



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: **Special Use Case SU-15-02 – Saw Mill**
Date: May 8, 2015

The City has received a special use permit application filed by Pine State Group, Inc./Norman Nance, potential owner and buyer of two parcels of land on Gilley Road and Jarrett Road and current owner of one parcel on Gilley Road.

The Zoning Officer recommends approval of the special use permit request with the following conditions in addition to the ones stated in the case report:

1. That variances be granted to allow the use of the existing masonry structure on the site as an office and to allow the use of an existing concrete pad, both of these pre-existing structures would be in violation of setbacks in the Industrial-3 District.
2. That the Special Use Permit be granted only on the condition that Norman L. Nance or Pine State Group, Inc. becomes the property owner and we will not issue any permits until a deed is recorded.

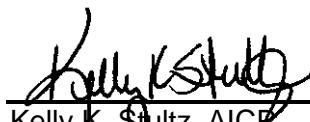
If you have any questions, please contact this office.

CERTIFICATE SHOWING THAT NOTICES WERE MAILED TO THE APPLICANTS AND OWNERS OF THE SUBJECT PROPERTY AND TO OWNER(S) OF ALL PARCELS OF LAND ABUTTING SUBJECT PROPERTY AND/OR WITHIN 100 FEET OF SUBJECT PROPERTY

RE: SPECIAL USE CASE SU-15-02
GILLEY ROAD AND JARRETT ROAD

TO THE 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 request for a special use permit to allow a saw mill as allowed for in Section 11.24(q)(3)(p) of the City of Eden Zoning Ordinance for property located on Gilley Road and Jarrett Road as requested by Pine State Group, Inc./Norman Nance, Potential Owner and Buyer from Robert A. Wilson and Deanna Wilson, and property located on Gilley Road owned by Pine State Group, Inc. were mailed first-class mail to the applicant, property owner and all adjoining property owners to the subject property on the 7th day, May, 2015.



Kelly K. Stultz, AICP
Planning and Inspections Director



PLANNING & INSPECTIONS DEPARTMENT
APPLICATION FOR A SPECIAL USE PERMIT

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 Davis TELEPHONE: 627-1152
MAILING ADDRESS: 127 S. New Street
CITY Eden STATE NC ZIP CODE 27208

APPLICANT'S PROPERTY 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 27208

(3) PROPERTY INFORMATION:

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): Portion of 7080-16-93-6208 (109377)
& 7090-13-03-6974 (112213) & 7090-13-04-5490 (112225)

STREET LOCATION: Gilley Street
DEED BOOK: 1436 PAGE NUMBER 2295
1448 1458
YEAR CURRENT OWNER ACQUIRED PROPERTY: 1997 & 2015
943 & 2013
PROPERTY SIZE (in acres or in square feet if less than 1 acre): 9.3 ± 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 & 112213)
vacant land (112225)

(4) ZONING INFORMATION:

ZONING DISTRICT: I-2 Rezoning to I-3 (Parcels 109377 & 112213) BG Rezoning to I-3
(Parcel # 112225)
SPECIAL USE PERMIT REQUESTED: Saw mill

APPLICABLE SECTION OF THE ZONING ORDINANCE: I3(3)(p)

(5) ADDITIONAL INFORMATION:

INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED DEED TO THE PROPERTY.
INCLUDE A DEVELOPMENT PLAN FOR THE PROPERTY THAT SHOWS EXISTING AND PROPOSED FEATURES ON THE PROPERTY AS THEY RELATE TO THE SPECIAL USE PERMIT REQUESTED.

(6) SPECIAL USE REQUIREMENTS:

ALL SPECIAL USE PERMITS ISSUED MUST MEET THE FOLLOWING GENERAL REQUIREMENTS IN THE SPACE PROVIDED OR ON A SEPARATE SHEET OF PAPER INDICATE THE FACTS THAT YOU INTEND TO PRESENT REGARDING HOW THE PROPOSED USE MEETS THESE GENERAL REQUIREMENTS.

- a. The use will not materially endanger the public health or safety if located where proposed and developed according to plan as submitted and approved.

The proposed development is located away from any residential zoning and in an area that has limited vehicle traffic.

If environmental violations occur, DENR has authority to investigate and take appropriate action

- b. The use meets all required conditions and specifications. (Please note the zoning ordinance for the conditions and specifications on each special use.)

Since the property is already properly zoned, all conditions and specifications have been met except for Special Use approval.

- c. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Industrial Zoning already abuts each side of the subject property except at the North end which is zoned BG.

The proposed use is already allowed under zoning but has the additional requirement of a Special Use.

- d. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Eden and its environs.

The property is already in an Industrial/Business area and will not introduce any new use not already allowed under existing zoning.

(7) **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 request the issuance of a special use permit as described herein.

Norman L. Nance
Applicant's Signature

4-8-15
Date of Signature

(8) **PROPERTY OWNER(S) CERTIFICATION:**

The undersigned property owner(s) hereby certify to the ownership of the property shown and described in this application for a special use permit, and hereby requests the issuance of a special use permit as described herein.

Robert Adam Wilson
Property Owner's Signature

4/10/15
Date of Signature

Deanna Elizabeth Wilson
Property Owner's Signature

4/10/15
Date of Signature

(9) **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 a special use permit and that the Corporation hereby requests the issuance of a special use permit as described herein.

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 _____ day of _____, 20_____.

CORPORATE SEAL

Shelby K. Jones Secretary

Name of Corporation

Pine State Group Inc
By: Norman Nance
N.N. President

DEPARTMENTAL USE ONLY

APPLICATION NUMBER: SU-15-02

FEE PAID:

RECEIVED BY: _____

DATE: 4-10-15

NORMAN NANCE SAW MILL

The location of the saw mill as shown on the site plan was chosen in such a manner as to minimize noise. The saw mill will be located as far south as possible which will increase the distance to the nearest residence. The topography of the site falls to the south and rises to a higher elevation to the north. This will help cause the sound to carry over the residences that are located to the north.

Electric motors were determined to be the quietest source of power for the mill. All equipment used will be required to comply with the NC Muffer Law and Vehicle Manufacturer Specifications pertaining to the noise.

The operation hours of the mill will be limited from 6:00 A.M until 8:00 P.M.

Traffic will be directed to use the designated NC Truck Routes to access the property.

A landscape plan shall be submitted to the city and approved before the construction of the parking facility as per buffer requirements of the City.

All lighting will be for security purposes and will face inward and away from adjacent properties.

All disturbed areas are to be reseeded.

We request a variance for the existing building which is in violation of the building setbacks. This building will be used as an office and a shop.

We request a variance for the location of the mill and the existing concrete pad which is located in the sideline setback. The location of the saw mill as shown on the site plan was chosen in such a manner as to minimize noise. The saw mill will be located as far south as possible which will increase the distance to the nearest residence. The topography of the site falls to the south and rises to a higher elevation to the north. This will help cause the sound to carry over the residences that are located to the north.

Gravel surfaces will be maintained and as dust becomes an issue a watering devise will be used to lower the dust.

The saw mill will create approximately 20 jobs.

Pine State Group, Inc. and Norman Nance own adjacent property known as 127 New Street that is presently being used as office, storage and a garage. He has purchased 868 E. Stadium Drive which he intends to use as a Forestry supply store. He owns 836 Jarrett Road which is being used as a storage warehouse for supplies.

**PLANNING AND INSPECTIONS DEPARTMENT
SPECIAL USE PERMIT REQUEST
April 28, 2015**

CASE NUMBER:	SU-15-02
REQUEST:	Special Use Permit: Saw Mill in I-3
APPLICABLE REGULATIONS:	Section 11.24(p) I-3 Industrial High Impact Uses
APPLICANT:	Pine State Group, Inc./Norman Nance
APPLICANT'S STATUS:	Property owner/Prospective buyer

PROPERTY INFORMATION

LOCATION:	Gilley Road and Jarrett Road
PIN:	7080-1693-6208 7090-1303-6974 7090-1304-5490
ZONING:	I-2 & BG (I-3 Rezoning requested)
ZONING HISTORY:	Zoned I-2 and BG at time of original zoning

GENERAL INFORMATION

The subject properties are located on Gilley Road and Jarrett Road. Tract 1 is an I-2 parcel currently used as overflow from an auto salvage yard. Tract 2 is an I-2 parcel containing an auto salvage yard. Tract 3 is a vacant BG parcel which borders the salvage yard. The area is surrounded by vacant I-2 properties, large residential O&I properties, BG properties with commercial uses and an R-12 residential neighborhood.

The application submitted is complete and therefore eligible for consideration.

FINDINGS OF FACT

- (a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of the adjoining or abutting properties, or that the use is a public necessity;
- (d) That the location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for Eden and its environs.

STAFF ANALYSIS

With respect to the findings of fact, staff provides the following analysis:

- (a) The applicant has petitioned to build a saw mill on Tract 2 of the subject properties, with a proposed log storage yard on Tract 1 of the subject properties. Staff is of the opinion that the use will not materially endanger the public health or safety if located where proposed.
- (b) Staff finds that the proposed special use meets all required conditions and specifications. This statement is based on the following specific findings:
 - (1) The applicant has submitted a boundary survey and vicinity map showing:
 - (a) The property's total acreage, its zoning classification, the general location in relation to all major streets, railroads, and/or waterways, the date and the north arrow.
 - (b) All existing easements, reservations and rights-of-way.
 - (c) The approximate dimension, including height, of proposed buildings, structures or appurtenances.
 - (d) All required setbacks, buffers, screening, and landscaping required by this ordinance or proposed by the applicant; the landscape plan may be a part of the site plan or shown as a separate drawing.
 - (e) All existing and proposed points of access on public streets.
 - (f) Delineation of areas within the floodplain as shown on the official flood boundary maps.
 - (g) Proposed phasing, if any.
 - (h) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development
 - (i) Approximate location of all existing and proposed infrastructure on the site including water, sewer, roads, pedestrian ways.
 - (j) Generalized traffic, parking and circulation plans.
 - (2) Lighting. All lighting shall be pointed downward with the primary cone of illumination being entirely contained on the subject property. Exterior lighting fixtures shall be overhead full cut-off fixtures. Lighting shall be designed so that light straying to residential properties does not exceed one foot candle at the property boundary.
 - (3) Noise. Electric Motors were determined to be the best option for use to decrease noise impact. All equipment will be required to meet NC Muffler Laws and Vehicle Manufacturer Specifications. The physical location of the mill will be on the southernmost portion of the property and will be placed as far away from residential uses as is practical. The topography of the property fall to the south. The operation hours of the mill will be limited to 6:00 A.M. and 8:00 P.M.

- (4) The permit request includes a variance for the setbacks in order that existing buildings and concrete pads can be used. They encroach into the setbacks for I-3 but will make no part of the buildings any closer to residential property.
- (c) Staff is of the opinion that the use will not substantially injure the value of adjoining or abutting properties due to the fact that no evidence to the contrary has been found or presented.
- (d) Staff is of the opinion that the location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the City of Eden and its environs. The 2007 Land Development Plan, as amended, recommends Employment Center uses for the subject property. Staff recommends in favor of a variance for setbacks of existing buildings on the property. Staff finds that the proposed use would be in harmony with the area and in general conformity with the City's amended plan of development.

The City Council shall, prior to the issuance of a Special Use Permit for a saw mill in an Industrial-3 district, include the following additional conditions:

- (a) That the variances be granted for the use of the existing structures.
- (b) That the Special Use Permit be approved subject to the ownership of the entire project area is in the name of Norman Nance and or Pine State Group, Inc.
- (c) That the final landscape plan shall be submitted and approved before any development permits are issued. This will include the re-seeding of any disturbed areas during and after construction.
- (d) Gravel surfaces shall be maintained and any resulting dust managed according to best management practices.
- (e) All traffic will be directed to use the established Truck Routes.

STAFF CONCLUSION

Based upon the facts submitted and discovered at the time of this report, staff finds that sufficient facts are proven to recommend approval of the special use permit with the aforementioned conditions.

STAFF RECOMMENDATION:

**Approval of the Special Use Permit
Request with the conditions as
recommended**

CITY OF EDEN SPECIAL USE PERMIT CASE NO. SU-15-02



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.

**SPECIAL USE PERMIT
OF THE CITY OF EDEN, NORTH CAROLINA**

GRANTOR: City of Eden

GRANTEES: Pine State Group, Inc., Owner and
Pine State Group, Inc./Norman Nance
Authorized Representative for
Robert A. Wilson and
Deanna E. Wilson

**Prepared By:
Record & Return to:
Erin B. Gilley
City of Eden
P O Box 70
Eden, NC 27289**

SPECIAL USE PERMIT

On the date listed below, the City Council of the City of Eden conducted a hearing, pursuant to notice duly given, to consider the following special use permit application.

SPECIAL USE CASE NUMBER: SU-15-02

HEARING DATE: May 19, 2015

APPLICANT: Pine State Group, Inc./Norman Nance
Owner and Authorized Representative
for Robert A. Wilson and Deanna E. Wilson

PROPERTY LOCATION: 132 Gilley Road, Vacant lot at Gilley Road and Jarrett Road,
and Vacant lot on Gilley Road

TAX PIN: 7090-13-03-6974; 7090-13-04-5490 and 7080-16-93-6208

REQUESTED SPECIAL USE: Saw Mill

APPLICABLE SECTION OF ZONING ORDINANCE: 11.24(q)(3)(p) -- Special Uses

Having heard all evidence and argument presented at the hearing, the City Council finds that the application is complete, that the application complies with all of the applicable requirements of the Eden Zoning Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the zoning ordinance and conditions set out below.

The City Council of the City of Eden makes the following findings of fact:

- (a) The applicant has petitioned to build a saw mill on Tract 2 of the subject properties, with a proposed log storage yard on Tract 1 of the subject properties. Staff is of the opinion that the use will not materially endanger the public health or safety if located where proposed.
- (b) The proposed special use meets all required conditions and specifications. This statement is based on the following specific findings:
 - (1) The applicant has submitted a boundary survey and vicinity map showing:
 - (a) The property's total acreage, its zoning classification, the general location in relation to all major streets, railroads, and/or waterways, the date and the north arrow.
 - (b) All existing easements, reservations and rights-of-way.
 - (c) The approximate dimension, including height, of proposed buildings, structures or appurtenances.
 - (d) All required setbacks, buffers, screening, and landscaping required by this ordinance or proposed by the applicant; the landscape plan may be a part of the site plan or shown as a separate drawing.
 - (e) All existing and proposed points of access on public streets.
 - (f) Delineation of areas within the floodplain as shown on the official flood boundary maps.
 - (g) Proposed phasing, if any.
 - (h) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development

- (i) Approximate location of all existing and proposed infrastructure on the site including water, sewer, roads, pedestrian ways.
 - (j) Generalized traffic, parking and circulation plans.
- (2) Lighting. All lighting shall be pointed downward with the primary cone of illumination being entirely contained on the subject property. Exterior lighting fixtures shall be overhead full cut-off fixtures. Lighting shall be designed so that light straying to residential properties does not exceed one foot candle at the property boundary.
 - (3) Noise. Electric Motors were determined to be the best option for use to decrease noise impact. All equipment will be required to meet NC Muffler Laws and Vehicle Manufacturer Specifications. The physical location of the mill will be on the southernmost portion of the property and will be placed as far away from residential uses as is practical. The topography of the property falls to the south. The operation hours of the mill will be limited to 6:00 A.M. and 8:00 P.M.
 - (4) The permit request includes a variance for the setbacks in order that existing buildings and concrete pads can be used. They encroach into the setbacks for I-3 but will make no part of the buildings any closer to residential property.
- (c) The use will not substantially injure the value of adjoining or abutting properties due to the fact that no evidence to the contrary has been found or presented.
 - (d) The location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for Eden and its environs. The 2007 Land Development Plan, as amended, recommends Employment Center uses for the subject property. Staff has recommended in favor of a variance for setbacks of existing buildings on the property. The proposed use would be in harmony with the area and in general conformity with the City's amended plan of development.

The City Council hereby issues the Special Use Permit for a saw mill in the Industrial-3 district as requested subject to the following additional conditions:

- (a) That the variances be granted for the use of the existing structures.
- (b) Ownership of the entire project area has to be in the name of Norman Nance and or Pine State Group, Inc.
- (c) That the final landscape plan shall be submitted and approved before any development permits are issued. This will include the re-seeding of any disturbed areas during and after construction.
- (d) Gravel surfaces shall be maintained and any resulting dust managed according to best management practices.
- (e) All Traffic will be directed to use the established Truck Routes.

This the 19th day of May, 2015.

CITY OF EDEN

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

ATTEST:

Sheralene Thompson, CMS
City Clerk

I, Norman L. Nance, President of Pine State Group, Inc., **Owner and Applicant** do hereby acknowledge receipt of this special use permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all its conditions and requirements and that the restriction shall be binding on them and their successors in interest.

PINE STATE GROUP, INC.

BY: _____
Norman L. Nance, President

NORTH CAROLINA
ROCKINGHAM COUNTY

I, the undersigned Notary Public of the County and State aforesaid, certify that **Norman L. Nance**, President personally came before me this day and acknowledged on behalf of Pine State Group, Inc., as Owner and Applicant, the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the ____ day of _____, 2015

My Comm. Expires:

Notary Public

Note: An appeal from the decision of the City Council may be made to Rockingham County Superior Court within 30 days after this order is filed in the office of the administrator of the zoning ordinance or after a written copy thereof is delivered to every aggrieved party who has filed a written request with the City Clerk or Mayor at the time of hearing, whichever is later.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED SPECIAL USE
CASE NUMBER SU-15-02

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any special use request, the Eden City Council is required to adopt a statement as to whether the special use 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 special use request for a saw mill on two parcels on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) and one parcel on Jarrett Road (PIN# 7090-1304-5490).

WHEREAS, On May 5, 2015, the City of Eden Planning Board voted to recommend in favor of a special use permit as follows:

To allow a saw mill as a special use on two parcels on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) and one parcel on Jarrett Road (PIN#7090-1304-5490).

STATEMENT OF NEED:

A saw mill is allowed as a special use on two parcels on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) and one parcel on Jarrett Road (PIN#7090-1304-5490).

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 Eden City Council has considered the written recommendation of the City of Eden Planning Board and has held a public hearing on the

proposed special use, and the Council desires to adopt a statement describing why the adoption of the proposed special use is consistent with the City of Eden Land Development Plan, and why the City Council considers the proposed special use 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 special use 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 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 special use is 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