



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

Monday, July 11, 2016

**7:00 PM**

**AGENDA**

- I. Call to Order
- II. Approval of Minutes from June 6, 2016 meeting
- III. Review of Cases
- IV. RZ-16-08: Rezone property located on the south side of Crescent Drive (portion of Randolph County Parcel #7771054020) from R40 (Low-Density Residential) to CU-B2 (Conditional Use 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, JUNE 6, 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

No 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 MAY 2, 2016 MEETING**

Mr. Rich inquired if there were any corrections to be made to the minutes of the May 2, 2016 regular meeting. There being no corrections, the minutes were approved as presented.

**III. REVIEW OF CASES**

Mr. Trevor Nuttall informed the board that no zoning related cases were heard by the City Council in May. He stated that four (4) cases will be heard by the City Council at their next regular meeting on June 9, 2016.

**IV. OVERVIEW CONCERNING RECENT CHANGES TO STATE LAW RELATED TO DENSITY CREDITS/SEVERABLE DEVELOPMENT RIGHTS WHEN PUBLIC RIGHT-OF-WAY DEDICATION IS REQUIRED**

Mr. Evans gave a visual presentation on the recent changes to state law related to density credits/severable development rights when public right-of-way dedication is required. He stated that these changes would be in the form of a text amendment which would likely be seen in the next month or two. He stated that the severable development rights (which involve transfer of development rights from one parcel to a parcel in a different location in a receiving district) likely would not apply for the city but the density credits would. He stated that the changes would result in the city potentially providing density credits versus how the law reads now, which just gives the city an option to provide the credits. He stated that whatever density credit the city applies, it must allow a reasonable use of the property. He stated that the credits would apply in a few different scenarios. He stated that the credits may apply if the Comprehensive Transportation Plan (CTP) calls for additional right of way on an existing roadway or if a new roadway is identified by the CTP. He stated that the credits are excluded with eminent domain since a property owner would receive monetary compensation for their property or if, in the interior of a subdivision, local streets aren't identified by the CTP. He showed examples of each scenario. He stated that possible text amendments would likely occur in July, with the City Council hearing the amendments in August, but these dates were still tentative.

Mr. Nuttall gave a recent example of Forest Ridge Subdivision, where the plan called for a North/South connector and the developer was required to plat an 80 foot right of way instead of the required 50 foot right of way. He also mentioned an example of how requiring right-of-way dedication during the subdivision process can impact the

number of lots that could be developed on a property and how the density credit provision attempts to address that issue.

Mr. Henderson asked what the role of the Planning Board would be. Mr. Evans indicated that the Board would be reviewing and commenting on the density credits, but the City Council would be taking the final action (similar to other subdivision requests). Mr. Nuttall also stated that the board would be viewing proposals and comparing those proposals with the CTP. He stated that this process would be very site specific. There were no more questions on this item.

**V. ITEMS NOT ON THE AGENDA**

Mr. Nuttall spoke on the Essential Single Family Rehabilitation Loan Pool for 2016(ESFRLP16). He stated that Randolph County's application for the loan pool has been approved and that the city will be helping the County with promotion as well as any applications that are received by owner occupied homeowners who reside in the corporate city limits of Asheboro. The program will be open to eligible homeowners anywhere in Randolph County. He stated that the ESFRLP16 offers around \$25,000 per home up to \$175,000 with the potential to obtain more funding (available to all counties participating in the program) on a first-come first-serve basis. He stated that a lot more work can be done with this amount of money compared to the Urgent Repair Program(URP15). He stated that the URP15 is wrapping up with minor punch list items to be completed.

**VI. 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-16-08: Rezone from R40 (Low-Density Residential) to CU-B2  
(Conditional Use General Commercial)**

(Crescent Drive)

**Staff Report**

# Rezoning Staff Report

RZ Case # **RZ-16-08**

Date 7/11/2016 PB

8/4/2016 City Council

## General Information

**Applicant** Larry McKenzie

**Address** 1087 Bunting Road

**City** Asheboro NC 27205

**Phone** 336-953-2913

**Location** Cresnet Drive

**Requested Action** Rezone from R40 (Low-Density Residential) to CU-B2 (Conditional Use General Commercial)

**Existing Zone** R40 **Existing Land Use** Undeveloped (formerly agricultural)

**Size** 3.38 acres +/- (of 7.6 acres total) **Pin #** 7771054020 (portion)

## Applicant's Reasons as stated on application

High traffic on Hwy. 64 should make all property commercial in the future. The plan calls for this to be zoned commercial. This is a prime spot for commercial, was used for a commercial nursery for years.

## **Surrounding Land Use**

**North** Single-family residential

**East** Industrial/Commercial/Single-Family Residential

**South** Commercial

**West** Place of Worship/Commercial (vacant dwelling zoned B2)

**Zoning History** N/A

## **Legal Description**

A portion of Randolph County Parcel #7771054020 (Lots 181-199 and portions of Lots 200-205) totaling approximately 3.38 acres +/-, located on the south side of Cresnet Drive and owned by McMc Properties LLC

## **Analysis**

1. US Hwy. 64 is a state-maintained boulevard. Cresnet Drive is a state-maintained road that is approximately 16' to 18' in width.
2. The property is outside of the city limits. Water is currently available (at the rate available to properties outside of the city limits). Sewer is currently unavailable.
3. The north side of Cresnet Drive consists of single-family residential uses. The south side of Cresnet Drive (where the property is located) consists of single-family residential uses, a place of worship, and a legal non conforming industrial use adjacent to the east side of the property.
4. The portion of the property proposed for rezoning was previously used for agricultural use (greenhouses). The remainder of the property zoned B2 was previously used for multiple commercial uses plus a single-family dwelling.
5. The request to rezone the property is also being filed with a request for a Conditional Use Permit for a Mobile Home Sales Lot, which will be considered by City Council on August 4, 2016.
6. The southern portion of the property zoned B2 will remain zoned B2, allowing any use permitted by right in the B2 district, including a Mobile Home Sales Lot.
7. City staff has received written comments in opposition to the request. These will be presented to City Council pursuant to the Asheboro Zoning Ordinance Section 1011.7 and NC General Statute 160A-385(a)(1),

# 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	East
Growth Strategy Map Designation	Economic Development

## 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 objectives of the Growth Strategy Map.

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

**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

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## LDP Goals/Policies Which Do Not Support Request

**Checklist Item 6:** Existing infrastructure is adequate to support the desired zone. (water, sewer, roads, schools, etc.)

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

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

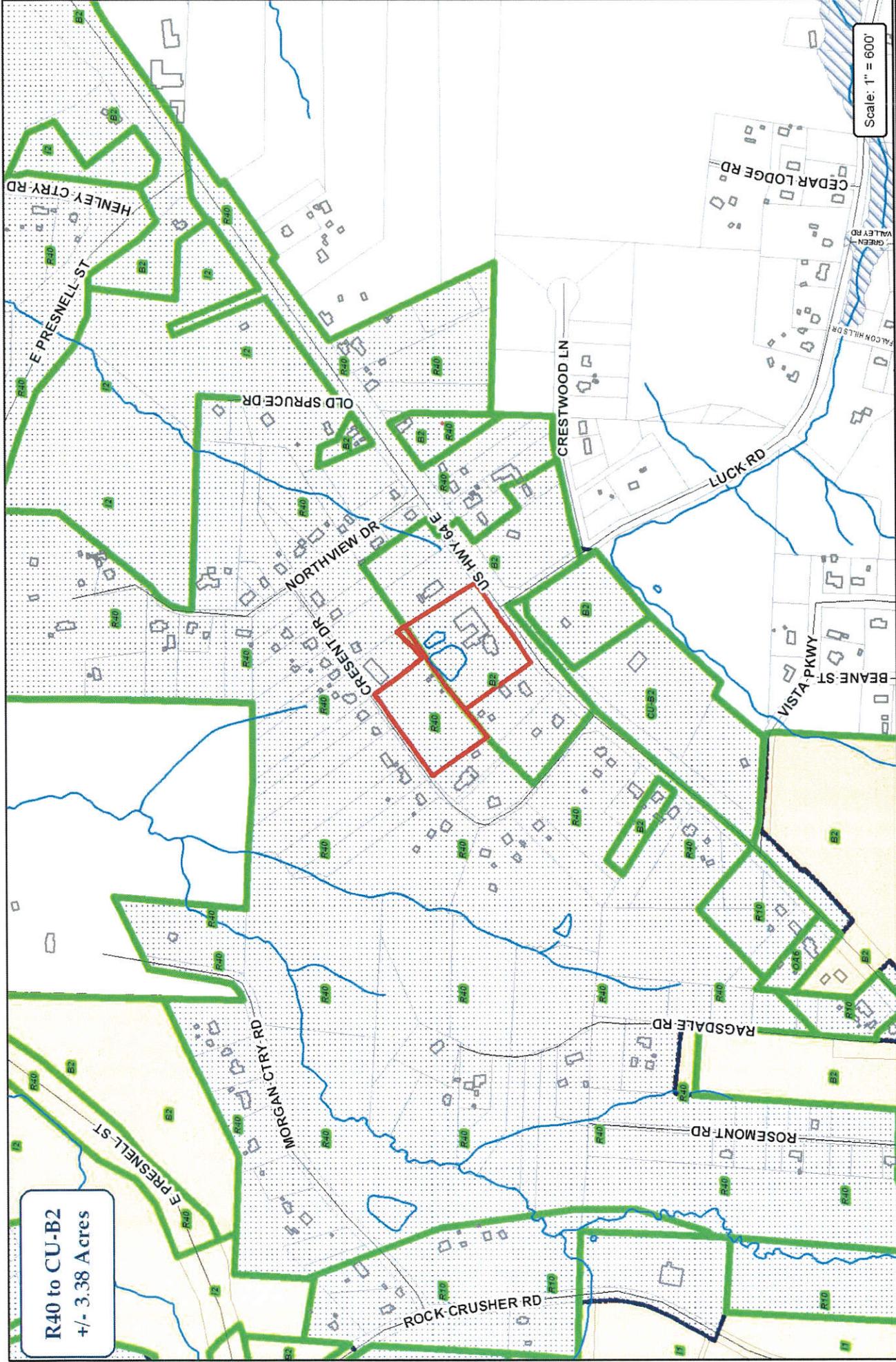
The growth strategy map places the property within an economic development area and the East Small Area Plan specifically calls for expansion of commercial development on US Hwy. 64 East, which has increasingly occurred in this vicinity in recent years.

While the LDP proposed land use map specifies "commercial" use on the property, the text generally acknowledges the need for a zoning district sensitive to potential negative impacts of commercial development on adjoining uses (particularly residential uses). It also recognizes situations in which infrastructure limitations (i.e. street design, utilities) make a general district rezoning inappropriate on property for which the LDP proposes a commercial use. These considerations, combined with the property's location outside of flood areas, watersheds, or areas with considerably steep slopes make a CU-B2 district request reasonable.

In evaluating these factors, the requested Conditional Use General Commercial district is a suitable commercial designation for the property since the Conditional Use permitting process can consider the proposed use of the property and the manner in which the property is developed to mitigate negative effects on adjoining properties.

For these reasons, staff believes the proposed CU-B2 district is consistent with the adopted comprehensive plan, and therefore reasonable and in the public interest.

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



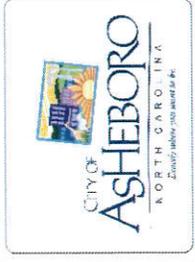
**R40 to CU-B2  
+/- 3.38 Acres**

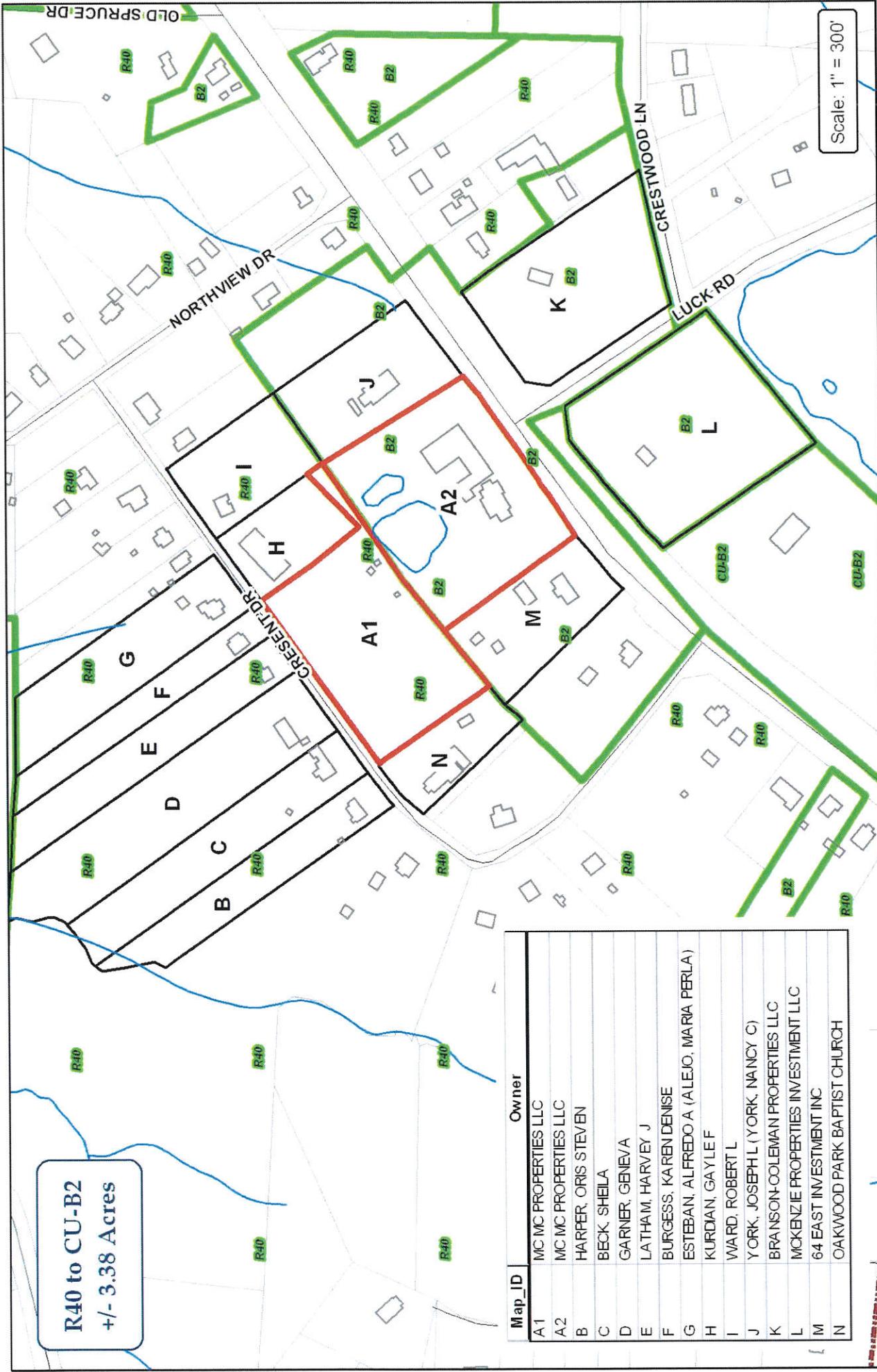
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Subject Property  
 Zoning  
 City Limits  
 ETJ

City of Asheboro  
 Planning & Zoning Department  
 Rezoning Case: RZ-16-08  
 Parcel: 7771054020 (pt.)



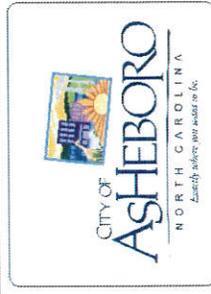


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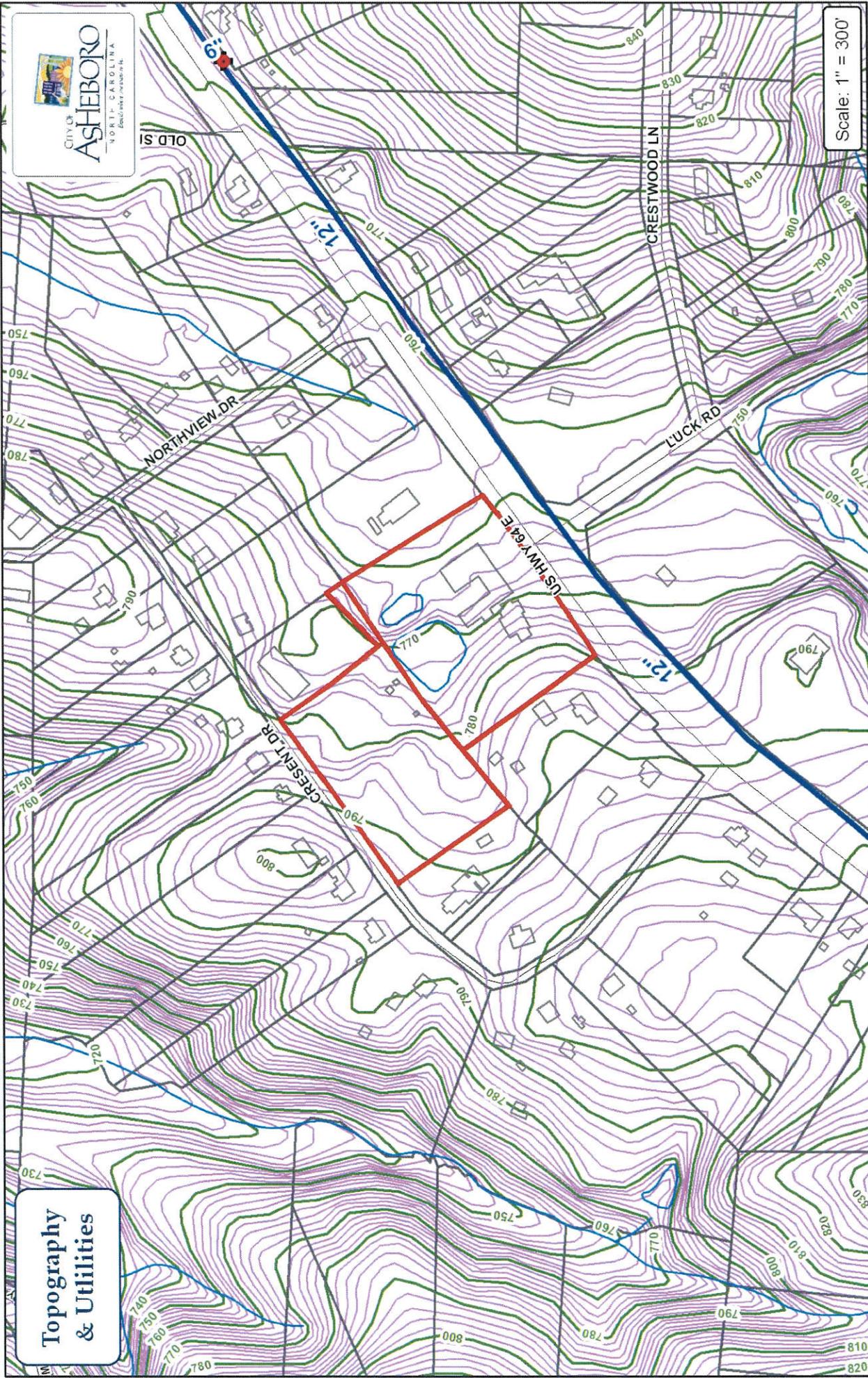
Subject Property  
 Adjoining Properties  
 Zoning  
 City Limits

**City of Asheboro**  
**Planning & Zoning Department**  
**Rezoning Case: RZ-16-08**  
**Parcel: 7771054020 (pt.)**



**R40 to CU-B2**  
**+/- 3.38 Acres**

Map_ID	Owner
A1	MC MC PROPERTIES LLC
A2	MC MC PROPERTIES LLC
B	HARPER, ORIS STEVEN
C	BECK, SHEILA
D	GARNER, GENEVA
E	LATHAM, HARVEY J
F	BURGESS, KAREN DENISE
G	ESTEBAN, ALFREDO A (ALEJO, MARIA PERLA)
H	KURDJIAN, GAYLE F
I	WARD, ROBERT L
J	YORK, JOSEPH L (YORK, NANCY C)
K	BRANSON-COLEMAN PROPERTIES LLC
L	MCKENZIE PROPERTIES INVESTMENT LLC
M	64 EAST INVESTMENT INC
N	OAKWOOD PARK BAPTIST CHURCH



City of Asheville  
 Planning & Zoning Department  
 Rezoning Case: RZ-16-08  
 Parcel: 7771054020 (pt.)

	Water Main		Fire Hydrant
	Sewer Main		Pump Station
	Force Main		

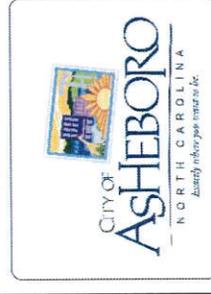


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Subject Property  
 Zoning

City of Asheboro  
 Planning & Zoning Department  
 Rezoning Case: RZ-16-08  
 Parcel: 7771054020 (pt.)



Aerial