

**COMPREHENSIVE PLAN STEERING COMMITTEE
TUESDAY, AUGUST 24, 2021
4:00 P.M. – CONFERENCE ROOM**

**PLANNING BOARD AGENDA
REGULAR MEETING
TUESDAY, AUGUST 24, 2021
5:30 P.M. – CONFERENCE ROOM**

1. Meeting called to order.
2. Roll Call.
3. Set Meeting Agenda.
4. Approval of minutes of the regular meeting on July 27, 2021.
5. Old Business: None
6. New Business:

ZONING CASE

Z-21-15

MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone property at 1128 and 1130 Friendly Road from Residential-Agricultural to Heavy Industrial. Submitted by Lawrence Matthew Hall, Property Owner.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 1128 and 1130 Friendly Road from Residential Agricultural to Heavy Industrial.

ZONING CASE

Z-21-16

MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone property at 121 Boone Road from Neighborhood Mixed Use to Light Industrial. Submitted by Russell and Shawn Bowers, Property Owners.
 - (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request.
7. Items from Staff.
 8. Items from the Planning Board.
 9. Adjournment.

EDEN PLANNING BOARD
JULY 27, 2021

The regular meeting of the Eden Planning Board was held on Tuesday, July 27, 2021, at 5:30 P.M. in the front conference room at City Hall.

Members present: Eddie Barker
Gwen Taylor
Barbara Garland
Fred Ramsey
Amelia Dallas
Jerry W. Holland, Jr.
Frank Wyatt
Carol Helms
Steve Morgan
Matthew Smith

Staff Present: Kelly K. Stultz, Planning & Community Development Director
Debra M. Madison, Local Codes Administrator/GIS Analyst

Others Present: Kenan Wright
Matthew & Florence Smith
Phil Hunnicutt
Jesse & Adrian Meeks

Chairman, Matthew Smith, called the meeting to order.

ROLL CALL:

Chairman Smith took note of the board members in attendance and established a quorum.

SET MEETING AGENDA:

Matthew Smith noted that two board members had received text messages from Danny Wooten requesting that his request (Case Z-21-12) be pulled from the agenda and tabled until the next meeting. A motion was made to set the meeting agenda as amended. The motion was seconded and passed.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON JUNE 22, 2021.

A motion was made and seconded to approve the minutes as presented to all members. Motion passed unanimously.

NEW BUSINESS:

ZONING CASE

Z-21-13

MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone property on Sanderlyn Court and Peppermill Trail identified by the Rockingham County Tax Dept. as PIN 7978-0068-0616, PIN 7978-0058-8513, PIN 7978-0058-8770, PIN 7978-0058-9561 and PIN 7978-0068-8552 from Residential 12 to Residential Mixed Use. Submitted by Kenan Wright, Representative for the Property Owners, Casteen Developers, LLC and The Wright Company of NC, Inc.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property on Sanderlyn Court and Peppermill Trail identified by the Rockingham County Tax Dept. as PIN 7978-0068-0616, PIN 7978-0058-8513, PIN 7978-0058-8770, PIN 7978-0058-9561 and PIN 7978-0068-8552 from Residential 12 to Residential Mixed Use.

Amelia Dallas recused herself from the discussion and voting of this case. Kelly Stultz made the Staff Report which included a staff recommendation that the request be approved.

Kenan Wright stated he didn't have any comments but would be glad to answer any questions.

A motion was made to recommend approval of the request to the City Council and adopt the Statement of Consistency. The motion was seconded and passed.

ZONING CASE

Z-21-14

MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone property at 312 Bridge Street from Business General to Residential 12. Submitted by Matthew and Florence Smith, Property Owners.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 312 Bridge Street from Business General to Residential 12.

Kelly Stultz presented the Staff Report and recommended that the request be approved.

Matthew Smith addressed the Board providing them with information about the length of time they had lived in the house and the improvements that been made to the house. He asked that the requested be approved.

Steve Morgan made a motion to recommend to the City Council that the request be approved and the Statement of Consistency be adopted. Carol Helms seconded the motion and it passed.

ZONING CASE

Z-21-15

MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone property at 1128 Friendly Road from Residential-Agricultural to Heavy Industrial. Submitted by Lawrence Matthew Hall, Property Owner.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 1128 and 1130 Friendly Road from Residential Agricultural to Heavy Industrial.

Kelly Stultz presented the Staff Report. She reminded the members that this is the same property that they considered for rezoning in late 2017 and early 2018. Staff recommendation was to deny the request.

Steve Morgan made a motion to recommendation denial of the request to the City Council. A second was made and the motion passed unanimously.

OLD BUSINESS

None

ITEMS FROM STAFF

Kelly Stultz reminded the board members that the Pedestrian Plan survey was on the website and requested that they encourage their friends to complete the survey. Paper copies were also distributed.

ITEMS FROM THE BOARD

None

Jerry Holland made a motion, seconded by Steve Morgan, to adjourn. The motion passed.

Respectfully submitted,

Attest:

Kelly K. Stultz, Administrative Assistant
To the Planning Board

Jerry W. Holland, Jr., Vice-Chairman



Rezoning (Map Amendment) Application

Planning and Inspections Department
308 E. Stadium Dr., Eden, NC 27288

Phone: 336-623-2110 x2 / Fax: 336-623-4057

www.edennc.us

CONTACT INFORMATION

Contact Name Lawrence Matthew Hall III
Contact Address 1156 Virginia St
City Eden State NC Zip 27288
Phone Number 336-344-1644 or 344-0214 Email mory.hall1256@gmail.com
Contact's Property Interest or Legal Relationship to Owner _____

PROPERTY OWNER INFORMATION

Property Owner Name John Wayne Bolton / Linda Jennings Bolton
Property Owner Mailing Address 5472 Tom Hill Rd
City Trinity State NC Zip 27370
Phone 336) 471-2278 / 336) 410-4362 Email Johnwayn338@gmail.com

PROPERTY INFORMATION

Tax Property ID No. (PIN) 708100549862
Deed Book and Page No. 1512 Pg: 2964
Physical Address 1130 Friendly Rd
City Eden State NC Zip 27288
Year Current Owner Acquired Property 2016 Acreage 8.12
Public Water Available? Yes No Public Sewer Available? Yes No
Current Use of Property _____
City Jurisdiction: _____ In-City Limits ETJ

Existing land use/zoning on adjoining properties:

North: _____

South: _____

East: _____

West: _____

ADDITIONAL INFORMATION

Attach the following documents to this application form:

Recorded deed to the property

Copy of the recorded plat or survey for the property* or A map showing dimensions of the property

*Preferred

PROCESS & FILING INFORMATION

Submission Requirements: Per Article 3 of the Eden Unified Development Ordinance (UDO), every applicant for a rezoning (map amendment) is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application. Upon application submittal, the Administrator shall review the application to ensure that it is complete.

Review Process: After review and recommendation of the application by the Administrator, the Planning Board shall review and provide a recommendation to the City Council. Upon receiving a recommendation from the Planning Board, the City Council shall hold a legislative public hearing on the proposal for official action.

Required Application Information: A petitioner must complete this application in full. This application will not be processed unless all information requested is provided.

General Rezoning Requests: These are "general" requests involving a zoning change to an individual parcel of land. The request is to amend or change the City's Official Zoning Map in a certain area from one zoning district to another. "General" rezoning requests are not specific and if approved, any permitted land use within the new zoning district as illustrated in Section 5.06 (Table of Permitted Uses) of the Eden UDO could be permitted.

Conditional Zoning District Requests: Conditional Zoning Districts (CZ) are districts with conditions voluntarily added by the applicant. Conditional Zoning Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Conditional Zoning Districts may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure. Conditional Zoning District rezonings can include restrictive land uses, site/subdivision master plans and other information as described in Section 3.10 of the UDO.

ZONING INFORMATION

Request Type: _____ General Rezoning _____ Conditional Zoning District

Current Zoning District _____

Requested Zoning District _____

If the request is to a Conditional Zoning District this application should be accompanied by an Existing Conditions Map, a Sketch Plan (may be waived by the Administrator as appropriate), and Master Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the City Council. At a minimum, the following should be provided:

1. The underlying zoning districts and a full list of proposed uses consistent in character with those zoning districts.

Such use classifications may be selected from any of the uses, whether permitted, by right or with supplemental



Rezoning (Map Amendment) Application

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308 E. Stadium Dr., Eden, NC 27288

Phone: 336-623-2110 x2 / Fax: 336-623-4057

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standards, allowed in the general zoning district upon which the Conditional Zoning District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional Zoning District.

2. General traffic routes (external and internal) to and from the development with major access points identified.
3. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development.
4. A proposed development schedule if the project is to be phased.

Proposed Land Use(s):

Industrial use

Proposed Conditions Offered by Applicant: I have been cleaning up this property, and you will see a big difference in it.

APPLICANT/OWNER CERTIFICATION

I hereby certify that, to the best of my knowledge, the information on this application is true and accurate, and I hereby petition the Planning Board to recommend and the City Council to approve this application for a rezoning (map amendment).

Applicant Signature Lawrence Matthew Hall III Date 8-17-2021
 Property Owner Signature Linda J Jennings Date 8/17/2021

Office Use Only

Staff Member (Initial upon Receipt) AM Date 8/17/2021
 Application Number _____ Fee Paid _____

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING MAP AMENDMENT REPORT
Revised August 18, 2021**

CASE NUMBER:	Z-21-15
EXISTING ZONING DISTRICT:	Residential Agricultural (RA)
REQUESTED ZONING DISTRICT:	Heavy Industrial (HI)
APPLICANT:	Lawrence Matthew Hall, III
APPLICANT'S STATUS:	Buyer Under Purchase Agreement

PROPERTY INFORMATION

LOCATION:	1128 and 1130 Friendly Road
PIN:	7081-0054-9862
SIZE:	8.12 acres
ACCESS:	Friendly Road
LAND USE:	Vacant commercial structure and single-family residence
ZONING HISTORY:	Zoned I2 as part of original ETJ zoning; rezoned to RA as part of UDO updates effective January 1, 2021

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north, south and east by large parcels of RA property containing single-family residences; bordered on the west (across Friendly Rd.) by a large parcel of undeveloped R6(CZ) property.	
ADJACENT ZONING:	North:	RA
	East:	RA
	South:	RA
	West:	R6(CZ)

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS:	Yes
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PUBLIC WATER AVAILABLE: No
PUBLIC SEWER AVAILABLE: No
LAND DEVELOPMENT PLAN (2007): Traditional Neighborhood
FLOOD HAZARD AREA: None
WATER SUPPLY WATERSHED: Smith River Protected Area

STAFF ANALYSIS

The request is to rezone approximately 8.12 acres from Residential Agricultural (RA) to Heavy Industrial (HI). The RA district is intended to accommodate lower density residential and agricultural uses. Areas within this district may be restricted due to lack of available utilities, unstable soil types or steep slopes. The HI district is established to accommodate those industrial, manufacturing, or large-scale utility operations that are known to pose levels of noise, vibration, odor, or truck traffic that are considered nuisances to surrounding development. This district is customarily located in proximity to railroad sidings and/or major thoroughfares.

The subject parcel is located on Friendly Road, which is made up almost entirely of residential and agricultural uses. The subject property formerly contained a scrap metal recycling facility, however the vested right to this use was lost when the facility shut down several years ago. Previous owners have petitioned several times to have the property rezoned for industrial-type uses and each of these requests has been denied. This property was rezoned to RA as part of the UDO updates which were effective on January 1, 2021. Due to the character of the adjacent and surrounding residential and agricultural uses, staff is of the opinion that HI zoning would not be appropriate for this property.

Based upon the rural character of the area and the existing residential and agricultural uses in the area, staff recommends denial of the HI request.

STAFF RECOMMENDATION: Denial of the HI request.



ZONING CASE

Z-21-15

AERIAL MAP



7081-00-54-9862

**Zoned:
Residential-Agricultural**

**Request:
Light Industrial**



ZONING CASE

Z-21-15

ZONING MAP



7081-00-54-9862

**Zoned:
Residential-Agricultural**

**Request:
Light Industrial**

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE
CASE NUMBER Z-21-15
MAP AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160D-604, all City of Eden zoning decisions must be made in accordance with the Land Development Plan. Prior to adopting or rejecting any zoning amendment, the City of Eden Planning Board shall advise and comment in writing as to whether the proposed amendment is consistent with the Land Development Plan and why the Board considers the action taken to be reasonable and in the public interest; and

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; and

WHEREAS, the City of Eden Planning Board received a request to rezone property located at 1128 and 1130 Friendly Road from Residential Agricultural to Heavy Industrial.

STATEMENT OF NEED:

The subject parcel is located on Friendly Road, which is made up almost entirely of residential and agricultural uses. The subject property formerly contained a scrap metal recycling facility, however the vested right to this use was lost when the facility shut down several years ago. Previous owners have petitioned several times to have the property rezoned for industrial-type uses and each of these requests has been denied. This property was rezoned to RA as part of the UDO updates which were effective on January 1, 2021. Due to the character of the adjacent and surrounding residential and agricultural uses, staff is of the opinion that HI zoning would not be appropriate for this property. This property is located in an area designated in the Land Development Plan as Traditional Neighborhood.

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 Board finds that this amendment will be not consistent with the goals and policies expressed in the Land Development Plan, including, but not

limited to, strategically locating new land development in appropriate places; maintaining the city's character; using infrastructure investments as effectively as possible, attracting new jobs and a more diverse tax base; and protecting natural, cultural and historic resources and open space with growth consistent with our Growth Strategy Map and Future Land Use Map;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD THAT:

1. The Planning Board of the City of Eden finds that the proposed amendment to the City of Eden Unified Development Ordinance is not 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, nor 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 Unified Development Ordinance is not reasonable nor in the public's best interest.

Approved, adopted and effective this 24th day of August, 2021.

CITY OF EDEN PLANNING BOARD

By: _____
Jerry W. Holland, Jr., Vice-Chairman

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board



Rezoning (Map Amendment) Application

Planning and Inspections Department

308 E. Stadium Dr., Eden, NC 27288

Phone: 336-623-2110 x2 / Fax: 336-623-4057

www.edennc.us

CONTACT INFORMATION

Contact Name Russell Bowers Shawn Bowers

Contact Address 121 Boone Rd

City Eden State NC Zip 27288

Phone Number 336-627-9818 Email shawnrbowers72@yahoo.com

Contact's Property Interest or Legal Relationship to Owner Owner

PROPERTY OWNER INFORMATION

Property Owner Name Russell Bowers Shawn Bowers

Property Owner Mailing Address 121 Boone Rd

City Eden State NC Zip 27288

Phone 336-627-9818 Email shawnrbowers72@yahoo.com

PROPERTY INFORMATION

Tax Property ID No. (PIN) 1183485 Parcel # 106503

Deed Book and Page No. _____

Physical Address 121 Boone Rd.

City Eden State NC Zip 27288

Year Current Owner Acquired Property _____ Acreage _____

Public Water Available? Yes No Public Sewer Available? Yes No

Current Use of Property _____

City Jurisdiction: In-City Limits ETJ

Existing land use/zoning on adjoining properties:

North: Circle Drive-in

South: Humans Society

East: Smith River

West: Snow Properties

ADDITIONAL INFORMATION

Attach the following documents to this application form:

Recorded deed to the property

Copy of the recorded plat or survey for the property* or A map showing dimensions of the property

*Preferred

PROCESS & FILING INFORMATION

Submission Requirements: Per Article 3 of the Eden Unified Development Ordinance (UDO), every applicant for a rezoning (map amendment) is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application. Upon application submittal, the Administrator shall review the application to ensure that it is complete.

Review Process: After review and recommendation of the application by the Administrator, the Planning Board shall review and provide a recommendation to the City Council. Upon receiving a recommendation from the Planning Board, the City Council shall hold a legislative public hearing on the proposal for official action.

Required Application Information: A petitioner must complete this application in full. This application will not be processed unless all information requested is provided.

General Rezoning Requests: These are "general" requests involving a zoning change to an individual parcel of land. The request is to amend or change the City's Official Zoning Map in a certain area from one zoning district to another. "General" rezoning requests are not specific and if approved, any permitted land use within the new zoning district as illustrated in Section 5.06 (Table of Permitted Uses) of the Eden UDO could be permitted.

Conditional Zoning District Requests: Conditional Zoning Districts (CZ) are districts with conditions voluntarily added by the applicant. Conditional Zoning Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Conditional Zoning Districts may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure. Conditional Zoning District rezonings can include restrictive land uses, site/subdivision master plans and other information as described in Section 3.10 of the UDO.

ZONING INFORMATION

Request Type: General Rezoning Conditional Zoning District

Current Zoning District _____

Requested Zoning District Previous Zoning

If the request is to a Conditional Zoning District this application should be accompanied by an Existing Conditions Map, a Sketch Plan (may be waived by the Administrator as appropriate), and Master Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the City Council. At a minimum, the following should be provided:

1. The underlying zoning districts and a full list of proposed uses consistent in character with those zoning districts.

Such use classifications may be selected from any of the uses, whether permitted, by right or with supplemental



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standards, allowed in the general zoning district upon which the Conditional Zoning District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional Zoning District.

2. General traffic routes (external and internal) to and from the development with major access points identified.
3. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development.
4. A proposed development schedule if the project is to be phased.

Proposed Land Use(s):

Proposed Conditions Offered by Applicant:

APPLICANT/OWNER CERTIFICATION

I hereby certify that, to the best of my knowledge, the information on this application is true and accurate, and I hereby petition the Planning Board to recommend and the City Council to approve this application for a rezoning (map amendment).

Applicant Signature Shawn Bowers Russell Bowers Date 7-18-21

Property Owner Signature Shawn Bowers Russell Bowers Date 7-18-21

Office Use Only

Staff Member (Initial upon Receipt) Madison Date 7/20/2021

Application Number 2-21-16 Fee Paid N/A

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING MAP AMENDMENT REPORT
July 22, 2021**

CASE NUMBER:	Z-21-16
EXISTING ZONING DISTRICT:	Neighborhood Mixed Use (NMX)
REQUESTED ZONING DISTRICT:	Light Industrial (LI)
APPLICANT:	Russell Bowers Shawn Bowers
APPLICANT'S STATUS:	Property Owners

PROPERTY INFORMATION

LOCATION:	121 Boone Road
PIN:	7070-1562-7876
SIZE:	4.94 acres
ACCESS:	Boone Rd.
LAND USE:	Auto repair business
ZONING HISTORY:	Originally zoned I1; rezoned to NMX as part of UDO updates effective January 1, 2021

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north and east by BG properties containing various commercial uses; bordered on the west by an R12 neighborhood containing single-family residences; bordered on the south by a parcel of NMX property containing the Humane Society and (across Early Avenue) by an undeveloped parcel of R6 property and an R6 property containing a single-family residence.		
ADJACENT ZONING:	North:	BG	
	East:	BG	
	South:	NMX, R6	
	West:	R12	

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS:	Yes
PUBLIC WATER AVAILABLE:	Yes
PUBLIC SEWER AVAILABLE:	Yes
LAND DEVELOPMENT PLAN (2007):	Commercial
FLOOD HAZARD AREA:	AE, AEFW, Shaded X
WATER SUPPLY WATERSHED:	None

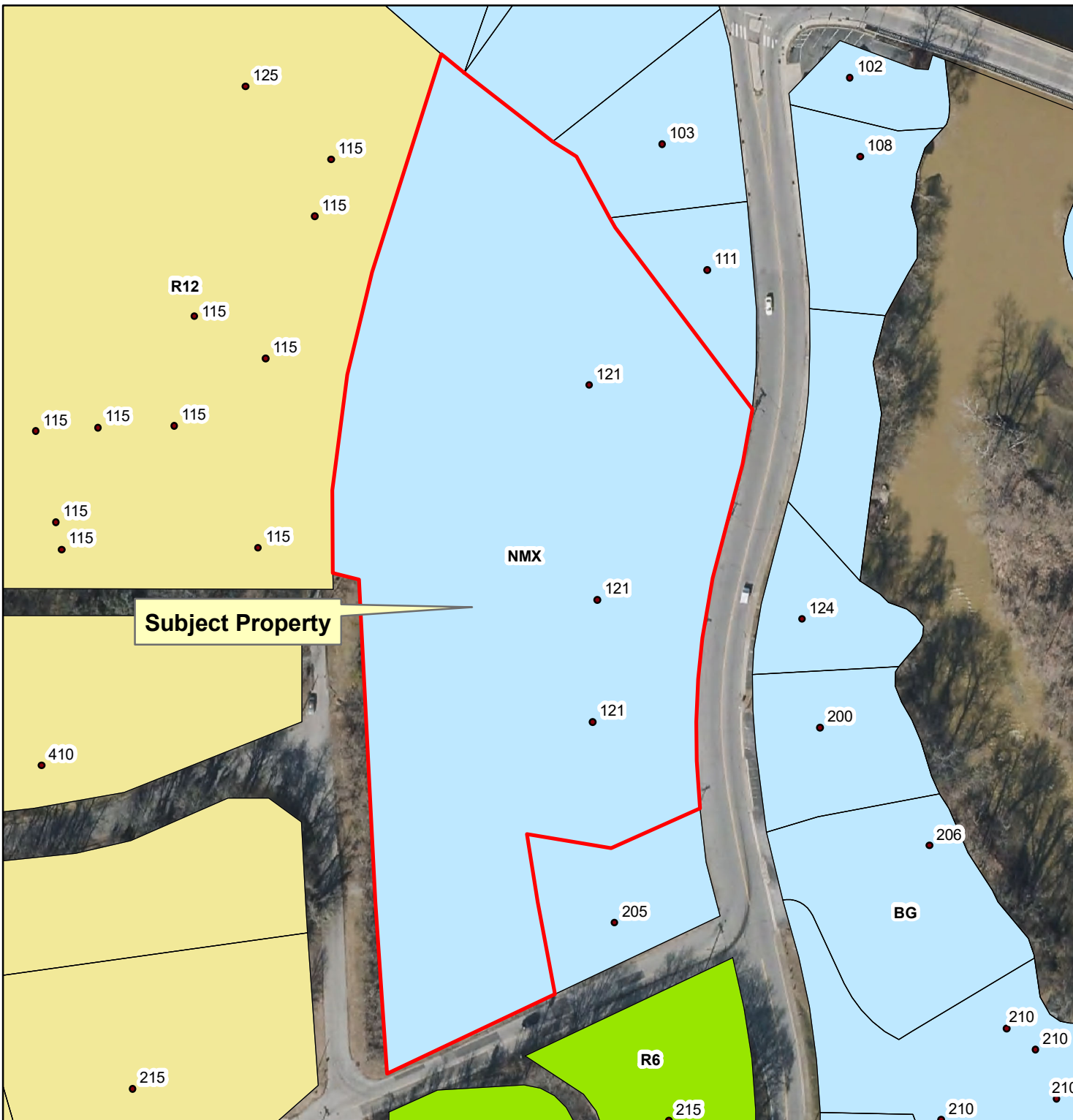
STAFF ANALYSIS

The request is to rezone approximately 4.94 acres from Neighborhood Mixed Use (NMX) to Light Industrial (LI). The NMX district is intended to provide pedestrian-scaled, higher-density residential housing and opportunities for limited scaled commercial and office activities. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically smaller in scale and detached. The LI district is intended to accommodate externally benign industrial and office uses that pose little nuisance to adjacent residential areas.

The subject parcel is located on Boone Road near the Spray Traffic Circle. The subject property is a former industrial property (I1) containing a former textile mill. The property currently contains an auto repair business and an indoor recreational facility (batting facility). This area was rezoned to NMX as part of the UDO updates which were effective on January 1, 2021. The area is made up of various commercial and office uses. The Humane Society property adjoins the subject property and is also currently zoned NMX. There is an established single-family neighborhood to the west adjoining the subject property. The current use of the property (auto repair) is not a permitted use in the NMX district. In addition, the adjoining property (Humane Society) houses a kennel, which is also not a permitted use in the NMX district. These uses are considered “legal non-conforming” uses and would be allowed to continue to operate as “grandfathered” uses since they are existing businesses; however, they would lose their right to continue if they were to cease operation for an extended period of time. Staff is of the opinion that these uses are compatible with the surrounding commercial and residential uses. Staff is also of the opinion that the other types of uses allowed in the LI district would not be detrimental to the surrounding area. Therefore, staff recommends in favor of the LI rezoning request for the subject property. Staff also recommends amending the request to include the adjacent Humane Society property located at 205 Boone Road to be rezoned to LI, since this type of use is a permitted use in the LI district.

Based upon the character of the area and the existing commercial uses in the area, staff recommends in favor of the amended LI request.

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



Subject Property

ZONING CASE

Z-21-16

ZONING MAP



7070-15-62-7876

**Zoned:
Neighborhood Mixed Use**

**Request:
Light Industrial**



ZONING CASE

Z-21-16

AERIAL MAP



7070-15-62-7876

**Zoned:
Neighborhood Mixed Use**

**Request:
Light Industrial**

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE
CASE NUMBER Z-21-16
MAP AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160D-604, all City of Eden zoning decisions must be made in accordance with the Land Development Plan. Prior to adopting or rejecting any zoning amendment, the City of Eden Planning Board shall advise and comment in writing as to whether the proposed amendment is consistent with the Land Development Plan and why the Board considers the action taken to be reasonable and, in the public's, best interest; and

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; and

WHEREAS, the City of Eden Planning Board received a request to rezone property located at 121 Boone Road from Neighborhood Mixed Use (NMX) to Light Industrial (LI).

STATEMENT OF NEED:

The property currently contains an auto repair business and an indoor recreational facility (batting facility). This area was rezoned to NMX as part of the UDO updates which were effective on January 1, 2021. The area is made up of various commercial and office uses. The Humane Society property adjoins the subject property and is also currently zoned NMX. There is an established single-family neighborhood to the west adjoining the subject property. The current use of the property (auto repair) is not a permitted use in the NMX district. In addition, the adjoining property (Humane Society) houses a kennel, which is also not a permitted use in the NMX district. These uses are considered "legal non-conforming" uses and would be allowed to continue to operate as "grandfathered" uses since they are existing businesses; however, they would lose their right to continue if they were to cease operation for an extended period of time. These uses are compatible with the surrounding commercial and residential uses. The Planning Board is also of the opinion that the other types of uses allowed in the LI district would not be detrimental to the surrounding area. The Land Development Plan, as amended, identifies this property as being in a Town Center 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 Board finds that this amendment will be consistent with the goals and policies expressed in the Land Development Plan, including, but not limited to, strategically locating new land development in appropriate places; maintaining the city's character; using infrastructure investments as effectively as possible, attracting new jobs and a more diverse tax base; and protecting natural, cultural and historic resources and open space with growth consistent with our Growth Strategy Map and Future Land Use Map;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD THAT:

1. The Planning Board of the City of Eden finds that the proposed amendment to the City of Eden Unified Development 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, nor 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 Unified Development Ordinance is reasonable and, in the public's, best interest.

Approved, adopted and effective this 24th day of August, 2021.

CITY OF EDEN PLANNING BOARD

By: _____
Jerry W. Holland, Jr., Vice-Chairman

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board