MEMO

TO: Honorable Mayor and City Council
THRU: Brad Corcoran, City Manager
FROM: Kelly K. Stultz, AICP, Director
SUBJECT: Zoning Case Z-16-02 – 14020 NC 87
DATE: September 6, 2016

The City has received a zoning map amendment request filed by Danny Wade, Oakwood Homes, Property Owner’s Representative, to rezone property at 14020 NC 87 from Business-General to Residential 12.

The Planning and Inspections Department recommends approval of the map amendment request as amended to include a small triangular parcel adjoining the subject property on the north.

At their August 23, 2016, regular meeting, the Planning Board voted to recommend that the City Council approve this request as amended to include the additional parcel and adopt a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendment. The additional parcel is to be rezoned from Business-General to Residential-12.

If you have questions, please contact this office.
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-16-02
14020 NC 87

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 Danny Wade, Oakwood Homes, Property Owners Representative, to rezone property at 14020 NC 87 from Business-General to Residential-12 were mailed first-class mail to the owners of property in the proposed rezoning and all property owners adjacent to or within 100 feet of the subject area on the 6th day September, 2016. A Notice was also mailed on September 6, 2016, by certified mail, return receipt requested, to the property owner whose property would be added to the map amendment request.

IN WITNESS WHEREOF, I have hereunto set my hand this the 6th day of September, 2016.

[Signature]
Kelly K. Stultz, AICP
Planning and Inspections Director
## PLANNING AND INSPECTIONS DEPARTMENT
### ZONING CASE REPORT
August 15, 2016

<table>
<thead>
<tr>
<th>CASE NUMBER:</th>
<th>Z-16-02</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXISTING ZONING DISTRICT:</td>
<td>BG</td>
</tr>
<tr>
<td>REQUESTED ZONING DISTRICT:</td>
<td>R-12</td>
</tr>
<tr>
<td>APPLICANT:</td>
<td>Oakwood Homes</td>
</tr>
<tr>
<td>APPLICANT’S STATUS:</td>
<td>Property Owner’s Representative</td>
</tr>
</tbody>
</table>

### PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>LOCATION:</th>
<th>14020 NC 87</th>
</tr>
</thead>
<tbody>
<tr>
<td>PIN:</td>
<td>7060-0877-8621</td>
</tr>
<tr>
<td>SIZE:</td>
<td>8.8 acres</td>
</tr>
<tr>
<td>ACCESS:</td>
<td>NC 87</td>
</tr>
<tr>
<td>LAND USE:</td>
<td>Residential/Agricultural</td>
</tr>
</tbody>
</table>

**PHYSICAL CHARACTERISTICS:** Large, partially cleared, partially wooded parcel containing a farmhouse and outbuildings

**ZONING HISTORY:** Zoned BG at time of original ETJ zoning

### AREA INFORMATION

**CHARACTERISTICS:** Bordered on the north by R-12 property containing a duplex, undeveloped BG property, and RS property containing a residential/agricultural use; bordered on the east across NC 87 by R-20 single family residential properties; bordered on the south by BG property containing the fairgrounds; bordered on the west by undeveloped RS property.

**ADJACENT ZONING:**

<table>
<thead>
<tr>
<th></th>
<th>North:</th>
<th>R-12, BG, RS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>South:</td>
<td>BG</td>
</tr>
<tr>
<td></td>
<td>East:</td>
<td>R-20</td>
</tr>
<tr>
<td></td>
<td>West:</td>
<td>RS</td>
</tr>
</tbody>
</table>
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: None

STAFF ANALYSIS

The request is to rezone approximately 8.8 acres from Business General to Residential-12. The BG Business Districts are 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. The R-12 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 discourage any use which because of its character would substantially interfere with the development of single-family residences of the district and which would be detrimental to the quiet residential nature of the areas included in the district.

The subject parcel is located in a rural residential area with agricultural land and primarily single family homes located on medium to large sized lots. There has been no business development pressure in the area. The subject property contains a farmhouse and outbuildings on a large parcel of land. The front of the property contains the house and outbuildings and the majority (rear) portion of the property is primarily wooded and undeveloped. Adjacent to the property on the south is the former Tri-City Agricultural Fairgrounds, which is zoned BG. Adjacent to the north are several parcels of property zoned RS, R-12 and BG, which contain residential dwellings and agricultural land. A small triangular parcel (PIN #7060-0887-1757) adjacent to the subject property is also zoned BG. This parcel is undeveloped. Staff is of the opinion that it would make sense to also rezone this parcel to R-12, as the adjoining properties are also zoned R-12. Therefore staff recommends that the request be amended to include this parcel in the request.

Based on the above information, and the rural residential character of the area, staff recommends in favor of the amended zoning request.

STAFF RECOMMENDATION: Approval of the amended Residential-12 request.
ZONING CASE
Z-16-02

ZONING MAP

14020 NC 87
And Adjoining Parcel
Business - General
to
Residential - 12
ZONING CASE
Z-16-02

AERIAL MAP

14020 NC 87
And Adjoining Parcel
Business - General
to
Residential - 12
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 Business General to Residential-12 the following parcels:

PARCEL NO. 1:
Commencing at a nail set in the centerline of the intersection of N.C. Highway 87 and DeShazo Street; thence North 80° l' 10" West 33.72 feet to a point on the Western margin of N.C. Highway 87 the POINT OF BEGINNING; thence leaving the Western margin of N.C. Highway 87 North 85° 55' 47" West 5.66 feet to an iron; thence North 85° 55' 47" West 1,711.91 feet to an iron, said iron being located in the Eastern margin of Dillard M. Craig (Deed Book 1309, Page 348); thence along Craig's Eastern margin North 5° 46' 5" East 232.72 feet to an iron; thence leaving the Eastern margin of Craig, South 85° 55' 47" East 753.61 feet to an iron; thence South 87° 20' 40" East 80.64 feet to an iron; thence South 85° 15' 33" East 112.85 feet to an iron; thence South 87° 20' 40" East 413.01 feet to an iron; thence South 85° 32' 2" East 260.06 feet to an iron; thence South 86° 32' 02" East 1.82 feet to a point at a pole on the Western margin of N.C. Highway 87; thence along the Western margin of N.C. Highway 87, South 17° 9' 51" East 245.11 feet to a point the PLACE AND POINT OF BEGINNING and containing 8.815 acres more or less as per Plat of Survey for Rinda L. Blackburn and James A. Law dated June 14, 2013 by C.E. Robertson & Associates, P.C., Professional Land Surveyors to which Plat reference is made for more complete and accurate description. Reference: Book 296, Page 88, and Book 1460, page 2190, Rockingham County Registry and 05 E 632, Office of the Clerk of Superior Court of Rockingham County.

The above described property is more commonly known as 14020 NC 87 and is identified by the Rockingham County Tax Department as PIN 7060-08-77-8621 and Parcel Number 103212.

PARCEL NO. 2:
Tract #1: BEGINNING at an iron on the West bank of Public Highway running between Leaksville and Martinsville and running thence South 57 deg. 10 min. West 487 feet to an iron; thence South 86 deg. 15 min. East 89.5 feet to a white oak stump; thence South 47 deg. 10 min. East 450 feet to an iron; thence North 73 deg. East 192 feet to an iron on the West bank of above mentioned highway; thence along the West bank of said highway, North 17 deg. 30 min. West 546.7 feet to the POINT OF BEGINNING and contains 3.91 acres, more or less.
Tract #2: BEGINNING at a point in the North line of Tract #4, Miss Fannie Wade
Subdivision, said point being South 86 deg. East 772.3 feet from the northwest corner of Tract #4, and running thence South 4 deg. West 450 feet to a new line to a stake in the north line of Tract #3, and being South 86 deg. East 782.3 feet from the southwest corner of Tract #4; thence South 86 deg. East 162.7 feet with line of Tract #3 to a stake; thence North 72 deg. East 440 feet (a new line) to a stone; thence North 46 deg. 15 min. West 450 feet to a stump; thence North 86 deg. West 224.7 feet to the POINT OF BEGINNING and containing 4.0 acres, more or less.

SAVE AND EXCEPT FROM THE FOREGOING TRACTS any portion of said property which may have been sold therefrom.


The above described property is identified by the Rockingham County Tax Department as .76 acres Off NC 87, Oakland Avenue, and PIN 7060-08-87-1757 and Parcel Number 103236.

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

APPROVED, ADOPTED AND EFFECTIVE, this 20th day of September, 2016.

CITY OF EDEN

BY: __________________________________________

ATTEST: Wayne R. Tuggle, Sr., Mayor

________________________
Sheralene Thompson, CMC
City Clerk
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 14020 NC 87 from Business General to Residential-12;

WHEREAS, On August 23, 2016, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend the zoning map request to rezone property at 14020 NC 87 and an adjoining parcel (PIN # 7060-0887-1757) from Business General to Residential-12;

STATEMENT OF NEED:

Staff is of the opinion that this request would be appropriate for the subject property because of the character of the area, the lack of business development pressure in the area and there are other Residential – 12 properties adjoining the subject properties. However, staff is of the opinion that the triangular parcel (PIN 7060-08-87-1757) adjacent to the subject property is also zoned Business – General and should be rezoned to Residential – 12. Therefore, staff recommends that the request be amended to include the adjoining parcel zoned Business – General.

STATEMENT OF CONSISTENCY:

The goals of the 2007 City of Eden Land Development 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 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, 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 zoning map amendment, as amended to include the small triangular parcel, 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 amendments to the Zoning Ordinance are reasonable and in the public interest.

Approved and adopted and effective this 20th day of September, 2016

CITY OF EDEN

BY: _______________________________

ATTEST:                               Wayne R. Tuggle, Sr., Mayor

_____________________________
Sheralene Thompson, CMC
City Clerk