

A-G-E-N-D-A
REGULAR MEETING
PLANNING BOARD
CITY HALL CONFERENCE ROOM
308 E. STADIUM DRIVE
TUESDAY, AUGUST 22, 2017
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 28, 2017.
5. Old Business.
6. New Business:

A. ZONING CASE

Z-17-04

MAP AMENDMENT

Consideration of a zoning map amendment request to rezone a portion of the property known as 1126 Trogdon Drive and adjoining Parcel No. 138559 and 138558 from Residential – 20 to Office & Institutional. Request submitted by W. Lee Turner, Property Owner.

Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone a portion of the property known as 1126 Trogdon Drive and adjoining Parcels No. 138559 and 138558 from Residential – 20 to Office & Institutional.

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

**PLEASE CALL THE PLANNING AND INSPECTIONS DEPARTMENT IMMEDIATELY IF
YOU ARE UNABLE TO ATTEND THE MEETING
336-623-2110 OPTION 2**

EDEN PLANNING BOARD
MARCH 28, 2017

A regular meeting of the Eden Planning Board was held on Tuesday, March 28, 2017, 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: Tamyra Caple

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

Others Present: Jerry and Jeanette Haymore
Philip Raeburn
Steve Griffith

*Excused absence.

Chairman Matthew W. Smith called the meeting to order.

ROLL CALL:

It was noted that everyone was present except Tamyra Caple.

SET MEETING AGENDA:

A motion was made by Amelia Dallas and seconded by Steve Morgan to set the agenda by accepting the amended agenda at each seat which added the street closing. Motion carried unanimously.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON JANUARY 24, 2017.

The minutes of the regular meeting on January 24, 2017, were presented to the Board. Steve Morgan made a motion to approve the minutes as submitted. Eddie Barker seconded the motion. Motion carried unanimously.

NEW BUSINESS:

A. ZONING CASE Z-17-01 TEXT AMENDMENT

- (1) Consideration of a zoning text amendment to allow Dog and Cat Boarding as a Permitted Use in the Business-Highway #1 District. Request submitted by Jerry Haymore.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment to allow Dog and Cat Boarding as a permitted use in the Business-Highway #1 District.

Kelly Stultz presented the Staff Report and explained that veterinarians have always boarded animals but that has been considered an accessory use to the veterinary business. Pet grooming has become more and more popular. The applicants have plans for their renovations but this board cannot take that into consideration in making a decision since this amendment applies to all properties zoned as BH-1. Staff recommends in favor of the amendment.

Eddie Price asked if the amendment stated the number allowed to be boarded.

Kelly Stultz – We did not think it appropriate since that would be based on the building size.

Jerry Haymore passed out copies of the plans that had been drawn up for the building to be used by he and his wife for their business. Mr. Haymore told the board that they had operated on Washington Street for about 9 years and had numerous requests for boarding.

Kelly Stultz reminded everyone that they could not consider the plans or the specific building to be used by the Haymore's in making their decision. They would have to comply with other ordinances including the noise ordinance.

Eddie Price made a motion to recommend approval of the text amendment to the City Council and to adopt the Consistency Statement Resolution. Carol Helms seconded the motion. The motion passed.

B. ZONING CASE Z-17-02 TEXT AMENDMENT

- (1) Consideration of a zoning text amendment to allow Food Service to the general public as an accessory use to a church as a Permitted Use in the Office and Institutional District. Request submitted by Osborne Baptist Church.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment to allow Food Service to the general public as an accessory use to a church as a permitted use in the Office and Institutional District.

Kelly Stultz presented the Staff Report and the history behind the request by Osborne Baptist Church. She also explained the reasoning behind only allowing the use in O&I. Staff recommends in favor of the amendment.

Carol Helms asked if this amendment only applied to Office & Institutional.

Kelly Stultz confirmed that it did. She also stated that it could be revisited if churches located in districts other than O&I wanted to apply for a change.

Steve Morgan asked about Santana's and if they are legal.

Kelly explained that it is now legal. She further explained that 912 Bethlehem had applied for a special use permit to operate as a special event center but changed to a restaurant before they ever opened the doors. They have since made the proper application and are now operating legally. This amendment for Osborne Baptist Church is the last of the facilities that were operating outside of the City of Eden Zoning Ordinance.

Steve also asked:

- Can this restaurant operate 7 days a week and 3 meals a day?
- Is this fair as a business use?
- Are they subject to sales tax?

Kelly explained that they could operate just as any other restaurant.

Steve Griffith answered that it is subject to sales tax.

Steve Griffith, Pastor of Osborne Baptist Church, explained that the salaries are paid out of the church budget, they try to break even on the sales of items and pay the sales tax. He further explained that they are in competition with other businesses. Steve Griffith also stated that they don't have any plans to expand the café when they expand the church facility.

Jerry Holland made a motion to recommend approval of the text amendment to the City Council and to adopt the Consistency Statement Resolution. Fred Ramsey seconded the motion. The motion passed.

C.	ZONING CASE	Z-17-03	TEXT AMENDMENT
(1)	Initiate action to amend Section 11.22(q)(1) & (2) to regulate the type of buildings that can be used as accessory structures.		
(2)	Consideration of a zoning text amendment to regulate the type of buildings that can be used as accessory structures in Section 11.22(q)(1) & (2). Request submitted by the Planning Board.		
(3)	Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment to regulate the type of buildings that can be used as accessory structures in Section 11.22(q)(1) & (2).		

Kelly Stultz presented the Staff Report recommending in favor of the request.

Steve Morgan made a motion to initiate the text amendment, to recommend approval of the amendment to the City Council and to adopt the Consistency Statement Resolution. Eddie Barker seconded the motion. The motion passed.

Gwen Taylor asked about the trailers that were currently being used.

Kelly explained that the City would look to see if the property owner had obtained a permit for an accessory structure. If they had not, then we could have them removed based on that. She would have to consult with the City Attorney concerning the enforcement.

D. CITY CODE AMENDMENT CCA-17-01 TEXT AMENDMENT

- (1) Initiate action to Amend Chapter 4, Article IV, Division 5, Section 4-90 of the Eden City Code to comply with the North Carolina General Statutes provisions determining that the owner(s) have abandoned their intent to repair a structure.
- (2) Consideration of amending Chapter 4, Article IV, Division 5, Section 4-90 by adding a new subsection (D) to add a provision from the North Carolina General Statutes that the owner(s) has abandoned the intent and purpose to repair, alter or improve the dwelling and then renumbering the existing (D) to (E).

Kelly Stultz gave the Staff Report recommending in favor of the amendment. The North Carolina General Assembly authorized the City of Eden along with other cities to enforce this action years ago but the City of Eden did not add it to the City Code and we need to correct that.

Jerry Holland made a motion to initiate the text amendment and to recommend approval of the amendment to the City Council. Steve Morgan seconded the motion. The motion passed.

E. STREET CLOSING SC-17-01

Consideration of closing a portion of Gilley Road. Request submitted by Triple N Lumber Co., LLC and Bobby W. Boone and wife, Melvine Boone.

Kelly Stultz presented the Staff Report recommending approval of the street closing.

Frank Wyatt made a motion to accept the request to close a portion of Gilley Road. Fred Ramsey seconded the motion. The motion passed.

OTHER

Steve Morgan asked if he could change his vote on Zoning Case Z-17-02 concerning food service in O & I to no.

Kelly explained that the vote had been recorded, the parties involved had left the meeting and the vote could not be changed. However, the minutes would reflect that he wanted to change his vote.

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 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
August 15, 2017

CASE NUMBER:	Z-17-04
EXISTING ZONING DISTRICT:	R-20
REQUESTED ZONING DISTRICT:	O&I
APPLICANT:	William Lee Turner
APPLICANT'S STATUS:	Property Owner

PROPERTY INFORMATION

LOCATION:	Rear portion of 1126 Trodgon Dr. Parcel # 138559 (off of Trodgon Dr.) Parcel #138558 (off of Simpson St.)
PIN:	7979-1314-3729 7979-1314-3569 7979-1314-2497
SIZE:	Approx. 1.3 acres
ACCESS:	Trodgon Drive, Simpson Street
LAND USE:	One parcel containing a garden and woodworking shop, two vacant parcels
PHYSICAL CHARACTERISTICS:	Residential developed; residential undeveloped
ZONING HISTORY:	Zoned R-20 at time of original zoning

AREA INFORMATION

CHARACTERISTICS:	Bordered on all sides by R-20 residential property containing single family dwellings (north, east and west) and City of Eden Public Works property to the south	
ADJACENT ZONING:	North:	R-20
	South:	R-20
	East:	R-20
	West:	R-20

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 1.3 acres from Residential-20 to Office and Institutional. The R-20 residential district is established as a district in which the principal use of the land is for single-family residences. The regulations of this district are intended to protect existing residential areas with minimum lot sizes of 20,000 square feet and to encourage, in selected portions of the incorporated area, the subdivision of undeveloped property into lots with a minimum of 20,000 square feet. 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 subject parcel is located in an established residential neighborhood. The first parcel (1126 Trogdon Dr.) is proposed to be subdivided from the larger lot containing a single-family residence. This proposed parcel contains a private woodworking and gardening shed. The two vacant parcels are located behind and adjacent to this parcel and the City of Eden Public Works facility. They are also adjacent to other single-family residential lots. These three parcels are proposed to be combined into one new parcel (see Parcel B, attached survey).

Staff is of the opinion that O & I zoning would be appropriate for these parcels, since the O & I district also allows for and is compatible with single-family residential development. However, staff also recommends that the adjoining City property and a small cemetery within the City property, currently zoned R-20 and R-12, also be rezoned to O & I, so as not to create a “spot zoning” situation. Also this would eliminate the current split-zoning condition on the City property. Another adjoining portion of the City property is currently zoned R-12, therefore staff believes it would be appropriate to rezone all of the City property at this location to O & I. Therefore, staff recommends in favor of amending the rezoning request to include rezoning of the following City property from R-20 and R-12 to O & I:

1050 Klyce St. (Public Works property) PIN #7979-1313-6749, Parcel #136531
The R-12 portion of PIN #7979-1324-1653, Parcel #136540
Cemetery PIN #7979-1313-2511, Parcel #136529
Eight lots off of Klyce St: PIN #7979-1303-9925, Parcel #138511
PIN #7979-1303-0926, Parcel #138513
PIN #7979-1313-1928, Parcel #138550
PIN #7979-1314-2012, Parcel #138552
PIN #7979-1303-9775, Parcel #138510
PIN #7979-1313-0776, Parcel #138512
PIN #7979-1313-1767, Parcel #138549
PIN #7979-1313-2769, Parcel #138551

STAFF RECOMMENDATION:

Approval of the amended O & I request.

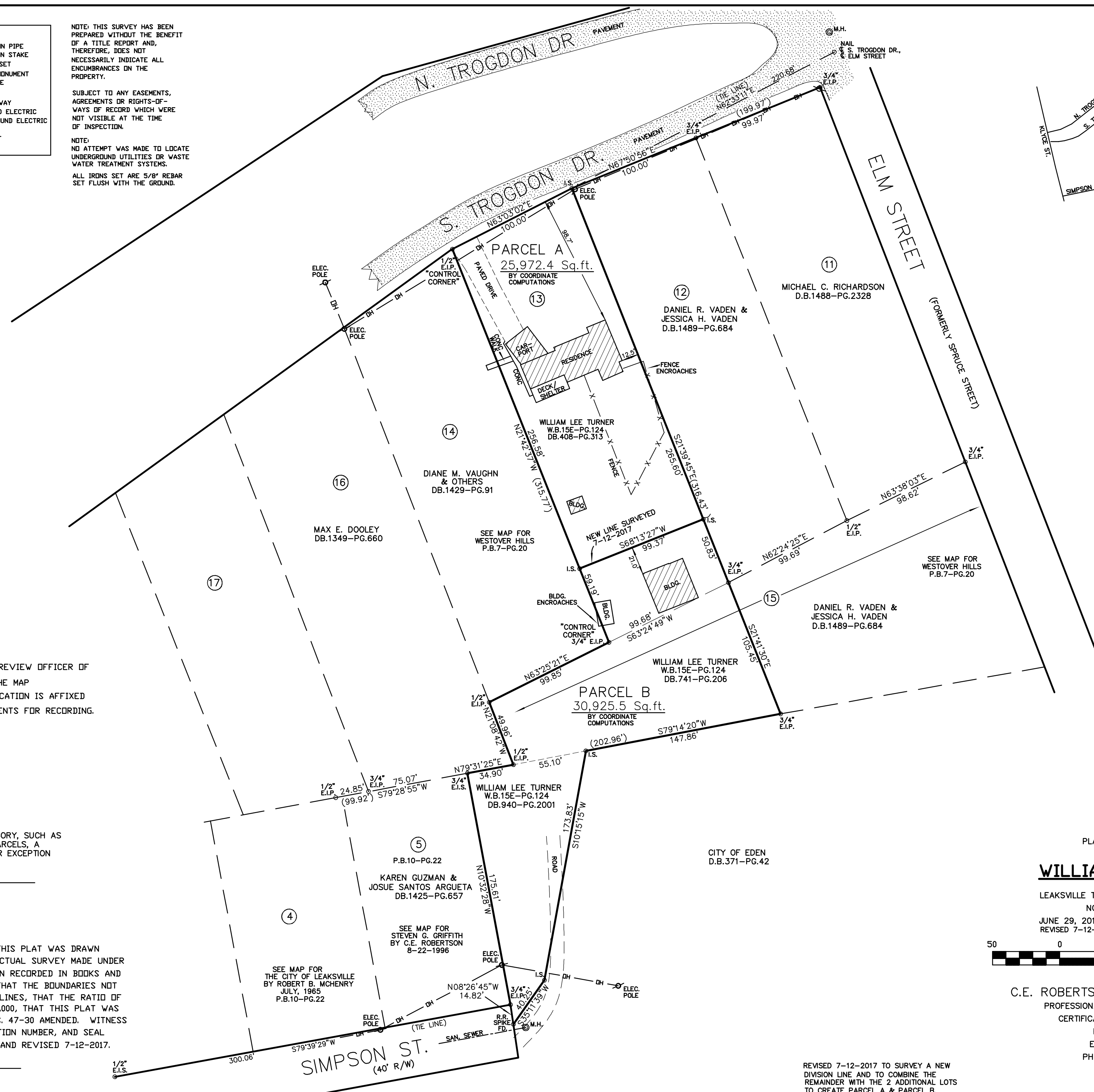
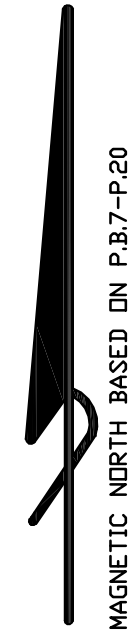
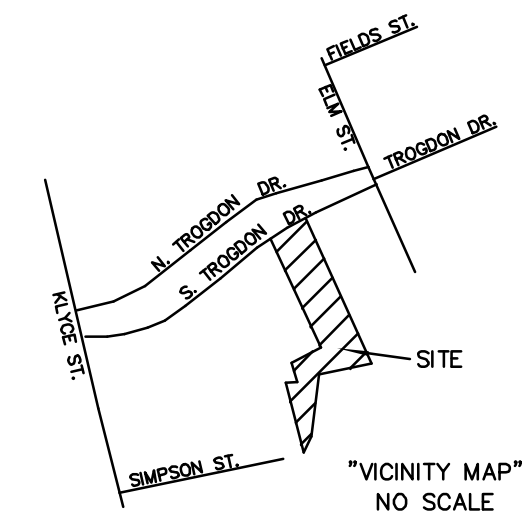
LEGEND	
E.I.P.	EXISTING IRON PIPE
E.I.S.	EXISTING IRON STAKE
I.S.	IRON STAKE SET
M.D.N.	CONCRETE MONUMENT
C.L.	CENTER LINE
M.H.	MAN HOLE
R.V.	RIGHT-OF-WAY
D.H. ELEC.	OVERHEAD ELECTRIC
U.G. ELEC.	UNDERGROUND ELECTRIC
P.T.	POINT
F.H.	FIRE HYDRANT

NOTE: THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND, THEREFORE, DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

SUBJECT TO ANY EASEMENTS, AGREEMENTS OR RIGHTS-OF-WAYS OF RECORD WHICH WERE NOT VISIBLE AT THE TIME OF INSPECTION.

NOTE: NO ATTEMPT WAS MADE TO LOCATE UNDERGROUND UTILITIES OR WASTE WATER TREATMENT SYSTEMS.

ALL IRONS SET ARE 5/8" REBAR SET FLUSH WITH THE GROUND.



STATE OF NORTH CAROLINA
COUNTY OF ROCKINGHAM

I, _____, REVIEW OFFICER OF _____, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____

DATE _____

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

C. E. ROBERTSON, PLS L-1421

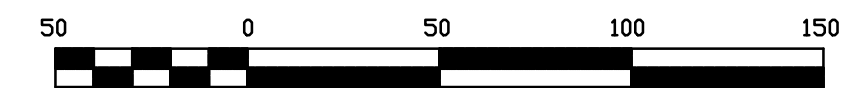
NORTH CAROLINA
ROCKINGHAM COUNTY

I, C.E. ROBERTSON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOKS AND PAGES AS SHOWN ON PLAT, ETC), THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 29th DAY OF JUNE A.D. 2016 AND REVISED 7-12-2017.

SURVEYOR
LICENSE NUMBER L-1421

PLAT OF SURVEY
FOR
WILLIAM LEE TURNER

LEAKSVILLE TWP. ROCKINGHAM CO.
NORTH CAROLINA
JUNE 29, 2016 SCALE 1" = 50'
REVISED 7-12-2017



SCALE
C.E. ROBERTSON & ASSOCIATES, P.C.
PROFESSIONAL LAND SURVEYOR L-1421
CERTIFICATION NUMBER: C-2928
P.O. BOX 584
EDEN, NC 27289
PH. (336) 627-0498

REVISED 7-12-2017 TO SURVEY A NEW DIVISION LINE AND TO COMBINE THE REMAINDER WITH THE 2 ADDITIONAL LOTS TO CREATE PARCEL A & PARCEL B.

JOBNAME: DONNATURNER2016



ZONING CASE

Z-17-04

AERIAL MAP



Portion of 1126 Trogon Drive, Property Along Simpson Street and Klyce Street

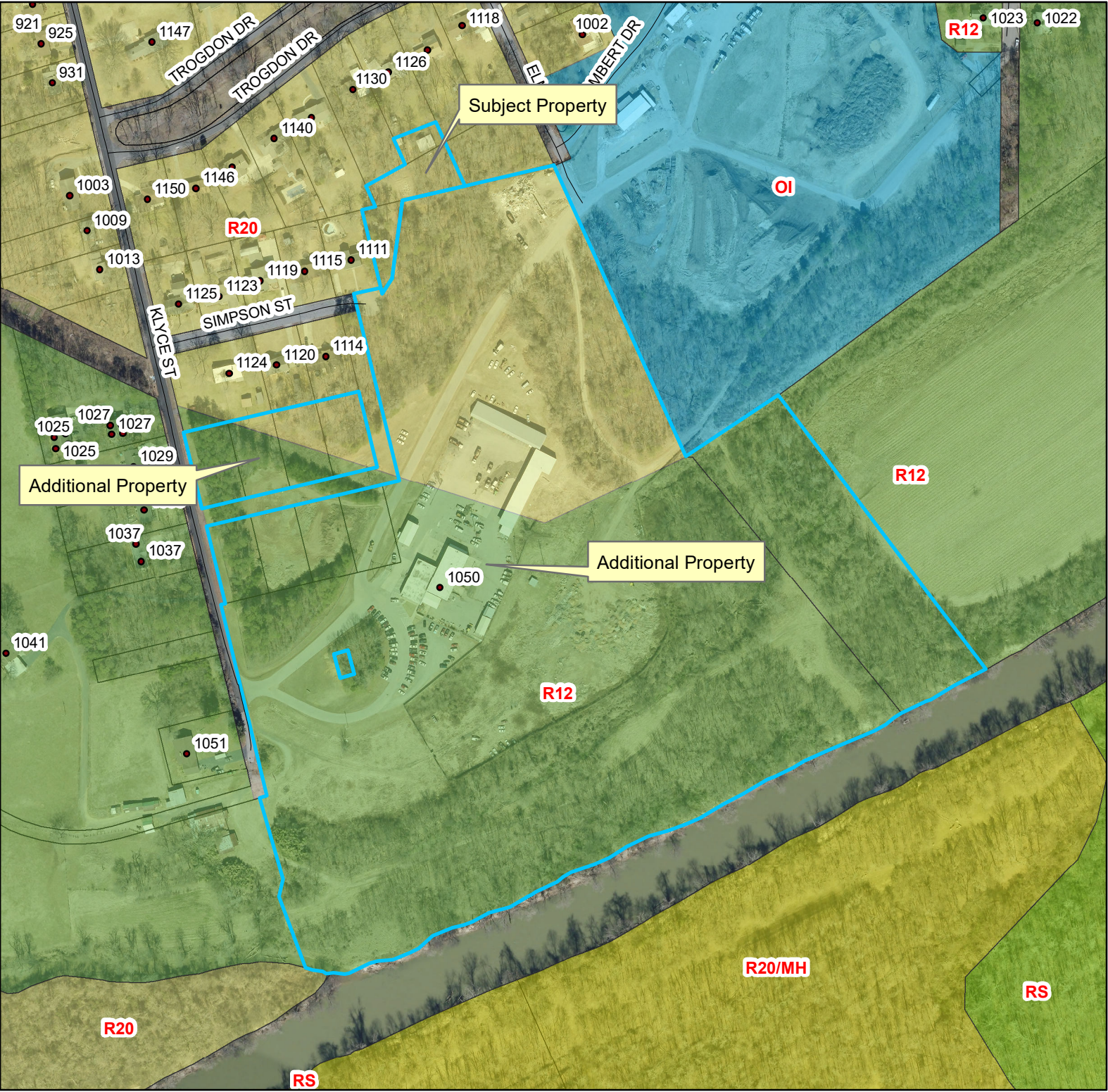
**Zoned:
Residential-20 and
Residential-12**

**Requested:
Office & Institutional**

ZONING CASE

Z-17-04

ZONING MAP



Portion of 1126 Trogon Drive, Property Along Simpson Street and Klyce Street

**Zoned:
Residential-20 and
Residential-12**

**Requested:
Office & Institutional**

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-17-04
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 the rear portion of the property known as 1126 Trogdon Drive and adjoining vacant lots identified as Parcel No. 138559 and 138558.

STATEMENT OF NEED:

Staff is of the opinion that O & I zoning would be appropriate for these parcels, since the O & I district also allows for and is compatible with single-family residential development. However, staff also recommends that the adjoining City property and a small cemetery within the City property, currently zoned R-20 and R-12, also be rezoned to O & I, so as not to create a "spot zoning" situation. Also this would eliminate the current split-zoning condition on the City property. Another adjoining portion of the City property is currently zoned R-12, therefore staff believes it would be appropriate to rezone all of the City property at this location to O & I. Therefore, staff recommends in favor of amending the rezoning request to include rezoning of the City property from R-20 and R-12 to O & I.

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 as amended to include the property owned by the City of Eden 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 22nd day of August, 2017.

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board