

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

**TUESDAY, JULY 24, 2018**  
**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 June 26, 2018.
5. New Business:

**ZONING CASE**

**Z-18-05**

**MAP AMENDMENT**

- (1) Consideration of a zoning map amendment request to rezone property at 904 Irving Avenue from Residential-6 to Business-General. Submitted by Charles H. Price, III and wife, Gail Eaves, and Paige Pamela Price, Property Owners.
  - (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 904 Irving Avenue from Residential-6 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  
JUNE 26, 2018

A regular meeting of the Eden Planning Board was held on Tuesday, June 26, 2018, 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.  
Fred Ramsey  
Gwen Taylor

Members absent: Steve Morgan\*  
Matt Smith\*  
Frank Wyatt\*

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

\*Excused absence.

Vice-Chairman Jerry W. Holland, Jr. 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 Amelia Dallas and seconded by Fred Ramsey to set the agenda. Motion carried unanimously.

**APPROVAL OF MINUTES OF THE REGULAR MEETING ON MARCH 27, 2018.**

The minutes of the regular meeting on March 27, 2018, were presented to the Board. Carol Helms made a motion to approve the minutes as submitted. Gwen Taylor seconded the motion. Motion carried unanimously.

**NEW BUSINESS:**

**A. ZONING CASE Z-18-04 TEXT AMENDMENT**

- (1) Consideration of a zoning text amendment request to amend Section 11.24(k)(1) to add restaurants with drive-through windows and mini-storage facilities as permitted uses in the BH-1 District. Submitted by Tommy and Susan Tucker, Property Owners.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment request to add restaurants with drive-through windows and mini-storage facilities as permitted uses in the BH-1 District.

Kelly Stultz presented the Staff Report which included a recommendation that the Board recommend approval of the text amendment to the City Council.

Eddie Barker made a motion to recommend to the City Council that the request be approved and to adopt the Statement of Consistency. Carol Helms seconded the motion and it passed unanimously.

**ITEMS FROM STAFF:**

None

**ITEMS FROM THE PLANNING BOARD:**

None

**ADJOURNMENT:**

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

Respectfully submitted,

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Kelly K. Stultz, Administrative Assistant to  
the Planning Board

Attest:

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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: GAIL EAVES TELEPHONE: 336-432-7400  
MAILING ADDRESS: 904 Irving Ave.  
CITY Eden STATE NC ZIP CODE 27288  
APPLICANT'S PROPERTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S):  
Husband

**(2) PROPERTY OWNER INFORMATION:**

NAME: GAIL EAVES/Charles Price TELEPHONE: 336-432-7400  
MAILING ADDRESS: 904 Irving Ave.  
CITY Eden STATE NC ZIP CODE 27288

**(3) PROPERTY INFORMATION:**

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 7070-1820-5759 6828  
STREET LOCATION: 904 Irving Av.  
DEED BOOK: \_\_\_\_\_ PAGE NUMBER \_\_\_\_\_  
YEAR CURRENT OWNER ACQUIRED PROPERTY: 2012  
PROPERTY SIZE (in acres or in square feet if less than 1 acre): .20 acres  
PUBLIC WATER AVAILABLE  YES  NO PUBLIC SEWER AVAILABLE  YES  NO  
CURRENT USE OF PROPERTY: \_\_\_\_\_

**(4) ZONING INFORMATION:**

EXISTING ZONING DISTRICT: RL REQUESTED ZONING DISTRICT: BG *RL* *BG*

**(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.

*Paul Eanes*  
Applicant's Signature

6/14/18  
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.

*Paul Eanes*  
Property Owner's Signature

6/14/18  
Date of Signature

*Charles H. Price III*  
Property Owner's Signature

7/19/2018  
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: 2-18-05

FEE PAID: \$150.00

RECEIVED BY: D. Galloway

DATE: 6-14-18

**PLANNING AND INSPECTIONS DEPARTMENT**  
**ZONING CASE REPORT**  
July 15, 2018

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|                                   |  |
|-----------------------------------|--|
| <b>CASE NUMBER:</b>               | <b>Z-18-05</b>   |
| <b>EXISTING ZONING DISTRICT:</b>  | <b>R-6</b>   |
| <b>REQUESTED ZONING DISTRICT:</b> | <b>B-G</b>   |
| <b>APPLICANT:</b>                 | <b>Charles H. Price, III, Gail Eaves, and<br/>Paige Pamela Price</b> |
| <b>APPLICANT'S STATUS:</b>        | <b>Property Owners</b>   |

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**PROPERTY INFORMATION**

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|                                  |  |
|----------------------------------|--|
| <b>LOCATION:</b>                 | 904 Irving Avenue                          |
| <b>PIN:</b>                      | 7070-18-20-6828                            |
| <b>SIZE:</b>                     | .2 acres                                   |
| <b>ACCESS:</b>                   | Irving Avenue                              |
| <b>LAND USE:</b>                 | Residential                                |
| <b>PHYSICAL CHARACTERISTICS:</b> | Single-family residence on residential lot |
| <b>ZONING HISTORY:</b>           | Zoned R6 at time of original zoning        |

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**AREA INFORMATION**

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|                         |  |      |  |
|-------------------------|--|------|--|
| <b>CHARACTERISTICS:</b> | Bordered on the north (across Irving Avenue) by BG property containing a convenience store and a contractor yard; bordered on the east by BG property containing an antique store; bordered on the south by R6 property containing a single-family residence; bordered on the west by R12 property containing a single-family residence. |      |  |
| <b>ADJACENT ZONING:</b> | North:   | BG   |  |
|                         | South:   | R-6  |  |
|                         | East:  | BG   |  |
|                         | West:  | R-12 |  |

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**PLANNING AND DEVELOPMENT INFORMATION**

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|                             |     |
|-----------------------------|-----|
| <b>STREET IMPROVEMENTS:</b> | Yes |
|-----------------------------|-----|

|                               |                          |
|-------------------------------|--------------------------|
| PUBLIC WATER AVAILABLE:       | Yes                      |
| PUBLIC SEWER AVAILABLE:       | Yes                      |
| LAND DEVELOPMENT PLAN (2007): | Traditional Neighborhood |
| FLOOD HAZARD AREA:            | None                     |
| WATER SUPPLY WATERSHED:       | None                     |

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### STAFF ANALYSIS

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The request is to rezone a .2 acre parcel from Residential-6 to Business General. The R-6 Residential District is established as a district in which the principal use of land is for single family, two-family and multi-family residences. The regulations of this district are designed primarily for the developed residential area where dwellings already exist on small lots creating relatively high density neighborhoods. The regulations are intended to discourage any use which because of its character would interfere with the residential nature of this district. 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 on the fringe of a residential district and a commercial district. The residential area is composed of older, small- to medium-sized residential properties, containing both owner-occupied and rental properties. The commercial area contains established retail and other businesses. There has been no development pressure in the area and the residential/commercial mix of uses has not changed in many years. The request is to rezone a residential property which adjoins existing BG property. Staff is of the opinion that rezoning the subject parcel to BG would not be detrimental to the neighborhood and would be in harmony with the surrounding area.

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

**STAFF RECOMMENDATION:**

**Approval of the BG request.**



**ZONING CASE**

**Z-18-05**

**AERIAL MAP**



Subject Property

**904 Irving Avenue**

**Zoned:  
Residential - 6**

**Requested:  
Business-General**



**ZONING CASE**

**Z-18-05**

**ZONING MAP**



Subject Property

**904 Irving Avenue**

**Zoned:  
Residential - 6**

**Requested:  
Business-General**

A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
**CASE NUMBER Z-18-05**  
**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 904 Irving Avenue from Residential-6 to Business-General.

STATEMENT OF NEED:

The subject parcel is located on the fringe of a residential district and a commercial district. The residential area is composed of older, small- to medium-sized residential properties, containing both owner-occupied and rental properties. The commercial area contains established retail and other businesses. There has been no development pressure in the area and the residential/commercial mix of uses has not changed in many years. The request is to rezone a residential property which adjoins existing BG property. Staff is of the opinion that rezoning the subject parcel to BG would not be detrimental to the neighborhood and would be in harmony with the surrounding area.

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 is 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 interest.

Approved, adopted and effective this 24th day of July, 2018.

CITY OF EDEN PLANNING BOARD

By \_\_\_\_\_

Matthew W. Smith, Chair

ATTEST:

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