



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-15-08 – Price Road and Plantation Road**
Date: November 4, 2015

The City has received a zoning map amendment request filed by The Outdoor Group, LLC for property located on the northwest corner of Price Road and Plantation 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 five (5) additional properties. At a special meeting, the Planning Board voted to recommend that the City Council approve this request as amended to include the additional properties. The five (5) additional properties are to be rezoned from Residential-20 and Residential-4 to Residential-Suburban.

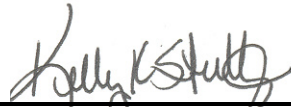
CERTIFICATE SHOWING THAT NOTICES WERE MAILED TO THE OWNER(S) OF PROPERTY SUBJECT TO REZONING AND TO OWNER(S) OF ALL PARCELS OF LAND ABUTTING SUBJECT PROPERTY AND/OR WITHIN 100 FEET OF SUBJECT PROPERTY

RE: ZONING CASE Z-15-08
PRICE ROAD AND PLANTATION 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 The Outdoor Group, LLC to rezone property on the northwest corner of Price Road and Plantation 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 November, 2015. Notices were also sent on November 5, 2015 by 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.



Kelly K. Stultz, AICP
Planning and Inspections Director

**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.
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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

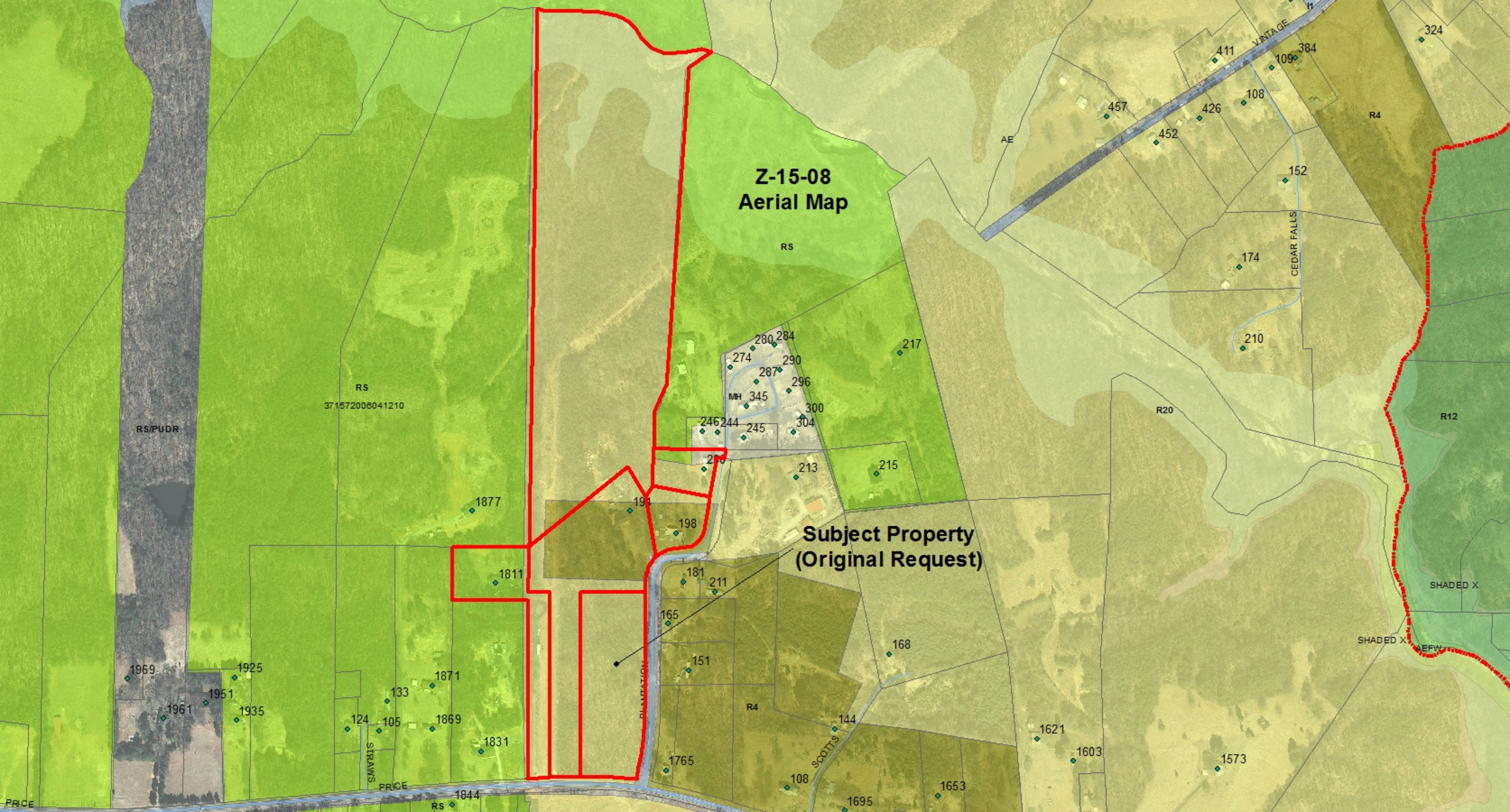
The request is to rezone approximately 4.89 acres from Residential 20 to Residential Suburban. The R-20 district is established as a district in which the principal use of the land is for single family residences. The regulations of the district are intended to protect existing residential areas with 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
371572006041210

RS/PUDR

R4

RS

R12

R20

SHADED X

SHADED X

AEFW

R4

RS

STRAWS

PRICE

PLANTATION

SCOTT'S

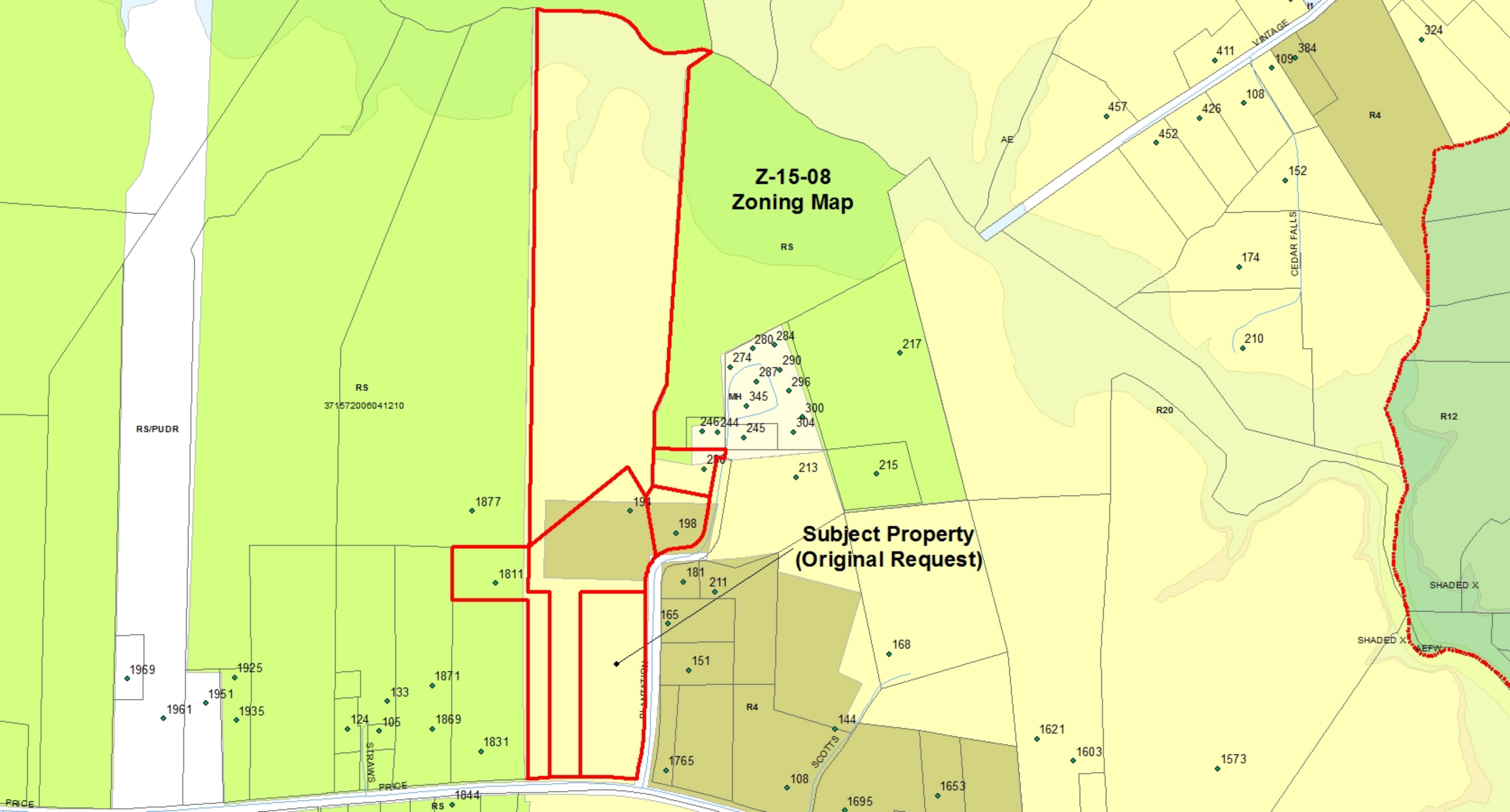
CEDAR FALLS

VINTAGE

PRICE

Z-15-08 Zoning Map

Subject Property (Original Request)



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 Residential-20 and Residential-4 to Residential-Suburban the following tracts:

PARCEL 1:

BEGINNING at an iron located at the North right of way line of NC SR 1535 (Price Road), said beginning point being North 77° 59' 30" West 239.9 feet from an existing nail marking the centerline intersection of Price Road and Plantation Road (SR 1568); thence from said beginning point leaving Price Road North 0° 11' 45" East 705.37 feet to a stone (control corner); thence South 89° 39' 40" East 263.36 feet to an iron in the West right of way line of Plantation Road (SR 1568); thence with the West right of way line of Plantation Road to a point in the North right of way line of Price Road marking the Northwest intersection of Price Road with Plantation Road; thence along the North right of way line of Price Road to the POINT OF BEGINNING. See minor subdivision plat for James R Vernon Sr. by Robert Lee Cassiday RLS dated August 23, 1999 as recorded in Plat Book 44, page 35. The above described property being further identified by the Rockingham County Tax Department as PIN 7090-19-52-1300 and Parcel Number 107525.

PARCELS 2, 3 & 4 are described in the following four (4) tracts which have been resubdivided to create three (3) parcels:

TRACT 1:

BEGINNING at a point in the West line of a 30-foot street, said point being N. 12-40 E., 180.0 feet, N. 02-07 E., 871.0 feet from the Northwest intersection of the said 30-foot street and Center Church Road; thence from said beginning point, N. 02-07 E., 250 feet to a point; thence S. 87-00 E., 279.48 feet to a point, said point being the corner between Joe Stephens and John Stevens; thence a new line with the road, S 05-54 W., 439.15 feet to a point; thence continuing with said road, N. 78-15 W., 224 feet to a point; thence N. 02-07 E., 150 feet to a point; thence N. 78-15 W., 30 feet to the POINT OF BEGINNING, containing 2.45 acres, more or less. The same being a part of that 6.142 acre tract conveyed by Deed recorded in Deed Book 549, at page 70 in the Office of the Register of Deeds for Rockingham County, North Carolina. Deed Reference: Book 922, page 252.

TRACT 2:

BEGINNING at a white oak above Spring Corner of the original line; thence N. 2 deg. E., 112 poles to Matrimony Creek; thence S. 78-30 E., 20 poles; thence S.65 deg. E., 4 poles, thence 47-30 E., 9 poles and 81 links, thence S. 85-30 E., 8 poles; thence S. 65-30 E., 9 poles and 13 links; thence a new line in a southwesternly direction 1100 feet, more or less,

to a stone (being that stone referred to in the description of Tract Two, as it appears in a Deed to Jack Gibson, dated April 29, 1959, and recorded in Deed Book 535, at page 74); thence S. 25-30 W., 20 poles and 18 links; thence S. 70 deg. W., 10 poles and 20 links; thence S.37 deg. W., 12 poles to the POINT OF BEGINNING and containing 20.69 acres, more or less, and being the western portion of Lot No. 1 as per map of the Joseph Lane Estate, surveyed and calculations by E. P. Ellington, Map by W. B. Trogdon, January, 1908. For further reference see Deed Book 586, at page 113 and Book 922, page 252.

TRACT 3:

BEGINNING at a stake on the West side of street or road, N.E. corner of Lot No. 6; thence N. 87 deg. W., 7.27 chains to a stake, a new corner; thence N. 3 deg. E., 5.24 chains to a stake; thence N. 75-30 E., 3 chains to a stake; thence N. 72-30 E., 217 chains; thence N. 31 deg. E., 3 chains to an iron stake corner in Taylor's line; thence S. 3 deg. W., 104 chains to the beginning. Being Lot No. 7, in the division of H. C. Martin. For further reference see Deed Book 591, at page 201 and Book 922, page 252.

TRACT 4:

BEGINNING at a new iron located on the north right of way line of N. C. S. R. 1535 (Price Road), said beginning point being North 77 deg. 59' 30" West 239.9 feet from an existing nail marking the center line intersection Price Road and Plantation Road (S.R. 1568); thence with said beginning point crossing Price Road South 0 deg. 11' 45" West 67.10 feet to an existing iron pipe; thence South 85 deg. 32' 45" West 120.0 feet, plus or minus, to a point; thence North 0 deg. 20' 35" East 73.0 feet, plus or minus, to a new iron located on the north right of way line of S.R. 1535; thence continuing North 00 deg. 20' 35" East 710.68 feet to a new iron; thence South 89 deg. 40' East 117.68 feet to a stone (a control corner) and marking the northwest corner of Maniah McMickie Heirs ; thence with the west line of said McMickie Heirs South 0 deg. 11' 45" West 705.37 feet to a new iron located on the north right of way margin of S.R. 1535, THE POINT OF BEGINNING, and being a portion of the tract of land being described in Book 1019 page 2318, Rockingham County Registry. This description as per minor Subdivision Plat for Mr. James R. Vernon, Sr., by Robert Lee Cassady, RLS, dated August 23, 1999, a copy of said plat being recorded in Plat Book 44 page 35 to which reference is made for a more specific description. SUBJECT TO a Duke Power Company line easement along the west property line of the afore described tract of land as more fully shown on said plat of survey for James R. Vernon, Sr. Deed Reference: 1048, page 1178.

Parcel 2 is more commonly known as 194 Plantation Road and is identified by the Rockingham County Tax Department as PIN 7060-00-51-4811 and Parcel Number 166513.

Parcel 3 contains approximately 22.62 acres and is identified by the Rockingham County Tax Department as PIN 7060-00-52-4960 and Parcel Number 178051.

Parcel 4 is more commonly known as 198 Plantation Road and is identified by the Rockingham County Tax Department as PIN 7060-00-51-7858 and Parcel Number 178052.

PARCEL 5:

BEGINNING at an iron being the current southeast corner of the Lillie Hewitt tract as recorded in Book 748, page 906, Rockingham County Registry and shown on Plat hereinafter referred to; from the point of beginning South 11° 59' 58" West 32.53 feet to an iron in the center line of Plantation Road (State Road 1568); thence continuing with the center line of Plantation Road, South 11° 59' 58" West 126.19 feet to a point; thence still continuing with the center line of Plantation Road, South 11° 37' 05" West 30.63 feet to an iron; thence North 76° 10' 03" West, a total distance of 253.94 feet to an iron, a new corner with these Grantors; thence North 03° 52' 01" East 145.97 feet to an iron, the southwest corner of Samuel Massey; thence with Massey's southern line, South 83° 30' 48" East 126.86 feet to an iron, the southwest corner of Lillie Hewitt; thence with the southern line of Lillie Hewitt, South 87° 25' 02" East 150 feet to the POINT OF BEGINNING and containing gross acreage of 1.00 acre and a net acreage of 0.892 acre as per Plat of Survey for James R. Vernon, Sr. and Mary H. Vernon, Leaksville Township, Rockingham County, North Carolina, August 15, 1996, by C. E. Robertson & Associates, R.L.S. Deed Reference: Book 958, page 1417 and Book 1065, page 595.

Parcel 5 is more commonly known as 230 Plantation Road and is identified by the Rockingham County Tax Department as PIN 7060-00-52-7092 and Parcel Number 103098.

PARCEL 6:

That certain tract of land containing 4.86 acres on S.R. 1535 (Center Church Road) as shown on plat of survey dated December 13, 1982, revised February 22, 1983, and recorded in Deed Book 751, page 95, Rockingham County Registry, to which reference is hereby made for a more particularity in description. **SAVE AND EXCEPT** the land conveyed by Deed recorded in Book 1048, page 1178.

Parcel 6 is more commonly known as 1811 Price Road and is identified by the Rockingham County Tax Department as PIN 7060-00-51-2470 and Parcel Number 103091.

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

APPROVED, ADOPTED AND EFFECTIVE, this 17th day of November, 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-15-08
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 Price Road and Plantation Road from Residential-20 to Residential-Suburban;

WHEREAS, On November 3, 2015, the City of Eden Planning Board voted to recommend approval of the rezoning request and to recommend that five additional properties located on Price Road and Plantation Road be rezoned from Residential-20 and Residential-4 to Residential-Suburban.

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 rural residential character of the area and the other R-S properties in the area. However, staff believes it would also be appropriate to rezone the adjoining and surrounding R-20 and R-4 properties to R-S to maintain consistency of zoning in the area.

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 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 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 17th day of November, 2015

CITY OF EDEN

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

ATTEST:

Sheralene Thompson, CMC
City Clerk