



**Asheboro Planning Board**  
Monday, April 7, 2014  
**7:00 PM**  
**AGENDA**

- I. Call to Order
- II. Approval of Minutes (March 3, 2014)
- III. Review of Cases
- IV. RZ-14-04: Richard S. Stockner: 609 and 617 NC Hwy. 42 North (Rezone from R7.5 and R10 Medium Density Residential to OA6 Office Apartment)
- V. Consideration of Resolutions Honoring Recently Retired Board Members
- VI. Items Not on the Agenda
- VII. Adjournment

CITY OF  
**ASHEBORO**  
COMMUNITY DEVELOPMENT DIVISION

TO: Asheboro Planning Board  
FROM: John L. Evans, Assistant Community Development Director  
DATE: 4-2-14  
RE: Board of Adjustment Agendas

Beginning with this month's Planning Board packet there will no longer be separate Board of Adjustment agendas and minutes. Board of Adjustment items will be included on the Planning Board's agenda when action is required and the Planning Board's minutes will reflect any action taken by the Board when it is functioning as the Board of Adjustment. This new format should result in a more streamlined meeting that is easier for the public to follow and will reduce printing and paper expenses.

#####

**MEETING OF THE ASHEBORO PLANNING BOARD  
COUNCIL CHAMBERS, 146 N. Church St.  
MONDAY, MARCH 3, 2014  
7:00 p.m.**

\*\*\*\*\*

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

Van Rich ) - Chair  
James Lindsey ) - Vice Chair

Ritchie Buffkin )  
Lynette Garner )  
David Henderson ) - Members Present  
Thomas Rush )  
Dave Whitaker )

John Evans, Assistant Community Development Division Director  
Justin Luck, Zoning Administrator/Planner  
Trevor L. Nuttall, Community Development Division Director  
Jeff Sugg, City Attorney

No citizens were present at this meeting.

**I. CALL TO ORDER**

Mr. Rich called the Asheboro Planning Board to order. He then, with the general consent of the board, appointed Mr. Justin Luck as secretary pro tempore in the absence of Mr. Bradley Morton. He then welcomed new board member, Mr. Thomas Rush, to the Planning Board.

**II. APPROVAL OF MINUTES (February 3, 2014)**

Mr. Rich inquired to the Board if the February 3, 2014 minutes were correct and if so they would be approved as presented. There were no corrections.

**III. REVIEW OF CASES**

Mr. Luck went over last month's City Council cases.

**IV. ELECTION OF OFFICERS (OLD BUSINESS)**

Mr. Rich stated, and Mr. Sugg confirmed, that officers can be the same for both the Planning Board and Board of Adjustment. Mr. Whitaker suggested Mr. Rich as the Planning Board Chair and Mr. Lindsey as the Board of Adjustment Chair. Mr. Buffkin suggested having one set of officers. Mr. Sugg explained that under our ordinances, the Planning Board serves as the Board of Adjustment. Mr. Whitaker withdrew his previous suggestion. Mr. Buffkin made a motion to elect Mr. Van Rich as the Chairman and Mr. James Lindsey as the Vice Chairman of the Planning Board. Mr. Henderson seconded the motion and the motion carried unanimously. Mr. Rich then suggested Mr. Bradley Morton to be the secretary of the board. Mr. Henderson made a motion to do so. Ms. Garner seconded the motion and the motion carried unanimously.

**V. 2013 STATE LEGISLATION UPDATE - PLANNING AND DEVELOPMENT**

The board then began its consideration of new business when the chair recognized Assistant Community Development Director John Evans. Mr. Evans noted one of the most significant pieces of legislation in 2013 involved comprehensive changes in the state statutes related to the Board of Adjustment. He noted that the legislation addressed stylistic issues that hadn't been addressed since the 1920's, made procedures more uniform among jurisdictions, and included more substantive policy changes including modifications to wording of tests an applicant needs to meet for a variance to be granted (such as eliminating the requirement that "no reasonable use of property"

can be made without a variance and more precisely detailing the hardship that needed to be found for a variance to be granted). Mr. Evans also noted how the legislation addressed constructive notice requirements, including the provision giving a property owner the option to post a standardized sign on property after a zoning decision had been rendered by the zoning administrator, which limits the appeal period of someone wishing to appeal the zoning administrator's administrative decision. He noted the legislation also eliminated the requirement of a super majority vote in favor of an applicant in quasi-judicial matters other than variances.

In addition to legislation related to the Board of Adjustment, Mr. Evans also covered several changes relating to the review process of communication (cell) towers, provisions allowing repair of existing billboards and removal of vegetation outside of normal cutting limits, and exemptions from the requirement that a building permit be obtained for certain uses. He discussed several bills eligible for consideration during the 2014 legislative session including statewide provisions allowing the placement of a temporary modular dwelling for a relative providing medical care to a person(s) residing in a single-family dwelling. He also mentioned legislation restricting municipalities from adopting ordinances regulating certain design elements (such as the shape of windows) on single and two family dwellings unless the regulation is related to building, fire, or historic preservation requirements. He also discussed bills that were proposed but not adopted by the General Assembly including elimination of the protest petition and limitations on the ability of municipalities to exercise their regulations within extraterritorial zoning jurisdiction (ETJ) areas.

## VI. PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT

During this meeting the transition was made to conducting all of the Planning Board's functions, including functioning as the Board of Adjustment, under one set of officers and one order of business. The following minutes, which reflect the previous manner of conducting business as a Board of Adjustment, were approved as presented and without objection:

#####

**MEETING OF THE ASHEBORO BOARD OF ADJUSTMENT  
CITY HALL, 146 N. Church St.  
MONDAY, FEBRUARY 3, 2014  
7:00 p.m.**

\*\*\*\*\*

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

Van Rich	) - Chair
James Lindsey	) - Vice Chair
Ritchie Buffkin	)
Lynette Garner	)
David Henderson	) - Members Present
Dave Whitaker	)

John Evans, Assistant Community Development Division Director  
Justin Luck, Zoning Administrator/Planner  
Trevor L. Nuttall, Community Development Division Director  
Jeff Sugg, City Attorney

Three (3) citizens were present at this meeting.

### 1. CALL TO ORDER

Mr. Rich called the Asheboro Board of Adjustment to order. He then appointed Mr. Luck as secretary pro tempore in the absence of Mr. Bradley Morton. The board approved this appointment unanimously.

### 2. APPROVAL OF MINUTES (January 6, 2014)

Mr. Rich inquired to the Board if the minutes of January 6, 2014 had been read over and if there were no corrections that they be approved as presented. There were no corrections.

There being no further business, the meeting was adjourned.

(s) Bradley W. Morton

Bradley W. Morton,  
Secretary to the  
Board of Adjustment

(s) Van Rich

Van Rich, BOA Chair

**VII. ITEMS NOT ON THE AGENDA**

No items were discussed at this time.

**VIII. ADJOURNMENT**

There being no further business, this meeting of the Planning Board was adjourned.

\_\_\_\_\_  
Bradley W. Morton, Secretary, Planning Board

\_\_\_\_\_  
Van Rich, Planning Board Chair

# Rezoning Staff Report

**RZ Case #** RZ-14-04

**Date** 4/7/2014 PB

5/8/2014 CC

## General Information

**Applicant** Richard S. Stockner

**Address** 6601 Old NC Hwy 13

**City** Asheboro NC 27205

**Phone** 336-465-6525

**Location** 609 and 617 NC Hwy. 42 North

**Requested Action** Rezone from R7.5 and R10 (Medium-Density Residential) to OA6 (Office-Apartment)

**Existing Zone** R7.5 and R10

**Existing Land Use** Single-family residential

**Size** 1.79 acres

**Pin #** 7761322047, 7761321382, 7761312710, 7761322224

## Applicant's Reasons as stated on application

Due to extremely high traffic on Dixie Drive, Hwy. 42 is used as a cut thru from Dixie Drive to Salisbury Street. The surrounding properties are already zoned commercial and office(s). Due to high traffic use on Hwy. 42 between Salisbury Street and Dixie Drive, we request that the properties be rezoned OA6.

## Surrounding Land Use

**North** Undeveloped/Commercial/Single-family res.

**East** Commercial/Office

**South** Single-family residential

**West** Undeveloped residential/Church

**Zoning History** N/A

## Legal Description

The property of Iris B. Stockner, located at 617 NC Hwy. 42 North, identified by Randolph County Parcel Identification Numbers 7761321382 and 7761322224 to the east, Richard S. Stockner and Robin S. Stockner, located at 609 NC Hwy. 42 N, identified by Parcel ID #7761322047 and Parcel ID #7761312710. These properties total approximately 1.79 acres (+/-).

## Analysis

1. The property is inside the city limits. All city services are available.
2. NC Hwy. 42 North is a state-maintained major throughfare.
3. According to the Zoning Ordinance (Art. 200, Sec. 210): The OA6 District is intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designed [sic] OA6 shall normally be located with access to a major or minor thoroughfare with access to local residential streets discouraged.
4. The west side of NC Hwy. 42 consists primarily of residential uses in this area except for two churches. On the east side of NC Hwy. 42 is Triangle Park, a 4 acre office and commercial complex.
5. The existing R7.5 and R10 residential districts permit single or two-family dwellings.
6. The OA6 district permits single-family and multi-family residential uses with a floor area ratio (FAR) of up to 17 percent and non-residential structures with a FAR of up to 30 percent. If this rezoning is approved, all uses permitted by right would be allowed, including residential development of up to approximately 13,255 square feet or non-residential development of up to approximately 23,391 square feet. In addition to single- and multi-family residential uses, other uses allowed by right include offices, churches, schools, and some services uses (such as laundry facilities, beauty/barber shops, and banks). Heavier commercial uses, such as retail, restaurants, sales of motor vehicles, etc. are not permitted in the OA6 district.

# Rezoning Staff Report

RZ Case # RZ-14-04

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.*

<b>Growth Strategy Map Designation</b>	Primary Growth
<b>Proposed Land Use Map Designation</b>	Neighborhood Residential
<b>Small Area Plan</b>	Central

## LDP Goals/Policies Which Support Request

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

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

**Checklist Items #12, #13, #14, and #15:** 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%. 15.) Rezoning is not located on poor soils

# Rezoning Staff Report

RZ Case # RZ-14-04

Page 3

## LDP Goals/Policies Which Do Not Support Request

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

**Checklist Item #7:** Rezoning is not compatible with the Central Small Area Plan

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

### Recommendation

Deny

### Reason for Recommendation

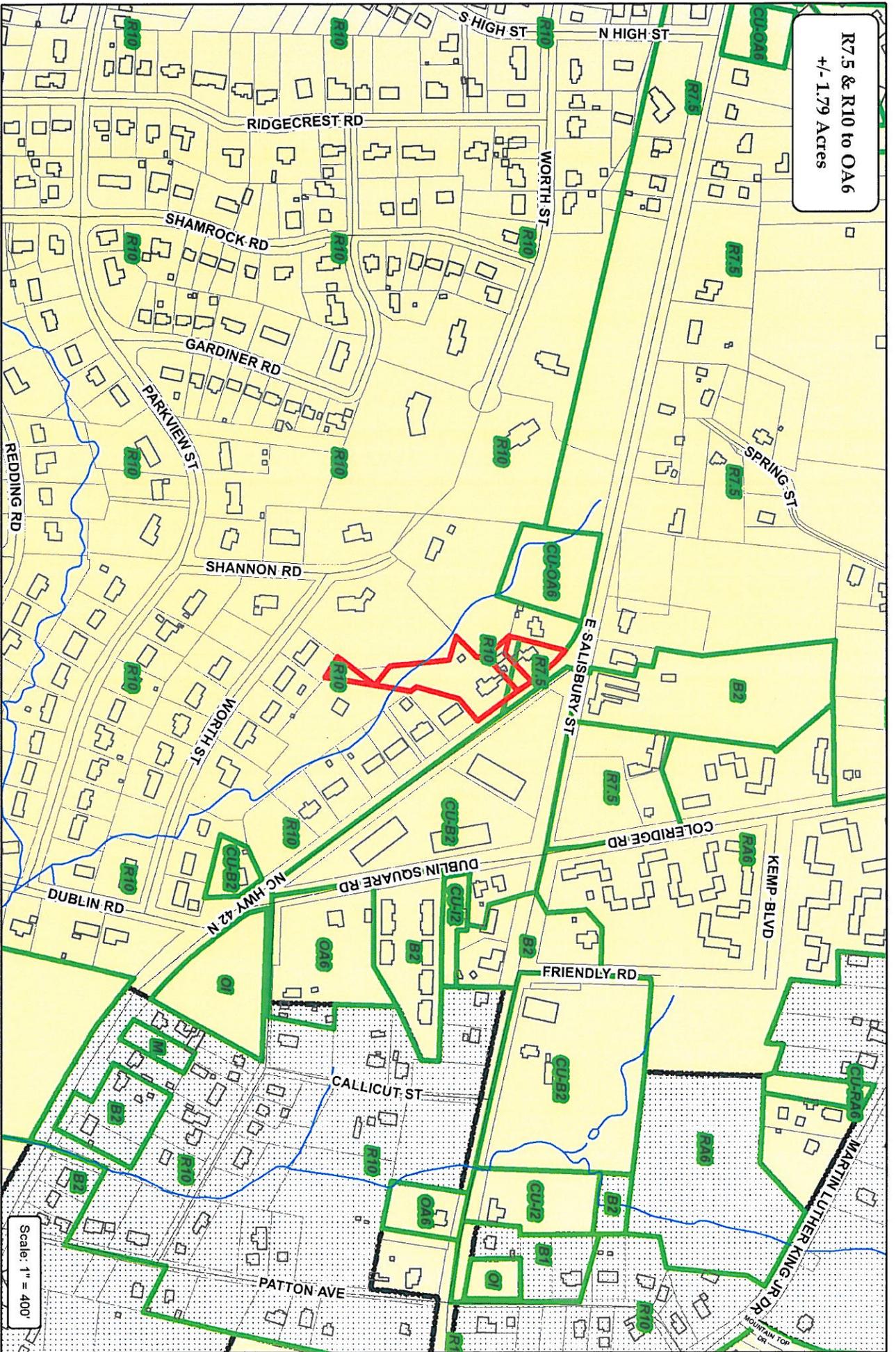
There are a number of goals and policies supporting the request. The property is located on a major thoroughfare (NC Hwy. 42 N.) near its intersection with another major thoroughfare (East Salisbury Street) and is adjacent to or near commercial, office, and institutional uses. The OA6 district can be an appropriate transition between commercial and residential uses.

However, several LDP goals and policies do not support the request. The proposed land use map designates the property for neighborhood residential use, which encourages residential development of density similar to existing neighborhoods while limiting multi-family development. The neighborhood residential designation doesn't encourage non-residential development outside of designated neighborhood commercial centers and the Central Small Area plan emphasizes preservation of existing residential neighborhoods. Without a site-specific development plan, it cannot be determined whether development permitted by the OA6 designation would be compatible with the area and the established residential character along this segment of NC Hwy. 42 N.

### Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

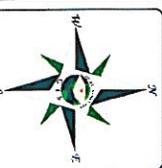
After considering the above factors, staff believes the existing zoning designation will allow a reasonable use of the property and ensure consistency with the Land Development Plan.

R7.5 & R10 to OAG  
 +/- 1.79 Acres



City of Ashboro  
 Planning & Zoning Department  
 Rezoning Case: RZ-14-04  
 Parcels: 7761321382, 7761322047, 7761312710 & 7761322224

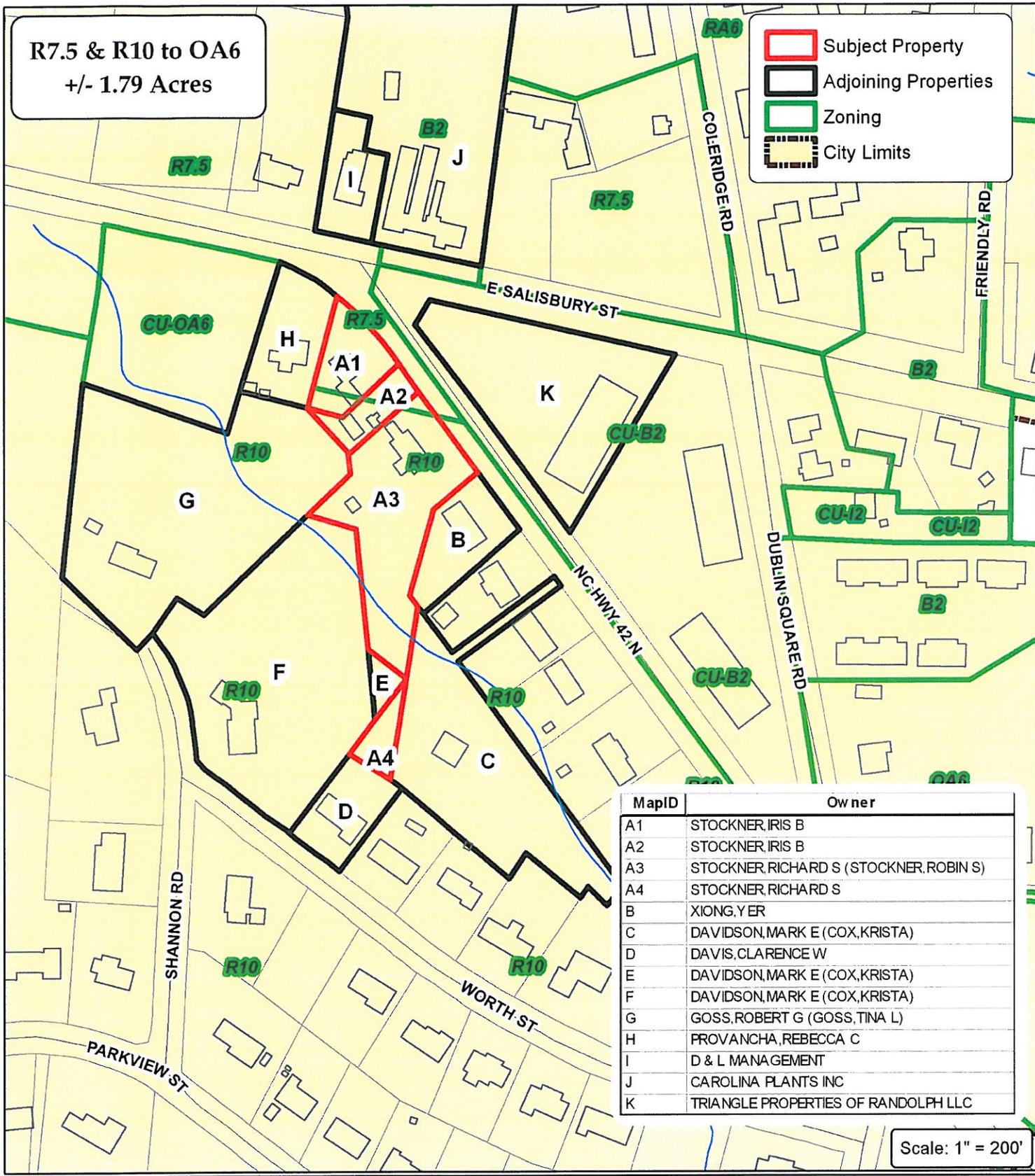
 Subject Property  
 Zoning  
 City Limits  
 ETJ



Scale: 1" = 400'

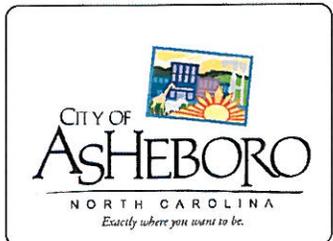
R7.5 & R10 to OA6  
 +/- 1.79 Acres

-  Subject Property
-  Adjoining Properties
-  Zoning
-  City Limits

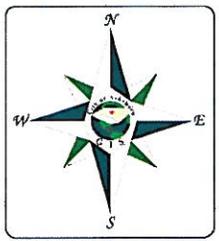


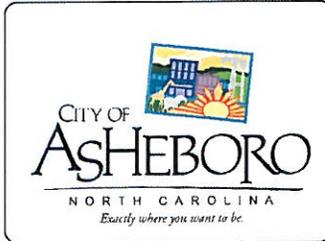
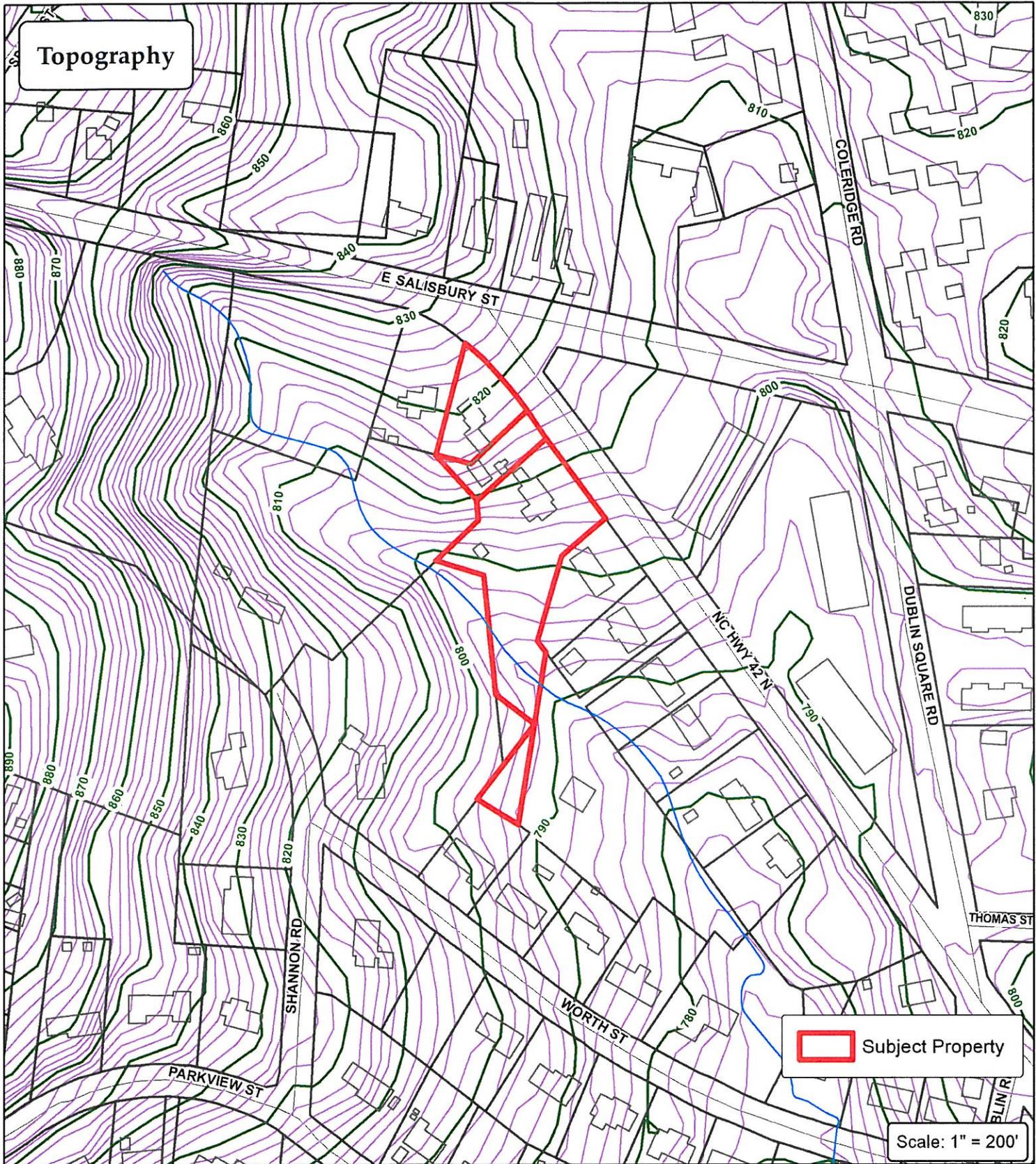
MapID	Owner
A1	STOCKNER, IRIS B
A2	STOCKNER, IRIS B
A3	STOCKNER, RICHARD S (STOCKNER, ROBIN S)
A4	STOCKNER, RICHARD S
B	XIONG, Y ER
C	DAVIDSON, MARK E (COX, KRISTA)
D	DAVIS, CLARENCE W
E	DAVIDSON, MARK E (COX, KRISTA)
F	DAVIDSON, MARK E (COX, KRISTA)
G	GOSS, ROBERT G (GOSS, TINA L)
H	PROVANCHA, REBECCA C
I	D & L MANAGEMENT
J	CAROLINA PLANTS INC
K	TRIANGLE PROPERTIES OF RANDOLPH LLC

Scale: 1" = 200'



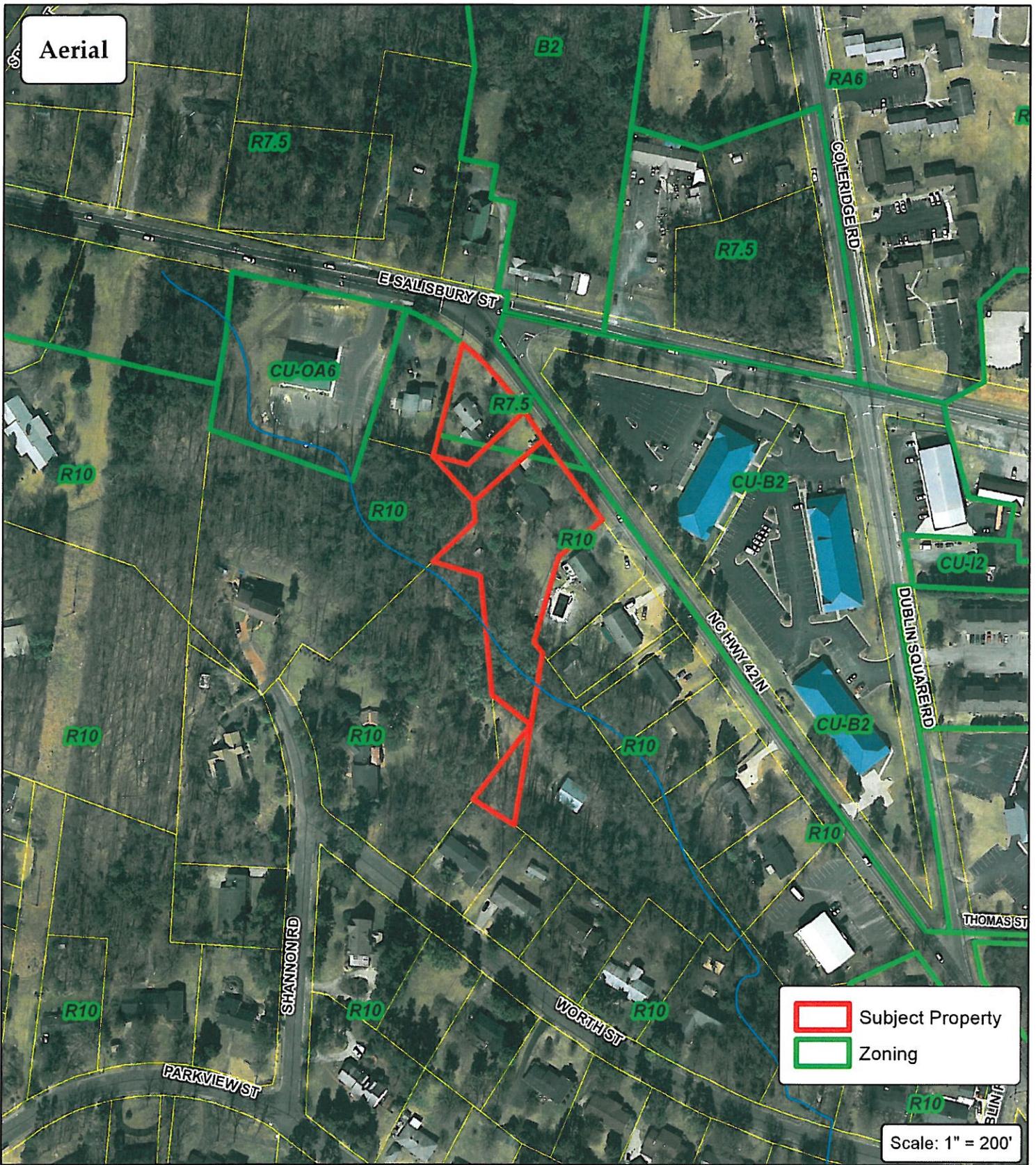
**City of Asheboro**  
**Planning & Zoning Department**  
**Rezoning Case: RZ-14-04**  
**Parcels: 7761321382, 7761322047,**  
**7761312710 & 7761322224**





**City of Asheboro**  
**Planning & Zoning Department**  
**Rezoning Case: RZ-14-04**  
**Parcels: 7761321382, 7761322047,**  
**7761312710 & 7761322224**

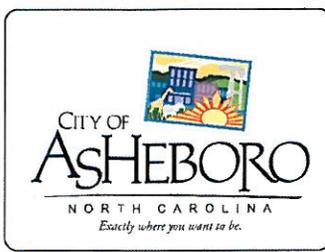




Aerial

Subject Property  
 Zoning

Scale: 1" = 200'



**City of Asheboro**  
**Planning & Zoning Department**  
**Rezoning Case: RZ-14-04**  
**Parcels: 7761321382, 7761322047,**  
**7761312710 & 7761322224**

