

A-G-E-N-D-A

SPECIAL MEETING

PLANNING BOARD

CITY HALL CONFERENCE ROOM
308 E. STADIUM DRIVE

TUESDAY, NOVEMBER 3, 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 August 25, 2015.
5. Old Business:
6. New business:

- (a) **ZONING CASE** **Z-15-08** **MAP AMENDMENT**
Consideration of a zoning map amendment to rezone property at 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.

Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request regarding the rezoning a parcel of land on Price Road and Plantation Road and the addition of five (5) additional properties added by this Board from Residential-20 and Residential-4 to Residential-Suburban.

- (b) **ZONING CASE** **Z-15-09** **TEXT 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.

Consideration of a Resolution adopting a statement of consistency regarding an amendment to 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.

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
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Kelly: Due to a change in circumstances Zoning Case Z-15-04 has been withdrawn.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.

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

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING CASE REPORT
October 19, 2015**

CASE NUMBER:	Z-15-08
EXISTING ZONING DISTRICT:	R-20 (Residential – 20)
REQUESTED ZONING DISTRICT:	R-S (Residential – Suburban)
APPLICANT:	The Outdoor Group, LLC
APPLICANT’S STATUS:	Property Owner

PROPERTY INFORMATION

LOCATION:	Price Road and Plantation Road
PIN:	7060-0051-5217
SIZE:	4.89 acres
ACCESS:	Price Road and Plantation Road
LAND USE:	Vacant
PHYSICAL CHARACTERISTICS:	Undeveloped wooded property
ZONING HISTORY:	Zoned R-20 at time of original ETJ zoning

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north by a large parcel of R-4/R-20 property containing a single family residence. Bordered on the west by a vacant parcel of R-20 property. Across Plantation Road to the east are several parcels of R-4 property containing manufactured homes. Across Price Road to the south is a large parcel of undeveloped R-20 property.
-------------------------	---

ADJACENT ZONING:	North:	R-4/R-20
	South:	R-20
	East:	R-4
	West:	R-20

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:	WS-IV

STAFF ANALYSIS

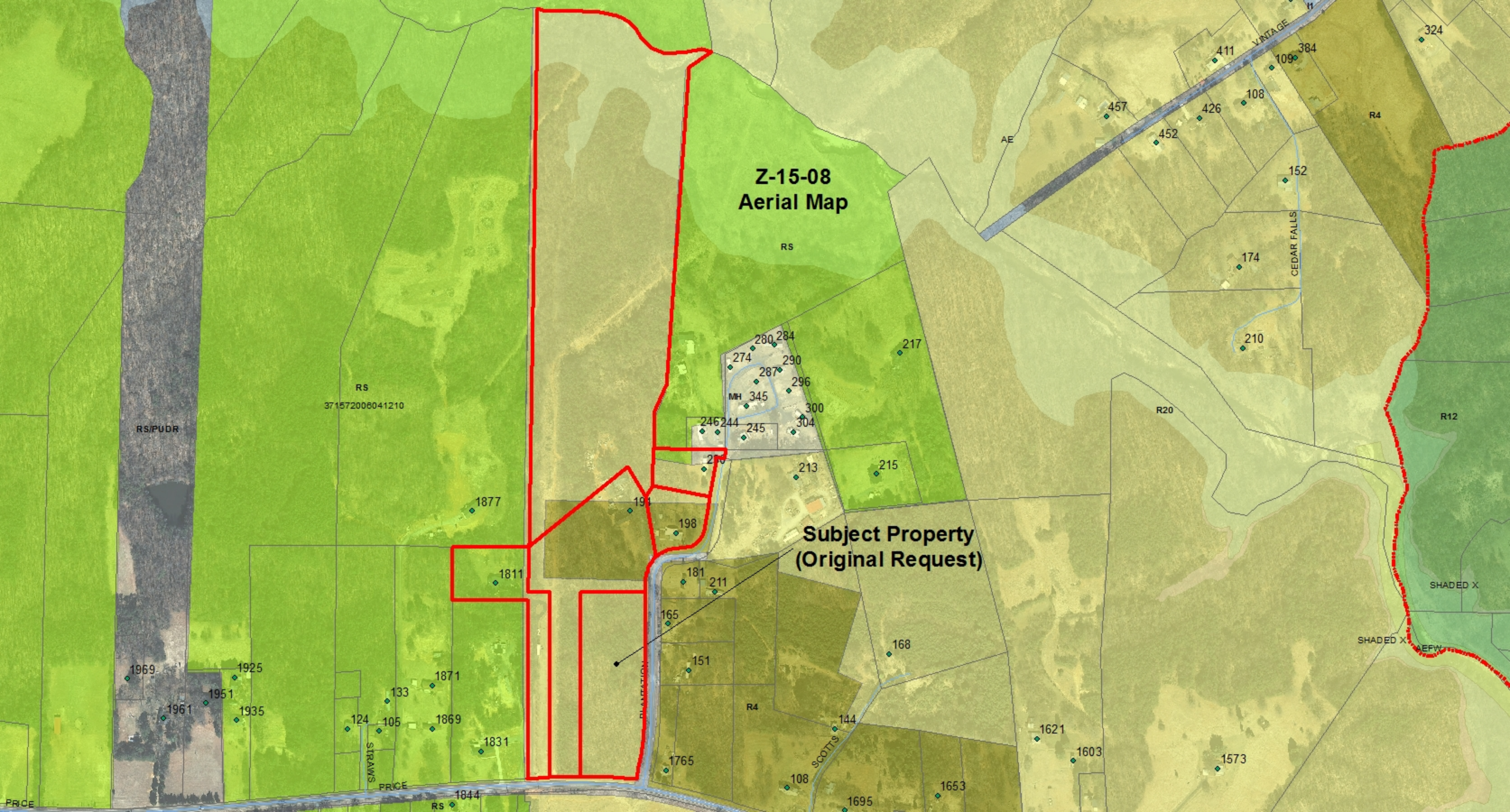
The request is to rezone approximately 4.89 acres from Residential 20 to Residential Suburban. The R-20 district is established as a district in which the principal use of the land is for single family residences. The regulations of the district are intended to protect existing residential areas with minimum lot sizes of 20,000 square feet and to encourage, in selected portions of the incorporated area, the subdivision of undeveloped property into lots with a minimum of 20,000 square feet. The R-S district is established to provide reasonable safeguards for areas characterized by suburban residential and agricultural uses. The intent of this district is: (1) to encourage continued use of land for low density residential and agricultural purposes; (2) to retain the open characteristics of land areas on the fringe of the city; (3) to provide a transitional zone between higher density residential districts of the city and low density residential and agricultural districts of the county; and (4) to provide interim land use control to land areas until such time as a more intense use of land is warranted. Provision is made for reduction of the minimum lot size where public or community sewerage and water systems are available.

The subject parcel is located in an area characterized by residential and agricultural uses on large parcels. There has been no development pressure in the area. The subject parcel adjoins a large parcel that is split-zoned R-4 and R-20, and to the north of that property along Plantation Road are several R-4 and R-20 parcels. To the east and west of these properties are large areas of R-S property. Staff is of the opinion that it would not make sense to rezone just the subject parcel to R-S, but it would be practical to rezone the entire area on the west side of Plantation Road to R-S to be in harmony with the rest of the area. Therefore, staff recommends that the request be amended to include these properties in the rezoning request:

7060-0052-4960 Plantation Road
7060-0052-7092 – 230 Plantation Road
7060-0051-7858 – 198 Plantation Road
7060-0051-4811 – 194 Plantation Road
7060-0051-2470 – 1811 Price Road

Based upon the character of the area and the rural agricultural and residential uses in the area, staff recommends in favor of the amended request.

STAFF RECOMMENDATION: Approval of the amended Residential-Suburban request.



Z-15-08 Aerial Map

**Subject Property
(Original Request)**

RS/PUDR

RS
371572006041210

STRAWS

PRICE

AE

CEDAR FALLS

VINTAGE

PLANTATION

SCOTT'S

SHADED X

SHADED X

AEFW

R4

R12

R20

R4

RS

RS

RS

RS

RS

RS

RS

RS

RS

RS

RS

RS

RS

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-15-08
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 Price Road and Plantation Road from R-20 to RS.

STATEMENT OF NEED:

The request is to rezone property located at Price Road and Plantation Road from R-20 to R-S. Staff is of the opinion that this request would be appropriate for the subject property because of the character of the area and because there is other RS property in the area. However, staff is of the opinion that other properties adjacent to the subject property should also be zoned R-S to maintain consistency of the zoning in the area. Therefore, staff recommends that the request be amended to include the adjoining R-20 and R-4 properties.

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 zoning map amendment as amended to include 5 additional parcels 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 3rd day of November, 2015.

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 TEXT AMENDMENT REPORT
October 19, 2015**

CASE NUMBER: Z-15-09

REQUESTED ACTION: To amend Section 11.24(p) and 11.24(q) to allow solar farms as a permitted use in the I-3 district, with a special use permit.

APPLICANT: Planning Board

EXISTING TEXT

Section 11.24(p)(1) Permitted Uses

(None)

PROPOSED TEXT

Section 11.24(p)(1) Permitted Uses

Solar Farms

EXISTING TEXT

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

(None)

PROPOSED TEXT

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

(r) **Solar Farms**

The City Council shall, prior to the issuance of a Special Use Permit for a Solar Farm in the I-3 Industrial District, find that such special use meets the following standards:

- (a) 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.
- (b) Solar collectors shall be a minimum of 100 feet from all road right-of-ways and 100 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.

- (c) A minimum six foot high commercial grade fence shall be installed to prevent trespassers from entering the property. In addition, a vegetative buffer shall be installed as screening at a minimum six feet in height at initial planting, and to reach a minimum eight feet in height within three years. The plantings must be placed in a double-row configuration, staggered, with ten-foot maximum spacing. Existing foliage, such as trees and vegetation, may be used in conjunction with the plantings to create an opaque screening.
- (d) 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.
- (e) Noise levels measured at the property lines shall not exceed 50 decibels when located adjacent to an existing residence or residential district.
- (f) 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.
- (g) 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.
- (h) 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 property owner shall be a part of decommissioning plan for the protection of the property owner.

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 farms. Staff is of the opinion that provisions should be made in the Zoning Ordinance for solar farms in areas where practical. The Industrial-3 (I-3) district allows for uses which might not be practical in other zoning districts, to be permitted under certain conditions with a special use permit. Care has been given to address potential concerns specific to solar farms before the issuance of a special use permit.

Therefore, staff recommends that solar farms be allowed as a special use in the I-3 districts, provided that the conditions as set forth can be met.

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

STAFF RECOMMENDATION:

Approval of the text amendment.

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 Farms in the I-3 Zoning District and to create a special use process for Solar Farms in the I-3 Zoning District.

STATEMENT OF NEED:

The request is to allow Solar Farms as a special use in the I-3 Zoning District. Staff is of the opinion that Solar Farms would be appropriate under certain conditions in the I-3 Zoning District. Therefore, staff recommends that a special use process be created to allow Solar Farms in the I-3 Zoning District. Therefore, staff recommends in favor of the amendment.

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 3rd day of November, 2015.

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board