

EDEN PLANNING BOARD
DECEMBER 5, 2017

A special meeting of the Eden Planning Board was held on Tuesday, December 5, 2017, at 5:30 P.M. in the conference room at City Hall. Members present:

Eddie Barker
Tamyra Caple
Carol Helms
Jerry W. Holland, Jr.
Steve Morgan
Fred Ramsey
Matt Smith
Gwen Taylor
Frank Wyatt

Members absent: Amelia Dallas*

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

Others Present: John Bolton

*Excused absence.

Chairman Matthew W. Smith called the meeting to order.

ROLL CALL:

It was noted that everyone was present except Amelia Dallas.

SET MEETING AGENDA:

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

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

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

NEW BUSINESS:

A. ZONING CASE Z-17-13 TEXT AMENDMENT

- (1) Consideration of a zoning text amendment to amend Section 11.24(o) to create a special use process to allow recycling centers as a special use in the I-2 Industrial district.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment request to amend Section 11.24(o) to create a special use process to allow recycling centers as a special use in the I-2 Industrial district.

Kelly Stultz gave the Staff Report explaining that the proposed amendment would apply to all properties zoned I-2 and not to just this property. Many of the current properties that are zoned I-2, were zoned at the time of the original zoning and conditions on the ground were different then than they are now. As conditions have changed over time, the I-2 designation is no longer appropriate. She also advised the board members that they could not consider just Mr. Bolton’s specific property but all properties in the City’s planning jurisdiction. The board was told of the great debates and research that had taken place in the Planning and Inspections Department with respect to this proposed zoning amendment. Research has revealed that the distance from the business in other jurisdictions were as great at 1,000 feet and as little as 100 feet. Staff recommends in favor of the zoning text amendment as presented in the Staff Report.

Discussion included questions about the owner of the house on the same property, the difference between I-2 and I-3 and the next steps necessary if the board recommends approval of the amendment. The next step would be to determine if Mr. Bolton’s property meets the requirements of the amendment.

Mr. Robert Artis, 314 Roosevelt Street, Eden, NC addressed the board and stressed the importance of having a recycling center in Eden.

Jerry Holland made a motion, seconded by Steve Morgan, that the board recommend approval of the text amendment to the City Council and adoption of the Statement of Consistency.

OLD BUSINESS:

**B. ZONING CASE Z-17-06 MAP AMENDMENT
ZONING CASE SU-17-03 SPECIAL USE PERMIT**

Kelly Stultz reminded the board of the discussion last month concerning this case and that staff had recommended to deny the zoning request.

1. If it were not for a residence or residential property being within 200 feet of the recycling center operation, staff would have recommended in favor of the amendment.

2. If you decide to recommend a different distance along with what staff has recommended in the Staff Report, you can recommend I-3 and approval of the Special Use Permit to council.
3. If you amend the first action, we will take it back to staff, made an amendment and return it to you and I will recommend that it be denied by the City Council because of the residential house.

Staff looked at recycling center regulations at many cities in the State. The minimum distance from a residence was 100 feet.

Tamyra Caple asked Kelly to bring her up to date on the applications and why staff had made their recommendations.

John Bolton challenged the distances of recycling centers from residential structures in other jurisdictions. He stated that he would do whatever he needed to do to handle household goods only. He was not interested in handling construction debris or cars. He would need 6 to 8 containers outside to keep up with the volume he anticipated. Mr. Bolton gave a brief description of the history of his operation. He was operating as a legal non-conforming business which he lost when the previous business filed bankruptcy and the business closed.

Steve Morgan made a motion to recommend denial of the map amendment to the City Council and to adopt the Statement of Consistency. Jerry Holland seconded the motion. The motion passed.

Jerry Holland made a motion to reopen Zoning Case Z-17-13. Steve Morgan seconded the motion and it passed unanimously.

Frank Wyatt made a motion to amend the distance between the recycling center and a residential use or district from 200 feet to 150 feet. Kelly clarified that changing the distance would not help the applicant meet the requirements of the proposed special use permit. There is a provision in I-2 that provides for a caretaker's residence on the property if the board wanted to consider that option. If Zoning Case Z-17-13 is approved, the applicant would apply to the Board of Adjustment for approval of the Special Use Permit.

After much discussion, Tamyra Caple made a motion to rescind the previous motion to recommend approval of the amendment. Jerry Holland seconded the motion, the motion passed to send it back to staff for consideration and changes.

The board asked staff to look at the following items:

- Any residential house should be at least 150 feet from the recycling center unless a caretaker lives in the house and then it could be 200 feet.
- Define major and minor or primary and secondary centers.
- Storage – containers should be swapped out every 1 to 2 days
- There should be inside operations only with storage outside.
- The property should be maintained in a clean and neat condition.
- The property should be fenced with a buffer.

Mr. Bolton requested that it clarify inside and outside businesses.
No operations between 7 p.m. and 6 a.m.
Comply with noise ordinance.
Unload on the property behind the fence and buffer.

ITEMS FROM STAFF

Debra reminded the board that the next meeting is scheduled for December 26, 2017, and ask if they wanted to meet the first week in January or wait until the regular meeting on January 23, 2017, to meet. It was the consensus that the next meeting be held on January 23, 2017.

ITEMS FROM THE PLANNING BOARD

None

ADJOURNMENT:

There being no further business to come before the Board, Eddie Barker 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