

A-G-E-N-D-A
REGULAR MEETING
PLANNING BOARD
CITY HALL CONFERENCE ROOM
308 E. STADIUM DRIVE
TUESDAY, AUGUST 23, 2016
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 June 28, 2016.
5. Old Business.
6. New Business:

A. CITY CODE CASE CCA-16-01 TEXT AMENDMENT
Consideration of a request to amend Chapter 6, Article II, Section 6-39 of the Eden City Code dealing with chronic violators of the public nuisance and overgrown vegetation ordinance.

B. ZONING CASE Z-16-02 MAP AMENDMENT
Consideration of a zoning map amendment request to rezone property at 14020 NC 87 from Business – General to Residential – 12. Request submitted by Danny Wade with Oakwood Homes, as Property Owner’s Representative.

Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 14020 NC 87 from Business – General to Residential – 12.

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
JUNE 28, 2016

A regular meeting of the Eden Planning Board was held on Tuesday, June 28, 2016 at 5:30 P.M. in the conference room at City Hall. Members present:

Eddie Barker
Tamyra Caple
Fred Ramsey
Giles Hunnings,
Matt Smith
Steve Morgan
Carol Helms
Amelia Dallas

Members absent: Frank Wyatt
Jerry W. Holland, Jr.

Staff Present: Kelly K. Stultz, Planning Director

Others present: Applicant for Zoning Case Z-16-01

*Excused absence.

The meeting was called to order by Chairman Matthew W. Smith.

SET MEETING AGENDA:

A motion was made and seconded to set the agenda. Motion carried unanimously.

APPROVAL OF MINUTES OF THE SPECIAL MEETING ON NOVEMBER 3, 2015.

The minutes of a special meeting on November 3, 2015 were presented to the Board. Mr. Barker made a motion to approve the minutes as submitted. Ms. Caple seconded the motion. Motion carried unanimously.

NEW BUSINESS:

ZONING CASE

Z-16-01

MAP AMENDMENT

CONSIDERATION OF A ZONING 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.

Kelly: The request was submitted by Jane Hampton to rezone this property. It is extremely historical. I don't know if any of you know about Sunshine Schools. They were the first African-American schools built in the country. A wealthy gentlemen built these schools everywhere and that is what the building on the property was.

It has been given historic landmark status in the past.

The other thing that we do not like to do is to have lots that are split zoned. We could not find why this was done in the past.

Business-Neighborhood is designed just to serve the neighborhood. In the past, there used to be corner stores and this is exactly what this is about. Part of the property is already zoned Business-Neighborhood and it makes sense to rezone all the property to Business-Neighborhood.

We certainly recommend that the Planning Board approve the portion of the property that is not Business-Neighborhood to be rezoned to Business-Neighborhood.

Ms. Stultz noted there were several people present in favor of this request.

Mr. Barker: Is the surrounding neighborhood already zoned Business-Neighborhood.

Kelly: No. You really don't have a bunch of Business-Neighborhood in a neighborhood. It is designed to go in a residential area.

A question was asked if there were any objections from the neighborhood.

Kelly: Not that I have heard.

Kelly: The applicant wants to find a good community use for the building. Regardless it still makes more sense than for the property to be split zoned.

Ms. Caple made a motion that the Planning Board approve the rezoning request. Mr. Barker seconded the motion. Motion carried unanimously.

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.

Mr. Hunnings made a motion that the Planning Board adopt a statement of consistency regarding the proposed zoning map amendment request. Ms. Caple seconded the motion. Motion carried unanimously.

ZONING CASE

Z-16-01

TEXT AMENDMENT

CONSIDERATION OF A ZONING TEXT AMENDMENT REQUEST TO AMEND SECTION 11.22(q) GENERAL PROVISIONS OF THE CITY OF EDEN ZONING ORDINANCE TO ALLOW SOLAR SYSTEMS AS AN ACCESSORY USE IN ALL DISTRICTS AND SECTION 11.26 BOARD OF ADJUSTMENT OF THE CITY OF EDEN ZONING ORDINANCE TO ALLOW SOLAR AS A PRINCIPAL USE WITH A SPECIAL USE PERMIT IN THE RESIDENTIAL-SUBURBAN, INDUSTRIAL-1 AND INDUSTRIAL-2 ZONING DISTRICTS. REQUEST SUBMITTED BY THE PLANNING BOARD.

Kelly: At the last meeting the Board talked about solar farms and a question was asked about a definition for solar farms and at that time a definition had not been included.

Over the course of the intervening months, we have done a lot of research on this topic.

We have been contacted by two companies wanting to put solar as a principal use on property within Eden's jurisdiction.

What I have learned from standard practices of other jurisdictions across the state is that it makes much more sense to differentiate between solar as an accessory use and solar as a principal use which means it is a commercial use which takes up acreage. That is why the amendment was changed to differentiate between the two uses.

The last thing we want to do is to discourage anybody from being able to produce their own energy. Solar as a principal use, instead of making it an I-3 use which had been discussed, makes more sense to me than to only allow it in Residential-Suburban which is a residential agricultural district. That is what most jurisdictions do. Solar would also be allowed in Industrial-1 and Industrial-2 zoning districts as principle uses.

Kelly: What we have recommended is to limit the height of the panels. You cannot require buffers around the fence because it would then block the sun from the panels. There are glare issues with the panels and that is why there are increased setbacks in all directions in those districts. Generally, there is a little hum with the devices. We also want to make sure there is a decommissioning plan and a bond is put up for that.

We certainly recommend that the Board approve the amendment and the consistency statement.

A question was asked if an operation such as this would have to pay special taxes.

Kelly: There are no special taxes. There could be taxes on equipment.

Ms. Barker made a motion that the Planning Board approve the text amendment as amended. Mr. Ramsey seconded the motion. Motion carried unanimously.

CONSIDERATION OF A RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING A TEXT AMENDMENT REQUEST TO ALLOW SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE IN ALL DISTRICTS AND SOLAR AS A PRINCIPAL USE IN THE RESIDENTIAL-SUBURBAN, INDUSTRIAL-1 AND INDUSTRIAL-2 ZONING DISTRICTS AS A SPECIAL USE PERMIT.

Mr. Hunnings made a motion that the Planning Board adopt a statement of consistency regarding the proposed zoning text amendment request. Mr. Barker seconded the motion. Motion carried unanimously.

ITEMS FROM STAFF:

Kelly: Kathy Doss is finally going to retire after 45 years of service. Kathy came to work in 1971 only four years after Eden was established. She came to work at the age of 19 and has worked for every manager that the City has had. She actually retired in 2002 and has worked part-time since then.

ADJOURNMENT:

There being no further business to come before the Board, Mr. Barker made a motion for adjournment Mr. Hunnings 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
CITY CODE AMENDMENT REPORT
June 2, 2016**

CASE NUMBER: CCA-16-01

REQUESTED ACTION: To amend Chapter 6, Article II: Section 6-39 of the Eden City Code dealing with chronic violators of public nuisance and overgrown vegetation ordinance.

APPLICANT: Planning Board

EXISTING TEXT

Chapter 6, Article II: Section 6-39.1

ANNUAL NOTICE TO CHRONIC VIOLATORS OF PUBLIC NUISANCE OR OVERGROWN VEGETATION ORDINANCE

(No existing text)

PROPOSED TEXT

Chapter 6, Article II

§6-39.1 ANNUAL NOTICE TO CHRONIC VIOLATORS OF PUBLIC NUISANCE OR OVERGROWN VEGETATION ORDINANCE

- (A) In accordance with Section 160A-200.1 of the North Carolina General Statutes, a city may notify a chronic violator of the city's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the city shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.
- (B) The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.
- (C) A city may also give notice to a chronic violator of the city's overgrown vegetation ordinance in accordance with this section.

- (D) For purposes of this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance. (2009-287, s. 1; 2013-151, s. 1; 2015-246, s. 1(b).)

GENERAL INFORMATION

This request was submitted by the Planning Board.

STAFF ANALYSIS

The Planning and Inspections Department routinely receives complaints from citizens about various types of nuisances, such as high grass and junk. Year after year, there are numerous chronic violators and repeat offenders who are often cited several times in a calendar year, and whose property the city must mow or clean up several times per year. The North Carolina General Statutes has been amended to allow municipalities to deal with these properties in a timelier manner, without having to start the process over with each complaint, provided they meet the standards as set forth in the General Statutes. This will save the city time and money as far as the notification process, and allow the city to be more proactive in abating these violations.

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

STAFF RECOMMENDATION:

Approval of the text amendment.

PLANNING AND INSPECTIONS DEPARTMENT
ZONING CASE REPORT
August 15, 2016

CASE NUMBER:	Z-16-02
EXISTING ZONING DISTRICT:	BG
REQUESTED ZONING DISTRICT:	R-12
APPLICANT:	Oakwood Homes
APPLICANT'S STATUS:	Property Owner's Representative

PROPERTY INFORMATION

LOCATION:	14020 NC 87
PIN:	7060-0877-8621
SIZE:	8.8 acres
ACCESS:	NC 87
LAND USE:	Residential/Agricultural
PHYSICAL CHARACTERISTICS:	Large, partially cleared, partially wooded parcel containing a farmhouse and outbuildings
ZONING HISTORY:	Zoned BG at time of original ETJ zoning

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north by R-12 property containing a duplex, undeveloped BG property, and RS property containing a residential/agricultural use; bordered on the east across NC 87 by R-20 single family residential properties; bordered on the south by BG property containing the fairgrounds; bordered on the west by undeveloped RS property.		
ADJACENT ZONING:	North:	R-12, BG, RS	
	South:	BG	
	East:	R-20	
	West:	RS	

PLANNING AND DEVELOPMENT INFORMATION

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

STAFF ANALYSIS

The request is to rezone approximately 8.8 acres from Business General to Residential-12. The BG Business Districts are generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of land is for dispensing retail goods and services to the community and to provide space for wholesaling and warehousing activities. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement, and suitable landscaping. 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 subject parcel is located in a rural residential area with agricultural land and primarily single family homes located on medium to large sized lots. There has been no business development pressure in the area. The subject property contains a farmhouse and outbuildings on a large parcel of land. The front of the property contains the house and outbuildings and the majority (rear) portion of the property is primarily wooded and undeveloped. Adjacent to the property on the south is the former Tri-City Agricultural Fairgrounds, which is zoned BG. Adjacent to the north are several parcels of property zoned RS, R-12 and BG, which contain residential dwellings and agricultural land. A small triangular parcel (PIN #7060-0887-1757) adjacent to the subject property is also zoned BG. This parcel is undeveloped. Staff is of the opinion that it would make sense to also rezone this parcel to R-12, as the adjoining properties are also zoned R-12. Therefore staff recommends that the request be amended to include this parcel in the request.

Based on the above information, and the rural residential character of the area, staff recommends in favor of the amended zoning request.

STAFF RECOMMENDATION: **Approval of the amended Residential-12 request.**

ZONING CASE

Z-16-02

AERIAL MAP



Additional Parcel

Subject Property



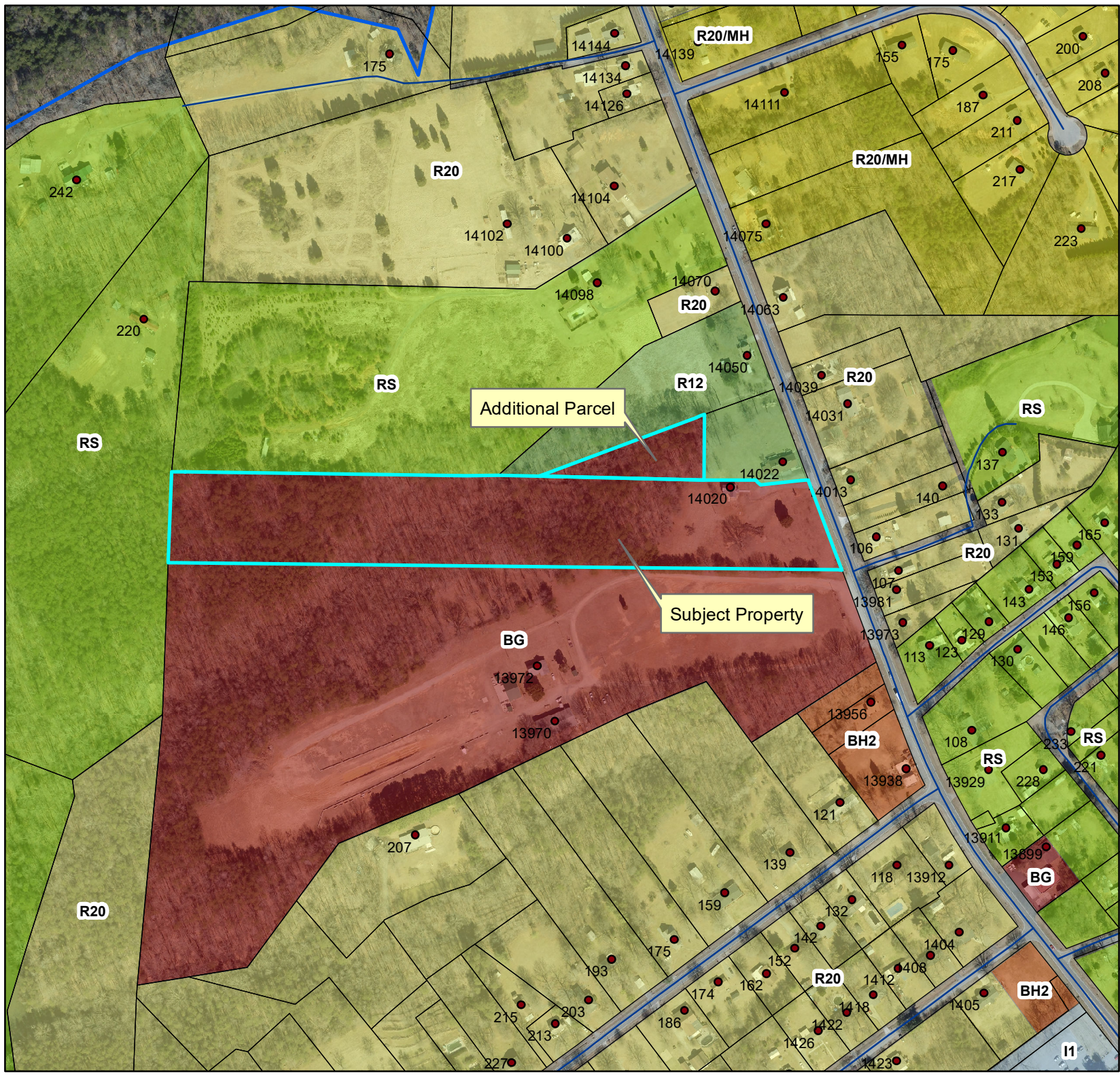
14020 NC 87
And Adjoining Parcel

Business - General
to
Residential - 12

ZONING CASE

Z-16-02

ZONING MAP



Additional Parcel

Subject Property

14020 NC 87
And Adjoining Parcel

Business - General
to
Residential - 12

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-16-02
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 14020 NC 87 from Business General to Residential-12.

STATEMENT OF NEED:

The request is to rezone property located at 14020 NC 87 from Business – General to Residential – 12. Staff is of the opinion that this request would be appropriate for the subject property because of the character of the area, the lack of business development pressure in the area and there are other Residential – 12 properties adjoining the subject properties. However, staff is of the opinion that the triangular parcel (PIN 7060-08-87-1757) adjacent to the subject property is also zoned Business – General and should be rezoned to Residential – 12. Therefore, staff recommends that the request be amended to include the adjoining parcel zoned Business – General.

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 small triangular parcel 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 23rd day of August, 2016.

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board