

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

TUESDAY, JUNE 26, 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 March 27, 2018.
5. New Business:

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.

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
MARCH 27, 2018

A regular meeting of the Eden Planning Board was held on Tuesday, March 27, 2018, 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
Matt Smith
Gwen Taylor
Frank Wyatt

Members absent: Barbara Garland

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

Others Present: Fasil Khan

*Excused absence.

Chairman Matthew W. Smith called the meeting to order.

ROLL CALL:

It was noted that everyone was present except Jerry Holland and that Debra Madison had administered the Oath of Office to Steve Morgan prior to the meeting.

SET MEETING AGENDA:

A motion was made by Jerry Holland and seconded by Carol Helms to set the agenda. Motion carried unanimously.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON FEBRUARY 27, 2018.

The minutes of the regular meeting on February 27, 2018, were presented to the Board. Steve Morgan made a motion to approve the minutes as submitted. Jerry Holland seconded the motion. Motion carried unanimously.

NEW BUSINESS:

A. ZONING CASE Z-18-02 MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone property at 405 Church Street from Industrial-1 to Planned Unit Development – Mixed Use. Submitted by Fasil Khan, Property Owner.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 405 Church Street from Industrial-1 to Planned Unit Development – Mixed Use.

Kelly Stultz presented the Staff Report with a background of the mill history. Staff made a recommendation that the Board recommend approval of the rezoning of the property to the City Council.

Fasil Khan made a presentation to the board showing the preliminary draft of the plans for the new development and how he came to be familiar with Eden and the Spray Cotton Mill property.

Steve Morgan made a motion to recommend to the City Council that the request be approved and to adopt the Statement of Consistency. Fred Ramsey seconded the motion and it passed unanimously.

B. ZONING CASE Z-18-03 MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone property at 1815 NC 135 and 2401 Harrington Hwy from Residential-20 to Business-General. Submitted by Susan C. Pace and Wanda T. Dyer, Property Owners.
- (3) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 1815 NC 135 and 2401 Harrington Hwy from Residential-20 to Business-General.

Kelly Stultz gave the Staff Report explaining that there had not been any development pressure in recent years and the area was becoming increasingly commercial. Staff recommended that the request be approved.

Eddie Barker made a motion, seconded by Frank Wyatt, that the board recommend approval of the request to the City Council and that the Statement of Consistency be adopted. The motion passed.

C. CITY CODE AMENDMENT CCA-18-01 TEXT AMENDMENT

Consideration of a request to amend Chapter 2, Administration, Article III, Planning Organization, by adding Division 9 Strategic Planning Commission. Submitted by the Planning Board.

Kelly Stultz gave the Staff Report explaining how the Strategic Planning Commission had been created as a result of the Strategic Plan adopted by the City Council and the need for

continuity for future years. The Strategic Planning Commission will operate in the same manner as the other boards and commissions. Staff recommends that the amendment be approved.

Steve Morgan made a motion to recommend approval of the amendment to the City Council. Jerry Holland 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, 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, Chair

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING TEXT AMENDMENT REPORT
May 24, 2018**

CASE NUMBER: Z-18-04

REQUESTED ACTION: To amend Section 11.24(k)(1) to restaurants with drive-through windows and mini-storage facilities in the BH-1 district.

APPLICANT: Tommy and Susan Tucker

EXISTING TEXT

Section 11.24(k)(1) Permitted Uses

(None)

PROPOSED TEXT

Section 11.24(k)(1) Permitted Uses

- (1) Eating and drinking establishments including drive-in establishments provided such establishments are fenced on all sides which abut residential districts. Such fence shall be solid from the ground to a height of four (4) feet.

Mini-storage facilities

STAFF ANALYSIS

This amendment was initiated by a property owner to amend this section of the ordinance to allow restaurants with drive-through window service and mini-storage facilities as permitted uses in the district.

Currently there are numerous “fast-food” type restaurants located in the BH-1 districts, which have been in existence for many years, but the ordinance was never amended to allow such uses. Staff is of the opinion that these should be allowed as permitted uses, as they are compatible with other uses in the district. Currently mini-storage facilities are allowed in the BH-2 districts. Staff is of the opinion that mini-storage facilities would be compatible with other uses in the BH-1 district, and therefore, should be allowed as permitted uses in this district.

Therefore, staff recommends that restaurants with drive-through windows and mini-storage facilities be allowed as permitted uses in the BH-1 district.

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-18-04
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 an application to amend Section 11.24(k)(1) of the Zoning Ordinance to add restaurants with drive-through windows and mini-storage facilities as permitted uses in the BH-1 District.

STATEMENT OF NEED:

Staff is of the opinion that restaurants with drive-through windows and mini-storage facilities are compatible with other uses in the district and should be allowed.

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 would 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 zoning text amendment 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 is in the public's best interest.

Approved, adopted and effective this 26th day of June, 2018.

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board