



# Planning and Inspections Department

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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-15-06 – 270 Garden Road**  
**Date:** August 5, 2015

The City has received a zoning map amendment request filed by Michael W. Armstrong and Pamela S. Armstrong for property at 270 Garden Road. The request is to rezone the property from Residential-20 to Residential-Suburban.

The Planning and Inspections Department recommends approval of the map amendment request as amended to include additional properties. At their July regular meeting, the Planning Board voted to recommend that the City Council approve this request as amended to include additional properties.

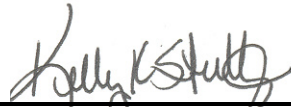
CERTIFICATE SHOWING THAT NOTICES WERE MAILED TO THE OWNER(S) OF PROPERTY SUBJECT TO REZONING AND TO OWNER(S) OF ALL PARCELS OF LAND ABUTTING SUBJECT PROPERTY AND/OR WITHIN 100 FEET OF SUBJECT PROPERTY

RE: ZONING CASE Z-15-06  
270 GARDEN 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 requested by Michael W. Armstrong to rezone property at 270 Garden Road from Residential-20 to Residential-Suburban were mailed first-class mail to the owner of property in the proposed rezoning and all property owners adjacent to the subject area on the 5th day August, 2015. Notices were also sent on August 5, 2015 certified mail to the property owners whose property would be added to the map amendment request.*

*IN WITNESS WHEREOF, I have hereunto set my hand this the 5th day of August, 2015.*



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Kelly K. Stultz, AICP

Planning and Inspections Director

**PLANNING AND INSPECTIONS DEPARTMENT  
ZONING CASE REPORT  
July 13, 2015**

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<b>CASE NUMBER:</b>	<b>Z-15-06</b>
<b>EXISTING ZONING DISTRICT:</b>	<b>R-20</b>
<b>REQUESTED ZONING DISTRICT:</b>	<b>RS</b>
<b>APPLICANT:</b>	<b>Michael W. Armstrong</b>
<b>APPLICANT'S STATUS:</b>	<b>Property Owner</b>

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**PROPERTY INFORMATION**

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LOCATION:	270 Garden Road
PIN:	7979-0461-5150
SIZE:	2.76 acres
ACCESS:	Garden Road
LAND USE:	Vacant
PHYSICAL CHARACTERISTICS:	Large, wooded vacant parcel
ZONING HISTORY:	Zoned R-20 at time of original zoning.

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**AREA INFORMATION**

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CHARACTERISTICS:	Bordered on the north, west and south by R-20 single family residential. Bordered on the east across Garden Road by vacant RS Residential-Suburban property.	
ADJACENT ZONING:	North:	R-20
	South:	R-20
	East:	RS
	West:	R-20

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**PLANNING AND DEVELOPMENT INFORMATION**

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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

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### STAFF ANALYSIS

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The request to zone approximately 2.76 acres from Residential-20 (R-20) to Residential-Suburban (RS). The R-20 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 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 RS district is established to provide reasonable safeguards for areas characterized by suburban residential and agricultural uses. The intent of the district is: (1) to encourage the 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 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.

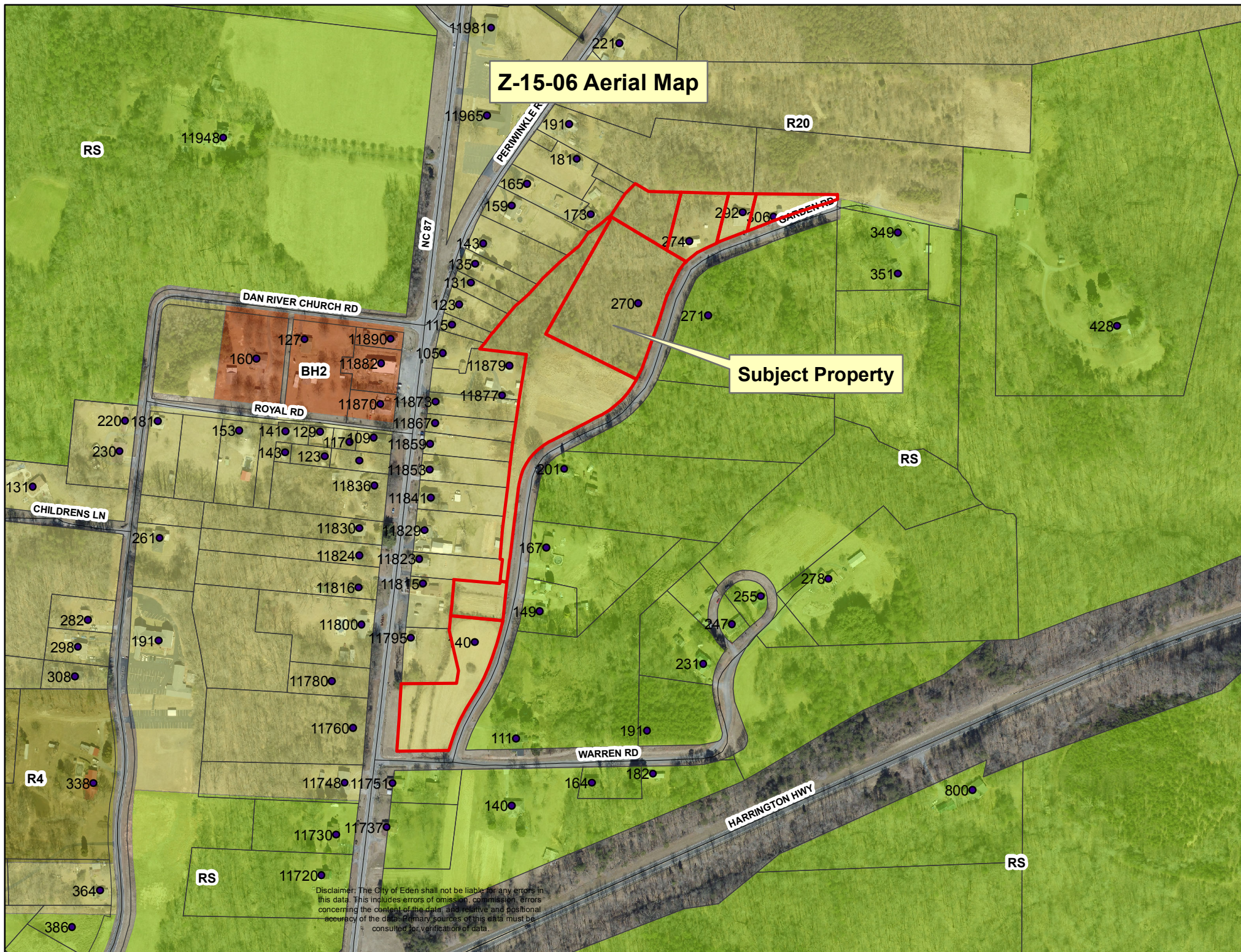
The subject property is located on Garden Road near the intersection of NC87 south and Harrington Highway. The parcel bordered on the north by a vacant R-20 parcel and an R-20 parcel containing a manufactured home. To the west is a vacant R-20 parcel which adjoins a row of R-20 parcels containing single family residences along Periwinkle Road. To the south is a large vacant R-20 parcel. All of the property across Garden Road to the east is zoned RS and is either vacant or contains single family residences and agricultural uses. Staff is of the opinion that RS zoning would be appropriate for the subject parcel; however since all of the properties on the west side of Garden Road are similar in nature to the subject parcel, staff recommends that these properties also be rezoned to RS. Therefore staff recommends that the request be amended to include the following parcels:

7978-0069-0739	140 Garden Road
7979-0460-1118	
7979-0460-3891	
7979-0461-6460	
7979-0461-7363	274 Garden Road
7979-0461-9328	292 Garden Road
7979-0471-0359	306 Garden Road

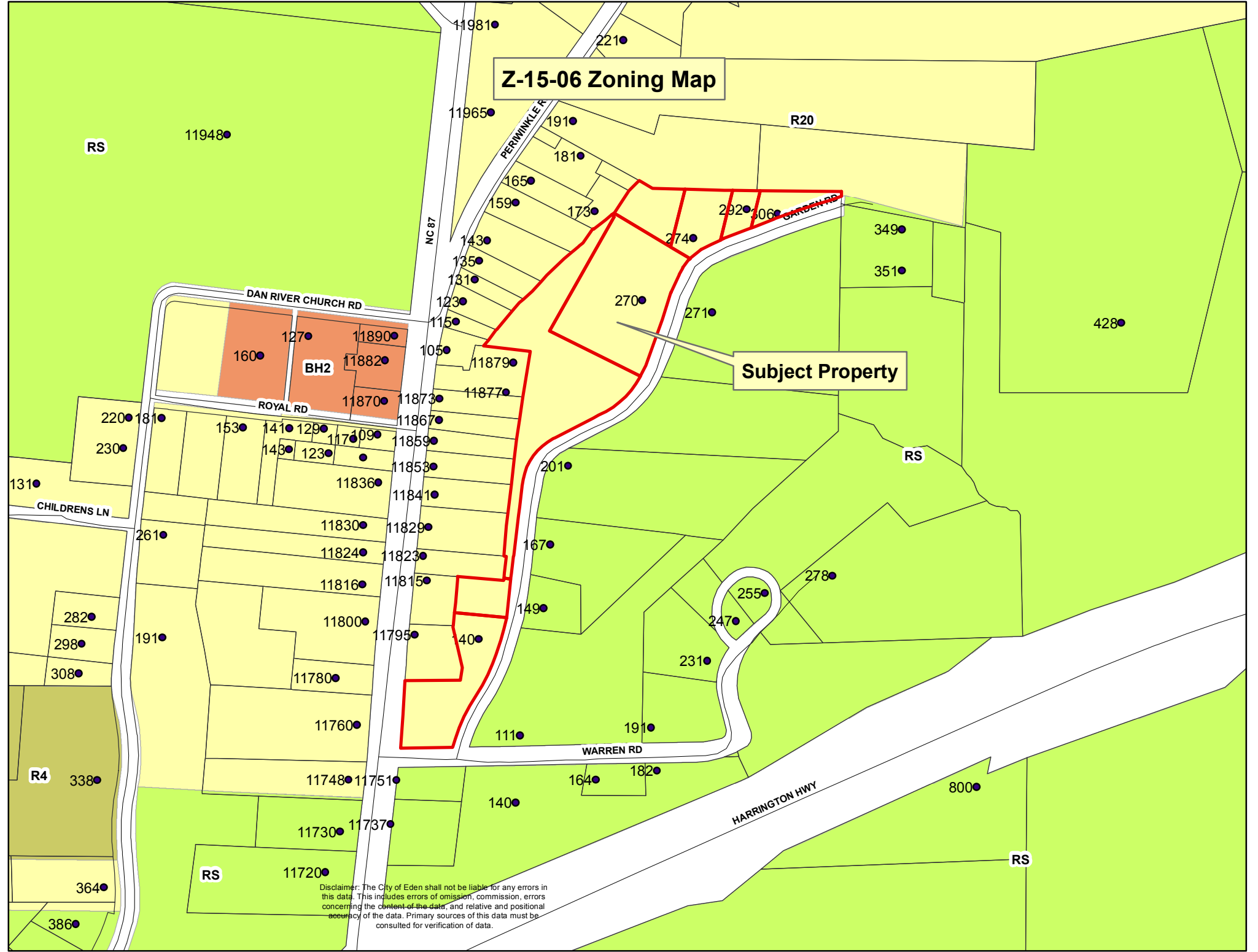
Based upon the character of the area and the rural residential uses in the area, staff recommends in favor of the request as amended.

**STAFF RECOMMENDATION:** **Approval of the amended RS request.**

# Z-15-06 Aerial Map



# Z-15-06 Zoning Map



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

AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF THE CITY OF EDEN

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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 Residential-20 to Residential-Suburban the following tract:**

Being all of Parcel A, containing 2.99 acres, more or less, as per Plat of Survey for Jane E. Carter Estate, by C. E. Robertson & Associates, P.C., dated August 4, 2009, and revised August 13, 2009, and September 2, 2009, said survey being recorded in Map Book 66, page 58, Rockingham County Registry, to which survey reference is hereby made for a more complete description. For further reference see Book 1427, page 2505 and Book 1474, Page 308, Rockingham County Registry.

The above described property being further identified by the Rockingham County Tax Dept. as PIN 7979-04-61-5150 and Parcel Number 175015.

**Section 2 - The Official Zoning Map of the City of Eden is hereby amended to conform with this Ordinance.**

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of August, 2015.

CITY OF EDEN

BY: \_\_\_\_\_  
Wayne R. Tuggle, Sr., Mayor

ATTEST:

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Sheralene Thompson, CMC  
City Clerk

AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF THE CITY OF EDEN

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**Section 1 - Change from Residential-20 to Residential-Suburban the following tracts:**

TRACT 1:

Being all of Parcel A, containing 2.99 acres, more or less, as per Plat of Survey for Jane E. Carter Estate, by C. E. Robertson & Associates, P.C., dated August 4, 2009, and revised August 13, 2009, and September 2, 2009, said survey being recorded in Map Book 66, page 58, Rockingham County Registry, to which survey reference is hereby made for a more complete description. For further reference see Book 1427, page 2505 and Book 1474, Page 308, Rockingham County Registry. The above described property being further identified by the Rockingham County Tax Dept. as PIN 7979-04-61-5150 and Parcel Number 175015.

TRACT 2:                      PIN 7978-00-69-0739                      Parcel No. 175018

TRACT 3:                      PIN 7979-04-60-1118                      Parcel No. 136714

TRACT 4:                      PIN 7979-04-60-3891                      Parcel No. 136728

TRACT 5:                      PIN 7979-04-61-6460                      Parcel No. 136746

TRACT 6:                      PIN 7979-04-61-7363                      Parcel No. 136748

TRACT 7:                      PIN 7979-04-61-9328                      Parcel No. 136751

TRACT 8:                      PIN 7979-04-71-0359                      Parcel No. 136752

**Section 2 - The Official Zoning Map of the City of Eden is hereby amended to conform with this Ordinance.**

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of August, 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-15-06**  
**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 property at 270 Garden Road from Residential-20 to Residential-Suburban;

WHEREAS, On July 28, 2015, the City of Eden Planning Board voted to recommend approval of the rezoning request and to recommend that eight additional properties located on Garden Road be rezoned from Residential-20 to Residential-Suburban.

STATEMENT OF NEED:

The current zoning is inconsistent with other properties in the area and the properties are being rezoned to bring consistency to all properties along Garden Road.

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, as amended, 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 18th day of August, 2015

CITY OF EDEN

BY: \_\_\_\_\_  
Wayne R. Tuggle, Sr., Mayor

ATTEST:

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Sheralene Thompson, CMC  
City Clerk