



**TOWN OF CARTHAGE  
PLANNING BOARD  
May 2<sup>nd</sup>, 2024  
6:00 P.M.**

**AGENDA**

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF AGENDA** - Members of the board may remove or add items to the agenda prior to commencing the meeting. Motions/votes are not required to approve the agenda but there must be unanimous consent before proceeding.
- 5. CONSENT AGENDA** - All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Planning Board to remove an item from the consent agenda and place it on the regular agenda.
  - a. Approval of minutes from April 4<sup>th</sup>, 2024, Regular Meeting Minutes.
  - b. Planning Board Update from April Board of Commissioners Meeting.
  - c. Planning and Zoning Update for March 2024.
- 6. PUBLIC COMMENT** - Members of the public may use this time to address the Planning Board with any presentations, questions or concerns. Those who wish to speak should fill out the sign-up sheet in the building's entryway to be recognized during the public comment session or raise their hand and wait to be recognized by the presiding member. All public comment made as part of a public hearing should be withheld until the public hearing has begun and the floor is given to public comments. No public comment will be had outside of this public comment session or a public hearing unless otherwise permitted by the members of the board. The chairperson may place time limits on speakers prior to the start of the public comment session.
- 7. OLD BUSINESS**
  - a. No Old Business.
- 8. NEW BUSINESS**
  - a. Rezoning of PID #00002668 from CBD to R-10; Petitioner: Cheryl Williams, Property Owner.
  - b. Conditional Zoning request for PID #00002067 from R-10 to HCD-CZ; Petitioner: Michael Eader, Property Owner.

**9. OTHER BUSINESS OF THE BOARD**

No other business.

**10. ADJOURNMENT**

**TOWN OF CARTHAGE**

**PLANNING BOARD**

**MEETING MINUTES**

**April 4<sup>th</sup>, 2024**

**Attendance:** David Norris, Bill Smyth, Victoria Riddle, Elizabeth Futrell, Antoniette Kelly, and Ian Lumgair (late).

**Absent:** Dena DeLucia

1. CALL TO ORDER

- a. Elizabeth Futrell called the meeting to order at 6:00. p.m.

2. INVOCATION

- a. Victoria Riddle gave the invocation.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

- a. Elizabeth Futrell made a motion to approve the agenda as presented. All ayes.  
Motion passes 6-0.

5. CONSENT AGENDA

- a. All ayes. All approved of the March 7<sup>th</sup>, 2024, regular meeting minutes and March Code Enforcement. Motion passes 5-0.

6. PUBLIC COMMENT

- a. No Public Comment.

7. OLD BUSINESS

- a. No Old Business.

8. NEW BUSINESS

- a. *Rezoning of PID #00000913701 from TBD to Industrial; Petitioner: Clayton Speer*

Ms. Hunt gave a brief presentation about the zoning of the property, stating that there was no records showing the reason of why the southern half of the property was zoned for Thoroughfare Business District (TBD) and that the only assumption that can be made is that it was a general overlay district when rezoning the Town occurred. Ms. Hunt stated that the request from the applicant is for Industrial flex-use and that the request for commercial structure and site plan will

come later if the full parcel is rezoned to Industrial. Ms. Hunt stated that Ms. Rothlisberger has ran into an issue with building in the proposed area due to designated wetlands. According to GIS, it seems that the area in which the structure will be built on it is designated as a U.S. Fish and Wildlife designated wetland. Ms. Rothlisberger has reached out to the U.S. Fish and Wildlife Agency and is still waiting on a response if this is a designated wetland or if this is a paper designated wetland. Ms. Rothlisberger stated that she will not follow through with the project on the property if it is a designated wetland.

Planning Board Chair, Elizabeth Futrell, clarified that this was just a discussion about the rezoning of the property from Thoroughfare Business District to Industrial. Ms. Hunt stated that the Planning Board could recommend approval so long as Ms. Rothlisberger is able to get approval from the U.S. Fish and Wildlife Service. Ms. Hunt stated that there was a rough draft site plan for the structure that Ms. Rothlisberger wants to build within the packet.

David Norris made a motion to approve that the R-01-24, rezoning of parcel #00000913701 from Thoroughfare Business District to Industrial with approval from the U.S. Fish and Wildlife approval for construction, is consistent with the adopted Land Use Plan, Goals 2 and 5. Antoniette Kelly seconded the motion. All ayes. Motion passes 5-0.

David Norris made a motion to approve R-01-24 with the addition of approval of the Fish and Wildlife to construct on the property. Victoria Riddle seconded the motion. All ayes. Motion passes 6-0.

*b. Site Plan Review for PID #00005186 for H20 of the Sandhills Carwash;  
Petitioner: Rhetson Companies, Inc.*

Ms. Hunt began the history of the request for the H20 of the Sandhills Carwash, which is a permitted use on the parcel according to the zone of Highway Commercial District. The applicant is requesting a Special Intensity Allocation given that the parcel's built upon area is maximum according to the Unified Development Ordinance shall only be 24% and they are requesting 51.28%. Ms. Hunt stated that their site plan has already been reviewed in the Technical Review Committee meeting with Planning, Public Works, and the Fire Department; however, the only requirement that is not met is the built upon area of 24%.

Planning Board member, Antoniette Kelly asked if the carwash would be available for the community to use or is it simply for the Ford Dealership. Ms. Hunt stated that it would be for the community to utilize. Planning Board member, David Norris asked if the carwash would be an attended carwash with employees or an unattended carwash. Mr. Chris Morgan stated that the carwash would be attended with about five to six employees per shifts with three shifts per day. Mr. Norris asked what hours the carwash would be in use. Mr. Morgan stated that it would be between 7 a.m. and 9 p.m.

There was some discussion about the layout of the carwash and the flow of traffic. Mr. Malcom Hall made a public comment regarding traffic with entering and exiting on 15-501. Mr. Lawder stated that they are currently working with NCDOT on a traffic study for the project. Mr. Hall also stated that on the site plan there were a couple of missing items. Mr. Lawder stated that they will adjust the site plan and are still working on some layout designs. Mr. Hall asked if the carwash is going to use recycled water. Mr. Morgan stated that the carwash will use up to 75% of recycled water, but not 100%. Mr. Hall asked about the layout of the carwash and parking. Ian Lumgair came into the discussion at this time of the meeting. Mr. Lumgair asked if there was a consideration about a turning lane one 15-501 into the parcel. Mr. Lawder stated that they are working with NCDOT about the possibility of any road improvements.

David Norris made a motion to approve the site plan as written and presented. Antoniette Kelly seconded the motion. All ayes. Motion passes 6-0.

*c. Text Amendment for Short-Term Rentals within the Unified Development Ordinance; Petitioner: Town of Carthage Planning Staff.*

Ms. Hunt began the conversation with the history of the Short-Term Rental Text Amendment from November staff brought the request to the Planning Board and the Board of Commissioners for review. The Board of Commissioners wished that Town staff revise the proposed ordinance with the Town Attorney to make sure that there were certain details worked out. Ms. Hunt discussed the changes that were added to the ordinance. Ms. Hunt stated that the Town Attorney recommended that each short-term rental category be separated out and given a definition. Ms. Hunt also stated that they changed the requirement of a one-mile radius to anyone who resides in the Town or their authorized representative and anyone who lives within a 3-mile radius of the Town's Extraterritorial Jurisdiction (ETJ). Ms. Hunt explained that the Town is

requesting to require a Zoning Compliance Permit to have a record of the properties of who is operating a short-term rental.

There was some discussion about the types of short-term rentals that are proposed in the text amendment. There was then a discussion about the requirements of having a Zoning Compliance Permit, who would need to obtain the permit and how would the permit be tracked. Ms. Hunt stated that the permit would be able for staff to be able to enforce the code, but at this point there is no enforcement in the current ordinance.

Planning Board Chair, Elizabeth Futrell opened the public comment. Ms. Ouida Newell stated that she has a property within the Central Business District (CBD) that wishes to start a short-term rental business; however, because she is located in the CBD, she is not allowed to operate her business. Mr. John McDonald stated that the Board of Commissioners had a long discussion about Military use and how would people in the Military be able to operate the short-term rental without their primary residence as Carthage. Ms. Hunt stated if their permanent residence is Carthage, then they would be considered a resident of the Town in which they would meet the special requirements. There was some discussion about Military residency and short-term rentals and the similarities between long-term rentals.

The Planning Board then discussed their concern about the wording of “authorized user” in the proposed SR. 52 (b). The Planning Board discussed the options of how to address those who do not live within the Town of Carthage and those who would use homes for a short-term rental business. The Planning Board discussed the issues that could arise with the term “authorized representative”. Mr. Malcom Hall made a comment about the Town’s Code Enforcement system being complaint driven which could cause issues. There was some discussion about knowing who is operating a short-term rentals and accountability through a Zoning Compliance Permit. Planning Board member, Bill Smyth stated that he would like to see that short-term rentals be limited to the Central Business District.

Ms. Hunt and the Planning Board discussed the proposed text amendment as written. The Planning Board agreed that working with the Town Attorney has a well-written ordinance; however, a simple strikethrough of “authorized representative” should solve the issues that are being considered.

Elizabeth Futrell made a motion to approve the text amendment with the strikethrough of “authorized user” is consistent with the adopted Land Use Plan, Goals 1, 2 and 11. David Norris seconded the motion. All ayes. Motion passes 6-0.

Elizabeth Futrell made a motion to approve TA-01-23 with the strikethrough of “authorized representative”. David Norris seconded the motion. All ayes. Motion passes 6-0.

## 9. OTHER BUSINESS

### *a. Training Discussion*

Ms. Hunt stated that the training is still available and if the Planning Board members needed more time, then Town Manager, Emily Yopp, can reassign the training session.

## 10. ADJOURNMENT

Bill Smyth made a motion to adjourn the meeting. Antoniette Kelly seconded the motion. All ayes. Motion passed 6-0. Meeting adjourned 7:35 p.m.

## PLANNING BOARD UPDATE FROM BOARD OF COMMISSIONERS MEETING ON APRIL 15, 2024

- Heard a request from Dr. Peter Little to donate land to serve as a Town Park.
- Appointed volunteers for the Historic Preservation Commission. Staff is still working on having an introduction meeting with the new members.
- Approved the site plan for the H20 of the Sandhills Car Wash.
- Approved the joint public hearing meeting with Planning Board to discuss and adopt the Downtown Revitalization and Parking and Corridor Study Plans.
- Discussion about Mural Regulation language in the Town of Carthage Code of Ordinances.
- Discussion about Nonconforming Sign Inventory to send letters to all commercial property owners.
- Short-Term Rental Text Amendment
  - Much discussion about turning residential homes into short-term rentals.
  - No agreement about which zones that short-term rentals should be allowed.
  - Requested that staff re-work the wording on the proposed text amendment.
- Rezoning for Clayton Speer's rezone from TBD to Industrial.
  - Approved the Industrial zone.





MEMORANDUM

Date: May 02, 2024  
 To: Planning Board  
 From: Jennifer Hunt, Town Planner  
 Subject: Board Report: Recap of March 2024

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<b>TOTAL Permits Issued</b>		
Month	No. Permits	Fees Paid
Mar-24	11	\$ 1,840

<b>Municipal Compliance</b>	<b>Verification Forms Issued</b>
Month	No. MCV Approved
Mar-24	6

**Zoning Requests:**

- Conditional Zoning – R-20 to HCD-CZ (1.03 acres), Michael Eder, 218 Westview Road
- Rezoning- CBD to R-10, Cheryl Williams, 209 Dowd Street

**Upcoming Events:**

May 20<sup>th</sup> Joint Meeting with BOC:

Downtown Revitalization Plan & Parking Corridor Study Draft for Adoption Presentation



## MEMORANDUM

Date: May 02, 2024  
To: Planning Board  
From: Jennifer Hunt, Town Planner  
Subject: R-02-24: Rezoning request from CBD (Central Business District) to R-10 (Residential) for land located at 209 Dowd Street, PARID 00002668; Petitioner: Cheryl Williams, Property Owner

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### I. SUMMARY OF APPLICATION REQUEST:

The applicant and owner, Cheryl Williams, is requesting to rezone her property located at 209 Dowd Street, from Central Business District (CBD) to Residential (R-10). She was currently zoned residential before and would like to use this property as a single-family home. Currently single-family home use is not permitted in the CBD. She does not wish to operate as a business any longer but be able to live in the home. This property is surrounded by R-10 zoning on the west and CBD on the east. It is aligned with the surrounding zoning districts. It is located off Dowd Street just south of E Saunders Street past Sheriff Carter Way.

### II. PROJECT INFORMATION:

1. PARID: 00002668  
PIN: 857818409213
2. Applicant & Owner: Cheryl Williams
3. Owner: Williams & Hess, LTD
4. Long-Range Plan Designation:  
This future area of this land appears to be downtown and town residential, per the adopted 2040 Land Use Plan.
5. Current Zoning:  
The current zoning is CBD, Central Business District. The desired zoning district is R-10, Residential.

Figure 1: Site Map outlined in red.



### III. APPLICATION REVIEW:

When reviewing an application for conditional zoning, the Planning Board shall consider and be guided by Article 3. Below is highlighted Section 100.32, Section 100.42 and Section 100.44 (4) as set forth in UDO:

#### **Sec. 100.32 Planning Board – Powers and Duties**

*In addition to its specific duties set forth in this and other Town Ordinances and policies, the Planning Board shall have the following powers and duties:*

1. *To make studies of the Town and surrounding areas;*
2. *To determine objectives to be sought in the development of the Town;*
3. *To propose and recommend plans for achieving these objectives;*
4. *To develop and recommend to the Board of Commissions policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;*
5. *To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;*
6. *To exercise such functions in the administration and enforcement of various means for carrying out plans as may be assigned by this article or other ordinances of the Town; and*
7. *To perform other related duties as may be assigned by this article or other ordinances.*

#### **Section 100.42 Types of Amendments:**

*Amendments may be to the text of the ordinance or take the form of map amendments, often known as rezoning. The Town of Carthage recognizes three types of amendments.*

1. *Text Amendments. This type of amendment is used when a party chooses to modify the actual text of the ordinance. This is a legislative decision by the Board of Commissioners.*
2. *Map Amendments. This type of amendment is used when a party chooses to change a zoning district from one type to another. Often known as a straight rezoning, it recognizes that the change in district allows for all uses allowed within a given zoning district. It cannot be conditioned in any way. This is a legislative decision by the Board of Commissioners.*
3. *Conditional Zoning. Conditional Zoning is an amendment process that is both a map amendment and a text amendment. It is a legislative decision by the Board of Commissioners, but it allows for the placement of conditions and/or limits on the approval.*

#### **Section 100.44 (4) Planning Board**

*All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but*

*they are encouraged to accept public input. The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request.*

#### **A. Staff Comments:**

The applicant and owner, Cheryl Williams, met with staff and is requesting to rezone her property located at 209 Dowd Street, from Central Business District (CBD) to Residential (R-10). She was currently zoned residential before and would like to use this property as a single-family home. Currently single-family home use is not permitted in the CBD. She does not wish to operate as a business any longer but be able to live in the home. This property is surrounded by R-10 zoning on the west and CBD on the east. It is aligned with the surrounding zoning districts. It is located off Dowd Street just south of E Saunders Street past Sheriff Carter Way. It is aligned with the current and future land use plan.

**IV. PLANNING BOARD ACTION:**

The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request. All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but they are encouraged to accept public input, per UDO Section 100.42 and 100.44.

The Planning Board shall first adopt a Resolution of Consistency with the adopted Land Use Plan and other long-range plans then the Planning Board shall vote on the petition (**two motions required**). The Resolution of Consistency may take one of three forms consistent with N.C.G.S 160D-604(d); 605(a); 701.

**LUP CONSISTENCY MOTION** (1<sup>st</sup> Required Motion)

**I move to:**

**OPTION 1**

Approve R-02-24 and describe its consistency with the adopted Land Use Plan.

**or**

**OPTION 2**

Reject R-02-24 and describe its inconsistency with the adopted Land Use Plan.

**or**

**OPTION 3**

Approve R-02-24 and deem it a modification of the adopted Land Use Plan. The Planning Board believes this action taken is reasonable and in the public interest because.....

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**PETITION MOTION** (2<sup>ND</sup> Required Motion)

**And, therefore, I move to:**

**OPTION 1**

Approve R-02-24 as written and presented.

**or**

**OPTION 2**

Approve R-02-24 with the following conditions.....

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***(Option 3 on next page)***

OPTION 3

Deny R-02-24 for the following reasons.....

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**TOWN OF CARTHAGE  
PLANNING BOARD  
STATEMENT OF LAND USE PLAN CONSISTENCY  
FOR PROPOSED REZONING FOR 209 DOWD STREET, PARCEL ID #00002668 FROM CENTRAL  
BUSINESS DISTRICT (CBD) TO RESIDENTIAL-10 (R-10)**

WHEREAS, amendments to the Town of Carthage Unified Development Ordinance have been proposed, which amendments are identified as follows:

NOW THEREFORE, the Planning Board of the Town of Carthage resolves as follows:

**Section 1.** The Planning Board concludes that the above-described amendment(s) **are/are not** consistent with the Town of Carthage 2040 Land Use Plan, as amended based on the following:

**Goal 1: Preserve and celebrated small-town community roots.**

**Goal 2: Coordinated, intentional, and well-planned growth and development.**

**Goal 3: Protection of open space and critical natural features.**

**Goal 4: Ample employment opportunities and support for business development.**

**Goal 5: Vibrant commercial areas that provide a variety of goods, services, entertainment options, and amenities.**

**Goal 6: A well-connected multi-modal transportation system.**

**Goal 7: High-quality parks and recreational facilities that are accessible to all.**

**Goal 8: Protected and preserve historic and cultural resources.**

**Goal 9: Adequate supply and high quality of housing.**

**Goal 10: Informed, engaged, and active residents that represent a variety of neighborhoods and citizen groups.**

**Goal 11: Regulations that are consistent with the Town’s vision.**

**Goal 12: Cultural, educational, recreational, and other amenities that contribute to the quality of life of Carthage’s citizens.**

*The applicant and owner, Cheryl Williams, is requesting to rezone her property located at 209 Dowd Street, from Central Business District (CBD) to Residential (R-10). Currently single-family home use is not permitted in the CBD. The property is surrounded by R-10 zoning on the west and CBD on the east. It is aligned with the surrounding zoning districts. It is located off Dowd Street just south of E Saunders Street past Sheriff Carter Way.*

**Section 2.** Please state the Planning Board’s reasonings/findings for the approval or disapproval of this consistency statement based on the above selected goals.

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Section 2. The Planning Board concludes that the above-described amendment(s) **are/are not** reasonable and in the public interest as they **do/do not** fulfill a direct objective of the Land Use Plan.

This statement adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2024

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Elizabeth Futrell, Chair

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Jamie Sandoval, Clerk to the Planning Board





## MEMORANDUM

Date: May 2, 2024

To: Planning Board

From: Jennifer Hunt, Town Planner

Subject: CZ-02-24: Conditional Zoning Request on approximately 3.03 acres of land located at PARID 00002067, R-20 (Residential) to HCD-CZ (Highway Commercial District Conditional Zoning);  
Petitioner: Michael Eder, Property Owner

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### I. SUMMARY OF APPLICATION REQUEST:

The applicant, Michael Eder, is requesting Conditional Zoning to allow for his home business to be appropriately zoned, behind his residential home. He is requesting Conditional Zoning to approve access to the rear of his lot using an easement, verbal agreement, between himself and the property owner of PARID 00000944701 (Riddle Group, LLC), which is currently zoned HCD. He is also requesting the ability to use the road, with the easement, as a gravel path and not be required to pave it. Currently his location is at 218 Westview Road off Vass-Carthage Road. Please view Figure 1 for a site map showing where the property is located and Figure 2 for the proposed access to the rear of his property.

Please view Attachment 2 for his minor subdivision request. He would like to subdivide 1.03 acres to be used for HCD-CZ and 1.95 acres for his residential home, to be kept in the R-20 zoning district. If the Conditional Zoning request is approved, then the Minor Subdivision plat will be approved. The Town Planner, Jennifer Hunt, requested the applicant wait until after the Conditional Zoning request to the Board of Commissioners is decided in order to possibly approve the Minor Subdivision map (if the zoning request is approved by the Board of Commissioners), because each minor subdivision must state the correct zoning district on it.

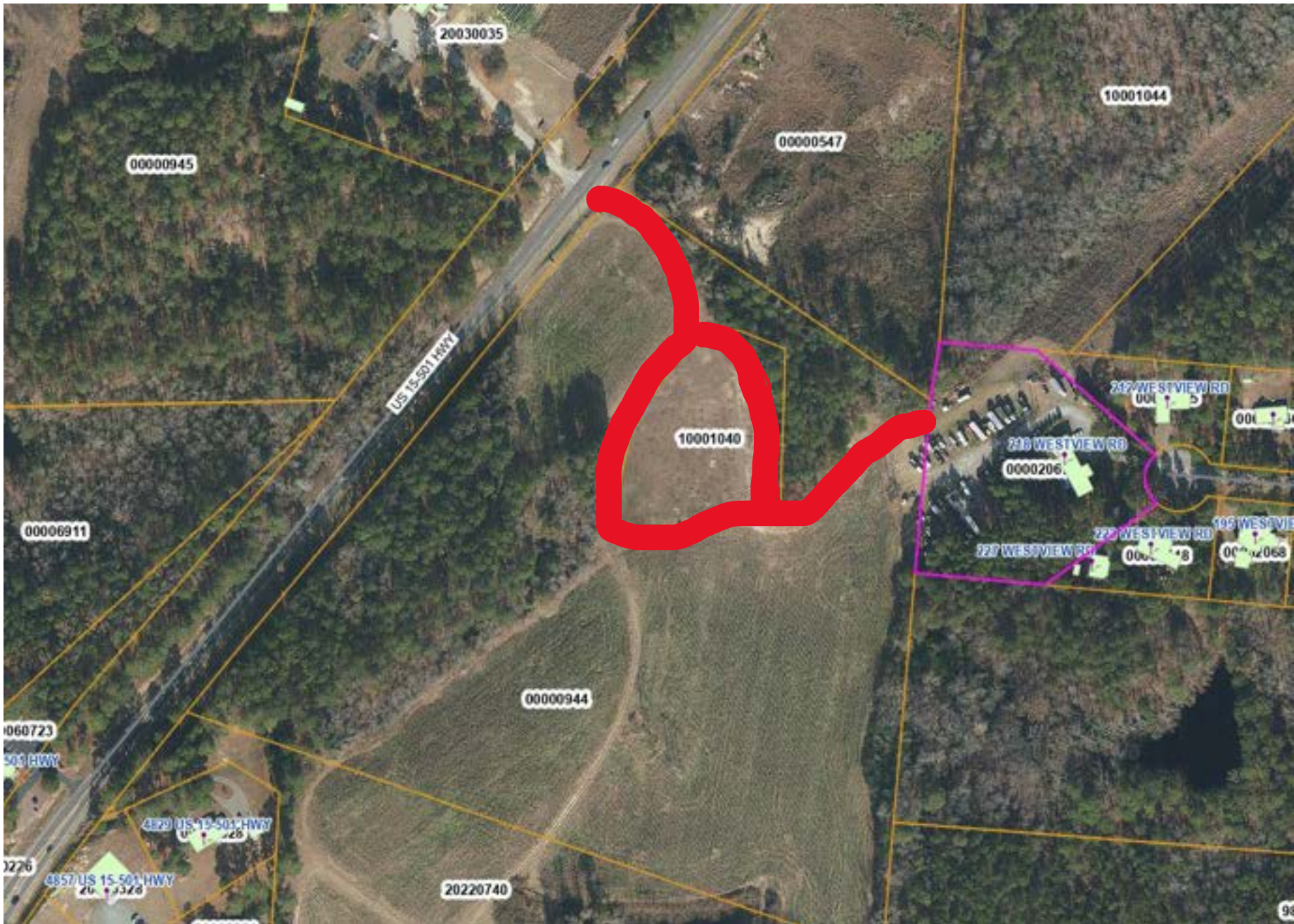
### II. PROJECT INFORMATION:

1. PARID: 00002067      PIN: 857704812544
2. Applicant:                      Michael Eder
3. Owner:                              Michael Eder
4. Long-Range Plan Designation:  
This future area of this land appears to be commercial next to residential, per the adopted 2040 Land Use Plan.
5. Current Zoning:  
The current zoning is R-20 (Residential). The applicant is requesting HCD-CZ (Highway Commercial District Conditional Zoning).

Figure 1: Site Map outlined in red.



Figure 2: Proposed path outlined in red.



### III. APPLICATION REVIEW:

When reviewing an application for conditional zoning, the Planning Board shall consider and be guided by Article 3. Below is highlighted Section 100.32, Section 100.42 and Section 100.44 (4) as set forth in UDO:

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2. *To determine objectives to be sought in the development of the Town;*
3. *To propose and recommend plans for achieving these objectives;*
4. *To develop and recommend to the Board of Commissions policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;*
5. *To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;*
6. *To exercise such functions in the administration and enforcement of various means for carrying out plans as may be assigned by this article or other ordinances of the Town; and*
7. *To perform other related duties as may be assigned by this article or other ordinances.*

#### **Section 100.42 Types of Amendments:**

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1. *Text Amendments. This type of amendment is used when a party chooses to modify the actual text of the ordinance. This is a legislative decision by the Board of Commissioners.*
2. *Map Amendments. This type of amendment is used when a party chooses to change a zoning district from one type to another. Often known as a straight rezoning, it recognizes that the change in district allows for all uses allowed within a given zoning district. It cannot be conditioned in any way. This is a legislative decision by the Board of Commissioners.*
3. *Conditional Zoning. Conditional Zoning is an amendment process that is both a map amendment and a text amendment. It is a legislative decision by the Board of Commissioners, but it allows for the placement of conditions and/or limits on the approval.*

#### **Section 100.44 (4) Planning Board**

*All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but*

*they are encouraged to accept public input. The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request.*

#### **A. Staff Comments:**

Staff have met with the applicant and have been helping him through the process for zoning compliance. Mr. Eder received a zoning violation letter, due to the many vehicles he had stored in his yard, which is not a permitted use, and it came to our attention that he has been operating as a small business diesel mechanic shop in an accessory building in the rear of his residential property. This accessory building existed when he purchased the home.

A home occupation is permitted to use here due to the adjacent commercial district, but subject to Special Requirement 5 in UDO Section 100.56A\* he has outgrown some of the requirements so a rezoning to the appropriate zoning district and subdividing his land, is more appropriate for his long-

term goals with his small business as well as for the Town of Carthage. Please view Attachment 1 for his letter to the Board explaining his request.

When looking at the issue of Spot Zoning, per the Unified Development Ordinance (UDO) requirements in Section 100.46(A), this land is compatible with the adopted land use plan and adjacent uses. The property acreage he is requesting to be subdivided and used for Highway Commercial District (CZ) is 1.03 acres. It is located in the rear of where his residential property is located and is furthest away from all other residential properties off Westview Road.

The applicant is requesting Conditional Zoning to use the gravel path off from US 15-501, which is an verbal easement agreement between himself and the property owner, Riddle Group LLC, of PARID 00000944701, where there is already an existing pathway that would lead to the rear of his property, where he is requesting the HCD-CZ zoning district. This request is to ensure that the large commercial diesel trucks and vehicles he works on for his small business, do not travel through the residential street of Westview Road but in the commercial zoning district.

**IV. ATTACHMENTS PROVIDED BY THE APPLICANT:**

1. Letter to the Board
2. Proposed Minor Subdivision

**V. PLANNING BOARD ACTION:**

The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request. All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but they are encouraged to accept public input, per UDO Section 100.42 and 100.44.

The Planning Board shall first adopt a Resolution of Consistency with the adopted Land Use Plan and other long-range plans then the Planning Board shall vote on the petition (**two motions required**). The Resolution of Consistency may take one of three forms consistent with N.C.G.S 160D-604(d); 605(a); 701.

**LUP CONSISTENCY MOTION** (1<sup>st</sup> Required Motion)

**I move to:**

**OPTION 1**

Approve CZ-02-24 and describe its consistency with the adopted Land Use Plan.

**or**

**OPTION 2**

Reject CZ-02-24 and describe its inconsistency with the adopted Land Use Plan.

**or**

**OPTION 3**

Approve CZ-02-24 and deem it a modification of the adopted Land Use Plan. The Planning Board believes this action taken is reasonable and in the public interest because.....

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**PETITION MOTION** (2<sup>ND</sup> Required Motion)

**And, therefore, I move to:**

**OPTION 1**

Approve CZ-02-24 as written and presented.

**or**

**OPTION 2**

Approve CZ-02-24 with the following conditions.....

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***(Option 3 on next page)***

**OPTION 3**

Deny CZ-02-24 for the following reasons.....

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Michael Eder  
218 Westview Rd.  
Carthage, NC 28327  
Michael.Eder4281@gmail.com  
910-638-0753

April 2<sup>nd</sup>, 2024

Board of Commissioners Town of Carthage,

Dear Board of Commissioners,

I am writing to formally request your consideration for conditional zoning and the splitting of my property located at 218 Westview Rd. Carthage, NC 28327. As the proprietor of Mike Eder Mobile Repair, I have encountered an issue regarding the zoning regulations of my current business location within a residentially zoned area.

In 2018, I established Mike Eder Mobile Repair, a mobile diesel mechanic business, which has since experienced steady growth. As a result of this expansion, I began utilizing a shop located at my residential premises to accommodate the demands of my clientele.

However, in the Fall of 2023, I received notification from the Town of Carthage indicating that my business operations were not in compliance with the zoning regulations governing residential areas. Currently, my property spans 3.03 acres, and in order to rectify this non-compliance issue, I am proposing to rezone a 1-acre section of my property to HCD-CZ (Highway Commercial District - Conditional Zoning).

The rationale behind this request is that the land adjoining my property is already zoned for commercial purposes. By securing the HCD-CZ zoning classification, I aim to align my property usage with the surrounding commercial zone, thus ensuring compliance with the town's zoning ordinances and business requirements.

Furthermore, I have undertaken negotiations with the Riddle Group to establish an access easement agreement. This agreement will grant me access to 15/501 via a driveway originating from my property. It is important to note that as a condition of this zoning request, I am requesting to not pave the gravel road along the 30-foot proposed access easement.

In essence, the approval of my rezoning request would enable me to continue operating Mike Eder Mobile Repair from my current location, thereby avoiding the necessity of relocating my business operations. This not only facilitates the sustained growth and

success of my business but also contributes positively to the local economy and community.

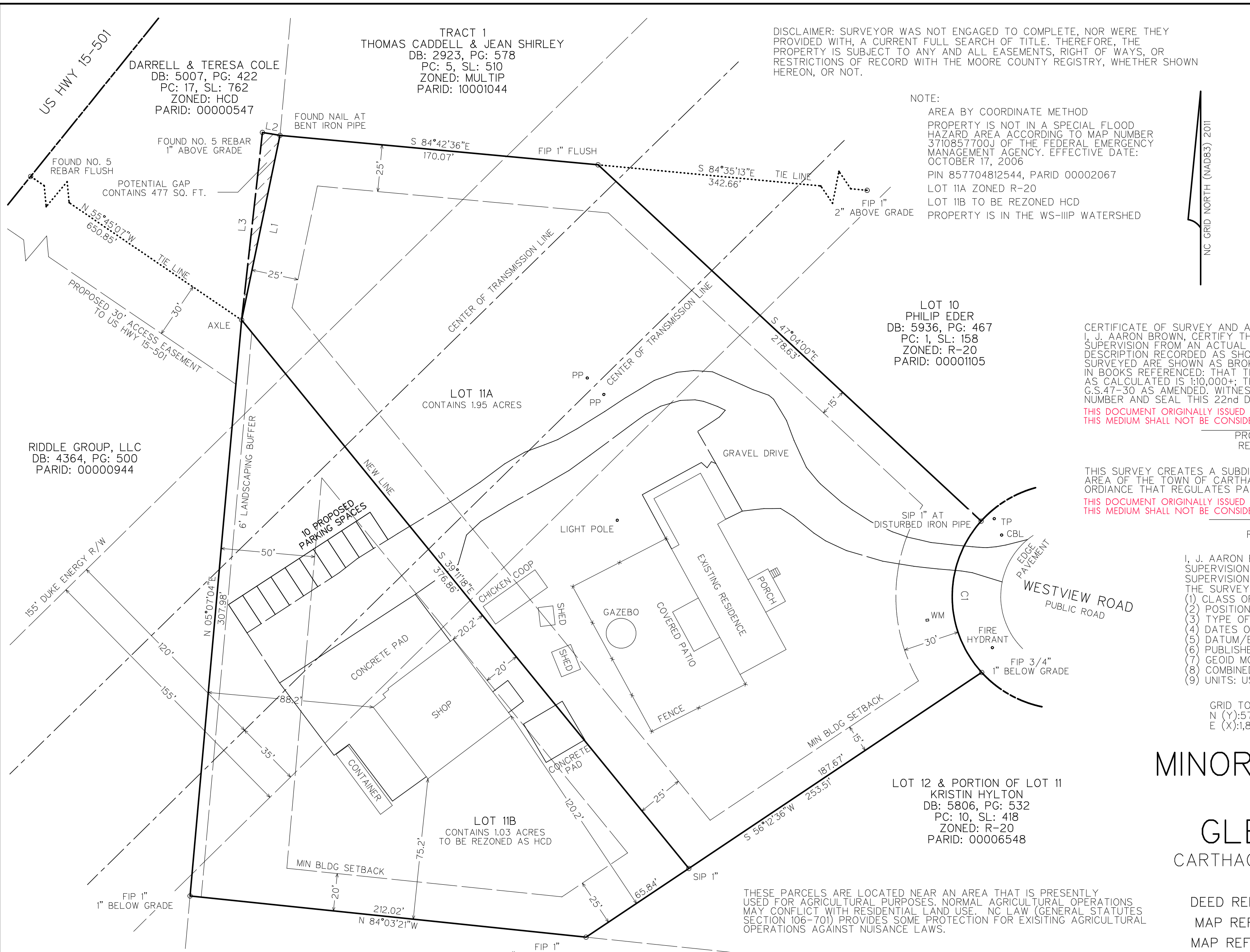
I appreciate the opportunity to present my case before the Board of Commissioners. I am fully committed to adhering to any conditions or requirements imposed by the town in conjunction with this zoning request.

Thank you for your time and consideration. Should you require any further information or clarification, please do not hesitate to contact me at 910-638-0753 or [Michael.eder4281@gmail.com](mailto:Michael.eder4281@gmail.com).

Sincerely,

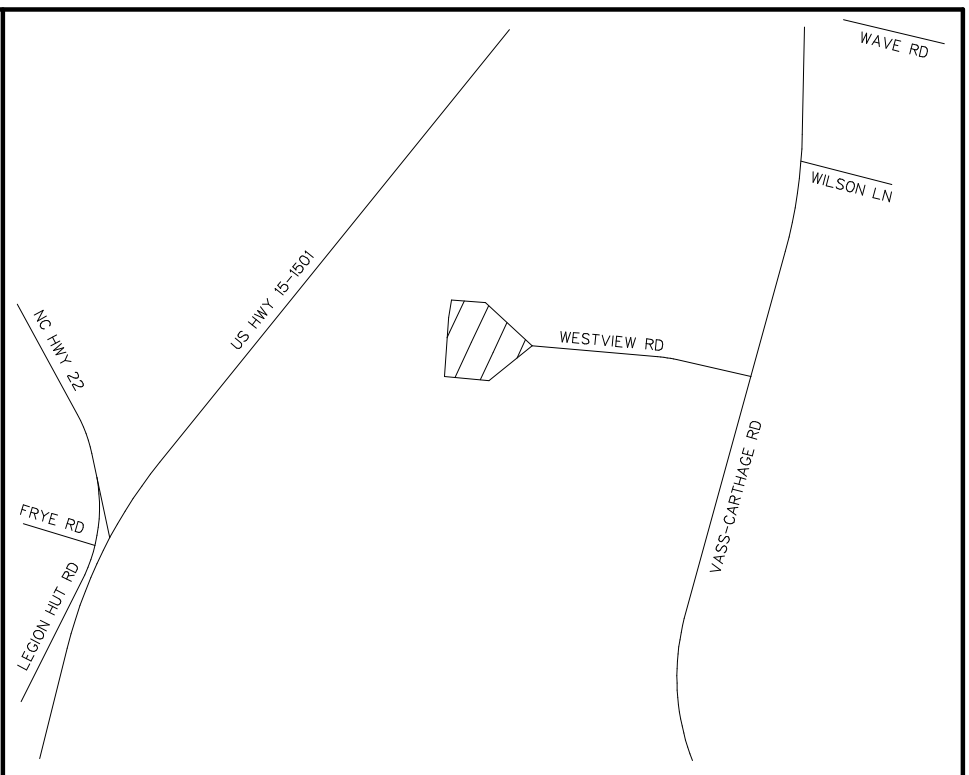
Michael Eder





DISCLAIMER: SURVEYOR WAS NOT ENGAGED TO COMPLETE, NOR WERE THEY PROVIDED WITH, A CURRENT FULL SEARCH OF TITLE. THEREFORE, THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAYS, OR RESTRICTIONS OF RECORD WITH THE MOORE COUNTY REGISTRY, WHETHER SHOWN HEREON, OR NOT.

NOTE:  
 AREA BY COORDINATE METHOD  
 PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO MAP NUMBER 3710857700J OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY. EFFECTIVE DATE: OCTOBER 17, 2006  
 PIN 857704812544, PARID 00002067  
 LOT 11A ZONED R-20  
 LOT 11B TO BE REZONED HCD  
 PROPERTY IS IN THE WS-IIIP WATERSHED



VICINITY MAP NTS

CERTIFICATE OF SURVEY AND ACCURACY  
 I, J. AARON BROWN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED DESCRIPTION RECORDED AS SHOWN ON PLAT, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S.47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE REGISTRATION NUMBER AND SEAL THIS 22nd DAY OF MARCH, 2024

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY J. AARON BROWN, L-5455, ON 3/22/24. THIS MEDIUM SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

PROFESSIONAL LAND SURVEYOR  
 REGISTRATION NUMBER L-5455



THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE JURISDICTIONAL AREA OF THE TOWN OF CARTHAGE, NORTH CAROLINA AND THAT THE TOWN HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY J. AARON BROWN, L-5455, ON 3/22/24. THIS MEDIUM SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

SURVEYOR  
 REGISTRATION NUMBER L-5455

I, J. AARON BROWN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS/GNSS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: CLASS A
- (2) POSITIONAL ACCURACY: <0.10'
- (3) TYPE OF GPS FIELD PROCEDURE: RTK NETWORKS
- (4) DATES OF SURVEY: 2/22/2024
- (5) DATUM/EPOCH: NAD83(2011)
- (6) PUBLISHED/FIXED-CONTROL USE: NC CORS
- (7) GEOID MODEL: ContinentalUS\_NGS2012B
- (8) COMBINED GRID FACTORS(S): 0.999858228763
- (9) UNITS: US SURVEY FEET

GRID TO GROUND SCALE POINT:  
 N (Y): 571,083.53'(US SURVEY FEET)  
 E (X): 1,877,449.71'(US SURVEY FEET)

## MINOR SUBDIVISION OF: LOT 11 GLEN-LEE ACRES CARTHAGE TWP., MOORE COUNTY, N.C.

OWNER: MICHAEL EDER  
 DEED REFERENCE: DEED BOOK 2310, PAGE 132  
 MAP REFERENCE: PLAT CABINET 1, SLIDE 158  
 MAP REFERENCE: PLAT CABINET 10, SLIDE 418

THESE PARCELS ARE LOCATED NEAR AN AREA THAT IS PRESENTLY USED FOR AGRICULTURAL PURPOSES. NORMAL AGRICULTURAL OPERATIONS MAY CONFLICT WITH RESIDENTIAL LAND USE. NC LAW (GENERAL STATUTES SECTION 106-70) PROVIDES SOME PROTECTION FOR EXISTING AGRICULTURAL OPERATIONS AGAINST NUISANCE LAWS.

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING OR CHANGE IN EXISTING UTILITIES, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF THE TOWN OF CARTHAGE, NORTH CAROLINA, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE SUBDIVISION ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE MOORE COUNTY REGISTRY WITHIN SIXTY DAYS OF THE DATE BELOW.

PUBLIC WATER SUPPLY WATERSHED PROTECTION CERTIFICATE  
 I CERTIFY THAT THE PLAT SHOWN HEREON COMPLIES WITH THE TOWN OF CARTHAGE WATERSHED WATER SUPPLY REGULATIONS AND IS APPROVED BY MYSELF AS AGENT FOR THE WATERSHED REVIEW BOARD FOR RECORDING IN THE MOORE COUNTY REGISTER OF DEEDS OFFICE.

NOTICE: THIS PROPERTY IS LOCATED WITHIN A PUBLIC WATER SUPPLY WATERSHED - DEVELOPMENT RESTRICTIONS MAY APPLY.

LINE	BEARING	DISTANCE
L1	N 11°44'26"E	100.46'
L2	N 80°33'09"W	9.51'
L3	S 06°18'57"W	100.53'

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	88.38'	84°24'00"	80.61'	S 00°13'34"E	60.00'	54.40'

- LEGEND
- FIP FOUND IRON PIPE
  - SIP SET IRON PIPE
  - FCM FOUND CONCRETE MONUMENT
  - SCMS SET COTTON MILL SPINDLE
  - FMN FOUND MAG NAIL
  - SMN SET MAG NAIL
  - SCN SET CONCRETE NAIL
  - CP COMPUTED POINT
  - CBL CABLEVISION EQUIPMENT
  - TP TELEPHONE PEDESTAL
  - ET ELECTRICAL TRANSFORMER
  - PP POWER POLE
  - WM WATER METER
  - SCO SEWER CLEANOUT

SURVEY FOR:  
 MICHAEL EDER  
 218 WESTVIEW RD  
 CARTHAGE, NC 28327

DATE: 2/23/24  
 FILE NO.: 2924  
 SCALE: 1" = 40'

**BROWN SURVEYORS, PLLC**  
 P.O. BOX 307  
 WEST END, N.C. 27376  
 (910) 673-1446  
 aaron@brownsurveyorspllc.com  
 FIRM LICENSE: P-2552

STATE OF NORTH CAROLINA  
 COUNTY OF MOORE  
 REVIEW OFFICER OF MOORE COUNTY, NORTH CAROLINA, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_

CERTIFICATE OF OWNERSHIP  
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF CARTHAGE, NORTH CAROLINA, AND THAT WE FREELY ADOPT THIS PLAN OF SUBDIVISION.

DATE \_\_\_\_\_ OWNER \_\_\_\_\_  
 DATE \_\_\_\_\_ OWNER \_\_\_\_\_

**TOWN OF CARTHAGE  
PLANNING BOARD  
STATEMENT OF LAND USE PLAN CONSISTENCY  
FOR PROPOSED CONDITIONAL REZONING OF 208 WESTVIEW ROAD, PARCEL ID  
#00002067 FROM RESIDENTIAL-20 (R-20) TO HIGHWAY COMMERCIAL DISTRICT  
CONDITIONALLY ZONED (HCD-CZ).**

WHEREAS, amendments to the Town of Carthage Unified Development Ordinance have been proposed, which amendments are identified as follows:

NOW THEREFORE, the Planning Board of the Town of Carthage resolves as follows:

**Section 1.** The Planning Board concludes that the above-described amendment(s) **are/are not** consistent with the Town of Carthage 2040 Land Use Plan, as amended based on the following:

**Goal 1: Preserve and celebrated small-town community roots.**

**Goal 2: Coordinated, intentional, and well-planned growth and development.**

**Goal 3: Protection of open space and critical natural features.**

**Goal 4: Ample employment opportunities and support for business development.**

**Goal 5: Vibrant commercial areas that provide a variety of goods, services, entertainment options, and amenities.**

**Goal 6: A well-connected multi-modal transportation system.**

**Goal 7: High-quality parks and recreational facilities that are accessible to all.**

**Goal 8: Protected and preserve historic and cultural resources.**

**Goal 9: Adequate supply and high quality of housing.**

**Goal 10: Informed, engaged, and active residents that represent a variety of neighborhoods and citizen groups.**

**Goal 11: Regulations that are consistent with the Town's vision.**

**Goal 12: Cultural, educational, recreational, and other amenities that contribute to the quality of life of Carthage's citizens.**

*The applicant, Michael Eder, is requesting Conditional Zoning to allow for his home business to be appropriately zoned, behind his residential home. He is requesting Conditional Zoning to approve access to the rear of his lot using an easement, verbal agreement, between himself and the property owner of PARID 00000944701 (Riddle Group, LLC), which is currently zoned HCD. He is also requesting the ability to use the road, with the easement, as a gravel path and not be required to pave it. Currently his location is at 218 Westview Road off Vass-Carthage Road.*

**Section 2.** Please state the Planning Board’s reasonings/findings for the approval or disapproval of this consistency statement based on the above selected goals.

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Section 2. The Planning Board concludes that the above-described amendment(s) **are/are not** reasonable and in the public interest as they **do/do not** fulfill a direct objective of the Land Use Plan.

This statement adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Elizabeth Futrell, Chair

\_\_\_\_\_  
Jamie Sandoval, Clerk to the Planning Board