

**A-G-E-N-D-A**  
**REGULAR MEETING**  
**PLANNING BOARD**  
**CITY HALL CONFERENCE ROOM**  
**308 E. STADIUM DRIVE**  
**TUESDAY, SEPTEMBER 24, 2019**  
**5:30 P.M.**

1. Meeting called to order.
2. Roll Call.
3. Set Meeting Agenda.
4. Approval of minutes of the regular meeting on August 27, 2019.
5. New Business:

**ZONING CASE**

**Z-19-13**

**MAP AMENDMENT**

- (1) Consideration of a zoning map amendment request to rezone 4.02 acres on the south side of West Kings Hwy (PIN 7979-07-77-0941) from Office & Institutional to Business-General. Submitted by Mike Fleming, Property Owner.
  - (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone 4.02 acres on the south side of West Kings Hwy (PIN 7979-07-77-0941) from Office & Institutional to Business-General.
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  
AUGUST 27, 2019

A regular meeting of the Eden Planning Board was held on Tuesday, August 27, 2019, at 5:30 P.M. in the conference room at City Hall. Members present:

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

Members absent: Barbara Garland\*  
Frank Wyatt

Staff Present: Kelly K. Stultz, Planning Director  
Debra M. Madison, Local Codes Administrator/GIS Analyst

Others Present: Tracy Kelsey

\*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:**

A motion was made by Jerry W. Holland, Jr. and seconded by Amelia Dallas to set the meeting agenda as mailed to all members. Motion passed unanimously.

**APPROVAL OF MINUTES OF THE REGULAR MEETING ON MAY 28, 2019.**

The minutes of the regular meeting on May 28, 2019, were presented to the Board. A motion was made by Amelia Dallas and seconded by Jerry W. Holland, Jr. to approve the minutes as presented to all members. Motion passed unanimously.

**NEW BUSINESS:**

**ZONING CASE**

**Z-19-12**

**MAP AMENDMENT**

- (1) Consideration of a zoning map amendment request to rezone property on the east side of Friendly Road (PIN 7081-00-56-4381) from Residential-12S to Residential Suburban. Submitted by Ronald W. Walker, Property Owner.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property on the east side of Friendly Road (PIN 7081-00-56-4381) from Residential-12S to Residential Suburban.

Kelly Stultz gave the Staff Report that included a recommendation that the rezoning request be approved.

After discussion, Jerry W. Holland, Jr. made a motion to recommend approval of the zoning request to the City Council and adopt the Consistency Statement. The motion was seconded by Fred Ramsey and passed.

**ITEMS FROM STAFF:**

None

**ITEMS FROM THE PLANNING BOARD:**

None

**ADJOURNMENT:**

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

Respectfully submitted,

Attest:

\_\_\_\_\_  
Kelly K. Stultz, Administrative Assistant  
To the Planning Board

\_\_\_\_\_  
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: Michael K. Fleming TELEPHONE: 336 613 9880  
MAILING ADDRESS: 160 Silver Leaf Trail EDEN N.C.  
CITY EDEN STATE N.C. ZIP CODE 27288  
APPLICANT'S PROPERTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S):  
Brother / Partner 1/3 OWNER

**(2) PROPERTY OWNER INFORMATION:**

NAME: Michael K. Fleming TELEPHONE: 336 613 9880  
MAILING ADDRESS: 160 Silver Leaf Trail  
CITY EDEN STATE N.C. ZIP CODE 27288

**(3) PROPERTY INFORMATION:**

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 9979 07 77 0941  
STREET LOCATION: BUSINESS PARK DRIVE  
DEED BOOK: 14 E PAGE NUMBER 815  
YEAR CURRENT OWNER ACQUIRED PROPERTY: 2016  
PROPERTY SIZE (in acres or in square feet if less than 1 acre): 4.02 ACRES  
PUBLIC WATER AVAILABLE  YES  NO PUBLIC SEWER AVAILABLE  YES  NO  
CURRENT USE OF PROPERTY: VACANT

**(4) ZONING INFORMATION:**

EXISTING ZONING DISTRICT: O-T-ED REQUESTED ZONING DISTRICT: B-G

**(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.

Chris Henry  
Applicant's Signature

09 09 19  
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.

Chris Henry  
Property Owner's Signature

09 09 19  
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: 2-19-13

FEE PAID:

RECEIVED BY: KLS

DATE: 9/8/19

**PLANNING AND INSPECTIONS DEPARTMENT**  
**ZONING CASE REPORT**  
**September 16, 2019**

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<b>CASE NUMBER:</b>	<b>Z-19-13</b>
<b>EXISTING ZONING DISTRICT:</b>	<b>O&amp;I</b>
<b>REQUESTED ZONING DISTRICT:</b>	<b>BG</b>
<b>APPLICANT:</b>	<b>Michael K. Fleming</b>
<b>APPLICANT'S STATUS:</b>	<b>Property Owner</b>

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**PROPERTY INFORMATION**

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<b>LOCATION:</b>	Business Park Dr.
<b>PIN:</b>	7979-07-77-0941
<b>SIZE:</b>	4.02 acres
<b>ACCESS:</b>	Business Park Dr. and Kings Hwy.
<b>LAND USE:</b>	Vacant
<b>PHYSICAL CHARACTERISTICS:</b>	Vacant, undeveloped
<b>ZONING HISTORY:</b>	Zoned R-20 at time of original zoning; Rezoned to O&I on June 21, 1971

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**AREA INFORMATION**

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<b>CHARACTERISTICS:</b>	Bordered on the north by West Kings Highway; bordered on the east by O&I property containing an office complex; bordered on the south by R-20 property containing a cemetery; bordered on the west by vacant B-G property and vacant R-20 property.	
<b>ADJACENT ZONING:</b>	North:	Kings Highway
	South:	R-20
	East:	O&I
	West:	B-G and R-20

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## PLANNING AND DEVELOPMENT INFORMATION

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

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## STAFF ANALYSIS

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The request is to rezone approximately 4.02 acres 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 the district is usually adjacent to residential districts, provisions are made for yards, off-street parking and off-street loading areas. The B-G 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 at the intersection of Kings Highway and Business Park Drive. Across from the subject property on Business Park Drive is an office complex containing several offices. Adjoining the property to the west is vacant, undeveloped B-G property and several vacant, undeveloped R-20 properties. Adjoining the subject property to the south is vacant property containing an old cemetery. Across Kings Highway is O&I property containing an apartment complex. The western edge of the property lies partially in a flood zone. There has been no recent development pressure in the area, either on the residential or the commercial properties. Because of the other commercial properties and offices uses in the area, and because of the access to Kings Highway, staff is of the opinion that Business-General would be an appropriate zoning for the property which could encourage commercial uses in the area. Staff does not believe that Business-General zoning would be detrimental to the adjoining and surrounding properties.

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

**STAFF RECOMMENDATION:**

**Approval of the B-G request.**

**ZONING CASE**

**Z-19-13**

**AERIAL MAP**

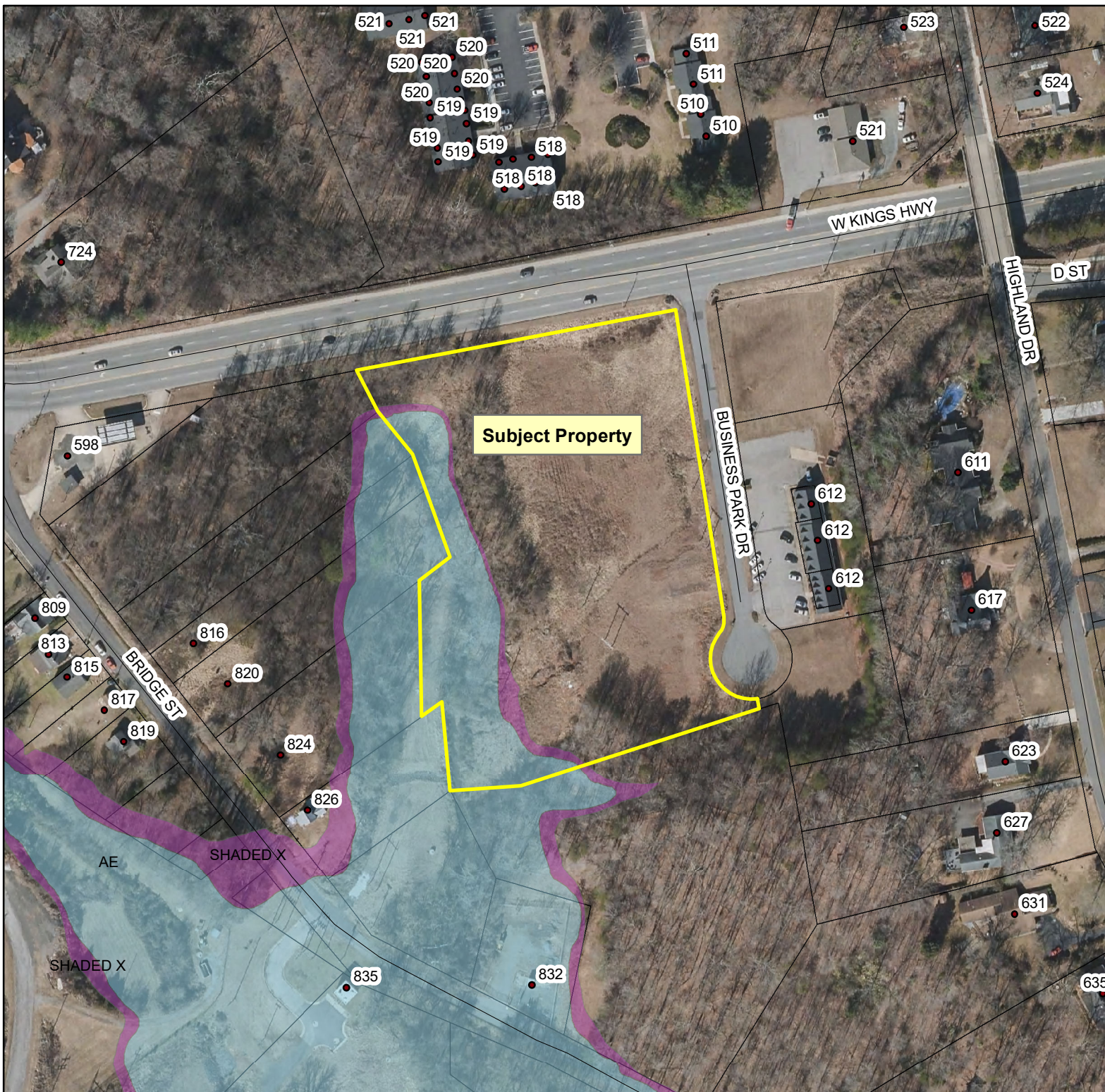


**4.02 Acres on the  
South Side of  
West Kings Hwy**

**PIN 7979-07-77-0941**

**Zoned:  
Office & Institutional**

**Requested:  
Business-General**





**ZONING CASE**  
**Z-19-13**  
**ZONING MAP**

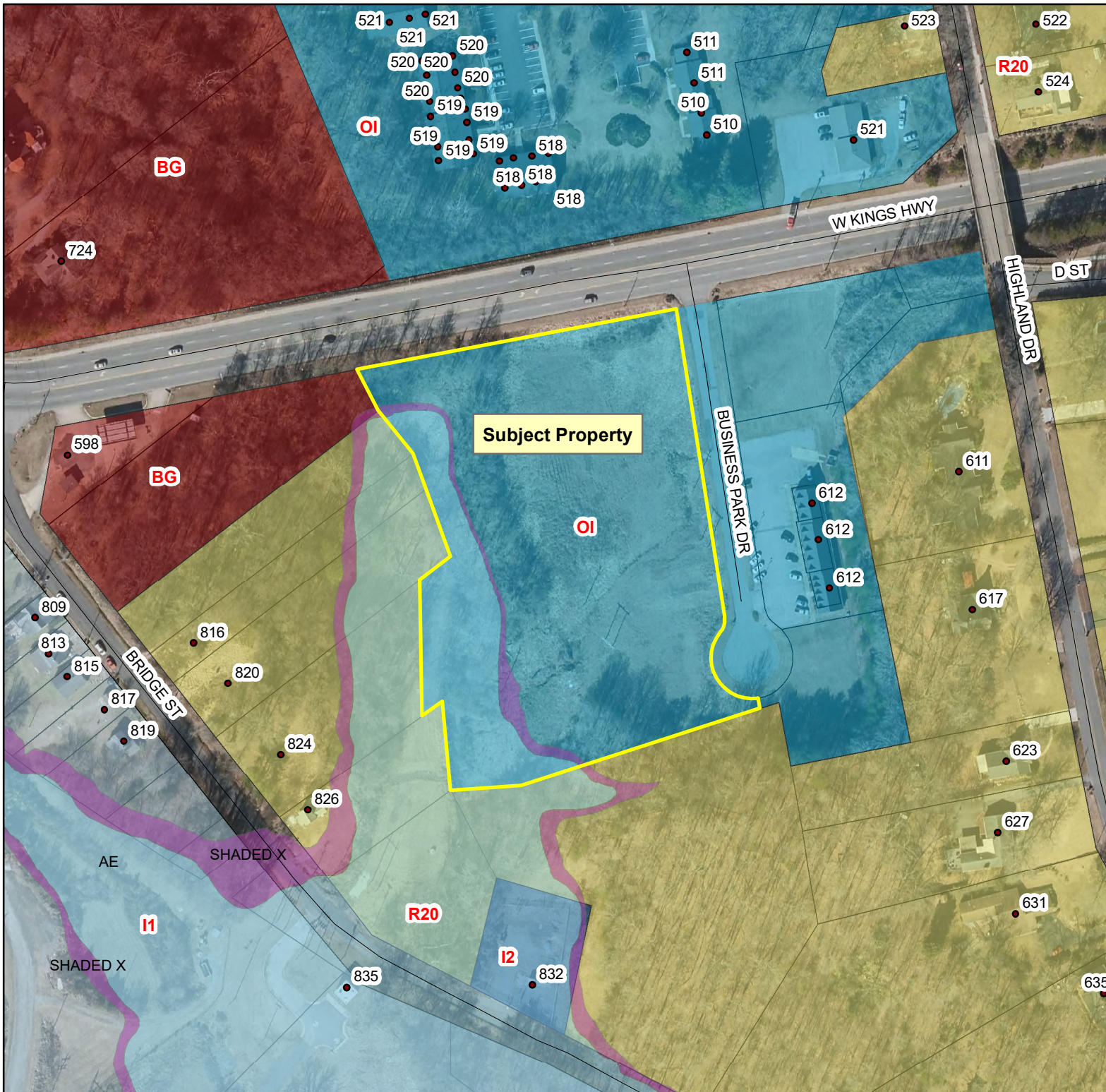


**4.02 Acres on the  
South Side of  
West Kings Hwy**

**PIN 7979-07-77-0941**

**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-19-13**  
**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 to rezone 4.02 acres on the south side of West Kings Hwy (PIN 7979-07-77-0941) from Office & Institutional to Business-General. Submitted by Mike Fleming, Property Owner.

**STATEMENT OF NEED:**

The subject property was zoned R-20 at the time of original zoning and rezoned to O & I on June 21, 1971. The parcel has remained undeveloped since that time. The B-G 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. The Land Development Plan indicates that the highest and best use of this property is Employment Center. That is why the zoning change to Business-General is in keeping with the 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 be consistent with the goals and policies expressed in the Land Development Plan, as amended, 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 24th day of September, 2019.

CITY OF EDEN PLANNING BOARD

By \_\_\_\_\_  
Matthew W. Smith, Chair

ATTEST:

\_\_\_\_\_  
Kelly K. Stultz, Administrative  
Assistant to the Planning Board