



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-15-07 – 802 Washington Street**
Date: August 28, 2015

The City has received a zoning map amendment request filed by Gregory Allen Brust for property at 802 Washington Street. The request is to rezone the property from Business-Central to Business-General.

The Planning and Inspections Department recommended that the request be amended from a map amendment request to a text amendment request to amend Section 11.24(h)(2) to allow Automobile Repair and Detailing and Automobile Sales as conditional uses in the Business-Central zoning district.

At their regular meeting on August 25, 2015, the Planning Board voted to recommend that the City Council approve the request as amended.

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-15-07
801 WASHINGTON STREET

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 as requested by Gregory Allen Brust to rezone property at 802 Washington Street from Business-Central to Business-General were mailed first-class mail to the owner of the property in the proposed rezoning and all property owners adjacent to the subject area on the 28th day August, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand this the 28th day of August, 2015.



Kelly K. Stultz, AICP
Planning and Inspections Director

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

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.

GENERAL INFORMATION

This request was submitted by the potential property owner.

STAFF ANALYSIS

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.

EXISTING TEXT

Section 11.24(h)(2) Conditional Uses

(Currently not permitted as a conditional use)

PROPOSED TEXT

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.

STAFF ANALYSIS

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.

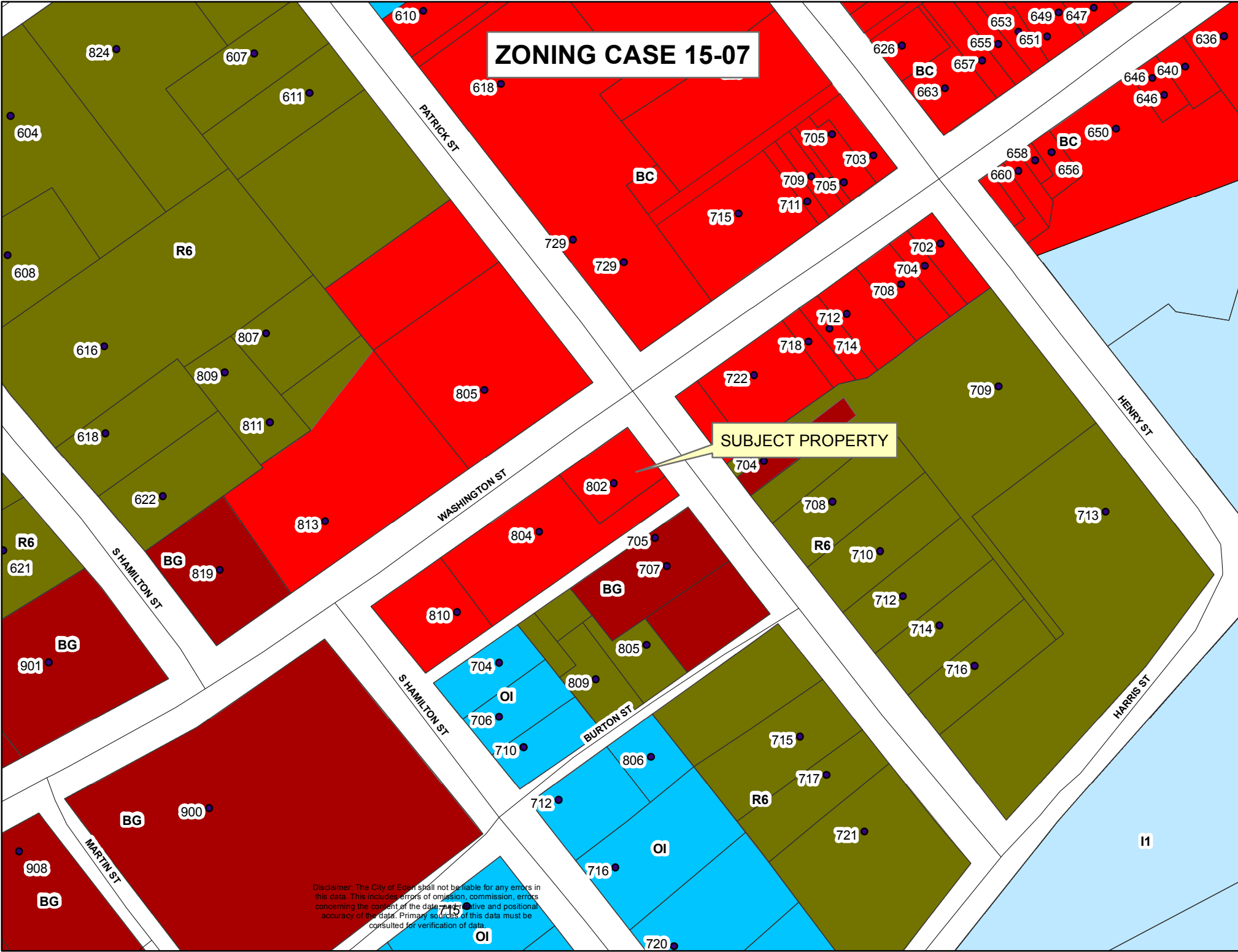
STAFF RECOMMENDATION:

Approval of the text amendment.

ZONING CASE 15-07

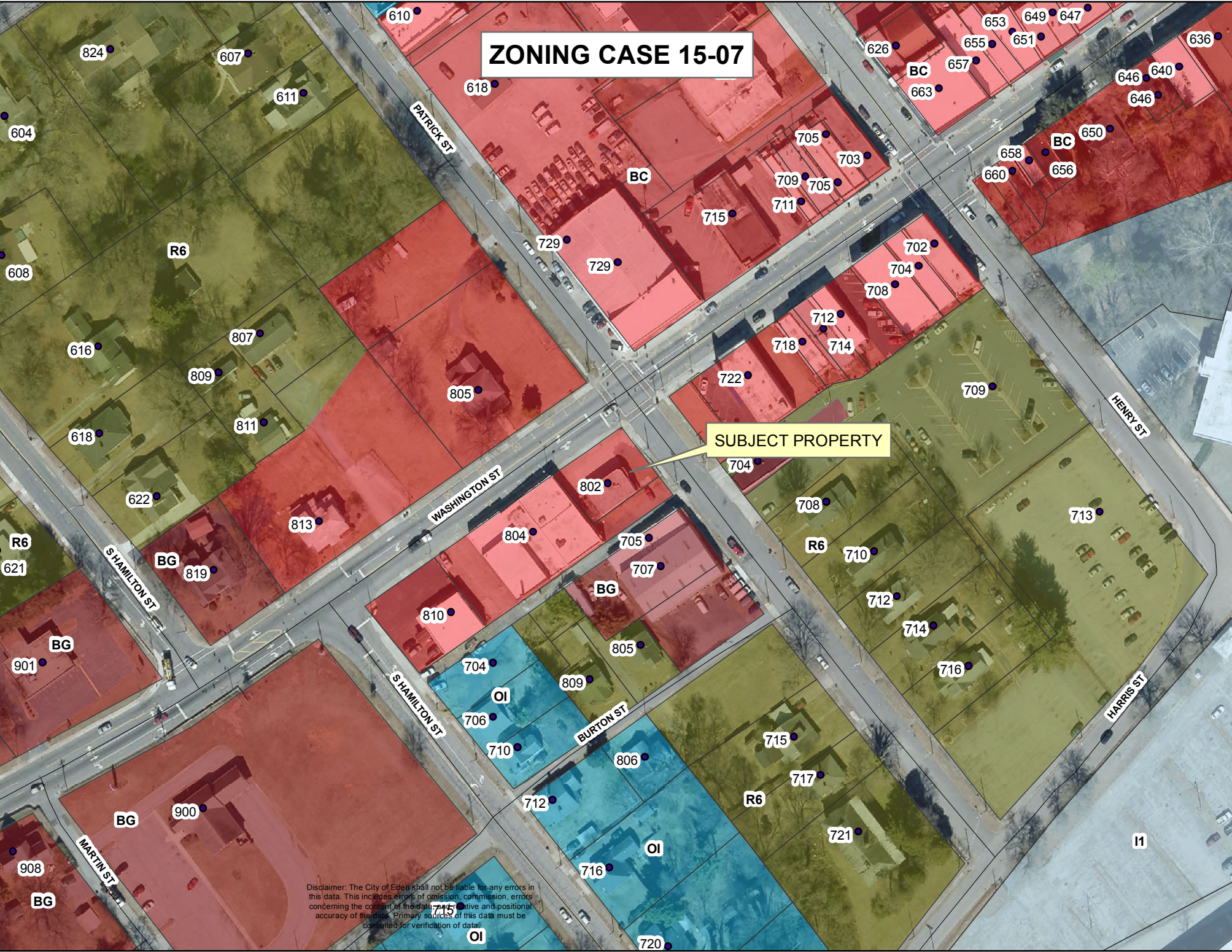
SUBJECT PROPERTY

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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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, Section 11.24(h)(2) B-C Business Central District of the Zoning Ordinance of the City of Eden is hereby amended by adding the following 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.

APPROVED, ADOPTED AND EFFECTIVE, this 15th day of September, 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-15-07
TEXT 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 802 Washington Street from Business-Central to Business-General;

WHEREAS, On August 25, 2015, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend the Zoning Ordinance to allow Automobile Repair and Detailing, and Automobile Sales as conditional uses in the Business-Central district.

STATEMENT OF NEED:

The request is to rezone property located at 802 Washington Street from Business-Central to Business-General. 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, 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 allow Automobile Repair and Detailing, and Automobile Sales as conditional uses in the BC district 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 amendment to allow Automobile Repair and Detailing, and Automobile Sales as conditional uses in the BC district 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 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 amendment to the Zoning Ordinance is reasonable and in the public interest.

Approved and adopted and effective this 15th day of September, 2015

CITY OF EDEN

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

ATTEST:

Sheralene Thompson, CMC
City Clerk