Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Tuesday, September 3, 2024
7:00 PM
AGENDA

I. Call to Order

II. Approval of Minutes August 5, 2024

III. Review of Cases, Monthly Report on Major Subdivisions Administratively Approved, and acknowledgement of Certificate of Service for BOA Case No. 24-05. *There have been no new subdivisions approved since the August 5, 2024 Planning Board meeting.*

IV. Old Business

(a) Planning Board Functioning as Board of Adjustment: BOA-24-04: Request for variances from Table 4-1 and Section 3.02(D) of the Asheboro Zoning Ordinance which regulates required yards (setbacks) and front yard averaging for property located at 1001 Parkview St. (Randolph County PIN# 7761313052). *Case was continued at July and August Board meetings.*

(b) RZ-24-12: Request to rezone property located at 841 Cross Street (and on the east side of Cross Street) identified by Randolph County Parcel Identification Number 7761350714) to an amended B2 (CZ) General Commercial Conditional Zoning district for an eating establishment. *Case was continued at August Board meeting.*

(c) RZ-24-16: Request to rezone property located at 801 and 817 Sunset Avenue (Randolph County Parcel Identification Number 7751426889 from OA6 Office-Apartment and M (CZ) Mercantile Conditional Zoning to OA6 (CZ) Office-Apartment Conditional Zoning for a Residential Development with Multiple Family Structure(s). *Case was continued at August Board meeting.*

V. New Business

(a) RZ-24-13: Request to apply initial city zoning on property recently annexed into the City of Asheboro related to the NC Zoological Park and NC Zoological Society properties located at 2653, 2663, 2703, 2723, 2755, and 3733 Old Cox Road, 4297, 4401, 4403, and 4405 Zoo Parkway, 1745 Panther Creek Road, Ross Harris Road, Old NC Hwy. 13, and Fairview Farm Road, as shown in Plat Book 187, Page 17. *Case was deferred by applicant from the August agenda to the September agenda due to the number of applications filed.*

(b) RZ-24-17: Request to rezone property located at 223 Brewer Street (Randolph County Parcel Identification Number 7751957267) from OA6 Office-Apartment to R7.5 Medium-Density Residential rezoning

(c) RZ-24-18: Request to rezone property located at the western terminus of Ferrari Drive, northwest of Old Humble Mill Road (Randolph County Parcel Identification Number 7679350119) from R40 Low-Density zoning to R40 (CZ) Low-Density Conditional Zoning for a manufactured home park

(d) Planning Board Functioning as Board of Adjustment: BOA-24-06: Request for variance from Section 3.02(D) of the Asheboro Zoning Ordinance which regulates front yard averaging for property located at the eastern intersection of East Central Ave. and Greenwood Rd. (Randolph County PIN # 7762393222).

VI. Items not on the agenda

VII. Adjournment

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MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, AUGUST 5, 2024
7:00 p.m.

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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)
David Henderson) - Members Present
Van Rich)
Thomas Rush)

John Evans, Assistant Community Development Division Director
Justin Luck, Planning and Zoning Director
Bradley Morton, Planner/Zoning Administrator
Trevor Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

CALL TO ORDER

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

CONSENT AGENDA

A. APPROVAL OF MINUTES FROM JULY 8, 2024

Mr. O'Kelley inquired if there were any corrections or additions to the July 8, 2024 Planning Board minutes. Hearing no corrections or additions, the minutes were approved as presented.

B. APPROVAL OF FINAL DECISION DOCUMENT FOR CASE NO. BOA-24-05: REQUEST FOR VARIANCE FROM SECTION 3.01(C) OF THE ZONING ORDINANCE REQUIRING EVERY LOT TO ABUT A STREET FOR PROPERTY LOCATED ON ROSEMENT ROAD (RANDOLPH COUNTY PIN#: 7761841055)

Ms. Vuncannon moved to approve the final decision document for Case No. BOA-24-05. Mr. Anderson seconded the motion, and the motion carried unanimously.

REVIEW OF CASES AND MONTHLY REPORT ON MAJOR SUBDIVISIONS ADMINISTRATIVELY APPROVED

Mr. Evans went over the land use cases that the City Council heard at the July, 2024 Regular Meeting. He stated that there have been no new major subdivisions approved since the July 8, 2024 Planning Board meeting.

OLD BUSINESS

A. RZ-24-11: REQUEST TO REZONE PROPERTY ON THE WEST SIDE OF ZOO PARKWAY AND THE SOUTH SIDE OF NEWBERN AVENUE TO AN AMENDED R7.5(CZ) MEDIUM-DENSITY

RESIDENTIAL CONDITIONAL ZONING DISTRICT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT

Mr. Nuttall gave a visual presentation on the above referenced rezoning request. He provided an overview:

Applicant: Ridge Road Partners, LLC
Location: Zoo Parkway and Newbern Avenue
Request: Rezone to an amended R7.5 (CZ) Medium Density Residential Conditional Zoning for a Residential Planned Unit Development – City Council approved the current conditional zoning district in January, 2024. The applicant proposes certain changes to the development plan that require a re-hearing and amended conditional zoning district.
Randolph County Parcel ID: 7760008593 (portion) and 7760013008
Size: 94.27 acres +/- of 104.27 acres +/-
Existing Land Use: Undeveloped

He showed overview, rezoning, topographic/utilities, aerial, and oblique maps, a chart showing the comparison between the current application and the previously approved application, previously approved project phasing, site plan, street/trail network and unit counts, the current proposed project phasing, site plan, street/trail network and unit counts, traffic study & NCDOT recommendations, as well as photographs of the property. He then reviewed site plan changes that had been made by the applicant since the July Board meeting, including revising phase numbers, enhancing pedestrian elements, and adding additional parking within the development. Mr. Nuttall then presented the list of amended proposed conditions, highlighting specific language related to construction sequencing and the location of the only construction entrance (to be provided from Zoo Parkway). A copy of all conditions is on file in the secretary's office. At this time, he asked the board if there were any questions. Mr. Henderson inquired about the proposed phasing of the project, specifically asking about the intent of condition AA. Mr. Nuttall responded that the condition is meant to provide meaning to the order in which the project will be developed. The condition should ensure that a significant portion of Phase 1 is built and lots available for sale prior to Phase 2 lots being offered for sale.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. No one addressed the board at this time.

Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. Mr. Gary Jarrett addressed the board and stated that he was not in opposition to the request and was thankful for the staff, board, and development team for listening to previous concerns by the adjacent property owners. He stated that he was appreciative that the construction entrance would be coming off Zoo Parkway, which was a major concern for him. Mrs. Pat Simmons addressed the board and stated that she wanted to thank the board, staff, and development team for understanding that the adjacent property owners' concerns were legitimate. She asked if the development would have to implement the creek crossing before Phases 3 and 4 start construction. Mr. Nuttall responded by reading the specific conditions pertaining to the request. There were no further questions or comments for the board.

Ms. Vuncannon remarked that she was impressed with the developer and staff for working with the schools and neighborhood and feels that this will be a good addition to the community. She moved to recommend approval of Case No. RZ-24-11 based on staff's recommendation and consistency statement and with all conditions. Mr. Henderson seconded the motion, and the motion carried unanimously.

B. PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT: BOA-24-04 REQUEST FOR VARIANCES FROM TABLE 4-1 AND SECTION 3.02(D) OF THE ASHEBORO ZONING ORDINANCE WHICH REGULATES REQUIRED YARDS (SETBACKS) AND FRONT YARD AVERAING FOR PROPERTY LOCATED AT 1001 PARKVIEW ST. (RANDOLPH COUNTY PIN#: 7761313052)

Mr. Luck, having previously been placed under oath at the July regular Planning Board meeting, addressed the board and stated that the applicant was not present for the hearing. He informed the board of the multiple attempts made to reach out to the applicant regarding this particular hearing. He stated that the board had options at this time. He stated that the board could hear the case and take action at this meeting, the board could continue the case and instruct staff to send the applicant a letter regarding this decision, or the board could continue the case and instruct staff to send the applicant a letter stating that the case was continued but the board intends to take final action at the regular September meeting regardless of attendance. Mr. O'Kelley inquired if anyone was present to address the board regarding this request. There was no one present to address the board. Ms. Vuncannon moved to continue Case No. BOA-24-04 to the regular September meeting and to send a letter to the applicant stating that the board intended to make a final decision at that meeting regardless of attendance. Mr. Rich seconded the motion, and the motion carried unanimously.

NEW BUSINESS

A. RZ-24-12: REQUEST TO REZONE PROPERTY LOCATED AT 841 CROSS STREET (AND ON THE EAST SIDE OF CROSS STREET) IDENTIFIED BY RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7761350714 TO AN AMENDED B2(CZ) GENERAL COMMERCIAL CONDITIONAL ZONING DISTRICT FOR AN EATING ESTABLISHMENT.

Mr. Evans stated that the applicant has not mailed notices to adjoining property owners, therefore, the board will need to continue this case to the September regular Planning Board meeting. Mr. Rush moved to continue Case No. RZ-24-12 to the September Planning Board meeting. Mr. Anderson seconded the motion, and the motion carried unanimously.

B. RZ-24-14: REQUEST TO REZONE PROPERTY LOCATED AT 308 PINEVIEW STREET AND TO THE REAR OF 307-A AND 307-B QUAKER DRIVE (RANDOLPH COUNTY PIN#: 7753876027 AND 7753876247) FROM R10 MEDIUM-DENSITY RESIDENTIAL TO R7.5 MEDIUM-DENSITY RESIDENTIAL

Mr. Evans gave a visual presentation on the above referenced rezoning request. He provided an overview:

Applicant: Brian Lucas
Location: 308 Pineview Street and south of 307-A and 307-B Quaker Drive
Request: Rezone from R10 Medium-Density Residential to R7.5 Medium Density Residential
Randolph County Parcel ID: 7753876027 and 7753876247 (pt.)
Size: 11,508 SF
Existing Land Use: Undeveloped (except for PIN 7753876247 which is a residual portion of a parcel used for a two-family dwelling).

He then showed overview, rezoning, topographic/utilities, aerial, and oblique maps, along with a property survey, and photographs of the subject property from all directions. He then provided an analysis of the request:

1. The property is inside the city limits.
2. Pineview Street is a state-maintained minor thoroughfare at this location. State transportation plans identify that this section of Pineview Street will be widened to a three-lane facility from west of Sylvan Drive to North Fayetteville Street possibly in 2025.
3. Parcel Identification Number 7753876027 is currently zoned R10 and is a nonconforming lot with 9,309 SF according to a survey presented with the application. While an R10 district typically requires 10,000 SF for a single-family dwelling and 15,000 SF for a two-family dwelling (duplex), the zoning ordinance does allow for a single-family dwelling on the existing nonconforming lot if it can meet other requirements. The lot is also a legal nonconforming lot due to only having about 49.5' of width compared to the 75' required in an R10 district and 60 feet in an R7.5 district.
4. The zoning ordinance describes the existing R10 and required R7.5 designations as follows:

R10: To provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.
R7.5: To provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.
5. Within 500' of the property and on the opposite side of Pineview Street, there is a parcel zoned R7.5 with a two-family dwelling, a parcel zoned R7.5(CZ) with a multiple family use and a 0.29-acre parcel with three manufactured homes.
6. The area consists of primarily two-family dwellings, with some single-family dwellings. The Land Development Plan identifies an area north and south of the Pineview Street corridor as an Employment Center.

He provided Land Development Plan recommendations:

Proposed Land Use Map:
Neighborhood Residential
Small Area Plan: Northeast
Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (6):
- Checklist Item 3: Fits district description of zoning ordinance
- Checklist Item 4: Compatible with surrounding land uses
- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Items 12-14: Is outside of flood area, watershed area, and areas with steep slopes (> 20%)

Goals/Policies Not Supporting Request (1):
- Checklist Item 1: Does not comply with LDP proposed land use map (related to density).

He provided staff's consistency statement:

"The legal non-conforming status of PIN 7753876027 and presence of R7.5 zoning both east and west of the land requested to be rezoned supports approval of the application. It is reasonable and in the public interest to eliminate non-conforming situations when doing so can be done in a manner that is compatible with adjacent land uses and consistent with the Land Development Plan. Further, expanding housing opportunities within this stable residential neighborhood in close proximity to employers can be beneficial to residents and industry alike."

He provided staff's recommendation:

"Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest."

He stated that City Council will consider the rezoning request on Thursday, September 5, 2024. He then asked the board if they had any questions. 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. Brian Lucas, the applicant, spoke in favor of the request and that he mailed notices to adjoining property owners on July 16th, 2024. He stated that Mr. Evans provided a good summary of the case and if the board had any questions, he would answer them. There were no questions from the board for Mr. Lucas.

Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. There was no one to speak in opposition to the request.

Mr. Henderson moved to recommend approval of Case No. RZ-24-14 based on staff's consistency statement and recommendation. Ms. Vuncannon seconded the motion, and the motion carried unanimously.

C. RZ-24-15: REQUEST TO REZONE PROPERTY LOCATED AT 343 NC 42 NORTH (RANDOLPH COUNTY PIN#7761402066) TO AN AMENDED B2(CZ) GENERAL COMMERCIAL CONDITIONAL ZONING DISTRICT FOR EXPANSION OF AN EXISTING MEMBERSHIP ORGANIZATION

Mr. Evans gave a visual presentation on the above referenced rezoning request. He provided an overview:

Applicant: Patrick O'Hara (Executive Director, YMCA)
Location: 343 NC Hwy. 42 North
Request: Rezone the property to an amended B2 (CZ) General Commercial Conditional Zoning district for modifications to an existing Membership Organization
Randolph County Parcel ID: 7761402066
Size: 19.11 acres +/- (per tax department)
Existing Land Use: Membership organization

He then showed overview, rezoning, topographic/utilities, aerial, and oblique maps, along with a site plan showing additional parking, an indoor soccer area, as well as an outdoor pool area, an updated site plan that was received on the afternoon of August 5, 2024, showing additional screening against adjoining properties, building elevations, and photographs of the subject property from all directions. He then provided an analysis of the request:

1. The property is inside the city limits.
2. NC Hwy. 42 North is a state-maintained major thoroughfare. State transportation plans call for widening this segment of NC 42 North between East Salisbury Street intersection and north of East Dixie Drive possibly in 2025. The widening will add a center turning lane, new storm drainage, and sidewalks.
3. The property owner proposes to replace an existing ball field with an indoor soccer building and add additional parking. The site plan also includes a potential future outdoor pool. These changes are considered a modification of the previously approved conditional zoning district; an amended zoning district is therefore required.
4. The plan was routed to NCDOT for review and comment. DOT indicated that it will not require a driveway permit or improvements as part of the proposed improvements.
5. The use of the property for a membership organization (YMCA) has existed since the early 1970's. The zoning ordinance defines a membership organization as "a membership establishment operated by a corporation or association of persons for activities which include but are not limited to business, professional, literary, political, educational, fraternal, or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business."
6. Staff returned comments to the applicant on July 25, 2024. Additional details, primarily related to the new parking area design, proposed lighting, accessibility plans, and manner in which adjacent homes near the area of improvements will be buffered, have been requested. Building elevation drawings also are needed.

He provided Land Development Plan recommendations:

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

Goals/Policies Supporting Request (5):
- Checklist Item 1: Complies with Land Development Plan Proposed Land Use Map
- Checklist Item 3: Fits the district intent described by the zoning ordinance
- Checklist Item 5: Complies with growth strategy map

- Checklist Items 12-13: Property is located outside of the watershed area, Special Hazard Flood zone

Goals/Policies Not Supporting Request (1):

- Checklist Item 14: Property is located on steep slopes (>20%) Note: Areas of proposed improvements are not generally on these slopes.

He provided all proposed conditions:

(A) The use approved shall be a membership organization.
(B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
(C) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.
(D) Prior to the issuance of a zoning compliance permit, a final site plan and the applicable permit fee shall be submitted.
(E) Outdoor lighting shall comply with city ordinances. Information on such lighting shall be provided to staff for review and approval prior to installation.
(F) Existing landscaping shall be maintained in compliance with code requirements for a Membership Organization and previous approvals. New landscaping or other provisions for buffering submitted and approved with the application shall be installed and maintained.
(G) 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.

He provided staff's consistency statement:

"The property has been commercially zoned and used by the YMCA for decades. The application seeks to improve an area of the property, initially designated for outdoor use, for indoor recreational use. This change likely can offer increased compatibility to adjacent homes in terms of reduced noise and lighting impacts, but additional project information would be helpful to best assure the use remains harmonious with the nearby neighborhood."

He provided staff's recommendation:

"Staff views the request as generally consistent with the Land Development Plan. Staff received an updated plan on 8-5-24 that details information requested in staff's comments. Approval is recommended subject to review and verification of previously noted plan comments, and additional details as needed."

He stated that City Council will consider the rezoning request on Thursday, September 5, 2024. He then asked the board if they had any questions. 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. Patrick O'Hara spoke in favor of the request. He provided a brief history of the property and stated that there were state grant funding opportunities available to allow the development of the organizations' proposal. He stated that notices were mailed to adjoining property owners on July 12, 2024. He also provided a handout to the board and secretary which showed photographs of what the indoor soccer building would look like on the inside and outside of the structure, as well as a floor layout showing fields, restroom facilities, concession areas, and seating. He then stated that if the board had any questions, he would answer them. Mr. O'Kelley inquired if the facility would be climate controlled. Mr. O'Hara stated that the facility would be climate controlled. Ms. Vuncannon inquired about existing and future parking in terms of the quantity of spaces. Mr. O'Hara referenced the site plan and pointed out the existing as well as the additional parking area. Mr. Buffkin inquired if users would go through the main building to get to the newly proposed development. Mr. O'Hara stated that a user preferably would walk around the main building and not through it. Ms. Vuncannon

inquired if there would be sidewalk to connect to the new areas of development. Mr. O'Hara stated that there would be a sidewalk as shown on the plan. Mr. O'Kelley inquired about the weekend traffic, specifically on Saturdays. Mr. O'Hara reported that since the opening of the Cone Health ZooCity Sportsplex, there has been a reduction in weekend traffic at the YMCA. There were no further questions for Mr. O'Hara.
Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. There was no one to speak in opposition to the request.

Ms. Vuncannon moved to recommend approval of Case No. RZ-24-15 based on staff's consistency statement and recommendation and with all proposed conditions. Mr. Henderson seconded the motion, and the motion carried unanimously.

D. RZ-24-16: REQUEST TO REZONE PROPERTY LOCATED AT 801 AND 817 SUNSET AVENUE (RANDOLPH COUNTY PIN#: 7751426889) FROM AN OA6 OFFICE-APARTMENT AND M(CZ) MERCANTILE CONDITIONAL ZONING TO OA6(CZ) OFFICE-APARTMENT CONDITIONAL ZONING FOR A RESIDENTIAL DEVELOPMENT WITH MULTIPLE FAMILY STRUCTURE(S)

Mr. Nuttall gave a visual presentation on the above referenced rezoning request. He provided an overview:

Applicant: Nash Duggins
Location: 801 & 817 Sunset Avenue
Request: Rezone from OA6 Office-Apartment and M (CZ) Mercantile Conditional Zoning to OA6 Conditional Zoning for multi-family development
Randolph County Parcel ID: 7751426889
Size: 1.52 acres +/-
Existing Land Use: Previously Place of Assembly-Non-Commercial (church) Previously permitted for Banquet Facility (817 Sunset Avenue)

He then showed overview, rezoning, Center City Planning Area, topographic/utilities, aerial, and oblique maps as well as photographs of the subject property from all directions, a site plan, as well as conceptual drawings provided by the applicant. He then provided Land Development Plan recommendations:

Proposed Land Use Map: City Activity Center
Small Area Plan: Central
Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (6):
- **Checklist Item 3:** Fits zoning ordinance description
- **Checklist Item 5:** Complies with Growth Strategy map
- **Checklist Item 8:** Adaptive reuse
- **Checklist Item 12-14:** Outside of watershed, flood area, area of steep slopes

Goals/Policies Not Supporting Request (2):
- **Checklist Item 6:** Infrastructure inadequacy *(regarding availability of off-street and on-street parking)*
- **Checklist Item 7:** Not compatible with small area plan *(potential impacts to existing neighborhood due to parking limitations)*

He provided staff's consistency statement:

"This area of the city has been zoned for both office and higher-density residential uses for many years. The Center City Planning Area zoning provisions, adopted about 20 years ago, lend further support to higher residential densities since those rules manage land development based on built-upon area and building height limits instead of the amount of building square footage.
With higher density projects, it even is more important to ensure that land development occur in a manner that promotes and supports community goals. Design should complement existing development and

provide elements to ensure the health and safety of all residents. Architecture, stormwater management, landscaping, vehicular and pedestrian access, and site amenities all are important considerations.
Staff believes the proposal promotes many adopted city policies; redevelopment of and investment in underutilized properties, site design that considers walkability and views from public streets, and reasonable mitigation of stormwater impacts all are objectives advanced by the project.
Staff is concerned about the amount of parking proposed and overall density, however. The proximity of the building to public rights-of-way and placement of mechanical equipment within front yard setbacks should be carefully evaluated. Given that the latest revision to the plan was submitted on August 1, staff has not been able to coordinate and finalize plan review."

He provided staff's recommendation:

"Staff recommends taking public comments and offering initial feedback on the application but believes a continuance is advisable. Reasonable and appropriate zoning district conditions still need to be developed and staff will be prepared to offer those in advance of the Board's September meeting (Tuesday, Sep. 3). It is important to note that a continuance by the Board this evening would not change the date of the City Council's public hearing on September 5."

He then asked the board if there were any questions. Mr. Buffkin stated that he was a property owner in the vicinity and asked if he should be recused from a vote. Mr. Sugg stated that if there is no direct financial interest, it would not be considered a conflict of interest and would be okay for Mr. Buffkin to make a vote on this case recommendation. Mr. Buffkin inquired about parking, specifically how much parking there would be and if there would be any on-street parking on Cherry Street. He stated that he did not want to see any on-street parking along Cherry Street. Mr. Nuttall stated that Cherry Street is state-maintained, however it did not appear any on-street parking was proposed. Staff also remarked that the question of permissibility of on-street parking is not part of the Board's review. Mr. Buffkin had concerns with front yard averaging and commented that if a reduced setback is established for this property that it could potentially impact front yard averaging for other properties. Mr. O'Kelley inquired about height restrictions. Mr. Nuttall stated that the maximum standard height is 35' however it can be increased under specific provisions of the zoning ordinance or through the conditional zoning process. Building height is one detail that staff is seeking to get clarification on from the applicant. There were no further questions for Mr. Nuttall at this time.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. Nash Duggins, the applicant, spoke in favor of the request. He stated that the proposal attempts to achieve most of the intent of the zoning ordinance with exception to parking and setbacks. There was a question regarding the amount of right of way needed for on-street parking. Mr. Christian Vestal, Summey Engineering, stated that a street needs 28' face to face of curb to have on-street parking. There were concerns from the board with number of parking spaces and how close the building was proposed to be placed along Sunset Avenue. There were no further questions for Mr. Duggins at this time.

Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. There was no one to speak in opposition to the request.

Ms. Vuncannon moved to continue Case No. RZ-24-16 to the Regular September Planning Board meeting. Mr. Henderson seconded the motion, and the motion carried unanimously.

ITEMS NOT ON THE AGENDA

There were no items at this time.

ADJOURNMENT

Hearing 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

Planning Board Functioning as Board of Adjustment: BOA-24-04: Request for variances from Table 4-1 and Section 3.02(D) of the Asheboro Zoning Ordinance which regulates required yards (setbacks) and front yard averaging for property located at 1001 Parkview St. (Randolph County PIN# 7761313052).

Staff Report

Continued from August 5, 2024 and July 8, 2024.

As of August 27, 2024, staff has received no updated information from the applicant on this request.

Board of Adjustment Staff Report

Case: BOA 24-04 **Date:** **September 3, 2024 (continued from 8-5-24 and 7-8-24)**

Requested Action: Request for variances from Table 4-1 and Section 3.02(D) of the Asheboro Zoning Ordinance which regulates required yards (setbacks) and front yard averaging.

GENERAL INFORMATION:

Applicant: Edwin E. Pollard Jr.

Applicant Address: 1001 Parkview St. Asheboro, NC 27203

Location of Affected Property: 1001 Parkview St. (PIN 7761313052)

Property Size: 0.40 Acres (17,308 sq.ft.)

Underlying Zone: R10

Overlay Zone: None

Existing Land Use: Single Family Dwelling

Surrounding Land Use:

North: Single Family Residential **East:** Single Family Residential

South: Single Family Residential **West:** Single Family Residential

Land Development Plan: Neighborhood Residential/Primary Growth

ANALYSIS

1001 Parkview St. ("The Lot") is a conforming R10 lot with an existing single family dwelling use. Required yards for the R10 zoning district are regulated through Table 4-1 as follows:

Table 4-1
Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R10	10,000 SF	75	30	10	25	35	22%		

The 10-foot required side yard is applicable to both principal and accessory structures. The required 30-foot front yard setback is modified by Section 3.02(D), Averaging a Front Setback Line, as follows:

3.02(D)(2) Increase to Front Yard Setback

In a residential district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot is greater than the required front setback specified in this Ordinance, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed sixty feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified for the zoning district.

There are a total of four adjacent lots within two hundred feet of either side of The Lot. Utilizing Section 3.02(D), the required front yard becomes 52.35', calculated as follows:

Address	**Apparent Existing Setback**
935 Parkview St.	61'
943 Parkview St.	61.2'
1009 Parkview St.	37.2'
1017 Parkview St.	50'
Average	**52.35**

The existing single-family dwelling conforms with all required yards. The applicant proposes to construct a new, unenclosed carport. This proposed carport would come no closer than 7 feet from the side property line, and 42 feet from the front property line, thus a required side yard variance of three feet and a front yard variance of 10.35 feet are requested.

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

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

1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.

4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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

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

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

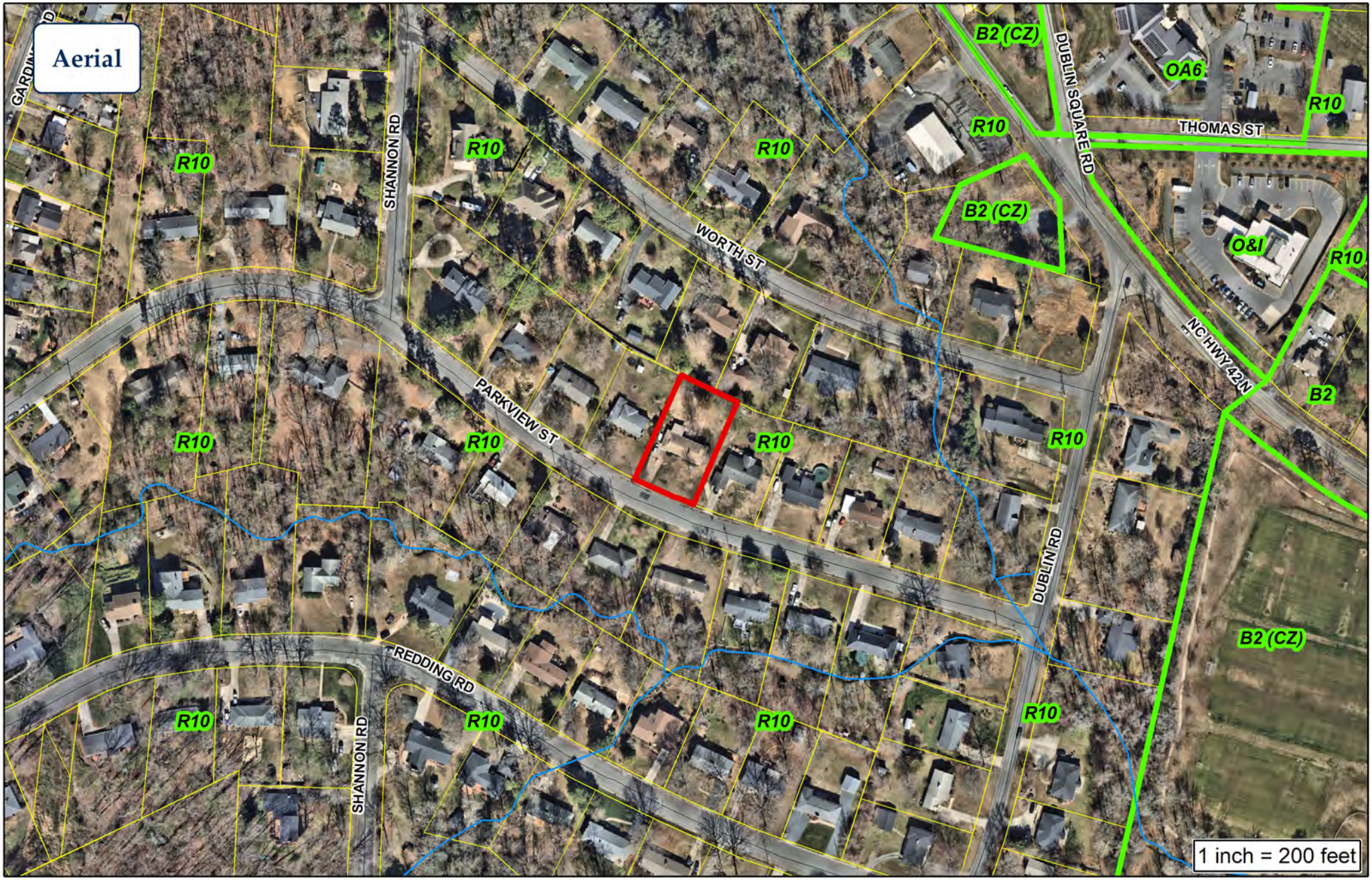
Board Action 1: Approve a variance from Table 4-1 of the Asheboro Zoning Ordinance to reduce the required side yard setback to 7 feet. Provided, however, the variance is limited by any conditions stated in the final decision document.

Member's Vote: Yes_____ No_____ Yes with Conditions _____

Board Action 2: Approve a variance from Section 3.02(D) of the Asheboro Zoning Ordinance to reduce the required front yard setback to 42 feet. Provided, however, the variance is limited by any conditions stated in the final decision document.

Member's Vote: Yes_____ No_____ Yes with Conditions _____

Signature_____



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-04
Variance

Parcel: 7761313052

Subject Property
Zoning

N
W
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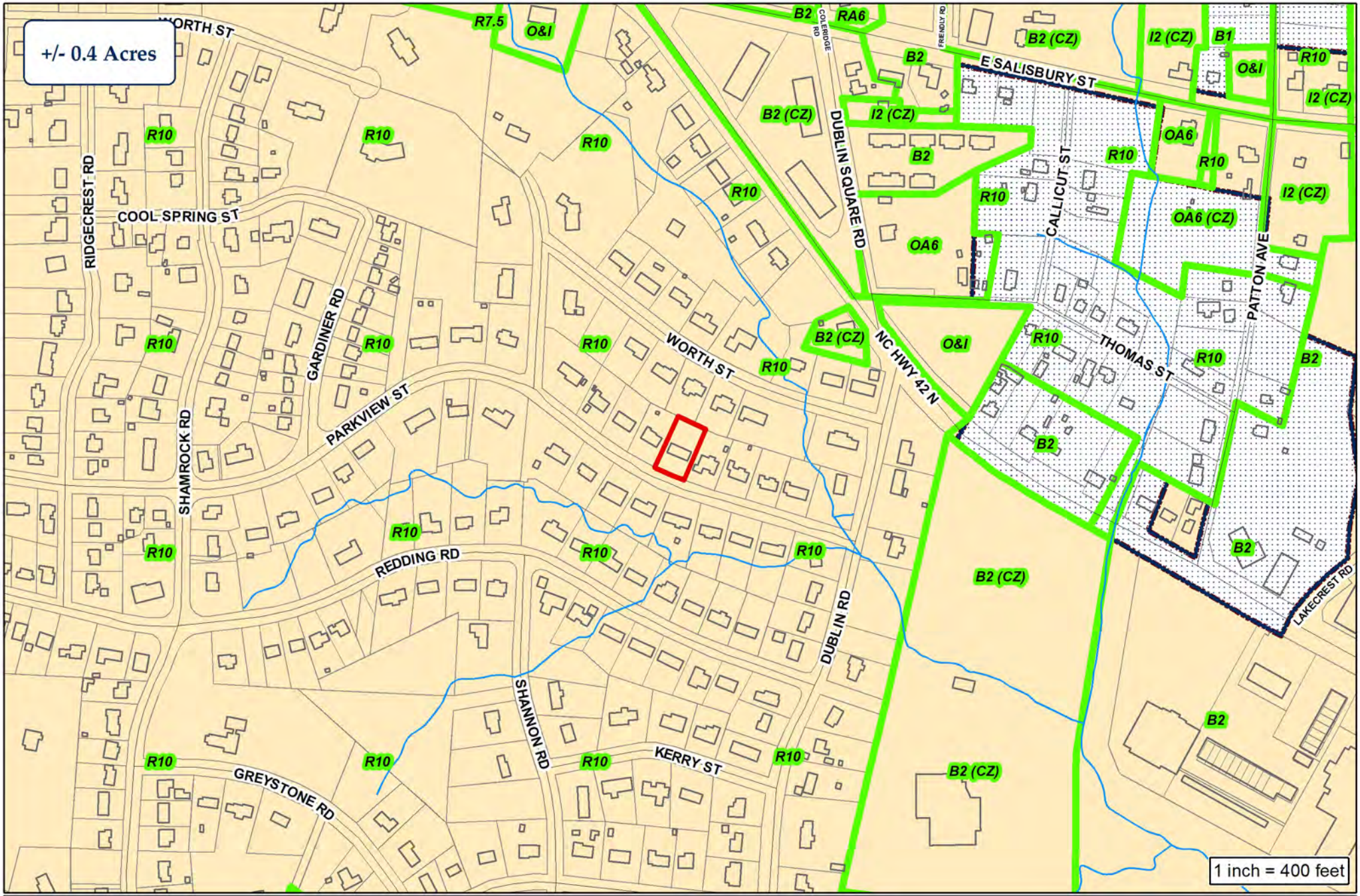

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

City Limits
ETJ

City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-04
Variance

Parcel: 7761313052

Subject Property
Zoning

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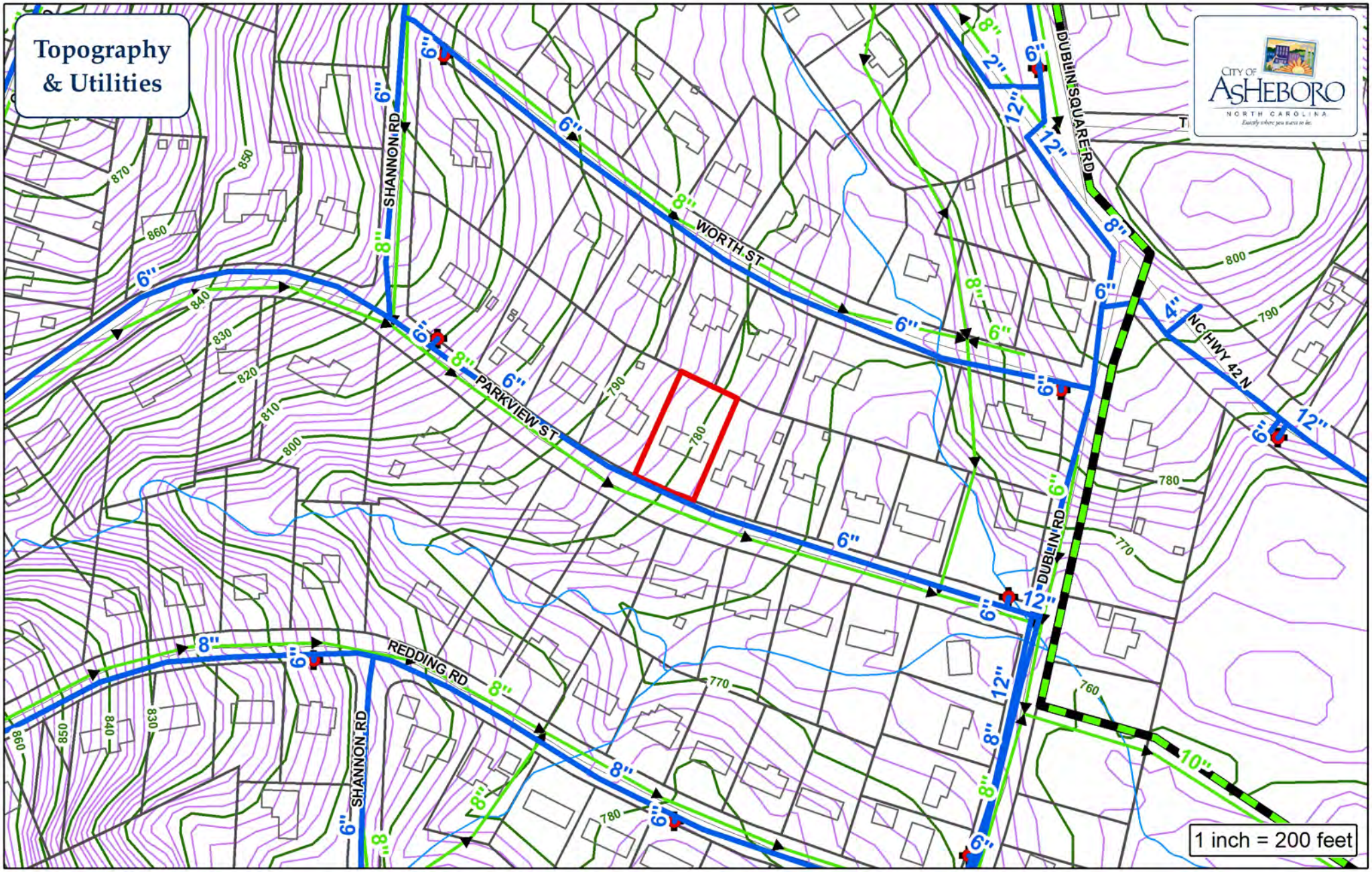

Force Main
Water Main
Sewer Main
Fire Hydrant
PS Pump Station
Parcels

City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-04
Variance

Parcel: 7761313052

Subject Property

N
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C2	930.35	99.71	99.66	S 60°26'41" E	6°08'26"

LINE	BEARING	DISTANCE
L1	S 64°56'52" E	34.92

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

APPLICANT INFORMATION

Applicant EDWIN E. POLLARD JR Applicant's Phone # 336-953-8048

Applicant's Address 1001 PARKVIEW ST

ASHEBORO, NC 27203

Applicant's Email Address EPOLLARDJR@YAHOO.COM

PROPERTY INFORMATION

Property Owner's Name EDWIN E POLLARD JR &

Location of Property 1001 PARKVIEW ST ASHEBORO, NC 27203

Property Size (ac. or sq.ft.) 1600 SQ.FT

Randolph County Property Identification Number (PIN#) _____

Current Zoning District _____

Date Property Title Acquired _____ Deed Book _____ Page _____

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed variance rests with the applicant.

Applicant Signature(s)

E E Pollard Jr

_____

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

☐ Yes ☐ No

Printed Name of Authorized Signatory (if different from Applicant)

_____

Position/Relationship of Authorized Signatory to Applicant

_____

146 N. Church St., Asheboro, NC 27203
Telephone: (336) 626-1201; Fax: (336) 626-1218; www.asheboronc.gov Revised 2021

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

REQUEST FOR A VARIANCE

TO THE CITY OF ASHEBORO BOARD OF ADJUSTMENT:

I, EDWIN E. POLLARD JR hereby petition the Board of Adjustment to grant the following variance from the Asheboro Zoning Ordinance (please specify the variance that is requested):

ALLOW MY NEW CARPORT TO BE 42 FT FROM THE STREET

146 N. Church St., Asheboro, NC 27203
Telephone: (336) 626-1201; Fax: (336) 626-1218; www.asheboronc.gov Revised 2021

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

I WANT TO BUILD A CARPORT IN FRONT OF MY HOUSE FREE STANDING. THERE IS ALREADY A DRIVE WAY THAT I WILL BULID THE 2 CAR CARPORT ON. THIS IS THE ONLY LOCATION THAT IS FEASIBLE. ACCESS TO THE BACKYARD IS NOT GOOD, TOO NARROW BETWEEN THE END OF THE HOUSE & THE PROPERTY LINE. MY GRANDKIDS PLAY IN ~~THE~~ THE BACK YARD. I WOULD LIKE THE CITY TO ISSUE ME A PERMIT, PLEASE.

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

E E Pollard Jr.
Signature of Applicant

VARIANCE REQUEST - BASIC INFORMATION

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

1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.

4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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

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

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

EE Pollard Jr 5/7/24

Applicant Date

STAFF USE

Received by: JTL ***Date:*** 5-7-24 ***Case Number:*** 24-04

146 N. Church St., Asheboro, NC 27203
Telephone: (336) 626-1201; Fax: (336) 626-1218; www.asheboronc.gov Revised 2021

RE BOOK Book: 1818
Page: 3766

FILED 2003-019433
May 30 2003 04:35:33 pm

Randolph County, NC
Ann Shaw, REGISTER of DEEDS

Recording Fee 17.00
NC Real Estate ExTx 216.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: 216.00

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20___
By _____

Mail/Box: ✓ Grantee

This instrument was prepared by: Alie E. Yates, Attorney At Law

Brief description for the Index: _____

THIS DEED made this 30th day of May, 2003 by and between

GRANTOR	GRANTEE
MARY KING SMITH, married (formerly Mary Ella King)	**EDWIN E. POLLARD JR. and wife, CAROL J. POLLARD** **1001 Parkview Street** **Asheboro, NC 27203**

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that

Certain lot or parcel of land situated in the City of Asheboro Township, Randolph County, North Carolina and more particularly as follows:

Beginning at an existing iron pipe, in the northern right-of-way of Parkview St., said iron pipe bieng located 0.1 mile from Dublin Road (NCSR 2197) and also being Andrew Garner's southwestern corner; thence from the point and place of beginning along the northern right-of-way line of Parkview St. along a curve with a bearing and distance of North 67 deg 10' 13" West with a chord distance of 99.82 feet and a radius of 930.35 feet to an existing iron pipe, Hiatt Morgan's southeastern corner; thence leaving the right-of-way of Parkview St. and along Morgan's eastern line, North 23 deg 45' 00" East 18.02 feet to an existing iron pipe; thence leaving Morgan's line South 65 deg 45' 11"East 94.90 feet to an existing iron pipe, Garner's northwestern corner; thence along Garner's western line, South 22 deg 08' 42" West 175.66 feet to an existing iron pipe, the point and place of beginning and containing 0.397

N.C. Bar Assoc. Form No. 3 © 1976, Revised © 1977, 2002
Printed by Agreement with the NC Bar Association – 1981

RE BOOK Book: 1818
Page: 3767

The property hereinabove described was acquired by Grantor by instrument recorded Book 1408 page 593.
A map showing the above described property is recorded in Plat Book _____ page ___
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to The Grantee in fee simple.

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

All other easements, Right(s) of Way, and Restrictions of record, if any.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate has caused this instrument to be signed in its Corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Entity Name)

Mary King Smith (SEAL)
MARY KING SMITH

By: _____
Title

By: _____
Title

By: _____
Title

William V. Smith (SEAL)
WILLIAM V. SMITH

_____ (SEAL)

_____ (SEAL)

ALIE E. YATES
Notary Public, State of North Carolina
Wilkes County
My Commission Expires Oct. 14, 2006

State of North Carolina – County of Randolph

I, the undersigned Notary Public of ~~the~~ Wilkes County and State aforesaid, certify that Mary King Smith and William V. Smith personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 30th day of May 2003.

My Commission Expires: 10-14-06

Alie E. Yates
Notary Public

State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a North Carolina or corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this ___ day of _____, 2002

NORTH CAROLINA — RANDOLPH COUNTY
The foregoing certificate(s) of Alie E. Yates
Notary/Notaries Public is/are certified to be correct.
This 30 day of May, 2003.
ANN SHAW, REGISTER OF DEEDS
by: _____ Register of Deeds

My Commission Expires: _____

_____
Notary Public

The foregoing Certificates(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____ Register of Deeds for _____ County
By: _____ Deputy/Assistant – Register of Deeds

N.C. Bar Assoc. Form No. 3 © 1976, Revised © 1977, 2002
Printed by Agreement with the NC Bar Association – 1981

RZ-24-12: Request to rezone property located at 841 Cross Street (and on the east side of Cross Street) identified by Randolph County Parcel Identification Number 7761350714) to an amended B2 (CZ) General Commercial Conditional Zoning district for an eating establishment.

Staff Report

Continued from August 5, 2024

Rezoning Staff Report

RZ Case # **RZ-24-12** **Date** 9/3/2024 Planning Board

General Information

Applicant Raul Munoz

Address 1926 Tot Hill Road

City Asheboro NC 27205

Phone 336-963-1927

Location 841 Cross Street

Requested Action Rezone to an amended B2 (CZ) General Commercial Conditional Zoning district for an eating establishment

Existing Zone B2 (CZ) **Existing Land Use** Eating establishment

Size 0.9 acres +/-

Pin # 7761350714

Applicant's Reasons as stated on application

Add a 50' x 30' x 12' carport. It would bring a new place in town for people to eat and try new delicious food.(Note: Sizes of the additions have changed. Please see updated plan for new additions noted in #3 of analysis.)

Surrounding Land Use

North Single-family residential **East** Residential and undeveloped

South Single-family residential/undeveloped **West** Multi-family and Undeveloped

Zoning History Property was rezoned to CU-B1 for any permitted use in 1982, was rezoned to B2 (CZ) in 2003 for eating establishment, and modified in 2004 & 2005. BOA-06-08 reduced front setback along Cross Street from 25' to 19'.

Legal Description

The property of Raul Munoz & Rosa Maria Barrajas, located at 841 Cross Street, including property on the east side of Cross Street, totaling approximately 0.9 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7761350714.

Analysis

1. The property is inside the city limits.
2. Loach Street and Cross Street are local, city-maintained streets.
3. The request is to amend the existing B2 (CZ) General Commercial Conditional Zoning district approved in 2003. The amendment is to add outdoor covered dining area, a walk-in cooler, and outdoor grill area.
4. While no seating counts are provided, the site plan provided indicates availability of 11 parking places within an existing parking lot which could accommodate a restaurant with up to 28 seats. The condition of that parking area is poor.
5. The zoning ordinance allows an applicant to deviate from predetermined requirements. The following deviations are noted:
(a) The zoning ordinance typically requires a 25' front setback from the Loach Street and Cross Street right-of-way; the Cross St. setback reduced to 19' by variance in 2006. The conditional zoning district seeks to further reduce the Cross St. setback from 19' to 2.8' and to reduce the 25' setback on Loach Street from 25' to 9.6' per the site plan submitted.
6. The zoning ordinance describes the B2 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."
7. Staff has provided comments on the site plan and since August 9 has been awaiting additional information. Details are needed on project landscaping (street yard and adjacent to residential property), lighting, paving materials, outdoor seating count, signage, and building design.

Rezoning Staff Report

RZ Case # **RZ-24-12**

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	Central
Growth Strategy Map Designation	Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 5: Complies with Growth Strategy Map

Checklist Items 12-14: 12.) Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes

Rezoning Staff Report

RZ Case # **RZ-24-12**

LDP Goals/Policies Which Do Not Support Request

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

Checklist Item 3: The property on which the rezoning district is proposed does not fit the description of the Zoning Ordinance.

2.1.5: The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

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

The property has been commercially zoned and intermittent restaurant uses have occurred on the property consistent with prior city approvals for about 20 years. The application seeks to add more than 2000 s.f. of covered eating area for a presently undetermined number of seats. Without more plan details, it is difficult to ensure compatibility with the surrounding neighborhood. The proposed setback deviations, particularly the proposed 9.6' setback from the Loach Street right-of-way, also generate public safety concerns.

While the Board of Adjustment previously had heard evidence and granted a variance from the front yard setback on Cross Street, this application seeks to further modify setbacks, including on Loach Street which serves as a collector level roadway moving traffic from Martin Luther King Jr. Dr. to E. Presnell Street. While a modest deviation of front setbacks likely could be supported, staff does not support the extent of the setback reductions sought, finding them to be inconsistent with the area's development pattern and contrary to city plans and policies related to land use and transportation.

Recommendation Staff's recommendation is to deny the request.

Rezoning Staff Report

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

(A) The use approved shall be an eating establishment with outside seating for up to 28 patrons.

(B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.

(C) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.

(D) Prior to the issuance of a zoning compliance permit, a final site plan and the applicable permit fee shall be submitted.

(E) The parking area shown on the site plan shall have spaces properly dimensioned and striped; repairs to the parking lot shall be completed so that is acceptable condition as defined by the city code.

(F) Outdoor lighting (pole and wall mounted) shall comply with city ordinances and information on such lighting shall be provided to staff for review and approval prior to installation of this outdoor lighting.

(G) Existing signage shall be allowed to be refaced and replaced provided no additional sign area or height is proposed. The existing pole otherwise sign shall be permitted to be replaced with a monument style sign no more than six (6) feet in height 75 square feet in area. Wall signage shall be limited to no more than 10 percent of the wall area for each wall.

(H) Operating hours for the business shall be limited to the hours of 6:00 o'clock a.m. to 9:00 o'clock p.m. each day of the week. (a current condition)

(I) The applicant shall submit a revised site plan indicating compliance with the Asheboro Zoning Ordinance concerning the following:

(i) Detail on street yard landscaping along Cross Street and Loach Street and screening that meets a "C" Type Screen adjacent to residential properties.

(ii) Labeling of paving materials of parking in compliance with Asheboro zoning ordinance

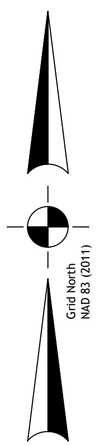
(iii) Labeling of approved building setbacks, including setbacks from public right-of-ways, noting approval of variance per Case Number

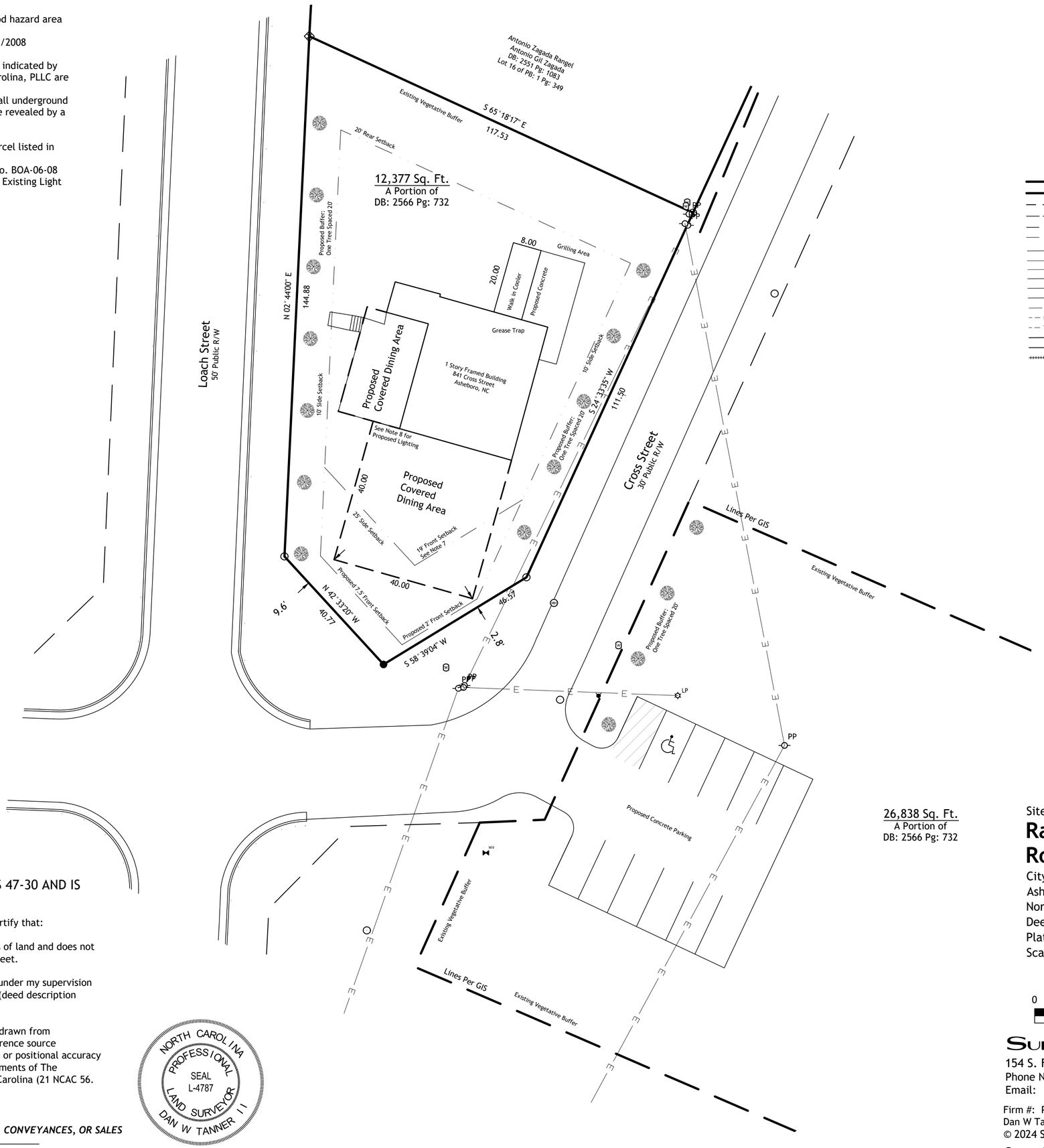
(iv) Details on the location of proposed seating.

(J) 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.

Notes:

1. This project is not located within a special flood hazard area per NCFRIS.
   Map #: 3710776100J Effective Date: 1/2/2008
2. Area calculated by coordinate geometry.
3. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7761350714
6. Portion of parcel shown is a part of a larger parcel listed in Deed Book 2566-732.
7. Setbacks Based on Board of Adjustment Case No. BOA-06-08
8. Mounted Lighting Fixtures Proposed Along with Existing Light Poles





- Hardwood Tree
- Evergreen Tree
- Stone
- R/W - Right of Way Monument
- RRS - Railroad Spike
- NIR - New Iron Rod
- NIP - New Iron Pipe
- NCGS Monument
- EN - Existing Nail
- EIR - Existing Iron Rod
- EIP - Existing Iron Pipe
- Existing Concrete Monument
- Bench Mark
- Computed Point / Point Not Set
- Well
- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Setback Lines
- Gas Line
- Sanitary Sewer Line
- Storm Sewer Line
- Water Line
- Fence
- Overhead Utility Line
- Overhead Power Line
- Underground Electric Line
- Underground Comm. Line
- 100-Year Flood Hazard Line
- Floodway
- C/L Railroad
- Catch Basin
- Yard Inlet
- Storm Sewer Manhole
- Junction Box
- Drop Inlet
- Irrigation Control Valve
- Back Flow Preventer
- Water Valve
- Water Manhole
- Water Meter
- Fire Dept. Connection
- Fire Hydrant
- Utility Pole
- Telephone Pedestal
- Telephone Pole
- Transformer
- Communications Manhole
- SS - Sanitary Sewer
- SS Manhole
- SS Cleanout
- U/G Power Box
- Power Pole
- Light Pole
- Guy Pole
- Gas Valve
- Guy Wire
- Gas Manhole
- Gas Meter
- Electric Meter
- Electric Manhole
- Z:0.00 Spot Elevation

THIS SURVEY IS NOT SUBJECT TO GS 47-30 AND IS NOT TO BE USED FOR RECORDING

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

This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.

I Dan W Tanner II certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in
Book 2566, page 732;
that the boundaries not surveyed are indicated as drawn from information in Book See, page Notes or other reference source _____; that the ratio of precision or positional accuracy is 1:10,000 +; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600)."
This 14th day of June, 2024.
Seal

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

_____
Professional Land Surveyor

NORTH CAROLINA PROFESSIONAL SEAL L-4787 LAND SURVEYOR DAN W TANNER II

Site Plan For:

Raul Munoz & Rosa Maria Barrajas

City of Asheboro
Asheboro Township Randolph County
North Carolina June 14, 2024
Deed Book:2566 Pg:732
Plat Book:1 Pg:349
Scale: 1" = 30 US Survey Feet

Bar Scale:

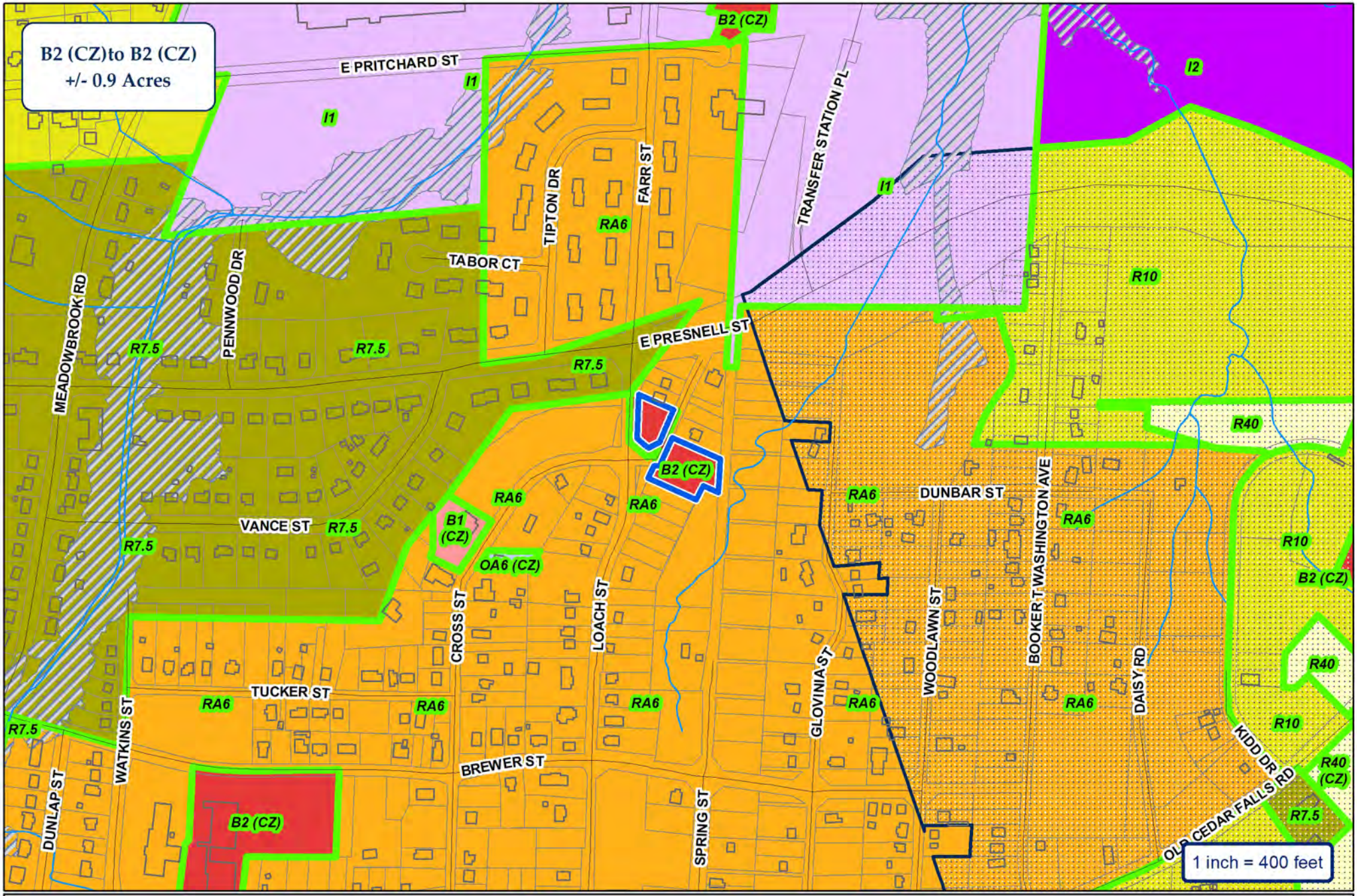
0 30 60 90

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787

© 2024 Survey Carolina, Pllc

Drawn By: HRM Checked By: DWT Job #: 16518



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-12

Parcels: 7761350714

Subject Property
Zoning

N
W
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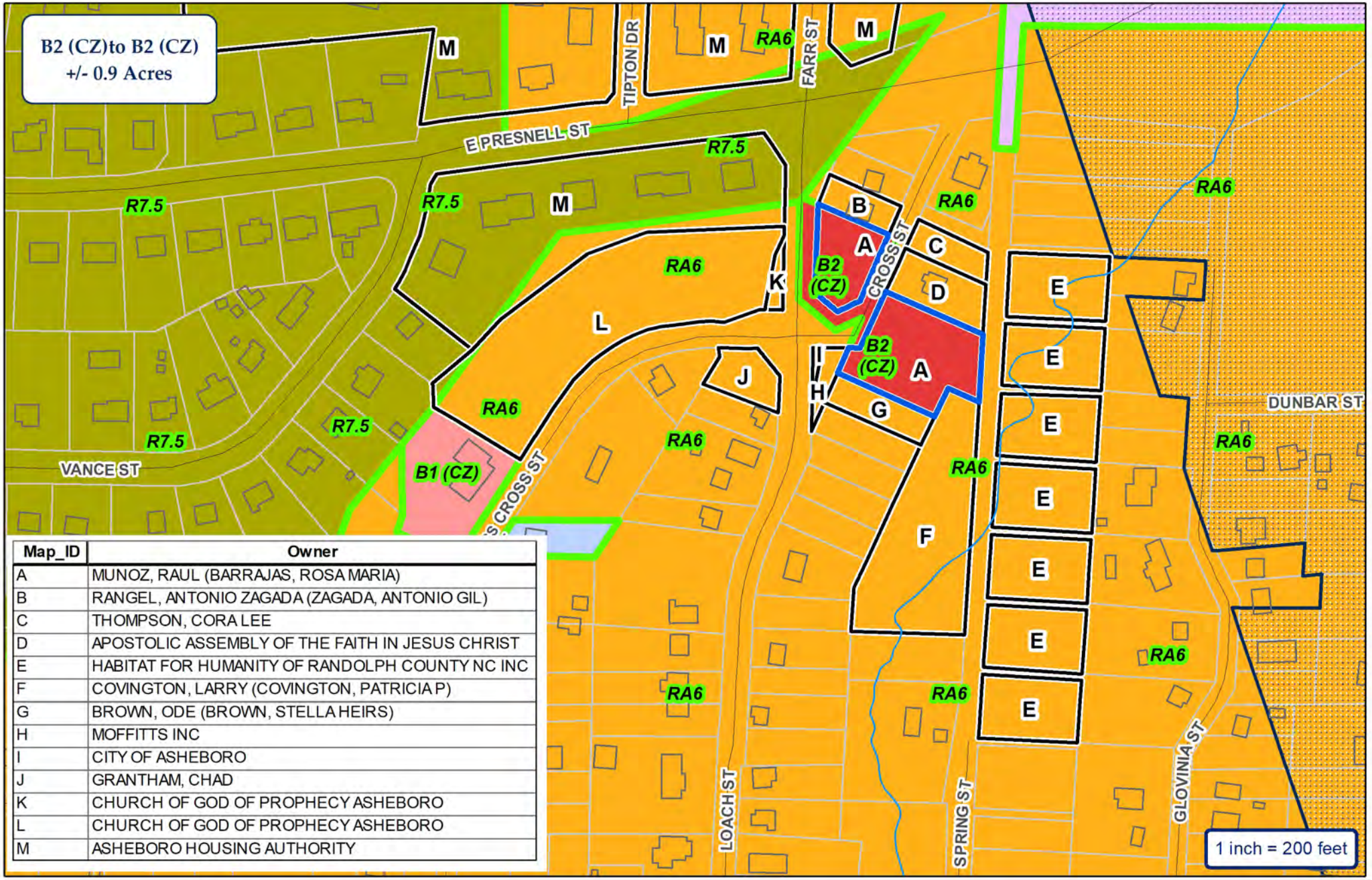

Map_ID	Owner
A	MUNOZ, RAUL (BARRAJAS, ROSA MARIA)
B	RANGEL, ANTONIO ZAGADA (ZAGADA, ANTONIO GIL)
C	THOMPSON, CORA LEE
D	APOSTOLIC ASSEMBLY OF THE FAITH IN JESUS CHRIST
E	HABITAT FOR HUMANITY OF RANDOLPH COUNTY NC INC
F	COVINGTON, LARRY (COVINGTON, PATRICIA P)
G	BROWN, ODE (BROWN, STELLA HEIRS)
H	MOFFITTS INC
I	CITY OF ASHEBORO
J	GRANTHAM, CHAD
K	CHURCH OF GOD OF PROPHECY ASHEBORO
L	CHURCH OF GOD OF PROPHECY ASHEBORO
M	ASHEBORO HOUSING AUTHORITY

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-12

Parcels: 7761350714

Subject Property
Adjoining Properties
City Zoning

N
W
E
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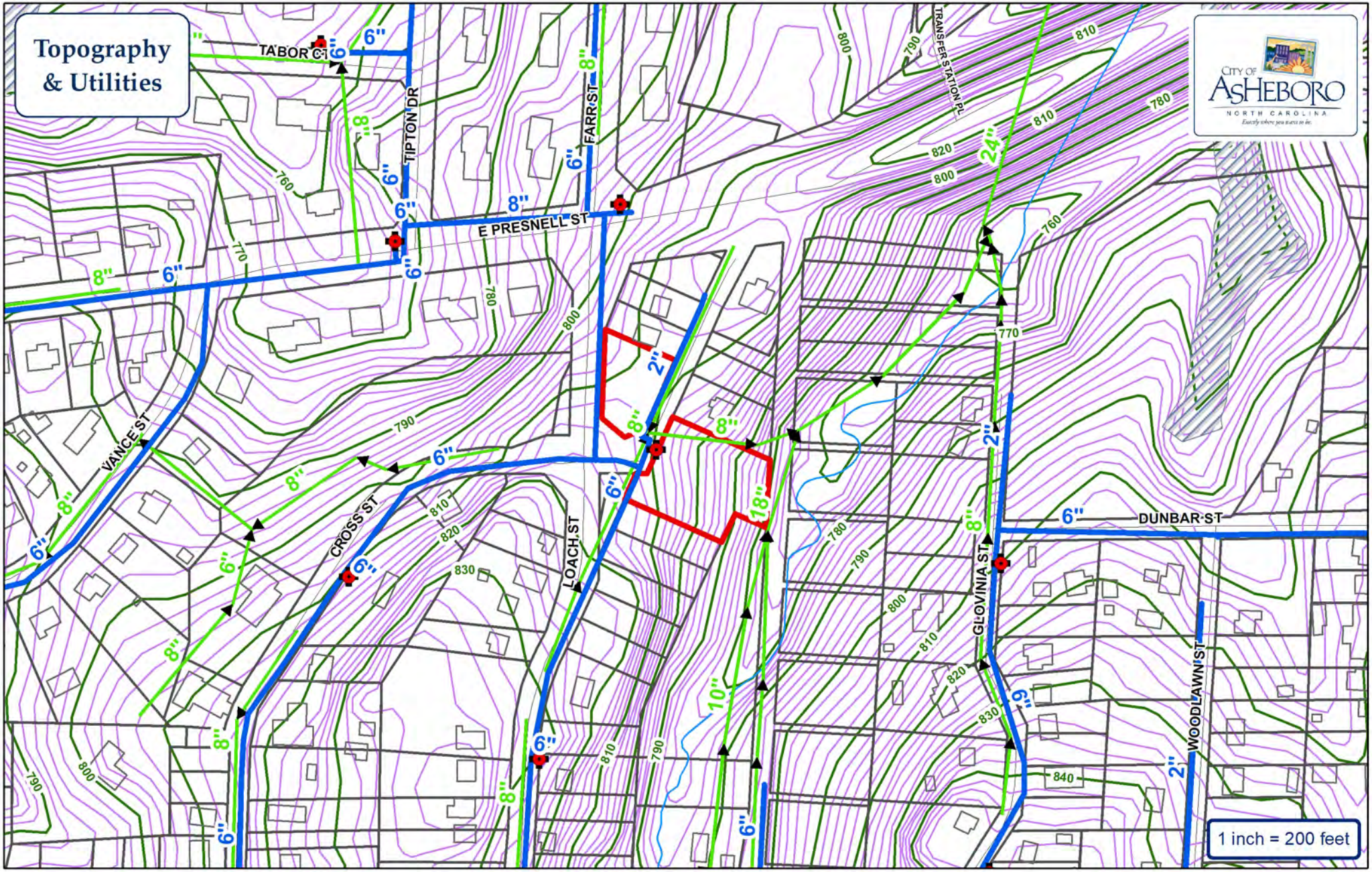

Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station
Watershed

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-12

Parcels: 7761350714

Subject Property

N W E S

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-12

Parcels: 7761350714

Subject Property

N
W
E
S

John Evans

Subject: FW: [External Sender] ****** Please use this version of the notification letter, not the previous one. RE: Letters to send to adjoining property owners regarding rezoning of 841 Cross Street on August 5th Planning Board and September 5th City Council a...

From: Jessica Frias <jessica@lionsmetalbuildings.com>
Sent: Tuesday, July 30, 2024 11:09 AM
To: John Evans <jevans@ci.asheboro.nc.us>
Subject: Re: [External Sender] ****** Please use this version of the notification letter, not the previous one. RE: Letters to send to adjoining property owners regarding rezoning of 841 Cross Street on August 5th Planning Board and September 5th City Council a...

We will be withdrawing from working with Raul.

limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

Staff note; See email regarding applicant attached to this application.

APPLICANT INFORMATION

Applicant Maria Jessica Frias *Applicant's Phone #* 336-963-1927

Applicant's Address 110 Central Piedmont Ct
Randleman NC 27317

Applicant email address Jessica@lionsmetalbuildings.com

PROPERTY INFORMATION

Property Owner's Name RAUL MUNOZ Y ROSA BARRAZA

Location of Property 841 CROSS ST *Property Size (ac. or s.f.)* _____

Randolph County Property Identification Number (PIN#) 7761350714

Current Zoning District B2 (CZ) *Requested Zoning District* Amend B2 (CZ)

Date Property Title Acquired 2017 *Deed Book* 2561 *Page* 732

Subdivision Homeland Heights *Section* _____ *Lot #* 7-11, 17, 18 & 19 (PT)

Plat Book 1 *Page* 349

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:

Add a ~~50x50x12~~ Carport
50 x 30 x 12

146 N. Church St., Asheboro, NC 27203
Telephone: (336) 626-1201; Fax: (336) 626-1218; www.asheboronc.gov

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

It would bring a new place in town for people to eat and try new delicious food.

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?

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

Maria Jessica Frias

Printed Name of Authorized Signatory (if different from Applicant)

Maria Jessica Frias

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

Raul S Munoz

Owner Address

1926 Tot Hill Farm Rd
Asheboro NC 27205

Telephone Number

336-465-6315

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: John Evans ***Date:*** 6-19-24 ***Case Number:*** RZ-24-12

RZ-24-16: Request to rezone property currently addressed as 801 and 817 Sunset Avenue (Randolph County Parcel Identification Number 7751426889 from OA6 Office-Apartment and M (CZ) Mercantile Conditional Zoning to OA6 (CZ) Office-Apartment Conditional Zoning for a Residential Development with Multiple Family Structure(s).

Staff Report

Continued from August 5, 2024

Rezoning Staff Report

RZ Case # **RZ-24-16** **Date** 8/5/2024 Planning Board

General Information

Applicant Nash Duggins

Address 1503 Badin Ln

City Asheboro NC 27205

Phone 336-382-6327

Location 801 and 817 Sunset Avenue

Requested Action Rezone from OA6 Office-Apartment and M (CZ) Mercantile Conditional Zoning to OA6 (CZ) Conditional Zoning Office-Apartment for a Development with Multiple family dwellings

Existing Zone OA6 and M (CZ) **Existing Land Use** Previously Place of Assembly-Non Commercial (church)

Size 1.52 acres +/-

Pin # 7751426889

Applicant's Reasons as stated on application

To rezone the subject property located at 929 Sunset Avenue to a CZ-OA6 property to submit a 52 unit apartment complex. Efficient development patterns with local streets in the immediate area, use of provided infrastructure and promote investment in primary growth areas. Asheboro's continued growth shows the need for additional housing. Nearby downtown districts and existing properties with OA6 zoning are great indicators to what this subject property should be for its intended use.

Surrounding Land Use

North Single-Family/Multi-Family Residential **East** Undeveloped/Single-Family and Townhomes

South Single-Family Residential **West** Personal Services

Zoning History See Analysis

Legal Description

The property of Baybuilt Properties, LLC., located at 801 and 817 Sunset Avenue, totaling approximately 1.52 acres +/-, identified by Randolph County Parcel Identification Number 7751426889.

Analysis

See Attachment 1

Attachment 1: RZ-24-16 (Cypress Pointe Apartments rezoning request):
Staff analysis as of 8-29-24

1. The property is within the city limits.
2. Sunset Avenue and South Cherry Street are both state-maintained minor thoroughfares at this location.
3. The property is located within Tier 3 of the Center City Planning Area and presently is zoned OA6 and M (CZ). The OA6 zoning district allows residential (single-family, two-family, multiple-family) uses, office & institutional uses, and limited commercial uses. The M (CZ) portion of the property previously authorized the repurposing of the former church fellowship hall into a banquet facility; that project never commenced.
4. The site plan identifies one three-story building with 52 units; 14 one-bedroom and 38 two-bedroom apartments are proposed. The Center City Planning Area building setback provisions typically would require a minimum 25' setback from Sunset Avenue and 20' from S. Cherry Street. In order to maximize buffering for adjacent residential properties and to make the parking areas less visible from street vantage points, staff generally has been supportive of reducing the minimum setback to 20'. The latest plan submitted (received on August 16) identifies the building 20' from both the Sunset Avenue and S. Cherry Street rights-of-way; the applicant relocated the building from 15' to 20' following input received at the August Planning Board meeting.
5. In the Center City Planning Area, development intensity is regulated by permissible built-upon area, (55%) instead of Floor-Area Ratio, and generally applicable maximum building height (35'). The Board of Adjustment granted a variance in 2020 (BOA-20-02) to allow a permissible built-upon area of up to 56.8% for a new banquet center use. The existing built-upon area covers 51.38% of the site.
The latest plan shows proposed built-upon area at 76.1% (increased from 72.46% on the previous plan) but does include an underground stormwater control device to mitigate 10-year storm runoff resulting from the increased built-upon area.
6. Project density is proposed at 34.2 dwellings per acre. In comparison, Sunset Place Apartments, adjacent to the development, is at 24.3 dwellings per acre. The proposed density is more similar to Church Street Lofts (32.5 dwellings per acre), a project within Tier 1 of the Center City Planning Area (commonly referred to as the Central Business District).
7. 83 off-street parking spaces are proposed to serve the 52 units. The Zoning Ordinance requirement for parking for a traditional multi-family development, based on the number and composition of units shown, is 107 spaces; this calculation includes the required 10 visitor spaces. The 83 parking spaces identified on the site plan could support, as an illustration, 37 two-bedroom units or 50 one-bedroom units.
8. The parking proposed is comparable to the parking provided for Sunset Place apartments (76 off-street and approximately 12 spaces available on Memorial Street). That development was approved as a Whole Block Redevelopment project specifically to provide affordable housing. That developer provided the city with an opinion from a licensed design professional that the parking proposed would be sufficient to accommodate the needs of the tenants.
9. Other development features include indoor and outdoor recreational elements, 20' street planting yards, 5'- 6.5' screening yards along adjacent properties, and interior sidewalks and new sidewalk construction along South Cherry Street. A solid waste enclosure, large enough for two dumpsters, is shown. According to city Environmental Services, 52 units typically would need 2 dumpsters that were emptied 2-3 times a week.
10. A rendering provided by the applicant is included with this report. The elevations indicate that building materials will include brick and cementitious stucco; the building may or may not include balconies.
11. The conditional zoning process allows an applicant to propose a project-specific zoning district that may diverge from the zoning ordinance's predetermined land use requirements. The deviations from the city's predetermined land use regulations are noted as follows:

A. Building setbacks discussed in #4 above.
B. Proposed built-upon area discussed in #5 above; it is acknowledged that storm control measures are offered.
C. Off-street parking provisions discussed in #7 above.

D. The placement of mechanical equipment within the front yard setback.
E. No designated and screened area for recreational vehicles is provided; the applicant has included a condition to prohibit the parking of such vehicles.

12. The site plan was routed to NCDOT, Asheboro City Schools, and the US Postal Service. NCDOT stated the need for a driveway permit and confirmation that the building is not impeding site distance prior to constriction but noted that the plan appears to be consistent with its policies.

Rezoning Staff Report

RZ Case # **RZ-24-16**

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	City Activity Center
Small Area Plan	Central
Growth Strategy Map Designation	Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance.

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Items 12-14: 12.) Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes.

Rezoning Staff Report

RZ Case # **RZ-24-16**

LDP Goals/Policies Which Do Not Support Request

Checklist Item 6: Existing infrastructure is adequate to support the desired zone. *(water, sewer, roads, schools, etc.) (regarding availability of adequate off- and on-street parking)*

Checklist Item 7: The proposed rezoning is compatible with the applicable Small Area Plan (*potential impacts to existing neighborhood due to parking limitations)*

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

This area of the city has been zoned for both office and higher-density residential uses for many years. The Center City Planning Area zoning provisions, adopted about 20 years ago, lend further support to higher residential densities since those rules manage land development based on built-upon area and building height limits instead of the amount of building square footage.

With higher density projects, it even is more important to ensure that land development occurs in a manner that promotes and supports community goals. Design should complement existing development and provide elements to ensure the health and safety of all residents. Architecture, stormwater management, landscaping, and vehicular and pedestrian access, and site amenities all important considerations.

The proposal promotes many adopted city policies; redevelopment of and investment in underutilized properties, site design that considers walkability and views from public streets, and reasonable mitigation of stormwater impacts all are objectives advanced by the project. It is also acknowledged that the applicant has made meaningful changes to the plan to address setback concerns and solid waste disposal capacity. However, staff believes that the project is more dense then the city's adopted plans or the property can support.

Recommendation In light of the above analysis, staff's recommends **denial** of the request to be in the public interest.

Rezoning Staff Report

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

(A) The use approved shall be a Development with Multiple Family Dwellings consisting of a total of 52 dwelling units.
(B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
(C) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.
(D) Mail delivery shall be provided on the final site plan, subject to postal service and/or NCDOT requirements. Any changes on the site plan necessary to comply with requirements for mail delivery will not be considered a modification of the Conditional Zoning district requiring Council action.
(E) The sidewalk as shown on the site plan, shall be extended along the entire frontage of South Cherry Street, and shall be built to NCDOT standards. The applicant shall obtain any required encroachment authorization from NCDOT for the construction of the sidewalk.
(F) No outdoor recreational vehicle parking or storage shall be permitted on the property.
(G) Mechanical equipment located on street facing sides of the structure shall be screened from street view with a vegetative screening.
(H) Pole mounted and/or wall mounted outdoor lighting shall comply with city ordinances and information on such lighting shall be provided to staff for review and approval prior to installation of this outdoor lighting.
(I) Stormwater control measures designed by a licensed professional shall be provided. Measures shall control, at minimum, the ten-year post-development peak discharge rates to pre-development peak flow rates, for any net increase of built-upon area on the site. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.
(J) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation showing approval from NC Department of Transportation and NC Department of Environmental Quality.
(K) Prior to the issuance of a zoning compliance permit, the applicant shall submit a site plan reflecting any revisions necessary to comply with city codes and conditions of approval, including increasing the dumpster enclosure to a width of 24'.
(L) 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 the conditional zoning district in the chain of title for the Zoning Lot.

Summey Engineering Associates, PLLC
PO Box 968., Asheboro, NC 27204
Phone: 336-328-0902 Fax: 336-328-0902
Email: mack@summeyengineering.com

August 30th 2024
City of Asheboro
Planning and Zoning

Based on my professional experience with multifamily developments that are similar to the Cypress on Sunset Apartments, we offer the following:

We believe 1.25 spaces per 1 BR unit and 1.5 spaces per 2 BR unit is sufficient for this development. Ordinances in many major cities use the afore-mentioned ratio for parking calculations in multifamily developments.

Using the parking ratio above: 14 one bedroom and 38 two bedroom units will require 75 parking spaces

It is our opinion that the 81 spaces provided for the proposed 52 units will be sufficient for the future needs of this development.

Sincerely,
Summey Engineering Associates, PLLC

H. Mack Summey Jr. P.E.
Principle Engineer

John Evans

From: Kimes, Tyler J <tjkimes@ncdot.gov>
Sent: Tuesday, July 23, 2024 11:35 AM
To: John Evans; Monroe, Roosevelt J; Britt, Jennifer L; Britt, Jennifer L
Cc: Trevor Nuttall
Subject: RE: [External Sender] [External] Proposed multi-family development with 52 units at corner of Sunset Avenue (SR 1442) and South Cherry Street (SR 1443?)

Good morning John,

We are good with the proposed driveway locations and site layout. The engineer will just need to ensure the building is not within the sight triangles (doesn't appear to be). A driveway permit application and plans will need to be submitted to us once they are ready for our review and approval. Thanks!

Tyler Kimes
Assistant District Supervisor
NCDOT Highway Division 8
District 1 - District Office

336-318-4000 – Office
336-318-4005 – Direct
Tjkimes@ncdot.gov

300 DOT Drive
Asheboro, NC 27205

From: John Evans <jevans@ci.asheboro.nc.us>
Sent: Tuesday, July 23, 2024 10:30 AM
To: Monroe, Roosevelt J <rjmonroe@ncdot.gov>; Britt, Jennifer L <jlbritt1@ncdot.gov>; Britt, Jennifer L <jlbritt1@ncdot.gov>; Kimes, Tyler J <tjkimes@ncdot.gov>
Cc: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>
Subject: [External] Proposed multi-family development with 52 units at corner of Sunset Avenue (SR 1442) and South Cherry Street (SR 1443?)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good Morning Everyone:

We just received a site plan for a multi-family development consisting of 52 dwelling units at the corner of Sunset Avenue and South Cherry Street. You may recall we had a similar proposal for a multi-family development for the elderly that was proposed earlier this year. That application was withdrawn.

This will be on the Planning Board agenda on August 5th and the City Council agenda on September 5th.

If you have any comments that you would like to share, please let me know. Our reports are typically sent out around the middle of next week.

Thanks!
John

John L. Evans, AICP, CZO
Assistant Director
Community Development Division
City of Asheboro
146 North Church Street
Asheboro, NC 27203
336-626-1201 Ext. 2325 (phone)
336-626-1218 (fax)
http://www.asheboronc.gov

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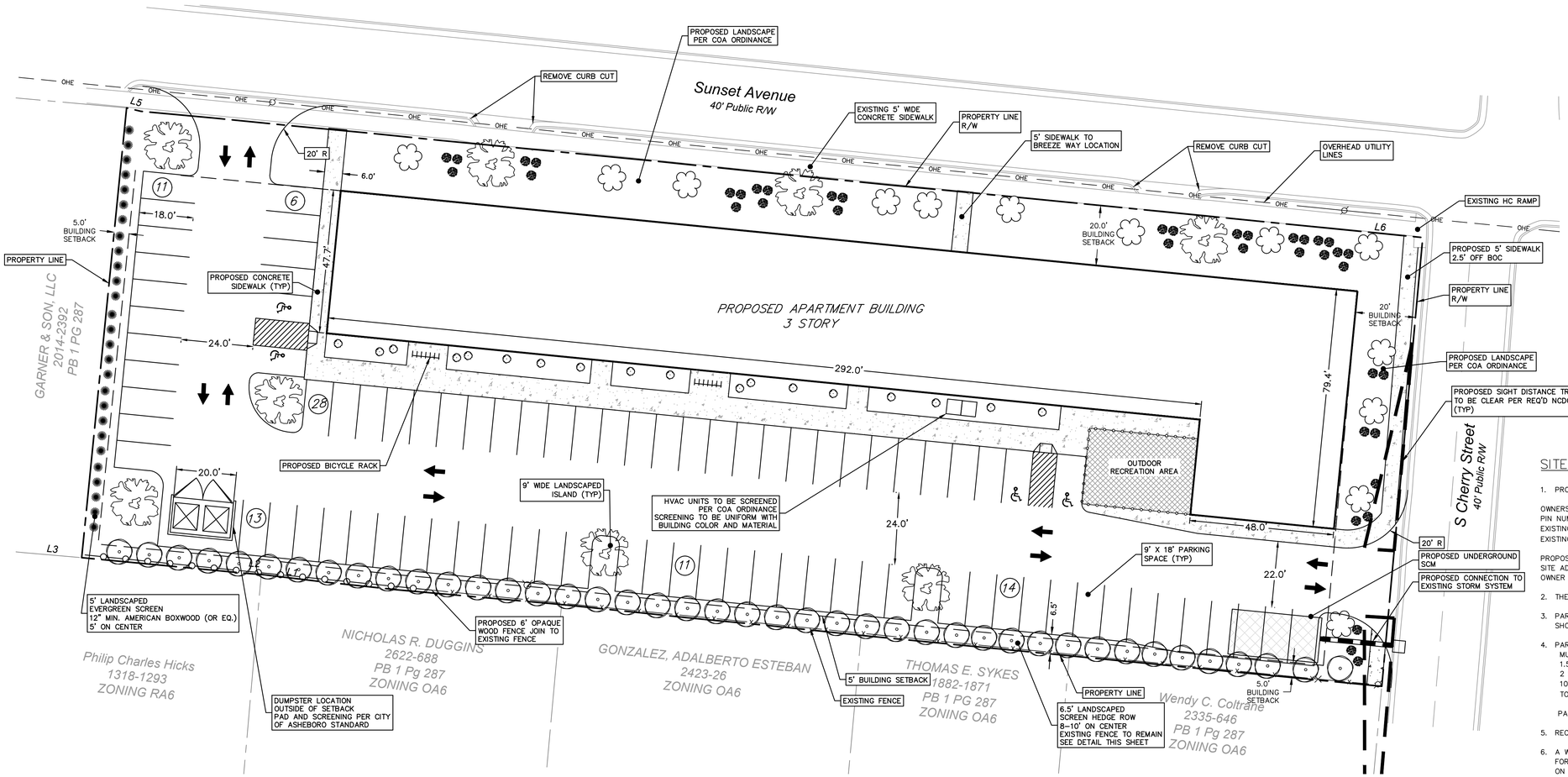
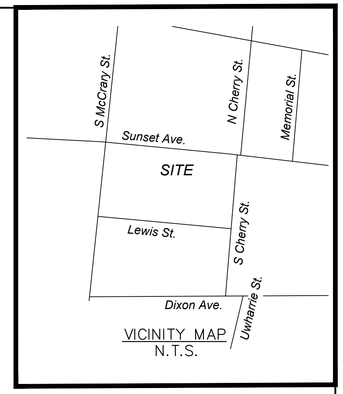




VICINITY MAP
N.T.S.

SITE NOTES:

1. PROPERTY INFORMATION

OWNERS: BAYBUILT PROPERTIES, LLC
PIN NUMBERS: 7751426889
EXISTING ZONING: OA6/OA6-C2
EXISTING LAND USE: CHURCH AND COMMUNITY CENTER

PROPOSED USE: DWELLING MULTI-FAMILY
SITE ADDRESS: 817 SUNSET AVE ASHEBORO, NC
OWNER ADDRESSES: 929 SUNSET AVE ASHEBORO, NC

2. THE PROJECT IS LOCATED WITHIN ASHEBORO CITY LIMITS .

3. PARCEL BOUNDARIES, ROADWAYS, EDGE OF PAVEMENT, AND EXISTING BUILDINGS ARE SHOWN PER FIELD SURVEY PERFORMED BY SURVEY CAROLINA, PLLC.

4. PARKING REQUIRED:
MULTIFAMILY DWELLING UNITS
1.5 SPACES PER ONE BEDROOM UNIT = 1.5 X 14 UNITS = 21 SPACES
2 SPACES PER TWO BEDROOM UNIT = 2 X 38 UNITS = 76 SPACES
10 VISITOR SPACES REQ'D
TOTAL REQUIRED SPACES = 21 + 76 + 10 = 107 SPACES

PARKING PROVIDED = 83 SPACES

5. RECREATIONAL VEHICLE PARKING ON SITE SHALL PROHIBITED

6. A WASTE MANAGEMENT COMPANY IS TO PROVIDE PICKUP AND DISPOSAL OF ALL WASTE FOR THE PROPOSED DEVELOPMENT. RENTAL FEE AND DUES ARE TO COVER THE COST OF ON SITE AND INDIVIDUAL UNIT GARBAGE PICK UP.

RECREATION AREA NOTE

INDOOR REC AREA: 1,750 SF
– INDOOR LOUNGE, LOBBY, EXERCISE ROOM, BILLIARD TABLE, GAME CONSOLE ETC.

OUTDOOR REC AREA: 1,000 SF

TOTAL REC AREA: 2,750 SF (4.22%)

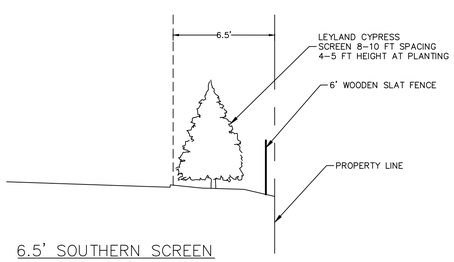
BUA SITE AREAS

EXISTING BUA:	33,465 SF (0.77 AC) = 51.38%
BUA TO REMOVE:	33,465 SF (0.77 AC)
PROPOSED NEW BUA:	17,730 SF BUILDING 5,035 SF SIDEWALKS AND POOL 26,775 SF PARKING
PROP. TOTAL BUA AREA:	49,540 SF (1.137 AC) = 76.1%
TOTAL SITE AREA:	65,130 SF (1.495 AC)

PROP. BUA (49,540) – EX. BUA (33,465) = 16,075 SF

16,075 SF/ 65,130 SF = 24.68% INCREASE

PROPOSED SCM TO REDUCE FLOWS TO PRE-DEVELOPMENT RATE FOR THE 10 YEAR STORM EVENT



6.5' SOUTHERN SCREEN
Not to Scale

0' 20' 40' 60'
DRAWING SCALE
1": 20'

GRID NORTH

PRELIMINARY PLANS NOT FOR CONSTRUCTION

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 368
Asheboro, NC 27204
Phone: 336-328-0902, Fax: 336-328-0922
E-mail - info@summeyengineering.com
NC Professional Engineering Firm License No. P-0336

No.	Date:	Description:	By:

PROPOSED SKETCH PLAN

CYPRESS ON SUNSET APARTMENTS

SUNSET AVE / CHERRY ST
RANDOLPH COUNTY - ASHEBORO - NC

Scale:	Date:	Drawn By:	Checked By:	Job No.:
AS NOTED	JULY 2024	GCP	HMSJ	E-9574

Sheet No.

PRELIMINARY
ELEVATION RENDERINGS

FOR

CYPRESS ON SUNSET APARTMENTS

SUNSET AVE / CHERRY ST

RANDOLPH COUNTY - ASHEBORO TOWNSHIP - NORTH CAROLINA

PROJECT NO.: E-9574

AUGUST, 2024

Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying
PO Box 968, Asheboro, NC 27204
Ph: 336-328-0902 Fx: 336-328-0922
www.summeyengineering.com

"COLORS ARE SUBJECT TO CHANGE AND TO BE OWNER VERIFIED."

PRELIMINARY FOR REVIEW ONLY

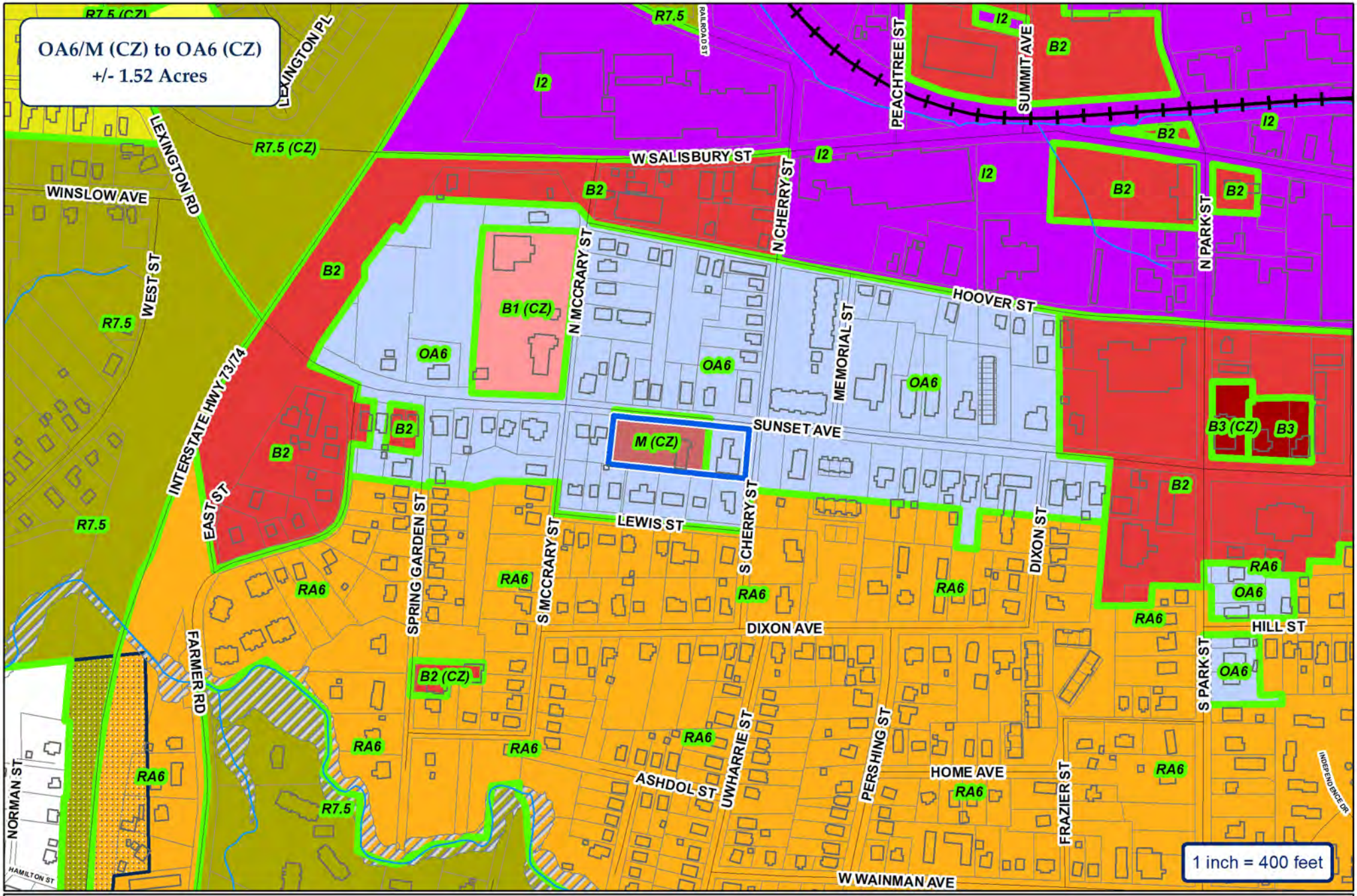
MEAN AVERAGE OF HEIGHTS: 38' - 6 3/4"

1 PROPOSED FRONT EXTERIOR ELEVATION
NOT TO SCALE

CYPRESS ON SUNSET
SUNSET AVE / CHERRY ST
RANDOLPH COUNTY - ASHEBORO TOWNSHIP - NORTH CAROLINA

Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying
PO Box 968, Asheboro, NC 27204
Ph. 336-328-0902 Fx. 336-328-0922 www.summeyengineering.com
NC ENGINEERING FIRM CERTIFICATE OF AUTHORIZATION: P-0336

Scale:	AS NOTED
Date:	AUGUST, 2024
Drawn By:	OM
Checked By:	WBA
Job No.:	E-9574
Sheet No.	



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-16

Parcels: 7751426889

Subject Property
Zoning

N
W
E
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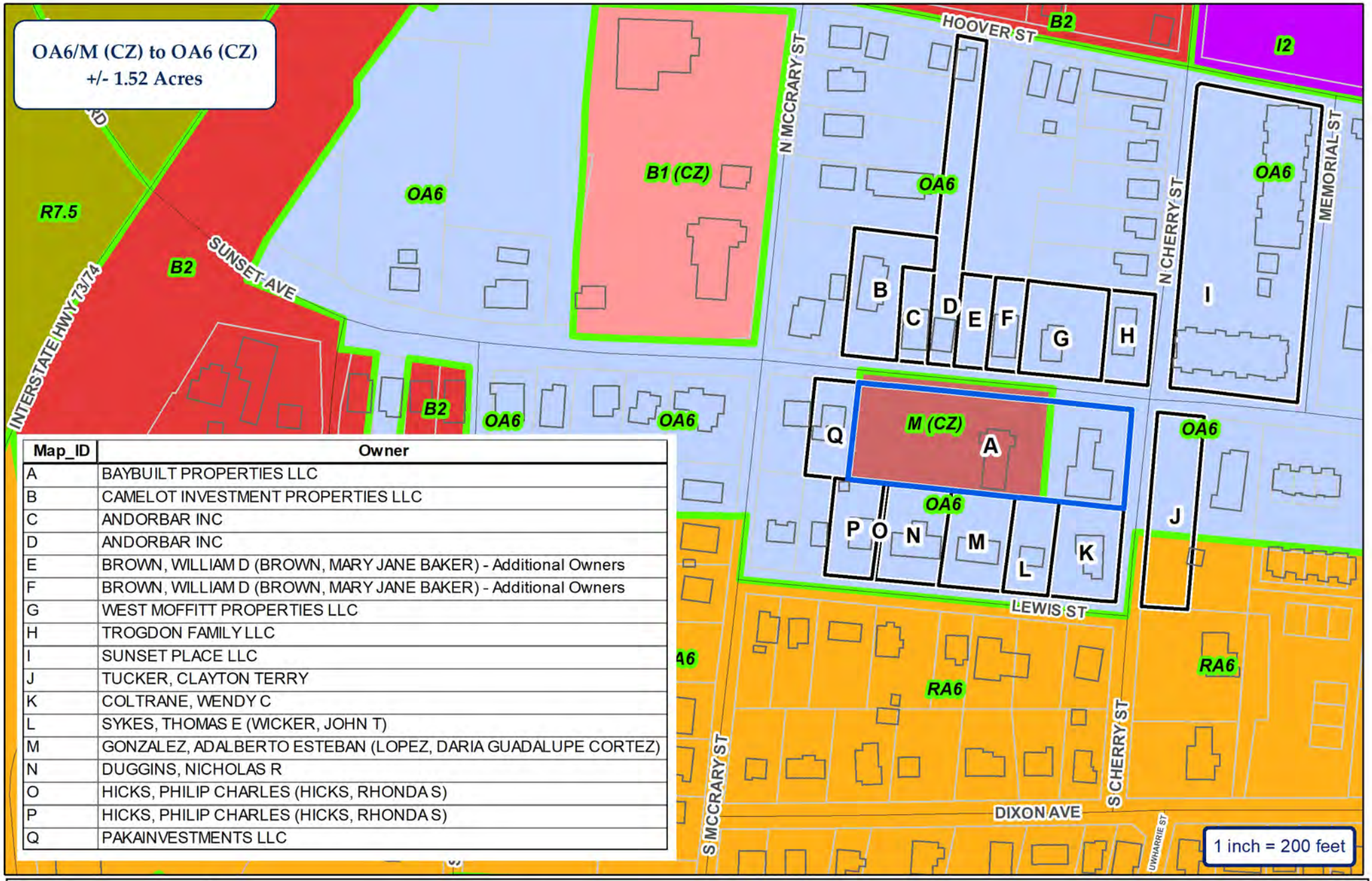

Map_ID	Owner
A	BAYBUILT PROPERTIES LLC
B	CAMELOT INVESTMENT PROPERTIES LLC
C	ANDORBAR INC
D	ANDORBAR INC
E	BROWN, WILLIAM D (BROWN, MARY JANE BAKER) - Additional Owners
F	BROWN, WILLIAM D (BROWN, MARY JANE BAKER) - Additional Owners
G	WEST MOFFITT PROPERTIES LLC
H	TROGDON FAMILY LLC
I	SUNSET PLACE LLC
J	TUCKER, CLAYTON TERRY
K	COLTRANE, WENDY C
L	SYKES, THOMAS E (WICKER, JOHN T)
M	GONZALEZ, ADALBERTO ESTEBAN (LOPEZ, DARIA GUADALUPE CORTEZ)
N	DUGGINS, NICHOLAS R
O	HICKS, PHILIP CHARLES (HICKS, RHONDA S)
P	HICKS, PHILIP CHARLES (HICKS, RHONDA S)
Q	PAKAINVESTMENTS LLC

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-16

Parcels: 7751426889

Subject Property
Adjoining Properties
City Zoning

N
W
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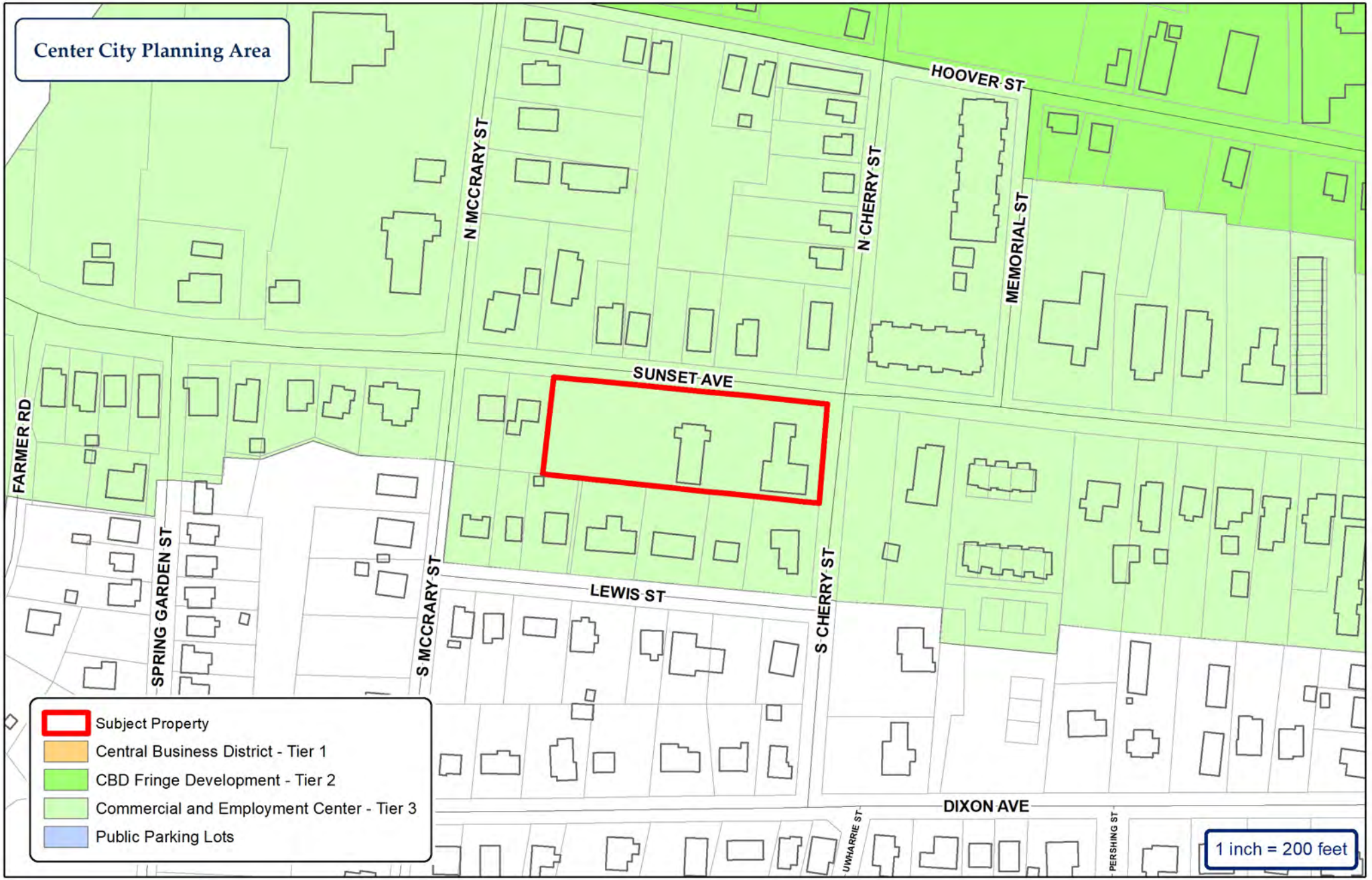

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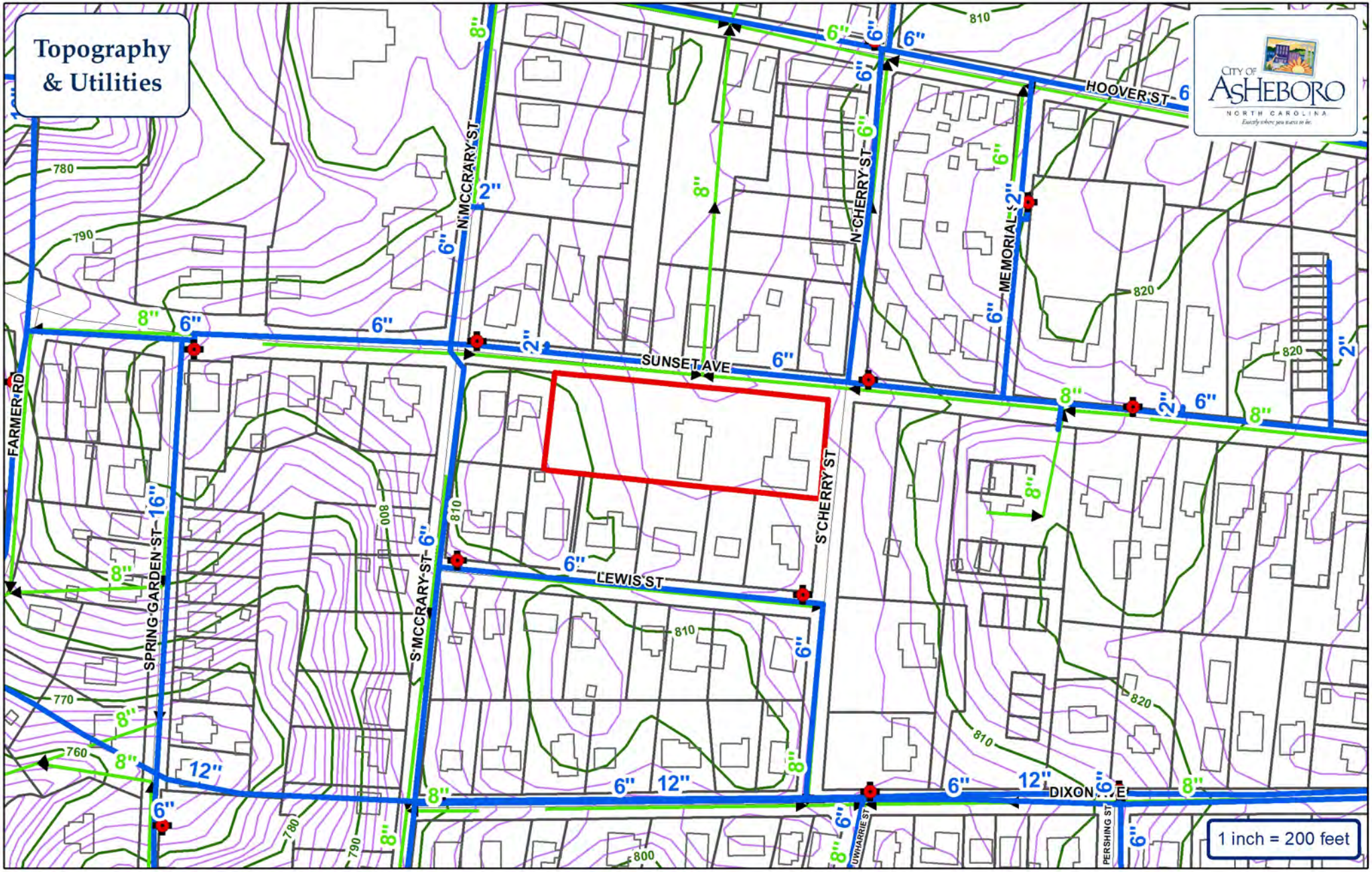
ETJ

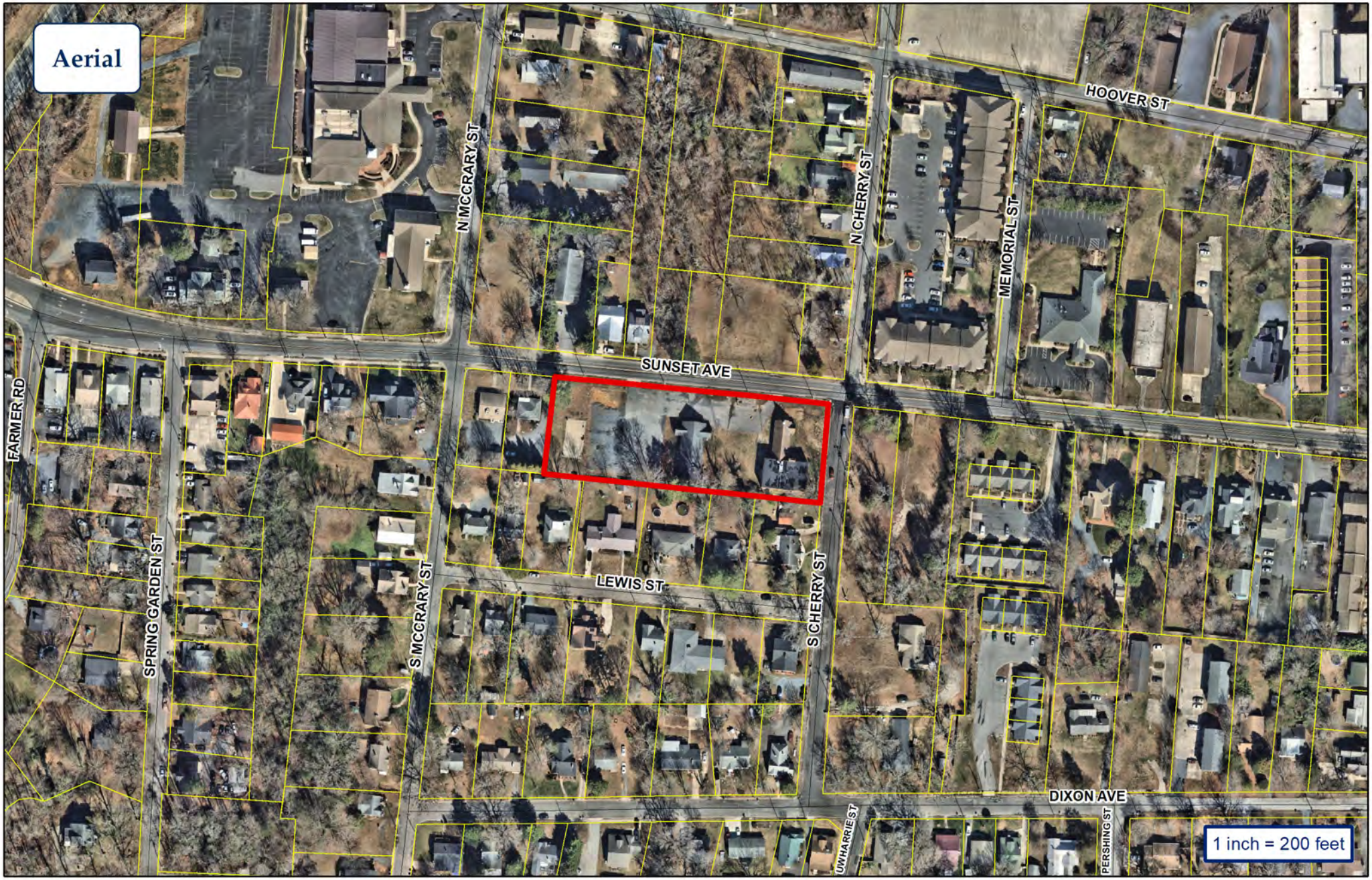
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-16

Parcels: 7751426889

N W E S


Topography & Utilities
CITY OF ASHEBORO
NORTH CAROLINA
HOOVER ST
N MCCRARY ST
N CHERRY ST
MEMORIAL
SUNSET AVE
FARMER RD
SPRING GARDEN ST
S MCCRARY ST
S CHERRY ST
LEWIS ST
DIXON AVE
UWHARRIE ST
PERSHING ST
1 inch = 200 feet
Water Main
Sewer Main
Force Main
Fire Hydrant
Pump Station
Watershed
City of Asheboro Planning & Zoning Department
Rezoning Case: RZ-24-16
Parcels: 7751426889
Subject Property



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-16

Parcels: 7751426889

Subject Property

N
W
E
S

limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

APPLICANT INFORMATION

Applicant Nash Duggins *Applicant's Phone #* 336-382-6327

Applicant's Address 1503 Badin Lane; Asheboro, NC 27205

Applicant email address nash@enzo.works

PROPERTY INFORMATION

Property Owner's Name Baybuilt Properties, LLC

Location of Property 929 Sunset Ave *Property Size (ac. or s.f.)* 1.52

Randolph County Property Identification Number (PIN#) 7751426889

Current Zoning District M-CZ / OA-6 *Requested Zoning District* CZ- OA6

Date Property Title Acquired _____ *Deed Book* 2710 *Page* 2029

Subdivision _____ *Section* _____ *Lot #* _____

Plat Book 1 *Page* 287

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:

To rezone the subject property located at 929 Sunset Ave to a CZ- OA-6 property to submit a ~~48~~ 52 unit apartment complex.

ND 07/12/24

146 N. Church St., Asheboro, NC 27203
Telephone: (336) 626-1201; Fax: (336) 626-1218; www.asheboronc.gov

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

Efficient development patterns with local streets in the immediate area

use of provided infrastructure, and promote investment in primary growth areas

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?

Asheboro's continued growth shows the need for additional housing.

nearby downtown districts and existing properties with OA-6 zoning are great indicators to what this subject parcel should for its intended use.

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

Nash Duggins Nash Duggins

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

(Ben Tuggle)

Owner Address

1536 Spero Road

Asheboro NC 27205

Telephone Number

336-736-0714

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: John Evans ***Date:*** 7-12-24 ***Case Number:*** RZ-24-16

146 N. Church St., Asheboro, NC 27203
Telephone: (336) 626-1201; Fax: (336) 626-1218; www.asheboronc.gov

RZ-24-13: Request to apply initial city zoning on property recently annexed into the City of Asheboro related to the NC Zoological Park and NC Zoological Society properties located at 2653, 2663, 2703, 2723, 2755, and 3733 Old Cox Road, 4297, 4401, 4403, and 4405 Zoo Parkway, 1745 Panther Creek Road, Ross Harris Road, Old NC Hwy. 13, and Fairview Farm Road, as shown in Plat Book 187, Page 17.

Rezoning Staff Report

RZ Case # **RZ-24-13** **Date** 9/3/2024 Planning Board

General Information

Applicant City of Asheboro

Address 146 North Church Street

City Asheboro NC 27203

Phone 336-626-1201

Location Zoo Pkwy, Panther Creek Rd., Ross Harris Rd., Old NC Hwy. 13, and Fairview Farm Rd., Old Cox Rd.

Requested Action Apply initial city zoning to property annexed through Session Law 2023-143 Senate Bill 68

Existing Zone Previously RA/E1

Size 2,272.01 acres +/-

Existing Land Use Undeveloped, Public Use, Manufactured home(s), single-family dwelling(s)

Pin # See attached.

Applicant's Reasons as stated on application

See attached.

Surrounding Land Use

North Various (See No.2 of Analysis)

East Various (See No.2 of Analysis)

South Various (See No.2 of Analysis)

West Various (See No.2 of Analysis)

Zoning History One parcel along Old Cox Road and Lions Rest Road (PIN 7678212748) was given initial city zoning designation (Tourism-Hospitality (TH)) in 2009 after being annexed. The proposal is to retain TH zoning on this parcel.

Legal Description

See attached legal description

Analysis

1. The subject PINs now are inside the city limits through action of the NC General Assembly. The PINs are owned by either by the State of North Carolina, the NC Zoological Authority, or the North Carolina Zoological Society.
2. The application includes property containing the NC Zoological Park and supporting uses, such as educational, training, and maintenance facilities; under the city zoning code, such activities are considered part of a Public Use Facility. Also included are a few residential uses and undeveloped properties.
3. The proposal is to apply TH (Tourism-Hospitality) to property developed with or in close proximity to an active Public Use Facility operation, and to property which the city previously zoned TH (the state legislative action included property that had been previously annexed and zoned by the city). The proposed R40 Low-Density Residential Zoning would apply to locations that primarily are undeveloped. The property formerly was zoned by Randolph County with two designations (E-1 and RA Residential-Agricultural).
4. The zoning ordinance describes the R40 and TH zoning districts as follows:A Public Use Facility is permitted in every city zoning district subject to compliance with the city's pre-determined land use regulations. Non-Public Use Facility development would be limited to single-family dwelling, two family dwelling (on 80,000 SF), Class A manufactured homes, and agricultural uses on the R40-zoned property.
5. Much of the area surrounding the subject property is characterized by low-density residential or agricultural uses.
6. The Zoo Connector and Zoo Pkwy. are state-maintained major thoroughfares. Old Cox Rd is a state-maintained minor thoroughfare. Panther Creek, Fairview Farm, Ross Harris Roads & Old NC Highway 13 all are state-maintained roads.
7. The property formerly was zoned by Randolph County with two designations (E-1 and RA Residential-Agricultural).
8. The proposal is to apply TH (Tourism-Hospitality) to property developed with or in close proximity to land actively engaged in Public Use Facility activities, and to property which the city previously zoned TH. The proposed R40 Low-Density Residential Zoning would apply to locations that primarily are undeveloped.
9. The zoning ordinance descriptions of the R40 and TH districts are included with the report.

Rezoning Staff Report

RZ Case # **RZ-24-13**

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation N/A

Small Area Plan N/A

Growth Strategy Map Designation N/A

LDP Goals/Policies Which Support Request

Goal 1.4: A thriving tourism industry

1.4.1 The City will continue to strengthen its countywide and regional partnerships with existing tourism venues *(NC Zoo, NC Aviation Museum, Richard Petty Museum, Seagrove potteries, Harley Davidson Museum, Uwharrie National Forest, etc.)* and organizations *(Randolph County Tourism Development Authority, etc.) and form partnerships with new and potential tourism venues.*

1.4.2 The City will utilize the Tourism-Hospitality Zoning District as a tool to attract new, compatible tourism opportunities, as well as tourism supported businesses.

Goal 2.2: Development that is located in appropriate locations

Rezoning Staff Report

RZ Case # **RZ-24-13**

LDP Goals/Policies Which Do Not Support Request

Checklist Items 13 and 14: 13.) The property is located within of 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 city must apply zoning to all property within its corporate limits. Staff proposes applying a Tourism-Hospitality designation to those properties actively used by or supporting the NC Zoo and its operation and to land that previously had been annexed into the city and zoned TH. Additionally, some property located along throroughfares or higher classification streets, and land that is reasonably likely to be developed as part of a Public Use Facility operation is recommended to be placed in the TH District. All other property is proposed to be zoned R40 Low-Density Residential designation consistent with the surrounding Randolph County zoning designation and existing land uses.

Recommendation Considering the aformentioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

RZ-24-13 Parcel Identification Numbers and proposed zoning designations

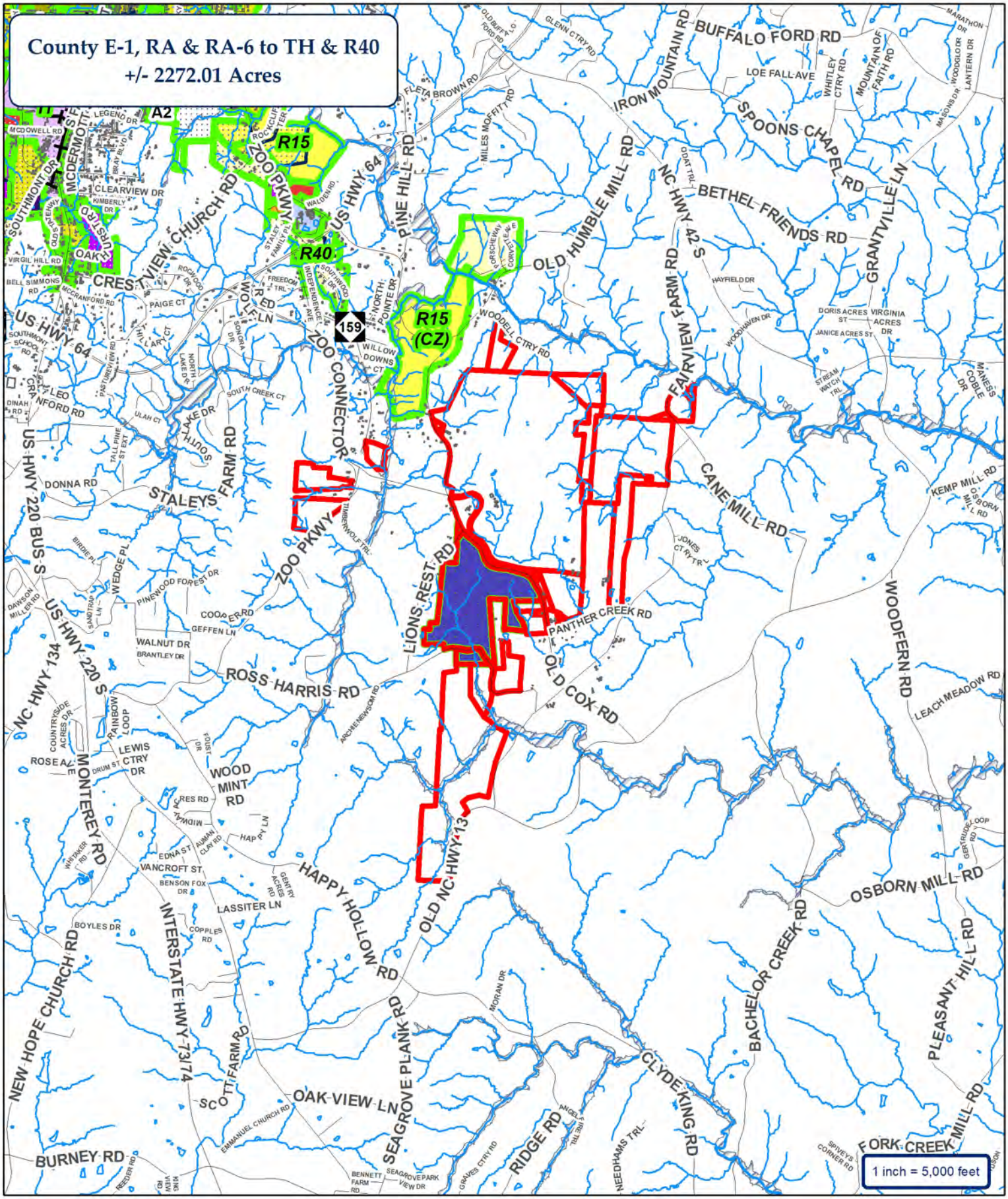
PIN	Existing County Designation	Proposed city designation
7677156291	RA	R40
7678229463	E-1	TH
7678327275	E-1	TH
7678368428	E-1	TH
7678409289	E-1	TH
7678416419	E-1	TH
7678508381	E-1	R40
7678515400	E-1	TH
7678627658	E-1	TH
7678653318	E-1	TH
7678871097	E-1	R40
7678674202	E-1	R40
7678692465	E-1	R40
7678736792	E-1	TH
7678983390	E-1	R40
7678989678	E-1	R40
7688095314	E-1	R40
7668544623	Split E-1 front/RA rear	R40
7668558905	Split E-1 front/RA rear	R40
7668860860	E-1	R40
7677287093	Split E-1/RA-6 rear of western pro	R40
7678075774	E-1	R40
7678212748	TH (was already in city with TH zor	TH
7678401818	E-1	R40
7678402273	E-1	R40
7678502254	E-1	R40
7679207881	E-1	R40
7678085025	E-1	R40

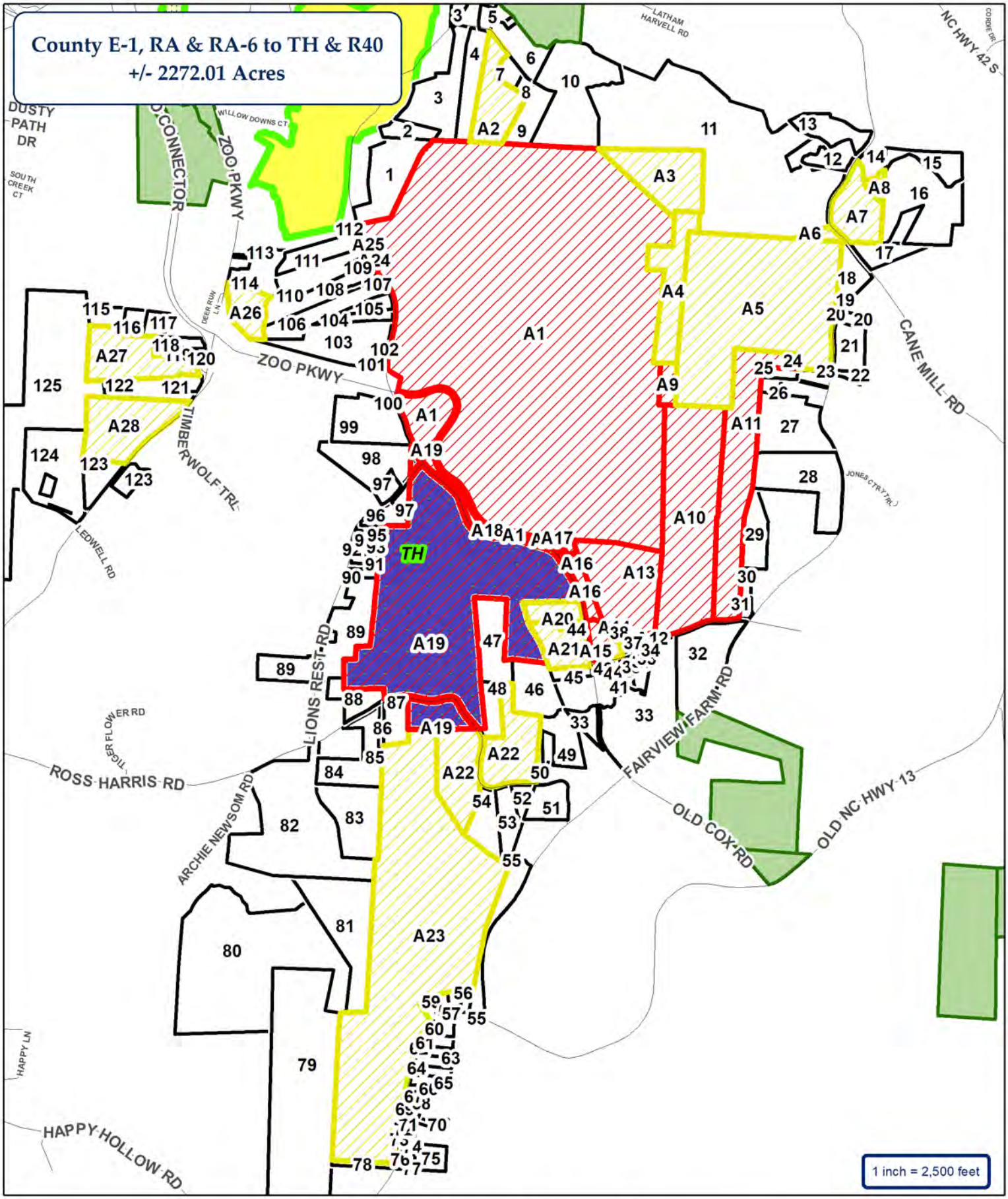
Legal Description: The properties of NC Zoological Authority, the State of North Carolina, and North Carolina Zoological Society, totaling approximately 2,272.01 acres +/-. The property is recorded in Plat Book 187, Page 17 and identified by the following Randolph County Parcel Identification Numbers: 7677156291, 7678229463, 7678327275, 7678368428, 7678409289, 7678416419, 7678508381, 7678515400, 7678627658, 7678653318, 7678871097, 7678674202, 7678692465, 7678736792, 7678983390, 7678989678, 7688095314, 7668544623, 7668558905, 7668860860, 7677287093, 7678075774, 7678212748, 7678401818, 7678402273, 7678502254, 7679207881, 7678085025. The properties are located along Old Cox Road, including 2653, 2663, 2703, 2723, 2755, and 3733 Old Cox Road;
Zoo Parkway, including 4297, 4401, 4403, and 4405 Zoo Parkway; Panther Creek Road, including 1745 Panther Creek Road; Ross Harris Road; Old NC Highway 13; and Fairview Farm Road.

RZ-24-13 Attachment R40 Low Density Residential and TH Tourism Hospitality Definitions (Section 4.04 of Zoning Ordinance)

R40 Low-Density Residential District: The R40 Residential District is 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.

TH Tourism-Hospitality District: The TH Tourism-Hospitality District is intended to serve the lodging, tourism, convenience goods, shoppers' goods retail and service needs of the traveling public, with emphasis on promoting compatible tourism development and complementing existing tourism venues. This district shall be located with access directly to freeways and minor thoroughfares or higher classification streets, Chapter 4 — Zoning Districts 5 but never local residential streets. The use of commercial service roads to access properties in this district shall be strongly encouraged.


County E-1, RA & RA-6 to TH & R40
+/- 2272.01 Acres
R15
R40
R15 (CZ)
A2
159
ZOO PKWY
ZOO CONNECTOR
US HWY 64
US HWY 220 BUS S
NC HWY 134
INTERSTATE HWY 73/74
OLD NC HWY 13
BUFFALO FORD RD
IRON MOUNTAIN RD
SPOONS CHAPEL RD
BETHEL FRIENDS RD
GRANTVILLE LN
NC HWY 42 S
OLD HUMBLE MILL RD
FAIRVIEW FARM RD
PINE HILL RD
CANE MILL RD
KEMP MILL RD
OSBORN MILL RD
WOODFERN RD
PANTHER CREEK RD
OLD COX RD
LIONS REST RD
ROSS HARRIS RD
STALEYS FARM RD
CREST VIEW CHURCH RD
MONTEREY RD
WOOD MINT RD
HAPPY HOLLOW RD
SEAGROVE PLANK RD
BACHELOR CREEK RD
PLEASANT HILL RD
CLYDE KING RD
FORK CREEK MILL RD
NEW HOPE CHURCH RD
SCOTT FARM RD
OAK VIEW LN
BURNEY RD
RIDGE RD
WOODELL CTRY RD
1 inch = 5,000 feet
City of Asheboro Planning & Zoning Department
Rezoning Case: RZ-24-13
Parcels: multiple (28)
ETJ
Subject Property
City Zoning



City of Asheboro Planning & Zoning Department

ETJ

Voluntary Ag District

Rezoning Case: RZ-24-13

Parcels: multiple (28)

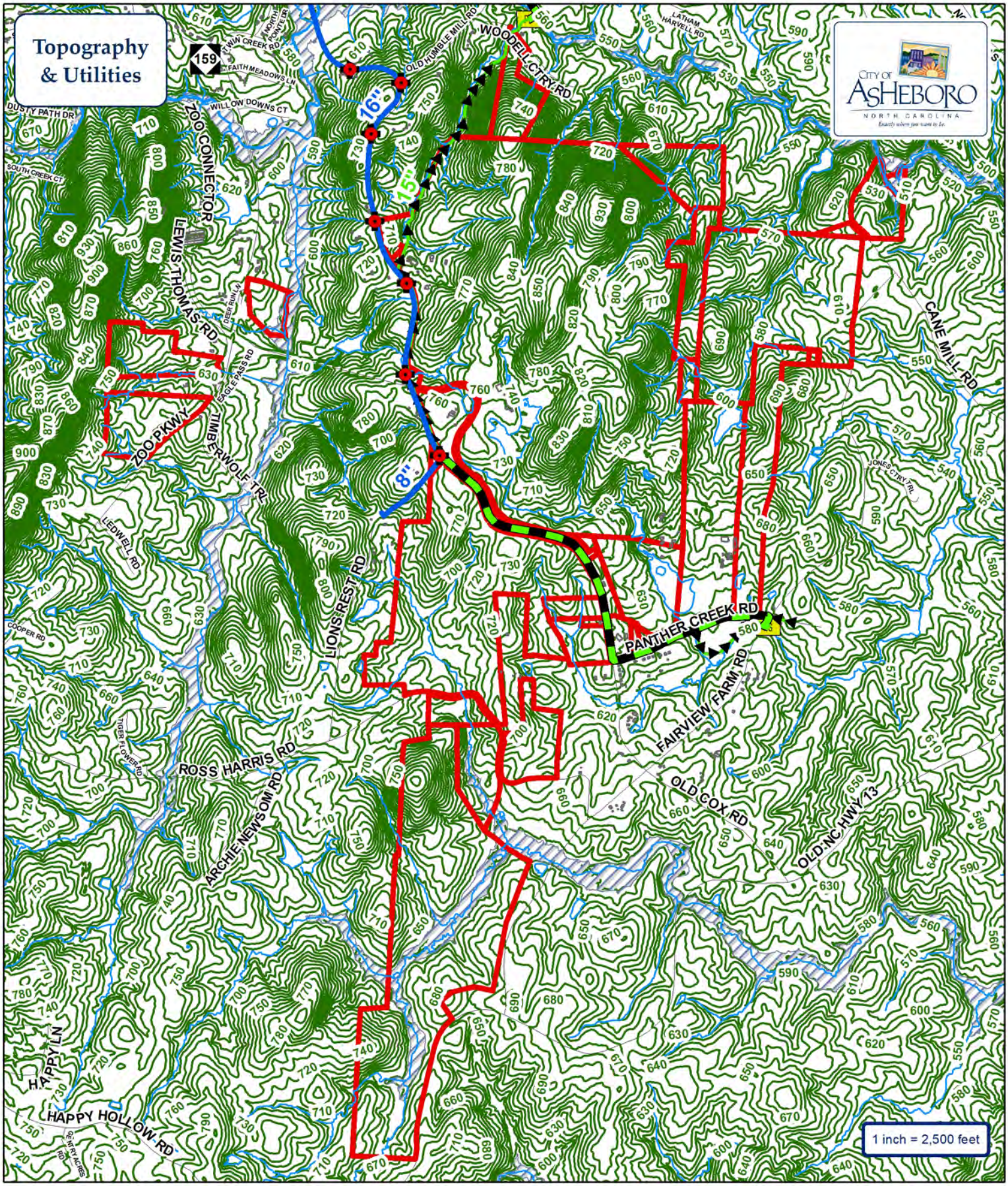
Subject Property

Rezone to TH

Rezone to R40

Adjoining Properties

City Zoning



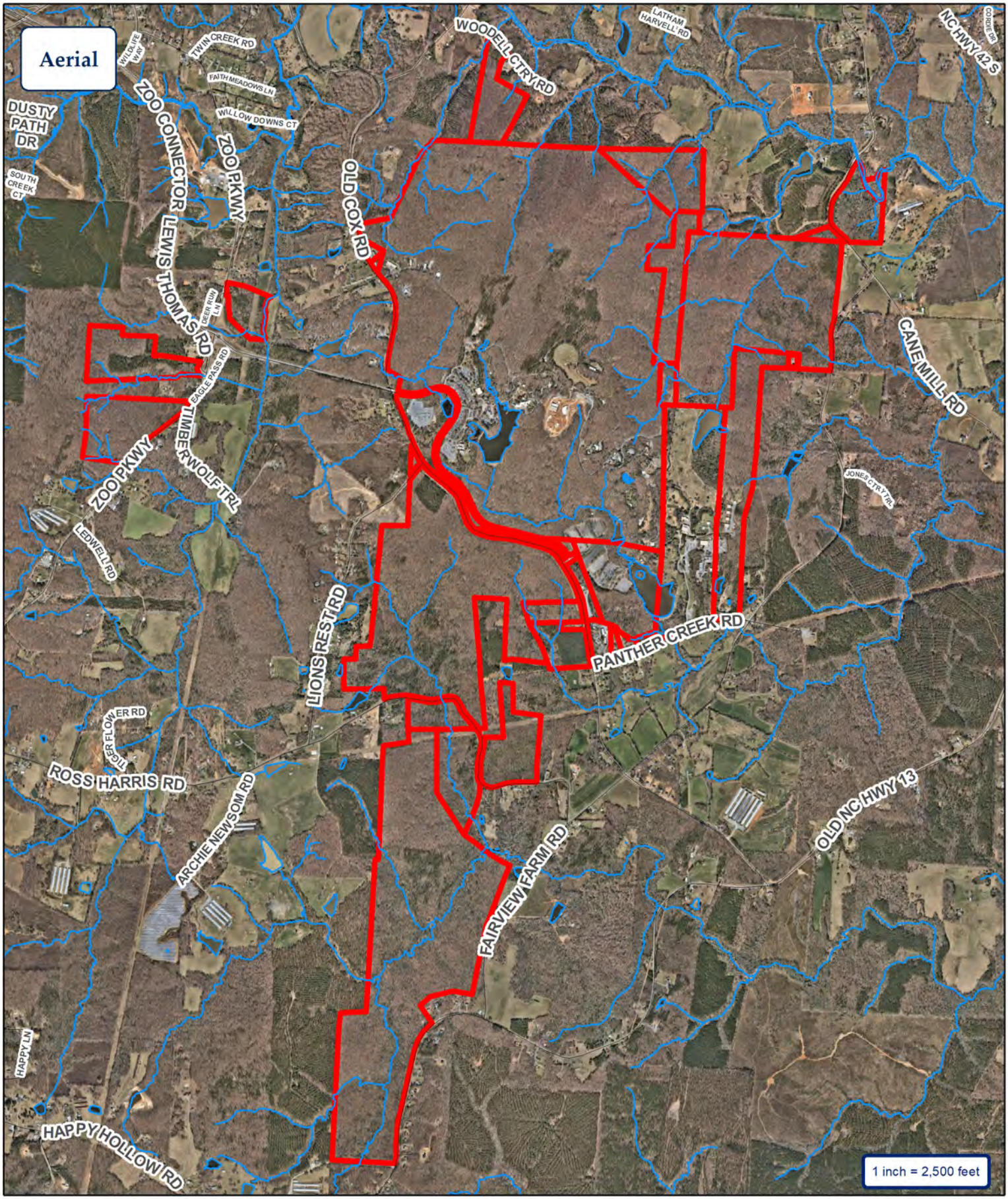
Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station
Watershed

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-13

Parcels: multiple (28)

Subject Property



CITY OF ASHEBORO
NORTH CAROLINA

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-13

Parcels: multiple (28)

Subject Property

N W E S

APPLICANT INFORMATION

Applicant City of Asheboro

Applicant's Phone # 336-626-1201

Applicant's Address 146 North Church Street; Asheboro, NC 27203

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

PROPERTY INFORMATION FOR MAP AMENDMENTS (see attachment for full detail)

Property Owner's Name State of North Carolina, NC Zoological Authority

Location of Property: Old Cox Rd., Lions Rest Road. Zoo Parkway, Ross Harris Road, Old NC Hwy. 13, Fairview Farm Rd.

Property Size (ac. or s.f.) 2272.01 acres +/-

Randolph County Property Identification Number (PIN#) (28 parcels- see attached)

Current Zoning District: E-1, RA (Randolph County)

Requested Zoning District TH (Tourism Hospitality) and R40 (Low-Density Residential)

Date Property Title Acquired See attached

Deed Book See attached Page See attached

Subdivision _____ Section _____ Lot # _____

Plat Book See attached Page _____

ORDINANCE AMENDMENT INFORMATION

1.In what manner will the proposed amendment carry out the intent of the Land Development Plan? *The Land Development Plan supports zoning that matches the intent of the property, and the zoning ordinance includes specific zoning districts that encourage that intent. Due to recent annexation of properties related to the NC Zoological Park and NC Zoological Society, city zoning needs to be assigned to these properties. The proposed district is TH (Tourism-Hospitality) in locations actively used or projected to be used for visitor usage and R40 Low-Density Residential for properties owned or managed by the NC Zoo or a related entity but less likely to see demand for tourism-related use in the short or mid-term future.*

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

2. 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 X

3. 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?

State law necessitates zoning being applied to the property due to it now being located in the City of Asheboro with Randolph County no longer applying zoning designations to the properties.

Does not apply ☐

4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?
The rezoning staff report will offer additional supporting information and why each zoning designation was selected for each parcel.

APPLICATION SIGNATURES

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

Applicant Signature

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant
Governmental body responsible for zoning

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: __JLE___ Date: Filed 7-10-24_____ Case Number: __RZ-24-13_____

RZ-24-17: Request to rezone property located at 223 Brewer Street (Randolph County Parcel Identification Number 7751957267) from OA6 Office-Apartment to R7.5 Medium-Density Residential rezoning

Rezoning Staff Report

RZ Case # **RZ-24-17** **Date** Tuesday, September 3, 2024
Planning Board

General Information

Applicant Aranaza Gallegos

Address 223 Brewer Street

City Asheboro NC 27203

Phone 336-963-5004

Location 217 and 223 Brewer Street

Requested Action Rezone from OA6 Office-Apartment to R7.5 Medium-Density Residential

Existing Zone OA6 **Existing Land Use** Single-family dwelling

Size 0.72 acres +/- **Pin #** 7751957267

Applicant's Reasons as stated on application

Changing over from OA6 to proper zoning of R7.5 for primary home living. Neighboring properties also have R7.5 zoning.

Surrounding Land Use

North Single-family and undeveloped **East** Single-family residential

South Commercial **West** Undeveloped and single-family residential

Zoning History N/A

Legal Description

The property of Aranza Gallegos, located at 217 and 223 Brewer Street, totaling approximately 0.72 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7751957267.

Analysis

1. The property is inside the city limits.
2. Brewer Street is a city-maintained collector street. Greensboro Street is a city-maintained minor thoroughfare.
3. The zoning ordinance describes the existing OA6 and requested R7.5 designations as follows:
OA6: Intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.
R7.5: To provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.
4. The current OA6 zoning allows single-family, two-family, and multi-family residential uses subject to code compliance. It also allows for certain non-residential uses such as business and professional services, health practitioner offices, personal services (i.e. hair salons), but does not allow commercial uses such as retail, restaurants, or motor vehicle sales and services. The proposed R7.5 district allows only a single-family dwelling or two-family dwelling.
5. There is currently a single-family dwelling on the property; tax records indicate the home was constructed in 1979.
6. In 2019, the City initiated a rezoning along both Cox and Greensboro Streets that included 52 parcels due the continuing transition of the corridor from residential to office uses. This parcel, however, was not included in the request as it was already zoned OA6 at the time.

Rezoning Staff Report

RZ Case # **RZ-24-17**

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 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance.

Checklist Item 5: Complies with Growth Strategy Map

Checklist Items 12-13: 12.) Property is located outside of the watershed area, Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # **RZ-24-17**

LDP Goals/Policies Which Do Not Support Request

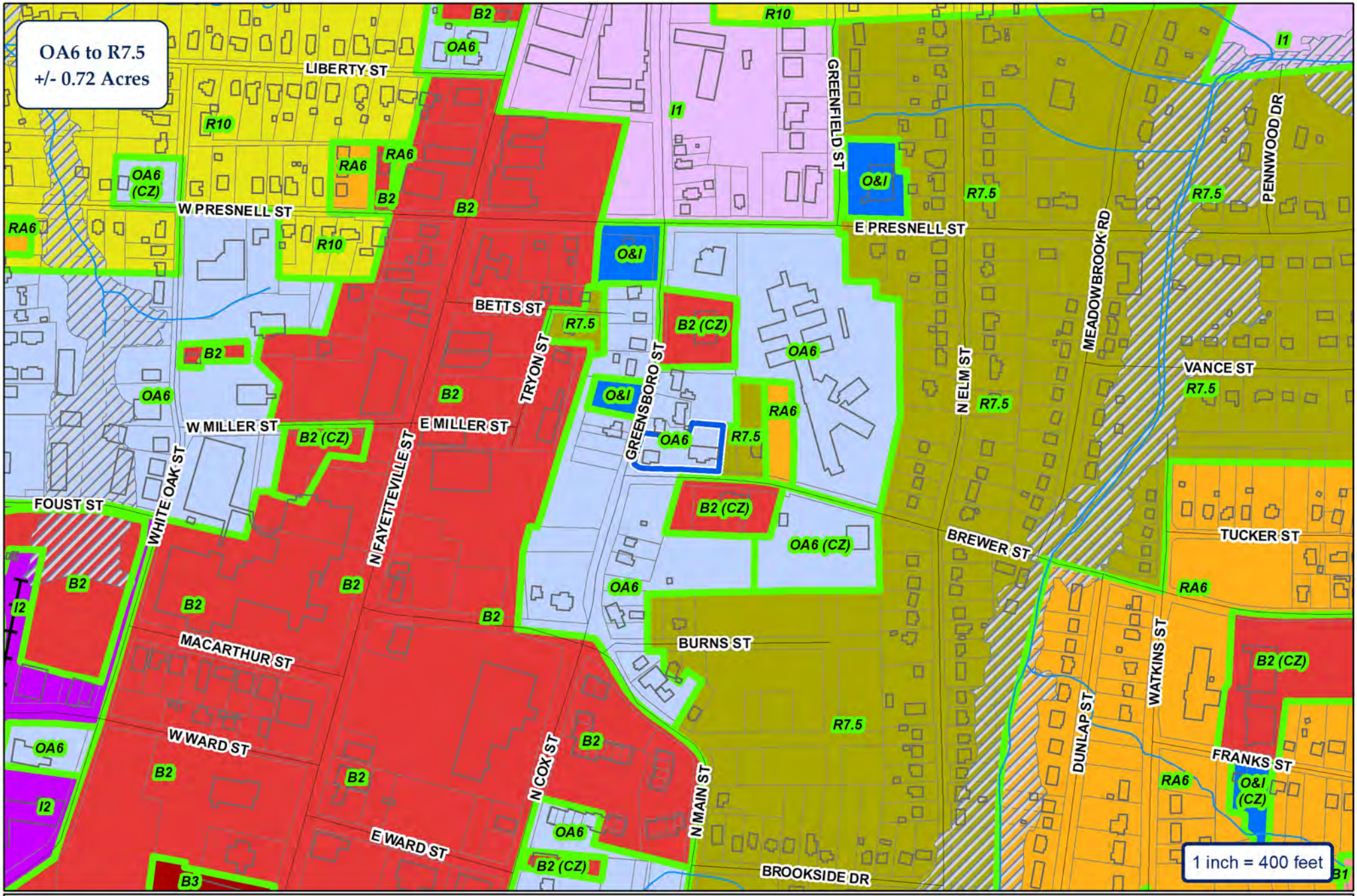
Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map.

Checklist Item 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 requested R7.5 district is intended to produce single-family and two-family development. The R7.5 district is considered more restrictive than the OA6 district as it does not allow non-residential or multi-family. Accordingly, the district generally can be viewed as more compatible the with adjoining single-family dwellings than the current zoning. The Central Small Area plan also indicates "preservation and revitalization of existing residential neighborhoods" to be a key issue for the city to promote.

Recommendation Considering the aformentioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest.



City of Asheboro Planning & Zoning Department

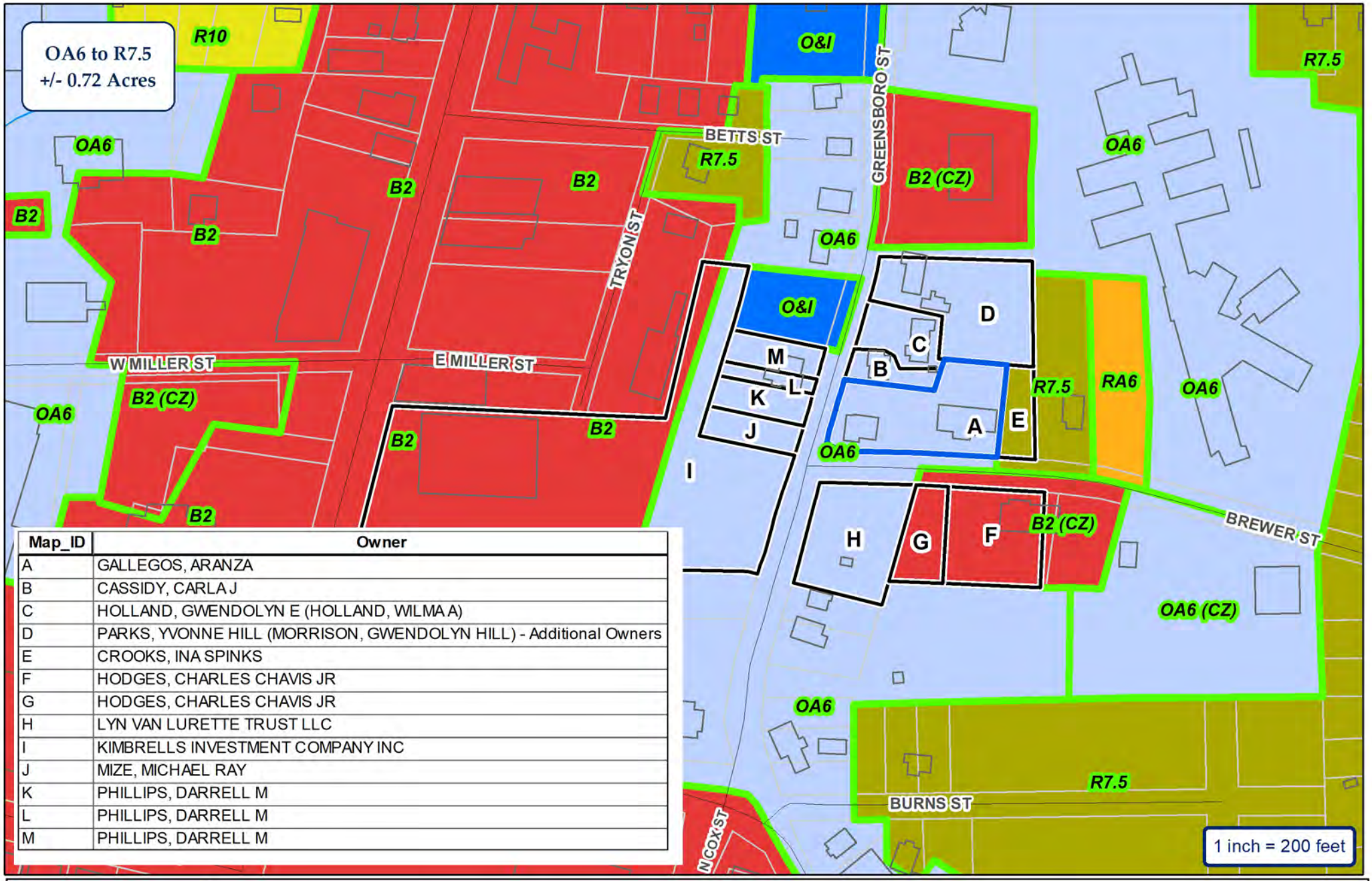
Rezoning Case: RZ-24-17

Parcels: 7751957267

ETJ

Subject Property

Zoning



Map_ID	Owner
A	GALLEGOS, ARANZA
B	CASSIDY, CARLA J
C	HOLLAND, GWENDOLYN E (HOLLAND, WILMA A)
D	PARKS, YVONNE HILL (MORRISON, GWENDOLYN HILL) - Additional Owners
E	CROOKS, INA SPINKS
F	HODGES, CHARLES CHAVIS JR
G	HODGES, CHARLES CHAVIS JR
H	LYN VAN LURETTE TRUST LLC
I	KIMBRELLS INVESTMENT COMPANY INC
J	MIZE, MICHAEL RAY
K	PHILLIPS, DARRELL M
L	PHILLIPS, DARRELL M
M	PHILLIPS, DARRELL M

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-17

Parcels: 7751957267

Subject Property
Adjoining Properties
City Zoning

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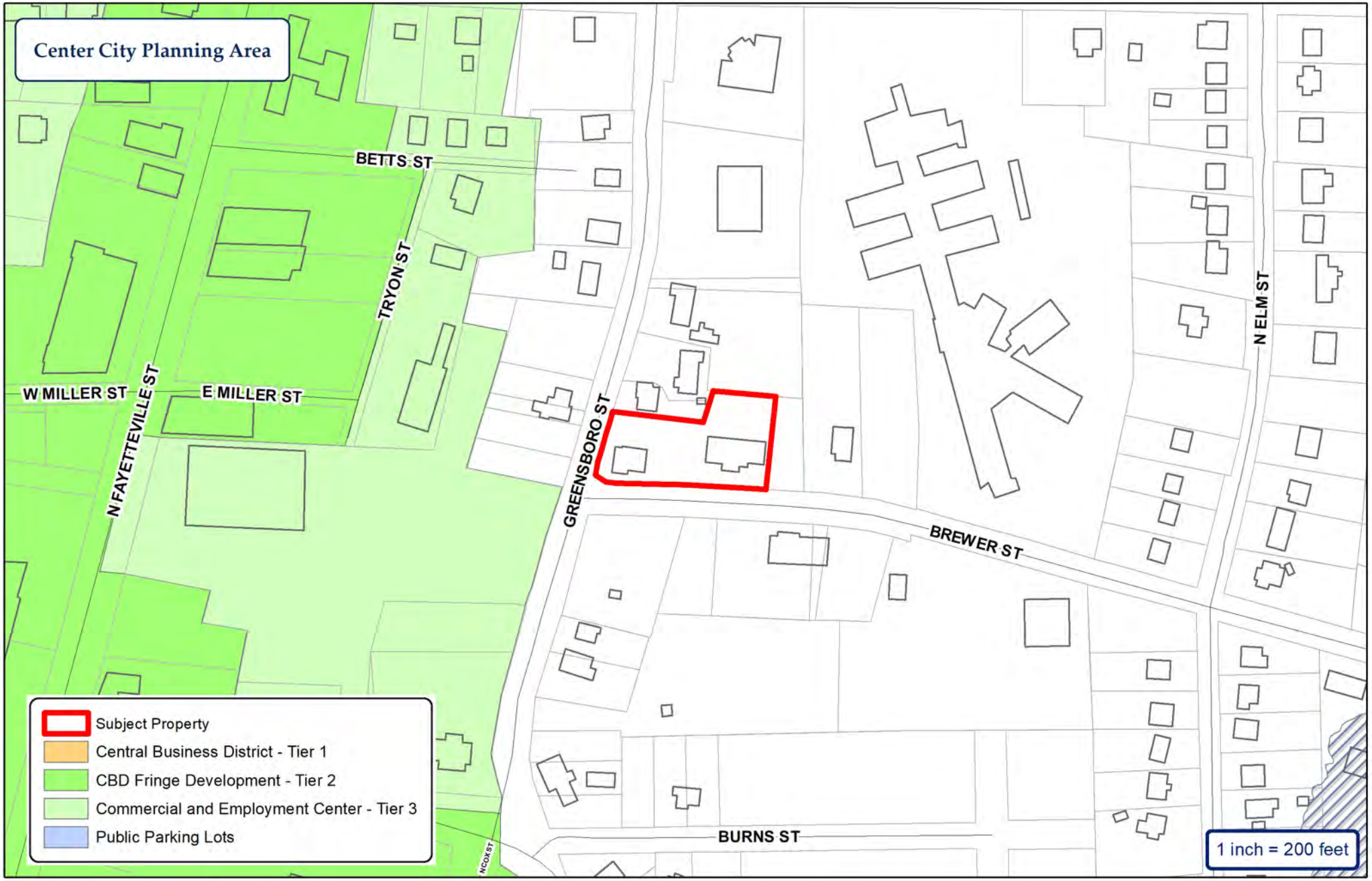

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

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City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-17

Parcels: 7751957267

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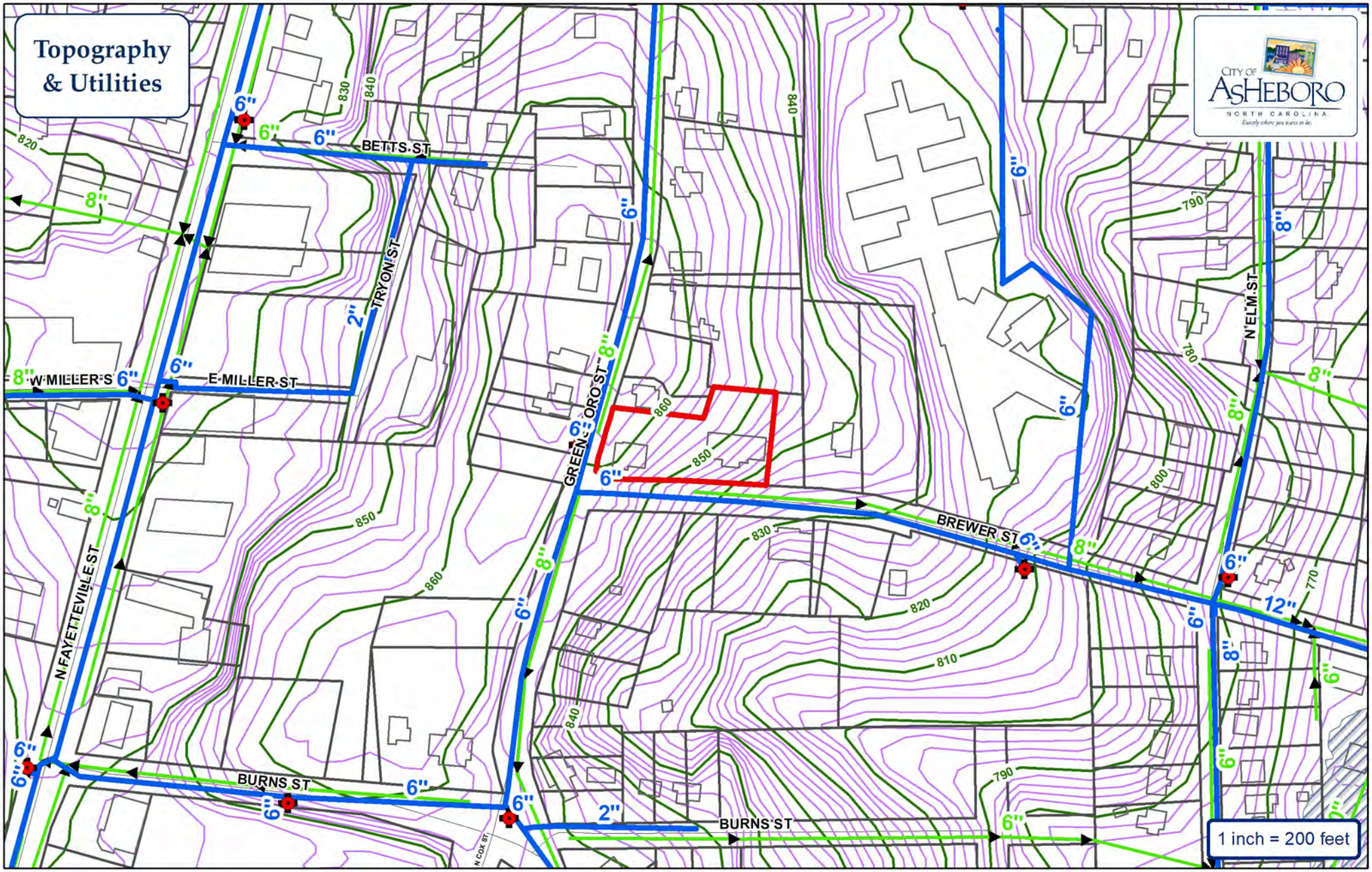
Topography & Utilities
CITY OF ASHEBORO
NORTH CAROLINA
BETTS ST
TRYON ST
W MILLER ST
E MILLER ST
GREENSBORO ST
N ELM ST
BREWER ST
N FAYETTEVILLE ST
BURNS ST
N COX ST
1 inch = 200 feet
Water Main
Sewer Main
Force Main
Fire Hydrant
PS
Pump Station
Watershed
City of Asheboro Planning & Zoning Department
Rezoning Case: RZ-24-17
Parcels: 7751957267
Subject Property
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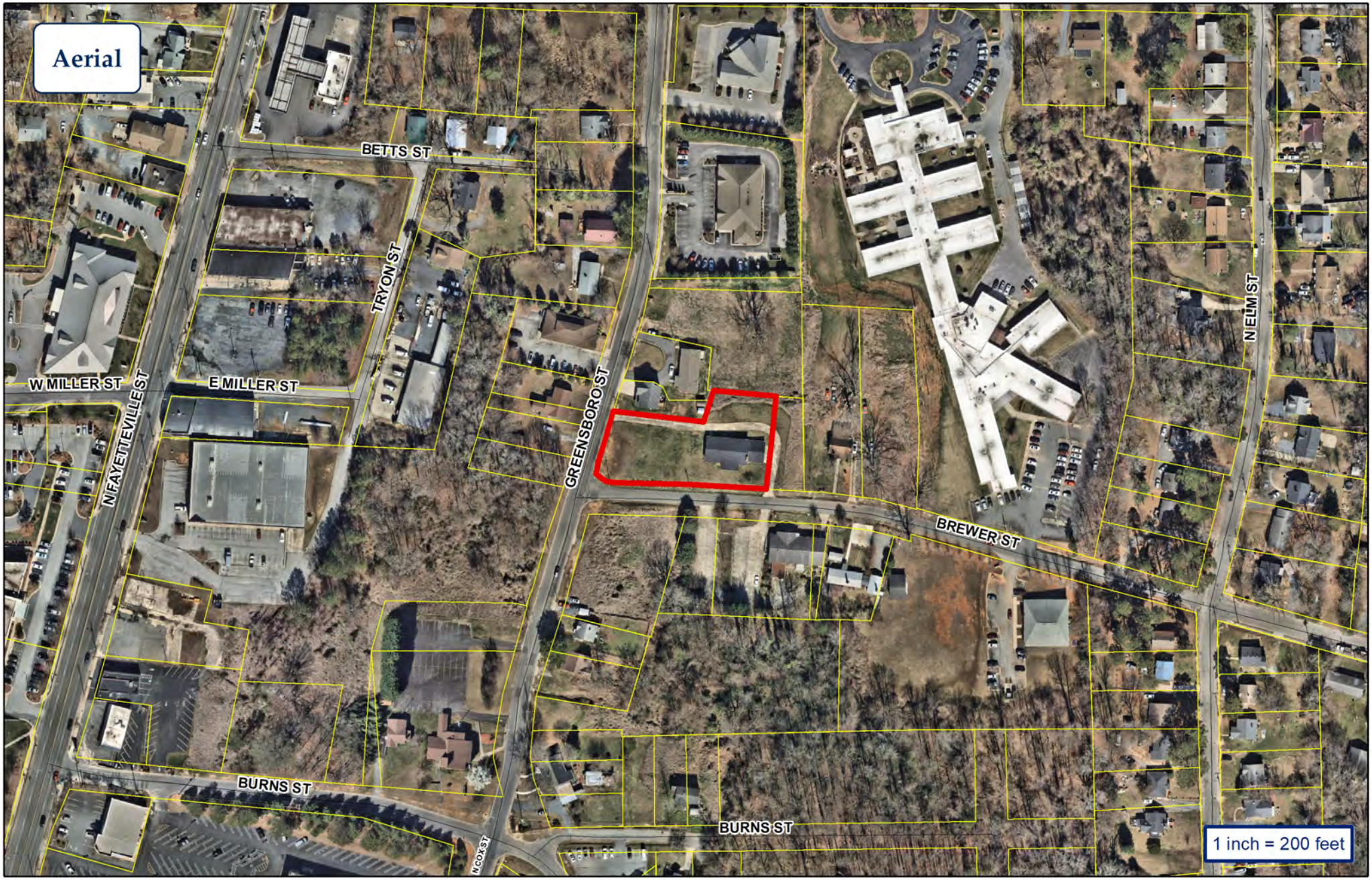


CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-17

Parcels: 7751957267

Subject Property

N
W
E
S

APPLICANT INFORMATION

Applicant Aranza Gallegos

Applicant's Phone # (336) 963-5004

Applicant's Address 223 Brewer Street, Asheboro NC 27203

Applicant Email Address gallegos.aranza@yahoo.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Aranza Gallegos

Location of Property 223 Brewer Street, Asheboro, NC 27203

Property Size (ac. or s.f.) .72 acre

Randolph County Property Identification Number (PIN#) 7751-95-7267

Current Zoning District Asheboro City

Requested Zoning District Asheboro City

Date Property Title Acquired 11-16-2021

Deed Book 002780 Page 00694

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

ORDINANCE AMENDMENT INFORMATION

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

Changing over from OA6 to proper zoning of R7.5 for primary home living

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

2. 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 ☑

3. 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 ☑

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

Neighboring properties also have R-7.5 zoning

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

Aranza Gallegos

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

Owner Address

223 Brewer Street

Asheboro, NC 27203

Telephone Number

(336)963-5004

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: JLE ***Date:*** 7-29-24 ***Case Number:*** RZ-24-17

RZ-24-18: Request to rezone property located at the western terminus of Ferrari Drive, northwest of Old Humble Mill Road from R40 Low-Density zoning to R40 (CZ) Low-Density Conditional Zoning for a manufactured home park

Rezoning Staff Report

RZ Case # **RZ-24-18** **Date** Tuesday, September 3, 2024
Planning Board

General Information

Applicant Moffitts by Walker B. Moffitt, President

Address 1 Richland Place

City Asheboro NC 27205

Phone 336-465-1299

Location Old Humble Mill Road (west of Avanti Drive)

Requested Action Rezone from R40 Low-Density Residential to R40 Low-Density Residential Conditional Zoning for Manufactured Home Park

Existing Zone R40 **Existing Land Use** Undeveloped

Size 61.53 acres +/-

Pin # 7679148928

Applicant's Reasons as stated on application

Addition of 21 Manufactured Housing Spaces. Provide much needed affordable housing in an area recognized for this and other potential residential development along existing City of Asheboro sewer line. Continuation of existing operations since 1969. Proposed development is secluded and not visible to traffic or others. See attached Richland Village "Rules" attachment for Residential Rental Contract, Section 5, Item L.

Surrounding Land Use

North Undeveloped **East** Manufactured Home Park

South Proposed residential PUD/City Lift Station **West** Undeveloped

Zoning History Initial City of Asheboro R40 zoning was applied to the property after annexation in 2009 (Case No. 09-05).

Legal Description

The property of Moffitts, Inc., located at the western terminus of Ferrari Drive, northwest of Old Humble Mill Road, totaling approximately 61.53 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7679148928.

Analysis

1. Old Humble Mill Road is a state-maintained road. The property and development would be accessed via Ferrari Drive, a private maintained roadway located within Richland Village, an adjoining manufactured home park. The request seeks approval for a limited expansion of the park.
2. The property was annexed into the city in 2009; the R40 designation was applied at that time.
3. The 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..."
4. The site plan submitted with the application show a total of 21 manufactured home sites. The adjoining manufactured home park provides recreational amenities (play area), a community store, school bus stop, and a community mail facility. Streets within the development are proposed to be privately maintained and each manufactured home space includes a driveway with room to accommodate three vehicles.
5. The property has access to city sewer and a privately operated water system. Other than the existing sewer main, all utilities will be privately maintained.
6. The zoning ordinance allows a conditional zoning district to deviate from the city's predetermined land use requirements. The applicant proposes to develop the property in a manner consistent with the existing community. Deviations include:

a. proposed paved roadway surface widths of between 18' and 20'; 22' is the city's typical requirement for new manufactured home park development. The Fire Code will require each roadway to be all-weather surfaced with at least 20' of width.

b. the site plan doesn't indicate a buffer yard or screen against a small amount of adjacent residentially used property (area of required buffer or screen would be 400' from adjacent residence).

Rezoning Staff Report

RZ Case # **RZ-24-18**

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	Conservation Residential
Small Area Plan	N/A
Growth Strategy Map Designation	Primary Growth (due to annexation into the city limits in 2009)

LDP Goals/Policies Which Support Request

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

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

Checklist Item 5: Complies with Growth Strategy Map

Rezoning Staff Report

RZ Case # **RZ-24-18**

LDP Goals/Policies Which Do Not Support Request

Checklist Items 13-14: (13) Property is located with Special Hazard Flood Area and (14) on slopes of greater than 20%.

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

The low-density nature of the proposed conditional zoning district is consistent with the Land Development Plan's designation as a Conservation Residential Area; the goal of these areas is to "accommodate allowable densities while using less land". Approval of the district will promote the offering of varied and affordable housing options for residents, objectives the Land Development Plan advocates. Further, the conditional zoning process can help to ensure that new land development is compatible with existing and neighboring uses.

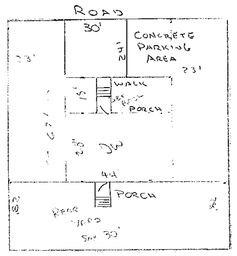
Recommendation Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

Rezoning Staff Report

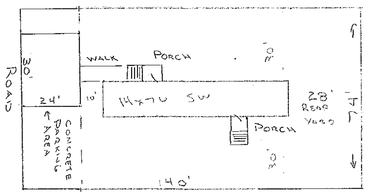
Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

(A) The use approved shall be a Manufactured Home Park consisting of a total of 21 dwelling units.
(B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
(C) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.
(D) Mail delivery shall be provided on the final site plan, subject to postal service and/or NCDOT requirements. Any changes on the site plan necessary to comply with requirements for mail delivery will not be considered a modification of the Conditional Zoning district requiring Council action.
(E) Outdoor recreational vehicle parking or storage shall continue to be prohibited on the property, consistent with the community "rules" submitted by the applicant.
(F) It shall be the property owner's responsibility to obtain any and all permits and approvals required for the proposed land use.
(G) Installation of traffic and street signs within the development shall be the responsibility of the developer. Approval of any proposed name of the private road shall be obtained from Randolph County for E-911 purposes.
(H) If plans for solid waste disposal are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Any such facilities shall be consistent with city policies and codes.
(I) Prior to the issuance of a zoning compliance permit, the applicant shall submit a final site plan demonstrating compliance with the conditional zoning district, including details on roadway widths compliance with the distict and Fire Code.
(J) 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 the conditional zoning district in the chain of title for the Zoning Lot.

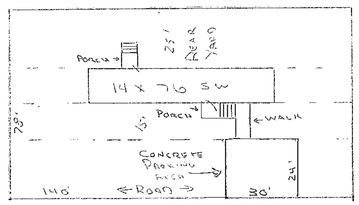
Double Wide



Single Wide



Single Wide



Manfactured Home Space – Typical

1" = 30'

Proposed 21 Manufactured Housing Spaces

Plat 2

Zone R – 40

Zone R – 40

"Lotus Lane"

"Porsche Way"

"Ferrari Drive"

Carrera Ct

Jaguar Ave

Benz Ln

Proposed Road

Existing Mobile Home

Basketball Court

Goal

Goal

Proposed House

El.:592.87

El.:595.04

El.:588.90

El.:587.12

El.:594.81

El.:593.09

El.:591.89

El.:590.18

El.:591.64

El.:591.06

El.:590.14

El.:591.33

El.:591.67

El.:578.70

El.:587.15

El.:579.67

El.:579.93

El.:583.20

El.:584.40

El.:588.91

El.:582.82

El.:578.76

El.:579.07

Rim Elevation

Rim Elevation

1-1/4" EIP Up 4"

1" EIP Up 4"

1" EIP Up 8"

1" EIP Up 4"

1" EIP Up 10"

N: 693,772.25 Ground US Survey Feet

E: 1,772,269.92 Ground US Survey Feet

PP

PP

PP

PP

48" CMP

City Of Asheboro 60' R/W 1409/1215

City Of Asheboro Pump Station 1409/1215

City Of Asheboro Sewer Force Main R/W 1409/1215

City of Asheboro 1409-1215

Note: Elevation = 569.75' All Elevations Based On Top Of Concrete Pad. (Pump Station)

Pump Station

Richland Creek

Richland Creek

Approximate Location Of 100 Year Flood Line As Per Map No. 370195 0319B

Approximate Location 100 Year Flood Line Map No. 370195 0319

Charlotte Fenberg Wilt Wooten Life Estate 1513-558

James Harvey Humble Sr
Grace H. Humble
2608-714

City Of Asheboro 60' R/W 1409/1215

S 24°58'57" W 291.54

N 56°56'51" W 229.57

N 23°19'35" E 173.95

N 60°43'52" W 540.33

S 69°25'45" W 608.09

S 69°25'45" W 632.57

S 69°03'16" W 800.41

S 69°03'16" W 123.07

N 09°13'38" E 255.61

Total 729.87

428.50

45.76

20.0'

20.0'

40.0'

40.0'

6" SS

8" SS

4" WATER

6" WATER

8" WATER

12" WATER

EXISTING 15" SS

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Owners:
Moffits Inc
1 Richmond Place
Asheboro, NC 27205

Survey For:
Moffits Inc
Grant Township Randolph County
North Carolina June 19, 2024
Deed Book:2761 Pg:1406
Scale: 1" = 40 US Survey Feet

Bar Scale: 0 40 80 120

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com
Firm #: P-1110
Dan W Tanner II L-4787

© 2024 Survey Carolina, Plic

Job #: 12822

Plat 1

Tract 3 of This Plat
61.527 Acres
A Portion of DB 1080 Pg 815

Zone R – 40

Tract 2 Of This Plat
59.490 Acres
57.387 Acres Clear of Utility Easement
A Portion of DB 1080 Pg 815

Zone R – 40

Tract 1 of This Plat
3.366 Acres
A Portion of DB 1080 Pg 815

Proposed 21 Manufactured Housing Spaces

Metal Building
1699 Ferrari Dr
Asheboro, NC

Proposed 40' Access and Utility Easement To Serve Tract 1 of This Plat 17,090 Sq. Ft.

James Edward Sides
1741-115

James Edward Sides
Sharon C. Sides
1129-702

James Edward Sides
1253-1027

Cancer Family LLC
1840-1824

Barbara Pugh Marsh
1663-1409
PB 21 Pg 46

James Harvey Humble Sr
Grace N. Humble
2618-774

James Harvey Humble Sr
Grace N. Humble
2614-794

1511.556 Chatsfield Feasbery Mill, Wenonis Life Estate

"Bugatti Ave"
"Porsche Way"
"Viper Lane"
"McLaren Lane"
"Corvette Avenue"
"Enzo Lane"
"Avanti Drive"
"Ferrari Drive"
"Royce Lane"
"Lotus Lane"
"Rolls Lane"
"Porsche Way"

Old Humble Mill Road
SR 2830 60' Public R/W

Richland Creek
Richland Creek
Richland Creek

City Of Asheboro Pump Station 1409/1215
City Of Asheboro Sewer Force Main R/W 1409/1215
City Of Asheboro 60' R/W 1409/1215

60' R/W ACCESS
48" CMP
Existing Mobile Home
Proposed House
Proposed Pool
Proposed Deck
Proposed Gazebo
Proposed Shed
Proposed Garage
Proposed Driveway
Proposed Sidewalk
Proposed Retaining Wall
Proposed Fence
Proposed Mail Kiosk
Proposed Bus Stop
Proposed Swings
Proposed Shelter
Proposed Rosebell Court Road
Proposed Gazebo Path
Proposed Monument Sign
Proposed 24' Utility Easement (10' Min. Width)
Proposed 20' Utility Easement (10' Min. Width)

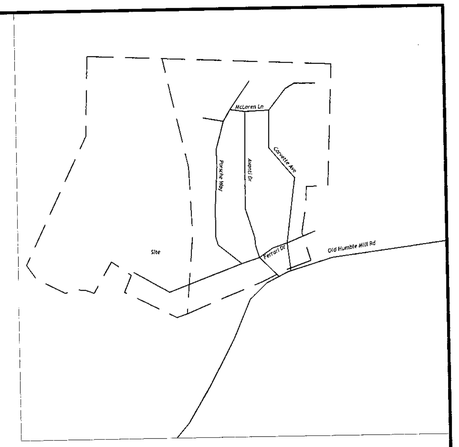
Note:
Points Along North Bank Of Richland Creek Not Set Unless Otherwise Noted.

Note:
Elevation = 589.75' All Elevations Based On Top Of Concrete Pad. (Pump Station)

Approximate Location Of 100 Year Flood Line As Per Map No. 3701953198

Approximate Location Of 100 Year Flood Line As Per Map No. 3701933198

Location Map
(Not to Scale)



Grid North
NAD 83 (2011)

Hardwood Tree
Evergreen Tree
Stone
R/W - Right of Way Monument
RRS - Railroad Spike
NIR - New Iron Rod
NIP - New Iron Pipe
NCGS Monument
EN - Existing Nail
EIR - Existing Iron Rod
EIP - Existing Iron Pipe
Existing Concrete Monument
Bench Mark
Computed Point / Point Not Set
Well
Property Line
Computed Property Line
Right of Way Line
Easement Line
Tie Lines
Setback Lines
Gas Line
Sanitary Sewer Line
Storm Sewer Line
Water Line
Fence
Overhead Utility Line
Overhead Power Line
Underground Electric Line
Underground Comm. Line
100-Year Flood Hazard Line
Floodway
C/L Railroad
Catch Basin
Yard Inlet
Storm Sewer Manhole
Junction Box
Drop Inlet
Irrigation Control Valve
Back Flow Preventer
Water Valve
Water Manhole
Water Meter
Fire Dept. Connection
Fire Hydrant
Utility Pole
Telephone Pedestal
Telephone Pole
Transformer
Communications Manhole
SS - Sanitary Sewer
SS Manhole
SS Cleanout
U/G Power Box
PP
Power Pole
Light Pole
Guy Pole
Gas Valve
Guy Wire
Gas Manhole
Gas Meter
Electric Meter
Electric Machole
Spot Elevation

Owners:
Moffits Inc
1 Richmond Place
Asheboro, NC 27205

Survey For:
Moffits Inc
Grant Township
North Carolina
Deed Book:2761 Pg:1406
Scale: 1" = 120 US Survey Feet

Randolph County
June 19, 2024

Bar Scale:
0 120 240 360

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com
Firm #: P-1110
Dan W Tanner II L-4787

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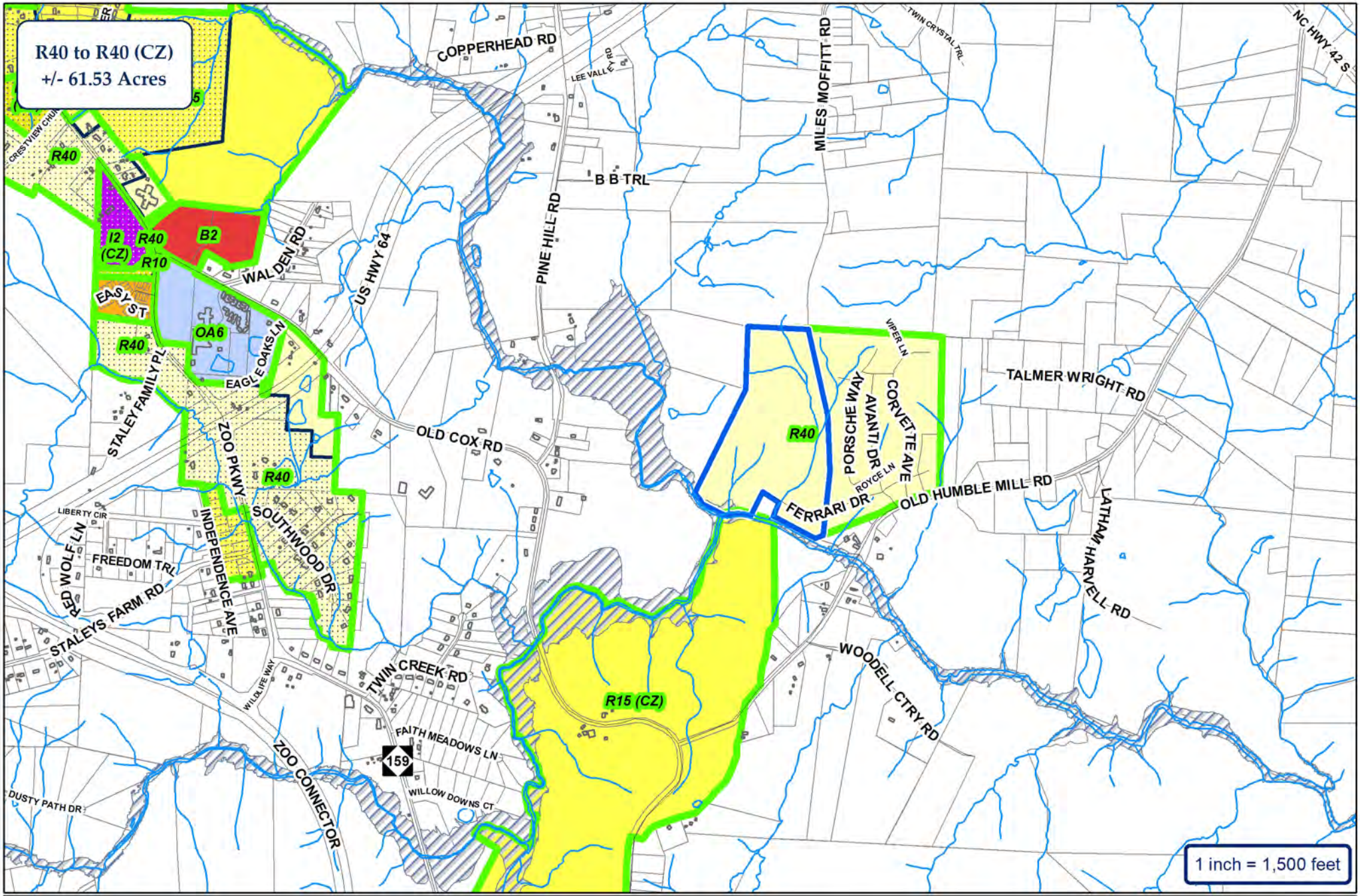
Job #: 12822

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES


R40 to R40 (CZ)
+/- 61.53 Acres
COPPERHEAD RD
LEE VALLEY RD
MILES MOFFITT RD
TWIN CRYSTAL TRL
NC HWY 42 S
B B TRL
PINE HILL RD
US HWY 64
WALDEN RD
I2 (CZ)
B2
R40
R10
EASY ST
OA6
EAGLE OAKS LN
STALEY FAMILY PL
ZOO PKWY
OLD COX RD
VIPER LN
PORSCHE WAY
AVANTI DR
CORVETTE AVE
ROYCE LN
TALMER WRIGHT RD
FERRARI DR
OLD HUMBLE MILL RD
LATHAM HARVELL RD
LIBERTY CIR
FREEDOM TRL
RED WOLF LN
INDEPENDENCE AVE
SOUTHWOOD DR
STALEYS FARM RD
WILDLIFE WAY
TWIN CREEK RD
R15 (CZ)
WOODELL CTRY RD
FAITH MEADOWS LN
159
ZOO CONNECTOR
WILLOW DOWNS CT
DUSTY PATH DR
1 inch = 1,500 feet
CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.
ETJ
City of Asheboro Planning & Zoning Department
Rezoning Case: RZ-24-18
Parcels: 7679148928
Subject Property
Zoning
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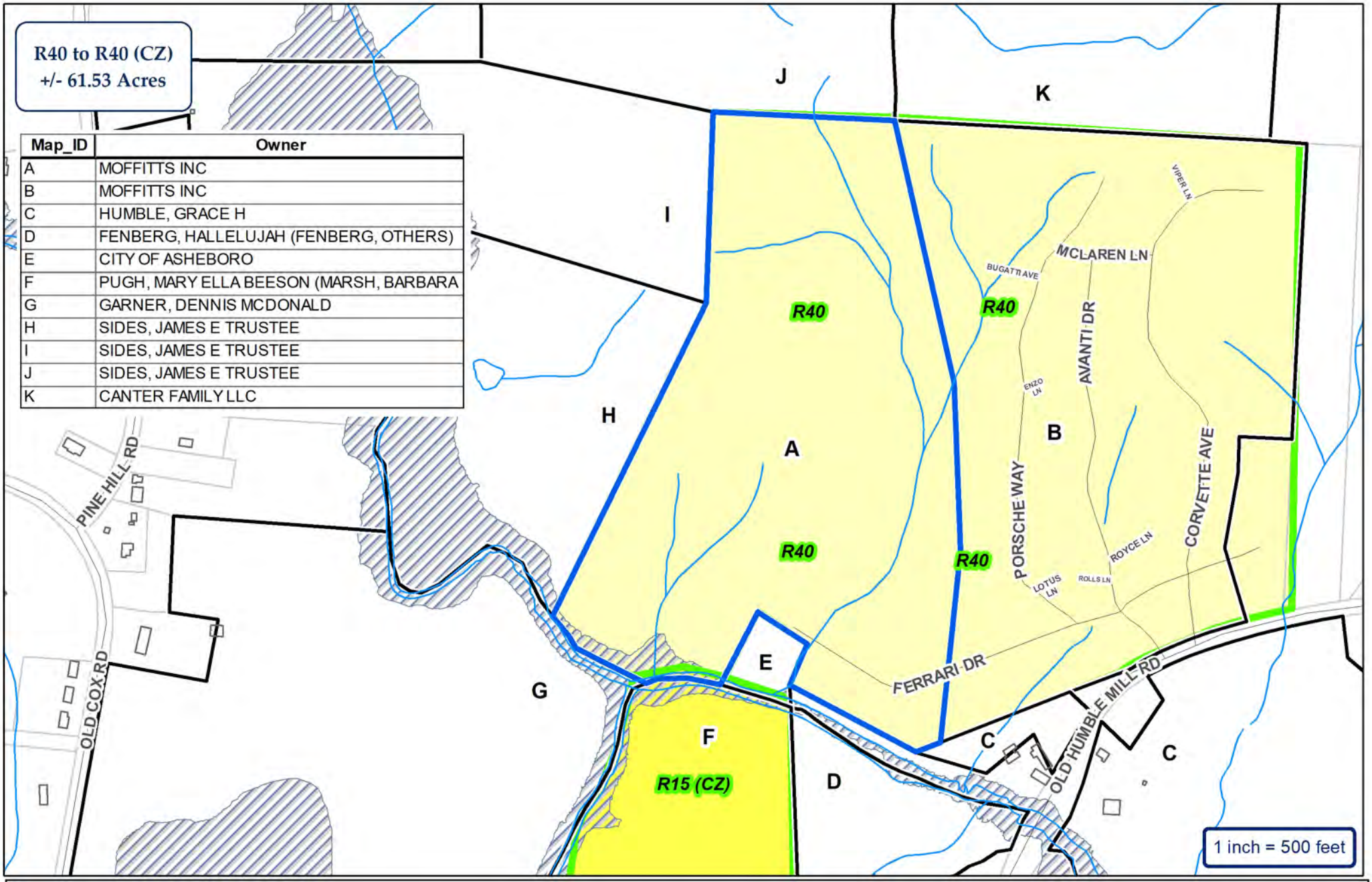

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-18

Parcels: 7679148928

Subject Property
Adjoining Properties
City Zoning

N
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E
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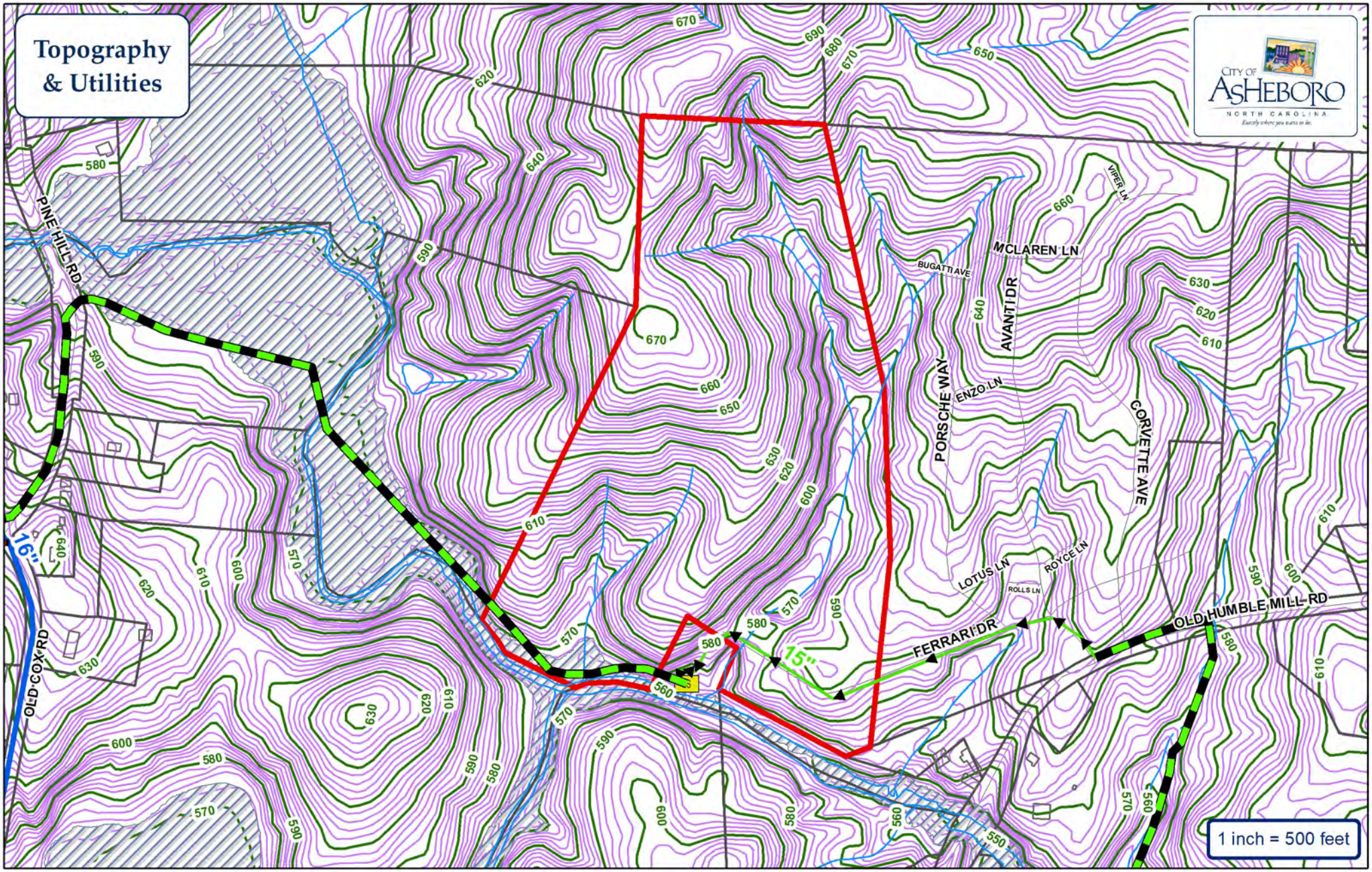


Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station
Watershed

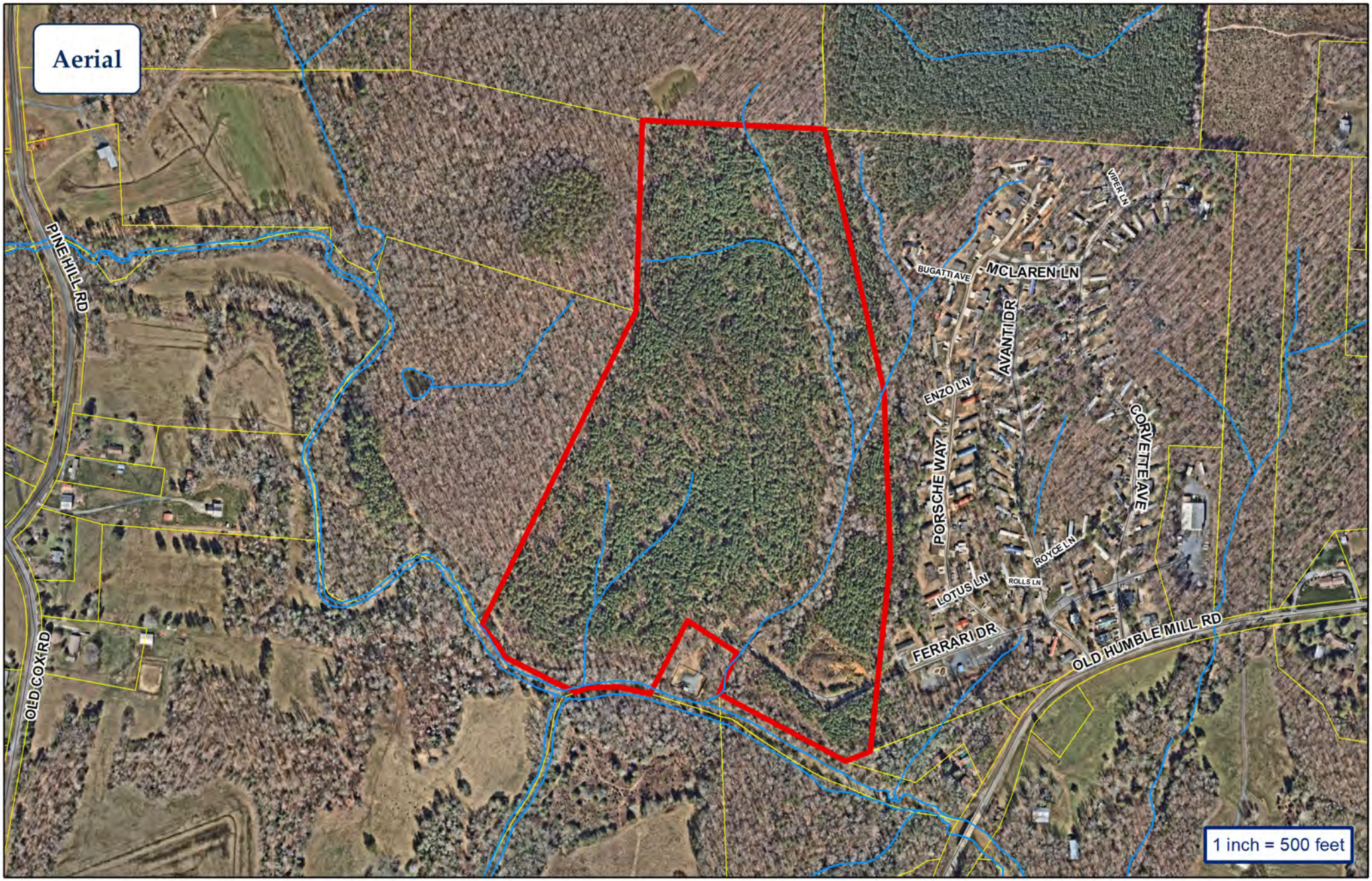
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-18

Parcels: 7679148928

Subject Property

N W E S



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-18

Parcels: 7679148928

Subject Property

N
W
E
S

APPLICANT INFORMATION

Applicant Moffitts, Inc *Applicant's Phone#* 336-465-1299

Applicant's Address 1 Richland Place, Asheboro, NC 27205

Applicant email address walkermoffitt@gmail.com

PROPERTY INFORMATION

Property Owner's Name Moffitts, Inc

Location of Property 1651 Ferrari Dr *Property Size (ac.)* 61.527 acres

Randolph County Property Identification Number (PIN#) 7679-14-8928

Current Zoning District R-40 *Requested Zoning District* CZ R-40

Date Property Title Acquired 1864 - 1976 *Deed Book.* 1080 Page 815

Subdivision Moffitts, Inc *Section* tract 3 *Lot#*

Plat Book Page

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:

Addition of 21 Manufactured Housing spaces

2. In what manner will the proposed amendment carry out the intent of the Land Development Plan? Provide much needed affordable housing in an area recognized for this and other residential development along existing City of Asheboro sewer line.

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

X☐

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

X☐

5. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment? Continuation of existing operations since 1969. Proposed development is secluded and not visible to traffic or others. See attached Richland Village "Rules" attachment for Residental Rental Contract, Section 5, Item L.

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 MOFFITTS INC

By: Walker B Moffitt

Printed Name of Authorized Signatory (if different from Applicant)

WALKER B MOFFITT

Position/Relationship of Authorized Signatory to Applicant

PRES.

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: TLW ***Date:*** 8/13/14 ***Case Number:*** TEXT

146 N. Church St., Asheboro, NC 27203
Telephone: (336) 626-1201; Fax: (336) 626-1218; www.asheboronc.gov

State of North Carolina
Department of Environment and Natural Resources
Division of Environmental Health

Public Water System Authorization to Construct

North Carolina
Division of Environmental Health

Public Water System Name and PWSID No. (*if available*):	RICHLAND VILLAGE MHP NC0276201
Project Name:	PHASE IV (LOTS 144-195)
DEH Serial No.	08-01142
Issue Date:	12/8/2008
Expiration Date:	24 months after Issue Date

In accordance with NCAC 18C .0305, this Authorization to Construct must be posted for inspection at the primary entrance to the job site during construction.

RESIDENTIAL RENTAL CONTRACT
SECTION 5 ITEM L
ATTACHMENT

RICHLAND VILLAGE *"RULES"*

OWNER:
Moffitts, Inc. DBA Richland Village
1651 Ferrari Dr.
Asheboro, NC 27205

TENANT: _____
_____

LOT: _____ - _____

All rules apply to Residents and Guests

Residents are responsible for the behavior of their Guests

1. Rent is due on the 1st of each month and payable by the 10th of each month. Late Charge of $25.00 is due and payable after the 10th of the month for each month that the rent is due for.
2. Lot rental rates are subject to change with 30 day notice.
3. Absolutely no outside consumption of Alcoholic Beverages on the property of Richland Village.
4. The speed limit for Richland Village is 12mph.
5. No outside clothes lines or outside drying of clothes.
6. No Fences of any kind.
7. No garbage or storage of garbage outside of residences. Take garbage directly to the dumpsters provided by Richland Village.
8. Dumpsters provided by Richland Village are for the household garbage of residents of Richland Village only.
9. No outside storage of junk, such as, but not limited to, unlicensed vehicles, parts, furniture, etc.
10. No working on vehicles, machinery, etc. except for very minor repair such as, flat tire or battery.
11. All outdoor items such as bicycles shall be properly stored at the rear of the residence.
12. No loud music or noise shall be permitted from residences, vehicles or other devices on the property of Richland Village.
13. No outside pets of any kind. One (1) Indoor dog or cat under 10 pounds is allowed. These Indoor pets can be outside only if attached to a leash and accompanied by an adult. **NO VICISIOUS DOGS ALLOWED, INCLUDING BUT NOT LIMITED TO, PIT BULLS, ROTTWEILER, GERMAN SHEPARD, ETC. MANAGEMENT SHALL BE THE SOLE JUDGE IF AN ANIMAL IS ACCEPTABLE TO RESIDE AT RICHLAND VILLAGE.**
14. Leaving animals tied up outside is against the law in the City of Asheboro. Violators can be fined and have their animals taken.
15. No display or discharge of weapons of any kind, such as, guns, knives, bow and arrow, etc.
16. No outside fires. This does not include small residential grills for outdoor cooking.

18. Residents are not allowed more than 2, 911 response calls for disturbance matters.
19. No storage of recreational vehicles, campers, motor homes, etc., allowed on lot.
20. Outside storage building, Limited to one (1), Maximum size 12' x 12' and shall be constructed of proper building materials in a neat professional manner. No "blue tarp" or "temporary buildings or lean to"
21. Rules, Lot Rental Rates, Services and Conditions subject to change with 30-day notice.

Violation of any of the following rules may result in: "NOTICE OF EVICTION"

If any rule is not clear to you contact the Resident Manager immediately.
Thank you for your cooperation with these rules. These rules are meant to provide every resident of Richland Village with a safe and quite home for their family.

Signed :_____ Date: _____ _____

Richland Village Date:_____

Signed :_____ Date: _____

815

223 E. Rich Ave. Asheboro, N.C. 27203

PREPARED BY H. WADE YATES, ATTORNEY, 135 LAW BUILDING ASHEBORO, N. C. TELEPHONE 625-3268

This Deed, Made this the 24th day of March, A. D., 19 76,

by Harold V. Moffitt and wife, Minerva Moffitt,

of Randolph County, North Carolina, parties of the first part (whether one or more persons) to

Moffitts, Inc., a corporation organized and existing under the laws of the State of North Carolina,

of Randolph County, North Carolina, parties of the second part (whether one or more persons). Witnesseth, That the said parties of the first part in consideration of Ten Dollars and other good and valuable considerations paid by the said parties of the second part, the receipt of which is hereby acknowledged, have bargained and sold and by these presents do bargain, sell and convey unto the said parties of the second part ~~and their heirs~~ its successors and assigns, ~~in fee~~ a tract or parcel of land, in Grant Township, Randolph County, North Carolina, described as follows:

Adjoining the lands of P. B. Humble, W. A. Humble, A. C. Cox, Humble's Mill Pond, et al., and more particularly described as follows:
BEGINNING at a Black Oak; thence South 24 deg. W. 19-1/2 chains to a Black Oak on the North Bank of Richland Creek; thence down said creek, the various courses, 23 chains to a sycamore on the North bank of said creek; thence North 63 deg. to a gum bush in the edge of factory road (distance not known); thence North 73 deg. East along said road 5 chains and 50 links to a stone corner in Able Cox's line; thence West 34 chains and 25 links to a sourwood; thence South 11 chains and 75 links to the BEGINNING, containing 127 acres, more or less.

SAVE AND EXCEPT that 1-1/2 acres and right of way conveyed to Randolph County as appears of record.

This deed is subject to that deed of trust, which appears of record.

The above land was acquired by grantor by deed from Benjamin B. Moffit, Jr. et ux. See Book No. 932 Page 532

To have and to hold the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging to the said parties of the second part and ~~their heirs~~ its successors and assigns forever.

And the said parties of the first part do covenant that they are seized of said premises in fee and have the right to convey the same in fee simple; that the same are free from incumbrances; and that they will warrant and defend the said title to same against the claims of all persons whomsoever.

In Testimony Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Witness: Harold V. Moffitt (SEAL)

Minerva Moffitt (SEAL)

(SEAL)

(SEAL)

NORTH CAROLINA, Randolph County

I, Ann T. Jester, a Notary Public of said County, do hereby certify that Harold V. Moffitt and wife, Minerva Moffitt,

grantors, personally appeared before me this day and acknowledged the execution of the foregoing deed of conveyance.

Witness my hand and seal, this the 29th day of March, 19 76

My commission expires October 24, 1980 Ann T. Jester N. P. (SEAL)

NORTH CAROLINA -- Randolph County

The foregoing certificate(s) of Ann T. Jester, Notary Public of Randolph County, N.C.

is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 1060 Page 815 This 13 day of April, 1976 at 4:30 o'clock P M.

By Dannie Shaw Register of Deeds

John Evans

Subject: FW: [External Sender] Randolph County Schools approval of bus stop

From: Walker Moffitt <walkermoffitt@gmail.com>
Date: Aug 28, 2024 8:02 AM
Subject: Fwd: [External Sender] Randolph County Schools approval of bus stop
To: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>
Cc:

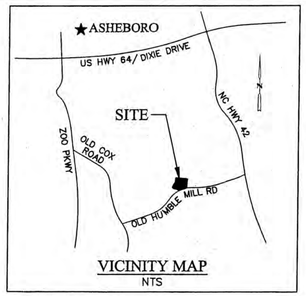
Trevor

Please see below from Randolph County Schools regarding Bus Stop

Walker B. Moffitt

Begin forwarded message:

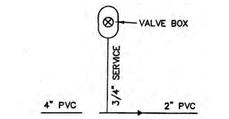
> **From:** Walker Moffitt <walkermoffitt@gmail.com>
> **Date:** August 27, 2024 at 2:13:42 PM EDT
> **To:** H R Gallimore <hrgallimore@gmail.com>
> **Subject: Fwd: Bus times**
>
> See below
>
> Walker B. Moffitt
>
> Begin forwarded message:
>
> > **From:** Jamie Smith <jsmith@randolph.k12.nc.us>
> > **Date:** August 30, 2023 at 12:51:50 PM EDT
> > **To:** walkermoffitt@gmail.com
> > **Subject: Bus times**
> >
> > Mr. Moffitt,
> > Again thank you for all you are doing for the students of the Randolph County School System. The bus times are always subject to change, but as of now these are the times:
> > Elementary 7:05 AM
> > 3:06 PM
> > Middle 5:50 AM
> > 4:45 PM
> > High 7:00 AM
> > 3:47 PM
> > I want to thank you again for all the work you have done to keep our students safe.



VICINITY MAP
NTS

WATER LEGEND

- WELL
- WATER VALVE
- BLOWOFF
- WATER SERVICE
- PROPOSED 4" WATER LINE
- EXIST. 4" WATER LINE
- EXIST. 3" WATER LINE
- EXIST. 2" WATER LINE
- EXIST. 1-1/4" WATER LINE
- EXIST. 1" WATER LINE
- EXIST. 3/4" WATER SERVICE



TYP. SERVICE CONNECTION DETAIL
NTS

Approved For Construction - NCDENR

Preliminary Layout – 53 service connections

Existing Development

Zone – R40

Plat 3

LOTS 102–140 (39 TOTAL LOTS MAKE UP "PHASE 3")

LOTS 144–195 (52 TOTAL LOTS MAKE UP "PHASE 4")

LOTS 55–101 (47 TOTAL LOTS MAKE UP "PHASE 2")

LOTS 1–54 WERE PERMITTED UNDER SEPERATE PERMIT (57 TOTAL LOTS SERVED UNDER "PHASE 1")

EX. WELL #2 AND 10,000 GALLON ELEVATED WATER TANK (70' TOWER) (BOTH WELL AND TANK ARE IN SERVICE) SEE SHT. 2 FOR DETAILS

EX. 5,000 GAL. WATER TANK

EX. WELL #1 (IN SERVICE) 5 HP MOTOR 2" PIPE

PROP. 4" RAW WATER

EXISTING 4" RAW WATER

TIE LINE

GRAVEL ACCESS DRIVE

PROP. WELL #3 (NOT IN SERVICE) SEE SHT. 3 FOR DETAILS

PROPERTY LINE

SERVICE CONNECTION, TYP. (SEE DETAIL)

PHASE 4 WATER LINE EXTENSION

EXISTING FORCE MAIN

EXISTING CITY OF ASHEBORO PUMP STATION

OFFICE

MATCH LINE 'A'

OLD HUMBLE MILL ROAD NCSR 2830

PHASE LEGEND

- PHASE 1
- PHASE 2
- PHASE 3
- PHASE 4

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

LINE TABLE		
LINE	LENGTH	BEARING
L1	38.75	S04°26'45"W
L2	55.36	N39°20'00"W

BEFORE YOU DIG ! CALL 1-800-632-4949 N.C. ONE-CALL CENTER IT'S THE LAW !

OWNER/DEVELOPER:
MOFFITT'S INC.
CONTACT: WALKER MOFFITT
P.O. BOX 4805
ASHEBORO, NC 27204
PH: (336) 465-1299

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 26447 12-1-08 JAY CARROLL POPE

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
P.O.Box 966
Asheboro, NC 27204
Phone 336-324-0900 Fax 336-324-0922
E-mail - mail@asheboro.com

Rev.	Date	Description	By
1	8.1.07	Lots added per owners request	JCP
2	11.12.07	Lots added per owners request	
3	9.2.08	Revised per NCDENR - PWS	HMSJ

WATER SYSTEM

RICHLAND VILLIAGE

GRANT TOWNSHIP - RANDOLPH COUNTY - NORTH CAROLINA

Scale:	1"=100'
Date:	MAR. 2008
Drawn By:	WCS/ JCP
Checked By:	HMSJ
Job No:	E-402

Sheet No. — of 4

P:\Richland Village\dwg\Richland Village - Wells-REV-12.01.08.dwg, 12/1/2008 8:32:27 PM, Jay Pope

Thanks,

Jamie Smith
Assistant Transportation Director
Randolph County School System
Office-336-633-5184
Cell-336-964-9293
jsmith@randolph.k12.nc.us

BOA-24-06: Planning Board Functioning as Board of Adjustment: BOA-24-06: Request for variance from Section 3.02(D) of the Asheboro Zoning Ordinance which regulates front yard averaging for property located at the eastern intersection of East Central Ave. and Greenwood Rd. (Randolph County PIN # 7762393222).

Board of Adjustment Staff Report

Case: BOA 24-06 **Date:** September 3, 2024

Requested Action: Request for variance from Section 3.02(D) of the Asheboro Zoning Ordinance which regulates front yard averaging.

GENERAL INFORMATION:

Applicant: Brian Lucas

Applicant Address: PO Box 2021 Asheboro, NC 27204

Location of Affected Property: Intersection of E. Central Avenue and Greenwood Road (Randolph County PIN#7762393222)

Property Size: 0.48 Acres

Underlying Zone: R15

Overlay Zone: None

Existing Land Use: Undeveloped

Surrounding Land Use:

North: Single Family Residential **East:** Undeveloped/Single Family Residential

South: Single Family Residential **West:** Single Family Residential

Land Development Plan: Neighborhood Residential/Primary Growth

ANALYSIS

PIN 7762393222 ("The Lot") is a conforming undeveloped R15 lot. Required yards for the R15 zoning district are regulated through Table 4-1 as follows:

Table 4-1
Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R15	15,000	100	30	15	25	35	22%		

1 Single Family Only

The required 30-foot front yard setback is modified by Section 3.02(D), Averaging a Front Setback Line, as follows:

3.02(D)(2) Increase to Front Yard Setback

In a residential district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot is greater than the required front setback specified in this Ordinance, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed sixty feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified for the zoning district.

The Lot is a corner lot; however, the requested variance only involves the required front yard along East Central Avenue.

Along East Central Avenue, there are a total of three adjacent lots within two hundred feet of either side of The Lot. Utilizing Section 3.02(D), the required front yard becomes 52.33', calculated as follows:

Address	**Apparent Existing Setback**
430 East Central Ave.	70'
426 East Central Ave.	57'
PIN 7762394057	30'
Average	**52.33 Feet**

The applicant's proposed single-family dwelling would come no closer than 35 feet from the front property line, thus a required front yard variance of 17.33 feet is requested.

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

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

1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.

4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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

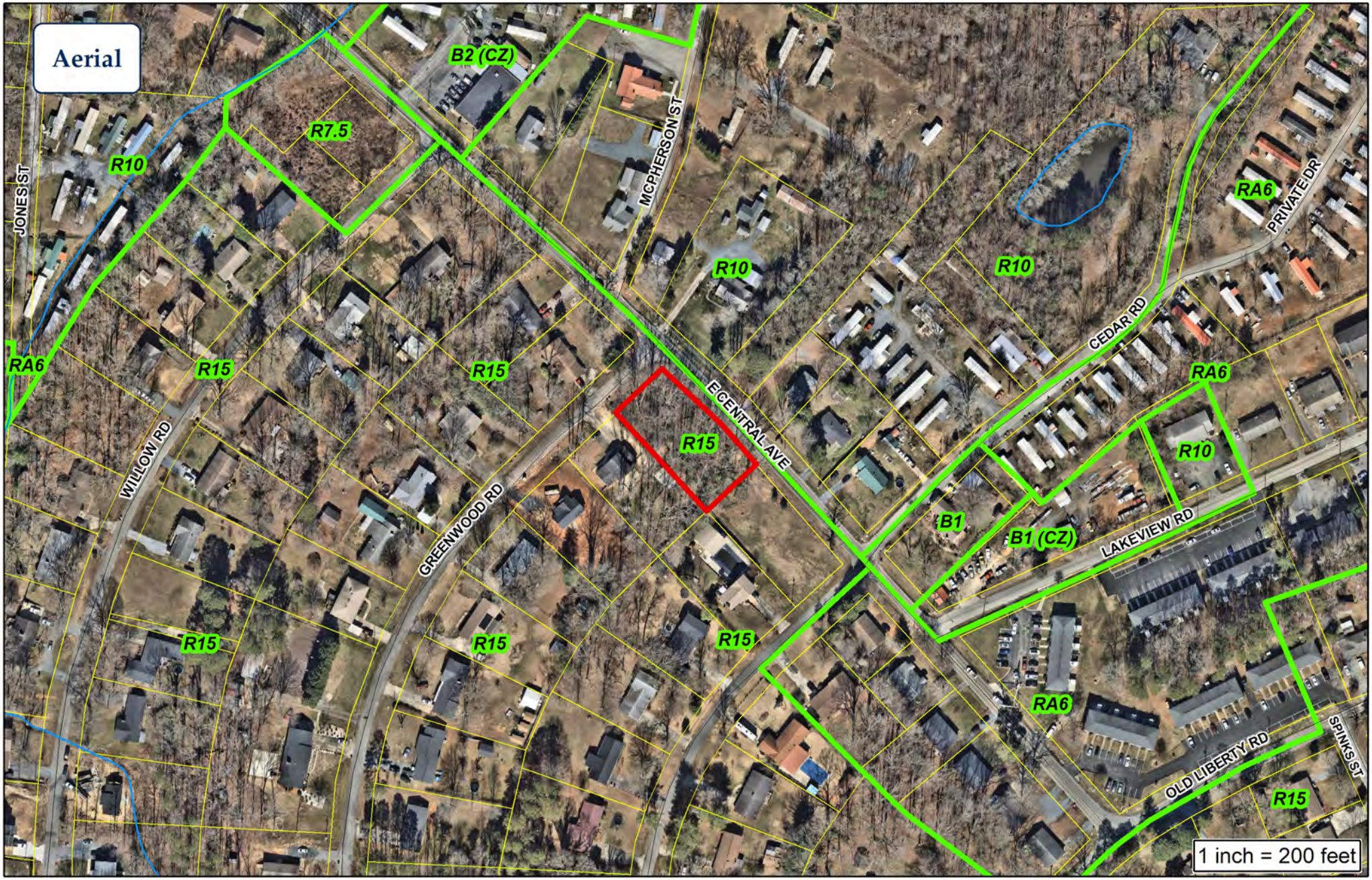
The Board may impose appropriate conditions upon the granting of any variance provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance.

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

Board Action: Approve a variance from Section 3.02(D) of the Asheboro Zoning Ordinance to reduce the required front yard setback to 35 feet. Provided, however, the variance is limited by any conditions stated in the final decision document.

Member's Vote: Yes_____ No_____ Yes with Conditions _____

Signature_____



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

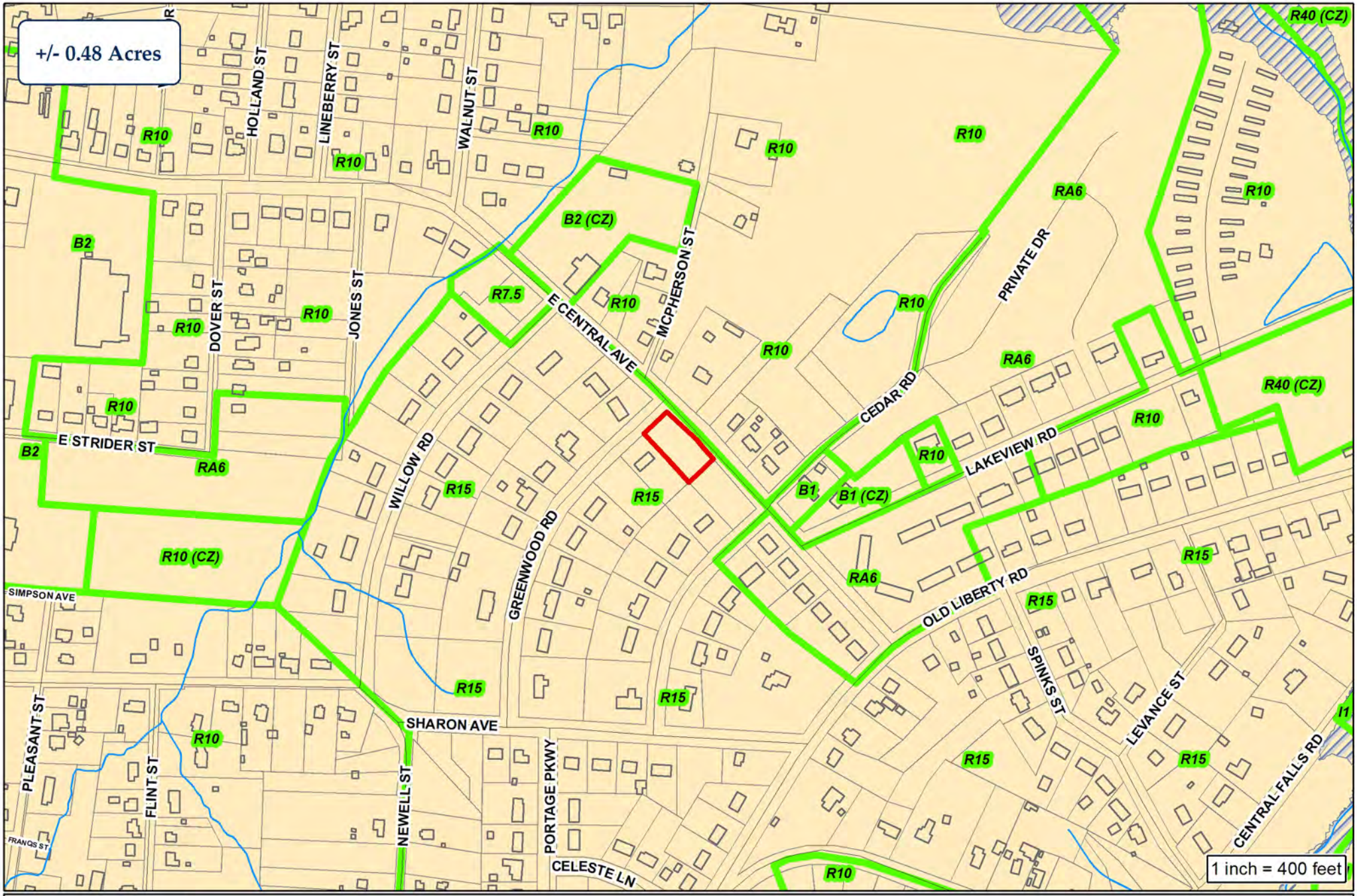
City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-06
Variance

Parcel: 7762393222

Subject Property
Zoning

N
W
E
S



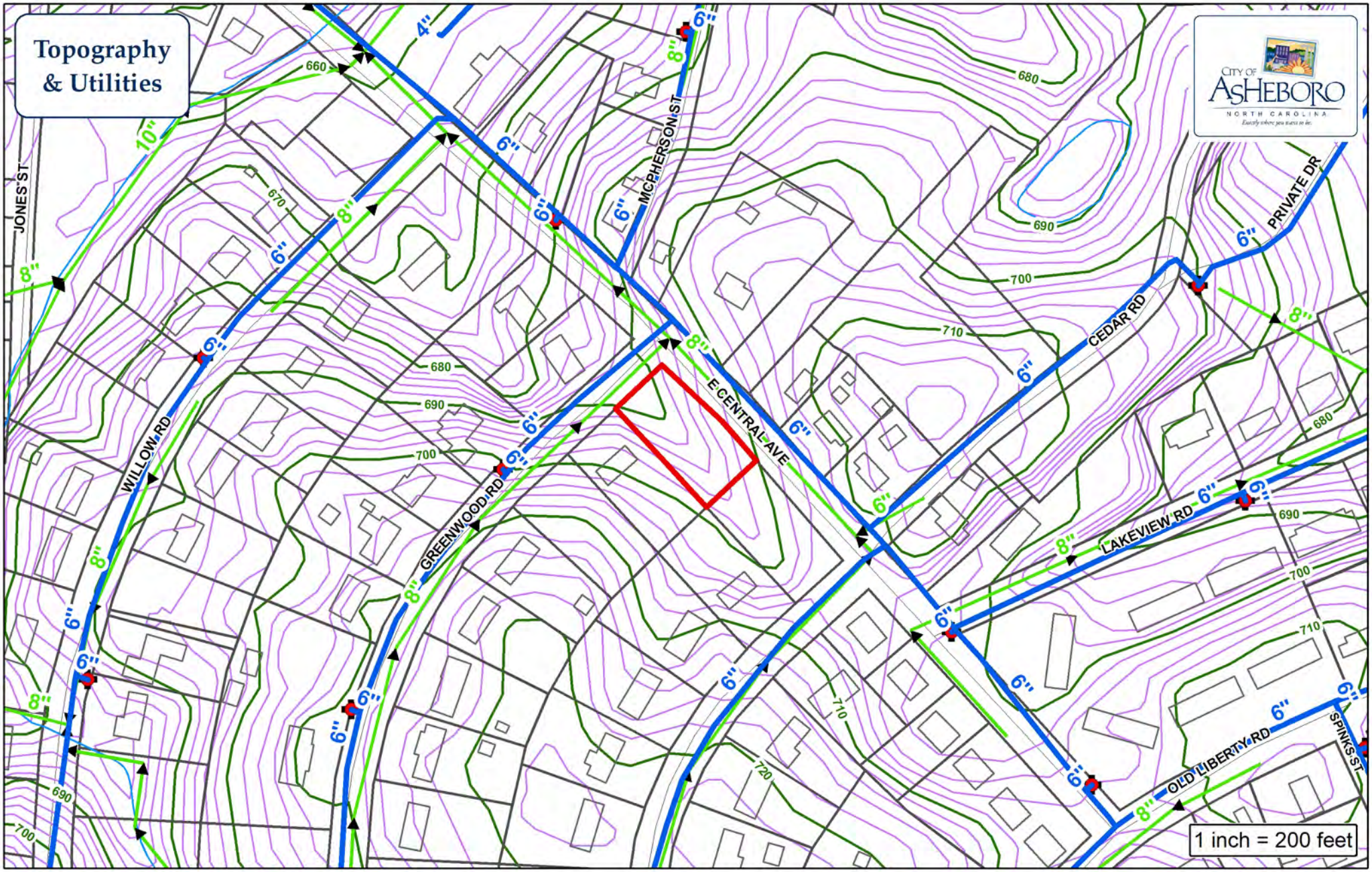
City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-06
Variance

Parcel: 7762393222

City Limits
ETJ

Subject Property
Zoning



Force Main
Water Main
Sewer Main
Fire Hydrant
PS Pump Station
Parcels

City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-06
Variance

Parcel: 7762393222

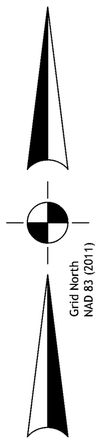
Subject Property

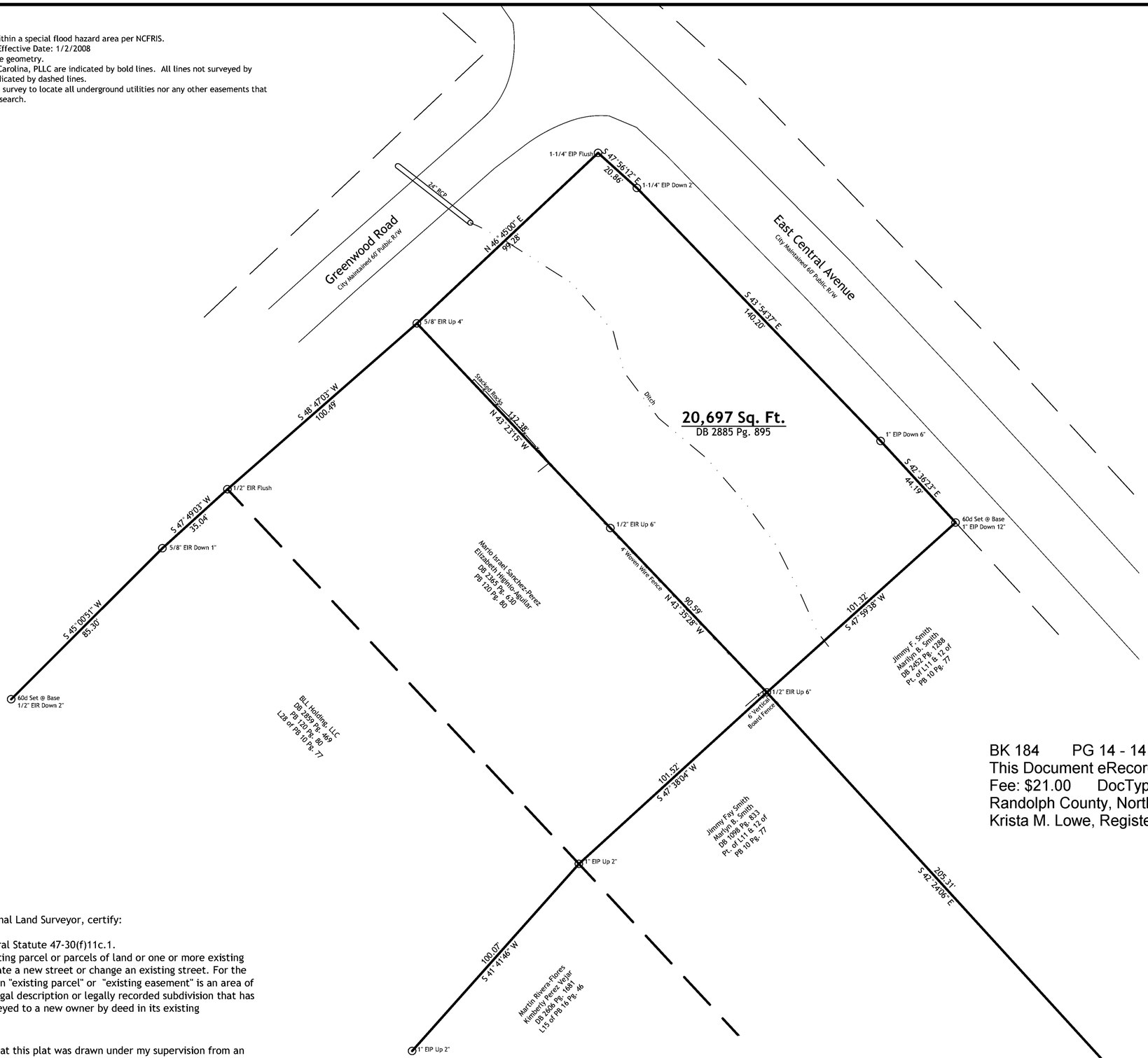
N W E S

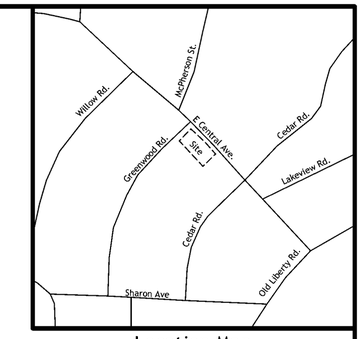
20,697 Sq. Ft.
DB 2885 Pg. 895
Single family
12'x12' concrete patio
35'
35'
21'
East Central Avenue
City Maintained 60' Public R/W
Ditch
N 46° 45'00" E
99.28'
S 43° 54'37" E
140.20'
S 47° 56'12" E
20.86'
N 43° 23'15" W
142.38'
S 47° 59'38" W
101.32'
N 43° 35'28" W
90.59'
5/8" EIR Up 4"
1-1/4" EIP Flush
1-1/4" EIP Down 2
1/2" EIR Up 6"
1" EIP Down 6"
4' Woven Wire Fence
Steeled Rocks
Mario Israel Sanchez-Perez
Elizabeth Higinio-Aguilar
DB 2365 Pg. 630
PB 120 Pg. 80
Jimmy F. Smith
Marilyn B. Smith
DB 2452 Pg. 1288
Pt. of L11 & 12 of
PB 10 Pg. 77

Submitted electronically by Survey Carolina, PLLC in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Randolph County Register of Deeds.

Notes:
1. This project is not located within a special flood hazard area per NCFRIS.
   Map #: 3710776200J Effective Date: 1/2/2008
2. Area calculated by coordinate geometry.
3. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7762393222







Location Map
(Not to Scale)

- Hardwood Tree
- Evergreen Tree
- Stone
- R/W - Right of Way Monument
- RRS - Railroad Spike
- NIR - New Iron Rod
- NIP - New Iron Pipe
- NCGS Monument
- EN - Existing Nail
- EIR - Existing Iron Rod
- EIP - Existing Iron Pipe
- Existing Concrete Monument
- Bench Mark
- Computed Point / Point Not Set
- Well
- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Setback Lines
- Gas Line
- Sanitary Sewer Line
- Storm Sewer Line
- Water Line
- Fence
- Overhead Utility Line
- Overhead Power Line
- Underground Electric Line
- Underground Comm. Line
- 100-Year Flood Hazard Line
- Floodway
- C/L Railroad
- Catch Basin
- Yard Inlet
- Storm Sewer Manhole
- Junction Box
- Drop Inlet
- Irrigation Control Valve
- Back Flow Preventer
- Water Valve
- Water Manhole
- Water Meter
- Fire Dept. Connection
- Fire Hydrant
- Utility Pole
- Telephone Pedestal
- Telephone Pole
- Transformer
- Communications Manhole
- SS - Sanitary Sewer
- SS Manhole
- SS Cleanout
- U/G Power Box
- Power Pole
- Light Pole
- Guy Pole
- Gas Valve
- Guy Wire
- Gas Manhole
- Gas Meter
- Electric Meter
- Electric Manhole
- Z:0.00 Spot Elevation

BK 184 PG 14 - 14 (1) DOC# 20176948
This Document eRecorded: 01/24/2024 11:52:29 AM
Fee: $21.00 DocType: PLAT Tax: $0.00
Randolph County, North Carolina
Krista M. Lowe, Register of Deeds

Owners:
BLL Holdings, LLC
PO Box 2021
Asheboro, NC 27204

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

In accordance with NC General Statute 47-30(f)11c.1.
That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 2889 , page 1096 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 11 day of January, A.D., 2024.

Professional Land Surveyor L-4787

Verified by signNow
01/24/2024 16:28:56 UTC
ac629ee72fba4faba335
Survey Carolina PLLC

NORTH CAROLINA PROFESSIONAL SEAL L-4787 LAND SURVEYOR DAN W TANNER II

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:
(1) Class of survey: Class A
(2) Positional accuracy: <0.10'
(3) Type of GNSS field procedure: Real-Time Kinematic Networks
(4) Dates of survey: December 28, 2023
(5) Datum/Epoch: NAD83(2011) / 2010.00
(6) Published/Fixed-control use: North Carolina Real Time Network
(7) Geoid model: Geoid 12A
(8) Combined grid factor(s): 0.99988122
(9) GPS/GNSS Scale Point:
N:729,048.90 E:1,763,023.94 Z:709.11
(10) Units: US Survey Feet

Survey For:
BLL Holdings, LLC
City of Asheboro
Asheboro Township Randolph County
North Carolina January 11, 2024
Deed Book:2889 Pg:1096 Plat Book:10 Pg:77
Scale: 1" = 30 US Survey Feet

Bar Scale:
0 30 60 90

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com
Firm #: P-1110
Dan W Tanner II L-4787

© 2024 Survey Carolina, Pllc
Job #: 15895

BK 2889 PG 1096 (3)
This document presented and filed:
12/20/2023 04:28:45 PM
DEED
Fee $26.00 Excise Tax: $50.00
20175639
Randolph County North Carolina
Krista M. Lowe, Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

All- Ben C. Morgan

Prepared by Gary Berman, attorney (without title search)
Return to Grantee
Excise tax: $50.00
Grantee's address: POB 2021, Asheboro, NC 27204
Grantor's address: 3735 Franklin Road SW, Suite 227, Roanoke, VA 24014
Parcel number: 7762393222

No part of the property conveyed by this deed is the Grantor's primary residence.

THIS DEED, dated December 13, 2023, is from This Land Properties, Inc. (a Virginia corporation), herein called the Grantor, to BLL Holdings, LLC (a North Carolina limited liability company), herein called the Grantee.

The designations "Grantor" and "Grantee" as used herein shall include said parties and their successors and assigns.

The Grantor, for valuable consideration, hereby grants, bargains, sells, and conveys to the Grantee, in fee simple, all of the following-described land lying in Randolph County, North Carolina, and more particularly described as follows:

BEGINNING at a point in the southeast intersection of the rights-of-way of Greenwood Road and East Central Avenue; running thence along the right-of-way of East Central Avenue, south 45 degrees 13 minutes east 20.64 feet to a point in said right-of-way; thence continuing along said right-of-way, south 41 degrees 53 minutes east 140.26 feet to a point in said right-of-way; thence continuing along said right-of-way, south 40 degrees 17 minutes east 44.2 feet to a stake in said right-of-way; thence south 49 degrees 50 minutes west 101.44 feet to a stake at a corner of property formerly owned by Harold H. Holt; thence along the line of said property formerly owned by Harold H. Holt, north 41 degrees 28 minutes west 204.92 feet to a point in the right-of-way of Greenwood Road; thence along said right-of-way, north 49 degrees 51 minutes east 100 feet to the BEGINNING, and BEING all of the parcel conveyed by deed recorded in Book 1004, Page 628, Randolph County Registry, said deed being from E. S. Millsaps and Margaret W. Millsaps to D. Neil Holt and Fran S. Holt.

This property is subject to the restrictions that are stated in the deed recorded in Book 1004, Page 628, Randolph County Registry.

The Grantor acquired this property by deed recorded in Book 2885, Page 895, Randolph County Registry.

TO HAVE AND TO HOLD the aforesaid land and all privileges, improvements, and appurtenances thereto in fee simple.

AND the Grantor hereby covenants with the Grantee that the Grantor is legally seized of said real estate in fee simple; that the Grantor has good and lawful authority to sell and convey said real estate; that the Grantor hereby fully warrants the title to said real estate, and will defend the same against the lawful claims of all persons, and that said real estate is free of all encumbrances except as stated herein.

IN WITNESS WHEREOF, the Grantor has executed and sealed this deed.

THIS LAND PROPERTIES, INC., by:

Paul Tine (SEAL)
Signature

PAUL TINE
Printed Name

CEO
Title

STATE/~~COMMONWEALTH~~ OF North Carolina **COUNTY OF** Dare

I, Thomas Bruce, a notary public for the County of Dare, State/~~Commonwealth~~ of North Carolina, hereby certify that Paul Tine personally appeared before me this day and acknowledged that he or she is CEO of This Land Properties, Inc., a Virginia corporation, and that, by authority duly given and as an act of said corporation, he or she has signed the foregoing instrument in its name and on its behalf as its act and deed. Witness my hand and notarial stamp or seal, this 14th day of December 2023.

Notary Public

My commission expires: 11/29/26

THOMAS BRUCE NOTARY My Comm. Expires Nov. 29, 2026 PUBLIC DARE COUNTY, NC

The Law Office of Ben C. Morgan

Ben C. Morgan
ben.morganlaw@gmail.com

150-A Scarboro Street
Asheboro, North Carolina 27203
Telephone: 336.629.7000
Facsimile: 336.629.7010

December 21, 2023

BLL Holdings, LLC
PO Box 2021
Asheboro, NC 27204

RE: Parcel Identifier No: 7762.39.3222

Dear sir/ma'am:

Please find enclosed the original, recorded, North Carolina General Warranty Deed on the above referenced property. I am returning the original Deed after its recording in the Randolph County Register of Deeds.

I do not always have the opportunity to express my appreciation for your selecting my office to assist with this important matter. It is my sincere hope that we answered all of your questions and you were satisfied with the handling of this transaction.

If you have any questions about the enclosed Deed, or if I can provide any legal assistance in the future, please do not hesitate to contact my office.

Sincerely,

Ben C. Morgan