

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 Barker 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 Barker 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.

<b>C.</b>	<b>ZONING CASE</b>	<b>Z-17-03</b>	<b>TEXT AMENDMENT</b>
(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,

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Kelly K. Stultz, Administrative Assistant to  
the Planning Board

Attest:

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Matthew W. Smith, Chair