



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, April 3, 2023
7:00 PM
AGENDA**

- I. Call to Order
- II. Approval of Minutes from March 6, 2023.
- III. Review of Cases and Monthly Report on Major Subdivisions Administratively Approved.
- IV. New Business
 - (a) Election of Board Officers (Chair, Vice-Chair, and Secretary)
 - (b) Training session concerning information obtained from UNC School of Government
- V. Items not on the agenda
- VI. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, MARCH 6, 2023
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:

Michael O'Kelley) – Chair
Pamela Vuncannon) – Vice Chair

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

Van Rich) – Members Absent

John Evans, Assistant Community Development Division Director
Bradley Morton, Planner/Deputy City Clerk

CALL TO ORDER

Mr. O'Kelley called the Asheboro Planning Board to order.

APPROVAL OF MINUTES FROM FEBRUARY 6, 2023

Mr. Morton stated that the audio file is serving as the minutes for the February 6, 2023 Planning Board meeting. He stated that the audio file has been properly published to the City website. Mr. O'Kelley acknowledged this and inquired if the board had any comments or concerns. Mr. O'Kelley, hearing no comments or concerns, stated that the audio file serving as the minutes for February 6, 2023 is approved as presented.

REVIEW OF CASES AND MONTHLY REPORT ON MAJOR SUBDIVISIONS ADMINISTRATIVELY APPROVED

Mr. Evans went over the land use cases that City Council heard at their February Regular Meeting. He stated that there were no Major Subdivisions that had been approved by staff since the last Planning Board meeting.

NEW BUSINESS

- A) RZ-23-03: REQUEST TO REZONE PROPERTY LOCATED ON US HWY. 64 EAST BETWEEN 2307 US HWY. 64 EAST AND 2333 US HWY. 64 EAST (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7771152373) FROM R40 LOW-DENSITY RESIDENTIAL TO B2 GENERAL COMMERCIAL**

Mr. Evans gave a visual presentation on the above referenced new business agenda item. He gave an overview of the case:

Applicant: Phillip M. Ragsdale

Location: US Hwy. 64 East (between 2307 & 2333 US Hwy. 64 East)

Request: Rezone from R40 Low-Density Residential to
B2 General Commercial

Randolph County Parcel ID: 7771152373

Size: 1.41 acres +/-

Existing Land Use: Undeveloped

He then provided overview, rezoning, topographic/utilities, aerial, and oblique maps as well as photos of the subject property from all directions. He then gave the rezoning analysis:

1. The property is located outside the city limits but in the city's zoning jurisdiction. Public water is available to the property; public sewer is approx. 4300 feet west of the subject property.
2. US Hwy. 64 East is classified as a state-maintained boulevard, which is considered a category of major thoroughfare. The intersection with the US 64 Bypass is approximately 1/2 mile to the east.
3. The zoning ordinance describes the requested B2 General Zoning district as "intended 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 minor thoroughfares or higher classification streets, but never local residential streets. "
4. The request is for a general zoning district. No specific use or site plan is reviewed with this application. If the request is approved, all uses permitted by-right in the B2 district will be allowed.
5. The Land Development Plan Proposed Land use map designates the property as an employment center. The LDP states the intent of this designation is "to integrate a mixture of commercial, office & institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities & open space."
6. This property is designated as part of an "Economic Development area by the growth strategy map." It also states that "areas with prime access to a major thoroughfare and/or highway interchange, with high potential for economic development expansion, but in need of public infrastructure investment. "
7. Along with other zoning requirements (including but not limited to paving of required parking, landscaping, etc.), new commercial construction requiring a Building Permit and located on a street with curb and gutter generally requires the owner or developer to construct a sidewalk along the property's public street frontage.

He showed the proposed land use map, noting that the property is in the employment center designation. He then provided the Land Development Plan (LDP) Recommendations:

Proposed Land Use Map:

Employment Center

Small Area Plan: East

Growth Strategy Map: Economic Development

Goals/Policies Supporting Request (6):

- Checklist Item 1: Complies with LDP Proposed Land Use Map
- Checklist Items 3: Fits description of zoning ordinance for district
- Checklist Item 5: The proposed rezoning is compliant with the Growth Strategy Map.
- Checklist Item 7: Compatible with Small Area Plan
- Checklist Items 12-13: Outside of watershed and flood areas

Goals/Policies Not Supporting Request (2):

- Policy 2.1.5: Transitional use between high-intensity commercial/industrial and low intensity residential uses.
- Checklist Item 14: Slopes of greater than 20% on property

He then provided staff's consistency statement:

Approval of this request would continue the US 64 corridor's transition from rural residential land uses to future non-residential development as envisioned by the Land Development Plan. The area continues to be prepped for development that would align with the plan's Employment Center and Economic Development recommendations, a trend that has been occurring for more than 20 years and is reinforced by the area's proximity to the US 64 bypass interchange. The East Small Area plan further supports expansion of commercial uses within this highway corridor.

While there still are residentially zoned properties and uses interspersed in the vicinity, the area of commercial and industrial zoning continues to expand. The dwelling to the east and the home across the highway to the south are both considered legal non-conforming uses as a result of prior rezoning requests by property owners.

One factor limiting economic development within the area in the short-term is the lack of public sewer. The city continues to evaluate options that may be available to bring city-maintained sewer to the area but there is no active utility extension project that has begun at this time.

Considering these factors, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

He then stated that staff recommends approval of Case No. RZ-23-03. He asked the board if there were any questions for him. There were no questions for Mr. Evans at this time.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. HR Gallimore, the applicant's representative, spoke in favor of the request. He mentioned examples of development along US Hwy. 64 East that were commercial in nature and also about residential properties. He stated that the proper site work during the development permitting process will address any topography concerns. He stated that notices were mailed to all adjoining properties within the prescribed legal timeframes. He asked the board if there were any questions for him. There were no questions for Mr. Gallimore at this time. Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. There was no one present to speak in opposition.

Ms. Vuncannon moved to recommend approval of Case No. RZ-23-03. Mr. Anderson seconded the motion and the motion carried unanimously.

B) PRESENTATION OF RECENT STATEWIDE LEGISLATION AND GENERAL INFORMATION RELATED TO DEVELOPMENT PROCESSES

Mr. Evans gave a visual presentation related to the above referenced agenda item. He provided a Planning and Zoning law bulletin from the UNC School of Government that included several items, including the following that he highlighted:

Fire Access Roads into residential developments (SL 2022-11)

1. The state building code will not require more than one fire access road for developments of one- or two-family dwellings with fewer than 100 dwelling units.

Staff Comment: There may be circumstances in which this is recommended to comply with the Land Development Plan related to having interconnectivity and can be proposed as a suggested condition under conditional zoning.

2. Parking spaces may not be required to be larger than 9' wide and 20' long unless it is designated for handicap, parallel, or diagonal parking. (SL 2022-11)

Staff Comment: The parking definition specified in the current zoning ordinance is 9' wide and 18' long so this statute is being met. This legislation would prevent a developer from proposing a larger

parking space voluntarily if other zoning provisions (such as impervious coverage limits when applicable) can be met.

3. Subdivision appeals process (SL 2022-62)

Administrative staff decision (now including review of major subdivisions). He showed the board a diagram that reflected the types of decisions and which board would hear cases. He also showed within the diagram that if appealed, decisions can potentially go to Superior Courts.

He gave the board an update on flood maps. He stated that new flood maps are in development from FEMA, showing which properties are designated as being in flood areas. Current flood maps were adopted in 2008.

These are tentatively anticipated to be finalized later this year. Based on flood insurance risk data, some properties may be newly designated within flood zones, some properties may be removed from flood zone, and many will remain as-is. He showed an illustration that highlights certain types of flood designations, including no flood zone, 500 year flood, 100 year flood, and floodway. He explained the flood risk involved in each of these flood designations. He explained that most properties have no flood designation. Less relative risk this does not mean zero flood risk. He stated that according to National Flood Insurance approximately 40% of National Flood Insurance claims occur outside mapped flood areas. He explained that in the 500 year flood designation, there is more flood risk than in areas not mapped as being inside of flood areas but no additional development restrictions apply. He stated that in the 100 year flood designation, land use restrictions begin. Applicants must have a surveyor show that structures are outside of flood zone or have surveyor/engineer provide elevation certificates before construction, during construction, and after construction to certify that lowest floor elevation is above base flood elevation. He then explained that floodway regulations generally discourage construction. He stated that the floodway has the most stringent regulations. He stated that a no-rise certification is required if floodway impacts proposed development.

Mr. O'Kelley inquired if residents would be getting notification if they have never been in a flood zone and are now coming into a flood zone. Mr. Evans stated that staff is working with the state to assist with this and the state is working through the details on how notification will be provided. Ms. Vuncannon inquired on how many properties would be coming into the flood zones with the update of the flood maps compared to those that would be coming out of the flood zones with the update. Mr. Evans stated that more would likely be coming into the flood zone than those going out, however, there shouldn't be very many changes overall based on information shared with the city.

He gave the board an update on development agreements. He provided the following information:

- Contracts between a developer and local government(s) that vest rights "to develop a specific project for an extended period subject to the terms and conditions specified in the agreement." Similar to conditional zoning, development agreements can modify pre-prescribed zoning provisions, but cannot exempt property owner from following police power regulations such as building/fire code regulation.
- State law has authorized such agreements since 2006 (NCGS Chapter 160D, Article X), but they are not required from either the local government or developer.
- Typically involve larger scale projects that may be phased over many years (up to 20) that creates community impacts beyond a typical development. Public may participate.
- Requires extensive level of detail including types of land uses, population density, building types, intensity of uses, placement of buildings on the site, and design.

Examples of how a development agreement may benefit both public and developer:

Public

- Allow flexibility for large & complex projects that have significant infrastructure needs in terms of cooperatively working with developer to construct necessary public improvements

Examples:

- Designate property for public use (parks, emergency response facilities, water/sewer) that otherwise wouldn't be included in project.
- Make road or pedestrian improvements related to the development that may not otherwise be included.
- Design water and sewer utilities in a way that maximizes public benefit for future development in area

Examples of how a development agreement may benefit both public and developer:

Developer

- Greater predictability by being vested for longer period of time to avoid ordinance changing while project is being phased.
- Developer is able to offer commitments beyond traditional zoning & land use considerations

He provided a visual of an example of a development agreement in Locust, NC. He stated that there were specific architectural design requirements for single-family dwelling within the development, agreed upon by both the developer and municipality that could not be enforced through typical zoning requirements. He also mentioned that the development agreement mandated that the developer install a playground and dog park or pocket park for the community. He then stated that the word "community" in that agreement appeared to mean only the development, but it may be possible for a development agreement to include provisions for a recreation area(s) or other amenity that is open to the public.

He then asked the board if there were any questions. There were no questions at this time for Mr. Evans.

ITEMS NOT ON THE AGENDA

There were no items at this time.

ADJOURNMENT

With no further business to come before the board, Mr. O'Kelley adjourned the meeting.

Bradley Morton, Planning Board Secretary

Michael O'Kelley, Planning Board Chair