AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, JUNE 8, 2017, 7:00 PM

1. Call to order.

2. Silent prayer and pledge of allegiance.

3. Mayor Smith will ask the council to consider a resolution of appreciation for Hazel Anderson and Martha Norman for valuable contributions to the city and the tennis community.

4. Presentation by Dr. Tom Osteen and Rhinoleap Productions of their upcoming production of Ken Ludwig's "The Three Musketeers" co-sponsored by City of Asheboro Cultural and Recreational Services and Asheboro City Schools.

5. Mayor Smith will open a public hearing on the proposed budget for fiscal year 2017-2018, and Finance Director Deborah Reaves will present the city staff's recommendations.

6. Mayor Smith will open a public hearing on the proposed appropriations during the upcoming fiscal year for economic development purposes other than real property and business location incentives, and Finance Director Deborah Reaves will present the city staff's recommendations.

7. Mayor Smith will open a public hearing on the question of a potential economic development project involving the former Yates Ham facility, and Kevin Franklin, Vice-President of the Randolph County Economic Development Corporation, will describe the proposed project.

8. Mayor Smith will lead the city council's recognition of Bonnie Renfro, President of the Randolph County Economic Development Corporation, for her outstanding contributions to the city's industrial growth and economic diversification by presenting to Ms. Renfro a key to the City of Asheboro.

9. Consent Agenda:

   (a) Approval of the meeting minutes for the city council's regular meeting on May 4, 2017.

(b) Approval of the meeting minutes for the city council's special meeting on May 18, 2017.

(c) Approval of the meeting minutes for the city council's special meeting on May 19, 2017.

(d) Approval of the meeting minutes for the city council's special meeting on May 30, 2017.

(e) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for April 3, 2017.

(f) Acknowledgement of the receipt, on May 18, 2017, of the budget message and proposed budget for the Asheboro ABC Board for fiscal year 2017-2018.

(g) Approval of the announcement by the sewer maintenance department of the 15-day notice of a construction project to enhance the city's sewer maintenance program by installing sewer service line clean-outs along the following streets: Barclay Place, Draper Street, Gant Street, Henson Road, Hughes Street, Pleasant Street, Randall Street, Sanford Street, Sewell Drive, Simpson Avenue, Yzex Street, and Yorktown Lane.

(h) Approval of audit contract for the fiscal year ending June 30, 2017.

(i) Approval of a request from the community development division to schedule and advertise a combined hearing, on July 13, 2017, on the question of an application to rezone property at 312 W. Ward Street from RA6 High-Density Residential and OA6 Office-Apartment to CU-B2 Conditional Use General Commercial and to issue a Conditional Use Permit for a Large Child Day Care Center.

10. Community Development Director Trevor Nuttall will introduce the following community development items:

(a) The continuation from the May meeting of a quasi-judicial hearing pertaining to Case Nos. CUP-17-03 / SUB-17-01 and the applications for a Conditional Use Permit along with subdivision sketch design approval for Phase 2 of the Waterford Villas subdivision.

(b) Final subdivision plat review for Springwood Townhomes.

(c) A request to extend the time allowed between the preliminary and final plat subdivision reviews for New Century Industrial Center.

11. Mayor Smith will open a public hearing on the question of an application for a pawnbroker license and will ask Community Development Director Trevor Nuttall to lead the staff's analysis of the application.

12. Public comment period.

13. City Engineer Michael Leonard, PE will present a request for action on two resolutions in response to a petition from Edwin R. McGrath, Jr. requesting annexation of certain lots in the Northampton Heights Subdivision (formerly known as The Carriage at Sykes Farm):

    (a) A resolution directing the city clerk to investigate the annexation petition; and

    (b) A resolution setting the date for a public hearing on the question of annexation.

14. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.

15. Adjournment.

Item 7

RESOLUTION NUMBER __________________

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMISSION OF A RURAL BUILDING REUSE APPLICATION AS PART OF AN ECONOMIC DEVELOPMENT PROJECT WITH PIEDMONT CUSTOM MEATS, INC.

WHEREAS, in accordance with Section 143B-472.127 of the General Statutes of North Carolina, the North Carolina Department of Commerce's Rural Economic Development Division administers grants and loans to units of local government such as the City of Asheboro (the "City") to support economic development activity that will lead to the creation of new, full-time jobs; and

WHEREAS, Piedmont Custom Meats, Inc. (the "Company") has purchased the former Yates Ham facility that is located within the City on North Carolina Highway 49 South; and

WHEREAS, the Company is proposing to invest a total of $4,150,000, including $400,000 for property acquisition, $1,250,000 for building renovations, and $2,500,000 for machinery and equipment; and

WHEREAS, the Company is committed to creating at its facility in the City 40 new full-time jobs with an average wage of $33,938; and

WHEREAS, in light of the Company's stated commitment to job creation, the City's professional staff has recommended that the municipal corporation submit an application for Rural Building Reuse Grant funding in the amount of $500,000; and

WHEREAS, on June 8, 2017, the City Council conducted a properly advertised public hearing on the question of whether to enter into the proposed economic development project involving the submission of the above-described grant application; and

WHEREAS, after considering the information presented during the public hearing, the City Council concurred with the recommendation to submit an application for Rural Building Reuse Grant funding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City Council supports the job creation associated with the Company's proposed use of the former Yates Ham facility in Asheboro, and, therefore, the City is fully supportive of undertaking an economic development project consisting of the submission of a Rural Building Reuse Grant application seeking $500,000 in funding; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the City hereby commits to provide the required local cash match of $25,000, which is equal to 5% of the $500,000 sought for this project; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the mayor and the City's appointed officials are hereby authorized to execute the legal instruments necessary to successfully complete the above-described grant application process.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of June, 2017.

____
David H. Smith, Mayor

ATTEST:

____
Tammy M. Williams, Deputy City Clerk

Item 9 (e)

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on April 3, 2017

The Asheboro ABC Board met on April 3, 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). 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 March 6, 2017, Board meeting.

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

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

1. Asheboro ABC sales statistics comparing:
   - March 2017 sales with the previous month indicate:
     - An overall +16.9% change (all sales and tax collections)
   - March 2017 sales with sales from the same month last year indicate:
     - Retail Sales +7.2% ($260,087.00)
     - Mixed Beverage Sales: -8.5% ($33,528.60)
     - Sales Tax Collections: +7.2% ($18,224.77)
     - Overall Collections: +5.2% ($311,840.37)
   - March 2017 bottle sales with bottle sales from the same month last year indicate:
     - Retail Bottle Sales: +9.2%
     - Mixed Beverage Bottle Sales: -9.8%
     - Overall Bottle Sales: +7.8%

The next regular Asheboro ABC Board meeting will be held Monday, May 1, 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 5-1-17 GM

Brooke Schmidly

Stephen R Knight

Item 9 (f)

ASHEBORO ABC

Phone (336) 629-2530 • Fax (336) 629-2704

700 South Fayetteville Street, Asheboro, NC 27203

BUDGET MESSAGE FOR FISCAL YEAR 2017-2018

North Carolina General Statute § 18B-702 "Financial operations of local boards" requires the Asheboro ABC Board Finance Officer prepare for the Board's consideration an annual budget applicable for fiscal years. Upon adoption, no monies may be expended except as provided by the budget or as authorized by specific statute.

Retail operation of the Board's single store commenced with its first sale on November 18, 2008. As of April 30, 2017, the single store located at 700 South Fayetteville Street has collected $26,271,276.60 in sales and tax revenues. Sales and tax revenues are differentiated in this message to emphasize the mission of a local ABC board to not only sell spirits in a controlled environment, but also to collect significant tax revenues from those electing to purchase spirits.

A review of the Board's financial records for the current fiscal year to date (July 1, 2016 through April 30, 2017) indicates a 4.3% sales and tax collections increase over the same ten-month period last year. However, this marks the second year in a row that sales have experienced a moderate decrease. Sales growth peaked at the end of FY 2015 at 6.3% and decreased at the end of FY 2016 @ 5.9% and the end of FY 2017 @ 4.3%. During this same period the Board's market (customers in Asheboro's geographic area) have remained fairly unchanged.

The attached proposed budget forecasts a moderate 2.5% sales growth for FY 2017-2018, but when combined with the proposed capital expenditures and available Board savings (the Future Facility Fund) is designed to allow the Board to explore, and if so approved, open a second retail location in Asheboro while increasing the guaranteed annual funding to the City of Asheboro from $198,000.00 to $204,000.00. A second location in a high traffic area will reach more of the Board's market and increase overall sales.

On-going goals include continuation of the Board's mission of responsibly controlling the sale and distribution of alcoholic beverages, superior customer service, and operational efficiency designed to increase profit margins.

The Asheboro ABC Board Budget Ordinance for fiscal year July 1, 2017, through June 30, 2018, prepared in accordance with governing laws and the Board's stated desire to continue a responsibly sound fiscal policy, is hereby presented to the Board for consideration.

Respectfully submitted for consideration this the 18th day of May 2017.

Rodney E. Johnson
General Manager
Budget Officer

Attachment: Proposed Budget Ordinance for Fiscal Year 2017-2018
cc: Jeff Sugg, City of Asheboro
NC ABC Commission

ASHEBORO ABC BOARD
ANNUAL BUDGET FOR FISCAL YEAR

FY 2017-18 (PROPOSED)

Sales		3,750,000.00
Other Income		250.00
	Total	**$3,750,250.00**
Less Taxes		1,050,070.00
	Net Sales	**$2,700,180.00**
Less Cost of Sales		1,819,921.00
	Gross Profit	**$880,259.00**
Less:		
Operating Expenses		
Salaries, benefits and fees		346,000.00
Payroll taxes		27,680.00
Rent		64,800.00
Repairs and maintenance		6,250.00
Utilities		16,000.00
Insurance - general and bonds		17,000.00
Supplies and janitorial		8,500.00
Travel and training		3,500.00
Professional services		8,500.00
Dues and subscriptions		1,000.00
Bank fees and charges		35,500.00
Miscellaneous & Contingencies		6,000.00
	Total Operating Expenses	**$540,730.00**
	Operating Income	**$339,529.00**
Less:		
Capital Expenditures		
Future Facility Fund		40,000.00
Capital Improvements		60,000.00
	Total Capital Expenditures	**$100,000.00**
Net Income before Distributions		**$239,529.00**
Less:		
Distributions		
Law Enforcement		17,029.00
Alcohol Education and Rehab		18,500.00
City of Asheboro General Fund		204,000.00
	Total Distributions	**$239,529.00**
	Net Income after Distributions	-

Item 9 (h)

LGC-205 (Rev. 2017)

CONTRACT TO AUDIT ACCOUNTS

Of City of Asheboro

Primary Governmental Unit

N/A

Discretely Presented Component Unit (DPCU) if applicable

On this 19 day of May, 2017,

Auditor: Maxton C. McDowell, CPA Auditor Mailing Address: 379 South Cox Street,

Asheboro, North Carolina 27203 Hereinafter referred to as The Auditor

and City Council (Governing Board(s)) of City of Asheboro (Primary Government)

and N/A (Discretely Presented Component Unit) : hereinafter referred to as the Governmental Unit(s), agree as follows:

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning July 1, 2016, and ending June 30, 2017. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards,* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).

   County and Multi-County Health Departments: The Office of State Auditor will designate certain programs that have eligibility requirements to be considered major programs in accordance with OMB Uniform Guidance for the State of North Carolina. The LGC will notify the auditor and the County and Multi-Health Department of these programs. A County or a Multi-County Health Department may be selected to audit any of these programs as major.

3. If an entity is determined to be a component of another government as defined by the group audit standards - the entity's auditor will make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government*

Auditing Standards. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment..

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: October 31, 2017. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the secretary of the LGC for approval.

7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. **Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC**. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent via upload through the current portal address: http://nctreasurer.slgfd.leapfile.net Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.

9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. (**Note: Fees listed on signature pages**.)

10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.

12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed **prior** to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.

13. The Auditor shall electronically submit the report of audit to the LGC as a text-based PDF file when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless another time frame is agreed to by the LGC.

    If the OSA designates certain programs to be audited as major programs, as discussed in item #2, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

    The LGC's process for submitting contracts, audit reports and invoices is subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor

15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, on theAmended LGC-205 contract form and pre-audited if the change includes a change in audit fee. This amended contract needs to be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract, and then must be submitted through the audit contract portal to the Secretary of the LGC for approval. The portal address to upload your amended contract is http://nctreasurer.slgfd.leapfile.net No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

16. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit should be attached to the contract, and by reference here becomes part of the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #25 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.

17. Special provisions should be limited. Please list any special provisions in an attachment.

18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU must be named along with the parent government on this audit contract. Signatures from the DPCU Board chairman and finance officer also must be included on this contract.

19. The contract must be executed, pre-audited, physically signed by all parties including Governmental Unit and Auditor signatures and submitted in PDF format to the Secretary of the LGC. The current portal address to upload your contractual documents is http://nctreasurer.slgfd.leapfile.net Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of November 2016. These instructions are subject to change. Please check the NC Treasurer's web site at https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx for the most recent instructions.

20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. **The audit should not be started before the contract is approved.**

21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

22. **E-Verify**. Auditor **shall comply** with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor **shall require** such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

23. Contractor hereby certifies that Contractor, and all subcontractors, are not on the Iran Final Divestment List ("List") created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. Contractor shall not utilize any subcontractor that is identified on the List.

25. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

SIGNATURE PAGES FOLLOW

Contract to Audit Accounts (cont.) City of Asheboro
Primary Governmental Unit

N/A
Discretely Presented Component Units (DPCU) if applicable

City of Asheboro **- FEES**

Year-end bookkeeping assistance – [*For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards*] -0-

Audit $30,000

Preparation of the annual financial Statements $5,000

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is $ 26,250

**** NA if there is to be no interim billing**

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

Maxton C. McDowell, CPA
Name of Audit Firm

By Maxton C. McDowell
Authorized Audit firm representative name: Type or print

Maxton C McDowell
Signature of authorized audit firm representative

Date 5/19/17

mcmcpa@triad.rr.com
Email Address of Audit Firm

Governmental Unit Signatures:

City of Asheboro
Name of Primary Government

By David Smith, Mayor
Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date

By N/A
Chair of Audit Committee - Type or print name

**
Signature of Audit Committee Chairperson

Date

** *If Governmental Unit has no audit committee, mark this section "N/A"*

Town ofLiberty

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By Deborah Reaves
Primary Governmental Unit Finance Officer: Type or print name

Primary Government Finance Officer Signature

Date

(Pre-audit Certificate ***must be dated.****)*

dreaves@ci.asheboro.nc.us
Email Address of Finance Officer

Date Primary Government Governing Body Approved Audit Contract - G.S. 159-34(a)

MAXTON MCDOWELL
Certified Public Accountant

379 South Cox Street
Asheboro, North Carolina 27203
Phone: (336) 626-9970
Fax: (336) 626-5981

Member

American Institute of Certified
Public Accountants

North Carolina Association of
Certified Public Accountants

216 W. North Street
Albemarle, North Carolina 28001
Phone: (704) 983-5012
Fax: (704) 983-5109

May 19, 2017

Mr. David Smith, Mayor and
City Council of the City of Asheboro
146 N. Church Street
Asheboro, NC 27203

I am pleased to confirm our understanding of the services I am to provide for the City of Asheboro for the year ended June 30, 2017. I will audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City of Asheboro as of and for the year ended June 30, 2017. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Asheboro's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, I will apply certain limited procedures to the City of Asheboro's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to my inquiries, the basic financial statements, and other knowledge I obtained during my audit of the basic financial statements. I will not express an opinion or provide any assurance on the information because the limited procedures do not provide me with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Law Enforcement Officers' Special Separation Allowance Schedules
3. Other Postemployment Benefits Schedules
4. Local Government Employees' Retirement System Schedules

I have also been engaged to report on supplementary information other than RSI that accompanies the City of Asheboro's financial statements. I will subject the following supplementary information to the auditing procedures applied in my audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and I will provide an opinion on it in relation to the financial statements taken as a whole, in a report combined with my auditor's report on the financial statements:

1. Budgetary Comparison Schedule
2. Combining and Individual Fund Financial Statements and Schedules
3. Schedule of Expenditures of Federal and State Awards

The following other information accompanying the financial statements, which is required for a Comprehensive Annual Financial Report, will not be subjected to the auditing procedures applied in my audit of the financial statements, and for which my auditor's report will not provide an opinion or any assurance on that other information:

1. Introductory Information
2. Statistical Tables

Audit Objectives

The objective of my audit is the expression of opinions as to whether the City of Asheboro's financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on the City of Asheboro's:

- Internal control over financial reporting and compliance with the provisions of applicable laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards.*

- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal and state statutes, regulations, and the terms and conditions of federal and state awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 *U.S. Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of entity's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

My audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; Single Audit Act Amendments of 1996; the provision of the Uniform Guidance; and the State Single Audit Implementation Act, and will include tests of the accounting records, a determination of major programs in accordance with the Uniform Guidance and the State Single Audit Implementation Act, and other procedures I consider necessary to enable me to express such opinions. I will issue written reports upon completion of my Single Audit. My reports will be addressed to the mayor and City Council of the City of Asheboro. I will make reference to the Asheboro ABC Board's auditor's audit in my report on your financial statements. I cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for me to modify my opinions or add emphasis-of-matter or other-matter paragraphs. If my opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, I will fully discuss the reasons with you in advance. If, for any reason, I am unable to complete the audit or am unable to form or have not formed opinions, I may decline to express opinions or to issue a report as a result of this engagement, or may withdraw from this engagement.

Management Responsibilities

Management is responsible for making all financial records and related information available to me and for the accuracy and completeness of that information. Management is also responsible for providing me with (1) access to all information of which it is aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that I may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom I determine it necessary to obtain audit evidence. Management is also responsible for identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Management is responsible for adjusting the financial statements to correct material misstatements and for confirming to me in the representation letter that the effects of any uncorrected misstatements aggregated by me during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Management is responsible for establishing and maintaining effective internal controls, including internal controls over federal and state awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and, that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and, ensuring that management is reliable and the financial information is reliable and properly recorded. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. Management is responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal and state awards, and all accompanying information in conformity with accounting principles generally accepted in the United States of America, and for compliance with applicable laws and regulations (including federal and state laws) and the provisions of contracts and grant agreements (including award agreements).

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing me about all known or suspected fraud, or illegal acts affecting the government involving (a) management, (b) employees who have significant roles in internal control, and (c) others where the fraud or illegal acts could have a material effect on the financial statements. You are also responsible for informing me of your knowledge of any allegations of fraud or suspected fraud or illegal acts affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the City of Asheboro complies with applicable laws, regulations, contracts, agreements and grants; and for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that I may report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for my review on September 1, 2017.

Management is responsible for the financial statements, schedule of expenditures of federal and state awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying all federal and state awards received and understanding and complying with the compliance requirements, and for the preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received) in accordance with the requirements of the Uniform Guidance. You are responsible for making all management decisions and performing all management functions relating to the financial statements, schedule of expenditures of federal and state awards, and related notes, and any other nonaudit services I provide and for accepting full responsibility for such decisions. As part of the audit, I will assist with the preparation of your financial statements, schedule of expenditures of federal and state awards, and related notes in conformity with accounting principles generally accepted in the United States of America and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards.* I will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal and state awards, and related notes services previously defined. I, in my sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities. You will be required to acknowledge in the management representation letter my assistance with the preparation of the financial statements and the schedule of expenditures of federal and state awards, and related notes and that you have reviewed and approved them prior to their issuance and have full responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

You are responsible for the preparation of the other supplementary information, which I have been engaged to report on, in conformity with accounting principles generally accepted in the United States of America. You agree to include my report on the supplementary information in any document that contains and indicates that I have reported on the supplementary information. You also agree to present the supplementary information with the audited financial statements OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with my report thereon. Your responsibilities include acknowledging to me in the written representation letter that (1) you are responsible for the presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You are responsible for the preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include my report on the schedule of expenditures of federal and state awards in any document that contains and indicates that I have reported on the schedule of expenditures of federal and state awards. You also agree to present the schedule of expenditures of federal and state awards with the audited financial statements OR make the audited financial statements readily available to users of the schedule of expenditures of federal and state awards no later than the date the schedule of expenditures of federal and state awards is issued with my report thereon. Your responsibilities include acknowledging to me in the written representation letter that (1) you are responsible for the presentation of the schedule of expenditures of federal and state awards in accordance with the Uniform Guidance; (2) that you believe the schedule of expenditures of federal and state awards, including its form and content, is fairly presented in accordance with the Uniform Guidance; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and state awards.

Management is responsible for establishment and maintenance of a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing to me previous financial audits, attestation engagements, performance audits, or other engagements or studies related to the objectives discussed in the Audit Objective section of this letter. This responsibility includes relaying to me corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other engagements or studies. You are also responsible for providing management's views on my current findings, conclusions, and recommendations, as well as your planned corrective actions, and the timing and format related thereto.

Audit Procedures – General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, my audit will involve judgement about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. I will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free from material misstatement, whether from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because I will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by me, even though the audit is properly planned and performed in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, I will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that comes to my attention. I will also inform you of any violations of laws or governmental regulations that come to my attention, unless clearly inconsequential. I will include such matters in the reports required for a Single Audit. My responsibility as auditor is limited to the period covered by my audit and does not extend to matters that might arise during any latter periods for which I am not engaged as auditor.

My procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, funding sources, and financial institutions. I will request written representations form your attorneys as part of this engagement, and they may bill you for responding to this inquiry. At the conclusion of my audit, I will also require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal and state awards; federal and state awards programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures – Internal Controls

My audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to the design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that I consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. My tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in my report on internal control issued pursuant to *Government Auditing Standard.*

As required by the Uniform Guidance, I will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that I consider relevant to preventing or detecting material noncompliance with compliance requirements, applicable to each of the City of Asheboro's major federal and state award programs. However, my tests will be less in scope than would be necessary to render and opinion on those controls, and accordingly, no opinion will be expressed in my report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, I will communicate to management and those charged with governance internal control related matters that are required to be communicated under professional standards, *Government Auditing Standards* and the Uniform Guidance.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, I will perform tests of the City of Asheboro's compliance with applicable laws, regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and I will not express such an opinion in my report on compliance issued pursuant to *Government Auditing Standards.*

The Uniform Guidance requires that I also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal laws, regulations and the terms and conditions of federal awards applicable to major programs. My procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* and the Audit Manual for Governmental Auditors in North Carolina, issued by the Local Government Commission, for the types of compliance requirements that could have a direct and material effect on each of the City of Asheboro's major programs. The purpose of those procedures will be to express an opinion on the City of Asheboro's compliance with requirements applicable to major programs in my report on compliance issued pursuant to the Uniform Guidance.

Audit Administration, Fees and Other

I understand that your employees will prepare all cash, accounts receivable, or other confirmations I request and will locate any invoices selected by me for testing.

At the conclusion of the engagement, I will complete the appropriate sections of the Data Collection Form that summarizes my audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal and state awards, summary schedule of prior audit findings, auditor's reports, and a corrective action plan) along with the Data Collection Form to the designated federal clearinghouse and, if appropriate, to pass-through entities. I will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after the receipt of the auditor's report or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

I will provide copies of my reports to the City of Asheboro; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of my reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Maxton C. McDowell, CPA and constitutes confidential information. However, pursuant to authority given by law or regulation, I may be requested to make certain audit documentation or individuals available to a grantor agency or its designee, a federal or state agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. I will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Maxton C. McDowell, CPA personnel. Furthermore, upon request, I may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the photocopies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the grantor agency. If I am aware that a federal and state awarding agency, pass-through entity, or auditee is contesting an audit finding, I will contact the parties contesting the audit finding for guidance prior to destroying the audit documentation.

I expect to issue my reports no later than October 31, 2017. My fees for these services will be at standard hourly rates plus out-of –pocket costs (such as report production, typing, postage, travel copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed $35,000. Standard hourly rates vary according to degree of responsibility involved and the experience level of the personnel assigned to your audit. My invoice for these fees will be rendered periodically as work progresses and are payable upon presentation. In accordance with firm policies, work may be suspended if your account becomes thirty days or more overdue and may not be resumed until your account is paid in full. If services are terminated due to nonpayment, you will be obligated to compensate for all time expended and to reimburse for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary; I will discuss it with you and arrive at a new fee estimate before additional cost is incurred.

Government Auditing Standards require that, if requested by you, a copy of my most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract be provided to you. My 2015 peer review report accompanies this letter.

I appreciate the opportunity to be of service to the City of Asheboro and believe this letter accurately summarizes the significant terms of my engagement. If you have any questions, please let me know.

If you agree with the terms of this engagement as described in this letter, please sign and return the original and the enclosed copies.

Sincerely,

Maxton C. McDowell

Maxton C. McDowell
Certified Public Accountant

RESPONSE:
This letter correctly sets forth the understanding of the City of Asheboro.

By: ______________________________

Title: ______________________________

Date: ______________________________

BATCHELOR, TILLERY & ROBERTS, LLP
CERTIFIED PUBLIC ACCOUNTANTS
POST OFFICE BOX 18068
RALEIGH, NORTH CAROLINA 27619

RONALD A. BATCHELOR
ANN H. TILLERY
FRANKLIN T. ROBERTS
WM. JAMES BLACK, JR.
SCOTT E. CABANISS

3605 GLENWOOD AVENUE, SUITE 350
RALEIGH, NORTH CAROLINA 27612
TELEPHONE (919) 787-8212
FACSIMILE (919) 783-6724

System Review Report

To the Owner of Maxton Curtis McDowell, CPA and the
Peer Review Committee of NCACPA

We have reviewed the system of quality control for the accounting and auditing practice of Maxton Curtis McDowell, CPA (the firm) in effect for the year ended February 28, 2015. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accouutants. As part of our review, we considered reviews by regulatory entities, if applicable, to determine the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Maxton Curtis McDowell, CPA in effect for the year ended February 28, 2015, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass, pass with deficiency(ies),* or *fail.* Maxton Curtis McDowell, CPA has received a peer review rating of *pass.*

Batchelor, Tillery & Roberts, LLP

January 20, 2016

Item 10 (a)

CUP-17-03 and SUB-17-01: Combined quasi-judicial hearing on Conditional Use Permit and Subdivision Sketch Design review for Waterford Villas, Phase 2

(north of Hub Morris Rd. at current northern terminus of Waterside Drive approximately 700' east of North Fayetteville Street and on west side of Forest Park Drive)

Staff Report

Conditional Use Permit Staff Report

CUP Case No. CUP-17-03

6/8/2017 City Council (updated)

General Information

Name Waterford RE, LLC (Attorney Tom Wright, Agent)

Address 5607 Tradd Dr.
Greensboro NC 27203

Phone 336-362-4715

Pin # 7763265981, 7763275095, 7763270025, 7763265467 and 7763265562

Location Northern Terminus of Waterside Drive/West side of Forest Park Drive

RequestedAction: Conditional Use Permit for a Residential Planned Unit Development

Existing Zone R10 Medium-Density Residential

Existing Land Use Undeveloped/ Residential PUD previously under construction

Size 38 acres +/-

Applicant's Reason as stated on application

To allow construction of residential triplex units on subject property with the same number of buildings, as currently approved zoning; and same exterior finishes as in Waterford Villas, Phase I, PB 115-80. Minimum unit size; 1600 sq. ft., 1400 sq. ft, 1600 sq. ft. Property in Parcels 7763275095 and 7763265981 will be used for storage space for unit owners. See attached site plan. Staff Note: As allowed by Zoning Ordinance, changes to the site plan were made between time of application and site plan revision deadline of 4-19-2017.

Surrounding Land Use

North Medium-Density Residential

East Low to Medium Density Residential

South Existing PUD/Low to Medium Density

West Low-Density Res./Commercial/Industrial

Zoning History 2006: (SUP-06-07): Residential Planned Unit Development with 108 residential units approved in both phases.
2007 (SUB-06-03). Preliminary plat allowing construction of infrastructure for all phases.
2008 (SUB-06-03): Phase 1 (28 residential units) was platted.

Growth Strategy Map Primary Growth

Proposed L D P Map Neighborhood Residential

Legal Description

Property identified in part as "Future Development" in Plat Book 115, Page 80, located at the northern terminus of the publicly maintained portion of Waterside Dr., north of Hub Morris Rd, on the west side of Forest Park Dr., more specifically identified by Randolph County Parcel Identification Nos. 7763265981, 7763275095, 7763270025, 7763265467 and 7763265562 and totaling approximately 38 acres +/-.

Analysis

1. The request is for a Residential Planned Unit Development (PUD) to consist of a total of 117 dwelling units. The dwelling units are proposed with either two or three units in each of the forty five (45) residential structures. The development also includes common and recreational areas along with an optional storage building proposed for owners' use. Both public streets and private alleys, maintained by a Homeowners Association, are incorporated into the design.
2. City Council originally granted approval for a PUD at this location in 2006. The increase in the number of units (80 to 117), the addition of a resident storage facility, and the inclusion of three dwelling units in many of the structures (which also requires rezoning as noted in (3) below), are considered a modification of the previous Special Use Permit.
3. The units are a single-story design ranging from approximately ~~1,352~~ 1,346 to 1,522 square feet of gross floor area, plus a two-vehicle garage for each unit.
4. The proposal for three (3) dwelling units per structure requires rezoning the property to a high-density residential district (RA-6) or a Conditional Use high-density zoning district (CU-RA6).
5. During the public hearing that was opened on May 4, 2017, the applicant's request for a CU-RA6 district was approved. As detailed in the rezoning staff report, the CU-RA6 district only allows uses approved in conjunction with a site-specific development plan approved by City Council.
6. The combined quasi-judicial hearing concerning the Conditional Use Permit for a Residential Planned Unit Development and corresponding Subdivision Sketch Design were continued until the next regular scheduled City Council meeting to be held at 7:00 PM on June 8, 2017.

LDP Conformity Issues Review should carefully evaluate density and building design with the Neighborhood Residential designation.

Conditional Use Permit Staff Report

NOTE: Applicant shall certify to Council mailings to all adjoining property owners.

Staff Comments

Suggested Conditions

There are four (4) sets of conditions that are attached to this report as follows:

Attachment A: Conditions proposed by staff that have been revised since the quasi-judicial public hearing held on May 4, 2017. Newly proposed conditions are underlined and in red. Conditions staff proposes deleting are struck through.

Attachment B: Conditions jointly submitted by both parties (applicant's attorney and attorney representing some area property owners). Staff has noted each proposed condition as "consistent", "inconsistent", or "ambiguous". "Consistent" means that the proposed condition is consistent with City land use practices concerning conditional use permits. "Inconsistent" means that the proposed condition is not consistent with the City's land use practices concerning conditional use permits. "Ambiguous" means that the most recent site plan contained in this report does not match the jointly proposed conditions.

Attachment C: Conditions reflecting testimony offered during the May 4, 2017 quasi-judicial public hearing.

Attachment D: Developers' proposed restrictions on storage units received by City staff on June 5, 2017.

Staff notes the possibility that the applicant will modify the most recently submitted site plan between the date of this draft staff report (June 7, 2017) and the public hearing, scheduled for June 8, 2017.

For Conditional Use Permit Hearings:
The following tests shall be found in favor of the applicant by the City Council.

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

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

Section 630A: Zoning Ordinance Requirements for Residential Planned Unit Developments

1. Residential Planned Unit Developments may be permitted in any R40, R15, R10 R7.5, RA6 or OA6 zoning district as long as the proposed development contains a minimum of 2 acres. Those uses ordinarily permitted by right, by SUP, or as an accessory within the district the development is to be located may be included in the development.
2. Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD requires review as a "major" subdivision the Sketch Design Plat shall be properly submitted, reviewed and recommended by the Planning Board for the City Council's consideration at the same meeting as the PUD SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the PUD requires a "minor subdivision the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council. (9/02)
3. Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.
4. Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.
5. The yard and height regulations set forth in Table 200-1 may be modified for a PUD, provided that, for such development as a whole, excluding public street right-of-ways or the area dedicated to private streets but including individual lots, common area, parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.
6. Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.
7. Provisions and plans for garbage and waste collection shall be included with the application.
8. Buffers and/or screening shall be installed and maintained based on the types of individual uses contained within the development as per Article 304A.
9. Signs will be regulated as per Article 500.
10. Off street parking shall be provided as per Article 400.
11. General landscaping shall be installed and maintained. Plans indicating all required and non-required landscaping shall be submitted as part of the application

Staff Proposed Draft Conditions, Last Updated 6-2-2017

Staff Note: Newly proposed conditions are underlined and in red. Conditions staff proposes deleting are struck through. Staff is reviewing a revised site plan that has been presented by the applicant. Should additional changes to staff's proposed conditions occur, they will be presented during the June 8, 2017 City Council meeting.

(A) The exact location of sidewalks connecting sidewalks located within public right-of-ways, recreation areas and the proposed 100' x 100' residents' storage units may be modified to the extent that they comply with the Asheboro Subdivision Ordinance, Article X, Subsection IV.C.5, requiring ADA compliant sidewalks that extend from sidewalks along the public right-of-way to all amenities.

(B) The site plan labels a Type A screen or buffer along portions of the property's perimeter and along Forest Park Drive. Existing vegetation may also count towards meeting screening/buffering requirements. However, should any deficiency in meeting the landscaping requirements occur, additional buffering or screening measures consistent with Section 304A (Buffers and Screening) and Section 308A (Front Yard Landscaping) of the Asheboro Zoning Ordinance shall be required.

(C) The 100' x 100' storage building identified on the site plan is not required by the zoning ordinance, subdivision ordinance, or Conditional Use Permit. If constructed, use of the proposed storage building shall be limited to residents of the proposed Phase 2 of Waterford Villas, and residents of Phase 1 of Waterford Villas (Plat Book 115, Page 80, Randolph County Public Registry).

(D) Building facades of the 100' x 100' residents' storage building shall consist of materials permitted by Section 318A.D (Design Standards for all Residential Districts) of the Asheboro Zoning Ordinance.

(E) Should any recreational vehicles be located in the parking area surrounding the 100' x 100' residents' storage building, such recreational vehicles shall be screened in accordance with the requirements of Section 305A of the Asheboro Zoning Ordinance.

(F) If topography necessitates the drive providing access to the dam as specified in (G) above to encroach into the required 5' screening yard on the southern boundary of the property (in cases in which the "Screen A" option is used in lieu of locations where the minimum 15' "Buffer A" is an option), additional plantings/screening as specified by Section 304A.6 (Alternative Buffers and Screening) will be required to ensure that the degree of screening to adjoining properties is equal to or exceeds the degree of screening provided by "Screen A" requirements.

(G) Landscaping required adjacent to the northern property boundary of James Markle (DB 1332, PG 55) shall equal or exceed the requirements of a "Screen A" as specified by Section 304A.4. The "Buffer A" option is not permitted at this location.

~~(F) The site plan erroneously omits labeling of proposed driveways for Units 100-117. The applicant shall provide a revised site plan to staff that labels these driveways and corrects any calculations concerning open space. This revised site plan shall not be considered a modification requiring further Council review~~

Staff Note: Staff proposes eliminating the above condition (previously listed as Condition F, because the site plan has been revised to correct this error (omission of driveway labeling, open space calculations).

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

(~~H~~I) The primary architectural elements for the two-family dwellings shall be substantially similar to those depicted by the building elevation plans submitted showing the three-family dwellings.

(J) Prior to the approval of a final plat, the applicant shall provide additional details concerning proposed buffering and screening that are required by the Zoning Ordinance and/or adopted supplementary conditions to the Conditional Use Permit.

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

Attachment B

CONDITIONAL USE RESTRICTIONS

WATERFORD RE, LLC

1, RESTRICTIVE COVENANTS: The second and subsequent phases will comply with all covenant guidelines currently enforced in Phase I as set out and recorded in Book 2064, Page 340 and in Article VII Sections 1 – 10 except as to the heated square footage of the units, which will be as set out in these Conditional Use Requirements.

Staff Determination: Inconsistent with City's land use practices concerning conditional use permits.

2. BRICK RESTRICTIONS AND HEATED SQUARE FOOT SIZE RESTRICTIONS

a. The first two triplex units beyond 2458 Waterside Drive, units 1 - 12 on the preliminary map, will be restricted to triplex's with 1500-1350-1500 sq. ft. min heated space and three two car garages with all exterior brick/Stone.
b. The four triplex units facing the pond on Waterford Court, Units 55-60 and 88- 93, will be restricted to triplexes with 1500-1350-1500 sq. ft. min heated space and three two car garages and all exterior brick/stone.
c. All duplex units will be be restricted to duplexes with 1500-1500 sq .ft. min heated space and two, two car garages with fronts of all exterior brick/stone.
d. All units will have brick/stone fronts.
e. The two triplex units across Richardson Lake will be triplex units 1500-1350-1500 sq.ft. min. heated space and all brick/stone exterior (identified as 2 triplex units 88-90 & 91-93) and three two car garages per unit.
f. All other triplex units to be built in the new second and subsequent phases will have a minimum of 1350 square feet of heated space for the interior (middle) unit and the two outside units will have no less than 1500 heated square feet heated square feet
g. All duplex units to be built in the new second and subsequent phases will have a minimum of 1500 square feet of heated space in each unit

Staff Determination:

Items 2a, 2b, 2c, 2e, 2f, 2g- Ambiguous due to information presented on most recent site plan.

Item 2d- Consistent with City's land use practices concerning conditional use permits.

3. GARAGES: All residences in the second phase will have two car garages. All driveways will be entirely of concrete

Staff Determination: Consistent with City's land use practices concerning conditional use permits.

4. SINGLE STORY CONSTRUCTION: ALL new units will be one story except bonus rooms may be constructed in the truss area of the homes.

Staff Determination: Consistent with City's land use practices concerning conditional use permits.

5. COMMON AREAS: If common areas are developed in the second phase, they will be developed under declarant control, but nothing will be built without a majority of existing homeowners' approval.

Staff Determination: Inconsistent with City's land use practices concerning conditional use permits.

Staff Note: There is no #6 in the document.

7. BLASTING: Builders will assure that any rock blasting will comply with city requirements.

Staff Determination: Inconsistent with City's land use practices concerning conditional use permits.

8. SETBACKS: Setbacks on the second phase will conform with the City Setbacks for RA6 (10 foot side, 25 foot front, and 20 foot back)

Staff Determination: Ambiguous due to information presented on most recent site plan.

9. The drive at the end of Waterside Drive will be constructed entirely of concrete.

Staff Determination: Consistent with City's land use practices concerning conditional use permits.

10. The rear entrance from Forest Park is to be landscaped consistent with the standards utilized at the entrance at Hub Morris Road except it will not contain a water feature.

Staff Determination: Consistent with City's land use practices concerning conditional use permits.

11. Developers will leave at least 25 feet between Unit 96 and 97 for access to the dam in the event repairs are needed and further developers will turn over a non-exclusive easement to Dooley Drive and to the 40 foot easement set out in Plat Book 135, Page 3 to access the dam to the homeowners association.

Staff Determination: Consistent with City's land use practices concerning conditional use permits.

Condition reflecting testimony offered during the May 4, 2017 quasi-judicial public hearing

(A) Hours of operation for the residents' storage building shall be limited to 7:00 AM to 9:00 PM daily.

DEVELOPER'S PROPOSED RESTRICTIONS ON STORAGE UNITS

Waterford RE, LLC, the developer for the proposed Phase 2 of Waterford Villas, proposed the following restrictions on the construction of storage units, as proposed:

1. Hours of operation will be restricted to 7:00 a.m. through 9:00 p.m.

Staff Determination: Consistent with City's land use practices concerning conditional use permits.

2. The entire area will be surrounded by a fence which will be opaque or restricted visibility.

Staff Determination: Ambiguous due to information presented on most recent site plan.

3. There will be no signs identifying the storage areas at either entrance, other than address signs or other signs required by applicable local ordinances.

Staff Determination: Consistent with City's land use practices concerning conditional use permits.

4. Only owners of Waterford Villas will be permitted to rent storage space.

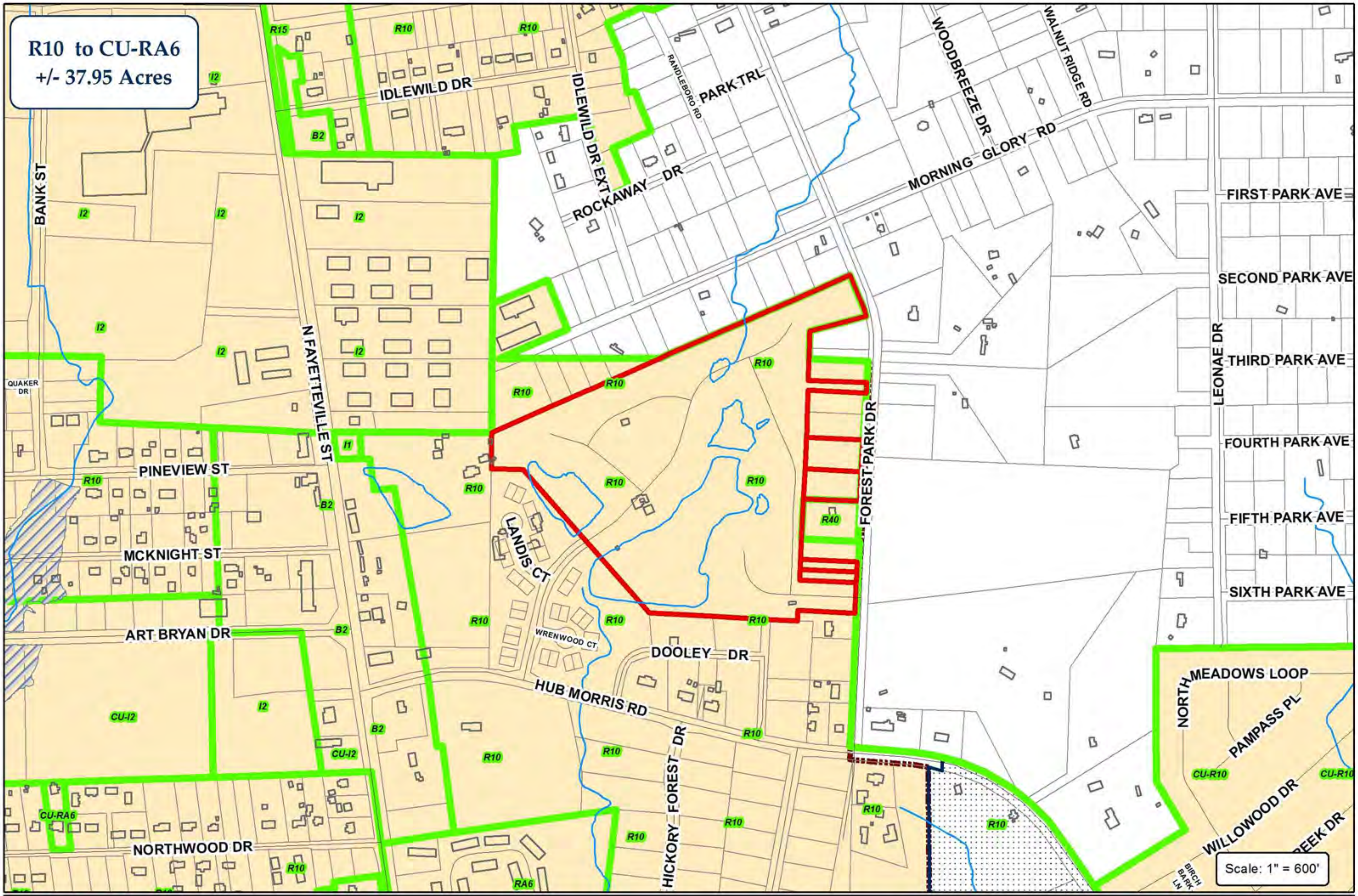
Staff Determination: Inconsistent with City's land use practices concerning conditional use permits.

5. The exterior of the storage units will be consistent with the exterior of the other units at Waterford, Phase Two.

Staff Determination: Consistent with City's land use practices concerning conditional use permits.

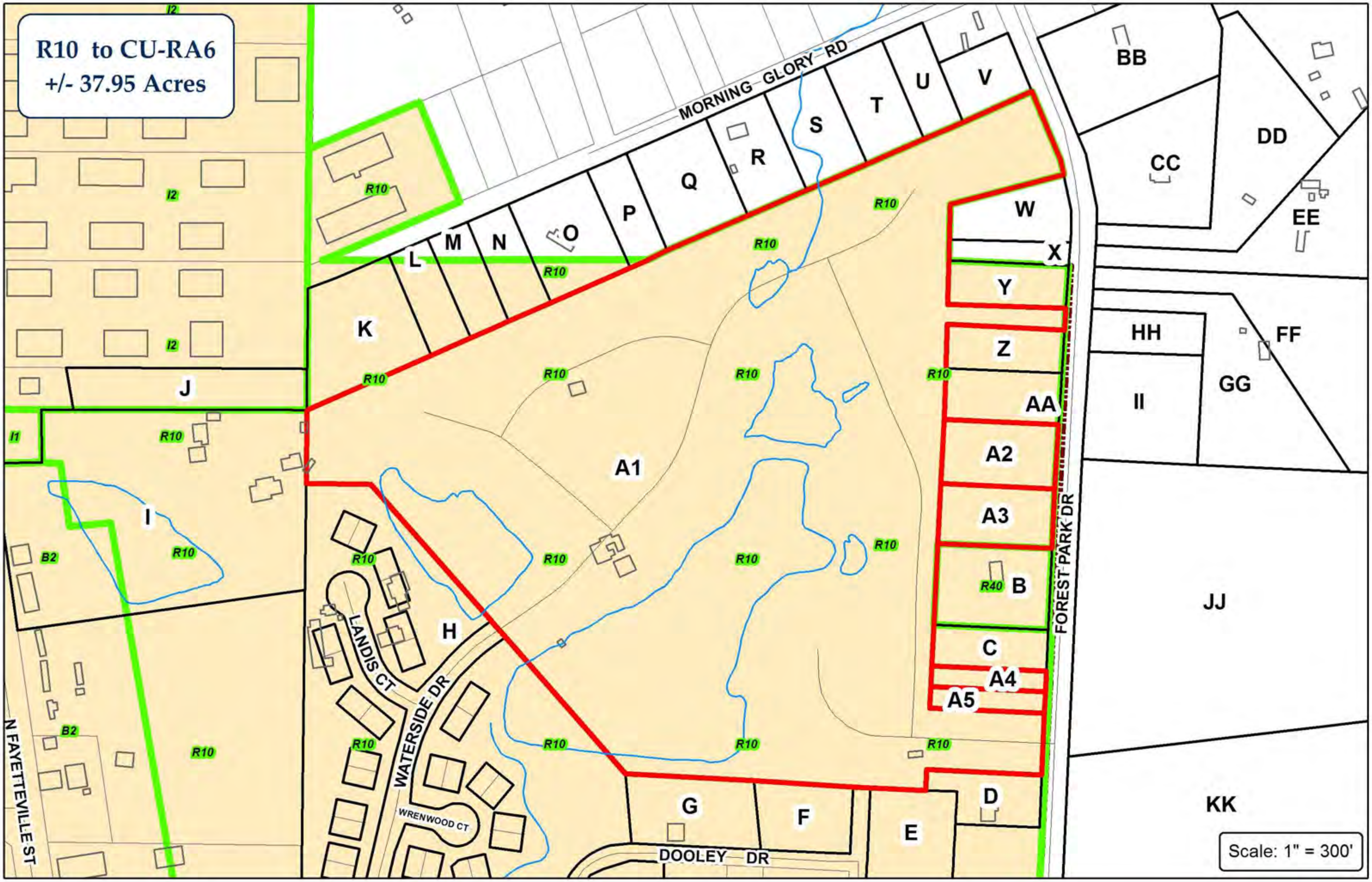
6. The area containing the storage units will be buffered as required by Buffer A standards in the Asheboro zoning ordinances for R6 zoning.

Staff Determination: Ambiguous due to information presented on most recent site plan.



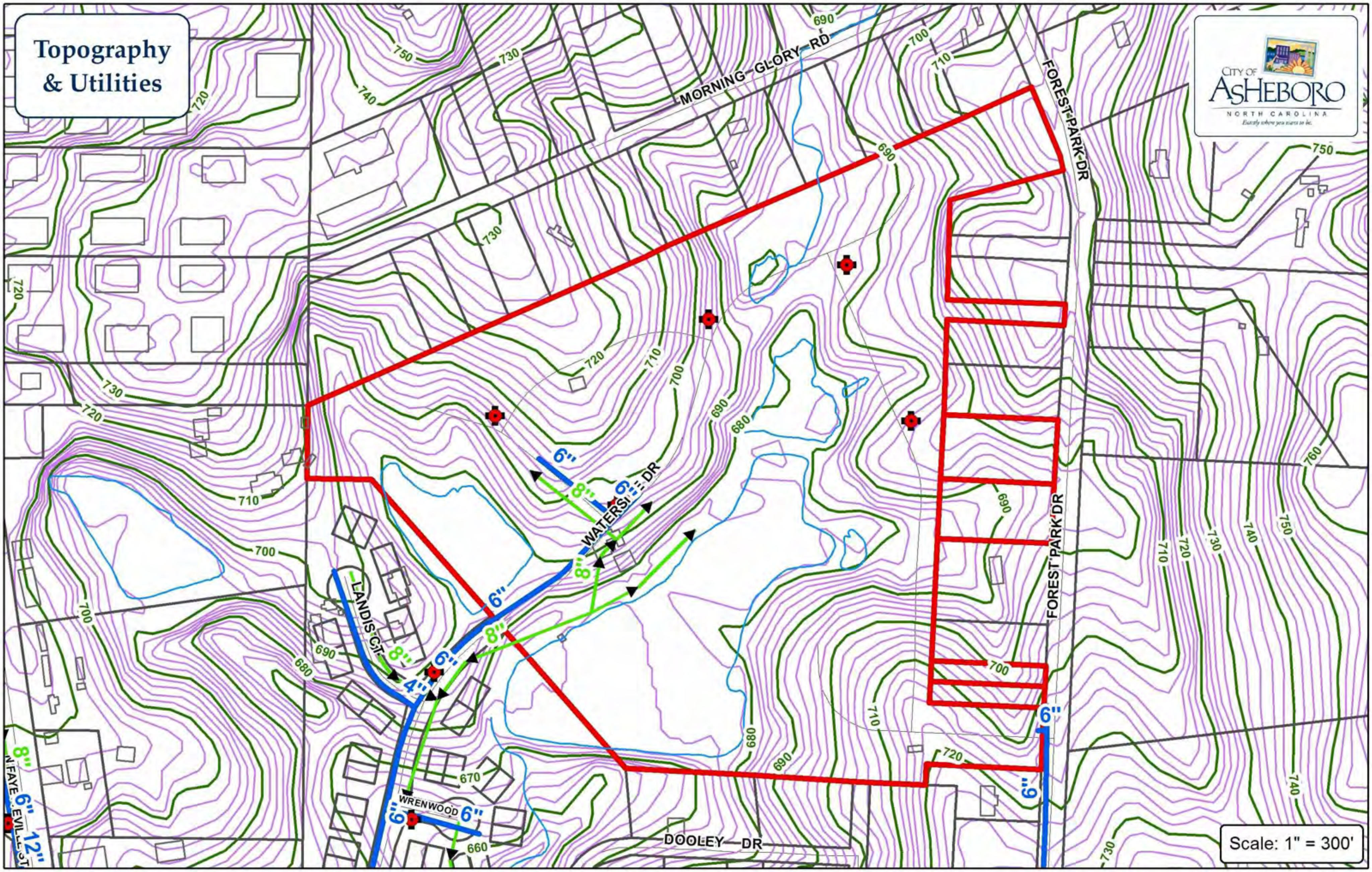
City of Asheboro Planning & Zoning Department
Rezoning Case: RZ-17-03
Conditional Use Permit: CUP-17-03
Subdivision Case: 17-01
Parcel: 7763270025, 7763275095, 7763265981, 7763265562 & 7763265467

Subject Property
Zoning
City Limits
ETJ



City of Asheboro Planning & Zoning Department
Rezoning Case: RZ-17-03
Conditional Use Permit: CUP-17-03
Subdivision Case: 17-01

Parcel: 7763270025, 7763275095, 7763265981, 7763265562 & 7763265467



Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-03

Conditional Use Permit: CUP-17-03

Subdivision Case: 17-01

Parcel: 7763270025, 7763275095, 7763265981, 7763265562 & 7763265467

Subject Property

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-17-03

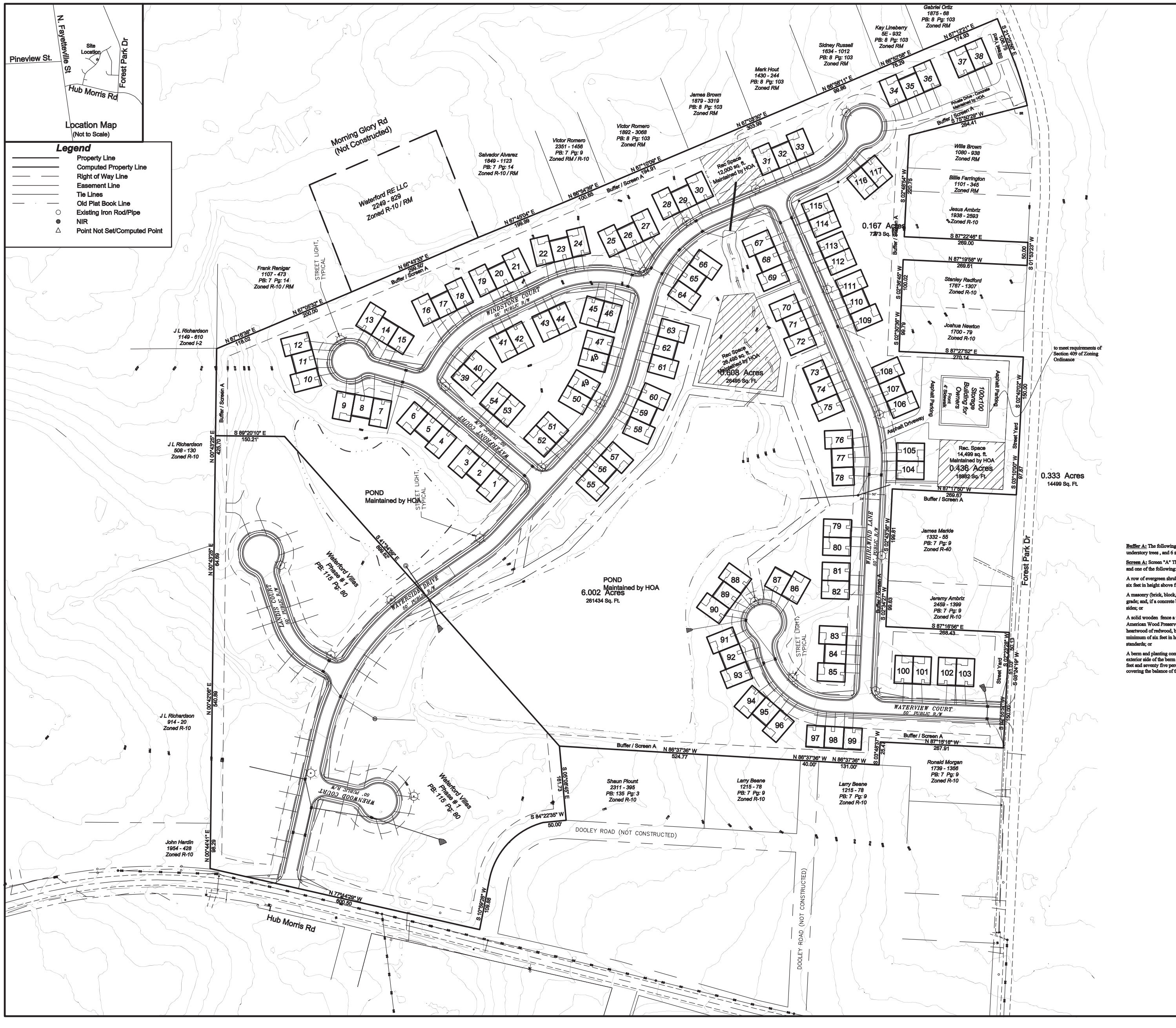
Conditional Use Permit: CUP-17-03

Subdivision Case: 17-01

Parcel: 7763270025, 7763275095, 7763265981, 7763265562 & 7763265467

Subject Property

Zoning



39.33' × 60.33'	41.33' × 47.33'	39.33' × 47.33'	
0.054 Acres	0.045 Acres	0.043 Acres	0.040 Acres
2373 Sq. Ft.	1956 Sq. Ft.	1862 Sq. Ft.	1763 Sq. Ft.
Typical For Lots: 1,3,4,6,7,9,10,12,13,16,18,19,21, 22,24,25,27,28,30-32,34,36-55,57, 58,60,61,63,64,66,67,69,70,72,75, 76,79-83,85,86,88,90,91,93,94,96, 100-109,111-117	Typical For Lots: 2,5,8,11,14,17,20,23,26,29,32, 35,56,59,62,65,68,71,74,77,84, 87,89,92,95,98,107,110	Typical For Lots: 15,73,78,97,99	

Scale: 1" = 100 US Survey Feet

0 100 200 300

General Notes:

1. Buffer 'A' or Screening 'A' will be added where required if no natural buffer currently exists or remains after construction. Buffer or screen A is required around perimeter of property adjoining single house dwellings (excluding areas occupied by ponds) Landscaping along front yard of property facing Forest Park Drive may consist of Buffer or Screen "A" as long as the number of plantings in the area equals or exceeds front yard landscaping requirements of section 308A creating at least one shrub per 10' LF or one tree per 20' LF or equivalent combination.
2. All Sidewalks will meet ADA Requirements
3. Trash to be picked up by City of Asheboro with rollout containers for each unit
4. Each Unit to have an individual mailbox
5. Recreational areas will include grassed, mulched, and natural areas with picnic tables
6. Homeowners Association Documents will be required and will address restrictions on recreational vehicle parking.
7. 2 Picnic Tables per Recreation Area / Recreation areas will be landscaped to meet City of Asheboro requirements.
8. Site Has been previously graded for construction of roads and building pads. Any additional grading will be done in accordance with NCDEQ and any further details of grading will be shown on a subsequent plat.

Site Statistics:

1. Current Zoning: R-10
2. Requested Zoning: CU-RA6
3. 37.995 Acres Total in Phase 2
4. 117 Total Lots
5. 263,410 Sq. Ft. Total in Lots
6. 52,994 Sq. Ft. Recreation Space (3.2% of Total Land)
7. Avg Lot Size: 2,251.37 Sq ft
8. Gross Floor Area: 230,000 Sq. Ft (13.9% of Total Land)
9. Area in Public R/W: 3.17 Acres (137,899 Sq. Ft.)
10. Entire Project Open Space: 1,180,062 Sq Ft (71% of Total Land)
11. Open Space within Common Areas: 1,130,454 Sq Ft (82% of Common Area)
12. Linear Feet of Public R/W: 4,348.4 FT
13. PIN's: 7763270025, 7763265467, 7763265562, 7763265981, 7763275095
14. Deed: 2249 / 829

City of Asheboro to Maintain:

1. Streets within public R/W
2. Sanitary sewer lines within public street R/W or dedicated easements
3. Water lines supplying meters, including meters, storm sewer system within the public street R/W

HOA to Maintain:

1. Sanitary sewer lines between public R/W and buildings
2. Common areas not within public R/W
3. Ponds and Dams
4. Storm sewer not located in Public street R/W
5. Water lines between meters and buildings

Buffer A: The following requirements shall be met for Buffer "A: Minimum 15 feet wide strip with 1 canopy tree, 3 understory trees , and 6 shrubs per100 L.F

Screen A: Screen "A" The following requirements shall be met for screen A by providing a 5 foot minimum screening yard and one of the following:

A row of evergreen shrubs placed not more than five feet apart on center to form a continuous opaque hedge a minimum of six feet in height above finished grade; or

A masonry (brick, block, rock, texture block, cast blocks or concrete) wall a minimum height of six feet, above finished grade; and, if a concrete block or concrete wall, it shall be finished with a masonry coating or finish on all exposed exterior sides; or

A solid wooden fence a minimum of six feet in height constructed of pressure treated wood which bears the seal of the American Wood Preservers Bureau appropriate to the use or is constructed of a wood of natural resistance such as heartwood of redwood, bald cypress (tidewater red), black walnut, black Locust or Cedar or a vinyl fence, which is a minimum of six feet in height, that is constructed in a workmanlike manner in accordance with generally accepted industry standards; or

A berm and planting combination, with the berm an average height of three feet above finished grade as measured from the exterior side of the berm and dense plantings which will, when combined with the berm, achieve a minimum height of six feet and seventy five percent opacity, and Lawn and or low-growing evergreen shrubs, evergreen ground cover, or mulch covering the balance of the screening yard.

Grid North
NAD 83 (2011)

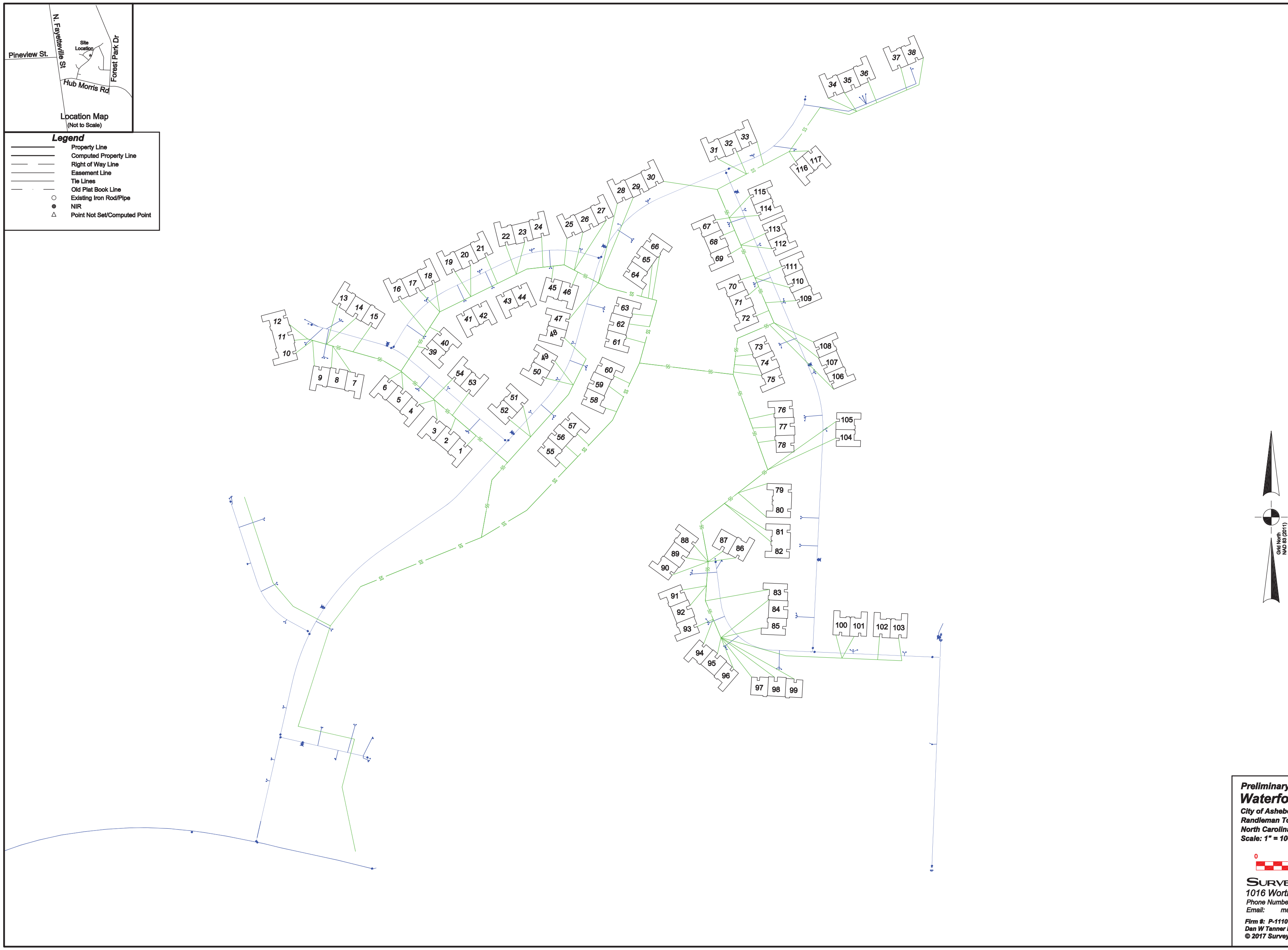
Owners:
Waterford LE LLC
802 Northern Shores Ln
Greensboro, NC 27455

Preliminary Site Plan For:
Waterford Villas Phase #2

City of Asheboro
Randleman Township — Randolph County
North Carolina — March 24, 2017
Scale: 1" = 100 US Survey Feet
Bar Scale:
0 100 200 300

Survey Carolina, PLLC
1016 Worth St, Asheboro, NC 27203
Phone Number: 336 460-0261
Email: mail@surveycarolina.com
Firm #: P-1110
Dan W Tanner II L-4787

 Job #: waterfordvillas



Preliminary Utilities Plan For:

Waterford Villas Phase #2

City of Asheboro
Randleman Township — Randolph County
North Carolina — March 24, 2017
Scale: 1" = 100 US Survey Feet
Bar Scale:
0 100 200 300

SURVEY CAROLINA, PLLC
1016 Worth St, Asheboro, NC 27203
Phone Number: 336 460-0261
Email: mail@surveycarolina.com
Firm #: P-1110
Dan W Tanner II L-4787

 Job #: waterfordvillas

PROPOSED
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

PROPOSED
RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

PROPOSED
LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

PROPOSED
REAR ELEVATION
SCALE: 3/16" = 1'-0"

REVISIONS	BY

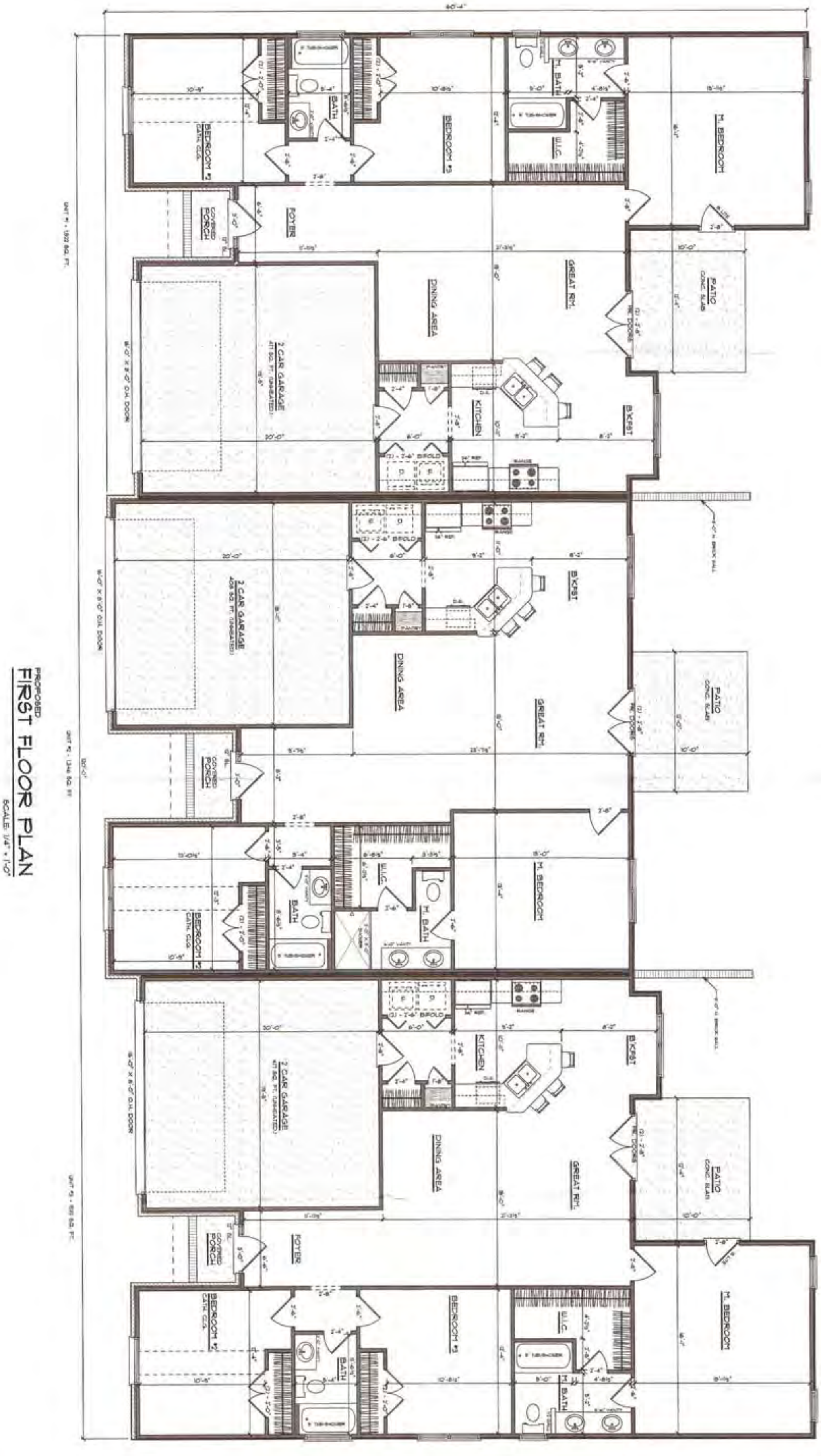
J. DANIEL
HUCKABEE
AND ASSOCIATES
Additions ■ Custom Homes ■ Vacation Homes
2411-F Walters Street ■ Greensboro, NC 27408 ■ 336-282-3777

PROPOSED PLANS FOR:
WATERFORD VILLAS
ASHEBORO, N.C.

AIBD
The American Institute Of Building Design

DRAWN
T.WEBB
CHECKED
D. HUCKABEE
DATE
3-28-17
SCALE
NOTED
JOB NO.
SHEET
OF SHEETS

For 5-4-17 CC



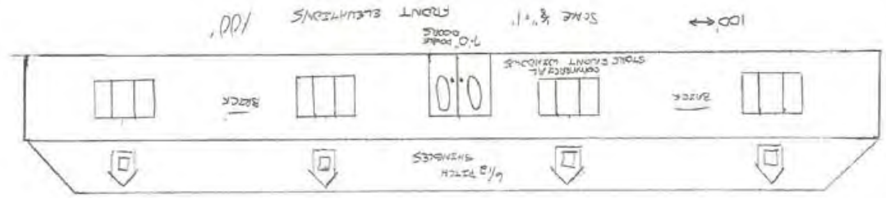
REVISIONS | BY

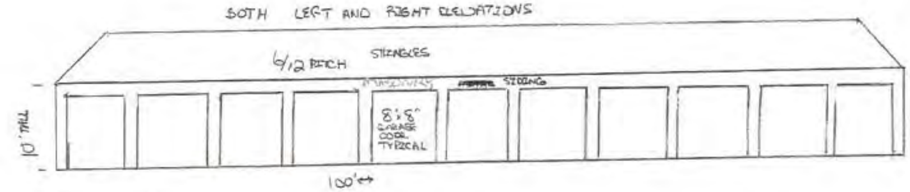
HUCKABEE
AND ASSOCIATES
Custom Homes ■ Additions ■ Vacation Homes
2411-F Walters Street ■ Greensboro, NC 27406 ■ 336-282-3711

PROPOSED PLANS FOR:
WATERFORD VILLAS
ASHEBORO, N.C.

AIBD
The American Institute Of Building Design

DRAWN
CHECKED
D. HUCKABEE
DATE
SCALE
NOTED
JOB NO.
SHEET
OF
SHEETS





REAR ELEVATIONS

Rec. 4-11-17

SUBDIVISION STAFF REPORT
Sketch Design

CASE #	SUB-17-01	**Date**	6/8/2017 CC UPDATED

GENERAL INFORMATION

Subdivision Name	Waterford Villas Phase 2
Requested Action	Subdivision Sketch Design
Applicant	Waterford RE. LLC
Address	5607 Tradd Drive, Greensboro, NC 27455
Phone	336-362-4715
Location	Terminus of Waterside Dr. north of Hub Morris Road approximately 700' east of North Fayetteville St./west side of Forest Park Drive

PARCEL INFORMATION

PIN	7763265981, 7763275095, 7763270025, 7763265467, 7763265562		
Size	38 acres +/- (all five parcels)	**Number of Lots**	117 + common area
Existing Zoning	R10	**Average Lot Size**	2,251.37 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

1. A preliminary plat has been approved on this property for a Planned Unit Development, consisting of a total of 108 lots (28 in existing Phase 1, 80 in this phase).
2. The applicant now proposes an increase from 80 units to 117 units, with two and three dwelling units per structure.
3. In order to allow a structure with three (3) dwelling units in some structures as proposed, a rezoning as described in (4) below is required.
4. The applicant has filed a request to rezone the property from R10 (Medium-Density Residential) to CU-RA6 (Conditional Use High Density Residential).
5. A Conditional Use Permit is also required for a Planned Unit Development. The applicant has filed this application to be considered by City Council on May 4, 2017, during a combined quasi-judicial hearing.
6. Homeowners' association documents are required to be recorded with the final plat, including restricting recreational vehicle parking.

SUBDIVISION STAFF REPORT
Sketch Design

DEPARTMENT COMMENTS

Engineering

Plat comments have been addressed.

Public Works

New construction plans shall be submitted prior to starting development. Plans must show on the site proposed locations of the individual water & sewer services with connections to the mainlines for each of the proposed units.

Planning

Plat corrections have been addressed, including labeling of driveway locations for Units 100-117 and open space calculations noted on previous Conditional Use Permit report.

A rezoning and Conditional Use Permit are required for the development. The City Council approved the rezoning request, and continued the combined quasi-judicial hearing on the subdivision sketch design, and conditional use permit during its May 4th hearing.

Other

Randolph County Schools: See attached
NCDOT: No additional improvements will be required.
Fire Dept.: Existing hydrants are adequate to serve proposed development.

Staff Recommendation

Approve subject to above conditions.

Planning Board Recommendation

The Planning Board recommended approval subject to the above conditions.

John Evans

Subject: FW: Proposal for Waterford Villas townhomes off Hub Morris Road (SR 2149)

From: Marty Trotter [mailto:mtrotter@randolph.k12.nc.us]
Sent: Tuesday, March 21, 2017 12:16 PM
To: John Evans
Subject: Re: Proposal for Waterford Villas townhomes off Hub Morris Road (SR 2149)

John,

Thank you for sharing this proposal with the school system. Here are our concerns about a larger development in this particular area:

- Proposed development feeds into Randleman Elementary, Randleman Middle and Randleman High schools
- Randleman Elementary is at capacity with 10 mobile unites on campus to handle Specials (art and music) and other pull out classes; currently we have 7 (72 passenger - these are the largest capacity buses we own) buses and two are already running double routes
- Randleman Middle has some space to grow
- Randleman HS is over capacity and has 21 mobile units on campus to handle core and elective classes as well as other pull out classes; currently our middle and high school share buses, we currently have 14 (72 passenger) buses and two are also running double routes

Hope this is helpful. Please let me know if you have questions or need additional information. Thanks again for the opportunity to provide feedback.

Respectfully,

Mr. Marty A. Trotter
Assistant Superintendent - Operations Division
Randolph County School System
2222-C S. Fayetteville Street
Asheboro, North Carolina 27205

336-318-6283 - Telephone
336-318-6155 - Fax

Item 10 (b)

SUB-14-01: Springwood Townhomes

Final Plat Certification for public right-of-way, common area and 1-8, and 19-22

Staff Report

SUBDIVISION STAFF REPORT
Final Plat

CASE #	SUB-14-01	**Date**	6/5/2017 6/8/2017 CC

GENERAL INFORMATION

Subdivision Name	Springwood Townhomes
Requested Action	Final Plat Approval
Applicant	McMc Properties LLC (c/o Mr. Larry McKenzie)
Address	126 Lanier Avenue, Asheboro, NC 27203
Phone	953-2913
Location	Terminus of Springwood Road

PARCEL INFORMATION

PIN	7750423717		
Size	6.75 acres (+/-) total	**Number of Lots**	12 (22 for entire subdivision)
Existing Zoning	CU-RA6	**Average Lot Size**	2251.3 square feet
Existing Land Use	Undeveloped		

Surrounding Land Use

North	Undeveloped/Residential	**East**	Residential
South	Industrial	**West**	I-73/I-74 (US 220 Bypass)

LAND DEVELOPMENT PLAN

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

Development Issues

The proposed plan includes minor changes from the sketch design, including a slight difference in the shape/size of some of the lots. These include relocation of two of the dwelling units, relocation of the proposed passive recreation areas, and changes to the recreation areas (change from three to two areas that are proposed, new location for one of the recreation areas, increase in the total amount of recreation space from 10,189 square feet to 12,144 square feet). After reviewing the record of the proceedings, these changes are not considered modifications that would require a new Special Use Permit.

SUBDIVISION STAFF REPORT
Final Plat

DEPARTMENT COMMENTS

Engineering

Plat corrections have been addressed.

Public Works

Punchlist items need to be completed during one year warranty period.

Planning

1. Plat corrections have been addressed.
2. Homeowners' association documents (including restrictions on RVs) will need to be recorded with the final plat.
3. Uncompleted improvements must be guaranteed as allowed by Subdivision Ordinance.
4. A written one year warranty against improvement defects has been agreed to by applicant
5. This final plat proposes platting of private streets, common area, and twelve (12) of the twenty two (22) lots. Subdivision of the remaining lots may be reviewed by staff as a minor subdivision(s).

Other

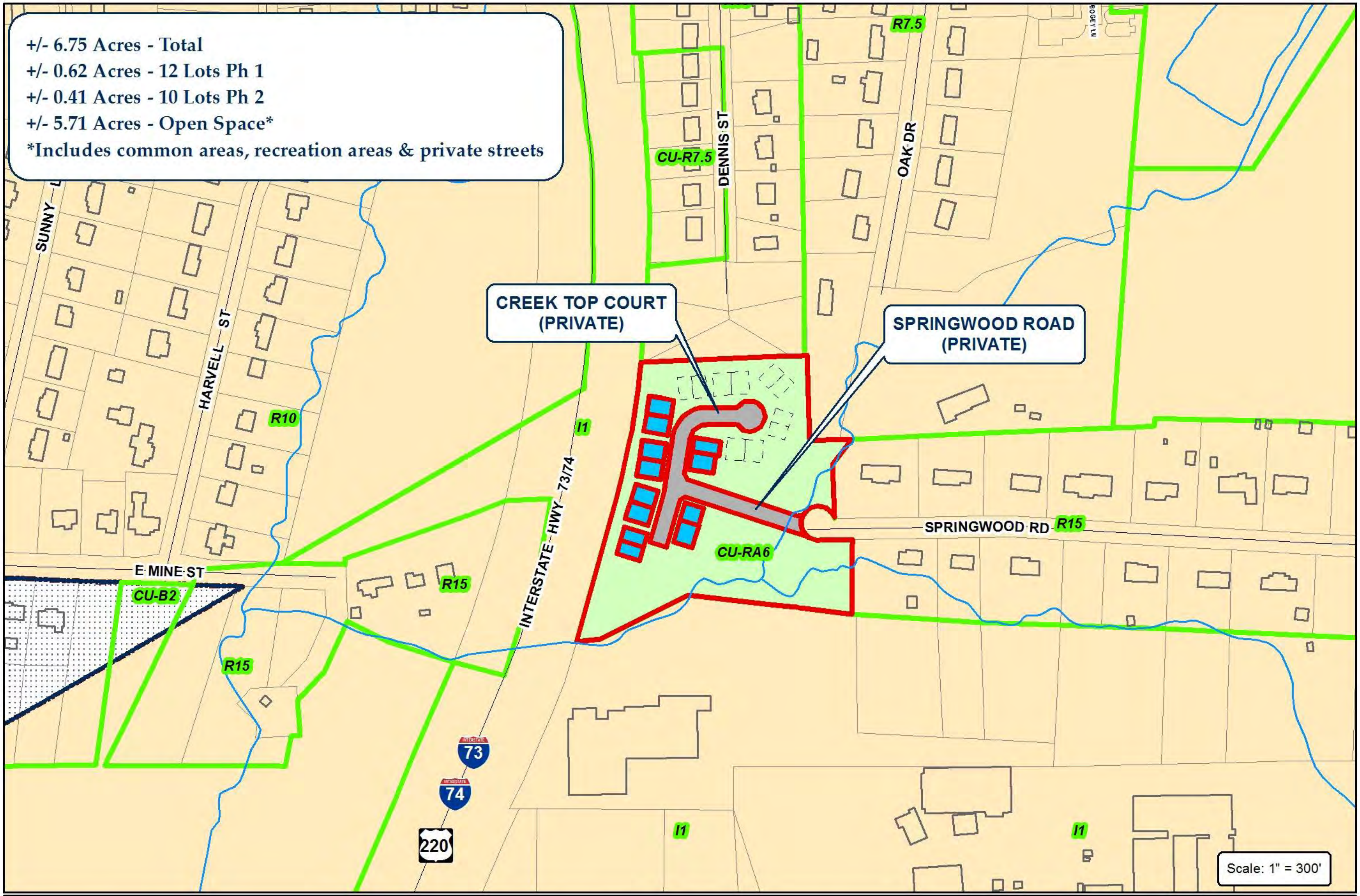
Fire Department: Hydrant locations have been reviewed and are acceptable.

Staff Recommendation

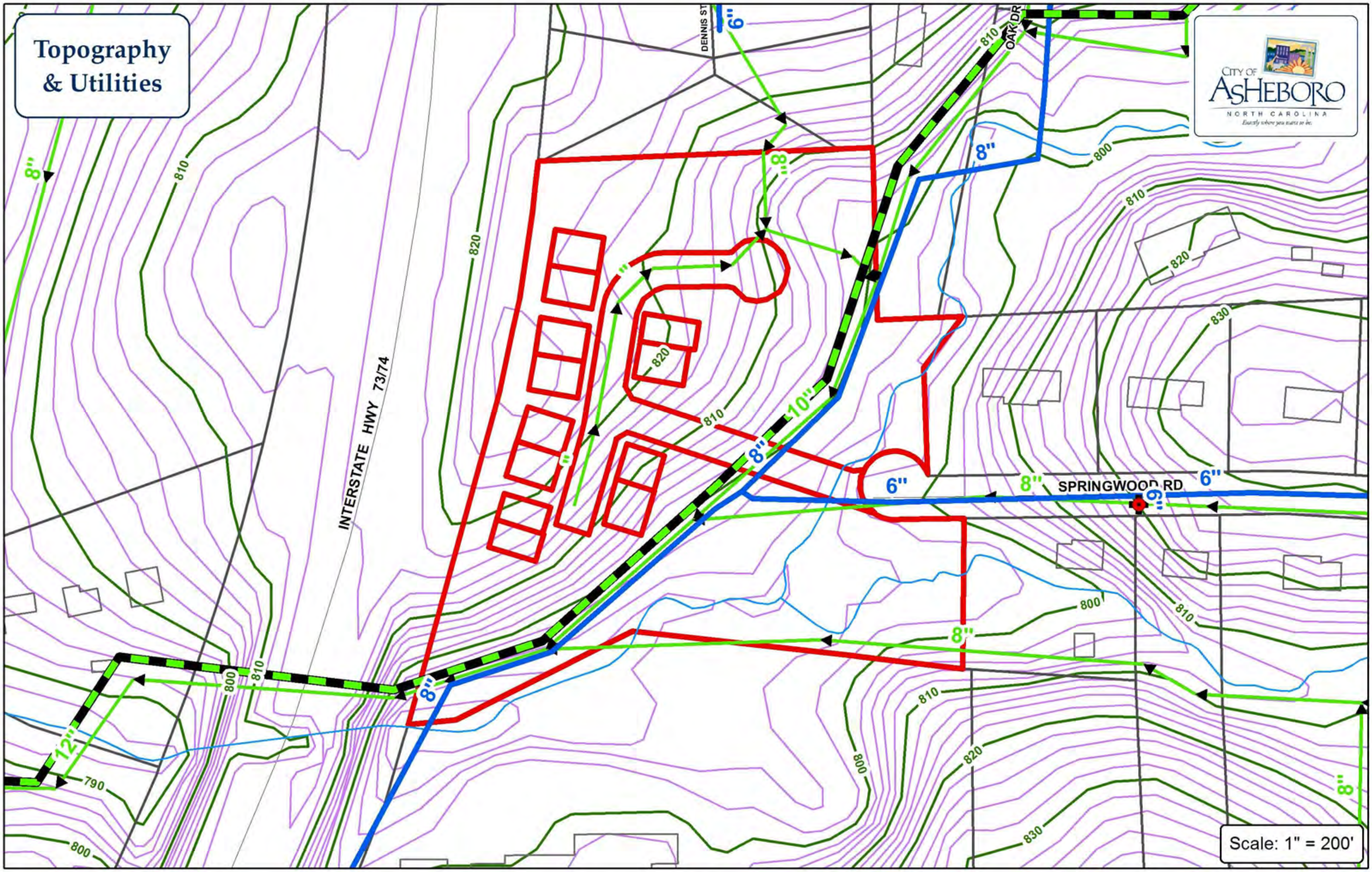
Approve conditioned on the above noted comments being addressed.

Planning Board Recommendation

The Planning Board reviewed this request during its June 5, 2017 meeting and recommended approve conditioned upon above comments.



City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-14-01
Parcel: 7750423717



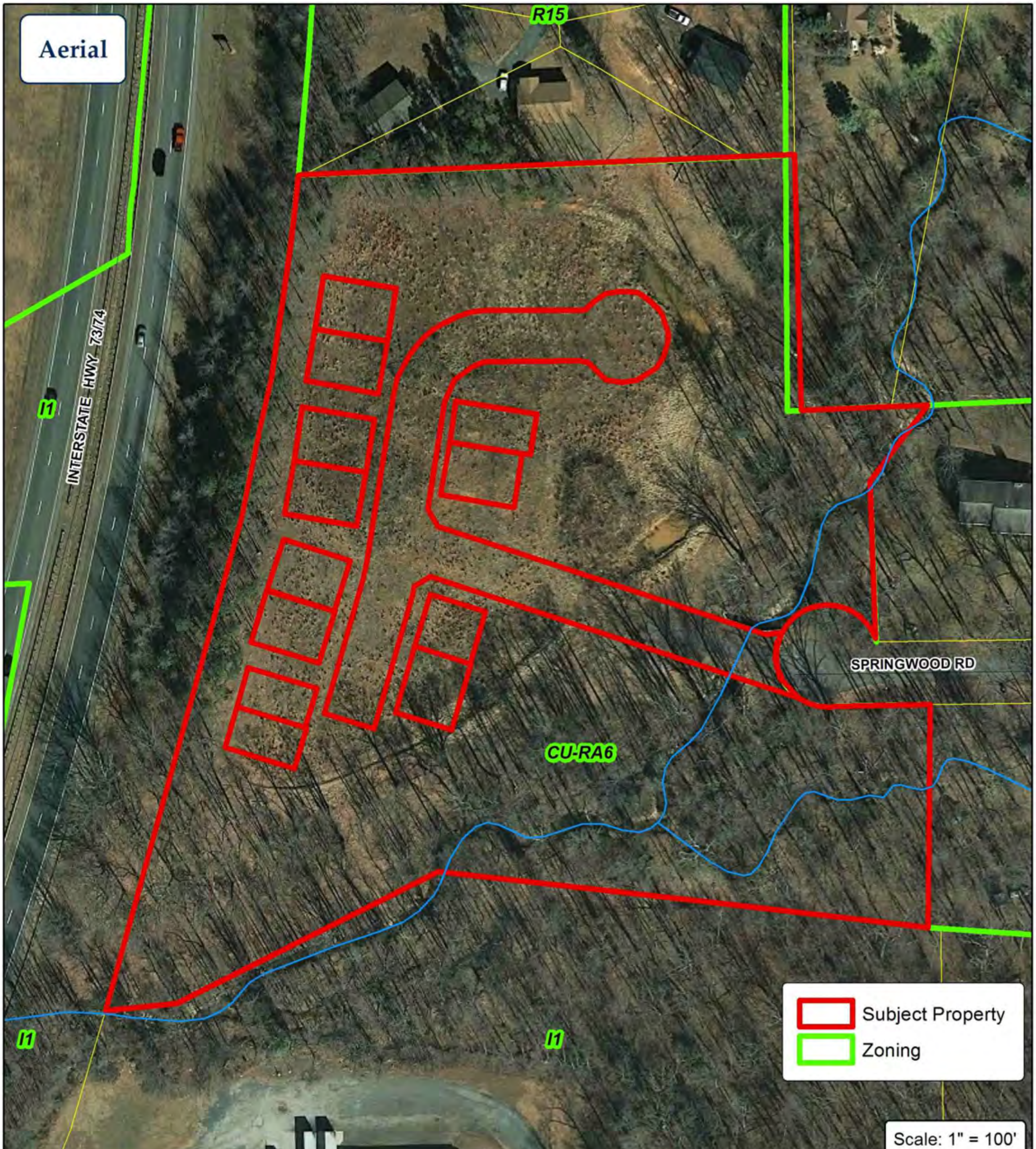
Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station

City of Asheboro
Planning & Zoning Department

Subdivision Case: SUB-12-01

Parcel: 7741981618 (pt.)

Subject Property



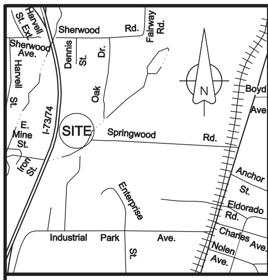
City of Asheboro
Planning & Zoning Department

Subdivision Case: SUB-14-01

Parcel: 7750423717

MAP REFERENCE:

"SITE PLAN FOR TOWNHOMES ON SPRINGWOOD" BY JERRY KING SURVEYING, DATED NOVEMBER 30, 2005, JOB #4213 C 10.



LOCATION MAP

Line	Bearing	Distance
1	N 16° 42' 56" E	32.50'
2	S 73° 17' 04" E	55.50'
3	S 16° 42' 56" W	32.50'
4	N 73° 17' 04" W	55.50'
5	N 16° 42' 56" E	32.50'
6	S 73° 17' 04" E	55.50'
7	S 16° 42' 56" W	32.50'
8	N 16° 42' 41" E	42.30'
9	S 73° 17' 19" E	56.50'
10	S 16° 42' 41" W	42.30'
11	N 73° 17' 19" W	56.50'
12	N 16° 42' 41" E	42.30'
13	S 73° 17' 19" E	56.50'
14	S 16° 42' 41" W	42.30'
15	N 10° 05' 15" E	42.30'
16	S 79° 54' 45" E	56.50'
17	S 10° 05' 15" W	42.30'
18	N 79° 54' 45" W	56.50'
19	N 10° 05' 15" E	42.30'
20	S 79° 54' 45" E	56.50'
21	S 10° 05' 15" W	42.30'
22	N 10° 05' 45" E	42.30'
23	S 79° 54' 15" E	56.50'
24	S 10° 05' 45" W	42.30'
25	N 79° 54' 15" W	56.50'
26	N 10° 05' 45" E	42.30'
27	S 79° 54' 15" E	56.50'
28	S 10° 05' 45" W	42.30'
29	N 5° 45' 09" W	51.50'
30	N 84° 14' 51" E	32.50'
31	S 5° 45' 09" E	51.50'
32	S 84° 14' 51" W	32.50'
33	N 84° 14' 51" E	32.50'
34	S 5° 45' 09" E	51.50'
35	S 84° 14' 51" W	32.50'
36	N 3° 04' 01" W	51.83'
37	N 86° 55' 59" E	42.00'
38	S 3° 04' 01" E	51.83'
39	S 86° 55' 59" W	42.00'
40	N 86° 55' 59" E	42.00'
41	S 3° 04' 01" E	51.83'
42	S 86° 55' 59" W	42.00'
43	N 44° 36' 01" E	51.50'
44	S 45° 23' 59" E	32.50'
45	S 44° 36' 01" W	51.50'
46	N 45° 23' 59" W	32.50'
47	S 45° 23' 59" E	32.50'
48	S 44° 36' 01" W	51.50'
49	N 45° 23' 59" W	32.50'
50	S 72° 09' 40" E	40.00'
51	S 17° 50' 20" W	32.50'
52	N 72° 09' 40" W	40.00'
53	N 17° 50' 20" E	32.50'
54	S 17° 50' 20" W	32.50'
55	N 72° 09' 40" W	40.00'
56	N 17° 50' 20" E	32.50'
57	S 5° 12' 56" W	51.83'
58	N 84° 47' 04" W	41.99'
59	N 5° 12' 30" E	51.83'
60	S 84° 47' 04" E	42.00'
61	N 84° 47' 04" W	42.00'
62	N 5° 12' 30" E	51.83'
63	S 84° 47' 04" E	42.00'
64	S 79° 47' 36" E	63.31'
65	S 9° 30' 13" W	32.65'
66	N 79° 46' 13" W	6.26'
67	N 79° 46' 13" W	57.41'
68	N 10° 07' 41" E	32.62'
69	S 10° 01' 34" W	42.21'
70	N 79° 56' 51" W	57.48'
71	N 10° 07' 41" E	42.39'
72	N 17° 01' 31" E	53.67'
73	S 72° 48' 53" E	45.96'
74	S 17° 05' 54" W	53.55'
75	N 72° 57' 23" W	45.89'
76	N 17° 01' 31" E	43.32'
77	S 72° 18' 55" E	46.02'
78	S 17° 05' 54" W	42.92'

NOTES APPLICABLE TO CITY OF ASHEBORO WATER AND/OR SEWER EASEMENTS

1) NO STRUCTURE, TREE, SHRUB OR ANY OTHER TYPE OF OBSTRUCTION THAT MAY HINDER OR INTERFERE WITH THE WATER AND/OR SEWER FACILITIES INSTALLED AND/OR MAINTAINED BY THE CITY OF ASHEBORO SHALL BE ERECTED WITHIN THE EASEMENT AREA.

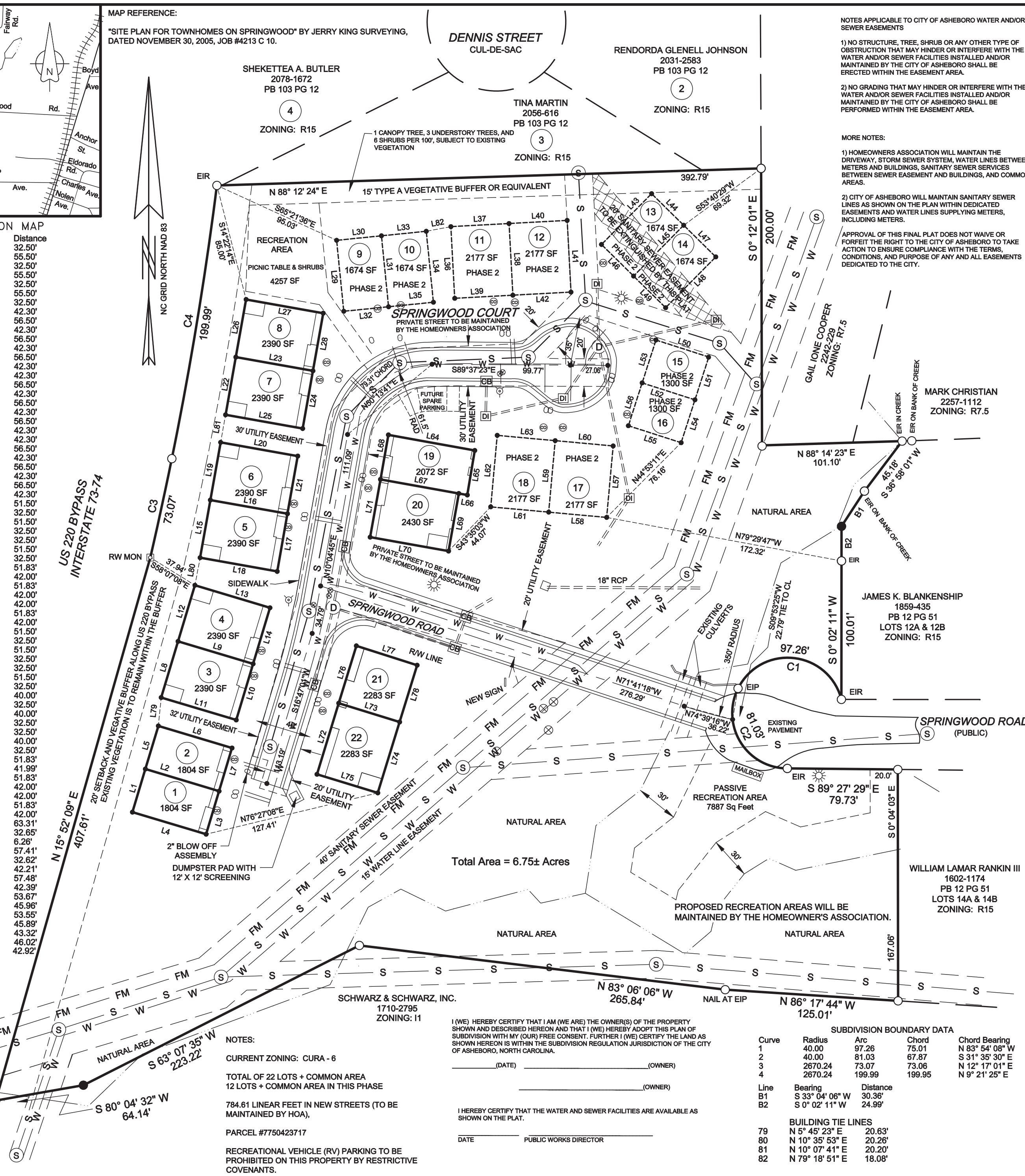
2) NO GRADING THAT MAY HINDER OR INTERFERE WITH THE WATER AND/OR SEWER FACILITIES INSTALLED AND/OR MAINTAINED BY THE CITY OF ASHEBORO SHALL BE PERFORMED WITHIN THE EASEMENT AREA.

MORE NOTES:

1) HOMEOWNERS ASSOCIATION WILL MAINTAIN THE DRIVEWAY, STORM SEWER SYSTEM, WATER LINES BETWEEN METERS AND BUILDINGS, SANITARY SEWER SERVICES BETWEEN SEWER EASEMENT AND BUILDINGS, AND COMMON AREAS.

2) CITY OF ASHEBORO WILL MAINTAIN SANITARY SEWER LINES AS SHOWN ON THE PLAN WITHIN DEDICATED EASEMENTS AND WATER LINES SUPPLYING METERS, INCLUDING METERS.

APPROVAL OF THIS FINAL PLAT DOES NOT WAIVE OR FORFEIT THE RIGHT TO THE CITY OF ASHEBORO TO TAKE ACTION TO ENSURE COMPLIANCE WITH THE TERMS, CONDITIONS, AND PURPOSE OF ANY AND ALL EASEMENTS DEDICATED TO THE CITY.



NOTES:

CURRENT ZONING: CURA - 6

TOTAL OF 22 LOTS + COMMON AREA
12 LOTS + COMMON AREA IN THIS PHASE

784.61 LINEAR FEET IN NEW STREETS (TO BE MAINTAINED BY HOA),

PARCEL #7750423717

RECREATIONAL VEHICLE (RV) PARKING TO BE PROHIBITED ON THIS PROPERTY BY RESTRICTIVE COVENANTS.

THIS PROJECT WILL COMPLY WITH 318A PERFORMANCE STANDARDS (ASHEBORO ZONING ORDINANCE).

ALL REQUIRED LANDSCAPING WILL BE MAINTAINED IN ACCORDANCE WITH SECTION 340A.8 (ASHEBORO ZONING ORDINANCE).

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT. FURTHER I (WE) CERTIFY THE LAND AS SHOWN HEREON IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF ASHEBORO, NORTH CAROLINA.

____________(DATE) ____________________________(OWNER)

____________________________(OWNER)

I HEREBY CERTIFY THAT THE WATER AND SEWER FACILITIES ARE AVAILABLE AS SHOWN ON THE PLAT.

DATE ____________ PUBLIC WORKS DIRECTOR ____________________

SUBDIVISION BOUNDARY DATA

Curve	Radius	Arc	Chord	Chord Bearing
1	40.00	97.26	75.01	N 83° 54' 08" W
2	40.00	81.03	67.87	S 31° 35' 30" E
3	2670.24	73.07	73.06	N 12° 17' 01" E
4	2670.24	199.99	199.95	N 9° 21' 25" E

Line	Bearing	Distance
B1	S 33° 04' 06" W	30.36'
B2	S 0° 02' 11" W	24.99'

BUILDING TIE LINES

79	N 5° 45' 23" E	20.63'
80	N 10° 35' 53" E	20.26'
81	N 10° 07' 41" E	20.20'
82	N 79° 18' 51" E	18.08'

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I,________________________, REVIEW OFFICER OF RANDOLPH COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE ____________ REVIEW OFFICER

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

SURVEYOR ____________ DATE

PRELIMINARY PLAT
NOT FOR RECORDATION

I, CHARLES E. MORGAN JR., CERTIFY THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 2261, PAGE 621); THAT THE SOURCES OF THE BOUNDARIES NOT SURVEYED ARE NOTED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS ________ DAY OF ____________________, A.D., 2017.

____________________ SURVEYOR

TOTAL AREA IN PHASE 1 LOTS = 27016 SF (0.62 ACRES)
TOTAL AREA FOR ALL PROPOSED LOTS = 45020 SF (1.03 ACRES)
TOTAL COMMON AREA = 5.71 ACRES (PHASE 1 AND PHASE 2)
TOTAL RECREATION SPACE = 12144 SF (0.28 ACRES)
AVERAGE LOT SIZE = 2251 SF (INCLUDES PHASE 1 AND PHASE 2)
TOTAL OPEN SPACE = 5.35 ACRES (PHASE 1 AND PHASE 2)
(INCLUDES RECREATION SPACE)

LEGEND

NIR	NEW IRON ROD	SEPTIC CLEANOUT
EIP	EXISTING IRON PIPE	WATER VALVE
EIR	EXISTING IRON ROD	LIGHT POLE
	POINT NOT SET	
	PROPERTY LINE	
	LINE NOT SURVEYED	
C/L	CENTERLINE	
R/W	RIGHT OF WAY	
R/R	RAILROAD	
CONC	CONCRETE	CONCRETE MONUMENT
	FENCE	
	POWER POLE- UTILITY LINE	P
	MANHOLE - SEWER	S
	WATER METER - WATER	W

OWNER:
MC MC PROPERTIES, LLC
LARRY W. MCKENZIE
CHRISTY B. MCKENZIE
126 LANIER AVENUE
ASHEBORO, N.C. 27203
PHONE: 336-953-2913

SITE ADDRESS:
WEST END OF SPRINGWOOD ROAD
ASHEBORO, N.C. 27205

PARCEL #7750423717

FINAL SUBDIVISION PLAT FOR

SPRINGWOOD TOWNHOMES PHASE 1

PROPERTY OF

MC MC PROPERTIES, LLC
ASHEBORO TOWNSHIP
RANDOLPH COUNTY
NORTH CAROLINA
DATE: JUNE 7, 2017
SCALE: 1" = 50'
DEED BOOK: 2261 PAGE: 621

0' 50' 100' 150'

CHARLIE MORGAN SURVEYING, PLLC
154-B S. FAYETTEVILLE ST.
ASHEBORO, N.C. 27203
(336)629-5015 P-1147

JOB #7258 FINAL PLAT

Item 10 (c)

CITY OF ASHEBORO
NORTH CAROLINA

<u>Consideration of a request to extend the time allowed between the Preliminary and Final Plat subdivision reviews for New Century Industrial Center</u>

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-328-0902 • Fax: 336-328-0922

May 18, 2017

City of Asheboro
Attn: John L. Evans
Assistant Director
Community Development Division
146 N. Church Street
Asheboro NC 27203

Re: New Century Industrial Center
Request for Time Extension

Dear Mr. Evans:

On May 5, 2016, the City of Asheboro approved a preliminary plat for the New Century Industrial Center (SUB-15-02).

Due to delays in the coordination of construction we would respectfully request a twelve month extension of time to submit a final plat.

Much has been accomplished on the project and it is expected to be completed as soon as possible.

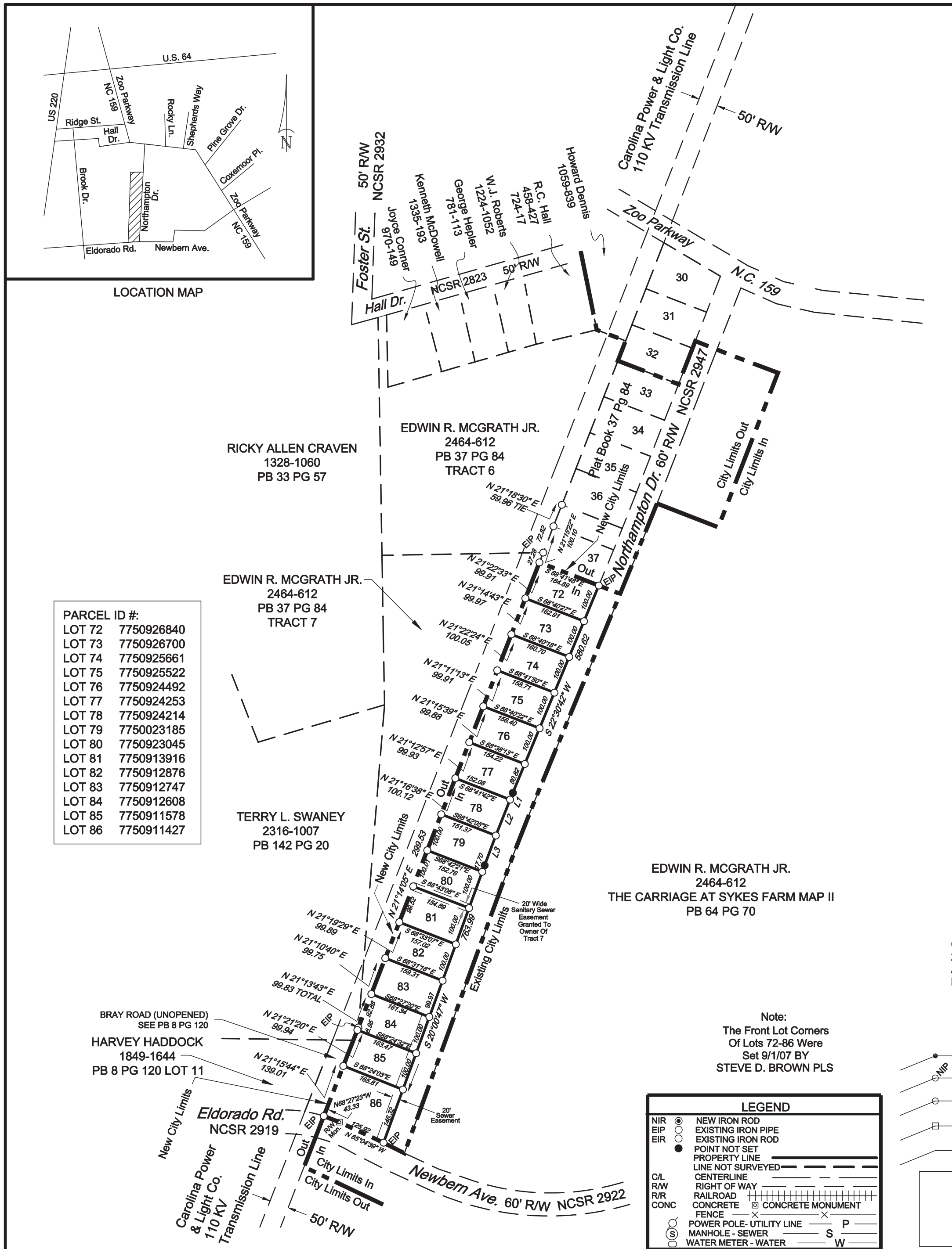
Feel free to contact me at 336-328-0902 with any questions.

Sincerely,

SUMMEY ENGINEERING ASSOCIATES, PLLC

H. Mack Summey, Jr.

H. Mack Summey, Jr.



PARCEL ID #:	
LOT 72	7750926840
LOT 73	7750926700
LOT 74	7750925661
LOT 75	7750925522
LOT 76	7750924492
LOT 77	7750924253
LOT 78	7750924214
LOT 79	7750023185
LOT 80	7750923045
LOT 81	7750913916
LOT 82	7750912876
LOT 83	7750912747
LOT 84	7750912608
LOT 85	7750911578
LOT 86	7750911427

MAP REFERENCE:

"THE CARRIAGE AT SYKES FARM MAP III" BY STEVEN D. BROWN PLS, DATED SEPT. 18, 2007 JOB 93036, RECORDED IN PB 145 PG 80.

PRELIMINARY PLAT
NOT FOR RECORDATION

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I, ______________________, REVIEW OFFICER OF RANDOLPH COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE ______ REVIEW OFFICER

THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, DIVISION OF PROPERTY AMONG HEIRS FOR THE SOLE PURPOSE OF SETTLING AN ESTATE, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

SURVEYOR ______ DATE

I, CHARLES E. MORGAN JR., CERTIFY THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM A PRIOR SURVEY RECORDED IN PLAT BOOK 145 PAGE 80 (DEED DESCRIPTION RECORDED IN BOOK 2464, PAGE 612); THAT THE SOURCES OF THE BOUNDARIES NOT SURVEYED ARE NOTED ON THE FACE OF THIS PLAT; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS ________ DAY OF ________________, A.D., 2017.

______________________ SURVEYOR

Property Area = 244611± Sq Feet (5.62 Acres)
Area in R/W = 92712± Sq Feet (2.12 Acres)
Total Area = 337323± Sq Feet (7.74 Acres)

TOTAL AREA TO BE ANNEXED = 0.63 ACRES

ANNEXATION ORDINANCE ADOPTED BY THE

ASHEBORO CITY COUNCIL ON ________________

TO BE EFFECTIVE ON ________________

Owner: Edwin R. McGrath, Jr.
2007 Hopewell Friends Rd.
Asheboro, N.C. 27205
Phone 336-633-1561

Note:
The Front Lot Corners Of Lots 72-86 Were Set 9/1/07 BY STEVE D. BROWN PLS

LEGEND
Existing Iron Corner
New Iron Pin
Point Not Set
Concrete Monument
Point Not Set

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 22°08'58" W	18.98
L2	S 21°41'01" W	100.11
L3	S 20°31'55" W	82.30

ANNEXATION PLAT FOR
NORTHAMPTON HEIGHTS
FORMERLY KNOWN AS
THE CARRIAGE AT SYKES FARM MAP III

ASHEBORO TOWNSHIP
RANDOLPH COUNTY
NORTH CAROLINA
DATE: MAY 8, 2017
SCALE: 1" = 200'
DEED BOOK: 2464 PAGE: 612
PLAT BOOK: 145 PAGE: 80

0' 200' 400' 600'

CHARLIE MORGAN SURVEYING, PLLC
154-B S. FAYETTEVILLE ST.
ASHEBORO, N.C. 27203
(336)629-5015 P-1147

JOB #7997

Legal Description of the new area to be annexed:

BEGINNING at an existing iron pipe in the western right-of-way of Northampton Drive (NCSR 2947), the southern corner of Lot 37 of Plat Book 37 Page 84 and the northeastern corner of Lot 72 of Plat Book 145 Page 80;
thence S 68°41'48" E a distance of 59.09' to a point at the eastern edge of the 60' right-of-way of Northampton Drive (NCSR 2947);
thence S 22°25'14" W a distance of 582.07' with the right-of-way;
thence S 21°38'10" W a distance of 117.33' with the right-of-way;
thence S 20°42'23" W a distance of 81.30' with the right-of-way;
thence S 20°00'47" W a distance of 771.20' with the right-of-way to a point of intersection with the northern right-of-way of Newbern Avenue (NCSR 2922);
thence N 63°15'32" W a distance of 60.42' to an existing iron pipe in the eastern right-of-way of Northampton Drive and the northern right of way of Eldorado Road (NCSR 2919), also the southern corner of Lot 86 of Plat Book 145 Page 80;
thence N 65°04'39" W a distance of 125.92' with the right-of-way of Eldorado Road and Lot 86 to a right-of-way monument;
thence N 68°27'23" W a distance of 43.33' with the right-of-way of Eldorado Road and Lot 86 to an existing iron pipe, a corner with lot 86 and an unopened right-of-way for Bray Road;
thence N 21°15'44" E a distance of 139.01' to the common corner of Lot 86 and Lot 85;
thence N 21°21'20" E a distance of 99.94' to the common corner of Lot 85 and Lot 84;
thence N 21°13'43" E a distance of 6.95' to an existing iron pipe in the line of Lot 84;
thence N 21°13'43" E a distance of 92.88' to the common corner of Lot 84 and Lot 83;
thence N 21°10'40" E a distance of 99.75' to the common corner of Lot 83 and Lot 82;
thence N 21°19'29" E a distance of 99.89' to the common corner of Lot 82 and Lot 81;
thence N 21°14'05" E a distance of 99.52' to the common corner of Lot 81 and Lot 80;
thence N 21°14'05" E a distance of 100.01' to the common corner of Lot 80 and Lot 79;
thence N 21°14'05" E a distance of 100.00' to the common corner of Lot 79 and Lot 78;
thence N 21°16'38" E a distance of 100.12' to the common corner of Lot 78 and Lot 77;
thence N 21°12'57" E a distance of 99.93' to the common corner of Lot 77 and Lot 76;
thence N 21°15'39" E a distance of 99.88' to the common corner of Lot 76 and Lot 75;
thence N 21°11'13" E a distance of 99.91' to the common corner of Lot 75 and Lot 74;
thence N 21°22'24" E a distance of 100.05' to the common corner of Lot 74 and Lot 73;
thence N 21°14'43" E a distance of 99.97' to the common corner of Lot 73 and Lot 72;
thence N 21°22'33" E a distance of 99.91' to the common corner of Lot 72 and Lot 37 of Plat Book 37 Page 84;
thence S 68°41'48" E a distance of 164.89' with the common line of Lot 72 and Lot 37 to the point of BEGINNING,
having an area of 7.74 acres, more or less.