

A-G-E-N-D-A
REGULAR MEETING
PLANNING BOARD
CITY HALL CONFERENCE ROOM
308 E. STADIUM DRIVE

TUESDAY, JANUARY 22, 2019
5:30 P.M.

1. Meeting called to order.
2. Roll Call.
3. Set Meeting Agenda.
4. Approval of minutes of the special meeting on January 3, 2019.
5. New Business:

A. ZONING CASE Z-19-01 MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone property at 354 W. Meadow Road from Office & Institutional to Business – General. Submitted by Riverbluff Property, LLC, Property Owner.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 354 W. Meadow Road from Office & Institutional to Business – General.

B. ZONING CASE Z-18-06 TEXT AMENDMENT

- (1) Board to initiate action concerning disabled motor vehicles.
- (2) Consideration of a zoning text amendment request to amend Section 11.29(a) Definitions to include a definition for Disabled Motor Vehicles and to amend Section 11.22 General Provisions to include provisions pertaining to the regulation of Disabled Motor Vehicles.
- (3) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment request to amend Section 11.29(a) Definitions to include a definition for Disabled Motor Vehicles and to amend Section 11.22 General Provisions to include provisions pertaining to the regulation of Disabled Motor Vehicles.

6. Items from Staff:
7. Items from the Planning Board:
8. Adjournment.

**PLEASE CALL THE PLANNING AND
INSPECTIONS DEPARTMENT IMMEDIATELY
TO LET US KNOW YOUR PLANS FOR
ATTENDING THE MEETING
336-623-2110 OPTION 2**

EDEN PLANNING BOARD
JANUARY 3, 2019

A special meeting of the Eden Planning Board was held on Thursday, January 3, 2019, at 5:30 P.M. in the conference room at City Hall. Members present:

Eddie Barker
Amelia Dallas
Barbara Garland
Carol Helms
Jerry W. Holland, Jr.
Steve Morgan
Fred Ramsey
Matthew Smith
Frank Wyatt
Gwen Taylor
Steve Morgan

Members absent:

Staff Present: Kelly K. Stultz, Planning Director
Debra M. Madison, Planning Coordinator/Legal Assistant

Others Present: Charles Clark

*Excused absence.

Chairman Matthew W. Smith called the meeting to order.

ROLL CALL:

Debra Madison took note of everyone that was present and established a quorum.

SET MEETING AGENDA:

Jerry Holland made a motion to set the agenda as presented. Steve Morgan seconded the motion. Motion carried unanimously.

ELECTION OF OFFICERS

Jerry Holland made a motion that Matt Smith be elected as Chairman. Steve Morgan seconded the motion and it passed unanimously.

Eddie Barker made a motion that Jerry W. Holland, Jr. be elected as Vice-Chairman. Carol Helms seconded the motion and it passed unanimously.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON JULY 24, 2018.

The minutes of the regular meeting on July 24, 2018, were presented to the Board. Amelia Dallas made a motion that the minutes be approved. Carol Helms seconded the motion. Motion carried unanimously.

NEW BUSINESS:

- | A. | ZONING CASE | Z-18-07 | TEXT AMENDMENT |
|-----------|--|----------------|-----------------------|
| (1) | Consideration of a zoning text amendment request to amend Section 11.24(o) to add Recycling Facilities as a permitted use in the Industrial-2 District. Submitted by Charles Clark, potential owner of a property located in an Industrial-2 District. | | |
| (2) | Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment request to amend Section 11.24(o) to add Recycling Facilities as a permitted use in the Industrial-2 District. | | |

Mrs. Stultz explained that this was an application for a text amendment which would affect every parcel that is zoned I-2 and not just the parcel that the applicant is trying to purchase. She presented the Staff Report and reminded the board that the City has previously approved recycling facilities in the I-3 District. The Staff Report included a recommendation that the Board recommend denial of the text amendment to the City Council.

The applicant, Charles Clark, passed out information about his proposed use of the property that he is trying to purchase. He explained that he does mobile recycling that includes motors, catalytic converters, wheels, transmissions and currently buys from the Tri-City dealerships as well as others in Eden. If he were to run a recycling business on an I-2 site, everything pertaining to the business would be behind a fence and would not be stock piled.

After discussion and questions being answered by Charles Clark, Steve Morgan made a motion to recommend denial of the amendment. Jerry Holland seconded the motion. Motion carried with 9 in favor of the motion and 1 opposed.

Jerry Holland made a motion to adopt the Consistency Statement that the amendment is not consistent with the Land Development Plan. Steve Morgan seconded the motion and it passed.

ITEMS FROM STAFF:

Eddie Barker ask if it was possible to get a recycling center in the City of Eden. Kelly explained that the City needs one but it would have to meet the requirements of the I-3 Special Use regulations.

A regular meeting will be held on January 22, 2018, to start updating the sign regulations in the Zoning Ordinance.

ITEMS FROM THE PLANNING BOARD:

None

ADJOURNMENT:

There being no further business to come before the Board, Steve Morgan made a motion for adjournment. Eddie Barker seconded the motion. Motion carried unanimously.

Respectfully submitted,

Kelly K. Stultz, Administrative Assistant to
the Planning Board

Attest:

Matthew W. Smith, Chairman



PLANNING & INSPECTIONS DEPARTMENT
APPLICATION FOR ZONING ORDINANCE AMENDMENT

PETITION FOR MAP AMENDMENT

INSTRUCTIONS: Please complete this application and provide the required information. In order for this application to be accepted, all applicable sections of this form must be completed, all required information provided and the application fee paid at the time of submittal.

(1) APPLICANT INFORMATION:

NAME: Riverbluff Properties TELEPHONE: 336-932-3456
MAILING ADDRESS: 109 Ferrell Street
CITY Eden STATE NC ZIP CODE 27288
APPLICANT'S PROPERTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S):
owner

(2) PROPERTY OWNER INFORMATION:

NAME: (same) TELEPHONE: _____
MAILING ADDRESS: _____
CITY _____ STATE _____ ZIP CODE _____

(3) PROPERTY INFORMATION:

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 70701682081500
Parcel # 106622
STREET LOCATION: 354 W. Meadow Road
DEED BOOK: 1158 PAGE NUMBER 1835
YEAR CURRENT OWNER ACQUIRED PROPERTY: 2018
PROPERTY SIZE (in acres or in square feet if less than 1 acre): 3.777
PUBLIC WATER AVAILABLE YES ___ NO PUBLIC SEWER AVAILABLE YES ___ NO
CURRENT USE OF PROPERTY: (Planned micro-brewery)

(4) ZONING INFORMATION:

EXISTING ZONING DISTRICT: O+I REQUESTED ZONING DISTRICT: B-6

(5) ADDITIONAL INFORMATION:

INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED DEED TO THE PROPERTY.
INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED PLAT OR SURVEY FOR THE PROPERTY. IF SUCH A PLAT DOES NOT EXIST, THEN INCLUDE A MAP THAT INDICATES THE DIMENSIONS OF THE PROPERTY.

(6) APPLICANT CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

Fatima Snow
Applicant's Signature

1/2/2019
Date of Signature

(7) PROPERTY OWNER(S) CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

Fatima Snow
Property Owner's Signature

1/2/2019
Date of Signature

Property Owner's Signature

Date of Signature

(8) CORPORATION CERTIFICATION:

IT IS HEREBY CERTIFIED, that _____, a Corporation, is the owner in fee simple of lands which is described in this application for zoning ordinance amendment and that the Corporation hereby petitions the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

IN TESTIMONY WHEREOF, that said Corporation has caused these presents to be signed by its duly authorized officer and has caused its Corporate Seal to be affixed thereto.

Witness the signature(s) and seal(s) this _____ day of _____, 20_____.

CORPORATE SEAL

Name of Corporation

Secretary

By: _____

President

DEPARTMENTAL USE ONLY

APPLICATION NUMBER: 2-19-01

FEE PAID: ✓

RECEIVED BY: KKS

DATE: 1-2-2019

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING CASE REPORT
January 2, 2019**

CASE NUMBER:	Z-19-01
EXISTING ZONING DISTRICT:	O&I
REQUESTED ZONING DISTRICT:	B-G
APPLICANT:	Riverbluff Properties – Katrina Snow
APPLICANT’S STATUS:	Property Owner

PROPERTY INFORMATION

LOCATION:	354 W. Meadow Rd.
PIN:	7070-1682-0815
SIZE:	3.77 acres
ACCESS:	Meadow Road
LAND USE:	Vacant (Former water filtration plant)
PHYSICAL CHARACTERISTICS:	Industrial type building on large lot
ZONING HISTORY:	Zoned O&I at time of original zoning

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north (across Meadow Rd.) by O&I property containing a single-family residence on a large lot and BG property containing a commercial business; on the east by O&I property containing a vacant building (former City Hall); on the west by O&I properties containing a commercial building and a single-family residence; on the south by a large parcel of undeveloped O&I property and by O&I property owned by the City containing the entrance to the Smith River Greenway.	
ADJACENT ZONING:	North:	O&I and B-G
	South:	O&I
	East:	O&I
	West:	O&I

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS:	Yes
PUBLIC WATER AVAILABLE:	Yes
PUBLIC SEWER AVAILABLE:	Yes
LAND DEVELOPMENT PLAN (2007):	Commercial
FLOOD HAZARD AREA:	None
WATER SUPPLY WATERSHED:	None

STAFF ANALYSIS

The request is to rezone a 3.77 acre parcel from Office and Institutional to Business General. The O&I District is established primarily for office and institutional uses which have only limited contact with the general public and which have no offensive noises, odors, smoke, fumes, and other objectionable conditions. As residences are permitted in this district and as this district is usually adjacent to residential districts, provisions are made for yards, off-street parking and off-street loading areas. The B-G Business Districts are generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of land is for dispensing retail goods and services to the community and to provide space for wholesaling and warehousing activities. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement, and suitable landscaping.

The subject parcel is located near the Smith River in an area that has mostly commercial uses with some residential and undeveloped land. There is a single-family residence across River Road to the west of the property. The property is located at the entrance to the Smith River Greenway. The property in question is a large open parcel containing a building which formerly housed the water treatment plant for Fieldcrest Mills. The property was most recently used as a garden center, but has been vacant for some time. There has been no recent development pressure in the area. There is commercial BG property directly across Meadow Road and to the east, as well as across the Smith River to the west. Due to the proximity to the other commercial uses in the area, and the location on a major commercial thoroughfare, staff is of the opinion that rezoning the subject parcel to BG would be a good use for the existing building and the property, would not be detrimental to the neighborhood and would be in harmony with the surrounding area.

Based upon the character of the area, the location of the property and the other commercial uses in the area, staff recommends in favor of the request.

STAFF RECOMMENDATION:

Approval of the BG request.

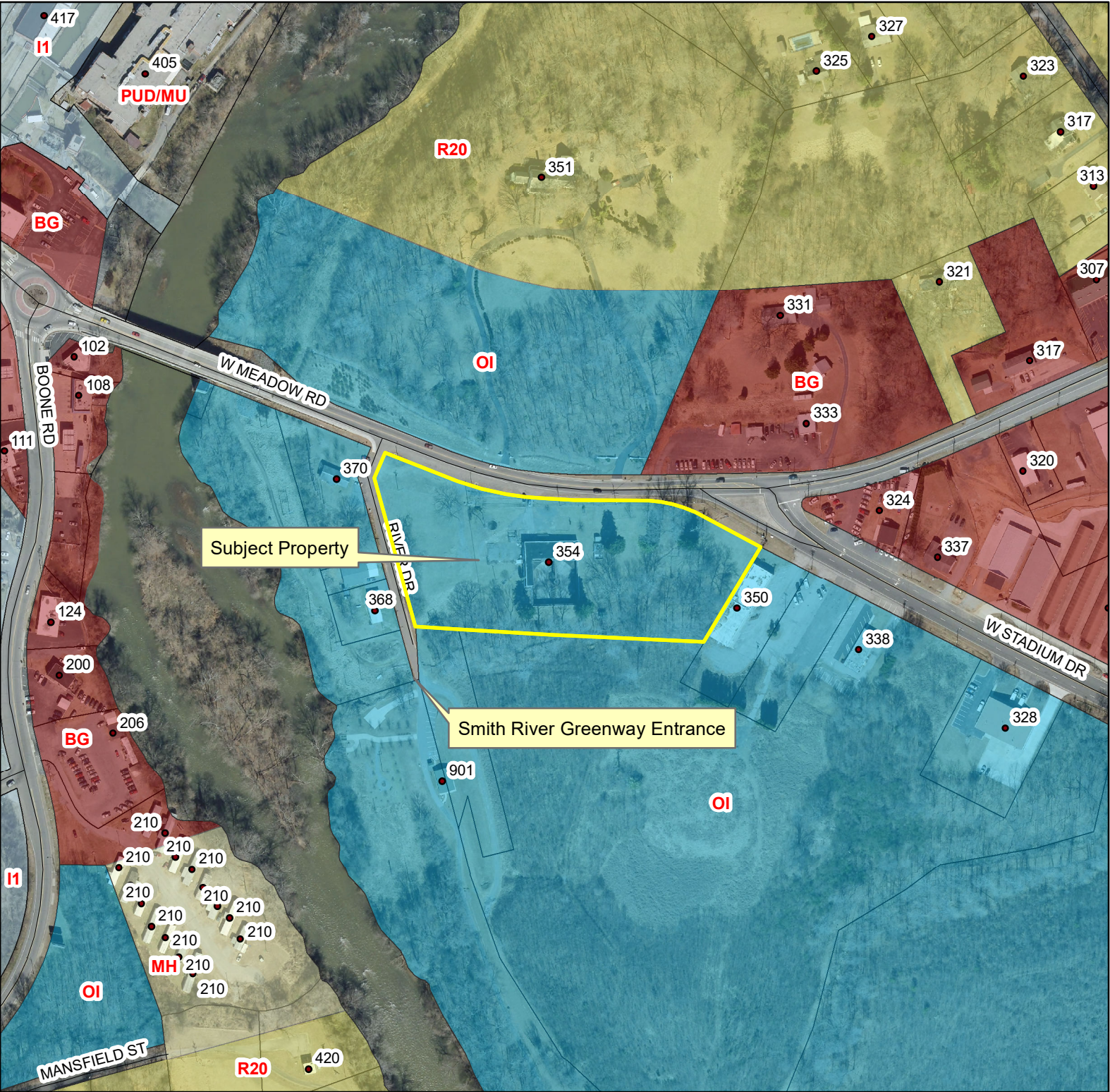


ZONING CASE
Z-19-01
AERIAL MAP



354 W. Meadow Road
Zoned:
Office & Institutional
Requested:
Business-General

ZONING CASE
Z-19-01
ZONING MAP



354 W. Meadow Road

**Zoned:
Office & Institutional**

**Requested:
Business-General**

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-19-01
MAP AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, all City of Eden zoning decisions must be made in accordance with the Land Development Plan. Prior to adopting or rejecting any zoning amendment, the City of Eden Planning Board shall advise and comment in writing as to whether the proposed amendment is consistent with the Land Development Plan and why the Board considers the action taken to be reasonable and in the public interest; and

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances; and

WHEREAS, the City of Eden Planning Board received a request for an amendment to the Zoning Ordinance as follows:

To rezone property located at 354 W. Meadow Road from Office & Institutional to Business - General.

STATEMENT OF NEED:

The property was most recently used as a garden center, but has been vacant for some time. There has been no recent development pressure in the area. There is commercial BG property directly across Meadow Road and to the east, as well as across the Smith River to the west. Due to the proximity to the other commercial uses in the area, and the location on a major commercial thoroughfare, staff is of the opinion that rezoning the subject parcel to BG would be a good use for the existing building and the property, would not be detrimental to the neighborhood and would be in harmony with the surrounding area. The property is located in an area designated as Commercial Center in the City of Eden Land Development Plan. The rezoning of the property would bring it in compliance with the Land Development Plan.

STATEMENT OF CONSISTENCY.

The goals of the 2007 City of Eden Land Development Plan, as amended, are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.

- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

WHEREAS, The Board finds that this amendment will not be consistent with the goals and policies expressed in the Land Development Plan, including, but not limited to, strategically locating new land development in appropriate places; maintaining the city's character; using infrastructure investments as effectively as possible, attracting new jobs and a more diverse tax base; and protecting natural, cultural and historic resources and open space with growth consistent with our Growth Strategy Map and Future Land Use Map;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD THAT:

1. The Planning Board of the City of Eden finds that the proposed amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.
2. At no time are land use regulations or plans of the City of Eden, nor any jurisdiction in the State of North Carolina, permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendment to the Zoning Ordinance is reasonable and in the public's best interest.

Approved, adopted and effective this 22nd day of January, 2019.

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING TEXT AMENDMENT REPORT
September 27, 2018**

CASE NUMBER: Z-18-06

REQUESTED ACTION: To amend Section 11.29(a) Definitions to include a definition for Disabled Motor Vehicles and to amend Section 11.22 General Provisions to include provisions pertaining to the regulation of Disabled Motor Vehicles.

APPLICANT: Planning Board

EXISTING TEXT

Section 11.22 (None)

Section 11.29(a) (None)

PROPOSED TEXT

Section 11.29(a) Definitions

Disabled Motor Vehicle: A Disabled Motor Vehicle shall be defined as any motor vehicle that meets one or more of the following criteria:

- (a) Does not display a current license plate; or
- (b) Is partially dismantled or wrecked; or
- (c) Cannot be self-propelled or moved in the manner in which it was originally intended; or
- (d) Is more than five (5) years old or is worth less than \$500.

Nothing in this definition shall be construed to apply to any vehicle in an enclosed building or vehicle on the premises of a business enterprise being operated in a lawful place and manner and the vehicle being necessary to the operation of the business enterprise, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.

Section 11.22

(t) **Disabled Motor Vehicles** – The parking, storage or use of vehicles may be allowed as accessory to any use allowed by this Ordinance, subject to the following standards:

- (1) **Residential Uses**

- (a) One disabled vehicle is allowed on a lot with a single-family dwelling or duplex dwelling, provided the disabled vehicle is parked or stored behind the front building line of the principal structure.
 - (b) Additional disabled vehicles on a single-family or duplex lot and any disabled vehicle parked or stored on a lot with any other residential use shall be located within a fully enclosed principal or accessory structure.
- (2) **All Other Uses**
- (a) A disabled motor vehicle may be parked or stored on a lot containing an agricultural, institutional, commercial, or industrial use, provided it is totally screened from view from any street or residential zoning district or use.
 - (b) The disabled vehicle shall be stored within a fully enclosed building or fully screened by a building, opaque fence, wall, or other approved method, to a height of six (6) feet above grade level.
- (3) For non-residential uses: unless otherwise specifically allowed as a permitted use in a particular zoning district, (i.e., Automobile Repair Garages, Automobile Storage and Temporary Towing Services), one (1) disabled motor vehicle is allowed to be kept or stored on a lot as an accessory to a principal use, provided the disabled vehicle is parked or stored behind the front building line of the principal structure and is fully screened and not visible from the street or from any residential use or district. Acceptable screening may include a solid fence, a tarp or similar type of covering, and or a fully enclosed structure.
- (4) No disabled motor vehicle shall be permitted to be kept or stored on any vacant lot without a principal use structure.

GENERAL INFORMATION

This request was submitted by the Planning Board.

STAFF ANALYSIS

This amendment was initiated in response to continued issues and complaints of disabled motor vehicles being stored or kept continually on properties all over the city. Such vehicles create an eyesore for the community and can often constitute a safety or health hazard. Currently, the City Code requires that a disabled vehicle must display a current license plate AND meet one of the following criteria:

- (1) The vehicle is partially dismantled or wrecked;
- (2) The vehicle cannot be self-propelled in the manner in which it was intended; or
- (3) The vehicle is more than five (5) years old and worth less than \$500.

Often when a complaint is received about a “junk” vehicle, the owner can put a tag on the vehicle, but the eyesore or nuisance continues. The intent of this amendment is to address this issue, as well as to lay out specific criteria for the keeping or storage of disabled motor vehicles.

Therefore, staff recommends that the Zoning Ordinance be amended to include a definition and specific regulations for the keeping and storage of disabled motor vehicles.

Based upon the foregoing information, staff recommends in favor of the text amendment.

STAFF RECOMMENDATION:

Approval of the text amendment.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-18-06
TEXT AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, all City of Eden zoning decisions must be made in accordance with the Land Development Plan. Prior to adopting or rejecting any zoning amendment, the City of Eden Planning Board shall advise and comment in writing as to whether the proposed amendment is consistent with the Land Development Plan and why the Board considers the action taken to be reasonable and in the public interest; and

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances; and

WHEREAS, the City of Eden Planning Board received a request for an amendment to the Zoning Ordinance as follows:

To amend Section 11.22 General Provisions and Section 11.29(a) Definitions, to include provisions pertaining to the regulation of Disabled Motor Vehicles.

STATEMENT OF NEED:

This amendment was initiated in response to continued issues and complaints of disabled motor vehicles being stored or kept continually on properties all over the city. Such vehicles create an eyesore for the community and can often constitute a safety or health hazard. Often when a complaint is received about a "junk" vehicle, the owner can put a tag on the vehicle, but the eyesore or nuisance continues. The intent of this amendment is to address this issue, as well as to lay out specific criteria for the keeping or storage of disabled motor vehicles.

STATEMENT OF CONSISTENCY.

The goals of the 2007 City of Eden Land Development Plan, as amended, are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.

- E. Protect natural, cultural and historic resources and open space as we grow.

WHEREAS, The Board finds that this amendment will be consistent with the goals and policies expressed in the Land Development Plan, including, but not limited to, strategically locating new land development in appropriate places; maintaining the city's character; using infrastructure investments as effectively as possible, attracting new jobs and a more diverse tax base; and protecting natural, cultural and historic resources and open space with growth consistent with our Growth Strategy Map and Future Land Use Map;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD THAT:

1. The Planning Board of the City of Eden finds that the proposed amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan.
2. At no time are land use regulations or plans of the City of Eden, nor any jurisdiction in the State of North Carolina, permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendment to the Zoning Ordinance is reasonable and in the public's best interest.

Approved, adopted and effective this 22nd day of January, 2019.

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board