



Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, March 4, 2024
7:00 PM
AGENDA

- I. Call to Order
- II. Consent Agenda Items:
 - (a) Approval of Minutes from February 5, 2024.
 - (b) Approval of Final Decision Document for Case No. BOA-24-02): Request for variance from Chapter 4, Section 3.01(C) of the zoning ordinance requiring every lot to abut a street for property located on Stowe Avenue (Randolph County Parcel Identification Numbers 7750983098 and 7750983093).
- III. Review of Cases and Monthly Report on Major Subdivisions Administratively Approved.
Staff Note: There currently have been no major subdivisions approved since February 5, 2024.
- IV. Old Business continued from February 5, 2024
RZ-24-02: Request to rezone property adjacent to 1901 North Fayetteville Street (Randolph County Parcel Identification Numbers 7752988469 and 7762091068) to an amended RA6 (CZ) High-Density Residential Conditional Zoning for Multiple-Family dwellings.
- V. New Business:
 - (a) RZ-24-03: Request to rezone property located at the western intersection of East Central Avenue and Willow Road (Randolph County Parcel Identification Number 7762297740) from R10 Medium-Density Residential to R7.5 Medium Density Residential zoning.
 - (b) RZ-24-04: Request to rezone 853 East Salisbury Street (Randolph County Parcel Identification Numbers 7761229556, 7761229618, 7761229996, and 7761227703) to an amended OA6 (CZ) Office-Apartment Conditional Zoning for a development with multiple family dwellings.
 - (c) RZ-24-05: Request to rezone property currently addressed as 801 and 817 Sunset Avenue (Randolph County Parcel Identification Number 7751426889) from M (CZ) Mercantile Conditional Zoning and OA6 Office-Apartment to OA6 (CZ) Office-Apartment Conditional Zoning for a development with multiple family dwellings.

- (d) RZ-24-06: Request to rezone property located on the east side of Clover Street, approximately 115 feet south of Plummer Street Randolph County Parcel Identification Number 7751971892) from B2 General Commercial to I1 (CZ) Light Industrial Conditional Zoning for a Vehicle Storage Facility.
- (e) Planning Board Functioning as Board of Adjustment: BOA-24-03: 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 508 Clegg Avenue (Randolph County Parcel Identification Numbers 7752891361).

- VI. Items not on the agenda
- VII. Adjournment

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

This being the time and place for the regular meeting of the Asheboro Planning Board, a meeting was held with the following officials and members present:

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

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

John Evans, Assistant Community Development Division Director
Justin Luck, Planning and Zoning Administrator
Bradley Morton, Planner/Deputy City Clerk
Jeffrey Sugg, City Attorney

CALL TO ORDER

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

CONSENT AGENDA ITEMS:

a. APPROVAL OF MINUTES FROM JANUARY 8, 2024

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

b. APPROVAL OF FINAL DECISION DOCUMENT FOR (CASE NO. BOA-24-01): REQUEST FOR VARIANCE FROM CHAPTER 4, SECTION 4.07(D)(2)(a)(iii) (FRONT YARD SETBACK) FOR PROPERTY LOCATED AT 428 SOUTH FAYETTEVILLE STREET

Mr. O'Kelley inquired if there was any discussion regarding the above-referenced agenda item. Mr. Rush pointed out a clerical error with the spelling of the applicant's name. Hearing no further corrections or discussion, Mr. Rush moved to approve the final decision document for case no. BOA-24-01 with the clerical correction noted. Ms. Vuncannon 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 January, 2024 Regular Meeting. He stated that there currently have been no major subdivisions approved since January 8, 2024.

NEW BUSINESS

a. ELECTION OF BOARD OFFICERS (CHAIR, VICE-CHAIR, AND SECRETARY)

Mr. Rush moved to elect the current slate of officers. Mr. Rich seconded the motion and the motion carried unanimously. The following Board Officers were elected:

- Michael O'Kelley, Planning Board Chair
- Pamela Vuncannon, Planning Board Vice-Chair
- Bradley Morton, Planning Board Secretary

b. RZ-24-02: REQUEST TO REZONE PROPERTY ADJACENT TO 1901 NORTH FAYETTEVILLE STREET (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBERS 7752988469 AND 7762091068) TO AN AMENDED RA6(CZ) HIGH-DENSITY RESIDENTIAL CONDITIONAL ZONING FOR MULTIPLE- FAMILY DWELLINGS

Mr. Evans provided a visual presentation of the above-referenced case. He gave an overview of the case:

Applicant: Lyn Van Lurette Trust, LLC (Brian Newman)

Location: Adjacent to 1901 North Fayetteville Street

Request: Rezone to an amended RA6 (CZ) High Density Conditional Zoning to allow for a development with multiple family dwellings

Randolph County Parcel ID: 7752988469 and 7762091068

Size: 15.79 acres +/-

Existing Land Use: Undeveloped

He showed overview, rezoning, topographic/utilities, aerial, and oblique maps as well as a site plan showing a detailed look at the project, including the entrance into the development, phasing of the project, flood zone lines, a 20'x40' park pavilion, stormwater BMP's, CBU mailbox, Picnic areas, 6' walking trail, and buffering against adjoining properties. He showed examples of building elevations, as well as photos provided by the applicant of buildings in the existing phase, as well as photos provided by staff showing the subject property from all directions. He then provided staff's analysis:

1. The property is inside the city limits.
2. North Fayetteville Street (US 220 Business North) is a state-maintained major thoroughfare. The adopted 2024-2033 State Transportation Improvement Plan identifies improvements for this segment of North Fayetteville Street (widen to multi lanes); the proposed improvements currently are not funded.
3. The property adjoins the Arlington Square apartments which were built in 1999. That development, which is owned by the applicant, includes a total of 120 units contained within 15 two-story structures and a clubhouse. The application proposes to add 180 units to be contained within 15 three-story buildings. Developments of this size typically require a full-time on-site property manager to be provided.
4. The submitted site plan shows access to the new units from the existing development's driveway on N. Fayetteville Street. NCDOT has indicated that an increase to existing right and left turn-lane storages likely will be required as part of the state permitting process. City departments have reviewed the plan related to service delivery. While a second means of access would be beneficial, no department has raised an objection to the proposal.
5. The site plan identifies two recreational picnic areas and one pavilion. A 6' wide private trail also is proposed that could provide a connection to North Asheboro Park. The city currently is studying the feasibility of a public greenway along Hasketts Creek and is proposing a condition that would facilitate its construction should the project move forward in the future. The development's private trail could connect to this future greenway.
6. The western portion of the property is located within a flood hazard area. No structures or parking is proposed within the flood hazard area. There may also be a jurisdictional tributary to Hasketts Creek that drains from east to west on the southern portion of the property. If jurisdictional, impacts may have to be mitigated. The applicant is advised to consult with NCDEQ.
7. The application proposes a Floor Area Ratio of 21% (habitable conditioned space) on the subject property; density would be 11.4 dwellings per acre. The existing Arlington Square development has a Floor Area Ratio of 30% and a density of 18.1 dwellings per acre. In 1999, multi-family developments with a ratio of up to 33% were permitted by right in the RA6 district. Current codes limit the ratio to 17% unless additional intensity is authorized through a public hearing process.

Projects proposing a ratio of greater than 22% also are expected to comply with additional development standards; these primarily deal with enhanced landscaping, mandatory stormwater control, and requirements pertaining to building design, including acceptable exterior facades or cladding material. When combining the existing Arlington Square development's floor area ratio with that of the proposed application, the ratio exceeds 22%.

Mr. Henderson asked for clarification regarding density and floor area ratios mentioned in the analysis. Mr. Evans provided further clarification about what the current zoning ordinance permits by right, and explained the heightened standards after an applicant exceeds 22%.

8. The zoning ordinance describes the RA6 District as "intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
9. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-determined requirements. One apparent deviation is the lack of recreational vehicle parking for residents that is typically required by the code.

City Staff is currently reviewing information received this afternoon (2-5-24) related to the items below and in Item (10):

- A. Confirmation that the equivalent of a full-time property manager will be provided.
- B. Accurate parking counts: the plan does not provide the noted 396 spaces.
- C. Calculations on open space and recreational area to be provided with information on how such area was calculated.
- D. More details on any landscaping to be installed, to include within the parking areas and along the boundaries of the adjoining Smith Properties property and adjacent residential zoned property also owned by the applicant.

10. There appear to be some erroneous labels that need to be corrected, including mis-identifying the property owner to the west of the subject parcel. Additional information also should be added to the final site plan, including base flood elevations and lighting details (both building and parking lot). More specifics related to building design, particularly materials to be used, also are needed.

Confirmation on landscaping and screening proposed along the southern property lines is requested; in some locations, it exceeds the code requirements but if shown will be required to be installed.

Note: As of 2-5-24, the proposed landscaping has changed from a Type D screen with a 6' wooden fence and evergreen trees every 15' to a Type C Buffer consisting of existing vegetation and/or planted vegetation equaling or exceeding a minimum 25 feet wide strip with 2 canopy trees, 6 understory trees, and 10 shrubs per 100 L.F

He then provided Land Development Plan (LDP) recommendations:

Proposed Land Use Map: Urban Residential

Small Area Plan: Northeast

Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (5):

- Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map. (regarding the residential land use, pedestrian connections, and the provision of some recreational amenities)
- Checklist Item 3: Rezoning matches zoning ordinance district description
- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Item 7: Compatible with small area plan
- Checklist Item 12: Not located within watershed area.

Goals/Policies Not Supporting Request (3):

- Checklist Item 13-14: Property has steep slopes (>20%) and is within special flood hazard area.
- Checklist Item 6: Existing infrastructure is adequate to support the desired zone (*water, sewer, roads, schools, etc.*). ***Staff Note: Concern with this item is related to capacity of existing roadway without roadway improvements.***

Ms. Vuncannon inquired about the roadway improvements and the scope of the improvements. Mr. Evans restated that NCDOT has indicated that an increase to existing right and left turn-lane storages likely will be required as part of the state permitting process. Mr. O'Kelley inquired if these comments and improvements would be included in the conditional zoning request. Mr. Evans confirmed that this is correct.

At this time, Mr. Evans stated that he would go over the proposed conditions, but if the case is continued, these items could be updated by the March Planning Board meeting. There was a board consensus to move on in the presentation with the consistency statement. He then went over the staff's consistency statement:

"An RA6 (CZ) district could be generally consistent with the Land Development Plan. The Plan's Proposed Land Use map recognizes the high-density zoning approved for the property in 2000 and designates it for Urban Residential development. The property is adjacent to two high-density multi-family developments and the Small Area Plan advocates accommodating new multi-family projects in certain areas along N. Fayetteville Street. The presence of nearby employment centers also supports the notion of expanding higher-density opportunities.

In order to finalize a recommendation, staff is seeking information and clarification on several items."

He stated that staff received updated information at approximately 3:30 PM on Monday, February 5th.

He then stated staff's recommendation:

"Staff is recommending that the matter be continued until the March 4, 2024 Planning Board to give staff and the applicant the opportunity to address any outstanding comments."

He then asked the board if there were any questions. Mr. O'Kelley inquired about the need for an NCDOT traffic study. Mr. Evans again mentioned the storage area of turning lanes may need to be increased, however he stated that the applicant's representative may address any information regarding a traffic study. Ms. Vuncannon inquired about the future plans of North Fayetteville Street, to which Mr. Evans stated that the State Transportation Plan advocates for a widening, however the date and design is unknown for this as it is currently an unfunded project. There were no further questions for Mr. Evans at this time.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. Christian Vestal with Summey Engineering, on behalf of the applicant, stated that they are in favor of the request. He stated that he would take any questions at this time about the request. Mr. Henderson inquired on the difference between what the property is currently zoned and what the applicant is requesting. Mr. Vestal stated that the conditional zoning process required a site-specific plan to be submitted outlining the applicant's proposal, rather than a general district which doesn't require this. He stated that the underlying zoning district isn't changing so the proposed density is supported by the RA6(CZ) underlying zoning district. Mr. Rich stated that the project seemed rather dense for only one entrance and exit. Mr. Vestal stated that the current zoning district supports the proposed density and there is no other entrance point to utilize. Mr. Vestal stated that the project will likely be a 6-year buildout, so the NCDOT requirement for lengthening the turning lane may not be implemented immediately. Mr. Henderson inquired about the vehicular access within the existing development moving into the proposed new development. Mr. Vestal stated that there are 3 access points into the new portion of the development, which was requested by the fire department in order to assist with turnaround of emergency vehicles and truck traffic. Ms. Vuncannon inquired on how wide the driving areas would be and if they would be like the existing development in width. Mr. Vestal stated that between each end of the parking stalls there is 24 feet in width, which is the same as the existing development. Ms.

Vuncannon inquired about the sewer line within the development. Mr. Vestal stated that the driveway areas would be built on top of the existing sewer main, and the buildings would stay outside of the existing sewer easements. Ms. Vuncannon inquired about Haskett's Creek and flood areas. Mr. Vestal stated that the development doesn't extend into the flood area. He stated that Haskett's Creek is a perennial stream, and the other water feature is not recorded on the USGS mapping, so there is no requirement or redesign at this time. Mr. Evans mentioned the property to the northeast of the proposed development, near the CBU mailbox, could be a potential interconnectivity point if development occurs there in the future. Ms. Vuncannon inquired on the number of parking spaces. Mr. Vestal confirmed that there are 399 parking spaces. Ms. Vuncannon also inquired about the school systems and if they are prepared for capacity changes. Mr. Evans stated that staff has forwarded this proposal to the school systems and have received no comments back from the school systems. Amy Bowman, current property manager, addressed the board and stated that the proposed development may allow for buses to enter the development and get turned around more adequately. She also mentioned that emergency vehicles also must turn around currently without a loop for easier access in and out of the development. Mr. O'Kelley inquired about the area near building number 9 and if there could be an additional loop created to provide a more adequate turnaround for school buses and emergency vehicles. Mr. Evans stated that the applicant and developer could consider the planning board's comments and return with a revised plan. Mr. Vestal stated that more than the minimum requirement has been met with the proposed plan in terms of adequate turnaround and circular flow. There were no further questions for Mr. Vestal or Mr. Evans 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.

Mr. Rush moved to continue RZ-24-02 to the March 4, 2024 Planning Board meeting. Ms. Vuncannon seconded the motion and the motion carried unanimously.

c. PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT: BOA-24-02: REQUEST FOR VARIANCE FROM CHAPTER 4, SECTION 3.01(C) OF THE ZONING ORDINANCE REQUIRING EVERY LOT TO ABUT A STREET FOR PROPERTY LOCATED ON STOWE AVENUE (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBERS 7750983098 AND 7750983093)

Mr. Luck gave a visual presentation of the above-referenced Board of Adjustment case. At this time, he, the applicant, Mr. Larry McKenzie, and an adjoining property owner, Mr. Anthony Riccobono, were placed under oath to give their testimony regarding BOA-24-02. Mr. Luck provided the following information regarding the variance process and the proposed request:

Tonight:

1. Staff Analysis
2. Applicant Testimony
3. Board Deliberation and Decision

Next Meeting (March 2024):

4. Final Decision Document

Variance Request:

Variance from Section 3.01(C) of the Asheboro Zoning Ordinance which requires that every lot must abut a street.

Analysis:

Location: Stowe Avenue
Parcel Identification Number: 7750983098 and 7750983093
Property Size: 0.34 Acres (15,000 sq.ft.)

Zoning: R7.5 Residential
Overlay Zone: None

Surrounding Land Use:

North: SF Residential
East: SF Residential
South: PUD (Townhomes)
West: SF Residential

LDP Recommendations:

Growth Strategy: Primary Growth
Proposed Land Use Map: Neighborhood Residential

He then showed aerial, zoning, and topographic/utilities maps of the subject and surrounding properties as well as aerial images and oblique maps. He also showed photographs of the subject properties from all directions. Mr. Henderson inquired where the City of Asheboro property was located. Mr. Luck identified the City owned property on the map, directly east of the subject property. Mr. O'Kelley inquired about the platted street and who maintains and owns the street. Mr. Luck noted that the city does not maintain this platted street and no offer for dedication has been submitted to the city. He then deferred these questions to the applicant regarding their right to access and utilize the platted street. He continued staff analysis with the following:

Randolph County PIN#7750983098 and 7750983093 (The Zoning Lot) are legal lots created in 1934 (Plat Book 1, Page 71).

It is the intention of the applicant to purchase both lots and combine to make one legal, conforming lot for the development of a single-family dwelling.

Section 3.01(C) Every Lot Must Abut A Street and Possess Sufficient Buildable Area

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

Street, Public

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

The Zoning Lot does abut and have direct access to a platted street; however, it has not been built to public street standards, has no record of being accepted for maintenance by the City of Asheboro or State of North Carolina, and is currently ineligible for maintenance by either the City of Asheboro or State of North Carolina.

Therefore, presently, no building, structure, or use of land other than for agricultural purposes or for a special purpose lot shall be established on The Zoning Lot. The applicant proposes to extend a 16-foot-wide gravel driveway off the end of Stowe Ave. to provide access to the dwelling.

He presented a site plan submitted by the applicant that outlined the placement of a structure on the lots as well as detail on the gravel drive and the proposed location of where Stowe Avenue's asphalt ends. He also provided, at the board's places, a memo from Mr. Bradley Morton, Deputy City Clerk and Secretary to the Planning Board and Board of Adjustment, identifying the name and address, Ms. Cynthia L Hupper,

residing at 350 Stowe Ave. Apt. 302, who provided a citizen comment. Due to her absence and in compliance with G.S. 160D-603, the name and address is all that can be provided at this time regarding the citizen comment. Ms. Vuncannon inquired where 350 Stowe Avenue, Apartment 302, is located on the maps presented. Mr. Luck informed the board of the address location on the maps presented and confirmed that Ms. Hupper is an adjoining property owner. Mr. Henderson inquired what the minimum standards that the city would accept for a public street. Mr. Luck confirmed that a public street would need to be 28' in width with curb and gutter and paved surface. Mr. Henderson asked if the city would accept a gravel road. Mr. Luck confirmed that the city would not accept maintenance on a gravel road. Ms. Vuncannon inquired where the city maintenance ends. Mr. Luck confirmed that where the asphalt ends is the location where the city stops maintenance. Ms. Vuncannon inquired on the dimensions of the subject property. Mr. Luck stated that the entirety of the two (2) parcels is 150' in width by 100' and the subject property is approximately 67' away from where the maintenance ends, however the Stowe Avenue platted street continues the full length of the property. Ms. Vuncannon inquired about what uses could be approved if a public street adjoined or abutted the property. Mr. Luck mentioned that a single-family dwelling or a duplex development are permitted in the R7.5 district. There were further general questions regarding the building of a street that could be maintained by the city as well as an overview of the variance requested at this time.

He stated that to grant a variance, there shall be a super majority decision, meaning 6 of 7 votes. He then went over the findings of fact necessary for granting a variance:

- 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.

He then asked the board if there were any questions at this time. There were no further questions for Mr. Luck at this time. Mr. O'Kelley inquired if there was anyone to speak for the request.

Mr. Larry McKenzie, the applicant, spoke in favor of the request. He stated that the owners of the subject property have been paying taxes on the lots since the 1960's and that he was approached by the owner to buy the lots in question. He stated that the intent is to construct a single-family dwelling on the combined lots, not a duplex. He stated that if the variance is not granted, then the subject property will sit undeveloped for a long period of time. He stated that all the lots on the platted "Wood Street" are owned by people who already have a home fronting on Straight Street. He stated that a public street would cost approximately \$30,000 to construct, which is not feasible for the construction of a single-family dwelling. He stated that the entrance into the development would be a private drive since no other lots would be developed along "Wood Street". He stated that the intent is to construct a 1500 square foot dwelling +\-. He stated that this would be a 3-bedroom 2-bathroom home in keeping with the character of the neighborhood. He stated that there have been phone calls from neighbors and townhome owners about noise. He stated that framing of the house will take approximately four (4) days to finish, and the rest of the construction will take place inside the dwelling with minimal noise. He stated that dust was a concern for some of those that contacted him. He explained that the initial gravel and construction that occurs would be dusty, but once the final layer of wash stone finish is down, there would be minimal dust from the driveway. He stated that if purchased and construction begins, then he would clear the area and plant grass back. He asked the board if they had any further questions. Mr. Henderson inquired on which lots were owned by those that had dwellings fronting Straight Street. Mr. McKenzie mentioned that all but one lot had dwellings already on them and that the one undeveloped lot could not be developed without building the platted "Wood Street". Mr. O'Kelley inquired if Mr. McKenzie currently owns the subject properties. Mr. McKenzie stated that he

currently has these lots under contract but does not own them at this time. Mr. Rush inquired if the board was able to decide due to the applicant not owning the property. Mr. Luck informed the board that the variance application has an option to select if the applicant is not the property owner, that the owner be notified. The applicant has done so; Therefore, the board can review and decide on the requested variance. Mr. Henderson inquired on who will maintain the driveway. Mr. McKenzie stated that the maintenance after it is built will be the responsibility of the property owner. There were no further questions for Mr. McKenzie at this time.

Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. Mr. Anthony Riccobono, HOA president of the adjoining Townhomes at Greystone development, addressed the board and stated that there were concerns from the townhome owners regarding noise, dust, and traffic. He also wanted to know the possibility of a four-way stop at the intersection of Stowe and Straight Streets, to which Mr. O'Kelley informed him that this board would not be able to consider this request. He inquired about the hours of construction. Mr. McKenzie stated that construction would generally be 8:00 a.m.-4:30 p.m. He stated that there should be compensation due to the generation of dust that would impact the property owners. Mr. McKenzie stated that the developer would not compensate anyone for generating dust during construction. Mr. Henderson stated that the construction of a dwelling would likely be a benefit to the townhomes rather than a vacant lot. There were no further questions or comments for the board or the applicant at this time. There was no further discussion from the board at this time.

Mr. Buffkin moved to approve Case No. BOA-24-02 due to the applicant's testimony meeting all four findings of fact necessary for the granting of a variance. Ms. Vuncannon seconded the motion and the motion carried unanimously. A final decision document will be drafted for approval at the Regular March Planning Board meeting.

ITEMS NOT ON THE AGENDA

Mr. Luck mentioned that there will be another variance case at the March meeting and to let staff know if they will not be present prior to the March meeting.

ADJOURNMENT

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

Bradley Morton, Planning Board Secretary

Michael O'Kelley, Planning Board Chair



RZ-24-02: Request to rezone property adjacent to 1901 North Fayetteville Street (Randolph County Parcel Identification Numbers 7752988469 and 7762091068) to an amended RA6 (CZ) High-Density Residential Conditional Zoning for Multiple-Family dwellings

Staff Report

Rezoning Staff Report

RZ Case # RZ-24-02

Date 3/4/2024 Planning Board

General Information

Applicant Lyn Van Lurette Trust, LLC (Brian Newman)

Address PO Box 1450

City Kitty Hawk NC 27949

Phone 252-202-6248

Location 1901 North Fayetteville Street

Requested Action Rezone to an amended RA6 (CZ) High Density Conditional Zoning to allow for a development with multiple family dwellings with Floor Area Ratio of up to 22%

Existing Zone RA6 (CZ)

Existing Land Use Undeveloped

Size 15.79 acres +/-

Pin # 7762091068 and 7752988469

Applicant's Reasons as stated on application

To renew the previously approved RA6 CZ for PIN 7762094082 and 7752988469. Future growth needs in the city limits, with the use of current zoning and infrastructure.

Surrounding Land Use

North Undeveloped/Single-Family

East Commercial/Multi-family residential

South Single/multi-family residential/Manuf. home Park

West Undeveloped/Residential PUD

Zoning History RZ-01-13: The property was rezoned to a conditional use zoning district in 2000 prior to the current conditional zoning process. Only the district was approved; no specific plan or conditional use permit authorized.

Legal Description

The property of Lyn Van Lurette Trust, LLC located contiguous to 1901 North Fayetteville Street (identified by Randolph County Parcel Identification Numbers 7762091068 and 7752988469 and, totaling approximately 15.79 acres +/-).

Analysis

See Attachment 1.

Attachment 1: RZ-24-02 (Arlington Apartments rezoning request): Staff analysis as of 2-29-24

1. The property is inside the city limits.
2. North Fayetteville Street (US 220 Business North) is a state-maintained major thoroughfare. The adopted 2024-2033 State Transportation Improvement Plan identifies improvements for this segment of North Fayetteville Street (widen to multi lanes); the proposed improvements currently are not funded.
3. The property adjoins the Arlington Square apartments which were built in 1999. That development, which is owned by the applicant, includes a total of 120 units contained within 15 two-story structures and a clubhouse. The application proposes to add 180 units to be contained within 15 three-story buildings. Developments of this size typically require a full-time on-site property manager to be provided.
4. The submitted site plan shows access to the new units from the existing development's driveway on N. Fayetteville Street. NCDOT has indicated that an increase to existing right and left turn-lane storages likely will be required as part of the state permitting process. City departments have reviewed the plan related to service delivery. While a second means of access would be beneficial, no department has raised an objection to the proposal.
5. The site plan identifies two recreational picnic areas and one pavilion. A 6' wide private trail also is proposed that could provide a connection to North Asheboro Park. The city currently is studying the feasibility of a public greenway along Hasketts Creek and is proposing a condition that would facilitate its construction should the project move forward in the future. The development's private trail could connect to this future greenway.
6. The western portion of the property is located within a flood hazard area. No structures or parking is proposed within the flood hazard area. There may also be a jurisdictional tributary to Hasketts Creek that drains from east to west on the southern portion of the property. If jurisdictional, impacts may have to be mitigated. The applicant is advised to consult with NCDEQ.
7. The application proposes a Floor Area Ratio of 21% (habitable conditioned space) on the subject property; density would be 11.4 dwellings per acre. The existing Arlington Square development has a Floor Area Ratio of 30% and a density of 18.1 dwellings per acre. In 1999, multi-family developments with a ratio of up to 33% were permitted by right in the RA6 district. Current codes limit the ratio to 17% unless additional intensity is authorized through a public hearing process. Projects proposing a ratio of greater than 22% also are expected to comply with additional development standards; these primarily deal with enhanced landscaping, mandatory stormwater control, and requirements pertaining to building design, including acceptable exterior facades or cladding material. When combining the existing Arlington Square development's floor area ratio with that of the proposed application, the ratio exceeds 22%.
8. The zoning ordinance describes the RA6 District as "intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
9. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-determined requirements. One deviation is the lack of recreational vehicle parking for residents that is typically required by the code. The second deviation is identified below in 10.C. The applicant has indicated that existence of two access easements intended to serve adjacent property should preclude installation of the typical buffer.
10. Since the February 5, 2024 Planning Board, the applicant has revised the site plan or provided written confirmation on the following items:
 - A. 20 trees within the parking area plus foundation shrubs in front of the buildings.
 - B. Buffer C, which is normally 25 feet in width along part of southern boundary of the property. The Buffer C normally consists of 2 canopy trees, 6 understory trees, and 10 shrubs per 100 linear feet. As allowable under ordinance standards, the applicant has proposed the option of using existing vegetation to meet this requirement.
 - C. Confirmation that there is not a buffer or screen proposed along the property boundaries adjacent to two residentially zoned parcels, one of which also is owned by the applicant.

Attachment 1: RZ-24-02 (Arlington Apartments rezoning request): Staff analysis as of 2-29-24

D. Clarification that exterior building walls are clad in a combination of vinyl siding (2nd and 3rd story) and brick (1st).

E. Confirmation that the units, at this time, are all expected to be two bedrooms. Note: unit layouts can change provided the approved Floor Area Ratio is not exceeded and the minimum amount of off-street parking is provided.

11. The applicant has indicated the possibility of phasing for the development, and staff is proposing a condition reflect this possibility and ensure adequate turnaround area is provided at phase lines.

12. If the rezoning is approved, the site plan submitted for the zoning compliance permit to authorize construction will need to satisfy all district and zoning ordinance requirements, including those related to accessible parking for persons with disabilities.

Rezoning Staff Report

RZ Case # RZ-24-02

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 Urban Residential

Small Area Plan Northeast

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

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

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Items 12: Property is not located within a watershed area.

Rezoning Staff Report

RZ Case # RZ-24-02

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%.

Checklist Item 6: Existing infrastructure is adequate to support the desired zone (*water, sewer, roads, schools, etc.*). **Staff Note:** *Concern with this item is related to capacity of existing roadway without roadway improvements.*

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

An RA6 (CZ) district is generally consistent with the Land Development Plan. The Plan's Proposed Land Use map recognizes the high-density zoning approved for the property in 2000 and designates it for Urban Residential development. The property is adjacent to two high-density multi-family developments and the Small Area Plan advocates accommodating new multi-family projects in certain areas along N. Fayetteville Street. The presence of nearby employment centers also supports the notion of expanding higher-density opportunities.

Staff has continued to work with the applicant on site plan revisions, and believes the request is approvable subject to reasonable conditions. As is common, more detail would be provided at the permitting and construction stage if the rezoning is approved. Noting that, staff does believe that the Land Development Plan provides sufficient support for the application.

Recommendation Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest, subject to acceptance of the staff suggested conditions.

Rezoning Staff Report

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)
See Attachment 2.

Attachment 2: RZ-24-02 Arlington Apartments: Proposed conditions as of February 29, 2024

- (A) The use approved shall be a Development with Multiple Family Dwellings, consisting of a total of 180 dwelling units with a floor area of up to 22 percent.
- (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) If solid waste disposal facilities as shown on the site plan are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Such facilities shall be consistent with city policies and codes.
- (E) Maintenance of all areas not within public easements or noted to be publicly maintained on the site plan shall be the responsibility of the property owner and any successors in interest.
- (F) Parking of recreational vehicles shall be prohibited.
- (G) Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. 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.
- (H) A 20' public use easement for the proposed Hasketts Creek Greenway shall be granted at no cost to the city within the 100-year floodplain, if sought by the city and consistent with engineering plans to be prepared for the greenway. The cost to prepare and record the easement shall be the responsibility of the city. The development's trail location depicted on the site plan may be changed to include a connection to a future North Asheboro Greenway. Any connection of the depicted trail to North Asheboro Park shall occur in coordination and after consultation with the city's recreation director.
- (I) The site plan indicates mail delivery through a cluster mailboxes. If the postal service and/or NCDOT require a different facility(s) or location for mail delivery, such a change will not be considered a modification requiring City Council action.
- (J) If future development of adjoining property provides an opportunity for a second access to be provided from N. Fayetteville Street, the property owner and city staff shall be authorized to work together to investigate the benefits of such a connection. If mutually agreeable and consistent with city codes, such connection shall be permitted and not be considered a modification requiring City Council action.
- (K) If phasing is implemented, the developer shall submit to staff information to ensure the adequacy of any required turnaround area needed for the provision of public and emergency services.
- (L) Prior to the issuance of a zoning compliance permit, construction plans concerning water, including provisions for fire hydrants determined to be required by Asheboro Fire and Rescue, and sanitary sewer that complies with city policies, shall be submitted. Surveying and permitting of any required public utility lines and the associated easements that may be necessary shall be the responsibility of the property owner.
- (M) Prior to issuance of a zoning permit for development depicted, the owner shall provide the following:

Attachment 2: RZ-24-02 Arlington Apartments: Proposed conditions as of February 29, 2024

- (i) A final site plan with all the information necessary to determine compliance with city codes, and the applicable permit fee.
- (ii) Details ensuring the functional equivalent of full-time on or off-site property management
- (iii) NCDOT permit(s) and updates to the plan as necessary to obtain said permit.
- (iv) NCDEQ approval for land disturbance and, if applicable, stream impacts.
- (v) Necessary information for a floodplain development permit, if required.
- (N) 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.

John Evans

Subject: FW: [External Sender] [External] Proposed development at 1901 North Fayetteville Street (Arlington Apartments, Phase 2)

From: Kimes, Tyler J <tjkimes@ncdot.gov>
Sent: Thursday, January 18, 2024 2:57 PM
To: John Evans <jevans@ci.asheboro.nc.us>
Cc: Monroe, Roosevelt J <rjmonroe@ncdot.gov>; Britt, Jennifer L <jlbritt@ncdot.gov>; Trevor Nuttall <tnuttall@ci.asheboro.nc.us>; Justin Luck <jluck@ci.asheboro.nc.us>
Subject: RE: [External Sender] [External] Proposed development at 1901 North Fayetteville Street (Arlington Apartments, Phase 2)

Good afternoon John,

Since they are expanding significantly, a new driveway permit application will need to be submitted for our review and approval. We anticipate the existing left and right turn lane storages needing to be increased. This will require a 16.1B encroachment agreement application along with a bond covering the scope of work. We may also request some existing traffic counts at the existing site driveway during our review.

Do they have an estimated build out date for this expansion?

Thanks,

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

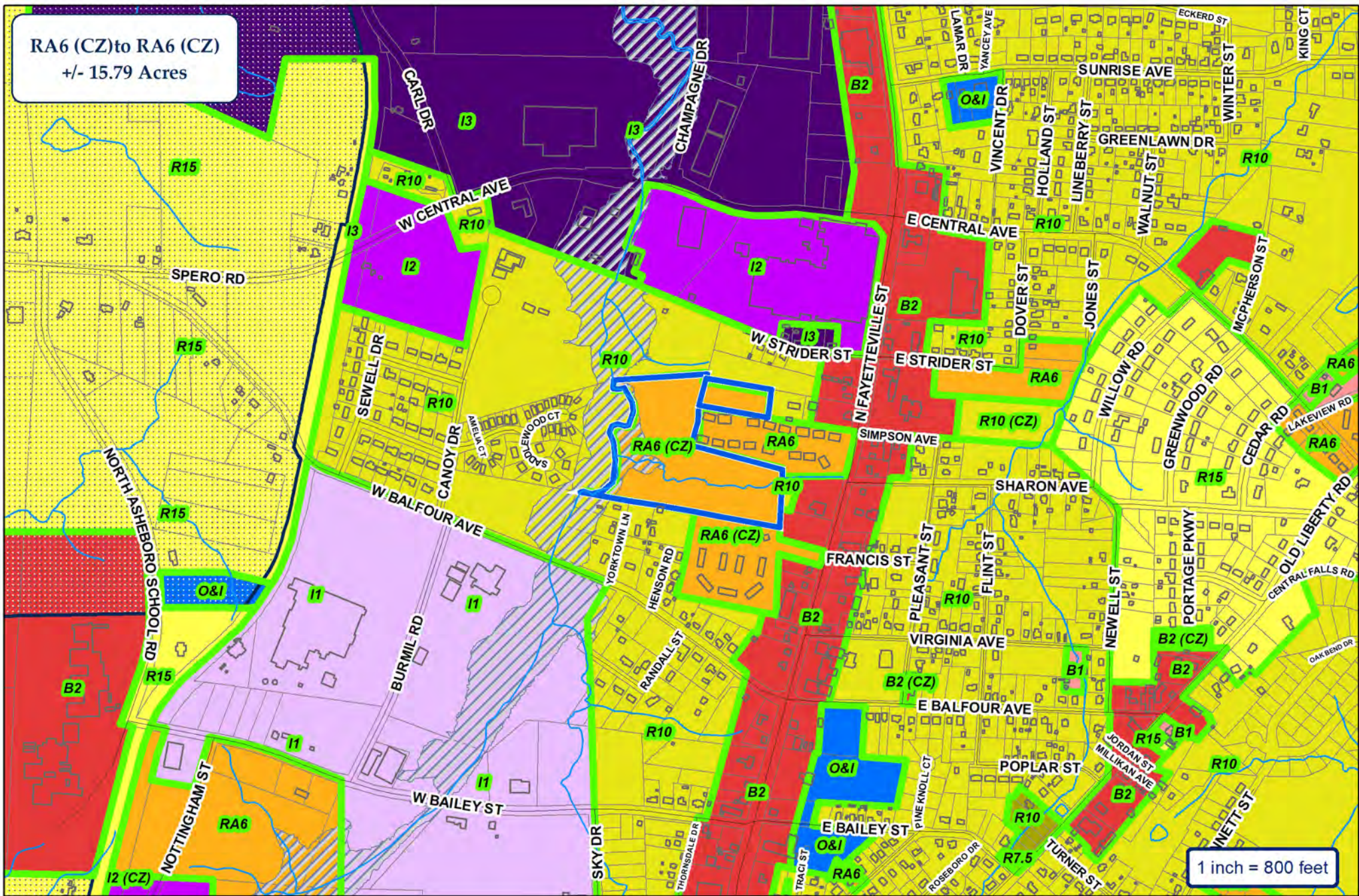
336-318-4000 – Office
336-318-4005 – Direct
Tjkimes@ncdot.gov

300 DOT Drive
Asheboro, NC 27205



s.

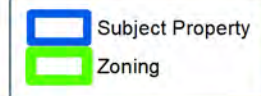
RA6 (CZ) to RA6 (CZ)
+/- 15.79 Acres



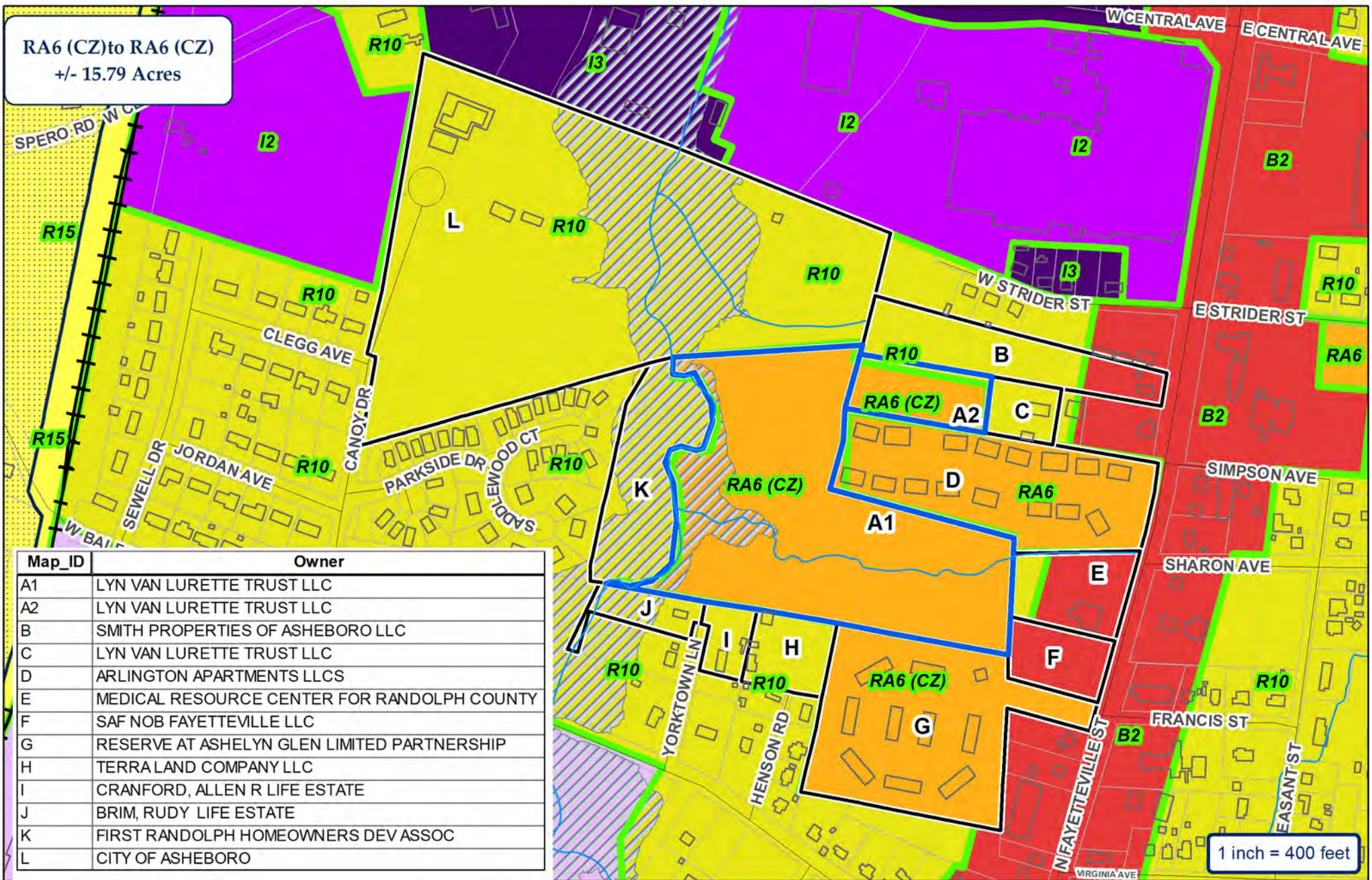
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-02

Parcels: 7762091068 & 7752988469



RA6 (CZ) to RA6 (CZ)
+/- 15.79 Acres



Map_ID	Owner
A1	LYN VAN LURETTE TRUST LLC
A2	LYN VAN LURETTE TRUST LLC
B	SMITH PROPERTIES OF ASHEBORO LLC
C	LYN VAN LURETTE TRUST LLC
D	ARLINGTON APARTMENTS LLCs
E	MEDICAL RESOURCE CENTER FOR RANDOLPH COUNTY
F	SAF NOB FAYETTEVILLE LLC
G	RESERVE AT ASHELYN GLEN LIMITED PARTNERSHIP
H	TERRA LAND COMPANY LLC
I	CRANFORD, ALLEN R LIFE ESTATE
J	BRIM, RUDY LIFE ESTATE
K	FIRST RANDOLPH HOMEOWNERS DEV ASSOC
L	CITY OF ASHEBORO

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-02

Parcels: 7762091068 & 7752988469

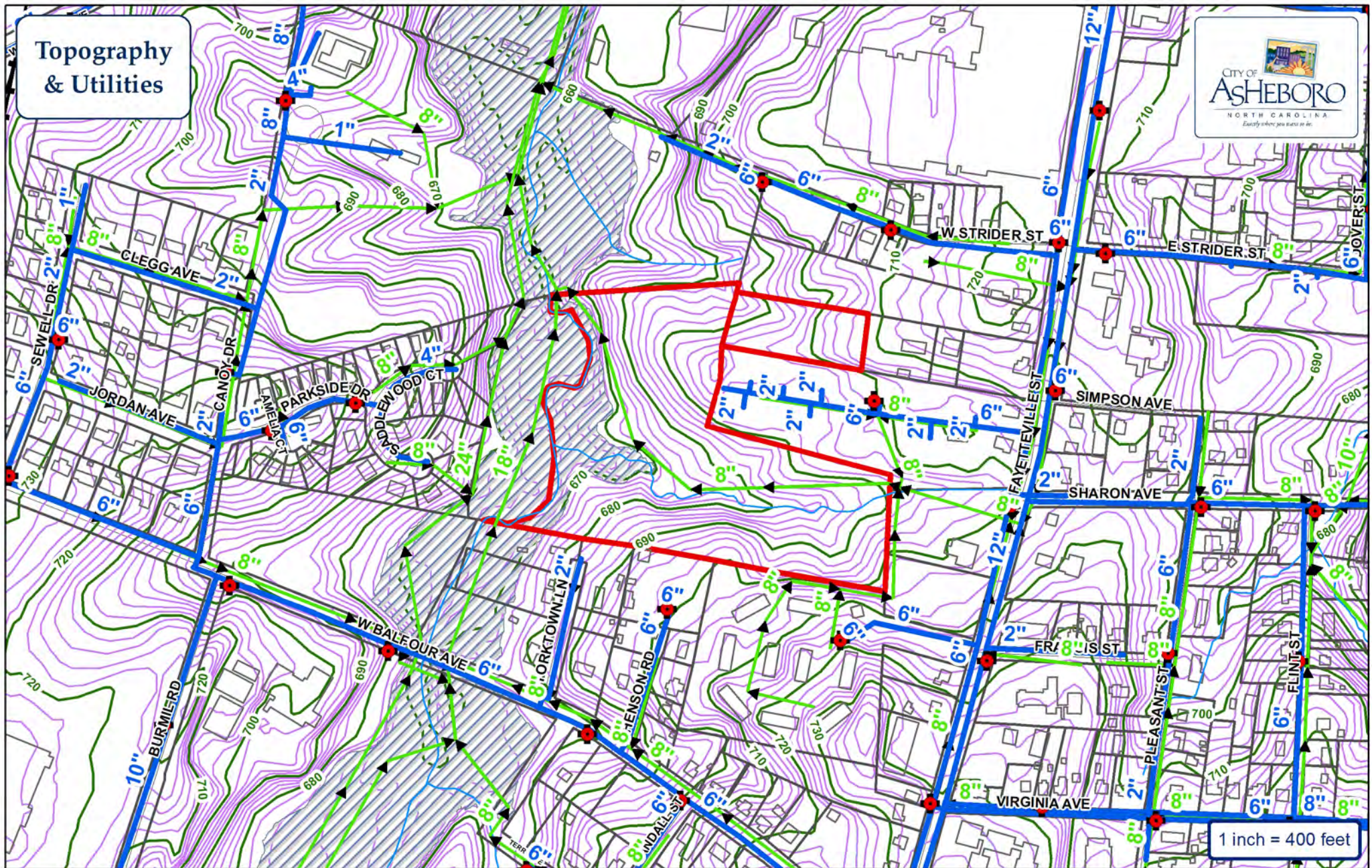


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



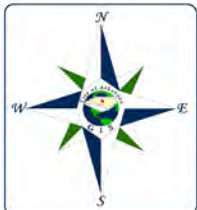
- | | | | |
|--|------------|--|--------------|
| | Water Main | | Fire Hydrant |
| | Sewer Main | | Pump Station |
| | Force Main | | Watershed |

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-02

Parcels: 7762091068 & 7752988469

Subject Property





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-02

Parcels: 7762091068 & 7752988469

 Subject Property





RZ-24-02: Request to rezone property adjacent to 1901 North Fayetteville Street (Randolph County Parcel Identification Numbers 7752988469 and 7762091068) to an amended RA6 (CZ) High-Density Residential Conditional Zoning for Multiple Family dwellings

Photos of existing development, proposed building elevation, and application provided by applicant





0051972



0051972

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

APPLICANT INFORMATION

Lyn Van Lurette Trust, LLC (Brian Newman)
Applicant _____ Applicant's Phone # 252-202-6248

Applicant's Address PO Box 1450
Kitty Hawk, NC 27949

Applicant email address buildnewman@msn.com

PROPERTY INFORMATION

Property Owner's Name Lyn Van Lurette Trust, LLC

Location of Property _____ Property Size (ac. or s.f.) 15.79

Randolph County Property Identification Number (PIN#) 7762091068, 7752988469

Current Zoning District RA6 CZ Requested Zoning District RA6 CZ

Date Property Title Acquired Aug. 9 2022 Deed Book 2823 Page 957

Subdivision _____ Section _____ Lot # _____

Plat Book 177 Page 017

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 renew the previously approved RA6 CZ for PIN 7762094082 and 7752988469

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

Future growth needs in the city limits, with the use of current zoning and infrastructure

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.

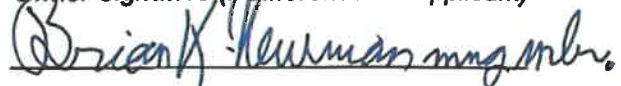
Applicant Signature



Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

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: JE Date: 1-12-24 Case Number: RZ-24-02



RZ-24-03: Request to rezone property located at the western intersection of East Central Avenue and Willow Road (Randolph County Parcel Identification Number 7762297740) from R10 Medium-Density Residential to R7.5 Medium Density Residential zoning

Staff Report

Rezoning Staff Report

RZ Case # **RZ-24-03**

Date **3-4-2024 Planning Board**

General Information

Applicant Brian Lucas

Address PO Box 2021

City Asheboro NC 27204

Phone 336-465-0947

Location East Central Avenue and Willow Road

Requested Action Rezone from R10 Medium-Density Residential to R7.5 Medium-Density Residential

Existing Zone R10

Existing Land Use Undeveloped

Size 0.98 acres +/-

Pin # 7762297740

Applicant's Reasons as stated on application

R10 and R7.5 both allow for single family and duplex. Both zonings are for neighborhood residential use. The zoning now is R10 which allows for duplexes and single family homes. Would not have much change going from the allowed 5 units to the requested rezone to R7.5 for 6 units. The zoning of R10 now allows for 2 duplexes and 1 single family home on this property. With the current R10 zoning, the single family would have to go between 2 duplexes. If changed to R7.5, zoning the single family home could become a duplex because of a little less land, square feet requirements, and 5' less front yard setbacks. There is a trailer park across the street and a small business.

Surrounding Land Use

North Single-family res., Commercial & MH Park

East Single-family residential (SFR)

South Single-family residential

West Single family residential/manufactured home (MH) park

Zoning History N/A

Legal Description

The property of BLL Holdings LLC, located at the western corner of East Central Avenue and Willow Road, totaling approximately 42,626 square feet and more specifically identified by Randolph County Parcel Identification Number 7762297740.

Analysis

1. The property is inside the city limits.
2. East Central Avenue is a state-maintained minor thoroughfare. Willow Road is a local city-maintained street.
3. The request is for a general district R7.5 district. This district permits both single-family and two-family dwellings if zoning ordinance requirements are met. No specific use or site plan can be considered with this application.
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. The primary differences between the R10 and R7.5 districts relate to minimum lot sizes and setbacks. A detailed comparison is attached to this report.
6. The surrounding area includes a mix of single-family residential uses, including two legal-nonconforming manufactured home parks; one of the parks is commercially zoned.
7. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community."
8. With the current R10 zoning, it may be possible to divide the property into three lots, two of which would be adequately sized for a two-family dwelling for a total of 5 dwellings. If rezoned to R7.5, it is likely that the size and configuration of the property could support three lots for two-family dwellings for a total of 6 dwellings.

Rezoning Staff Report

RZ Case # RZ-24-03

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation Neighborhood Residential

Small Area Plan Northeast

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 5: Complies with Growth Strategy 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 Items 12-14: Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes

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

Rezoning Staff Report

RZ Case # RZ-24-03

LDP Goals/Policies Which Do Not Support Request

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

Checklist Item 10: Rezoning is not consistent with land category descriptions

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

Both the current and requested zoning districts could allow construction of single-family and two-family dwellings. development The application seeks a modest increase of potential density and reduced setbacks. Given the property's location on a minor thoroughfare and proximity to two legal non-conforming manufactured home parks, one of which could be redeveloped for commercial uses, an R7.5 district is a reasonable designation for the property. The presence of High Density RA6 zoning within 500 feet of the subject property and Land Development Plan's Proposed Land Use Map recommending neighborhood (medium-density) residential development also lends a degree of validity to the request.

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

Comparison of existing R10 Medium-Density Residential District (current zoning) and R7.5 Medium-Density Residential (requested zoning)

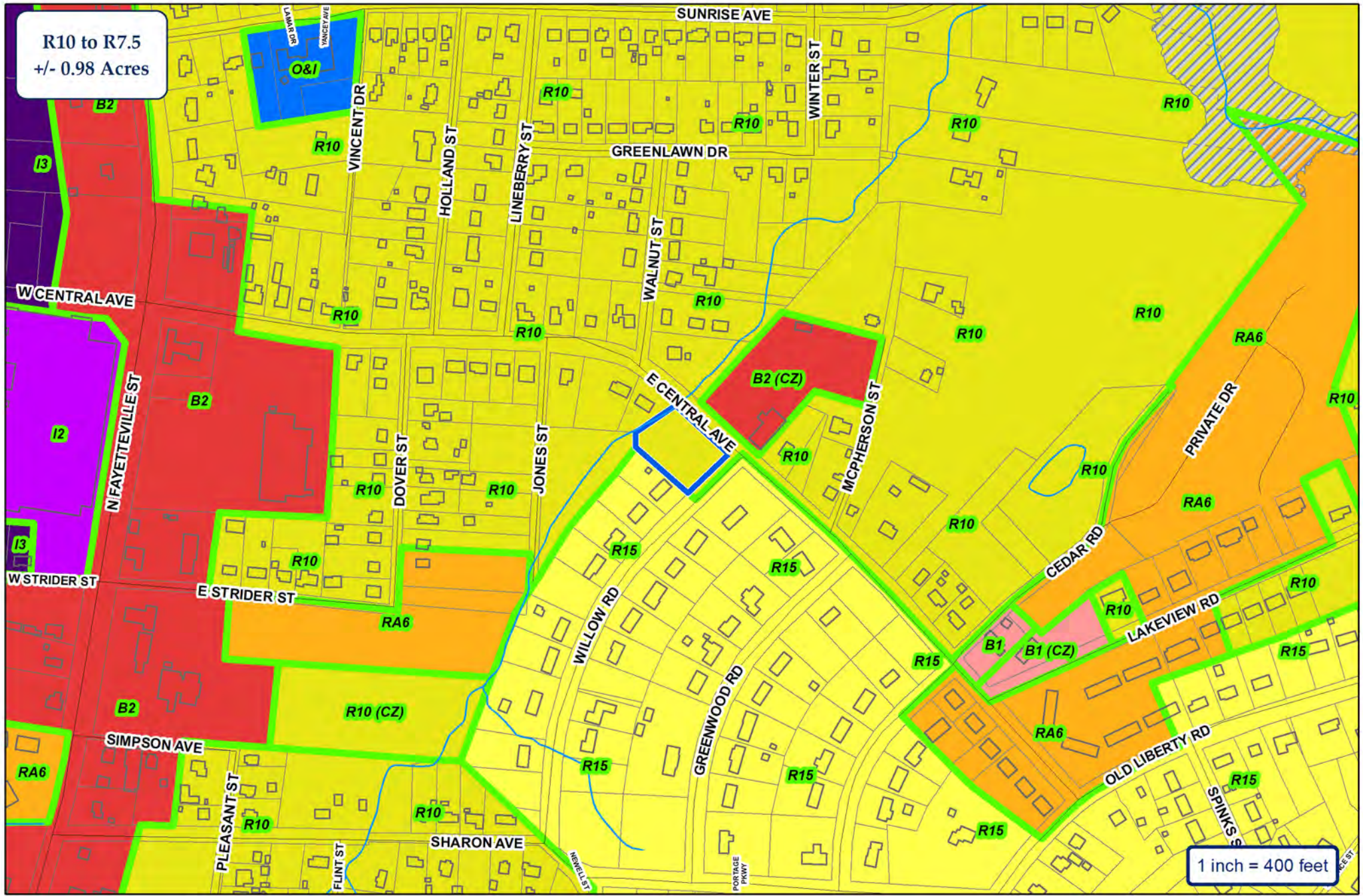
Table 4-1									
Table of Area, Height, Bulk and Placement Regulations									
District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R10	10,000 SF	75	30	10	25	35	22%		
	15,000 Duplex		1 Single Family or 1 Duplex Only				22%		
	10,000 NonRes						22%		
R7.5	7,500 SF	60	25	10	20	35	22%		
	11,500 Duplex		1 Single Family or 1 Duplex Only				22%		
	7,500 NonRes						22%		
*Except as specifically modified by this Ordinance								Revised 07/2021	

Zoning Ordinance Statement of Intent for each district (Section 4.04):

R10 Medium-Density Residential (existing zoning): The R10 Residential District is intended 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 Medium-Density Residential (current request): The R-7.5 Residential District is intended 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.

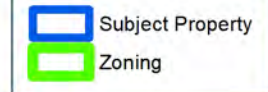
R10 to R7.5
+/- 0.98 Acres



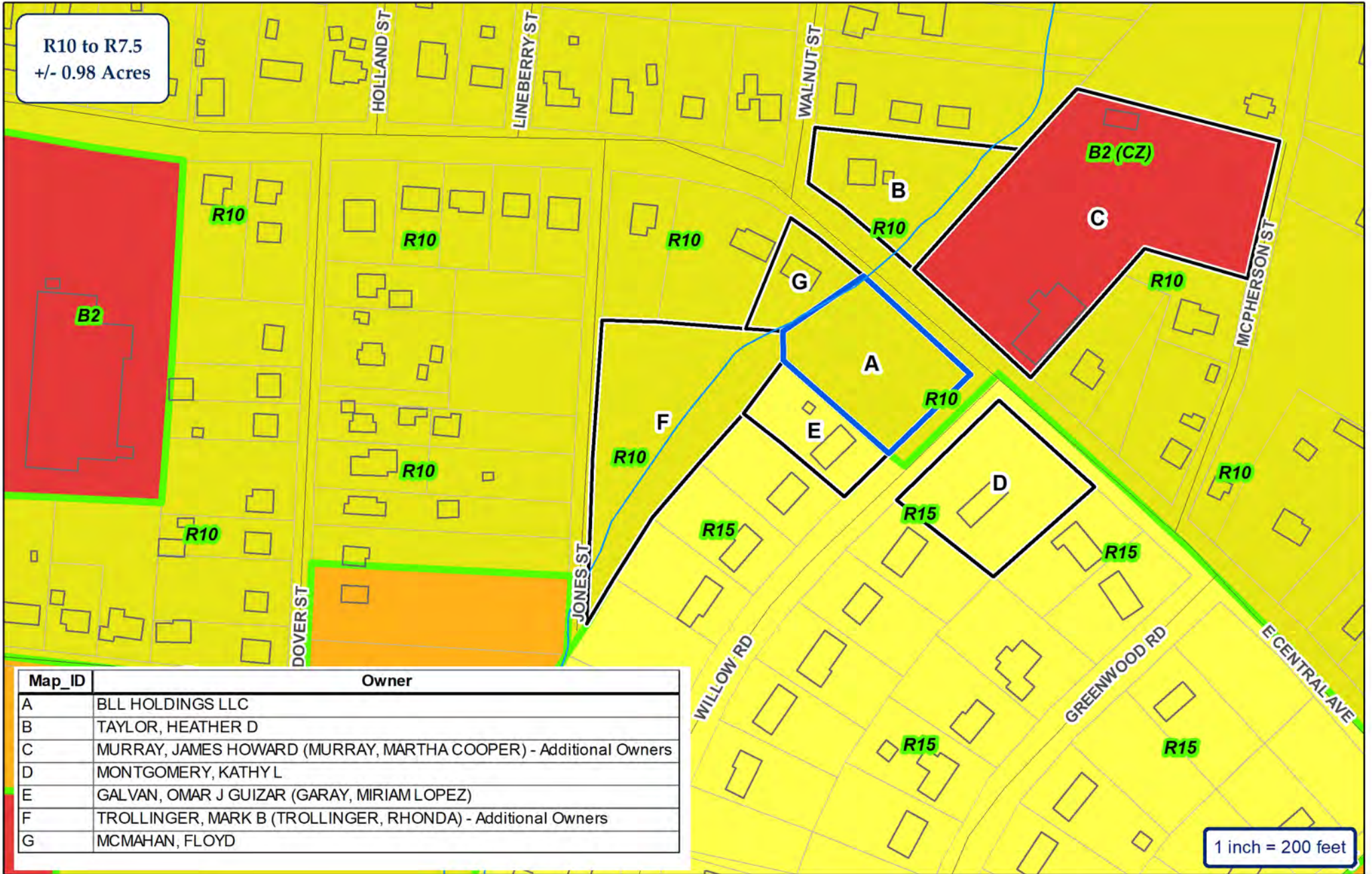
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-03

Parcels: 7762297740



R10 to R7.5
+/- 0.98 Acres



Map_ID	Owner
A	BLL HOLDINGS LLC
B	TAYLOR, HEATHER D
C	MURRAY, JAMES HOWARD (MURRAY, MARTHA COOPER) - Additional Owners
D	MONTGOMERY, KATHY L
E	GALVAN, OMAR J GUIZAR (GARAY, MIRIAM LOPEZ)
F	TROLLINGER, MARK B (TROLLINGER, RHONDA) - Additional Owners
G	MCPHANN, FLOYD



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-03

Parcels: 7762297740

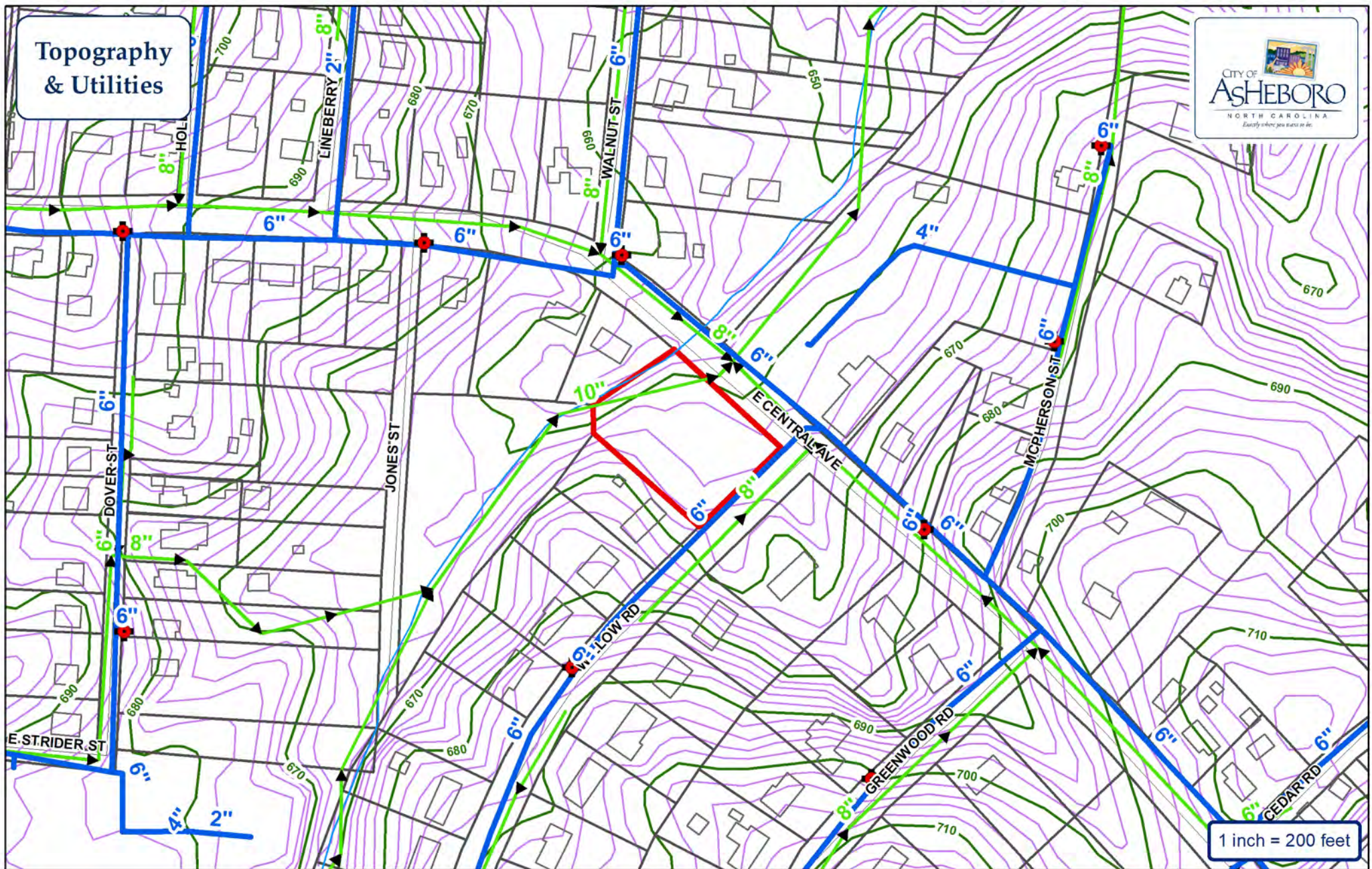
Subject Property

Adjoining Properties

City Zoning



Topography & Utilities



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

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-03

Parcels: 7762297740

Subject Property





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-03

Parcels: 7762297740

 Subject Property



APPLICANT INFORMATION

Applicant Brian Lucas
Applicant's Phone # 336-465-0947
Applicant's Address PO Box 2021
Ashboro, NC 27204
Applicant Email Address blucas13@gmail.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name BLL Holdings LLC
Location of Property Lot 53-54 E. Central Avenue 27203
Property Size (ac. or s.f.) 42,626 Sq Ft
Randolph County Property Identification Number (PIN#) 7762297740
Current Zoning District R10
Requested Zoning District R7.5
Date Property Title Acquired December 12, 2023
Deed Book 2888 Page 353
Subdivision _____ Section _____ Lot # _____
Plat Book 10 Page 77

ORDINANCE AMENDMENT INFORMATION

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

R10 and R7.5 both allow for single family and duplex.
Both zoning's are for Neighborhood Residential use.

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.

The zoning now is R10 which allows for duplexes
and single family homes.

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?

would not have much change going from the allowed 5 units to the requested rezone to R7.5 for 6 units.

Does not apply ☐

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

The zoning of R10 now allows for 2 duplexes and 1 single family home on this property. With the current R10 zoning the single family would have to go between 2 duplexes. If changed to R7.5 zoning the single family home could become a duplex because of a little less land square foot requirements and 5' less front yard setbacks. There is a trailer park across the street and a small business.

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

B. L. Hume

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

Owner Address

PO Box 2021

Asheboro, NC 27204

Telephone Number

336-465-0947

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: OLE *Date:* 2-5-24 *Case Number:* R2-24-03



RZ-24-04: Request to rezone property currently addressed as 853 East Salisbury Street (Randolph County Parcel Identification Numbers 7761229556, 7761229618, 7761229996, and 7761227703) to an amended OA6 (CZ) Office-Apartment Conditional Zoning for a development with multiple family dwellings

Staff Report

Rezoning Staff Report

RZ Case # RZ-24-04

Date 3-4-2024 Planning Board

General Information

Applicant Solstice Partners, LLC

Address 324 Sunstone Drive

City Cary NC 27619

Phone 201-951-1213

Location 853 East Salisbury Street

Requested Action Rezone to an amended OA6 (CZ) Office-Apartment Conditional Zoning for a Development with Multiple family dwellings of up to 22 percent.

Existing Zone OA6

Existing Land Use Undeveloped (formerly single-family dwelling)

Size 5.4 acres +/-

Pin # 7761229556, 7761229618, 7761229996, 7761227703

Applicant's Reasons as stated on application

See attachment on application

Surrounding Land Use

North Single-family/Commercial (cultural facility)

East Single-family residential/Commercial

South Place of worship/Single-family residential

West Single-family residential/Public Use Facility

Zoning History Property was rezoned from 7.5 Medium-Density Residential to OA6 Office-Apartment (RZ-19-11 in 2019 and RZ-21-07 in 2021), and OA6 (CZ) for 47 dwelling units in 2023.

Legal Description

The properties of Davidson Builders and Properties, Inc., located at 853 East Salisbury St., totaling approximately 5.4 acres and more specifically identified by Randolph County Parcel Identification Numbers 7761229556, 7761229618, 7761229996, 7761227703.

Analysis

See Attachment 1

Attachment 1: RZ-24-04 (Uwharrie Park Apartments rezoning request): Staff analysis as of 2-29-24

1. This application requests changes to the zoning district and site plan approved by City Council in 2023. The addition of significant parking area north of the proposed building location is viewed as a modification requiring re-review by Council. The application states that this change is necessitated by an NCDOT drainage and utility easement along the frontage of the property. One less apartment unit is proposed with this application.
2. The property is inside the City limits.
3. The 2014 Comprehensive Transportation Plan identifies this segment of East Salisbury Street/ NC Hwy. 42 (a state-maintained major thoroughfare) as over capacity. 2023 volumes indicated an average annual daily vehicles/day of 15,000, an increase from 14,500 in 2021. Current capacity is 11,600 vehicles.
4. In order to relieve congestion on NC Hwy. 42 North, the NCDOT Transportation Improvement Program is funding road improvements (Project No. U-5743) extending between the E. Salisbury St. intersection and US Hwy. 64 (E. Dixie Drive). Proposed improvements include the addition of a center turn lane, sidewalks, curbing, and guttering. The latest available NCDOT State Transportation Improvement Plan information indicates that right-of-way acquisition is currently in progress and construction is now anticipated in 2025.
5. The plan proposes two three-story buildings clad primarily in brick and vinyl siding. One building contains 22 units and a community room while the second building contains 24 units. The units are described as one, two and three bedrooms. There also is a recreation area with a tot lot/play area, child play area, and covered picnic area. The plan shows construction of a sidewalk along the frontage.
6. The conditional zoning process allows an applicant to propose a project-specific zoning district that establishes approval conditions and site development requirements. The project-specific zoning district is allowed to diverge from the zoning ordinance's predetermined land use requirements. The following deviation from the city's predetermined land use regulations is noted: no separate designated and screened area for recreational vehicles is provided (at least 3,312 square feet of such area typically would be required). However, the plan does include 3 more parking spaces than the code would otherwise require for the project.
7. The Land Development Plan's "Urban Residential" designation for the property is described as intended to provide for "medium to high density single- and multi-family residential uses" and its intent is to "accommodate existing & encourage new medium-high density residential uses in & around Activity Centers, and around Employment Centers." The Urban Residential description also includes design elements such as building placement close to the street, interconnectivity between neighborhoods, sidewalks, street trees, and recreational amenities such as pocket parks to create a sense of place.
8. The site plan was also routed to NCDOT, Asheboro City Schools, and US Postal Service. NCDOT has responded by stating that driveway permitting is required, and that the need for turning lanes will be analyzed at the time NCDOT permitting is initiated.

Rezoning Staff Report

RZ Case # RZ-24-04

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 Urban Residential

Small Area Plan Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

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

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

Checklist Items 12 and 13: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # RZ-24-04

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.*). *Related to existing roadway without proposed roadway and pedestrian improvements*

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

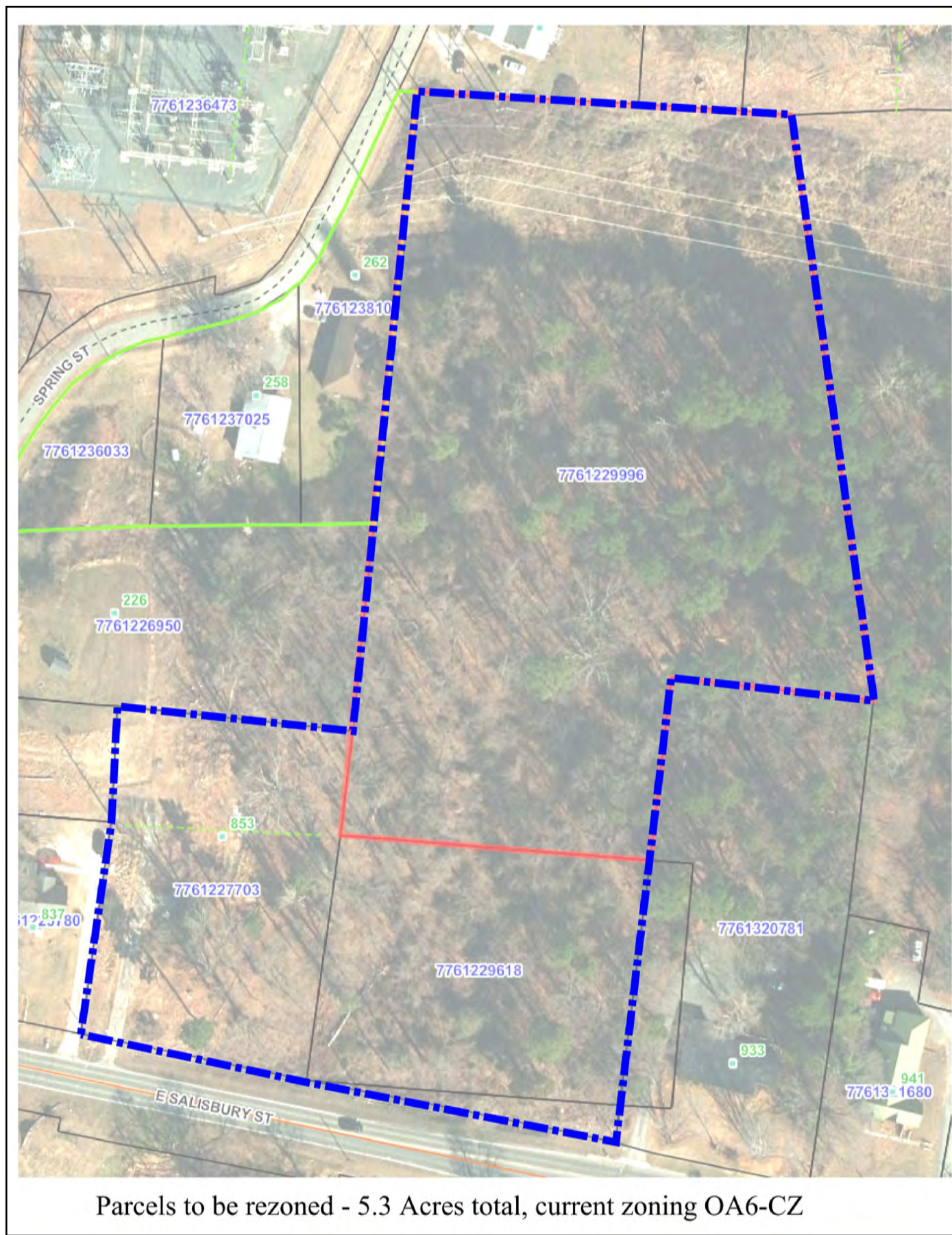
With council previously having zoned the property OA6 (CZ), the request should be evaluated on the basis of the site plan's alignment with land use objectives established by the Land Development Plan and zoning ordinance. This application, like the prior request, proposes preservation of ample open space, includes various types of recreational and community amenities, pedestrian improvements, adequate parking, building design that incorporates masonry and decorative architectural elements, and stormwater controls. Project intensity, meanwhile, has been slightly reduced, with Floor Area Ratio (and overall density) now slightly less than what the current OA6 (CZ) district would permit. Staff, therefore, believes that the requested modified conditional district, with incorporation of reasonable conditions, is consistent with the city's adopted plans and approval would permit a reasonable use of the property.

Recommendation Considering the aforementioned analysis, staff believes that the proposed zoning map amendment generally is reasonable and in the public interest, subject to acceptance of the staff suggested conditions.

Rezoning Staff Report

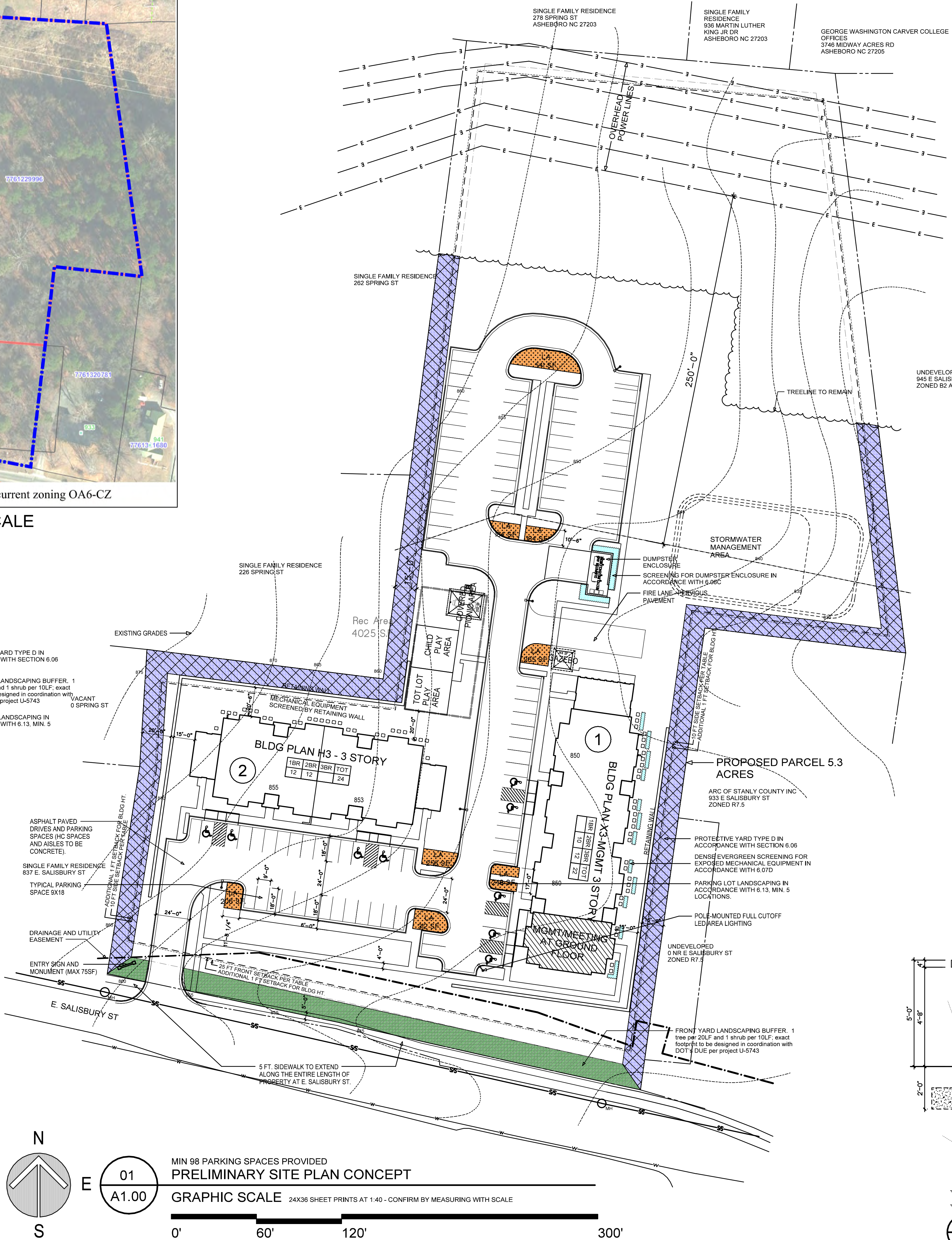
Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

- (A) The use approved shall be a Development with Multiple Family Dwellings, consisting of a total of 46 dwelling units with a floor area of up to 22 percent.
- (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. If the postal service and/or NCDOT require a different facility(s) or location for mail delivery, such a change 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 East Salisbury 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) Prior to the issuance of a zoning compliance permit, construction plans concerning water, including provisions for fire hydrants determined to be required by Asheboro Fire and Rescue, and sanitary sewage that complies with city policies, shall be submitted. Surveying and permitting of any required public utility lines and the associated easements that may be necessary shall be the responsibility of the property owner.
- (H) Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. 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.
- (I) The exact placement of front yard landscaping shall be located in a manner that does not conflict with the NCDOT drainage and utility easement. If it is determined to be necessary to relocate such front yard plantings to a location, this may be done as long as such front yard landscaping is consistent with the number and types of plantings required by Section 6.10 (D) of the zoning ordinance.
- (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 final site plan with information necessary to determine compliance with all city codes, and the applicable permit fee.
- (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.

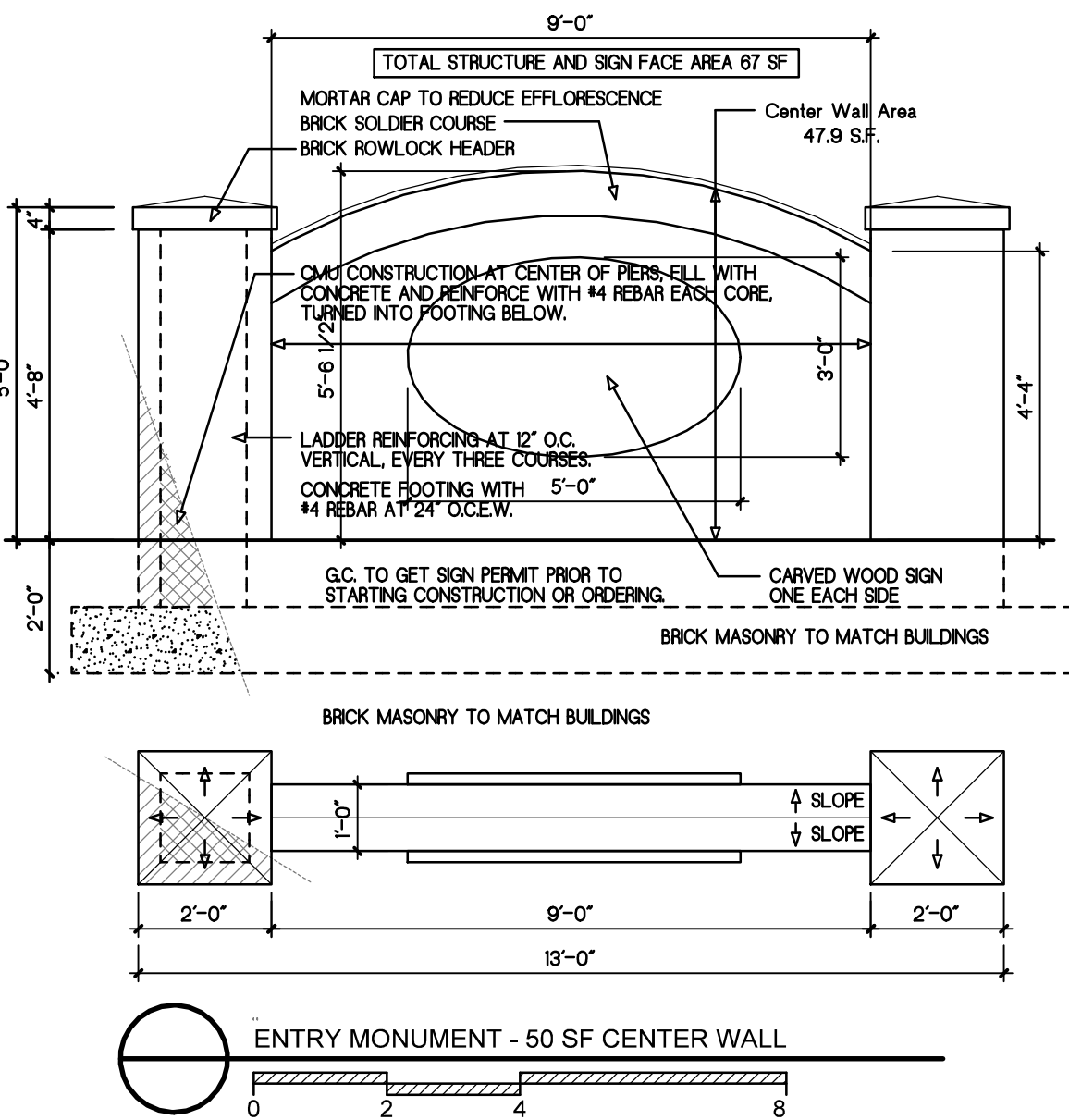


NOT TO SCALE

- PROTECTIVE YARD TYPE D IN ACCORDANCE WITH SECTION 6.06
- FRONT YARD LANDSCAPING BUFFER, 1 tree per 20LF and 1 shrub per 10LF, exact footprint to be designed in coordination with DOT's DUE per project U-5743
- PARKING LOT LANDSCAPING IN ACCORDANCE WITH 6.13, MIN. 5 LOCATIONS.



Salisbury St.		Asheboro, North Carolina		Date: 2/21/2024	
Project Data Summary					
Building Summary					
Bldg. Number		1 BR 1 BA	2 BR 2 BA	3 BR 2 BA	
1 Residential Building with Office	X3-MGMT	10	12	22	26,580
2 Residential Building	H3	12	12	24	21,312
Total		22	22	46	47,892
		26%	48%	26%	100%
Total number of residential units		46			
Building Ht. (Mean Roof Height - Residential Buildings)		36 Feet			
Residential Units SF		Net	# Units	Building Net	Heated
1 Bedroom / 1 Bath Apartment Unit		739	12	8,868	702
2 Bedroom / 2 Bath Apartment Unit		1,037	22	22,814	993
3 Bedroom / 2 Bath Apartment Unit		1,172	12	14,064	1,123
Community Center				2,146	2,080
Total				47,892	45,826
Gross Building Area		X3-MGMT	H3		
3rd Floor		9,663	9,046		
2nd Floor		9,663	9,046		
1st Floor		10,299	9,396		
Total		29,625	27,488		
Community Center (Management/Meeting Room)		2,080	Heated		
		2,146	Net		
		2,360	Gross		
Community Spaces					
Meeting Room		778	16.91	SF/UNIT	
Laundry		165			
Entry Foyer		173			
Rear Lobby Inside Sitting Area		111			
Resident Computer Center		115			
Subtotal		1,342			
Maximum number of stories in building		3			
Proposed number of residential buildings		2			
Project Includes		0 SF (Floor Area)			
Community space within residential buildings		1,342 SF (Floor Area)			
Number of Elevators		0			
Gross Footage Information					
Gross Floor Square Footage		57,113			
Total Net Sq. Ft. (All Heated Areas)		47,892			
ANSI HC Type A Units				1 BR	2 BR
ANSI Type A		1	1	1	3
ANSI Type A with Roll in Shower (req'd by NCHFA)		1	1	1	3
Subtotal		2	2	2	6
Zoning Information					
Existing Zoning		OA-6 (CZ)			
Proposed Zoning		OA-6 (CZ)			
Site Address		853 E Salisbury St, Asheboro, NC 27203			
Parcel Acreage		5.34 Acres			
Building Ht. Maximum Allowed		36 Feet		Mean height of sloped roof definition	
Yard Increase allows height to be exceeded with additional foot of height per foot of additional setback					
1BR - 1.5 sp/unit					
2BR - 2 sp/unit					
3BR - 2 sp/unit					
Parking spaces shown		98			
Floor Area Ratio Calculations					
Parcel Area		232,610 SF			
Building Net Total		47,892 SF			
Floor Area Ratio (FAR)		0.21			
Units per Acre (u/a)		8.61			
Requirements based on FAR > 2.2% (Table 4.1)				SF Read	
Multi Family: Greater than 45,000 SF lot size with SUP authorized by Section 5.05(36)		By Table			
Setback Front		25 Ft		26 Ft. - Modified to allow building height	
Setback Side		10 Ft		11 Ft. - Modified to allow building height	
Setback Rear		20 Ft		21 Ft. - Modified to allow building height	
Maximum Height		35 Ft			
Maximum FAR		22%			
Open Space Ratio		52%		120,957	169,693
Recreation Ratio		3.3%		3,992	4,025
Parking Area Landscaping (8.15F / space)		799 SF		S. Min. 162 SF Landscaped Areas	
Floor Area, Gross - Zoning Definition (= Net Area on Arch Plans)					
The sum, in square feet of the horizontal areas on all floors of a building or buildings measured from the outside faces of the exterior walls including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and enclosed balconies, and any below-grade floor area used for habitation, access and storage.					
Attic area shall be counted when used for habitation. In calculating attic space, only areas enclosed for habitation shall be counted. Open porches, balconies, patios, decks, and attached garages and/or carports shall not be considered in Floor Area calculations.					



NOTE THAT ANSI A117.1, OTHER AGENCY REQUIREMENTS, ACCESSIBILITY COUNT FOR RESIDENTIAL UNITS (DISTRIBUTION WITHIN PROJECT, BY UNIT CLASS, ETC), ACCESSIBLE ROUTES, AND ADA, ETC. REQUIREMENTS ARE NOT ILLUSTRATED ON THIS PLAN. FINAL CONSTRUCTION DOCUMENTS WILL BE PREPARED TO BE IN COMPLIANCE WITH THOSE REQUIREMENTS.

NOTE THAT THIS IS A PRELIMINARY SITE PLAN, AND IS AN APPROXIMATION OF EXISTING CONDITIONS BASED ON LIMITED INFORMATION AND IS NOT INTENDED TO REPRESENT THE PRACTICE OF PROFESSIONAL ENGINEERING.

THE PROPERTY BOUNDARY, AND OTHER EXISTING SITE INFORMATION, POST NCHFA PREL. APPLICATION MAY HAVE BEEN APPROXIMATED FROM GIS OR SKETCH INFORMATION PROVIDED BY OTHERS. THE ACCURACY OF WHICH IS UNKNOWN. THIS DOCUMENT IS NOT INTENDED FOR THE CONVEYANCE OF PROPERTY RIGHTS.

THIS IS A PRELIMINARY PLAN TO ILLUSTRATE A DESIGN CONCEPT ONLY. EXISTING BOUNDARY, RIGHTS OF WAY, EASEMENTS, ZONING CONDITIONS, SETBACKS, PARKING REQUIREMENTS, STORMWATER REQUIREMENTS, UTILITY ACCESS, SEWER ACCESS, WETLANDS, RETAINING WALLS, EXISTING AND PROPOSED GRADING, ROAD DESIGN, AND OTHER FACTORS AFFECTING THIS PROJECT MUST BE VERIFIED BY OTHERS.

UWHARRIE PARK APARTMENTS
ASHEBORO
NORTH CAROLINA
46 RESIDENTIAL UNITS

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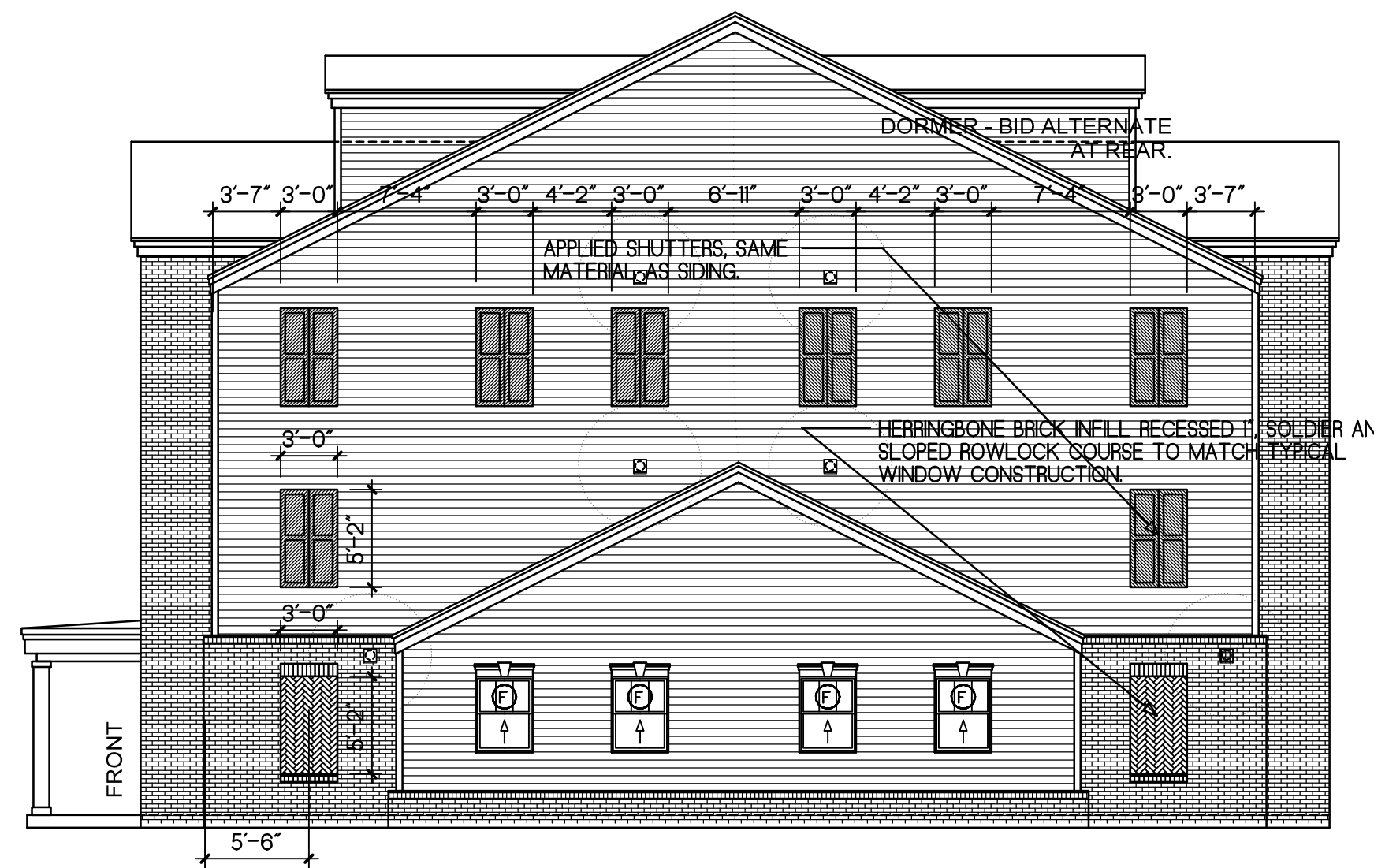
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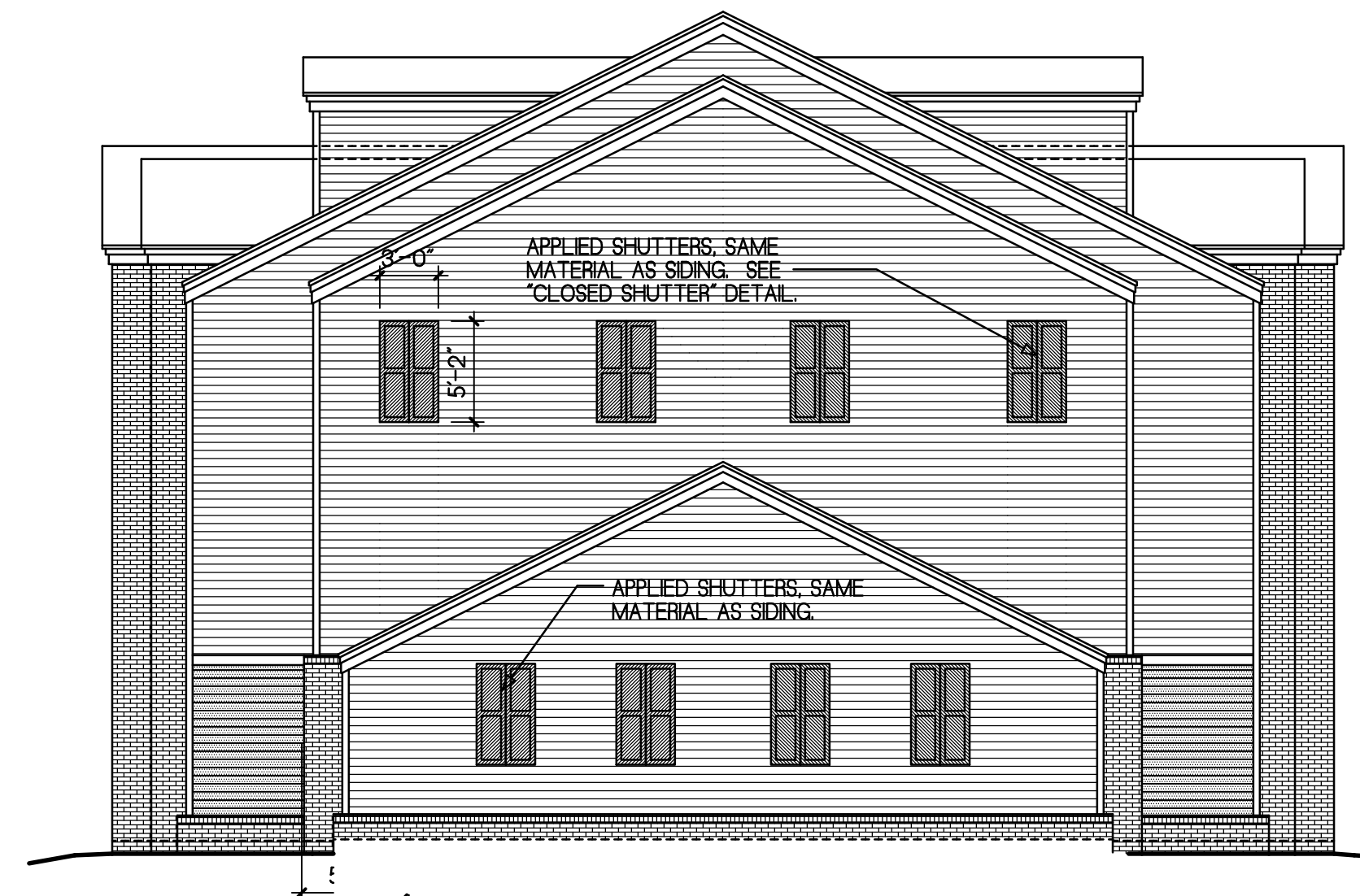
ARCHITECTURAL
SITE PLAN
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Jones Architecture, PLLC
2005 E. Main Street
Raleigh, NC 27607
Tel (919) 302-0404

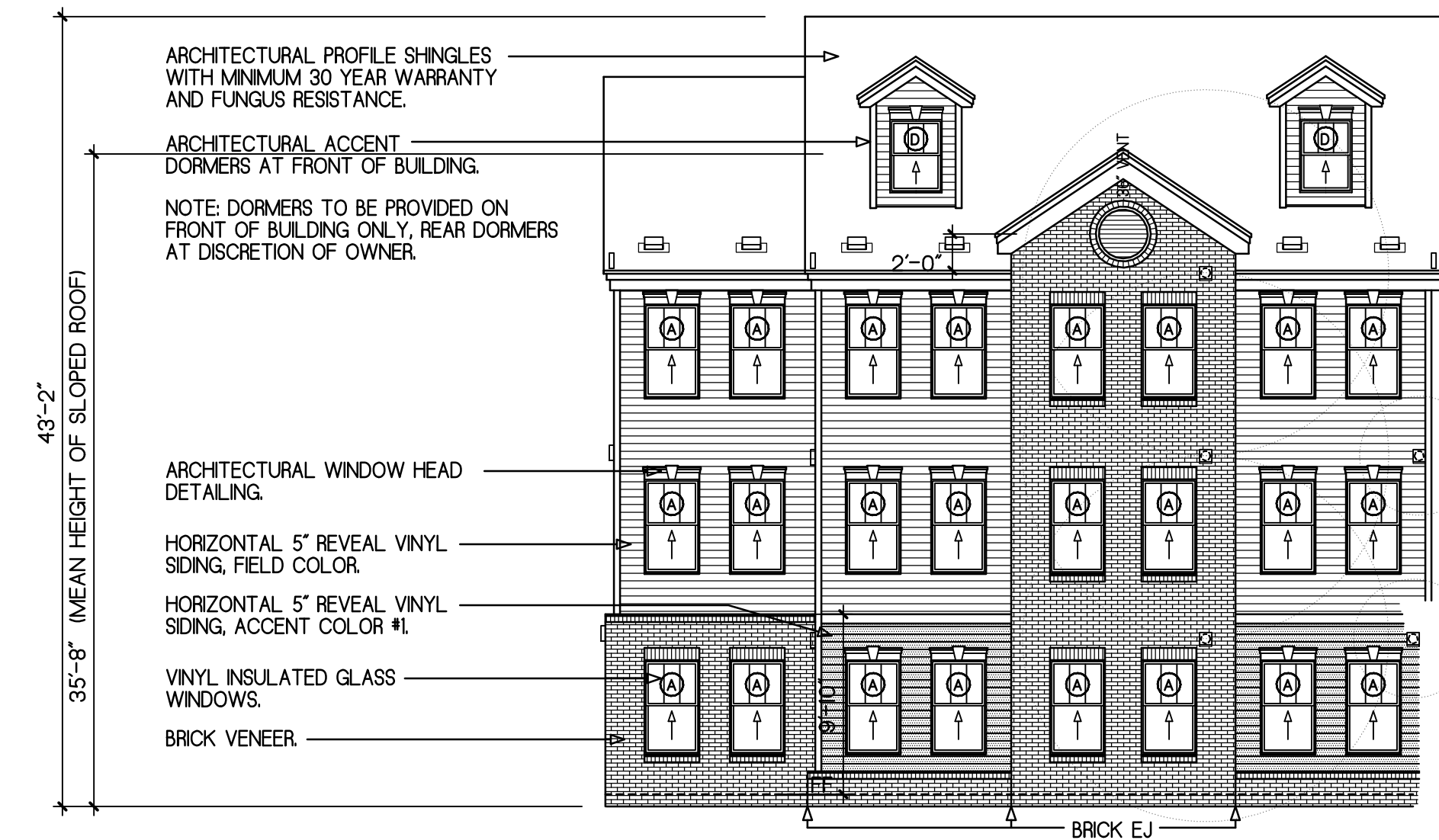
JONES ARCHITECTURE, PLLC
51806
NORTH CAROLINA
RALEIGH, NC
WILLIAM WAYNE JONES
6919
NORTH CAROLINA
RALEIGH, NC



BUILDING X3-MGMT END ELEVATION
SCALE: 1/8" = 1'-0"



3 BEDROOM SIDE ELEVATION - 3 STORY
SCALE: 1/8" = 1'-0"



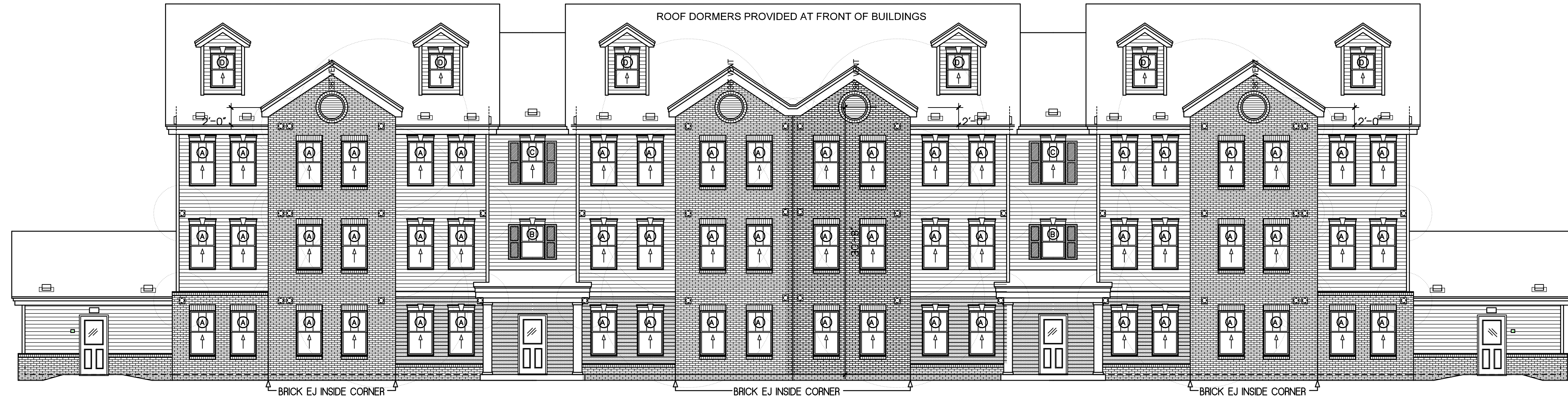
TYPICAL ELEVATION - 3BR UNIT SHOWN



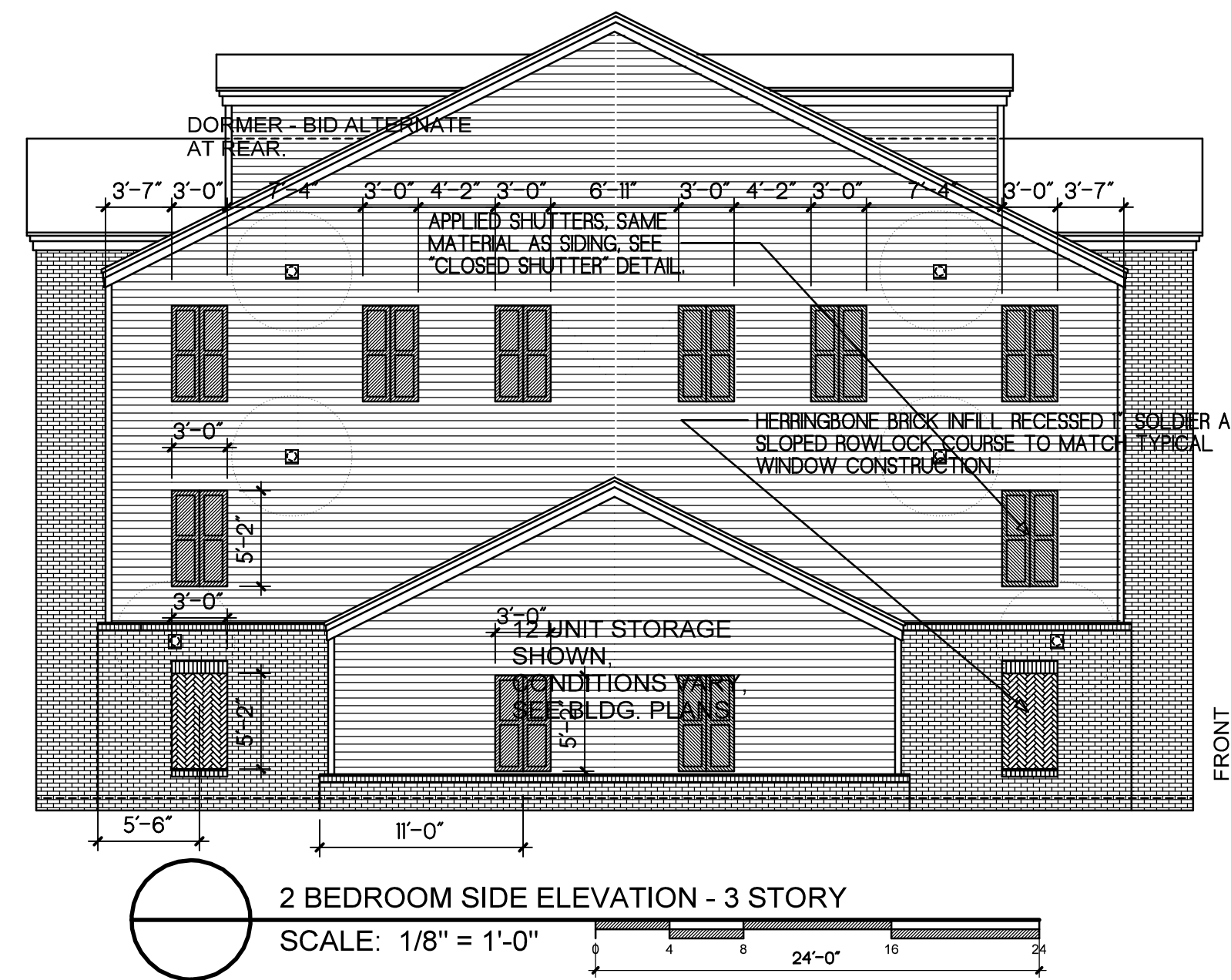
BUILDING TYPE X3-MGMT FRONT ELEVATION
SCALE: 1/8" = 1'-0"



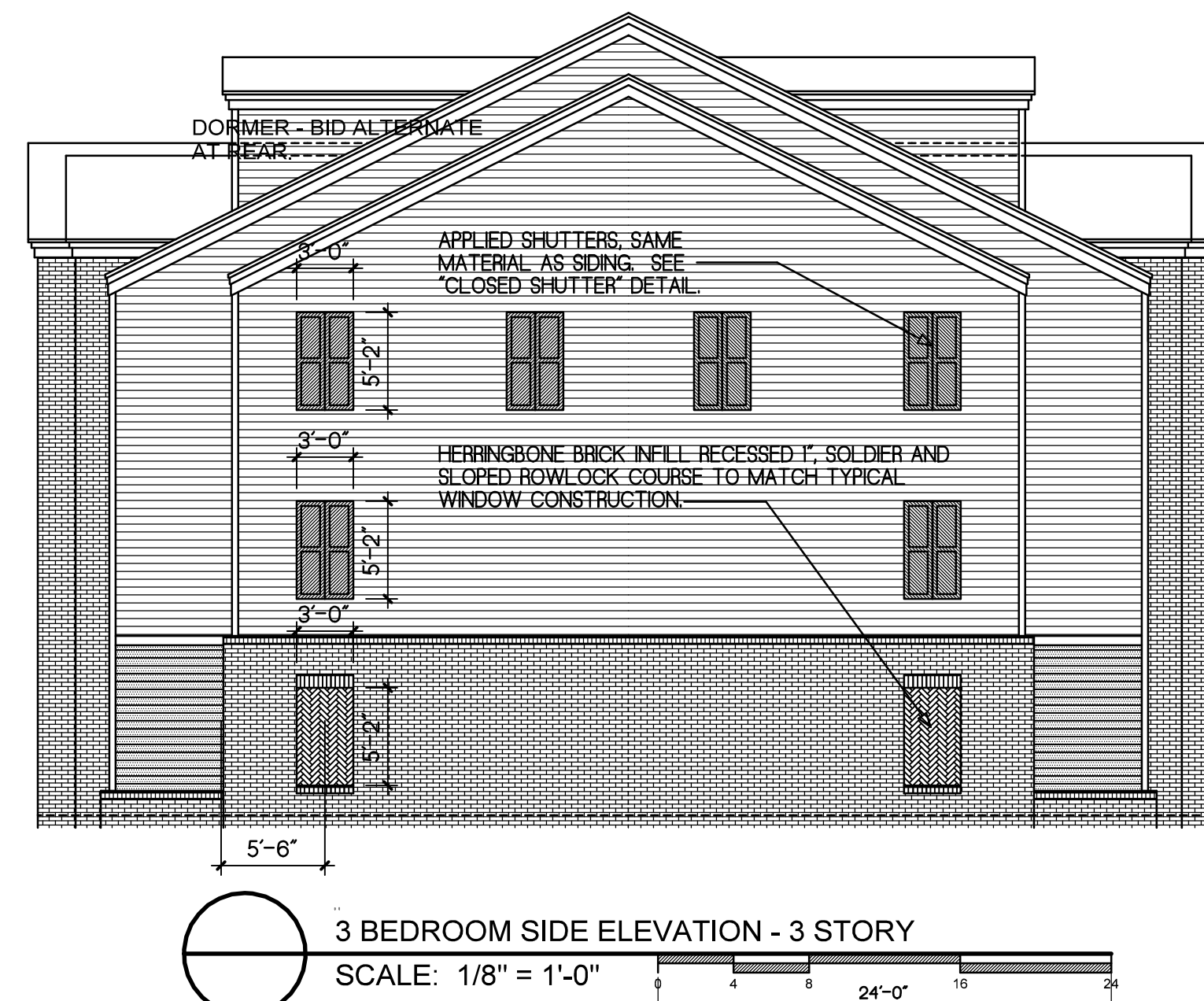
BUILDING TYPE X3-MGMT REAR ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING TYPE H3 FRONT AND REAR ELEVATION
SCALE: 1/8" = 1'-0"



2 BEDROOM SIDE ELEVATION - 3 STORY
SCALE: 1/8" = 1'-0"



3 BEDROOM SIDE ELEVATION - 3 STORY
SCALE: 1/8" = 1'-0"



UWHARRIE PARK
APARTMENTS
ASHEBORO
NORTH CAROLINA
46 RESIDENTIAL UNITS

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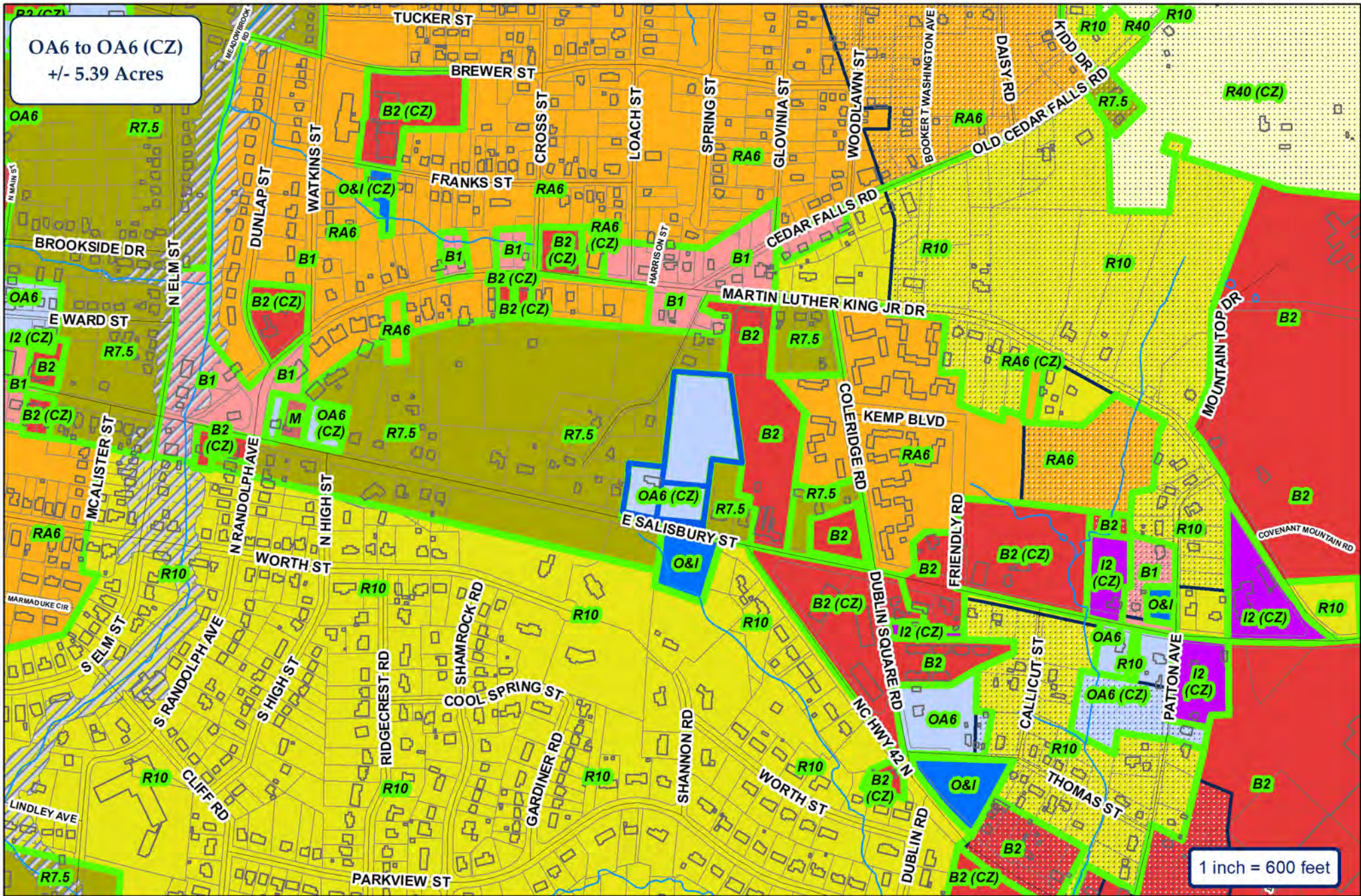
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BUILDING ELEVATIONS

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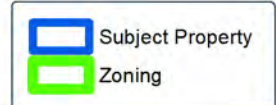
OA6 to OA6 (CZ)

+/- 5.39 Acres

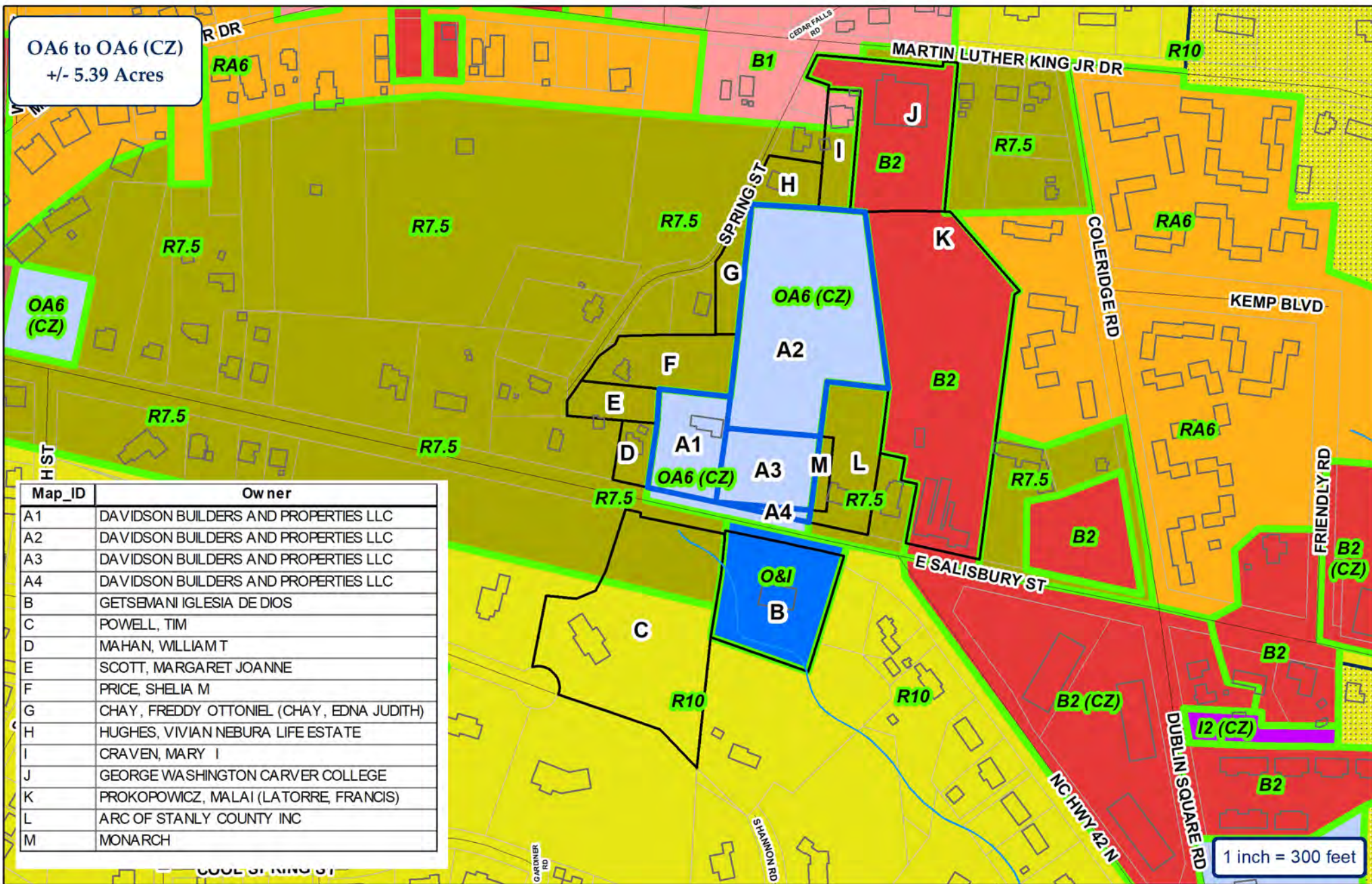
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-04

Parcels: 7761227703, 7761229618, 7761229556 & 7762229996



OA6 to OA6 (CZ)
+/- 5.39 Acres



Map_ID	Owner
A1	DAVIDSON BUILDERS AND PROPERTIES LLC
A2	DAVIDSON BUILDERS AND PROPERTIES LLC
A3	DAVIDSON BUILDERS AND PROPERTIES LLC
A4	DAVIDSON BUILDERS AND PROPERTIES LLC
B	GETSEMANI IGLESIA DE DIOS
C	POWELL, TIM
D	MAHAN, WILLIAM T
E	SCOTT, MARGARET JOANNE
F	PRICE, SHELIA M
G	CHAY, FREDDY OTTONIEL (CHAY, EDNA JUDITH)
H	HUGHES, VIVIAN NEBURA LIFE ESTATE
I	CRAVEN, MARY I
J	GEORGE WASHINGTON CARVER COLLEGE
K	PROKOPOWICZ, MALAI (LATORRE, FRANCIS)
L	ARC OF STANLY COUNTY INC
M	MONARCH

City of Asheboro Planning & Zoning Department

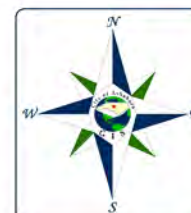
Rezoning Case: RZ-24-04

Parcels: 7761227703, 7761229618, 7761229556 & 7762229996

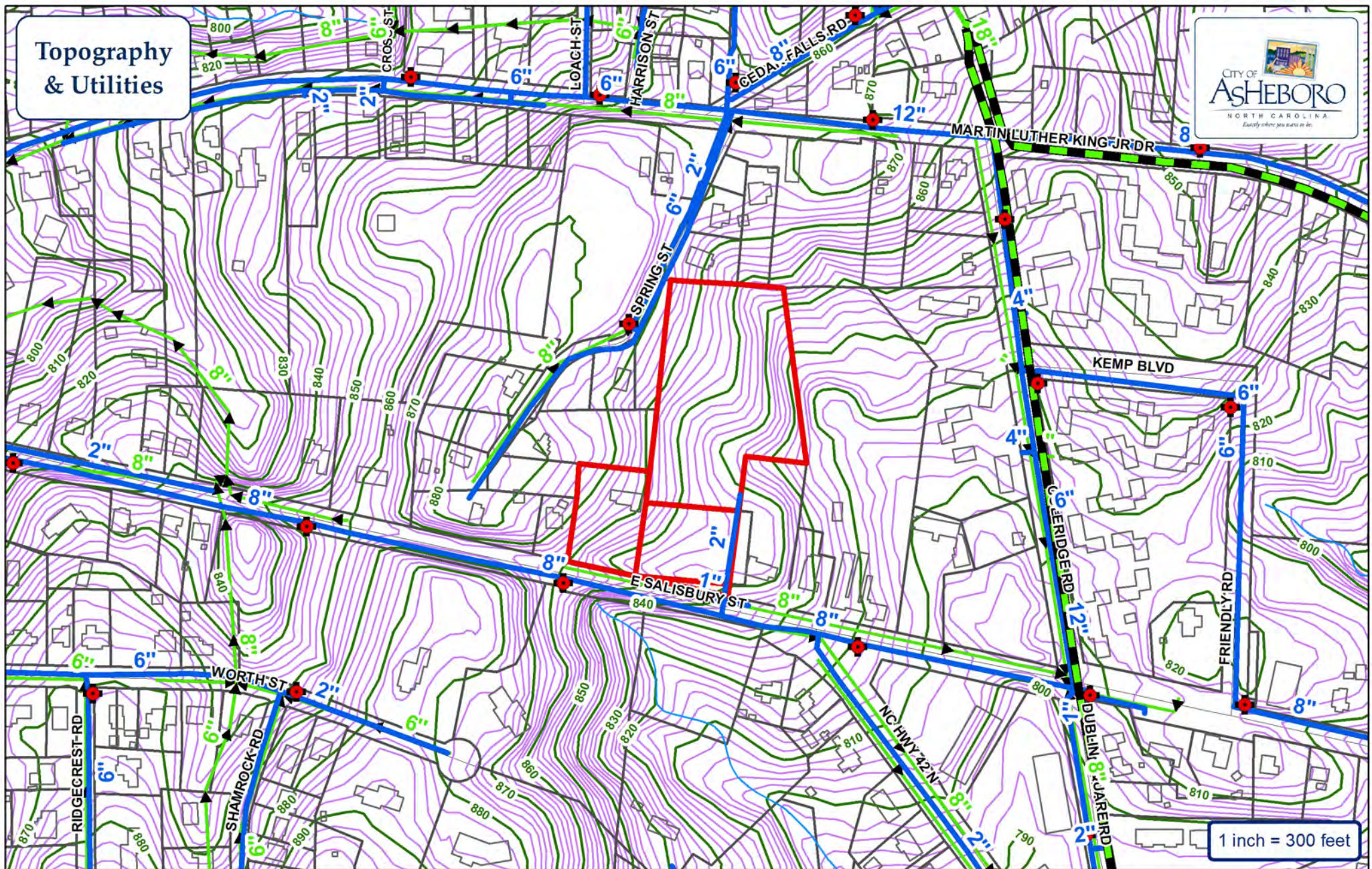


ETJ

- Subject Property
- Adjoining Properties
- City Zoning
- Parcels



Topography & Utilities



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

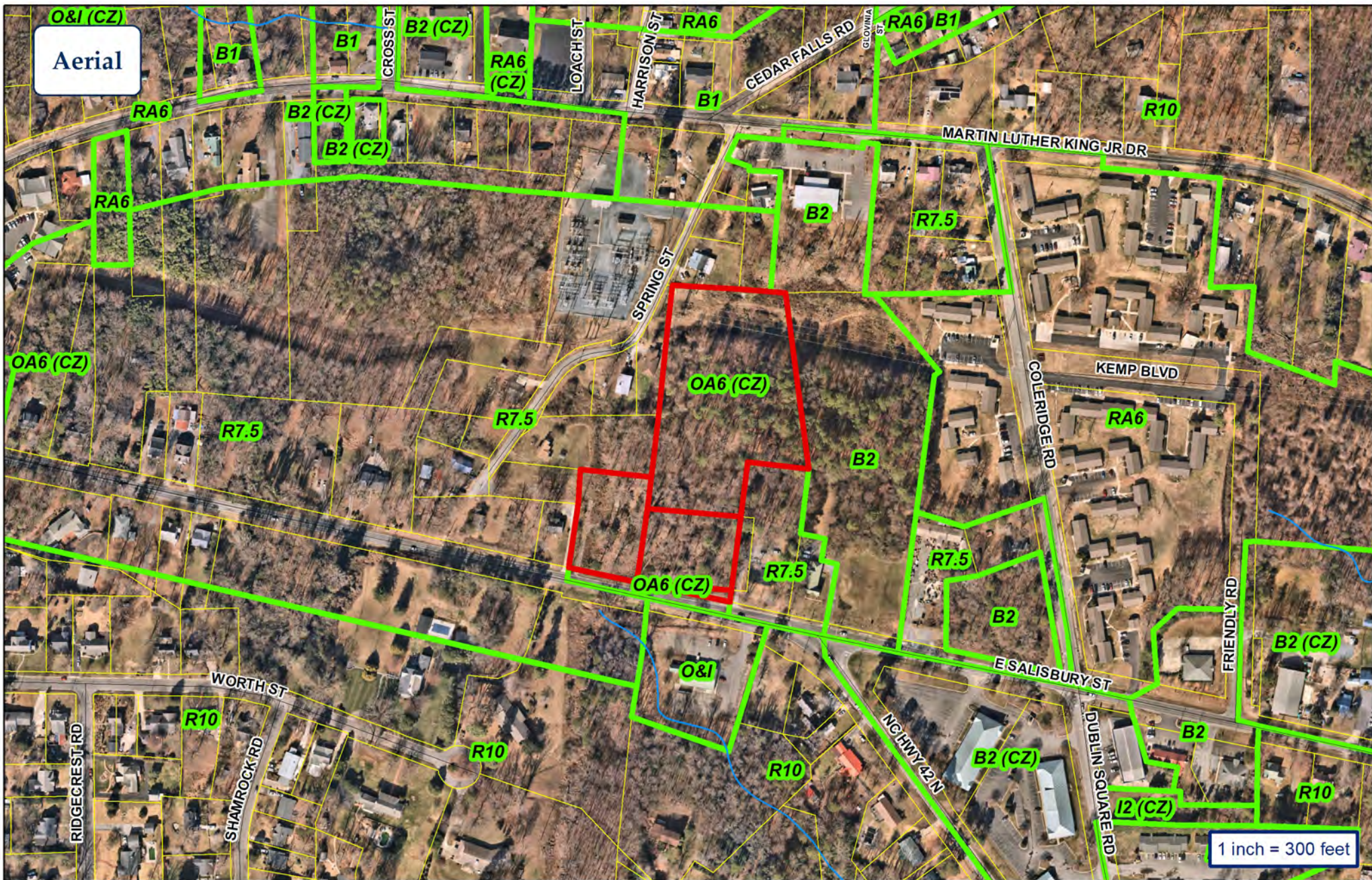
City of Asheboro Planning & Zoning Department

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Parcels: 7761227703, 7761229618, 7761229556
& 7762229996

 Subject Property

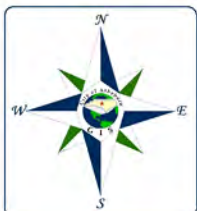
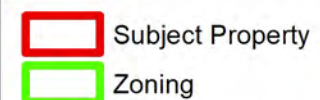




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-04

Parcels: 7761227703, 7761229618, 7761229556 & 7762229996



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

APPLICANT INFORMATION

Applicant Solstice Partners LLC *Applicant's Phone #* 201-951-1213

Applicant's Address 324 Sunstone Drive
Cary, NC 27619

Applicant email address tammy.stern@solsticepartners.net

PROPERTY INFORMATION

Property Owner's Name Davidson Builders and Properties LLC

Location of Property 853 E Salisbury St *Property Size (ac. or s.f.)* 5.3

Randolph County Property Identification Number (PIN#) 7761229996, 7761229618, 7761229556, 7761227703

Current Zoning District OA6-CZ *Requested Zoning District* OA6-CZ

Date Property Title Acquired 4/12/18 + 7/31/19 *Deed Book* See attachmt *Page*

Subdivision *Section* *Lot #*

Plat Book n/a *Page* n/a

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:

See attachment.

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

See attachment.

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

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?

See attachment.

Does not apply ☐

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

See attachment.

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

Catherine F. Connors

Printed Name of Authorized Signatory (if different from Applicant)

Catherine F. Connors

Position/Relationship of Authorized Signatory to Applicant

Manager

Owner Signature (if different than Applicant)

Davidson Builders and Properties LLC

Owner Address

Davidson Builders and Properties LLC

333 W WARD ST

Asheboro NC 27207

Telephone Number

336 382-1391

Printed Name of Authorized Signatory (if different from Owner)

Stephen Davidson

Position/Relationship of Authorized Signatory to Owner

Manager

STAFF USE

Received by: John Evans Date: 2-5-24 Case Number: R2-24-04

Asheboro Conditional Zoning Application Attachment

Applicant: Solstice Partners, LLC

Property Information:

Property Owner: Davidson Builders and Properties LLC

Property: 5.3 acres at 853 E Salisbury Street (4 parcels)

PID	Acreage	Date Title Acquired	Deed reference
7761229996	3.6	4/12/2018	Book 2592/ page 1198
7761229618	0.83	4/12/2018	Book 2592/ page 1198
7761229556	0.06	4/12/2018	Book 2592/ page 1198
7761227703	0.89	7/31/2019	Book 2660/ page 1559

Conditional Zoning District Information:

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

This conditional rezoning petition is being made to amend the current OA6-CZ district for a new OA6-CZ proposal. This application proposes a 46-unit multifamily development with two residential buildings, one of which will include a management office and community space with a total FAR of 0.20 and density of approximately 9 units per acre.

Due to a DOT drainage and utility easement at the ROW frontage on E Salisbury Street, the plans for this multifamily community had to be adjusted to a degree that requires a new Conditional Rezoning process.
- In what manner will the proposed amendment carry out the intent of the Land Development Plan?*

This proposal helps carry out the intent of Asheboro's LDP because this site is designated Urban Residential, which calls for medium-high density residential development. The proposal aligns with the LDP's vision for compact, interconnected development patterns (Goal 2.3), vision for quality building and landscape design as the community will be aesthetically pleasing and handsomely landscaped (Goal 3.2), and contribute to sidewalk infrastructure improvements (Goal 5.3) and will be supported by existing utility infrastructure that has adequate capacity for the development. In addition, this proposal increases the availability of housing in a location where residents have access to many services and job opportunities. This proposal aligns with the LDP's "urban residential" designation for the property.
- Does not apply.*
- What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?*

Asheboro continues to grow in population and additional housing will help support demand. Having more dense housing development near amenities gives more residents easier access to services.
- Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?*

A very similar proposal was approved for this site last year, however due to the updated encroachment plan from DOT, the plan layout requires changes beyond what could be approved administratively.

John Evans

Subject: FW: [External Sender] RE: [External] Two multifamily development proposals going to Planning Board on March 4, 2024

Attachments: 2302 04 Uwharrie Park NCHFA Conditional Zoning Set.pdf; CSP.1 Revision 2 2-8-2024.pdf

From: Kimes, Tyler J <tjkimes@ncdot.gov>
Sent: Tuesday, February 20, 2024 11:05 AM
To: John Evans <jevans@ci.asheboro.nc.us>
Cc: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>; Monroe, Roosevelt J <rjmonroe@ncdot.gov>; Britt, Jennifer L <jlbritt@ncdot.gov>
Subject: [External Sender] RE: [External] Two multifamily development proposals going to Planning Board on March 4, 2024

Good afternoon John,

Please see our preliminary review comments below:

- **Uwharrie Park Apartments:** This is also within STIP R-5957. A driveway permit application will be needed along with the driveway fee. Turn lane warrants will be analyzed during driveway permit review process.
- McCrary Village: Limit the number of driveways connecting to Sunset Ave to one (or two at the most). A driveway permit application will be needed along with the driveway fee.

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





RZ-24-05: Request to rezone property currently addressed as 801 and 817 Sunset Avenue (Randolph County Parcel Identification Number 7751426889) from M (CZ) Mercantile Conditional Zoning and OA6 (Office-Apartment) to OA6 (CZ) Office-Apartment Conditional Zoning for a development with multiple family dwellings.

Staff Report

Rezoning Staff Report

RZ Case # RZ-24-05

Date 3-4-2024 Planning Board

General Information

Applicant KRP Investments, LLC

Address 9052 Forest Drive SW

City Sunset Beach NC 28468

Phone 336-817-9400

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

Existing Land Use Previously Place of Assembly-Non Commercial (church)

Size 1.52 acres +/-

Pin # 7751426889

Applicant's Reasons as stated on application

Development of 48 senior apartment units. Providing affordable housing on the Sunset Avenue corridor.

Staff note: The initial plan submitted with the application proposed 48 dwelling units. The plan has since been revised to include 44 units.

Surrounding Land Use

North Single-Family/Multi-Family residential

East Undeveloped property

South Single-family residential

West Personal Services (tattoo)

Zoning History RZ-20-06 (2020): A portion of the property was rezoned from OA6 to M (CZ) for a Banquet Facility
BOA-20-01 (2020): Variances were granted for impervious area and parking setbacks (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.

Rezoning Staff Report

RZ Case # RZ-24-05

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 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.

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-24-05

LDP Goals/Policies Which Do Not Support Request

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

This area of the city has long been zoned for both office and higher-density residential uses. The Center City Planning Area lends further support to more dense residential development through its regulation of intensity based on built-upon area building height limits instead of the amount of building square footage.

With higher density, however, comes expectations that projects are designed in a manner that will complement and not detract from existing development. The manner in which a project would be landscaped, both along the street and adjacent to existing homes, provisions for stormwater management, and considerations related to safe pedestrian access should be closely evaluated. Attractive building design, as well as recreational and other site amenities, also are important factors.

Staff believes the proposal can strike the right balance, offering a reasonable redevelopment of the property while advancing other development objectives of the city's adopted plans and codes. But, additional information on the project is needed before providing a final consistency statement and recommendation.

Recommendation Pending.

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 for the Elderly, consisting of a total of 44 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) If a review of building plans submitted for permitting results in the requirement for an additional sidewalk on the southern side of the building for egress, such sidewalk may encroach into the 20' setback that is shown no more than 10 feet. If constructed, the minimum 10'-wide Type C protective screening yard shall contain a 6' tall solid fence or wall with materials consistent with Section 6.06(G)(1)(b) or 6.06(G)(1)(c) installed between the sidewalk and the southern property line, extending at a minimum the length of the sidewalk, and the requisite number of evergreen trees. Existing vegetation, if adequate under the terms of the Ordinance, may be preserved as part of the protective yard.
- (H) 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.
- (I) 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.
- (J) 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.
- (K) 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.

Attachment 1: RZ-24-05 (McCrary Village Apartments rezoning request): Staff analysis as of 2-29-24

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.
4. The site plan proposes one three-story building clad primarily in brick and fiber cement siding. There are 44 dwelling units proposed, with 20 one-bedroom and 24 two-bedroom units, intended for seniors.
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'). Staff has requested details on existing and proposed built-upon area. In terms of density, the project proposes approximately 28.9 dwellings per acre. In comparison, Sunset Place Apartments, adjacent to the development, has a density of about 25.2 dwellings per acre.
6. The site plan includes indoor/outdoor seating areas with a minimum of 1 bench in 3 locations, multipurpose room, gazebo, a covered patio with seating, a resident computer room, and a covered drive through at entry. In addition, an underground stormwater detention structure is proposed in the parking area.
7. The conditional zoning process allows an applicant to propose a project-specific zoning district that establishes approval conditions and site development requirements. The project-specific zoning district is allowed to diverge from the zoning ordinance's predetermined land use requirements. Two deviations from the city's predetermined land use regulations are noted:
 - a. No separate designated and screened area for recreational vehicles is provided (at least 3,168 square feet of such area typically would be required). In response, staff has offered a condition prohibiting parking of RVs.
 - b. Encroachment of parking into the standard 25' front yard setback along Sunset Avenue. Note that variances were granted in 2020 to allow a parking setback of 3.5 feet on Sunset Avenue and 18.9 feet when the property was proposed for a banquet facility.
 - c. Staff is awaiting information on the amount of existing and proposed built-upon area, along with other information, identified in 10. below, to determine if there may be other deviations sought.
8. The property's existing 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 would permit the repurposing of the former church fellowship hall into a banquet facility.
9. The site plan was routed to NCDOT, Asheboro City Schools, and the US Postal Service. NCDOT noted the need for a driveway permit and stipulated that no more than two driveways on Sunset Avenue likely were to be approved. The current version of the applicant's site plan is consistent with that directive.
10. Staff returned comments to the applicant on February 23, 2024. The comments requested additional landscaping detail, clarification on the amount of pervious area, and information on outdoor lighting, the proposed sidewalk along Cherry Street, recreation space calculation, labeling of various dimensions, and other technical details.

McCRARY VILLAGE

ASHEBORO, NC

REQUIRED AMENITIES:

- A. INDOOR/OUTDOOR SITTING AREAS - (W/ MIN. 1 BENCH, 3 LOCATIONS)
- B. MULTI-PURPOSE ROOM (MIN. 250 SQ. FT.)
- C. GAZEBO

ADDITIONAL AMENITIES:

- D. COVERED DRIVE-THRU AT ENTRY
- E. COVERED PATIO WITH SEATING - (MIN. 150 SQ. FT.)
- F. RESIDENT COMPUTER CENTER - (MIN. 2 COMPUTERS)

SITE INFORMATION:

SITE:	1.52 +/- ACRES
DENSITY:	28.94 UNITS/ACRES
BUILDINGS:	(1) 3-STORY SENIOR APARTMENT BUILDING
SPRINKLERS:	13R
PARKING SPACES:	44 SPACES REQUIRED @ 1.0 PER UNIT PLUS ADDITIONAL 10% VISITOR SPACES (5) 49 SPACES PROVIDED
SETBACKS:	FRONT = 25' SIDE = 10' REAR = 20'

SITE NOTES:

- NO FLOOD PLAIN
- NO RETAINING WALLS ANTICIPATED

UNIT INFORMATION:

UNIT MIX	SPCS/UNIT	PAINT TO PAINT SQ. FT.
1-BR (A UNITS)	= 20	668 SQ. FT.
2-BR (B UNITS)	= 24	925 SQ. FT.
TOTAL	=44 UNITS	

ACCESSIBLE UNITS "(a)" AND "(as)": TOTAL OF (6) UNITS

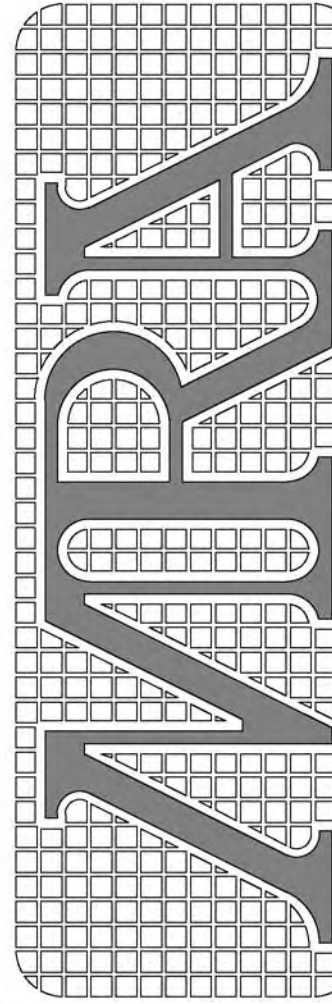
- (1) ONE BEDROOM WITH TUB
- (1) ONE BEDROOM WITH ROLL-IN SHOWER
- (2) TWO BEDROOM WITH TUB
- (2) TWO BEDROOM WITH ROLL-IN SHOWER

BUILDING INFORMATION:

TOTAL HEATED RENTAL (PAINT TO PAINT):	=	38,392 SQ. FT.
TOTAL BUILDING GROSS SQUARE FOOTAGE:	=	53,135 SQ. FT.



MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
100 CRESCENT CENTER PARKWAY SUITE 220 TUCKER GEORGIA 30084 404-373-2800
MCCRARY VILLAGE
ASHEBORO, NC

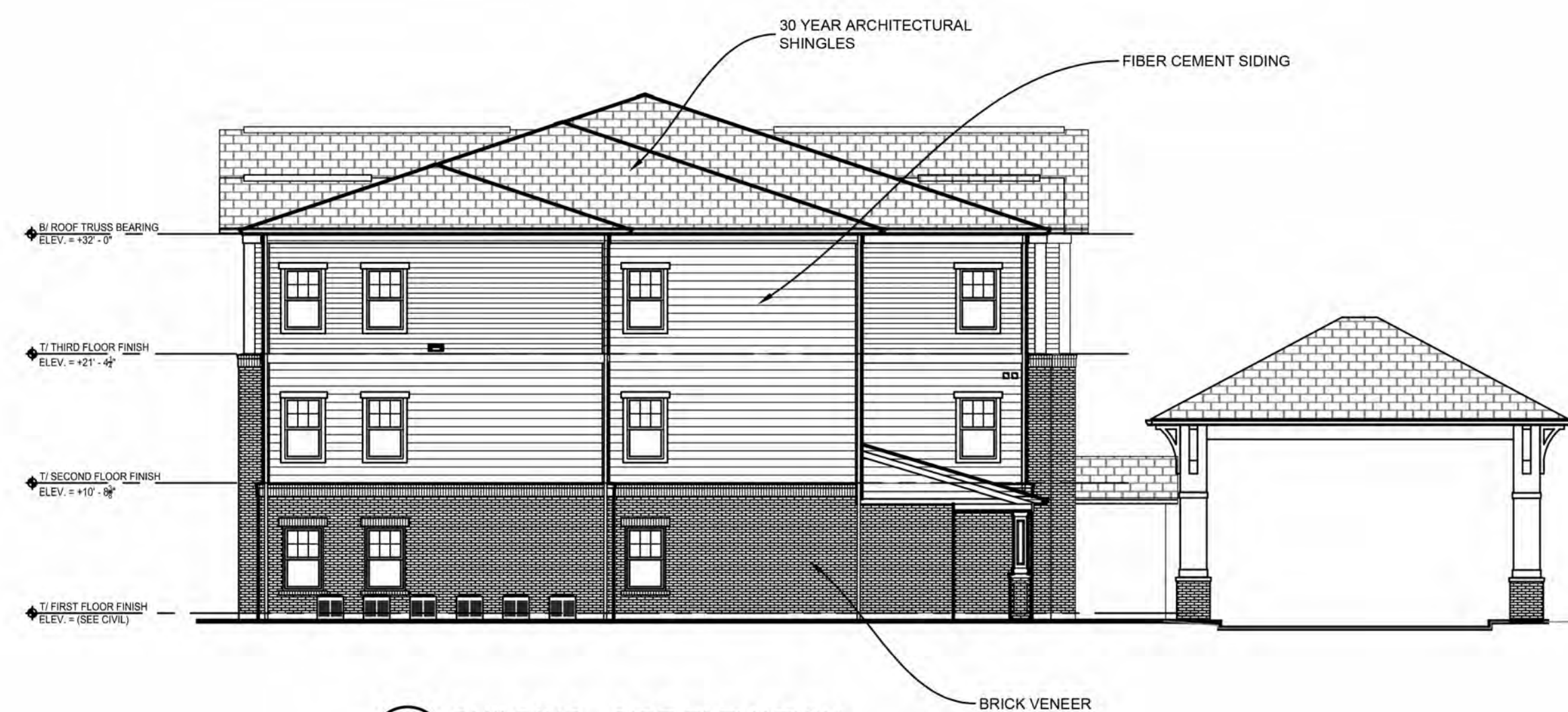


CSP.1

PROJECT NUMBER	DATE	DATE	DATE	DATE
2022-106	2-8-2024	1-8-2024	JAR	MRL
DATE	DATE	DATE	DATE	DATE
1-8-2024	2-20-2024			
DATE	DATE	DATE	DATE	DATE



4 BUILDING - REAR ELEVATION
3/32" = 1'-0"



3 BUILDING - SIDE ELEVATION
3/32" = 1'-0"



2 BUILDING - SIDE ELEVATION
3/32" = 1'-0"

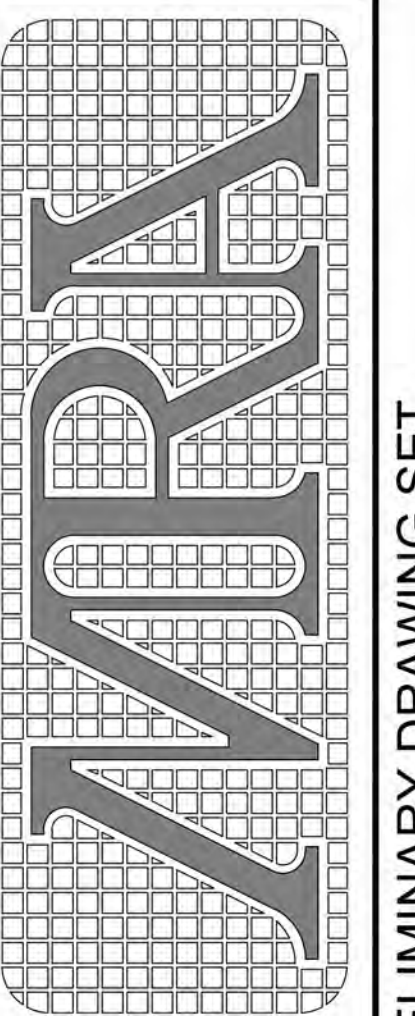


1 BUILDING - FRONT ELEVATION
3/32" = 1'-0"

0 5'-4" 10'-8" 21'-4"
SCALE: 3/32" = 1'-0"

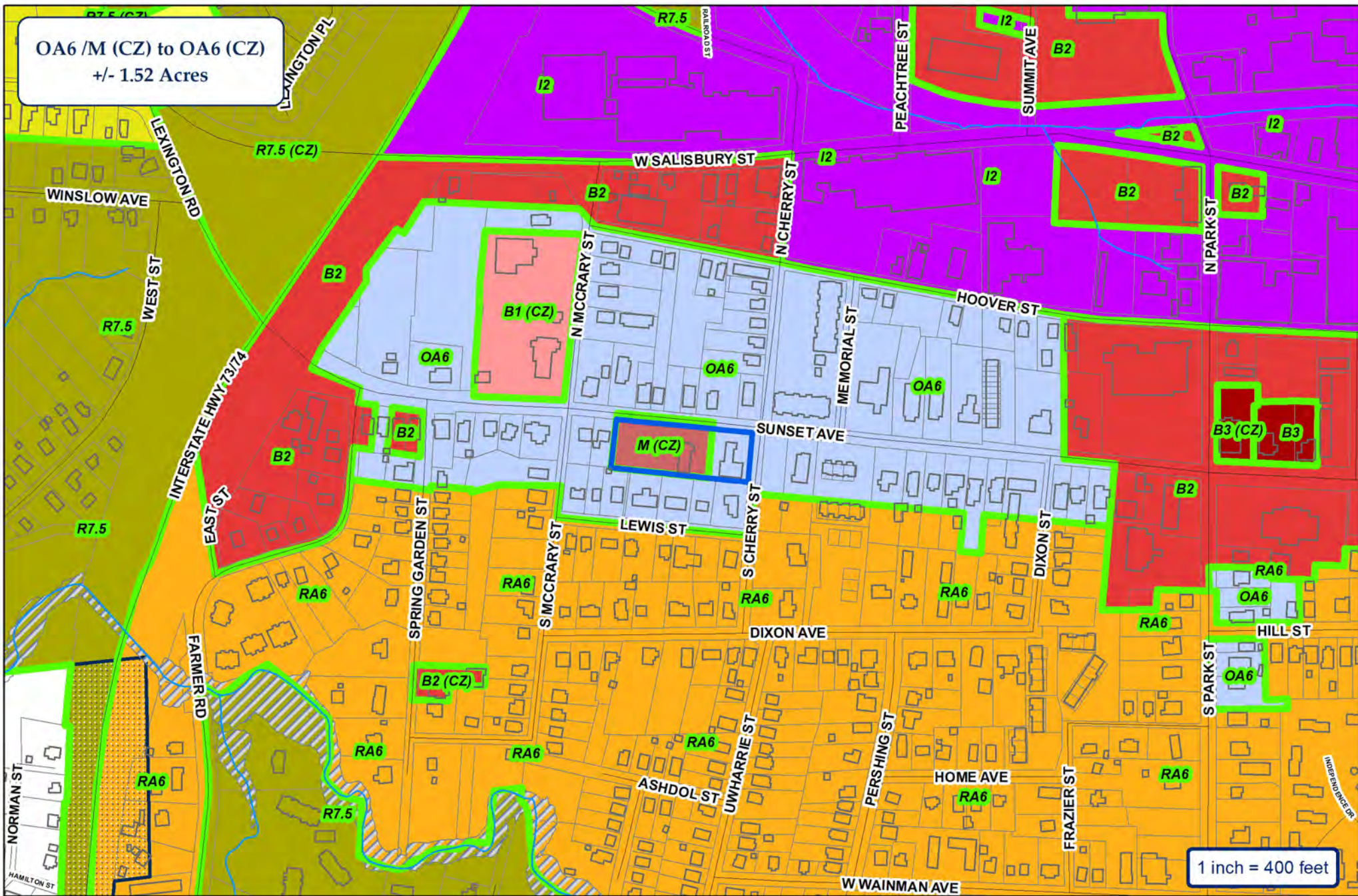
REVISIONS			
PROJECT NUMBER	2022-106	DATE	2-16-2024
DATE ISSUED	1-8-2024	DESIGNED BY	EJ
		CHECKED BY	MRL

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
100 CRESCENT CENTER PARKWAY SUITE 220 TUCKER GEORGIA 30084 404-373-2800
MCCRARY VILLAGE
ASHEBORO, NC



A3.1

OA6 /M (CZ) to OA6 (CZ)
+/- 1.52 Acres



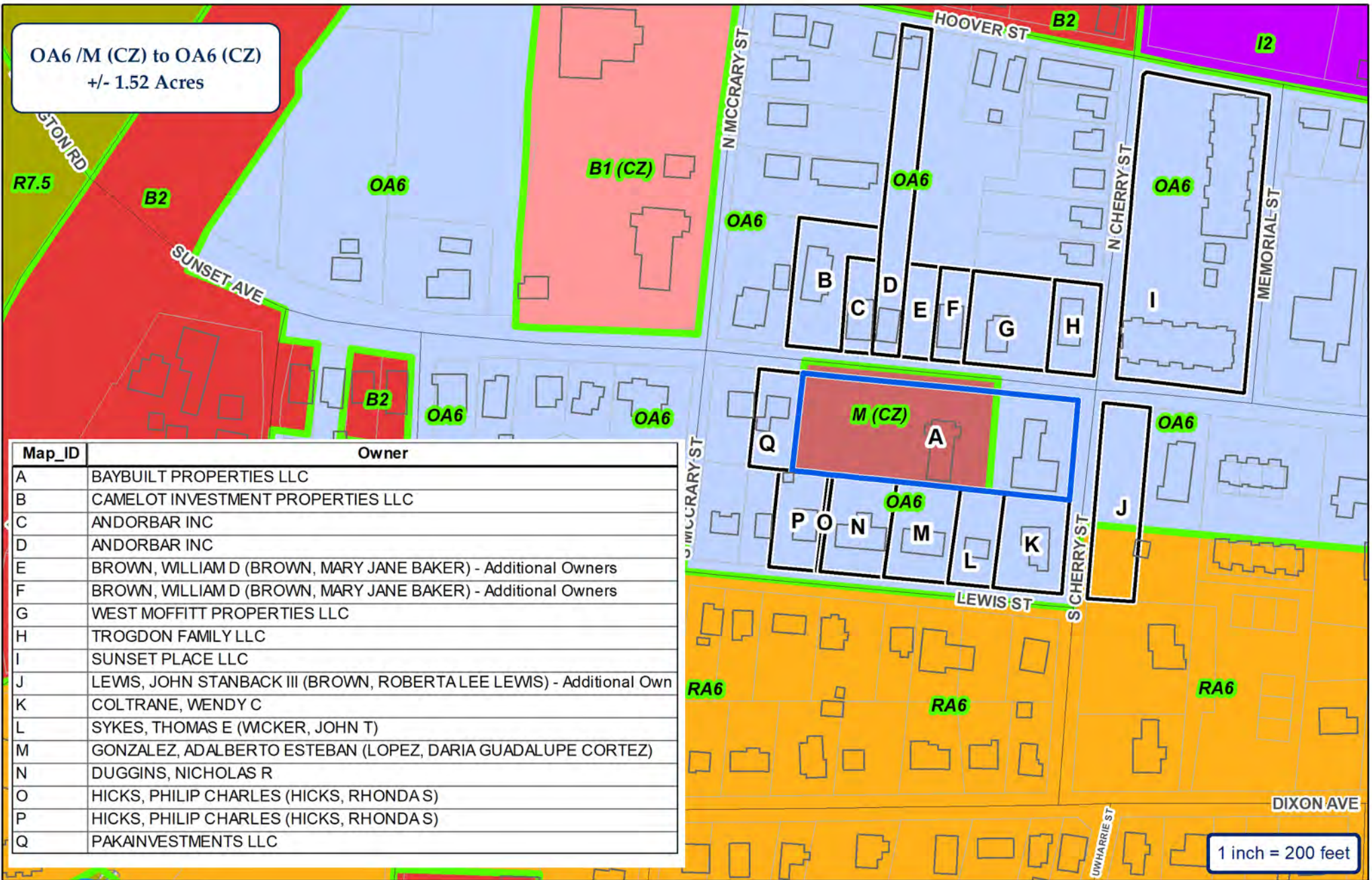
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-05

Parcels: 7751426889



OA6 /M (CZ) to OA6 (CZ)
+/- 1.52 Acres



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	LEWIS, JOHN STANBACK III (BROWN, ROBERTA LEE LEWIS) - Additional Own
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 Planning & Zoning Department

Rezoning Case: RZ-24-05

Parcels: 7751426889

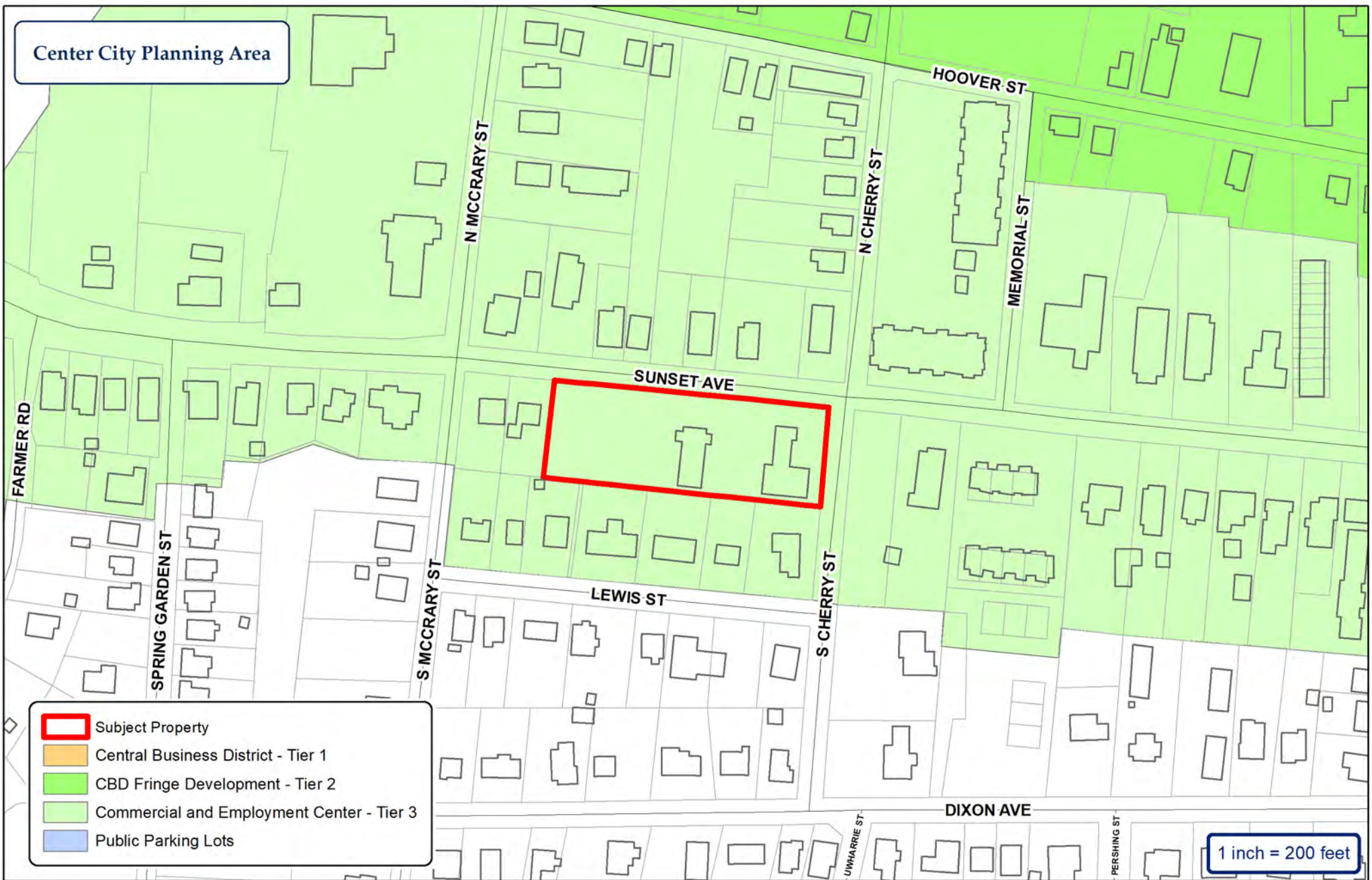


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Center City Planning Area



ETJ

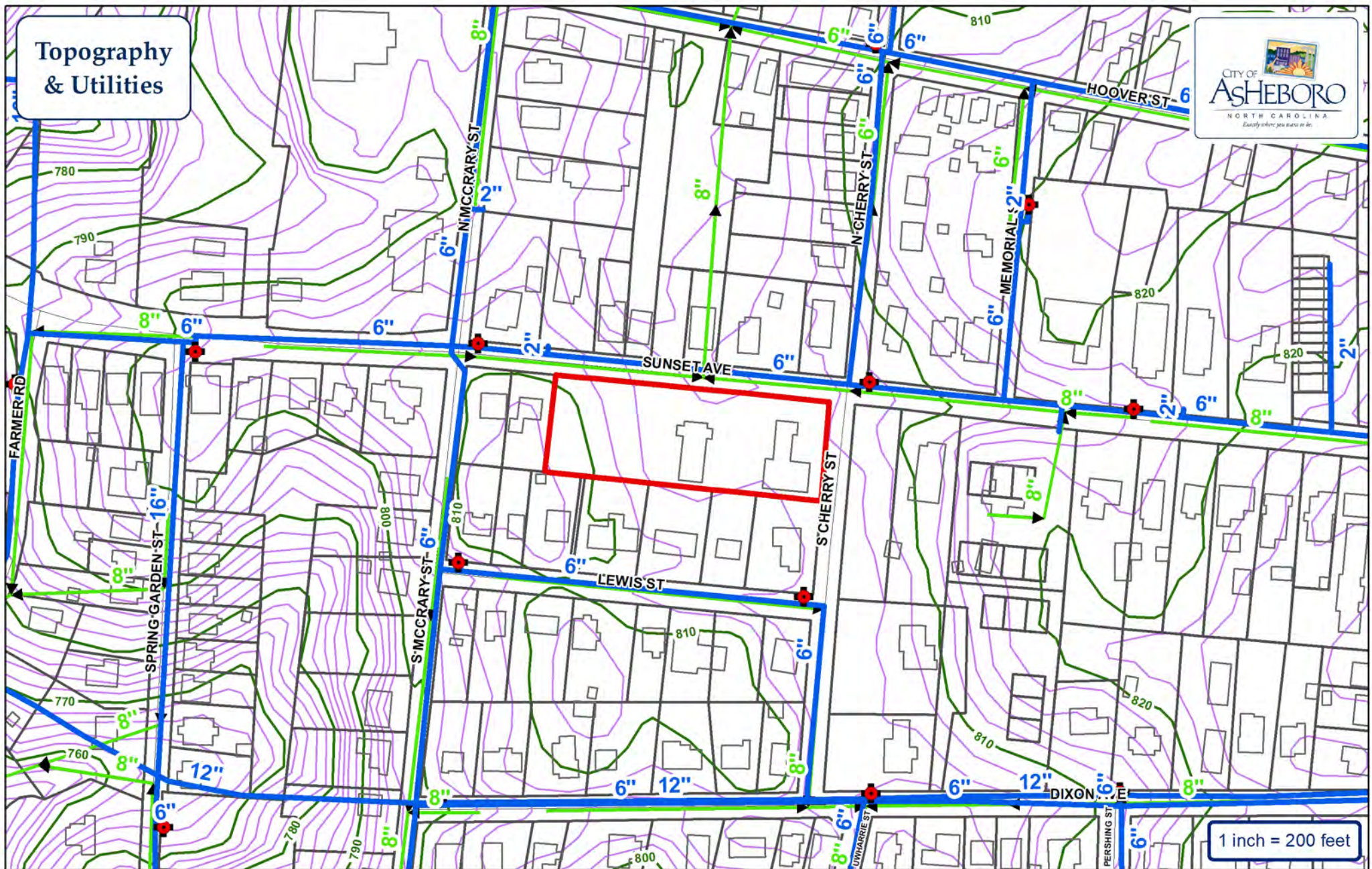
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-05

Parcels: 7751426889



Topography & Utilities



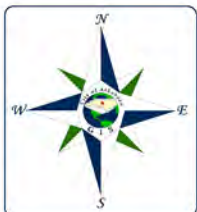
- | | | | |
|--|------------|---|--------------|
|  | Water Main |  | Fire Hydrant |
|  | Sewer Main |  | Pump Station |
|  | Force Main |  | Watershed |

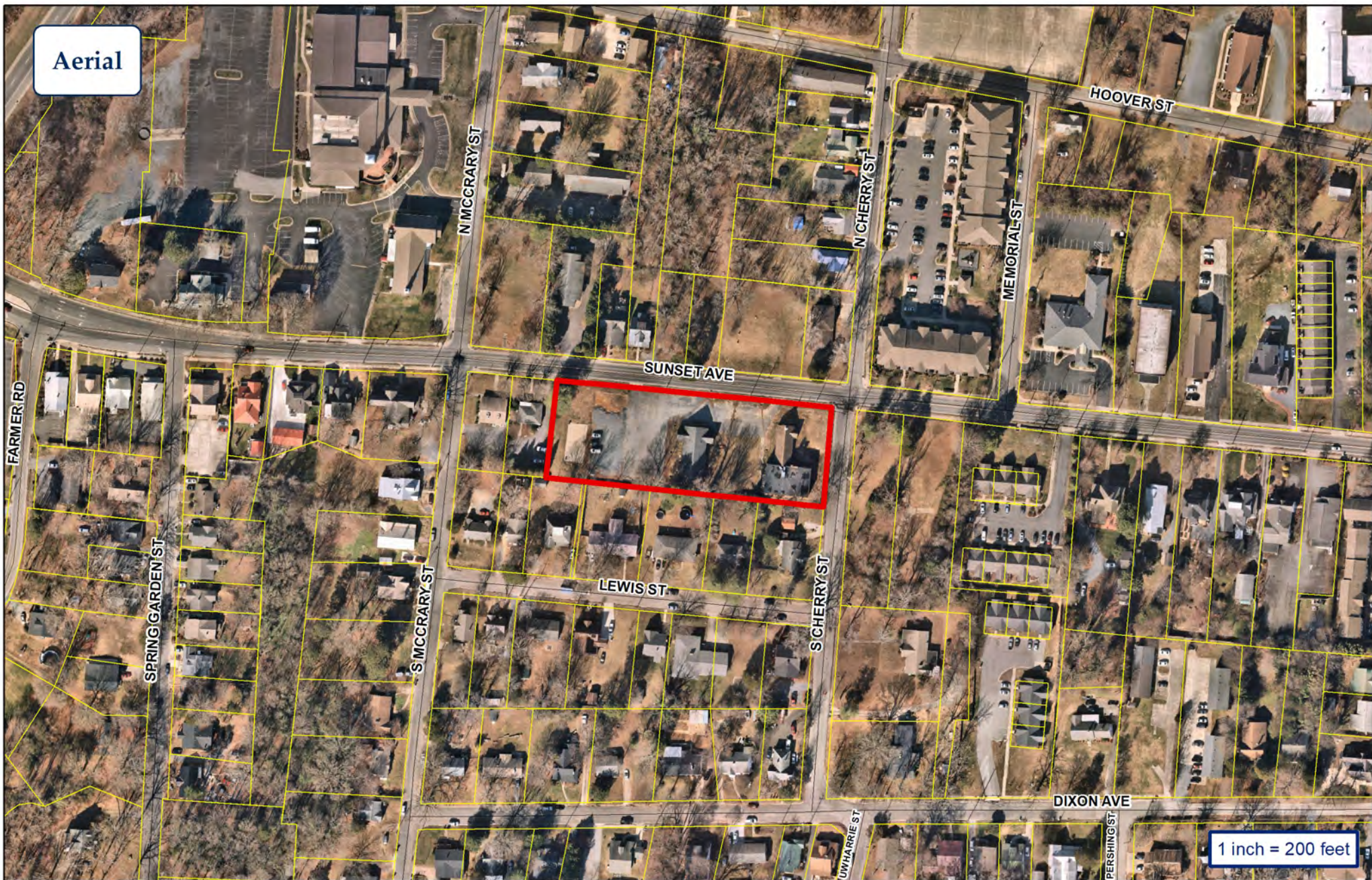
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-05

Parcels: 7751426889

 Subject Property





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-05

Parcels: 7751426889

 Subject Property



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

APPLICANT INFORMATION

Applicant KRP Investments, LLC Applicant's Phone # 336.817.9400
Applicant's Address 9052 Forest Drive, SW
Sunset Beach, NC 28468
Applicant email address davis@wynnefieldforward.com

PROPERTY INFORMATION

Property Owner's Name BAYBUILT PROPERTIES, LLC
Location of Property 801 Sunset Avenue Property Size (ac. or s.f.) 1.52 +/- acres
Randolph County Property Identification Number (PIN#) 7751426889
Current Zoning District OA6 Requested Zoning District OA 6 Conditional
Date Property Title Acquired 07/17/2020 Deed Book 2710 Page 2029
Subdivision J S Lewis Section L1-17 Lot # PT L18
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:

Development of 48 senior apartment units

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

Providing affordable housing on the Sunset Avenue corridor

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

Karen R. Perry

Printed Name of Authorized Signatory (if different from Applicant)

Karen R. Perry

Position/Relationship of Authorized Signatory to Applicant

Potential Buyer

Owner Signature (if different than Applicant)

BARBUET PROPERTIES, LLC by: [Signature]

Owner Address

929 SUNSET AVE.
ASHEBORO, NC 27203

Telephone Number

336-625-1200

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE		R2-24-05
Received by: <u>John</u>	Date: <u>2-9-24</u>	Case Number: _____



RZ-24-06: Request to rezone property located on the east side of Clover Street, approximately 115 feet south of Plummer Street Randolph County Parcel Identification Number 7751971892) from B2 General Commercial to I1 (CZ) Light Industrial Conditional Zoning for a Vehicle Storage Facility

Staff Report

Rezoning Staff Report

RZ Case # RZ-24-06

Date 3-4-2024 Planning Board

General Information

Applicant

Gary Lee Morris

Address 1755 Benton Road

City Sophia NC 27305

Phone 336-302-2359

Location East side of Clover Street

Requested

Action

Rezone from B2 General Commercial to I1 (CZ) Light Industrial Conditional Zoning for a vehicle towing and storage facility

Existing Zone B2

Existing Land Use Undeveloped

Size 0.31 acres +/-

Pin # 7751971892

Applicant's Reasons as stated on application

Towing and storage lot

Surrounding Land Use

North Undeveloped Commercial

East Commercial

South Non commercial place of assembly (Church)

West Single-family residential and industrial

Zoning History N/A

Legal Description

The property of Gary Lee Morris and Lori Byerly Morris, located on the east side of Clover St. approximately 155 feet south of the intersection of Plummer St, identified by Randolph County PIN 7751971892 and totaling approximately 0.31 acres +/-

Analysis

See Attachment 1.

Attachment 1: RZ-24-06 (Gary Morris, vehicle towing storage facility): Staff analysis as of 2-29-24

1. The property is within the city limits.
2. Clover Street is a state-maintained road for approximately 100 feet from the Plummer Street intersection, after which there is no public maintenance of the platted street. There is other property utilizing the street and the subject property is viewed as abutting a street for zoning compliance purposes. NCDOT has indicated that it will not require a driveway permit for the use.
3. The proposed use is a vehicle towing storage facility, which is defined as *“the use of land or buildings to park, store and maintain vehicles associated with vehicle towing. This includes storage of towed vehicles while awaiting proper disposition of these vehicles and storage of vehicles engaged in vehicle towing (i.e. tow trucks). A vehicle towing yard does not include a vehicle towing operation.”* The application does not include a vehicle towing operation, which is a separate use defined as *“solely designated for administrative activities associated with vehicle towing.”*
4. The site plan shows a fenced storage yard for towed vehicles. A 10 ft. setback from all property lines is proposed; per the application, the fence will be 7' in height and include black privacy slats, evergreen trees no more than 10 feet apart and 15 shrubs along the southern and western sides of the property. Along the northern and eastern property lines, a 10' natural vegetative buffer is to be retained. The storage yard will be illuminated by a pole light. While some vehicle storage yards include an office as part of the operation, one is not proposed as part of this application. Staff has informed the applicant that the addition of any type of building, including any type of storage building, would require a new rezoning application and hearing.
5. The current B2 General Commercial zoning district is the most permissive commercial district in terms of the number of commercial uses that are allowed. It is described by the ordinance 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.”*
6. While there is a dwelling at the intersection of Plummer and Clover northwest of the subject property, the area consists primarily of non-residential uses, many of which are legal non-conforming uses or have legal non-conforming situations. In addition to uses related to repair of motor vehicles in the area, a legal, non-conforming manufacturing, processing, and assembly use is adjacent to the subject property to the west; this use also utilizes Clover Street.
7. The zoning ordinance states that the intent of the I1 district is to *“produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.”*
8. The zoning ordinance has supplemental requirements for vehicle towing and storage facilities. These are attached to this report.
9. A text amendment to the Zoning Ordinance adopted in 2008 (Case No. RZ-08-24) specified that storage yards for vehicle towing facilities must be in an I1 or I2 zoning district. Prior to the text amendments in 2008, vehicle storage yards were allowed in the B2 zoning district.

Rezoning Staff Report

RZ Case # RZ-24-06

Consistency with the 2020 LDP Growth Strategy designations

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

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

LDP Goals/Policies Which Support Request

Checklist Item 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 4: The proposed rezoning is compatible with surrounding land uses.

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

Rezoning Staff Report

RZ Case # RZ-24-06

LDP Goals/Policies Which Do Not Support Request

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

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

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

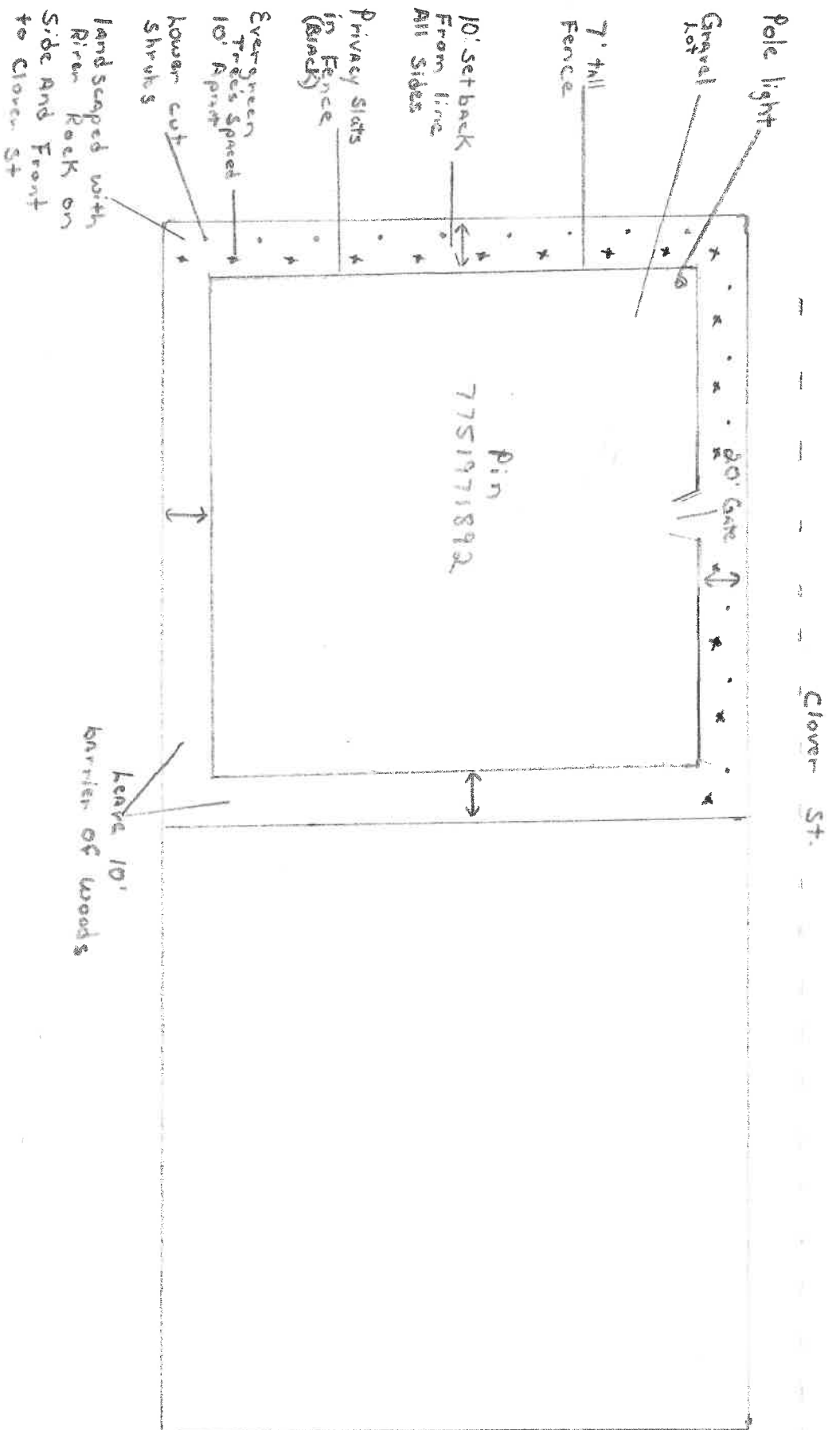
Although the Land Development Plan designates the property for commercial use, given the surrounding land uses, the light industrial conditional zoning designation is reasonable for the property. Further, the existing general commercial zoning district could result in a land use that would generate much higher trip volumes that could be problematic light of how the property is accessed and maintained and the condition of the street.

Recommendation Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest, subject to acceptance of the staff suggested conditions.

Rezoning Staff Report

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

- (A) The use approved shall be a Vehicle Towing Storage Facility
- (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) Storage of towed vehicles must be contained completely within the screened and fenced area.
- (E) Prior to the issuance of a zoning compliance permit, a final site plan and the applicable permit fee shall be submitted.
- (F) Outdoor lighting (pole 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) Evergreen trees shown on the site plan shall be a minimum of 6 feet in height at the time of planting and evergreen shrubs shall be a minimum of 12 inches at the time of planting.
- (H) 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.



Plummer St

Fayetteville St

John Evans

Subject: FW: [External Sender] [External] Question on road maintenance of Clover Street (SR 1642) in Asheboro

From: Kimes, Tyler J <tjkimes@ncdot.gov>

Sent: Wednesday, February 14, 2024 3:00 PM

To: John Evans <jevans@ci.asheboro.nc.us>; Monroe, Roosevelt J <rjmonroe@ncdot.gov>; Britt, Jennifer L <jlbritt@ncdot.gov>

Cc: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>

Subject: RE: [External Sender] [External] Question on road maintenance of Clover Street (SR 1642) in Asheboro

Good afternoon John,

I hope your week is going well! Thank you for running this by us. It appears State maintenance ends just behind the "end of maintenance sign". Since they will be connecting to the non-state-maintained portion of Clover Street, and their traffic generation will be fairly low, we will not require a driveway permit on our end.

If you have any questions, please do not hesitate to ask.

Thanks!

Tyler Kimes

Assistant District Supervisor

NCDOT Highway Division 8

District 1 - District Office

336-318-4000 – Office

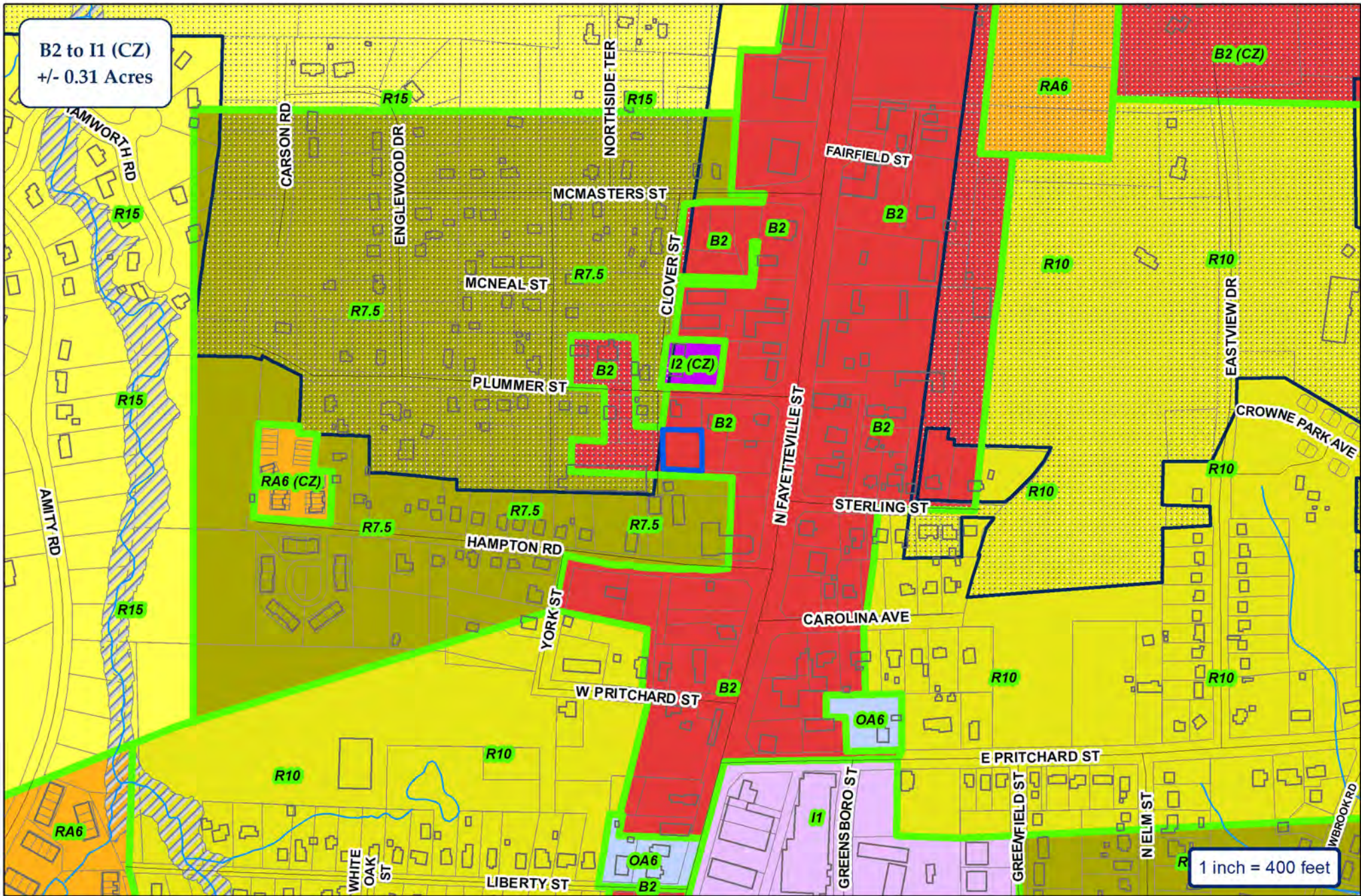
336-318-4005 – Direct

Tjkimes@ncdot.gov

300 DOT Drive

Asheboro, NC 27205

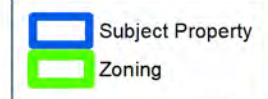




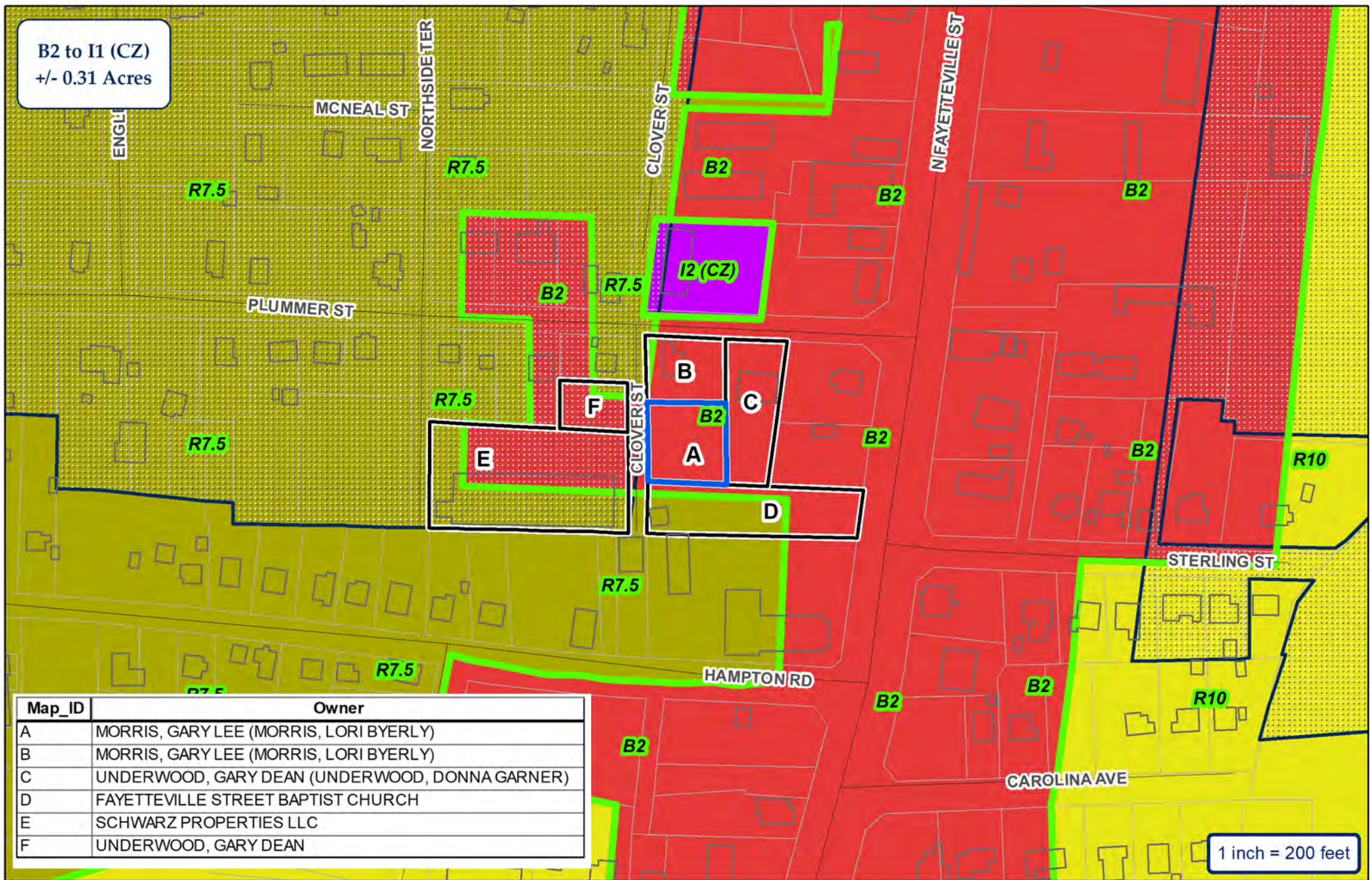
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-06

Parcels: 7751971892



B2 to I1 (CZ)
+/- 0.31 Acres



Map_ID	Owner
A	MORRIS, GARY LEE (MORRIS, LORI BYERLY)
B	MORRIS, GARY LEE (MORRIS, LORI BYERLY)
C	UNDERWOOD, GARY DEAN (UNDERWOOD, DONNA GARNER)
D	FAYETTEVILLE STREET BAPTIST CHURCH
E	SCHWARZ PROPERTIES LLC
F	UNDERWOOD, GARY DEAN

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-06

Parcels: 7751971892

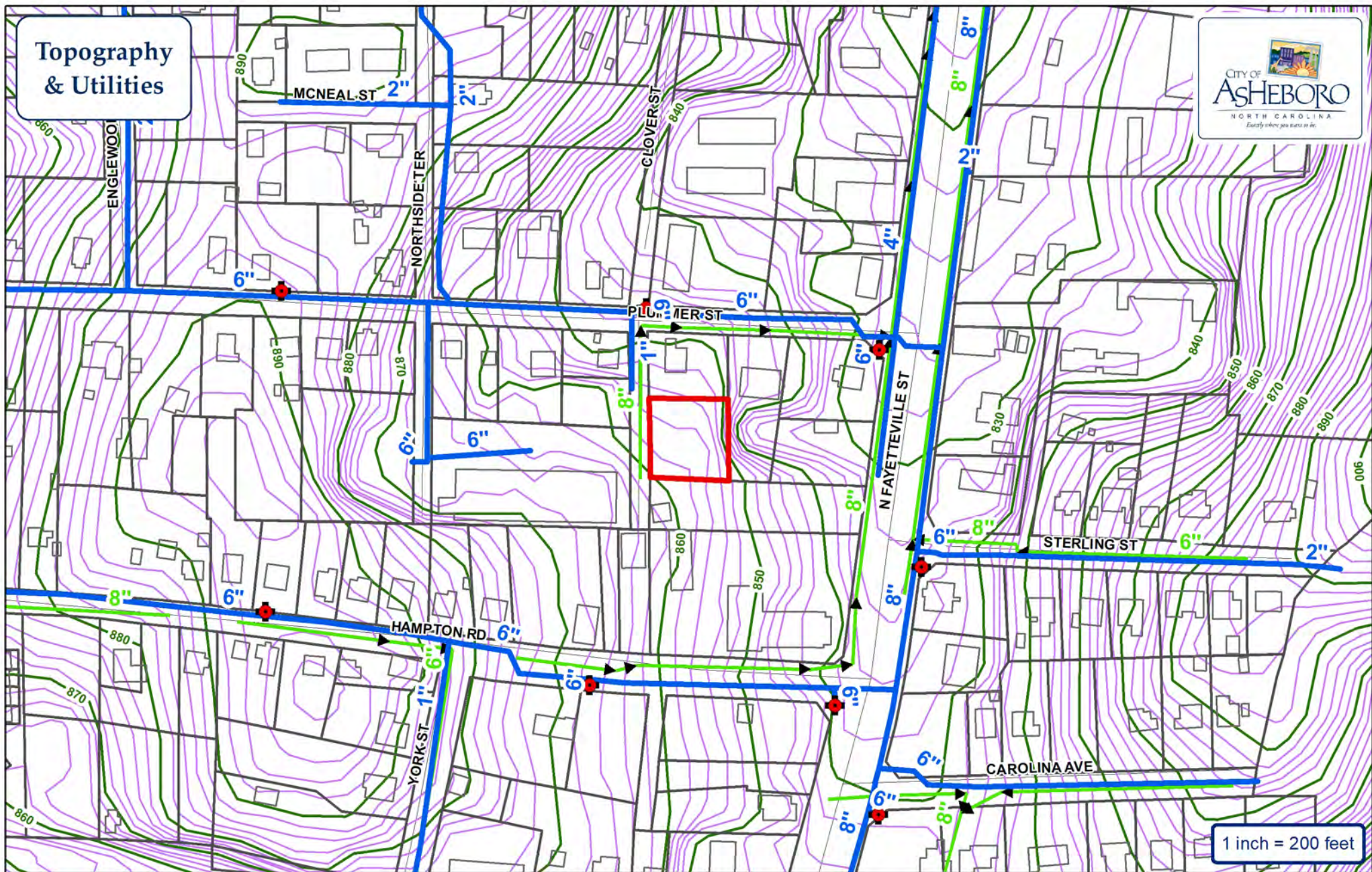


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



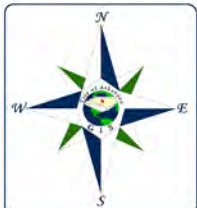
-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  Pump Station
-  Watershed

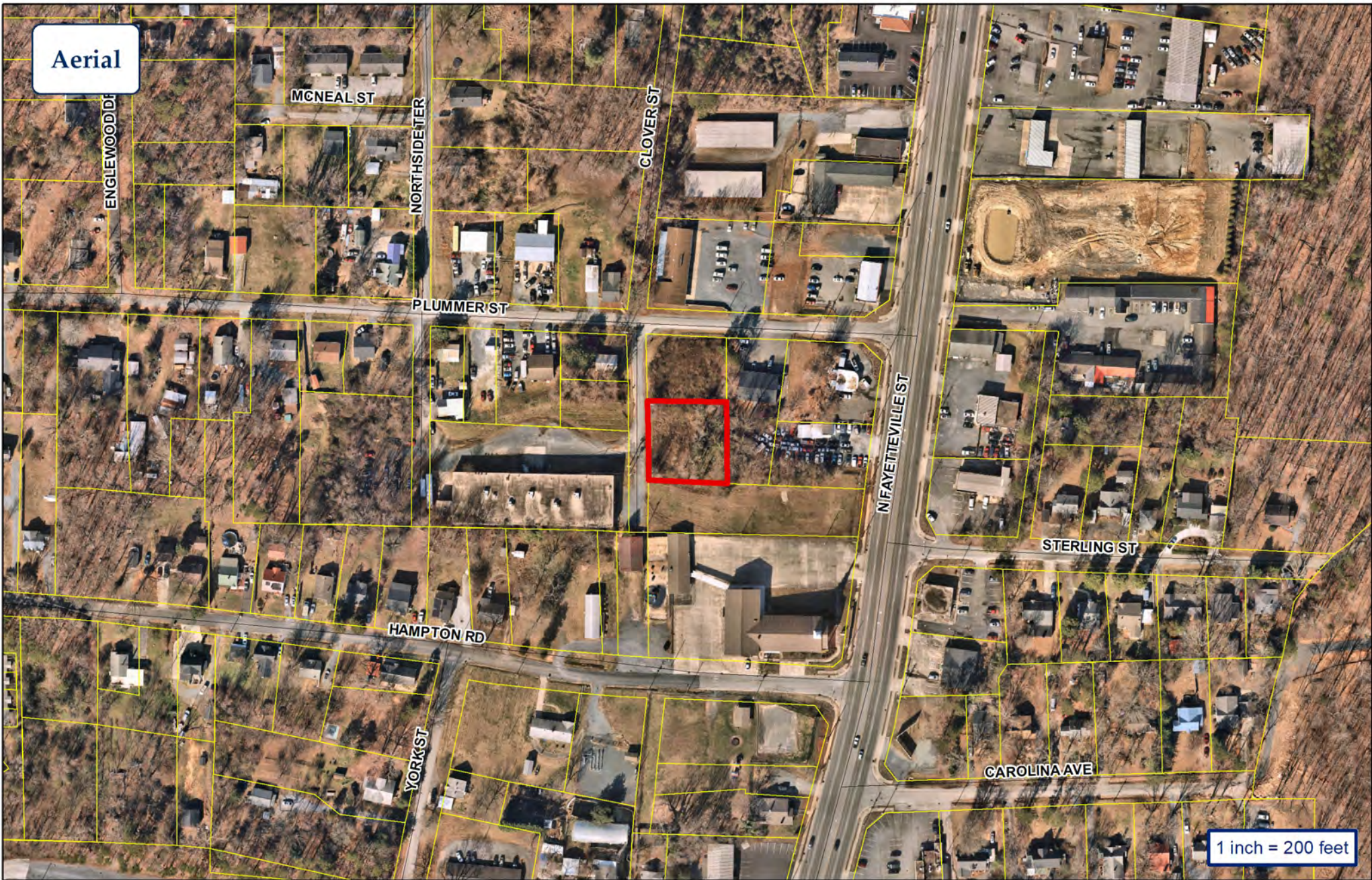
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-06

Parcels: 7751971892

 Subject Property





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-06

Parcels: 7751971892

 Subject Property



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

APPLICANT INFORMATION

Applicant Gary Lee Morris Applicant's Phone # 336-302-2359

Applicant's Address 1755 Benton Rd Sophia NC - 27305

Applicant email address morris-towing@yahoo.com

PROPERTY INFORMATION

Property Owner's Name Gary Lee Morris

Location of Property Clover Street Property Size (ac. or s.f.) 231 acres

Randolph County Property Identification Number (PIN#) 7151971892

Current Zoning District B2 Requested Zoning District I1 (C2)

Date Property Title Acquired _____ Deed Book _____ Page _____

Subdivision _____ Section _____ 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:

Towing And Storage lot

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

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

Mary R. Morris, owner

*Printed Name of Authorized Signatory (if
different from Applicant)*

*Position/Relationship of Authorized
Signatory to Applicant*

Owner Signature (if different than Applicant)

Owner Address

1755 Benton Rd Sophia NC

27350

Telephone Number

336-302-2359

*Printed Name of Authorized Signatory (if
different from Owner)*

*Position/Relationship of Authorized
Signatory to Owner*

STAFF USE

Received by: TW Date: 2/9/24 Case Number: 152
pre-app. on 2-9-24 TW



Planning Board Functioning as Board of Adjustment:

BOA-24-03: 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 508 Clegg Avenue (Randolph County Parcel Identification Numbers 7752891361).

Staff Report

Board of Adjustment Staff Report

Case: BOA 24-03

Date: March 4, 2024

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: Beverly Needham Garner

Applicant Address: 508 Clegg Ave. Asheboro, NC 27203

Location of Affected Property: 508 Clegg Ave. (PIN 7752891361)

Property Size: 0.44 Acres (19,254 sq.ft.)

Underlying Zone: R10

Overlay Zone: None

Existing Land Use: Single Family Dwelling

Surrounding Land Use:

North: Industrial

East: Single Family Residential

South: Single Family Residential

West: Single Family Residential

Land Development Plan: Neighborhood Residential/Primary Growth

ANALYSIS

508 Clegg Ave. ("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 Yard In Feet*	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 (Table 4-1; 5.04(31)). 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 45.5', calculated as follows:

Address	Apparent Existing Setback
516 Clegg Ave.	39'
514 Clegg Ave.	49'
504 Clegg Ave.	48'
500 Clegg Ave.	46'
Average	45.5'

The existing single-family dwelling conforms with all required yards; however, the existing open carport, constructed prior to current permitting records, is legal, nonconforming with respect to the required side yard and the averaged front yard. The existing carport is located 5 feet from the side property line and 35 feet from the front property line. The applicant proposes to remove the existing carport, replacing it with a new open, metal carport. This proposed carport would come no closer than 6 feet from the side property line, and 23 feet from the front property line, thus a required side yard variance of four feet and a front yard variance of 22.5 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 6 feet. Provided, however, the variance is limited by any conditions stated in the final decision document.

Member's Vote: Yes _____ No _____ Yes with Conditions _____

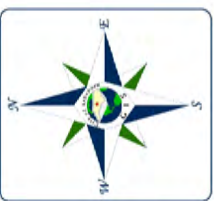
Board Action 2: Approve a variance from Section 3.02(D) of the Asheboro Zoning Ordinance to reduce the required front yard setback to 23 feet. Provided, however, the variance is limited by any conditions stated in the final decision document.

Member's Vote: Yes _____ No _____ Yes with Conditions _____

Signature _____



Aerial



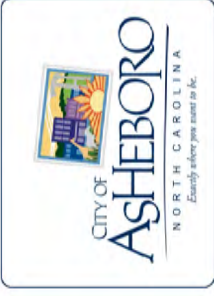
Subject Property

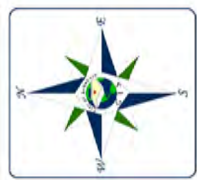
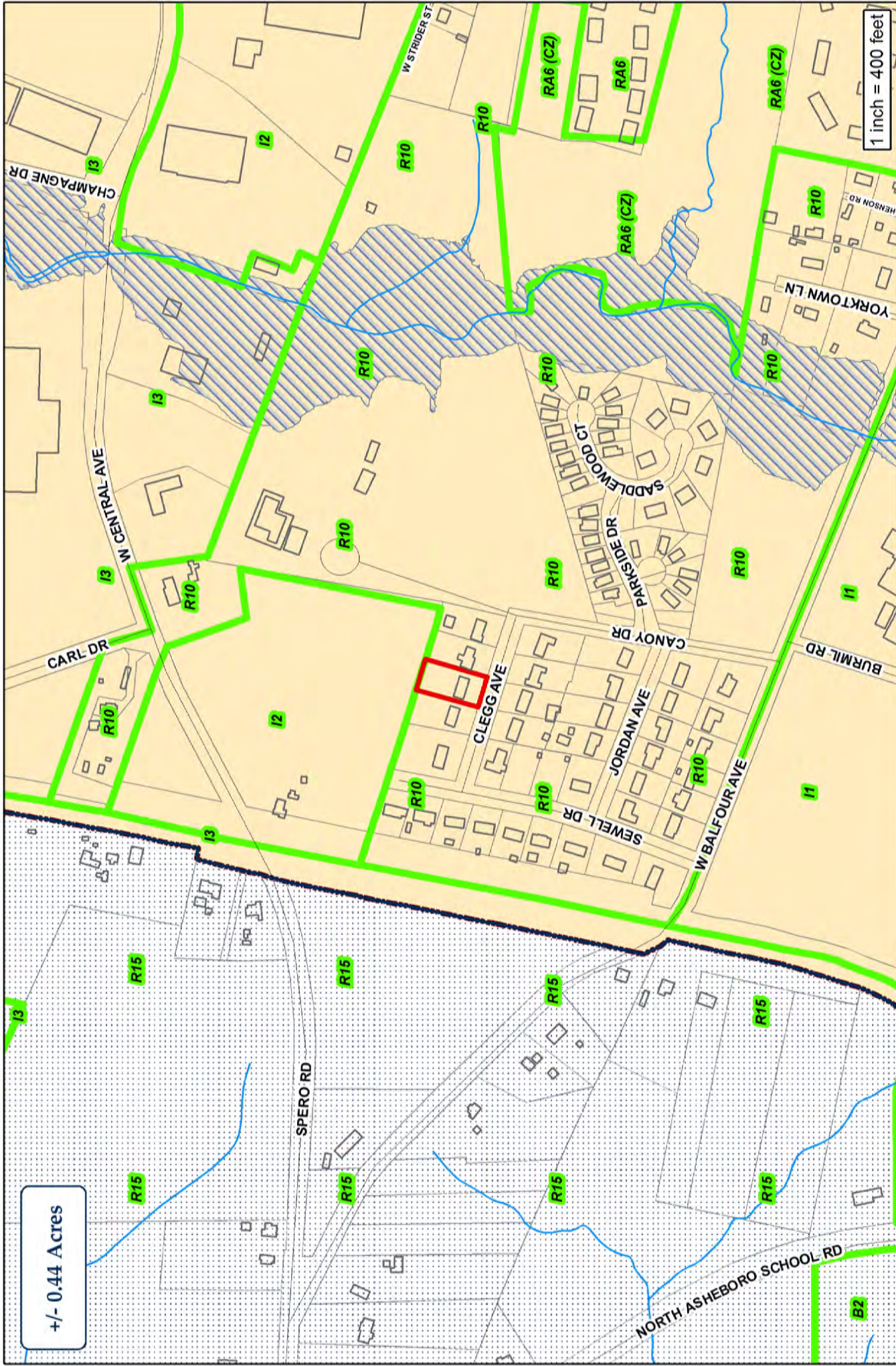
Zoning

City of Asheboro Planning & Zoning Department

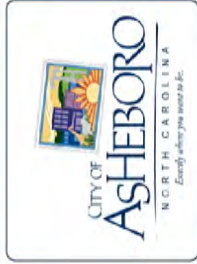
Board of Adjustment Case: BOA-24-03
Variance

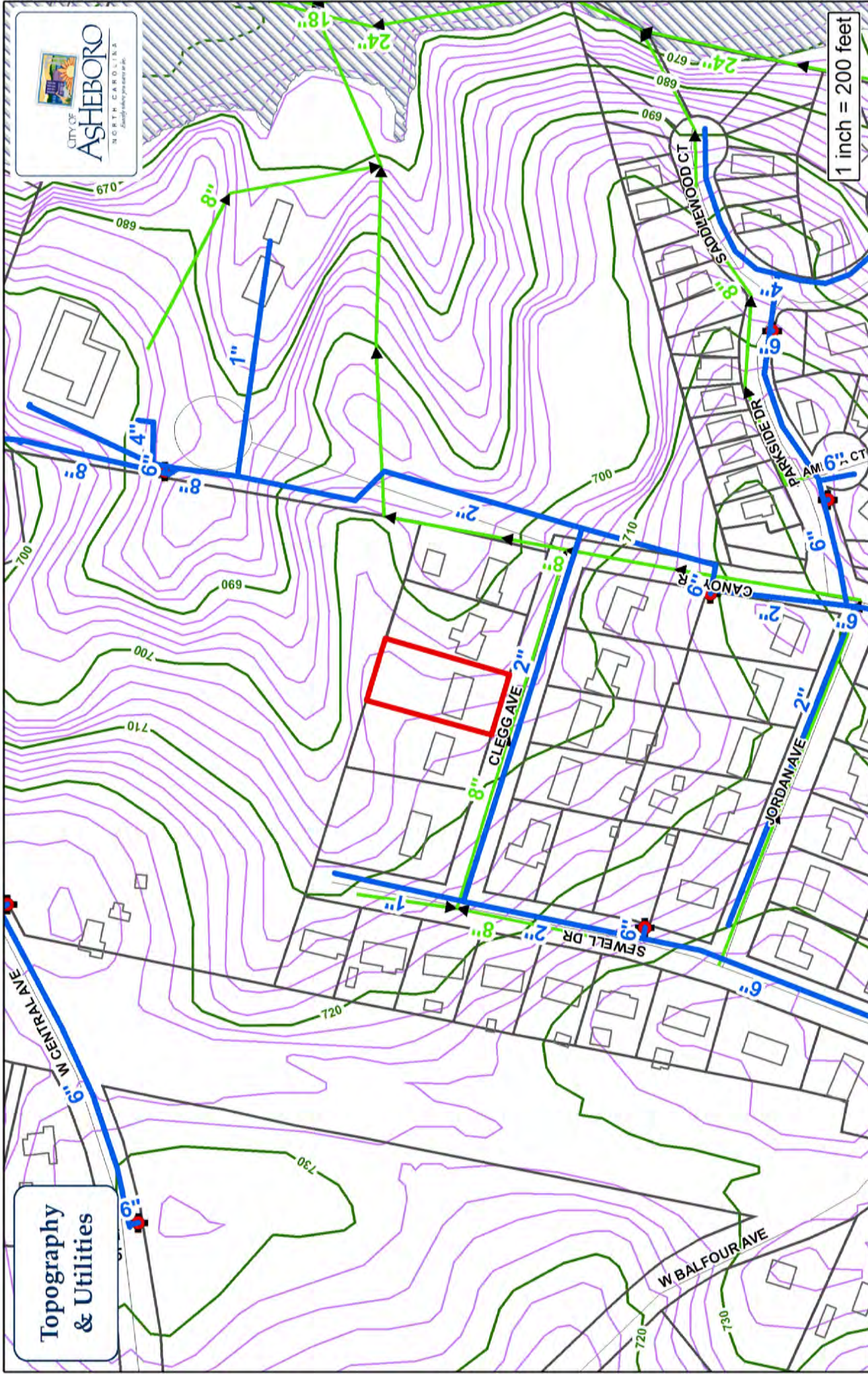
Parcel: 7752891361





City of Asheboro Planning & Zoning Department
 Board of Adjustment Case: BOA-24-03
 Variance
 Parcel: 7752891361





City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-24-03

Variance

Parcel: 7752891361



Subject Property



	Force Main		Fire Hydrant
	Water Main		Pump Station
	Sewer Main		Parcels

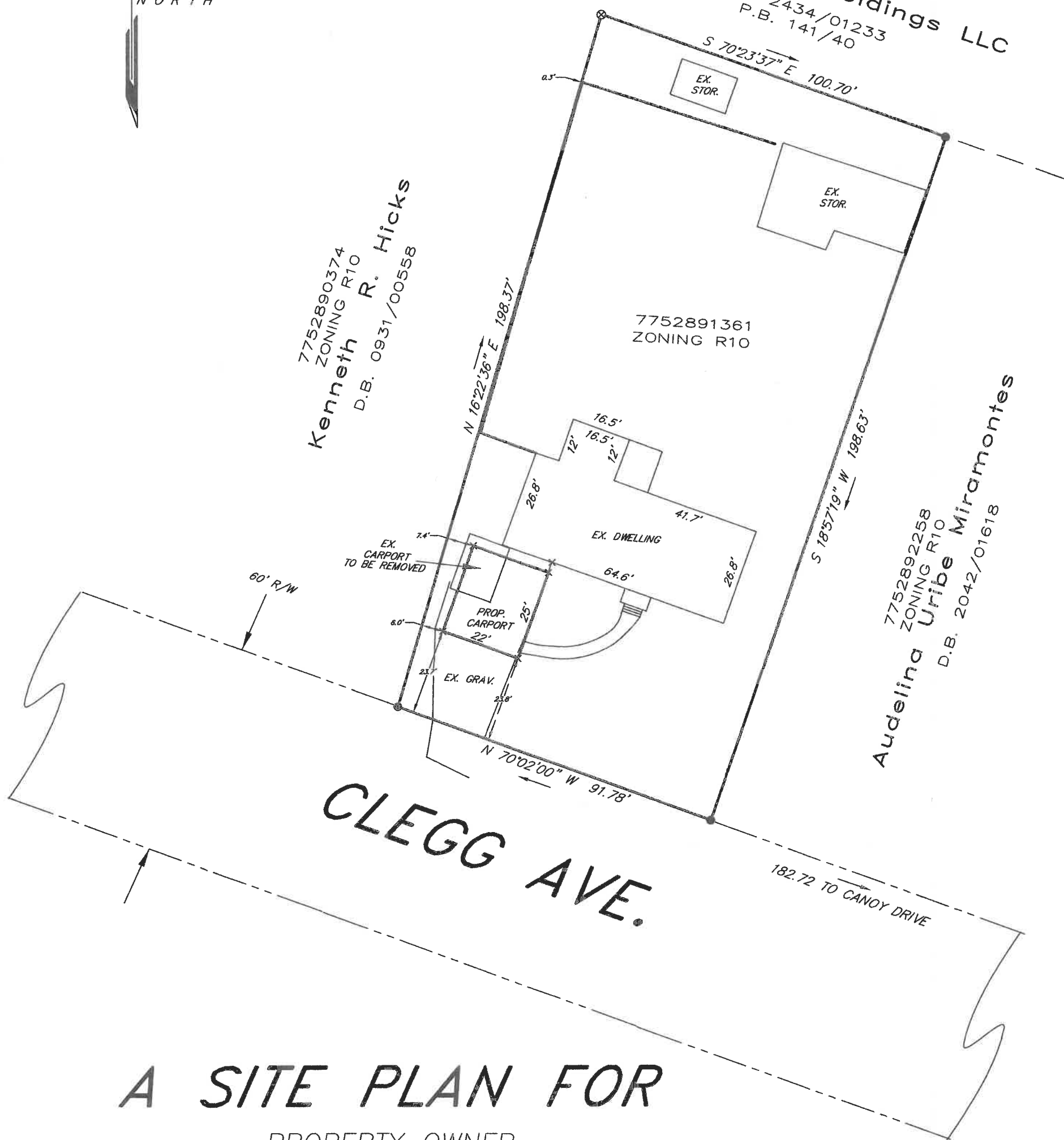
Plat 10/125.
NORTH

7752891801
ZONING 12 & R10
Centralmark Holdings LLC
D.B. 2434/01233
P.B. 141/40

7752890374
ZONING R10
Kenneth R. Hicks
D.B. 0931/00558

7752891361
ZONING R10

7752892258
ZONING R10
Audelina Uribe Miramontes
D.B. 2042/01618



A SITE PLAN FOR

~ PROPERTY OWNER ~

Beverly Needham Garner

508 Clegg Ave. ~ Asheboro, NC 27203

Asheboro Township
City Of Asheboro
Scale: 1" = 30'

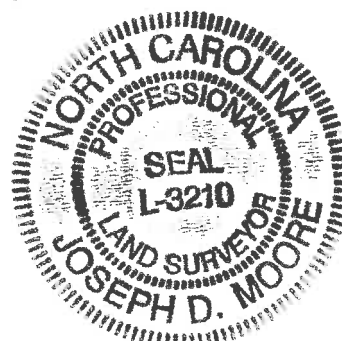
Randolph County
North Carolina
January 22, 2024

Deed Ref.: 1123/0750

~ Surveyed & Mapped By ~
Joseph D. Moore

Professional Land Surveyor, L-3210

120 S. Fayetteville St.
P.O. Box 1086
Liberty, N.C. 27298-1086
Phone: 336-622-4638
Fax: 336-622-5730
E-mail: moorepls@rtelco.net



Joseph D. Moore
1-22-24

Legend

- - Existing Iron Pipe
- ⊗ - New Iron Pin
- - Point Not Set
- ⊘ - Utility Pole
- △ - Stone



Nick McNeill
(336) 465-1212

nickmbehrsbldgs@gmail.com

Quote

AUTHORIZED DEALER		SHIP TO	
Dealer ID	d0015059-main	Name	Beverly Garner
Dealer Name	BEHR'S BUILDINGS	Install Address	
Phone Number	877-526-1849	City	State NC Zip Code 27203
Order Date	1/29/2024	County	Email
Email	nickmbehrsbldgs@gmail.com	Cell #	Phone #

BUILDING INFO	SIZE	COLOR	ANCHORING & RATING
ROOF STYLE	Vertical Style	ROOF	Pebble Beige
BUILDING TYPE	3D Builder	SIDES/ENDS	Pebble Beige
FRAMING GAUGE	☒ 14 GA. ☐ 12 GA.	TRIM	Earth Brown
22' X 25' X 11' WIDTH X FRAME LENGTH X HEIGHT		INSTALLATION SURFACE	Gravel
		GROUND ANCHOR	☒ YES ☐ NO
		WIND/SNOW RATING	140MPH / 35PSF

LOT MUST BE LEVEL, NO MORE THAN 3" OFF-LEVEL, AND CLEAR OF OBSTACLES OR UNIT MAY NOT BE INSTALLED.

EAGLE CARPORTS, INC. IS NOT RESPONSIBLE FOR STOPPING OR REPAIRING LEAKS UNDER BASE RAILS.

Customers may incur extra labor fees if additional labor is required to install unit because of un-level surfaces, or for building over obstacles. Furthermore, inability of installation due to before mentioned circumstances could result in restocking fee.

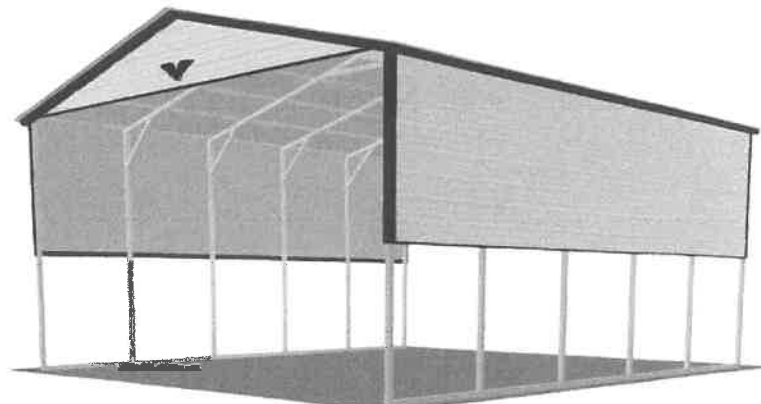
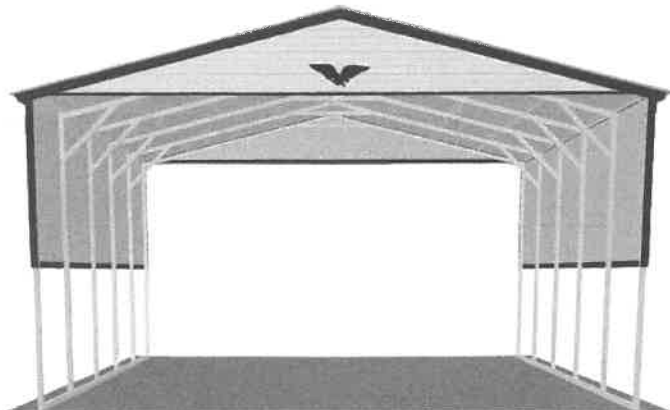
READY FOR INSTALLATION? ☐ YES ☐ NO

IS YOUR SURFACE LEVEL? ☐ YES ☐ NO

NOTE: FRAMES ARE 5' ON CENTER
EX: 20', 25', 30', ETC.

ELECTRICITY AVAILABLE? ☐ YES ☐ NO

DESCRIPTION	QTY	UNIT PRICE	PRICE	TOTALS
Style: Standard Carport				SUBTOTAL
Base Price: 22'x25'	1	\$3,095.00	\$3,095.00	
Engineer Certified: 140MPH / 35PSF	1	\$180.00	\$180.00	TAX + 7.00 %
Leg Height: 11'	1	\$400.00	\$400.00	
Sides: 6' Panel (Horizontal)	2	\$250.00	\$500.00	PRICE
Left Side J-Trim: Add J-Trim	1	\$45.00	\$45.00	
Right Side J-Trim: Add J-Trim	1	\$45.00	\$45.00	DOWN PAYMENT 16.00 %
Ends: Gable End (Horizontal)	2	\$325.00	\$650.00	
				DISCOUNT IF APPLICABLE
				TOTAL DOWN PAYMENT
				ADDITIONAL FEES
				BALANCE DUE
				CARD BALANCE DUE
				2.50 \$111.82



CITY OF ASHEBORO
Application for Board of Adjustment Hearing

APPLICANT INFORMATION

Applicant Beverly N. Garner Applicant's Phone # 336-964-2856
Applicant's Address 508 Clegg Avenue
Asheboro, N.C. 27203
Applicant's Email Address bgarner@embarqmail.com

PROPERTY INFORMATION

Property Owner's Name Beverly Needham Garner
Location of Property 508 Clegg Avenue
Property Size (ac. or sq.ft.) 0.44 or 19779
Randolph County Property Identification Number (PIN#) 7752891361
Current Zoning District R10 Asheboro
Date Property Title Acquired 12-16-1980 Deed Book 001123 Page 00750
Subdivision Hilltop ACR Section _____ Lot # 28/29
Plat Book 10 Page 125

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)

Beverly Needham Garner

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

☐ Yes ☐ No

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

REQUEST FOR A VARIANCE

TO THE CITY OF ASHEBORO BOARD OF ADJUSTMENT:

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

I need a variance in the front of my house on the westside next to Kenneth Hick's property, also one on the south end next to Clegg Avenue in order for me to have a double metal carport 22' width x 25' long x 11' high to accomodate my vehicles

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.

Brenda Neidham Larue 30 Jan 2024
Applicant Date

STAFF USE		
Received by: <u>JTL</u>	Date: <u>1-30-24</u>	Case Number: <u>24-03</u>

150

52

Excise Tax

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.

Verified by County on the day of 19

by

Mail after recording to Beverly Needham Routh Key, 508 Clegg Ave., Asheboro, NC 27203

This instrument was prepared by MOSER, OGBURN & Neely, P.A., Asheboro, NC 27203

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 14th day of December, 1980, by and between

GRANTOR

GRANTEE

Roger Dale Key

Beverly Needham Routh Key

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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, ~~XXXXXX~~ all of his one-half undivided interest in that certain lot or parcel of land situated in the City of Asheboro Township,

County, North Carolina and more particularly described as follows:

BEGINNING at an iron pipe in the northern right of way line of Clegg Avenue, at a point North 70 degrees 02 minutes West 182.72 feet from the northwest intersection of the right of way lines of Clegg Avenue and Canoy Drive, J. B. Small's corner; thence North 19 degrees 35 minutes East along Small's line 198.42 feet to a stake in Canoy's line; thence along said line North 69 degrees 59 minutes West 100.70 feet to a stake, Hicks' corner; thence along Hicks' line South 16 degrees 46 minutes West 198.37 feet to a stake in the northern right of way line of Clegg Avenue (said iron stake being located South 70 degrees 02 minutes East 241.35 feet from the northeast intersection of Clegg Avenue and Sewell Drive) Hicks' (formerly Jordan's) southeast corner; thence with said right of way line South 70 degrees 02 minutes East 91.35 feet to the beginning, and being the western portion of Lot No. 28 and the eastern portion of Lot No. 29 of Hilltop Acres, as shown by plat recorded in Plat Book 10, Page 125, in the Office of the Register of Deeds for Randolph County, North Carolina.

And being all of the property in Book 906, Page 602, except a triangular strip conveyed K. R. Hicks by deed in Book 1063, Page 975, and being all of the property in Book 1063, Page 974, Randolph County Registry.