

**A-G-E-N-D-A**

**REGULAR MEETING**

**PLANNING BOARD**

**CITY HALL CONFERENCE ROOM  
308 E. STADIUM DRIVE**

**TUESDAY, AUGUST 25, 2015  
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 July 28, 2015.
5. Old Business:

**ZONING CASE**

**Z-15-04**

**TEXT AMENDMENT**

- (a) Consideration of a zoning text amendment to allow kennels as a permitted use in the Business-General district. Request submitted by William F. Pace, Sr.
- (b) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment to allow kennels as a permitted use in the Business-General district.

6. New business:

**ZONING CASE**

**Z-15-07**

**MAP AMENDMENT**

- (a) Consideration of a zoning map amendment to rezone property at 802 Washington Street from Business-Central to Business-General. Request submitted by Greg Brust, potential buyer.
- (b) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone a parcel of land at 802 Washington Street from Business-Central to Business-General.

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 Opt. 2**

EDEN PLANNING BOARD  
JULY 28, 2015

A regular meeting of the Eden Planning Board was held on Tuesday, July 28, 2015, at 5:30 P.M. in the conference room at City Hall. Members present:

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

Members absent: Giles Hunnings\*

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

Others present: Michael W. Armstrong, Applicant for Z-15-06  
Pamela S. Armstrong, Applicant for Z-15-06

\*Excused absence.

The meeting was called to order by Chairman Matt Smith.

**SET MEETING AGENDA:**

Kelly: I would like to ask that we reverse the order of Case Files Z-15-05 and Z-15-06 since the applicants for Z-15-06 are present at the meeting. Chairman Smith asked for a motion that the Planning Board agenda as being set with the cases being reversed as requested by Ms. Stultz. A motion was made by Fred Ramsey, seconded by Carol Helms to set the agenda as revised. Motion carried unanimously.

**APPROVAL OF MINUTES OF A SPECIAL MEETING ON MAY 5, 2015.**

The minutes of the special meeting of the Planning Board on May 5, 2015 were presented to the Board. Mr. Barker made a motion to approve the minutes as submitted. Mr. Holland seconded the motion. Motion carried unanimously.

**NEW BUSINESS:**

**ZONING CASE**

**Z-15-06**

**MAP AMENDMENT**

CONSIDERATION OF A ZONING MAP AMENDMENT TO REZONE PROPERTY AT 270 GARDEN ROAD FROM RESIDENTIAL-20 TO RESIDENTIAL-SUBURBAN. REQUEST SUBMITTED BY MICHAEL W. ARMSTRONG.

Kelly: This is a request to rezone property located at 270 Garden Road from Residential-20 (R-20) to Residential-Suburban (R-S). The parcel is almost 3 acres and is currently vacant.

Kelly: As you can see on the zoning map all the property on the east side of Garden Road is already zoned RS. This whole area is part of what was zoned R20 when the extraterritorial zoning (ETJ) was adopted in 1979. R20 was used as a holding zone until we knew what the development pressure would be. Since there has been very little development pressure of any intensity in the area and it is characterized by agricultural uses, staff is of the opinion that the subject property should be rezoned to RS and the request be amended to include seven additional parcels that front on Garden Road. The RS district is characterized by large lot agricultural type uses.

Kelly: I feel that the request should be amended so that it will correct a problem with the zoning pattern in this area and will be in keeping with the Land Use Plan.

Kelly: I would ask that the Planning Board approve the request as amended along with the Statement of Consistency regarding the proposed rezoning.

Mike Armstrong said he would like to have the property rezoned because he felt that it would open up more opportunities for the property.

Pam Armstrong said by rezoning the property to RS it would allow them more options such as placing a mobile home on the property as well as a house.

Kelly: R20 only allows for single family site built houses. RS allows for a variety of housing types. RS does require larger lots than what is allowed in R20 which is appropriate in the ETJ where there is no sewer. RS also allows for the keeping animals as the principal use of the property as well as other agricultural uses that are not allowed in the R20 district.

Steve Morgan made a motion that the request be approved as amended to include the seven additional properties and to adopt the Statement of Consistency regarding the rezoning. Jerry Holland seconded the motion. Motion carried unanimously.

**ZONING CASE**

**Z-15-05**

**MAP AMENDMENT**

CONSIDERATION OF A ZONING MAP AMENDMENT TO REZONE PROPERTY AT 301 THE BOULEVARD FROM BUSINESS-CENTRAL TO BUSINESS-GENERAL. REQUEST SUBMITTED BY BOBBY RAY CAMPBELL.

Kelly: As you look at the zoning map, many of you will remember when Jesse Meeks and Shane Hensley applied for a zoning change from Business-General to Business-Central for much of the area several years ago. At that time your staff and the Planning Board recommended against the rezoning; however, the Council approved the request. By making that change, the Council has created a precedent for this zoning.

Kelly: This particular property was a gas station years ago and because of the structures on the property it is suitable for some type of car business.

Kelly: Based on the precedent the council set and changes in the land use pattern, we recommend that you rezone this property from Business-Central to Business-General.

Eddie Barker made a motion that the request be approved and the Statement of Consistency be adopted regarding the rezoning. Fred Ramsey seconded the motion. Motion carried unanimously.

**ITEMS FROM STAFF:**

Debra Madison gave a presentation on how the board will be able to access documents and information from the City of Eden website. Future agendas and supporting documents and minutes will be downloaded to the website then an email will be sent to board members that the information is available except for 2 packages that will be mailed to members that do not use their computers on a regular basis.

**ITEMS FROM THE PLANNING BOARD:**

Steve Morgan asked what the status was on animal shelters which the Board had discussed several months ago.

Kelly: The people wanting the shelter have not provided enough information to know how to proceed. The City Council tabled this item on their agenda and requested that a special use process be created.

**ADJOURNMENT:**

There being no further business to come before the Board a motion and second was made for adjournment. Motion carried unanimously.

Respectfully submitted,

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Kelly K. Stultz, Administrative Assistant to the  
Planning Board

Attest:

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Matt Smith, Chairman

**PLANNING AND INSPECTIONS DEPARTMENT**  
**ZONING TEXT AMENDMENT REPORT**  
August 18, 2015

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**CASE NUMBER:** Z-15-04

**REQUESTED ACTION:** To amend Section 11.24(i)(1) to allow kennels as a permitted use in the Business-General district.

**APPLICANT:** William F. Pace, Sr.

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**GENERAL INFORMATION**

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This request was submitted by the William F. Pace, Sr.

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**STAFF ANALYSIS**

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This request is to allow kennels as a permitted use in the Business General (BG) districts. The B-G 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.

Currently kennels are not specifically listed as a permitted use in any of the zoning districts. However, animal hospitals are a permitted use in the BG district. Staff is of the opinion that kennels would not necessarily be appropriate as a use by right in this district, but that they could be compatible with other uses in the district under certain conditions. Therefore, staff recommends that the request be amended as follows:

**To amend Section 11.24(i)(2) to allow Kennels/Animal Shelters as a conditional use in the BG district.**

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**EXISTING TEXT**

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**Section 11.24(i)(2) Conditional Uses**

(Currently not permitted as a conditional use)

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**PROPOSED TEXT**

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**Section 11.24(i)(2) Conditional Uses**

**Kennels/Animal Shelters**, for dogs, cats and small animals typically considered as pets, provided that all animals are housed no closer than 100 feet from any residential dwelling;

provided further that all animals are housed indoors or in enclosed and covered areas with sufficient shelter from the weather; provided further that all animals are contained at all times either indoors or in fenced areas; provided further that the kennel operation is in compliance with all N.C. Department of Agriculture regulations and with all applicable N.C. General Statutes, the City of Eden Zoning Ordinance and the Eden City Code concerning the keeping of animals and all sanitation and public nuisance regulations.

Therefore, staff recommends that kennels/animal shelters be allowed as a conditional use in the BG district.

**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-15-04**  
**SECTION 11.24(i)**

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 to amend the Zoning Ordinance to amend Section 11.24(i)(1) to allow kennels as a permitted use in the Business-General district.

WHEREAS, the Eden City Council requested that the Planning Board consider kennels as a permitted use further. After additional consideration, the request was amended to provide for such use as a conditional use and to call the use Kennels/Animal Shelters.

STATEMENT OF NEED:

The North Carolina General Statutes provide that cities may operate animal shelters/kennels for the protection and care of various domesticated animals particularly dogs and cats. As well there is a legal process for animal shelters to be operated by non-profit organizations and they serve a public purpose providing for both the health and safety of the animals and the public at large.

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 Planning Board of the City of Eden finds that the proposed 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 25th day of August, 2015

CITY OF EDEN PLANNING BOARD

By \_\_\_\_\_  
Matthew W. Smith, Chair

ATTEST:

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Kelly K. Stultz, Administrative  
Assistant to the Planning Board



**PLANNING AND INSPECTIONS DEPARTMENT**  
**ZONING TEXT AMENDMENT REPORT**  
August 5, 2015

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**CASE NUMBER:** Z-15-07

**REQUESTED ACTION:** To rezone property located at 802 Washington Street from Business-Central to Business-General.

**APPLICANT:** Greg Brust

**APPLICANT STATUS:** Potential property owner.

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**GENERAL INFORMATION**

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This request was submitted by the potential property owner.

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**STAFF ANALYSIS**

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The request is to rezone property located at 802 Washington Street from Business-Central to Business-General so as to allow automobile repair and detailing at this location. The Business Central (BC) district is designed to permit a concentrated development of retailing establishments. The Business General (BG) district is 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.

Currently, automobile repair and detailing operations and automobile sales are not permitted uses in the BC district. The subject property is located near the fringe of a central business district. The site was originally a service station and has since been used as an automobile repair business, but this use was discontinued many years ago. While there are BG properties in the vicinity of the subject property, the adjoining properties are all zoned BC. Therefore, staff recommends that the request be amended as follows:

**To amend the original request for a map amendment to the consideration of a text amendment of Section 11.24(h)(2) to allow Automobile Repair and Detailing and Automobile Sales as a conditional use in the BC district.**

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**EXISTING TEXT**

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**Section 11.24(h)(2) Conditional Uses**

(Currently not permitted as a conditional use)

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## PROPOSED TEXT

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### **Section 11.24(h)(2) Conditional Uses**

**Automobile Repair and Detailing**, providing that there is no open storage of wrecked, junked, dismantled, or partially dismantled vehicles, and no open storage of tires, automobile parts, or other items associated with automobile repair. All vehicles under repair and associated parts must be stored inside the business or must be screened from public view by a minimum six foot high solid privacy fence. All vehicles must be stored on the premises and may not be stored in any public street or public right-of-way.

**Automobile Sales**, provided that the sales lot area be paved; provided further that the office and any other structures located on the property be permanent structures situated on permanent foundations, and that said structures meet all state and local building codes; provided further that any exterior lighting associated with the business may directly illuminate only the said property; provided further that any public address system associated with the business be operated only during normal business hours, and turned off after normal hours of operation; provided further that all entrances, exits and traffic patterns associated with the business meet N.C. Department of Transportation and City standards, and that said entrances, exits and traffic patterns be approved by the Planning Department.

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## STAFF ANALYSIS

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Currently, Automobile Repair and Detailing and Automobile Sales are not permitted uses in the BC district. However, there are several such businesses currently located in these districts which were already in operation before these regulations were in effect. Staff is of the opinion that while these uses may not be appropriate as permitted uses in the BC districts, they can be operated within certain conditions without being detrimental to the surrounding BC districts.

Therefore, staff recommends that the Zoning Ordinance be amended to allow Automobile Repair and Detailing and Automobile Sales as a conditional use in the BC district, subject to the conditions as set forth above.

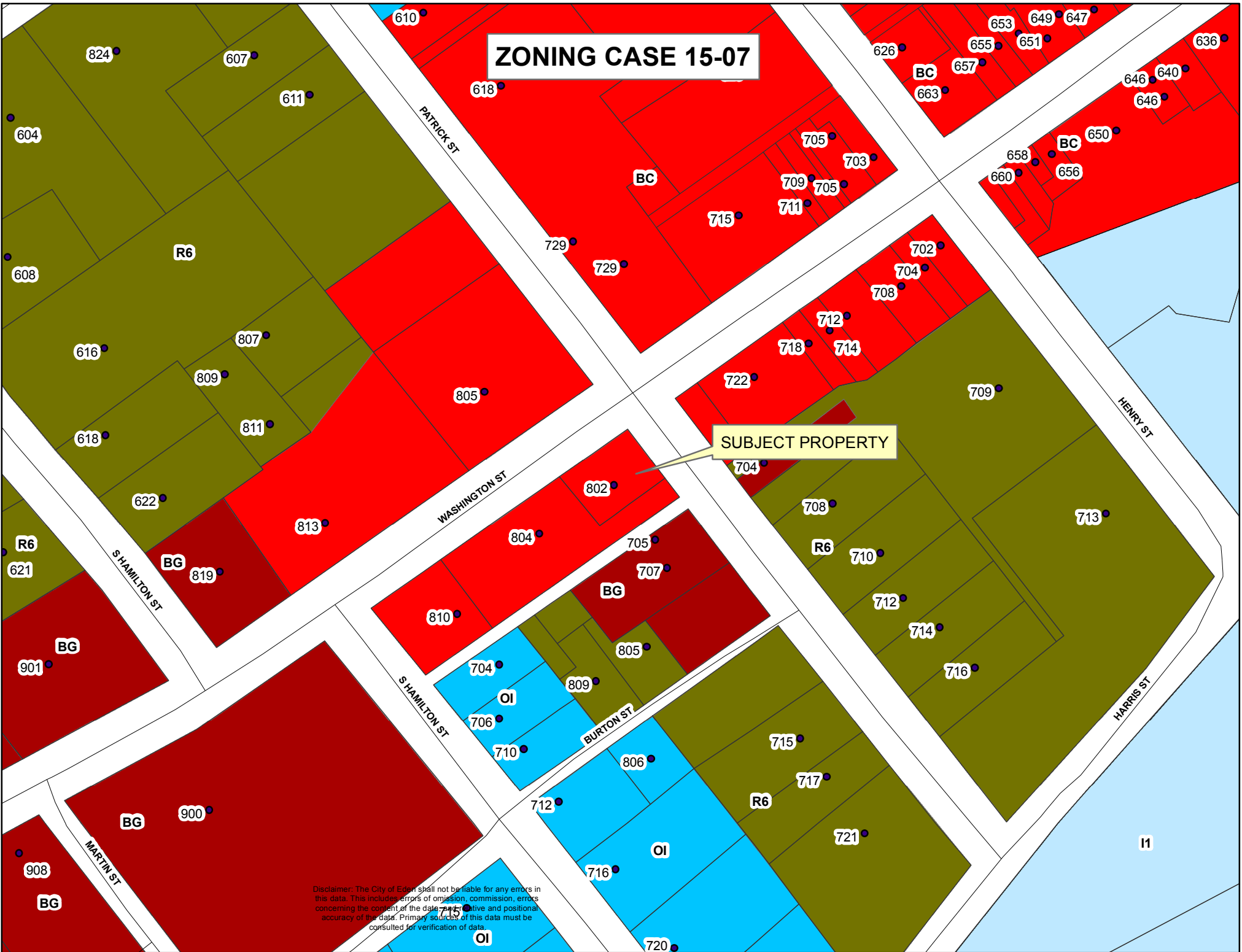
**STAFF RECOMMENDATION:**

**Approval of the text amendment.**

# ZONING CASE 15-07

SUBJECT PROPERTY

Disclaimer: The City of Eden shall not be liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and any negative and positional accuracy of the data. Primary sources of this data must be consulted for verification of data.

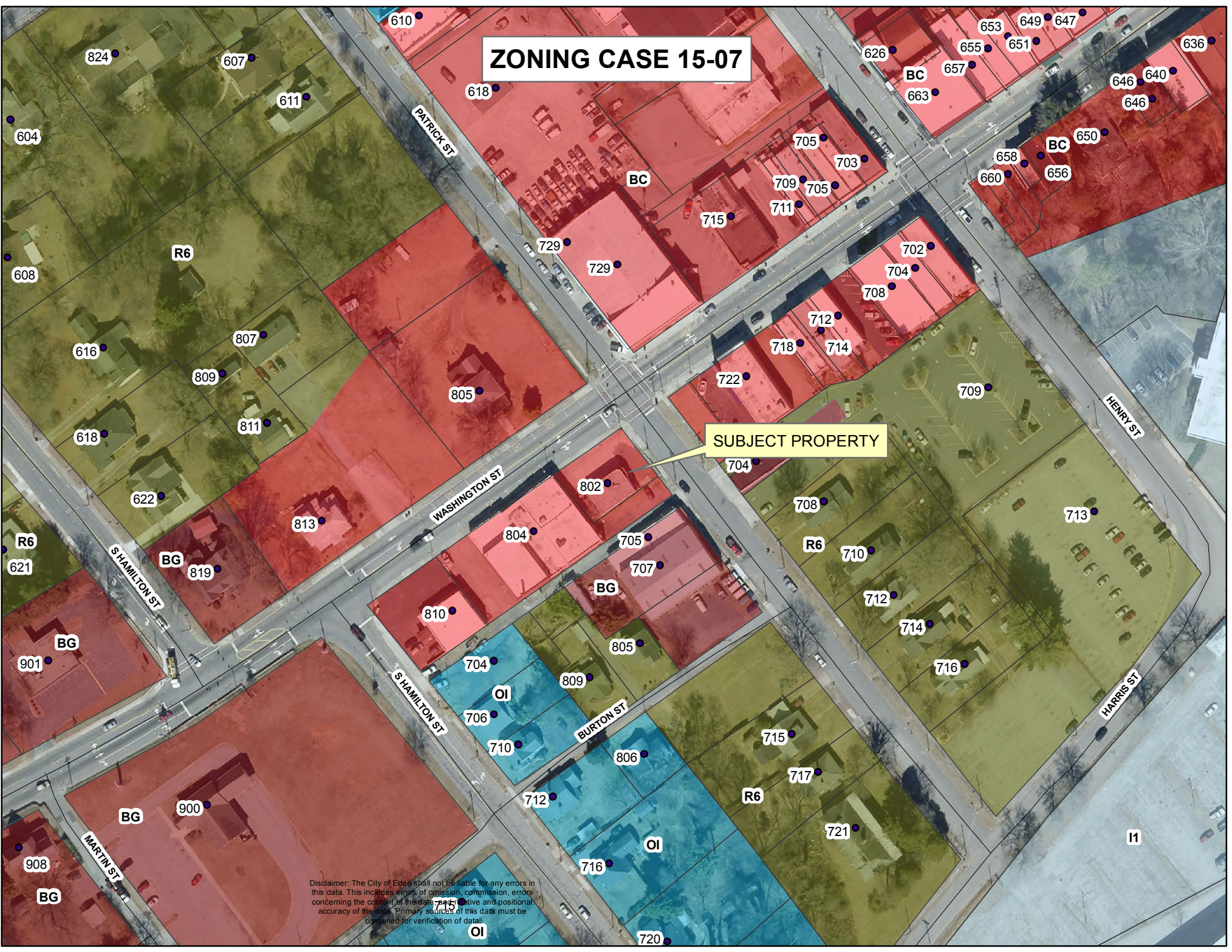




# ZONING CASE 15-07

SUBJECT PROPERTY

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A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
**CASE NUMBER Z-15-07**  
**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 received a request for an amendment to the Zoning Ordinance as follows:

To rezone property located at 802 Washington Street from Business-Central to Business-General.

**STATEMENT OF NEED:**

The request is to rezone property located at 802 Washington Street from BC to BG. Staff is of the opinion that this request would not be appropriate for the subject property, because all of the uses allowed in the BG district are not appropriate for the BC district. However, staff believes that certain uses allowed in the BG district may be appropriate as conditional uses in the BC district. Therefore, staff recommends that the request be amended to allow Automobile Repair and Detailing, and Automobile Sales as conditional uses in the BC district.

**STATEMENT OF CONSISTENCY.**

The goals of the 2007 City of Eden Land Development Plan 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 25th day of August, 2015.

CITY OF EDEN PLANNING BOARD

By \_\_\_\_\_  
Matthew W. Smith, Chair

ATTEST:

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Kelly K. Stultz, Administrative  
Assistant to the Planning Board