



Planning and Inspections Department

P. O. Box 70, 308 E Stadium Drive, Eden NC 27289-0070/Telephone 336-623-2110/Fax 336-623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Brad Corcoran, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Zoning Case Z-15-03 – Gilley Road and Jarrett Road**
Date: May 8, 2015

The City has received a zoning map amendment request filed by Pine State Group, Inc./Norman Nance, potential owner and buyer to rezone two parcels of land on Gilley Road from Industrial-2 to Industrial-3 and one parcel of land on Jarrett Road from Business-General to Industrial-3.

The Planning and Inspections Department recommends approval of the map amendment request.

At their May 5, 2015 special meeting, the Planning Board voted to recommend that the City Council approve this request and adopted a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendment.

If you have any questions, please contact this office.

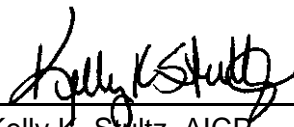
CERTIFICATE SHOWING THAT NOTICES WERE MAILED TO THE OWNER AND APPLICANT OF THE PROPERTY SUBJECT FOR REZONING AND TO OWNERS OF ALL PARCELS ABUTTING SUBJECT PROPERTY AND/OR WITHN 100 FEET OF SUBJECT PROPERTY

RE: ZONING CASE Z-15-03
GILLEY ROAD AND JARRETT ROAD

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF EDEN:

I, Kelly K. Stultz, Planning & Inspections Director of the City of Eden North Carolina, do hereby certify that notices of the proposed zoning map amendment request to rezone two parcels of land on Gilley Road from Industrial-2 to Industrial-3 and one parcel of land on Jarrett Road from Business-General to Industrial-3 were mailed first-class mail to the owner and applicant of the property in the proposed rezoning and to owners of all parcels adjacent to the subject properties and/or within 100 feet of all subject properties on the 7th day May, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand on May 7, 2015.



Kelly K. Stultz, AICP
Planning and Inspections Director



PLANNING & INSPECTIONS DEPARTMENT

APPLICATION FOR ZONING ORDINANCE AMENDMENT
PETITION FOR MAP AMENDMENT

INSTRUCTIONS: Please complete this application and provide the required information. In order for this application to be accepted, all applicable sections of this form must be completed, all required information provided and the application fee paid at the time of submittal.

(1) APPLICANT INFORMATION:

NAME: Pine State Group, Inc / Norman Nance TELEPHONE: 627-1152

MAILING ADDRESS: 127 S. New Street

CITY Eden STATE NC ZIP CODE 27288

APPLICANT'S PROEPRTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S):

He will be purchasing from Robert A. & Deanna Wilson Parcel 112213 & Parcel 112225. He owns Parcel 109377

(2) PROPERTY OWNER INFORMATION: Pine State Group, Inc 127 S. New St. Eden ph# 627-1152

NAME: Robert A. & Deanna Wilson TELEPHONE: 520-0350

MAILING ADDRESS: 512 Carolyn Ct. Apt. J.

CITY Eden STATE NC ZIP CODE 27288

(3) PROPERTY INFORMATION:

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 7090-16-93-6203 (109377) & 7090-13-03-6974 (112213) & 7090-13-04-5490 (112225)

STREET LOCATION: Gilley Street

DEED BOOK: 1436 PAGE NUMBER 2295

YEAR CURRENT OWNER ACQUIRED PROPERTY: 1997 & 2015 & 2013

PROPERTY SIZE (in acres or in square feet if less than 1 acre): 9.32 ± Ac & 4.8 ± Ac & 3.2 ± Ac

PUBLIC WATER AVAILABLE YES NO PUBLIC SEWER AVAILABLE YES NO

CURRENT USE OF PROPERTY: Salvage yard (Parcel 109377) & Parcel 112213) Vacant land (112225)

(4) ZONING INFORMATION:

EXISTING ZONING DISTRICT: I-2 BG REQUESTED ZONING DISTRICT: I-3 (109377 & 112213) I-3 (112225)

(5) ADDITIONAL INFORMATION:

INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED DEED TO THE PROPERTY. INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED PLAT OR SURVEY FOR THE PROPERTY. IF SUCH A PLAT DOES NOT EXIST, THEN INCLUDE A MAP THAT INDICATES THE DIMENSIONS OF THE PROPERTY.

(6) APPLICANT CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

Norman Nance
Applicant's Signature

4-8-15
Date of Signature

(7) PROPERTY OWNER(S) CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

Robert Aaron Wilson
Property Owner's Signature

4/10/15
Date of Signature

Deanna Elizabeth Wilson
Property Owner's Signature

4/10/15
Date of Signature

(8) CORPORATION CERTIFICATION:

IT IS HEREBY CERTIFIED, that Pine State Group Inc a Corporation, is the owner in fee simple of lands which is described in this application for zoning ordinance amendment and that the Corporation hereby petitions the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

IN TESTIMONY WHEREOF, that said Corporation has caused these presents to be signed by its duly authorized officer and has caused its Corporate Seal to be affixed thereto.

Witness the signature(s) and seal(s) this 10th day of April, 2015.

CORPORATE SEAL

Sheila G. Nance Secretary

Name of Corporation

Pine State Group Inc.

By: Norman Nance
N.N. President

DEPARTMENTAL USE ONLY

APPLICATION NUMBER: 2-15-03

FEE PAID: _____

RECEIVED BY: _____

DATE: _____

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING CASE REPORT
April 17, 2015**

CASE NUMBER:	Z-15-03
EXISTING ZONING DISTRICT:	I-2 and B-G
REQUESTED ZONING DISTRICT:	I-3
APPLICANT:	Pine State Group, Inc./Norman Nance
APPLICANT'S STATUS:	Property Owner/Potential Buyer

PROPERTY INFORMATION

LOCATION:	Gilley Road and Jarrett Road
PIN:	Tract 1: 7080-1693-6208 Tract 2: 7090-1303-6974 Tract 3: 7090-1304-5490
SIZE:	Tract 1: 4.82 acres Tract 2: 9.32 acres Tract 3: 3.24 acres
ACCESS:	Gilley Road and Jarrett Road
LAND USE:	Auto salvage yard and vacant commercial
PHYSICAL CHARACTERISTICS:	Partially cleared, relatively flat
ZONING HISTORY:	Zoned I-2 and BG at the time of original zoning

AREA INFORMATION

CHARACTERISTICS:	Tract 1: Bordered on the north by two large, wooded, O&I properties, each containing a single family residence, and by an undeveloped I-2 parcel. To the south is a large parcel of undeveloped I-2 property. To the west is a parcel of undeveloped I-2 property. To the east across Gilley Road is a large parcel of I-2 property containing an auto salvage yard. Tract 2: Bordered on the north by an undeveloped parcel of B-G property. To the south is a large parcel of undeveloped I-2 property. To the west across Gilley Road is a parcel of I-2 property containing an auto salvage yard. To the east is an R-12 residential neighborhood.
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Tract 3: Bordered on the north (across Jarrett Rd.) by BG property containing a single family residence and a large commercial property. To the west (across Gilley Rd.) is vacant BG property. Bordered on the west by BG property containing a former lodge and by vacant R-12 property. Bordered on the south by I-2 property containing an auto salvage yard.

ADJACENT ZONING:	North:	O&I, I-2, BG
	South:	I-2
	East:	R-12
	West:	I-2

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS:	Yes
PUBLIC WATER AVAILABLE:	Yes
PUBLIC SEWER AVAILABLE:	Yes
LAND DEVELOPMENT PLAN (2007):	Town Center
FLOOD HAZARD AREA:	None
WATER SUPPLY WATERSHED:	None

STAFF ANALYSIS

The request is to zone two tracts from Industrial-2 (I-2) to Industrial-3 (I-3) and one tract from BG to I-3. The I-2 Industrial District is established as a district in which the principal use of land is for industries that by their nature may create some nuisance and which are not properly associated with nor compatible with uses in other zoning districts. 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 I-3 Industrial District was created for high impact industrial uses which, by their nature, produce objectionable levels of noise, odors, vibrations, fumes, light, smoke, traffic and/or other impacts upon the lands adjacent to them. High impact uses are required to be connected to City of Eden water and sewer services. Any discharge, leachate or other industrial waste shall be treated by the City of Eden. Uses listed in the I-3 Industrial District shall be allowed only upon approval of a Special Use Permit. Special Use Permits in the I-3 Industrial District shall be heard and decided by the City Council according to the procedures established in Section 11.26 of the Zoning Ordinance.

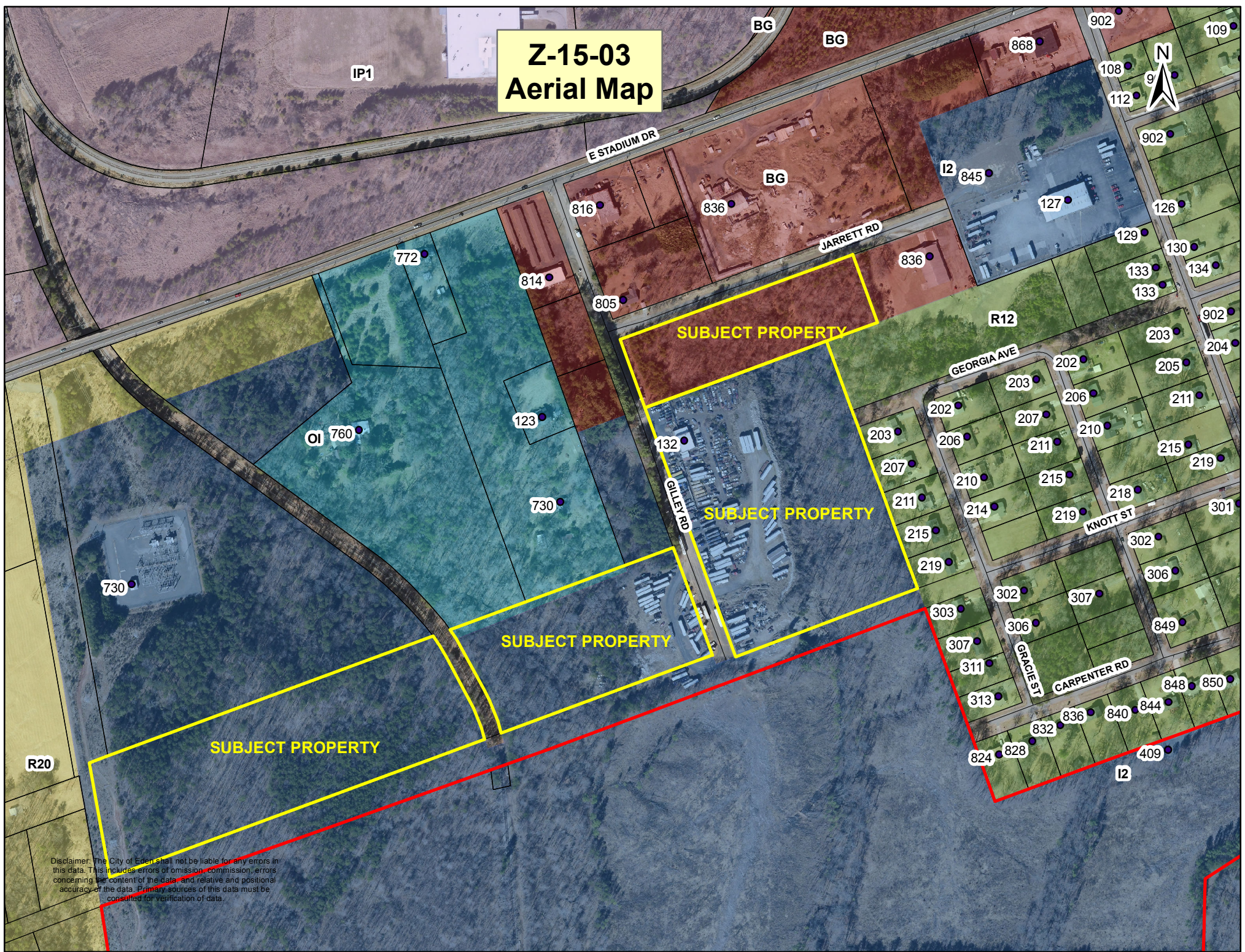
The subject parcels are located along Gilley Road and Jarrett Road in an area surrounded primarily by wooded, undeveloped industrial property. There is a single-family residential neighborhood to the east of the largest parcel. There has been no development pressure in the area for many years. Staff is of the opinion that while the I-3 district allows high intensity industrial uses, as does the existing I-2 district, rezoning the property to I-3 would allow more control over what uses are appropriate for the property, especially considering the proximity of the residential neighborhood. Currently no such controls exist in the I-2 or the BG district.

Based upon the character of the area and the current uses in the area, staff recommends in favor of the request.

STAFF RECOMMENDATION:

Approval of the Industrial-3 request.

Z-15-03 Aerial Map



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 relative and positional accuracy of the data. Primary sources of this data must be consulted for verification of data.

Z-15-03 Zoning Map

IP1

BG

BG

868

N

109

902

108

112

E STADIUM DR

BG

I2

845

127

126

816

836

JARRETT RD

836

129

130

772

814

805

133

134

OI

760

123

730

R12

203

204

SUBJECT PROPERTY

GEORGIA AVE

202

203

206

207

210

211

132

203

202

206

207

211

210

215

219

SUBJECT PROPERTY

207

211

215

219

218

215

219

KNOTT ST

301

730

SUBJECT PROPERTY

210

214

219

218

302

306

301

R20

SUBJECT PROPERTY

303

307

311

313

302

306

301

GRADIE ST

307

306

311

313

302

306

301

824

828

832

836

840

844

848

850

409

I2

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AN ORDINANCE AMENDING THE ZONING
ORDINANCE OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, after having fully complied with all legal requirements, including publication of notice of a public hearing and the holding of a public hearing relative thereto, the Zoning Ordinance of the City of Eden is hereby amended as follows:

Section 1 - Change from Industrial – 2 to Industrial – 3 the following tracts:

TRACT 1:

BEGINNING at an iron in the east margin of Gillie Street where it is intersected by the north margin of Clark Avenue as shown on a map hereinafter referred to; thence with said margin of Gillie Street N 18° 00' W 751 feet to an iron at the southwest corner of Lot 1, Block B, as shown on said map; thence leaving Gillie street running with the rear line of Block B, N 72° 00' E 540.5 feet to a point in the rear line of Lot 6, Block B; thence S 18° 00' E 751 feet to an iron in the aforementioned north margin of Clark Avenue; thence with said margin of Clark Avenue S 72° 00' W 540.5 feet the east margin of Gillie Street, the POINT AND PLACE OF BEGINNING; containing 9.32 acres and being in fact all of Tract No. 3 as shown on Plat of survey for Spray Water Power & Land Co. dated April 12, 1972, by Shanks & Wilmarth, Engineers-Surveyors. For Deed Reference see Book 959, page 2295. The above described property being further identified by the Rockingham County Tax Dept. as PIN 7090-13-03-6974 and Parcel Number 112213.

TRACT 2:

Tax Parcel #109377 Being that property known as that 12.53 acres located on Gilley Road, Eden NC 27288 and as more particularly described in Deed Book 775, page 2076, Rockingham County Registry. Deed Reference: 1486, page 1458. The above described property being further identified by the Rockingham County Tax Dept. as PIN 7080-16-93-6208 and Parcel Number 109377.

Section 2 – Change from Business – General to Industrial – 3 the following tract:

TRACT 3:

BEGINNING at an iron marking the southeast corner of Gillie and Jarrett Streets in the west section of the former Town of Draper, N.C., said beginning point being the north west corner of Lot #1, Section B, as per map of survey of Lots for Spray Water Power & Land Company by Shanks & Wilmarth, May 23, 1960; and being located in the east line of Gillie Street South 18° 00' East 460 feet from its intersection with the south line of East Stadium Drive (formerly Virginia Avenue); thence with the south line of Jarrett Street and the front lines of Lots 1, 2, 3, 4, 5, 6 & 7, Section B, North 72° 00' East 700 feet to an iron marking common front corner between Lots 7 and 8; thence with line between said Lots 18° 00' East 202 feet to an iron marking the common rear corner of Lots 7 and 8 in former Charlie Hairston north line thence with the rear, or south, line of Lots 7, 6, 5, 4, 3, 2 and 1, Section

B South 72° 00' West 700 feet to iron marking south west corner of Lot #1 in the east line of Gillie Street; thence with east line of said street North 19° 00' West 202 feet to the POINT OF BEGINNING, the same being all of Lots 1, 2, 3, 4, 5, 6 and 7, Section B, as per the above cited map. Deed Reference: Book 1030, page 189 and Book 1448, page 943. The above described property being further identified by the Rockingham County Tax Dept. as PIN 7090-13-04-5490 and Parcel Number 112225.

Section 3 - The Official Zoning Map of the City of Eden is hereby amended to conform with this Ordinance.

APPROVED, ADOPTED AND EFFECTIVE, this 19th day of May, 2015.

CITY OF EDEN

BY: _____
Wayne R. Tuggle, Sr., Mayor

ATTEST:

Sheralene Thompson, CMC
City Clerk

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-15-03
MAP AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

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;

WHEREAS, the City of Eden Planning Board received a request to rezone two parcels on Gilley Road from Industrial-2 to Industrial-3 and one parcel on Jarrett Road from Business General to Industrial-3.

WHEREAS, On May 5, 2015, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend the zoning map to rezone two parcels on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) from I-2 to I-3 and one parcel on Jarrett Road (PIN#7090-1304-5490) from B-G to I-3.

STATEMENT OF NEED:

The current zoning of the three (3) parcels on Gilley Road and Jarrett Road is not consistent with the 2007 Land Development Plan, as amended.

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 Eden City Council has considered the written recommendation of the City of Eden Planning Board and has held a public hearing on the proposed amendment, and the Council desires to adopt a statement describing why the adoption of the proposed amendment is consistent with the City of Eden Land Development Plan, and why the City Council considers the proposed amendment to be reasonable and in the public interest;

NOW THEREFORE, BE IT RESOLVED BY THE EDEN CITY COUNCIL THAT:

1. The Eden City Council finds that the proposed amendments to the City of Eden Zoning Ordinance are 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 or 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 amendments to the Zoning Ordinance are reasonable and in the public interest.

Approved and adopted and effective this 19th day of May, 2015

CITY OF EDEN

BY: _____
Wayne R. Tuggle, Sr., Mayor

ATTEST:

Sheralene Thompson, CMC
City Clerk