANNED UNIT AND APPROVE A SUBDIVISION SKETCH DESIGN. A CONTINUANCE HAS BEEN REQUESTED UNTIL THE SEPTEMBER 13, 2021 PLANNING BOARD MEETING.**

Mr. Buffkin moved to continue the above referenced cases until the September 13, 2021 Planning Board Meeting. Mr. Anderson seconded the motion and the motion carried unanimously.

NEW BUSINESS

- a) **RZ-21-10: REQUEST TO REZONE PROPERTY LOCATED AT 577 GOLD HILL ROAD FROM RANDOLPH COUNTY RR RESTRICTED RESIDENTIAL TO CITY OF ASEHBORO I2 (CZ) GENERAL INDUSTRIAL (CONDITIONAL ZONING) FOR A LANDFILL-CLEAN MATERIAL AND/OR LAND CLEARING MATERIAL. A CONTINUANCE HAS BEEN REQUESTED UNTIL THE SEPTEMBER 13, 2021 PLANNING BOARD MEETING.**

Mr. Robert Wilhoit, attorney representing the applicant, stated that a continuance request has been filed with the intent of scheduling a neighborhood meeting prior to the hearing at the September 13, 2021 Planning Board Meeting.

A question regarding mailed notices came up by a member of the public. Mr. Wilhoit explained that by statute, only adjoining property owners are required to get mailed notices, however he would send notices and information regarding a neighborhood meeting to anyone who provides their address.

Mr. Rush moved to continue the above referenced case until the September 13, 2021 Planning Board Meeting. Mr. O'Kelley seconded the motion and the motion carried unanimously.

- b) **RZ-21-11: REQUEST TO REZONE PROPERTY LOCATED AT 1008 HUB MORRIS ROAD (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7763511812) FROM R10 MEDIUM-DENSITY RESIDENTIAL TO R40 (CZ) LOW-DENSITY RESIDENTIAL (CONDITIONAL ZONING) TO ALLOW VEHICULAR ACCESS TO AN ADJOINING AND PREVIOUSLY PERMITTED SOLAR FARM.**

Mr. Evans gave a visual presentation on the above referenced rezoning case. He gave a brief overview:

Applicant: Thunderhead Solar, LLC

Location: 1008 Hub Morris Road

Request: Rezone from R10 (Medium-Density Residential) to R40 (CZ) Low-Density Residential Conditional Zoning

Randolph County Parcel ID: 7763512812 (portion)

Size: 0.4 acres +/-

Existing Land Use: Undeveloped

He then showed overview, rezoning, topographic/utilities, and aerial maps, a site plan of the project, as well as photos of the subject property from all directions. He then gave the analysis:

1. The property is partially in the city limits and partially within the city's extraterritorial zoning jurisdiction.
2. Hub Morris Road is a state-maintained major thoroughfare.

3. The request is being made because the applicant wishes to use a portion of the subject property for access to the adjoining permitted solar farm. The request is being made because a solar farm is not permitted in the R10 district.
4. The request only pertains to a small area of the property (totaling 0.402 acres +/- of 9.72 acres +/-). The request only includes the access driveway and utilities. No buildings are proposed with the request.
5. The previously permitted solar farm (CUP 18-16 approved in 2018) on the adjoining property, is not part of this review.
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."

He then gave the Land Development Plan (LDP) Recommendations:

Proposed Land Use Map: Neighborhood Residential

Small Area Plan: Northeast

Growth Strategy Map: Primary Growth (within city limits) and Long Range Growth (within ETJ)

Goals/Policies Supporting Request (6):

- Checklist Item 1: Compliance with LDP Proposed Land Use Map
- Checklist Item 4: Compatible with surrounding land uses
- Checklist Items 12-14: Outside watershed, flood area, area of steep slopes
- Goal 5.1: Cost effective, coordinated, efficient infrastructure

Goals/Policies Not Supporting Request (1):

- Checklist Item 10: Not consistent with land category descriptions

He then provided the board with suggested conditions:

- (A) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing driveway permit approval from NCDOT.
- (B) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning in the chain of title for the Zoning Lot.

Mr. Buffkin inquired if these conditions will run with the land, to which Mr. Evans stated that the conditions do run with the land.

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

- Limited purpose of providing access
- Compatible with surrounding land uses
- CZ process allows reasonable conditions

He stated that staff's recommendation is to approve the rezoning request noting the suggested conditions. He stated that if there were any questions from the board he would answer them.

Mr. Jonathan Roberts, with Soltage, stated that he is representing the applicant. He stated that he is available for any questions from the board if they had any. He also mentioned that adjoining property owners were mailed proper notice via first class mail on Wednesday, July 14, 2021. Mr. O'Kelley inquired if the property owner is aware of the proposed zoning changes. Mr. Roberts stated that the property owner is aware and has jointly signed off on the application for the proposed zoning changes.

Mr. O'Kelley also inquired if the site has power poles located on it, to which Mr. Roberts stated that there are power poles located on the site.

Mr. Rich inquired if there was anyone else to speak in favor of the case. There was no one else to speak in favor of the case. Mr. Rich inquired if there was anyone in opposition to the case. There was no one in opposition to the case.

Mr. O'Kelley moved to recommend approval of Case No. RZ-21-11, including the suggested conditions, based on staff's recommendation and consistency statement. Ms. Vuncannon seconded the motion and the motion carried unanimously.

c) SUB-19-01: FINAL PLAT APPROVAL FOR PHASE 1 OF WEST POINTE TOWNHOMES

Mr. Evans presented a visual presentation of the above referenced subdivision final plat. He gave an overview:

Applicant: Larry McKenzie
Request: Subdivision Final Plat, Phase 1
Size: 2.72 acres +/- of +7.34 acres +/-
Parcel ID #s: 7750249743
Number of Lots: 7 of 29
Average Lot Size: 2,259 SF

He then showed overview, topographic/utilities, and aerial maps as well as the final plat.

He then gave the following development related issues:

1. The applicant proposes a mix of detached patio style homes and attached duplex style units. Following Council's approval during a March, 2019 hearing, Council formally granted the Special Use Permit for this project during its April, 2019 meeting
2. The applicant proposes a combination of city-maintained and privately maintained streets. Whitley Street, proposed as a city maintained street contains approximately 640 linear feet. The other privately maintained streets include 1,000 linear feet. This phase of the development includes platting the public right-of-way of Whitley Street, and private streets that will be maintained by the homeowners association (Londelle Lane & Nicki Street).
3. One recreation area on the northern side of the property is proposed and included with this phase of the subdivision.

He then gave departmental comments:

Engineering:
Plat corrections are pending

Public Works:
Plat corrections are pending

Planning:
1.) Plat corrections are pending.
2.) The owner has provided a one year (1) maintenance and defects warranty as required by the Subdivision Ordinance.
3.) Homeowners documents are required to be recorded with the final plat, which must include maintenance mechanisms for the common area, and restrictions concerning recreational vehicle (RV) parking.
4.) Required sidewalks and overflow parking within this phase must be built or guaranteed prior to Final Plat approval.

He stated that staff recommends approval pending completion of listed items. He then asked the board if there were any questions. Mr. O'Kelley inquired about the locations of where sidewalk extension will occur, to which Mr. Evans addressed the sidewalk extension locations with the board.

Mr. Buffkin moved to recommend approval of SUB-19-01, pending completion of listed items. Ms. Vuncannon seconded the motion and the motion carried unanimously.

d) BOA-21-03 (PLANNING BOARD ACTING AS BOARD OF ADJUSTMENT): VARIANCE REQUEST FROM SECTION 5.04(52)(1)(k) OF THE ASHEBORO ZONING ORDINANCE, REGARDING SETBACKS FOR TELECOMMUNICATION TOWERS AND FACILITIES: 301 CAROLINA AVENUE.

Mr. Rich opened the quasi-judicial hearing of Case No. BOA-21-03. At this time, Mr. Luck was placed under oath and gave his testimony of the case:

Analysis:

Location: 301 Carolina Avenue
Parcel Identification Number: 7761073807
Property Size: 23.84 Acres
Zoning: R10 and B2

Surrounding Land Use:

North: Vacant, Residential
South: Residential
East: Residential
West: Residential, Commercial

LDP Recommendations:

Growth Strategy: Primary Growth & Adjacent Developed
Proposed Land Use Map: Neighborhood Residential

He then showed maps and photos of the subject property. Maps and photos are on file and available in the office of the Secretary of the Board of Adjustment.

He stated that Telecommunication Towers are permitted by right in all zoning districts, subject to compliance with supplemental use regulations. He then showed Table 5-1 (Table of Permitted Uses)

He stated that Chapter 5, Section 5.04(52) provides multiple supplemental use regulations specific to the telecommunication tower use. The regulations set forth requirements relating to height, engineering evidence of need for tower, compliance with FAA and aviation standards, landscaping, etc.

He stated that the applicant seeks a variance from only one of the supplemental use regulations, Section 5.04(52)(1)(k) regarding setbacks. While a zoning compliance permit application has not been received, city staff have reviewed draft plans and do not see potential noncompliance with other supplemental use regulations.

He stated that a telecommunication tower with a height of 195' is proposed to be constructed at 301 Carolina Avenue. With the property's underlying R10 Residential zoning, the required setback for the tower is 292.5' (195' tower height x 1.5'). The portion of the property zoned B2 is not at issue with the variance request. The applicant is requesting a variance to reduce the required setback to the distances proposed on the included site plan, which at the minimum point is 204'8".

He then showed the site plan of the project, highlighting setbacks proposed. A copy of the site plan is on file and available in the office of the Secretary of the Board of Adjustment.

He then listed from the zoning ordinance the standards that must be satisfied in order for a variance to be approved by the Board:

- 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.

After Mr. Luck answered questions from the Board members about the zoning regulations at issue with this case and the variance process, the applicant's team, consisting of Attorneys Frank Longest and Jonathan Yates, Steve Kennedy, RF Engineer, Keith Powell with Optima Towers, and John Palmer, appraiser, offered testimony in support of the application for a variance.

They entered into the record a handout, a photographic map showing the approximate tower view at various vantage points around the site, and exhibits titled "Wireless Network Consulting RF Justification & Safety", and "Impact study of a proposed monopole cellular tower and wireless telecommunications facility for Optima Towers IV and Verizon Wireless". These handouts, photographs, and exhibits are on file and available in the office of the Secretary of the Board of Adjustment.

Mr. Rich inquired if there were any witnesses who wished to testify in opposition to Case No. BOA-21-01. Mr. Stephen Bryant, an adjoining property owner wanted to ensure that the tower would not impact his property if the tower were to fall, to which Mr. Yates explained the nature in which the tower is engineered to collapse on itself so that it would not fall beyond the site on which it is located.

Mr. Buffkin moved, due to the satisfaction of the prescribed standards, to grant the requested variance. Mr. Anderson seconded the motion and the motion carried unanimously. A final decision document stating in detail the Board's findings, conclusions, and order will be adopted at the next Board meeting.

ITEMS NOT ON THE AGENDA

There were no items.

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

CERTIFICATE OF SERVICE

This Certificate of Service is provided to certify that the undersigned has this day served via first-class mail, in compliance with 160D-406, the attached Final Decision Document on the parties listed below by depositing a copy hereof in a postage-paid wrapper, addressed as follows, in a post office depository under the exclusive care and custody of the United States Postal Service:

Thomas E. Terrell, Jr.
FOX ROTHSCHILD LLP
PO Box 21927
Greensboro, NC 27420

Asheboro Commons LLLP
Tricor
Attn: Marc Hagel, CEO
270 West New England Avenue
Winter Park, FL 32789

Ashchick, LLC
222 Grand Ave
Englewood, NJ 07631

Ashchick, LLC
160 Mine Lake Ct Ste 200
Raleigh, NC 27615

Ashchick, LLC
Attn: Sam Ramsey
1212 E. Dixie Dr.
Asheboro, NC 27203

RMG LC, LLC
8606 Aviation Blvd NW
Concord, NC 28027

Spencer Third Generation, LLC
4503 Conerstone Drive
Burlington, NC 27215

Victoria A. Alvarez
Troutman Pepper
301 S. College Street 34th Floor
Charlotte, NC 28202

This the 3 day of August, 2021.



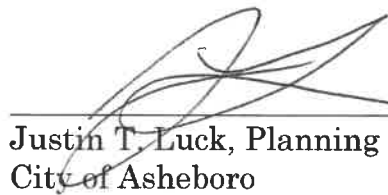
Justin T. Luck, Planning & Zoning Administrator
City of Asheboro
Post Office Box 1106
Asheboro, North Carolina 27204-1106
Telephone: (336) 626-1201, Extension 292
Email: jluck@ci.asheboro.nc.us

SUPPLEMENTAL CERTIFICATE OF SERVICE

This Supplemental Certificate of Service is provided to certify that the undersigned has this day served via first-class mail, in compliance with 160D-406, the attached Final Decision Document on the parties listed below by depositing a copy hereof in a postage-paid wrapper, addressed as follows, in a post office depository under the exclusive care and custody of the United States Postal Service:

Tom Terrell
Fox Rothschild LLP
230 N. Elm St.
Suite 1200
Greensboro, NC 27401

This the 11 day of August, 2021.



Justin T. Luck, Planning & Zoning Administrator
City of Asheboro
Post Office Box 1106
Asheboro, North Carolina 27204-1106
Telephone: (336) 626-1201, Extension 292
Email: jluck@ci.asheboro.nc.us

RECEIVED

AUG 03 2021



Case No. BOA-21-02
Board of Adjustment
City of Asheboro, North Carolina

**IN THE MATTER OF AN APPEAL FROM A FINAL ADMINISTRATIVE DECISION
REGARDING THE APPLICATION OF SECTION 315A OF THE ASHEBORO ZONING
ORDINANCE TO PROPERTY LOCATED AT 1212 E. DIXIE DRIVE**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This Case, representing an appeal from a final administrative decision, came before the City of Asheboro Planning Board. During these meetings, while hearing and deliberating about the above-captioned case, the Planning Board functioned, in accordance with the applicable statutory and ordinance provisions, as the City of Asheboro Board of Adjustment (the "Board").

Having considered all competent evidence and argument, the Board, on the basis of competent, material, and substantial evidence, hereby enters the following:

FINDINGS OF FACT

1. This matter represents an appeal from the Final Administrative Decision of the City of Asheboro (the "City") regarding whether a zoning violation exists under Section 315 A of the Asheboro Zoning Ordinance (the "Ordinance"), with respect to the properties located at 1214 E. Dixie Drive (the "1214 property") and 1212 E. Dixie Drive (the "1212 Property"). At the hearing, the Appellants, Tricor International, LLC, and other appealing parties named herein, were represented by Mr. Tom Terrell, Jr. of Fox, Rothchild, L.L.P. The Responding Party to the appeal, Chick Fil-A, was represented by Ms. Victoria Alvarez of the Troutman Pepper Law Firm. The Board of Adjustment was represented by Mr. Francis Rasberry, of Cauley Pridgen, P.A.
2. The appeal has been brought by the filing of a Notice of Appeal to the City of Asheboro Board of Adjustment by Asheboro Commons, LLLP ("Asheboro Commons"; N.C. Income Properties LLLP (N.C. Income Properties"); Tricor International, LLC ("Tricor"); RMG LC, LLC ("RMG"); and Spencer Third Generation, LLC ("Spencer"); collectively referred to as the "Appellants".
3. The evidentiary hearing (the "hearing") on the matter in issue was conducted before the City of Asheboro Board of Adjustment on July 12, 2021.
4. N.C. Income Properties owns the 1214 Dixie Drive property, which comprises the shopping center known as Asheboro Commons. Asheboro Commons LLLP ground leases the 1214 Dixie Drive property and owns the improvements on the property. Asheboro Commons is landlord to three tenants in the shopping center, Firehouse Subs, Little Caesar's, and T-Mobile. Tricor is the

management company which manages the property. RMG leases space and operates the Little Caesar's restaurant, and Spencer leases space and operates the Firehouse Subs restaurant at the shopping center.

4. Chick-Fil-A operates its restaurant at the 1212 E. Dixie Trail property, a shopping center outparcel immediately adjacent to the 1214 Dixie Drive property. The respective properties have shared use of common vehicular, parking, and pedestrian access areas, as shown by photographic and video evidence, and as supported by recorded instruments introduced into evidence by counsel for Chick Fil-A.

5. On April 7, 2021, Mr. Steven Smith, Chief Operating Officer of Tricor, wrote Mr. Justin Luck, Zoning Administrator of the City, requesting enforcement of City Zoning Ordinance provisions against Chick-Fil-A. Mr. Smith provided photographic and other evidence that, during peak business hours, the queuing lanes serving the Chick-Fil-A restaurant were backed up with vehicles, which blocked the shopping center tenants' space, or otherwise interfered with vehicles and pedestrians using the parking and vehicular areas of Asheboro Commons. Mr. Smith requested an administrative determination by Mr. Luck that Chick-Fil-A's traffic was blocking and interfering with the maneuvering and parking areas on the adjoining shopping center property, and that this constituted an active violation of Zoning Ordinance Section 315A.

6. Mr. Luck conducted an on-site inspection of the properties on May 10, 2021.

7. By letter of May 11, 2021 to Mr. Marc Hagle, CEO of Asheboro Commons LLLP, Mr. Luck provided his Notice of Decision regarding the applicability of Section 315A to the conditions at the 1212 and 1214 Dixie Trail properties, and whether a zoning violation under the cited ordinance existed.

8. In the May 11 Notice of Decision letter, after quoting Zoning Ordinance Section 1016, *Interpretation, Purpose, and Conflict*, Mr. Luck set forth the text of Zoning Ordinance Section 315A, which states as follows:

There shall be provided for every drive in window or station a queuing lane with a minimum capacity of 5 automobiles. All lanes shall be located outside of public right-of-way and shall not interfere with other maneuvering or parking areas.

9. In the Notice of Decision letter, Mr. Luck further stated, "Please note that the requirements of 315A are focused on the zoning lot where the queuing lanes are located, not adjoining properties". Mr. Luck quoted Section 404 of the Asheboro Zoning Ordinance, as follows:

"All required parking areas (including parking access, spaces, and maneuvering areas) shall be located on the same lot as the principal use(s) it serves"

9. The Chick-Fil-A zoning lot was issued a Zoning compliance permit (PL-17-00814) on June 15, 2017. With regards to Section 315A, zoning compliance of the proposed site plan was

determined and approved. Mr. Luck's determination as set forth in the May 11 Notice of Decision, and as testified to at the hearing, is set forth (being summarized) herein as follows:

(1) Chick-Fil-A proposed a drive thru with one window and two order stations; (2) A queuing lane satisfying the minimum required vehicle capacity was shown; (3) Such was located outside all public rights of way; (4) such was located in a manner that did not interfere with the minimum required maneuvering area, nor minimum required parking area on the zoning lot; and (5) such was located on the same zoning lot as the principal use it serves.

10. Mr. Luck testified that the Notice of Decision letter of May 11 reflected his opinion as zoning Administrator that an active zoning violation of Section 315A does not exist and that, based upon his opinion, no enforcement action is to be taken.

12. Appearing as witnesses for the Appellants were Mr. Steve Smith, Chief Operating Officer of Tricor International, Ms. Jacqueline Cheek, General Manager of Little Caesar's Pizza, Ms. Jill Beck, District Manager of Little Caesar's Pizza. Referencing documents, photographs, video, and other exhibits introduced into evidence, these witnesses testified at length with respect to vehicles backed up from the Chick-Fil-A drive up/ordering window in a manner causing substantial blocking of, and interference with, parking and vehicular accesses to businesses and their customers in the shopping center, and Little Caesar's Pizza, in particular. Several of these witnesses further testified to their concerns over the safety of pedestrians and motorists resulting from the situation. Mr. Smith testified that the parking, maneuvering, and backing up of traffic was causing difficulties in maintaining shopping center tenants, and in attracting new tenants. Documentary evidence was introduced, and Mr. Smith testified with respect to, complaints made to Chick-Fil-A, and unsuccessful efforts to have Chick-Fil-A mitigate or resolve the parking and vehicular issues.

13. Mr. Terrell and Ms. Alvarez both questioned Mr. Luck with respect to his interpretation of pertinent provisions and key terms contained in the Zoning Ordinance, and Mr. Luck's Final Decision letter.

14. Ms. Alvarez introduced into evidence four recorded instruments, consisting of a shopping center lease, easement agreements, and restrictive covenants, conditions, and restrictions, purportedly to show the various private agreements regarding parking and vehicular areas and uses, common to the shopping center, businesses therein, and Chick-Fil-A.

15. Ms. Alvarez introduced into evidence documentary evidence consisting of communications between Chick-Fil-A and the Appellants regarding the backing up of vehicles and consequent parking and maneuvering problems.

16. Ms. Alvarez introduced into evidence drone footage evidence, purportedly to show the results of recent efforts by Chick Fil-A to mitigate parking and vehicular maneuvering problems.

17. There is substantial, material and competent evidence in the record to show that queuing or stacking lanes are provided at Chick Fil-A sufficient to accommodate more than 5 vehicles.

17. There is no evidence in the record that the Chick Fil-A queuing or stacking lanes have been shortened, re-located, or altered or that the parking and vehicular areas of Chick Fil-A's zoning lot have been otherwise altered, subsequent to the issuance of zoning compliance permit P1-17-00814.

18. At the conclusion of the presentation of evidence, counsel for the parties offered arguments regarding the interpretation of pertinent Zoning Ordinance provisions and key terms of such provisions.

Based on the evidence received at the hearing, arguments of counsel, and the foregoing findings of fact, the Board hereby enters the following:

CONCLUSIONS OF LAW

1. There is substantial, competent and material evidence in the record to demonstrate that backed-up vehicles from the queuing, or stacking, lanes serving the Chick-Fil-A window interfered with vehicular movements in the shopping center, including ingress and egress to, and parking for, other businesses in the shopping center. The Board formally notes its concern and empathy for those businesses, employees, and customers experiencing such difficulties.
2. The sole issue for determination by the Board is whether the conditions present at the 1212 and 1214 Dixie Drive properties, as demonstrated by the evidence, constitute a violation of Section 315A of the City's Zoning Ordinance. Accordingly, the issue before the Board is limited to how this Ordinance should be interpreted and applied in this case.
3. While substantial evidence was received and admitted with respect to communications between the Appellants, Chick-Fil-A, and their respective representatives regarding parking, vehicular conflicts, complaints about and measures to address such problems, this evidence was not given substantial weight in the Board's determination of how Section 315A should be interpreted and applied.
4. While evidence was presented by counsel for Chick-Fil-A, received and admitted, consisting of four recorded instruments pertaining to the Dixie Drive properties, this evidence was not given substantial weight in the Board's determination of how Section 315A should be interpreted and applied in this case.
5. In addressing how Section 315A should be interpreted, the Board has concluded that the requirement for *lanes* to be provided on the zoning lot as a condition of compliance with Section 315A, as contrasted with *vehicles*, *vehicular congestion*, or *interference* on adjacent property, is notable in its interpretation.

6. The Board has interpreted Section 315A in light of the Zoning Ordinance in its entirety, and in keeping with the spirit and intent of the Zoning Ordinance.

7. There is substantial, competent, and material evidence in the record to show that, by providing more than 5 spaces in queuing lanes, which lanes are located outside of public rights of way and are not interfering with other maneuvering or parking areas of the Chick Fil-A zoning lot, the Chick Filet zoning lot was in compliance, and remains in compliance, with zoning permit PL-17-00814.

8. There is no active zoning violation of Section 315A by Chick-Fil-A.

Based on the above-recited Findings of Fact and Conclusions of Law, the Board hereby enters the following:

ORDER

The Decision of the City's Zoning Administrator is hereby Affirmed.

The foregoing final decision document was adopted by the Board in open session during a regular meeting held on August 2, 2021.



Van Rich, Chair

ATTEST:



Bradley Morton, Secretary to the Board



RZ-21-07 and SUB-21-01: Request to rezone property located west of 1591 East Allred Street, approximately 100 feet east of Ridgewood Circle, from RA6 (CZ) High-Density Residential (Conditional Zoning) to RA6 (CZ) High-Density Residential (Conditional Zoning) to allow a Residential Planned Unit and approve a subdivision sketch design.

Staff Report

This case is continued from the June 7, 2021, July 12, 2021 and August 2, 2021 Planning Board meetings.

Staff Note: The applications contained in this report were filed during the transitional period before the current zoning ordinance and conditional zoning were in effect. As a result of the current zoning ordinance, the applications have automatically been converted into a conditional zoning request.

Rezoning Staff Report

RZ Case # RZ-21-07

Date 9/13/2021 Planning Board

General Information

Applicant Davidson Land Development, LLC

Address 896 Shiptontown Road

City Lexington NC 27292

Phone 336-250-0483

Location North side of East Allred Street, west of Gold Hill Road

Requested Action Rezone from RA6 (CZ) High Density Residential (Conditional Zoning) to RA6 (CZ) High Density Residential (Conditional Zoning)

Existing Zone RA6 (CZ) **Existing Land Use** Undeveloped

Size 4.04 acres +/-

Pin # 7762740259

Applicant's Reasons as stated on application

The best available use of this property for the owner and public welfare is residential townhomes. Proposed adequate additional housing promoting the growth and betterment of the City of Asheboro. The project will comply with all land development codes and the land development plan to promote growth and welfare. There is currently a shortage of available adequate housing, this project will provide homes for working and growing families in the City of Asheboro.

Surrounding Land Use

North Medium-Density Residential

East Medium-density residential

South Undeveloped Residential

West Medium-Density Residential

Zoning History A conditional use permit for a residential Planned Unit Development consisting of 10 townhomes was approved in 2018 (RZ-CUP-18-10). Council approved residential Planned Unit Development in 2001 (CUP-01-26)

Legal Description

The property of Davidson Land Development, LLC located on the north side of E. Allred St., immediately west of 1591 E. Allred St. This property contains approximately 4.04 acres (+/-) and is more specifically identified by Randolph County Parcel ID No. 7762740259.

Analysis

1. This property is inside of the city limits.
2. East Allred Street is a state-maintained minor thoroughfare.
3. Most recently, a residential Planned Unit Development consisting of 10 dwelling unit was proposed and approved in 2018.
4. The RA6 (CZ) district would allow multi-family development. The proposed site plan is requesting a total of 16 two-story townhome style units with single-car garages.
5. The western portion of the property (approximately 1.6 acres) is located within a flood hazard area. The site plan indicates that the units are located outside of the flood hazard area, however grading and utilities are proposed within the flood hazard area. The project must comply with the Flood Damage Prevention Ordinance.
6. The zoning ordinance describes the RA6 Residential District as "intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
7. This request was filed during the transitional period when the existing and requested zoning district was classified as a Conditional Use district. Changes to state law have changed the request to a High Density Residential Conditional Zoning. These requests are now reviewed under a legislative process that receives input from the Planning Board.
8. Since the previous request referenced in (3) above was granted in 2018, additional residential growth has occurred, including the continued construction of the Robins Nest subdivision to the east, and rezoning of property on the corner of East Allred Street and Gold Hill Road from a commercial to a residential district.

Rezoning Staff Report

RZ Case # RZ-21-07

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 Primary Growth

LDP Goals/Policies Which Support Request

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

Checklist Item 11: Rezoning will promote the type of development described in Design Principles

Checklist Item 12: Property is located outside of watershed

Goal 4.1.6: The City will participate the National Flood Insurance Program and utilize its Flood Damage Prevention regulations to strongly discourage development in high-risk areas.

Rezoning Staff Report

RZ Case # RZ-21-07

Page 3

LDP Goals/Policies Which Do Not Support Request

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

Checklist Items 13-14: 13.) The property is located within 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

The conditional zoning process allows for site plan review that can best ensure the property is developed in harmony with surrounding uses and also incorporate design elements promoted by the Land Development Plan's Neighborhood Residential designation. Such elements include sidewalks, open space and recreation area that typically are not required in conventional subdivisions.

Additionally, the conditional zoning process can lead to less disturbance of flood area, steep slopes, and other environmentally sensitive features that are unique to this property. Considering these factors, staff believes that the requested RA6 (CZ) district is consistent with the Land Development Plan and therefore reasonable and in the public interest.

Recommendation In light of the above analysis, staff's recommendation is to approve the request, subject to reasonable conditions that are identified during the conditional zoning process.

Rezoning Staff Report

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

Suggested Conditions as of September 7, 2021:

(A) The site plan shows preservation of existing vegetation, outside of areas of necessary site disturbance, along the western and northern portions of the property. If the vegetation is not preserved in this area, a Type A Buffer or Screen shall be installed by the developer.

(B) The site plan shows a combination of preservation of existing vegetation and planted vegetation, outside of areas of necessary site disturbance, within the front yard along East Allred Street. At a minimum, vegetation required by Chapter 6 of the zoning ordinance shall be installed and maintained within the front yard along East Allred Street.

(C) Enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside the common area shall not be considered a modification of the permit requiring City Council review.

(D) Prior to a Preliminary Plat, the applicant shall submit details on the sewer connection involving the adjoining property to the north.

(E) The site plan contains labeling errors and omitted information that shall be corrected on the Preliminary Plat*. These include:

(i) Site notes related to the number, size, and average lot sizes of lots.

(ii) Current zoning classification

(iii) Current ownership information of subject and adjoining property owners

(iv) Correction of sight distance triangle location, removing sections from the adjoining property.

(v) Additional details on recreation area, including identification of proposed play equipment/structure(s), and labeling of sidewalk between Cane Creek Court and recreation area.

(vi) Labeling of typical lot dimensions

(vii) Labeling of status of property surveying

(viii) Replacement of non-applicable note regarding Type A Buffer with note related to preservation of existing vegetation.

(ix) Labeling of scale as 1"=40'

(x) Labeling of any sewer easement areas, and temporary construction easement areas.

(F) Area within public right-of-way for turnaround at the end of Cane Creek Drive shall be prohibited from parking in such a way that interferes with emergency or sanitation vehicles in compliance with Chapter 71 of the Asheboro Code of Ordinance.

(G) The site plan indicates mail delivery through individual boxes. If the postal service requires a community mailbox, such a change will not be considered a modification of the Conditional Zoning district requiring Council action. If required within the public right-of-way shall, at a minimum, provide an area that is adequate for one (1) drop off space for a motor vehicle including any maneuvering area. Such drop off area shall be designed in accordance with commonly accepted traffic engineering practices. Construction of this area shall be the responsibility of the developer and is subject to approval of the City of Asheboro Public Works Division and/or Engineering Department. Alternatively, should the developer choose to construct the community mailbox and any associated vehicular areas in a location completely on private property, this shall not be considered a modification, subject to Section 4.05 of the Asheboro Zoning Ordinance.

(H) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:

(i) Driveway permit from NCDOT

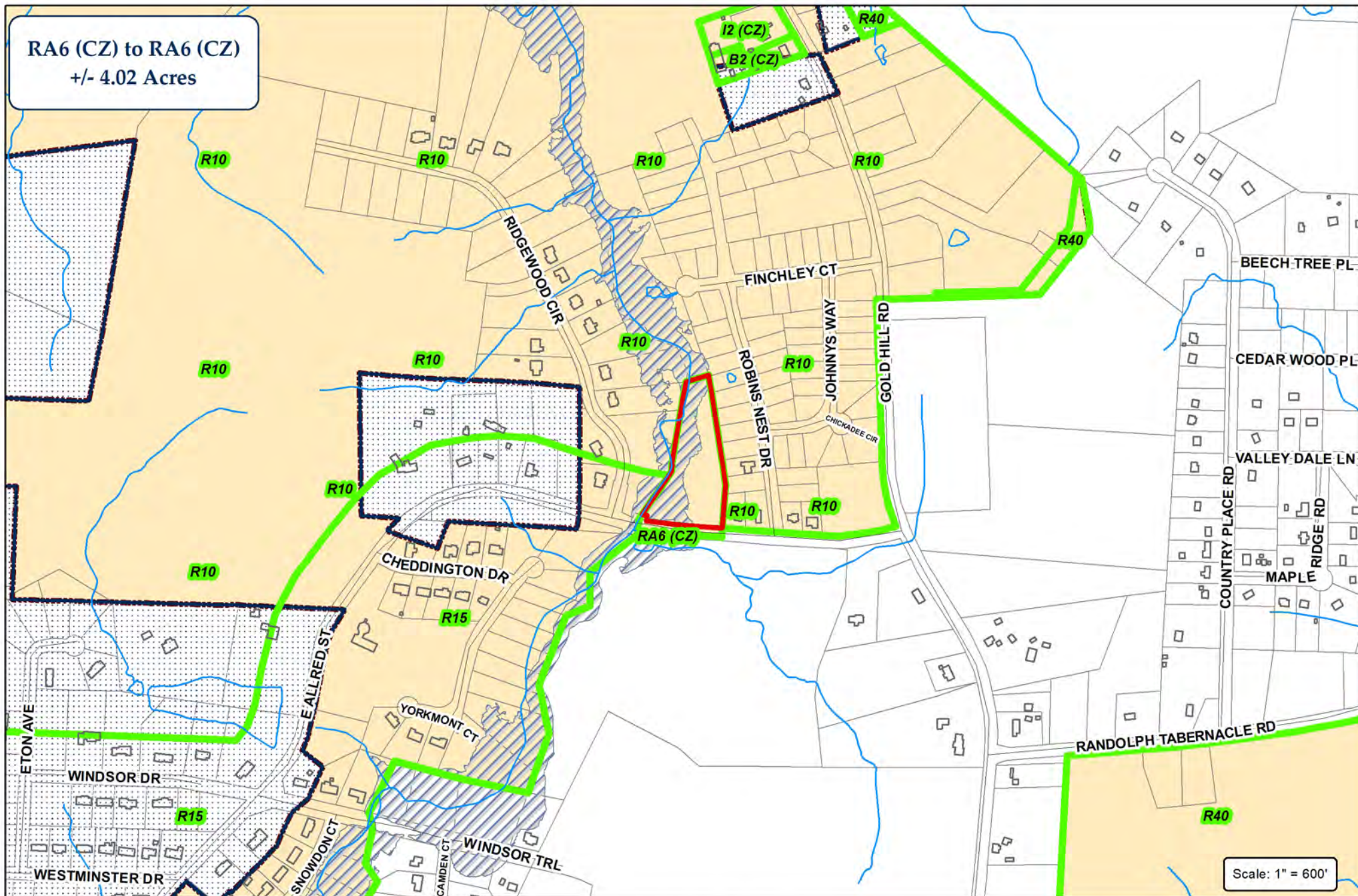
(ii) Erosion control approval from NC Department of Environmental Quality

(iii) Information required to determine compliance with Flood Damage Prevention Ordinance requirements, including any required certifications for utility construction or other development within Special Hazard Flood Areas (floodplains, floodways). A no-rise certification for utilities, such as sewer mains, constructed within the floodway shall be required prior the issuance of a zoning compliance permit or construction activity within the floodway. If a no-rise certificate cannot be obtained due to forecasted rises as a result of the project, a CLOMR will have to be required from FEMA by the developer.

(I) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning district in the chain of title for the Zoning Lot.

*Note: Comments are being returned to the applicant's representative to correct prior to Planning Board/City Council. This list may be modified at those meetings if and when comments are addressed.

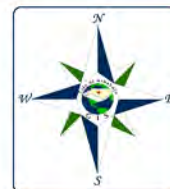
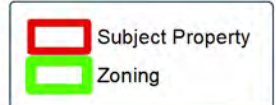
RA6 (CZ) to RA6 (CZ)
+/- 4.02 Acres



City of Asheboro Planning & Zoning Department

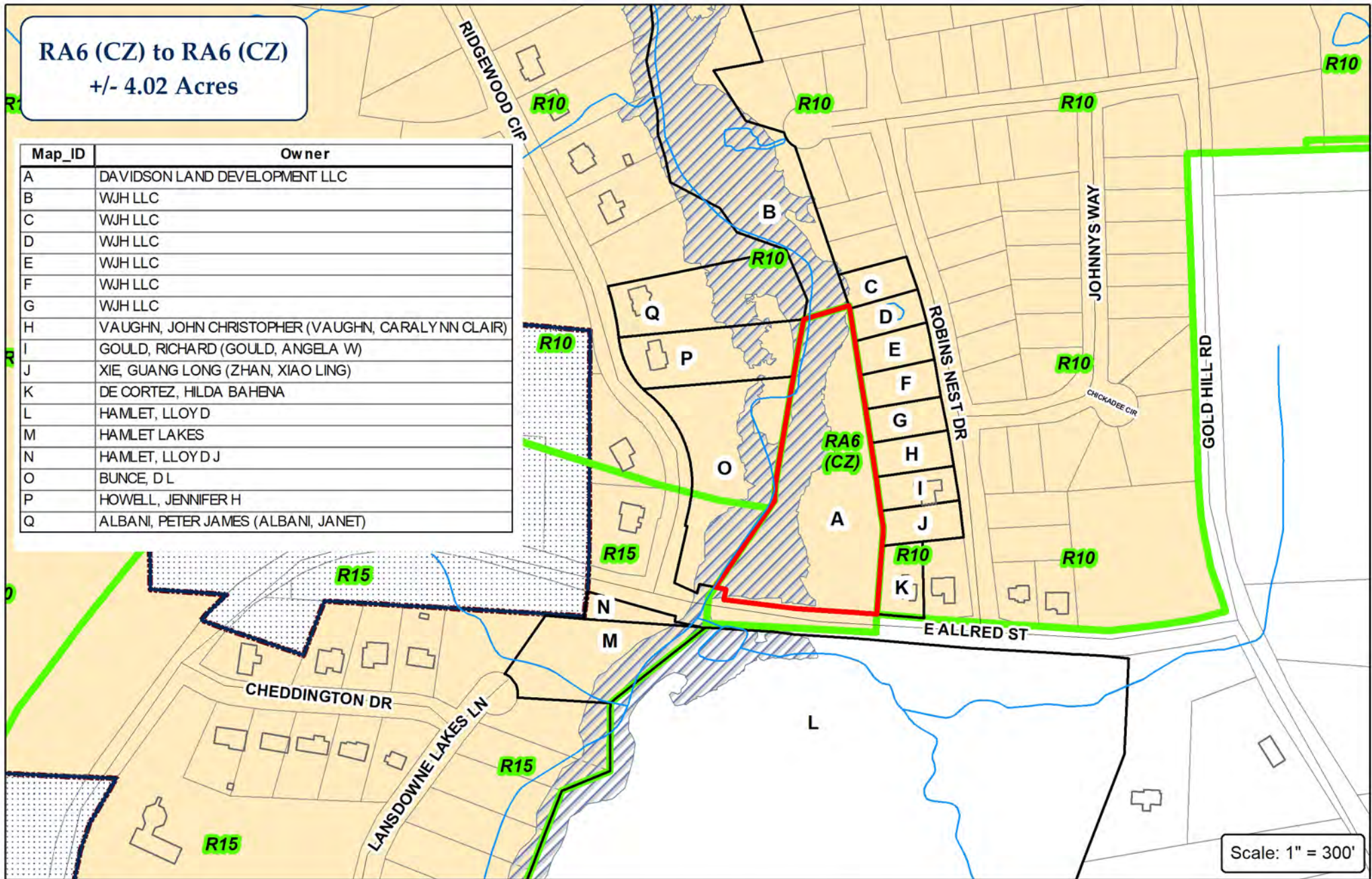
Rezoning Case: RZ-21-07

Parcel: 7762740259



RA6 (CZ) to RA6 (CZ)
+/- 4.02 Acres

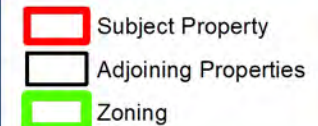
Map_ID	Owner
A	DAVIDSON LAND DEVELOPMENT LLC
B	WJH LLC
C	WJH LLC
D	WJH LLC
E	WJH LLC
F	WJH LLC
G	WJH LLC
H	WJH LLC
I	WJH LLC
J	WJH LLC
K	WJH LLC
L	VAUGHN, JOHN CHRISTOPHER (VAUGHN, CARALYNN CLAIR)
M	GOULD, RICHARD (GOULD, ANGELA W)
N	XIE, GUANG LONG (ZHAN, XIAO LING)
O	DE CORTEZ, HILDA BAHEVA
P	HAMLET, LLOYD D
Q	HAMLET LAKES
R	HAMLET, LLOYD J
S	BUNCE, D L
T	HOWELL, JENNIFER H
U	ALBANI, PETER JAMES (ALBANI, JANET)



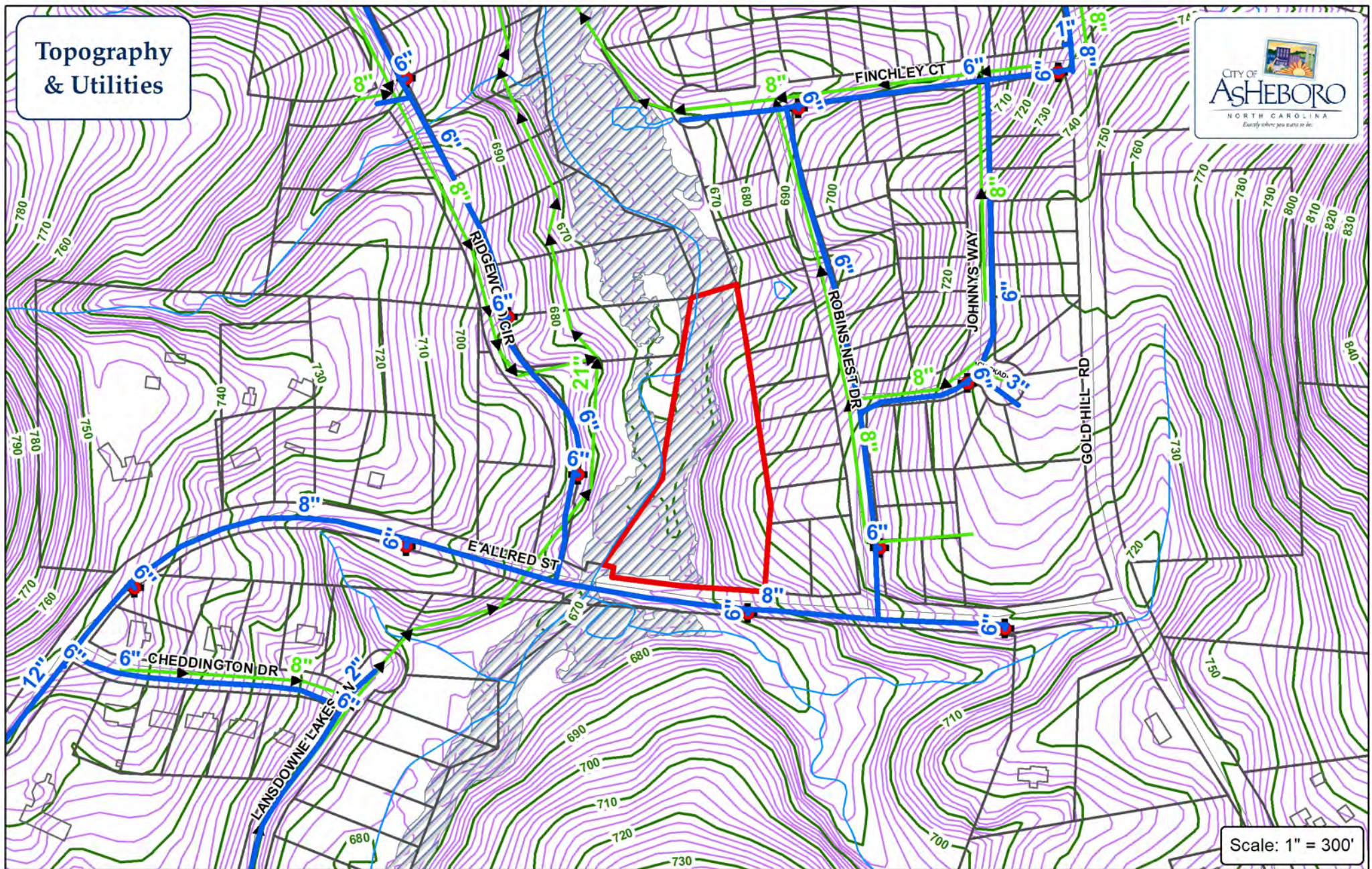
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-07

Parcel: 7762740259



Topography & Utilities



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

City of Asheboro Planning & Zoning Department

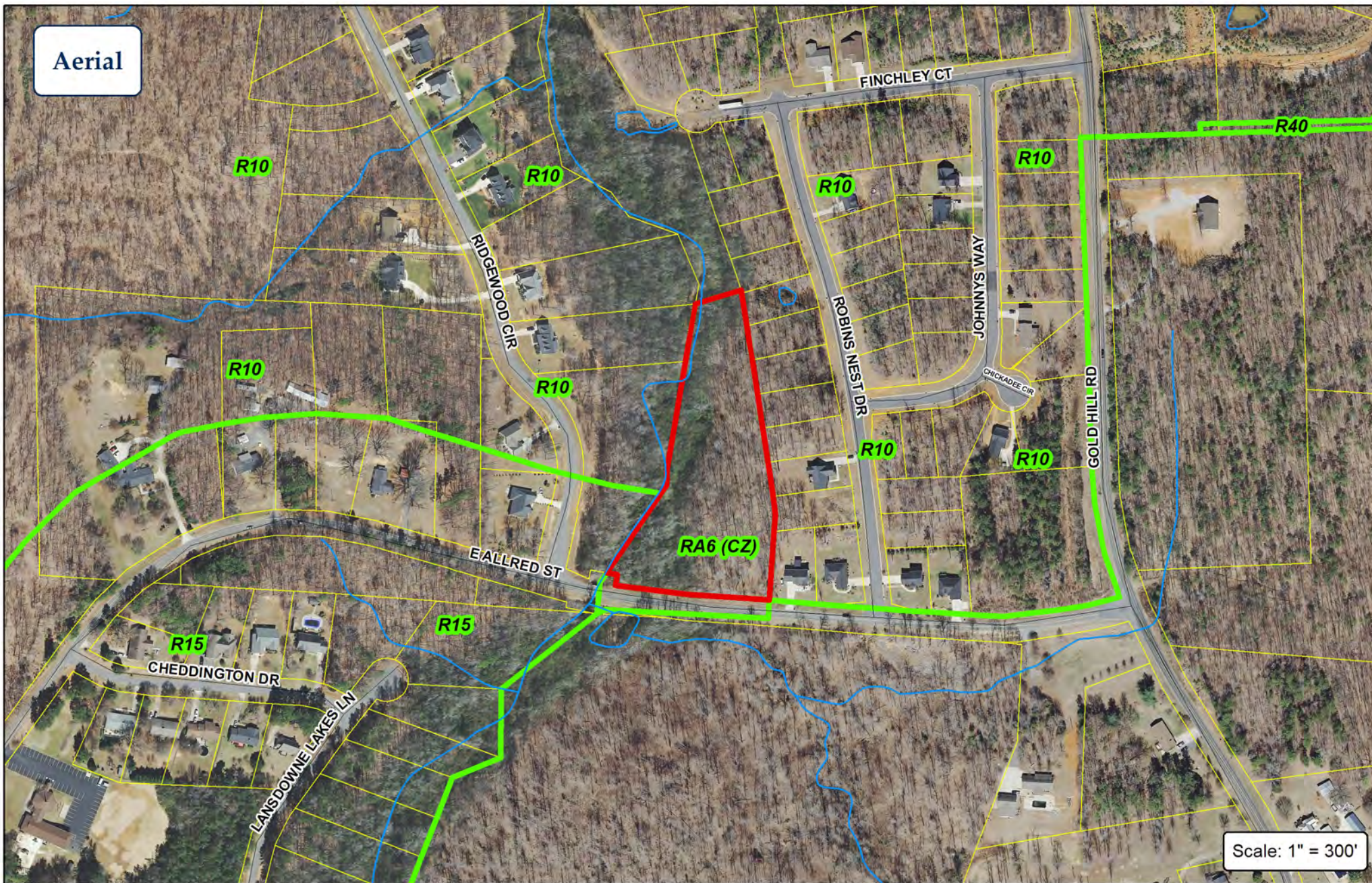
Rezoning Case: RZ-21-07

Parcel: 7762740259

Subject Property



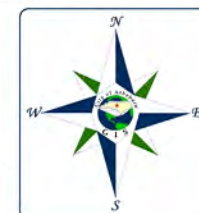
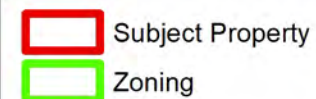
Aerial

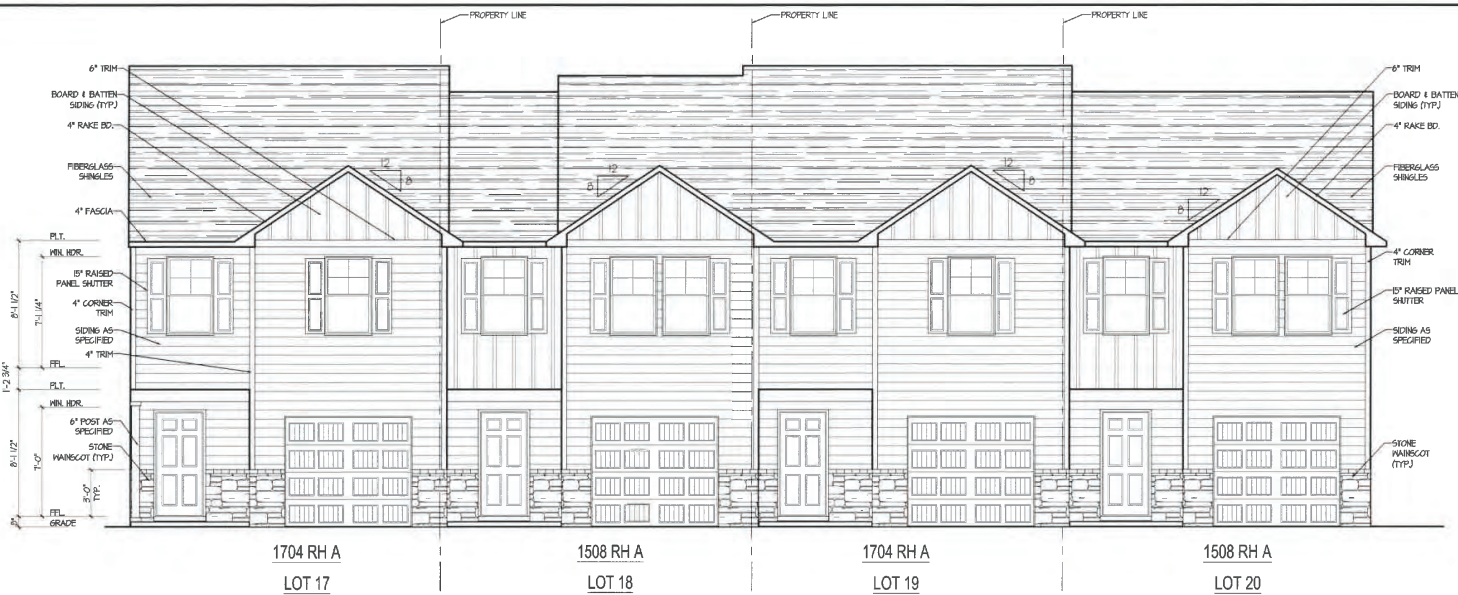


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-07

Parcel: 7762740259



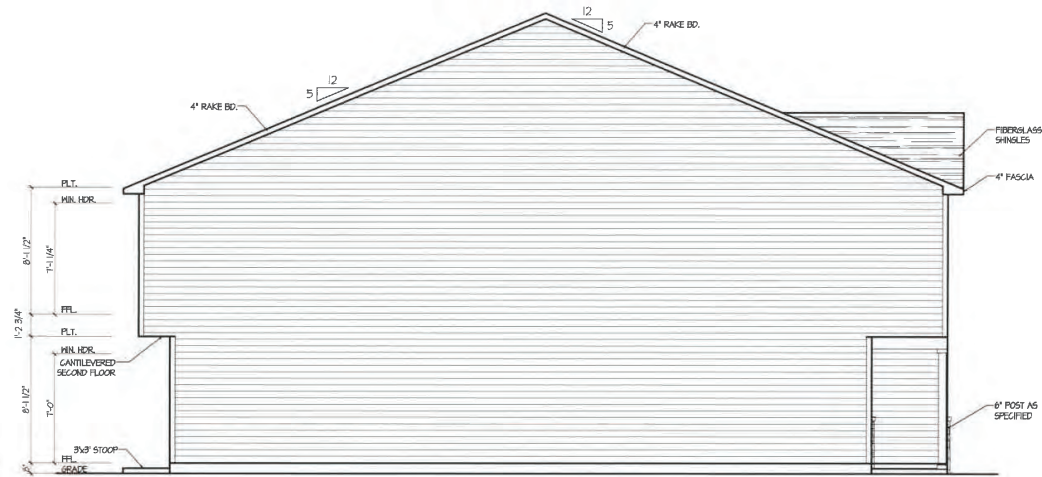


FRONT ELEVATION
4 UNIT BUILDING

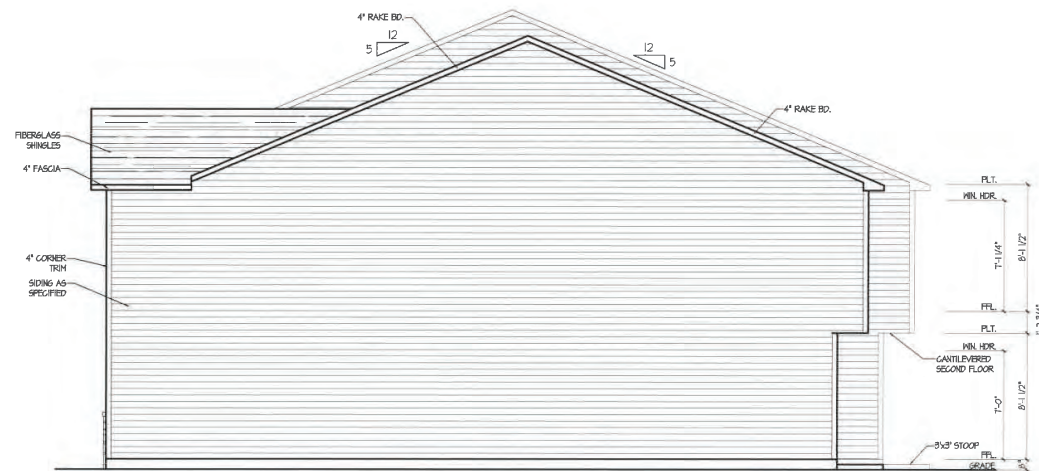


REAR ELEVATION

SCALE: 1/8" = 1'-0" U.N.O. (11x17)
SCALE: 1/4" = 1'-0" U.N.O. (24x36)



1704 RH LEFT ELEVATION



1508 RH RIGHT ELEVATION

SCALE: 1/8" = 1'-0" U.N.O. (11x17)
SCALE: 1/4" = 1'-0" U.N.O. (24x36)



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 Davidson Land Development, LLC

Applicant's Phone # 336-746-5115 250-0483

Applicant's Address 896 Shiptontown road, Lexington, NC 27292

Applicant Email Address chris@reidfarm.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Davidson Land Development, LLC

Location of Property East Allred Street

Property Size (ac. or s.f.) 4.02 AC.

Randolph County Property Identification Number (PIN#) 110214025 7762740259

Current Zoning District R-10

Requested Zoning District CU-R-A6

Date Property Title Acquired 09/12/2014

Deed Book 00212 002723 Page 0050 00506

Subdivision _____ Section _____ Lot # _____

Plat Book 70 Page 73

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.

The best available use of this property for the owner and public welfare is residential townhomes.

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?

Proposed adequate additional housing promoting the growth and betterment of the city of Asheboro.

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

The project will comply with all land development codes and the land development plan to
promote growth and welfare.

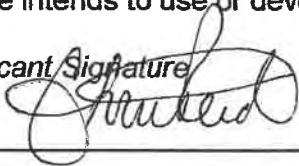
4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

There is currently a shortage available of adequate housing, this project will provide homes for
working and growing families in the City of Asheboro.

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



Owner Signature (if different than Applicant)

Printed Name of Authorized Signatory (if different from Applicant)

James Christopher Reid

Owner Address

896 Shiptontown Rd
27292

Position/Relationship of Authorized Signatory to Applicant

member

Telephone Number

(336)-250-0483

Printed Name of Authorized Signatory (if different from Owner)

James Christopher Reid

Position/Relationship of Authorized Signatory to Owner

member

STAFF USE

Received by: JLE **Date:** 5-21-21 **Case Number:** ~~17~~ TRD

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

This is to notify you that I (we), Davidson Land Development
have filed an application with the City of Asheboro to rezone property located at
East Allred Street from M-1 R-10
to CU-R-A6.

On Monday, _____, 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, _____, _____, 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
336-746-5115 250-0483.



Application for Conditional Use Permit

APPLICATION FEE

A \$350 filing fee is required.

APPLICATION INSTRUCTIONS:

The Conditional Use Permitting 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 legal description/deed reference of such land.
- 2) Two (2) draft copies of a site plan drawn to scale that has will be reviewed by staff for conformity with zoning ordinance requirements, with revisions due as noted below. Once the applicant submits the final draft is submitted by the site plan cutoff date, staff will also require six (6) copies of the site plan to be submitted. See page 2 for required site plan information.

The application is to be 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. No changes may be made to any site plan fifteen (15) days prior to a City Council hearing. 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. Site plans must conform to the ordinance by the site plan cutoff date. No revisions to site plans can be accepted after 15 days prior to the scheduled City Council meeting. Failure to submit a conforming site plan by the cutoff date will result in the case being delayed.

In addition to staff's notification of the request to adjoining property owners, it is recommended that the applicant also notify adjoining property owners of the request. A template of the notification is in this application and staff can assist the applicant with creating the list of property owners to be notified of the request.

MEETING INFORMATION*

<i>Application Deadline</i>	<i>SITE PLAN CUTOFF</i>	<i>City Council Meeting</i>
December 11, 2020	January 20, 2021	Thursday, February 4, 2021
January 8, 2021	February 17, 2021	Thursday, March 4, 2021
February 12, 2021	March 24, 2021	Thursday, April 8, 2021
March 12, 2021	April 21, 2021	Thursday, May 6, 2021
April 16, 2021	May 26, 2021	Thursday, June 10, 2021
May 21, 2021	June 30, 2021	Thursday, July 15, 2021
June 11, 2021	July 21, 2021	Thursday, August 5, 2021
July 23, 2021	September 1, 2021	Thursday, September 16, 2021
August 13, 2021	September 22, 2021	Thursday, October 7, 2021
September 10, 2021	October 20, 2021	Thursday, November 4, 2021
October 15, 2021	November 24, 2021	Thursday, December 9, 2021
*Confirm application deadline with staff	*Confirm site plan deadline with staff.	*January, 2022: Confirm meeting date with staff

APPLICANT INFORMATION

Applicant Davidson Land Development, LLC *Applicant's Phone #* 336-746-5115

Applicant's Address 896 Shiptontown road, Lexington, NC 27292

Applicant email address chris@reidfarm.com

PROPERTY INFORMATION

Property Owner's Name Davidson Land Development, LLC

Location of Property East Allred Street *Property Size (ac. or s.f.)* 4.02 AC.

Randolph County Property Identification Number (PIN#) 7762740259

Current Zoning District CU-R-A6

Date Property Title Acquired 09/12/2014 *Deed Book* 002723 *Page* 00506

Subdivision _____ *Section* _____ *Lot #* _____

Plat Book 70 *Page* 73

CONDITIONAL USE PERMIT INFORMATION

Application is hereby made to the City of Asheboro for a Conditional Use Permit for the following purpose:

The purpose of the conditional use permit is to serve the proposed 16 townhomes

with associated driveways, parking, and utility improvements.

CONDITIONAL USE PERMIT REQUIRED SITE PLAN INFORMATION

- 1) Actual shape, location, and dimensions of the lot
- 2) For new construction, building elevations of all exterior facades at a minimum scale of 1/8" = 1'
- 3) The shape, size, and location of any existing buildings and all buildings or structures to be erected, altered, moved
- 4) The existing and intended use of the lot and all structures on the lot
- 5) Location and size of any required buffers and/or screens (Article 200A and/or 300A)
- 6) Location and type of mechanical equipment screening (Section 306A)
- 7) Location, access, and screening of central solid waste facility (Section 307A)
- 8) Location and dimension of off-street parking indicating compliance with parking setbacks and loading spaces (Articles 300A and 400)
- 9) Grade separation of building and parking areas (Section 409)
- 10) Paving material for parking lots (Section 409)
- 11) Location of curb cuts: only 1 permitted if lot width is less than 120' (Section 408)
- 12) Driveway permit approval information by NCDOT or the City of Asheboro
- 13) Front yard landscaping or street planting (Articles 200A or Section 308A)
- 14) Location, type, size, and height of all signs (Article 500)
- 15) Notation certifying compliance with relevant Performance Standards (Article 300A) and a lighting plan demonstrating such compliance
- 16) Location of any flood zones if applicable (Article 700)
- 17) Watershed information if applicable (Article 300B)
- 18) If site disturbance is in excess of 1 acre, a soil and erosion control plan is required. The applicant shall submit the plan to NCDEQ Division of Energy, Mineral and Land Resources, located at 450 Hanes Mill Rd. Suite 300, Winston Salem, NC 27106.
- 19) Sidewalk construction if applicable (Section 322A)

Please note that specific uses may also be subject to supplemental regulations.

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 a Conditional Use Permit rests with the applicant.

No application for a Conditional Use Permit will be advertised for public hearing until the Planning and Zoning Department has received materials. If all required materials are not received prior to the specified deadlines, this will result in delays in the case being heard.

If any Conditional Use Permit is discontinued for a period of 180 days; or the permit is not initiated within 180 days; or replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the Conditional Use Permit shall be null and void and of no effect.

Applicant Signature



Printed Name of Authorized Signatory (if different from Applicant)

James Christopher Reid

Position/Relationship of Authorized Signatory to Applicant

Member

Owner Signature (if different than Applicant)

Owner Address

896 Shiptontown Rd

Lexington NC 27292

Telephone Number

(336)-250-0483

Printed Name of Authorized Signatory (if different from Owner)

James Christopher Reid

Position/Relationship of Authorized Signatory to Owner

Member

STAFF USE

Received by: JLE Date: 5-21-21 Case Number: TBD

CITY OF ASHEBORO
Application for Conditional Use Permit

BASIC INFORMATION

The granting of a Conditional Use Permit is a quasi-judicial process requiring sworn testimony. The testimony given should be directed at providing evidence that supports the application. Such evidence shall address the following four items. Failure to address these items will result in the delay or denial of your request.

- 1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- 2) That the use meets all required conditions and specifications.
- 3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
- 4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

The City Council shall make these general findings based upon substantial evidence contained in the proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans, and the like to support the application for a Conditional Use Permit.

I have read and received a copy of the above information regarding the testimony and the evidence required at the public hearing for the Conditional Use Permit for which I have made an application. I understand my responsibilities in this matter. I have also received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.

Applicant _____

Date _____

Received by staff: 5-21-21-AM-TLE

SUBDIVISION STAFF REPORT
Sketch Design

CASE # SUB-21-01

Date 9-13-2021 Planning Board

GENERAL INFORMATION

Subdivision Name Cane Creek Townhomes
Requested Action Subdivision Sketch Design
Applicant Davidson Land Development LLC
Address 896 Shiptontown Rd., Lexington, NC 27292
Phone 336-250-0483
Location North side of East Allred Street

PARCEL INFORMATION

PIN 7762740259

Size 4.04 acres +/-

Number of Lots 16 + common area

Existing Zoning R10

Average Lot Size Pending

Existing Land Use Undeveloped

Surrounding Land Use

North Medium-Density Residential

East Medium-Density Residential

South Undeveloped Residential

West Medium-Density Residential

LAND DEVELOPMENT PLAN

Growth Strategy Map Primary Growth

Proposed Land Use Map Neighborhood Residential

Small Area Plan Map East

Identified Activity Center? No

Development Issues

1. The request is for a Residential Planned Unit Development with 16 townhome units.
2. A portion of the property is within a Special Hazard Flood Area. However, no units are proposed to be within this area.
3. The subdivision ordinance limits the use & length of dead end streets exceeding 500 feet unless topography or property configuration necessitates their use. The length of the proposed street is 457 linear feet, less than the street that was proposed on the previous plan.
4. One recreational area is shown along Pennwood Branch on the west side of the property.

SUBDIVISION STAFF REPORT
Sketch Design

DEPARTMENT COMMENTS

Engineering Plat corrections are pending as of 9-7-2021

Public Works Plat corrections are pending as of 9-7-2021

Planning

1. Plat corrections are pending as of 9-7-21
2. The method of mail delivery must be approved by the US Postal Service. The City of Asheboro has no jurisdiction over mail delivery. If Community mailbox is required by USPS, this shall be located outside public right-of-way unless approved by City.
3. Information from adjoining property (PIN 7762658282), which is not part of this subdivision, must be provided, that is sufficient to create sewer easement referenced in DB 2600, PG 813.

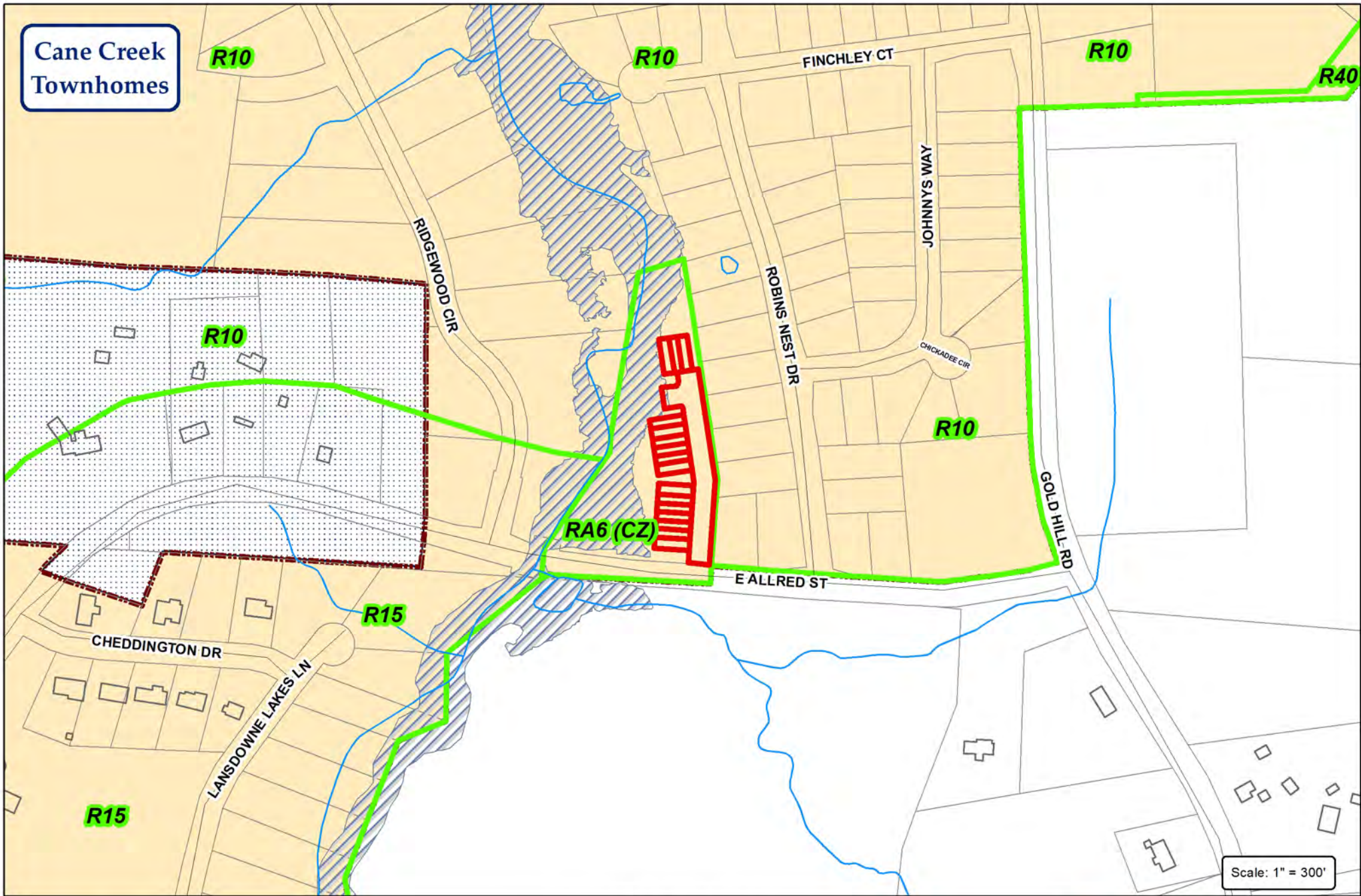
Other

1. Asheboro City Schools has reviewed the sketch design and indicated they had no comments.
2. The plat was routed to NCDOT, but no comments were received. Driveway permitting from NCDOT is required.

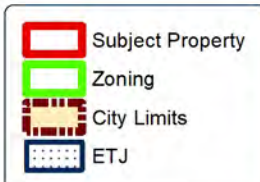
Staff Recommendation Staff's recommendation is pending.

**Planning Board
Recommendation**

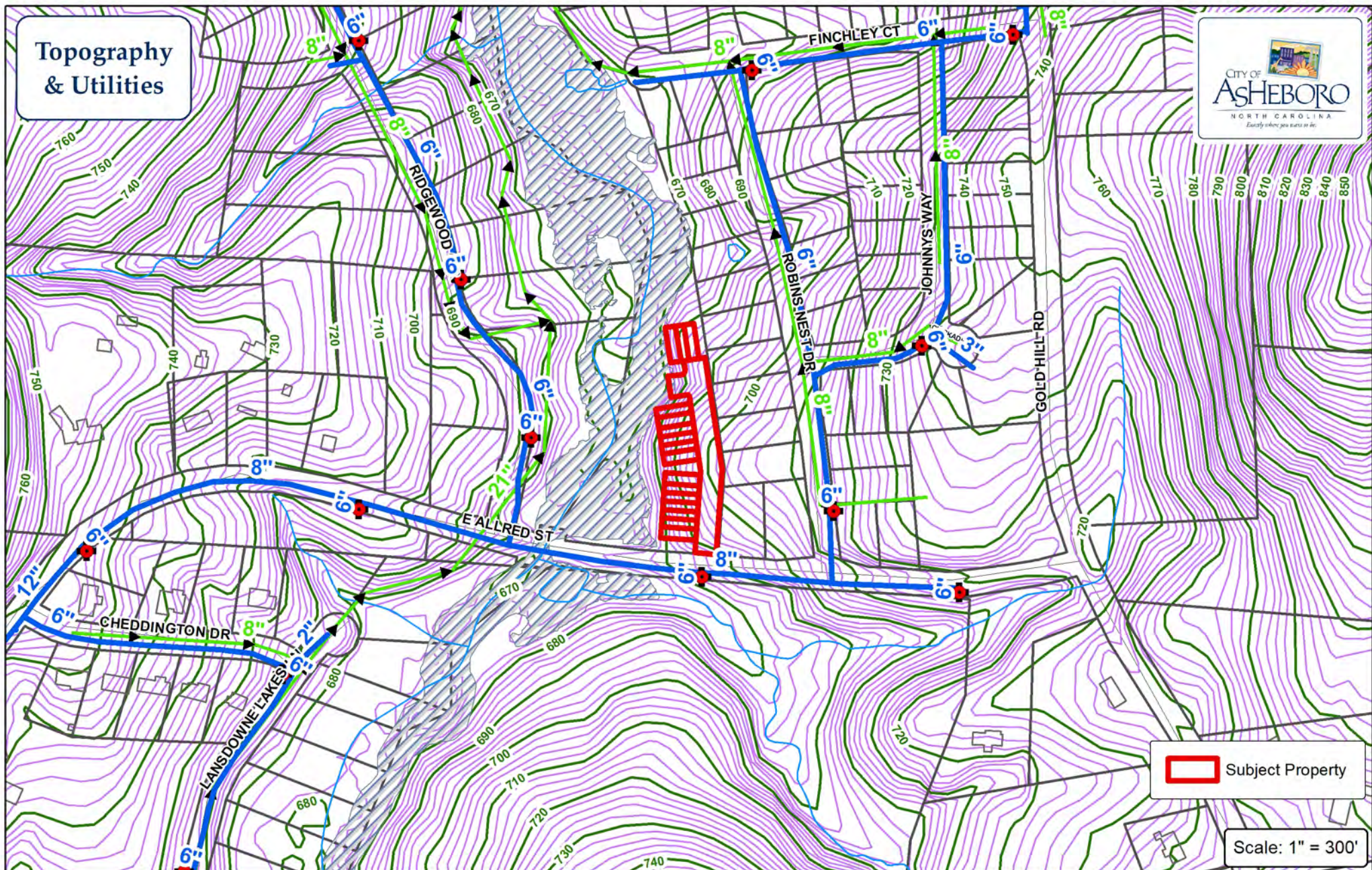
Cane Creek
Townhomes



City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-21-01
Parcel: 7762740259



Topography & Utilities



 Subject Property

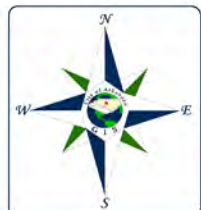
Scale: 1" = 300'

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

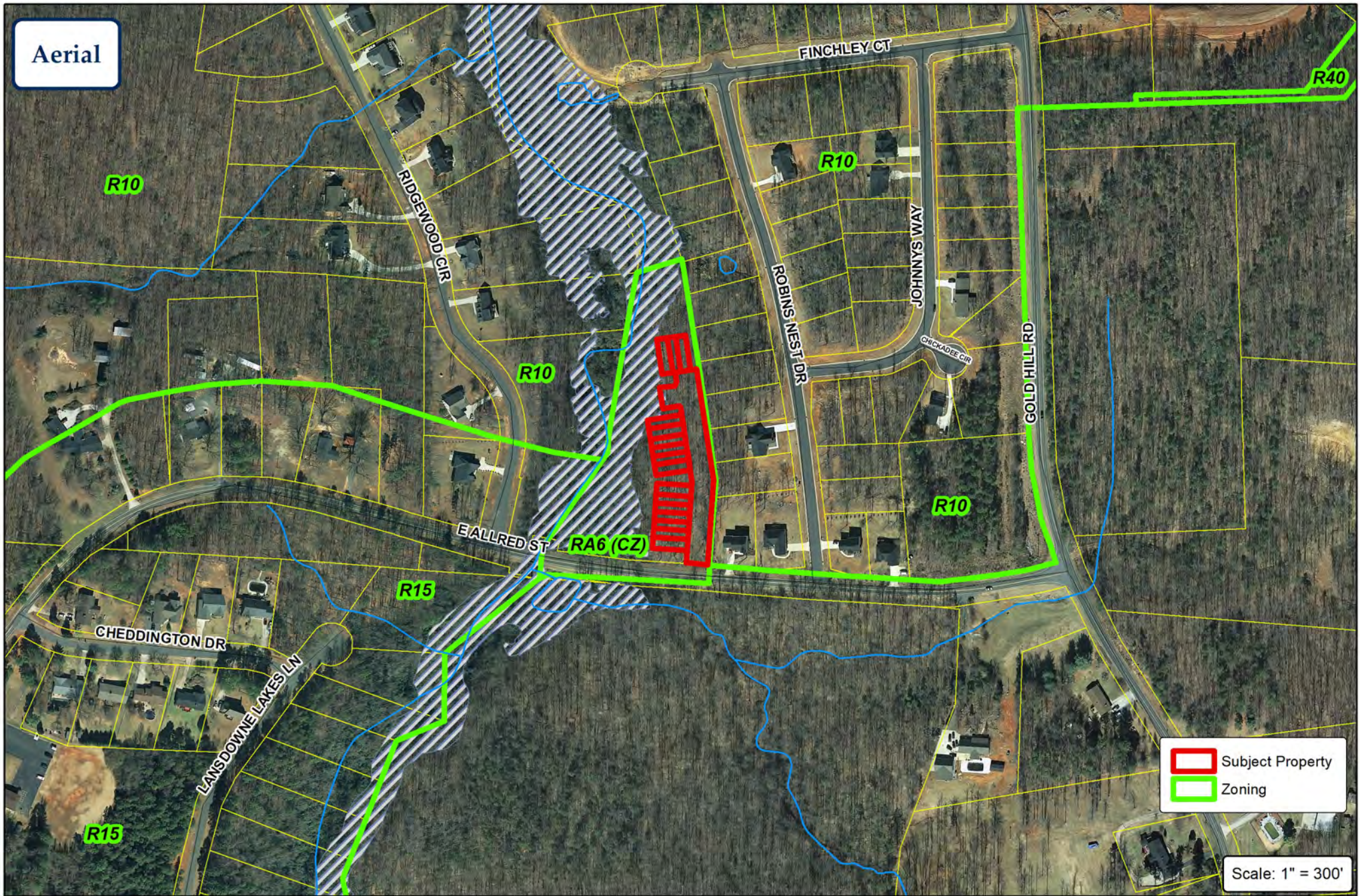
City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-21-01

Parcel: 7762740259



Aerial



City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-21-01
Parcel: 7762740259





RZ-21-12: Request to amend B2 (CZ) General Commercial (Conditional Zoning) to allow an accessory structure at an existing funeral parlor/crematorium located at 222 and 224 Brewer Street and identified by Randolph County Parcel Identification Numbers 7751949927, 7751956082, 77519570920, and 7751958081

Staff Report

Rezoning Staff Report

RZ Case # RZ-21-12

Date 9/13/2021 Planning Board

General Information

Applicant Charles C. Hodges, Jr.

Address 222 Brewer Street

City Asheboro NC 27203

Phone 336-460-0123

Location 222 and 224 Brewer Street

Requested Action Rezone from B2 General Commercial Conditional Zoning (CZ) to B2 General Commercial Conditional Zoning (CZ)

Existing Zone B2 (CZ)

Existing Land Use Crematorium (Funeral Parlor)

Size 1.11 acres +/-

Pin # 7751949927, 7751956082, 7751957092, and
7751958081

Applicant's Reasons as stated on application

Additional structure for crematory- Storage and warehousing.

Surrounding Land Use

North Single-family & Two family

East Health Practitioner office

South Undeveloped

West Funeral Parlor and Undeveloped

Zoning History Most recently, in 2013, the property was rezoned from OA6 and R7.5 to CU-B2, due to the addition of a crematorium as an accessory use, and to make the previously non conformaing funeral parlor a conforming use.

Legal Description

The property of Charles Chavis Hodges, Jr., located at 222 and 224 Brewer Street, totaling approximately 1.11 acres +/- and more specifically identified by Randolph County Parcel Identification Numbers 7751949927, 7751956082, 7751957092, and 7751958081.

Analysis

1. The property is inside the city limits.
2. Brewer Street is a city-maintained collector street.
3. The current use of the property is a funeral parlor, including a crematorium as an accessory use.
4. The existing conditional use permit allowed expansion of structures proposed at that time (623 square feet). The applicant proposed an additional 616 SF accessory building in 2019, leaving an addition of only 7 square feet that could be permitted by staff. Due to the size of the proposed structure (30' x 18', 540 SF), a new conditional zoning district request is filed.
5. The proposed structure is proposed to be used for storage only, with no cremation processes proposed.
6. The area is characterized by a mix of uses, including office, institutional, and residential uses. Medical and office uses have set a transitional pattern between the commercial uses located farther west and the residential uses located to the east.
7. In 2015, the Land Development Plan Proposed Land Use Map was updated to change the designation of this parcel from "Urban Residential" to "Office & Institutional."
8. The East Small Area Plan encourages neighborhood scale commercial uses in appropriate locations.
9. The attached site plan is a draft as of 9-8-2021. City staff is continuing to work with the applicant on more precisely labeling various items.

Rezoning Staff Report

RZ Case # RZ-21-12

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 Office & Institutional

Small Area Plan Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 1. Rezoning is consistent with Proposed Land Use Map.

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

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

Checklist Items 12-13: Location is outside of watershed areas and flood zone.

Rezoning Staff Report

RZ Case # RZ-21-12

Page 3

LDP Goals/Policies Which Do Not Support Request

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

Since the LDP proposed land use map was revised to proposed office & institutional activity in 2015, the request is more compatible with the Proposed Land Use map than when it was rezoned to B2 (CZ) in 2013. The property is used primarily for purposes (funeral parlor) that are consistent with the LDP's office & institutional designation.

Although the current zoning designation and the approved crematorium component of the existing use is more intensive than many office & institutional use, the sole purpose of the current request is to allow an accessory structure that would likely have no greater impact on adjoining properties than the existing use or a similar accessory structure permitted in any other zoning district.

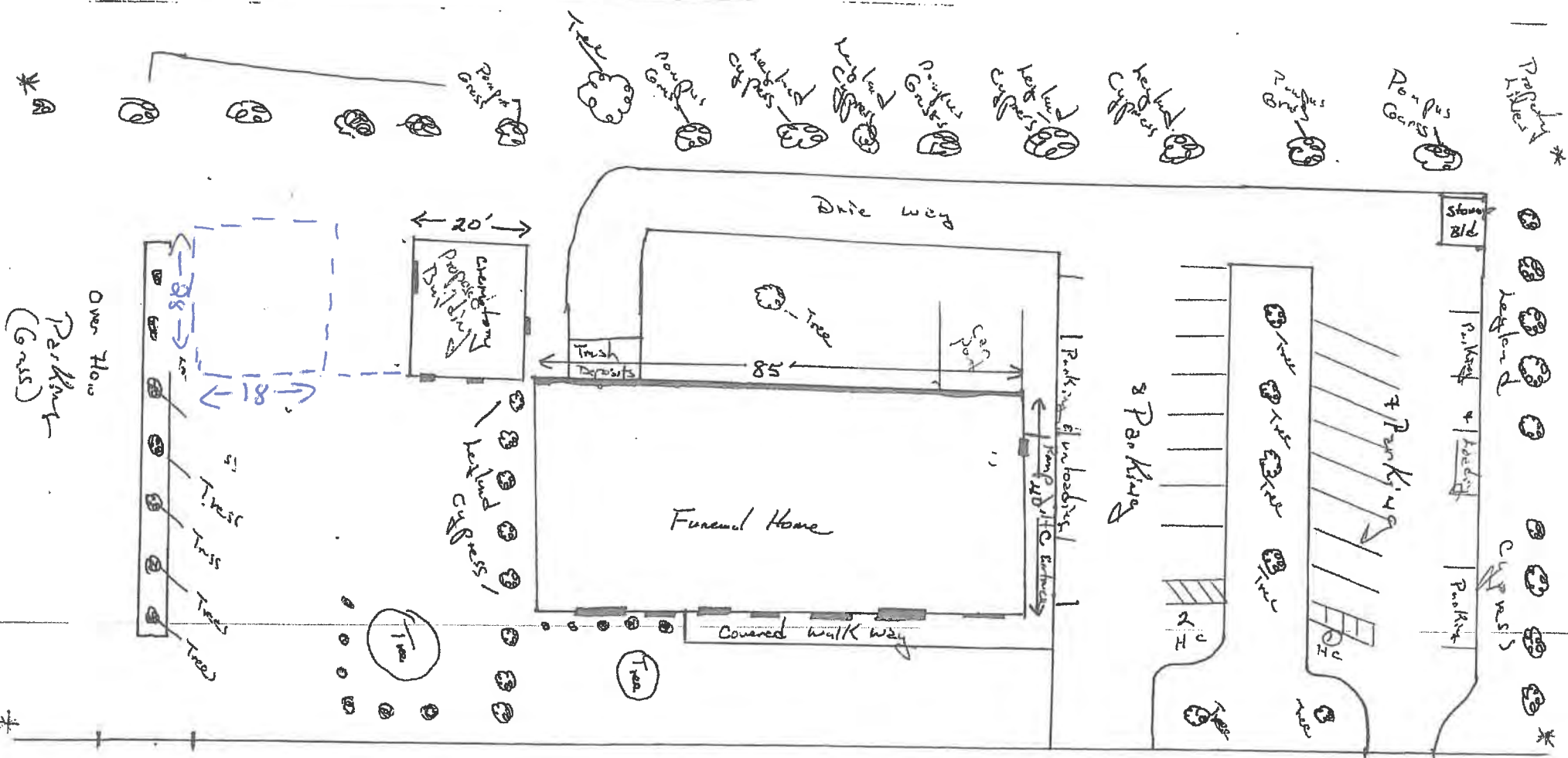
The request also complies with the intent of the East Small Area Plan to provide for appropriate neighborhood-scale commercial uses while the Conditional Zoning process can help ensure such development is compatible with surrounding land uses.

Recommendation In light of the above analysis, staff's recommendation is to approve the B2 (CZ) district request

Rezoning Staff Report

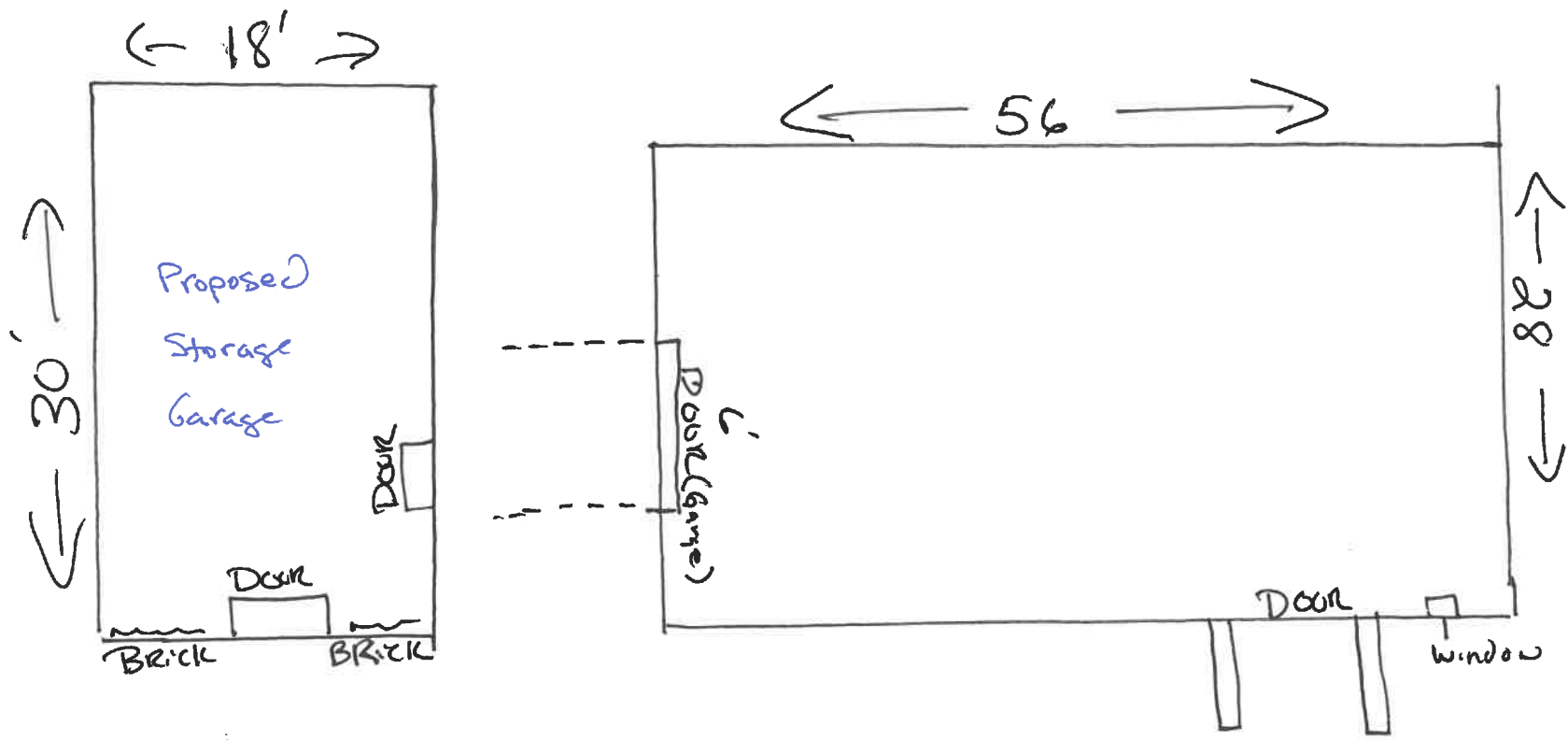
Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

- (A) The proposed accessory structure shall be limited to storage.
- (B) Consistent with Sections 2.03(D)(2), prior to the issuance of a Zoning Compliance Permit, the applicant shall submit information specifying the height of the proposed accessory structure, which shall in no case exceed the maximum height of 25 feet prescribed for Accessory Structures in Section 5.04 (31)(4).
- (C) A minimum of 5 feet shall be maintained between the proposed accessory structure and the western property boundary.
- (D) A Type "A" buffer or screen shall be maintained between the subject property and the adjoining property to the west as required by Section 6.06(D) of the Zoning Ordinance.
- (E) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning in the chain of title for the Zoning Lot.

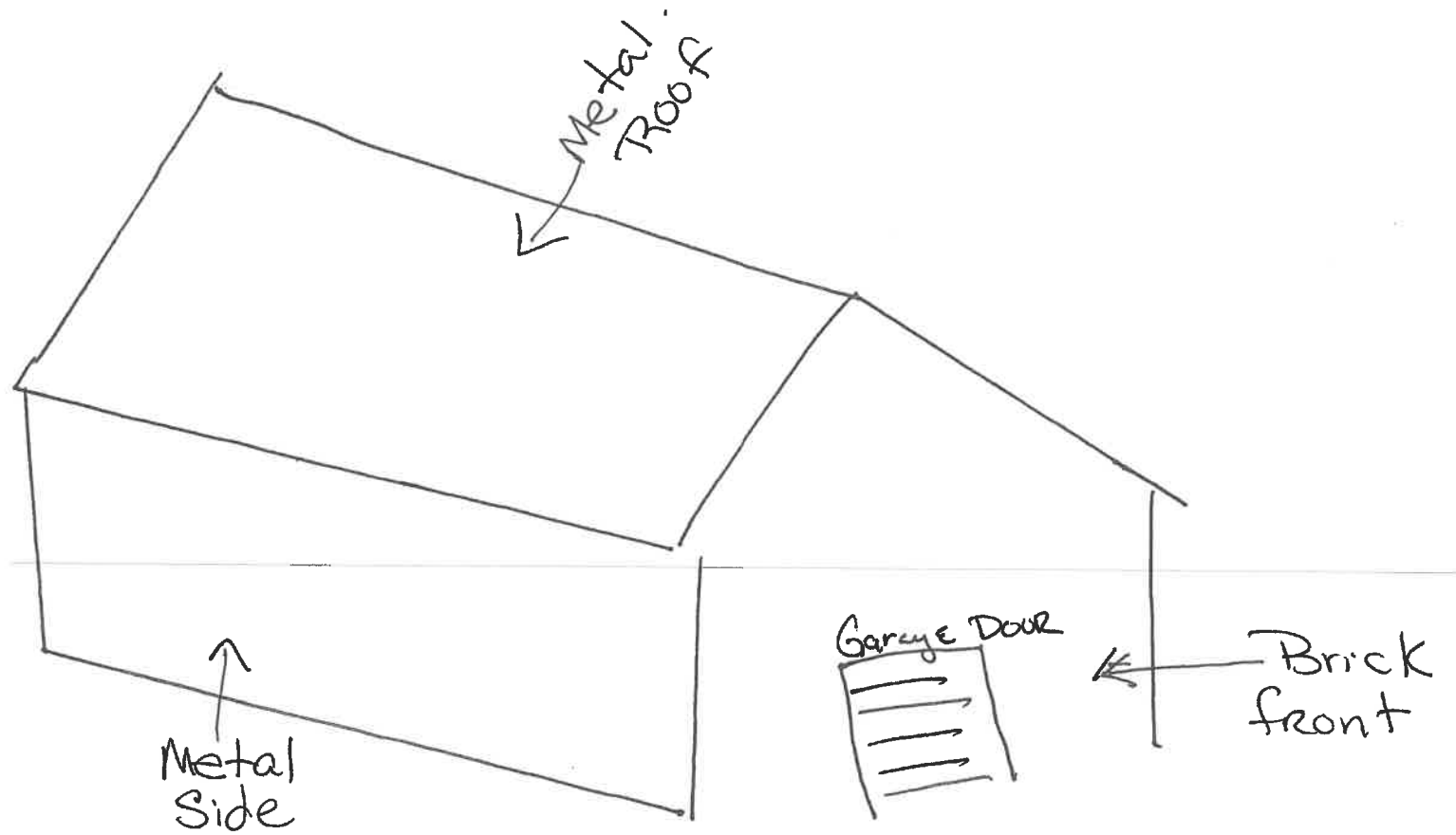


Brewer Street

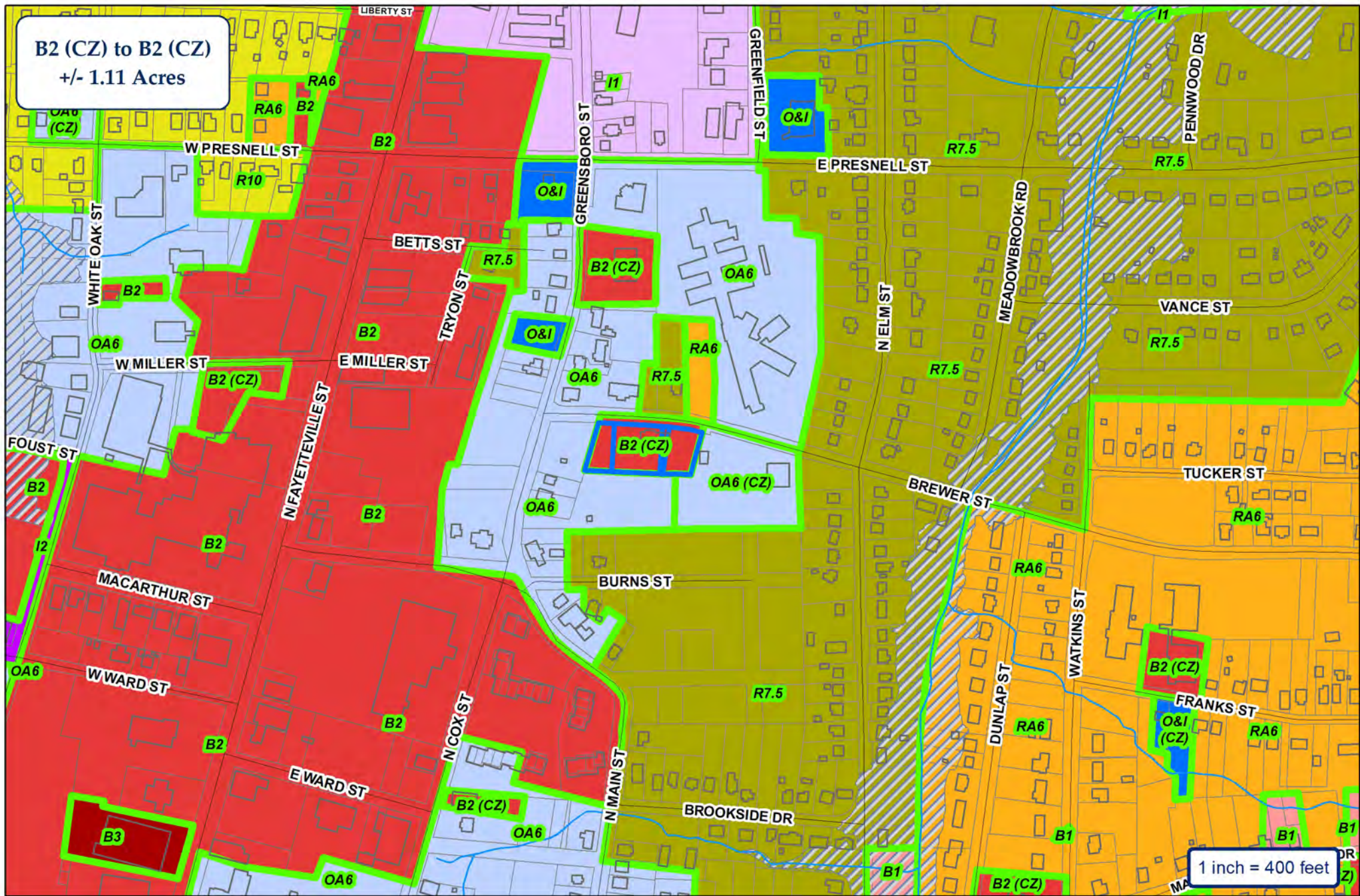
APPROVED w/ conditions (WP-13-04) 4-11-1084
 BY CITY COUNCIL
 DATE 4-4-13 (hearing); 5-9-13 (Adoption of Findings of Fact)



Brewer Street



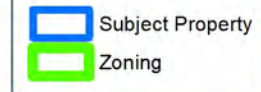
B2 (CZ) to B2 (CZ)
+/- 1.11 Acres



City of Asheboro Planning & Zoning Department

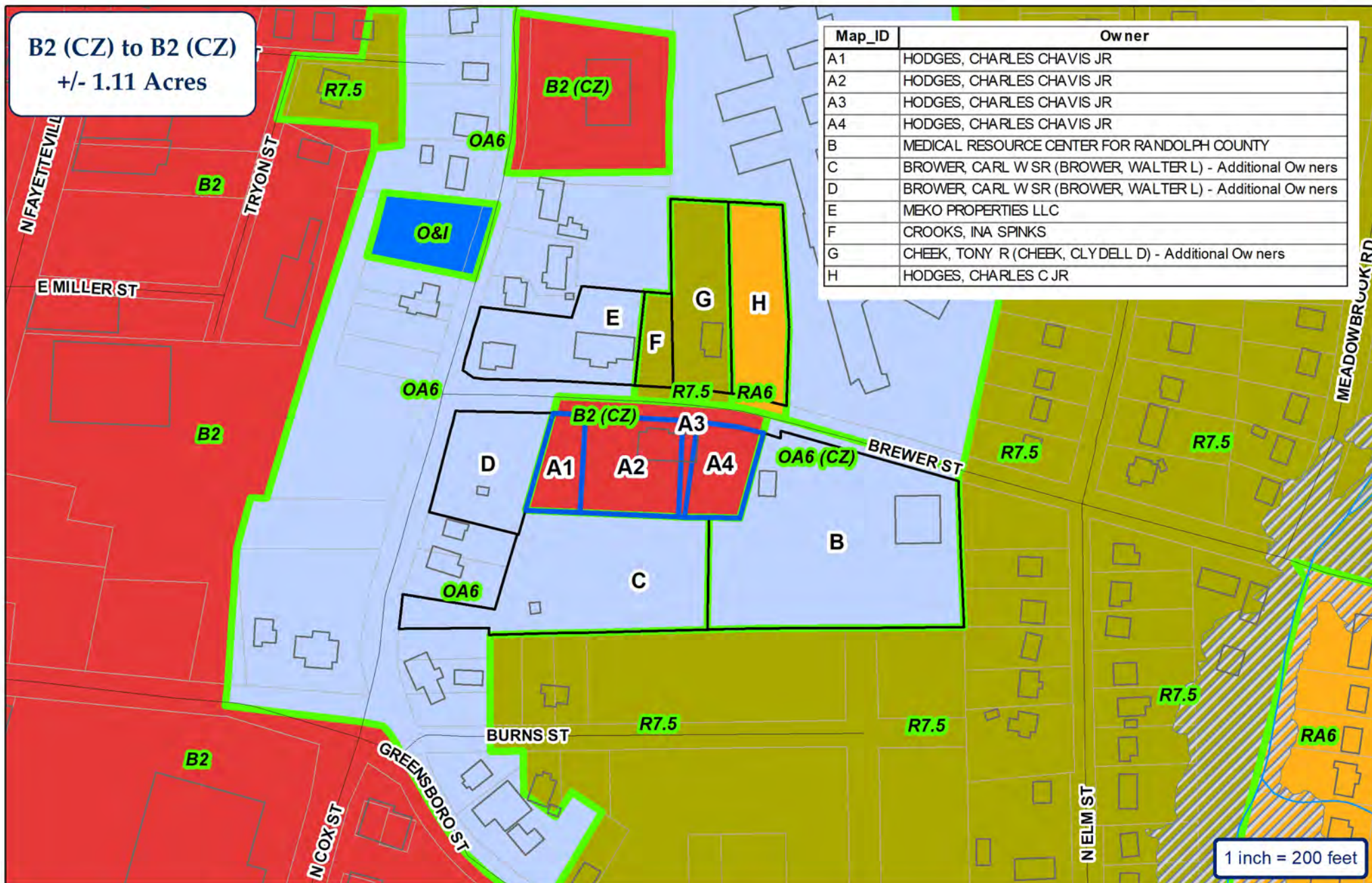
Rezoning Case: RZ-21-12

Parcel: 7751956082, 7751957092, 7751958081 & 7751949927



B2 (CZ) to B2 (CZ)
+/- 1.11 Acres

Map_ID	Owner
A1	HODGES, CHARLES CHAVIS JR
A2	HODGES, CHARLES CHAVIS JR
A3	HODGES, CHARLES CHAVIS JR
A4	HODGES, CHARLES CHAVIS JR
B	MEDICAL RESOURCE CENTER FOR RANDOLPH COUNTY
C	BROWER, CARL W SR (BROWER, WALTER L) - Additional Ow ners
D	BROWER, CARL W SR (BROWER, WALTER L) - Additional Ow ners
E	MEKO PROPERTIES LLC
F	CROOKS, INA SPINKS
G	CHEEK, TONY R (CHEEK, CLYDELL D) - Additional Ow ners
H	HODGES, CHARLES C JR



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-12

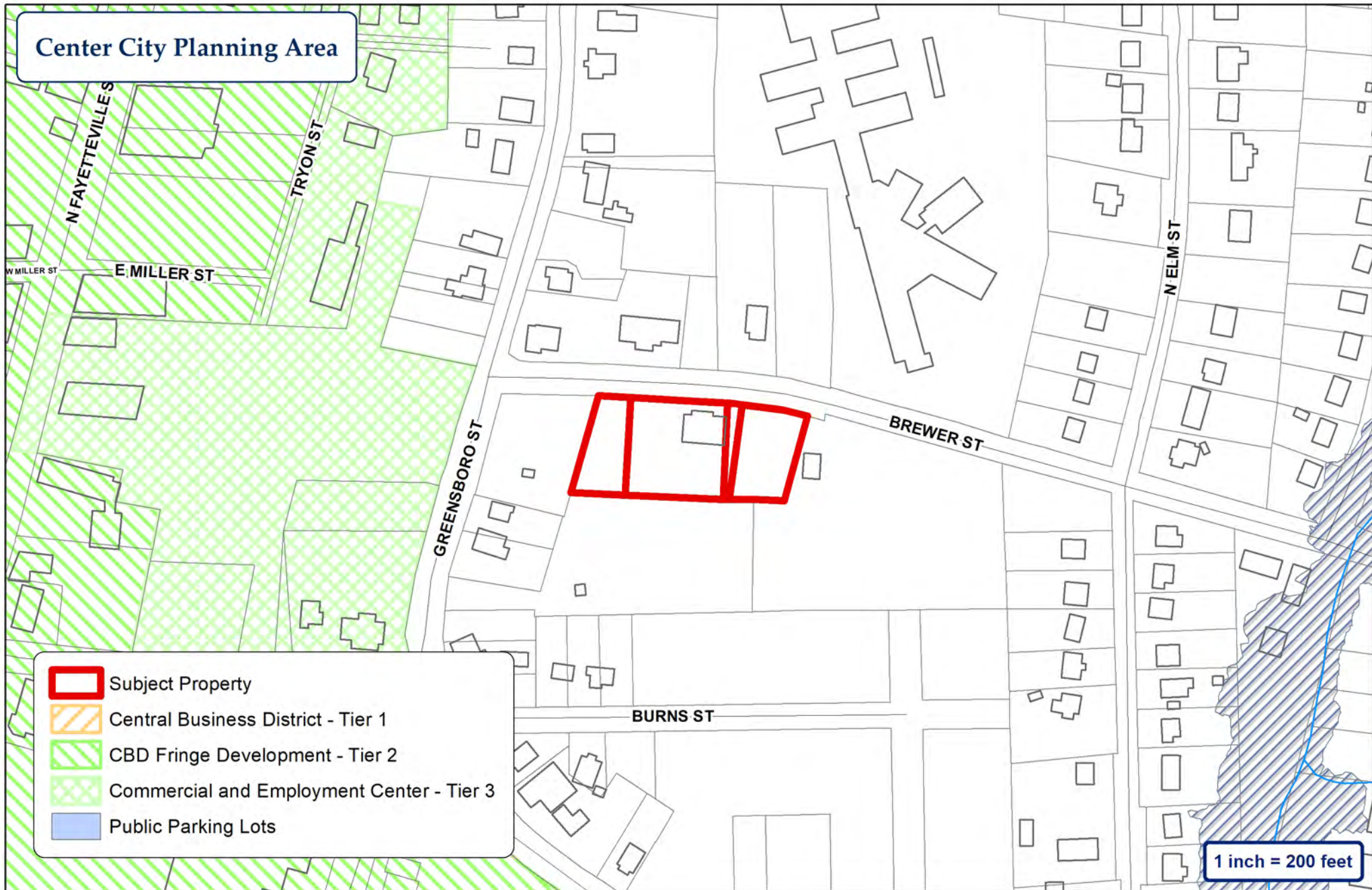
Parcel: 7751956082, 7751957092, 7751958081 & 7751949927



-  Subject Property
-  Adjoining Properties
-  Zoning



Center City Planning Area

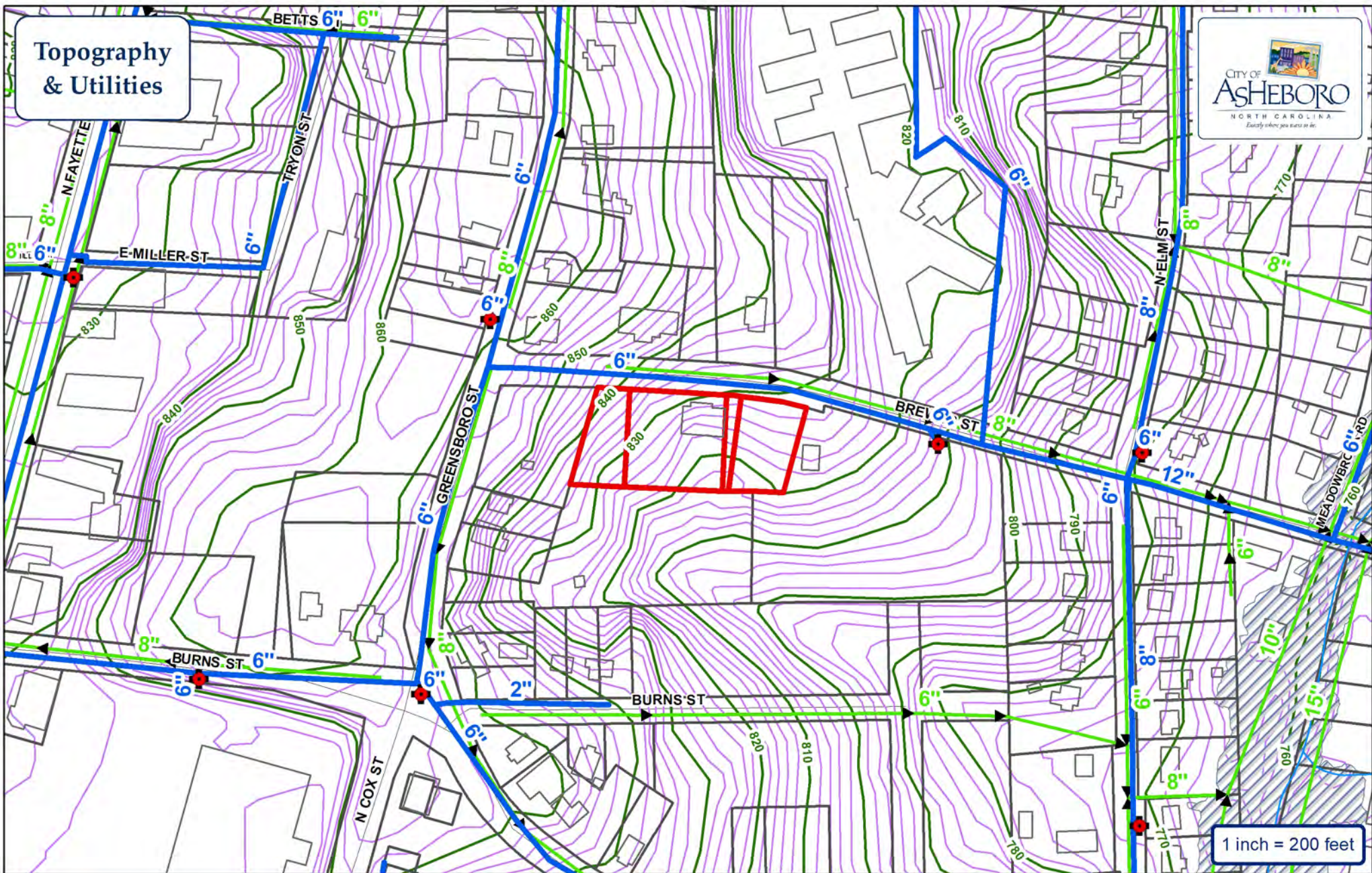


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-12

Parcel: 7751956082, 7751957092, 7751958081 & 7751949927





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

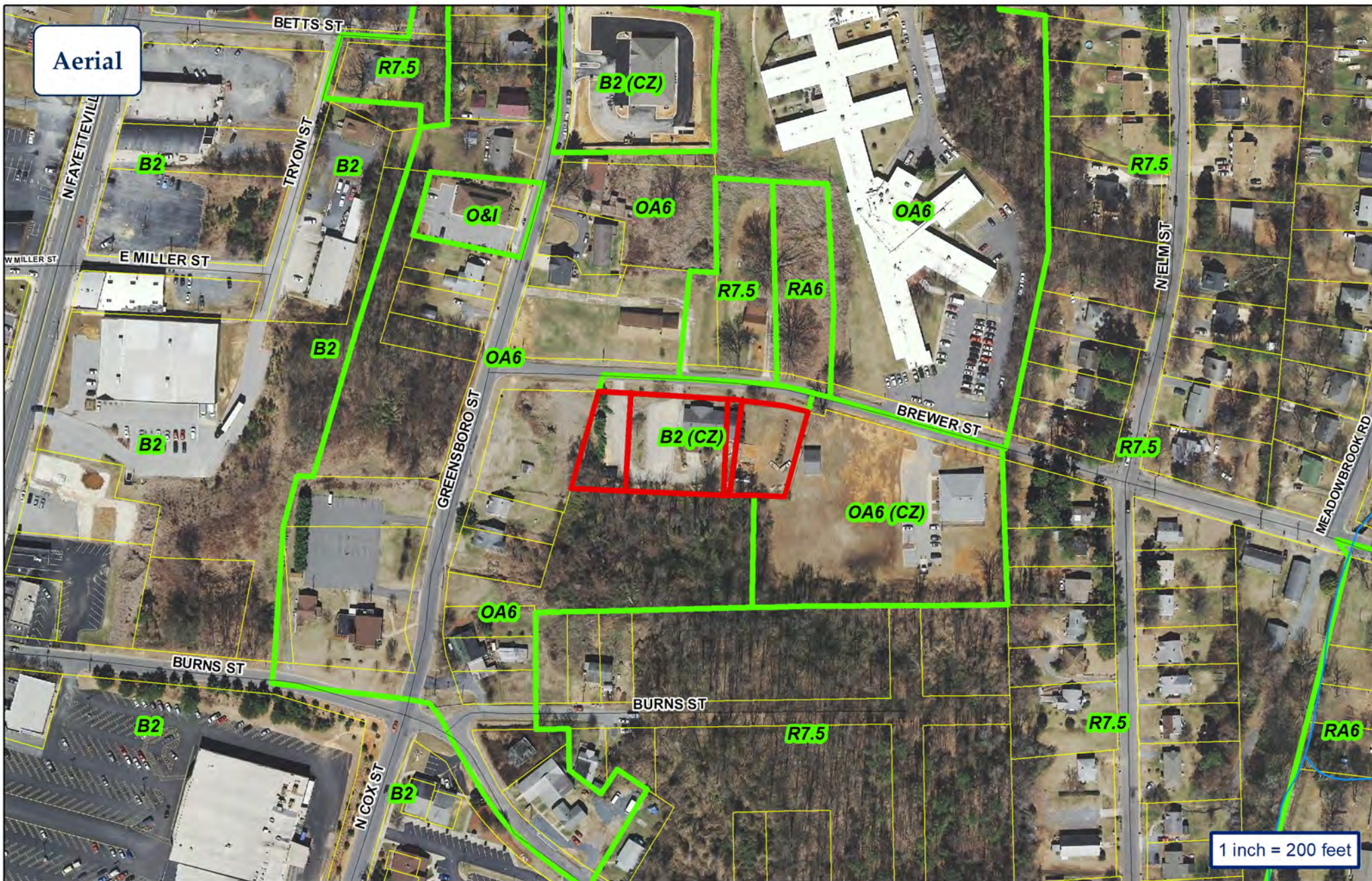
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-12

Parcel: 7751956082, 7751957092,
7751958081 & 7751949927

 Subject Property

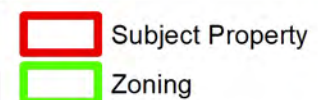




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-12

Parcel: 7751956082, 7751957092, 7751958081 & 7751949927





Application for Conditional Zoning District

APPLICATION FEE

A \$550 filing fee is required.

APPLICATION INSTRUCTIONS:

The conditional zoning process can be complex. A Conditional Zoning District involves a proposal for a specific use that is customized to a particular property. In order to ensure compliance with application requirements, the applicant is **required** to have a pre-application conference with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Please contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

1. A pre-application conference with staff is **required** prior to the application being accepted. At this conference, staff and the applicant will discuss the rezoning request, the unique aspects of conditional zoning, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plans, landscaping, and other development requirements. This meeting must occur no more than sixty (60) days prior to the application filing deadline.
2. A legal description/deed reference of such land.
3. Six (6) copies of a site plan drawn to scale to be submitted to the Planning Board. The Planning Board will review the proposal and forward a recommendation, including conditions for the zoning, to City Council. The month following the Planning Board meeting, City Council will review the proposed Conditional Zoning District application and site plan and may adopt, not adopt, or refer the application back to the Planning Board for review of any revisions made to the site plan subsequent to the initial submittal of the application materials.
4. Letter to be mailed by applicant notifying neighboring property owners of the request. Consistent with Section 160D-602(e) of the North Carolina General Statutes, the applicant shall notify neighboring property owners of the requested conditional zoning as well as the location, time, and date on which the Planning Board will hold a legislative hearing on the request. This notice must be in the form of a mailed notice provided in compliance with the guidance found in Section 160D-602(a) of the North Carolina General Statutes. During the legislative hearing, the applicant shall report to the Planning Board on the delivery of the required notice and any communication with neighboring property owners and residents concerning the requested conditional zoning.

APPLICATION DEADLINES AND MEETING DATES

The deadline for filing of applications for legislative hearings will be the day which is 55 days prior to the date of the City Council meeting for which the public hearing is to be set, provided that the deadline is no less than 17 days prior to the Planning Board's required legislative hearing; in these instances, the deadline will be 62 days prior to the date of the City Council meeting for which the public hearing is to be set.

If five (5) applications have been received prior to the cut-off date, the request will be heard the following month.

<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 16, 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
*November, 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.**

ITEMS TO BE SHOWN ON THE SITE PLAN:

The application for a Conditional Zoning District shall include a site plan, which must be drawn to scale, with supporting information and text that specifies the actual use or uses intended for the Zoning Lot and any rules, regulations, and conditions that, in addition to all predetermined Ordinance requirements, will govern the development and use of the Zoning Lot. The following information must be provided, if applicable:

- 1) The actual shape, location, dimensions, and total acreage of the Zoning Lot; its zoning classification; the general location of the Zoning Lot in relation to major streets, railroads, and/or waterways; a north arrow; and, if the Zoning Lot is not of record, sufficient data to locate the lot on the ground;
- 2) All existing rights-of-way, easements, and reservations;
- 3) In addition to providing the shape, size, and location of any structure(s) already located on the Zoning Lot, the site plan must show the shape, size, and location of all structures to be erected, altered, or moved on the Zoning Lot;
- 4) Building elevations of all exterior facades at a minimum scale of 1/8" = 1';

- 5) The existing and intended use(s) of the Zoning Lot, specifically including the number of residential units and the total square footage of any nonresidential development;
- 6) The location and size of all yards, buffers, screening, and landscaping, including by way of illustration and not limitation front yard and parking lot landscaping, required by the Ordinance's predetermined standards for the general zoning classification applicable to the Zoning Lot or as otherwise proposed by the applicant;
- 7) All existing and proposed points of access to public streets;
- 8) Proposed phasing, if any;
- 9) The location and type of screening used to screen mechanical equipment;
- 10) The location, access to, and screening of a central solid waste area;
- 11) Traffic, parking, and circulation plans, specifically including the location and dimensions of off-street parking areas and loading spaces;
- 12) The grade separation of structure(s) and parking areas;
- 13) The paving material for parking areas;
- 14) Curb cuts;
- 15) The compliance of the proposed development with the Ordinance's predetermined sign regulations;
- 16) The level of compliance of the land use(s) proposed for the Zoning Lot with the Ordinance's predetermined performance standards for the general zoning classification assigned to the Zoning Lot, including by way of illustration and not limitation performance standards pertaining to light, noise, and vibration;
- 17) If applicable, the location of any flood zones;
- 18) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
- 19) If applicable, the location of the watershed;
- 20) When required by the Ordinance's predetermined specifications, sidewalks; and
- 21) Information addressing the applicable permitting requirements of other local governmental agencies as well as federal and state agencies, including by way of illustration and not limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

APPLICANT INFORMATION

Applicant Charles C. Hodges Jr. Applicant's Phone # 336-460-0123

Applicant's Address 224 Brewer Street
Asheboro, NC 27204

Applicant email address CremationbySimplicity@gmail.com

PROPERTY INFORMATION

Property Owner's Name ^{JE} Charles C. Hodges Jr. ^{94-JE}
Location of Property 224 Brewer St Property Size (ac. or s.f.) 3.1 ac ^{L11 -JE}
Randolph County Property Identification Number (PIN#) 77519927 ^{7751956082, 775197092, 7-12}
Current Zoning District B2(CZ) Requested Zoning District Amended B2(CZ)
Date Property Title Acquired _____ Deed Book 12 E Page 598
Subdivision JE Brewer Section N/A Lot # 12 part 11
Plat Book 4 Page 81

CONDITIONAL ZONING DISTRICT INFORMATION (Attach additional sheets if necessary)

1. Application is hereby made to the City of Asheboro for a Conditional Zoning District for the following purpose:

Additional structure for Crematory - Storage
and warehousing.

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

Additional space for operation of Crematory

For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

3. 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.

Does not apply ☒

4. 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?

Does not apply ☒

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

Crematory is Already on site

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 a Conditional Zoning District rests with the applicant.

No application for a Conditional Zoning District will be advertised for public hearing until the Planning and Zoning Department has received all required materials. If all required materials are not received prior to the specified deadlines, hearings for the case may be delayed.

Per Section 4.05 of the zoning ordinance, it is intended that property will be reclassified to a Conditional Zoning District only in the event of firm plans to develop the property. Accordingly, subject to any specific durational limits imposed by the ordinance applying conditional zoning to the Zoning Lot, if no action has been taken to obtain a Zoning Compliance Permit in conformance with the conditional zoning ordinance within 36 months of the City Council's approval of conditional zoning for the Zoning Lot, the Community Development Director or his or her designee shall initiate appropriate action to rezone the Zoning Lot to a general zoning classification that is consistent with the adopted comprehensive plan.

Applicant Signature



Printed Name of Authorized Signatory (if different from Applicant)

Charles C. Hodges Jr

Position/Relationship of Authorized Signatory to Applicant

Owner

Owner Signature (if different than Applicant)

Owner Address

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE		
Received by: <u>TW</u>	Date: <u>8/13/21</u>	Case Number: <u>TBD</u>

**CITY OF ASHEBORO
NOTICE OF CONDITIONAL ZONING DISTRICT HEARING**

This is to notify you that I (we) Charles C Hodges Jr have filed an application with the City of Asheboro for a Conditional Zoning District for the property located at 224 Brewer Street for the purpose of Additional operating space of Crematory

On Monday, _____, 2021, at 7:00 PM, the Planning Board will review the Conditional Zoning District request and forward its recommendation to City Council. As part of this process, you and others will have an opportunity to speak concerning the request and offer input.

On Thursday, _____, 2021, at 7:00 pm the City Council will hold a public hearing on the Conditional Zoning District request. As part of this process, you and others again will have an opportunity to speak concerning the request and offer input.

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 hearing and reviewing the report of the Planning and Zoning Department and recommendation of the Planning Board, will take action on the application. Such action may include approval of the request, referral back to the Planning Board, 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. In addition, you may contact me (or my representative) _____ at _____.