

**PLANNING BOARD AGENDA
REGULAR MEETING
CITY HALL CONFERENCE ROOM
308 E. STADIUM DRIVE**

**TUESDAY, JULY 26, 2022
5:30 P.M.**

1. Meeting called to order.
2. Roll Call.
3. Set Meeting Agenda.
4. Approval of minutes of the regular meeting on May 24, 2022.
5. New Business:

A. ZONING CASE Z-22-04 MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone 34.34 acres off of Gallagher's Way from Residential 20 to Neighborhood Mixed Use. Application filed by Kenan Wright, Agent for Homer E. Wright, Jr., Property Owner.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request.

B. ZONING CASE Z-22-05 TEXT AMENDMENT

- (1) Initiate a zoning case to amend the UDO to repeal or amend Articles pertaining to criminal penalties per changes in the NC General Statutes.
- (2) Consideration of a zoning text amendment to repeal or amend Articles of the Unified Development Ordinance pertaining to criminal penalties pursuant to amendments recently made to the NC General Statutes.
- (3) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment request to repeal or amend Articles pertaining to criminal penalties.

6. Old Business:
7. Items from Staff:
8. Items from the Planning Board:
9. Adjournment.

**PLEASE CALL THE PLANNING AND
COMMUNITY DEVELOPMENT DEPARTMENT
IMMEDIATELY TO LET US KNOW YOUR
PLANS FOR ATTENDING THE MEETING**

336-623-2110

EDEN PLANNING BOARD
May 24, 2022

The regular meeting of the Eden Planning Board was held on Tuesday, May 24, 2022, at 5:30 P.M. in the front conference room at City Hall.

Members present: Amelia Dallas Carol Helms
Fred Ramsey Steve Morgan
Gwen Taylor Terry Shelton

Members absent: Jerry W. Holland Jr.
Eddie Barker

Staff Present: Kelly K. Stultz, Planning & Community Development Director
Debra M. Madison, GIS Specialist
Stephanie Land, Planning & Community Development Admin

Others Present: Remote Attendance: Jian Yang – Text Amendment Applicant

Steve Morgan, Vice Chairman, called the meeting to order.

ROLL CALL:

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

SET MEETING AGENDA:

Carol Helms made a motion to set the meeting agenda. Terry Shelton seconded the motion and it passed unanimously.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON APRIL 26, 2022.

A motion was made by Terry Shelton and seconded by Gwen Taylor to approve the minutes as presented to all members. Motion passed unanimously.

NEW BUSINESS:

ZONING CASE Z-22-03 TEXT AMENDMENT

- (1) Consideration of a zoning text amendment request to amend Article 6.04-C of the UDO pertaining to parking requirements for self-storage facilities.

- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment request to amend Article 6.04-C of the UDO.

Kelly Stultz presented the Staff Report on the zoning text amendment request to amend Article 6.04-C of the UDO pertaining to parking requirements for self-storage facilities. Staff recommended that the text amendment be approved.

Amelia Dallas made a motion to recommend to the City Council that the zoning text amendment be approved and to adopt a Statement of Consistency for the amendment. Fred Ramsey seconded the motion and it passed.

OLD BUSINESS:

None

ITEMS FROM STAFF:

None

ITEMS FROM THE PLANNING BOARD:

None

Amelia Dallas made a motion, seconded by Carol Helms, to adjourn. The motion passed.

Respectfully submitted,

Kelly K. Stultz, Administrative Assistant
To the Planning Board

Attest:

Jerry W. Holland, Jr., 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 Kenan Wright
Contact Address 222 East Meadow Road
City Eden State NC Zip 27288
Phone Number 336-623-8481 Email kenanwright@triad.twcbc.com
Contact's Property Interest or Legal Relationship to Owner _____

PROPERTY OWNER INFORMATION

Property Owner Name Homer Wright
Property Owner Mailing Address 222 East Meadow Road
City Eden State NC Zip 27288
Phone 336-623-8481 Email Homerwright@triad.twcbc.com

PROPERTY INFORMATION

Tax Property ID No. (PIN) 7080-1961-1372
Deed Book and Page No. 1454 Page 2410
Physical Address Off of Gallagher's Way
City Eden State NC Zip 27288
Year Current Owner Acquired Property 2013 Acreage 34.34
Public Water Available? Yes No Public Sewer Available? Yes No
Current Use of Property Vacant
City Jurisdiction: In-City Limits ETJ

Existing land use/zoning on adjoining properties:

North: Oak Hills Golf Course
South: Oak Hills Golf Course
East: Oak Hills Golf Course
West: Oak Hills Golf Course

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 R-20

Requested Zoning District NMX

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

Planning and Inspections Department
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):

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 Keron Wright Date 6/14/2022

Property Owner Signature _____ Date _____

Office Use Only

Staff Member (Initial upon Receipt) KKS Date 6/24/22

Application Number 2-22-04 Fee Paid \$150⁰⁰

**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
ZONING MAP AMENDMENT REPORT
July 20, 2022**

CASE NUMBER:	Z-22-04
EXISTING ZONING DISTRICT:	Residential 20 (R20)
REQUESTED ZONING DISTRICT:	Neighborhood Mixed Use (NMX)
APPLICANT:	Kenan Wright, Agent for Homer E. Wright, Jr., Property Owner
APPLICANT'S STATUS:	Agent for the Property Owner

PROPERTY INFORMATION

LOCATION:	Off of Gallagher's Way
PIN:	7080-1961-1372
SIZE:	34.34 acres
ACCESS:	Gallagher's Way
LAND USE:	Vacant (Golf Course)
ZONING HISTORY:	Originally zoned R20

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north, east and west by R20 property containing a golf course. Bordered on the south by undeveloped R20 property.	
ADJACENT ZONING:	North:	R20
	East:	R20
	West:	R20
	South:	R20

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS:	No
PUBLIC WATER AVAILABLE:	Yes
PUBLIC SEWER AVAILABLE:	Yes
FUTURE LAND USE MAP (2022):	Suburban Residential (SR)
FLOOD HAZARD AREA:	None

WATER SUPPLY WATERSHED: None

STAFF ANALYSIS

The request is to rezone a parcel of approximately 34.34 acres from Residential 20 (R20) to Neighborhood Mixed Use (NMX). The R20 districts are established for residential developments and related recreational, religious and educational facilities. They are intended to act as transitional zoning districts between rural development and the more urban development of the City. These regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. 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 subject parcel is located off of Gallagher's Way and surrounded by the Oak Hills Golf Course, with undeveloped R20 lots to the south along Gallagher's Way. The NMX district would permit single-family residential uses, as well as single-family attached housing (townhomes) and multi-family housing. The NMX district would also permit smaller scaled, low impact commercial and office uses so as not to adversely affect the residential nature of the area. Staff is of the opinion that the uses allowed in the NMX district would not negatively impact the surrounding residential areas, and could be beneficial to the area by providing small scaled commercial and office uses for the neighboring residential areas. Therefore, staff recommends in favor of the request.

Based upon the character of the area and the existing residential uses in the area, staff recommends in favor of the NMX request.

STAFF RECOMMENDATION:

Approval of the NMX request.



Subject Property

ZONING CASE

Z-22-04

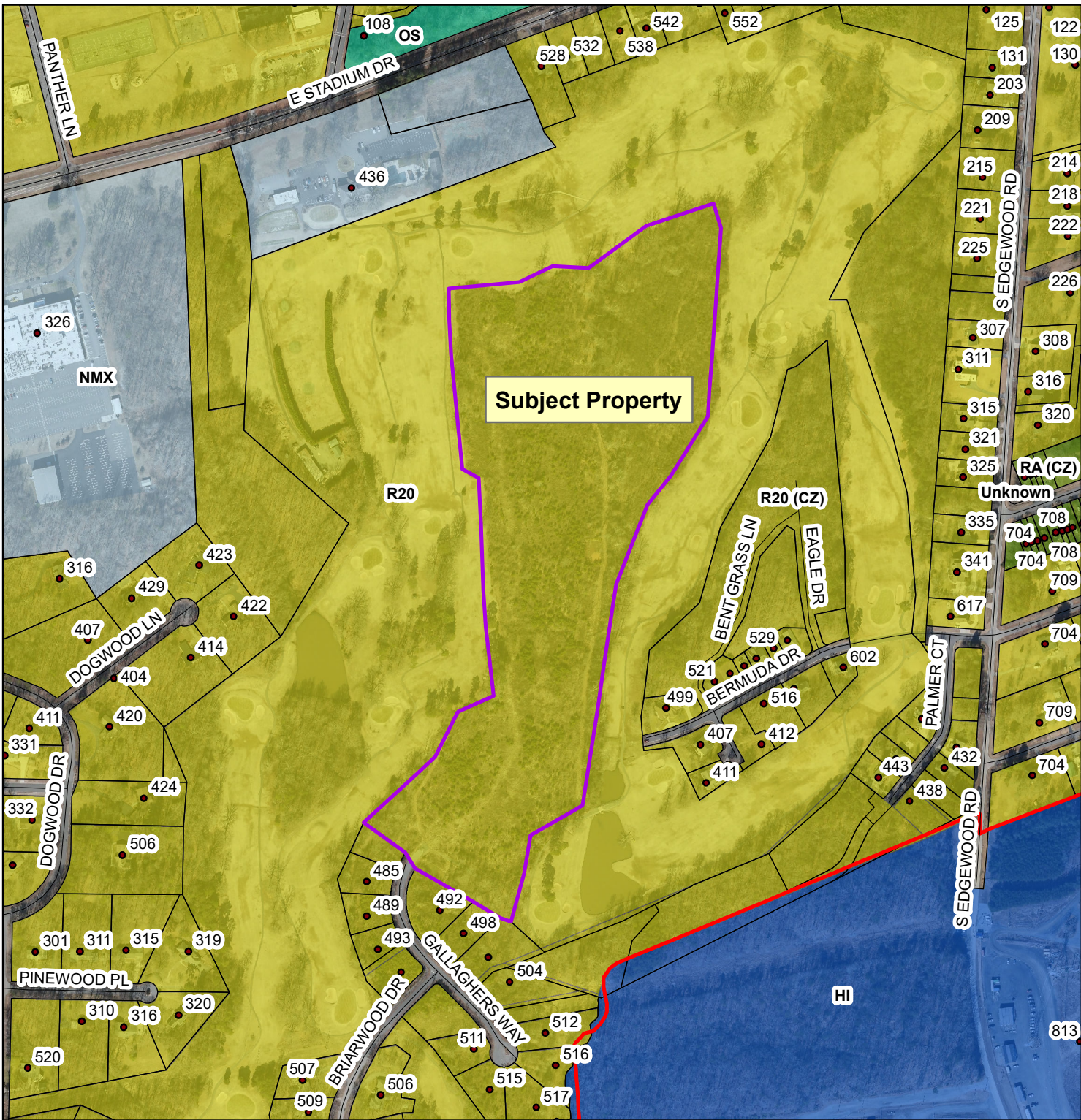
AERIAL MAP



7080-19-61-1372

**Zoned:
Residential 20**

**Request:
Neighborhood Mixed Use**



ZONING CASE

**Z-22-04
ZONING MAP**



7080-19-61-1372

**Zoned:
Residential 20**

**Request:
Neighborhood Mixed Use**

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE
CASE NUMBER Z-22-04
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 May 17, 2022, the Eden City Council adopted the Comprehensive Plan which included a Future Land Use Map. Plans such as the City of Eden Comprehensive 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 34.34 acres located off of Gallagher's Way from Residential 20 (R20) to Neighborhood Mixed Use (NMX).

STATEMENT OF NEED:

The NMX district would permit single-family residential uses, as well as single-family attached housing (townhomes) and multi-family housing. The NMX district would also permit smaller scaled, low impact commercial and office uses so as not to adversely affect the residential nature of the area. The uses allowed in the NMX district would not negatively impact the surrounding residential areas, and could be beneficial to the area by providing small scaled commercial and office uses for the neighboring residential areas.

STATEMENT OF CONSISTENCY:

The goals of the 2022 Comprehensive 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 Board finds that this amendment will be consistent with the goals and policies expressed in the Comprehensive 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 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 2022 Comprehensive Plan.
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 26th day of July, 2022.

CITY OF EDEN PLANNING BOARD

By _____
Jerry W. Holland, Jr., Chairman

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
ZONING TEXT AMENDMENT REPORT
July 18, 2022

CASE NUMBER: Z-22-05

REQUESTED ACTION: To amend the UDO to amend or repeal the sections pertaining to criminal penalties per changes in the NC General Statutes.

APPLICANT: Planning Board

EXISTING TEXT

Currently the following sections of the UDO allow for criminal penalties for code enforcement actions. G.S.160A-175 has been amended to disallow the use of criminal penalties as follows:

(b1) No ordinance of the following types may impose a criminal penalty:
Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, or its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.

Article 10.01 WATERSHED PROTECTION
C. CRIMINAL PENALTIES

Article 12.02 WEEDS, WILD GROWTH, RUBBISH
D. CITY MAY PROCEED WITH CRIMINAL ACTION

Article 13.03 PERSONS LIABLE

Pursuant to G.S. § 160A-175, any person who erects, constructs, reconstructs, alters, repairs, converts, or maintains any building, structure, sign or sign structure or develops, grades or otherwise alters property in violation of this Ordinance, and any person who uses any building, structure, sign or sign structure or land in violation of this Ordinance shall be subject to civil and/or criminal penalties. For the purposes of this Article, responsible persons(s) shall include but not be limited to:

Article 13.07 SPECIFIC TYPES OF VIOLATIONS
B. FLOOD DAMAGE PREVENTION

1. Violation of the City of Eden flood damage provisions in this Ordinance or failure to comply with any of the requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates the flood damage provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Eden from taking such other lawful action as is necessary to prevent or remedy any violation.

F. STORMWATER MANAGEMENT

3. The remedies and penalties provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

PROPOSED TEXT

Repeal the following sections:

Article 10.01 WATERSHED PROTECTION

C. **CRIMINAL PENALTIES (REPEAL THIS SECTION)**

Article 12.02 WEEDS, WILD GROWTH, RUBBISH

D. **CITY MAY PROCEED WITH CRIMINAL ACTION (REPEAL THIS SECTION)**

Amend the following sections to read:

Article 13.03 PERSONS LIABLE

Pursuant to G.S. § 160A-175, any person who erects, constructs, reconstructs, alters, repairs, converts, or maintains any building, structure, sign or sign structure or develops, grades or otherwise alters property in violation of this Ordinance, and any person who uses any building, structure, sign or sign structure or land in violation of this Ordinance shall be subject to civil ~~and/or criminal~~ penalties. For the purposes of this Article, responsible persons(s) shall include but not be limited to:

Article 13.07 SPECIFIC TYPES OF VIOLATIONS

B. FLOOD DAMAGE PREVENTION.

1. Violation of the City of Eden flood damage provisions in this Ordinance or failure to comply with any of the requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a ~~(misdemeanor)~~ violation. Any person who violates the flood damage provisions of this Ordinance or fails to comply with any of its requirements shall, ~~upon conviction thereof,~~ be fined not more than \$50.00 ~~or imprisoned for not more than 30 days, or both.~~ Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Eden from taking such other lawful action as is necessary to prevent or remedy any violation.

F. STORMWATER MANAGEMENT

3. The remedies and penalties provided for violations of this Ordinance, ~~whether civil or criminal,~~ shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

GENERAL INFORMATION

This request was submitted by the Planning Board.

STAFF ANALYSIS

This request is to amend or repeal sections of the UDO pertaining to criminal penalties for Watershed Protection, Weeds, Wild Growth, Rubbish and Stormwater Management violations.

The N.C. General Statutes were recently amended to disallow provisions for criminal penalties for these types of violations. As per requirements of the N.C. General Statutes, the recommendation is to repeal and amend the sections of the UDO pertaining to these actions.

STAFF RECOMMENDATION:

Approval of the text amendment.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN UNIFIED DEVELOPMENT ORDINANCE
CASE NUMBER Z-22-05
TEXT 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 May 17, 2022, the Eden City Council adopted the Comprehensive Plan. Plans such as the City of Eden Comprehensive 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 Planning Board initiated a request to amend the UDO to repeal or amend sections of the Unified Development Ordinance pertaining to criminal penalties for certain violations, as per changes in the N.C. General Statutes.

STATEMENT OF NEED:

Articles 10.01, 12.02, 13.03 and 13.07 contain provisions for criminal penalties for violation of the Ordinance. This request is necessary in order for the City of Eden Unified Development Ordinance to stay in compliance with the North Carolina General Statutes.

STATEMENT OF CONSISTENCY:

The goals of the 2022 Comprehensive 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 Board finds that this amendment will be consistent with the goals and policies expressed in the Comprehensive 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 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 2022 Comprehensive Plan.
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 26th day of July, 2022.

CITY OF EDEN PLANNING BOARD

By _____
Jerry W. Holland, Jr., Chairman

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board