

EDEN PLANNING BOARD
AUGUST 25, 2015

A regular meeting of the Eden Planning Board was held on Tuesday, August 25, 2015, at 5:30 P.M. in the conference room at City Hall. Members present:

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

Members absent: *Carol Helms

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

Others present: Sara Brust, Applicant for Z-15-07

*Excused absence.

The meeting was called to order by Chairman Matt Smith.

SET MEETING AGENDA:

Kelly: Due to a change in circumstances Zoning Case Z-15-04 has been withdrawn. Chairman Smith asked for a motion that the Planning Board agenda as be set as amended. A motion was made by Eddie Barker, seconded by Jerry Holland to set the agenda. Motion carried unanimously.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON JULY 28, 2015.

The minutes of the regular meeting on July 28, 2015 were presented to the Board. Eddie Barker made a motion to approve the minutes as submitted. Jerry Holland seconded the motion. Motion carried unanimously.

ZONING CASE

Z-15-07

MAP AMENDMENT

CONSIDERATION OF A ZONING MAP AMENDMENT TO REZONE PROPERTY AT 802 WASHINGTON STREET FROM BUSINESS-CENTRAL (BC) TO BUSINESS-GENERAL (BG) REQUEST SUBMITTED BY GREG BRUST, POTENTIAL BUYER.

Chair Smith said if the Board approves this case, the Board would need to adopt a statement of consistency regarding the proposed map amendment request.

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Kelly: This case is unusual. Mr. Brust agreed to buy the property on the assumption that he could do a car repair business there since there had been one there forever. However, the nonconforming business had been vacated for over six months and therefore could not be reopened as a car repair business.

Kelly: Oddly there was a similar case last month dealing with a former auto business/service station that was in the Business-Central zoning district which did not allow auto repair and a car washing business. In that case the property was on The Boulevard. The Council had dramatically changed the zoning pattern in that area and rezoned a large portion of property in that area to Business-General even though she did not think it was a good plan she had to recommend in favor of that because the Council had made that policy decision.

Kelly: I had a number of conversations with Mr. Brust and he and Mrs. Brust wanted the property rezoned to Business-General. However, there are some uses in BG that I do not think would be good on that corner. I do agree that the Brusts' should be allowed to do those automobile uses that are allowed in BG. It is hard to take a building like that and adaptively reuse it for something else. The building already has a repair bay and all the things that could be used in an automobile type use.

Kelly: I would like the Planning Board to amend the request from being a map amendment request to being a text amendment request. The change would be for Automobile Repair and Detailing and Automobile Sales to be allowed in the BC district as conditional uses.

Kelly: A towing business is allowed in BC but automobile repair is not allowed. There was a request several months ago where a towing business in the BC district wanted to have automobile sales and a minor change was made to the Zoning Ordinance for that purpose.

Kelly: I think the text amendment is very appropriate since there are several service stations and former service stations in the BC district.

Mr. Hunnings asked about the uses allowed in the BC district.

Kelly: The BC district is designed to permit a concentrated development of retailing establishments. The BG district is generally located on the fringe of those areas.

Kelly: When Mr. Brust and I talked, we discussed that there are a number of businesses such as this located in the BC district that are operating as nonconforming uses. It is better if they are conforming in this particular case because if you take a building like this one that sits not being used and there is no viable use for it, then there may be a possibility of finding a way to take the building down. This is the reason for amending the request from a map amendment request to a text amendment request.

Mrs. Brust was present at the meeting and had nothing to add to the presentation.

Tamyra Caple asked where the entrance would be to the property. Mrs. Brust said there would be an entrance off Washington Street and Patrick Street.

A question was asked if the uses were already allowed in BG. Ms. Stultz said it would be allowed if the property was rezoned.

Kelly: If the text amendment is approved it would make some nonconforming uses still operating a conforming uses.

Steve Morgan made a motion that the request be approved as amended from a map amendment request to a text amendment request and approve the Statement of Consistency regarding the request. Fred Ramsey seconded the motion. Motion carried unanimously.

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:

Matt Smith, Chairman