

EDEN PLANNING BOARD
NOVEMBER 22, 2016

A regular meeting of the Eden Planning Board was held on Tuesday, November 22, 2016 at 5:30 P.M. in the conference room at City Hall. Members present:

Eddie Barker
Tamyra Caple
Amelia Dallas
Jerry W. Holland, Jr.
Giles Hunnings,
Steve Morgan
Fred Ramsey
Matt Smith
Frank Wyatt

Members absent: Carol Helms*

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

*Excused absence.

Chairman Matthew W. Smith called the meeting to order.

ROLL CALL:

It was noted that everyone was present except Carol Helms.

SET MEETING AGENDA:

A motion was made by Steve Morgan and seconded by Amelia Dallas to set the agenda. Motion carried unanimously.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON AUGUST 23, 2016

The minutes of the regular meeting on August 23, 2015 were presented to the Board. Eddie Barker made a motion to approve the minutes as submitted. Steve Morgan seconded the motion. Motion carried unanimously.

NEW BUSINESS:

- A. ZONING CASE Z-16-03 TEXT AMENDMENT**
(1) CONSIDERATION OF A REQUEST TO CREATE A PLANNED UNIT DEVELOPMENT-MIXED USE (PUD-MU) DISTRICT TO ALLOW FOR

MIXED USES INCLUDING RESIDENTIAL, COMMERCIAL AND LIGHT INDUSTRIAL USES. REQUEST SUBMITTED BY THE PLANNING BOARD.

- (2) CONSIDERATION OF AMENDING THE TEXT IN SECTION 11.26(C)(3)(B)(1) TO ADD THE PUD-MU DISTRICT TO THE SPECIAL USE PERMITS REQUIRING CITY COUNCIL APPROVAL.

Steve Morgan made a motion to initiate an action to establish a Planned Unit Development - Mixed Use District. Jerry Holland seconded the motion and it passed unanimously.

Kelly Stultz explained the background for the need of a PUD-MU District, the benefits in redeveloping the old mill sites and the reason for amending the Board of Adjustment section so that it would comply with the new district. She went over the Staff Report highlighting the procedures and need for monitoring the improvements.

After discussion about how it would work with the mill property, Steve Morgan made a motion to recommend approval of the district and amendment to the Board of Adjustment section to the City Council and to adopt the Resolution Adopting a Statement of Consistency. Eddie Barker seconded the motion and it passed unanimously.

B. ZONING CASE Z-16-04 MAP AMENDMENT
CONSIDERATION OF A ZONING MAP AMENDMENT REQUEST TO REZONE PROPERTY ON REYNOLDS STREET FROM RESIDENTIAL-20 TO OFFICE & INSTITUTIONAL. REQUEST SUBMITTED BY BOYS' AND GIRLS' CLUB OF EDEN, NC.

Matthew Smith informed the Board that he was a member of the Board of Directors for the Boys' and Girls' Club of Eden, NC and that he would recuse himself from this item of business.

Jerry W. Holland, Jr. as Vice-Chairman presided over this item.

Kelly presented the Staff Report and answered questions about the surrounding area and types of development.

Eddie Barker made a motion to recommend approval of the zoning request to the City Council and to adopt the Resolution Adopting a Statement of Consistency. Fred Ramsey seconded the motion and it passed unanimously.

Matthew Smith came back into the meeting and presided over the remainder of the meeting.

ADJOURNMENT:

There being no further business to come before the Board, Jerry Holland made a motion for adjournment Steve Morgan 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 CASE REPORT
January 4, 2017**

CASE NUMBER:	Z-16-05
EXISTING ZONING DISTRICT:	R-4
REQUESTED ZONING DISTRICT:	I-1
APPLICANT:	David Price
APPLICANT'S STATUS:	Property Owner

PROPERTY INFORMATION

LOCATION:	1672 Price Rd.
PIN:	7060-0060-5495
SIZE:	.96 acres
ACCESS:	Price Rd.
LAND USE:	Vacant residential
PHYSICAL CHARACTERISTICS:	Single family dwelling with outbuildings on existing developed lot
ZONING HISTORY:	Rezoned from R-12 to R-4 in 1997

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north (across Price Rd.) by R-4 property containing residential uses; bordered on the south by vacant R-20 property; bordered on the east by vacant R-4 property containing a residence; bordered on the west by R-4 property containing a residence.	
ADJACENT ZONING:	North:	R-4
	South:	R-20
	East:	R-4
	West:	R-4

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS:	Yes
PUBLIC WATER AVAILABLE:	Yes
PUBLIC SEWER AVAILABLE:	No
LAND DEVELOPMENT PLAN (2007):	Rural Residential
FLOOD HAZARD AREA:	None
WATER SUPPLY WATERSHED:	WS-IV

STAFF ANALYSIS

The request is to rezone approximately .96 acres from Residential-4 to Industrial-1. The R-4 district is established as a district to serve the needs of the public for dwelling units including manufactured homes while maintaining a standard of land use to uphold the purpose and integrity of the zoning ordinance. The I-1 industrial district is established as a district in which the principal use of land is for industries which can be operated in a clean and quite manner.

The subject parcel is located in a rural residential area in the City's ETJ. The neighborhood is characterized by agricultural and residential properties including single-family dwellings and manufactured homes. There is also a large amount of farmland and vacant and wooded areas. There is no development pressure in the area. The property is also located in a watershed area. There is no other industrial or non-residential property in the vicinity. Based on the character of the area, the residential and agricultural uses in the area, and the fact that the property is located in a watershed area, staff feels that allowing an industrial use on this property would not be appropriate. Therefore, staff cannot recommend in favor of this rezoning request.

Based upon the character of the area and the agricultural and residential uses in the area, staff recommends denial of the request.

STAFF RECOMMENDATION: **Denial of the Industrial-1 request.**

ZONING CASE

Z-16-05

AERIAL MAP



Subject Property

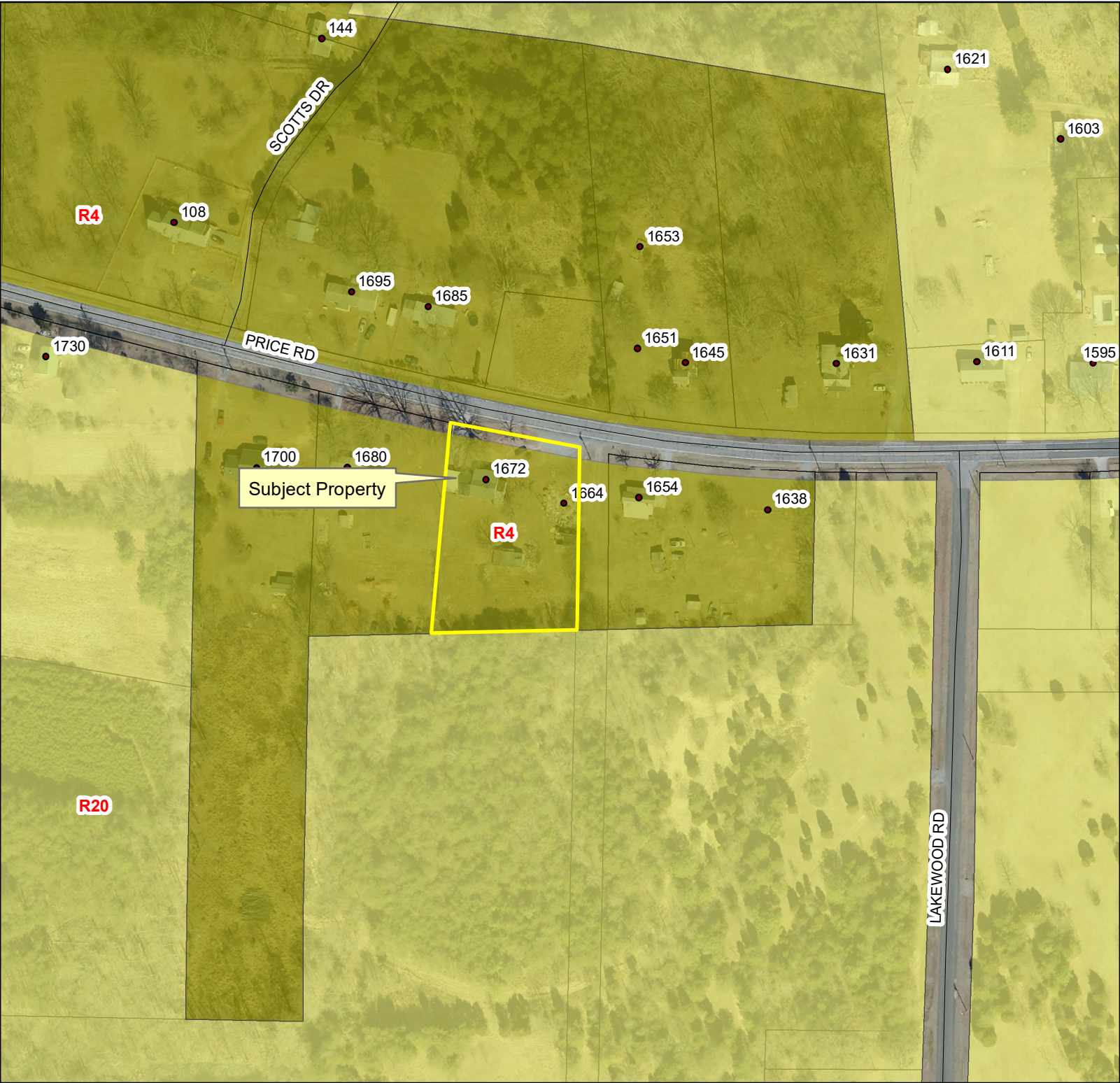
1672 Price Road

Residential - 4

to

Industrial - 1

ZONING CASE
Z-16-05
ZONING MAP



1672 Price Road
Residential - 4
to
Industrial - 1

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-16-05
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 1672 Price Road from Residential-4 to Industrial-1.

STATEMENT OF NEED:

Staff is of the opinion that this request would not be appropriate for the subject property because of the character of the area. The subject parcel is located in a rural residential area in the City's ETJ. The neighborhood is characterized by agricultural and residential properties including single-family dwellings and manufactured homes. There is also a large amount of farmland and vacant and wooded areas. There is no development pressure in the area. The property is also located in the Dan River Water Supply Watershed Protected Area. There is no other industrial or non-residential property in the vicinity. Based on the character of the area, the residential and agricultural uses in the area, and the fact that the property is located in a watershed area, staff feels that allowing an industrial use on this property would not be appropriate.

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 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 zoning map amendment is not 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 not reasonable and is not in the public's best interest.

Approved, adopted and effective this 24th day of January, 2017.

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 CASE REPORT
January 4, 2017**

CASE NUMBER:	Z-16-06
EXISTING ZONING DISTRICT:	BG
REQUESTED ZONING DISTRICT:	R-6
APPLICANT:	Jesse Griffith
APPLICANT'S STATUS:	Property Owner

PROPERTY INFORMATION

LOCATION:	524 Morgan Rd.
PIN:	7070-11-67-5366
SIZE:	.44 acres
ACCESS:	Morgan Rd.
LAND USE:	Vacant former daycare
PHYSICAL CHARACTERISTICS:	Single family dwelling on medium sized lot
ZONING HISTORY:	Rezoned from R-6 to BG in 1996

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north by BG property containing commercial retail and parking; bordered on the south by R-6 property containing a single-family dwelling; bordered on the east by vacant R-6 property; bordered on the west (across Morgan Road) by BG property containing commercial retail.		
ADJACENT ZONING:	North:	BG	
	South:	R-6	
	East:	R-6	
	West:	BG	

PLANNING AND DEVELOPMENT INFORMATION

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

STAFF ANALYSIS

The request is to rezone approximately .44 acres from Business General to Residential-6. The BG district is generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of the 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 R-6 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 the 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 the district.

The subject parcel is located to the south and east of a small BG business district. The area to the south and east of the property contains an existing R-6 residential development. Originally, a single-family dwelling, the property was converted to a daycare facility many years ago, and has since become vacant. There is no development pressure in the area.

Based upon the character of the area and the business, and medium density residential uses in the area, staff recommends in favor of the request.

STAFF RECOMMENDATION: **Approval of the Residential-6 request.**

ZONING CASE

Z-16-05

AERIAL MAP



1672 Price Road

Residential - 4

to

Industrial - 1

ZONING CASE
Z-16-06
ZONING MAP



524 Morgan Road
Business - General
to
Residential - 6



A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-16-06
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 524 Morgan Road from Business-General to Residential-6.

STATEMENT OF NEED:

Staff is of the opinion that this request would be appropriate for the subject property because of the character of the area and because there are other Residential-6 properties located adjacent to and near the subject property.

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 zoning map 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 in the public interest.

Approved, adopted and effective this 24th day of January, 2017.

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board