



Asheboro Planning Board
Monday, November 3, 2014
7:00 PM
AGENDA

- I. Call to Order
- II. Consent Agenda Items
 - a.) Approval of Minutes from October 6, 2014 meeting
 - b.) Approval of Findings of Fact for Board of Adjustment Case Number BOA-14-01 (Variance from setbacks in Table 200-1: 237 N. Fayetteville St.)
- III. Review of Cases
- IV. RZ-14-14: Walker Eye Care, LLC (c/o Attorney Ben C. Morgan): 520 Greensboro Street (Rezone from R7.5 Medium-Density Residential and RA6 High-Density Residential) to O&I (Office & Institutional)
- V. Consideration of 2015 Meeting Dates
- 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, OCTOBER 6, 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
 Bradley Morton, Planning Technician/Deputy City Clerk
 Trevor Nuttall, Community Development Division Director
 Jeff Sugg, City Attorney

Eight (8) citizens were present at this meeting.

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES (September 8, 2014)

Mr. Rich inquired to the Board if the September 8, 2014 minutes were correct and if so they would be approved as presented. There were no corrections to be made and the minutes were approved.

III. REVIEW OF CASES

Mr. Justin Luck informed the board of the zoning related cases that went before the City Council in September.

IV. Old Business: 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) - Continued from September 8, 2014 meeting

Mr. Luck reminded the board that at the last stated meeting, this particular case was opened and Mr. H.R. Gallimore and himself were sworn in for their testimony. At this time, Mr. Randy Julian and Mr. Mark Trollinger were sworn in. Mr. Luck stated that this was a variance case from the required zero (0) or five (5) foot side setback in the B3 Commercial Zoning District. He stated that the applicant is looking to add a 14.08' x 55' unit for an imaging station. He stated that one section of the unit would be approximately 1.9' away from the side property line, which is not permitted. He stated that the applicant could place the unit on the property line or at five (5) feet away from the property line to comply with the Zoning Ordinance. He showed maps as well as pictures to the board to give them a better understanding of the layout of the property. He then presented a site plan showing the proposed addition to the property. Mr. Gallimore gave his testimony on the variance. He mentioned that a fence, which is located on Walgreen's property, is immediately on the property line and that the addition would go in between the fence and the building located at 237 North Fayetteville Street. He mentioned that 1.9 feet is wide enough to maneuver safely and the existing fire exit would not be blocked. Mr. Trollinger gave his testimony on the project, mentioning that grading would be necessary to place the proposed building on the property line, and that such grading could potentially undermine the Walgreens parking lot. In addition, Mr. Trollinger stated that it would be very difficult to waterproof the building if located on the property line. He also mentioned that the building would not be placed at the immediate rear of the existing building because of drainage issues. Mr. Gallimore then stated that there was no better place to put

the unit than where they have proposed it. He then gave further testimony to meet all four (4) variance tests. Mr. Whitaker made a motion to grant the variance. Ms. Garner seconded the motion and the motion carried unanimously.

V. RZ-14-10: Stephen D. Wright: 509 E. Salisbury Street (Rezone from R7.5 Medium-Density Residential and CUOA6 Conditional Use Office-Apartment to Mercantile (M))

Mr. John Evans presented the rezoning case before the board. He listed the Parcel Identification Number as a portion of 7761132130 with the subject portion totaling 24,000 square feet (+/-). He stated that the rezoning request was to go from R7.5 Medium-Density Residential and CUOA6 Conditional Use Office-Apartment to M Mercantile. He mentioned that the request excluded the undeveloped portion of the property zoned CUOA6, which was part of the same parcel owned by the applicant. 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 subject property, mentioning that it was inside the corporate city limits and that all city services are available. He then stated that the intent of the Mercantile zoning district is to provide for a greater number of potential business activities than the B1 district. He stated that it prohibits certain uses likely to have the greatest external impact that are permitted in the B2 district (i.e. repair of motor vehicles, bars, sales of motor vehicles, etc.). He mentioned other standards in the M district such as the prohibition of drive through windows, building size limitations (6,000 square feet total, 1,500 square feet for eating establishment dining areas), and prohibition of open storage. He mentioned that the property designated as a Primary Growth area by the Land Development Plan. He also stated that the property was designated Commercial by the Proposed Land Use Map. He stated that seven (7) goals and policies supported the request and zero (0) were negative to the request. He then stated that staff's recommendation was to approve the rezoning based on support by the Land Development Plan, Central Small Area Plan and that the Mercantile district excludes the heaviest commercial uses that may not be appropriate at the location. He then gave a consistency statement based on the above factors that the request is in the public interest and allows a reasonable use of the property. Mr. Stephen Wright, applicant, spoke on the case and agreed with staff's recommendation. Ms. Garner made a motion to approve the zoning request based on staff's recommendation and agreed with the consistency statement. Mr. Henderson seconded the motion and the motion carried unanimously.

VI. RZ-14-11: H.R. Gallimore: 379 Patton Avenue (Rezone from R10 Medium-Density Residential to OA6 Office-Apartment)

Mr. Evans presented the rezoning case before the board. He listed the Parcel Identification Number as 7761510840 with the property totaling 3.68 acres (+/-). He stated that the rezoning request was to go from R10 Medium-Density Residential to OA6 Office-Apartment. 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 subject property, mentioning that a portion of the property is outside of the corporate city limits. He then stated that if new development were to occur in an area outside of the city limits and city services were proposed, annexation would need to take place. He noted the intent of the OA6 zoning district. He then mentioned that the pavement width on Patton Avenue is only 15' to 16' in front of the property and that new development may require widening the road from the proposed driveway to East Salisbury Street (depending on NCDOT requirements). He stated that the Land Development Plan Growth Strategy Map designates the property as an Adjacent Developed area since a portion of the property is surrounded by, but outside of, the city limits. He stated that the northern portion of the property which is inside the city limits called for Office-Institutional land use and the southern portion of the property outside the city limits calls for urban residential, according to the Proposed Land Use Map. He listed six (6) goals and policies that supported the request and one (1) that was negative to the request, which was regarding the existing infrastructure not adequate to support the desired zone, specifically related to the existing narrow street width along Patton Avenue. With all of the factors to consider, he gave staff's recommendation to approve the request based on the supporting goals and policies, and compliance with the LDP proposed land use map and Central Small Area plan. He gave his consistency statement that the request is in the public interest and allows a reasonable use of the property. Ms. Garner made a motion to approve the zoning request based on staff's recommendation and agreed with the consistency statement. Mr. Lindsey seconded the motion and the motion carried unanimously.

At this time Mr. Nuttall asked the board if agenda item number VIII. could be heard before item VII. for the subdivision applicant. Mr. Rich agreed to this change.

VIII. SUB-12-01: Final Plat for Olde Towne Village (Including public right-of-way on Olde Towne Parkway to allow recordation of Lot 52 of development)

Mr. Evans presented a final plat, Section II, Phase II for the Olde Towne Village Subdivision. He listed the applicant as Carolina Bank. He also noted that the current zoning was CUR10 (Conditional Use Medium-Density Residential)

and that the area in question for this particular phase was 0.21 acres (+/-) of the 21.61 (+/-) total acreage. He stated that the final plat was to include recordation of Lot 52 (3,528 square feet) and the extension of Olde Towne Parkway, which is approximately 110' (5,662 square feet +/-). He showed maps of the property at aerial views as well as the plat itself. He mentioned that Public Works comments were related to the infrastructure for the development (completion of paving, sidewalk, and street seeding), which must be installed or guaranteed as allowed by the Subdivision Ordinance prior to approval of the plat. He stated that a temporary turnaround must also be installed with the required temporary easement to meet City requirements as well. He then gave staff's recommendation to approve the Final Plat subject to completion of the required improvements or submittal of a guarantee and completion of the temporary turnaround. Mr. Henderson made a motion to approve the request. Mr. Buffkin seconded the motion and the motion carried unanimously.

VII. RZ-14-12: City of Asheboro: Text Amendments to the Zoning Ordinance related to watershed regulations, accessory apartments, correctional facilities, and professional residential facilities)

Mr. Nuttall presented text amendments to the Planning Board. He stated that the board could vote on the text amendments as he covered each one. He stated that the amendments are proposed to update outdated language and improve the administration concerning various items in the Zoning Ordinance related to watershed regulations, accessory apartments, correctional facilities and professional residential facilities. He stated that the amendments will ensure that the Zoning Ordinance is up-to-date and represents current statewide legislation and current land use trends. With regard to the watershed regulations, he stated that there are some prime industrial areas within the watershed and our current language is inconsistent with county and state ordinances and statutes. He mentioned that with the current language it makes economic development opportunities harder to achieve. He then stated that the proposed language would protect the watershed but also eliminate unnecessary obstacles in order to develop property. He stated that the proposed language would remove the requirement of a Special Use Permit (SUP) and would move the language from Article 600 to Article 300B of the Zoning Ordinance to allow staff the review and approve the requirements. He also mentioned some financial guarantees concerning post containment and the fact that the applicant would be responsible for this, which would put more of a liability on the applicant than on the city. Mr. Whitaker made a motion to approve this section of the text amendments. Ms. Garner seconded the motion and the motion carried unanimously.

In speaking on the temporary health care structures, he gave the current accessory apartment language in the zoning ordinance. He stated that the idea was to update the language concerning accessory dwelling apartments to ensure consistency was state law. He mentioned that if proposed amendments were adopted, it would be easier to defend our ordinance. Mr. Whitaker made a motion to approve this section of the text amendments. Mr. Lindsey seconded the motion and the motion carried unanimously.

Mr. Nuttall finally stated that the correctional facilities and professional residential facilities amendment proposal would ensure these facilities are allowed in districts that are best suited for their external impacts and update Ordinance language to better reflect the present locations of these facilities in the City. He stated that the amendments also change the way these facilities are identified and regulated. Mr. Whitaker made a motion to approve this section of the text amendments. Ms. Garner seconded the motion and the motion carried unanimously, making all of the proposed text amendments approved.

IX. Report on proposed process to update 2020 Land Development Plan maps

Mr. Nuttall gave a presentation on the proposal of updating the Land Development Plan (LDP) maps. He explained what the LDP was used for from a zoning standpoint. He gave a history of the LDP and stated that it has been 14 years since the maps have been updated. He stated that the plan, when it was first created in 2000, projected the city's population to be 23,500 by the year 2020. He stated that the city has already passed this projected population number. He stated that the City Council would hear this proposal at the Thursday, October 9 regular meeting. He mentioned that it could take anywhere from 8 to 12 months to finish the updates. He also stated that there would be public workshops held to involve the citizens of Asheboro. He stated that this would give citizens a chance to provide input in the planning process.

X. Adjournment

There being no further business to discuss, Mr. Rich adjourned the meeting.



RZ-14-14 Rezone from R7.5 (Medium-Density Residential) and RA6 (High-Density Residential) to O & I (Office-Institutional)

(Walker Eye Care, LLC (c/o Ben C. Morgan, Esq.): 520 Greensboro Street)

Rezoning Staff Report

RZ Case # RZ-14-14

Date 11/3/2014 Planning Board

12/4/2014 City Council

General Information

Applicant Walker Eye Care, LLC (c/o Attorney Ben C. Morgan)

Address 150A Scarboro Street

City Asheboro NC 27203

Phone 336-629-7000

Location 520 Greensboro Street

Requested Action Rezone from R7.5 (Medium-Density Residential) and RA6 (High Density Residential) to O&I (Office-Institutional)

Existing Zone R7.5/RA6

Existing Land Use Single-family residence (vacant)

Size 0.83 acres (+/-)

Pin # 7751957367 and 7751957445

Applicant's Reasons as stated on application

There are no alleged errors in the existing Ordinance. The nature of development on Greensboro Street has evolved from primarily residential to office and institutional development. By allowing for the rezoning of the property to office and institutional use the City will be utilizing space that has clearly changed in nature from residential a more commercial nature. By allowing the rezoning the City will be able to enforce the requirements outlined by the Ordinance for the new classification. The property is currently unoccupied and is in need of a substantial amount of repair.

Surrounding Land Use

North Health Practitioner/Pharmacy

East Congregate Living Facility/Single-family dwelling

South Single and Two Family dwellings

West Single family/Health Practitioner

Zoning History A tree had fallen through the roof, resulting in significant damage. A code enforcement case related to damage from the tree was opened in April, 2014, and has since been abated.

Legal Description

The property of Yvonne Hill Parks and Gwendolyn Hill Morris, located at 520 Greensboro Street, totaling approximately 0.83 acres (+/-) and more specifically defined by Randolph County Parcel Identification Numbers 7751957367 and 7751957445.

Analysis

1. The property is within the city limits and all city services are available.
2. Greensboro Street is a city-maintained minor thoroughfare at this location.
3. There is currently a vacant single-family structure on the property.
4. The majority of the property is zoned R7.5. A small portion (approximately 0.10 acres) is zoned RA6.
5. The area is characterized by a mix of uses, including single-family residential and office-institutional uses.
6. There have been several rezonings along Greensboro Street in recent years. These rezonings to allow office uses have provided a transition between the more intensive commercial nature of North Fayetteville Street and the residential areas east of Greensboro Street.
7. The Comprehensive Transportation Plan recommends sidewalk construction along Greensboro Street to tie existing sidewalks together. There is a developing sidewalk network in the area of the subject property. In order for a sidewalk to be mandated by the general requirements of the zoning ordinance, a minimum of eight and a half (8.5) feet of right-of-way between the back of the curb and front property line must exist. This property appears to have less than five (5) feet of right-of-way width between the back of the curb and front property line.

Rezoning Staff Report

RZ Case # RZ-14-14

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.

Growth Strategy Map Designation	Primary Growth
Proposed Land Use Map Designation	Neighborhood Residential
Small Area Plan	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 Item 8. The request is an adaptive reuse of a vacant or unused lot, or is an infill lot.

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-14-14

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 10: Rezoning is not consistent with Land Category Descriptions

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

Recommendation

Deny

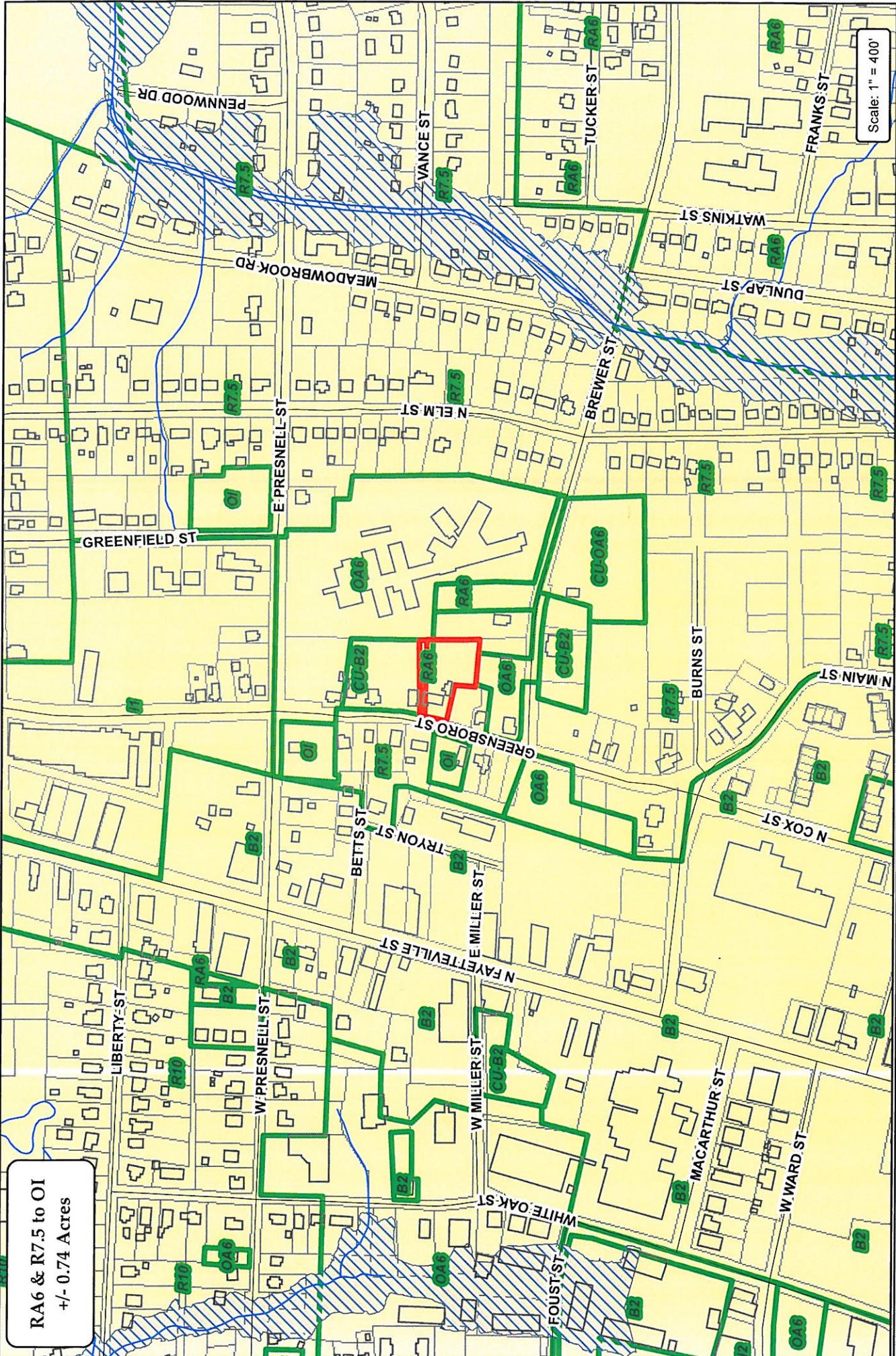
Reason for Recommendation

There are a number of Land Development Plan (LDP) goals and policies supporting the request. The O&I district can be an appropriate transition between commercial and residential uses. The area in which the subject property is located has become increasingly transitional with offices (particularly medical) interspersed with residences.

However, several LDP goals and policies do not support the request. The proposed land use map designates the property for neighborhood residential use, and while staff agrees with the applicant that the area is undergoing an evolution from residential uses to office and institutional uses, the proximity of the adjoining residence to the south raises compatibility questions. Additionally, the city's adopted Comprehensive Transportation Plan adopted earlier this year identifies a goal of expanding the sidewalk network, including along Greensboro Street, especially when connecting a mix of land uses. The ability to ensure both compatibility and inclusion of appropriate pedestrian infrastructure becomes impractical without the ability to review a site plan as part of the rezoning application.

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

After considering the above factors, staff believes the existing RA6 and R7.5 zoning designation will allow a reasonable use of the property and ensure consistency with the Land Development Plan and Comprehensive Transportation Plan.



RA6 & R7.5 to OI
 +/- 0.74 Acres



Legend:

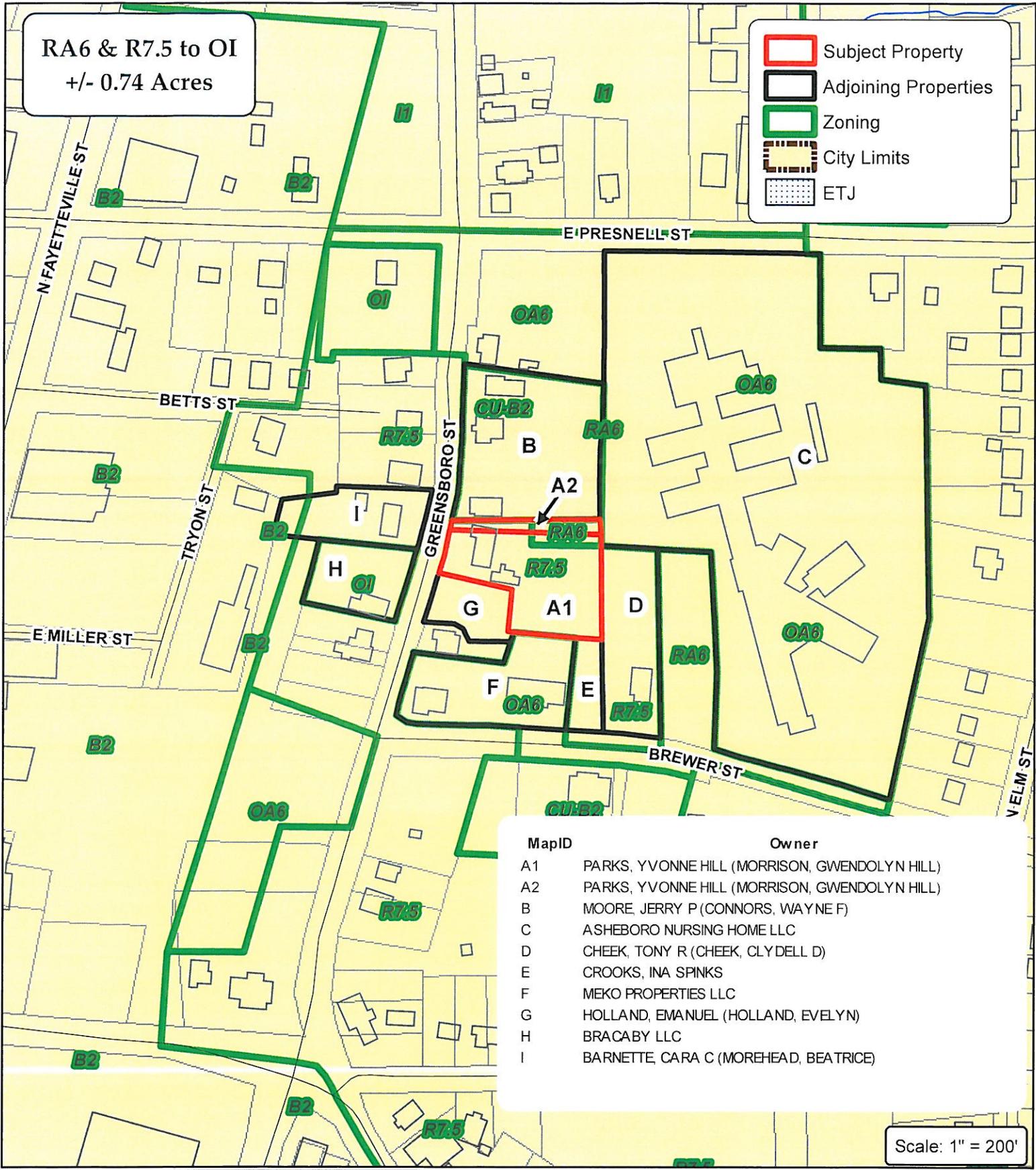
- Subject Property: Red outline
- Zoning: Green outline
- City Limits: Yellow background
- ETJ: Blue hatched area

City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-14-14
 Parcels: 7751957367 & 7751957445



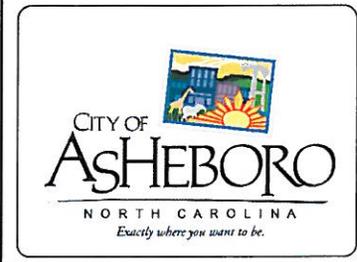
RA6 & R7.5 to OI
+/- 0.74 Acres

 Subject Property
 Adjoining Properties
 Zoning
 City Limits
 ETJ

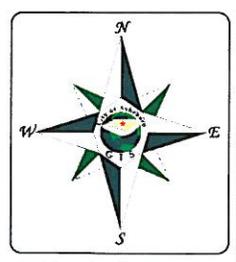


MapID	Owner
A1	PARKS, YVONNE HILL (MORRISON, GWENDOLYN HILL)
A2	PARKS, YVONNE HILL (MORRISON, GWENDOLYN HILL)
B	MOORE, JERRY P (CONNORS, WAYNE F)
C	ASHEBORO NURSING HOME LLC
D	CHEEK, TONY R (CHEEK, CLYDELL D)
E	CROOKS, INA SPINKS
F	MEKO PROPERTIES LLC
G	HOLLAND, EMANUEL (HOLLAND, EVELYN)
H	BRACABY LLC
I	BARNETTE, CARA C (MOREHEAD, BEATRICE)

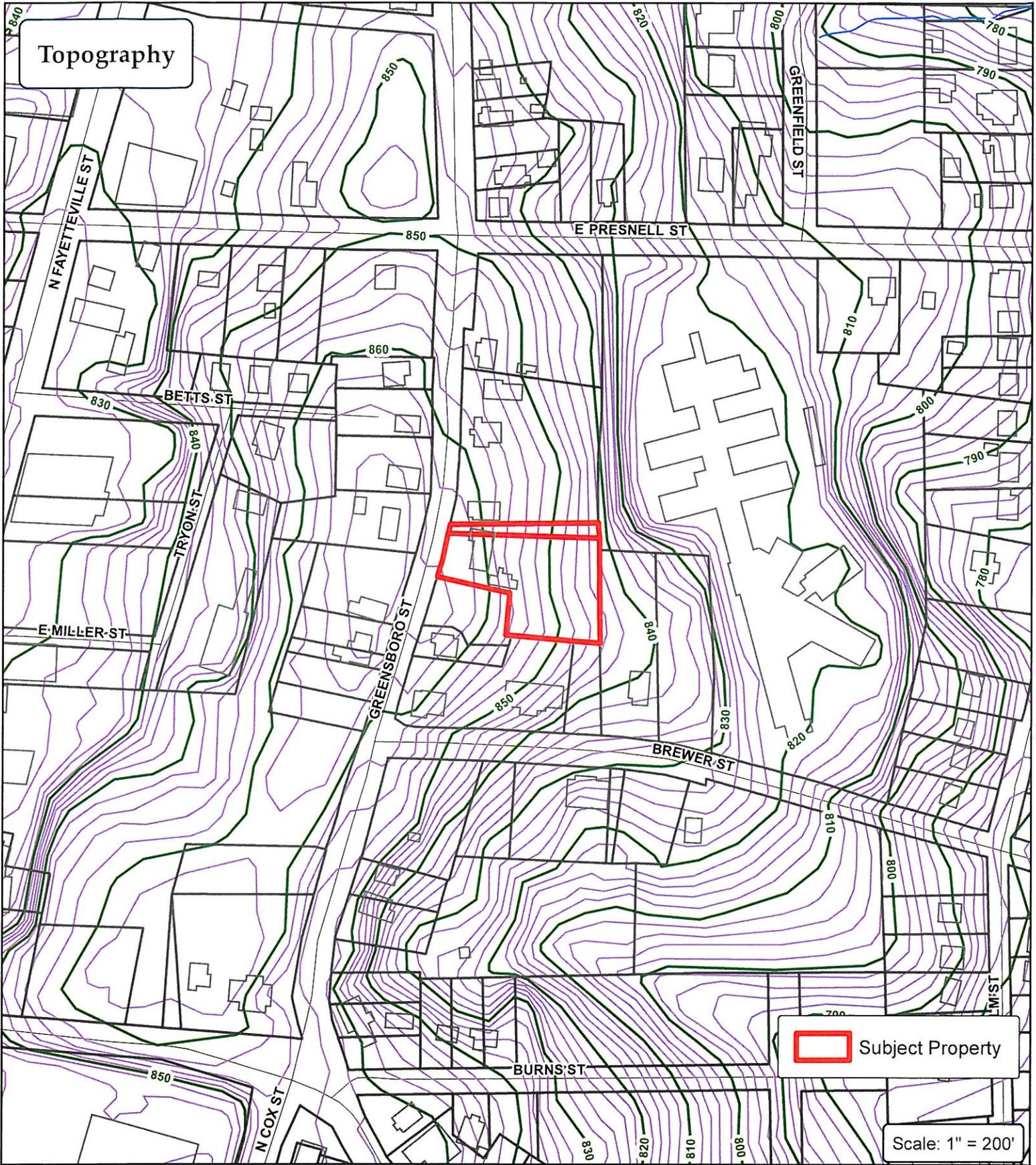
Scale: 1" = 200'



City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-14-14
 Parcels: 7751957367 & 7751957445

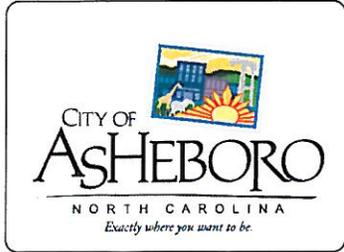


Topography

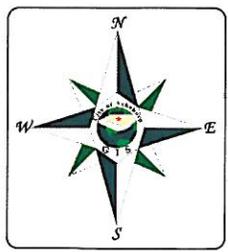


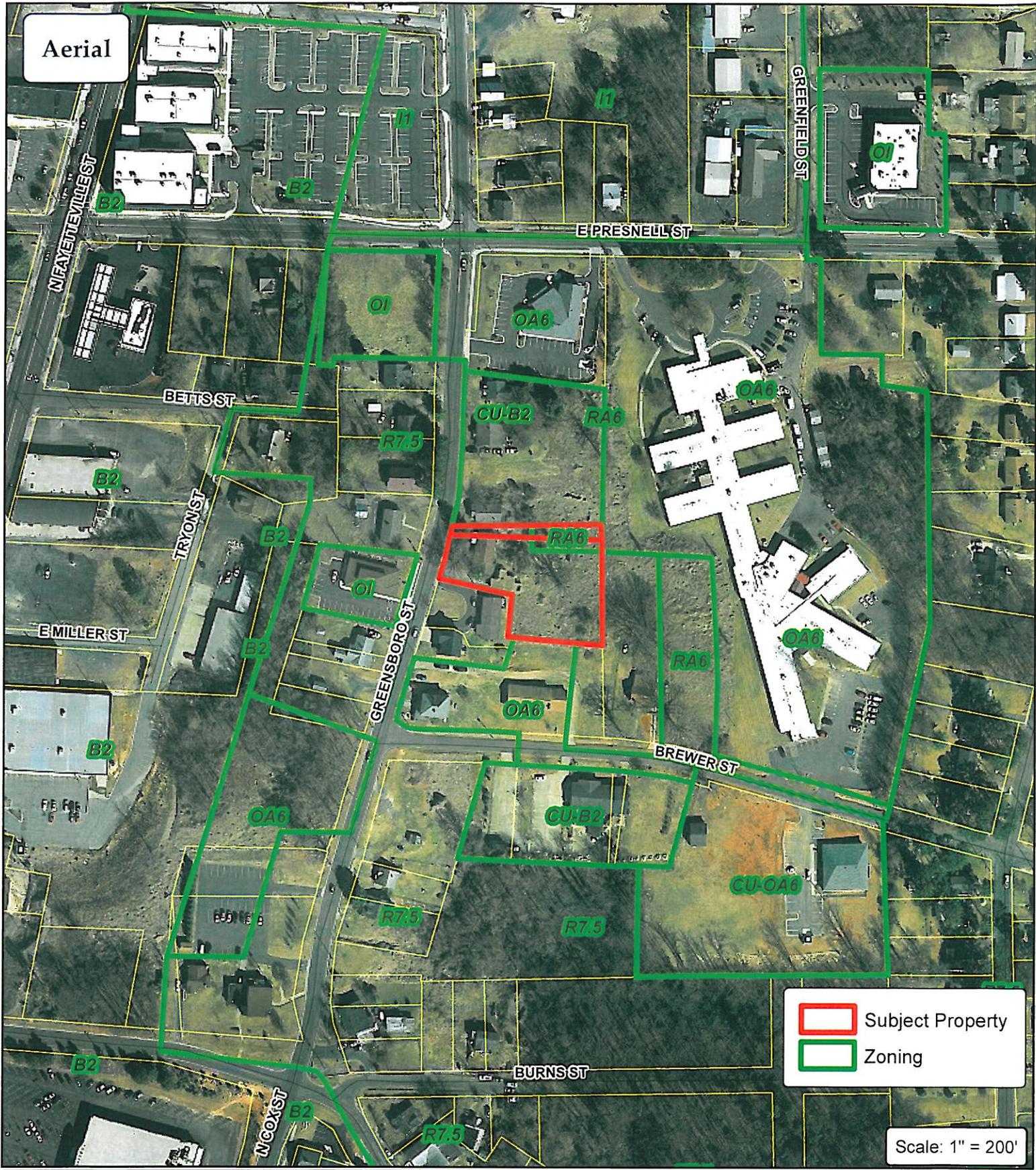
 Subject Property

Scale: 1" = 200'



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-14
Parcels: 7751957367 & 7751957445

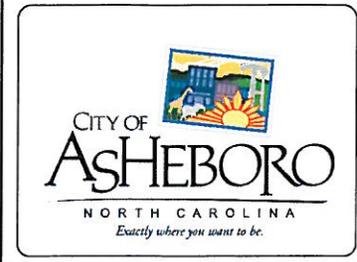




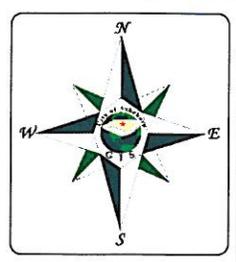
Aerial

Subject Property
 Zoning

Scale: 1" = 200'



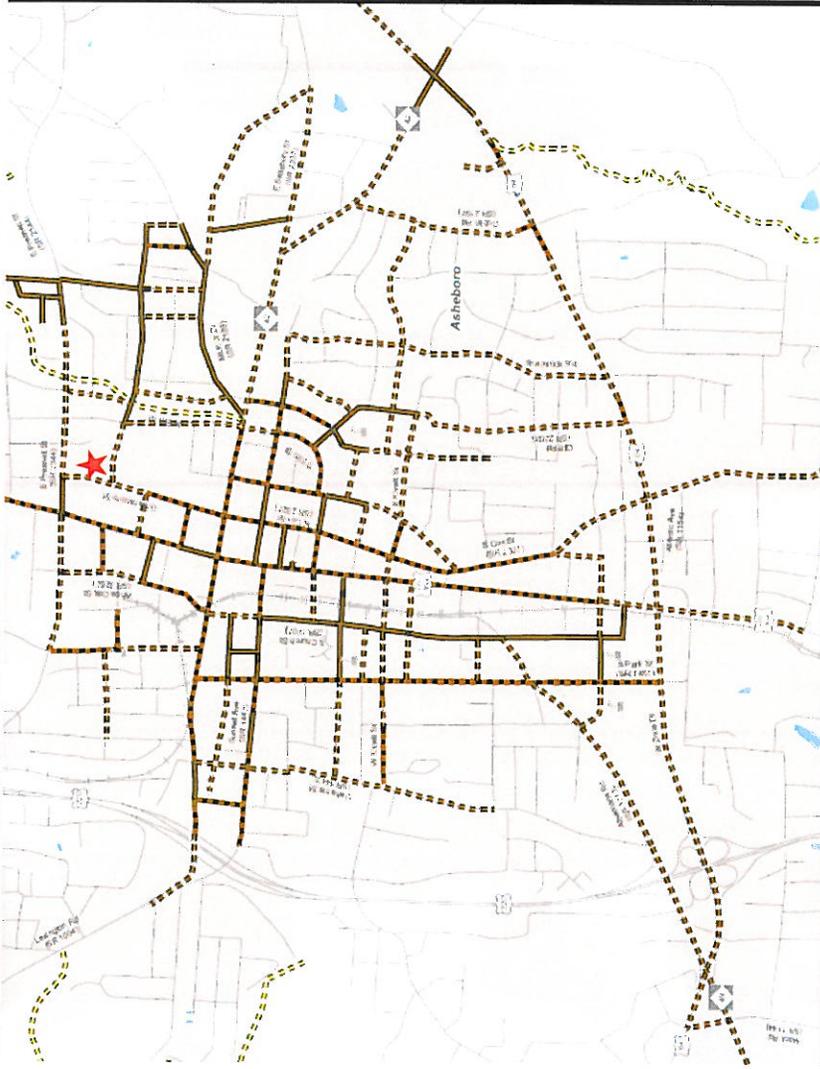
City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-14
Parcels: 7751957367 & 7751957445



Analysis



★ Subject Property



<p>Sidewalks</p> <ul style="list-style-type: none"> Existing: Solid blue line Needs Improvement: Dashed blue line Recommended: Dotted blue line 	<p>Off-Road</p> <ul style="list-style-type: none"> Existing: Solid green line Needs Improvement: Dashed green line Recommended: Dotted green line
<p>Multi-Use Paths</p> <ul style="list-style-type: none"> Existing: Solid yellow line Needs Improvement: Dashed yellow line Recommended: Dotted yellow line 	<p>Existing Grade Separation: Circle with a diagonal slash</p> <p>Proposed Grade Separation: Circle with a horizontal slash </p>

Scale: 0 0.125 0.25 0.5 Miles

North arrow pointing up.

FIGURE 1
Sheet 5A of 5
Base map date: September 2012

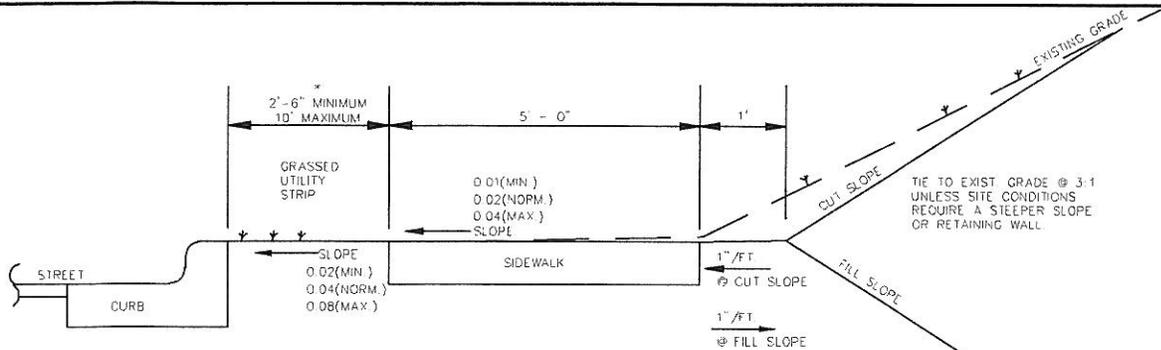
Pedestrian Map Inset A

CITY OF ASHEBORO NORTH CAROLINA

Comprehensive Transportation Plan

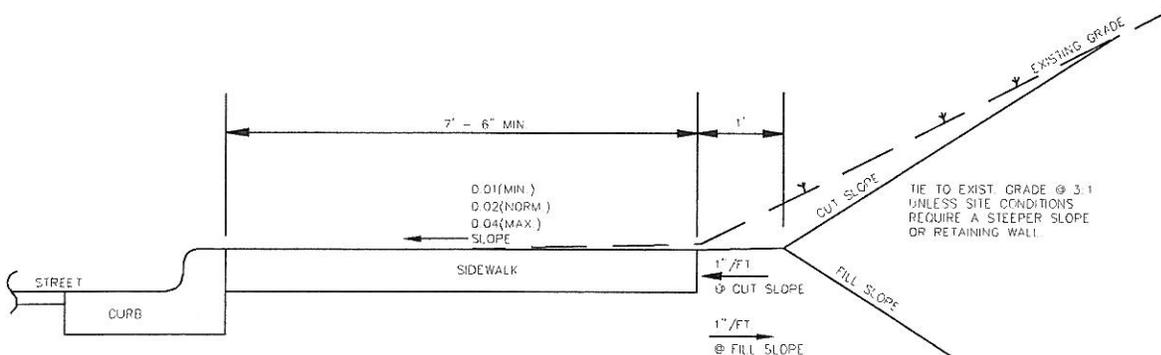
Plan date: November 20, 2013

Refer to CTP document for more details

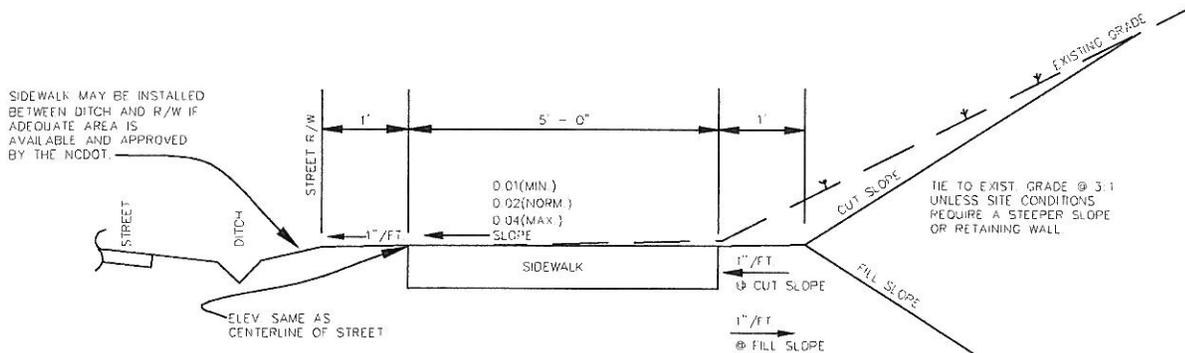


* SIDEWALKS SHALL CONNECT WITH EXISTING SIDEWALKS AT PROPERTY BOUNDARIES
WIDTH OF GRASSED UTILITY STRIP MUST BE APPROVED BY THE NCDOT ON NCDOT STREETS

SIDEWALK WITH CURB AND GUTTER STREET – OPTION "A"



SIDEWALK WITH CURB AND GUTTER STREET – OPTION "B"



SIDEWALK ALONG STREET WITHOUT CURB AND GUTTER

NOTES

- THE NCDOT WILL NOT ALLOW SIDEWALK ON THE SHOULDER OF A STREET WITHOUT CURB AND GUTTER.
- OPTION "A" OR OPTION "B" MAY BE USED ALONG STREETS WITH CURB AND GUTTER, AS NEEDED TO BE COMPATIBLE WITH THE CHARACTER OF THE AREA BEING DEVELOPED AND THE LOCATION OF EXISTING UTILITY POLES.
- DIMENSIONS MAY VARY IF REQUIRED BY THE NCDOT.
- USE 4" THICK SIDEWALK ALONG STANDARD CURB AND GUTTER.
- USE 6" THICK SIDEWALK ACROSS DRIVEWAYS AND ALONG VALLEY CURB.

SIDEWALK STANDARDS

(NOT TO SCALE) JULY, 2007

DRAWING BY CITY OF ASHEBORO ENGINEERING DEPT.

Planning Board Proposed 2015 Meeting Dates

Monday, January 5, 2015

Monday, February 2, 2015

Monday, March 2, 2015

Monday, April 6, 2015

Monday, May 4, 2015

Monday, June 1, 2015

Monday, July 7, 2015

Monday, August 3, 2015

Monday, August 31, 2015*

Monday, October 5, 2015

Monday, November 2, 2015

Monday, December 7, 2015

***In lieu of September meeting date due to Labor Day.**