

A-G-E-N-D-A

REGULAR MEETING

PLANNING BOARD

CITY HALL CONFERENCE ROOM

308 E. STADIUM DRIVE

TUESDAY, JUNE 28, 2016

5:30 P.M.

1. Meeting called to order.
2. Roll Call.
3. Set Meeting Agenda.
4. Approval of minutes of a special meeting on November 3, 2015
5. Old Business.
6. New Business:

A. ZONING CASE

Z-16-01

MAP AMENDMENT

Consideration of a zoning map amendment request to rezone property at 202 Hairston Street from Residential-12 and Business-Neighborhood to Business-Neighborhood. Request submitted by Jane L. Hampton, Property Owner's Representative.

Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 202 Hairston Street from Residential-12 and Business-Neighborhood to Business-Neighborhood.

B. ZONING CASE

Z-15-04

TEXT AMENDMENT

Consideration of a zoning text amendment request to amend Section 11.22(q) to allow solar energy systems as an accessory use in all districts and Section 11.26 to allow solar as a principal use with a special use permit in the R-S, I-1 and I-2 zoning districts. Request submitted by the Planning Board.

Consideration of a Resolution adopting a statement of consistency regarding a text amendment request to allow solar as an accessory use in all districts and solar as a principal use in the R-S, I-1 and I-2 zoning districts as a Special Use Permit.

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**

EDEN PLANNING BOARD
NOVEMBER 3, 2015

A special meeting of the Eden Planning Board was held on Tuesday, November 3, 2015, at 5:30 P.M. in the conference room at City Hall. Members present:

Eddie Barker
Tamyra Caple
Fred Ramsey
Giles Hunnings,
Jerry W. Holland, Jr.
Matt Smith
Steve Morgan
Carol Helms

Members absent: Amelia Dallas
Frank Wyatt

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

Others present: Gene Robertson, Representative for The Outdoor Group, LLC,
Zoning Case Z-15-08

*Excused absence.

The meeting was called to order by Chairman Matt Smith.

SET MEETING AGENDA:

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 AUGUST 25, 2015.

The minutes of the regular meeting on August 25, 2015 were presented to the Board. Mr. Barker made a motion to approve the minutes as submitted. Mr. Morgan seconded the motion. Motion carried unanimously.

ZONING CASE

Z-15-08

MAP AMENDMENT

CONSIDERATION OF A ZONING MAP AMENDMENT TO REZONE PROPERTY ON THE NORTHWEST CORNER OF PRICE ROAD AND PLANTATION ROAD FROM RESIDENTIAL-20 TO RESIDENTIAL-SUBURBAN. REQUEST SUBMITTED BY THE OUTDOOR GROUP, LLC AND AMENDED BY STAFF TO INCLUDE FIVE (5) ADDITIONAL PROPERTIES.

Kelly: There is a lot of property in that area that was zoned Residential-20 (R20) at the time the extraterritorial jurisdiction (ETJ) was enacted in 1979. The R20 district was designed as a holding zone to see what the development pressure would be. Nearly all the area should be zoned Residential-Suburban (RS). When the request was submitted, staff decided to amend the request to include five (5) additional properties. I certainly hope the Planning Board will support the recommendation.

It is a rural residential agricultural area and RS zoning is more conducive to that area due to the lack of sewer connections.

A question was asked about the R20 zoning district.

R20 is the same zoning that is behind City Hall and the hospital. It is large lot single family residential. It is the city's most restrictive zone.

The RS has some added gifts to the property owners in that district. If that owner has the right amount of acreage they can have more square footage in accessory buildings than they could have otherwise.

The NC General Assembly has said that permits are no longer required for farm buildings.

I do think the zoning that has been requested is entirely appropriate for the subject parcel and the parcels that have been added.

Gene Robertson: I think the property is in a rural setting and is more in keeping with RS zoning than R20. I think a lot of the property is already used as RS property.

Kelly: RS zoning requires larger minimum lot size than R20 and that is mainly due to septic tank requirements. She said rarely does the county allow less than an acre of land for a septic tank. This does provide for more flexibility for property owners in that type of setting.

A question was asked why two of the lots were split R4 and R-20 and asked for an explanation of R4.

Kelly: R4 at the time the ETJ was established did not exist. When the R4 district was created it was the only district at that time that allowed manufactured homes.

Debra: The lot this is split lot zoned because people buy, split, cut and a rezoning is not requested when those properties are combined.

Kelly: We do not condone split lot zoning and a lot of stuff gets done that we never see.

Mr. Barker made a motion that the Planning Board approve the rezoning request as amended. Mr. Holland seconded the motion. Motion carried unanimously.

CONSIDERATION OF A RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING THE PROPOSED MAP AMENDMENT REQUEST REGARDING THE REZONING OF A PARCEL OF LAND ON PRICE ROAD AND PLANTATON ROAD AND THE ADDITION OF FIVE (5) ADDITIONAL PROPERTIES.

Mr. Morgan made a motion that the Planning Board adopt a statement of consistency regarding the proposed zoning map amendment to the City of Eden Zoning Ordinance. Mr. Barker seconded the motion. Motion carried unanimously.

ZONING CASE

Z-15-09

MAP AMENDMENT

CONSIDERATION OF A REQUEST TO AMEND SECTION 11.24(p) AND SECTION 11.24(q) OF THE ZONING ORDINANCE TO ALLOW SOLAR FARMS AS A PERMITTED USE IN THE INDUSTRIAL-3 ZONING DISTRICT WITH A SPECIAL USE PERMIT. REQUEST SUBMITTED BY THE PLANNING BOARD.

Kelly: Solar energy has been a hot topic in the country and in the state of North Carolina. We have had some serious people inquiring about solar farms. As an industrial use I feel I am a fairly good environmentalist, I am not always crazy about using up our good industrial land for them. The reason why is they do not create any revenue, they do not create any jobs and they come in and just sit there.

There are risks that come with solar energy like cell towers and the technology passing them by. A lot of compatriots around the state have done amendments similar to the one presented to this Board.

Because there are risks with solar farms and they use a whole lot of property which there has been a whole lot of money spent to get infrastructure to the property, we request that the property be rezoned to I3 and noted they have to meet all the requirements for the special use permit.

We are also going to ask the Council to create a separate fee for them like we have already done for some of the other serious industrial uses in case we have to hire someone from outside to help review the plans.

Fred: What about the risks with that?

Kelly: There always is a risk of fire. If the property is not maintained there are chemicals in the cells that can explode. It is a great way to provide energy.

I think we need to get ahead of this before an application is applied for.

Chairman Smith: Did you define what a solar farm is?

Kelly: I did not put a definition of a solar farm in the report.

Matt: If I want to put eight (8) panels in my back yard, would that qualify as a solar farm?

Kelly: The Board can table this request until a definition of a solar farm is prepared.

Some of the Board members felt that it would be safer if a definition was in place for a solar farm before fully considering the zoning text amendment.

Steve: How do you prevent someone from putting a solar farm on their own residential property? Is that good for the community?

Kelly: There is a difference if you are supplying energy for your own needs and generating energy for profit.

Mr. Barker made a motion to table the zoning amendment request for solar farms until a definition is brought back to the Board. Mr. Ramsey seconded the motion. Motion carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board, Mr. Holland made a motion for adjournment. Mr. Barker seconded the motion. Motion carried unanimously.

Respectfully submitted,

Kelly K. Stultz, Administrative Assistant to the
Planning Board

Attest:

Matt Smith, Chairman

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING TEXT AMENDMENT REPORT
June 28, 2016**

CASE NUMBER: Z-15-09

REQUESTED ACTION: To amend Section 11.22 (q) to permit solar energy systems as an accessory use in all districts.

To amend Section 11.26 to allow solar as a principal use with a special use permit in the R-S, I-1, I-2.

APPLICANT: Planning Board

EXISTING TEXT

Section 11.22(q) Accessory Structures

Solar as an accessory Use - (None)

PROPOSED TEXT

Section 11.22(q) Accessory Structures and Accessory Uses

Accessory uses are customarily incidental and subordinate to the principal use or building and are located on the same lot with such principal use or building

(3) **Solar as an accessory use** – Small solar energy systems shall be permitted as an accessory use by right in all zoning districts which shall include:

- a. Ground and pole mounted systems in the rear or side yard only. Ground mounted system shall not exceed 12 feet above the ground.
- b. Roof mounted solar energy systems shall include integrated solar shingles, tiles or panels as the surface layer of the roof structure with no additional apparent change in relief or projection of the roof line.
- c. Separate flush mounted solar energy systems installed on the roof of a building or structure shall not project vertically above the peak of the sloped roof to which it is attached; or extend beyond the perimeter of the roof line.
- d. Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
- e. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and /or the local utility power grid.

- f. No ground-mounted small solar energy system shall be affixed to a block wall or fence.
- g. Energy - The energy generated by the small solar energy system shall be used for direct consumption on the subject property and for inter-connection to the electric utility power grid to off-set energy use on the subject property, in accordance with current state net-metering laws.
- h. The construction of the small solar energy system shall be in accordance with an approved building permit application.

EXISTING TEXT

Section 11.24(q)(3) Uses Requiring Special Use Permits

Solar As A Principal Use - (None)

PROPOSED TEXT

Section 11.24(q)(3) Uses Requiring Special Use Permits

(r) **Solar As A Principal Use**

The City Council shall, prior to the issuance of a Special Use Permit for Solar as a principal use in the R-S, I-1 or the I-2 district, find that such special use meets the following standards:

- (1) Prior to issuance of a special use permit, a site plan shall be approved by the Zoning Administrator, showing locations of all equipment and structures, landscaping and buffers, property lines, residential structures within 500 feet, required setbacks, and all adjacent property owners. A minimum of 10 acres is required.
- (2) Solar collectors shall be a minimum of 50 feet from all road right-of-ways and 50 feet from all property lines. No solar or other energy collectors or solar farm structures (including fencing) shall be located within 100 feet of any residential structure.
- (3) A minimum eight-foot-high commercial grade fence shall be installed to prevent trespassers from entering the property. In addition, a vegetative buffer shall be installed along any roadway or adjacent to any residential use.
- (4) The maximum height for any solar or other energy collectors and solar farm structures shall be 20 feet as measured from the grade at the base to the apex.
- (5) Noise levels measured at the property lines shall not exceed 50 decibels when located adjacent to an existing residence or residential district.

- (6) Prior to issuance of a special use permit, a fire protection and suppression plan shall be submitted to and approved by the City of Eden Fire Marshall and the Chief Codes Inspector. Fire response shall be provided by the City of Eden Fire Department.
- (7) To the extent practical, all new power transmission lines to any building, structure or utility connection shall be located underground. Existing above ground utility lines shall be allowed to remain in their current location or connection to utility system.
- (8) A decommissioning plan shall be submitted by the operator of the farm and the landowner (if different) and submitted with the special use permit application. The plan shall address the following:
 - (a) Defined conditions upon which decommissioning will be initiated, such as end of lease or cessation of operations.
 - (b) Removal of all equipment, conduits, structures, fencing, roads, and foundations.
 - (c) Restoration of property to its condition prior to development of the solar farm.
 - (d) Timeframe for completion of decommissioning activities, not to exceed one year.
 - (e) Description and copy of lease and any other agreement with landowner addressing the decommissioning.
 - (f) Name and address of person(s) or party responsible for decommissioning.
 - (g) Schedule for updating of decommissioning plan.
 - (h) A security bond between the developer and the City of Eden shall be a part of decommissioning plan for the protection of the property owner and the community at large.

GENERAL INFORMATION

This request was submitted by the Planning Board.

STAFF ANALYSIS

This amendment was initiated by the Planning Board. Renewable energy sources have become an important issue in today's climate and economy. One of the most viable options for renewable energy is solar power. Staff is of the opinion that provisions should be made in the Zoning Ordinance for solar uses in areas where practical.

Solar as an accessory use should be allowed in all districts so long as the conditions mentioned above are met. Solar as a principal use should only be permitted under certain conditions with a special use permit.

Staff is of the opinion that solar as a principal use should only be allowed in the Residential Suburban (RS), Industrial-1 (I-1) and Industrial-2 (I-2) districts with a special use permit, providing conditions in each district that would prevent the solar as a principal use from detracting from the subject district or the surrounding districts. Care must be given to address potential concerns specific to solar uses and to each district before the issuance of a special use permit.

Therefore, staff recommends that solar as accessory uses be allowed in all districts subject to the aforementioned standards and that solar uses a principal use be allowed as a special use in the RS, I-1 and I-2 districts, provided that the conditions as set forth can be met.

Based upon the foregoing information, staff recommends in favor of the text amendment as amended.

STAFF RECOMMENDATION: Approval of the text amendment as amended.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-15-09
TEXT 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 initiated a request for an amendment to the Zoning Ordinance as follows:

To allow solar as an accessory use in all zoning districts and solar as a principal use in the R – S, I – 1 and I – 2 zoning districts with a Special Use Permit.

STATEMENT OF NEED:

Renewable energy sources have become an important issue in today's climate and economy. One of the most viable options for renewable energy is solar power. Staff is of the opinion that provisions should be made in the Zoning Ordinance for solar uses in areas where practical.

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, as amended, 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 amendment 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 28th day of June, 2016.

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
June 14, 2016**

CASE NUMBER:	Z-16-01
EXISTING ZONING DISTRICT:	R-12 and BN
REQUESTED ZONING DISTRICT:	BN
APPLICANT:	Jane L. Hampton
APPLICANT'S STATUS:	Property Owner's Representative

PROPERTY INFORMATION

LOCATION:	202 Hairston Street
PIN:	7090-13-24-4447
SIZE:	2.22 acres
ACCESS:	Hairston Street, Georgia Avenue, Knott Street
LAND USE:	Vacant (former school building)
PHYSICAL CHARACTERISTICS:	Large, open lot containing a former school building
ZONING HISTORY:	Zoned R-12 and BN at time of original zoning

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north across Georgia Avenue by a single-family residential property; bordered on the east by a single-family residential property and a vacant commercial property; bordered on the south across Knott Street by a single-family residential property; bordered on the west across Hairston Street by single-family residential properties and a church.		
ADJACENT ZONING:	North:	R-12	
	South:	R-12	
	East:	R-12 and BN	
	West:	R-12	

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS:	Yes
PUBLIC WATER AVAILABLE:	Yes
PUBLIC SEWER AVAILABLE:	No
LAND DEVELOPMENT PLAN (2007):	Traditional Neighborhood
FLOOD HAZARD AREA:	None
WATER SUPPLY WATERSHED:	None

STAFF ANALYSIS

The request is to rezone approximately 2.22 acres from Residential-12 and Business Neighborhood to Business Neighborhood. The R-12 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 discourage any use which because of its character would substantially interfere with the development of single-family residences of the district and which would be detrimental to the quiet residential nature of the areas included in the district. The Business Neighborhood district is established as a district in which the principal use of land is for commercial and service uses to service the surrounding residential districts. (This district is for concentrated business development on sites less than four (4) acres. Concentrated business development on sites over four (4) acres shall be permitted only in the Business Shopping Center district.)

The subject parcel is located in an area characterized by single-family residential uses on medium sized parcels. There has been no development pressure in the area. The subject parcel is split-zoned R-12 and BN. To the north across Georgia Avenue is R-12 property containing a single-family residence; to the east the subject parcel adjoins an R-12 parcel containing a single-family residence, and a BN property containing a vacant commercial building; to the south across Knott Street is R-12 property containing single-family residences; and to the west across Hairston Street is R-12 property containing single-family residences and a church.

The subject property contains a 1917 school building which has been used for various uses through the years, including a church, but it is currently vacant. The BN zoning district allows for limited low-impact commercial and service uses which are designed to serve the surrounding residential areas and which would have no detrimental effect on the residential area. The school building on the property was designated as a Local Historic Landmark in 2006. The property is split-zoned R-12 and BN, with the BN portion of the property adjoining property currently zoned BN. Staff is of the opinion that the uses allowed in the BN district would not be detrimental to the surrounding residential neighborhood, and may be good adaptive reuses of the historic structure. This could also be beneficial to the neighborhood, since the property could be better

utilized rather than sitting vacant. Based on the residential character of the neighborhood and the limited uses allowed in the Business Neighborhood district, staff is of the opinion that rezoning the entire property to BN would be appropriate.

Therefore, staff recommends in favor of the rezoning request.

STAFF RECOMMENDATION: Approval of the Business Neighborhood request.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-16-01
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 202 Hairston Street from Residential-12 and Business Neighborhood to Business Neighborhood.

STATEMENT OF NEED:

The subject property contains a 1917 school building which has been used for various uses through the years, including a church, but it is currently vacant. Staff is of the opinion that the uses allowed in the BN district would not be detrimental to the surrounding residential neighborhood, and may be good adaptive reuses of the historic structure. This could also be beneficial to the neighborhood, since the property could be better utilized rather than sitting vacant. Based on the residential character of the neighborhood and the limited uses allowed in the Business Neighborhood district, staff is of the opinion that rezoning the entire property to BN would 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 will be consistent with the goals and policies expressed in the Land Development Plan, as amended, 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 amendment 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 28th day of June, 2016

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board



Zoning Case
Z-16-01
Aerial Map

Subject Property

R12

BN

- 131
- 134
- 136
- 137
- 202
- 203
- 204
- 209
- 210
- 213
- 219
- 905
- 911
- 920
- 1000
- 1003
- 1004
- 1010
- 1011
- 1012
- 1014
- 1015
- 1016
- 1018
- 1020
- 1022
- 1024
- 1026
- 1027
- 1028

HARSTON

GEORGIA

KNOTT

NEW

