

**AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, AUGUST 6, 2020, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Old Business – Land Use Case Continued from July 9, 2020:

RZ-CUP-20-08 (Quasi-Judicial Hearing): An application to rezone property (Randolph County Parcel Identification Numbers 7762231577 & 7762230413) located on the west side of Meadowbrook Road Extension and the north side of Honeysuckle Road, approximately 175 feet north of Ideal Drive, from R15 and R10 to CU-R10 zoning and to obtain a conditional use permit authorizing five single-family dwellings and related structures.

4. Public comment period.
5. Consent agenda:

(a) Approval of the meeting minutes for the city council's regular meeting on July 9, 2020.

(b) Approval of the meeting minutes for the city council's special meeting on July 15, 2020.

(c) Approval of the minutes and general account of the closed session held during the council's special meeting on July 15, 2020.

(d) Approval of a resolution sealing the general account of the closed session held on July 15, 2020.

(e) Approval of the final decision document for the land use case identified by file number CUP-20-01.

(f) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for June 1, 2020.

(g) Approval of an ordinance to amend the Economic and Tourism Development Fund.

(h) Adoption of a resolution approving a correction to the purchase agreement for the walk-in rescue truck that is to be acquired for the Asheboro Fire Department.

(i) Approval of a resolution declaring the official intent of the City of Asheboro to purchase municipal vehicles/equipment and to reimburse the general fund with installment financing proceeds.

6. Community Development Director Trevor Nuttall will introduce the following land use case:

RZ-CUP-20-09 (Quasi-Judicial Hearing): An application to rezone property at 512, 514, and 516 South Fayetteville Street (Randolph County Parcel Identification Number 7751709933) from B2 to CU-B3 zoning and to obtain a conditional use permit authorizing a commercial development with multiple uses and/or structures.

7. The City Manager will present the following agenda items:

(a) Annexation petition requesting the annexation into the city of two parcels of land along East Allred Street and Camelot Drive:

(i) Public hearing on the requested annexation; and

(ii) Council action on the requested annexation ordinance.

(b) Consideration of the proposed ADA Transition Plan for the City of Asheboro. *(Executive summary attached; The complete document can be found on the city's website under Engineering Department.)*

(c) Update on the city's allocation of CARES Act funds distributed by Randolph County.

(d) Consideration of an ordinance incorporating payment plans established in compliance with gubernatorial executive orders 124 and 142 into the city's water/sewer utility billing and collection regulations.

(e) Consideration of a resolution authorizing the acquisition of a parcel of land to support parking at the McCrary Ballpark.

Agenda
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August 6, 2020

8. Mayor Smith will share the announcement of Asheboro's designation as a "Main Street Community."
9. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.
10. Consideration of entering into closed session to discuss matters relating to the location or expansion of industries or other businesses in the City of Asheboro.
11. Return to open session and then adjourn.



RZ-CUP-20-08: Requests related to property on Meadowbrook Road Extension and Honeysuckle Road (Randolph County Parcel Identification Numbers 7762230413, 7762231577)

1. Rezone from R15 (Low-Density Single-Family Residential) and R10 (Medium-Density Residential) to CU-R10 (Conditional Use Medium-Density Residential)
2. Conditional Use Permit for Five (5) single-family dwellings

Planning Board Recommendation (rezoning case) and Staff Reports



City of Asheboro
Office of the City Clerk

Post Office Box 1106 • Asheboro, North Carolina 27204-1106
Phone (336) 626-1201 • Fax (336) 626-1218

Holly H. Doerr
City Clerk

Tamela D. Garner
Deputy City Clerk

MEMORANDUM

TO: Mayor Smith and Members of the Asheboro City Council

FROM: Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal *HH*

DATE: Wednesday, August 5, 2020

RE: Citizen Comments Pertaining to Land Use Case No. RZ-CUP-20-08

Citizen comments concerning the above-referenced land use case that is scheduled to be heard on August 6, 2020 have been received. Due to the fact that the combined hearing will be conducted as a quasi-judicial proceeding, and in compliance with G.S. 160A-385, I am providing to you the following names and addresses of the individuals who submitted written comments concerning the land use case:

Stephen Meier	1650 Meadowbrook Road Extension
Litha Charles	777 Honeysuckle Road
Brian M. Rose	606 Honeysuckle Road
William Neal Robertson, III	820 Honeysuckle Road

If you have any questions about his memo, please call me.

cc: John N. Ogburn, III, City Manager

Trevor Nuttall

From: John Evans
Sent: Wednesday, August 5, 2020 10:20 AM
To: Trevor Nuttall
Subject: FW: Zoning Honeysuckle

John L. Evans, AICP
Assistant Director
Community Development Division
City of Asheboro
146 North Church Street
Asheboro, NC 27203
336-626-1201 Ext. 225 (phone)
336-626-1218 (fax)
<http://www.asheboronc.gov>

E-mail correspondence to and from this sender is subject to North Carolina Public Records Law and may be disclosed to third parties.

-----Original Message-----

From: Darren Hackett [mailto:darrenahackett@icloud.com]
Sent: Wednesday, August 5, 2020 10:06 AM
To: John Evans <jevans@ci.asheboro.nc.us>
Subject: Zoning Honeysuckle

John
After doing some research,
I have found the covenant for Piney Mountain Estates recorded in book 919 page 27-28. The covenants are place on the deeds as well. I feel that I need some advice on these covenants about the restriction of a 100 foot frontage issue. I would like to ask for a continuance of this zoning request in order to have time to seek a attorney, and the attorney have time to do the proper research. I understand that the city doesn't enforce the covenants;however, I would hate for someone to construct on a 75 foot lot and then be unable to sale the property due to the covenant restrictions. If there is any issues with continuing this case, please advise.

Thanks
Darren A Hackett
336-302-5848

Sent from my iPhone

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-20
-08**

Date 7/6/2020 Planning
Board

Applicant Darren Hackett

Legal Description

The property of Darren Andrew Hackett & Dee Dee Hackett Kearns, located approximately along Meadowbrook Rd. Extension & Honeysuckle Rd. 175 ft. north of Ideal Dr., totaling approximately 2.9 acres +/- and identified by Randolph Co. Parcel ID #s 7762230413 & 7762231577.

Requested Action Rezone from R15 Low-Density Single-Family Residential and R10 Medium-Density Residential to R10 Conditional Use Medium-Density Residential. At the time of the July 6, 2020 Planning Board, this was an R10 request. The applicant modified the request to Conditional Use Medium-Density Residential after the July 6, 2020 Planning Board meeting.

Existing Zone R15/R10

Land Development Plan See rezoning staff report.

Planning Board Recommendation

Deny: The Planning Board had previously recommended denial of this request, including the original R7.5 Medium-Density request (considered by the Planning Board on 6-1-2020) and R10 Medium-Density Residential request (considered by Planning Board on 7-6-2020).

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-CUP-20-08

Date 8/6/2020 City Council

General Information

Applicant Darren Hackett

Address PO Box 4451

City Asheboro NC 27203

Phone 336-302-5848

Location Meadowbrook Rd. Extension and Honeysuckle Rd

Requested Action Rezone from R15 Low-Density Single-Family Residential and R10 Medium-Density Residential to CU-R10 (Conditional Use Medium-Density Residential)

Existing Zone R10/R15

Existing Land Use Undeveloped

Size 2.9 acres +/-

Pin # 7762230413, 7762231577

Applicant's Reasons as stated on application

To allow for single-family home construction, for maximization of number of lots per property.

Surrounding Land Use

North Undeveloped/Single-Family Residential

East Single-Family Residential

South Single-family residential

West Manufactured home park/Single-family

Zoning History N/A

Legal Description

The property of Darren Andrew Hackett & Dee Dee Hackett Kearns, located approximately along Meadowbrook Rd. Extension & Honeysuckle Rd. 175 ft. north of Ideal Dr., totaling approximately 2.9 acres +/- and identified by Randolph Co. Parcel ID #s 7762230413 & 7762231577. **Legal notices were mailed to adjoining property owners on Tuesday, June 23, 2020 and Tuesday, July 21, 2020 (due to change in request to CU-R10).**

Analysis

1. The property is inside the city limits.
2. Meadowbrook Rd. Ext. connects Honeysuckle Rd., a state-maintained roadway, with Ideal Dr., a city-maintained street with an average road width of less than 20 feet.
3. The majority of the property is zoned R15 (Low-Density Single-Family Residential) and has been since the 1970's. A review of historical records suggests that the current zoning map may be inaccurate and that the R15 district should extend 100 feet further west than presently shown.
4. The applicant first requested that this property be rezoned to R7.5 Medium-Density Residential, but subsequently modified the request to R10 Medium-Density, and now CU-R10 Conditional Use Medium-Density Residential.
5. The R15 district only allows a single-family dwelling on each zoning lot. The R10 district allows a single-family or two-family dwelling on each zoning lot, with reduced lot sizes, frontage, and setback requirements compared to the R15 district. The conditional use district allows for certain uses allowed in a general R10 district to be restricted.
6. The applicant has applied for a conditional use permit, which would allow five single-family dwellings if approved, on lots averaging 25,256 square feet. The underlying R15 district would allow for up to four single-family dwellings.
7. Adjoining properties consist primarily of low-density single-family dwellings, with many adjoining properties exceeding the minimum lot size by a significant margin. One adjoining property has a legal non-conforming manufactured home park with a density in excess of R10 allowances.
8. There is a stream and city sewer easement on the property. NCDEQ needs to be contacted prior to any land activity that impacts the stream or its banks and the city's easement must be kept clear from encroachment.
9. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community."

Rezoning Staff Report

RZ Case # RZ-CUP-20-08

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Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation Neighborhood Residential

Small Area Plan Northeast

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

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

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist Item 13: The property is located outside of Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # RZ-CUP-20-08

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LDP Goals/Policies Which Do Not Support Request

Checklist Item 10: Rezoning is not consistent with Land Category Descriptions

Checklist Item 14: Rezoning is not located on steep slopes (>20%) or rezoning (and the development intensity permitted with the proposed district) is unlikely to create additional problems due to steep slopes.

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

The "neighborhood residential" designation calls for residential uses of similar density to surrounding land uses. While R10 lot requirements would allow a slightly higher density (five dwellings instead of four) and slightly reduced lot widths than the current R15 district, the configuration of the property means that any lots created likely will exceed the minimum lot size of 10,000 s.f. The ability to consider limiting development to single-family dwellings consistent with surrounding land uses along Meadowbrook Road Extension and Honeysuckle Road through the conditional use permitting process helps promote Land Development plan consistency.

Considering all factors, staff believes the request to be consistent with the Land Development, reasonable and in the public interest.

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

Comparison of existing R15 Low-Density Single-Family Residential district (current zoning) & CU-R10 Conditional Use Medium-Density Residential District (current request)

Table 200-1									
Table of Area, Height, Bulk and Placement Regulations									
District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R15	15,000	100	30	15	25	35	22%		
			1 Single Family Only						
R10	10,000 SF	75	30	10	25	35	22%		
*Except as specifically modified by this Ordinance							Revised 10/2019		
Staff Note: Non Residential applies to uses that typically require a Special Use permit.									

Note: Two-family dwellings (duplexes) are not included with the corresponding Conditional Use Permit request. Therefore, the minimum standards for R10 as shown only apply to single-family dwellings.

Zoning Ordinance Statement of Intent for each district (Section 210):

R15 Low-Density Single-Family Residential (existing zoning): Intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such suburban intensity living.

R10 Medium-Density Residential (current request): Intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family* in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.

*Corresponding conditional use permit application excludes two-family dwellings.

Conditional Use Permit Staff Report

CUP Case No. RZ-CUP-20-08

8/6/2020 CC

General Information

Name Darren Hackett

Address PO Box 4451
Asheboro NC 27204

Phone 336-302-4451

Pin # 7762230413, 7762231577

Location Meadowbrook Rd. Extension and Honeysuckle Rd

Requested Action: Conditional Use Permit for Single-family residential dwellings

Existing Zone R15/R10

Existing Land Use Undeveloped

Size 2.9 acres +/- total

Applicant's Reason as stated on application

To obtain 5 lots for single-family dwelling only.

Surrounding Land Use

North Undeveloped/Single-Family Residential

East Single-Family Residential

South Single-family residential

West Manufactured home park/Single-family

Zoning History The request was originally filed as an R7.5 district, then modified to an R10 district, and now modified to a Conditional Use Medium-Density Residential (CU-R10) use and Permit described in this report.

Growth Strategy Map Primary Growth

Proposed L D P Map Neighborhood Residential

Legal Description

The property of Darren Andrew Hackett & Dee Dee Hackett Kearns, located approximately along Meadowbrook Rd. Extension & Honeysuckle Rd. 175 ft. north of Ideal Dr., totaling approximately 2.9 acres +/- and identified by Randolph Co. Parcel ID #s 7762230413 & 7762231577. **Legal notices were mailed to adjoining property owners on Tuesday, July 22, 2020**

Analysis

1. The applicant is requesting a conditional use permit for five single-family residential (5) lots. The current R15 district would permit up to four (4) single-family residential lots.
2. The general R10 zoning district allows a single-family dwelling on a lot containing 10,000 square feet and a two-family dwelling on a lot containing 15,000 square feet. This allowance is subject to meeting other requirements, such as R10 setbacks and lot widths that are detailed in the rezoning report.
3. The average lot size (approximately 25,256 square feet) exceeds the 15,000 SF minimum lot size for a single-family dwelling in the existing R15 Low-Density Single-Family district. The underlying R10 district reduces required lot widths from 100 linear feet to 75 linear feet and side setbacks from 15 feet to 10 feet, compared to the R15 district.
4. The applicant is requesting a conditional use permit in order to allow only single-family dwellings and exclude two-family dwellings as a permitted use.
5. If approved, the Conditional Use Permit will allow staff to review a Minor Subdivision plat in compliance with subdivision ordinance requirements.

LDP Conformity Issues

Conditional Use Permit Staff Report

CUP Case No. RZ-CUP-20-08

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Staff Comments

Suggested Conditions

Draft conditions as of July 29, 2020:

(A) Customary accessory uses normally permitted in the R10 district shall be permitted in the CU-R10 district. Staff shall be given the authority to review such uses without further review by City Council.

(B) Setbacks shall be calculated from the apparent public right-of-way shown on the approved site plan. If final right-of-way on the minor subdivision plat that is presented for approval and recordation varies from the public right-of-way shown on the approved site plan, this shall not be considered a modification requiring further Council review.

(C) A reconfiguration of the five (5) proposed lots depicted on the site plan shall be permitted and shall not be considered a modification of the Conditional Use Permit requiring City Council approval provided that no more than five (5) lots are created and the reconfigured lots meet the general R10 zoning district requirements.

(D) Prior to the issuance of a zoning compliance permit for any single-family dwelling(s) or permitted accessory structure(s), the applicant shall present documentation to city staff that:

- (i) Each dwelling(s) is located on a legal zoning lot in compliance with the zoning and subdivision ordinances; and
- (ii) Any proposed structure is located outside of any City of Asheboro utility easement(s)

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

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 and 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 abutting 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.

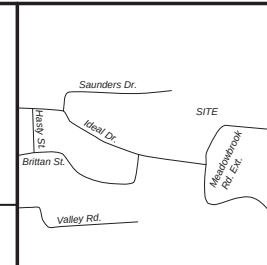
If any Conditional Use Permit is discontinued for a period of 180 days; or the permit is not initiated within 180 days; or replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the Conditional Use Permit shall be null and void and of no effect.

Notes:

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. Tax PIN: 7762230413, 7762231577
7. Current Zoning: R10/R15
8. Proposed Zoning: CU-R10 - with Conditional Use Permit for Single-Family Dwellings
9. Total Acres: 2.9
10. Total Lots: 5
11. Average Lot Size: 25,256 Sq. Ft.

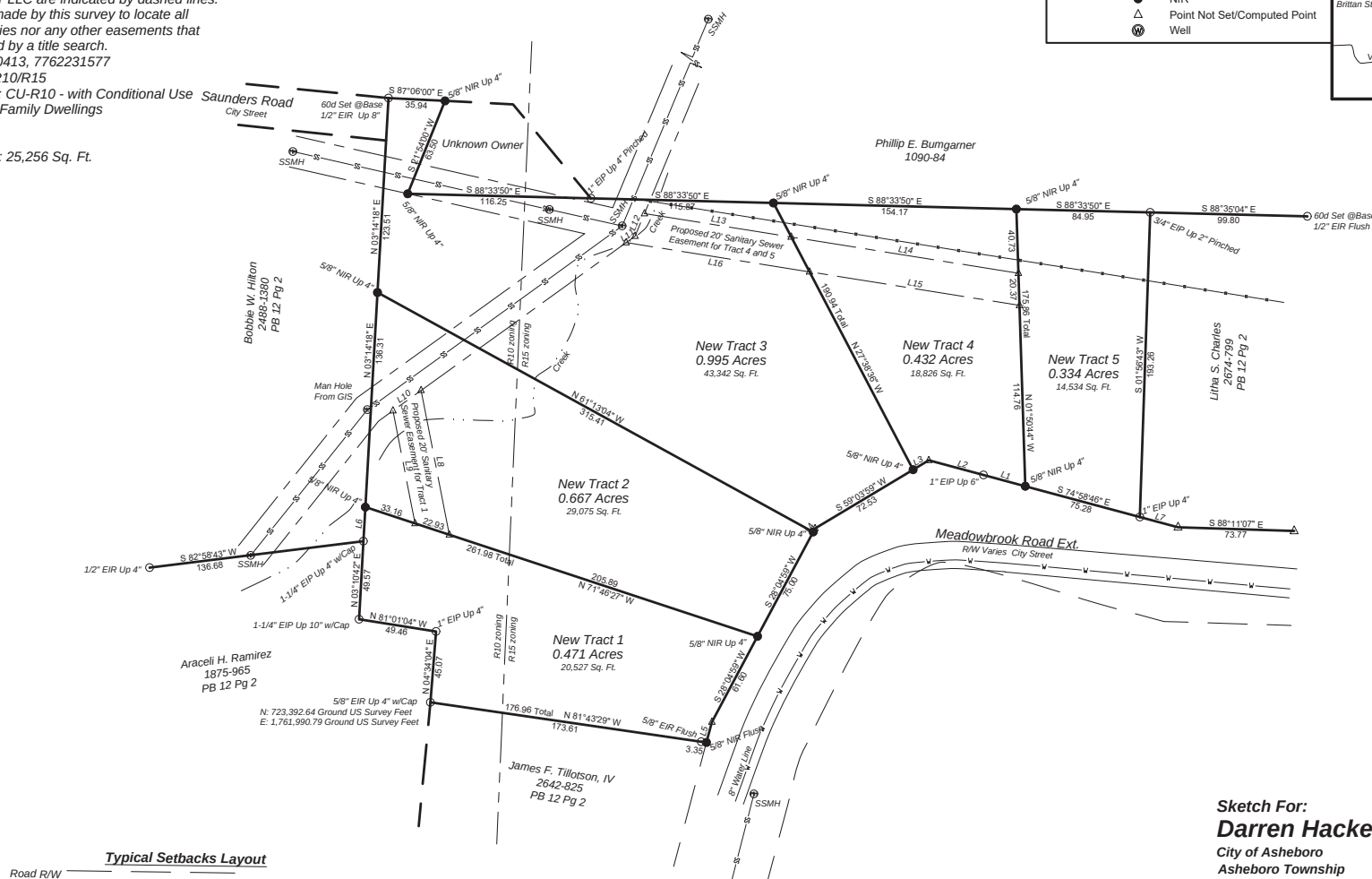
Legend

- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Old Plat Book Line
- Existing Iron Rod/Pipe
- NIR
- Point Not Set/Computed Point
- Well

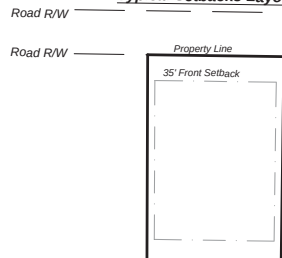


Location Map
(Not to Scale)

LINE	BEARING	DISTANCE
L1	N 74°58'36" W	27.45
L2	N 74°58'01" W	29.27
L3	S 59°03'59" W	11.59
L4	S 28°04'59" W	2.48
L5	S 14°48'59" W	13.42
L6	N 03°14'18" E	21.69
L7	S 74°58'46" E	25.04
L8	S 11°03'06" E	93.30
L9	S 11°03'06" E	72.88
L10	N 54°13'36" E	22.02
L11	N 54°13'36" E	6.96
L12	N 22°37'51" E	15.53
L13	S 80°55'52" E	94.32
L14	S 80°55'52" E	145.95
L15	N 80°55'52" W	134.50
L16	N 80°55'52" W	117.80



Typical Setbacks Layout



Setbacks

Front: 35' (based on averaging provision of Section 305)
Side: 10' Minimum
Rear: 25' Minimum

Accessory structure setbacks shall be regulated per section 303 and Notes to Table 200-2, Note 33

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Owners:
Darren Andrew Hackett
PO Box 4451
Asheboro, NC 27204

Sketch For: Darren Hackett

City of Asheboro
Asheboro Township
North Carolina
Deed Book: 1180 Pg: 1978 (prior deed) 18E / 262
Deed Book: 1102 Pg: 807 (prior deed) 18E / 262
Plat Book: 12 Pg: 2
Scale: 1" = 50 US Survey Feet

Bar Scale:



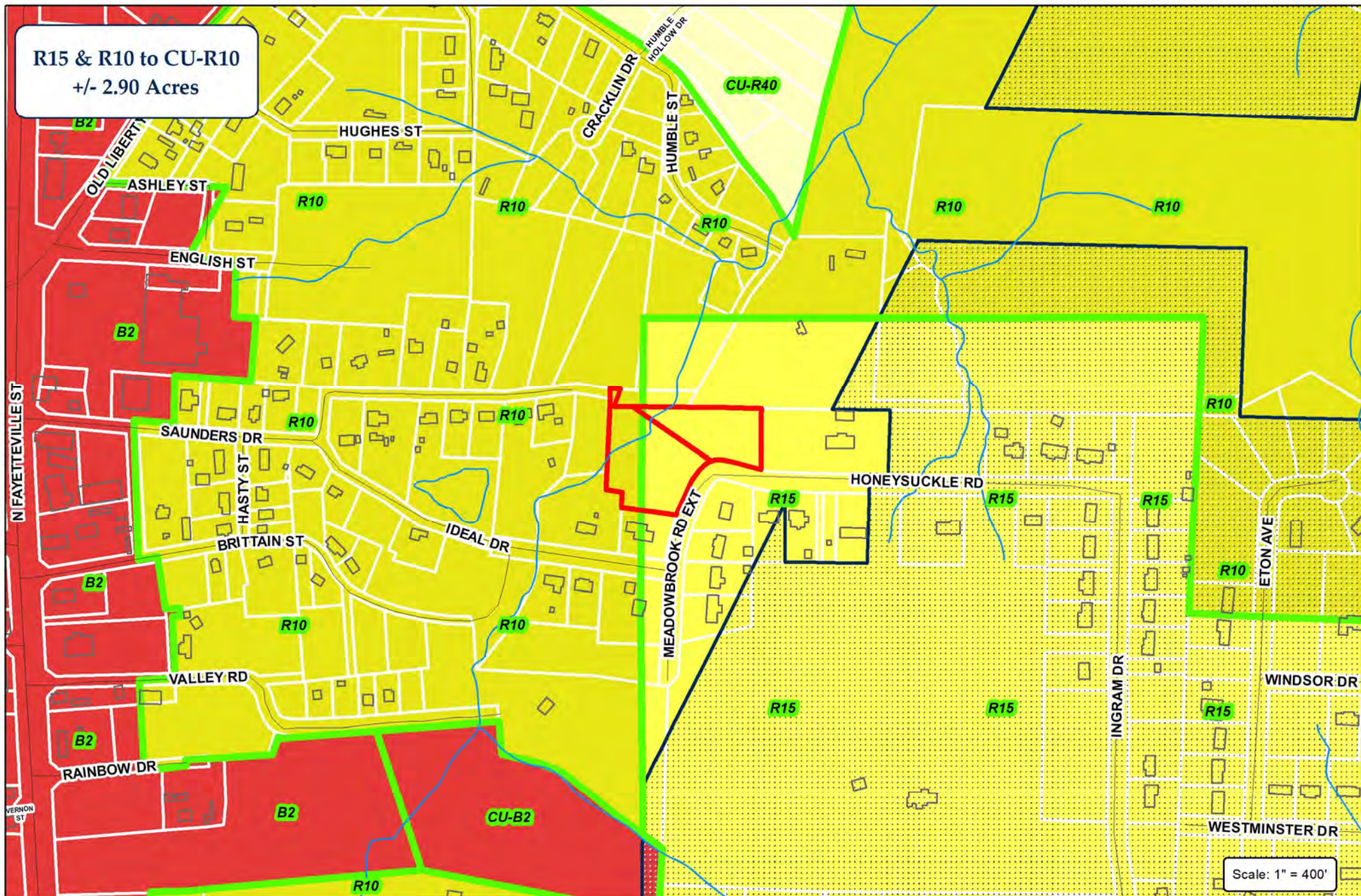
SURVEY CAROLINA, PLLC

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

Firm #: P-1110
Dan W Tanner II L-4787
© 2020 Survey Carolina, PLLC

Job #: 11553

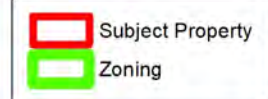
R15 & R10 to CU-R10
+/- 2.90 Acres



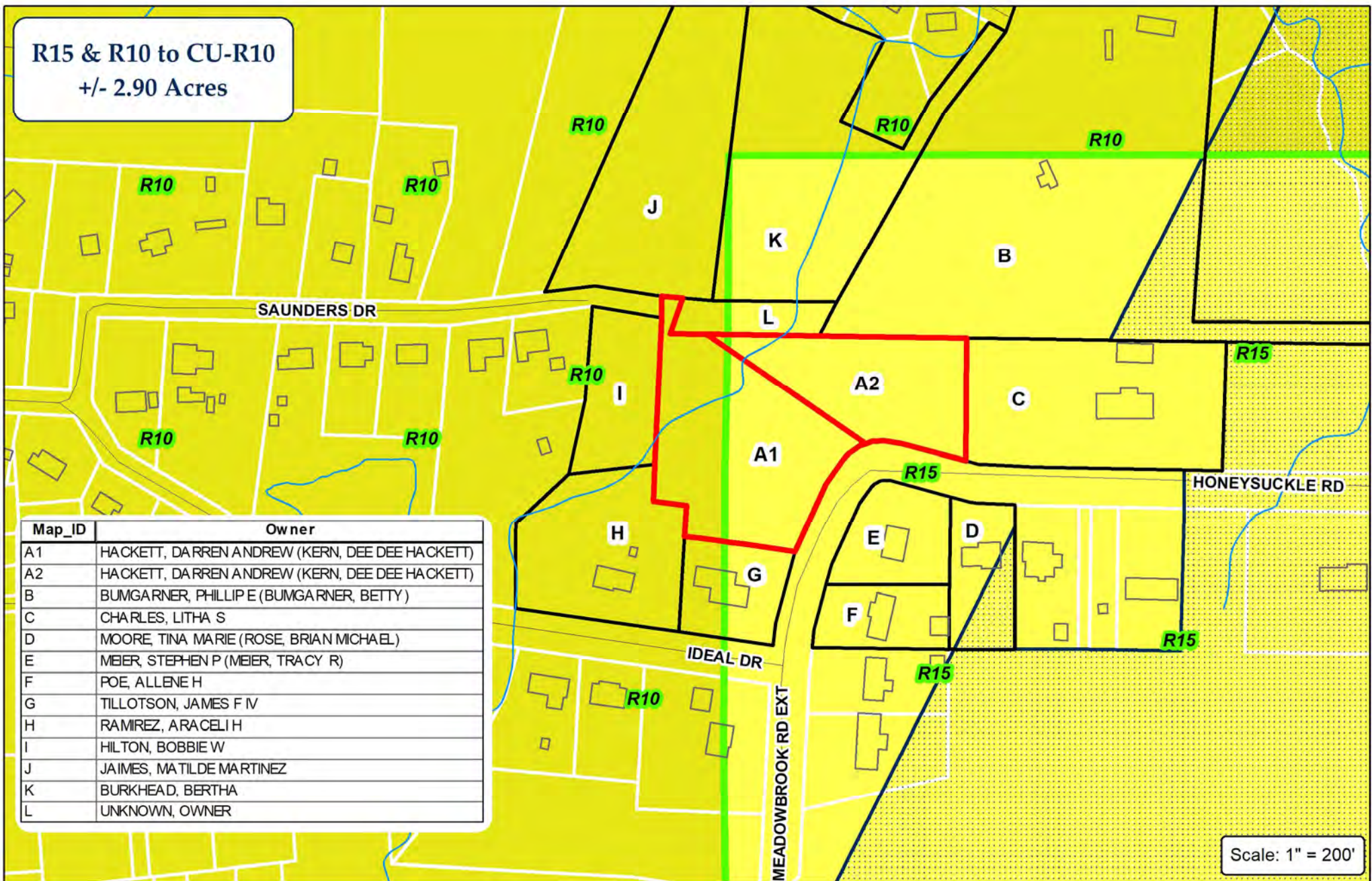
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-CUP-20-08

Parcel: 7762230413 & 7762231577



R15 & R10 to CU-R10
+/- 2.90 Acres



Map_ID	Owner
A1	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
A2	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
B	BUMGARNER, PHILLIP E (BUMGARNER, BETTY)
C	CHARLES, LITHA S
D	MOORE, TINA MARIE (ROSE, BRIAN MICHAEL)
E	MEIER, STEPHEN P (MEIER, TRACY R)
F	POE, ALLENE H
G	TILLOTSON, JAMES F IV
H	RAMIREZ, ARACELI H
I	HILTON, BOBBIE W
J	JAIMES, MATILDE MARTINEZ
K	BURKHEAD, BERTHA
L	UNKNOWN, OWNER

Scale: 1" = 200'

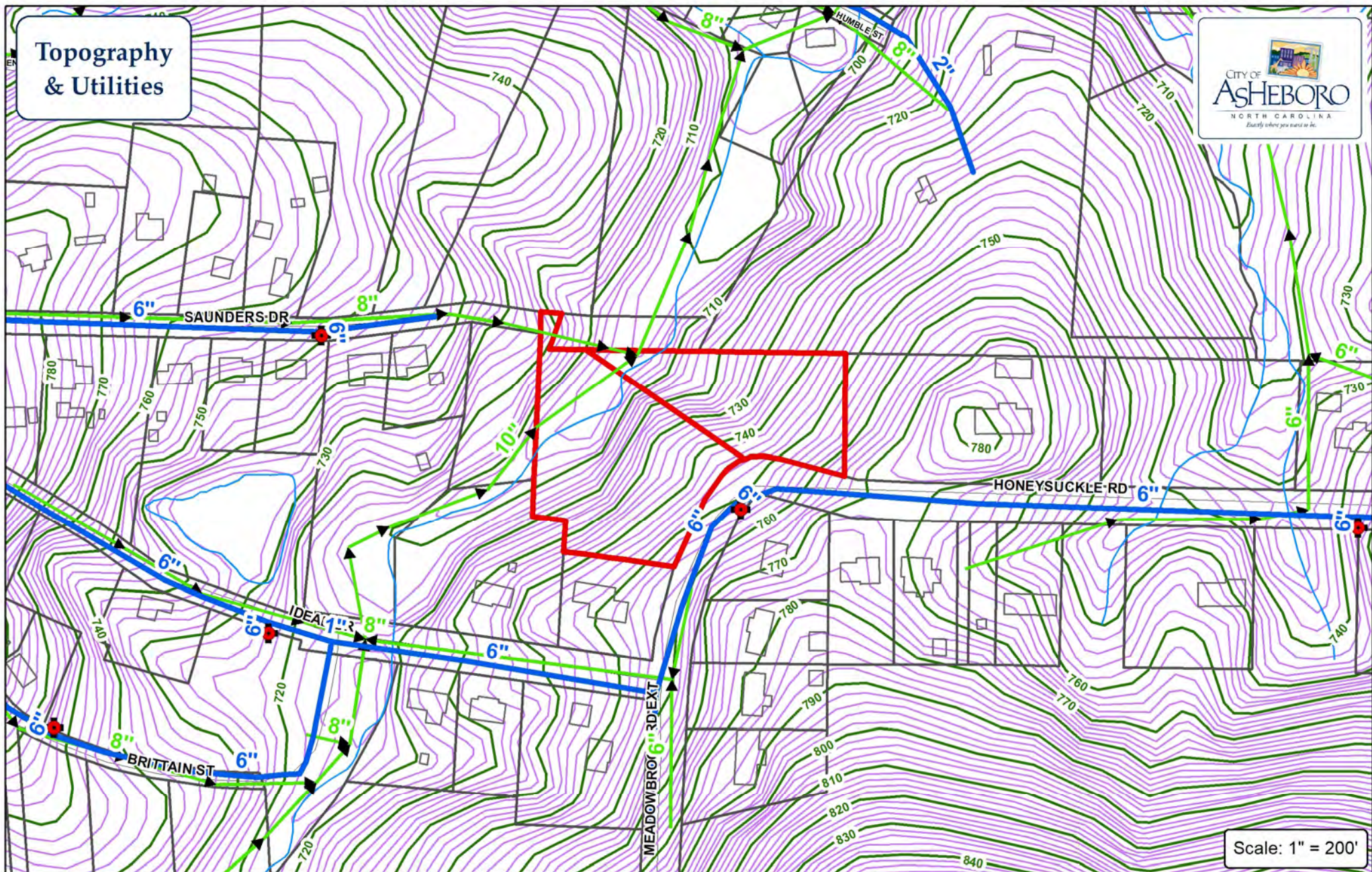
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-CUP-20-08

Parcel: 7762230413 & 7762231577



Topography & Utilities



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

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-CUP-20-08
Parcel: 7762230413 & 7762231577

 Subject Property

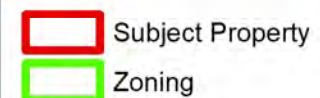




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-CUP-20-08

Parcel: 7762230413 & 7762231577



Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant Darren Hackett
Applicant's Phone # 336.302.5848
Applicant's Address Po Box 4451
Asheboro, NC 27204
Applicant Email Address darren.a.hackett@icloud.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Darren Andrew Hackett
Location of Property Meadowbrook Road Ext.
Property Size (ac. or s.f.) 1.46 Ac. / 1.09 Ac.
Randolph County Property Identification Number (PIN#) 7762230413 / 7762231577
Current Zoning District _____
Requested Zoning District R10-CU - single family
Date Property Title Acquired _____
Deed Book 1180/pq. 1978 (prior deed) Deed Book 1102 Page 807 (prior deed) 18E/242
Subdivision Piney Mountain Estates Section N/A Lot # As per deeds
Plat Book 12 Page 2

ORDINANCE AMENDMENT INFORMATION

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

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

N/A

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

N/A

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

To Allow For Single Family Home Construction

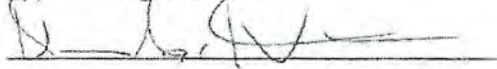
4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

For Maximization of # of Lots Per Property

APPLICATION SIGNATURES

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

Applicant Signature



Owner Signature (if different than Applicant)

Printed Name of Authorized Signatory (if different from Applicant)

Owner Address

Position/Relationship of Authorized Signatory to Applicant

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by:

John Evans

Date:

5-14-2020

Case Number:

20-08

Last updated 7-21-2020

RZ-CUP-



Application for Conditional Use Permit

APPLICATION FEE

A \$350 filing fee is required.

APPLICATION INSTRUCTIONS:

The Conditional Use Permitting process can be complex. It is highly recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

- 1) A legal description/deed reference of such land.
- 2) Two (2) draft copies of a site plan drawn to scale that has will be reviewed by staff for conformity with zoning ordinance requirements, with revisions due as noted below. Once the applicant submits the final draft is submitted by the site plan cutoff date, staff will also require six (6) copies of the site plan to be submitted. See page 2 for required site plan information.

The application is to be filed with the Zoning Administrator by 5:00 pm on the day which is at least 55 days prior to the City Council meeting at which the request will be considered. No changes may be made to any site plan fifteen (15) days prior to a City Council hearing. At no time shall the city council hear more than five (5) cases per month. If five applications have been received prior to the cut-off date, the request will be heard the following month. Site plans must conform to the ordinance by the site plan cutoff date. No revisions to site plans can be accepted after 15 days prior to the scheduled City Council meeting. Failure to submit a conforming site plan by the cutoff date will result in the case being delayed.

In addition to staff's notification of the request to adjoining property owners, it is recommended that the applicant also notify adjoining property owners of the request. A template of the notification is in this application and staff can assist the applicant with creating the list of property owners to be notified of the request.

MEETING INFORMATION* Dates are subject to final Council approval on 12-5-19

<i>Application Deadline</i>	<i>SITE PLAN CUTOFF</i>	<i>City Council Meeting</i>
December 13, 2019	January 22, 2020	Thursday, February 6, 2020
January 10, 2020	February 19, 2020	Thursday, March 5, 2020
February 14, 2020	March 25, 2020	Thursday, April 9, 2020
March 13, 2020	April 22, 2020	Thursday, May 7, 2020
April 10, 2020	May 20, 2020	Thursday, June 4, 2020
May 15, 2020	June 24, 2020	Thursday, July 9, 2020
June 12, 2020	July 22, 2020	Thursday, August 6, 2020
July 24, 2020	September 2, 2020	Thursday, September 17, 2020
August 14, 2020	September 23, 2020	Thursday, October 8, 2020
September 11, 2020	October 21, 2020	Thursday, November 5, 2020
October 16, 2020	November 25, 2020	Thursday, December 10, 2020
*Confirm application deadline with staff	*Confirm site plan deadline with staff.	*January, 2021: Confirm meeting date with staff

APPLICANT INFORMATION

Applicant Darren A. Hackett Applicant's Phone # 336-302-5848

Applicant's Address P.O. Box 4451
Asheboro NC 27204-4451

Applicant email address darren.a.hackett@icloud.com

PROPERTY INFORMATION

Property Owner's Name Darren Andrew Hackett

Location of Property Meadowbrook Rd Ext Property Size (ac. or s.f.) 1.46 ac / 12946

Randolph County Property Identification Number (PIN#) 7762230413 / 7762231577

Current Zoning District _____

Date Property Title Acquired _____ Deed Book 1180 Page 178
1102 807

Subdivision Piney Mountain Estates Section N/A Lot # As per deed

Plat Book 12 Page 2

CONDITIONAL USE PERMIT INFORMATION

Application is hereby made to the City of Asheboro for a Conditional Use Permit for the following purpose:

To obtain 5 lots for single family dwelling
only

CONDITIONAL USE PERMIT REQUIRED SITE PLAN INFORMATION

- 1) Actual shape, location, and dimensions of the lot
- 2) For new construction, building elevations of all exterior facades at a minimum scale of 1/8" = 1'
- 3) The shape, size, and location of any existing buildings and all buildings or structures to be erected, altered, moved
- 4) The existing and intended use of the lot and all structures on the lot
- 5) Location and size of any required buffers and/or screens (Article 200A and/or 300A)
- 6) Location and type of mechanical equipment screening (Section 306A)
- 7) Location, access, and screening of central solid waste facility (Section 307A)
- 8) Location and dimension of off-street parking indicating compliance with parking setbacks and loading spaces (Articles 300A and 400)
- 9) Grade separation of building and parking areas (Section 409)
- 10) Paving material for parking lots (Section 409)
- 11) Location of curb cuts: only 1 permitted if lot width is less than 120' (Section 408)
- 12) Driveway permit approval information by NCDOT or the City of Asheboro
- 13) Front yard landscaping or street planting (Articles 200A or Section 308A)
- 14) Location, type, size, and height of all signs (Article 500)
- 15) Notation certifying compliance with relevant Performance Standards (Article 300A) and a lighting plan demonstrating such compliance
- 16) Location of any flood zones if applicable (Article 700)
- 17) Watershed information if applicable (Article 300B)
- 18) If site disturbance is in excess of 1 acre, a soil and erosion control plan is required. The applicant shall submit the plan to NCDEQ Division of Energy, Mineral and Land Resources, located at 450 Hanes Mill Rd. Suite 300, Winston Salem, NC 27106.
- 19) Sidewalk construction if applicable (Section 322A)

Please note that specific uses may also be subject to supplemental regulations.

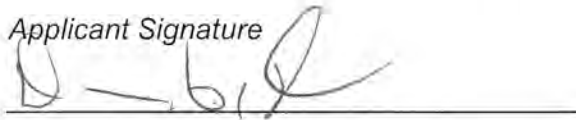
APPLICATION SIGNATURES

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

No application for a Conditional Use Permit will be advertised for public hearing until the Planning and Zoning Department has received materials. If all required materials are not received prior to the specified deadlines, this will result in delays in the case being heard.

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.

Applicant Signature



Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)



Owner Address

P.O. Box 4451
Asheboro NC 27204-4451

Telephone Number

336-302-5848

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

John L. STAFF USE
Received by: Edans Date: 7-21-2020 Case Number: CU-20-08

CITY OF ASHEBORO
Application for Conditional Use Permit

BASIC INFORMATION

The granting of a Conditional Use Permit is a quasi-judicial process requiring sworn testimony. The testimony given should be directed at providing evidence that supports the application. Such evidence shall address the following four items. Failure to address these items will result in the delay or denial of your request.

- 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 and approved.
- 2) That the use meets all required conditions and specifications.
- 3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
- 4) That the location and character of the use, if developed according to the plan as submitted and approved, will be 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.

The City Council shall make these general findings based upon substantial evidence contained in the proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans, and the like to support the application for a Conditional Use Permit.

I have read and received a copy of the above information regarding the testimony and the evidence required at the public hearing for the Conditional Use Permit for which I have made an application. I understand my responsibilities in this matter. I have also received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.

Applicant 

Date 7/20/2020

Received by staff: 7-21-2020

NOTICE OF CONDITIONAL USE PERMIT HEARING (OPTIONAL)

This is to notify you that I (we), Darren Andrew Hackett
have filed an application with the City of Asheboro for a Conditional Use Permit
for the property located Meadow Brook Rd Ext & Hartsuckle Rd for
the purpose of B-10 zoning change with a conditional
use of 5 single family lots

On Thursday, _____, 2020, at 7:00 pm the City Council will hold a
public hearing on the Conditional Use Permit request.

The meeting will be held in the City Council Chambers, 146 North Church Street,
Asheboro, NC. The Council, after considering the information/testimony presented
during the public hearing and reviewing the report of the Planning and Zoning
Department, will take action on the application. Such action may include approval of the
request, denial of the request, or approval of a modified version of the request on the
basis of the Council's determination that such action is reasonably necessary to
promote the public health, safety, or general welfare and to achieve the purposes of the
adopted Land Development Plan. The meeting is open to the public and your
participation is encouraged. If you have any questions, please contact the Planning and
Zoning Department at 336-626-1201 Ext. 225. In addition, you may contact me (or my
representative _____ at _____.

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JULY 9, 2020
7:00 P.M.**

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

Walker B. Moffitt	) – Mayor Pro Tempore Presiding
Clark R. Bell	)
Edward J. Burks	)
Jane H. Redding	) – Council Members Present
Katie L. Snuggs	)
Charles A. Swiers	)
Linda H. Carter	) – Council Member Present by Telephone Conference Call
David H. Smith	) – Mayor Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Chief of Police
Trevor L. Nuttall, Community Development Director
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief

1. Call to order.

A quorum thus being present, Mayor Pro Tem Moffitt called the meeting to order for the transaction of business, and business was transacted as follows. The number of elected officials, city employees, and private citizens physically present in the council chamber at any point in time was limited in order to maintain the physical distancing recommended by public health authorities during the current coronavirus pandemic.

During each vote, specific inquiries were made to ensure that Council Member Carter, who was participating by conference call, was on the line and able to cast her vote.

2. Moment of silent prayer and pledge of allegiance.

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

3. Old Business – Land Use Case Continued from Previous Meetings:

RZ-CUP-20-01 (Quasi-Judicial Hearing): An application to rezone property at 137 North Randolph Avenue (Randolph County Parcel Identification Number 7761027972) from R7.5 to CU-B2 zoning and to obtain a conditional use permit authorizing the rental/sales of domestic motor vehicles.

Mayor Pro Tem Moffitt re-opened the public hearing on the application by Brandon Allen (the “Applicant”) to legislatively rezone the above-described property (the “Zoning Lot”) and to obtain a Conditional Use Permit. This hearing, which was conducted as a quasi-judicial proceeding because of the conversion of the original application to a request for conditional use zoning with an accompanying Conditional Use Permit, was continued from the council’s meetings on April 9, 2020, May 7, 2020, and June 4, 2020.

Community Development Director Trevor Nuttall was placed under oath and presented the procedural history of this land use case. The previous substantive hearing of this case occurred on May 7, 2020.

The following italicized text has been excerpted from the council's approved meeting minutes for the May 2020 regular meeting in order to describe the information that was previously provided to the council and that was referenced as part of the quasi-judicial hearing on July the 9th:

In the matter of land use case file number RZ-20-01, Mayor Smith opened the public hearing on the application by Brandon Allen (the "Applicant") to rezone approximately 0.31 of an acre from R7.5 (Medium-Density Residential) to B2 (General Commercial). The parcel of land for which B2 zoning is requested (the "Zoning Lot") is owned by the Applicant and is more specifically identified by Randolph County Parcel Identification Number 7761027972.

Community Development Director Trevor Nuttall stated that, in addition to publishing the required notice of this hearing, legal notices were mailed to adjoining property owners. These notices were mailed on March 19, 2020.

Mr. Nuttall utilized a slide show to summarize the planning staff's analysis of the rezoning application. This analysis was summarized as follows:

- 1. The property is located inside the city limits.*
- 2. East Salisbury Street is a State-Maintained Major Thoroughfare.*
- 3. The most recent 2014 Comprehensive Transportation Plan identifies this segment of East Salisbury Street/NC Highway 42 as overcapacity based on 2012 volumes measuring average annual daily vehicles/day (11,600 capacity vs. 13,000 AADT 2012 volume).*
- 4. In order to relieve the congestion that currently exists on NC Highway 42 North, the current NCDOT Transportation Improvement Program has proposed road improvements (Project No. U-5743) along NC Highway 42 extending between the East Salisbury Street intersection and US Highway 64 (East Dixie Drive). Proposed improvements include the addition of a center turn lane, sidewalks, curbing, and guttering. The project's timetable anticipates a let date of late 2021.*
- 5. The city has submitted a request for consideration to the North Carolina Department of Transportation for a future widening of East Salisbury Street from Elm Street to the funded Project No. U-5743 as mentioned above. Draft 2023-2032 STIP release date is tentatively scheduled for February 2022.*
- 6. The requested B2 General Zoning district is intended to serve the convenience goods, shoppers goods retail, and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets.*
- 7. Approval of the request would allow any use permitted by right in the B2 district.*

In considering the goals and policies of the Land Development Plan, the planning staff's report noted that the Proposed Land Use Map designation is commercial, the Central Small Area Plan is applicable to the Zoning Lot, and the Growth Strategy Map designation is primary growth.

When the City of Asheboro Planning Board considered Mr. Allen's application, the recommendation from the planning board was to approve the requested rezoning. This recommendation was based on the Planning Board's concurrence with the following planning staff analysis that evaluated the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

A commercial rezoning request is supported by the Land Development Plan's Proposed Land Use Map which calls for commercial development of this property as well as property immediately to the south and east, likely due to adjacent development and the continued growth in traffic volumes. A commercial designation for the property also is supported by current zoning to the north and west of the property, which is B1 Neighborhood Commercial and B2 General Commercial respectively. The property's proximity to the Center-City Activity Center tends to support the request; there are only six residentially zoned properties between the subject parcel and this Activity Center.

While ideally there is some transition between commercial and residential zoning districts and uses, any non-residential development of the property will be requested to install a landscape buffer or screen along the southern property line for the benefit of the adjacent residential property. Furthermore, front yard landscaping along East Salisbury Street and North Randolph Avenue also must be installed as part of any future commercial project. Moreover, design standards also will apply to any building constructed or located on the property, helping to advance the LDP's goal of encouraging commercial development to be visually appealing; the use of metal or vinyl on the front façade of any building will be restricted.

Considering all these factors, staff believes the request to be consistent with the Land Development, reasonable and in the public interest.

The Applicant, Brandon Allen, presented comments in support of the request.

Mr. Owen George presented comments and concerns in opposition to the requested rezoning. Additionally, Mr. George presented a signed petition from individuals who identified themselves as "Asheboro Property Owners and Residents of East Salisbury Street." The stated purpose of the petition was to express the petition signatories' "concern regarding a proposed rezone of property at 137 North Randolph Avenue from R7.5 Medium Density Residential to B2 (General Commercial) without requiring a conditional use permit."

A copy of the petition submitted to the city council is on file in the city clerk's office.

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

Initially, Council Member Bell moved to deny the requested rezoning and to adopt a consistency statement that rejected the requested zoning map amendment as inconsistent with the applicable plans. In concluding that the requested rezoning is inconsistent with the comprehensive plan, Council Member Bell applied greater weight than the planning staff to the incompatibility of the request with the applicable Small Area Plan, and he also applied greater weight than the planning staff to the concern that the requested rezoning would not promote the type of development described in the Design Principles. This motion did not receive a second from another member of the council.

After a substantive discussion about the above-stated concerns and the petition that referenced the conditional use permit process, the Applicant requested to continue the consideration of his application to the next regular council meeting. Council Member Bell then formally withdrew his initial motion to deny the request and moved to continue this land use case, including the public hearing, to the next regular council meeting on June 4, 2020. Council Member Carter seconded the motion to continue the case to the June meeting.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

During the quasi-judicial hearing held on July the 9th, Mr. Nuttall testified that the Applicant has now applied for CU-B2 Conditional Use General Commercial zoning and has applied for a Conditional Use Permit that would authorize the rental/sales of domestic motor vehicles on the Zoning Lot.

Mr. Nuttall also testified that legal notices for this hearing were published and mailed as requested by law. The required notices were originally mailed on March 19, 2020, and, due to the subsequent request for a Conditional Use Permit, were also mailed on June 23, 2020.

The report prepared by the planning department staff identified the following Land Development Plan goals/policies as supporting the rezoning request:

- | | |
|---------------------------|--|
| Checklist Item 1: | Rezoning is compliant with the Proposed Land Use Map. |
| Checklist Item 3: | The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (Article 200, Section 210, Schedule of Statements of Intent) |
| Checklist Item 5: | The proposed rezoning is compliant with the objectives of the Growth Strategy Map. |
| Checklist Item 10: | Rezoning is consistent with Land Category Descriptions |
| Checklist Item 12: | Property is located outside of the watershed area, or the rezoning request will not impose a significant, negative environmental impact. |
| Checklist Item 13: | The property is located outside of Special Hazard Flood Area. |
| Checklist Item 14: | Rezoning is not located on steep slopes (>20%) or rezoning (and the development intensity permitted with the proposed district) is unlikely to create additional problems due to steep slopes. |
| Checklist Item 15: | The rezoning is not located on poor soils or the rezoning district is unlikely to create additional problems caused by poor soil conditions. |

In contrast, the report prepared by the planning department staff identified the following Land Development Plan goals/policies as not supporting the rezoning request:

Checklist Item 7: The proposed rezoning is not compatible with the applicable Small Area Plan.

Checklist Item 11: Rezoning will not promote the type of development described in Design Principles.

Mr. Nuttall's testimony then focused on the staff's analysis of the Conditional Use Permit application, which included a properly submitted site plan. The staff report submitted to the council noted, in part, as follows:

1. The request is for a Conditional Use Permit for rental/sales of domestic motor vehicles.
2. The Applicant has also filed a request to rezone the property from R7.5 Medium-Density Residential to CU-B2 (Conditional Use General Commercial). The Applicant's request has been modified from the previous B2 General Commercial District request.
3. No structures are proposed for this proposal. The Applicant proposes a graveled display area for vehicles for sale or rent. The office for the proposed land use is located on an adjoining property that is not part of this request.
4. The site plan shows access from the adjoining property, which has access from East Salisbury Street.
5. The site plan proposes a solid wooden fence and evergreen plantings on the south side of the property, adjacent to the residential use. Front yard landscaping consisting of shrubs is also located along the front 10' of East Salisbury Street and Randolph Avenue.
6. The zoning ordinance and city code generally prohibit outdoor storage of junked motor vehicles and junk materials. No open storage areas of other materials are shown on the site plan, therefore, this would not be permitted.

The planning board adopted the planning staff's analysis of the rezoning request and recommended approval of the requested rezoning for the Zoning Lot. The basis for this recommendation was articulated as follows:

A commercial rezoning request is supported by the Land Development Plan's Proposed Land Use Map which calls for commercial development of this property as well as property immediately to the south and east, likely due to adjacent development and the continued growth in traffic volumes. A commercial designation for the property also is supported by current zoning to the north and west of the property, which is B1 Neighborhood Commercial and B2 General Commercial respectively. The property's proximity to the Center-City Activity Center tends to support the request; there are only six residentially zoned properties between the subject parcel and this Activity Center.

While ideally there is some transition between commercial and residential zoning districts and uses, a conditional use zoning classification and permitting process can help ensure that any proposed use is not out of character with surrounding land uses.

Considering all factors, staff believes the request to be consistent with the Land Development Plan, reasonable, and in the public interest.

On behalf of the Applicant, Mr. Robert E. Wilhoit, Esq. and Real Estate Broker John Gatlin were placed under oath and offered testimony in support of the application. This testimony specifically included addressing the four standards for the issuance of a Conditional Use Permit.

The Applicant's attorney testified as to the Applicant's agreement with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. No driveway access shall be permitted from North Randolph Avenue.
2. Additional information related to outdoor lighting shall be submitted to city staff demonstrating compliance with Section 317A.1 of the Zoning Ordinance (Performance Standards for all Commercial Zoning Districts-Light) for inclusion into the file without further review by city council.
3. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

There being no further comments and no opposition from the public, Mayor Pro Tem Moffitt transitioned to the deliberative phase of the hearing.

With regard to the requested zoning map amendment, the city council concurred with the staff and planning board's analysis of the consistency of the request with the land development plan. Council Member Bell moved, and Council Member Snuggs seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion:

1. This commercial rezoning request is supported by the Land Development Plan's Proposed Land Use Map which calls for commercial development of this property as well as property immediately to the south and east, likely due to adjacent development and the continued growth in traffic volumes. A commercial designation for the property also is supported by current zoning to the north and west of the property, which is B1 Neighborhood Commercial and B2 General Commercial respectively. The property's proximity to the Center-City Activity Center tends to support the request; there are only six residentially zoned properties between the subject parcel and this Activity Center.

The council recognizes that ideally there is some transition between commercial and residential zoning districts and uses. However, a conditional use zoning classification and permitting process helps to ensure that any proposed use is not out of character with surrounding land uses. Thus, the city council finds the rezoning request to be reasonable and in the public interest.

2. In light of the above-stated analysis, and looking at the totality of the evidence, the requested zoning map amendment to place the Zoning Lot in a CU-B2 zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

After approving the requested zoning map amendment, the Council Members concluded that the standards for granting the requested Conditional Use Permit had been met. Upon motion by Council Member Bell and seconded by Council Member Burks, the council voted unanimously to approve the requested Conditional Use Permit, with the stated conditions, authorizing the rental/sales of domestic motor vehicles on the Zoning Lot. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

The final decision document authorizing the Conditional Use Permit and specifying the conditions attached to the permit will be entered by the council during regular session on August 6, 2020.

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

4. Consent Agenda:

Upon motion by Council Member Bell and seconded by Council Member Burks, the council voted unanimously to approve/adopt the following consent agenda items. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

(a) The meeting minutes for the city council's regular meeting held on June 4, 2020.

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

(b) The meeting minutes for the city council's special meeting held on June 11, 2020.

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

(c) The meeting minutes for the city council's special meeting held on June 25, 2020.

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

(d) The final decision document for the land use case identified by file number CUP-20-03.

**Case No. CUP-20-03
Final Decision Document
City Council of the City of Asheboro, North Carolina**

**IN THE MATTER OF THE APPLICATION BY KENNETH GALLIMORE AND
BRIDGET GALLIMORE FOR A CONDITIONAL USE PERMIT AUTHORIZING
LAND USES IDENTIFIED AS MOTOR VEHICLE REPAIR – MAJOR AND
RENTAL/SALES OF DOMESTIC MOTOR VEHICLES**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH
CONDITIONS, THE REQUESTED CONDITIONAL USE PERMIT**

THIS LAND USE CASE came before the City Council of the City of Asheboro (the "Council") for a properly advertised quasi-judicial hearing on the question of whether to approve an application for a conditional use permit. The hearing was initially opened on May 7, 2020, and continued so that substantive sworn testimony could be received during a regular Council meeting on June 4, 2020. Having considered all competent evidence and argument presented on June 4, 2020, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

1. Kenneth Gallimore and Bridget Gallimore (the “Applicants”) properly submitted an application for a conditional use permit authorizing land uses identified in the City of Asheboro Zoning Ordinance (the “Ordinance”) as motor vehicle repair – major and rental/sales of domestic motor vehicles.

2. In compliance with the Ordinance, the Applicants included with their application a site plan showing the proposed land use on a parcel of land identified by Randolph County Parcel Identification Number 7761513992 (the “Zoning Lot”) that was owned by Deborah A. Maness at the time of the hearing. Deborah Maness signed the application form along with the Gallimores in order to indicate her consent to this land use case moving forward.

3. The Zoning Lot is approximately 2.24 acres in size and has two street addresses associated with the parcel of land: 1420 East Salisbury Street and 358 Patton Avenue.

4. The Zoning Lot is located outside of the city limits. In order to connect to city water and sewer utility services, annexation into the city limits must occur in compliance with the applicable statutes, ordinances, and city policies.

5. East Salisbury Street is a state-maintained minor thoroughfare, and Patton Avenue is a state-maintained road connecting East Salisbury Street and North Carolina Highway 42 North. Patton Avenue is 15 feet to 16 feet wide in front of the Zoning Lot.

6. The site plan submitted during the hearing of this case shows access to the improvements proposed by the Applicants for the Zoning Lot as coming from East Salisbury Street. No access is shown from Patton Avenue.

7. The Zoning Lot is in a CU-I2 (Conditional Use General Industrial) zoning district because of legislative action taken by the Council on June 4, 2020, immediately prior to the Council’s deliberations concerning the Applicants’ request for a conditional use permit.

8. Section 102 of the Ordinance describes a conditional use district as follows:

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

9. A separate paragraph of Section 102 of the Ordinance further provides:

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

In addition, within a CU District no use shall be submitted except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate

safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

10. Section 1013.2 of the Ordinance establishes the following standards for the issuance by the Council of a conditional use permit:

In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:

- 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 and approved.*
- 2. That the use meets all required conditions and specifications.*
- 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and,*
- 4. That the location and character of the use if developed according to the plan as submitted and approved will be 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.*

11. The motor vehicle repair – major land use and the rental/sales of domestic motor vehicles land use are both permitted uses in the underlying I2 zoning district.

12. The Applicants proposed to construct two structures on the Zoning Lot. One structure will be a 12,800-square foot building for motor vehicle repair and for an office. The second structure will be a 2,800-square foot building for storage.

13. The surrounding land uses are as follows:

North:	Single-Family Residential & Industrial	East:	Multi-Use Commercial Development (Randolph Mall)
South:	Single-Family Residential	West:	Single-Family Residential (Zoned OA-6)

14. Consistent with the information in the preceding paragraph, the area around the Zoning Lot primarily consists of residential, commercial (including Randolph Mall to the east), and office/institutional uses. Along the north side of East Salisbury Street, there are automotive repair land uses that are industrially zoned.

15. With regard to the city's comprehensive development plans, the Growth Strategy Map identifies the area in which the Zoning Lot is located as an adjacent developed area, and the proposed land development plan map designates the area as office and institutional/urban residential.

16. Pursuant to the Ordinance, the required buffering/screening is either a 10-foot Type C screen or a 25-foot Type C buffer adjacent to the residentially zoned (R10) property on the south side of the Zoning Lot. The Applicants are proposing to use a combination of evergreen trees and fencing adjacent to this residential property. In addition, and in

compliance with the Ordinance, the Applicants propose to use a combination of trees and shrubs within the front yards on East Salisbury Street and Patton Avenue.

17. The Code of Asheboro, including the zoning ordinance, generally prohibits outdoor storage of junked motor vehicles and junk materials. No open storage areas of other materials are shown on the site plan. Consequently, such open storage areas will not be permitted.

18. In an effort to ensure the compatibility of the proposed development of the Zoning Lot with surrounding land uses and to ensure future compliance with the Ordinance, the city planning staff recommended the following conditions for attachment to any conditional use permit that may be issued to the Applicants:

- (A) *Prior to the issuance of a zoning compliance permit for the proposed land uses, the Applicants shall submit documentation detailing the receipt of the following approvals:*
 - (1) *The requisite driveway permit from the North Carolina Department of Transportation; and*
 - (2) *The required erosion control approval(s) from the North Carolina Department of Environmental Quality.*
- (B) *Prior to the issuance of a zoning compliance permit, the Applicants shall provide the details concerning proposed outdoor lighting that are necessary to establish and demonstrate compliance with standards found in subsection B.1 pertaining to lighting within Section 316A of the Ordinance, which specifies performance standards in industrial districts.*
- (C) *If the number of parking spaces required to serve the proposed land uses are ultimately calculated to be less than the amount of parking shown on the site plan, a change to the amount of parking that is compliant with Ordinance specifications will not be considered a modification requiring Council approval. In such a case, the Applicants shall submit a revised site plan for review by the authorized city staff members to ensure compliance with the Ordinance and for retention in the appropriate file.*
- (D) *Prior to the issuance of a zoning compliance permit for the proposed land uses, the owner(s) of the Zoning Lot shall properly execute and deliver to the zoning administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this conditional use permit in the chain of title for the Zoning Lot.*

19. H.R. Gallimore, who is a licensed North Carolina broker, offered uncontroverted testimony as to his opinion that the proposed land uses, if developed as proposed, will have no adverse impact on the prices of property adjoining the Zoning Lot.

20. With the acceptance and attachment of the above-stated conditions, the site plan presented to the Council conforms to the regulations prescribed by the Ordinance.

21. Kenneth Gallimore testified as to the acceptance by the Applicants of the conditions suggested by the city planning staff.

22. No testimony was offered in opposition to the Applicants' request for a conditional use permit.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a conditional use permit, prima facie the applicant is entitled to

the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicants properly submitted an application for a conditional use permit authorizing a motor vehicle repair – major land use and a rental/sales of domestic motor vehicles land use on the Zoning Lot in a CU-I2 zoning district.

3. In light of the evidence and the acceptance by the Applicants of the conditions proposed for attachment to the conditional use permit by the Council, the Applicants' proposed land uses are compliant with the applicable requirements of the Ordinance.

4. On the basis of substantial evidence in the record, the Council has concluded that the proposed land uses meet the four general standards for granting the requested conditional use permit. More specifically, the proposed land uses will not materially endanger the public health or safety, meet all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which the land uses are to be located and are in general conformity with Asheboro's plan of development.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

Subject to the following conditions, a conditional use permit authorizing the requested motor vehicle repair – major land use and rental/sales of domestic motor vehicles land use on the Zoning Lot is hereby approved and issued to the Applicants and the Applicants' heirs, successors, and assigns. The continuing validity of this conditional use permit is hereby made expressly contingent upon the Applicants and the Applicants' heirs, successors, and assigns complying at all times with the applicable provisions of the Ordinance, the site plan presented and approved during the hearing of this matter, and the following supplementary conditions:

- (A) Prior to the issuance of a zoning compliance permit for the proposed land uses, the Applicants shall submit documentation detailing the receipt of the following approvals:
 - (1) The requisite driveway permit from the North Carolina Department of Transportation; and
 - (2) The required erosion control approval(s) from the North Carolina Department of Environmental Quality.
- (B) Prior to the issuance of a zoning compliance permit, the Applicants shall provide the details concerning proposed outdoor lighting that are necessary to establish and demonstrate compliance with standards found in subsection B.1 pertaining to lighting within Section 316A of the Ordinance, which specifies performance standards in industrial districts.
- (C) If the number of parking spaces required to serve the proposed land uses are ultimately calculated to be less than the amount of parking shown on the site plan, a change to the amount of parking that is compliant with Ordinance specifications will not be considered a modification requiring Council approval. In such a case, the Applicants shall submit a revised site plan for review by authorized city staff members to ensure compliance with the Ordinance and for retention in the appropriate file.
- (D) Prior to the issuance of a zoning compliance permit for the proposed land uses, the owner(s) of the Zoning Lot shall properly execute and deliver to the zoning administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this conditional use permit in the chain of title for the Zoning Lot.

The foregoing final decision document was adopted by the Asheboro City Council in open session during a regular meeting on July 9, 2020.

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

- (e) The final decision document for the land use case identified by file number CUP-20-06.

Case No. CUP-20-06
Final Decision Document
City Council of the City of Asheboro, North Carolina

**IN THE MATTER OF THE APPLICATION BY BAYBUILT PROPERTIES, LLC
FOR A CONDITIONAL USE PERMIT AUTHORIZING A
BANQUET/RECEPTION FACILITY LAND USE**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH
CONDITIONS, THE REQUESTED CONDITIONAL USE PERMIT**

THIS LAND USE CASE came before the City Council of the City of Asheboro (the “Council”) on June 4, 2020, for a properly advertised quasi-judicial hearing on the question of whether to approve an application for a conditional use permit. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

1. Baybuilt Properties, L.L.C., by and through Ben Tuggle in his capacity as a manager for the limited liability company, properly submitted an application for a conditional use permit authorizing a land use identified in the City of Asheboro Zoning Ordinance (the “Ordinance”) as a banquet/reception facility.

2. In compliance with the Ordinance, Baybuilt Properties, L.L.C. (the “Applicant”) included with its application a site plan showing the proposed land use on a portion of a parcel of land identified by Randolph County Parcel Identification Number 7751426889.

3. The portion of the above-described parcel of land upon which the banquet/reception facility is proposed for development and that will be subject to a conditional use permit (the “Zoning Lot”) is approximately 1.07 acres in size and is owned by Asheboro Community Church, Inc. The Zoning Lot is more specifically identified as Lots 6-17 and a portion of Lot 18 as described in Deed Book 2503, Page 1392 in the Office of the Register of Deeds for Randolph County, North Carolina.

4. An authorized representative of Asheboro Community Church, Inc. executed the application form along with the Applicant in order to express consent for this land use case to move forward.

5. The Zoning Lot is located inside the city limits.

6. The street address associated with the Zoning Lot is 801 Sunset Avenue. The parcel of land upon which the Zoning Lot is situated is at the intersection of Sunset Avenue and South Cherry Street.

7. Sunset Avenue and South Cherry Street are both state-maintained minor thoroughfares at this location.

8. The last use of the property was a non-commercial use as a place of assembly/church. The lot is currently vacant.

9. The Zoning Lot is in a CU-M (Conditional Use Mercantile) zoning district because of legislative action taken by the Council on June 4, 2020, immediately prior to the Council's deliberations concerning the Applicant's request for a conditional use permit. The remaining portion of the overall parcel of land upon which the Zoning Lot is located retained its OA6 (Office-Apartment) zoning where all land uses permitted by right in that district will continue to be allowed.

10. Section 102 of the Ordinance describes a conditional use district as follows:

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

11. A separate paragraph of Section 102 of the Ordinance further provides:

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

In addition, within a CU District no use shall be submitted except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

12. Section 1013.2 of the Ordinance establishes the following standards for the issuance by the Council of a conditional use permit:

In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:

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 and approved.*

2. *That the use meets all required conditions and specifications.*
3. *That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and,*
4. *That the location and character of the use if developed according to the plan as submitted and approved will be 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.*

13. Subsection (I) in Section 210 of the Ordinance describes the mercantile limited general commercial district as follows:

The Mercantile (M) District is intended to provide for a greater number of potential business activities than the B1 Zoning District. The Mercantile District is distinguished from the B2 General Commercial District by excluding certain uses permitted in the B2 District that are likely to create the greatest external impact (traffic, noise, lighting, etc.) and by its additional standards that address compatibility with adjoining residential neighborhoods. These districts should be located in nodes along minor thoroughfares or higher classification streets.

14. Among other requirements, the underlying mercantile district sets a maximum of 6,000 square feet for all structures, including existing structures, on the Zoning Lot, restricts drive through services, prohibits open storage, and requires additional pedestrian connectivity.

15. The banquet/reception facility land use is a permitted use in the underlying mercantile zoning district.

16. In addition to the underlying zoning, the Zoning Lot is located within an overlay zone known as Center City Planning Area Tier 3: Commercial and Employment Center Planning Area.

17. The surrounding land uses are as follows:

North:	Single-Family/Multi-Family Residential	East:	Undeveloped Property
South:	Single-Family Residential	West:	Personal Services (Tattoo)

18. Consistent with the information in the preceding paragraph, the area around the Zoning Lot consists of a mix of single-family, multi-family, institutional, and some office uses.

19. With regard to the city's comprehensive development plans, the Growth Strategy Map identifies the area in which the Zoning Lot is located as a primary growth area, and the proposed land development plan map designates the area as a city activity center.

20. The Applicant proposes to use an existing structure, which previously served as a church fellowship hall, for the banquet facility.

21. The Applicant's site plan proposes to use existing driveways along Sunset Avenue for access to the Zoning Lot.

22. The Applicant's proposals for satisfying landscaping requirements include front yard landscaping using a combination of trees and shrubs, parking lot landscaping, and extending the fence on the south and west sides of the property to screen the lot from lower intensity uses.

23. In an effort to ensure the compatibility of the proposed development of the Zoning Lot with surrounding land uses and to ensure future compliance with the Ordinance, the city planning staff recommended the following conditions for attachment to any conditional use permit that may be issued to the Applicant:

- (A) *Existing vegetation may be retained to count towards the minimum required landscaping specified by the following Sections of the Ordinance: Section 317A.F.m (Front Yard Landscaping), Section 304A (Buffers and Screening), and Section 409B2 (Landscaping Standards for Off-Street Parking).*
- (B) *The site plan indicates that no new outdoor lighting is proposed at this time. If the Applicant proposes outdoor lighting at a later date, it shall not be considered a modification requiring a new conditional use permit. Information shall be submitted to city staff demonstrating compliance with Section 317A.1 of the Ordinance (Performance Standards for All Commercial Zoning Districts – Light) for inclusion in the file without further review by the Council.*
- (C) *Prior to the issuance of a zoning compliance permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:*
 - (1) *Driveway approval from the North Carolina Department of Transportation; and*
 - (2) *The final decision document from the City of Asheboro Board of Adjustment indicating approval of the Applicant's requested variances from the Ordinance's front yard parking setback requirement and the maximum impervious coverage specification.*
- (D) *A dumpster shall be provided on the Zoning Lot with screening in compliance with Ordinance Section 317A.F.j. If this required dumpster and its access area reduces the number of parking spaces beyond the 5 percent reduction from the approved site plan that is expressly authorized by Ordinance Section 1013.5.E, this reduction in parking shall not be considered a modification of the conditional use permit. The Applicant shall submit a revised site plan showing this change to city staff without further review by the Council.*
- (E) *Prior to the issuance of a zoning compliance permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the zoning administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional use permit in the chain of title for the Zoning Lot.*

24. Uncontroverted testimony was offered as to the absence of any adverse impact on the value of adjoining property as a consequence of the Applicant restoring the functionality of the former church fellowship hall to serve as a banquet/reception facility.

25. With the acceptance and attachment of the above-stated conditions, the site plan presented to the Council conforms to the regulations prescribed by the Ordinance.

26. The Applicant unequivocally accepted the permit conditions suggested by the city planning staff.

27. No testimony was offered in opposition to the Applicants' request for a conditional use permit.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a conditional use permit, prima facie the applicant is entitled to

the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant properly submitted an application for a conditional use permit authorizing a banquet/reception facility land use on the Zoning Lot in a CU-M zoning district.

3. In light of the evidence and the acceptance by the Applicant of the conditions proposed for attachment to the conditional use permit by the Council, the Applicant's proposed land use is compliant with the applicable requirements of the Ordinance.

4. On the basis of substantial evidence in the record, the Council has concluded that the proposed land use meets the four general standards for granting the requested conditional use permit. More specifically, the proposed land use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which the land use is to be located and is in general conformity with Asheboro's plan of development.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

Subject to the following conditions, a conditional use permit authorizing the requested banquet/reception facility land use on the Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. The continuing validity of this conditional use permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Ordinance, the site plan presented and approved during the hearing of this matter, and the following supplementary conditions:

- (1) Existing vegetation may be retained to count towards the minimum required landscaping specified by the following Sections of the Ordinance: Section 317A.F.m (Front Yard Landscaping), Section 304A (Buffers and Screening), and Section 409B2 (Landscaping Standards for Off-Street Parking).
- (2) The site plan indicates that no new outdoor lighting is proposed at this time. If the Applicant proposes outdoor lighting at a later date, it shall not be considered a modification requiring a new conditional use permit. Information shall be submitted to city staff demonstrating compliance with Section 317A.1 of the Ordinance (Performance Standards for All Commercial Zoning Districts – Light) for inclusion in the file without further review by the Council.
- (3) Prior to the issuance of a zoning compliance permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (a) Driveway approval from the North Carolina Department of Transportation; and
 - (b) The final decision document from the City of Asheboro Board of Adjustment indicating approval of the Applicant's requested variances from the Ordinance's front yard parking setback requirement and the maximum impervious coverage specification.
- (4) A dumpster shall be provided on the Zoning Lot with screening in compliance with Ordinance Section 317A.F.j. If this required dumpster and its access area reduces the number of parking spaces beyond the 5 percent reduction from the approved site plan that is expressly authorized by Ordinance Section 1013.5.E, this reduction in parking shall not be considered a modification of the conditional use permit. The Applicant shall submit a revised site plan showing this change to city staff without further review by the Council.

- (5) Prior to the issuance of a zoning compliance permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the zoning administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional use permit in the chain of title for the Zoning Lot.

The foregoing final decision document was adopted by the Asheboro City Council in open session during a regular meeting on July 9, 2020.

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

- (f) A resolution appointing Stephen R. Knight to a new three-year term of office on the Asheboro ABC Board.

RESOLUTION NUMBER 10 RES 7-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**APPOINTMENT OF STEPHEN R. KNIGHT TO A NEW THREE-YEAR TERM
OF OFFICE ON THE ASHEBORO ABC BOARD**

WHEREAS, the Asheboro ABC Board (the “Board”) consists of three members who are appointed by the Asheboro City Council (the “Council”) to terms of office that are three years in duration; and

WHEREAS, when the Council made the initial appointments to the Board, Stephen R. Knight was appointed to a three-year term of office that began on August 12, 2008, and the Council subsequently reappointed Mr. Knight to the Board for three additional three-year terms of office in 2011, 2014, and 2017, respectively; and

WHEREAS, the Board has consistently performed its duties in a very efficient and professional manner; and

WHEREAS, the Council believes that it is in the best interest of the Asheboro ABC system and the city to reappoint Stephen R. Knight to the Board for another three-year term of office, and Mr. Knight has agreed to accept this reappointment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective August 12, 2020, Stephen R. Knight is reappointed to the Asheboro ABC Board for another three-year term of office.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of July, 2020.

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

- (g) **The Community Development Division's request to schedule and advertise a quasi-judicial hearing to be conducted on August 6, 2020, concerning an application to rezone property at 512, 514, and 516 South Fayetteville Street (Randolph County Parcel Identification Number 7751709933) from B2 to CU-B3 zoning and to obtain a conditional use permit authorizing a commercial development with multiple uses and/or structures.**

The hearing concerning the application for the above-referenced land use approval will be scheduled and advertised in accordance with the applicable statutes/ordinances and then heard by the Asheboro City Council during its regular meeting on August 6, 2020.

5. Community Development Items:

- (a) **RZ-20-07: A public hearing on an application to rezone property at 435 Old Liberty Road (Randolph County Parcel Identification Number 7762168474) from R10 to R7.5 zoning.**

Mayor Pro Tem Moffitt opened the public hearing on the above-referenced application by Darren Hackett (the "Applicant") to rezone approximately two (2) acres of land at 435 Old Liberty Road from R10 to R7.5 zoning. The parcel of land for which R7.5 zoning is requested (the "Zoning Lot") is owned by the Applicant and is more specifically identified by Randolph County Parcel Identification Number 7762168474.

Mr. Nuttall stated that, in addition to publishing the required notice of this hearing, legal notices were mailed to adjoining property owners. These notices were mailed on June 23, 2020.

Mr. Nuttall utilized a slide show to summarize the planning staff's analysis of the rezoning application. This analysis was summarized as follows:

1. The property is inside the city limits.
2. Old Liberty Road is a state-maintained minor thoroughfare at this location. East Bailey Street is a city-maintained collector street that extends from North Fayetteville Street to Old Liberty Road.
3. The current R10 district and the requested R7.5 district both allow single-family and two-family dwellings. The requested R7.5 district is distinguished from the current R10 district with reduced lot sizes and setbacks. The minimum lot size in the R10 district is 10,000 square feet, while the minimum lot size in the R7.5 district is 7,500 square feet.
4. Adjoining properties consist primarily of single-family and two-family dwellings. There are also scattered non-residential uses along Old Liberty Road near the subject property, particularly to the north where much of the corridor has commercial zoning.
5. There is a stream and city sewer easement on the property. The North Carolina Department of Environmental Quality needs to be contacted prior to any land activity that impacts the stream or its banks, and the city's easement must be kept clear from encroachments.
6. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community."

In terms of Land Development Plan goals/policies that were identified by staff as supporting the rezoning request, the following information was provided to the council:

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist Item 13: The property is located outside of Special Hazard Flood Area.

Checklist Item 14: Rezoning is not located on steep slopes (>20%) or rezoning (and the development intensity permitted with the proposed district) is unlikely to create additional problems due to steep slopes.

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

The following Land Development Plan goals/policies were identified by staff as not supporting the request:

Checklist Item 11: Rezoning will promote the type of development described in Design Principles.

When the City of Asheboro Planning Board considered the application, the recommendation from the planning board was to approve the requested rezoning. This recommendation was based on the planning board's concurrence with the following planning staff analysis of the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

The primary difference between the existing R10 district and the requested R7.5 district is minimum lot size and lot frontage. In order to accommodate development, the smaller lots in the R7.5 district are subject to slightly lesser setbacks than the R10 district. Potential development in the R10 district is eight (8) single-family lots or five (5) two-family lots; in the R7.5 district that potential increases to eleven (11) single-family lots or seven (7) two-family lots.

While the requested R7.5 district does allow increased density, the property's location on a minor thoroughfare and collector-level street diminish traffic generation concerns over this increase. Furthermore, the property's proximity to a significant node of B2 commercial zoning, which exists on the east side of Old Liberty Road, means that the requested zoning district can help to establish a transition to soften the potential for adverse impacts between long-standing commercial uses and older, established neighborhoods, thereby protecting them from commercial encroachment.

In the right context, a R7.5 zoning district can meet the intent of the Land Development Plan's ("LDP") Neighborhood Residential proposed land use designation, and staff believes the application overall is supported by the LDP.

Considering these factors, staff believes that the requested R7.5 district is reasonable and in the public interest.

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

They city council concurred with the staff and planning board analysis of the rezoning request. Council Member Bell moved, and Council Member Swiers seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion:

1. The primary difference between the existing R10 district and the requested R7.5 district is minimum lot size and lot frontage. In order to accommodate development, the smaller lots in the R7.5 district are subject to slightly lesser setbacks than the R10 district. Potential development in the R10 district is eight (8) single family lots or five (5) two-family lots; in the R7.5 district that potential increases to eleven (11) single-family lots or seven (7) two-family lots.

While the requested R7.5 district does allow increased density, the property's location on a minor thoroughfare and collector-level street diminish traffic generation concerns associated with the increased density. Furthermore, the property's proximity to a significant node of B2 commercial zoning, which exists on the east side of Old Liberty Road, means that the requested zoning district can help to establish a transition to soften the potential for adverse impacts between long-standing commercial uses and older, established neighborhoods, thereby protecting them from commercial encroachment.

In the right context, a R7.5 zoning district can meet the intent of the Land Development Plan's ("LDP") Neighborhood Residential proposed land use designation.

Considering these factors, the city council has concluded that this application for a zoning map amendment is, on the whole, consistent with the Land Development Plan, is generally in the public interest, and supports a reasonable use of the property.

2. In light of the above-stated analysis, the requested R7.5 zoning is approved as consistent with the adopted plan.

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

(b) RZ-20-08: A public hearing on an application to rezone property (Randolph County Parcel Identification Numbers 7762231577 and 7762230413) located on the west side of Meadowbrook Road Extension and the north side of Honeysuckle Road, approximately 175 feet north of Ideal Drive, from R15 and R10 zoning districts to R10 zoning.

Mr. Nuttall presented a written request by the applicant to continue the above-referenced public hearing to the Council's next regular meeting on August 6, 2020.

Upon motion by Council Member Bell and seconded by Council Member Snuggs, the council voted unanimously to continue the public hearing to the Council's regular meeting on August 6, 2020. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

Copies of the applicant's written request for a continuance are on file in the city clerk's office and in the city's community development division.

- (c) **Update on U.S. 64 Proposed Widening from Bypass to N.C. 49 Interchange (U-5813) and a request for concurrence from the city council on the submission of a Letter of Intent by the city manager to the North Carolina Department of Transportation regarding the city's intention to participate in cost-sharing for the project's sidewalk improvements.**

Mr. Nuttall presented a preliminary cost estimate for urban improvements on TIP Project U-5813 in the City of Asheboro. The city's responsibility for the improvements is approximately \$115,848.00. In light of the cost share estimate, Mr. Nuttall asked for the council's concurrence on the submission of a Letter of Intent by the city manager to the North Carolina Department of Transportation (NCDOT) regarding the City of Asheboro's intention to participate in cost-sharing for the project's sidewalk improvements.

Upon motion by Council Member Bell and seconded by Council Member Burks, the council voted unanimously to authorize the city manager to submit a letter of intent to NCDOT regarding the city's intention to participate in cost-sharing for the above-referenced project. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

6. Public comment period.

Mayor Pro Tem Moffitt opened the floor for public comments.

Mr. Lennit Bligen of the East Side Local Development Corporation read a letter written by the late Rev. Dora Atlas, who was the founder of Our Daily Bread Soup Kitchen in Asheboro. Mr. Bligen read aloud the letter that reflected concerns and encouragement for promoting the well-being of children within the African American Community in Asheboro and Randolph County. Mr. Bligen also expressed his appreciation for the support that has been shown for the outreach efforts of the East Side Local Development Corporation.

There being no further comments from the public, Mayor Pro Tem Moffitt closed the public comment period.

7. Police Department Annual Report.

Police Chief Mark Lineberry presented an overview of the Asheboro Police Department's activities during 2019. During his presentation, Chief Lineberry highlighted that there were a total of 25,453 calls for service, with approximately 24.6% of those calls requiring a report.

Additionally, Chief Lineberry reported on the police department's response to the current public health emergency.

No action was requested of the council under this agenda item, and none was taken.

A copy of the department's written annual report is on file in the city clerk's office.

8. Fire Department Annual Report.

Fire Chief Willie Summers presented an overview of the Asheboro Fire Department's activities during 2019. During his presentation, Chief Summers highlighted that the Asheboro Fire Department responded to 4,200 calls for service.

Additionally, Chief Summers reported on the fire department's response to the current public health emergency.

No action was requested of the council under this agenda item, and none was taken.

A copy of the department's written annual report is on file in the city clerk's office.

9. Consideration of a resolution authorizing the purchase of a used walk-in rescue truck for the Asheboro Fire Department.

City Manager John Ogburn and Chief Willie Summers presented and recommended adoption, by reference, of a resolution authorizing the purchase of a previously owned walk-in rescue truck for the Asheboro Fire Department.

Upon motion by Council Member Bell and seconded by Council Member Snuggs, the council voted unanimously to adopt the following resolution by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

RESOLUTION NUMBER 11 RES 7-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AUTHORIZING THE PURCHASE OF A PREVIOUSLY OWNED WALK-IN RESCUE TRUCK FOR THE ASHEBORO FIRE DEPARTMENT

WHEREAS, in an effort to reconcile operational needs with fiscal constraints, the Asheboro Fire Department's command staff has developed a plan to purchase a used walk-in rescue truck that will meet the fire department's operational needs in a cost-effective manner; and

WHEREAS, the Asheboro Fire Department has located a used walk-in rescue truck (hereinafter referred to as the "Rescue Truck") that is in good condition and satisfies the requirements of the above-described plan; and

WHEREAS, the Rescue Truck is a 1997 Pierce Lance truck currently owned by Robbins Hose Company No. 1, Inc. (a Delaware corporation that provides fire protection services for Dover, Delaware and that is also referred to as the "Dover Fire Department"); and

WHEREAS, the Dover Fire Department has offered to sell the Rescue Truck to the City of Asheboro for a purchase price of \$120,000.00; and

WHEREAS, subject to the successful completion of a professional pre-purchase inspection, the Asheboro Fire Chief and the Asheboro City Manager have recommended purchasing the Rescue Truck from the Dover Fire Department; and

WHEREAS, Section 143-129(e)(10) of the North Carolina General Statutes provides for an exception to the usual competitive bidding procedures for the purchase of used apparatus or equipment; and

WHEREAS, a proposed purchase agreement is attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the expenditure of budgeted funds for the above-described purchase of the Rescue Truck is hereby approved; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that City Manager John N. Ogburn, III is hereby authorized to execute the legal instruments needed to complete the purchase of the Rescue Truck so long as any such instruments are consistent with the material terms of the purchase agreement attached to this Resolution as EXHIBIT 1.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of July, 2020.

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

EXHIBIT 1

STATE OF NORTH CAROLINA

**WALK-IN RESCUE TRUCK
PURCHASE AGREEMENT**

COUNTY OF RANDOLPH

THIS WALK-IN RESCUE TRUCK PURCHASE AGREEMENT (the “Agreement”) is made and entered into, as of the date of the last signature affixed hereto, by and between the **CITY OF ASHEBORO**, a North Carolina municipal corporation with its principal office located in Randolph County, North Carolina at 146 North Church Street, Asheboro, North Carolina 27203, (the “**Buyer**” or the “**City**”) and the **ROBBINS HOSE COMPANY NO. 1, INC.**, a volunteer fire department serving Dover, Delaware that is also known as the Dover Fire Department and is incorporated under the laws of the State of Delaware with a registered address of 103 South Governors Avenue, Dover, Delaware 19904, (the “**Seller**” or “**Dover**”).

WITNESSETH:

WHEREAS, the City is seeking to purchase for its municipal fire department a used walk-in rescue truck; and

WHEREAS, Dover has a 1997 model year Pierce Lance walk-in rescue truck identified by vehicle identification number 4P1CT02S3WA000216 (the “Rescue Truck”) that will meet the needs of the Asheboro Fire Department; and

WHEREAS, Dover is willing to sell the Rescue Truck to the City for \$120,000.00.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, specifically including the proposed transfer to the City of the unencumbered title to the Rescue Truck in consideration of the payment by the City of the purchase price of \$120,000.00, the City and Dover, intending to be legally bound, hereby agree as follows:

ARTICLE 1. Purchase of Apparatus

1.01 In accordance with the terms and conditions specified herein, Dover will sell the Rescue Truck to the City, and the City will purchase the Rescue Truck.

1.02 The total purchase price to be paid by the City for the Rescue Truck is \$120,000.00.

ARTICLE 2. Delivery and Acceptance of the Rescue Truck

2.01 Prior to the payment of any monetary consideration by the City, Dover is to deliver the Rescue Truck, within 14 calendar days of the final execution of this Agreement, to Atlantic Emergency Solutions, 121 Patriot Drive, Middletown, Delaware 19709 for a professional pre-purchase vehicle/equipment inspection that will be conducted at the City’s sole and exclusive expense.

2.02 As a condition precedent to the City’s obligation to complete the purchase of the Rescue Truck, the apparatus must pass, without exception or deviation, the pre-

purchase vehicle/equipment inspection that will be performed at Atlantic Emergency Solutions. During this inspection, the following criteria must be satisfied:

- (1) The Rescue Truck must have a diesel engine with a minimum of 450 HP and an automatic transmission;
- (2) The Rescue Truck must have fully operational emergency traffic sound and lighting devices;
- (3) The Rescue Truck must meet all of the minimum requirements found in the applicable federal and North Carolina statutory law and administrative regulations for the use of the apparatus as a walk-in rescue truck on federal and state highway systems;
- (4) The Rescue Truck must have an unexpired, valid FMCSA (Federal Motor Carrier Safety Administration) annual vehicle inspection sticker; and
- (5) In addition to the necessity for satisfactory results from an oil/fluid analysis, the pre-purchase inspection must confirm, to the extent such a confirmation is possible and commercially reasonable, the absence of any condition/defect that would call into question the operational reliability or suitability of the apparatus for use as a rescue truck in accordance with generally accepted fire service standards.

2.03 The City, by and through Asheboro Fire Chief Willie Summers, will provide written notification of the results of the pre-purchase vehicle/equipment inspection as soon as is practicable. This notification will be sent to Dover Fire Chief Ronald Rhodes by means of mutually acknowledged on-going electronic mail transmissions between the two fire chiefs.

2.04 If and when notice of the successful completion of the above-described pre-purchase vehicle/equipment inspection, including any needed repairs or corrective actions that must be authorized by Dover in order to successfully complete the inspection process, is given by the City's fire chief, the above-stated condition precedent to the purchase of the Rescue Truck shall be deemed to be satisfied. Upon the satisfaction of the condition precedent described in Section 2.02 of this Agreement, the City will be deemed to have accepted the delivery of the Rescue Truck at Atlantic Emergency Solutions, 121 Patriot Drive, Middletown, Delaware 19709.

2.05 The above-described pre-purchase vehicle/equipment inspection and the final written notification as to whether the condition precedent for the acceptance of the Rescue Truck has been satisfied shall be accomplished within 60 business days of the receipt of the Rescue Truck at Atlantic Emergency Solutions. If the Rescue Truck does not pass the above-described inspection, or if the inspection process, inclusive of any needed repair/corrective action that must be authorized by Dover in order for the Rescue Truck to pass the contractually mandated inspection, is not completed within 60 business days of the receipt of the truck by Atlantic Emergency Solutions, the proposed purchase of the Rescue Truck by the City shall be deemed to be canceled.

2.06 In the event the contemplated purchase of the Rescue Truck is canceled because the above-stated condition precedent is not satisfied in a timely manner, neither party shall owe any fees, damages, monetary payments, or charges of any kind to the other party, and title to the Rescue Truck shall remain with the Seller. Furthermore, so long as, and only so long as, Dover removes the Rescue Truck from the premises of Atlantic Emergency Solutions within five business days of the receipt of notification that the condition precedent for the purchase of the truck has not been satisfied, the City will pay for all charges associated with or arising out of the inspection conducted at Atlantic Emergency Solutions. Any storage fees or charges of a similar kind that are charged or accrue after five business days from the date of the cancellation of the purchase of the Rescue Truck shall be the sole and exclusive responsibility of Dover.

ARTICLE 3. Assignment and Warranty of Title

- 3.01** Once notice has been given by the City of the successful completion of the pre-purchase vehicle/equipment inspection and the resulting acceptance of the delivery of the truck to the City at Atlantic Emergency Solutions, 121 Patriot Drive, Middletown, Delaware 19709, the City shall have ten business days to make conclusive arrangements for the delivery to Dover, at a mutually agreed upon location, by the City's authorized representative(s) of a certified bank check payable to Robbins Hose Company No. 1, Inc. in the amount of \$120,000.00.
- 3.02** Contemporaneously with the delivery of good funds for the purchase of the Rescue Truck, an assignment and warranty of title must be signed in the presence of a Notary Public so as to effectively convey to and vest in the City title to the Rescue Truck in accordance with Delaware and North Carolina law.
- 3.03** The Seller warrants to the City that the Seller is the owner of the Rescue Truck, the Seller is selling the Rescue Truck to the City free from all encumbrances and liens of any kind, and the Seller has good right and lawful authority to sell the Rescue Truck in accordance with the terms and conditions found in this Agreement.
- 3.04** The Seller further warrants to the City that the Rescue Truck has not been involved in a collision or other occurrence to the extent that the cost to repair the damage exceeds 25% of the fair market value of the truck, the Rescue Truck is not a flood vehicle, the Rescue Truck is not a reconstructed vehicle, and the Rescue Truck is not a salvage vehicle.

ARTICLE 4. Taxes

- 4.01** The City is exempt from federal excise tax. However, under North Carolina law, the City is not exempt from state and local sales tax.
- 4.02** Sales tax is not included in the above-stated \$120,000.00 purchase price. If Dover is required under Delaware law to collect sales tax from the City, the tax must be invoiced as a separate item with details as to the identities of the taxing authorities and the amount of the tax collected for each taxing authority. The exact amount of the taxes to be paid in addition to the purchase price must be provided to the City at the time arrangements are made with the City's fire chief to exchange the payment of good funds for title to the Rescue Truck. Any applicable sales tax for which the City is invoiced will be added to the certified bank check used to pay the \$120,000.00 purchase price for the Rescue Truck.

ARTICLE 5. Miscellaneous

- 5.01** The City acknowledges and agrees that upon the successful completion of the pre-purchase vehicle/equipment inspection and the acceptance of the delivery of the truck to the City at Atlantic Emergency Solutions, 121 Patriot Drive, Middletown, Delaware 19709, **the sale of the Rescue Truck is an "as is" sale without any warranty other than the warranty of title described in Article 3 of this Agreement.**
- 5.02** The City and Dover each acknowledge and represent that they are duly organized, validly existing, and in good standing and have the right, power, and authority to enter into this Agreement and bind themselves hereto through the officials set forth below as the signatories for the respective parties.
- 5.03** **Time shall be of the essence of this Agreement** and each and every term and condition thereof.
- 5.04** The captions and section numbers appearing in this Agreement are inserted only as a matter of convenience and do not define, limit, construe, or describe the scope of such paragraphs or sections of this Agreement or in any way affect this Agreement.

- 5.05** This Agreement may be executed in several counterparts, any of which shall be regarded for all purposes as an original, and all of which constitute but one and the same instrument.
- 5.06** This Agreement sets forth the entire contractual understanding of the parties with respect to the subject matter of the purchase agreement and supersedes all prior arrangements and communications between the parties. This Agreement may be amended from time to time only by written agreement duly authorized and executed by the parties hereto.
- 5.07** Each party agrees that it will execute any and all documents or other instruments and take such other action as may be necessary to give effect to the terms and conditions of this Agreement so long as such actions are not inconsistent with the terms and conditions of this Agreement.
- 5.08** The representations and warranties contained herein shall survive the termination of this Agreement.
- 5.09** This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.
- 5.10** No waiver by either party of any term or condition of this Agreement will be deemed to constitute a waiver of any subsequent breach whether of the same or of a different section, subsection, paragraph, clause, phrase, or other provision of this Agreement. Making payments pursuant to this provision during the existence of a dispute shall not be deemed to and shall not constitute a waiver of any of the claims or defenses of the party making such payment. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted the waiver.
- 5.11** The parties agree and acknowledge that they have jointly participated in the negotiation and drafting of this Agreement. In the event of an ambiguity or if a question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the parties and no presumptions or burdens of proof shall arise favoring any party by virtue of the authorship of any of the provisions of this Agreement. Any reference to any federal, state, local, or foreign statute or law shall be deemed to also refer to all rules and regulations promulgated thereunder, unless the context requires otherwise. If any party has breached any representation, warranty, or covenant contained herein in any respect, the fact that there exists another representation, warranty, or covenant relating to the same subject matter (regardless of the relative levels of specificity) which the party has not breached shall not detract from or mitigate the fact that the party is in breach of the first representation, warranty, or covenant.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives on the dates indicated below.

CITY OF ASHEBORO,
a North Carolina municipal corporation

By: _____ (SEAL)
John N. Ogburn, III
City Manager of the City of Asheboro

Date: _____

This instrument has been preaudited in the manner prescribed by the Local Government Budget and Fiscal Control Act.

Deborah P. Reaves
Finance Officer
City of Asheboro, North Carolina

ROBBINS HOSE COMPANY NO. 1, INC.,
a Delaware corporation

By: _____ (SEAL)
(Authorized Official's Signature)

(Authorized Official's Printed or Typed Name)

(Authorized Official's Printed or Typed Title)

(Date Signed by Authorized Official)

10. A status report on the progression of the city's development of the Zoo City Sportsplex.

City Engineer Michael Leonard, PE reported on the progress that has been made in developing the Zoo City Sportsplex. This presentation included a discussion of potential intersection improvements for Zoo Parkway and Old Cox Road that are under review.

Copies of the potential intersection improvements discussed by Mr. Leonard are on file in the city clerk's office.

No action was requested of the council under this agenda item, and none was taken.

11. Annexation items:

(a) Petition from Habitat for Humanity of Randolph County, N.C., Inc. – Two parcels of land (Randolph County Parcel Identification Numbers 7762211072 and 7762201718) located along East Allred Street and Camelot Drive.

(i) Consideration of a resolution directing the city clerk to investigate the annexation petition.

After receiving City Engineer Michael Leonard's overview of the annexation petition submitted by Habitat for Humanity of Randolph County, N.C., Inc., Council Member Bell moved to adopt the following resolution by reference, and Council Member Swiers seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the following resolution. There were no dissenting votes.

RESOLUTION NUMBER 12 RES 7-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE
SUFFICIENCY OF THE ANNEXATION PETITION SUBMITTED BY
HABITAT FOR HUMANITY OF RANDOLPH COUNTY, N.C., INC.**

WHEREAS, Habitat for Humanity of Randolph County, N.C., Inc., a North Carolina non-profit corporation, (the “Petitioner”) has submitted a petition requesting the annexation into Asheboro of approximately 1.335 acres of land owned by the Petitioner along East Allred Street and Camelot Drive; and

WHEREAS, the land for which annexation has been requested (the “Annexation Area”) is more specifically identified by Randolph County Parcel Identification Numbers 7762201718 and 7762211072; and

WHEREAS, the Annexation Area is contiguous to Asheboro’s primary city limits; and

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

WHEREAS, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation process.

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting on the 9th day of July, 2020.

/s/Walker B Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

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

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Received from Habitat for Humanity
of Randolph County, N.C., Inc.)

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

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by Habitat for Humanity of Randolph County, N.C., Inc., a North Carolina non-profit corporation (the “Petitioner”). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The Petitioner requests the annexation into Asheboro of approximately 1.335 acres of land owned by the non-profit corporation along East Allred Street and Camelot Drive. The

land for which the petitioner has requested annexation (the “Annexation Area”) is more specifically identified by Randolph County Parcel Identification Numbers 7762201718 and 7762211072.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of the 9th day of July, 2020.

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

(ii) Consideration of a resolution setting the date for a public hearing on the question of annexation.

In light of the preceding council action and the submittal of the city clerk’s certification document, Mr. Leonard then presented, for the council’s consideration, a resolution setting the date for a hearing on the question of the requested annexation. Council Member Burks moved to adopt the following resolution by reference, and Council Member Snuggs seconded the motion. Council Members Bell, Burks, Carter, Moffitt Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the resolution. There were no dissenting votes.

RESOLUTION NUMBER 13 RES 7-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE
QUESTION OF THE REQUESTED ANNEXATION OF
LAND OWNED BY HABITAT FOR HUMANITY
OF RANDOLPH COUNTY, N.C., INC.**

WHEREAS, Habitat for Humanity of Randolph County, N.C., Inc., a North Carolina non-profit corporation, (the “Petitioner”) properly submitted a petition requesting the annexation into Asheboro of approximately 1.335 acres of the non-profit corporation’s land along East Allred Street and Camelot Drive; and

WHEREAS, the land for which annexation has been requested is more specifically identified by Randolph County Parcel Identification Numbers 7762201718 and 7762211072; and

WHEREAS, pursuant to a previously adopted resolution, the city clerk investigated the sufficiency of the annexation petition; and

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

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

Section 1. A public hearing on the question of annexing the territory described in Section 2 of this Resolution will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on August 6, 2020.

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a 1-inch existing iron rod that is flush with the ground in the northern margin of the 60-foot public right-of-way for East Allred Street (North Carolina Secondary Road 2182), this beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 720,597.02 Ground US Survey Feet and East 1,762,048.71 Ground US Survey Feet (NAD 83 (2011)) and is at the southwestern corner of the Habitat for Humanity of Randolph County, N.C., Inc. property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2643, Page 298 and for which annexation into the City of Asheboro has been requested (the area designated for annexation by the Habitat for Humanity of Randolph County, N.C., Inc. annexation petition consists of two parcels of land identified by Randolph County Parcel Identification Numbers 7762201718 and 7762211072 and will be hereinafter referred to as the "Annexation Area"); thence from the beginning point and following the existing City of Asheboro primary city limits line the next two bearings and distances along the western boundary of the Annexation Area that adjoins the Terra Land Company, LLC property described in Deed Book 2623, Page 718, Randolph County Registry: North 01 degree 47 minutes 05 seconds East 316.78 feet to a 1-inch existing iron pipe that is flush with the ground; thence North 01 degree 55 minutes 32 seconds East 150.93 feet to a 1-inch T-post flush with a stone at the northwest corner of the Annexation Area; thence departing from the existing City of Asheboro primary city limits line and following the proposed City of Asheboro primary city limits line North 77 degrees 48 minutes 22 seconds East 236.77 feet along the northern boundary of the Annexation Area adjoining the Larry W. McKenzie property described in Deed Book 2657, Page 1442, Randolph County Registry to the northeast corner of the Annexation Area at a 5/8-inch new iron rod that is up 4 inches in the western margin of the 60-foot public right-of-way for Camelot Drive (North Carolina Secondary Road 2289); thence continuing to follow the proposed City of Asheboro primary city limits line along the western margin of the public right-of-way for Camelot Drive in a southeasterly direction along the arc of a curve with a radius of 841.81 feet and an arc length of 86.86 feet (delta angle 05 degrees 54 minutes 44 seconds) a chord bearing and distance of South 11 degrees 34 minutes 58 seconds East 86.82 feet to a 3/4-inch existing iron pipe that is flush with the ground at a point in the western margin of the public right-of-way for Camelot Drive that is located by means of the North Carolina Coordinate System at the coordinates of North 721,029.45 Ground US Survey Feet and East 1,762,312.53 Ground US Survey Feet (NAD 83 (2011)); thence continuing to follow the proposed City of Asheboro primary city limits by departing from the western margin of the public right-of-way for Camelot Drive and proceeding along the John E. Palmer property described in Deed Book 2473, Page 310, Randolph County Registry the next two bearings and distances: South 65 degrees 32 minutes 29 seconds West 220.80 feet to a 1-inch existing iron pipe that is flush with the ground; thence South 28 degrees 59 minutes 50 seconds East 191.14 feet to a 5/8-inch new iron rod that is up 4 inches in the northern margin of the public right-of-way for East Allred Street; thence continuing to follow the proposed City of Asheboro primary city limits line along the northern margin of the public right-of-way for East Allred Street the next two bearings and distances: first, in a southwesterly direction along the arc of a curve with a radius of 746.50 feet and an arc length of 57.41 feet (delta angle 04 degrees 24 minutes 23 seconds) a chord bearing and distance of South 43 degrees 28 minutes 28 seconds West 57.40 feet to a point not set/computed point; thence South 41 degrees 16 minutes 13 seconds West 175.86 feet to the point and place of BEGINNING, and containing a total of 1.335 total acres of land, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: Larry McKenzie" and is identified as Job No. 11975.

Section 3. Notice of the public hearing scheduled by Section 1 of this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting on the 9th day of July, 2020.

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

- (b) Petition from Kenneth Gallimore and Bridget Gallimore – One parcel of land (Randolph County Parcel Identification Number 7751513992) at 1420 East Salisbury Street.**

The above-described petition for annexation was withdrawn prior to the meeting.

No action was taken by the council members during this portion of the meeting.

12. Upcoming events.

Mayor Pro Tem Moffitt led a brief discussion of upcoming events occurring within the city government and the community in general. No action was taken by the city council during this portion of the meeting.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

**NOTICE OF A SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF ASHEBORO**

MEETING DATE: WEDNESDAY, JULY 15, 2020

MEETING TIME: 6:00 PM

LOCATION: CITY OF ASHEBORO
PUBLIC WORKS FACILITY,
1312 NORTH FAYETTEVILLE STREET,
ASHEBORO, NORTH CAROLINA 27203

At 6:00 p.m. on Wednesday, July 15, 2020, the City Council of the City of Asheboro will convene for a special meeting in the main conference room at the City of Asheboro Public Works Facility, 1312 North Fayetteville Street, Asheboro, North Carolina 27203. This special meeting will be held as a joint meeting with the Randolph County Board of Commissioners.

The special joint meeting has been called for the purpose of discussing competitive healthcare activities by or on behalf of Randolph Health. The only agenda items planned for the meeting’s open session are the convening of the special joint meeting, action on motions for each governing board to go into closed session, and the adjournment of the meeting.

The discussion concerning Randolph Health and competitive healthcare activities will be conducted in closed session. No final action is anticipated at this meeting.

This special meeting notice is issued on the 10th day of July, 2020.

/s/ Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore
City of Asheboro, North Carolina

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**SPECIAL JOINT MEETING
ASHEBORO CITY COUNCIL
RANDOLPH COUNTY BOARD OF COMMISSIONERS
WEDNESDAY, JULY 15, 2020, 6:00 PM
1312 NORTH FAYETTEVILLE STREET, ASHEBORO, NORTH CAROLINA**

This being the time and place for a special joint meeting of the Asheboro City Council with the Randolph County Board of Commissioners, a meeting was held with the following elected city officials and city management team members present:

David H. Smith) – Mayor Presiding

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

Linda H. Carter) – Council Member Absent

Minutes
Page 2
Wednesday, July 15, 2020
Special Meeting

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk
Jeffrey C. Sugg, City Attorney

In addition to the above-listed officials and staff members for the City of Asheboro, the following members of the Randolph County Board of Commissioners were present: Chairman Darrell Frye, Vice-Chairman David Allen, Commissioner Hope Haywood, Commissioner Kenny Kidd, and Commissioner Maxton McDowell. The following county staff members were also present: Hal Johnson, County Manager; Will Massie, Assistant County Manager/Finance Officer; Sarah Pack, Deputy Clerk to the Board; and Ben Morgan, County Attorney.

Ms. Christine L. Myatt, Esq. of Nexsen Pruet, who is representing Randolph County and the city in Randolph Health's bankruptcy case, was also present.

Additionally, the following officials from Randolph Health were present: Angela Orth, Chief Executive Officer; Chief Restructuring Officer Louis Robiceaux; Public Information Officer April Thornton; and Randolph Health Legal Counsel Robert L. Wilson, Jr., Esq.

A quorum of the city council thus being present, Mayor Smith called the city council meeting to order at 6:00 p.m. for the transaction of business, and business was transacted as follows.

1. Motion to go into closed session.

Mayor Smith entertained a motion to go into closed session pursuant to Section 143-318.11(a)(1) of the North Carolina General Statutes for the purpose of discussing competitive healthcare activities by or on behalf of Randolph Health, which discussion is privileged and confidential pursuant to Section 131E-97.3 of the North Carolina General Statutes.

The requested motion was made by Council Member Moffitt and seconded by Council Member Swiers. The council members then voted unanimously to approve the motion and went into closed session. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

[The minutes and general account of the closed session have been prepared and approved as a separate document.]

2. Return to open session.

Upon returning to open session, Council Member Bell moved to adjourn the meeting. Council Member Moffitt seconded the motion, and the council members voted unanimously to adjourn the meeting. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

The meeting was adjourned at 7:17 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**Resolution Sealing the General Account of a Closed Session
Conducted during a Special Joint Meeting with the
Randolph County Board of Commissioners
on July 15, 2020**

WHEREAS, Section 143-318.10(e) of the North Carolina General Statutes provides, in pertinent part, that the “minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session;” and

WHEREAS, pursuant to Section 143-318.11(a)(1) and Section 131E-97.3 of the North Carolina General Statutes, the city council, upon unanimous adoption of a properly made and seconded motion, went into closed session on July 15, 2020, during a joint special meeting with the Randolph County Board of Commissioners, in order to discuss privileged and confidential information pertaining to competitive healthcare activities by or on behalf of Randolph Health; and

WHEREAS, the purpose for going into closed session on July 15, 2020, would be frustrated if the general account of the closed session were to be made available for public inspection at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the closed session conducted on July 15, 2020, is hereby sealed and will remain sealed so long as public inspection of the records would frustrate the purpose of the closed session; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager is hereby authorized to act as the council’s agent with the authority to unseal these records when the purpose of the closed session would no longer be frustrated by making the records available for public inspection or when the unsealing of this general account is otherwise required by law.

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The signature blocks for this Resolution are on the next page.]**

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on August 6, 2020.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on June 1, 2020

The Asheboro ABC Board met on Monday, June 1, 2020, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Due to COVID-19 issues, the Chair provided prior notice to all Board members that personal attendance was optional. The agenda and related handouts were sent to each board member by email prior to the meeting. The meeting was held by telephone conference.

The Chair, Brooke Schmidly, opened the meeting by telephone. Also present by telephone was Board Member Bob Morrison. Present at the Board office were 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 Board member(s) voiced having no conflict, and there being no objection, the agenda was adopted.

Board Minutes from the May 4, 2020, meeting was reviewed and approved by the Board. The Chair and Bob Morrison authorized the GM to sign their names to the minutes and to make a notation he was signing for them. Steve Knight also signed the minutes.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses). Sales for the past several months have significantly increased and capital is sufficient to make additional distributions to the City of Asheboro.

Monthly drafts and EFT payments made during May were reviewed by the Board.

Since March 23, 2020, all employees working the sales floor and registers have received an additional \$2.00 per hours COVID-19 Hazard Pay. Upon motion by Bob Morrison, the Board approved extending the pay through June 20, 2020.

Upon motion by Steve Knight, the Board approved making an additional \$175,000 distribution to the City of Asheboro for fiscal year ending June 30, 2020.

Budget Hearing (§18B-702): Board members acknowledged receipt of the Budget Message and Proposed Budget for Fiscal Year 2020-2021. The GM confirmed public notice of the Board's June 1, 2020, budget hearing was submitted to the Courier-Tribune and posted outside the Board's office door providing the notice required by §18B-702(e). No members of the public were present at the Budget Hearing and the GM reported no members of the public had contacted the GM concerning the budget.

The Board reviewed the proposed budget and the GM discussed adjustments anticipating revenues will increase over the current FY. Because of the COVID-19 pandemic, it is difficult to determine a growth rate; therefore, comparisons are made using pre-COVID numbers with an estimated 8% increase in total revenues. Contributions to the City of Asheboro will increase from \$18,000 per month to \$19,000 per month with additional distributions as excess operating

capital permits. The budget also provides a 5% maximum merit raise increase for employees based on performance.

Upon motion by Bob Morrison, the Board approved the Proposed Budget for Fiscal Year 2020-2021 (a copy of which is attached hereto and incorporated herein by reference).

Steve Knight, citing increased sales activities and COVID-19 related issues, moved the Board approve a one-time \$3500.00 pay bonus for the GM. The Board approved the motion.

A meeting schedule for FY 2020-2021 was adopted by the Board. The schedule will be posted outside the Board's office door.

The GM informed the Board that current policy requires all employees working the sales floor area wear a face covering. Employees working at cash registers have an option to wear or not wear a face covering so long as they remain behind the plexiglass shields. Signs are posted on the entrances "strongly encouraging" customers to wear face coverings. The policy will be adjusted based upon recommendations from the Governor and health professionals.

In memory of employee Jesse Brady, who passed away unexpectedly on May 30, 2020, the Chair moved the Board make a \$100.00 contribution to the American Heart Association in his honor.

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

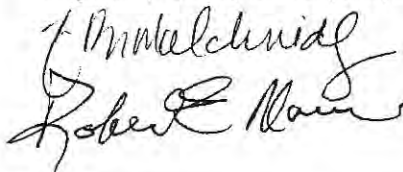
1. Asheboro ABC sales statistics comparing:

- May 2020 sales with the previous month indicate:
 - An overall +14.6% change (all sales and tax collections)
- May 2020 sales with sales from the same month last year indicate:
 - Retail Sales +55.1%
 - Mixed Beverage Sales: -53.7%
 - Sales Tax Collections: +55.1%
 - Overall Collections: +42.53%
- May 2020 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +31.7%
 - Mixed Beverage Bottle Sales: -56.7%
 - Overall Bottle Sales: +26.2%

The next regular Asheboro ABC Board meeting will be held Monday, July 7, 2020, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 7-6-20  GM





ASHEBORO ABC BOARD
Budget for Fiscal Year 2020-2021

Sales		4,400,000.00
Other Income		-
	Gross Sales	<u>4,400,000.00</u>
Less Taxes		1,012,000.00
	Net Sales	<u>3,388,000.00</u>
Less Cost of Sales		2,303,840.00
	Gross Profit	<u>1,084,160.00</u>
Less:		
Salaries, benefits and fees		365,000.00
Payroll taxes		29,200.00
Rent		64,800.00
Repairs and maintenance		5,000.00
Utilities		15,180.00
Insurance - general and bonds		15,500.00
Supplies and janitorial		9,000.00
Travel and training		2,500.00
Professional services		11,000.00
Dues and subscriptions		550.00
Bank fees and charges		48,900.00
Miscellaneous & Contingencies		5,000.00
	Total Operating Expenses	<u>571,630.00</u>
	Operating Income	<u>512,530.00</u>
Less:		
<u>Capital Expenditures</u>		
	Capital Improvements	<u>-</u>
		<u>-</u>
Net Income before Distributions		<u>512,530.00</u>
Less:		
<u>Distributions</u>		
Law Enforcement		24,339.15
Alcohol Education and Rehab		33,189.75
City of Asheboro General Fund		385,001.10
	Total Distributions	<u>442,530.00</u>
Net Income after Distributions		<u>70,000.00</u>
Less:		
Retained Working Capital (Future Facility Fund)		40,000.00
Retained for Capital Improvements		30,000.00
	Total Retained	<u>70,000.00</u>
Net Income		<u>-</u>

Adopted by the Asheboro ABC Board this 1st day of June 2020.



Rodney E. Johnson, General Manager

ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT
FUND
FY 2020-2021

WHEREAS, In September 2016, VSR LLC purchased property located at 133 S. Church Street now referred to as Mill 133, and;

WHEREAS, the Asheboro City Council approved the 2018-2023 Central Business District Redevelopment Plan on June 7, 2018; and,

WHEREAS, Central Business District Redevelopment Plan's Project #1 is The Square on Church, Mill 133; and,

WHEREAS, the City of Asheboro enlisted Duke Energy to relocate utilities on the property due to placement of the required driveway for a proposed hotel development in The Square on Church, Mill 133, and the estimated cost of this work is approximately \$26,000, and;

WHEREAS, the City desires to allocate funding and appropriate for the expense in the Economic and Tourism Development fund, and;

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

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

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / decrease</u>
72-381-0000	Contribution for The Square on Church, Mill 133	26,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-800-0001	The Square on Church, Mill 133 Redevelopment	26,000

Adopted this the 6th day of August 2020.

David H. Smith, Mayor

ATTEST:

Holly H Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AUTHORIZING THE CORRECTION OF A
PREVIOUSLY APPROVED PURCHASE AGREEMENT FOR A
WALK-IN RESCUE TRUCK NEEDED BY THE
ASHEBORO FIRE DEPARTMENT**

WHEREAS, during a regular meeting on July 9, 2020, the Asheboro City Council (the “Council”) authorized, by means of adopting Resolution No. 11 RES 7-20, the execution of a purchase agreement by the city manager on behalf of the municipal corporation in order to purchase for the Asheboro Fire Department a Pierce Lance walk-in rescue truck with vehicle identification number 4P1CT02S3WA000216 (the “Rescue Truck”) currently owned by Robbins Hose Company No. 1, Inc., which is a Delaware corporation that provides fire protection services for Dover, Delaware; and

WHEREAS, further examination of the Rescue Truck confirmed that the truck referenced in the approved purchase agreement as a 1997 model year truck was in fact manufactured in December 1997, but the “Certificate of Title to Motor Vehicle” issued by the State of Delaware for this Rescue Truck lists 1998 as the model year for the truck sought by the Asheboro Fire Department; and

WHEREAS, except for the model year, the information listed in the approved purchase agreement for the Rescue Truck is accurate; and

WHEREAS, Chief Willie Summers of the Asheboro Fire Department and Asheboro City Manager John N. Ogburn, III have confirmed that, in their professional opinions, the purchase of the Rescue Truck, with the corrected model year, is in the best interest of the City of Asheboro.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the governing board’s approval of the expenditure of budgeted funds for the purchase of the Rescue Truck, which is a 1998 Pierce Lance with vehicle identification number 4P1CT02S3WA000216, is hereby confirmed; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that City Manager John N. Ogburn, III is hereby authorized to execute the legal instruments needed to complete the purchase of the Rescue Truck, specifically including without limitation the execution of an amended purchase agreement for the Rescue Truck that, with the exception of the amendment of the truck’s model year to

reflect a 1998 model year, is consistent with the material terms found in the purchase agreement approved with the adoption of Resolution Number 11 RES 7-20 by the Council on July 9, 2020.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of August, 2020.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY
OF ASHEBORO TO PURCHASE MUNICIPAL VEHICLES AND
EQUIPMENT AND TO REIMBURSE THE GENERAL FUND
WITH INSTALLMENT FINANCING PROCEEDS**

WHEREAS, in order to maintain a satisfactory level of municipal services, the Asheboro City Council has adopted a budget ordinance for fiscal year 2020-2021 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted high-quality municipal services; and

WHEREAS, the following vehicles and equipment are to be acquired by city departments that receive their funding from the City of Asheboro General Fund (the “General Fund”):

1. \$165,000.00 has been budgeted for the environmental services department to acquire a rear loading garbage truck;
2. \$75,000.00 has been budgeted for the facilities maintenance department to acquire a golf course fairway mower;
3. \$47,500.00 has been budgeted for the fleet maintenance department to acquire a service truck;
4. \$30,000.00 has been budgeted for the human resources department to acquire a vehicle;
5. \$319,122.00 has been budgeted for the police department to acquire ten vehicles; and
6. \$297,000.00 has been budgeted for the street maintenance department to acquire a service truck and a leaf truck; and

WHEREAS, the total budgeted amount for the purchase of the above-listed vehicles and equipment needed by the listed city departments to deliver essential municipal services is \$933,622.00; and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the city to finance the purchase of personal property by means of installment financing that creates a security interest in the purchased property; and

WHEREAS, in order to provide uninterrupted high-quality municipal services, the above-listed vehicles and equipment will be purchased and placed into service as soon as possible with available funds in the General Fund; and

WHEREAS, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the General Fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the above-listed municipal vehicles and equipment acquired by the city during its 2020-2021 fiscal year; and

WHEREAS, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from which financing is ultimately obtained to exclude the interest paid or payable under an installment financing agreement with the city from the gross income of the lending institution; and

WHEREAS, in accordance with the applicable treasury regulations, one of the steps necessary to avoid jeopardizing the ability of a lender to exclude from its gross income the interest paid or payable under an installment financing agreement is for the city to declare its intent to reimburse the General Fund for the expenditures used to purchase the needed vehicles.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, consistent with the city's budget ordinance for fiscal year 2020-2021 and with the explicit intent of seeking reimbursement for the expenditures from installment financing proceeds, a maximum of \$933,622.00 may be expended from the General Fund for the acquisition of the above-listed vehicles and equipment prior to the execution of any installment financing agreement; and

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro does hereby formally and explicitly declare the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2020-2021 fiscal year, any and all expenditures from the General Fund for the purchase during this fiscal year of the vehicles and equipment referenced hereinabove and that are necessary to the provision of essential municipal services.

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This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of August, 2020.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



RZ-CUP-20-09: Requests related to property located at 512, 514, and 516 South Fayetteville Street (Randolph County Parcel Identification Number 7751709933)

1. Rezone from B2 (General Commercial) to CU-B3 (Conditional Use Central Commercial)
2. Conditional Use Permit for Commercial Development with Multiple Uses and/or Structures

Planning Board Recommendation (rezoning case) and Staff Reports

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-20
-09**

Date 7/6/2020 Planning
Board

Applicant Brandon McKenzie

Legal Description

The property of Atlas Cleveland Dunn, Jr. Trustee, located at 512, 514, & 516 S. Fayetteville Street, totaling approximately 0.47 acres +/-, and more specifically identified by Randolph County Parcel Identification Number 7751709933.

Requested Action Rezone from B2 General Commercial to CU-B3 Conditional Use Central Commercial

Existing Zone B2

Land Development Plan See rezoning report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-20-09**

Date 8/6/2020 City Council

General Information

Applicant Brandon McKenzie

Address 3798 Golden Meadow Road

City Asheboro NC 27205

Phone 336-953-7685 or 336-413-4475

Location 512, 514, 516 South Fayetteville St.

Requested Action Rezone from B2 General Commercial to CU-B3 Conditional Use Central Commercial

Existing Zone B2

Existing Land Use Vacant (previously commercial)

Size 0.47 acres +/-

Pin # 7751709933

Applicant's Reasons as stated on application

Current zoning does not allow mixed use. Proposed zoning would allow for 4 apartments on the upper level. Property to the south of subject property is already zoned B-3. Building has been vacant for over 15 years. The only occupants have been vagrants. Large hole in roof is causing building to deteriorate even faster. We wish to bring safety back to the building and value back to the neighboring properties. No additional land is being developed. No new buildings are being erected. Our family has always invested in Asheboro. Our building rehabs bring value to the city. Our properties only have quality tenants which improves the welfare and quality of life to this community.

Surrounding Land Use

North Undeveloped Commercial

East Commercial

South Commercial

West Commercial (contractor's office)

Zoning History N/A

Legal Description

The property of Atlas Cleveland Dunn, Jr. Trustee, located at 512, 514, & 516 S. Fayetteville Street, totaling approximately 0.47 acres +/-, and more specifically identified by Randolph County Parcel Identification Number 7751709933. **Legal notices were mailed to adjoining property owners on Tuesday, July 21, 2020.**

Analysis

1. The property is inside the city limits.
2. South Fayetteville Street is a state-maintained major thoroughfare.
3. The property is located within the Center City Planning Area, Tier 2 (Central Business District Fringe Development area). As described by the zoning ordinance: "This planning area encompasses blocks adjacent to Tier 1, the core Central Business Area. Properties in this planning area, unlike those in Tier 1, are not readily accessible to public downtown parking. Coordinated development of a variety of mixed uses is encouraged."
4. Tier 2 also has heightened requirements for buffering, green space, pedestrian connectivity, and design standards for building and screening of certain features, such as mechanical equipment and solid waste facilities.
5. Along with the rezoning request, the applicant has applied for a conditional use permit proposing a commercial development with multiple uses (and/or structures) plus dwelling(s) within a mixed use structure.
6. The property is currently zoned B2, which is generally considered the broadest commercial district, allowing the widest range of commercial uses. Most uses permitted in the B2 district are also permitted in the B3 district.
7. The underlying B3 district is described by the zoning ordinance statement of intent as "intended to be applied to the traditional commercial, governmental, administrative and service core of Asheboro, commonly known as the Central Business District."
8. Distinctions between the current B2 General Business District and the underlying requested B3 are that the B3 district allows for a mixed use structure with commercial and residential uses, and does not require off-street parking. However, the conditional use permitting process can require off-street parking, along with other site improvements that exceed the minimum requirements for the underlying B3 district.

Rezoning Staff Report

RZ Case # RZ-20-09

Page 2

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation City Activity Center

Small Area Plan Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Item 10: Rezoning is consistent with Land Category Descriptions

Checklist Item 11: Rezoning will promote the type of development described in Design Principles

Checklist Items 12-14: 12.) Property is located outside of the watershed area, or the rezoning request will not impose a significant, negative environmental impact.

13.) The property is located outside of Special Hazard Flood Area.

14.) Rezoning is not located on steep slopes (>20%) or rezoning (and the development intensity permitted with the proposed district) is unlikely to create additional problems due to steep slopes.

Rezoning Staff Report

RZ Case # RZ-20-09

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 3: The property on which the rezoning district is proposed does not fit the description of the Zoning Ordinance. (Article 200, Section 210, Schedule of Statements of Intent).

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

While the property is not directly contiguous to Asheboro's traditional central business district, the property lies just outside of this area and has certain characteristics that support a rezoning to Conditional Use - Central Commercial.

Most notably, the Land Development Plan includes this property in the City Activity Center implying that adaptive reuse projects creating "pedestrian-friendly, community focal points" that contain "a mixture of commercial, office and institutional, entertainment, open space, and residential uses & housing types" should be thoughtfully considered. The requested district could facilitate such a project while providing safeguards through the conditional use permitting process that can allow evaluation of potential development issues such as off-street parking and specific uses.

Second, the property is immediately north of a general B3 district that was approved in 2002 and is, in fact, closer to the city's historic central core.

Considering these factors, staff believes that the requested Conditional Use Central Commercial district is reasonable and in the public interest.

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

Conditional Use Permit Staff Report

CUP Case No. RZ-CUP-20-09

8/6/2020 City Council

General Information

Name Brandon McKenzie
Address 3798 Golden Meadow Road
Asheboro NC 27203
Phone 336-953-7685 or 336-413-4475
Pin # 7751709933
Location 512, 514, and 516 S. Fayetteville Street

Requested Action: Conditional Use Permit for Commercial Development with Multiple Uses and/or Structures

Existing Zone B2

Existing Land Use Commercial Development with multiple uses and/or structures

Size 0.47 acres +/-

Applicant's Reason as stated on application

Change from B-2 zoning to CU-B3. Four residential apartments on upper level and all commercial downstairs.

Surrounding Land Use

North Undeveloped Commercial

East Commercial

South Commercial

West Commercial (Contractor's office)

Zoning History N/A

Growth Strategy Map Primary Growth

Proposed L D P Map City Activity Center

Legal Description

The property of Atlas Cleveland Dunn, Jr. Trustee, located at 512, 514, & 516 S. Fayetteville Street, totaling approximately 0.47 acres +/-, and more specifically identified by Randolph County Parcel Identification Number 7751709933.

Analysis

1. The applicant is requesting a conditional use permit for a commercial development with multiple uses and/or structures. The applicant proposes using the existing two-level structure, which totals approximately 12,673 square feet.
2. Commercial development with multiple uses and/or structures in the B3 district allows dwellings within a mixed use structure on floors other than ground floor.
3. The property is located in the Center City Planning Area, Tier 2. In addition to enhanced landscaping and building design standards, one of the requirements of this overlay area is a maximum impervious or "built upon" area of 70 percent of the land area. Although the maximum built upon area is exceeded, this is legal non conforming situation that the ordinance allows to continue.
4. The applicant is proposing a total of four (4) residential dwelling units on the second floor of the structure. The applicant also has the option of using some or all of this area for non-residential uses.
5. The B3 district does not mandate minimum parking for uses since the district is designed to be applied in the downtown area in close proximity to public on and off-street parking. The applicant has elected to request a conditional use permit and district in order to identify site-specific development conditions, including proposed parking.
6. The Conditional Use permitting process can lead to the exclusion of certain uses that may not be appropriate given property location and configuration.
7. The site plan shows one entrance from South Fayetteville Street, which is existing. NCDOT must approve access from this driveway and may require improvements or modifications.

LDP Conformity Issues

Conditional Use Permit Staff Report

CUP Case No. RZ-CUP-20-09

Page 2

Staff Comments

Suggested Conditions

Draft conditions as of July 21, 2020:

(A) The use approved shall be a "Commercial Development with Multiple Uses and/or Structures", excluding the uses below: (i) Car Wash; (ii) Columbarium; (iii) Crematorium (accessory use); (iv) Flea Market, Open Air Sales; (v) Funeral Parlor; (vi) Gas Station; (vii) Nightclub/Cabaret; (viii) Service Station

(B) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing driveway approval from NCDOT. If any improvements required by NCDOT impact the number of parking spaces provided on the zoning lot, any change in the number of parking spaces to make required driveway improvements shall not be a modification of the Conditional Use Permit. In such case, the applicant shall provide a revised site plan for inclusion into the file without further review by City Council.

(C) Prior to the issuance of a Zoning Compliance Permit, additional information related to outdoor lighting shall be submitted to City staff demonstrating compliance with Section 317A.1 of the Zoning Ordinance (Performance Standards for all Commercial Zoning Districts- Light) for inclusion into the file without further review by City Council.

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

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 and 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 abutting 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.

Notes:

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7751709933
6. Current Zoning: B2
7. Requested Zoning: CU-B3
8. Proposed Parking Spots 29 Spots Total
2 Handicap / 22 Regular / 5 within Building
9. 0.522 Acres Total / 22,757 Sq. Ft.

Legend

- Property Line
- Computed Property Line
- - - Right of Way Line
- - - Easement Line
- - - Tie Lines
- - - Old Plat Book Line
- Existing Iron Rod/Pipe
- NIR
- △ Point Not Set/Computed Point
- ⊗ Well



Location Map
(Not to Scale)



SE Troddon & Sons, Inc
731 - 264
B2 and I2 Zoning

12x12 Dumpster Pad

Dumpster Pad Screening
- Screened Per Zoning
Ordinance Requirements

Basement Level Garage Parking
(5 Spaces)

2 Story Masonry Building with Basement
512 514 516 S. Fayetteville St
Asheboro, NC
6335 Sq. Ft. (Footprint)

Basement: Parking
Main Level: Commercial Development with Multiple Uses
Upstairs: Dwelling(s) within mixed use structure (4 - 3BR Units)
Note: Dwellings on upper floor may be substituted with commercial uses.

Silvia Trejo
2580 - 1961
PB 163 Pg 21
B3 Zoning

Richard J Trudgeon et al
2534 - 1045
B2 Zoning

0.522 Acres
Asphalt Parking Lot
22757 Sq. Ft.

Canopy Tree

Small Trees

Monument Style Sign

4 Evergreen Shrubs

6" Elevated Sidewalk

Concrete Sidewalk

Sanitary Sewer Line

S. Fayetteville St
70' Public R/W Per Plat

Owners:
Atlas C Dunn Jr
964 Viewmont Dr
Asheboro, NC 27205

Site Plan For: Brandon McKenzie

City of Asheboro
Asheboro Township Randolph County
North Carolina June 15, 2020
Deed Book: 2453 Pg: 749
Scale: 1" = 20 US Survey Feet

Bar Scale:



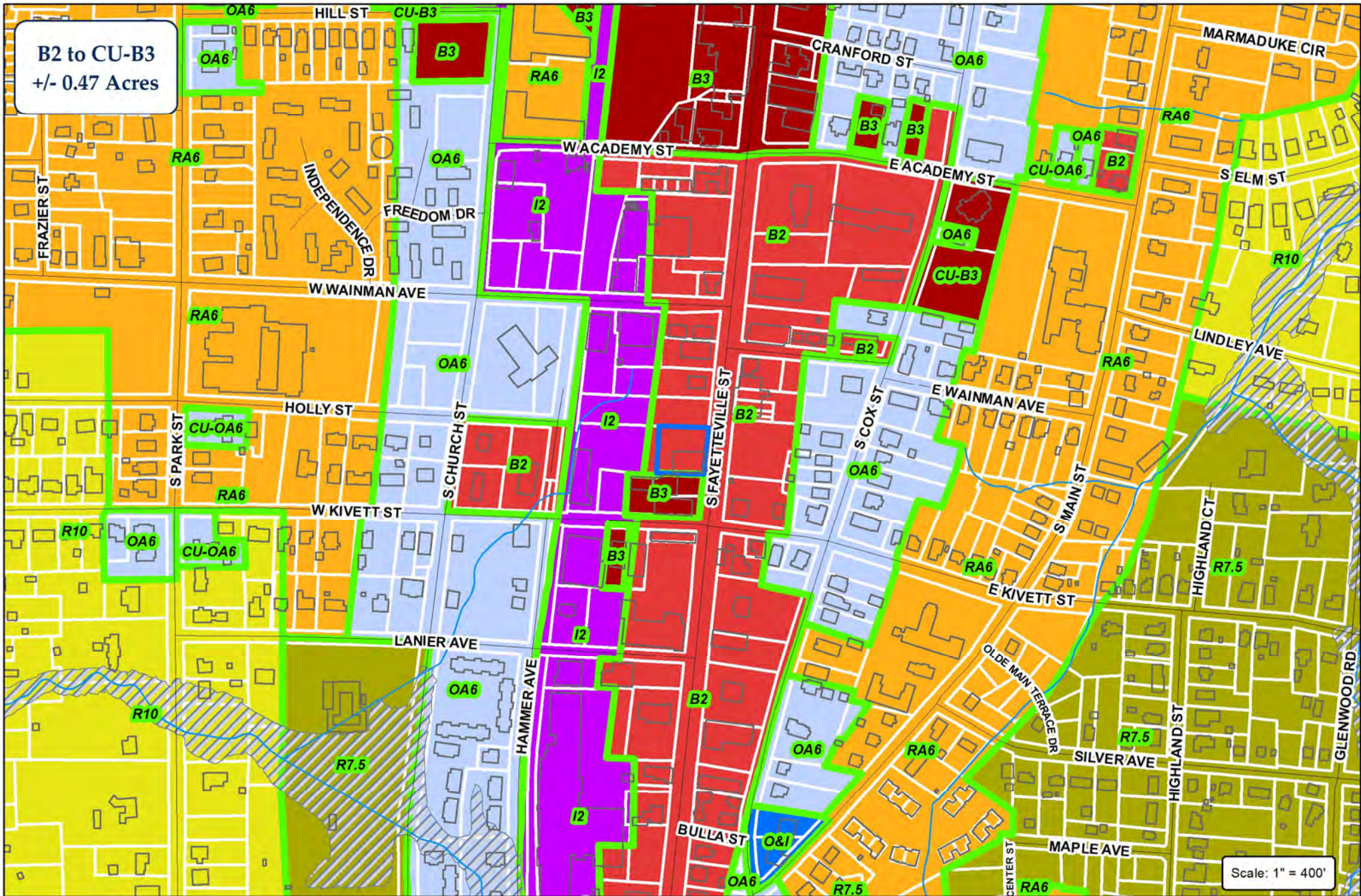
SURVEY CAROLINA, PLLC

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

Firm #: P-1110
Dan W Tanner II L-4787
© 2020 Survey Carolina, PLLC

Job #: 12009

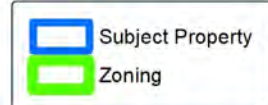
PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES



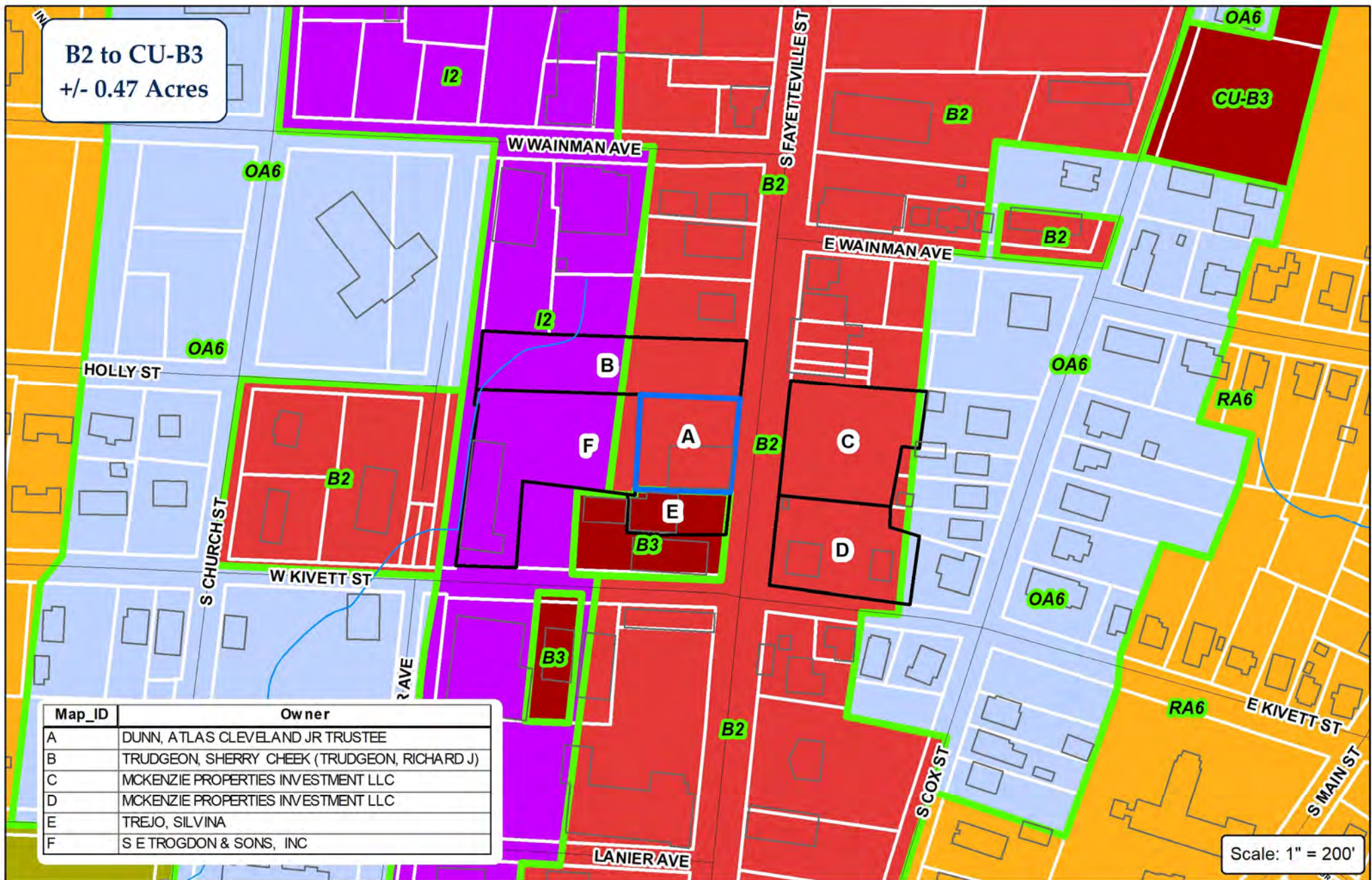
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-CUP-20-09

Parcel: 7751709933



B2 to CU-B3
+/- 0.47 Acres

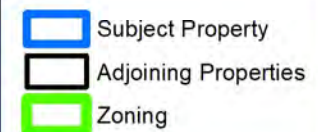


Map_ID	Owner
A	DUNN, ATLAS CLEVELAND JR TRUSTEE
B	TRUDGEON, SHERRY CHEEK (TRUDGEON, RICHARD J)
C	MCKENZIE PROPERTIES INVESTMENT LLC
D	MCKENZIE PROPERTIES INVESTMENT LLC
E	TREJO, SILVINA
F	S E TROGDON & SONS, INC

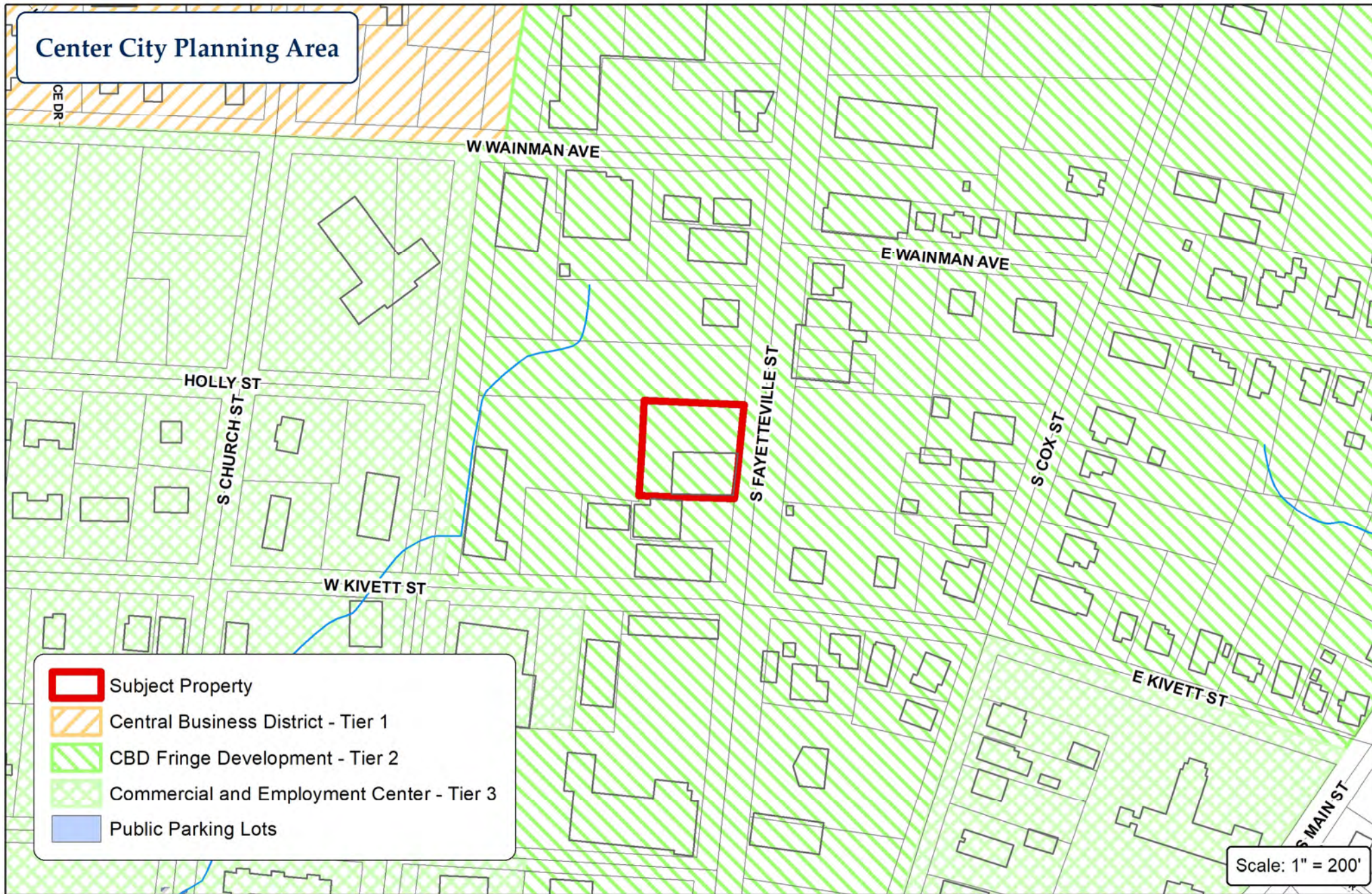
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-CUP-20-09

Parcel: 7751709933



Center City Planning Area



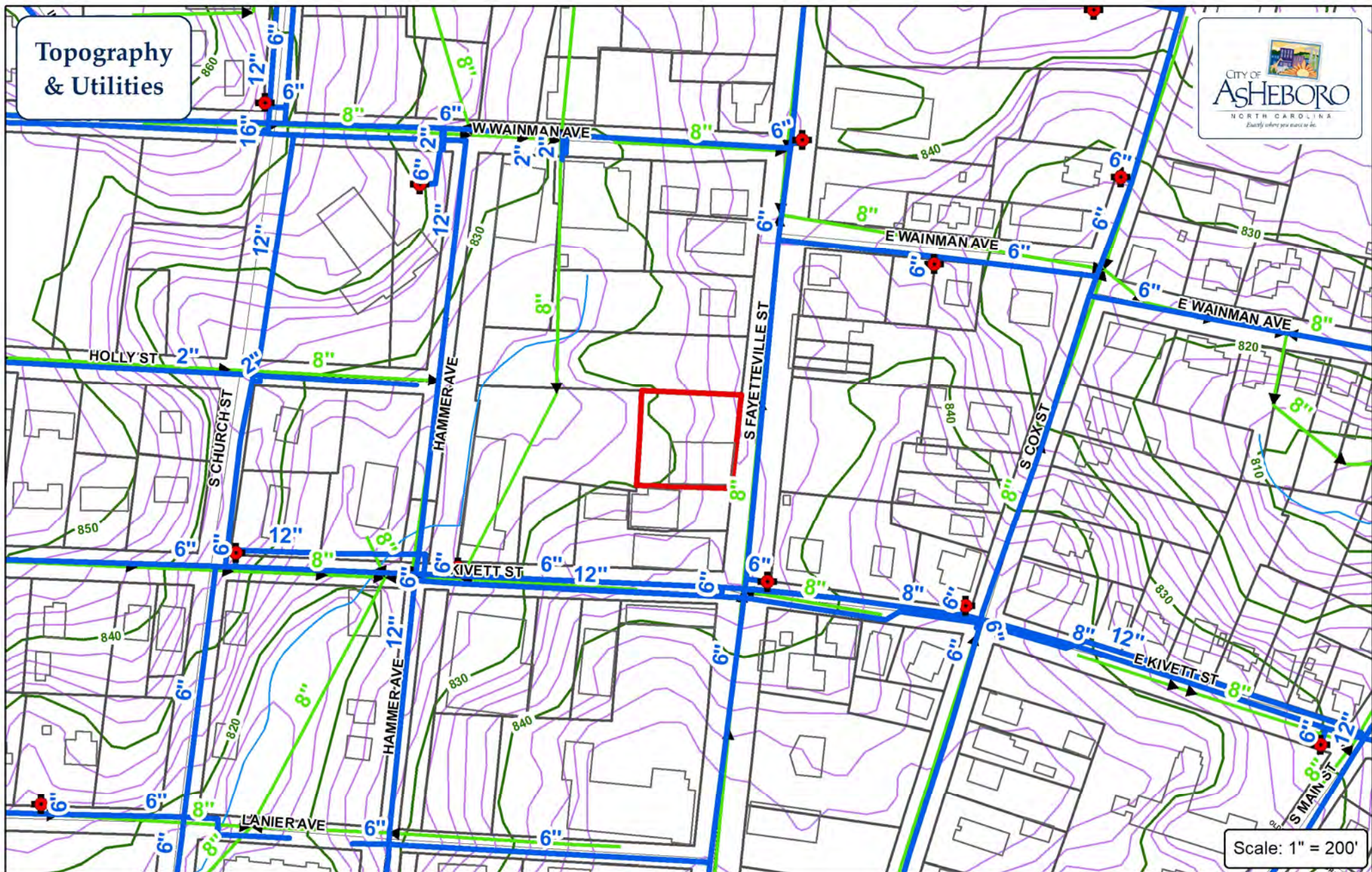
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-CUP-20-09

Parcel: 7751709933



Topography & Utilities



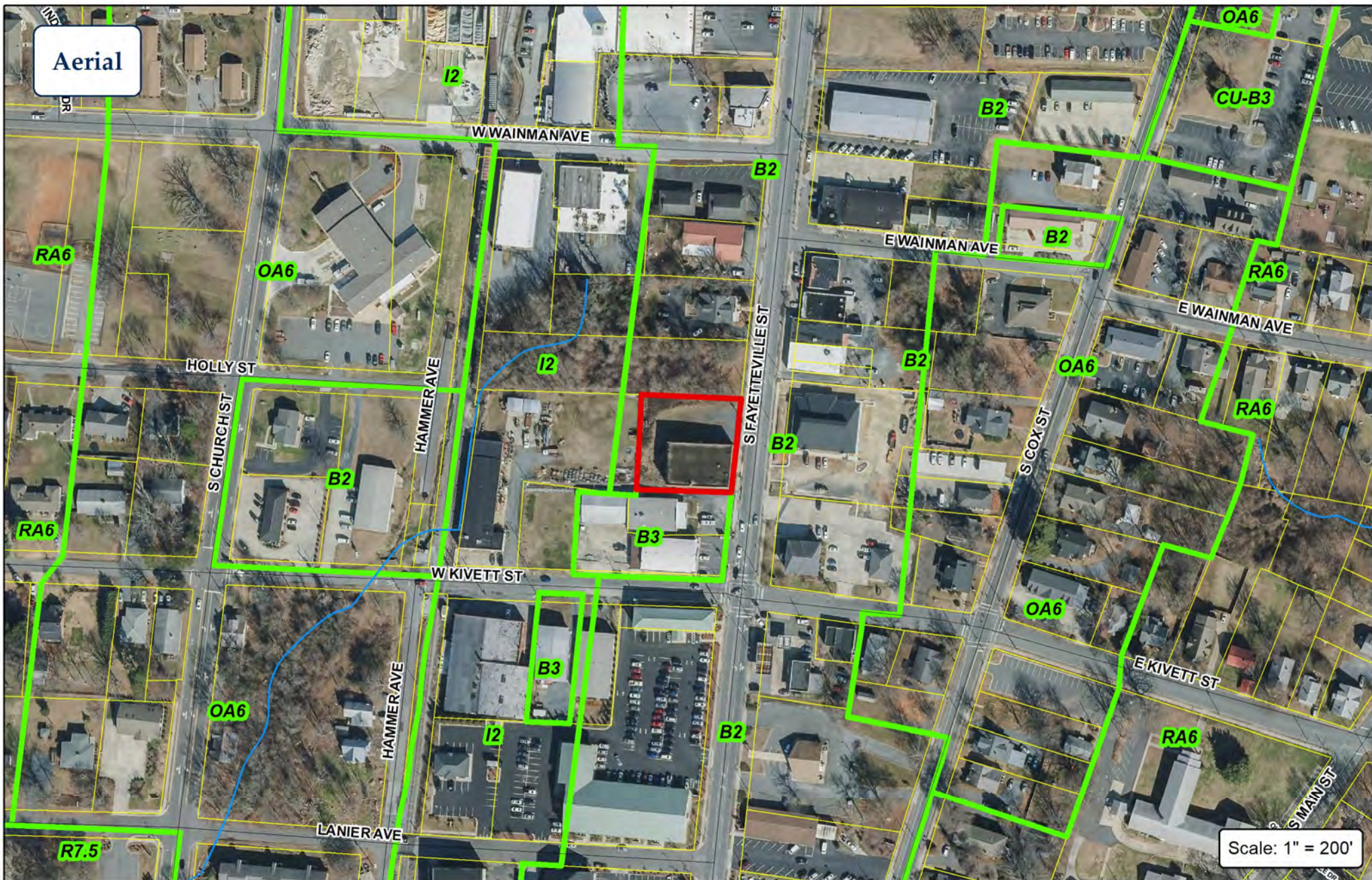
Scale: 1" = 200'

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

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-CUP-20-09
Parcel: 7751709933

 Subject Property

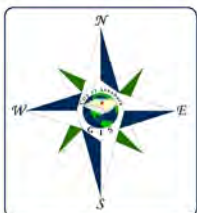
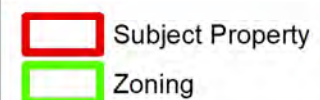




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-CUP-20-09

Parcel: 7751709933



Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant Brandon McKenzie

Applicant's Phone # Brandon 336-953-7685 Jenna 336-413-4475

Applicant's Address 3798 Golden Meadow Road, Asheboro, NC 27205

Applicant Email Address brandon@mckenzierealestate.com jenna@mckenzierealestate.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Atlas Cleveland Dunn Jr. Trustee

Location of Property 516 South Fayetteville Street, Asheboro, NC 27203

Property Size (ac. or s.f.) 0.47 acres

Randolph County Property Identification Number (PIN#) 7751-70-9933

Current Zoning District B-2

Requested Zoning District B-3 CU-B3

Date Property Title Acquired 1990

Deed Book 2453 Page 749

Subdivision NA Section NA Lot # NA

Plat Book Page

ORDINANCE AMENDMENT INFORMATION

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

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

Current zoning does not allow mixed use. Proposed zoning would allow for 4 apartments

on the upper level. Property to the south of subject property is already zoned B-3.

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

Building has been vacant for over 15 years. The only occupants have been vagrants. Large hole in roof is causing building to deteriorate even faster. We wish to bring safety back to the building and value back to the neighboring properties.

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

No additional land is being developed. No new buildings are being erected.

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

Our family has always invested in Asheboro. Our building rehabs bring value to the city . Our properties only have quality tenants which improves the welfare and quality of life to this community.

APPLICATION SIGNATURES

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

Applicant Signature

Brandon McKenzie

dotloop verified
06/10/20 11:29 PM
EDT
6ZIT-KJRN-XNOE-BCOT

Owner Signature (if different than Applicant)

Atlas Cleveland Dunn III

dotloop verified
06/11/20 10:09 AM EDT
65OE-MCQR-SPAI-DOWI

Printed Name of Authorized Signatory (if different from Applicant)

Owner Address

964 Viewmont Drive

Asheboro, NC 27205

Position/Relationship of Authorized Signatory to Applicant

Telephone Number

336-302-3037

Property under contract. Set to close in August.

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: John Evans

Date: 6-12-2020

Case Number: R2-C-18-20-09

NOTICE OF ZONING MAP AMENDMENT (REZONING)
TO ADJOINING PROPERTY OWNERS

This is to notify you that I (we), _____
have filed an application with the City of Asheboro to rezone property located at
_____ from _____
to _____.

On Monday, _____, 2019, at 7:00 pm the Asheboro
Planning Board will meet to hear this request and forward their report to the City
Council. On Thursday, _____, _____, at 7:00 pm the
City Council will hold a public hearing on the rezoning request.

The meetings will be held in the City Council Chambers, 146 North Church Street,
Asheboro, NC. The Council, after considering the information/testimony presented
during the public hearings and reviewing the reports of the Planning Board and Planning
and Zoning Department, will take action on the application. Such action may include
approval of the request, denial of the request, or approval of a modified version of the
request on the basis of the Council's determination that such action is reasonably
necessary to promote the public health, safety, or general welfare and to achieve the
purposes of the adopted Land Development Plan. The meeting is open to the public and
your participation is encouraged. If you have any questions, please contact the Planning
and Zoning Department at 336-626-1201 Ext. 225. You may also contact me at
_____.

APPLICATION SIGNATURES

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

No application for a Conditional Use Permit will be advertised for public hearing until the Planning and Zoning Department has received materials. If all required materials are not received prior to the specified deadlines, this will result in delays in the case being heard.

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.

Applicant Signature

Brandon McKenzie
dotloop verified
06/09/20 8:28 PM EDT
PXV-15VD-FZHC-D9KP

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

*Position/Relationship of Authorized
Signatory to Applicant*

Owner Signature (if different than Applicant)

Atlas Cleveland Dunn III
dotloop verified
06/09/20 8:32 PM EDT
ICVD-XZ9U-VJB6-XBZ8

Owner Address

964 Viewmont Drive

Asheboro, NC 27205

Telephone Number

336-302-3037

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

*Position/Relationship of Authorized
Signatory to Owner*

STAFF USE		
Received by: <u>John Evans</u>	Date: <u>6-12-2020</u>	Case Number: <u>RZ-CUP-20-09</u>

CITY OF ASHEBORO
Application for Conditional Use Permit

BASIC INFORMATION

The granting of a Conditional Use Permit is a quasi-judicial process requiring sworn testimony. The testimony given should be directed at providing evidence that supports the application. Such evidence shall address the following four items. Failure to address these items will result in the delay or denial of your request.

- 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 and approved.
- 2) That the use meets all required conditions and specifications.
- 3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
- 4) That the location and character of the use, if developed according to the plan as submitted and approved, will be 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.

The City Council shall make these general findings based upon substantial evidence contained in the proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans, and the like to support the application for a Conditional Use Permit.

I have read and received a copy of the above information regarding the testimony and the evidence required at the public hearing for the Conditional Use Permit for which I have made an application. I understand my responsibilities in this matter. I have also received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.

Applicant Brandon McKenzie

Brandon McKenzie

dotloop verified
06/09/20 8:28 PM EDT
69CE-PVJE-JWTT-MD4S

Date 6/9/2020

Received by staff: 6-12-2020 -TE

NOTICE OF CONDITIONAL USE PERMIT HEARING (OPTIONAL)

This is to notify you that I (we), Brandon and Jenna McKenzie
have filed an application with the City of Asheboro for a Conditional Use Permit
for the property located 516 South Fayetteville Street, Asheboro, NC for
the purpose of changing zoning from B-2 to ^{CU-}B-3 with a proposed plan of 4 residential
apartments upstairs and commercial business downstairs.

On Thursday, _____, 2020, at 7:00 pm the City Council will hold a
public hearing on the Conditional Use Permit request.

The meeting will be held in the City Council Chambers, 146 North Church Street,
Asheboro, NC. The Council, after considering the information/testimony presented
during the public hearing and reviewing the report of the Planning and Zoning
Department, will take action on the application. Such action may include approval of the
request, denial of the request, or approval of a modified version of the request on the
basis of the Council's determination that such action is reasonably necessary to
promote the public health, safety, or general welfare and to achieve the purposes of the
adopted Land Development Plan. The meeting is open to the public and your
participation is encouraged. If you have any questions, please contact the Planning and
Zoning Department at 336-626-1201 Ext. 225. In addition, you may contact me (or my
representative _____ at _____.

Date Annexation Ordinance

Adopted by the Asheboro City Council: _____

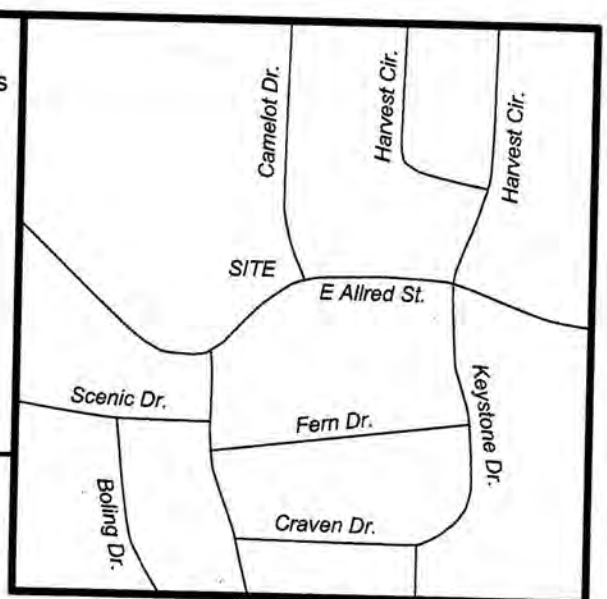
Annexation Ordinance Effective Date: _____

Notes:

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. Tax PIN: 7762201718, 7762211072

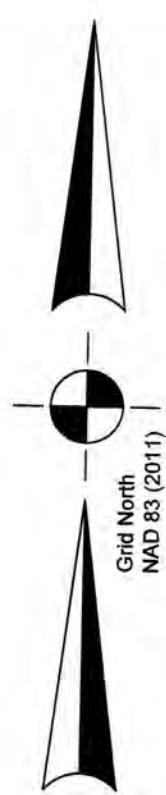
Legend

- Proposed City of Asheboro City Limits
- Existing Line
- Right of Way Line
- Easement Line
- Tie Lines
- Property Line
- Existing Iron Rod/Pipe
- NIR
- Point Not Set/Computed Point
- Well

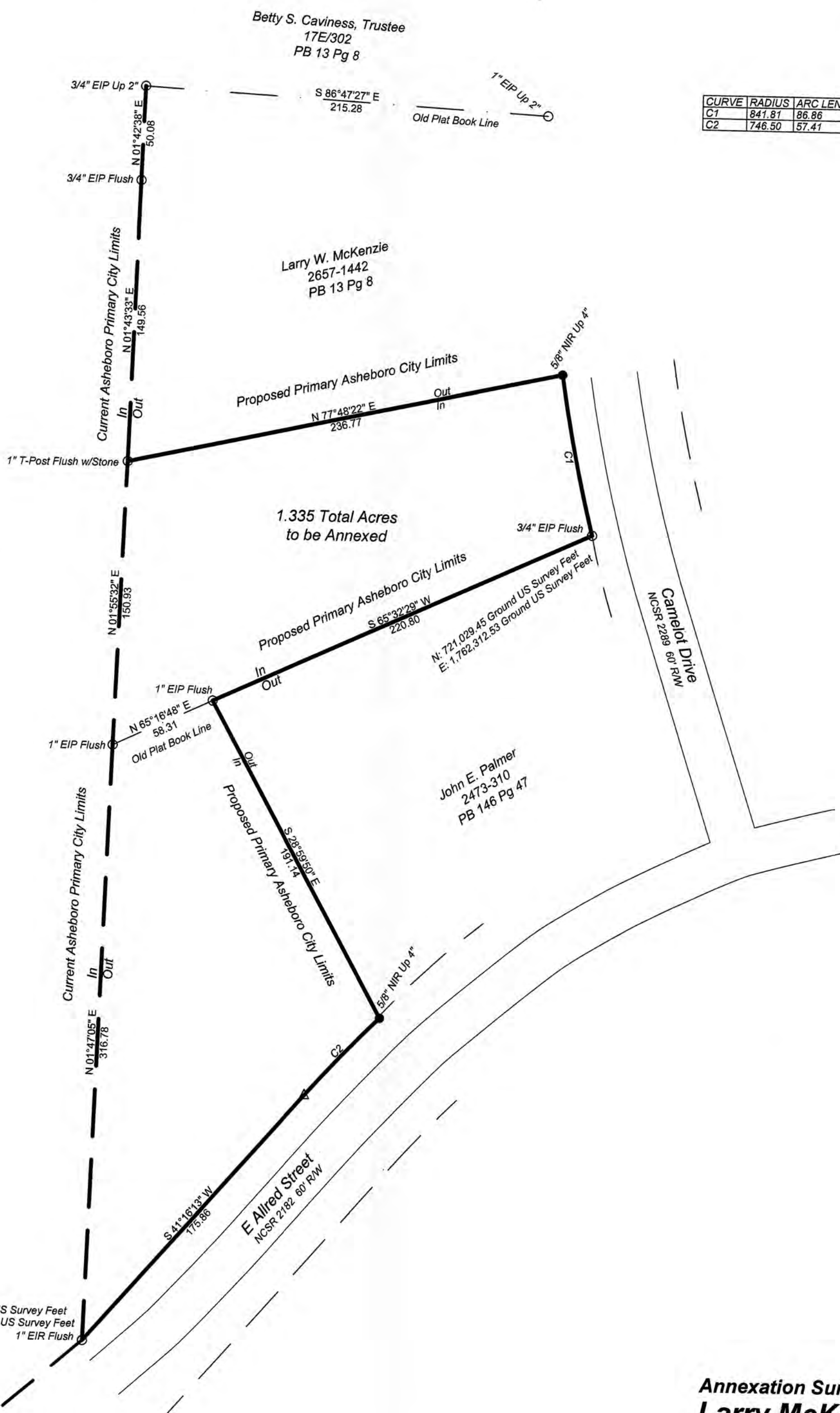


Location Map
(Not to Scale)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	841.81	86.86	85.82	S 11°34'58" E	5°54'44"
C2	746.50	57.41	57.40	S 43°28'28" W	4°24'23"



Terra Land Company, LLC
2623-718

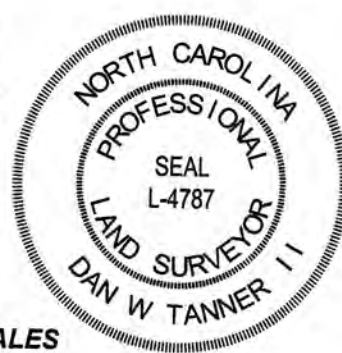


Owners:
Habitat for Humanity of
Randolph County NC, Inc.
PO Box 669
Asheboro, NC 27204

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

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

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 2643, page 298, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book See, page Notes; that the ratio of precision or positional accuracy as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the ____ day of ____, A.D., 2020.



PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787

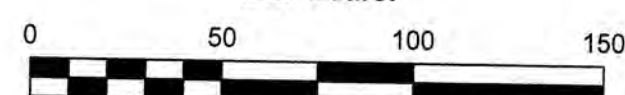
I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: <0.10'
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: June 01, 2020
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99987594
- (9) GPS/GNSS Scale Point:
N:720,970.39 E:1,762,334.81 EL:842.73
- (10) Units: US Survey Feet

Annexation Survey For: Larry McKenzie

Asheboro Township Randolph County
North Carolina June 8, 2020
Deed Book:2643 Pg:298
Plat Book:13 Pg:8
Scale: 1" = 50 US Survey Feet

Bar Scale:

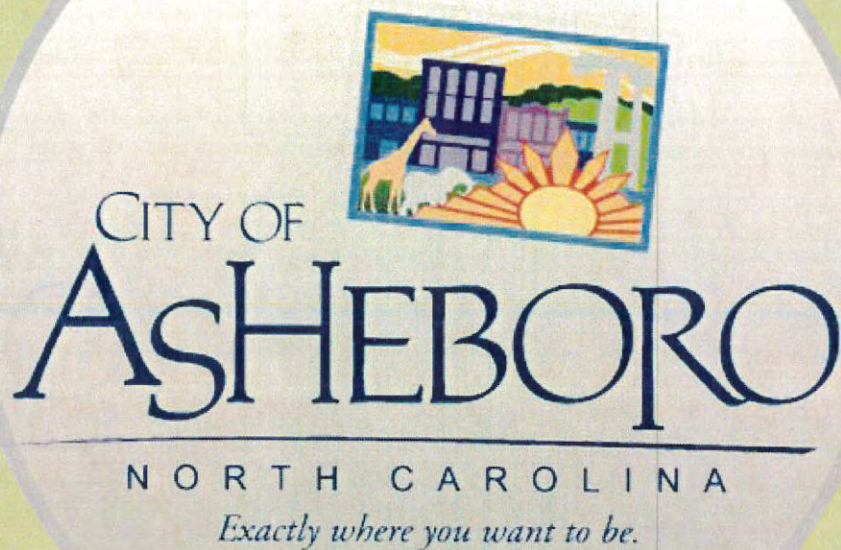


SURVEY CAROLINA, PLLC

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

Firm #: P-1110
Dan W Tanner II L-4787
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Job #: 11975



ADA TRANSITION PLAN

Americans with Disabilities Act
Transition Plan for the
CITY OF ASHEBORO,
NORTH CAROLINA

Americans with Disabilities
Act, ADA, ADA Title II, Section
504, PROWAG, Uniform
Accessibility Standards,
Transition Plan, ADA
Compliance, ADA Design
Standards, Accessibility, APS,
Sidewalks, Curb Ramps, Self-
Evaluation, ADA Coordinator,
Infrastructure Inventory,
Physical Barriers, Grievance
Procedures, Public Rights of
Ways

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EXECUTIVE SUMMARY

Title II of the Americans with Disabilities Act (ADA) regulates programs, activities and services provided by state and local governments. As such, the City of Asheboro must comply with this section, which states: “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity” (42 USC Sec. 12132; 28 CFR Sec. 35.130).

In accordance with Title II, the City of Asheboro conducted an ADA compliance self-evaluation of its services, programs, activities, and facilities on public property and in public rights-of-way. With this information, an ADA Transition Plan has been developed to share findings of the self-evaluation and to establish strategies for improving ADA accessibility within our community.

Our self-evaluation reviewed three fundamental areas for ADA compliance: (1) communications, information and facility signage; (2) public buildings and spaces; and (3) pedestrian facilities and public rights of way. Results of the self-evaluation are contained in Appendix A – Self Evaluation. Required improvements for each of these three areas are addressed by an Implementation Strategy (Appendix B – Schedule/Budget), which contains short- and long-term implementation actions. Short-term improvements generally require a minimal amount of planning, design and financial investment. As such, these improvements are scheduled for completion prior to the end of FY 2025. Long-term improvements are certain to require higher levels of planning, design and financial investment. To accommodate these larger-scale projects, the City of Asheboro has integrated many into our Capital Improvement Plan (CIP) and will continue to work with the North Carolina Department of Transportation (NCDOT) to align Transportation Improvement Program (TIP) projects with ADA compliance needs.

ADA self-evaluation, transition planning and implementation will be a continuous effort for the City of Asheboro. The City of Asheboro is committed to updating the ADA Transition Plan with oversight of the City Manager every five years with required action by the City Council. Involvement of other community leaders and support organizations is, and will continue to be, a critical part of the ADA transition process.

INTRODUCTION

TRANSITION PLAN NEED AND PURPOSE

The Americans with Disabilities Act (ADA) is a civil rights law prohibiting discrimination against individuals on the basis of disability. It was enacted on July 26, 1990 and amended in 2008 with the ADA Amendments Act. ADA consists of five titles outlining protections in the following areas:

- I. Employment
- II. State and local government services
- III. Public accommodations
- IV. Telecommunications
- V. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services provided by public entities. As a provider of public services and programs, the City of Asheboro must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, *"...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."* (42 USC. Sec. 12132; 28 CFR. Sec. 35.130)

As required by Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150, the City of Asheboro has conducted a self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way. Further, the City of Asheboro has developed this Transition Plan detailing methods for working towards compliance with ADA accessibility requirements.

ADA AND ITS RELATIONSHIP TO OTHER LAWS

Title II of ADA is companion legislation to two previous federal statutes and regulations: the Architectural Barriers Acts of 1968 and Section 504 of the Rehabilitation Act of 1973.

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

AGENCY REQUIREMENTS

Under Title II, the City of Asheboro must meet these general requirements:

- Operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities (28 C.F.R. Sec. 35.150).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability (28 C.F.R. Sec. 35.130 (a)).

- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result (28 C.F.R. Sec. 35.130(b) (7)).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective (28 C.F.R. Sec. 35.130(b)(iv) & (d)).
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others (29 C.F.R. Sec. 35.160(a)).
- Must designate at least one responsible employee to coordinate ADA compliance [28 CFR Sec. 35.107(a)]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [28 CFR Sec. 35.107(a)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [28 CFR Sec. 35.106]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [28 CFR Sec. 104.8(a)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [28 CFR Sec. 35.107(b)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

This document has been created to specifically cover accessibility within the public rights of way and public facilities that may be used by the general public.

DESIGNATION OF RESPONSIBILITY

ADA Coordinator

In accordance with 28 CFR Sec. 35.107(a), the City of Asheboro is required to designate an ADA Coordinator to oversee the City's policies and procedures.

Monitoring Progress

The ADA Coordinator is tasked with monitoring the City's progress to manage the review and updates to this document.

Contact Information

ADA Coordinator

Michael Leonard, City Engineer
(336) 626-1201
mleonard@ci.asheboro.nc.us

Transition Coordinator

Michael Leonard, City Engineer
(336) 626-1201
mleonard@ci.asheboro.nc.us

Up to date staff contact information is provided on the City website.

GRIEVANCE PROCEDURE

In accordance with 28 CFR 35.107(b), the City has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances. This grievance procedure is outlined in Appendix D.

POSITION STATEMENT

The City's position statement in accordance with **28 CFR 35.107(b)** that reads as follows:

Americans with Disabilities Act Position Statement

The City of Asheboro does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator as soon as possible, preferably 7 days before the activity or event.

A grievance procedure is available to resolve complaints.

Upon request, this notice is available in alternative formats such as large print or Braille.

Michael Leonard, Engineer / ADA Coordinator
(336) 626-1201 ext. 228
mleonard@ci.asheboro.nc.us
PO Box 1106, Asheboro, NC 27204

Copies of the public notice have been posted in the following locations:

- City Hall
- Public Works Office
- Parks and Recreation Office
- Police Department
- Fire Department

POLICY

City of Asheboro's goal is to continue to provide accessible pedestrian design features as part of the City capital improvement projects. These standards and procedures will be kept up to date with nationwide and local best management practices.

The City will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The City will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the City jurisdiction are ADA compliant to the maximum extent feasible.

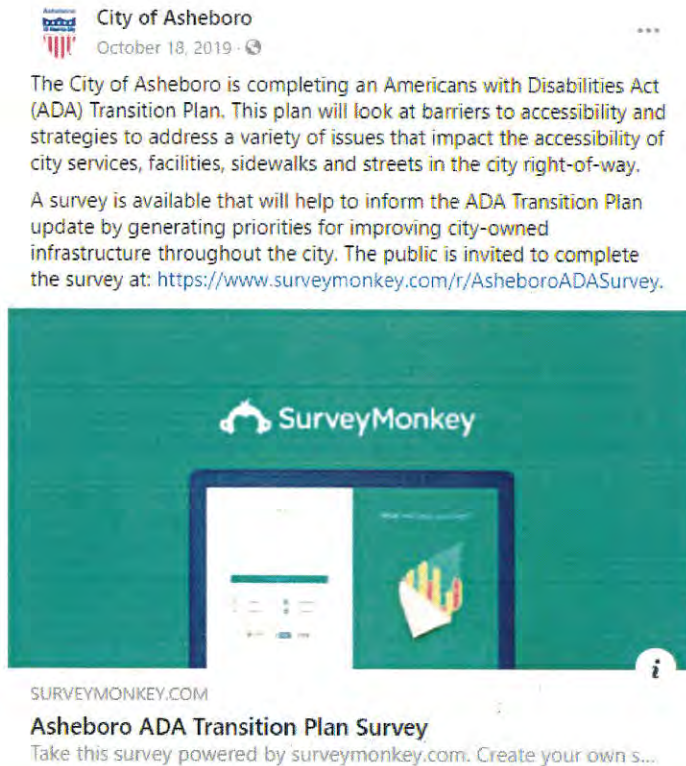
This document is also available for public comment. A summary of comments received and detailed information regarding the public outreach activities are located in Appendix C.

PUBLIC OUTREACH

Public entities are required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments **[28 CFR Sec. 35.105(b)]**. The City of Asheboro performed outreach to the community through an online-survey and a public input session during the self-evaluation and transition plan process.

Local organizations that may have a higher population of disabled individuals were contacted to participate in the planning process. These organizations included:

- Randolph County Mayors Committee for Disabled Persons
- Randolph Seniors Adults Association
- Southeast ADA Center



Asheboro informed public of opportunity to comment on and provide feedback to the Self-Evaluation and Transition Plan via facebook and on the City Website.

SURVEY

The City's survey ran in the fall of 2019. The survey was available online and in paper format. The survey was promoted to the general public via social media posts, links on the City's website, and flyers in City Hall. At the conclusion of the survey, 25 respondents participated. Key issues for accessibility on rights-of-way included:

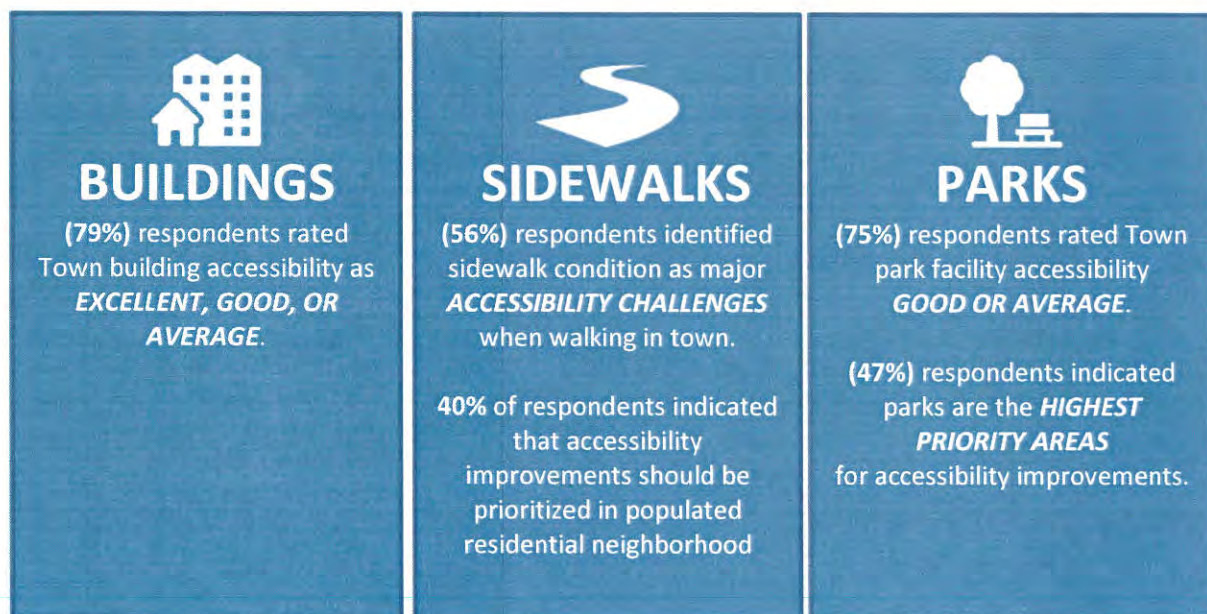
- The lack of connectivity of pedestrian facilities and missing sidewalk were cited as the largest obstacles to accessibility when walking in the City.
- Not enough time to cross the street were cited as the largest barriers to accessibility at intersections in the City.
- Intersections are too difficult to navigate

Overall accessibility to City buildings was rated as good to average. Key issues for accessibility of City buildings:

- Asheboro Public Library has an inadequate handicap entrance
- A handicap drop-off is needed at Sunset Theater
- Inadequate access to old City Hall

Overall accessibility to City parks was rated as Average to Good. Key issues for accessibility in City parks included:

- Need for ADA equipment in the playgrounds
- Memorial Park and Hammer Park does not have direct entries
- Difficulty walking in the Parks, more handicap equipment for children and adults



PUBLIC INPUT SESSION

The City gathered feedback on self-evaluation process, barriers to accessibility and the transition plan process during an Open House on November 15th, 2019. The City welcomed comments on the plan, recommendations, and suggestions for modifications to City facilities, programs, services, and activities. City staff was available to answer questions about the project.

PRIORITIES

Individuals who took the online survey prioritized areas for improvements. The respondents feel the areas that should be prioritized first within areas that have highly populated residential neighborhoods that are in the most need for physical improvements.

Full results of the online survey may be reviewed in Appendix C.

SELF-EVALUATION

OVERVIEW

The City of Asheboro is required, under Title II of the Americans with Disabilities Act (ADA) and 28 CFR Sec 35.105, to perform a self-evaluation of its current services, policies and practices with regards to accessibility. This self-evaluation identifies what policies and practices impact accessibility and examine how the City implements these policies. The goal of the self-evaluation is to verify that, in implementing its policies and practices, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The intent of the ADA self-evaluation is to review the agency's entire public program, including all facilities on public property and within public rights-of-way in order to identify obstacles and barriers to be addressed. The general categories of items to be evaluated include:

- Administration of Services, Policies, Programs, Practices and Communications
- Assessment of Physical Barriers to access
 - Public buildings and spaces – offices, parking areas
 - Parks and other publicly accessible areas
 - Pedestrian facilities and public rights-of-way – sidewalks, curb ramps, trails, traffic control signals and transit facilities

Public entities are required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments [28 CFR Sec. 35.105(b)].

SUMMARY

In Fall of 2019, The City of Asheboro conducted a self-evaluation of its services, programs, and facilities on public property and within public rights-of-way with regard to accessibility. Detailed inventories and findings from this review are provided in Appendix A under the following headings: Administration and Communications (A1), Public Buildings and Spaces (A2), Parks and Recreation Facilities (A3), and Pedestrian Facilities and Public Rights of Way (A4).

ADMINISTRATION AND COMMUNICATION

The City recognizes the necessity of ensuring all citizens including those citizens with vision, hearing and/or speech disabilities can communicate with, receive information from, and convey information to the City of Asheboro. The City has conducted a detailed evaluation of its administration and communications with regard to the ADA Title II requirements. Detailed findings of the self-evaluation are included in Appendix A1. The following tables outlines action items to remove barriers to accessibility identified by the City during this evaluation:

Communications:

ACTION ITEM	TARGET DATE	PERSON RESPONSIBLE
Evaluate options to provide video remote interpreting (VRI) services.	2021	ADA Coordinator
Inform & educate City employees on arranging for auxiliary aids and services when needed.	2021	ADA Coordinator
Inform & educate City employees on proper protocol etiquette and services that must be offered if requested.	2021	ADA Coordinator

General Non-Discrimination:

ACTION ITEM	TARGET DATE	PERSON RESPONSIBLE
Develop programming providing inclusion of people with disabilities.	2021	ADA Coordinator
Develop and implement policies for educating staff of Title II requirements	2021	ADA Coordinator

Website Accessibility:

ACTION ITEM	TARGET DATE	PERSON RESPONSIBLE
New website design underway to which will comply with ADA standards	2020	ADA Coordinator

EVALUATING ASHEBORO'S BUILDINGS AND SPACES

The City of Asheboro utilized the 2010 ADA Standards for Accessible Design during the self-evaluation of City buildings and public spaces. These standards are adopted and enforced by the United States Department of Justice and based on the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines (2004) (ADAAG for short) published by the United States Access Board (also known as the Architectural and Transportation Barriers Compliance Board). Detailed results of the most recent building evaluations are in Appendix A of this document.

Inventory of City Buildings

An inventory of buildings and areas providing public services were cataloged during self-evaluation and are included in the table below:

CITY BUILDING	ADDRESS	DATE EVALUATED
CITY HALL	146 N. Church Street	2019
RECREATION OFFICE	241 Sunset Ave	03/20/2020
RECREATION CENTER	148 North Street	03/19/2020
SUNSET THEATER	234 Sunset Ave	03/20/2020
POLICE DEPARTMENT	205 East Academy Street	2019
PUBLIC WORKS	1312 N Fayetteville Street	2019
RANDOLPH COUNTY LIBRARY	201 Worth Street	2019
HUMAN RESOURCES	225 East Academy Street	2019
ASHEBORO AIRPORT	2222 Pilots View Road	2019
AVIATION MUSEUM	2222 Pilots View Road	2019

Detailed findings from the evaluation of public buildings are included in Appendix A2.

Barriers to Accessibility

Accessibility issues to public buildings items were identified as mid-term needs, with a **2-3 year** implementation timeframe.

BUILDING	ACTION ITEM	TARGET DATE	RESPONSIBLE PARTY
CITY HALL	RECONFIGURE TO PROVIDE ACCESSIBLE SPACES AND ACCESS AISLES. REDESIGN MAIN ENTRANCE TO MAKE IT ACCESSIBLE.	2022	Transition Coordinator
	INSTALL ACCESSIBLE SIGNAGE.	2021	Transition Coordinator
	WIDEN ACCESS ROUTE FOR PASSING SPACE.	2023	Transition Coordinator
	REPLACE OR MOVE GRATES ALONG ROUTE.	2022	Transition Coordinator
	REGRADE OR INSTALL CURB RAMP TO STANDARDS.	2023	Transition Coordinator
	ADD BARRIER OR EXTEND RAMP WIDTH 12 INCHES BEYOND INSIDE FACE OF HANDRAILS.	2022	Transition Coordinator
	REPLACE HANDRAILS TO MEET STANDARDS.	2021	Transition Coordinator
	SECURE CARPET EDGES.	2020	Transition Coordinator
	RELOCATE BATHROOM SIGNAGE	2021	Transition Coordinator
	REPLACE BATHROOM THRESHOLD	2021	Transition Coordinator
	ADJUST DISPENSERS IN BATHROOMS	2021	Transition Coordinator
	RELOCATE AND ADD GRAB BARS IN TOILET STALL	2021	Transition Coordinator
	REPLACE WATER FOUNTAIN	2022	Transition Coordinator
	RECONFIGURE ACCESSIBLE SPACES TO ADD VAN SPACE AND ACCESSIBLE AISLE	2022	Transition Coordinator
AIRPORT	RELOCATE TACTILE SIGNAGE	2020	Transition Coordinator
	REPLACE DOOR HARDWARE OR ADD AUTOMATIC OPENER	2022	Transition Coordinator
	INSTALL APPLICABLE SIGNAGE AT INACCESSIBLE AND ACCESSIBLE TOILETS	2020	Transition Coordinator
	REPLACE / ADJUST WATER FOUNTAIN TO BE COMPLIANT TO HEIGHTS AND OUT OF THE ACCESSIBLE ROUTE	2022	Transition Coordinator
AVIATION MUSEUM	ADJUST HANDICAP PARKING SIGNAGE TO ABOVE 60" HIGH	2020	Transition Coordinator
	REGRADE RAMP FROM THE PARKING LOT	2022	Transition Coordinator
	REMOVE OBSTRUCTIONS IN FRONT OF AUTHOMATIC DOORS	2021	Transition Coordinator
	REMOVE PROTRUDING OBJECTS FROM ACCESSIBLE ROUTE	2021	Transition Coordinator
POLICE DEPARTMENT	INSTALL TACTILE SIGNAGE	2021	Transition Coordinator
	RECONFIGURE PARKING TO PROVIDE VAN ACCESSIBLE SPACES AND ACCESS AISLES.	2023	Transition Coordinator
	ADJUST HEIGHT OF EXISTING SIGNAGE.	2021	Transition Coordinator
	INSTALL VAN ACCESSIBLE SIGNAGE	2021	Transition Coordinator
	INSTALL SIGNS ON ROUTE BEFORE PEOPLE GET TO INACCESSIBLE ENTRANCES SO THAT PEOPLE DO NOT HAVE TO TURN AROUND AND RETRACE ROUTE.	2021	Transition Coordinator
	REMOVE OR REPLACE DOOR THRESHOLD.	2020	Transition Coordinator
HUMAN RESOURCES OFFICE	RECONFIGURE TO PROVIDE VAN ACCESSIBLE SPACE AND MARK ACCESS AISLE.	2021	Transition Coordinator
	REPLACE OR MOVE GRATE ALONG ACCESSIBLE ROUTE TO ENSURE OPENINGS ARE LESS THAN ½ INCH.	2022	Transition Coordinator
	INSTALL SIGNAGE AT INACCESSIBLE ENTRANCES DIRECTING PATRONS TOWARDS ACCESSIBLE ENTRANCES.	2021	Transition Coordinator
	ALTER ACCESSIBLE ENTRANCE DOOR TO PROVIDE PROPER WIDTH.	2022	Transition Coordinator

	PROVIDE SUFFICIENT MANEUVERING CLEARANCE FOR FRONT APPROACH.	2022	Transition Coordinator
	REPLACE INACCESSIBLE DOOR HARDWARE.	2021	Transition Coordinator
	INSTALL TACTILE SIGNAGE FOR BATHROOMS	2021	Transition Coordinator
	ADJUST BATHROOM DOOR CLOSING SPEED	2021	Transition Coordinator
	ALTER OR REPLACE WATER FOUNTAIN	2023	Transition Coordinator
ASHEBORO PUBLIC LIBRARY	ADD TACTILE SIGNAGE AS NEEDED	2021	Transition Coordinator
	ADJUST DOOR HARDWARE TO PROPER HEIGHT	2021	Transition Coordinator
	ADJUST BATHROOM DOOR CLOSING SPEED	2021	Transition Coordinator
	ALTER OR REPLACE WATER FOUNTAIN SO NOT TO PROTRUDE INTO ACCESSIBLE ROUTE	2022	Transition Coordinator
	ADJUST OPERABLE PART OF TELEPHONE SO IT IS NO HIGHER THAN 48" HIGH	2022	Transition Coordinator
	REPLACE ALARM SYSTEM TO HAVE FLASHING AND AUDIBLE SIGNALS	2021	Transition Coordinator
PUBLIC WORKS	RESTRIPE ACCESSIBLE SPOTS TO MEET ADA STANDARDS	2022	Transition Coordinator
	ADJUST HEIGHT OF EXISTING ADA SIGNAGE IN PARKING LOT	2021	Transition Coordinator
	INSTALL VAN ACCESSIBLE SIGNAGE & SPACE	2021	Transition Coordinator
	ADJUST SPEED OF DOOR CLOSURE TO BATHROOM	2021	Transition Coordinator
RECREATION CENTER	ADD SIGNAGE FOR VAN ACCESSIBLE PARKING SPOT	2021	Transition Coordinator
	EXTEND RAMP WIDTH TO AT LEAST 12 INCHES BEYOND INSIDE FACE OF HANDRAIL AT NORTH STREET ENTRANCE	2022	Transition Coordinator
	ADJUST SPEED OF DOOR CLOSURE TO NORTH STREET ENTRANCE	2021	Transition Coordinator
	MISSING SIGNAGE AT FAYETTEVILLE ST ENTRANCE	2021	Transition Coordinator
	ADD VAN ACCESSIBLE ADA PARKING SPOT	2021	Transition Coordinator
	EXTEND RAMP WIDTH TO AT LEAST 12 INCHES BEYOND INSIDE FACE OF HANDRAIL AT FAYETTEVILLE ENTRANCE	2022	Transition Coordinator
	ADD SIGNAGE TO DESIGNATED ROOMS	2021	Transition Coordinator
	ADJUST TIMING ON DOOR CLOSURES TO ALL ROOMS	2021	Transition Coordinator
	REPLACE OR ADJUST DOOR THRESHOLDS	2021	Transition Coordinator
	ADD SIGNAGE TO ACCESSIBLE & INACCESSIBLE BATHROOMS	2021	Transition Coordinator
	ADJUST DISPENSERS TO LOCKER ROOMS	2021	Transition Coordinator
	REPLACE/ADJUST DOWNSTAIRS FOUNTAIN FOR APPROPRIATE CLEARANCE AND SPOUT HEIGHT	2022	Transition Coordinator
RECREATION OFFICE	RECONFIGURE MARKED PARKING SPACES TO ADD VAN ACCESSIBLE SPACE AND ACCESS AISLE	2022	Transition Coordinator
	RECONFIGURE OR REPLACE HANDRAILS TO BE 34" TO 38" ABOVE RAMP	2021	Transition Coordinator
	EXTEND RAMP WIDTH TO AT LEAST 12 INCHES BEYOND THE LENGTH OF THE HANDRAIL	2022	Transition Coordinator
	REPLACE/RELOCATE DOOR HARDWARE FOR COMPLIANCE	2021	Transition Coordinator
	INSTALL BATHROOM SIGNAGE AT INACCESSIBLE BATHROOMS AND DIRECTING PATRONS TO ACCESSIBLE BATHROOMS	2021	Transition Coordinator
	ADJUST DRYERS AND DISPENSERS	2021	Transition Coordinator
	REPLACE DOOR HARDWARE TO ADA STALL	2022	Transition Coordinator
	ALTER SPACE OR RELOCATE DRINKING FOUNTAIN TO PROVIDE SUFFICIENT CLEAR FLOOR SPACE FOR FRONT APPROACH TO FOUNTAIN.	2023	Transition Coordinator

SUNSET THEATER	ADD SIGNAGE FOR VAN ACCESSIBLE SPACE	2020	Transition Coordinator
	CURB RAMP NEEDS REPLACEMENT	2022	Transition Coordinator
	ADJUST DOOR CLOSING TIME	2020	Transition Coordinator
	OBJECTS PROTRUDING IN ROUTE WITHIN LOBBY	2020	Transition Coordinator
	ADJUST HANDRAIL TO BE BETWEEN 34" AND 38" ABOVE RAMP GRADE	2021	Transition Coordinator
	SIGNAGE NEEDED IN DESIGNATED ROOM	2021	Transition Coordinator
	MISSING NEEDED NUMBER OF WHEELCHAIR SPACES IN ASSEMBLY AREA	2023	Transition Coordinator
	REPLACE / ADJUST SIGNAGE FOR BATHROOMS	2021	Transition Coordinator
	ADJUST HARDWARE TO RESTROOMS, REQUIRES MORE THAN 5 LBS OF FORCE AND CLOSURES TO FAST	2021	Transition Coordinator
	ADJUST DISPENSERS IN BALCONY BATHROOMS	2021	Transition Coordinator

PEDESTRIAN FACILITIES AND PUBLIC RIGHTS OF WAY

Inventory

The ADA Transition Plan is an on-going effort to provide its citizens with a full inventory and evaluation of all pedestrian facilities within all rights of way. The facilities will be evaluated for compliance with the PROWAG and identified for modification/retrofitting or full reconstruction as needed. As a living document with the intention of continued updating and implementation.

Improvement Schedule

Pedestrian facilities collected with this initial ADA Transition Plan document was focused in the most actively used areas within the City. As a result of the collection there has been a prioritization of implementation and improvements that need to be made within public rights of way which is outlined in Appendix A. Improvements within the public right of way are many times more expensive and require initial engineering design, therefore they fall into the intermediate and long term improvement items.

As part of the self-evaluation process, the City of Asheboro has conducted an inventory and evaluation of pedestrian facilities within its public rights-of-way. The City has reviewed approximately:

- 9 miles of sidewalk
- 171 curb ramps
- 30 traffic control signals (push buttons, pedestrian signal heads)

IMPLEMENTATION

The intent of evaluating of City facilities is to not only identify deficiencies but also to create an implementation strategy. There are items that can be addressed immediately and those are soft costs that will not require significant budgeting or investments. Most of the soft cost items are administrative and can be implemented within the next year or two. Setting up an allocation in the annual budget for example would be part of the implementation strategy.

Prioritization

The following outlines priorities multiple facets of the plan implementation. Each have its own merit to bring the community into compliance and should be addressed concurrently within the time-line described within this document. Understandable funding always plays a role to implement all the items within. A best effort must be made to implement this plan though it is a living document where priorities may change within the coming years. Any changes as priorities should be addressed with future updates. The plan should be reviewed annually to identify any glaring modifications that need to be made.

- Short-term priorities are projects that can be completed within the next year with little cost to the City. These are considered soft costs that would be handle with in house staff and may fall under general maintenance. General Maintenance is often overlooked but yet may be considered a hazard and non-compliant with the ADA. Items included as soft costs include the following.
- Mid-term priorities are intended to be completed within the next 1-3 years and can be completed with simply allocation funding for particular items. ADA improvements or hiring staff to execute further investment towards implementation over the coming years. Mid-term projects are those that would need to be accounted for in its annual budget but does not fall under the umbrella of a substantial investment on behalf of the City. Of the 171 ramps evaluated within Asheboro 114 were determined to be non-compliant, 73 of which need full reconstruction. While there are levels of severity between noncompliant and what is a severe hazard it is important to recognize that they all would need to come into compliance.
- Long-term priorities include projects that will need to be incorporated into the Capital Improvement Program (CIP) on a case by case basis as determined by The City of Asheboro staff. Pursuit of outside funding through the State or other agencies to implement this plan is highly encouraged. This particularly applies to the sever priorities outlined within the public rights-of-way.

ADMINISTRATION AND COMMUNICATION IMPROVEMENTS

Short-Term Implementation Priorities

- The City should provide training to its maintenance staff to be able to identify when items become out of compliance. This effort will be incorporated into the facility maintenance checklist that is completed on a weekly basis.
- The City will have an available list of people or businesses in the area that can provide auxiliary aid or interpretive sign language if requested at any City Meeting, event or public hearing. This will allow for quick access, thus avoiding searching at the last minute.
- All public notices, agendas and information published on the City website should be reader friendly.
- Posting non-discrimination policies at public buildings

- Signage at all inaccessible entrances to each of the agency's facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities.
- Signage within buildings are to be designed to provide the most accommodation as possible without further intervention.

Mid-Term Priorities

- Provision of telecommunications devices for the deaf (TDD) Communication System and promotes its availability on official communications to include City stationary, business cards and City website.

CITY BUILDINGS AND PARKS

Short-Term Implementation Priorities

- Adding accessible signage or adjusting signage to appropriate heights.
- Improve and add appropriate striping for Handicap Parking spaces.
- Replacing door hardware and adjusting closure timing.
- Tree trimming that encroaches into Pedestrian Access Routes
- Staff Training on identifying hazards
- Obstructions within the Pedestrian Access Route (PAR)
 - Trees and shrubs that need pruning
 - Signage encroachments
- Conduct ADA Assessments of all Parks and Recreation Facilities

Mid-Term Priorities

- Replacement of water fountains and telephones to appropriate heights
- Replacement or adjustment of handrails within ramps
- Adjust bathroom dispensers (paper towels / soap)
- Add or adjust grab bars within bathrooms

Long-Term Priorities

- Resurfacing and regrading ADA parking spaces at City facilities
- Structural changes to buildings (adjusting counter heights, door replacements)
- Redesigning bathrooms to accommodate adequate movement and space within stalls

PEDESTRIAN FACILITIES AND PUBLIC RIGHTS OF WAY

Establish a re-occurring ramp and sidewalk compliance program. This would be an annual budget to bring a certain quantity ramps and sidewalks into compliance on an annual basis. Placing a budget line within the road maintenance budget that would allow for these improvements. It is important to also create a reserve for these projects because any resurfacing program that is forecasted within Asheboro will require that the City improve all the sidewalks along that corridor. NCDOT does not have ownership of the sidewalks. It is the responsibility of the City to bring this into compliance.

Not all handicap ramps or driveways are the same. It is easy to set a design detail and make that a requirement as part of the review process for proposed construction projects. The geometrics of a site may dictate a unique design standard that the City may not have within its standards.

Short-Term Implementation Priorities (1 year or less)

- Staff training to identify hazards and how to address them
- Establish a milling and grinding programs to address trip hazards
- Add an additional handicap parking space with updated striping
- Establish a policy whereas when a sidewalk is closed for construction there is a safe Pedestrian Access Route (PAR).
- Obstructions within the Pedestrian Access Route (PAR)
 - Trees and shrubs that need pruning
 - Signage encroaching
 - Trash Cans
 - Mail Boxes

Mid-Term Implementation Programs (1-3 years)

- Continued evaluation of the rest of the City sidewalks and ramps
- Milling and grinding of trip hazards
- Add new ramps where ramps are missing (22 ramps)
- Adjust stop sign location or add stop bars

The most severe handicap ramps that should be prioritized and addressed earliest are identified within the inventory of Appendix A.

Long-Term Implementation Priorities (3-5 years - Capital Improvements)

Asheboro has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their proximity to businesses and the high volume of pedestrian traffic. The priority areas as identified in the August self-evaluation, public survey, and public input meeting held on November 15, 2019:

- Intersections along the Fayetteville Street Corridor
- Sunset Avenue improvements
- Additional priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991, and accessibility features were omitted.

The City of Asheboro will utilize two methods for upgrading pedestrian facilities to the current ADA standards. The first and most comprehensive of the two methods are the scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. The second method is the stand alone sidewalk and ADA accessibility improvement project. These projects will be incorporated into the Capital Improvement Program (CIP) on a case by case basis as determined by The City of Asheboro staff. The City CIP, which includes a detailed schedule and budget for specific improvements, is included in Appendix B.

Priority Right-of-Way Improvements

During the evaluations of public rights of way several intersections and sidewalks were in needs of improvements or full reconstruction. It was identified that the City focus on the more active areas within the City. Recently, the City has made improvements within the business district that have made the area more accessible and these recommendations continue these efforts. The City of Asheboro should prioritize its improvements within the business district where businesses rely on safe foot traffic and pedestrian road crossings.

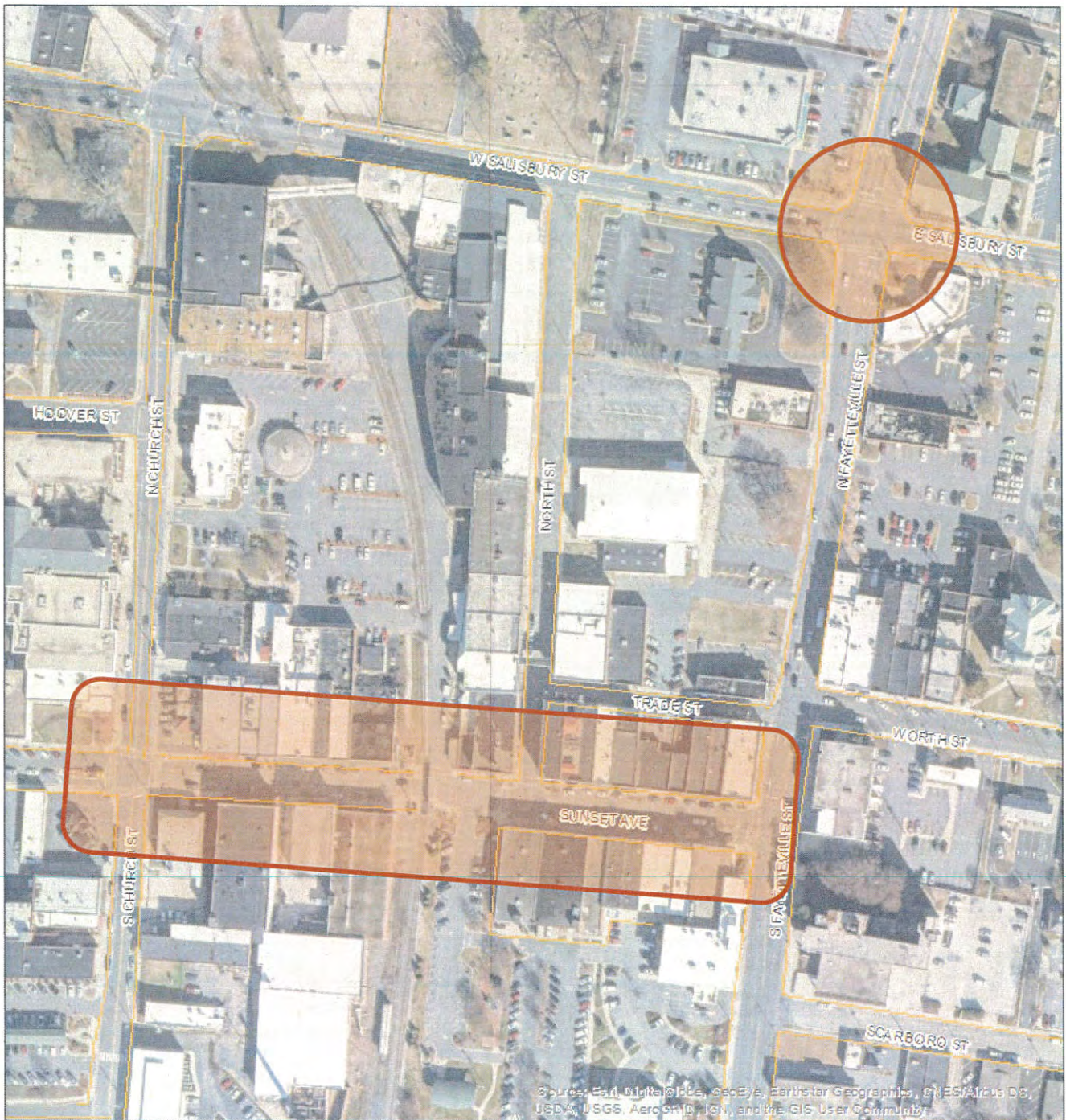
- **Fayetteville Street at Salisbury Street Intersection**
 - Four existing pedestrian crossings
 - Pedestrian push button timing or add timers
 - Refresh crosswalk markings
 - Reconstruct Ramps or add landings (six)
 - Two Compliant Ramps



Sunset Avenue

- Ramp and cross walk improvements along Sunset Avenue from Fayetteville to Church Street
 - This area general has sidewalks in good condition and compliant to the cross-slope standards
 - Add truncated domes to existing ramps
 - Add ped signals to Church Street crossings
 - Add landing areas where conditions allow
 - Add markings at mid-block crossings on Sunset Avenue





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

MONITOR THE PROGRESS

This Transition Plan is considered a living document that will continue to be updated as conditions within the City evolve. A review of the complete document (main body and appendices) will be conducted at least once per year, to identify any need for updates with the results presented to the City Manager. Updates to the appendices or attachments may be made more frequently as needed. Any substantive updates to the main body of this document will include a public comment period to continue the City public outreach efforts. The ADA Transition Plan will be updated and presented to City Council every five years.

The City of Asheboro recognizes that ADA compliance is an ongoing responsibility, which will require monitoring to identify future accessibility issues that may be encountered. For example, facilities that currently meet ADA requirements could fall out of compliance due to factors such as damage, disrepair, or changes within public rights-of-way. Therefore, an annual review of the status of the on-going monitoring/inspection program will correlate with the formulation of the yearly Capital Improvement Plan. City employees and community stakeholders are encouraged to report any accessibility concerns or deficiencies that are identified in this document will be updated periodically, while the main body of the document will be updated in 3-5 years with a future update schedule to be developed at that time. With each main body update, a public comment period will be established to continue the public outreach.

CARES ACT SPENDING OPTIONS FOR MUNICIPALITIES

All 9 Municipalities of Randolph County have been allocated a portion of CARES Act money to be spent on COVID-19 related expenses in their communities. Asheboro's allocation is \$633,175. Federally approved expenditure options:

1. Essential supplies for employees and patrons including face coverings, gloves, hand sanitizer, face shields, social distancing markers, disinfectant, bleach, safety barriers, and decals (*for a complete list, see attached supplies list*)
 2. Infrared thermometers to screen employees and patrons entering Municipality buildings
 3. Safety kiosk (temperature & checklist questions) to screen employees and patrons entering Municipality buildings
 4. Offering COVID-19 drive-through diagnostic testing in your community (*Public Health can help facilitate*)
 5. Hiring additional help for COVID related assistance i.e. concierge for Municipality buildings
 6. Paying law enforcement's time for COVID related calls, i.e. assisting Public Health
 7. Adding safety barriers in Municipality buildings and automobiles (*i.e. barriers in law enforcement cars for COVID protection*)
 8. Media to educate and inform citizens
 9. Hiring third-party professional cleaning and sanitizing services as needed for rooms, areas, or Municipality-owned automobiles - sanitation of municipal buildings (*i.e. fogging machines*) (*list of third-party vendors attached*)
 10. Conduct a needs assessment for your Municipality to evaluate needs of marginalized populations related to COVID
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