

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, DECEMBER 7, 2017, 7:00 PM**

I. OPENING OF MEETING AND APPROVAL OF CONSENT AGENDA

1. Call to Order
2. Silent Prayer and Pledge of Allegiance
3. Consent Agenda:
 - (a) Approval of the Meeting Minutes for the Regular City Council Meeting on November 9, 2017
 - (b) Approval of the General Account of the Closed Session Conducted during the Regular City Council Meeting on November 9, 2017
 - (c) Acknowledgment of the Receipt from the Asheboro ABC Board of the Approved Meeting Minutes for the Board's Meeting on October 2, 2017
 - (d) Approval of the Final Decision Document for Land Use Case No. SUP-17-02
 - (e) Approval of the Final Decision Document for Land Use Case No. CUP-17-12
 - (f) Approval of the Final Decision Document for Land Use Case No. CUP-17-13
 - (g) Approval of the Final Decision Document for Land Use Case Nos. CUP-17-14 and SUB-17-04
 - (h) Approval of a Budget Ordinance Amending the General Fund to Account for "Pass Thru" Funds from the One NC Fund for Technimark and Related Entities
 - (i) Approval of an Ordinance Setting the Dates for Regular City Council Meetings during the 2018 Calendar Year
 - (j) Acknowledgment of the Receipt from the Randolph County Board of Elections of the Results of the Municipal Election on November 7, 2017

II. ADMINISTRATION OF THE OATHS OF OFFICE

4. City Clerk Holly H. Doerr Will Administer the Following Oaths of Office:
 - (a) Mayor – David Smith
 - (b) Council Member – Clark Bell
 - (c) Council Member – Linda Carter
 - (d) Council Member – Walker Moffitt
 - (e) Council Member – Katie Snuggs

III. ORGANIZATIONAL PHASE OF THE MEETING

5. Mayor Smith Will Open the Election by the Council Members of a Mayor Pro Tempore
6. Mayor Smith Will Announce Committee Appointments
7. Consideration by the Council Members of a Resolution of Concurrence with the Mayoral Appointments

IV. HEARINGS AND NEW BUSINESS ITEMS

8. Community Development Director Trevor Nuttall Will Introduce the Following Land Use Cases:
 - (a) Legislative Hearing on Case No. RZ-17-15: An Application to Rezone the Property at 3367 Zoo Parkway and a Second Parcel of Land (Randolph County Parcel Identification Number 7669466475) at the Corner of Zoo Parkway and Old Cox Road from R40 (Low-Density Residential) and CU-OA6 (Conditional Use Office-Apartment) to OA6 (Office-Apartment)
 - (b) Legislative Hearing on Case No. RZ-17-16: An Application to Rezone Property at 1828 and 1834 Rayburn Street along with Two Additional Parcels of Land (Randolph County Parcel Identification Numbers 7762574796 and 7762575924) on the West Side of Rayburn Street from R10 (Medium-Density Residential), B2 (General Commercial), and I1 (Light-Industrial) to O&I (Office & Institutional)

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- (c) Legislative Hearing on Case No. RZ-17-17: An Application to Rezone Property at 151 West Presnell Street from R10 (Medium-Density Residential) to OA6 (Office-Apartment)
 - (d) Legislative Hearing on Case No. RZ-17-18: An Application to Rezone Property at 458 and 468 Veterans Loop Road from R10 (Medium-Density Residential) to I2 (General Industrial)
 - (e) Subdivision Case No. SUB-17-04: Preliminary Plat Review for the Jackson's Run Subdivision
- 9. City Engineer Michael Leonard, PE Will Introduce the Annexation Petition Submitted for the Parcel of Land at 200 Foster Street:
 - (a) Public Hearing on the Question of Annexation
 - (b) Consideration by the Council Members of an Annexation Ordinance
- 10. Public Comment Period
- 11. The City Manager Will Present for Council Consideration and Action a Total of Four Budget Ordinances (Two Ordinances to Amend the General Fund and Two Project Ordinances) Pertaining to the Zoo City Park Sportsplex Fund and the Stormwater Fund
- 12. The City Manager Will Present Information on the Piedmont Triad Regional Council's City and County Managers Tour of the North Carolina Zoo on November 30, 2017
- 13. Mayor Smith Will Lead a Discussion of Upcoming Events and Items Not on the Agenda.
- 14. Adjournment

**REGULAR MEETING
ASHEBORO CITY COUNCIL
PUBLIC WORKS FACILITY, 1312 N. FAYETTEVILLE STREET
NOVEMBER 9, 2017
7:00 p.m.**

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Linda H. Carter)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)
Charles A. Swiers)

John N. Ogburn, III, City Manager
D. Jason Cheek, Police Captain
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jonathan M. Sermon, Recreation Services Superintendent
Jeffrey C. Sugg, City Attorney

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Moment of silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and say the pledge of allegiance.

3. Consent agenda.

Upon motion by Mr. Burks and seconded by Ms. Carter, Council voted unanimously to approve/adopt each of the following consent agenda items:

(a) The meeting minutes of the city council’s regular meeting on October 5, 2017.

The approved minutes are on file in the city clerk’s office, and an electronic copy of the approved minutes is posted on the city’s website.

(b) The temporary closure from 7:00 p.m. to 8:30 p.m. on Friday, December 1, 2017, of the streets indicated on the parade permit application and map for the Asheboro/Randolph Chamber of Commerce Christmas Parade.

The parade permit application for the requested street closure, including a street closure map, was included in the council’s materials. Copies of these items are on file in the city clerk’s office. The said temporary street closure was approved as requested in the application.

(c) The temporary closure from 6:00 p.m. to 9:00 p.m. on Friday, December 8, 2017, of the streets indicated on the parade permit application and map for the annual “Christmas on Sunset” event sponsored by the Asheboro/Randolph Chamber of Commerce Downtown Development Committee.

The parade permit application for the requested street closure, including a street closure map, was included in the council’s materials. Copies of these items are on file in the city clerk’s office. The said temporary street closure was approved as requested in the application.

4. **Community Development items:**

(a) **Request for approval to schedule for December 7, 2017, and to advertise, public hearings on the following list of zoning cases.**

Mr. Nuttall requested approval to schedule the following zoning cases for the December 7, 2017 regular city council meeting. Additionally, Mr. Nuttall requested that the meeting be held in the main conference room at the City of Asheboro Public Works Facility, 1312 North Fayetteville Street, Asheboro, North Carolina 27203.

Upon motion by Mr. Bell and seconded by Mr. Swiers, Council voted unanimously to approve the scheduling and advertising of public hearings for the following zoning cases to be heard during the December 7, 2017 regular council meeting that will begin 7:00 PM at the City of Asheboro Public Works Facility:

- (i) An application to rezone the property at 3367 Zoo Parkway along with a parcel of land at the corner of Zoo Parkway and Old Cox Road (Randolph County Parcel Identification Number 7669466475) from R40 (Low-Density Residential) and CU-OA6 (Conditional Use Office-Apartment) to OA6 (Office-Apartment);
- (ii) Application to rezone property located at 1828 and 1834 Rayburn Street plus property located on the west side of Rayburn Street from R10 (Medium-Density Residential), B2 (General Commercial), and I1 (Light-Industrial) to O&I (Office & Institutional);
- (iii) Application to rezone property located at 151 West Presnell Street from R10 (Medium-Density Residential) to OA6 (Office-Apartment); and
- (iv) Application to rezone property located at 458 and 468 Veterans Loop Road from R10 (Medium-Density Residential) to I2 (General Industrial).

(b) **Quasi-judicial hearing on Case No. SUP-17-02: An application for a special use permit authorizing a Special Non-Residential Intensity Allocation within a watershed for property located north of Pineview Road, east of 850 Pineview Road, and west of the Norfolk Southern Railroad.**

Mayor Smith opened the quasi-judicial hearing on the request to issue a Special Use Permit for a Special Non-Residential Intensity Allocation.

Mr. Nuttall was placed under oath and presented the Community Development Division staff's analysis of the request that included a properly submitted site specific development plan. This request pertains to approximately 30.61 acres of land owned by Cetwick Real Estate Holdings, LLC that is located north of Pineview Road, west of the Norfolk Southern Railroad, and east of 850 Pineview Road. Randolph County Parcel Identification Numbers 7753684191, 7753487218, 7753781486, and 7753596125 more specifically identify the property for which a Special Use Permit has been requested.

Mr. Nuttall utilized a visual presentation to provide the following staff analysis of the Special Use Permit application:

- 1. The property is inside the city limits and has access to city services. Pineview Road is a state-maintained minor thoroughfare.
- 2. The property was previously used as an accessory recreational use (ball field and playground) to a former manufacturing, processing, and assembly land use on the property.
- 3. Fibertex Personal Care has proposed to use the property, which is located within a watershed, for a manufacturing, processing, and assembly use that is permitted by right in an I2 (General Industrial) zoning district.
- 4. Watershed areas are divided into critical and balance areas, with critical areas imposing the most stringent requirements. The property is located within the balance of the Back Creek Lake Watershed area, and the Special Use Permit ("SUP") has been sought in order to allow an increase in the built-upon area.
- 5. Generally, 12 percent built-upon area is the limit for a project such as the land use proposed by Fibertex. However, with the issuance of the requested SUP for a Special Non-Residential Intensity Allocation ("SNIA") within the watershed, this project could be developed with up to 70 percent built-upon area.
- 6. Overall, ten percent of each watershed area may be designated as SNIA area. Within the Back Creek Lake Watershed balance area, 205.48 acres remain for this special allocation. If granted, 14 of the available 205.48 acres would be used by the SUP to authorize the SNIA for the development of up to 70 percent built-upon area.

7. The approval of the requested SUP would have no effect on general watershed requirements (hazardous material storage, stream buffer requirements, etc.) that protect water quality.
8. As part of the SUP application process, Fibertex Personal Care has requested a zoning vest right for a term of five years. The council has the authority to grant this request after considering the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. A zoning vest right is a right, pursuant to G.S. 160A-385.1, to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

In addition to Mr. Nuttall, Ms. Katherine Ross, Esq., Mr. Chris Lowe of Samet Corporation, and Mr. Brian Crutchfield, PE of the Timmons Group were placed under oath. These individuals offered testimony in support of the request, with a focus on addressing the four general standards for issuance of the requested SUP. As part of her testimony, Ms. Ross expressed the Applicant's agreement with the following conditions that were recommended by the planning staff for attachment to the requested SUP:

1. The site plan depicts areas designated for further development, which will include additional built-upon area beyond the area depicted in the first phase of development. Subject to the maximum built-upon area approved by the SUP, land use activities that do not require a SUP are permitted to the full extent permitted by the Asheboro Zoning Ordinance and shall not be deemed to be a modification requiring the issuance of a new SUP. For purposes of illustration and not limitation, this shall include structure(s) and parking areas associated with the "manufacturing, processing, and assembly" use identified on the approved site plan.
2. A revised site plan noting, "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until December 7, 2022" shall be submitted to city staff for inclusion into the file without further review by City Council.

No witnesses came forward in opposition to the issuance of the requested SUP. There being no additional witnesses or evidence to be presented, Mayor Smith transitioned to the deliberative phase of the public hearing.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve, with the staff recommended conditions, the requested Special Use Permit and the associated 5-year zoning vested right. A final decision document with the formal findings of fact, conclusions of law, and order will be adopted by the Council during regular session on December 7, 2017. This order will reflect the conditions imposed upon this permit as a consequence of the testimony during the public hearing.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

(c) Legislative hearing on Case No. RZ-17-11: An application to rezone property located at 364 and 384 N.C. Highway 42 North, including a vacant lot located between the parcels, from R10 (Medium-Density Residential) and M (Mercantile) to B2 (General Commercial).

Mayor Smith opened the public hearing, which was legislative in nature, on the request by L & N Investment, LLC to rezone approximately 1.18 acres of land from R10 (Medium-Density Residential) and M (Mercantile) to B2 (General Commercial). The land to be rezoned is owned by L & N Investment, LLC and is identified by Randolph County Parcel Identification Numbers 7761413138, 7761414104, and 7761414160.

Mr. Nuttall utilized a visual presentation to summarize the planning staff's analysis of the request. The staff report noted the following:

1. The property is outside the city limits. However, the property is currently served by city water. City sewer is located approximately 280 feet from the subject property, but can be extended in compliance with city policies upon annexation.
2. N.C. Highway 42 North is a state-maintained boulevard.
3. The 2014 Comprehensive Transportation Plan identifies this segment of N.C. Highway 42 North as over capacity based on 2012 volumes measuring average annual daily vehicles/day (11,600 capacity vs. 13,000 AADT 2012 volume).
4. In order to relieve the congestion that currently exists on N.C. Highway 42 North, the current NCDOT Transportation Improvement Program has committed funding to road improvements (Project No. U-5743). Proposed improvements include the addition of center turn lanes, sidewalks, curbing, and guttering. Public right-of-way acquisition is currently scheduled to begin in 2019, with construction scheduled to begin in 2020.

5. There are currently two single-family dwellings on the property. If the property is rezoned to the requested B2 district, the existing uses of the property for single-family dwellings will become legal non-conforming and, consequently, subject to the provisions of Article 800 of the zoning ordinance that restrict the expansion or modification of non-conforming situations.
6. The undeveloped parcel is zoned Mercantile, a commercial zoning district which is more restrictive than the B2 district (in terms of permitted uses/maximum square footage), but less restrictive than other commercial districts.
7. The properties are located on a segment of N.C. Highway 42 North that contain a mix of commercial activities (primarily to the southeast) and residential, office/institutional (including medical uses), primarily to the northeast.

The Planning Board recommended approval of the request. This recommendation was based on the Planning Board's concurrence with the following analysis from the Community Development staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans, the reasonableness of the request, and whether the requested rezoning was in the public interest:

The proposed B2 General Commercial district is supported by the Land Development Plan's designation of the property for commercial use. The requested B2 district is also consistent with other properties zoned B2 along this section of N.C Highway 42 North.

The property's growth strategy designation as an "Adjacent Developed Area" and the close proximity of city sewer service to the property also support the request and designating the property with a B2 General Commercial district.

While staff recognizes the limitations of the existing N.C. Highway 42 North, improvements that have been committed to in the current approved Transportation Improvement Program help mitigate concerns over traffic impacts from uses allowable in the B2 district.

Finally known environmental factors (outside of a watershed, flood area, or area with significantly steep slopes) are supportive of this request.

Given these factors, staff believes the requested B2 district allows a reasonable use of property and is generally in the public interest.

There being no comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the hearing.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to follow the staff and Planning Board recommendations to approve the requested rezoning and adopted a multi-part motion that included the following actions:

1. Approval and adoption as its own by the Council of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and
2. In light of the Council's above-stated determination/analysis, the application for the requested zoning amendment was approved, without any modifications, due to the above-described consistency of the requested rezoning with the adopted plans.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

(d) Quasi-judicial hearing on Case No. RZ/CUP-17-12: An application to rezone property located at 1930 and 1940 Gold Hill Road from R10 (Medium-Density Residential) to CU-R40 (Conditional Use Low-Density Residential) and obtain a conditional use permit authorizing a solar farm.

Mayor Smith opened the quasi-judicial hearing on the combined request to legislatively rezone property and to issue a conditional use permit ("CUP") on the basis of evidence introduced during the hearing.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the Applicant's request that included a properly submitted site plan for the CUP. The request pertains to approximately 7.3 acres out of a total of 38.99 acres of land owned by Margaret Millikan at 1930 and 1940 Gold Hill Road. The said 7.3 acres of land, more or less, are a portion of the parcel of land more specifically identified by Randolph County Parcel Identification Number 7762798310.

The Applicant, Tanager Holdings, LLC, is requesting to rezone the above-described property from the current R10 (Medium-Density Residential) zoning to CU-R40 (Conditional Use Low-Density Residential) zoning. Contingent on the success of the legislative rezoning application, the Applicant has also applied for a CUP authorizing a solar farm land use on the property.

During his presentation, Mr. Nuttall presented the staff's analysis. This analysis of the application for rezoning to a CU-R40 zoning district noted in part:

1. Gold Hill Road is a state-maintained minor thoroughfare.
2. The majority of the property is within Randolph County's zoning jurisdiction. The portion of the property within the city limits is the subject of the rezoning application submitted to the city.
3. City services are available to the portion of the property within the city limits.
4. The portion of the property within Randolph County's zoning jurisdiction was formerly in the City of Asheboro's zoning district. In 2013, the city released a substantial portion of its extraterritorial planning jurisdiction (ETPJ) to Randolph County, including the above-referenced portion of the Millikan property currently subject to county jurisdiction.
5. The portion of the property formerly in the city's zoning jurisdiction was zoned R40 (Low-Density Residential) prior to its release from the city's jurisdiction.
6. There is currently a single-family residence on the property located within the City of Asheboro's zoning jurisdiction.
7. The area is primarily low-to medium-density residential, with a public use facility (electric substation) less than five hundred (500) feet from the property.
8. The R40 (Low-Density Residential) or CU-R40 (Conditional Use Low-Density Residential) district are the only residential zoning districts that permit a solar farm. In the R40 district, a special use permit is required for a solar farm. In the CU-R40 district, a CUP is required for a solar farm.
9. The zoning ordinance statement of intent describes the underlying R40 zoning district as "intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to such suburban intensity living."
10. A small area on the southern side of the property within the city's jurisdiction is identified as having slopes greater than 20%.
11. Development of the remainder of the parcel in Randolph County's jurisdiction is subject to the requirements of Randolph County.

Mr. Nuttall also presented the staff's analysis of the application for a CUP. The CUP analysis noted as follows:

1. The request is for a CUP authorizing a solar farm, which is defined in part as a facility producing solar energy for retail or wholesale sale of generated energy.
2. A solar farm is permitted with a special use permit in the R40 Low-Density Residential zoning district. The requested CUP precludes the need for a special use permit.
3. A solar farm requires a 50-foot landscaped screen (Screen "D") around the perimeter of the property, which includes evergreen trees and/or shrubs.
4. There is a single-family dwelling on the property that will remain.
5. The majority of the property owner's land is within Randolph County's zoning jurisdiction. A separate review process is occurring with Randolph County. The requested CUP only includes the portion of the property within the city's zoning jurisdiction.

The planning staff and the Planning Board recommended approval of the requested legislative rezoning based on the following:

Staff's analysis considers all development that is permitted in the underlying zoning district including the requested solar farm use. While a general R40 district may not be appropriate at this location where most residentially zoned properties are designated R10 (Medium-Density Residential), the Conditional Use permitting process helps mitigate concerns over whether potential development can be compatible with surrounding properties, which is a primary concern with properties designated for "Neighborhood Residential" use by the Land Development Plan.

Furthermore, many properties in the area, including the subject property, currently have lower-density than what is allowable in the existing R10 zoning district, which also helps make the requested CU-R40 district appropriate. The former R40 designation on the balance of the parcel that

was located within the city's extraterritorial jurisdiction prior to 2013 also helps support the request.

Given these factors, staff believes the requested CU-R40 zoning designation will allow a reasonable use of property and is generally in the public interest.

Mr. Brian Bednar, President of Birdseye Renewable Energy, was placed under oath and offered testimony in support of the request. The testimony was focused on addressing the four standards for issuance of a CUP. As part of his testimony, Mr. Bednar expressed the Applicant's agreement with the following conditions that were recommended by the planning staff for attachment to the requested CUP.

1. Land use activities not requiring a conditional or special use permit in the underlying R40 district shall be permitted, with the exception of Manufactured/Mobile Homes (Class A or B, single wide or double wide). Staff shall be given the authority to review uses permitted by right to the full extent of the Asheboro Zoning Ordinance without further review by the City Council.
2. The site plan does not indicate any additional outdoor lighting at this time. If the applicant proposes outdoor lighting at a later date, it shall not be considered a modification requiring a new CUP. Information shall be submitted to city staff demonstrating compliance with Section 318A.1 of the Asheboro Zoning Ordinance (Performance Standards for Residential Zoning Districts-Light) for inclusion into the file without further review by the City Council.
3. The buffer on the southern boundary of the property adjacent to the Eloisa Tejada Patino tract (DB 1832, 2702) shall consist of plantings required for a Screen D, and may use existing vegetation within a 50' buffer/screening yard.
4. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the application shall submit documentation detailing the following approvals:
 - (i) Driveway permit from NCDOT
 - (ii) Erosion Control approval from N.C. Department of Environmental Quality
5. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this CUP in the chain of title for the Zoning Lot.

Mr. Rashidi Everett asked questions and expressed concerns pertaining to the proposed solar farm's potential effect on radio transmissions (specifically including CB radios) and WiFi. Additionally, Mr. William Burrow expressed comments and concerns regarding the buffer proposed for the solar farm. There being no further comments, Mayor Smith transitioned to the deliberative phase of the hearing process.

With regard to the request to place the property in a different zoning district, the Council considered and took action by adopting a multi-part motion that included the following actions:

1. Approval and adoption as its own by the Council of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and
2. In light of the Council's above-stated determination/analysis, the application for the requested zoning amendment was approved, without any modifications, due to the above-described consistency of the requested rezoning with the adopted plans.

The above-stated motion to rezone the property was made by Mr. Bell and seconded by Mr. Moffitt. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the requested zoning amendment.

After its approval of the requested zoning amendment, the Council Members concluded that, with the staff proposed conditions, the standards for granting the request CUP had been met. Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve the requested CUP, with the staff suggested conditions, authorizing a solar farm.

The formal findings of fact, conclusions of law, and order reflecting the action taken on the requested CUP will be entered by the Council during regular session on December 7, 2017.

(e) Quasi-judicial hearing on Case No. RZ/CUP-17-13: An application to rezone property located at 1378, 1380, 1510, 1514, 1530, and 1538 Old Cedar Falls Road from R10 (Medium-Density) residential to CU-R40 (Conditional Use Low-Density Residential) and to obtain a conditional use permit authorizing a solar farm.

Mayor Smith opened the quasi-judicial hearing on the combined request from Old Cedar Solar, LLC to legislatively rezone property from R10 (Medium-Density Residential) to CU-R40 (Conditional Use Low-Density Residential) zoning and to issue a Conditional Use Permit ("CUP") authorizing a solar farm.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the Applicant's request that included a properly submitted site plan for the CUP. The request pertains to approximately 45.48 acres of land owned by John Harris Kidd and Kathy Kidd at 1378, 1380, 1510, 1514, 1530, and 1538 Old Cedar Falls Road. This land is more specifically identified by Randolph County Parcel Identification Number 7761548926.

During his presentation, Mr. Nuttall presented the following staff analysis of the application to place the property in a CU-R40 zoning district:

1. Old Cedar Falls Road and East Presnell Street are state-maintained minor thoroughfares.
2. The property is outside the city limits. Water is currently available to the property. Sewer is currently unavailable to the property, located approximately 1300 feet southwest along Old Cedar Falls Road.
3. There are currently two single-family dwellings on the property. There is also a structure that was designed and last used for retail activities that have been discontinued.
4. The applicant has filed a request for a CUP authorizing a Solar Farm. The R40 (Low-Density Residential) or CU-R40 (Conditional Use Low-Density Residential) districts are the only residential zoning districts that permit a solar farm. In the R40 zoning district, a special use permit must be issued in order for a solar farm to be developed. In the CU-R40 zoning district, a CUP is required for a solar farm.
5. The area primarily consists of low to medium-density residential uses. There are also some institutional uses: (two places of worship), a public use facility (electric substation), and a congregate living facility adjacent to the property.
6. A small area on the eastern side of the property is identified as having slopes greater than 20%.
7. The zoning ordinance statement of intent describes the underlying R40 zoning district as "intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to such suburban intensity living."

Mr. Nuttall also presented the following staff analysis of the CUP application:

1. The request is for a solar farm, which is defined in part as a facility producing solar energy for retail or wholesale sale of generated energy.
2. A solar farm is permitted with a special use permit in the underlying R40 (Low-Density Residential) zoning district. The requested CUP precludes the need for a special use permit.
3. A solar farm requires a 50-foot landscaped screen (Screen "D") around the perimeter of the property, which includes evergreen trees and/or shrubs.
4. There are two single-family dwellings on the property, one of which may be removed.
5. A non-residential structure also exists on the property. The last identified use was retail shoppers/convenience goods. This is currently a non-conforming use in the R10 district and would continue to be a non-conforming use in the CU-R40 district.

The planning staff and the Planning Board recommended approval of the requested legislative rezoning to a CU-R40 zoning district on the basis of the following analysis:

Staff's analysis considers all development that is permitted in the underlying zoning district including the requested solar farm use. While a general R40 district may not be appropriate at this location where most residentially zoned properties are designated R10 (Medium-Density Residential), the Conditional Use permitting process helps mitigate concerns over whether potential development can be compatible with surrounding properties, which is a primary concern with properties designated for "Neighborhood Residential" use by the Land Development Plan.

There is also R40 zoning directly across Old Cedar Falls Road from the subject property, and some of the area, including the subject property, has developed at a density similar to what is allowable in the R40 district, which helps support the request.

The current lack of public sewer accessible to this property hampers the ability to fully support the medium-density residential development described by the Land Development Plan's Neighborhood Residential Land Category Descriptions, along with other intensive economic development activities.

Given these current constraints, staff believes the requested CU-R40 zoning designation will allow a reasonable use of property and is generally in the public interest.

The following individuals were placed under oath and offered testimony in support of the request:

1. Nathan Duggins, Esq.
2. Steve Evans, Outreach Manager-Development, Cypress Creek Renewables
3. Rich Kirkland, MAI, Kirkland Appraisals
4. Chris Sandifer, PE

The above individuals' testimony was focused on addressing the standards for issuance of the requested CUP. Mr. Duggins testified as to the Applicant's agreement with the following conditions that were recommended by the planning staff for attachment to the requested CUP:

1. Land use activities not requiring a conditional or special use permit in the underlying R40 district shall be permitted, with the exception of Manufactured/Mobile Homes (Class A or B, single wide or double wide). Staff shall be given the authority to review uses permitted by right to the full extent of the Asheboro Zoning Ordinance without further review by the City Council.
2. Existing structures and uses shown are noted on the approved site plan and have no functional relationship with the approved solar farm use. The issuance of this CUP is not construed as an entry of any finding, conclusion, or order as to the legal status of these existing structures. The existing structures that are noted on the approved site plan and for which the CUP is not required may continue so long as such buildings and uses are utilized in strict compliance with the zoning ordinance.
3. The site plan indicates a 20-foot emergency access drive within the fenced areas containing solar panels. Changes to the configuration internally within these fenced areas, including elimination of the drive, shall not be deemed a CUP modification if conducted in strict compliance with emergency services requirements. Such changes may be reviewed by city staff for inclusion in the file without further review by the City Council.
4. The site plan does not indicate any additional outdoor lighting at this time. If the applicant proposes outdoor lighting at a later date, it shall not be considered a modification requiring a new CUP. Information shall be submitted to city staff demonstrating compliance with Section 318A.1 of the Asheboro Zoning Ordinance (Performance Standards for Residential Zoning Districts-Light) for inclusion into the file without further review by the City Council.
5. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:
 - (i) Driveway permit from NCDOT
 - (ii) Erosion control approval from N.C. Department of Environmental Quality
6. The applicant indicates use of a Screen D and existing vegetation to meet the requirements of Section 652.2(ii) of the Asheboro Zoning Ordinance. The applicant shall submit additional landscaping details showing compliance with these requirements. The applicant may use existing vegetation as indicated on the site plan, however, additional plantings will be required if existing vegetation is deficient in meeting the requirements of landscaping equivalent to a Screen D.
7. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this CUP in the chain of title for the Zoning Lot.

Mr. James Pemberton was placed under oath and expressed comments/concerns pertaining to the potential impact of the proposed solar farm on the community.

Additionally, Mr. Nuttall noted that, prior to the council meeting, the planning staff received a written statement in opposition to the proposed solar farm from Ms. Addie Luther.

There being no further testimony to be received, Mayor Smith transitioned to the deliberative phase of the application process.

With regard to the request to place the property in the CU-R40 zoning district, the Council adopted a multi-part motion that included the following actions:

1. Approval and adoption as its own by the Council of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and
2. In light of the Council's above-stated determination/analysis, the application for the requested zoning amendment was approved, without any modifications, due to the above-stated description of the consistency of the request with the adopted plans.

The above stated two-part motion to rezone the property was made by Mr. Moffitt and seconded by Mr. Bell. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

After its approval of the requested zoning amendment, the Council Members concluded that, with the attachment of the staff proposed conditions, the standards for granting the requested CUP had been met. Upon motion by Mr. Moffitt and seconded by Ms. Carter, Council voted unanimously to approve the requested CUP, with the staff suggested conditions, authorizing a solar farm. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

The formal findings of fact, conclusions of law, and order reflecting the Council's actions will be entered by the Council during regular session on December 7, 2017.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

(f) Quasi-judicial hearing on Case Nos. CUP-17-14 and SUB-17-04: An application for a conditional use permit authorizing a residential planned unit development on property located on the north side of Hub Morris Road, approximately 600 feet east of the intersection with North Fayetteville Street, and on the west side of Forest Park Drive. This application includes a subdivision sketch design review for a portion of the property.

Mayor Smith opened the quasi-judicial hearing on the combined request for a conditional use permit ("CUP") authorizing a residential planned unit development (a "PUD") and the associated subdivision sketch design review and approval.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the request that included a properly submitted site plan. The requested CUP is for a PUD known as Jackson's Run with 131 detached single-family dwelling lots. This new CUP is designed to replace the CUP previously issued for Waterford Villas, Phase 2. The current applicant is Wade Journey Homes.

The new plans also involve modifications to Waterford Villas, Phase 1. The modifications include changes in open space and street layout that require the earlier phase to also be part of the current review process. Consistent with the requirements triggered by the revised plans, all owners of individual lots and common area within Waterford Villas, Phase 1 have signed onto the current CUP application.

A subdivision sketch design for Jackson's Run has been properly submitted for review. Waterford Villas, Phase 1 has already been recorded and, consequently, does not require new subdivision approval.

When combined, Waterford Villas, Phase 1 and Jackson's Run encompass approximately 50.24 acres of land. Jackson's Run is approximately 38.787 acres in size.

Jackson's Run is proposed to have 131 lots plus common area. 2,222.81 square feet is the proposed average lot size. In terms of new linear feet of public street, approximately 4,431.4 feet (0.84 of a mile) is proposed.

There will be no street connection between Waterford Villas, Phase 1 and Jackson's Run. The applicant proposes to remove undedicated street pavement in order to sever the originally contemplated street connection between the two developments.

During his testimony, Mr. Nuttall noted the following facts:

1. The City Council originally granted approval for a PUD at this location in 2006. Prior to the current application, the Council granted approval for a PUD which allowed an increase in the number of units (80 to 117), the addition of a residents' storage facility, and the incorporation of triplexes.
2. The proposed changes that triggered the need for a new CUP include constructing detached dwellings instead of attached dwellings, plans for two story units, a change in the vehicular access, and changes in the configuration of open space. All landowners in Waterford Villas have signed onto the application requesting the granting of a new permit.
3. Under the current proposal, common area originally planned to be under the control of Waterford Villas will change and will no longer include the existing ponds and dam, which will be controlled by the association for Jackson's Run.
4. The proposed units are single-story and two-story ranging from approximately 1,600 to 2,100 square feet, plus a two-vehicle garage for each unit.

During the hearing, the following witnesses were placed under oath and offered testimony:

1. Tom Wright, Esq.
2. Dave Hodgman
3. Mark Leonard
4. Robert Bloh

No witnesses came forward in opposition to the applicant's request for the issuance of a new CUP. After all of the witnesses were heard, Mayor Smith transited to the deliberative phase of the hearing process.

Upon motion by Mr. Bell and seconded by Ms. Redding, Council voted unanimously to approve, with the staff recommended conditions that were agreeable to all of the interested parties, the requested CUP.

The planning staff and Planning Board do not make recommendations as to the issuance of a CUP. However, both the staff and Planning Board did recommend, with conditions, approval of the subdivision sketch design.

Council Member Bell moved, and Council Member Swiers seconded the motion, to follow the recommendations of the planning staff and board. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion and approved the subdivision sketch design with the recommended conditions.

A final decision document with the formal findings of fact, conclusions of law, and orders reflecting the actions taken by the Council, specifically including the conditions attached to the land use approvals, will be entered by the Council during regular session on December 7, 2017.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the City Clerk's office.

5. Public comment period.

Mayor Smith opened the floor for public comments.

During the public comment period, Mr. James Armstrong expressed his ongoing desire to make Asheboro a better place and to work to continue to work on public safety issues within the city, such as the opioid crisis. Additionally, Mr. Armstrong asked that the city focus on improving the underlying conditions that contribute to high numbers of calls for police services.

There being no further comments from the public, Mayor Smith closed the public comment period.

6. Engineering items:

(a) Request for the council to award contracts for the following:

(i) Replacement of the HVAC System at the public works facility.

City Engineer Michael Leonard, PE, reported that two (2) bids were received on October 30, 2017, at 2:00 p.m., for the replacement of the HVAC System at the City of Asheboro's Public Works Facility. He recommended the award of the contract for the project to Charlie's Heating and Cooling, which was the apparent lowest responsive, responsible bidder with a bid of \$53,640.00.

Based on the staff recommendation, Mr. Bell moved to award the contract to Charlie's Heating and Cooling. Ms. Snuggs seconded the motion, and the motion was adopted unanimously. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

A copy of the bid tabulation presented by Mr. Leonard is on file in the city clerk's office.

(ii) The purchase of windows for the McCrary Gym renovation project.

Mr. Leonard reported that two (2) quotes were received on November 1, 2017, at 2:00 p.m., for the purchase of windows for the McCrary Gym renovation project. He recommended that the city purchase the windows from ABC Supply Co., Inc., which was the apparent lowest responsive, responsible bidder with a bid of \$45,698.74.

Based on the staff recommendation, Mr. Bell moved to award the said contract to ABC Supply Co., Inc. Mr. Burks seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion.

A copy of the tabulation of quotes presented by Mr. Leonard is on file in the city clerk's office.

(b) Consideration of a petition to annex a parcel of land (Randolph County Parcel Identification Number 7750736791) at 200 Foster Street.

(i) After receiving an overview of the annexation petition from Mr. Leonard, Council Member Burks moved to adopt the following resolution by reference, and Council Member Snuggs seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the resolution.

RESOLUTION NUMBER 35 RES 11-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF AN ANNEXATION PETITION SUBMITTED BY A TOWN INVESTMENTS, LLC

WHEREAS, A Town Investments, LLC (the "Petitioner") has submitted, by and through its managing members, a petition requesting the annexation into Asheboro of approximately 0.355 of an acre (15,454 square feet) of the Petitioner's land; and

WHEREAS, a structure with the address of 200 Foster Street, Asheboro, North Carolina 27205 is located on the parcel of land for which annexation has been requested, and this parcel (the "Proposed Annexation Territory") is more specifically identified by Randolph County Parcel Identification Number 7750736791; and

WHEREAS, the Proposed Annexation Territory is contiguous, as defined by the General Statutes of North Carolina, with Asheboro's primary city limits; and

WHEREAS, Section 160A-31 of the General Statutes of North Carolina provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, in response to this petition, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation process;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of November, 2017.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

In anticipation of the council's above-state action, the city clerk prepared the following certification in advance of the council meeting and submitted this certificate for the council's review.

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Received from A Town Investments, LLC)

TO: The City Council of the City of Asheboro, North Carolina

I, Holly H. Doerr, am the City Clerk for the City of Asheboro, and I do hereby certify that, with the assistance of staff members in various city departments, I have investigated the petition submitted by A Town Investments, LLC requesting the annexation of approximately 0.355 of an acre (15,454 square feet) of land owned by the limited liability company into Asheboro's primary city limits. The territory for which the petitioner is requesting annexation (the "Proposed Annexation Territory") is more specifically identified by Randolph County Parcel Identification Number 7750736791.

On the basis of the evidence obtained during the course of my investigation, I have concluded that all of the owners of the real property lying in the Proposed Annexation Territory have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the General Statutes of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of the 9th day of November, 2017.

(CITY SEAL)

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

- (ii) In light of the preceding council action and the submittal of the city clerk's certification document, Mr. Leonard then presented for the council's consideration a resolution setting the date for an advertised hearing on the question of the requested annexation. Council Member Burks moved to adopt the following resolution by reference, and Council Member Bell seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the resolution.

RESOLUTION NUMBER 36 RES 11-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF THE REQUESTED ANNEXATION OF LAND OWNED BY A TOWN INVESTMENTS, LLC

WHEREAS, by and through its managing members, A Town Investments, LLC (the "Petitioner") has properly submitted a petition requesting the annexation into Asheboro's primary city limits of approximately 0.355 of an acre (15,454 square feet) of the Petitioner's land; and

WHEREAS, a structure with the address of 200 Foster Street, Asheboro, North Carolina 27205 is located on the parcel of land for which annexation has been requested, and this parcel (the "Proposed Annexation Territory") is more specifically identified by Randolph County Parcel Identification Number 7750736791; and

WHEREAS, pursuant to a previously adopted resolution, the city clerk has been directed to investigate the sufficiency of the said annexation petition; and

WHEREAS, the city clerk has certified the sufficiency of the petition for proceeding with setting the date for a public hearing on the question of the requested annexation pursuant to Section 160A-31 of the General Statutes of North Carolina;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro as follows:

Section 1. A public hearing on the question of annexing the territory described herein will be held in the main conference room at the City of Asheboro Public Works Facility, which is located at 1312 North Fayetteville Street, Asheboro, North Carolina 27203, during a regular meeting of the Asheboro City Council that will begin at 7:00 o'clock p.m. on the 7th day of December, 2017.

Section 2. The area proposed for annexation is described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a 1" existing iron pipe flush with the ground in the southern margin of the 40-foot public right-of-way for Foster Street (North Carolina Secondary Road 2932) at the northeastern corner of the A Town Investments, LLC property described in Deed Book 2462, Page 1335, Randolph County Registry (the said A Town Investments Property is all of Lots 317B, 317C, and 317D of the Hammer Park Subdivision as shown on a plat of survey recorded in Plat Book 2, Page 33, Randolph County Registry; this A Town Investments, LLC property will be hereinafter referred to as the "Annexation Parcel"), the 1" existing iron pipe at the beginning point of this metes and bounds description is located by means of the North Carolina Coordinate System at the coordinates of North 703,878.61 feet and East 1,757,820.15 feet (NAD 83); thence from the said beginning point leaving the southern margin of the public right-of-way for Foster Street and proceeding along the Darrell D. Jordan property described in Deed Book 1922, Page 2804, Randolph County Registry by following the eastern boundary line of the Annexation Parcel, which is the proposed new primary city limits line, South 07 degrees 43 minutes 16 seconds West 226.72 feet to a 1" existing iron pipe that is up 8" at the southeastern corner of the Annexation Parcel, the said corner is located by means of the North Carolina Coordinate System at the coordinates of North 703,653.94 feet and East 1,757,789.68 feet (NAD 83); thence departing from the eastern boundary line for the Annexation Parcel and following the proposed new primary city limits line North 86 degrees 45 minutes 37 seconds West 37.69 feet along the Annexation Parcel's southern boundary line to a point in the existing primary city limits line with a 1" existing iron pipe that is up 2" at the southwestern corner of the Annexation Parcel; thence departing from the Annexation Parcel's southern boundary line and proceeding along the existing primary city limits line by following the Annexation Parcel's western boundary line the following courses and distances: North 07 degrees 02 minutes 46 seconds West 85.77 feet to a ¾" pinched top existing iron pipe that is down 2"; thence North 07 degrees 05 minutes 07 seconds West 150.07 feet to a 1-¼" existing iron pipe that is down 12" in the southern margin of the public right-of-way for Foster Street at the northwestern corner of the Annexation Parcel; thence departing from the Annexation Parcel's western boundary line and continuing to follow the existing primary city limits line South 83 degrees 14 minutes 34 seconds East 97.80 feet along the southern margin of the 40-foot public right-of-way for Foster Street to the point and place of BEGINNING, and containing 0.355 acres (15,454 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey identified as job number 20171030atown, dated in the title block October 30, 2017, and titled "Annexation Survey For: A Town Investments LLC." The said plat was drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with Registration Number L-4787.

Section 3. Notice of the public hearing shall be published in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 9th day of November, 2017.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

7. Discussion of vacancies on the Asheboro Airport Authority and on the Redevelopment Commission.

Mr. Ogburn informed the council members of vacancies on the Asheboro Airport Authority and on the Asheboro Redevelopment Commission. In accordance with past practice and direction from the Council, city staff will post public notice of the request for interested citizens to submit applications to the city clerk. The city manager will keep the Council updated as the selection process progresses. No action was taken by the Council at this time.

8. Discussion of potential changes in the council's meeting schedule for 2018.

Mayor Smith led a discussion of whether changes need to be made in the meeting schedule for 2018. The only change from the normal meeting schedule that appeared to be necessary was the change, due to the Independence Day holiday, of the July 2018 meeting from July the 5th to July the 12th. An ordinance setting the schedule for regular meetings during the 2018 calendar year will be presented for adoption during the Council's next regular meeting on December 7, 2017.

9. Closed session.

Mayor Smith opened the floor for a motion to go into closed session pursuant to Section 143-318.11(a)(5) of the North Carolina General Statutes in order to provide instructions concerning the position to be taken in negotiating the price and other material terms for the purchase from Pine Lake Partners, LLC of approximately 8 acres adjoining the proposed Zoo City Park Sportsplex. Mr. Swiers moved to go into closed session, and Mr. Burks seconded the motion. The motion was then adopted unanimously. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

10. Upcoming events.

Upon returning to open session, Mayor Smith briefly led a discussion of upcoming events occurring with the city government and the community in general. No action was taken by the Council during this portion of the meeting.

There being no further business, the meeting was adjourned at 10:41 p.m.

Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk

David H. Smith, Mayor

GENERAL ACCOUNT OF A CLOSED SESSION

Asheboro City Council Public Works Facility Conference Room, 1312 N. Fayetteville Street Thursday, November 9, 2017

Upon the unanimous adoption of a motion to go into closed session in order to provide instructions concerning the position to be taken in negotiating the price and other material terms for the purchase from Pine Lake Partners, LLC of approximately 8 acres adjoining the proposed Zoo City Park Sportsplex, a closed session was conducted under the authority of Section 143-318.111(a)(5) of the North Carolina General Statutes with the following elected city officials and city staff members present:

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Linda H. Carter)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)
Charles A. Swiers)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

Mayor Smith and the city manager led a discussion and evaluation of the potential acquisition by the city of approximately eight (8) acres of land that adjoins the proposed Zoo City Park Sportsplex near the intersection of Zoo Parkway and Old Cox Road. During various fund raising discussions, the desirability of obtaining more than one point of ingress and egress for the park has emerged as a topic of concern.

Pine Lake Partners, LLC has approximately 8 acres of land that is contiguous with the property the city owns and plans to develop as the Zoo City Park Sportsplex. This land has road frontage along Old Cox Road and, according to the city engineer, the topography of this land will lend itself to cost effective development.

In light of the benefit from gaining an additional point of access with land suitable for development, the consensus emerged from the council members to authorize Mayor Smith and the city staff to approach Pine Lake Partners, LLC about purchasing the eight acres at a purchase price of no more than \$250,000.00. If the response is favorable, the land purchase is to be placed on the Council's agenda for approval.

Once this discussion was concluded, Council Member Bell moved to return to open session. Council Member Burks seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion, and the council returned to open session.

Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on October 2, 2017

The Asheboro ABC Board met on October 2, 2017, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Member Steve Knight and General Manager Rodney Johnson (GM). Bob Morrison attended via telephone. A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after the Chair and Board member(s) voiced having no conflict, and there being no objection, the agenda was adopted.

The Board reviewed and there being no objection, approved the minutes of the September 5, 2017, Board meeting.

No member of the public was present at the meeting.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses).

The Board reviewed 3rd and 4th quarter grant applications for the treatment of alcoholism or substance abuse or for research or education on alcohol or substance abuse. After discussion, Bob Morrison moved that available 3rd and 4th quarter grant funds be awarded to Randolph Fellowship Homes. The motion was approved by the board.

A contract from Lewis & Lewis, CPAs to audit the FY2017-2018 accounts of the Board was presented and received by the Board. After discussion, the Chair moved to enter into the proposed contract and the motion was approved by the Board.

The Board heard reports from the General Manager concerning the following issues:

1. Asheboro ABC sales statistics comparing:

- September 2017 sales with the previous month indicate:
 - An overall +6.5% change (all sales and tax collections)
- September 2017 sales with sales from the same month last year indicate:
 - Retail Sales +1.4% (\$237,727.75)
 - Mixed Beverage Sales: +3.7% (\$29,721.11)
 - Sales Tax Collections: +1.4% (\$16,658.53)
 - Overall Collections: +1.61% (\$284,107.39)

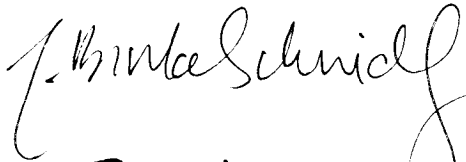
- September 2017 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +7.3%
 - Mixed Beverage Bottle Sales: +3.2%
 - Overall Bottle Sales: +7.0%

The next regular Asheboro ABC Board meeting will be held Monday, November 6, 2017, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 11-6-17


GM







ORDINANCE TO AMEND
THE GENERAL FUND
FY 2017-2018

WHEREAS, The City of Asheboro and Technimark LLC, Wellmark LLC, Green Light Holdings LLC, and TMark Holdings LLC together applied for a \$450,000 One NC Grant with the NC Department of Commerce for Technimark LLC's expansion project and was awarded the grant November 6th, 2014, and;

WHEREAS, Technimark LLC and others have submitted the appropriate paperwork and satisfied the requirements for grant distribution of \$225,000, and;

WHEREAS, the City of Asheboro received the "pass thru" grant funds from the NC Department of Commerce on December 5, 2017 and would like to remit the funds to Technimark LLC in a timely fashion, and;

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for these changes in revenues and expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following Revenue line item be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
10-349-0000	State Grants	225,000

Section 1: That the following Expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-490-3200	Grants- Technimark, LLC	225,000

Adopted this 7th day of December, 2017

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE SETTING THE DATES FOR REGULAR MEETINGS
OF THE ASHEBORO CITY COUNCIL DURING THE
2018 CALENDAR YEAR**

WHEREAS, Section 31.04(A) of the Code of Asheboro provides that the “City Council shall hold a regular meeting on Thursday after the first Monday of each month;” and

WHEREAS, in an effort to avoid reasonably foreseeable scheduling conflicts with the Independence Day holiday, the Asheboro City Council has decided to reschedule its regular meeting in July 2018;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. During the 2018 calendar year, and subject to any notices to the contrary issued in accordance with the applicable laws and ordinances, regular meetings of the Asheboro City Council will begin at 7:00 p.m. on the dates listed herein and will be held in the Council Chamber at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

Section 2. Due to the Independence Day holiday, the regular meeting of the Asheboro City Council in July 2018 shall be held in the Council Chamber at Asheboro City Hall, with a beginning time of 7:00 p.m., on the 12th day of July, 2018.

Section 3. For purposes of clarity, the schedule is as follows for regular meetings of the Asheboro City Council during the 2018 calendar year:

<u>Month</u>	<u>Meeting Date</u>
January	4 th
February	8 th
March	8 th
April	5 th
May	10 th

June	7 th
July	12 th
August	9 th
September	6 th
October	4 th
November	8 th
December	6 th

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed to the extent that such ordinances conflict with the intent of the Asheboro City Council to hold its regular meetings in accordance with the schedule found in Section 3 of this Ordinance. With the exception of rescheduling the Asheboro City Council's regular meeting in July 2018, the provisions of Section 31.04 of the Code of Asheboro remain in full force and effect.

Section 5. This Ordinance shall become effective upon adoption and shall sunset at midnight on December 31, 2018.

This Ordinance was adopted in open session during a regular meeting of the Asheboro City Council held on the 7th day of December, 2017.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION OF CONCURRENCE WITH THE COMMITTEE
APPOINTMENTS MADE BY MAYOR DAVID H. SMITH**

WHEREAS, the Code of Asheboro (the “Code”) authorizes the Mayor to appoint Council Members to the various committees listed in Section 31.02 of the Code as well as to other committees established by and organized in accordance with resolutions adopted by the Asheboro City Council (the “Council”) independent of the committee framework established in the Code; and

WHEREAS, the appointment of individuals to such committees is to take place during the organizational meeting that follows the municipal general election; and

WHEREAS, Section 31.02 of the Code provides that the above-referenced committee appointments are subject to the approval of the Council; and

WHEREAS, during the organizational meeting held on December 7, 2017, Mayor David H. Smith made the following committee appointments:

Finance and Public Safety Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Clark R. Bell
3. Jane H. Redding
4. Charles A. Swiers

Public Works Committee

1. Mayor Pro Tempore, Chair (Designated as Chair by the Code)
2. Edward J. Burks
3. Katie L. Snuggs

Personnel Evaluation Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Mayor Pro Tempore
3. Linda H. Carter

Tourism and Marketing Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Edward J. Burks
3. Katie L. Snuggs

Identity Theft Prevention Program Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Linda H. Carter
3. Charles A. Swiers

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, without exception, the committee appointments specified in the preceding recitals are hereby approved.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 7th day of December, 2017.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



RZ-17-15: Request to rezone from R40 (Low-Density Residential) and CU-OA6 (Conditional Use Office-Apartment) to OA6 (Office-Apartment)

(3367 Zoo Pkwy. and corner of Zoo Pkwy. and Old Cox Rd.)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-17**
 -15

Date 11/6/2017 Planning
Bd.

Applicant Cross Road Retirement Community c/o Mr. Steve Rumbley

Legal Description

The property of Cross Road Rest and Retirement Center, Inc. located at the southern intersection of Zoo Pkwy and Old Cox Road and 3367 Zoo Pkwy (south of 3321 Zoo Pkwy). The properties total approximately 10.59 acres +/- and are more specifically defined by Randolph County Parcel Identification Numbers 7669553525 and 7669466475

Requested Action Rezone from R40 (Low-Density Residential) and CU-OA6 (Conditional Use Office-Apartment) to OA6 (Office-Apartment)

Existing Zone R40/CU-OA6

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-17-15

Date 11/6/2017 Planning Board
12/7/2017 City Council

General Information

Applicant Cross Roads Retirement Community c/o Mr. Steve Rumbley

Address 1302 Old Cox Road

City Asheboro NC 27203

Phone 336-629-7811

Location southern corner of Zoo Pkwy (NC 159) & Old Cox Rd and 3367 Zoo Parkway

Requested Action Rezone from R40 (Low-Density Residential) and CU-OA6 (Conditional Use Office-Apartment) to OA6 (Office-Apartment)

Existing Zone R40/CU-OA6

Existing Land Use Undeveloped

Size 10.59 acres +/-

Pin # 7669553525 and 7669466475

Applicant's Reasons as stated on application

Current property now in City limits with OA6 zoning. Would like all property under OA6 zoning. Mixture of activity of multi-family apartments and community buildings. Will assist CRRC in completing Master Plan and fulfilling mission of Cross Road.

Surrounding Land Use

North Undeveloped Commercial/Multi-family

East Multi-family development

South US 64 Bypass under construction

West Residential PUD/Single-family residential

Zoning History 2000: Property on corner of Zoo Pkwy. and Old Cox Road was rezoned from R40 to CU-OA6 (RZ-00-34)
2013: Property at 3367 Zoo Parkway was removed from City's ETJ in January, 2013 Properties annexed into City in June, 2013. Property at 3367 Zoo Pkwy. placed back in City ETJ.(RZ-13-10)

Legal Description

The property of Cross Road Rest and Retirement Center, Inc. located at the southern intersection of Zoo Pkwy and Old Cox Road and 3367 Zoo Pkwy (south of 3321 Zoo Pkwy). The properties total approximately 10.59 acres +/- and are more specifically defined by Randolph County Parcel Identification Numbers 7669553525 and 7669466475

Analysis

1. Zoo Parkway (NC 159) is a state-maintained major thoroughfare. Old Cox Road is a state-maintained minor thoroughfare.
2. The request involves rezoning of two parcels: An undeveloped parcel at the southern intersection of Zoo Parkway and Old Cox Road from CU-OA6 (Conditional Use Office-Apartment) to OA6 and an undeveloped parcel located approximately 1500 feet south of this intersection from R40 (Low-Density Residential) to OA6.
3. The properties were annexed into the City limits in 2013. City water and sewer are available to the properties.
4. The area includes a mix of residential (including single-family and multi-family), office and institutional uses, plus undeveloped commercial property (zoned B2) to the north.
5. The property is immediately north of the US Hwy. 64 Bypass that is under construction.
6. The parcel on the corner of Zoo Parkway and Old Cox Road is designated as a "Village Center", which is described as a medium-scale, mixed-use activity center, serving multiple neighborhoods.
7. The parcel located at 3367 Zoo Pkwy. is designated as "Conservation Residential" which is described by the LDP as accommodating existing & limit new low-density residential uses, and encourage cluster development.

Rezoning Staff Report

RZ Case # RZ-17-15

Page 2

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation Village Activity Center/conservation residential

Small Area Plan Southeast

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 1: Complies with LDP proposed land use map (northern parcel)

Checklist Item 4: Proposed rezoning is compatible with surrounding land uses

Checklist Item 5: Complies with Growth Strategy Map

Checklist Items 12-14: Outside watershed/flood area, area with steep slopes

Rezoning Staff Report

RZ Case # RZ-17-15

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Does not comply with LDP map (southern parcel)

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

The CU-OA6 designation occurred when fewer parcels in the area were zoned for non-residential uses. The area has since developed with a mix of uses, and rezoning of parcels in the area has occurred since that time, including the parcel immediately to the north zoned B2.

The Land Development Plan describes the Village Center as having a mix of uses and serving multiple neighborhoods. While the conservation residential designation applied to the southernmost parcel is described as accommodating low density residential uses, it also encourages clustering of development and preservation of open space. This is possible in the OA6 district, as the district bases density on floor area rather than minimum lot size. The construction of the US 64 Bypass bordering the southernmost parcel that is designated for conservation residential use and the adjoining Village Center designation makes an OA6 district reasonable by allowing this parcel to be developed in a cohesive manner consistent with the adjoining parcels.

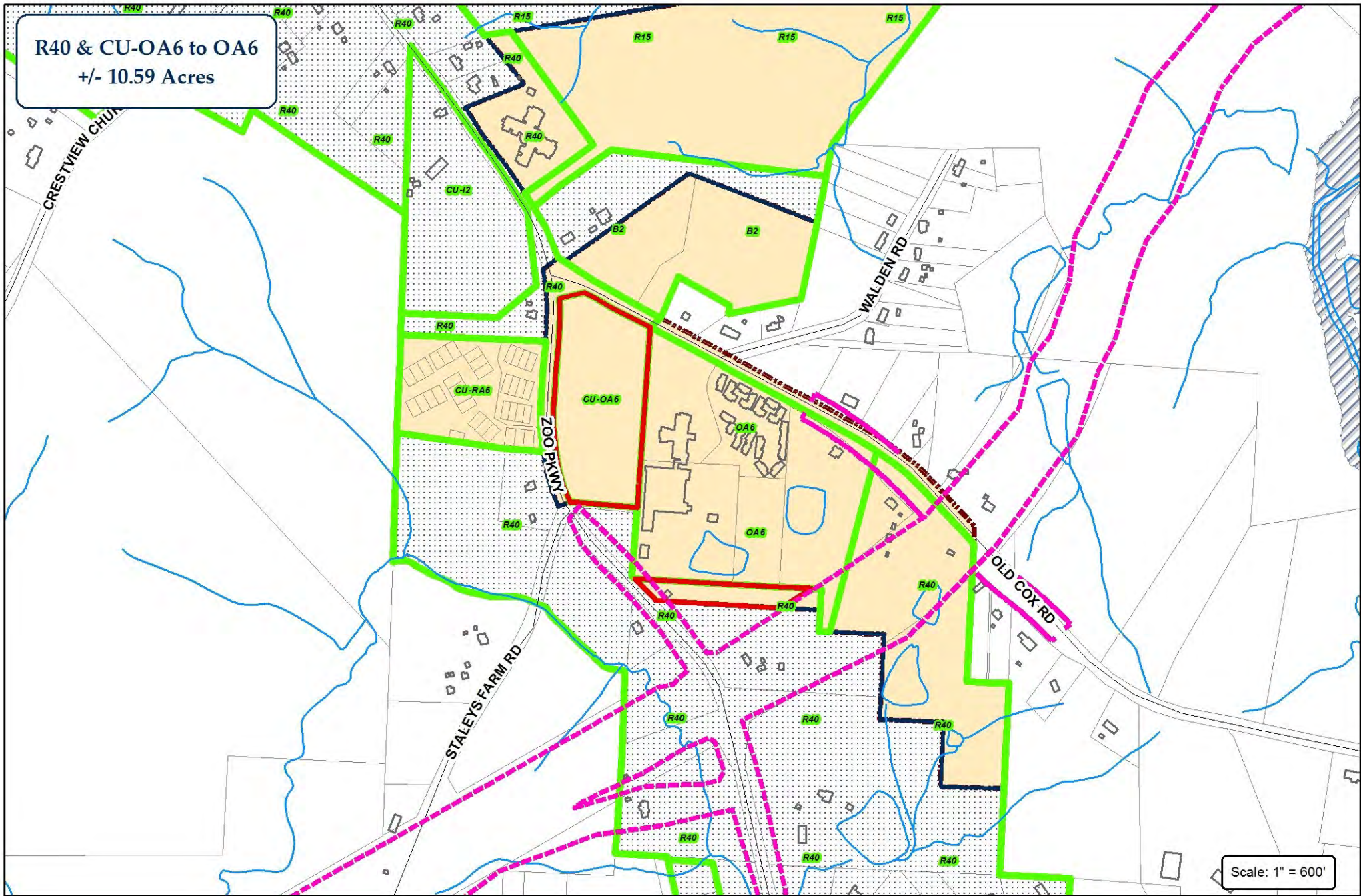
When the property was annexed, staff applied OA6 zoning on much of the adjoining property to reflect the land uses in the vicinity, adding to the reasonableness of this request.

Additionally, no known environmental factors (location in watershed, flood area, area of steep slopes) are negative towards the request.

Considering these factors, staff believes that the requested OA6 district for both parcels is reasonable and in the public interest.

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

R40 & CU-OA6 to OA6
+/- 10.59 Acres



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-15

Parcel: 7669553525 & 7669466475

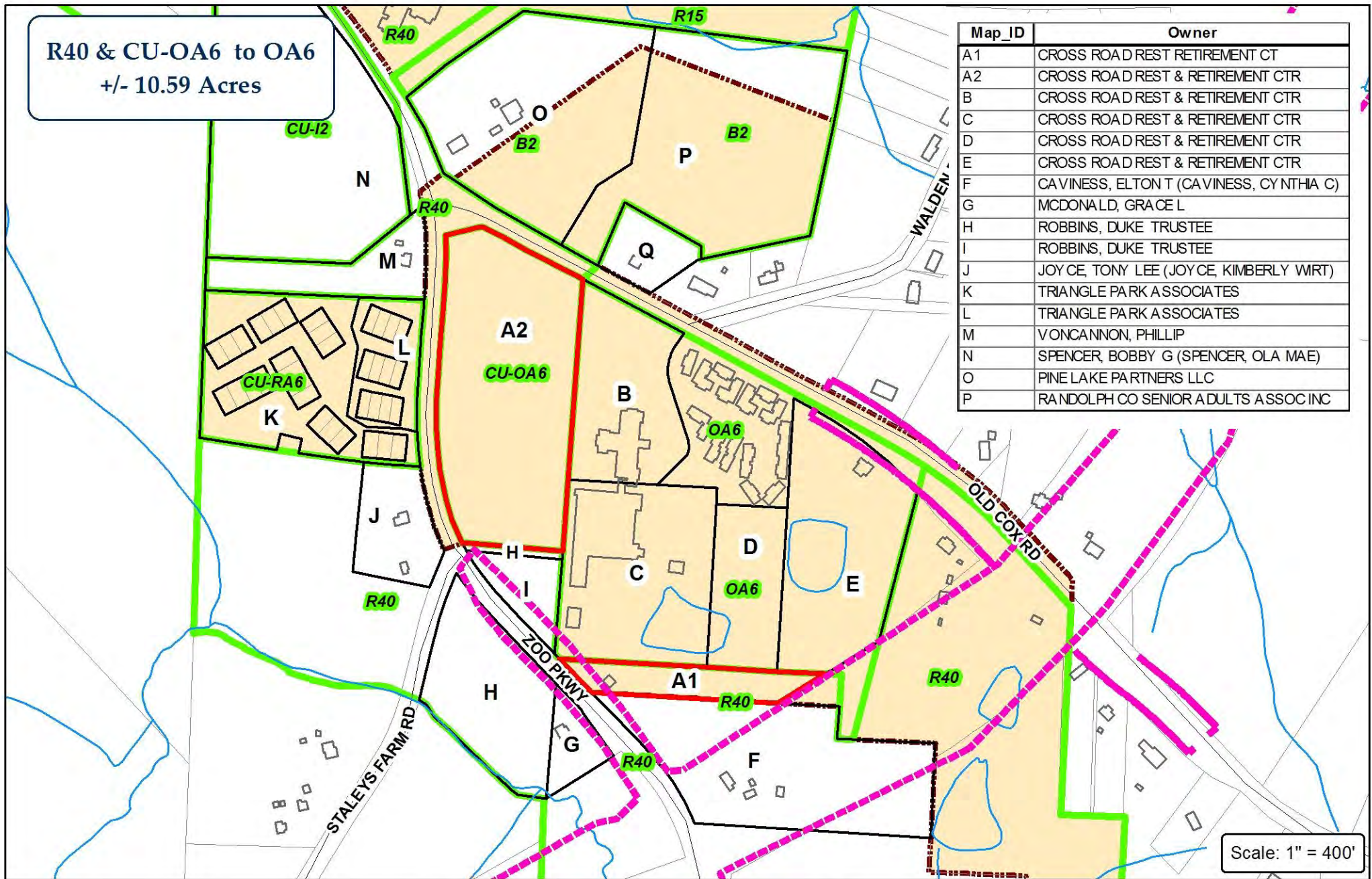


Proposed US-64
Bypass



R40 & CU-OA6 to OA6
+/- 10.59 Acres

Map_ID	Owner
A1	CROSS ROAD REST RETIREMENT CT
A2	CROSS ROAD REST & RETIREMENT CTR
B	CROSS ROAD REST & RETIREMENT CTR
C	CROSS ROAD REST & RETIREMENT CTR
D	CROSS ROAD REST & RETIREMENT CTR
E	CROSS ROAD REST & RETIREMENT CTR
F	CAVINESS, ELTON T (CAVINESS, CYNTHIA C)
G	MCDONALD, GRACE L
H	ROBBINS, DUKE TRUSTEE
I	ROBBINS, DUKE TRUSTEE
J	JOYCE, TONY LEE (JOYCE, KIMBERLY WRT)
K	TRIANGLE PARK ASSOCIATES
L	TRIANGLE PARK ASSOCIATES
M	VONCANNON, PHILLIP
N	SPENCER, BOBBY G (SPENCER, OLA MAE)
O	PINE LAKE PARTNERS LLC
P	RANDOLPH CO SENIOR ADULTS ASSOC INC



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-15

Parcel: 7669553525 & 7669466475

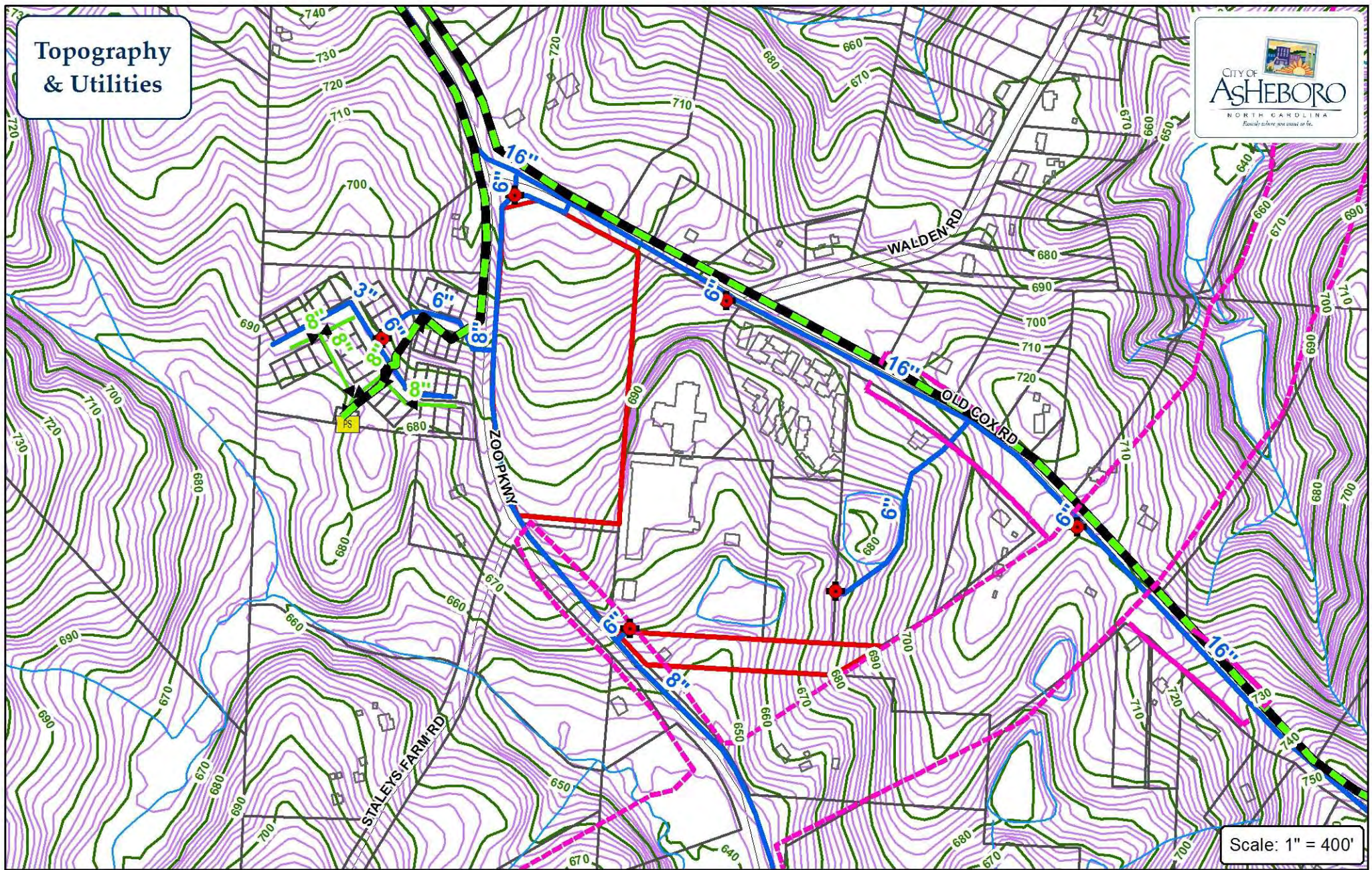


Proposed US-64
Bypass

- Subject Property
- Adjoining Properties
- Zoning
- City Limits



Topography & Utilities



Scale: 1" = 400'

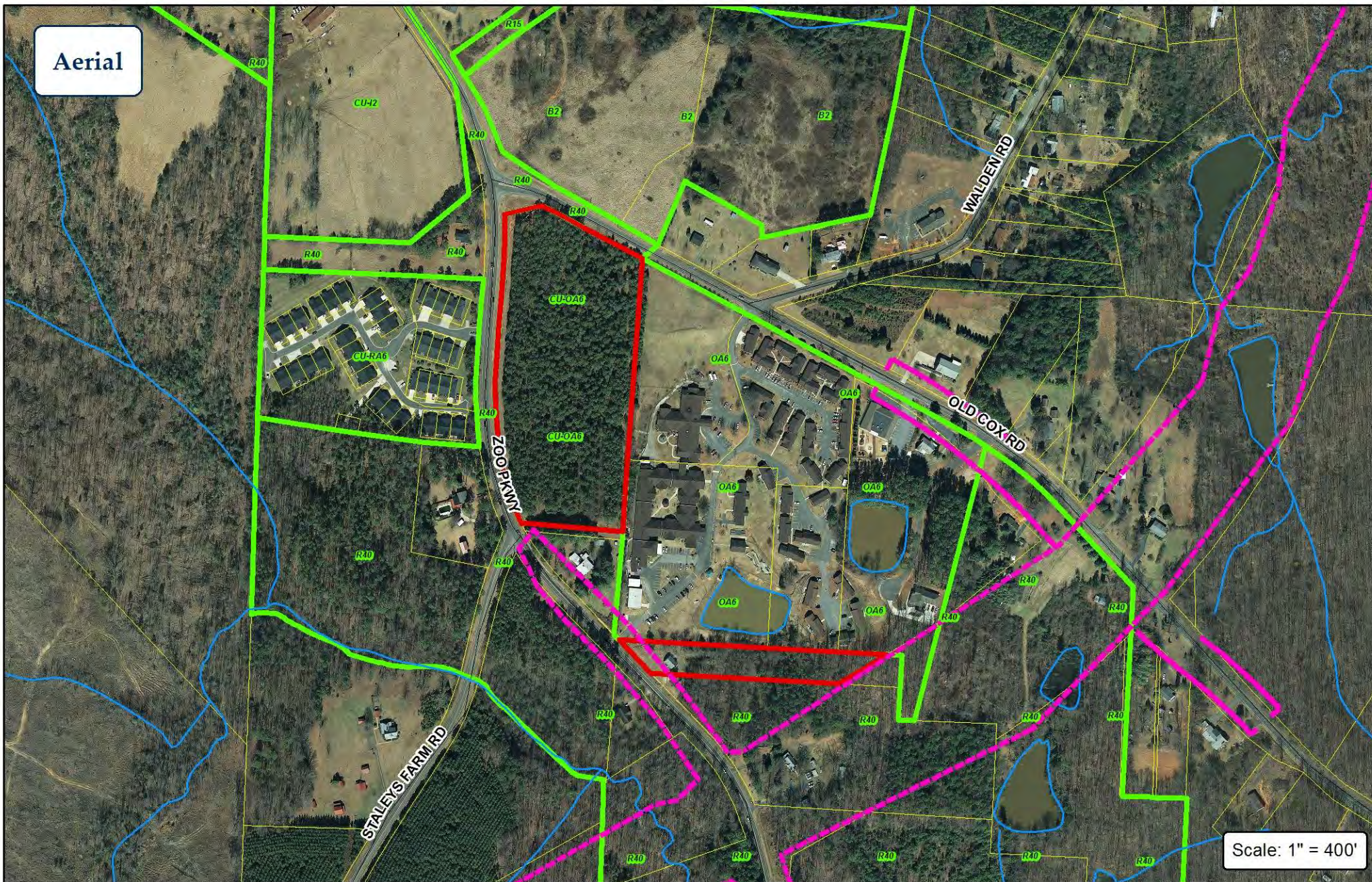
-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  PS Pump Station

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-17-15
Parcel: 7669553525 & 7669466475

-  Subject Property
-  Proposed US-64 Bypass



Aerial



Scale: 1" = 400'

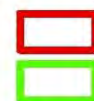


Proposed US-64
Bypass

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-15

Parcel: 7669553525 & 7669466475



Subject Property

Zoning





RZ-17-16: Request to rezone from R10 (Medium-Density Residential), B2 (General Commercial) and I1 (Light Industrial) to O&I (Office & Institutional)

(1828 and 1834 Rayburn Street and Parcel Identification Numbers 7762574796 and 7762575924)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-17
-16**

Date 11/6/2017 Planning
Bd.

Applicant God Outreach Ministries
c/o Timothy W. Poindexter

Legal Description

The properties of God Outreach Ministries, located at 1828 and 1834 Rayburn Street, and the west side of Rayburn St., north of 929 Draper St., to the northern terminus of Rayburn Street. The properties are defined by Randolph County Parcel Identification Nos. 7762575924, 7762574796, 7762578959, 7762578920 and total approximately 3.4 acres +/-.

Requested Action Rezone from R10 (Medium-Density Residential), B2 (General Commercial) and I1 (Light Industrial) to O&I (Office and Institutional)

Existing Zone R10/B2/I1

Land Development Plan See rezoning staff report

Planning Board Recommendation
Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-17-16

Date 11/6/2017 Planning Board
12/7/2017 City Council

General Information

Applicant Timothy W. Poindexter (on behalf of God Outreach Ministries)

Address 1828 and 1834 Rayburn Street

City Asheboro NC 27203

Phone 336-953-4355

Location 1828 and 1834 Rayburn Street

Requested Action Rezone from R10 (Medium-Density Residential), B2 (General Commercial) and I1 (Light Industrial) to O&I (Office and Institutional)

Existing Zone R10/B2/I1

Existing Land Use Place of Worship, Undeveloped

Size 3.4 acres

Pin # 7762575924, 7762574796, 7762578959, 7762578920

Applicant's Reasons as stated on application

Each lot currently has a different zoning district. Land would be cleared and left as open area for neighborhood. Appropriate transition for the neighborhood. Property has commercial or industrial zoning on two adjacent sides.

Surrounding Land Use

North Industrial

East Single-family residential

South Single-family residential

West Undeveloped commercial/industrial

Zoning History N/A

Legal Description

The properties of God Outreach Ministries, located at 1828 and 1834 Rayburn Street, and the west side of Rayburn St., north of 929 Draper St., to the northern terminus of Rayburn Street. The properties are defined by Randolph County Parcel Identification Nos. 7762575924, 7762574796, 7762578959, 7762578920 and total approximately 3.4 acres +/-.

Analysis

1. The property is inside the city limits. City services are available.
2. Rayburn and Cornell Streets are city-maintained, local streets that are between approximately 16' and 20' wide.
3. There is a place of worship (church) located at 1828 Rayburn Street. Tax records indicate this was constructed in 1978. In 2012, the former single-family dwelling at 1834 Rayburn Street was converted into a fellowship hall for the place of worship. The portion of the subject property on the west side of Rayburn Street is undeveloped.
4. A place of worship may expand with a Special Use Permit when located in a residential zoning district. When located in non-residential districts including the requested O&I district, a place of worship is permitted by right.
5. The B2 district on a portion of the property allows a wide variety of commercial uses. The I1 district allows manufacturing uses, along with warehousing, wholesale, and some heavier commercial uses.
6. The request to the O&I district would allow all uses permitted by right in that zoning district. The zoning ordinance describes the O&I district as "intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O&I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.
7. A small portion of the parcels on the west side of Rayburn Street are located in a flood hazard area. There is also a small area identified as having steep topography (>20%) on this portion of the property.

Rezoning Staff Report

RZ Case # RZ-17-16

Page 2

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation Neighborhood Residential

Small Area Plan Northeast

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*) (*transitional land use serving adjacent residential neighborhoods*)

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

Checklist Item 12: Property is located outside of a watershed area.

Staff Note: The presence of steep slopes located on a small portion of the two parcels on the west side of Rayburn Street are neither a positive or negative factor in evaluating the requested O&I district in comparison to the existing R10/B2/I1 zoning that exists.

Rezoning Staff Report

RZ Case # RZ-17-16

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Rezoning is not compliant with LDP proposed land use map.

Checklist Item 3: The property on which the rezoning district is proposed does not fits the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)
to location on local residential street)⁵

Checklist Item 13: Property is in a flood hazard area.

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

Staff recognizes the land development plan designates the property for neighborhood residential use. However, staff also believes the impact of development allowable by the existing B2 (General Commercial) and I1 (Light Industrial) districts on a substantial portion of the property could cause greater concern for adjoining residential properties (i.e. traffic, noise, incompatible uses, etc.) and the capacity of the local streets than the requested O&I district. The O&I district will also allow continued use of the property as a place of worship and other uses likely to be of similar intensity to the existing use.

Commercial and industrial zoning on the adjoining parcels to the north and west also make an O&I designation ideal as a transitional district that separates heavier industrial and commercial districts from less intense residential districts.

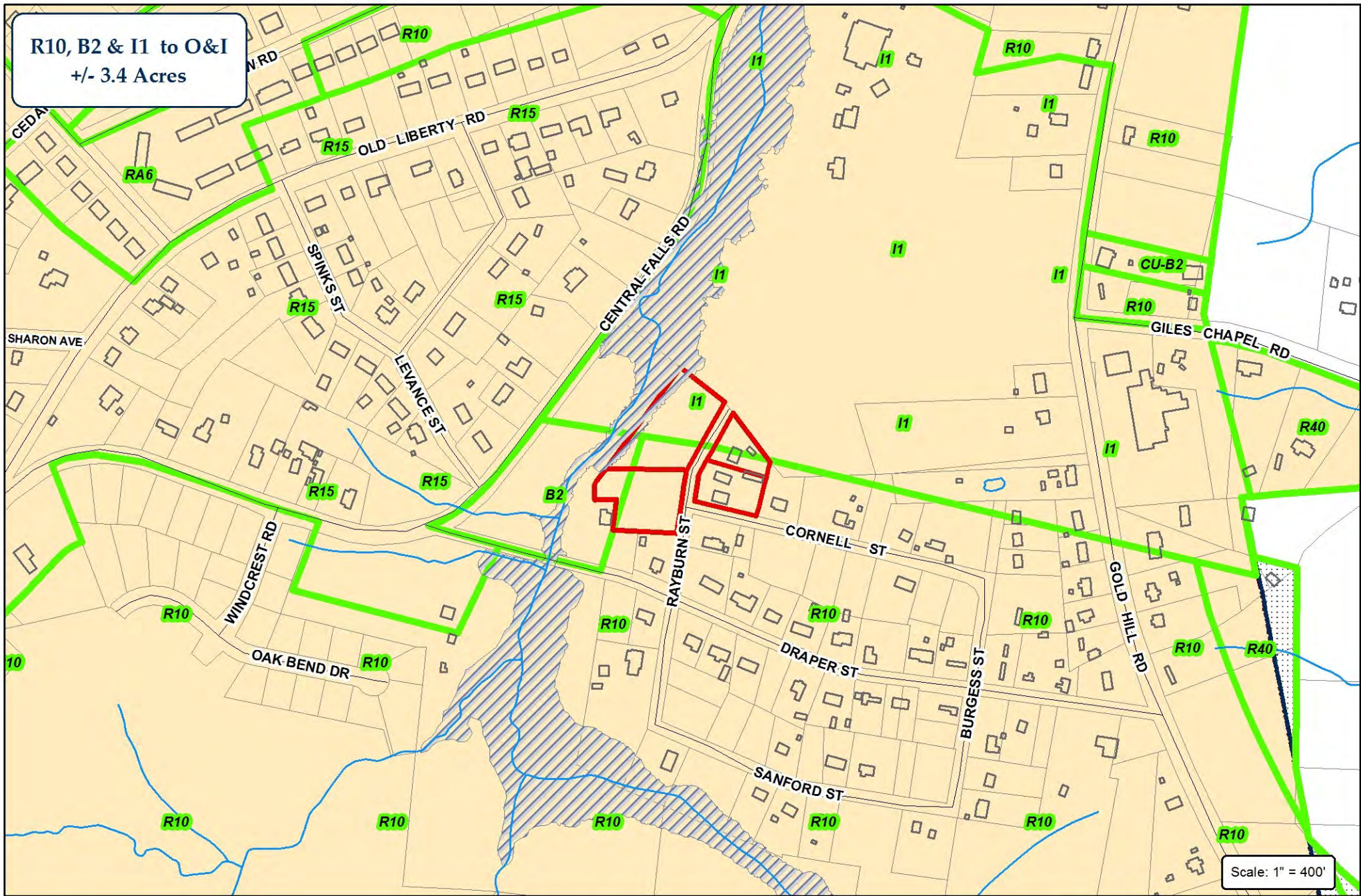
Finally, the O&I district is unlikely to create environmental impacts greater than the existing zoning designations.

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

Recommendation

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

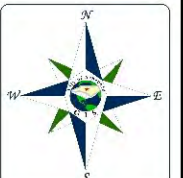
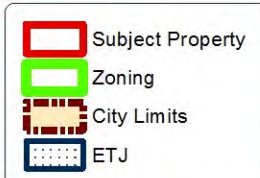
R10, B2 & I1 to O&I
+/- 3.4 Acres



City of Asheboro Planning & Zoning Department

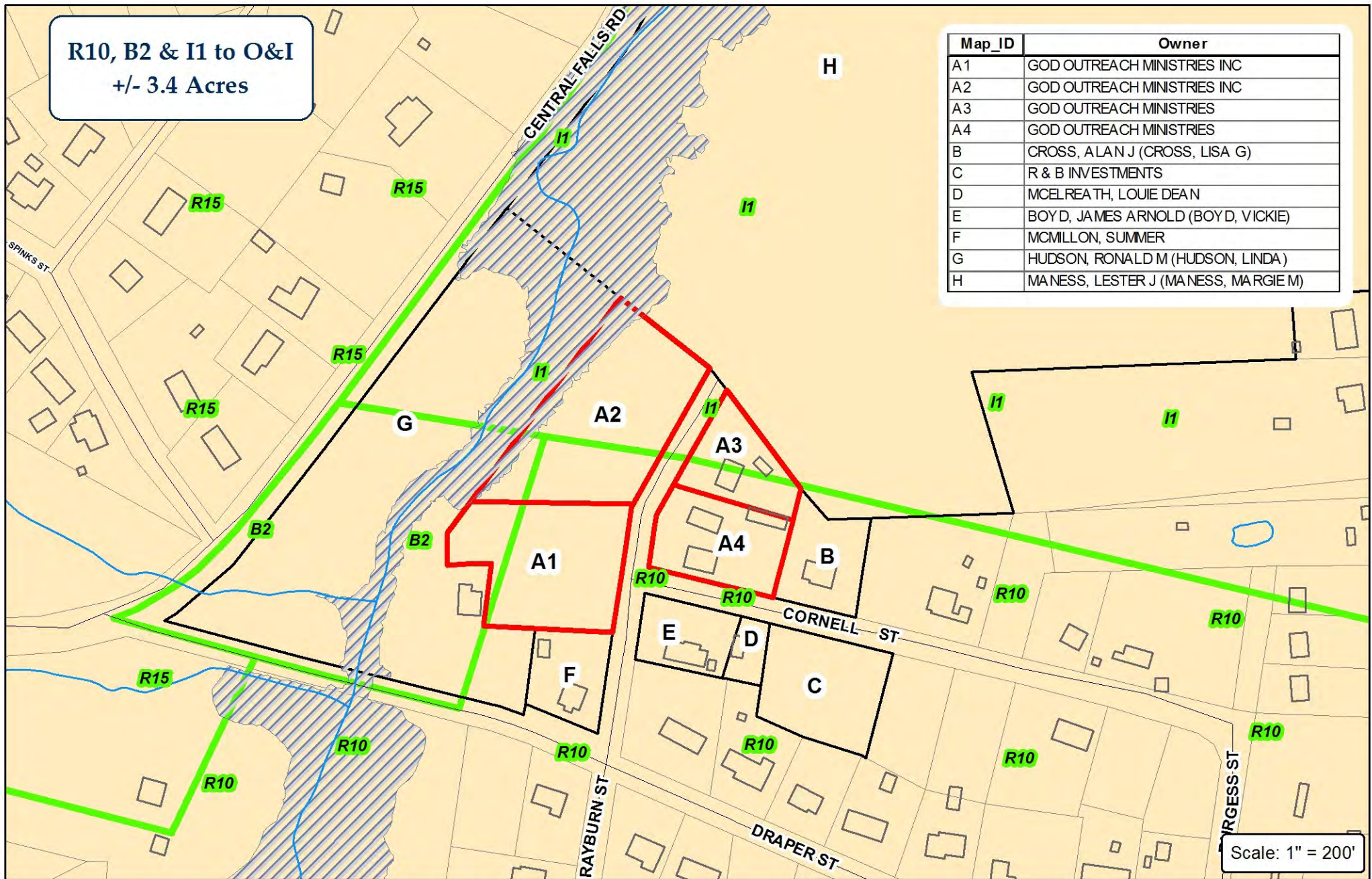
Rezoning Case: RZ-17-16

Parcel: 7762575924, 7762574796, 7762578959 & 7762578920



**R10, B2 & I1 to O&I
+/- 3.4 Acres**

Map_ID	Owner
A1	GOD OUTREACH MINISTRIES INC
A2	GOD OUTREACH MINISTRIES INC
A3	GOD OUTREACH MINISTRIES
A4	GOD OUTREACH MINISTRIES
B	CROSS, ALAN J (CROSS, LISA G)
C	R & B INVESTMENTS
D	MCELREATH, LOUIE DEAN
E	BOYD, JAMES ARNOLD (BOYD, VICKIE)
F	MCMILLON, SUMMER
G	HUDSON, RONALD M (HUDSON, LINDA)
H	MANESS, LESTER J (MANESS, MARGIE M)



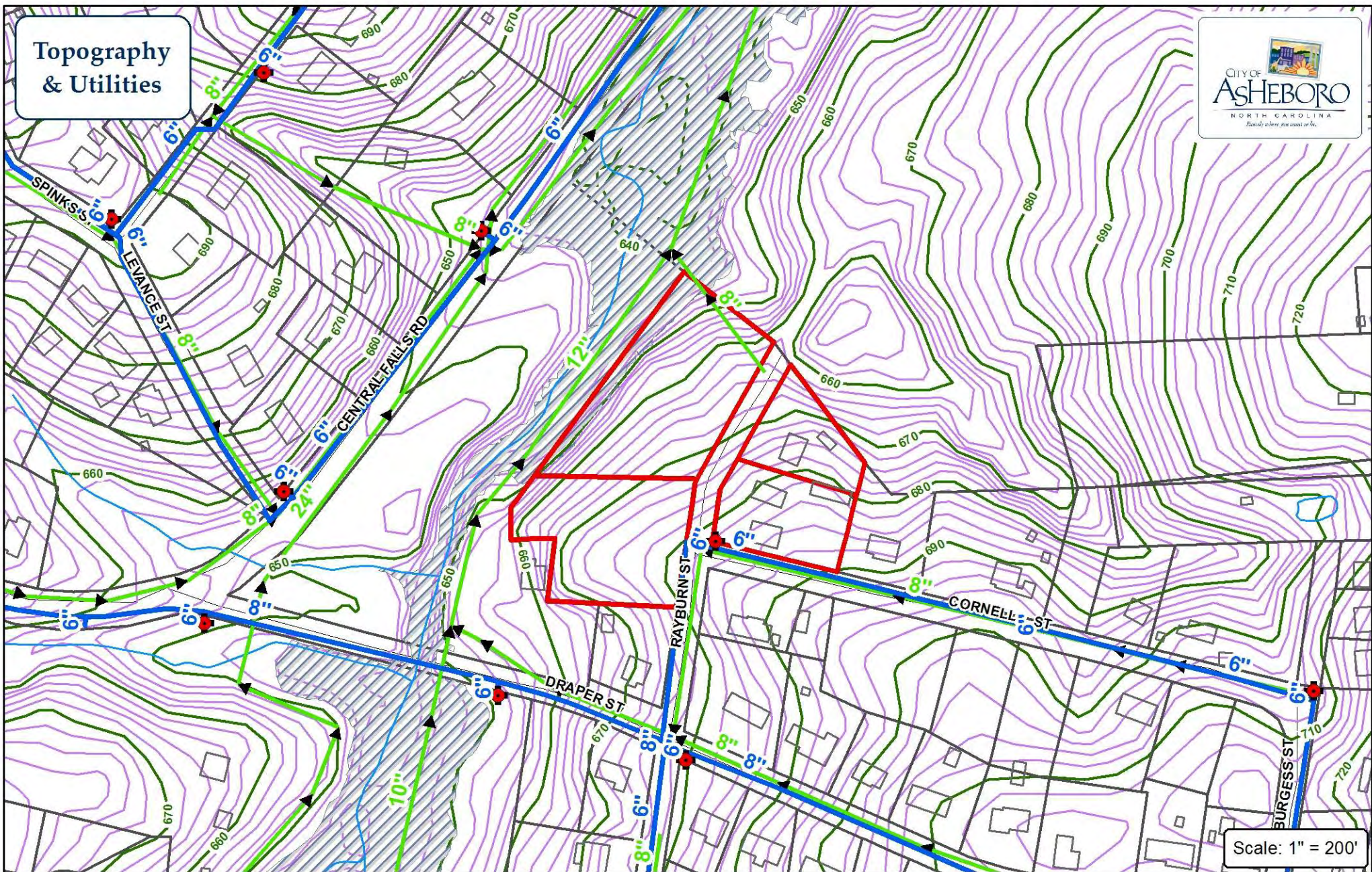
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-16

Parcel: 7762575924, 7762574796, 7762578959 & 7762578920



Topography & Utilities



Scale: 1" = 200'

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

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-17-16

Parcel: 7762575924, 7762574796, 7762578959 & 7762578920

 Subject Property





**RZ-17-17: Request to rezone from R10 (Medium-Density Residential) to
OA6 (Office-Apartment)**

(151 W. Presnell Street)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-17**
 -17

Date 11/6/2017 Planning
Bd.

Applicant White Oak Associates
Attorney Mike Miller (agent)

Legal Description

The property of Howard A. Beck Jr. Heirs (Estate), located at 151 W. Presnell Street, totaling approximately 0.59 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7751853863.

Requested Action Rezone from R10 (Medium-Density Residential), B2 (General Commercial) and I1 (Light Industrial) to O&I (Office and Institutional)

Existing Zone R10/B2/I1

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-17-17

Date 11/6/2017 Planning Board
12/7/2017 City Council

General Information

Applicant White Oak Associates/ Attorney Michael Miller (Agent)

Address 550 White Oak Street

City Asheboro NC 27203

Phone 336-625-1360

Location 151 W. Presnell Street

Requested Action Rezone from R10 (Medium-Density Residential) to OA6 (Office Apartment)

Existing Zone R7.5/OA6

Existing Land Use Single-family dwelling

Size 0.48 acres +/- of 0.59 acres +/- total

Pin # 7751853863

Applicant's Reasons as stated on application

See attached.

Surrounding Land Use

North Single-Family/Two-Family dwellings

East Single-family dwelling

South Office/Medical

West Office/Medical

Zoning History N/A

Legal Description

The property of Howard A. Beck Jr. Heirs (Estate), located at 151 W. Presnell Street, totaling approximately 0.59 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7751853863.

Analysis

1. The property is inside the city limits. All city services are available.
2. West Presnell Street is a state-maintained minor thoroughfare at this location. Intersection improvements are underway which will improve traffic flow at its intersection with North Fayetteville Street, approximately 600 feet east of the subject property.
3. There is currently a single-family dwelling on the property.
4. The majority of the property is zoned R10. Approximately 0.11 acres +/- to the rear of the property is currently zoned OA6.
5. The property is within the Center City Planning Area Tier 3, and subject to those requirements.
6. The Zoning Ordinance describes the requested OA6 district as follows:
The OA6 District is intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.
7. The requested OA6 district would allow continued residential use of the property, along with office, institutional, and limited commercial activities (excluding heavier commercial uses such as retail, eating establishments, motor vehicle sales/repair, etc.).

Rezoning Staff Report

RZ Case # RZ-17-17

Page 2

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation City Activity Center

Small Area Plan Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 1: Complies with LDP proposed land use map

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist Items 12, 13, and 14: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%.

Rezoning Staff Report

RZ Case # RZ-17-17

Page 3

LDP Goals/Policies Which Do Not Support Request

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

The property's City Activity Center designation encourages a mix of uses, including different housing types and non-residential uses (office/institutional, lighter commercial activities). The mix of uses currently located in the area make an OA6 zoning designation appropriate for this property and will continue to allow investment for both residential and/or limited non-residential purposes. The property's direct access to a minor thoroughfare and proposed intersection improvements occurring at the intersection of West Presnell Street and nearby North Fayetteville Street also help support the OA6 district request.

Furthermore, the property does not have known, significant environmental factors that would be negative towards an OA6 zoning designation.

Therefore, staff believes the requested OA6 zoning amendment is consistent with the adopted Land Development Plan and is reasonable, and in the public interest.

Recommendation

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

APPLICANT STATEMENT
Application for Zoning Ordinance Amendment

APPLICANT INFORMATION

Applicant White Oak Associates

Applicant's Phone # (336) 625-1360

Applicant's Address 550 White Oak Street
Asheboro, NC 27203

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Howard A. Beck, Jr., Estate

Location of Property 151 W. Presnell St, Asheboro

Property Size (ac. or s.f.) .59 Acre (includes existing OA-6)

Randolph County Property Identification Number (PIN#) 7751853863

Current Zoning District R-10 and OA-6

Requested Zoning District OA-6

Date Property Title Acquired November 21, 1985 by prior owner; currently under contract
with applicant

Deed Book 1172 Page 1287

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

ORDINANCE AMENDMENT INFORMATION

Section 1011.2 of the Asheboro Zoning Ordinance requires the applicant to answer the following questions. The application may not be accepted unless all questions are completed.

1. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

This parcel currently has "split" zoning with both R-10 and OA-6. This amendment would
correct that issue. In addition, the Presnell Street corridor and the block on which this property
is situated has been transitioning toward office or commercial use.

2. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

There are numerous medical facilities in the area, including on two sides of the subject property
and the optimum use of this property would be for expansion of the adjoining medical facility.

APPLICANT STATEMENT

Owner occupied housing in the area has declined and certain properties, including the subject property, are in need of repair or removal. There have been two properties within a block of the subject property that have been removed either by the owner or by the City of Asheboro.

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

The proposed amendment will make this property consistent with itself (current dual zoning) as well as be consistent with adjoining properties.

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

Rezoning would permit the expansion of the applicant's adjoining property and enhance its use and enjoyment by the owner while keeping it consistent with other property utilization with the neighborhood.

APPLICANT AND AGENT 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.

Name of Agent (if any)

Michael C. Miller

Agent's Address

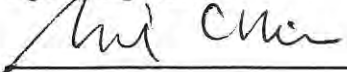
19 S. Fayetteville Street

Asheboro, NC 27203

Telephone Number

(336) 626-8000

Agent Signature



Name of Applicant or Owner

White Oak Associates

Applicant or Owner's Address

550 White Oak Street

Asheboro, NC 27203

Telephone Number

(336) 625-1360

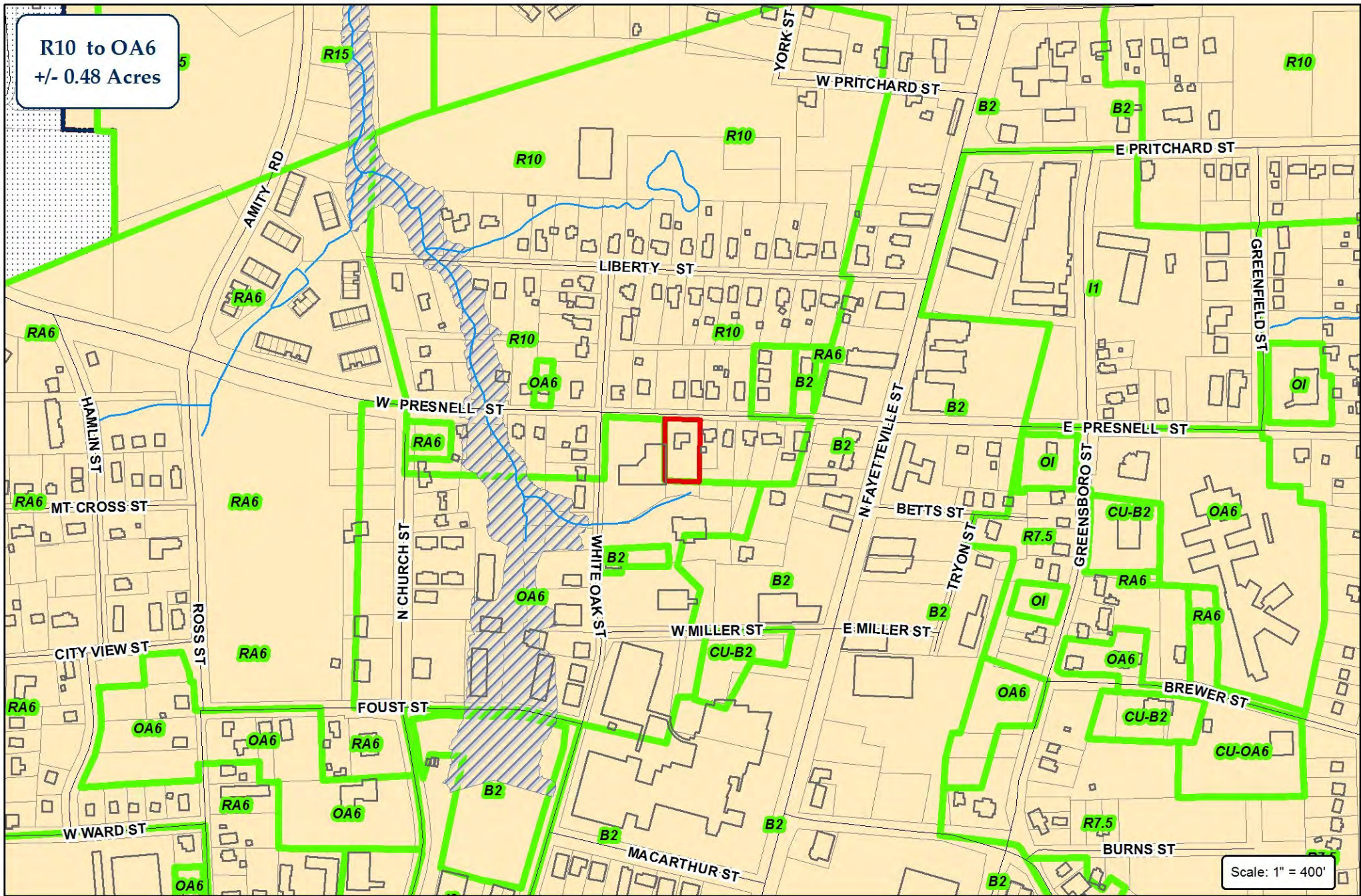
Applicant or Owner Signature



STAFF USE

Received by: John Evans Date: 10-13-17 Case Number: 22-17-17

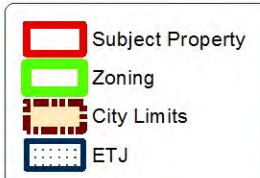
R10 to OA6
+/- 0.48 Acres

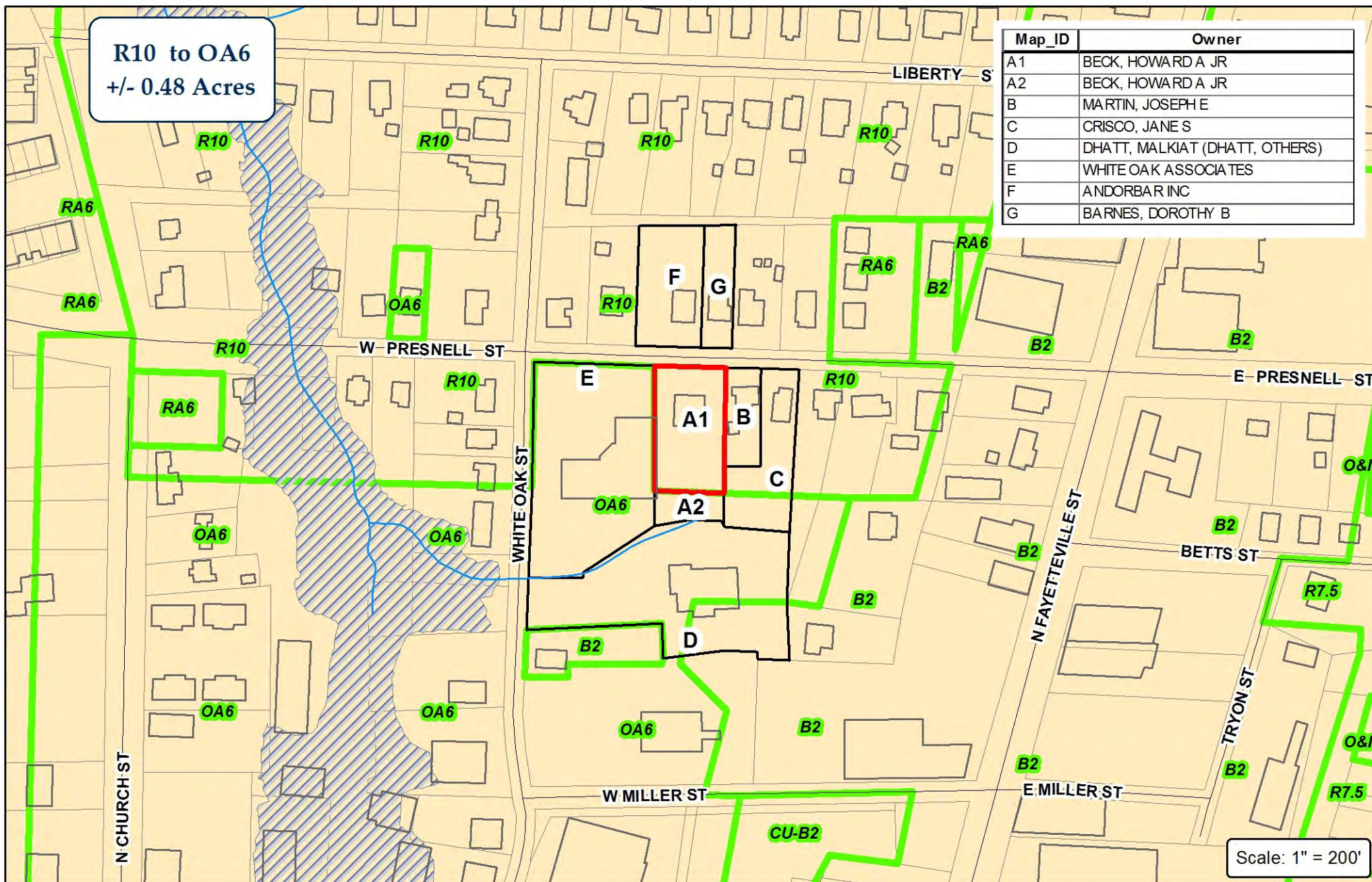


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-17

Parcel: 7751853863 (pt.)

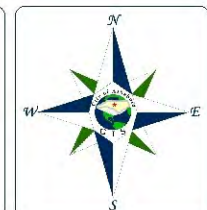




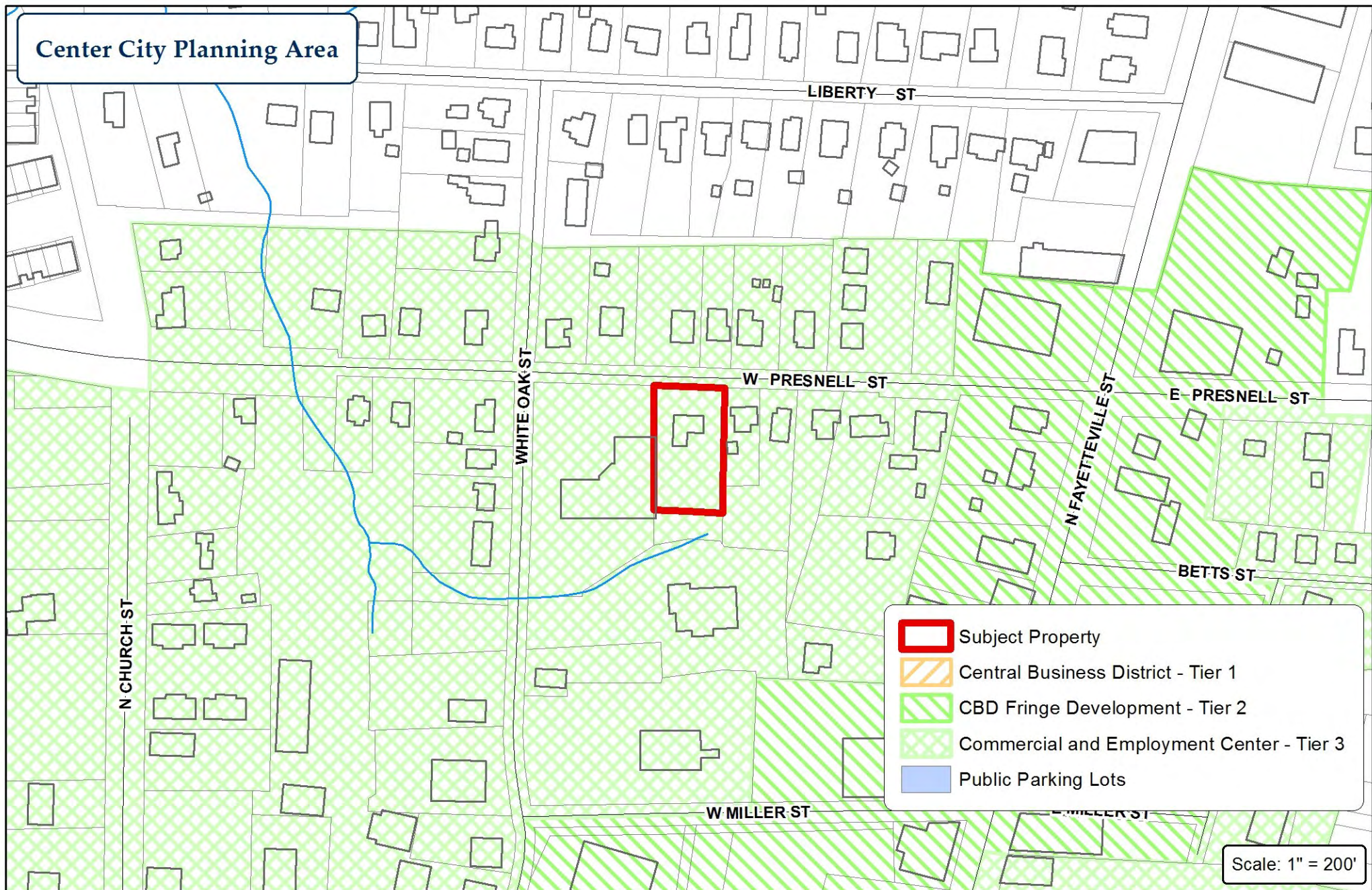
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-17

Parcel: 7751853863 (pt.)



Center City Planning Area



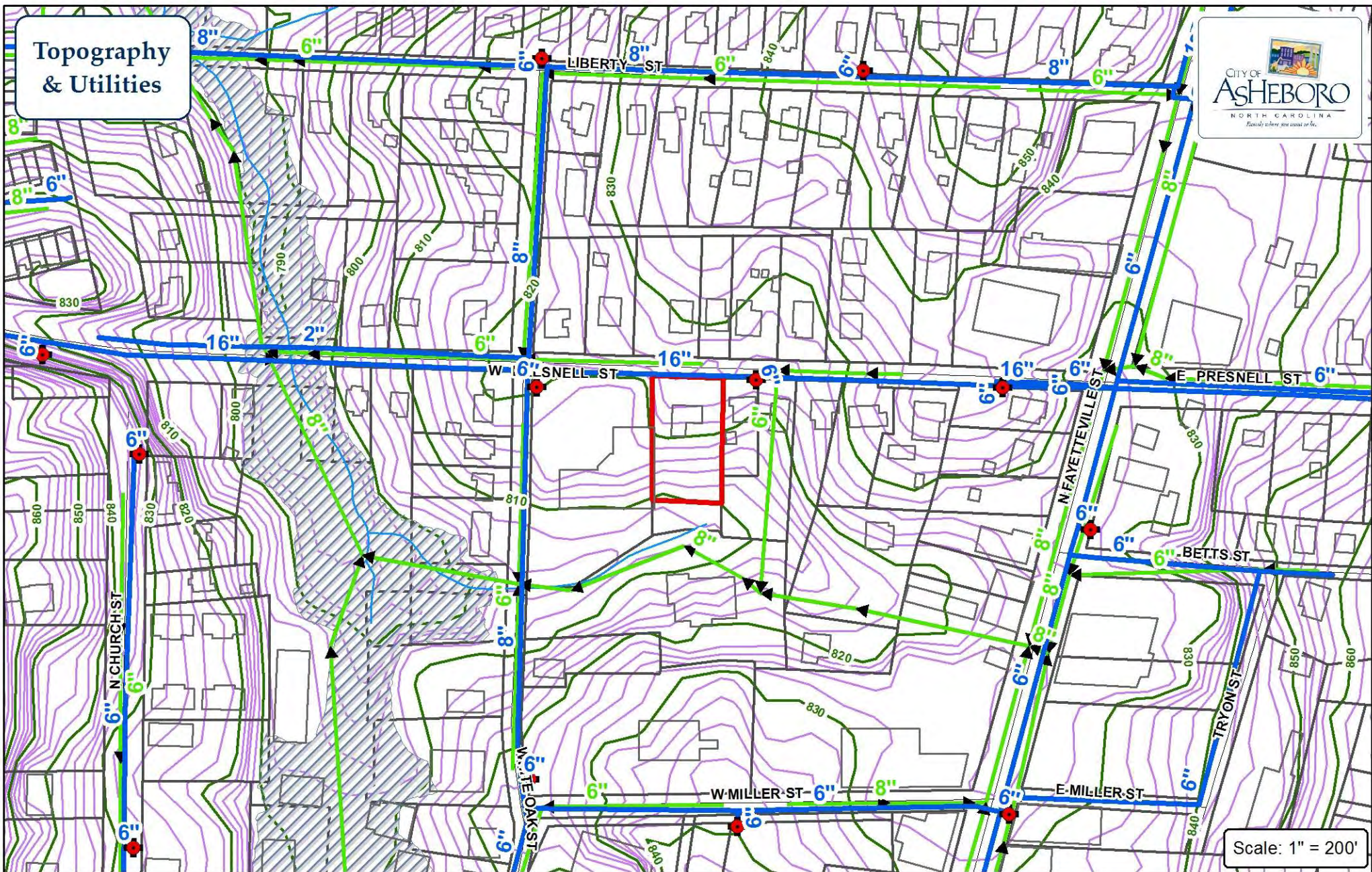
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-17

Parcel: 7751853863 (pt.)



Topography & Utilities

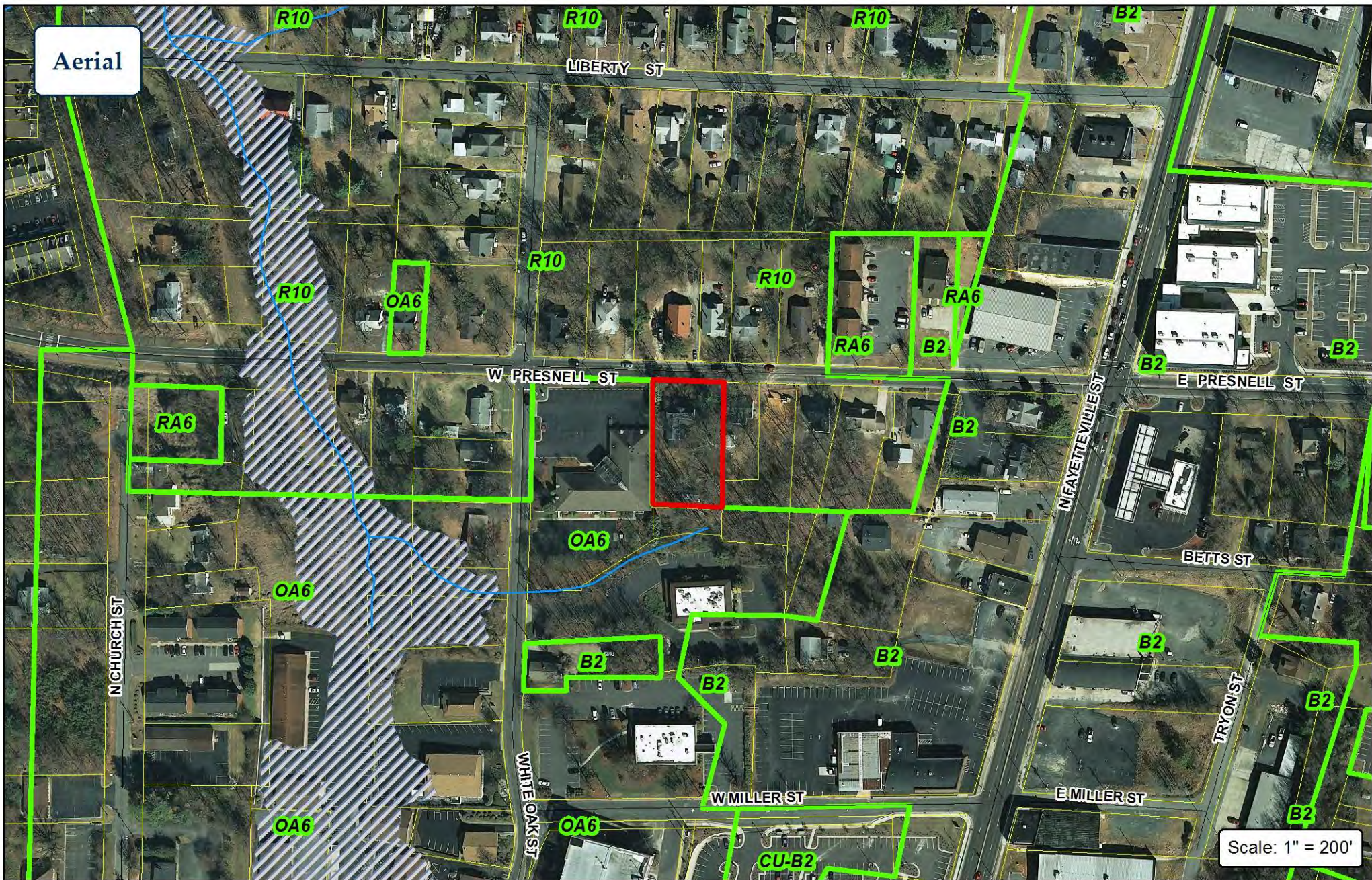


-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  Pump Station

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-17-17
Parcel: 7751853863 (pt.)

 Subject Property

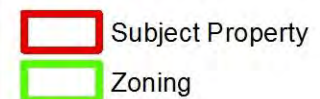




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-17

Parcel: 7751853863 (pt.)





**RZ-17-18: Request to rezone from R10 (Medium-Density Residential) to I2
(General Industrial)**

(458 and 468 Veterans Loop Road)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-17
-18**

Date 11/6/2017 Planning
Bd.

Applicant Larry McKenzie & Amber
Voncannon McKenzie; HR Gallimore

Legal Description

The property of William and Janet Tyler and Mc Mc Properties, LLC, located at 458 and 468 Veterans Loop Rd., totaling approximately 5.61 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7659384087

Requested Action Rezone from R10 (Medium-Density Residential) to I2 (General Industrial)

Existing Zone R10

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-17-18

Date 11/6/2017 Planning Board
12/7/2017 City Council

General Information

Applicant Larry McKenzie & Amber McKenzie

Address 126 Lanier Street

City Asheboro NC 27203

Phone 336-953-2913

Location 458 and 468 Veterans Loop Road

Requested Action Rezone from R10 (Medium-Density Residential) to I2 (General Industrial)

Existing Zone R10

Existing Land Use Undeveloped (previously single-family dwelling)

Size 5.61 acres +/-

Pin # 7659384087

Applicant's Reasons as stated on application

Industrial zoning in the area to be uniform with the area. Located in an employment center. Supported by the growth plan.

Surrounding Land Use

North Undeveloped Industrial

East Public Use Facility (NCDOT)

South Undeveloped Industrial

West Randolph County Jail/Undeveloped Industrial

Zoning History N/A

Legal Description

The property of William and Janet Tyler and Mc Mc Properties, LLC, located at 458 and 468 Veterans Loop Rd., totaling approximately 5.61 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7659384087

Analysis

1. The property is currently outside of the city limits. Extension of city services (water/sewer) will require annexation of the property.
2. Veterans Loop Road is a state-maintained road. The recent completion of New Century Drive connects Veterans Loop Road between Southmont Road/Bus 220 South with McDowell Road/I-73/I-74.
3. In 2010, five (5) parcels along Veterans Loop Road were rezoned from residential and commercial classifications (R10, R40, B2) to the I2 (General Industrial) zoning district. This request included property adjoining the subject property to the west and south across Veterans Loop Road.
4. The request is for an I2 (General Industrial) classification As described by the zoning ordinance "the intent of the I2 Industrial Development District is to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts."
5. The property is designated as an "Employment Center" by the Land Development Plan. The intent of the Employment Center is described as "To integrate a mixture of commercial, office & institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities & open space."

Rezoning Staff Report

RZ Case # RZ-17-18

Page 2

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation	Employment Center
Small Area Plan	Southeast
Growth Strategy Map Designation	Economic Development

LDP Goals/Policies Which Support Request

Checklist Item 1: Complies with LDP proposed land use map

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist Item 9: Rezoning will benefit the economic vitality of the City's designated Economic Development Area.

Checklist Items 12, 13, and 14: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%.

Rezoning Staff Report

RZ Case # RZ-17-18

Page 3

LDP Goals/Policies Which Do Not Support Request

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

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

Several factors support this request. The requested I2 (General Industrial) zoning designation will allow economic development opportunities envisioned by the LDP's designation of the property as an Employment Center and the Growth Strategy map's designation of the property as an Economic Development area.

While staff acknowledges the presence of some residential land uses in the vicinity, Veterans Loop Road has become increasingly positioned to become the Employment Center envisioned by the LDP with new industrial development occurring in the vicinity, and recent rezoning activity will support additional industrial development. Staff also acknowledges that, as stated by the zoning ordinance intent for the I2 district, performance standards help mitigate impacts adjoining residential uses may experience from uses permitted within the I2 district.

The recent extension of New Century Drive to Veterans Loop Road also creates an important connection for the property and adjoining properties to the I-73/I-74 corridor, which will encourage additional economic development.

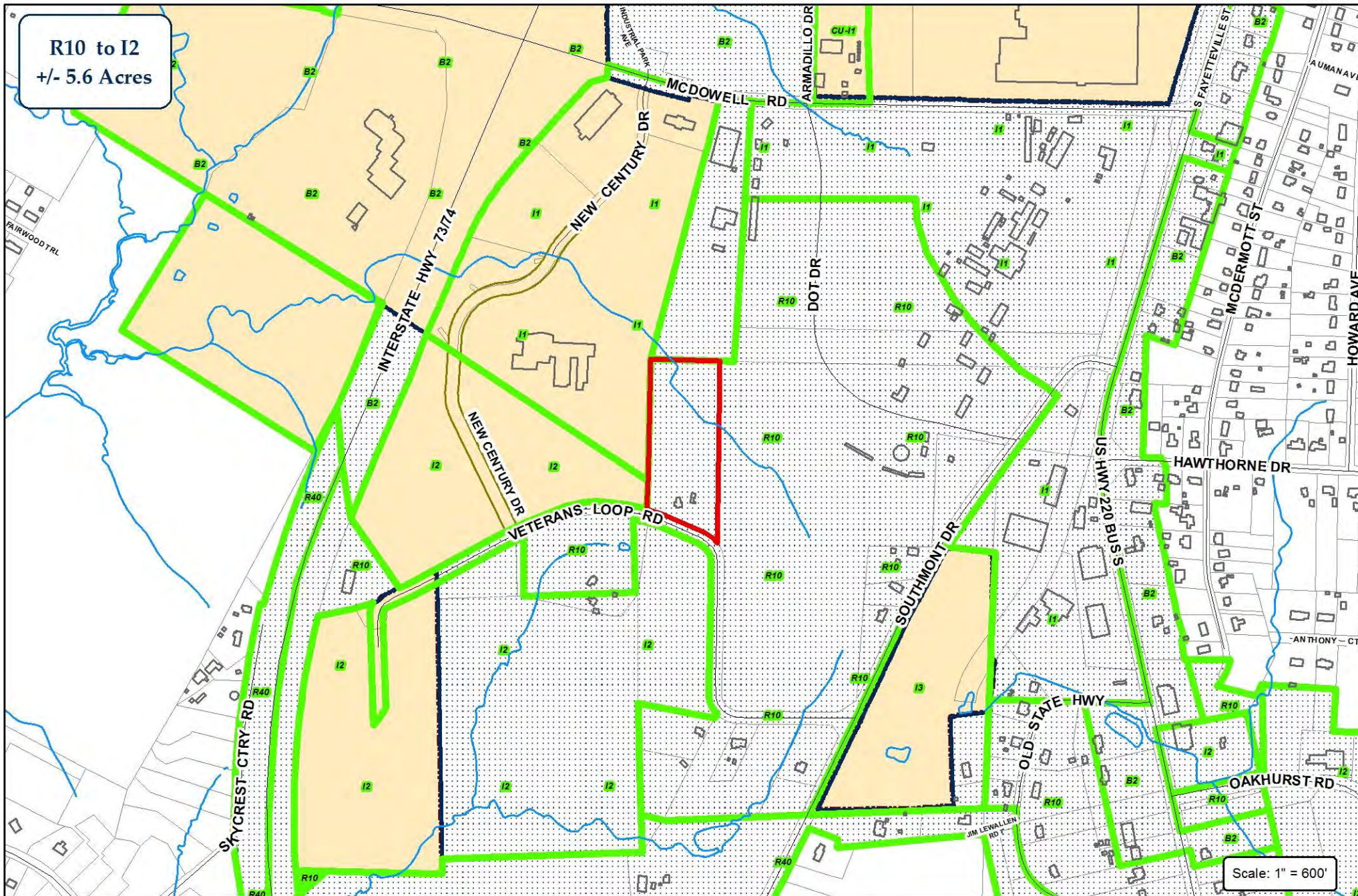
Finally, no known environmental factors are negative concerning the requested I2 designation of the property.

Considering these factors, staff believes the requested I2 district is consistent with the adopted LDP and is therefore reasonable in the public interest.

Recommendation

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

R10 to I2
+/- 5.6 Acres

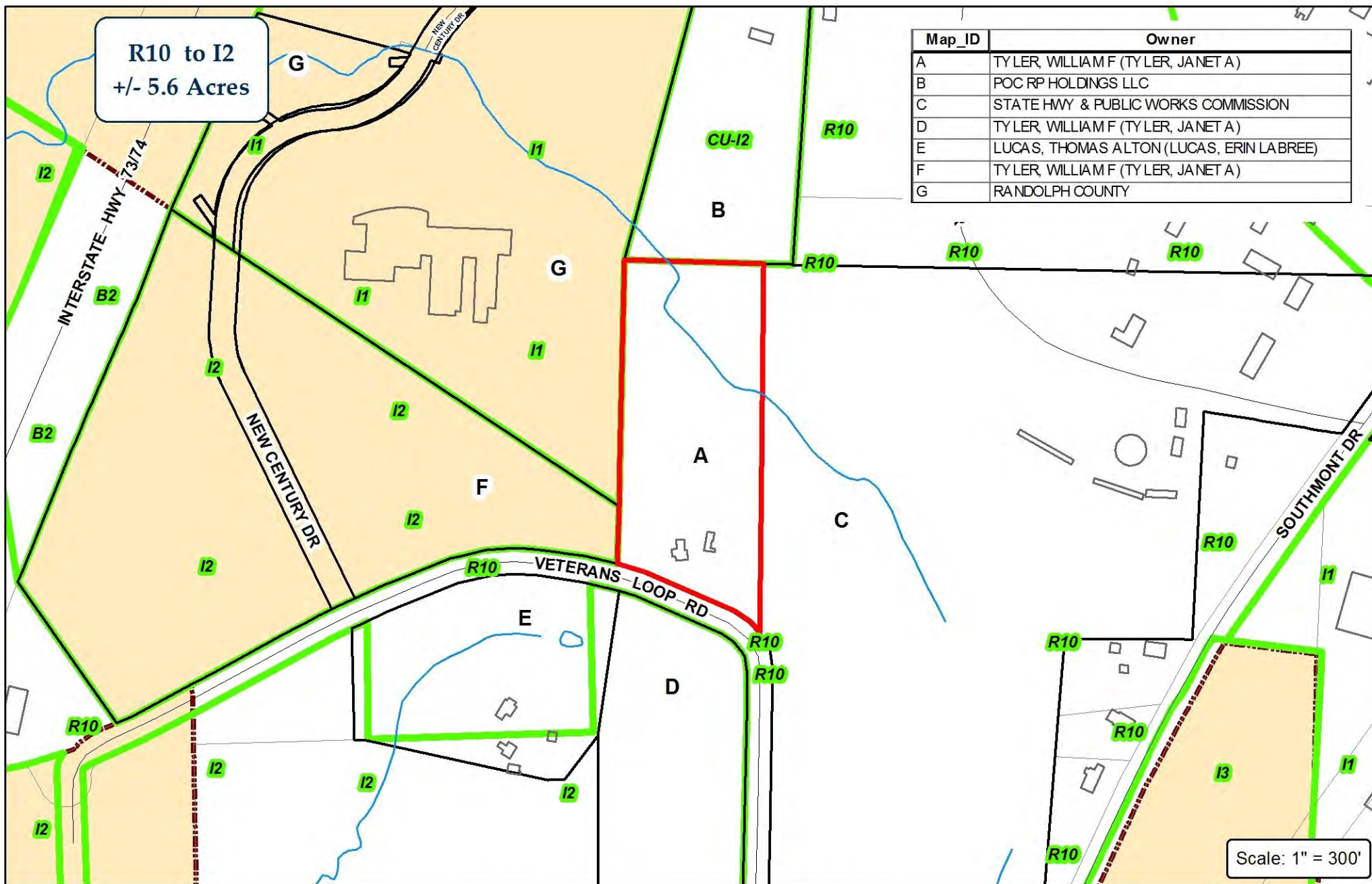


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-18

Parcel: 7659384087

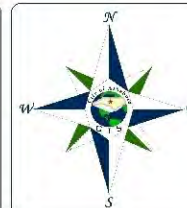




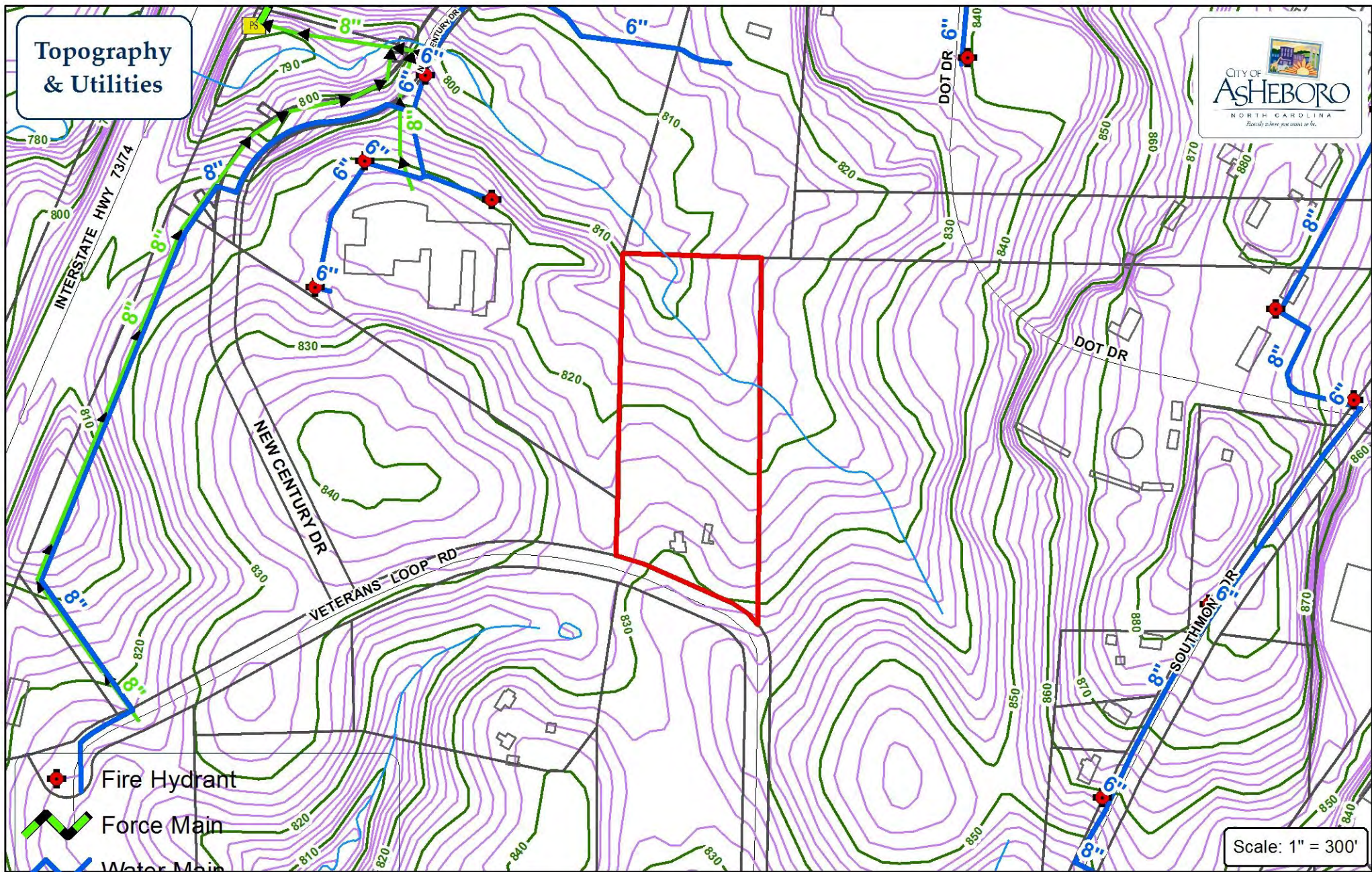
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-18

Parcel: 7659384087



Topography & Utilities



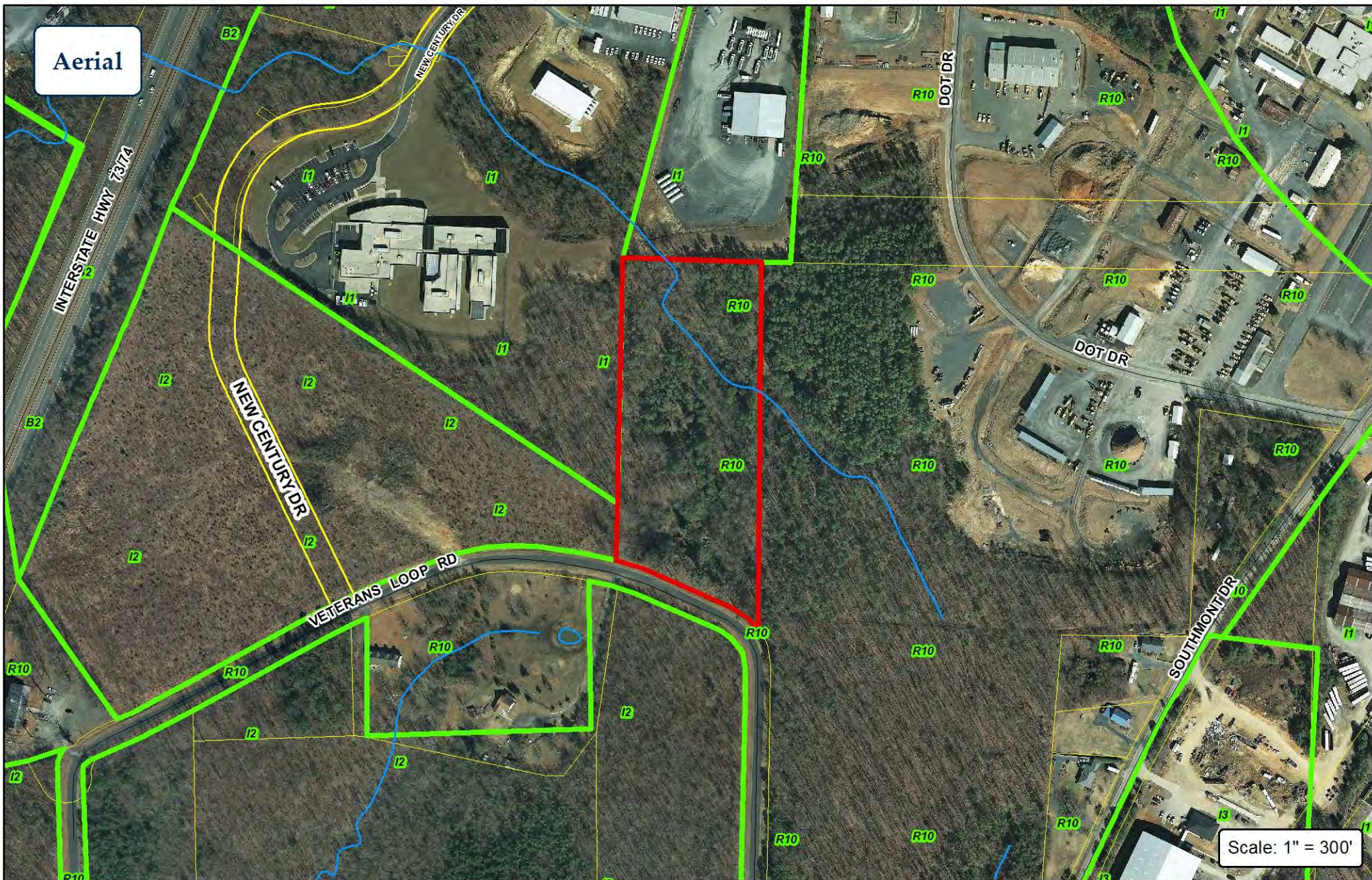
Scale: 1" = 300'

- Sewer Main
- Pump Station
- New_Century_Prop_ROW

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-17-18
Parcel: 7659384087

Subject Property

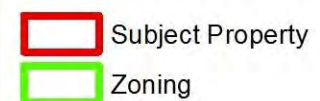




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-18

Parcel: 7659384087





SUB-17-04: Jackson's Run
Subdivision Preliminary Plat Review

(Forest Park Drive)

Staff Report

SUBDIVISION STAFF REPORT
Preliminary Plat

CASE # SUB-17-04

Date 12/7/2017 Council
Updated 12/6/17

GENERAL INFORMATION

Subdivision Name Jackson's Run
Requested Action Subdivision Preliminary Plat
Applicant Wade Journey Homes
Address 3300 Battleground Ave., Suite 230, Greensboro, NC
Phone 336-282-3606
Location Terminus of Waterside Dr. north of Hub Morris Road approximately
600' east of North Fayetteville St./west side of Forest Park Drive

PARCEL INFORMATION

PIN 7763265981, 7763275095, 7763270025, 7763265467, 7763265562, 7763164590 (portion)
Size 38.787 acres +/- (all six parcels) **Number of Lots** 131 + common area
Existing Zoning CU-RA6/R10 **Average Lot Size** 2,222.318 sq. ft.
Existing Land Use Planned Unit Development (this phase is
uncompleted).
Surrounding Land Use
North Medium-density residential **East** Low- to Medium-Density Res.
South PUD/Low-Med. Density Res. **West** Low-Density
Residential/Commercial/Industrial

LAND DEVELOPMENT PLAN

Growth Strategy Map Primary Growth
Proposed Land Use Map Neighborhood Residential
Small Area Plan Map Northeast
Identified Activity Center? No

Development Issues

In addition to other comments/conditions noted, approval of the sketch design was made subject to the following:

1. Required recreation area(s) as specified by the ratio provided in Table 200-1 shall have been installed or guaranteed as specified by Section 1006 of the Asheboro Zoning Ordinance at least proportionate to the land area being recorded on any final plat.
2. Prior to construction, approval of the "Final Decision Document" and all applicable regulatory approvals shall be granted.
3. Homeowners' documents, shall be recorded with the final plat, including restrictions concerning recreational vehicle parking and maintenance mechanisms for the common area .
4. No final plat shall be approved unless and until public street access to Forest Park Drive is provided.
5. No final plat shall be approved unless appropriate turnaround area approved by the city is provided or available.
6. A maximum of thirty (30) dwelling units may receive certificates of occupancy with a single means of public street ingress and egress to Forest Park Drive.

SUBDIVISION STAFF REPORT

Preliminary Plat

DEPARTMENT COMMENTS

Engineering

Plat comments/corrections are pending (as of 12-5-17)
Review of plans and profiles for streets and utilities (water/sewer) is pending. Plans and profiles must meet Engineering and other applicable departmental comments prior to approval by City Council.

Public Works

Comments relate to attached memo from Water Resources Department.

Planning

Plat comments have been addressed, related to Planning & Zoning items (as of 12-6-17). See other departmental comments.

Prior to construction, the following is required:

- a.) City Council approval of Final Decision Document for CUP-17-14/SUB-17-04
- b.) The applicant shall meet all applicable NCDOT, NC Dept. of Environmental Quality requirements (including erosion control)
- c.) Issuance of Zoning Compliance Permit and other permits as required

Other

See attached memo from Water Resources Department.

Staff Recommendation

Approve subject to the following:

- Confirmation that plat and engineering plans and profiles meet all regulatory requirements and address outstanding departmental comments
- Noted conditions

Planning Board Recommendation

The Planning Board recommended approval subject to the above conditions as recommended by staff.

Water Resources Division
146 N Church Street
PO Box 1106
Asheboro, NC 27204-1106



Tel: 336-626-1201 Ext. 258

Fax: 336-626-1218

MEMORANDUM

TO: John Evans, Community Development Assistant Director

FROM: Michael D. Rhoney, PE, Water Resources Director

MDR

DATE: November 28, 2017

RE: Jackson's Run Utility Issues

Upon reviewing the Preliminary Plat for Jackson's Run Subdivision, there are several issues that need to be addressed. The City of Asheboro can't turn on water service to a new residence until a final plat is recorded. This project has extenuating circumstances that may complicate the process. All previously installed water and sewer improvements that have not been approved will need to be properly tested. This testing will include pressure testing and bacteriological testing of the water mains as well as air and vacuum testing of the sewer mains and manholes. Any previously installed water and sewer connections will be inspected and required to meet City standards and specifications.

Any proposed utility improvements will need be designed by a professional engineer. The City will also require as-built construction drawings sealed by a professional engineer for all water and sewer improvements currently installed but not approved. Any water and sewer improvements that do not fall in the platted street right of way will require permanent twenty foot utility easements from the HOA to the City of Asheboro on the final recorded plat.

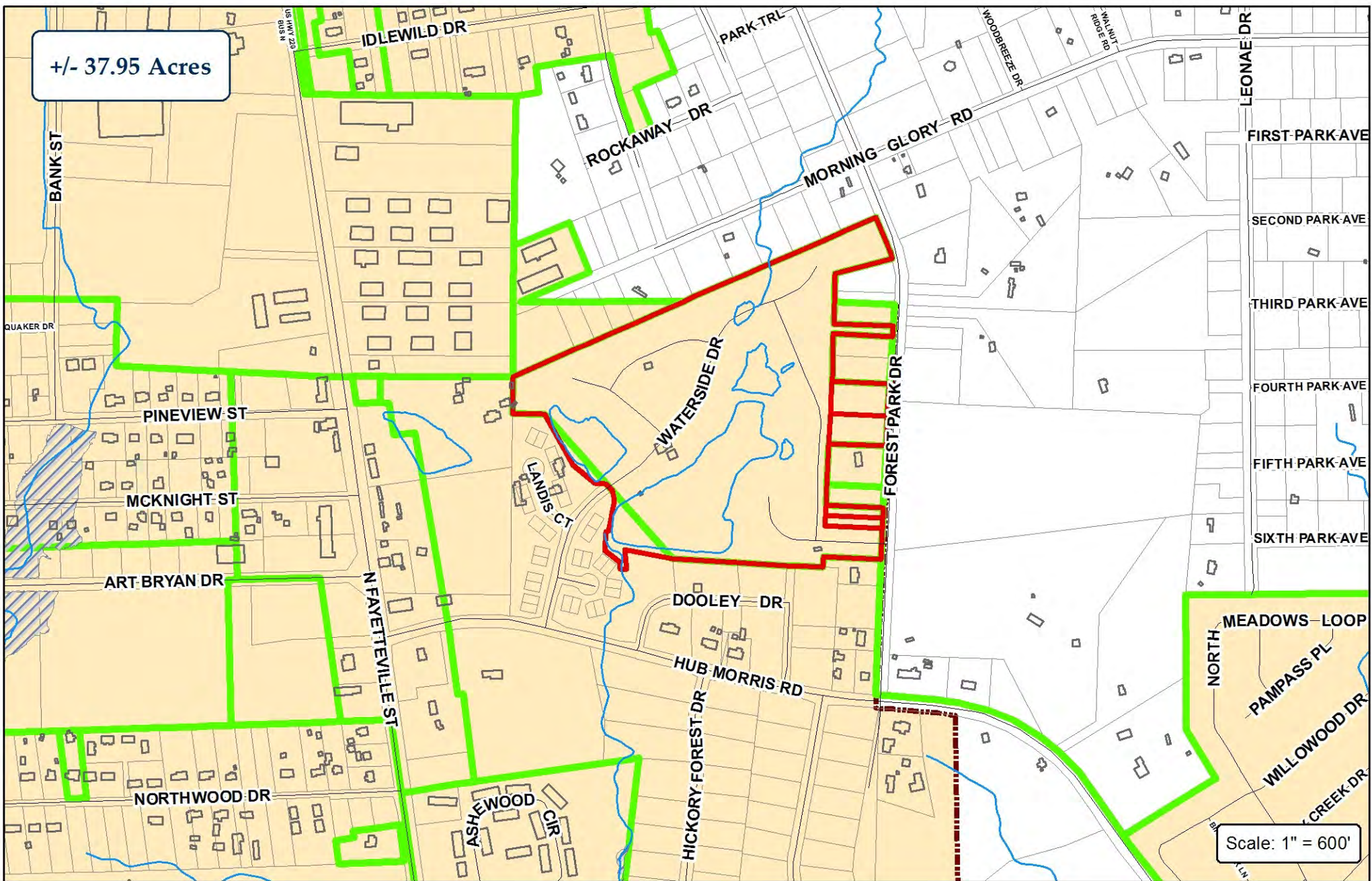
Complications may arise if the development is phased. If the developer chooses to proceed in phased development, all of the above stated testing will need to be complete in full to be able to record a final plat. However, valves can be installed at phase lines to break the testing up by phase if the developer chooses not to complete all utility requirements at once. All lines providing service to a phase will require the above mentioned testing and as-built drawings.

Please be advised that a separate service is required for each dwelling unit. The City will only maintain utilities within the platted street right-of-way and permanent utility easements. Any service lines on HOA property will be maintained by the individual homeowners.

Many of the proposed dwelling units will require new water and sewer connections. These can be obtained from the City of Asheboro Engineering Department. A complete ¾" meter service is \$2000.00 including the meter installation. A 4" sewer service \$1300.00. Each proposed unit that does not have a previously installed service will cost a total of \$3300.00. All previously installed water services will require the purchase of a water meter from the Engineering Department for \$250.00 each. The developer has an option to hire a licensed contractor install new water and sewer service connections to proposed dwelling units as specified on the engineering drawings provided for proposed utility improvements. Regardless, all services require

the purchase of a water meter from the Engineering Department for \$250.00 each.

Installation of all proposed utility improvements and testing shall be coordinated with the City of Asheboro Public Works Division.



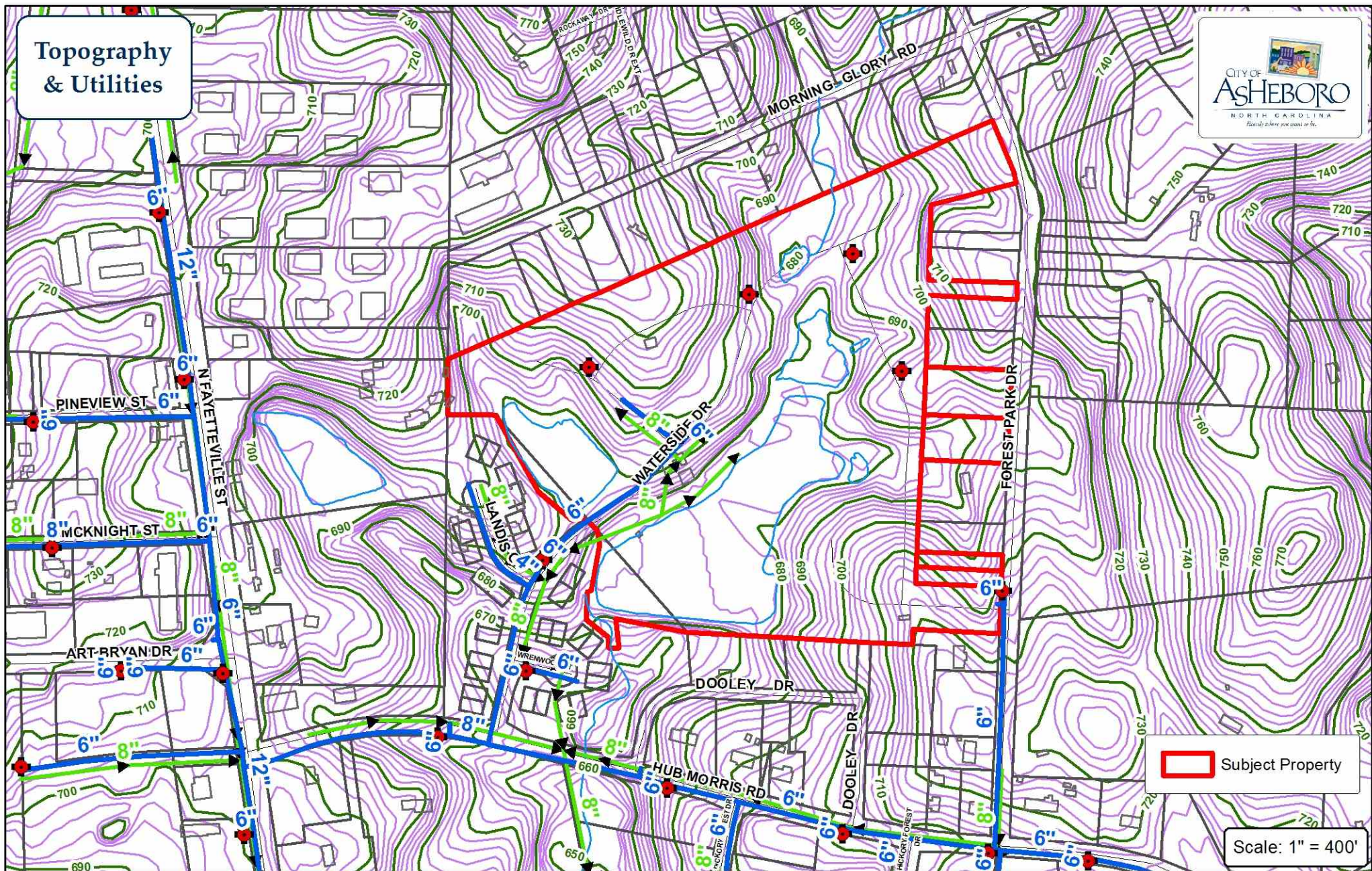
City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-17-04

Parcels: 7763270025, 7763275095, 7763265981, 7763265562 & 7763265467



Topography & Utilities



Subject Property

Scale: 1" = 400'

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

City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-17-04

Parcels: 7763270025, 7763275095, 7763265981, 7763265562 & 7763265467

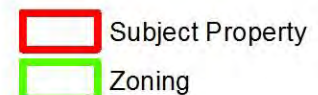




City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-17-04

Parcels: 7763270025, 7763275095, 7763265981, 7763265562 & 7763265467





- Legend**
- Proposed Property Line
 - Right of Way Line
 - Existing Roadway
 - Old Red Line
 - Existing Roadway
 - Proposed Roadway
 - Proposed Right of Way



Notes:

1. The site plan is based on the information provided by the owner and is not a guarantee of accuracy.
2. The site plan is not a legal document and should not be used for legal purposes.
3. The site plan is not a substitute for a professional engineering or architectural drawing.
4. The site plan is not a substitute for a professional engineering or architectural drawing.
5. The site plan is not a substitute for a professional engineering or architectural drawing.
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8. The site plan is not a substitute for a professional engineering or architectural drawing.
9. The site plan is not a substitute for a professional engineering or architectural drawing.
10. The site plan is not a substitute for a professional engineering or architectural drawing.

Preliminary Site Plan For:
Jackson's Run
 City of Asheville
 Rutherford County
 North Carolina
 November 13, 2017
 Scale: 1" = 100' US Survey Feet
 SWEET CAROLINA PLLC
 1016 North St. Asheville, NC 27203
 Phone Number: 828-680-0281
 Email: info@sweetcarolina.com
 Date: 11/13/2017
 Drawn by: J. L. R. Jr.
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ORDINANCE NO. _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE TO EXTEND THE ASHEBORO CITY LIMITS BY
ANNEXING A PARCEL OF LAND AT 200 FOSTER STREET THAT IS
CONTIGUOUS WITH THE EXISTING PRIMARY CITY LIMITS AND IS
APPROXIMATELY 0.355 OF AN ACRE (15,454 SQUARE FEET) IN SIZE**

WHEREAS, in accordance with Section 160A-31 of the General Statutes of North Carolina, A Town Investments, LLC has submitted, by and through its managing members, a petition seeking the annexation into the City of Asheboro of a parcel of land owned by the limited liability company that is approximately 0.355 of an acre (15,454 square feet) in size; and

WHEREAS, a structure with the address of 200 Foster Street, Asheboro, North Carolina 27205 is located on the parcel of land for which annexation has been requested, and the said parcel of land (the “Proposed Annexation Territory”) is more specifically identified by the following Randolph County Parcel Identification Number 7750736791; and

WHEREAS, the Proposed Annexation Territory is described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, the annexation petition submitted by A Town Investments, LLC was presented to the Asheboro City Council on November 9, 2017; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 35 RES 11-17), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition, and the city clerk has in fact certified the sufficiency of the said petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 36 RES 11-17, a legal notice was published on November 22, 2017, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described area into the City of Asheboro would be held during the Asheboro City Council's next meeting, which would be a regular meeting scheduled to begin at 7:00 o'clock p.m. on the 7th day of December, 2017, in the main conference room at the City of Asheboro Public Works Facility, 1312 North Fayetteville Street, Asheboro, North Carolina 27203; and

WHEREAS, the said public hearing was held, as advertised, on the 7th day of December, 2017; and

WHEREAS, the Asheboro City Council has determined that the annexation petition meets the requirements of Section 160A-31 of the General Statutes of North Carolina;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. By virtue of the authority granted in Section 160A-31 of the General Statutes of North Carolina, the following described area is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a 1" existing iron pipe flush with the ground in the southern margin of the 40-foot public right-of-way for Foster Street (North Carolina Secondary Road 2932) at the northeastern corner of the A Town Investments, LLC property described in Deed Book 2462, Page 1335, Randolph County Registry (the said A Town Investments Property is all of Lots 317B, 317C, and 317D of the Hammer Park Subdivision as shown on a plat of survey recorded in Plat Book 2, Page 33, Randolph County Registry; this A Town Investments, LLC property will be hereinafter referred to as the "Annexation Parcel"), the 1" existing iron pipe at the beginning point of this metes and bounds description is located by means of the North Carolina Coordinate System at the coordinates of North 703,878.61 feet and East 1,757,820.15 feet (NAD 83); thence from the said beginning point leaving the southern margin of the public right-of-way for Foster Street and proceeding along the Darrell D. Jordan property described in Deed Book 1922, Page 2804, Randolph County Registry by following the eastern boundary line of the Annexation Parcel, which is the proposed new primary city limits line, South 07 degrees 43 minutes 16 seconds West 226.72 feet to a 1" existing iron pipe that is up 8" at the southeastern corner of the Annexation Parcel, the said corner is located by means of the North Carolina Coordinate System at the coordinates of North 703,653.94 feet and East 1,757,789.68 feet (NAD 83); thence departing from

the eastern boundary line for the Annexation Parcel and following the proposed new primary city limits line North 86 degrees 45 minutes 37 seconds West 37.69 feet along the Annexation Parcel's southern boundary line to a point in the existing primary city limits line with a 1" existing iron pipe that is up 2" at the southwestern corner of the Annexation Parcel; thence departing from the Annexation Parcel's southern boundary line and proceeding along the existing primary city limits line by following the Annexation Parcel's western boundary line the following courses and distances: North 07 degrees 02 minutes 46 seconds West 85.77 feet to a ¾" pinched top existing iron pipe that is down 2"; thence North 07 degrees 05 minutes 07 seconds West 150.07 feet to a 1-¼" existing iron pipe that is down 12" in the southern margin of the public right-of-way for Foster Street at the northwestern corner of the Annexation Parcel; thence departing from the Annexation Parcel's western boundary line and continuing to follow the existing primary city limits line South 83 degrees 14 minutes 34 seconds East 97.80 feet along the southern margin of the 40-foot public right-of-way for Foster Street to the point and place of BEGINNING, and containing 0.355 acres (15,454 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey identified as job number 20171030atown, dated in the title block October 30, 2017, and titled "Annexation Survey For: A Town Investments LLC." The said plat was drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with Registration Number L-4787.

Section 2. Upon and after December 7, 2017, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the General Statutes of North Carolina.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the office of the Randolph County Register of Deeds and in the office of the North Carolina Secretary of State an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the General Statutes of North Carolina.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall be in full force and effect upon and after the 7th day of December, 2017.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of December, 2017.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

Approved as to form:

Jeffrey C. Sugg, City Attorney

Proposed Annexation



ORDINANCE TO AMEND THE GENERAL FUND
FY 2017-2018

WHEREAS, the City of Asheboro and community leaders and organizations have been fundraising to develop the Zoo City Park Sportsplex, and

WHEREAS, the City of Asheboro is ready to establish the project fund for the Sportsplex, and;

WHEREAS, the City of Asheboro desires amend the 2017-2018 budget to incorporate a transfer of \$301,500 for land acquisition and initial start up costs associated with this project, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	\$301,500

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-620-7400	Contribution to Capital Project	\$301,500

Adopted this the 7th day of December 2017.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018

WHEREAS, at the October 8, 2015 meeting, the City Council approved a \$43,500 proposal from Summey Engineering Associates, PLLC to conduct a storm water study in the Dixie Land Acres area, and;

WHEREAS, Phase 1 of the proposal (\$13,500) – Stormwater Study and Design Analysis and Phase 2 of the proposal (\$5,000) – Preliminary Sketch Design and Administration have been completed, and;

WHEREAS, Summey Engineering is now ready to proceed with phase 3 (\$25,000) which includes the preparation of final construction plans with necessary details to enable the City's forces to successfully complete the work, erosion control design and permitting and 401/401 NCDENR/USACE design and permitting, and;

WHEREAS, the estimated land acquisition costs for easements are estimated at \$1500, and;

WHEREAS, the City of Asheboro staff wants to set up a project fund to track the expenses relating to mitigating the situation in the Dixie Land acres as well as to track other related projects as stormwater issues are not isolated to only Dixie Land acres due to the fact that as other areas of the City is being developed, these developed less pervious areas are having more runoff at a faster rate causing issues to existing development downstream, and;

WHEREAS, the City of Asheboro desires amend the 2017-2018 budget to incorporate the expense for phase 3 of the study and to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	\$27,500

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-565-7300	Contribution to Capital Project	\$27,500

Adopted this the 7th day of December 2017.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

PROJECT ORDINANCE
ZOO CITY PARK SPORTSPLEX FUND
FY 2017-2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is adopted:

Section 1: The Zoo City Park Sportsplex Project is hereby authorized as a project with current revenues and expenditures projected as listed below.

Section 2: The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the agreement approved by the City Council and the budget contained herein.

Section 3: The following revenues are anticipated to be available at this time for this project:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
74-300-1000	Contribution from General Fund	\$301,500

Section 4: The following amounts are appropriated as expenditures for this project:

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
74-400-0000	Professional Services –Engineering	10,000
74-400-0001	Construction	40,000
74-400-0002	Land Acquisition	250,000
74-400-0003	Administrative Costs (fees etc.)	1,500
		\$301,500

Adopted this the 7th day of December 2017.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

PROJECT ORDINANCE
STORMWATER FUND
FY 2017-2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is adopted:

Section 1: The Stormwater Fund Project is hereby authorized as a project with current revenues and expenditures projected as listed below.

Section 2: The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the agreement approved by the City Council and the budget contained herein.

Section 3: The following revenues are anticipated to be available at this time for this project:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
73-300-1000	Contribution from General Fund	\$27,500

Section 4. The following amounts are appropriated as expenditures for this project:

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
73-400-0000	Professional Services – Dixie Land Acres Phase 3	\$25,000
73-400-0001	Land Acquisition & Easements	2,500
		\$27,500

Adopted this the 7th day of December 2017.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk