



Asheboro Planning Board
Monday, September 8, 2014
7:00 PM
AGENDA

- I. Call to Order
- II. Approval of Minutes (August 4, 2014)
- III. Review of Cases
- IV. RZ-14-08: Richard H. Lyda: 217 NC Hwy. 49 South (Rezone from B2 General Commercial to I1 Light Industrial)
- V. Planning Board Functioning as Board of Adjustment: Case No. BOA-14-01 H.R. Gallimore (237 North Fayetteville St.): Variance from Table 200-1 (Minimum Side Yard Setback). **Due to a delay in publication of the required newspaper legal notice, staff is requesting that this case be continued until the Monday, October 6, 2014 Planning Board meeting.**
- VI. Items Not on the Agenda
- VII. Adjournment

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**MEETING OF THE ASHEBORO PLANNING BOARD
COUNCIL CHAMBERS, 146 N. Church St.
MONDAY, AUGUST 4, 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

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

Ritchie Buffkin) - Member Absent

John Evans, Assistant Community Development Division Director
Justin Luck, Zoning Administrator/Planner
Bradley Morton, Planning Technician/Deputy City Clerk
Trevor L. Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

11 citizens were present at this meeting.

I. CALL TO ORDER

Mr. Van Rich, Chair, called the Asheboro Planning Board to order.

II. APPROVAL OF MINUTES (July 7, 2014)

Mr. Rich inquired to the Board if the July 7, 2014 minutes were correct and if so they would be approved as presented. There were no corrections.

III. REVIEW OF CASES

Mr. Justin Luck informed the board that no zoning related cases went before the City Council in July.

IV. RZ-14-07: Clyde Foust: 950 Martin Luther King Jr. Dr. (Rezone from R7.5 Medium-Density Residential and B1 Neighborhood Commercial to B2 General Commercial)

Mr. John Evans presented the rezoning case before the board. He listed the Parcel Identification Number as 7761332561 with the property totaling 1.9 acres +/- of undeveloped land. He stated that the rezoning request was to go from R7.5 Medium-Density Residential and B1 Neighborhood Commercial to the B2 General Commercial zoning district. He showed maps of the property as well as photos from all directions, and listed the surrounding land uses. He then gave an analysis of the property, mentioning that it was inside the corporate city limits and that all city services are available. He also mentioned that Martin Luther King Jr. Drive is a state-maintained minor thoroughfare and that South Spring Street is a local city-maintained street. He then provided the intent of the B2 zoning district. He gave a brief history of the property, stating that a 3,000 square foot structure had been previously removed. He stated that the structure had been used for either industrial purposes or a church as early as 1960. He stated that the structure and its parking were located on the portion of the property zoned R7.5. He stated that the Land Development Plan's (LDP) Growth Strategy Map identifies the property within the Primary Growth area and the Proposed Land Use Map calls for Commercial to the west and Neighborhood Residential to the east. He mentioned nine (9) goals and policies that supported the request and two (2) that did not support it, being that the eastern portion of the property did not comply with the LDP proposed land use map and also that there was not a transition between high intensity and low intensity uses. He then gave staff's recommendation to approve the request based on several factors including the already zoned B1 portion of the property, B2 zoning being contiguous to the south, a

non-residential history of the property as well as the Central Small Area Plan supporting strategically located commercial development along minor thoroughfares to accommodate existing and some future commercial development. He gave a consistency statement that the map amendment will allow a reasonable use of the property.

A citizen at the meeting inquired as to what the general commercial zoning district was. Mr. Evans responded and let her know that the district permits a wide variety of uses including, but not limited to, eating establishments, gas stations and retail sales. Ms. Jane Gannett spoke on the East Side community and that their plans after the rezoning, if approved, would be a community center for children and adults to gather and receive education and other services. Mr. Rush noted that a nearby property was once a store, so he felt that the rezoning request would fit with the commercial uses previously located in the area. Mr. Whitaker made a motion to approve the rezoning request based on staff's recommendation. Mr. Lindsey seconded the motion and the motion carried with no opposition.

V. SUB-14-01: Review of Springwood Townhomes Subdivision

a. Sketch Design Review For Planned Unit Development

Mr. Evans presented a sketch design review for the property located at the terminus of Springwood Road and identified by Randolph County Tax Parcel Identification Number 7750423717. He stated that the current zoning of the property was CU-RA6, and that an initial Special Use Permit (SUP) and Sketch Design were reviewed and approved in 2005. He stated that modifications are significant enough to require a new review of the development. He mentioned that the plan originally allowed for 22 units, with two or three units per structure, and the developer is now proposing 24 units located in 12 structures. He stated that the average lot size would be 2,125 square feet. He listed the adjoining properties and gave their land uses. He showed maps of the subject property as well as photos from all directions. He then showed the sketch design plat to the board. He mentioned that there should be no structures or plantings within the city's 40 foot force main easement. He stated that the street configuration was similar to what was approved in 2005 with respect to the privately maintained roads, turnarounds and recreation areas. He stated that the property's only access is from Springwood Rd.

Mr. Evans reviewed the department comments from Engineering, including verifying street names for emergency services purposes and approval of a concrete pad in front of the proposed mail box. He stated that the Public Works department recommends the first unit on the right upon entering the development to be at the maximum distance practical from the city's sewer easement. He stated that Asheboro City Schools had no comment on the plat. He also mentioned that NCDOT had no suggested improvements to the intersection of South Fayetteville Street and Springwood Road due to the development. He also mentioned that the Home Owner's Association (HOA) documents will need to be recorded with the final plat and that the documents should reflect the prohibition of RVs in the development as the plat indicates this as well. He went over other department comments including hydrant location review with the preliminary plat and a minor labeling corrections. He gave staff's recommendation to approve noting the comments and clerical correction.

Mr. Larry McKenzie spoke on the case and mentioned the change to one story units. Mr. Whitaker made a motion to approve the subdivision sketch design. Mr. Henderson seconded the motion and the motion carried with no opposition.

b. US Hwy. 220 Overlay District Review

Mr. Evans presented the second portion of the subdivision review, the US Hwy. 220 Overlay District review, to the board. He stated this review is required due to the property's location within 500 feet of the centerline of US Hwy. 220 Bypass. He stated that the intent was to protect the existing natural character of the view from US Hwy. 220 Bypass. He stated that the minimum required setback is 25 feet from US Hwy. 220 and that the applicant proposes a 35 to 40 foot setback. He stated that this was a time for the Planning Board to review landscaping and setbacks and engage in a dialogue with the developer if they had any suggested changes to the proposed plan to meet the intent of the district. He showed pictures of the area and gave a comparison from the 2005 request and the current request, noting the only changes are in the amount of units, the number of units per building, setbacks and the size of buildings decreasing to one story.

Ms. Garner made a motion to approve the plan as presented. Mr. Lindsey seconded the motion and the motion carried with no opposition.

VI. ITEMS NOT ON THE AGENDA

There were no items to discuss.

VII. ADJOURNMENT

At this time, Mr. Rich inquired if there was any more business to hear and if not, the meeting would be adjourned. There being no more business, he declared the meeting adjourned.

Bradley W. Morton, Secretary, Planning Board

Van Rich, Planning Board Chair



RZ-14-08: Rezone from B2 (General Commercial) and I1 (Light Industrial)

(217 NC Hwy. 49 South: Richard H. Lyda)

Staff Report

Rezoning Staff Report

RZ Case # **RZ-14-08**

Date 9/8/2014 Planning Bd.
10/9/2014 City Council

General Information

Applicant Richard H. Lyda
Address 217 NC Hwy. 49 South
City Asheboro NC 27205
Phone 336-381-0751
Location 217 NC Hwy. 49 South
Requested Action Rezone from B2 (General Commercial) to I1 (Light Industrial)

Existing Zone B2
Existing Land Use Vehicle Towing Operation and Storage Yard
Size 0.75 acres (+/-)
Pin # 7750048965

Applicant's Reasons as stated on application

The request is consistent with other commercial and industrial uses in the area.

Surrounding Land Use

North Commercial/Warehousing	East Commercial
South Commercial	West Single-family

Zoning History N/A

Legal Description

The property of Ivey Goins, located at 217 NC Hwy. 49 South, totaling approximately 0.75 (+/-) acres and more specifically identified by Randolph County Parcel Identification Number 7750048965.

Analysis

1. The property is inside the city limits. All city services are available.
2. NC Hwy. 49 South is a state-maintained major thoroughfare. Mack Road is a state-maintained minor thoroughfare.
3. The Zoning Ordinance states that the I1 District is intended to *produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.*
4. The area includes a mix of uses including commercial, residential (single and multi family), with some industrial uses and zoning scattered along NC Hwy. 49 South and US Hwy. 64 West/West Dixie Drive.
5. Improvements are planned to Mack Road that will impact the property. These improvements include realignment and installation of traffic signals at Mack Road's intersection with NC Hwy. 49 South.
6. The available history of the property indicates that it has been used for a gas station, motor vehicle sales, and a vehicle towing and storage yard. Text amendments to the Zoning Ordinance adopted in 2008 (Case No. RZ-08-24) specified that storage yards for vehicle towing facilities must be located in an I1 or I2 zoning district. Prior to the text amendments in 2008, vehicle storage yards were allowed in the B2 zoning district.
7. If approved, the I1 district request would allow all uses permitted by right in the district.

Rezoning Staff Report

RZ Case # RZ-14-08

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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.

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

LDP Goals/Policies Which Support Request

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

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

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

Rezoning Staff Report

RZ Case # RZ-14-08

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LDP Goals/Policies Which Do Not Support Request

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

Recommendation

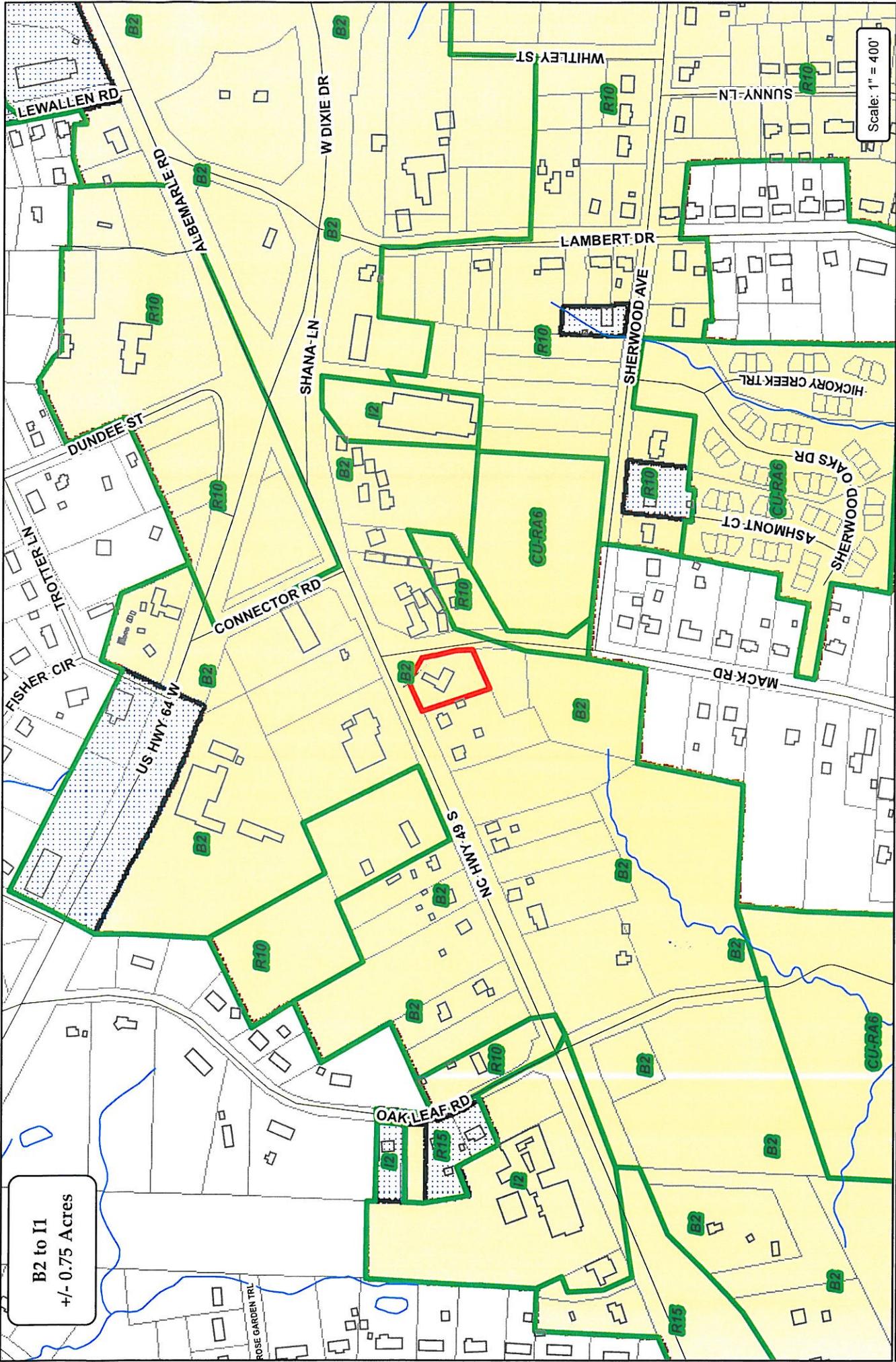
Approve

Reason for Recommendation

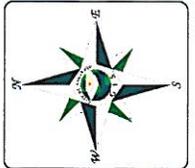
Although the Land Development Plan designates the property for commercial use, the surrounding area includes a mix of industrial (warehousing and manufacturing) and commercial land uses. While land uses along NC Hwy. 49 South are not primarily industrial, zoning has been assigned to properties to accommodate those with an industrial history located along and near the corridor. The I1 Light Industrial district, which accommodates both commercial and light industrial uses, is consistent with the property's history and fits the context of the area in which it is located.

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

Considering the above factors detailing the property's locational context, staff believes the I1 designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the Land Development Plan.



B2 to I1
 +/- 0.75 Acres



Scale: 1" = 400'

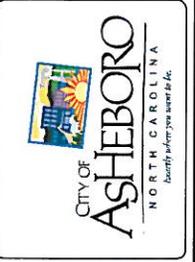
Subject Property

Zoning

City Limits

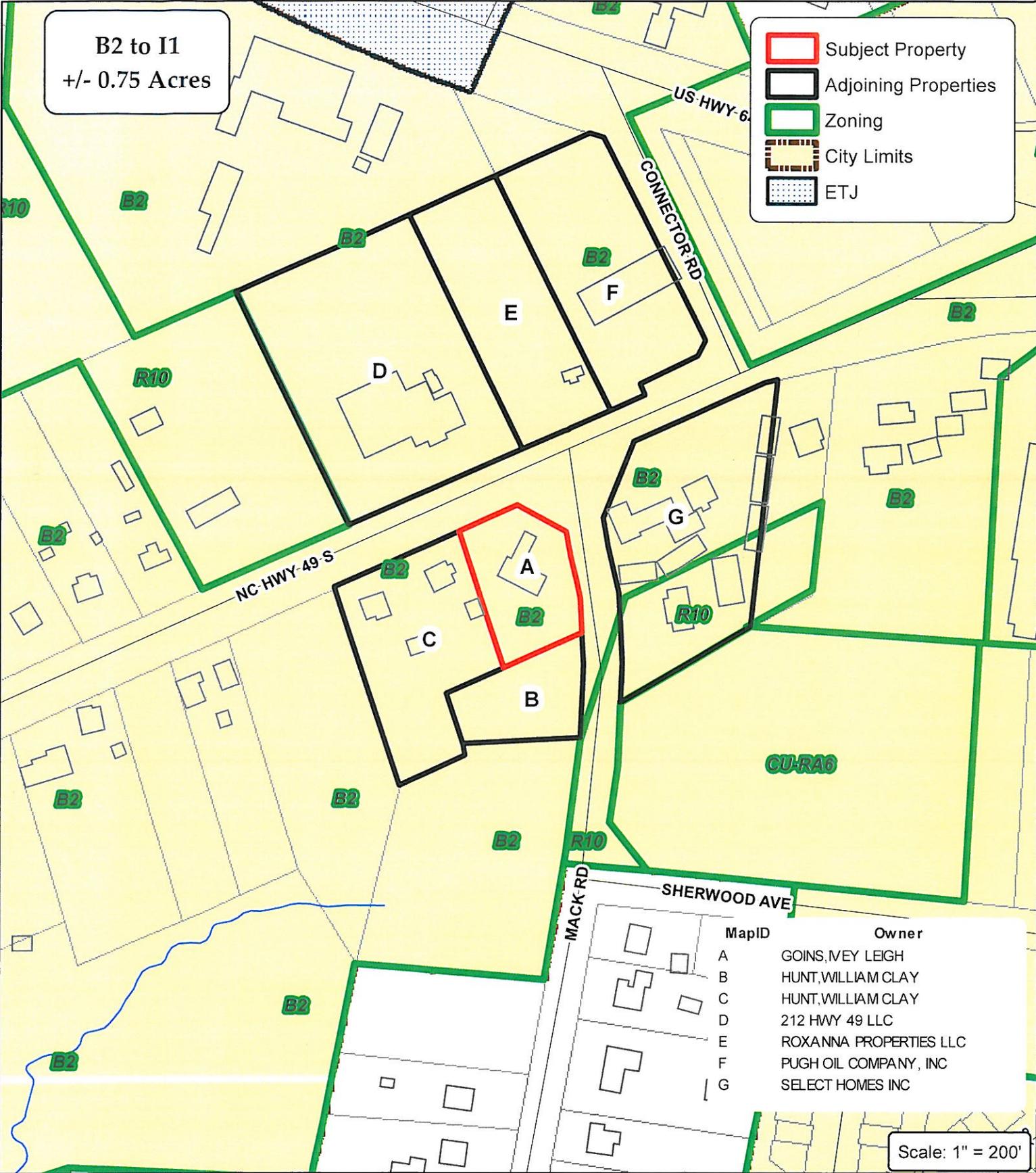
ETJ

City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-14-08
 Parcels: 7750048965



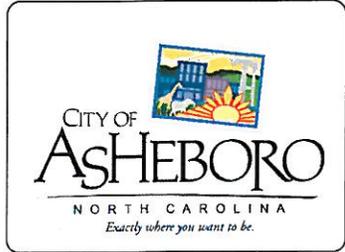
**B2 to I1
+/- 0.75 Acres**

-  Subject Property
-  Adjoining Properties
-  Zoning
-  City Limits
-  ETJ

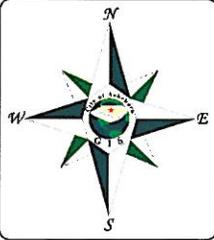


MapID	Owner
A	GOINS, IVEY LEIGH
B	HUNT, WILLIAM CLAY
C	HUNT, WILLIAM CLAY
D	212 HWY 49 LLC
E	ROXANNA PROPERTIES LLC
F	PUGH OIL COMPANY, INC
G	SELECT HOMES INC

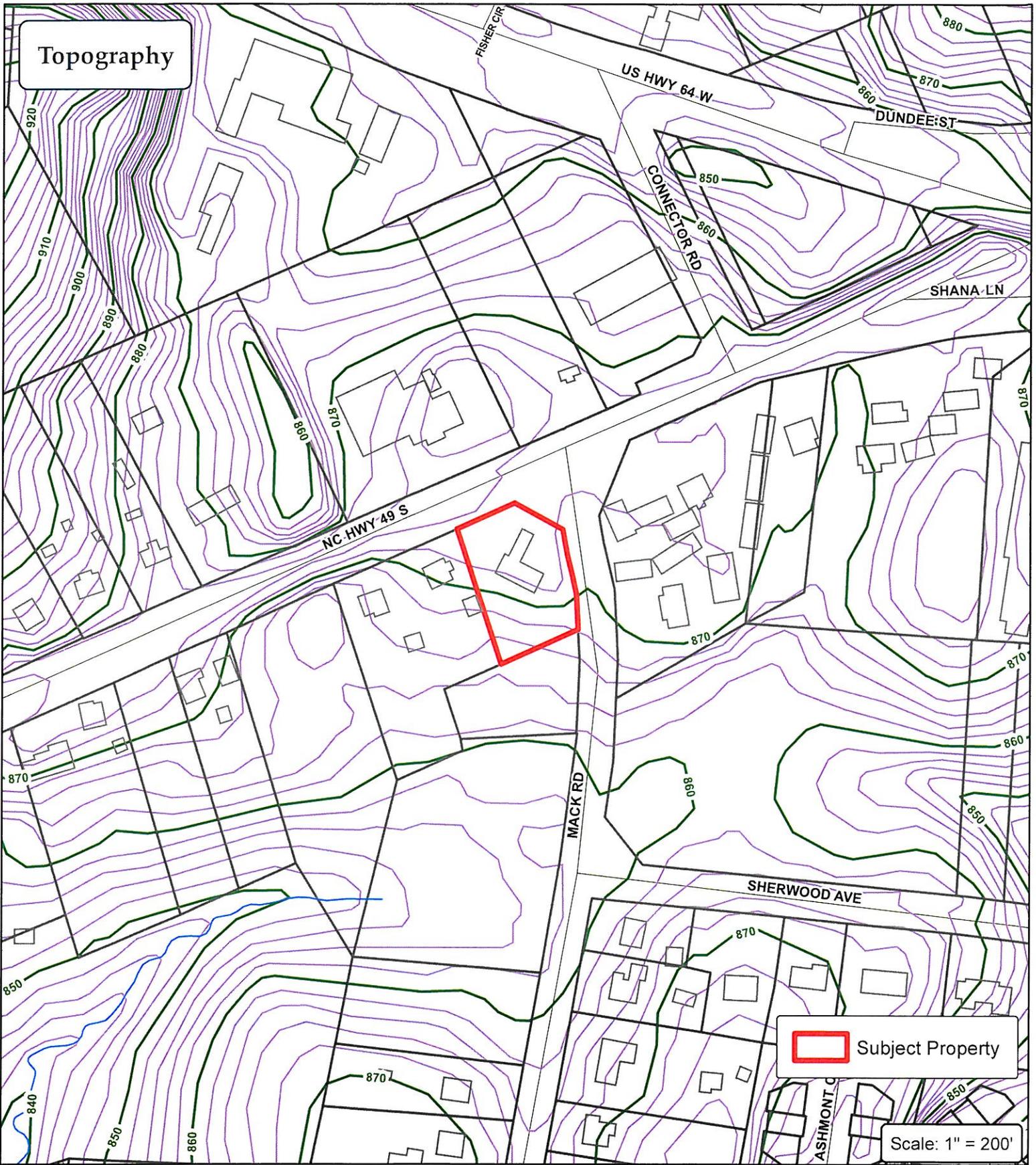
Scale: 1" = 200'



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-08
Parcels: 7750048965



Topography



Subject Property

Scale: 1" = 200'



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Aerial

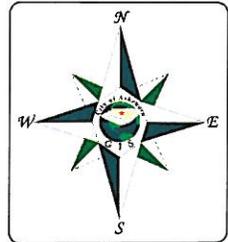


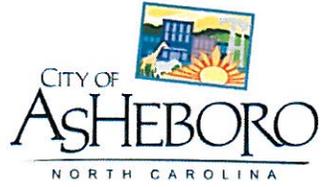
 Subject Property
 Zoning

Scale: 1" = 200'



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-08
Parcels: 7750048965





BOA 14-01:
Variance request from side yard setback required by Table 200-1 of Zoning Ordinance

(237 North Fayetteville St.: H.R. Gallimore)

Staff Report

Board of Adjustment Staff Report

Case: BOA 14-01

Date: September 8th, 2014

Requested Action: Variance from Table 200-1 of the Asheboro Zoning Ordinance, which regulates a minimum side setback of 0 or 5 feet in the B3 Commercial Zoning District.

GENERAL INFORMATION:

Applicant: H.R. Gallimore

Address: 231 S. Fayetteville St.

Phone: (336) 626-5560

Location of Affected Property: 237 N. Fayetteville St.

Size: 1.56 Acres **Existing Zone:** B3

Existing Land Use: Commercial Development with Multiple Uses and/or Structures

Surrounding Land Use:

North: Commercial

East: Commercial/Church

South: Commercial

West: Cemetery

Land Development Plan: Primary Growth/City Activity Center

ANALYSIS

The building was converted from single retail use to multiple units in 2001/2002. Multiple medical uses currently occupy the building. Mr. Gallimore wishes to add a preconstructed medical unit next to the existing building. Upon review of the submitted site plan, it was determined that the proposed location of the building encroached into the required setback. At the closest corner, the building will come within 1.9 feet of the property line. The B3 Commercial district requires that all structures be located either a minimum of 5 feet off side property lines, or located on side property lines. **A continuance of this case is requested due to a newspaper publication error. The Zoning Ordinance (Section 903.4) requires that public notice of all BOA cases be published in a local newspaper for

two consecutive weeks, with the first publication being at least 15 days in advance of the meeting. Due to a software glitch at the Courier-Tribune, the notice was not published on the dates requested by staff.**

Maps



Case: BOA-14-01

Date: September 8th, 2014

The concurring vote of four-fifths of the Board shall be necessary to grant a variance. (904.2)

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose appropriate conditions upon the granting of any variance provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance. (905)

I have found all the findings of fact as listed above in favor of the applicant.

Member's Vote: Yes _____ No _____

Signature _____