

**Asheboro Planning Board  
Asheboro City Hall (146 N. Church Street)**

Monday, March 7, 2016

**7:00 PM**

**AGENDA**

- I. Call to Order
- II. Approval of Minutes from February 1, 2016 meeting
- III. Review of Cases
- IV. RZ-16-02: Rezone property located at 602 East Dixie Drive from R15 (Low-Density Residential) to B2 (General Commercial)
- V. Items Not on the Agenda
- VI. Adjournment

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**MEETING OF THE ASHEBORO PLANNING BOARD  
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.  
MONDAY, FEBRUARY 1, 2016  
7:00 p.m.**

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This being the time and place for the regular meeting of the Asheboro 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

Three (3) citizens were present at this meeting.

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES FROM JANUARY 4, 2016 MEETING**

Mr. Rich inquired if there were any corrections to be made to the minutes of the January 4, 2016 regular meeting. There being no corrections, the minutes were approved as presented.

**III. REVIEW OF CASES**

Mr. Justin Luck informed the board of the zoning related cases that the City Council heard in January.

**IV. ORGANIZATIONAL ITEMS:**

**a) Oath of Office for Mr. Rich**

Mr. Rich was sworn in for a five (5) year term as Planning Board member by Mr. Bradley Morton, Secretary of the Planning Board.

**b) Election of Board Officers**

Mr. Rich asked the board for nominations on the office of Chairman. Mr. Buffkin nominated Mr. Van Rich. There being no further recommendations, Mr. Buffkin moved to close the nominations and elect Mr. Rich by acclamation. Ms. Garner seconded the motion and the motion carried.

Mr. Rich then asked the board for nominations on the office of Vice Chairman. Mr. Whitaker nominated Mr. James Lindsey. There being no further recommendations, Mr. Whitaker moved to close the nominations and elect Mr. Lindsey by acclamation. Ms. Garner seconded the motion and the motion carried.

**c) Appointment of Board Secretary**

Upon motion by Mr. Dave Whitaker and seconded by Ms. Lynette Garner, the Board unanimously voted to recommend the appointment of Mr. Bradley Morton to serve as Secretary to the Planning Board. In accordance with

this recommendation and the Planning Board's Rules of Procedure, Board Chair Van Rich then appointed Mr. Morton to the position of Secretary to the Planning Board.

#### **V. OLD BUSINESS: RZ-16-01: GENERAL TEXT AMENDMENTS TO THE ZONING ORDINANCE**

Mr. John Evans presented further revised text amendments to Articles 200, 200A, 300A, 400, 600, 800, 1000, and 1100 as well as Tables 200-2 and 400-1. He also mentioned that Article 500 (Sign Regulations) will be proposed in a later text amendment due to the recent Supreme Court case *Reed vs. Gilbert*. He stated that some of the amendments haven't changed since the January Planning Board meeting. Additional changes since the January meeting include:

Article 200A: Revised proposal more precisely stating when provisions apply, specifically, to new businesses.

Article 400: Clerical reference to interior landscaping.

Article 600: Non conforming schools may add smaller additions without SUP. Also updating additional references to the Comprehensive Transportation Plan.

Article 800: Additional clerical/stylistic updates.

Article 1000: Update zoning permit applications contents, removed redundant double notification requirement by applicant and staff, amendment concerning who may file zoning amendment application, authorization from City Council on consent agenda to advertise upcoming zoning amendments.

Article 1100: Additional minor change to definition of commercial use.

There were no questions from the board at this time. He mentioned that there were three (3) goals and policies of the Land Development Plan that were in favor of the request. He also stated that staff found no goals and policies that were negative to the request. He stated that staff's recommendation was to approve the request because it ensures consistency with state legislation, it better reflects operational practice, it more clearly defines ambiguous language, it improves the clarity of the Ordinance and review processes, and it preserves the character of the Center City Planning Area. He provided staff's consistency statement that "considering these factors, staff believes that the proposed text amendments are supported by the Land Development Plan, correct references to other adopted comprehensive plans, such as the 2014 Asheboro Comprehensive Transportation Plan, and are therefore in the public interest in supporting a reasonable use of property".

Upon motion by Mr. Whitaker and seconded by Mr. Henderson, the Planning Board unanimously voted to approve the request. Mr. Evans stated that the City Council would hear the amendments as well as the board's recommendation at their regular February 4, 2016 meeting.

#### **VI. RZ-16-02: REZONE PROPERTY LOCATED AT 1112 SOUTH COX STREET FROM O & I (OFFICE AND INSTITUTIONAL) TO R7.5 (MEDIUM-DENSITY RESIDENTIAL)**

Mr. Evans presented the case to the board. He stated that the request was to rezone Parcel Identification Number 7750876592 from Office and Institutional O&I to Medium-Density Residential R7.5. He stated that the property was approximately 19,264 square feet and the existing land use was a single family residence. He stated that a previous rezoning was approved in September of 2007 to rezone from R7.5 to O&I, which was Case Number RZ-07-28. He showed several maps of the property as well as photography from all directions. He stated that South Cox Street was a state-maintained minor thoroughfare. He stated that the single family residence became a legal non-conforming use when the property was previously rezoned to O&I, and further noted that any additions or expansions to the property may be restricted. He mentioned the transition of mixed uses along South Cox Street. He also mentioned that topography rises away from the right of way. He stated that the property was within Tier 3 of the Center City Planning Area. He stated that the Land Development Plan designates the property as a City Activity Center according to the Proposed Land Use Map. He also stated that the property was designated as a Primary Growth area according to the Growth Strategy Map. He listed eight (8) Goals and Policies supporting the request and mentioned that there were no Goals and Policies negative to the request. He stated that staff's recommendation was to approve the rezoning because of the Central Small Area plan and the City Activity Center designation recognizing the importance of preserving existing residential neighborhoods. He also stated that the historic use of the property and many adjacent properties is residential, which is compatible to the request. He gave a consistency statement that "after considering the above factors, staff believes the proposed R7.5 district will allow a reasonable use of the property, reflecting its residential use and history, and ensuring consistency with the Land Development Plan." There were no questions for Mr. Evans at this time.

Mr. Sam Asbill stated his name and that he had no further testimony to provide. There were no questions for Mr. Asbill at this time. Mr. Rich inquired if there was any opposition to the request. There was no opposition.

Upon motion by Ms. Garner and seconded by Mr. Henderson, the board unanimously voted to approve the request.

**VII. SUBDIVISION CASE SUB-15-01: OLDE TOWNE VILLAGE SECTION II (PRELIMINARY PLAT)**

Mr. Evans presented a preliminary plat for Olde Towne Village, Section II. He gave the request overview by stating that there were 16 lots and approximately 3,616 square feet for the average lot size. He stated that the Planning Board and City Council had previously reviewed and approved a preliminary plat, but modifications require a new preliminary plat review, but not a new Special Use Permit and Sketch Design review. Specifically, the number of units has been reduced from 18 to 16, and a change in the number of attached dwellings (going from 18 attached dwellings with two units per structure to 4 attached dwellings and 12 detached dwellings). He stated that there would be approximately 573 linear feet of new street, which broke down to be 268 feet on Milbrook Drive and 305 feet on Frankton Court. He showed an overview map of the property and stated the structures proposed would be out of any flood zones. He then showed an aerial view, site and utility plans, as well as a grading plan of the property. He mentioned the sidewalks with a fire hydrant location at Milbrook Drive and Frankton Court had been reviewed and accepted by the Fire Chief. He mentioned that the Planning Department will need HOA documents including the restriction on RV parking, which is required by the Subdivision Ordinance and will need to be recorded with the final plat. He stated that staff's recommendation was to approve the request, noting all comments. Mr. Henderson had a question as to the topography and construction at such a steep slope. Mr. Stephen Turbeville, Engineering Technician with Stoltzfus Engineering Incorporated, stated that the steepest topography that's buildable is about 15 to 20 feet. He also stated that there would be a retaining wall in place. Upon motion by Mr. Rush and seconded by Mr. Lindsey, the board unanimously voted to approve the request noting all comments.

**VIII. ITEMS NOT ON THE AGENDA**

There were no items at this time.

**IX. ADJOURNMENT**

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

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Bradley Morton, Secretary, Planning Board

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Van Rich, Planning Board Chairman



**RZ-16-03: Rezone from R15 (Low-Density Residential) to B2 (General Commercial)**

(602 East Dixie Drive)

**Staff Report**

# Rezoning Staff Report

**RZ Case #** RZ-16-03

**Date** 3/7/2016 Planning Board

## General Information

**Applicant** James P. Maness and Patricia B. Maness

**Address** PO Box 352

**City** Asheboro NC 27204

**Phone** 336-318-9139 or 336-953-0749

**Location** 602 East Dixie Drive

**Requested Action** Rezone from R15 (Low-Density Residential) to B2 (General Commercial)

**Existing Zone** B2/R15 **Existing Land Use** Eating Establishment (restaurant)

**Size** 0.749 acres total (+/-) **Pin #** 7760066689 (portion)

## Applicant's Reasons as stated on application

With continued growth on US Hwy. 64/Dixie Drive, the highest and best use of this property is B-2. Requesting entire tract be zoned B-2. The property Land Use Map designates the entire property as commercial. Majority of property is zoned B-2 on which the Golden Waffle has operated since 1974. A change to all B-2 allows for optimal use of the property to its fullest extent.

## **Surrounding Land Use**

**North** Commercial **East** Commercial

**South** Single-family residential **West** Commercial

**Zoning History** N/A

## **Legal Description**

The property of James F. Maness and Patricia B. Maness, located at 602 East Dixie Drive, totaling approximately 0.749 acres (+/-) and more specifically identified by Randolph County Parcel Identification Number 776006689.

## **Analysis**

1. The property is inside the city limits. All city services are available.
2. East Dixie Drive is a state-maintained boulevard. Cliff Road is a city-maintained collector street.
3. Approximately 0.19 acres of the property is zoned R15. This portion of the property is requested for the rezoning.
4. The adjoining land uses include commercial to the north, east, and west and residential uses to the south. Buffer/screening requirements (consisting of landscaping and/or fences) between the existing/future commercial uses and adjoining residential property will likely apply (depending on the specific use or activity proposed).
5. There is currently an eating establishment (restaurant) on the property.
6. The rezoning is a general district request and would allow all uses permitted by right in the B2 (General Commercial) zoning district.

# Rezoning Staff Report

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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	Commercial
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:** The proposed rezoning is compliant with the growth strategy map

**Checklist Item 7:** The proposed rezoning is compatible with the applicable Small Area Plan

**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

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## LDP Goals/Policies Which Do Not Support Request

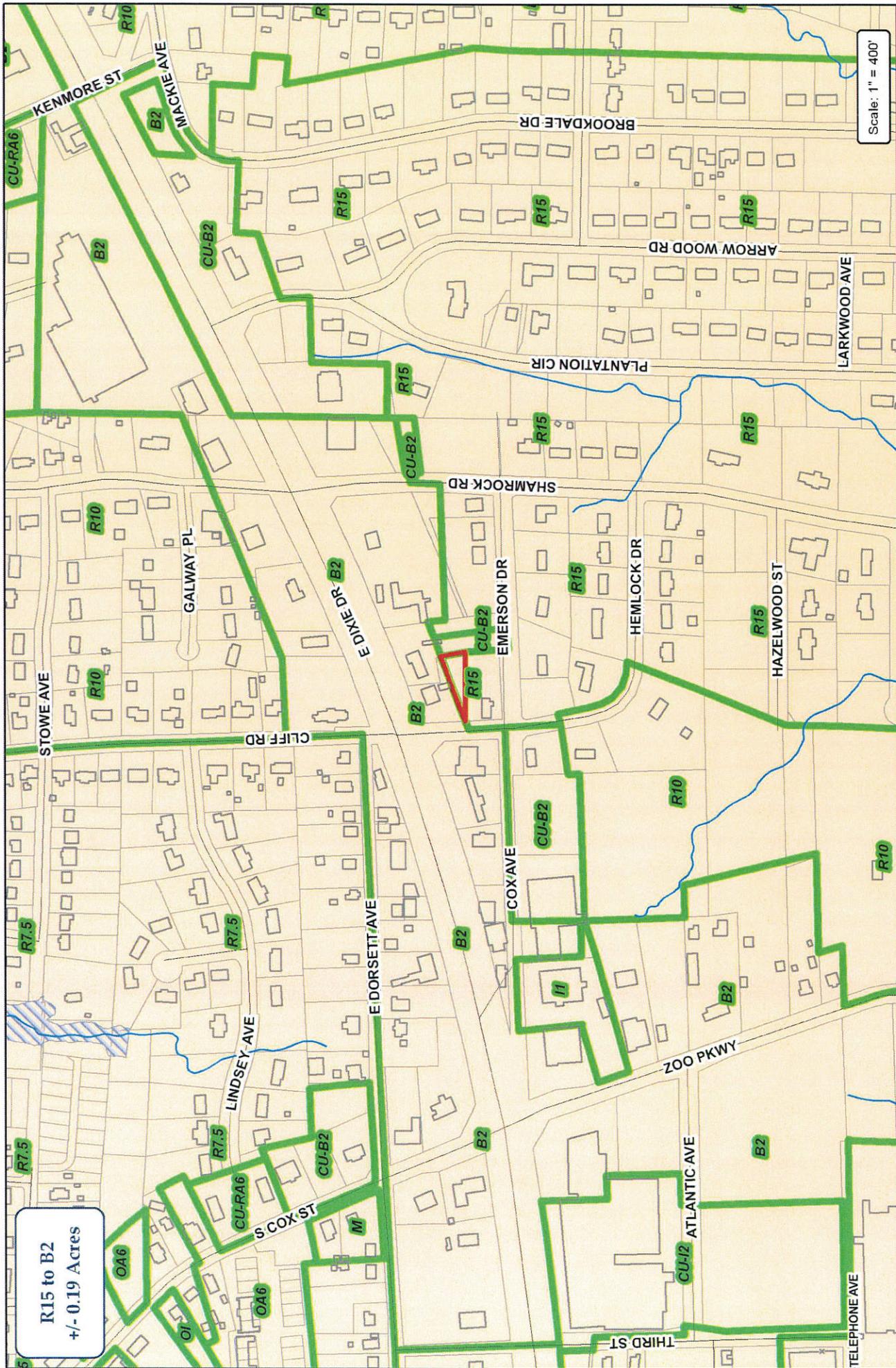
**Policy 2.1.5** The City will ensure development regulations provide appropriate transitional land uses, such as office & institutional, between high-intensity industrial/commercial & low-intensity residential uses.

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

The requested amendment (rezoning the property from R15 Low-Density Residential to B2 General Commercial) is consistent with the Land Development Plan because the proposed land use map designates the property as "Commercial", and the Central Small Area Plan proposes accommodating existing commercial uses and allowing some future commercial uses.

The requested rezoning to B2 is also reasonable and in the public interest because the B2 district is appropriate to the property's context. First, rezoning the portion of the property that is currently zoned R15 to B2 will allow uniform use of a parcel in which the majority is already commercially zoned. Second, the parcel is located along an established commercial corridor (East Dixie Dr.), the majority of which is also designated for commercial use by the Land Development Plan. Third, the property's location in the primary growth strategy area (with access to city services) and away from major environmental limitations, such as flood hazard areas or watershed areas, are conducive to commercial development characterized by the B2 district. Finally, the review process required for future development will ensure that buffering/screening and other requirements help mitigate potential impacts of commercial property onto adjoining residentially zoned property.

**Recommendation** In light of the above analysis, staff's recommendation is **approval** of this request.



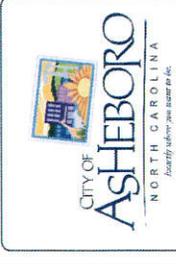
R15 to B2  
+/- 0.19 Acres

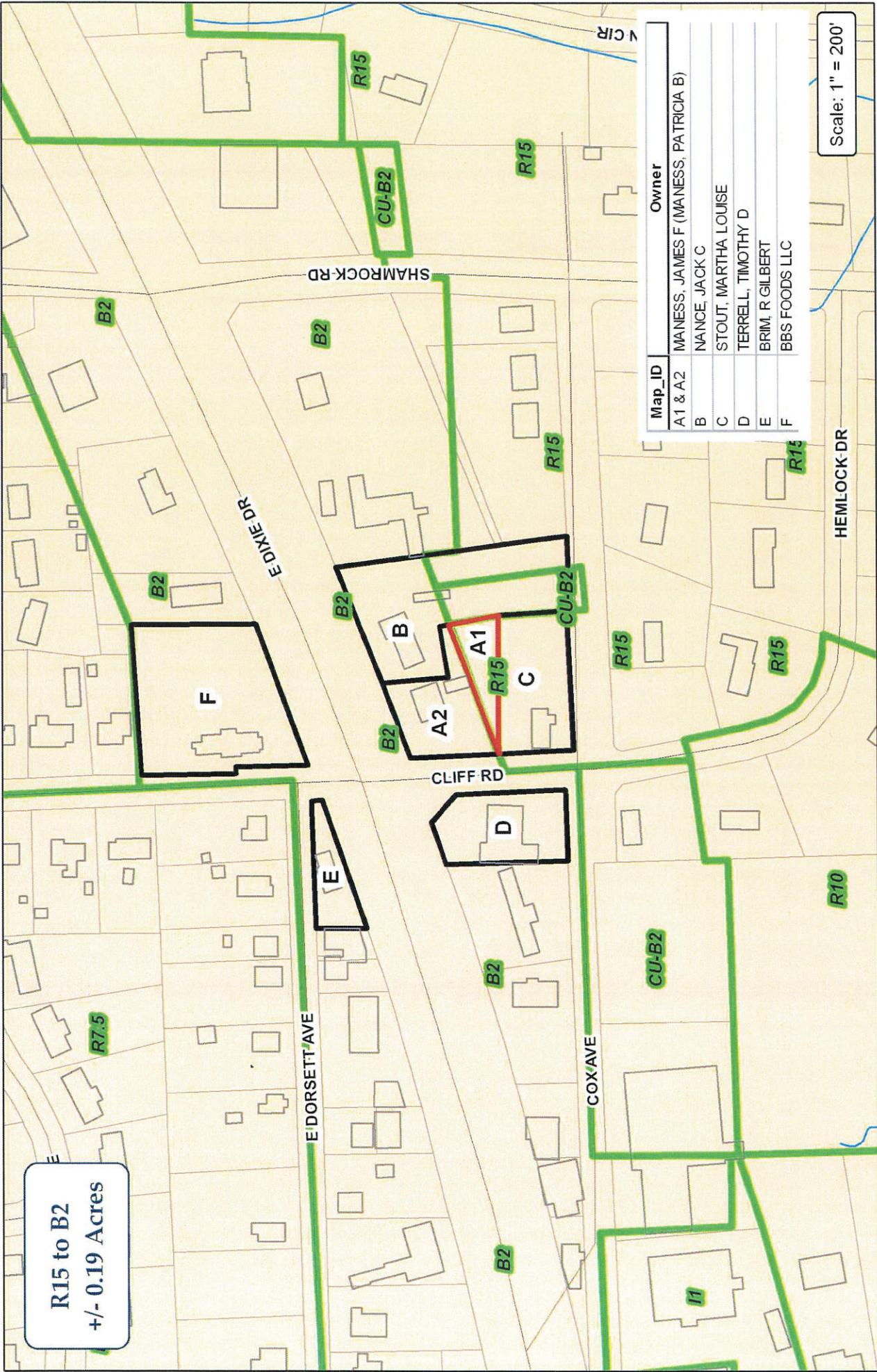
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Subject Property  
Zoning  
City Limits  
ETJ

City of Asheboro  
Planning & Zoning Department  
Rezoning Case: RZ-16-03  
Parcels: 7760066689 (pt.)





R15 to B2  
+/- 0.19 Acres

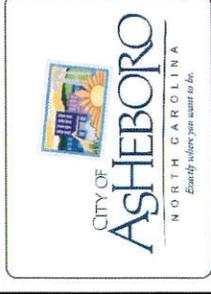
Map_ID	Owner
A1 & A2	MANESS, JAMES F (MANESS, PATRICIA B)
B	NANCE, JACK C
C	STOUT, MARTHA LOUISE
D	TERRELL, TIMOTHY D
E	BRIM, R GILBERT
F	BBS FOODS LLC

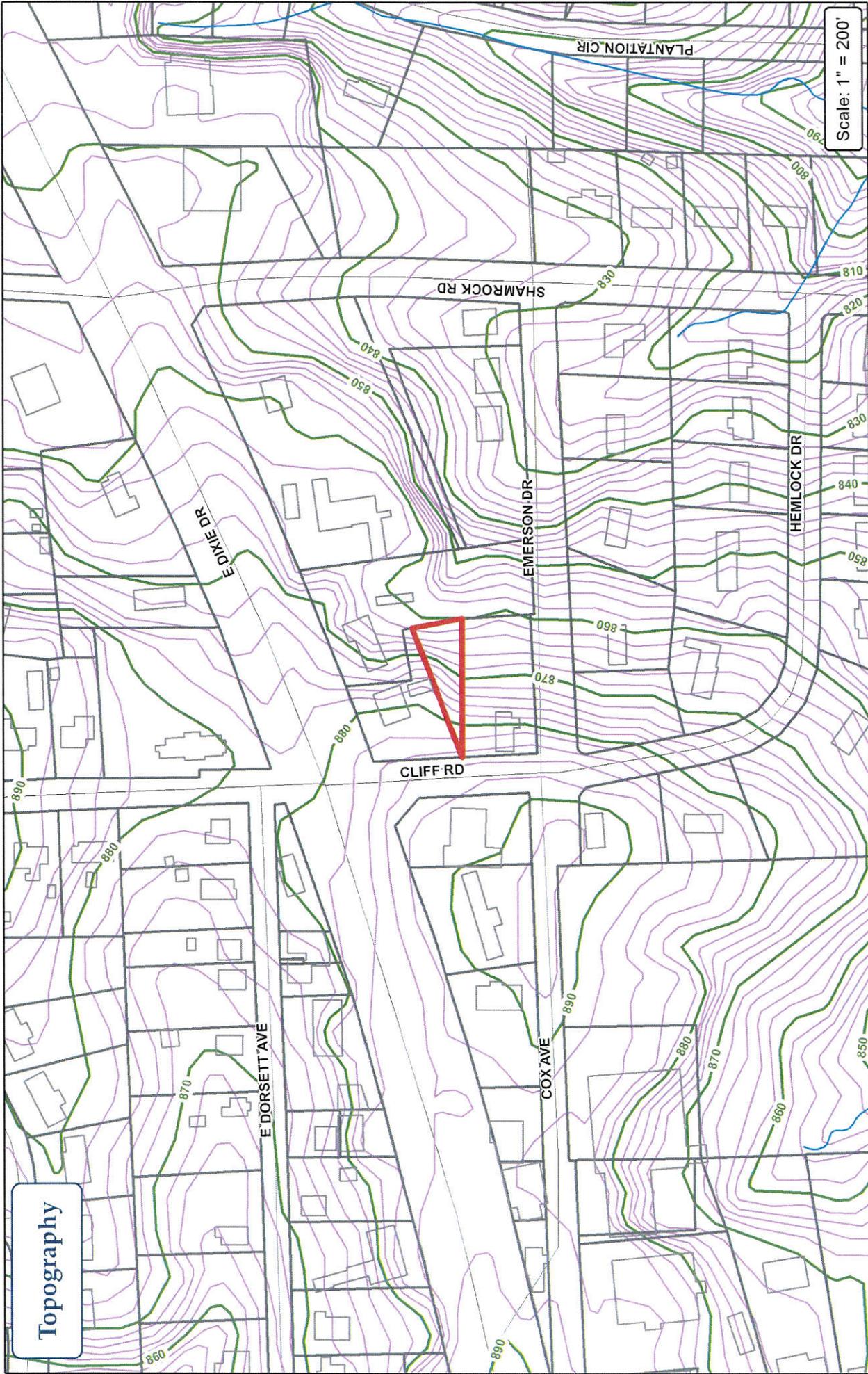
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- Subject Property
- Adjoining Properties
- Zoning
- City Limits

**City of Asheboro**  
**Planning & Zoning Department**  
**Rezoning Case: RZ-16-03**  
**Parcels: 776006689 (pt.)**





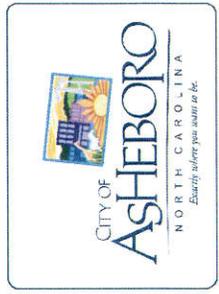
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Scale: 1" = 200'



Subject Property

**City of Asheboro**  
**Planning & Zoning Department**  
**Rezoning Case: RZ-16-03**  
**Parcels: 7760066689 (pt.)**





Subject Property  
Zoning

**City of Asheboro**  
**Planning & Zoning Department**  
 Rezoning Case: RZ-16-03  
 Parcels: 7760066689 (pt.)

