

CITY OF GRAHAM
AGENDA
TUESDAY, APRIL 14, 2015
7:00 P.M.

Page 1 of 125

Meeting called to order by the Mayor
Invocation and Pledge of Allegiance

1. Honorary Proclamations:

- Fireman of the Year
- Police Officer of the Year
- Arbor Day
- Alcohol Awareness Month

2. Consent Agenda:

- a. Approval of Minutes – March 3, 2015 Regular Session.
- b. Budget Amendment; Riverwalk Subdivision Improvements.
- c. Resolution to Amend the Regional Geographic Information System Agreement.

3. Old Business:

- Quasi-Judicial Public Hearing: Apex View UBD & Community Center (SUP1501). Request by Thangaraju Muruegsan for a Special Use Permit for a Community Center and Unified Business Development on property located at 602 W Elm St (GPIN 8874759635).

4. Requests and Petitions of Citizens:

- a. Petition for Voluntary Non-Contiguous Annexation Kimrey Road:
 - i. Approve Resolution requesting City Clerk to Investigate the Sufficiency.
 - ii. Approve Resolution fixing date of Public Hearing on Question of Annexation.

5. Recommendations from Planning Board:

- a. Public Hearing: Graham Manor (CR1501). Request by James B. Smith, United Developers, Inc. for a 56 unit senior apartment housing complex located on Auto Park Drive (GPIN 8883091817).
- b. Quasi-Judicial Public Hearing: Davita Dialysis (SUP8301). Request by Richard Porterfield to amend the Special Use Permit at Kourescent Properties (currently the Just Save), to allow for a new tenant on the vacant parcel on the corner of Auto Park and W Crescent Square Drive (GPIN8883192554).
- c. Public Hearing: Border St. Multifamily (RZ1501). Request by Chris Foust to rezone a parcel located at 515 Border Street from R-7 to R-MF (GPIN 8874877208).
- d. Public Hearing: Patterson Place (CR0502). Request by Mark Richardson to amend the original Conditional Mixed-Use Residential application located on Cheeks Lane (GPIN 8883552739, 8883569808, 8883359916 and 8883367159).
- e. Public Hearing: City of Graham Comprehensive Plan 2035. Review of the final draft and adoption.

6. An Ordinance of the City Council of the City Of Graham, Amending Chapter 10 – Cemeteries of the Code of Ordinances of the City of Graham, North Carolina

7. Issues Not Included on Tonight's Agenda

PROCLAMATION COMMENDING NATHAN NEWLIN AS 2014 FIREMAN OF THE YEAR

WHEREAS, annually the Graham Fire Department Ladies Auxiliary sponsors a “Fireman of the Year Award” for a member of the City of Graham Fire Department; and

WHEREAS, the “Fireman of the Year Award” was presented at a dinner held on February 13, 2015 to Nathan Newlin, who has served the citizens of Graham as a Volunteer Firefighter since November 14, 2013 and

WHEREAS, Nathan Newlin was selected for this honor by his peers based on his personal commitment to the betterment of the Fire Department and his community in numerous respects; including, but not limited to:

- Providing professional public service and protection above and beyond expectations
- Serving as a positive role model to students, colleagues, and the community at large
- Unselfishly participating in department related efforts and events on and off duty

WHEREAS, it is the desire of the City Council to extend their deepest appreciation to Nathan for the excellent service he has afforded the citizens of Graham and his peers.

NOW, THEREFORE, I, Jerry Peterman, Mayor of the City of Graham, on behalf of the City Council and citizens of Graham, do hereby extend official congratulations and proclaim Nathan Newlin as the City of Graham Fire Department’s 2014 Fireman of the Year.

This the 14th day of April 2015.

Jerry Peterman, Mayor
City of Graham

PROCLAMATION COMMENDING BEN EDWARDS 2014 POLICE OFFICER OF THE YEAR

WHEREAS, annually the Graham Police Department presents a “Police Officer of the Year Award” to a member of the City of Graham Police Department; and

WHEREAS, the “Police Officer of the Year Award” was presented to Ben Edwards, who has served the citizens of Graham since November 10, 2005; and

WHEREAS, Ben Edwards was selected for this honor by his peers based on his personal commitment to the betterment of the Police Department and his community in numerous respects; including, but not limited to:

- Providing professional public service and protection above and beyond expectations
- Serving as a positive role model to colleagues and the community at large
- Completing tasks willingly and optimistically

WHEREAS, it is the desire of the City Council to extend their deepest appreciation to Ben for the excellent service he has afforded the citizens of Graham and his peers.

NOW, THEREFORE, I, Jerry Peterman, Mayor of the City of Graham, on behalf of the City Council and citizens of Graham, do hereby extend official congratulations and proclaim Ben Edwards as the City of Graham Police Department’s 2014 Police Officer of the Year.

This the 14th day of April 2015. Incorporated
January 28, 1851

Jerry Peterman, Mayor
City of Graham

ARBOR DAY 2015 PROCLAMATION

WHEREAS, in 1872 J. Sterling Morton proposed that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, increase property value, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and renewal.

NOW, THEREFORE, I, Jerry Peterman, Mayor of the City of Graham, do hereby proclaim **April 18th, 2015** as **ARBOR DAY** in the City of Graham and challenge all citizens to support this project and extend to all involved in this effort our sincere appreciation for their dedication in planting trees to promote the well-being of this and future generations.

This the 14th day of April 2015.

Jerry Peterman, Mayor
City of Graham

ALCOHOL AWARENESS MONTH 2015 PROCLAMATION

WHEREAS, the month of April has been designated as Alcohol Awareness Month; and

WHEREAS, across our nation, alcohol abuse is a major public health problem that affects Americans from all communities of all ages, races and ethnic backgrounds; and

WHEREAS, alcohol kills more children than all illegal drugs combined; and

WHEREAS, 29% of high school students in Alamance County report having at least one drink of alcohol in the past 30 days; and

WHEREAS, underage drinkers consume nearly 10% of all alcohol sold in North Carolina, totaling \$526 million in sales; and

WHEREAS, alcoholic beverages sold in convenience and grocery stores are more dangerous than ever containing high alcohol content, sugar and flavorings that make them attractive and palate-friendly to youth; and

WHEREAS, alcohol is defined by the World Health Organization as a group 1 carcinogen and is the 3rd leading preventable cause of cancer; and

WHEREAS, over half of the teens in Alamance County between ages 13-18 say it is easy to get alcohol and 24% report using alcohol in their home or at a friend's house; and

WHEREAS, minimizing access to alcohol creates a barrier and can protect children from harm; and

WHEREAS, parents can have a significant impact on their children's decision to not drink alcohol by setting clear "no alcohol" rules and by supporting this rule with "zero tolerance"; and

WHEREAS, underage drinking alone costs the citizens of North Carolina \$1.5 billion in medical care, work loss and pain and suffering associated with the multiple problems resulting from the use of alcohol by youth; and

WHEREAS, The Alamance County Youth Advisory Council and Alamance Citizens for a Drug Free Community are working to decrease the stigma associated with alcohol dependence through increased awareness, education, discussion and community mobilization; and

WHEREAS, The Alamance County Youth Advisory Council and Alamance Citizens for a Drug Free Community are working to raise awareness statewide, and to mobilize efforts within communities to implement strategies that prevent alcohol abuse and dependency by decreasing underage access to alcohol, changing community norms that promote underage and excessive alcohol consumption and address policies pertaining to underage and excessive drinking.

NOW, THEREFORE, I, Jerry Peterman, Mayor of the City of Graham, do hereby proclaim April 2015, as ALCOHOL AWARENESS MONTH in Graham, North Carolina and recommend this observance to all citizens.

This the 14th day of April 2015.

Jerry Peterman, Mayor
City of Graham

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MARCH 3, 2015
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, March 3, 2015, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Lee Kimrey
Council Member Chip Turner

Also Present:

Frankie Maness, City Manager
Darcy Sperry, City Clerk
Nathan Page, City Planner
Michael Leinwand, Special Projects Coordinator
Victor Quick, Utilities Director

Council Members Absent:

Council Member Jim Albright

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Pro Tem Jimmy Linens gave the invocation and everyone stood to recite the Pledge of Allegiance.

Resolution of Commendation and Appreciation

Mayor Jerry Peterman presented Clarence Baldwin with a gift from the City of Graham and thanked him for his twenty-one (21) years, nine (9) months of service to the City of Graham. Graham Utilities Director Victor Quick also thanked Mr. Baldwin for his dedication and service to the City.

**RESOLUTION OF COMMENDATION AND APPRECIATION TO
CLARENCE BALDWIN
FOR 21 YEARS 9 MONTHS SERVICE TO THE CITY OF GRAHAM**

WHEREAS, Clarence Baldwin diligently served the City of Graham as Operator I of the Waste Water Treatment Plant from June 10, 1993 until March 1, 2015; and

WHEREAS, Clarence retired as Operator I of the Graham Waste Water Treatment Plant from the City of Graham on March 1, 2015 with 21 years 9 months of service; and

WHEREAS, his wisdom, care and dedication has commanded the utmost respect from his colleagues and employees; and

WHEREAS, it is the desire of the City Council to extend their deepest appreciation to Clarence for the excellent time and service he has afforded the citizens of Graham and his fellow employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT: Clarence be commended for his outstanding public service to the City of Graham.

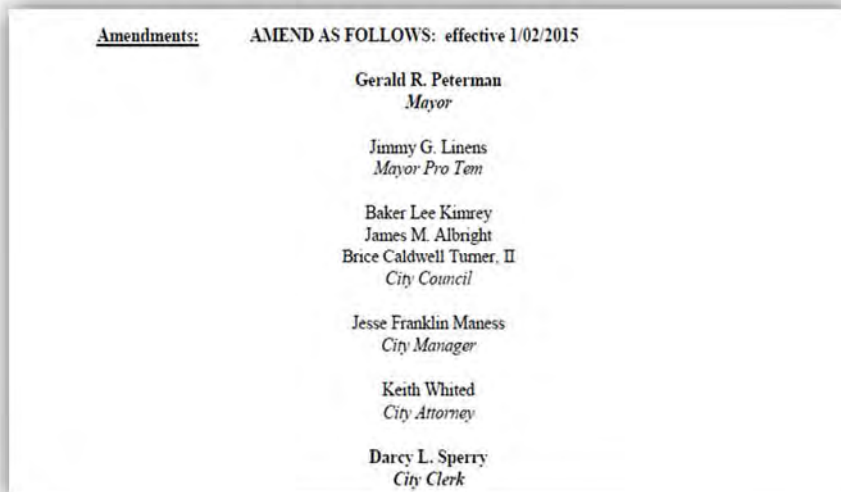
BE IT FURTHER RESOLVED THAT: an expression of appreciation be extended to Mr. Clarence Baldwin in the form of this Resolution of Commendation and Appreciation, and that this Resolution become a part of the official records of the City of Graham for all of time, and the original thereof be presented to him in person.

This the 3rd day of March 2015.

Jerry Peterman, Mayor
City of Graham

Consent Agenda:

- *Approval of Minutes – February 3, 2015 Regular Session*
- *Approval of Minutes – February 19, 2015 Special Session*
- *Approval of Minutes – February 24, 2015 Special Session*
- *Amend date of Advertisement of Tax Liens to March 26, 2015*
- *Amend City of Graham Code of Ordinances Officials page*



- *Request from the Recreation and Parks Department to close the 100 block of W. Elm Street from 5:00 p.m. – 11:00 p.m. for the Thursday at Seven Concert Series on May 28, 2015, June 25, 2015, July 23, 2015, August 27, 2015 and September 24, 2015.*

Council Member Chip Turner made a motion to approve the Consent Agenda, seconded by Council Member Lee Kimrey. All voted in favor of the motion.

Recommendations from Planning Board:

Public Hearing: Apex View UBD & Community Center (SUP1501). Request by Thangaraju Muruegsan for a Special Use Permit for a Community Center and Unified Business Development on property located at 602 W Elm St (GPIN 8874759635).

City Planner Nathan Page explained that the applicant was not present at their meeting to answer questions therefore the Graham Planning Board voted to postpone this agenda item until their March 17, 2015 meeting.

Council Member Kimrey motioned to postpone this agenda item until the next monthly meeting, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

North Carolina Commerce Park (NCCP):

- a. *Approve Committee Recommendations*

City Manager Frankie Maness explained that in May 2013, the City approved entering into a compact with Alamance County and the City of Mebane to establish an Economic Development Zone in the Hawfields area. The compact called for the establishment of an organizational committee to develop policies and procedures as well as make recommendations to the governing boards to effectuate the development of the Zone. The recommendations include:

- a. Approve the name of the zone as the “North Carolina Commerce Park.”
- b. Appoint the Chamber of Commerce as the “NCCP Representative” to work with property owners to:
 - i. Negotiate an agreed upon option to sell their land;
 - ii. In exchange for providing services for site certification, marketing and master planning of the NCCP.
- c. Appropriate \$100,000 each (\$300,000 total) to the Alamance County Chamber of Commerce to be placed in a NCCP Fund to pay for expenses associated with site certification, marketing and master planning within the NCCP.
- d. Approve the creation by Graham and Mebane of an overlay zoning district that will maintain development standards within the park.
- e. Appoint the Organizational Committee as the NCCP Oversight Committee for the administration of future activities and operations.
- f. Require the Oversight Committee to provide a semiannual report and accounting of the revenues, expenditures, and activities of the NCCP in April and October of each year.

Council Member Kimrey motioned to approve the six (6) recommendations of the NCCP Organizational Committee, seconded by Council Member Turner. All voted in favor of the motion.

b. Approve Budget Amendment

Mr. Maness indicated that for it to be legal to spend money, we have to have it appropriated in our budget. He further explained that this is a Budget Amendment to allocate one hundred thousand (100,000) dollars for the marketing and site certification effort for the NCCP.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2014 - 2015 Budget Ordinance shall be and is hereby amended as follows:

Section 1: General Fund Expenditures			
	APPROVED	AMENDED	DIFFERENCE
Non-Departmental Administration	722,520	822,520	100,000
Section 2: General Fund Revenues			
Fund Balance	714,750	814,750	100,000

This the 3rd day of March, 2015.


Jerry Peterman - Mayor

ATTEST:


Darcy Sperry, City Clerk

Council Member Kimrey motioned to approve the Amendment to the Fiscal Year 2014-2015 Budget Ordinance for the appropriation to NCCP, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor of the motion.

Issues Not Included on Tonight's Agenda

Mr. Maness advised Council of the United Way sponsored "Municipal Madness Basketball Tournament" taking place this month.

Mr. Maness advised Council of "Town Hall Day" which takes place in Raleigh on March 18, 2015.

Mayor Peterman welcomed Mr. Page and Mr. Michael Leinwand to Graham. He explained that both gentlemen will be working together to assume the duties of former City Planner Melissa Guilbeau.

Council Member Turner thanked Staff and Council Members for their acts of kindness shown him recently as he recuperates from shoulder surgery.

Council Member Kimrey followed up Mr. Maness' comments on the United Way Basketball Tournament. He mentioned that he has been fortunate to have served on a Committee with United Way this year. He stated that there will be a trophy along with a signed basketball by the coaches of the ACC awarded to the winning team and displayed at the winning Municipality for the next twelve (12) months – not to mention the sense of pride associated with winning.

Mayor Peterman asked Mr. Maness to pass along a "well done" to the City Staff for their recent snow removal efforts.

Mr. Buster Goodman of 320 Moser St gave an update on the current health condition of Coach Don Amos.

Mayor Peterman encouraged those in attendance to purchase tickets to the upcoming Graham Sports Hall of Fame induction ceremony (which is scheduled for April 11, 2015).

Mayor Peterman also advised he will be out of town for the April 7, 2015 Council Meeting. Council Members discussed what alternatives are available to them.

Council Member Kimrey made a motion to move the regularly scheduled business meeting to April 14, 2015, seconded by Council Member Turner. All voted in favor of the motion.

At 7:36 p.m. Council Member Kimrey made a motion to adjourn, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Darcy Sperry, City Clerk



STAFF REPORT

SUBJECT:	BUDGET AMENDMENT FOR RIVERWALK SUBDIVISION
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Adopt Amendment to Fiscal Year 2014 – 2015 Budget Ordinance for Riverwalk Subdivision Improvements.

BACKGROUND/SUMMARY:

The City is holding a cash bond as surety for incomplete items within the Riverwalk Subdivision. Work has resumed in this subdivision and bonded improvements are being installed. Sidewalks, trails, and required landscaping are among the outstanding improvements. The City previously used part of this cash bond to cover the cost of asphalt and sidewalks during FY 2012-2013.

FISCAL IMPACT:

The funds expended are from the developer of the Riverwalk Subdivision in which the City is holding as a cash bond. Therefore, no outlay of City funds is required. The balance of the cash bond is \$144,257

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the Amendment to the Fiscal Year 2014 -2015 Budget Ordinance for Riverwalk Subdivision Improvements.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2014 - 2015 Budget Ordinance shall be and is hereby amended as follows:

Section 1: General Fund Expenditures			
	APPROVED	AMENDED	DIFFERENCE
10-3150-0000 LOC Funds	100	144,257	144,157
Section 2: General Fund Revenues			
10-5600-9904 Riverwalk LOC	0	144,257	144,257

This the 14th day of April, 2015.

Jerry Peterman -
Mayor

ATTEST:

Darcy Sperry, City Clerk



STAFF REPORT

SUBJECT:	AMENDING GIS AGREEMENT
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Adopt Resolution to Amend the Regional Geographic Information System Agreement.

BACKGROUND/SUMMARY:

In 2001 the Cities of Burlington and Graham along with the Town of Elon entered into a Regional Geographic Information System (ReGIS) Agreement. Referred to simply as our “mapping system”, this partnership affords employees and citizens access to geographical information such as parcel data, location of utilities, zoning, garbage routes, flood plains, etc...

The resolution seeks to extend the agreement through FY 2018-2019.

FISCAL IMPACT:

It is anticipated that the cost for the upcoming fiscal year will be \$62,000. The City, by itself, could not provide the same level of service for less.

STAFF RECOMMENDATION:

Approval. The utilization of our GIS is at an all-time high with nearly every department utilizing its various aspects. The system established through our partnership is robust and gives us access to information and technology that would be otherwise unattainable.

SUGGESTED MOTION(S):

I move we adopt the Resolution to Amend the Regional Geographic Information System Agreement.

**RESOLUTION TO AMEND THE REGIONAL GEOGRAPHIC INFORMATION SYSTEM
(ReGIS) AGREEMENT**

WHEREAS, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute joint undertaking; and

WHEREAS, on August 14, 2001, the City of Burlington (hereinafter, “City”), and City of Graham and Town of Elon (hereinafter, “Partners”) entered into a Regional Geographic Information System (ReGIS) Agreement; and

WHEREAS, the City and Partners have a continued compelling and mutual interest in developing and maintaining accurate and current electronically-retrievable geographic information about themselves and their extraterritorial planning jurisdictions; and

WHEREAS, the City and Partners recognize that at this time, neither Partner can afford to individually develop and maintain efficiently and effectively, a GIS for themselves; and

WHEREAS, the City and Partners recognize that a regional GIS benefits their citizens by improving the efficiency and effectiveness of local government and enhancing the regional economic competitiveness of the individual municipal corporations; and

WHEREAS, the City and Partners want to ensure continued cooperation and mutual support for a successful and cost effective implementation of GIS-related management information systems,

WHEREAS, the current ReGIS Agreement will expire at the end of the fiscal year 2014-2015; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, THAT:

Section 1: Item 2 of the Regional Geographic Information System (ReGIS) Agreement—“Duration of Agreement”— be amended to extend the agreement through fiscal year 2018-2019.

Section 2: This resolution will take effect upon passage of identical resolutions by all ReGIS Partners.

Adopted this 14th day of April, 2015, by the City Council of the City of Graham, North Carolina.

Jerry Peterman, Mayor
City of Graham

Attest

**STATE OF NORTH CAROLINA
CITY OF BURLINGTON**

**REGIONAL GEOGRAPHIC INFORMATION SYSTEM (ReGIS)
AGREEMENT**

THIS AGREEMENT made and entered into this _____ day of _____, 20____, by and between the CITY OF BURLINGTON, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter referred to as "City"), and the CITY OF GRAHAM and the TOWN OF ELON (hereinafter collectively referred to as "Partners").

WITNESSETH:

WHEREAS, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute joint undertaking; and

WHEREAS, the City and Partners have a compelling and mutual interest in developing and maintaining accurate and current electronically-retrievable geographic information; and

WHEREAS, the City and Partners recognize that a regional GIS will benefit their citizens by improving the efficiency and effectiveness of local government and enhancing the economic competitiveness of the area; and

WHEREAS, the City and Partners recognize that at this time neither Partner can afford to individually develop and maintain an entire GIS for themselves; and

WHEREAS, the City has committed to creating a GIS for its incorporated and extraterritorial area; and

WHEREAS, the City and Partners want to ensure cooperation and mutual support for successful and cost effective implementation of GIS-related management information systems.

NOW, THEREFORE, be it understood and agreed by City and Partners as follows:

1. PURPOSE:

The purpose of this agreement is to establish a partnership that will maintain geographic data, develop GIS services and establish regional GIS standards.

2. DURATION OF AGREEMENT:

This agreement shall be in effect from fiscal year 2015-2016 through fiscal year 2018-2019, providing for an annual cost-sharing arrangement. Any party may terminate its participation in this joint effort by giving six (6) months written notice to all other parties of its intent to terminate, to take effect commencing with the following fiscal year.

3. ESTABLISHMENT OF THE JOINT EFFORT:

Pursuant to N.C.G.S. 160A-461, the governing body of each participating governmental unit must approve this agreement.

4. APPOINTMENT OF PERSONNEL:

All GIS personnel working on behalf of the City or the Partners will be hired and appointed by the City.

5. DUTIES OF PERSONNEL:

A GIS Administrator will oversee the collection and maintenance of all geographic data within the regional GIS, as well as oversee the development of all GIS-related management information systems. The GIS Administrator will also have primary responsibility for the completion of daily GIS tasks on behalf of the City.

A GIS Specialist will assist in the collection and maintenance of all geographic data with the regional GIS, as well as assisting in the development of GIS-related management information systems. The GIS Specialist will also have primary responsibility for the completion of daily GIS tasks on behalf of the Partners.

The Administrator and Specialist will work together and with other appropriate area personnel to develop and enforce GIS standards required for efficient operation of the regional GIS.

6. FINANCING:

(a) A GIS Administrator's salary and benefits will be funded wholly by the City.

(b) Capital improvement costs necessary to the GIS Administrator will be funded wholly by the City.

(c) A GIS Specialist's salary and benefits will be wholly reimbursed to the City by the Partners according to the following percentages which are based upon the estimated number of parcels within each jurisdiction's corporate limits:

City of Graham	72%	(6,055 parcels)
Town of Elon	28%	(2,396 parcels)

(d) Capital improvement costs necessary to the GIS Specialist will be wholly reimbursed to the City by the Partners according to the percentages outlined in section 6(c).

(e) Capital improvement costs necessary for the maintenance or collection of geographic data and the development of GIS services will be funded by the City or reimbursed to the City by the Partners according to the following percentages which are based on the estimated parcels within their respective corporate limits:

City of Burlington	71%	(21,027 parcels)
City of Graham	21%	(6,055 parcels)
Town of Elon	8%	(2,396 parcels)

(f) Miscellaneous costs (e.g. supplies, travel, memberships) will be divided according to the percentages outlined in section 6(e).

(g) All apportionment percentages listed in sections 6(c) and 6(e) will be reviewed in March of each year and adjusted annually for the following fiscal year budgetary purposes based on actual parcel numbers.

(h) The City will bill on a quarterly basis and the partners will make payment on a quarterly basis for their pro rata share of the services covered in this agreement.

7. PERSONAL PROPERTY:

All personal property purchased under this agreement shall be owned by the City and shall be retained by the City upon the expiration or termination of this agreement.

8. METHOD OF AMENDING THE AGREEMENT:

This agreement may be amended with the mutual agreement of all parties hereto.

9. METHOD OF TERMINATING THE AGREEMENT:

This agreement may be terminated by any party giving six (6) months written notice to all other parties of such intent, to take effect commencing with the following fiscal year.

(Seal)

CITY OF BURLINGTON

ATTEST:

By: _____
Mayor

City Clerk Date: _____

(Seal)

CITY OF GRAHAM

ATTEST:

By: _____
Mayor

City Clerk Date: _____

(Seal)

TOWN OF ELON

ATTEST:

By: _____
Mayor

Town Clerk Date: _____

PLANNING ZONING BOARD

Tuesday, March 17, 2015

The Planning & Zoning Board held their regular meeting on Tuesday, March 17, 2015 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Dean Ward, Andy Rumley, Bonnie Blalock, Michael Benesch, Kenneth Dixon, Ricky Hall and Bill Teer. Staff members present were Nathan Page, Interim City Planner, Martha Johnson, Zoning/Inspections Technician, and Michael Leinwand Special Projects Coordinator.

Chair Andy Rumley called the meeting to order and gave the Overview of the Board and general meeting rules. Ricky Hall gave the invocation.

1. Public comment on non-agenda items. There were none.
2. Approval of the March 3, 2015 meeting minutes. Ricky Hall made a motion for approval, second by Bonnie Blalock. All voted in favor.
3. Committee Reports. There were none.
4. Old Business.
 - a. Apex View UBD & Community Center (SUP1501). Request by Thangaraju Muruegsan for a Special Use Permit for a Community Center and Unified Business Development on property located at 602 W Elm St (GPIN 8874759635).

Nathan Page explained this request is for a Special Use Permit for a Community Center and UBD for property located at 602 W Elm St. There are 3 units, 1 is 15,000 sq. ft. and 2 units at 4,000 square feet each. Mr. Page explained one of the smaller units is proposed for the community center. Mr. Page said the Planning Board has the authority to recommend traffic patterns on the site and any other layout questions they may have.

Kai Mariappan 1608 Brambleton Court Graham, NC spoke representing the applicant as one of the owners of the property. Mr. Mariappan stated he would like to have a grocery store or office space. He said that is the reason for the application for multiple uses on the property. Andy Rumley asked if he had any idea what type of businesses he wanted to go in there being the owner. Mr. Mariappan said he would like to have data centers, call centers, furniture stores, offices or grocery units which he thinks is designed for these type businesses at this location. Dean Ward asked if the event center proposed to serve alcohol there, and Mr. Mariappan replied no. Mr. Rumley asked what he anticipated being "an event center". Mr. Mariappan stated when he made application there was a tenant wanting to use it for birthday parties. Now they have decided not to rent to him and to use it for multiple units like offices or stores. Mr. Ward asked if the drive thru will be kept and Mr. Mariappan replied if the tenant needs it, then it will be kept but if not it will be closed.

Mr. Ward asked what was staff's concern about the drive thru on the property. Mr. Page said it is funneling traffic in the opposite direction from where we normally drive when they are exiting the property. They would be looking to the left for oncoming traffic so there is an additional pedestrian vehicle conflict here. Mr. Page said staff left it up to the Planning Board to decide the traffic issue. Ricky Hall made a motion to recommend approval with the conditions of removing the drive thru window and traffic

accessibility flow being changed, second by Michael Benesch. The vote passed 7-0.

b. 2035 Comprehensive Plan. Review of the final draft and recommendation on adoption.

Mr. Page explained this was an update to the Growth Management Plan 2020. The Comprehensive Plan will guide the City's decisions through the year 2035. Mr. Roger Walden from Clarion Associates LLC 101 Market Street Suite D Chapel Hill, NC spoke further concerning the Comprehensive Plan for the City of Graham. Mr. Walden gave an overall view of the plan.

Ricky Hall stated he had been on the steering committee for the Comprehensive Plan. Mr. Hall said there had been a lot of hard work and thought put into developing this plan. There were several concerned citizens that spoke:

Tom Foust 906 Hanford Rd

Pat Ernest 817 Ivey Rd

Dave Dillard 919 Hanford Rd

Lynne Dillard 919 Hanford Rd

Darrell Faircloth 152 Andrews Ave

The citizens that spoke were concerned about no provisions made to give notifications to property owners for any possible future land use reclassification. Overall, the Board was in agreement with the plan. Ricky Hall made a motion for approval of the document for the Comprehensive Plan. Andy Rumley second the motion with an amendment to suggest to City Council to approve the Plan with their discretion on sending out a mass mailing notification. The vote was 5 to 2 with Dean Ward and Bill Teer voting against.

5. New Business

- a. Graham Manor (CR1501). Request by James B. Smith, United Developers, Inc. for a 56 unit senior apartment housing complex located on Auto Park Drive (GPIN 8883091817).

Nathan Page stated this is a proposal to rezone the subject property from R18 to C-R to construct a 56-unit senior rental community. Mr. Page also mentioned there is a 50-foot PNG gas line easement on the front of the property next to Auto Park Dr. Mr. Hall and Mr. Rumley both stated they are both employees of Piedmont Natural Gas and have no vested interest in this project. No one on the Board had a problem.

Bill Owen 1416 Pine Valley Loop, Fayetteville, NC spoke representing the project. Mr. Owen is with United Developers, Inc. Mr. Owen stated that his company for 35 years have built over 3,500 units in North Carolina and South Carolina. Mr. Owen said a study been done, and the result showed there was a significant need for senior developments and the nearest one being in Burlington, North Carolina that stays at 100% capacity most of the time. Mr. Owen said they had two meetings with adjacent property owners which they contacted to discuss their proposal at this location.

In January, Mr. Owen said they submitted their application to the North Carolina Housing Finance for a 56-unit development on the 18 acre plot of land with no additional development on that site. Mr. Owen stated that they feel this is an ideal location for senior housing. It is convenient to various services. Restaurants, grocery store, drug store, shopping center, dentist office and a bank are all near the project. Mr. Owen also stated that there would be sidewalks and also significant buffering on 3 sides of the development. He said there would be on site management to take care of the tenants. Mr. Owen showed drawings of the site plan and further explained the grounds for the project along with interior description

of the one and two bedroom units. Mr. Owen said the rent would be between \$525 and \$600 per month including water and sewer but not electric. Also the limit on overnight guest (example underage children) is two weeks only and this is in the tenant's signed lease because this is an age appropriate project.

Bernice Shuler of 611 Hertford Lane asked if there was a maximum or minimum number of people to rent the two bedroom units. Mr. Owen replied they had a policy for no more than two people per bedroom. Judy Ward of 483 W Moore Street questioned what would happen if in six or seven months they don't rent these units out can it be opened up to other people? Mr. James Smith 2004 Raeford Rd, Fayetteville, NC is another representative of United Developers. Mr. Smith said that renting these units is not a problem. This project is for the elderly only and can't be changed.

Tom and Velna Foust of 906 Hanford Rd spoke next. They went to Fayetteville to tour the project there that Mr. Owen spoke about that was built in 2013. They thought the property was very well kept up, impressed by the landscaping and talked to some of the tenants there. The tenants stated they got good service. Mr. Foust checked the police report and there was none but there was some EMT calls to that location. Ms. Foust felt like the sidewalks would definitely be a welcomed addition along with the buffering on the site.

Lynne Dillard 919 Hanford Rd stated that she felt this has been the best proposed project for land use for this property and does feel like some fencing should be there to help protect the elderly. Ms. Dillard also had concerns on tax value for her property and how it would be affected. Mr. Owen said that there had been a lot of studies done nationwide concerning that issue. He said if the properties are not maintained it certainly could affect them, but the studies done at NC State indicated no negative affect on adjoining properties.

Christopher Marks 609 Terrell Street wanted to know if there was any benefit for the City of Graham to move forward with this type project. Dean Ward said all the Section 42 is the affordable housing that will allow Mr. Owen to get tax credits from the State. Mr. Rumley said it would increase the tax base for the City, but in turn, they City will provide services to the tenants.

The Planning Board expressed favorable comments concerning the proposed project. Dean Ward made a motion to approve with the following conditions. The buffer remain undisturbed, a fence on three sides, final site plan submitted and approved by TRC before permitting, and stormwater be evaluated as part of final site plan review. Second was by Ricky Hall, the vote was 7 to 0.

- b. DaVita Dialysis (SUP8301). Request by Richard Porterfield with Total Renal Care, Inc. 2451 Cumberland Parkway #3633 Atlanta, Ga to amend the Special Use Permit at Kourscent Properties (currently the Just Save), to allow for a new tenant on the vacant parcel on the corner of Auto Park and W Crescent Square Drive (GPIN 8883192554).

Mr. Page explained this is a request to amend an existing Special Use Permit from 1983 for a Unified Business Development (UBD). The permit request includes DaVita Dialysis, which is a type of doctor's office, located on a separate parcel not in the Highway 87 Overlay District.

Gray Hill with Gray Hill Seven Development 1350 City View Center Oviedo, FL introduced himself with the other applicants of this request, including Allan Hill (civil engineer with Triad Design Group 4807-C Koger Blvd Greensboro, NC 27407), Sam Unsworth of Richard Jones Real Estate 2040 S Church St Suite 250, Burlington, NC (represents the property owner), and Rich Porterfield (representative of Davita Dialysis). Mr. Hill addressed staff's recommendation of the installation of a sidewalk around the

perimeter of the property. He is concerned with additional stormwater requirements that could be placed on the applicant if land disturbance is greater than one acre. He explained the site is small and constrained due to a Piedmont Natural Gas easement along the property. He is willing to pay the City a fee in lieu of installing the sidewalk.

The Planning Board asked staff about the stormwater ramifications created by a sidewalk. Michael Leinwand explained staff would need to further discuss this issue with their engineers with Alley, Williams, Carmen, and King (AWCK) to determine how a sidewalk would impact this proposal.

The Planning Board asked if any of the stormwater requirements could be waived. Mr. Page said no as these requirements are mandated by the state. Mr. Leinwand also mentioned staff would like to see less parking at this site, which would create less impervious surface. However, Mr. Hill prefers to keep the number of proposed parking spaces to accommodate their patients.

Dave Dillard of 919 Hanford Road voiced his concerns relating to the stormwater impacts of this development and potential sidewalk. The Planning Board explained they have no intention of making a decision to create a negative stormwater impact.

Board member Bill Teer would like to see the stormwater impacts evaluated further before making a decision. Allan Hill explained the stormwater impacts are currently being evaluated, including the downstream effects. He is working with Josh Johnson of AWCK, and he understands final Technical Review Committee (TRC) approval must be given before construction starts.

Board member Ricky Hall makes a motion to give a favorable recommendation since the request meets the Growth Management Plan 2000-2020. Conditions of the motion include the applicant work out the payment in lieu of installing a sidewalk with the City Council and City Attorney, and final approval must be given by TRC. Dean Ward seconds the motion. The motion passes unanimously.

- c. Border St. Multifamily (RZ1501). Request by Chris Foust to rezone a parcel located at 515 Border Street from R-7 to R-MF (GPIN 8874877208).

Nathan Page explained this is a request to rezone the subject property from R7 to R-MF. The property is currently vacant and the stated reason is “to rezone for 2-3 attached duplex units.” The properties would be rentals removing the need to subdivide the plot. Chris Foust of 1851 S Main St Graham, NC spoke as the applicant. Mr. Foust stated he would like to build a total of five buildings altogether. Mr. Foust showed pictures of the Washington St duplex he did and these on Border St would be similar. This property is a corner lot.

Jesse Walker of 665 Sedalia Rd Sedalia NC spoke in opposition of the project. His mother lives across the street on Border St from the proposed project, and he owns property located at 507 Border St. Mr. Walker felt that the property should stay single family not multifamily because the area is already congested with Graham Housing at the bottom of the hill in that area. Next Sarah Cooper of 604 Oakley St spoke in opposition also. Ms. Cooper felt the apartments on the hill are already too much with a lot of children also.

Mr. Rumley asked if Mr. Foust would be maintaining this property. Mr. Foust said he contracts with landscapers and deals with a rental agency. Mr. Foust said they keep good people in their units and he hasn’t had any complaints about the ones on Washington St.

Ricky Hall made a motion for approval, second by Dean Ward. The vote was 7 to 0.

- d. Patterson Place (CR0502). Request by Mark Richardson to amend the original Conditional Mixed-Use Residential application located on Cheeks Lane (GPIN 8883552739, 8883569808, 8883359916, and

8883367159).

Mr. Page explained this is a request to amend the initial Conditional Mixed-Use-Residential (C-MXR) which was originally approved May 2005. The intention is to redesign the 112 unit townhome section into 80 multi-family dwelling units for seniors because they will be rentals not owner occupied. The site will now need to comply with our stormwater ordinance. The alternate landscaping they are asking to be approved for is Type B buffer toward the front of the property and Type D toward the rear of the property.

John Wood of Cline Design Associates 125 N. Harrington St Raleigh, NC spoke. They are the Planners and Landscaping Architects for the project. Mr. Wood showed pictures of a similar project which they are proposing. These were one story two bedrooms with six and seven unit buildings. Mr. Wood said they will have front and back porch with a lot of sidewalks and heavy landscaping. This will be a 55 and over senior restricted active community. Mr. Wood said they are proposing a central community center with exercise facility, meeting rooms, computer center, and laundry room. There will be trails and sidewalks that interconnect with all of the buildings back to the club along with significant landscaping against the adjacent residential areas. There also is a wider entrance and sidewalks along Cheeks Lane. Mr. Wood said they are allocating an area for water quality management toward the bottom of the site.

Bonnie Blalock asked how much the rent was. Brad Parker of Greenway Developers 15801 Brixham Hill Dr Charlotte, NC spoke. Mr. Parker stated the rent would be from \$360 to \$580 per month. Mr. Ward asked if they were applying for Section 42 tax credit programs on this project. Mr. Parker said yes they were. Mr. Ward asked if there would be an on-site manager, and Mr. Parker said yes there would be a full time manager and maintenance employee. Mr. Ward asked why they were requesting to keep the streets private. Mr. Parker said they were so they can maintain them and would like to take care of the streets, seal the streets and to keep the streets striped etc. Mr. Ward asked on this project what was the exterior going to be. Mr. Parker replied vinyl or hardy plank. Mr. Parker said this is a project that has restrictions on underage to have visitation for only two week visits because it is seniors only.

Pate Ernest 817 Ivey Rd and Kindra Lowe 503 Winesap Dr both had concerns about the water flow with the creek already having issues with overflowing and the four wheelers on the property. Also, there were concerns about their subdivision being kept separate and property value questions. Mr. Wood said that there would only be one entrance in and out for this proposed project. Mr. Parker referenced the above mentioned studies, and no changes in property values for surrounding properties.

Glenn Patterson 1310 S Main St who is the owner of the property spoke. Mr. Patterson stated he has been dealing with the three and four wheelers for quite some time and has been working hard with the Police Department and Sheriff's office with this problem. Mr. Patterson said this is what is causing some difficulty with the property from an erosion standpoint.

Bernice Shuler of 611 Hertford Ln asked for clarification concerning how to ensure the tenants are 55 and over. Mr. Parker said the age and income is verified when they apply initially. Ms. Shuler asked about when someone comes to visit and wants to stay do you verify their age. Mr. Parker said no; only the people on the lease can live on that property, anyone else can only stay 2 weeks. Mr. Parker said the site manager keeps track of it, and if they continue to stay on the property, the tenant will be evicted. Ms. Shuler asked how soon construction would be started and Mr. Parker said approximately one year. Ms. Shuler asked about fencing, but Mr. Parker said they have no fencing planned.

Ricky Hall made a motion for approval with the following conditions: The project will supply sidewalks on Cheeks Lane and the final site plan must be submitted and approved by TRC before building permits are issued. Second was by Kenneth Dixon. The vote was 7 to 0.

e. Discussion of Development Ordinance. It was the consensus of the Board to table this item until the next meeting.

No further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician

DRAFT



STAFF REPORT

Prepared by Nathan Page, Interim City Planner

Apex View UBD and Community Center (SUP1501)

Type of Request: Special Use Permit

Meeting Dates

Planning Board on March 17, 2015

City Council on April 14, 2015

Contact Information

Thangaraju Muruegsan

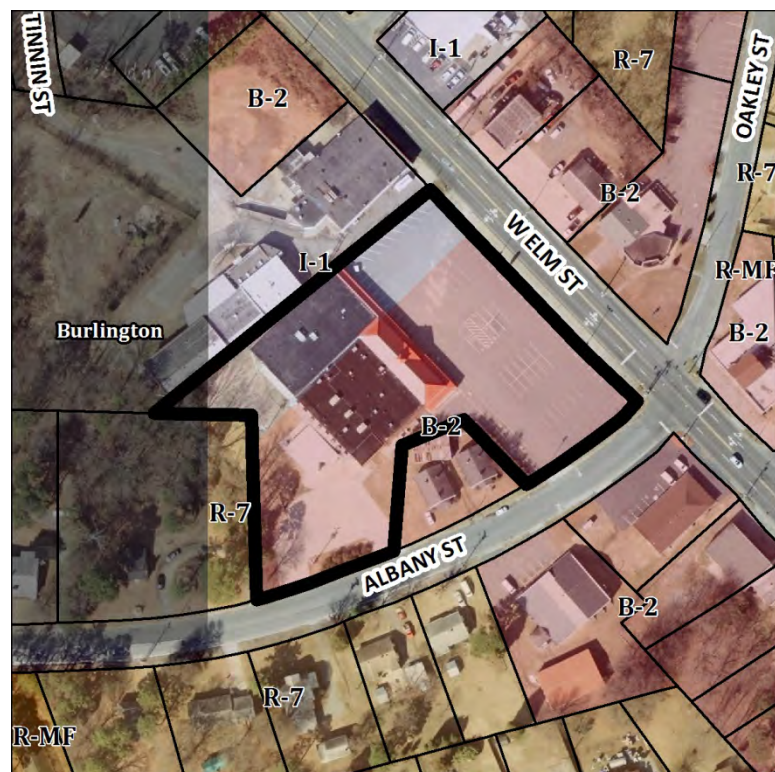
503 Front Ridge Dr. Cary NC 27519

919-308-0255

apexview14@yahoo.com

Summary

This is a request for a Special Use Permit for a Community Center and Unified Business Development (UBD) for property located at 602 W. Elm St. There is an existing building on the site – previously the Simmons Center. The existing drive-thru is to be utilized. The total building square footage is 23,000, with two 4,000 sq ft units, and one 15,000 sq ft unit. Additionally, one of the smaller units is proposed as a community center.



Location

602 W. Elm St

GPIN: 8874759635

Proposed Special Use

Unified Business Development
and Community Center

Current Zoning

Light Industrial (I-1) and General
Business (B-2)

Overlay District

N/A

Surrounding Zoning

B-2, R-7, & I-1

Surrounding Land Uses

Single Family Houses, Duplex
Houses, General Businesses &
Light Industrial

Public Water & Sewer

Yes

Floodplain

No

Staff Recommendation

Approval

This site was originally developed in 1967, as a multi-tenant building (unified business development). This occurred before the adoption of a Special Uses clause for buildings with multiple tenants in our ordinance. However, given that the site remained vacant for greater than 180 days, a new Special Use Permit is now required to allow for multiple tenants. The location currently has 110 parking spaces.

The building, with a total of about 23,000 sq ft, was subdivided into three units (1, 2, and 3). Unit 1 is about 15,000 sq ft and was used as a supermarket/grocery and meat market business. Units 2 and 3, about 4,000 sq ft and 4,100 sq ft, remained vacant spaces that can be used for any purpose. Currently, one prospective tenant intends to use Unit 2 to run a Party hall/Event center/Community center. Some other proposed uses are to run a non-profit adoption and rescue center, church, gym, or dollar tree etc. in Unit 3.

Since the proposal is to use an existing building as is, no landscaping is required to be installed by the owner. However, if the owner were to expand over 3,000 sq ft or begin new construction, they would have to meet landscaping requirements in relation to the expansion or new construction.

Conformity to the *Growth Management Plan (GMP)* and Other Adopted Plans

Planning District: North

Development Type: Highway Commercial

Applicable Goals to Guide Us into the Future

- 6.1.2. Continue to support efforts that identify, restore and/or reuse cultural and historic structures, buildings, monuments, and neighborhoods. *The existing structure was constructed in 1967, and this special use permit would allow a reuse of the building which has been vacant for some time.*
- 6.2.3. Provide various and adequate community facilities for all residents throughout the city. *This special use permit would allow a privately owned community center facility in the northern part of the city.*
- 6.3.2 Encourage commercial development that utilizes effective landscaping and buffering to aid in improving the overall aesthetics of the community. *The development on this site pre-dates current landscaping ordinances. Unless alterations specified above take place, no landscaping will be required.*
- 6.3.2. Prohibit the encroachment of commercial development into established or planned residential areas. *The building is located in an identified highway commercial corridor.*
- 6.3.8. Encourage the reuse and revitalization of unused or underutilized structures and properties. *This special use permit would allow new uses in an existing building which has been underutilized.*

Description of Development Type

North

Development Toolkit Checklist

Located near a major thoroughfare

With commercial and Office/Institutional Uses

Characteristics include strip development, automobile orientation, sidewalks, landscaping, buffering, on-site parking

10,001 to 100,000 sq ft of retail

Infrastructure includes water, sewer, street connectivity and underground utilities

Applicable Planning District Policies and Recommendations

- 7.3.4.1.1. Encourage infill development within the district, as well as redevelopment efforts of deteriorating structures. *This special use permit would permit the reuse of a building designed as a shopping center.*
- 7.3.4.1.5. Prohibit the continuation of additional commercial strip development along major thoroughfares. *The development will not add additional commercial strip, but reuse a site which was already developed as auto-oriented.*

DRAFT Findings of Fact and Conclusions

In granting a special use permit, the City Council shall find that all of the six conditions listed below have been met, or it shall be denied. Staff has prepared the following DRAFT findings of fact for each of the six conditions. These findings should be modified by the Council as it considers its decision.

1. All applicable regulations of the zoning district in which the use is proposed are complied with.
 - *The property is zoned B-2 and I-1. "Unified Business Development" is permitted in both the B-2 and I-1 districts. The property will allow all uses allowed in a B-2 district, with the exceptions as noted our ordinance, under section 10.149.*
 - *The existing signs appear to conform to our ordinance. Any new or replaced signs will need sign permits.*
 - *The existing building may be nonconforming with respect to side and rear yard setbacks, but no new construction is proposed that would increase these nonconformities.*
 - *The property may also be nonconforming with regards to screening of adjacent residentially zoned properties.*
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
 - *There are no conditions specific to "community centers."*
 - *All uses permitted in the B-2 district are permitted in a Unified Business Development, with the exception of certain uses which are not permitted. The only use specified for this Unified Business Development is the community center. That use is permitted in the B-2 district with a special use permit, and is not prohibited in Unified Business Developments. All future uses to be located within the UBD will be required to obtain a Zoning Permit prior to occupancy.*
 - *All uses shall be completely enclosed in buildings except for plant sales, sidewalk cafes, and permitted drive-in uses. The proposed uses are completely enclosed, with the exception of the proposed drive-thru window. Drive-in establishments offering goods or services directly to customers in parked cars shall be permitted only when the locations of the builds and access drives have been approved by the city council. This proposal includes a drive-thru window, which is seeking the approval of City Council.*
 - *An opaque screen shall be provided wherever, in the city council's judgment, such screening is necessary to shield adjacent residential districts. There is a residential zone to the rear of the building, zoned R-7, and currently occupied by single family residential.*
 - *Off-street parking for 110 spaces is currently provided. A 15,000 sq ft grocery would require 75 spaces, the 4,100 sq ft community center 21 spaces, and a 4,000 sq ft service establishment dealing frequently with the public another 20. This would require a total of 116. However, if the*

uses are service establishments dealing infrequently with the public and low-volume retailers, the smaller units could require as little as 14 additional parking spaces, for a total of 89. If all three units require 1 spot per 200 sq ft (the required for high volume retail, service establishments dealing frequently with the public, and community centers), the site would require 6 additional spaces.

- *The property is located along a major thoroughfare, minor arterial, or collector street (existing or proposed). This UBD abuts West Elm Street/Highway 87, which is a principal arterial.*
 - *The property is also nonconforming for landscaping, but would not be required to meet current ordinances unless the site adds more than 3,000 sq ft. or constructs a new building. In which case, said modifications would only be required in relation to the expansion or new construction.*
3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
 - *The reuse of the location as a shopping center will not materially endanger the public health or safety.*
 4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.
 - *The proposed UBD will not substantially injure the value of adjoining property.*
 5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.
 - *The community center and unified business district will be located along a major road in a highway commercial corridor and is in general conformity with the Growth Management Plan 2000-2020*
 6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.
 - *Public water and sewer, parking and loading, service entrances and areas, utilities, and signs and lighting are satisfactorily provided.*
 - *Vehicle circulation is being proposed to remain as is. City Council must approve the proposed location of the drive-thru window, as well as access drives.*
 - *Parking is being proposed to remain as is.*

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends approval** of the Special Use Permit. The following supports this recommendation:

- The development furthers goals of the *Growth Management Plan* and is in conformance with the Highway Commercial development type.
- The development meets all six conditions required by Section 10.144 of the *Development Ordinance*.

RECEIVED

JAN 21 2015

CITY OF GRAHAM
INSP. / P.Z.

Application for SPECIAL USE PERMIT

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

Uses shown as "S" in the *City of Graham Development Ordinance*, Section 10.135 Table of Permitted Uses, require a Special Use Permit before the use will be permitted in the zoning district. Applicants are strongly encouraged to consult with the City Planner to understand the requirements for the proposed special use and the information that will be needed as part of this application.

Site

Street Address: 602 W. Elm Street, Graham, NC
Tax Map#: 134490 GPIN: 8874759635
Current Zoning District(s): B-2 and I-1
Overlay District, if applicable:
☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54
Current Use: Vacant building
Property Owner: APEX VIEW VENTURES, LLC
Mailing Address: 1608 BRAMBLETON COURT
City, State, Zip: GRAHAM, NC 27253
Phone # (952) 942-8714
Email: APEXVIEW14@YAHOO.COM

Applicant and Project Contact

Name: THANGARAJU MURUEGSAN
☒ Property Owner ☐ Other _____
Mailing Address: 503 FRONT RIDGE DR
City, State, Zip: CARY, NC 27519
Phone # (919) 308-0255
Email: APEXVIEW14@YAHOO.COM

I certify that all information furnished is true to the best of my knowledge. I have provided all information needed to demonstrate that all requirements of the proposed special use will be met.

Signature of Applicant

Date

Signature of Property Owner
(if other than applicant)

Date

Office Use Only. DEVID#

SUP 1501

Proposed Special Use

Proposed Use (from Sec. 10.135 Table of Permitted Uses):
Community center *Unified Business Development*

☒ Check if this use is also listed in
Section 10.149 Special uses listed

This application **must include sufficient information** to demonstrate that all requirements of the proposed special use will be met. Check which of the following are submitted with this application:

☐ Preliminary Site Plan

☒ Descriptive Information

The building with about 23000 sqft. was subdivided into three Units (1, 2 and 3).

The Unit 1 with about 15000 sqft was used for supermarket/grocery and meat market business while the Unit 2 (about 4000 sqft.) and Unit 3 (about 4100 sqft.) were never been used for anything rather they were maintained as vacant spaces/open spaces that can be used for any purposes.

Currently, one of our prospective tenants intended to use Unit 2 to run a Party hall/Event center/Community center.

Some others proposed to run a non-profit adoption and rescue center, church, gym and dollar tree etc. in Unit 3.

The building has 110 parking spaces.

☐ Additional sheets of Descriptive Information

Because applications for a Special Use Permit go through the public hearing process, applicants are encouraged to contact neighboring property owners prior to the public hearing.

Other Requirements

☐ NCDOT Driveway Permit, if a new or relocated driveway is proposed on a NCDOT road, or for existing driveways if the use of the property is changing



PLANNING BOARD

Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with the "City of Graham Growth Management Plan 2000-2020" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

Apex View UBD and Community Center (SUP1501)

Type of Request
Special Use Permit

Meeting Dates
Planning Board on March 17, 2015
City Council on April 14, 2015

☐ I move to **recommend APPROVAL** of the application as presented.

☒ I move to **recommend APPROVAL with the following conditions:**

- o The existing drive-thru window be closed and the lane be removed.

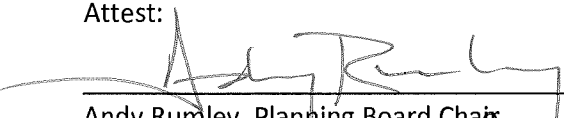
☐ I move to **recommend DENIAL**.

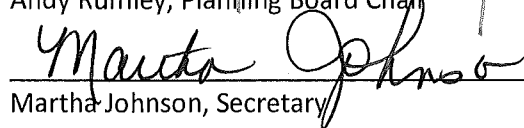
☒ The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.

☐ The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

This report reflects the recommendation of the Planning Board, this the 17th day of February, 2015.

Attest:


Andy Rumley, Planning Board Chair


Martha Johnson, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the comprehensive plan and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

Apex View UBD and Community Center (SUP1501)

Type of Request
Special Use Permit

Meeting Dates
Planning Board on March 17, 2015
City Council on April 14, 2015

1. Choose one...

- ☐ I move that the application be **APPROVED as presented**.
- ☐ I move that the application be **APPROVED with the following conditions**:
- The existing drive-thru window be closed and the lane be removed.
 - [Insert additional or other conditions]
- ☐ I move that the application be **DENIED**.

2. Choose one...

- ☐ I move to adopt the Findings of Fact and Conclusions of Law **as presented in the staff report**.
- ☐ I move to adopt the Findings of Fact and Conclusions of Law presented in the staff report **with the following revisions**:
- [Clearly describe revisions]

3. Choose one...

- ☐ The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.
- ☐ The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

4. State reasons...

This action is reasonable and in the public interest for the following reasons:

- The proposed special use permit is compatible with the area and meets all six conditions required by Section 10.144 of the *Development Ordinance*.
- [insert additional or other reasons]

This report reflects the decision of the City Council, this the 14rd day of April, 2015. Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

SUBJECT:	ANNEXATION OF PROPERTY AT KIMREY RD
PREPARED BY:	NATHAN PAGE, INTERIM CITY PLANNER

REQUESTED ACTION:

Approve the following (separately):

1. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-58.1 for Property on KIMREY RD
2. Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-58.2 for Property on KIMREY RD

BACKGROUND/SUMMARY:

The attached petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is the parcel located on KIMREY RD (Tract 1; 84.433 acres, and Tract 2; 3.901 acres).

The annexation process has multiple steps. The preliminary steps following receipt of a petition are to adopt two resolutions that are outlined in the "Requested Action" above. Approval of these resolutions does not finalize the annexation as Council is required to advertise and conduct a public hearing, followed by a vote on an annexation ordinance.

FISCAL IMPACT:

The fiscal impact of this property is negligible. The 88.334 acres are currently valued around \$5.489.33/acre.

STAFF RECOMMENDATION:

Approval. The adoption of the requested resolutions simply moves forward the annexation process.

SUGGESTED MOTION(S):

1. I move we approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-58.1 for Property on KIMREY RD.
2. I move we approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-58.2 for Property on KIMREY RD.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1
FOR PROPERTY ON KIMREY ROAD

WHEREAS, a petition requesting annexation of an area described in said petition was received on March 31st, 2015, by the Graham City Council; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City of Graham City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation:

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham that:

The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

Gerald R. Peterman, Mayor

ATTEST:

Darcy L. Sperry, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2
FOR PROPERTY ON KIMREY ROAD

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Graham, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main St., Graham, NC at 7:00pm on May 5, 2015.

Section 2. The area proposed for annexation is described as follows:

**TRACT 1 AREA TO BE ANNEXED
METES & BOUNDS DESCRIPTION**

BEING A TRACT OF LAND SITUATED AT THE NORTHWEST RIGHT OF WAY OF KIMREY ROAD (S.R. 2125), A PORTION OF TAX IDS: 159502 & 159503, SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT NCGS STATION "GUVERNOR" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 839,741.12 AND EAST 1,897,712.00;

THENCE, S 72°50'06" E, A HORIZONTAL GRID DISTANCE OF 2,798.27 FEET TO A CALCULATED POINT, **THE POINT OF BEGINNING**;

THENCE, IN A CLOCKWISE DIRECTION, N 54°37'42" E, 1,141.25 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2,030.00', A DELTA OF 003°31'27", AN ARC LENGTH OF 124.87 FEET AND A CHORD OF 124.85 FEET BEARING N 52°51'58" E TO A CALCULATED POINT;

THENCE, N 51°06'15" E, 149.89 FEET TO A FOUND ¾" PIPE, THE WESTERN CORNER OF THAT WAL-MART STORES EAST LP PARCEL RECORDED IN BOOK 3352, PAGE 601, ACR;

THENCE, S 40°31'34" E, 2,757.64 FEET TO A FOUND ¾" PIPE ON THE NORTHERLY RIGHT OF WAY LINE OF KIMREY ROAD (60' PUBLIC RIGHT OF WAY), MAP BOOK 65, PAGE 177, ACR;

THENCE, WITH THE NORTHERLY RIGHT OF WAY OF KIMREY ROAD THESE FOLLOWING SEVEN (7) COURSES;

1. S 62°26'38" W, 214.93 FEET TO A CALCULATED POINT;
2. S 63°31'49" W, 130.18 FEET TO A CALCULATED POINT;
3. S 67°35'48" W, 218.73 FEET TO A CALCULATED POINT;
4. S 68°20'37" W, 305.36 FEET TO A CALCULATED POINT;
5. S 67°47'44" W, 316.89 FEET TO A CALCULATED POINT;
6. S 68°42'20" W, 171.75 FEET TO A CALCULATED POINT;
7. S 69°59'44" W, 129.24 FEET TO A CALCULATED POINT;

THENCE, N 40°23'47" W, 2,423.69 FEET TO **POINT OF BEGINNING**, AND CONTAINING 84.433 ACRES OR 3,677,901.57 SQUARE FEET OF LAND, AS SHOWN ON THAT "FINAL PLAT SHOWING: CORPORATE LIMITS EXTENSION CITY OF GRAHAM" MAP PREPARED BY THE SURVEY COMPANY INC., DATED MARCH 27, 2015. SIGNED BY CHARLES S. LOGUE, NC PLS #L-4212.

**TRACT 2 AREA TO BE ANNEXED
METES & BOUNDS DESCRIPTION**

BEING A TRACT OF LAND SITUATED AT THE NORTHEAST RIGHT OF WAY GOVERNOR SCOTT FARM ROAD (S.R. 2124), A PORTION OF TAX IDS: 159502 & 159503, SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT NCGS STATION "GUVERNOR" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 839,741.12 AND EAST 1,897,712.00;

THENCE, S 42°43'16" E, A HORIZONTAL GRID DISTANCE OF 2205.66 FEET TO A FOUND #4 REBAR IN THE CENTERLINE OF GOVERNOR SCOTT FARM ROAD (A 60' WIDE PUBLIC RIGHT OF WAY), **THE POINT OF BEGINNING**;

THENCE, IN A CLOCKWISE DIRECTION, N 49°51'03" E, 35.78 FEET TO A CALCULATED POINT, ON THE EASTERN PROPERTY LINE OF THAT CARL A. WESTMAN PARCEL RECORDED IN BOOK 2976, PAGE 166, ACR;

THENCE, S 46°24'08" E, 40.91 FEET TO A CALCULATED POINT;

THENCE, N 60°06'44" E, 61.91 FEET TO A CALCULATED POINT;

THENCE, N 51°58'56" E, 192.96 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2,970.00', A DELTA OF 001°23'56", AN ARC LENGTH OF 72.51 FEET AND A CHORD OF 72.51 FEET BEARING N 51°16'58" E TO A CALCULATED POINT;

THENCE, N 50°34'59" E, 713.53 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2,430.00', A DELTA OF 004°02'43", AN ARC LENGTH OF 171.56 FEET AND A CHORD OF 171.53 FEET BEARING N 52°36'21" E TO A CALCULATED POINT;

THENCE, N 54°37'42" E, 1,307.72 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 1,970.00', A DELTA OF 003°31'27", AN ARC LENGTH OF 121.17 FEET AND A CHORD OF 121.16 FEET BEARING N 52°51'58" E TO A CALCULATED POINT;

THENCE, N 51°06'15" E, 148.18 FEET TO A CALCULATED POINT ON THE WESTERLY LINE OF THAT KIMREY FARMS LLC PARCEL RECORDED IN BOOK 3304, PAGE 397, ACR;

THENCE, S 40°31'38" E, 60.00 FEET TO A FOUND ¾" PIPE, THE WESTERN CORNER OF THAT WAL-MART STORES EAST LP PARCEL RECORDED IN BOOK 3352, PAGE 601, ACR;

THENCE, S 51°06'15" W, 149.89 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2,030.00', A DELTA OF 003°31'27", AN ARC LENGTH OF 124.87 FEET AND A CHORD OF 124.85 FEET BEARING S 52°51'58" W TO A CALCULATED POINT;

THENCE, S 54°37'42" W, 1,141.25 FEET TO A CALCULATED POINT;

THENCE, S 54°37'42" W, 166.48 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2,370.00', A DELTA OF 004°02'43", AN ARC LENGTH OF 167.32 FEET AND A CHORD OF 167.29 FEET BEARING S 52°36'21" W TO A CALCULATED POINT;

THENCE, S 50°34'59" W, 713.53 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 3,030.00', A DELTA OF 001°23'56", AN ARC LENGTH OF 73.98 FEET AND A CHORD OF 73.98 FEET BEARING S 51°16'58" W TO A CALCULATED POINT;

THENCE, S 51°58'56" W, 194.25 FEET TO A CALCULATED POINT;

THENCE, S 42°53'55" W, 62.14 FEET TO A CALCULATED POINT;

THENCE, S 30°08'32" E, 85.24 FEET TO A CALCULATED POINT;

THENCE, S 51°43'22" W, 27.77 FEET TO A CALCULATED POINT IN THE CENTERLINE OF GOVERNOR SCOTT FARM ROAD;

THENCE, N 38°16'38" W, 202.27 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 3.901 ACRES OR 175,618.05 SQUARE FEET OF LAND, AS SHOWN ON THAT "FINAL PLAT SHOWING: CORPORATE LIMITS EXTENSION CITY OF GRAHAM" MAP PREPARED BY THE SURVEY COMPANY INC., DATED MARCH 27, 2015. SIGNED BY CHARLES S. LOGUE, NC PLS #L-4212.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Gerald R. Peterman, Mayor

ATTEST:

Darcy L. Sperry, City Clerk



Petition for ANNEXATION

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

To the City Council of the City of Graham, NC:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed into the City of Graham.

☒ If applicable as "income-based": We believe that this petition meets the requirements of G.S. 160A-31(b1).

☐ If applicable as "distressed": We believe that this petition meets the requirements of G.S. 160A-31(j).

2. The area to be annexed is ☐ contiguous ☒ non-contiguous to the City of Graham and the boundaries of such territory are as follows:

General description of area to be annexed

The area to be annexed will consist of two tracts containing portions of parcels 159502 & 159503. Tract 1 is approximately 84.433 acres, and tract 2 is approximately 3.901 acres. Tract 2 will serve as a 60' road right of way.

Attach the following:

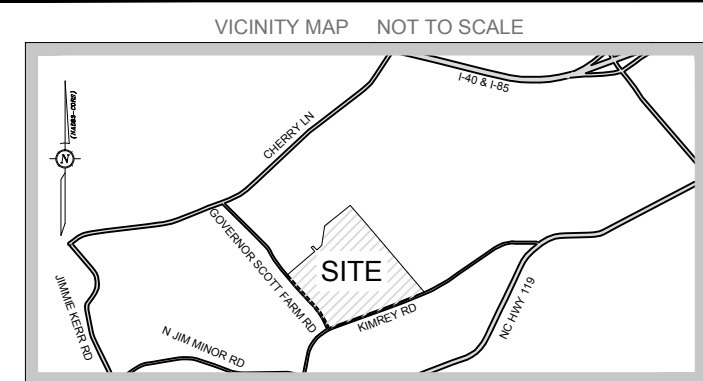
☒ Annexation Plat – 1 paper copy, 2 mylars and 1 pdf. In addition to standard plat information, also include tax map numbers of all parcels and total square miles and acreage of area to be annexed.

☒ Metes and Bounds Description – 1 paper and 1 digital copy

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate yes below and attach proof.)

Name	Address	Vested rights?	Signature
SCOTT MAYO PROPERTIES LLC - WILLIAM C SCOTT JR	840 PLANTATION DR		<i>William C Scott Jr</i> PRESIDENT

attach additional sheets if necessary...



CITY OF GRAHAM (ZONING ENFORCEMENT OFFICER CERTIFICATION)

NO APPROVAL REQUIRED UNDER ARTICLE VIII, 10.336 OF THE CITY OF GRAHAM DEVELOPMENT ORDINANCES.

PLANNER DATE

CERTIFICATE OF ACCURACY

I, CHARLES S. LOGUE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY DIRECTION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1667, PAGE 706, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED; THAT THE RATIO OF PRECISION AS CALCULATED IS LESS THAN 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE TO G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS _____ DAY OF _____, A.D., 2015.

CHARLES S. LOGUE, PLS L-4212 DATE

NC STANDARD SURVEYORS CERTIFICATION

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION IN BOOK 1667, PAGE 706 OF THE ALAMANCE COUNTY REGISTRY; THAT THE RATIO OF PRECISION IS GREATER THAN 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS _____ DAY OF _____, A.D., 2015.

CHARLES S. LOGUE, PLS L-4212 DATE

GENERAL NOTES

1. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS UNLESS OTHERWISE NOTED.
2. ALL AREAS ARE CALCULATED BY THE COORDINATE COMPUTATION METHOD.
3. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
4. ALL CORNERS MONUMENTED AS SHOWN.
5. THE HORIZONTAL DATUM IS NAD83 (CORS) VRS DERIVED THE VERTICAL DATUM IS NAVD83 (CORS) VRS DERIVED
6. NO NORTH CAROLINA GRID CONTROL MONUMENT WAS FOUND WITHIN 2000 FEET OF SUBJECT PROPERTY.

CERTIFICATE OF PURPOSE OF PLAT

I, CHARLES S. LOGUE, REGISTERED LAND SURVEYOR NO. L-4212, CERTIFY TO ONE OR MORE OF THE FOLLOWING:

- ☐ A. THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS ONE ORDINANCE THAT REGULATES PARCELS OF LAND;
- ☐ B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
- ☐ C. ANY ONE OF THE FOLLOWING:
1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
 2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE;
 3. THAT THE SURVEY IS A CONTROL CORNER.
- ☐ D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
- ☐ E. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

CHARLES S. LOGUE, PLS L-4212 DATE

REVIEW OFFICER CERTIFICATION

STATE OF NORTH CAROLINA, COUNTY OF ALAMANCE

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

REVIEW OFFICER DATE

LEGEND

LINETYPES USED

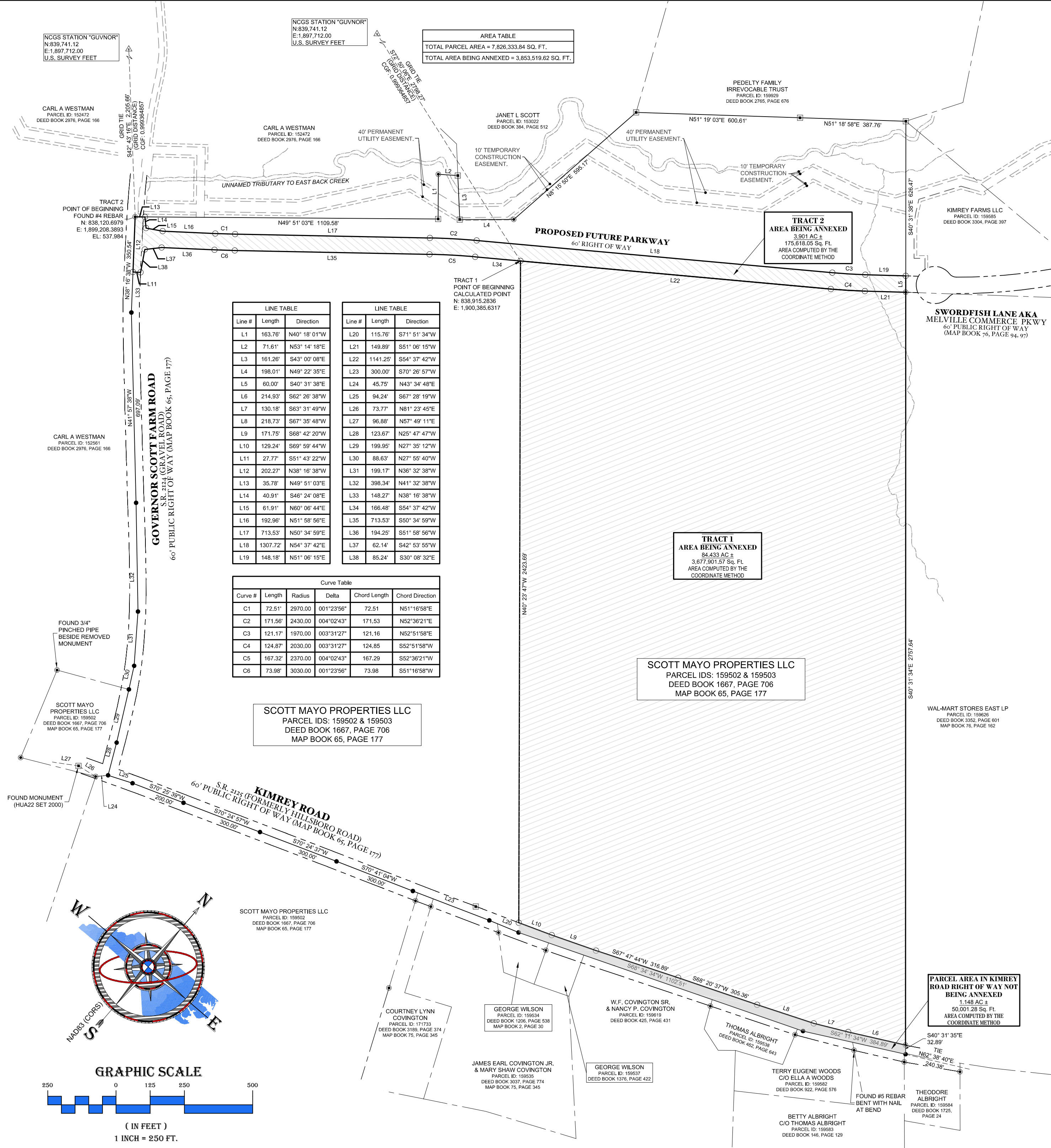
- PROPERTY LINE SURVEYED
- PROPERTY LINE NOT SURVEYED
- RIGHT-OF-WAY LINE

SYMBOLS USED

- FOUND PROPERTY CORNER
- SET #4 REBAR OR MAG NAIL
- FOUND CONC. MONUMENT / STONE
- CALCULATED POINT
- △ CONTROL POINT

HATCHES USED

- AREA IN RW NOT BEING ANNEXED
- AREA TO BE ANNEXED



THE SURVEY COMPANY, INC.

4105-B STUART ANDREW BLVD
CHARLOTTE, NC 28217
(704) 561-9970 (704) 561-9972 FAX

WWW.SURVEYCO.COM
NORTH CAROLINA FIRM
REGISTRATION NUMBER C-1716

FINAL PLAT SHOWING:
CORPORATE LIMITS EXTENSION
CITY OF GRAHAM
PORTION OF TAX PARCELS 159502 & 159503
KIMREY ROAD
MELVILLE TOWNSHIP
ALAMANCE COUNTY - NORTH CAROLINA

PROPERTY OWNER:
SCOTT MAYO PROPERTIES LLC
P.O. BOX 2690
BURLINGTON, NC 27216

PREPARED FOR:
LITTLE DIVERSIFIED CONSULTING
5815 WESTPARK DRIVE
CHARLOTTE, NC 28217
704-561-3472
DAVID POWLEN, RLA

PROJECT NUMBER: LTL60
SURVEYED BY: JCF
DRAWN BY: CCG
CHECKED BY: CSL
ISSUE DATE: 03/27/2015

CAD FILE: LTL60 ANNEX PLAT.dwg

CERTIFICATE OF SUFFICIENCY

To the Graham City Council of the City of Graham, North Carolina:

I, Darcy L. Sperry, City Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

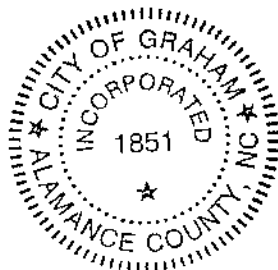
I further find that the area meets the standards for a noncontiguous area as specified in G.S. 160A-58.1(b), in that:

1. The petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area in relation to the City of Graham and the City of Mebane primary corporate limits.
2. The petition includes the names and addresses of all owners of real property lying in the area described therein.
3. The petition includes the signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S. 160A-58.1(a).
4. The nearest point on the proposed satellite corporate limits is no more than three (3) miles from the primary corporate limits of the City;
5. Although closer to the City of Mebane, there is an annexation agreement in place that allows the annexation of the proposed satellite;
6. The satellite area is so situated that the City will be able to provide the same services as are provided within its primary corporate limits;
7. The proposed satellite area does not contain any portion of a subdivision;
8. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the City, does not exceed ten percent (10%) of the area within the primary corporate limits of the City [or indicate that the municipality has a modification to this requirement pursuant to an act of the General Assembly].

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Graham, this the 14th day of April, 2015.


City Clerk

SEAL





STAFF REPORT

Prepared by Nathan Page, Interim City Planner

Graham Manor (CR1501)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on March 17, 2015

City Council on April 14, 2015

Contact Information

James B. Smith, United Developers, Inc.

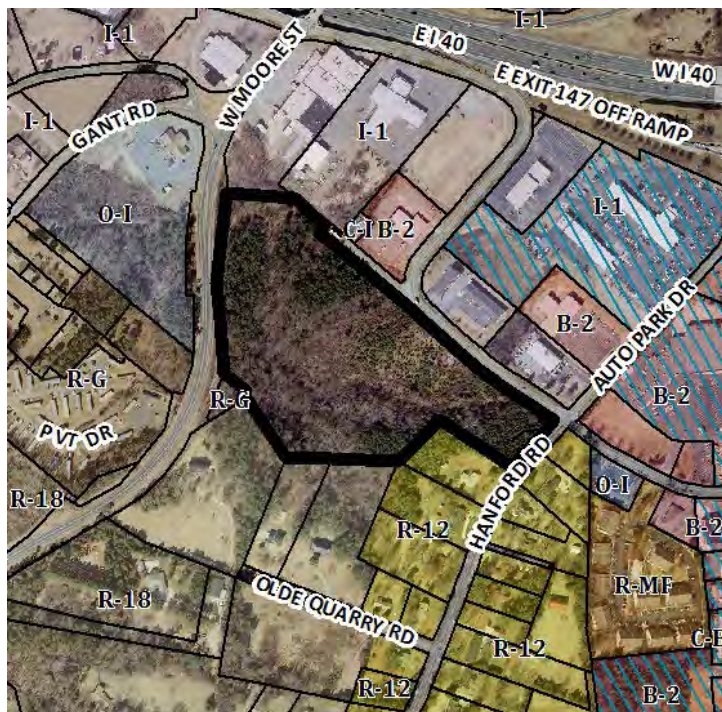
2939 Breezewood Ave, Ste 201

Fayetteville, NC 28303

910-485-6600; jsmith@dugginssmith.com

Summary

This is a request to rezone the subject property from R-18 to C-R to construct a 56-unit senior rental community. The parcel is currently wooded. One stream crosses the property and there is a 50-foot PNG gas line easement on the front of the property next to Auto Park Dr.



The applicant is proposing to rezone the property to C-R in accordance with the preliminary site plan and building elevations prepared by MDG, dated March 4, 2015. The proposal is for a 56-unit senior rental community consisting of a two-story residential building. Internal to the building are a chapel, library, hair salon, and a game room. The applicant also proposes to construct a gazebo and outdoor seating area, as well as a path which encircles the property. Some additional specifics:

- 50 two-bedroom units and 6 one-bedroom; six will be fully accessible

Location

Auto Park Dr and Hanford Rd

GPIN: 8883091817

Current Zoning

Residential (low density) (R-18)

Proposed Zoning

Conditional Residential (C-R)

Overlay District

none

Surrounding Zoning

R-18, R-12, B-2 & I-1

Surrounding Land Uses

Single Family Houses and
General Businesses

Size

18.2 acres

Density

3.1 DU/acre

Public Water & Sewer

Yes, along Auto Park Dr and
Hanford Rd

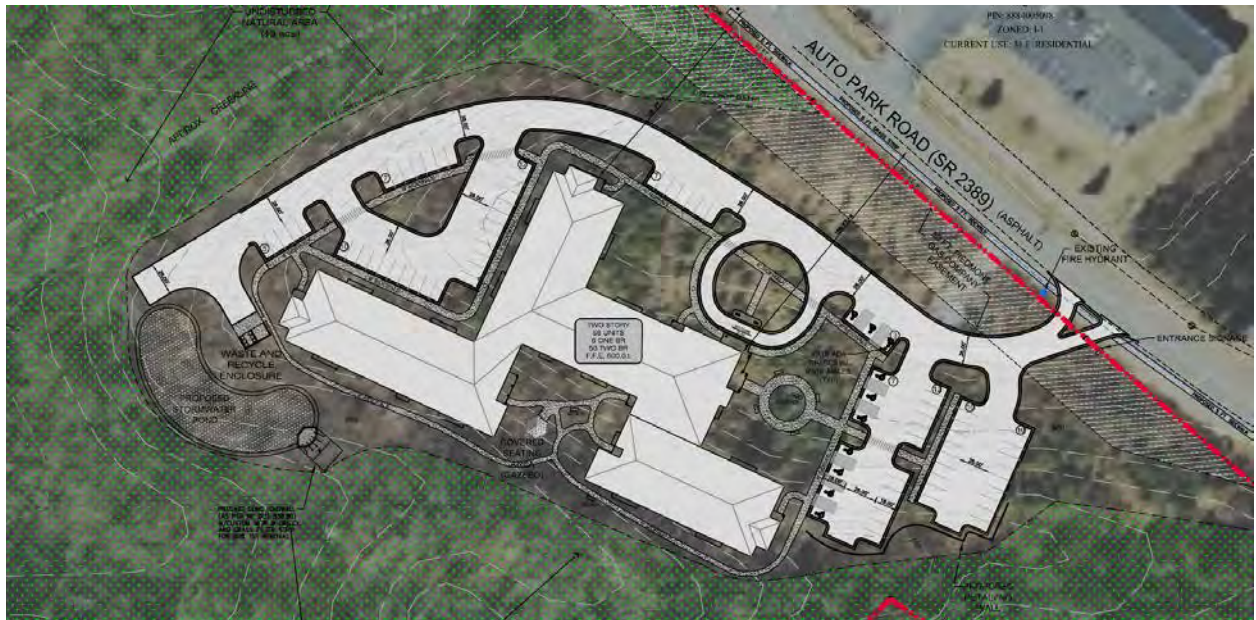
Floodplain

No

Staff Recommendation

Approval, with condition

- 84 parking spaces, including 10 ADA compliant spaces
- Erosion control to meet stormwater requirements
- Thirteen acres of undisturbed natural area



Technical Review Committee

The TRC reviewed the preliminary site plan and met with the applicant on February 2, 2015. The applicant has resubmitted a site plan which will go before TRC for approval after Planning Board meets. Some preliminary TRC comments that may impact the overall development include:

- The riparian buffer for the northern stream is 50 feet from the top of bank; this may impact the location of buildings and parking
- Wetlands must be delineated on site

Conformity to the *Growth Management Plan (GMP)* and Other Adopted Plans

Applicable Goals to Guide Us into the Future

- 6.1.1. Support efforts to protect sensitive natural resources including wetlands, waterways, slopes, floodplains, etc. *There is one stream and potentially wetlands on this site. The development will be required to abide by riparian buffer requirements.*
- 6.1.3. Enforce landscaping standards to help beautify and buffer development sites. *The proposal will, upon final TRC approval, adhere to the City's landscaping requirements.*
- 6.3.1. Prohibit residential development that is in close proximity to incompatible uses or provide proper buffering to protect existing uses and new development. *The proposal includes a large undisturbed natural area between the development and adjacent single family homes and will itself serve as a transition between existing commercial and industrial developments and single family houses.*
- 6.3.7. Encourage the incorporation of open space design within new developments. *The proposal includes a walking trail and other common open and undisturbed areas.*

Applicable Planning District Policies and Recommendations

- 7.4.4.1.3. Provide a transitional buffer between the proposed commercial and village centers and existing or proposed single-family neighborhoods that would consist of landscaping, multi-family developments and/or townhouse developments. *The proposed multifamily development and adjacent undisturbed natural areas would provide a transition between existing single family houses and the commercial and industrial development along S Main St, Auto Park Dr and W Crescent Square Dr.*
- 7.4.4.1.7. Encourage residential development that conserves land along rivers, creeks and tributaries to protect environmentally sensitive areas, promote open space preservation, and provide a natural

Planning District

Central

Development Type

Neighborhood Residential
adjacent to Highway Commercial

Located near a major
thoroughfare

For single family residential
and townhouses

Characteristics include
open space; parks included with
development; pedestrian-
oriented; automobile-oriented;
sidewalks; street trees;
landscaping

Density of 3+ DU/acre

Infrastructure includes
water, sewer, street connectivity
and underground utilities

buffer for waterways. *The development will include approximately 13 acres of undisturbed natural area adjacent to a creek and will be required to abide by riparian buffer requirements.*

- 7.4.4.1.8. Encourage neighborhood residential development in remaining undeveloped areas that are adjacent to existing residential developments. Additionally, interconnectivity between neighborhoods should be a priority for new developments. *The proposed multifamily development is on a large undeveloped tract that backs up to existing residential development and is across the street from commercial and light industrial developments. The streams and existing surrounding development make new road connections difficult.*

Graham Pedestrian Plan

- Recommends a five-foot sidewalk on Hanford Road and Auto Park Drive as a lower priority, long-term project. *The developer has proposed a sidewalk along Hanford Road and a portion of Auto Park Drive.*

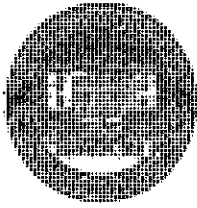
Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends approval** of the Conditional Rezoning, **with the following condition(s)**:

- The final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.
- The size and layout of the stormwater treatment device will be evaluated as part of final site plan review. If these necessitate a shift in the location of buildings or parking, these revisions will maintain the general layout of the site as proposed and will conform to all ordinance requirements for multifamily, or they will be considered major revisions.

The following supports this recommendation:

- The development furthers a number of goals of the *Growth Management Plan*. While it is not strictly consistent with the Development Toolkit Checklist for Neighborhood Residential because it is multifamily as opposed to townhouses, the proposal is at a similar scale and density to what could be expected of a multifamily development and provides a large forested buffer.
- The development complies, or will comply upon final site plan approval, with the standards of the *Development Ordinance*.



Application for REZONING or CONDITIONAL REZONING

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

This application is for both general district rezonings and conditional rezonings. Applications are due on the 25th of each month. Applicants are encouraged to consult with the City of Graham Development Ordinances and the City Planner.

Site

Street Address: AUTO PARK DRIVE

Tax Map#: 143787 GPIN: 8883091817

Current Zoning District(s):

☐ R-7 ☐ R-9 ☐ R-12 ☐ R-15 ☒ R-18
☐ R-MF ☐ R-G ☐ C-R ☐ C-MXR
☐ B-1 ☐ B-2 ☐ B-3 ☐ C-B ☐ C-MXC
☐ O-1 ☐ C-O-1 ☐ I-1 ☐ I-2 ☐ C-1

Overlay District, if applicable:

☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54

Current Use: VACANT

Total Site Acres: 18.06 +/-

Property Owner: INTEGRITY COMMUNITY CHURCH

Mailing Address: 2420-H CORPORATION PKWY.

City, State, Zip: BURLINGTON, NC 27215

Applicant

☐ Property Owner Other PROPOSED DEVELOPER

Application for Conditional Rezoning may only be initiated by the owner of a legal interest in all affected property, any person having an interest in the property by reason of written contract with owner, or an agent authorized in writing to act on the owner's behalf. If the applicant for Conditional Rezoning is other than the Property Owner, documentation in compliance with the preceding statement must be provided in order for this application to be complete.

Name: JAMES B. SMITH, UNITED DEVELOPERS, INC.

Mailing Address: 2939 BREEZEWOOD AVE.

City, State, Zip: FAYETTEVILLE, NC 28303

Phone #: 910-485-6600

Email: J.SMITH@DUGGINSSMITH.COM

I have completed this application truthfully and to the best of my ability.

Signature of Applicant

Date

OWNER

Thomas C. Wrenn

DATE

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

☐ R-7 ☐ R-9 ☐ R-12 ☐ R-15 ☐ R-18
☐ R-MF ☐ R-G ☒ C-R ☐ C-MXR
☐ B-1 ☐ B-2 ☐ B-3 ☐ C-B ☐ C-MXC
☐ O-1 ☐ C-O-1 ☐ I-1 ☐ I-2 ☐ C-1

Describe the purpose of this rezoning request. For Conditional Rezoning, also specify the actual use(s) intended for the property (from Sec. 10.135 Table of Permitted Uses) along with other descriptive or pertinent information, such as number of dwelling units, type of multifamily development, square footage and number of buildings:

DEVELOPMENT OF 56 UNIT SENIOR HOUSING APARTMENTS, MIX OF 50 2-BR + 6 1-BR UNITS. LANDSCAPED AND IRRIGATED GROUNDS. PARKING SPACES TO MEET CITY OF GRAHAM REQUIREMENTS. BUILDING WILL BE TWO STORY WITH COMPUTER CENTER, MULTI-PURPOSE ROOM, FREE WASHER/DRYER USAGE. COVERED BUILDING ENTRY/DROPOFF. ELEVATOR WILL ALSO BE PROVIDED

For Conditional Rezoning, this application must be accompanied by a Preliminary Site Plan and supporting information specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined ordinance requirements, will govern the development and use of the property.

☒ Site Plan Review Application *must be attached to this application for Conditional Rezoning*

Office Use Only: Devlop

Valid Option to Purchase between Integrity Community Church and United Developers, Inc. on file.

[illegible]



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with the "City of Graham Growth Management Plan 2000-2020" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Graham Manor
(CR1501)**

Type of Request
Conditional Rezoning

Meeting Dates
Planning Board on March 17, 2015
City Council on April 14, 2015


- ☐ I move to **recommend APPROVAL** of the application as presented.
- ☒ I move to **recommend APPROVAL with the following conditions:**
- The final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.
 - The size and layout of the stormwater treatment device will be evaluated as part of final site plan review. If these necessitate a shift in the location of buildings or parking, these revisions will maintain the general layout of the site as proposed and will conform to all ordinance requirements for multifamily, or they will be considered major revisions.
 - A fence be provided between the undisturbed areas to the rear and sides of the property with the intention of safeguarding the residents from the undisturbed areas.
 - The undisturbed area be undisturbed for at least 30 years.

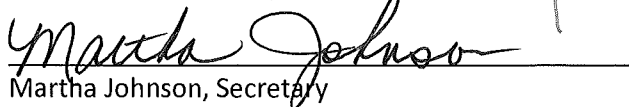
☐ I move to **recommend DENIAL**.

-
- ☒ The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.
- ☐ The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

This report reflects the recommendation of the Planning Board, this the 17th day of March, 2015.

Attest:


Andy Rumley, Planning Board Chairman


Martha Johnson, Secretary

City Council Decision & Statement of Consistency



Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "City of Graham Growth

Management Plan 2000-2020" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

Graham Manor (CR1501)

Type of Request
Conditional Rezoning

Meeting Dates
Planning Board on March 17, 2015
City Council on April 14, 2015

Choose one...

- ☐ I move that the application be **APPROVED**.
- ☐ I move that the application be **APPROVED with the following conditions**:
- The final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.
 - The size and layout of the stormwater treatment device will be evaluated as part of final site plan review. If these necessitate a shift in the location of buildings or parking, these revisions will maintain the general layout of the site as proposed and will conform to all ordinance requirements for multifamily, or they will be considered major revisions.
 - A fence be provided between the undisturbed areas to the rear and sides of the property with the intention of safeguarding the residents from the undisturbed areas.
 - The undisturbed area be undisturbed for at least 30 years.
 - [Insert additional or other conditions]
- ☐ I move that the application be **DENIED**.

Choose one...

- ☐ The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.
- ☐ The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

- [insert reasons]

This report reflects the decision of the City Council, this the 14th day of May, 2015.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Interim City Planner

DaVita at Kourescent (SUP8301)

Type of Request: Special Use Permit
Amendment

Meeting Dates

Planning Board on March 17, 2015
City Council on April 14, 2015

Contact Information

Richard Porterfield with Total Renal Care, Inc.
2451 Cumberland Parkway #3633
Atlanta, GA
30339 richard.porterfield@davita.com
(240) 893-2521

Summary

This is a request to amend the Special Use Permit for a Unified Business Development (UBD) currently known as Kourescent Square, located on S Main St, W Crescent Square Dr and Auto Park Dr. Specifically, the proposal is to construct a new doctor's office on the parcel located at the corner of W Crescent Square Drive and Auto Park Drive.

The Special Use Permit for this shopping center was approved on October 4, 1983 and included a site plan. Because that site plan is unavailable for reference, an amendment to the Special Use Permit is needed in order to add a building on this lot.



Location

835 S Main St

GPIN: 8883192554, 8883195723
& 8883195412

Proposed Special Use

amendment for
Unified Business Development

Current Zoning

General Business (B-2)

Overlay District

Hwy 87/S Main St

Surrounding Zoning

R-18, R-7, R-12, R-MF,
O-I, B-2 & I-1

Surrounding Land Uses

Single Family Houses, Multifamily,
Offices & General Businesses

Public Water & Sewer

Yes

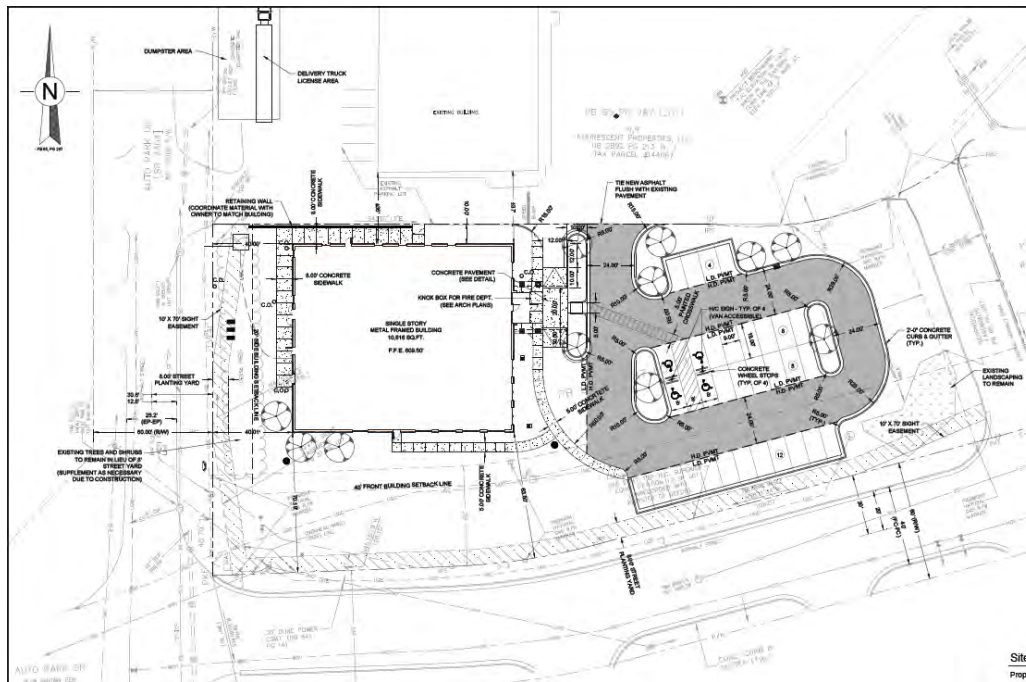
Floodplain

No

Staff Recommendation

Approval with conditions

A preliminary site plan, prepared by Triad Design Group, was submitted as part of the application. The proposal is for a 10,616 square foot building and 30 parking spaces, as shown on the preliminary site plan. The location has a 50' wide natural gas easement which follows along W. Crescent Square Drive and will require internal planting for many of the canopy trees.



Technical Review Committee

The TRC reviewed the preliminary site plan and met with the applicant on March 2, 2015. Major findings are:

- A reduction in parking should be considered due to the plentiful parking within the UBD.
- Landscaping does not meet ordinance requirements, and should be placed outside of sightlines from the travel lanes (particularly existing the property to the east of the parcel).
- Sidewalks should be provided along both street frontages
- Analysis showing downstream storm drainage capacity should be completed
- Remove retaining wall further from travel lane
- A "disturbed area" line must be shown on the map
- Disturbed area must remain below one acre or stormwater regulations will kick in

Conformity to the *Growth Management Plan (GMP)* and Other Adopted Plans

Applicable Goals to Guide Us into the Future

- 6.2.1. Reduce and restrict the number of curb cuts and driveways along major arterials. *The proposal uses existing driveways and does not create any new driveways along Auto Park Drive or W Crescent Square Dr.*
- 6.3.2. Encourage commercial development within designated village centers as opposed to continued commercial strip development. *This commercial development is an amendment to a Special Use Permit for a unified business development that was approved in 1983.*

Applicable Planning District Policies and Recommendations

- 7.4.4.1.2. Limit direct highway access or the number of curb cuts to commercial activities by directing development to proposed regional and village centers and requiring internal connectivity between commercial uses, as well as uniformity in design standards. *The proposal uses existing driveways and does not create any new driveways along Auto Park Drive or W Crescent Square Dr.*

Graham Pedestrian Plan

- Recommends a five-foot sidewalk on this section of Auto Park Drive as a priority project.

Planning District

Central

Development Type

Highway Commercial

Located near a major thoroughfare

For commercial and office/institutional

Characteristics include automobile-oriented; design requirements; sidewalks; street trees; landscaping; buffering/screening; parking provided on-site; height of structures regulated; controlled access; building orientation

10,001 to 100,000sf of retail

Infrastructure includes water, sewer, street connectivity and underground utilities

DRAFT Findings of Fact and Conclusions

In granting a special use permit, the City Council shall find that all of the six conditions listed below have been met, or it shall be denied. Staff has prepared the following DRAFT findings of fact for each of the six conditions. These findings should be modified by the Council as it considers its decision.

1. All applicable regulations of the zoning district in which the use is proposed are complied with.
The property is zoned B-2. "Unified Business Development" is permitted in the B-2 zoning district with a Special Use Permit. The proposed development meets the area, height and yard regulations. Signs will require a sign permit.
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
The following requirements are specific to this use:
 - *Such developments shall abut a major thoroughfare, minor arterial, or collector street (existing or proposed). This existing Unified Business Development abuts NC 87/S Main St, which is a major thoroughfare.*
 - *All uses permitted in the B-2 district are permitted in a Unified Business Development, with the exception of certain uses which are not permitted. Doctor's offices are permitted in the B-2 district and are not prohibited in a Unified Business Development.*
 - *All business establishments shall be retail or service establishments dealing directly with the public. The proposed office directly serves the public.*
 - *All uses shall be completely enclosed in buildings except for plant sales, sidewalk cafes, and permitted drive-in uses. The proposed office is completely enclosed.*

○ *An opaque screen shall be provided wherever, in the city council's judgment, such screening is necessary to shield adjacent residential districts. There are no adjacent residential districts that would require screening.*

3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.

The proposed office, to be located within an existing Unified Business Development, will not materially endanger the public health or safety.

4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.

The proposed office, to be located within an existing Unified Business Development, will not substantially injure the value of adjoining property.

5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.

The proposed office, to be located within an existing Unified Business Development, is a commercial use that will be located in an existing highway commercial corridor and is in general conformity with the Growth Management Plan 2000-2020.

6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.

Satisfactory provision has been made for vehicle circulation, parking, service entrances and areas, utilities, and lighting.

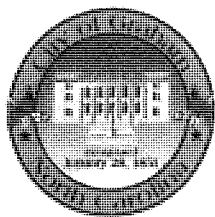
Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends approval** of the Special Use Permit amendment, **with the following conditions**:

- The applicant will construct a sidewalk along W. Crescent Square Drive and Auto Park Drive.
- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued. As part of final site plan review, the layout of the parking and sidewalks may change to meet *Development ordinance* and other requirements, including NCDOT.

The following supports this recommendation:

- The development furthers goals of the *Growth Management Plan* and will be upon final site plan approval in conformance with the Highway Commercial development type.
- The development will comply upon final site plan approval with the standards of the *Development Ordinance*.
- The development meets, or will meet upon final site plan approval, all six conditions required by Section 10.144 of the *Development Ordinance* if approved with the recommended conditions.



Application for SPECIAL USE PERMIT

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

Uses shown as "S" in the *City of Graham Development Ordinance*, Section 10.135 Table of Permitted Uses, require a Special Use Permit before the use will be permitted in the zoning district. Applicants are strongly encouraged to consult with the City Planner to understand the requirements for the proposed special use and the information that will be needed as part of this application.

Site

Street Address: Crescent Sq.
Tax Map#: 144064 GPIN: 8883192554
Current Zoning District(s): B-2
Overlay District, if applicable:
☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54
Current Use: Vacant
Property Owner: KOURESCENT PROPERTIES LLC
Mailing Address: PO BOX 850
City, State, Zip: BURLINGTON, NC 27216
Phone # _____
Email: _____

Applicant and Project Contact

Name: Richard Porterfield with Total Renal Care, Inc.
☐ Property Owner Other Lessee
Mailing Address: 2451 Cumberland parkway #3633
City, State, Zip: Atlanta, GA 30339
Phone # (240) 893-2521
Email: richard.porterfield@davita.com

I certify that all information furnished is true to the best of my knowledge. I have provided all information needed to demonstrate that all requirements of the proposed special use will be met.

Signature of Applicant _____ Date 2/20/2015
Signature of Property Owner _____ Date _____
(if other than applicant)

Office Use Only. DEVID#

Proposed Special Use

Proposed Use (from Sec. 10.135 Table of Permitted Uses):
Medical Office

☐ Check if this use is also listed in
Section 10.149 Special uses listed

This application **must include sufficient information** to demonstrate that all requirements of the proposed special use will be met. Check which of the following are submitted with this application:

- ☒ Preliminary Site Plan
☒ Descriptive Information

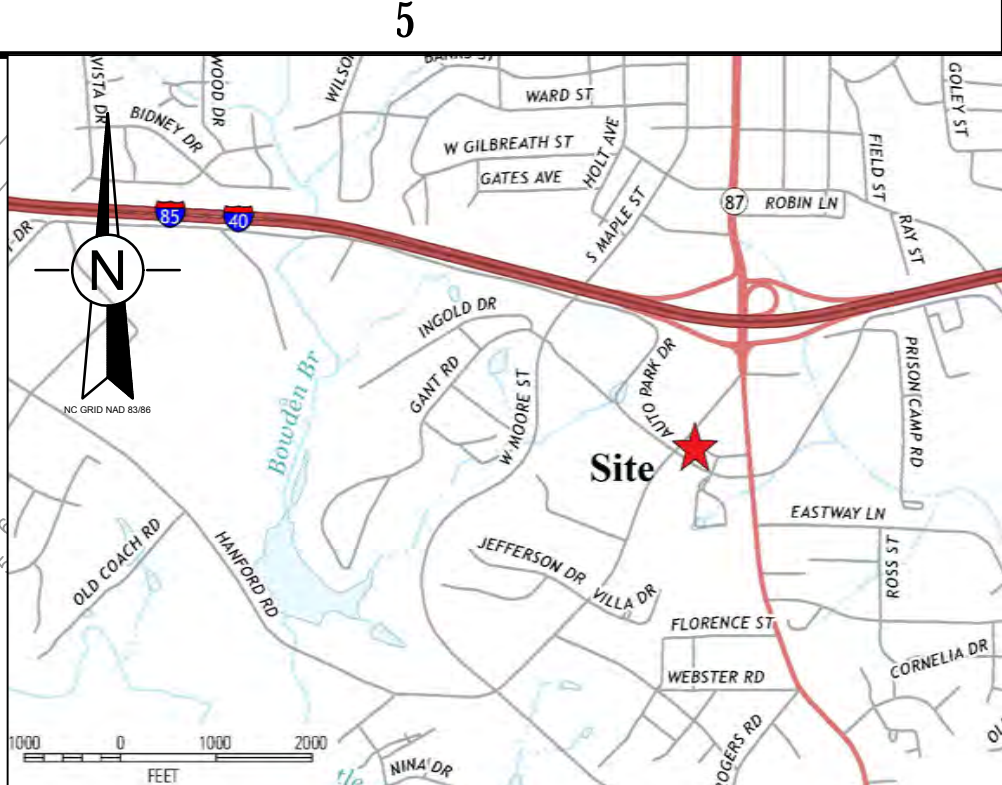
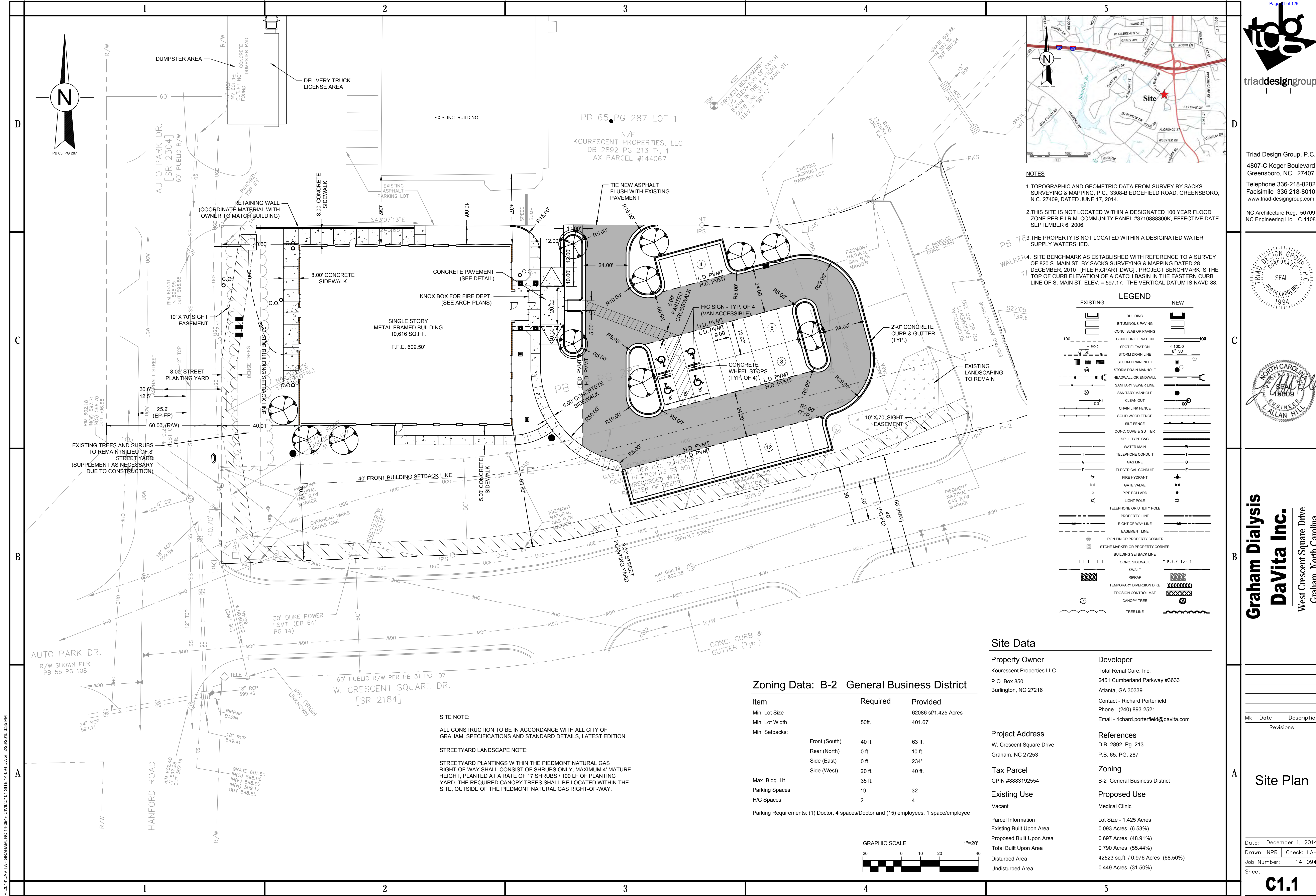
The proposed project is the construction of a new 10,486 SF single story medical clinic with 32 parking spaces on a 1.425 acre vacant parcel on the NE corner of Auto Park Dr. and W. Crescent Square Dr. in the City of Graham, NC.

☐ Additional sheets of Descriptive Information

Because applications for a Special Use Permit go through the public hearing process, applicants are encouraged to contact neighboring property owners prior to the public hearing.

Other Requirements

- ☐ NCDOT Driveway Permit, if a new or relocated driveway is proposed on a NCDOT road, or for existing driveways if the use of the property is changing



NOTES

1. TOPOGRAPHIC AND GEOMETRIC DATA FROM SURVEY BY SACKS SURVEYING & MAPPING, P.C., 3308-B EDGEFIELD ROAD, GREENSBORO, N.C. 27409, DATED JUNE 17, 2014.

2. THIS SITE IS NOT LOCATED WITHIN A DESIGNATED 100 YEAR FLOOD ZONE PER F.I.R.M. COMMUNITY PANEL #371088300K, EFFECTIVE DATE SEPTEMBER 6, 2006.

3. THE PROPERTY IS NOT LOCATED WITHIN A DESIGNATED WATER SUPPLY WATERSHED.

4. SITE BENCHMARK AS ESTABLISHED WITH REFERENCE TO A SURVEY OF 820 S. MAIN ST. BY SACKS SURVEYING & MAPPING DATED 28 DECEMBER, 2010 [FILE H:CPART.DWG]. PROJECT BENCHMARK IS THE TOP OF CURB ELEVATION OF A CATCH BASIN IN THE EASTERN CURB LINE OF S. MAIN ST. ELEV. = 597.17'. THE VERTICAL DATUM IS NAVD 88.

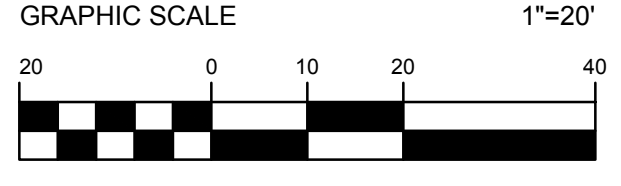
LEGEND	
EXISTING	NEW

Site Data	
Property Owner Kourescent Properties LLC P.O. Box 850 Burlington, NC 27216	Developer Total Renal Care, Inc. 2451 Cumberland Parkway #3633 Atlanta, GA 30339 Contact - Richard Porterfield Phone - (240) 893-2521 Email - richard.porterfield@davita.com
Project Address W. Crescent Square Drive Graham, NC 27253	References D.B. 2892, Pg. 213 P.B. 65, PG. 287
Tax Parcel GPIN #8883192554	Zoning B-2 General Business District
Existing Use Vacant	Proposed Use Medical Clinic
Parcel Information Existing Built Upon Area Proposed Built Upon Area Total Built Upon Area Disturbed Area Undisturbed Area	Lot Size - 1.425 Acres 0.093 Acres (6.53%) 0.697 Acres (48.91%) 0.790 Acres (55.44%) 42523 sq.ft. / 0.976 Acres (68.50%) 0.449 Acres (31.50%)

Zoning Data: B-2 General Business District			
Item	Required	Provided	
Min. Lot Size	-	62086 sft/1.425 Acres	
Min. Lot Width	50ft.	401.67'	
Min. Setbacks:			
Front (South)	40 ft.	63 ft.	
Rear (North)	0 ft.	10 ft.	
Side (East)	0 ft.	234'	
Side (West)	20 ft.	40 ft.	
Max. Bldg. Ht.	35 ft.		
Parking Spaces	19	32	
H/C Spaces	2	4	
Parking Requirements: (1) Doctor, 4 spaces/Doctor and (15) employees, 1 space/employee			

SITE NOTE:
ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL CITY OF GRAHAM, SPECIFICATIONS AND STANDARD DETAILS, LATEST EDITION

STREET/YARD LANDSCAPE NOTE:
STREET/YARD PLANTINGS WITHIN THE PIEDMONT NATURAL GAS RIGHT-OF-WAY SHALL CONSIST OF SHRUBS ONLY, MAXIMUM 4' MATURE HEIGHT, PLANTED AT A RATE OF 17 SHRUBS / 100 LF OF PLANTING YARD. THE REQUIRED CANOPY TREES SHALL BE LOCATED WITHIN THE SITE, OUTSIDE OF THE PIEDMONT NATURAL GAS RIGHT-OF-WAY.



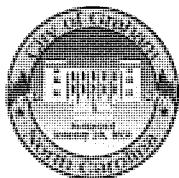
triaddesigngroup

Triad Design Group, P.C.
4807-C Koger Boulevard
Greensboro, NC 27407
Telephone 336-218-8282
Facsimile 336 218-8010
www.triad-designgroup.com

NC Architecture Reg. 50709
NC Engineering Lic. C-1108

Graham Dialysis
Davita Inc.
West Crescent Square Drive
Graham, North Carolina

Date: December 1, 2014
Drawn: NPR Check: LAH
Job Number: 14-094
Sheet: **C1.1**



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with the "City of Graham Growth Management Plan 2000-2020" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

**DaVita Dialysis
(SUP8301 DaVita)**

Type of Request
Special Use Permit Amendment

Meeting Dates
Planning Board on March 17, 2015
City Council on April 14, 2015

☐ I move to **recommend APPROVAL** of the application as presented.

☒ I move to **recommend APPROVAL with the following conditions:**

- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued. As part of final site plan review, the layout of the parking and sidewalks may change to meet *Development ordinance* and other requirements, including NCDOT.
- A sidewalk in-lieu-of payment be made to the City of Graham, as addressed by section 10.347 (c)(5).


☐ I move to **recommend DENIAL**.

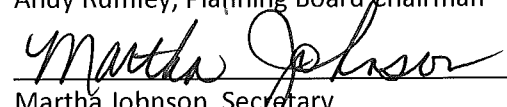
☒ The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.

☐ The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

This report reflects the recommendation of the Planning Board, this the 17th day of March, 2015.

Attest:


Andy Rumley, Planning Board Chairman


Martha Johnson, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the comprehensive plan and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

DaVita Dialysis (SUP8301 DaVita)

Type of Request

Special Use Permit Amendment

Meeting Dates

Planning Board on March 17, 2015
City Council on April 14, 2015

1. Choose one...

- ☐ I move that the application be **APPROVED as presented.**
- ☐ I move that the application be **APPROVED with the following conditions:**
- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued. As part of final site plan review, the layout of the parking and sidewalks may change to meet *Development ordinance* and other requirements, including NCDOT.
 - A sidewalk in-lieu-of payment be made to the City of Graham, as addressed by section 10.347 (c)(5).
 - [Insert additional or other conditions]
- ☐ I move that the application be **DENIED.**

2. Choose one...

- ☐ I move to adopt the Findings of Fact and Conclusions of Law **as presented in the staff report.**
- ☐ I move to adopt the Findings of Fact and Conclusions of Law presented in the staff report **with the following revisions:**
- [Clearly describe revisions]

3. Choose one...

- ☐ The application **is consistent** with the *City of Graham Growth Management Plan 2000-2020.*
- ☐ The application **is not fully consistent** with the *City of Graham Growth Management Plan 2000-2020.*

4. State reasons...

This action is reasonable and in the public interest for the following reasons:

- The proposed special use permit is compatible with the area and meets all six conditions required by Section 10.144 of the *Development Ordinance.*
- [insert additional or other reasons]

This report reflects the decision of the City Council, this the 14th day of April, 2015. Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Interim City Planner

Border Street Multifamily (RZ1501)

Type of Request: Rezoning

Meeting Dates

Planning Board on March 17, 2015

City Council on April 14, 2015

Contact Information

Chris Foust

1851 S Main St, Graham, NC 27253

336-516-1888; kfoust@mcphersongrading.com

Summary

This is a request to rezone the subject property from R-7 to R-MF. The property is currently vacant. The stated reason for this rezoning request is "to rezone for 2-3 attached duplex units." The properties would be rentals removing the need to subdivide the plot.



Location

515 Border St

GPIN: 8874799174

Current Zoning

Residential (high density) (R-7)

Proposed Zoning

Residential (multifamily) (R-MF)

Overlay District

none

Surrounding Zoning

R-7 & R-MF

Surrounding Land Uses

Multi and Single family and
Vacant

Size

0.47 acres

Public Water & Sewer

Yes

Floodplain

No

Staff Recommendation

Approval

Conformity to the *Growth Management Plan (GMP)* and Other Adopted Plans

Applicable Goals to Guide Us into the Future

- 6.3.1. Encourage the conversion and development of higher density residential development around the downtown and other designated activity areas. *This rezoning would permit the development of higher density residential development in an area that is not around the downtown or a designated activity area.*

Applicable Planning District Policies and Recommendations

- 7.3.3.3 Existing infrastructure (i.e. water, sewer, roads, parks, etc.) reduces the costs of new development. *The site would use existing city infrastructure.*
- 7.3.4.1. Encourage infill development within the district, as well as redevelopment efforts of deteriorating structures. *This rezoning would permit the development of an infill parcel with a variety of residential types, including single family, duplexes, multifamily and townhouses, instead of being limited to only single family.*

Planning District

North

Development Type

Neighborhood Residential

For single family residential and townhouses

Characteristics include open space; parks included with development; pedestrian-oriented; automobile-oriented; sidewalks; street trees; landscaping

Density of 3+ DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends approval** of the rezoning. The following supports this recommendation:

- Rezoning the property does further some goals of the *Growth Management Plan*, such as infill development. It would not be entirely consistent with the Neighborhood Residential development type, however, some adjacent properties are already R-MF.
- Staff feels that a multifamily development on this site could fit in with the surrounding area if properly designed, but simply applying the standards of the *Development Ordinance* would not guarantee a compatible design and site layout. Multi-family dwelling units that look like townhomes would be in character with the GMP 2020 vision of Neighborhood Residential.



Application for REZONING or CONDITIONAL REZONING

RECEIVED
FEB 23 2015

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

This application is for both general district rezonings and conditional rezonings. Applications are due on the 25th of each month. Applicants are encouraged to consult with the *City of Graham Development Ordinances* and the City Planner.

Site

Street Address: 515 Border Street

Tax Map#: 134887 GPIN: 8874877208

Current Zoning District(s):

☒ R-7 ☐ R-9 ☐ R-12 ☐ R-15 ☐ R-18
☐ R-MF ☐ R-G ☐ C-R ☐ C-MXR
☐ B-1 ☐ B-2 ☐ B-3 ☐ C-B ☐ C-MXC
☐ O-I ☐ C-O-I ☐ I-1 ☐ I-2 ☐ C-I

Overlay District, if applicable:

☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54

Current Use: vacant

Total Site Acres: .47

Property Owner: Secure Inc

Mailing Address: 1000 Wade Avenue

City, State, Zip: Raleigh, NC 27605

Applicant

☐ Property Owner Other Chris Foust

Application for Conditional Rezoning may only be initiated by the owner of a legal interest in all affected property, any person having an interest in the property by reason of written contract with owner, or an agent authorized in writing to act on the owner's behalf. If the applicant for Conditional Rezoning is other than the Property Owner, documentation in compliance with the preceding statement must be provided in order for this application to be complete.

Name: Chris Foust

Mailing Address: 1851 S Main St

City, State, Zip: Graham NC 27253

Phone # (336) 516-5013

Email: kfoust@mcphersongrading.com

I have completed this application truthfully and to the best of my ability.

Signature of Applicant

Date

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

☐ R-7 ☐ R-9 ☐ R-12 ☐ R-15 ☐ R-18
☒ R-MF ☐ R-G ☐ C-R ☐ C-MXR
☐ B-1 ☐ B-2 ☐ B-3 ☐ C-B ☐ C-MXC
☐ O-I ☐ C-O-I ☐ I-1 ☐ I-2 ☐ C-I

Describe the purpose of this rezoning request. *For Conditional Rezoning*, also specify the actual use(s) intended for the property (from Sec. 10.135 Table of Permitted Uses) along with other descriptive or pertinent information, such as number of dwelling units, type of multifamily development, square footage and number of buildings:

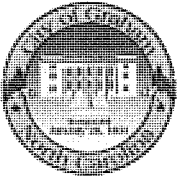
Applicant proposes to rezone to allow for 2-3 attached duplex units. See attached photo of existing duplex located at 307/309 Washington Street.

For Conditional Rezoning, this application must be accompanied by a Preliminary Site Plan and supporting information specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined ordinance requirements, will govern the development and use of the property.

☐ Site Plan Review Application **must be attached to this application for Conditional Rezoning**

Office Use Only. DEVID#

RZ 1501



PLANNING BOARD

Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with the "City of Graham Growth Management Plan 2000-2020" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

Border Street Multifamily (RZ1501)

Type of Request

Rezoning

Meeting Dates

Planning Board on March 17, 2015

City Council on April 14, 2015

☒ I move to **recommend APPROVAL** of the application as presented.


☐ I move to **recommend DENIAL**.

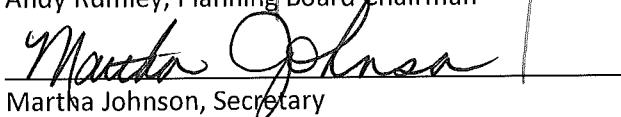
☒ The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.

☐ The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

This report reflects the recommendation of the Planning Board, this the 17th day of March, 2015.

Attest:


Andy Rumley, Planning Board Chairman


Martha Johnson, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "City of Graham Growth Management Plan 2000-2020" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

**515 Border Street
(RZ1501)**

Type of Request
Rezoning

Meeting Dates
Planning Board on March 17, 2015
City Council on April 14, 2015

Choose one...

- ☐ I move that the application be **APPROVED**.
- ☐ I move that the application be **DENIED**.

Choose one...

- ☐ The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.
- ☐ The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

- [insert reasons]

This report reflects the decision of the City Council, this the 14rd day of April, 2015.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Interim City Planner

Patterson Place (Stillhouse Farms) (CR0502)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on March 17, 2015

City Council on April 14, 2015

Contact Information

Mark Richardson 980-318-500

15800 John Delaney Dr, Suite 120

Charlotte NC, 28277

mrichardson@greenwayllc.net

Summary

This is a request to amend the initial Conditional Mixed-Use-Residential (C-MXR) that was approved May 3, 2005. The site remains vacant today. The intention is to redesign the 112 unit townhome section into 80 multi-family dwelling units for seniors. Due to the increased regulations during the interim, the site will now need to comply with our stormwater ordinance.



The applicant is proposing to amend the conditional zoning to allow for a different style of construction and rental units for the Cheeks Lane portion of the property. The preliminary site plans, completed by Cline Design on 2/25/2015, as well as building elevations are enclosed to provide additional information regarding site layout and design.

Location

Cheeks Lane, E Moore Street

GPIN: 8883569808, 8883552739, 8883359916, and 8883367159

Current Zoning

Conditional Mixed Use Residential (C-MXR)

Proposed Zoning

Conditional Mixed Use Residential (C-MXR)

Overlay District

None

Surrounding Zoning

R-18, R-12, B-2 & I-1

Surrounding Land Uses

Single Family Houses, General Businesses, Light Industrial and Undeveloped

Size

approximately 70 acres

Density

3.0 DU/acre

Public Water & Sewer

Water and Sewer will need to be extended by developer

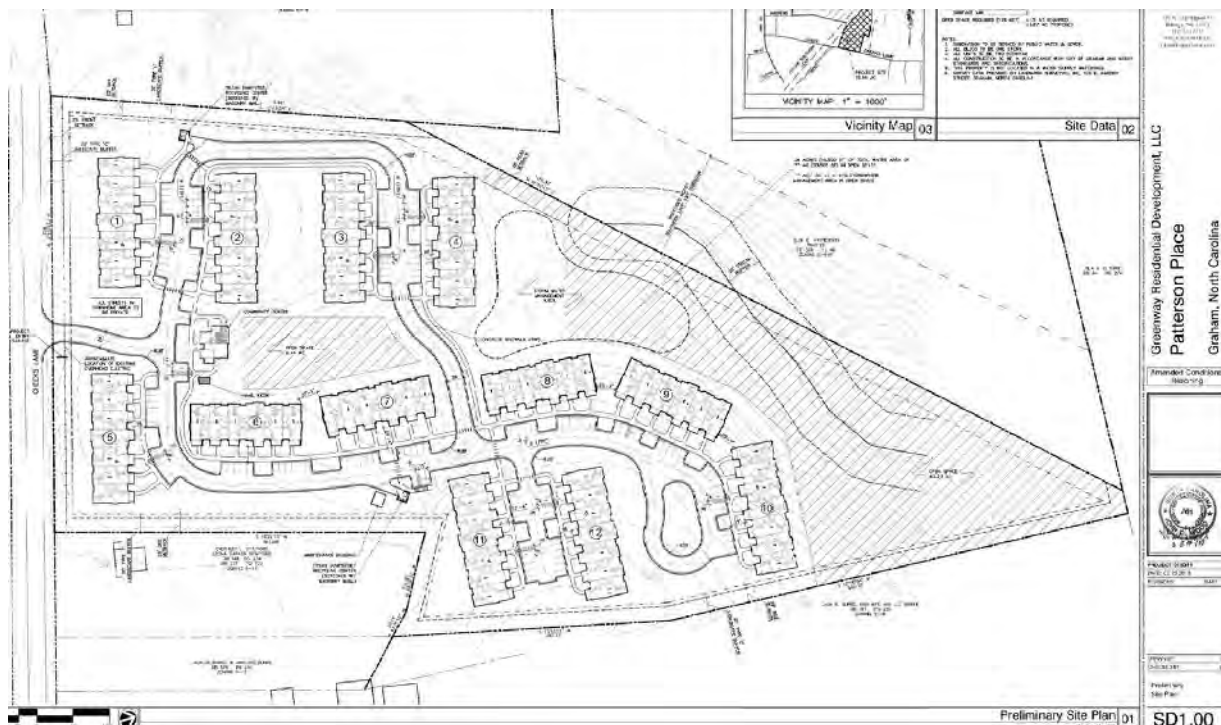
Floodplain

Yes, across portion of property

Staff Recommendation

Approval with conditions

The proposal is for an 80-unit multifamily development consisting of twelve residential buildings, a maintenance building and a community center complex. All buildings are proposed to be one-story tall. The applicant also proposes to provide large areas of open space, as well as a protected corridor for the future Southern Loop.



Technical Review Committee

The TRC reviewed the original preliminary site plan and met with the applicant on March 2, 2015. The following TRC comments have not been addressed on the preliminary site plan:

- Cheeks Lane is identified as a priority corridor in our pedestrian plan. Please provide a sidewalk along Cheeks Lane.
- Plan must address how the property is to be served by water and sewer.
- Stream determination points will need to be field verified.

Conformity to the *Growth Management Plan (GMP)* and Other Adopted Plans

Applicable Goals to Guide Us into the Future

- 6.1.1. Support efforts to protect sensitive natural resources including wetlands, waterways, slopes, floodplains, etc. *Steelhouse Branch Creek crosses the property. The proposed development is set back from the creek and floodplain in accordance with the Development Ordinance.*

- 6.1.3 Enforce landscaping standards to help beautify and buffer development sites. *The proposal includes a type "C" yard buffering all nearby residential properties, as well as a street yard for the portion abutting Cheeks Lane.*
- 6.3.1. Encourage the conversion and development of higher density residential development around the downtown and other designated activity areas. *This proposal is for a higher density residential development in a Traditional Neighborhood Zone.*
- 6.3.1. Prohibit residential development that is in close proximity to incompatible uses or provide proper buffering to protect existing uses and new development. *The proposed dwelling units are adjacent to Cheeks Lane and undeveloped land and low density residential. The location also identifies a corridor for the future Southern Loop.*

Applicable Planning District Policies and Recommendations

- 7.5.4.1.1 Improve the transportation network to allow for east-west corridors in the southern section of Graham, which would alleviate pressures on South Main Street and offer residence alternative transportation routes. *The project protects a potential alignment for the proposed Southern Loop.*
- 7.5.4.1.6 Encourage residential development that conserves land along rivers, creeks and tributaries to protect environmentally sensitive areas, promote open space preservation and provide a natural buffer for waterways. *The proposal includes open space encompassing an identified creek to the northwest of the project.*
- 7.5.4.1.8 Encourage neighborhood residential development in remaining undeveloped areas that are adjacent to existing residential developments. Additionally, interconnectivity between neighborhoods should be a priority for new developments. *The northern portion of the plan, comprised of single family homes, is to connect to existing road ends. The southern portion of the plan, consisting of multi-family dwelling units, is to be divided from the balance of the property by the Southern Loop, and connect only to Cheeks Lane.*

Planning District

South

Development Type

Village Center, Traditional Neighborhood Development and Neighborhood Residential

For single family residential, townhouses, apartments & condominiums, commercial, office/institutional and mixed use

Characteristics include open space; parks included with development; pedestrian-oriented; automobile-oriented; design requirements; sidewalks; street trees; landscaping; buffering/screening; parking provided on-site; height of structures regulated; controlled access; building orientation

Density of 3+ DU/acre or 10,001 to 100,000sf of retail

Infrastructure includes water, sewer, street connectivity and underground utilities

Graham Pedestrian Plan

- Recommends a sidewalk on this section of Cheeks Lane as a high priority project.

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends approval** of the Conditional Rezoning, **with the following conditions:**

- The project will supply a sidewalk along Cheeks Lane.
- The final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.

The following supports this recommendation:

- The development furthers a number of goals of the *Growth Management Plan* and is consistent with the Development Toolkit Checklist for Regional Commercial Center.
- The development complies, or will comply upon final site plan approval, with the standards of the *Development Ordinance*.



Application for REZONING or CONDITIONAL REZONING

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

This application is for both general district rezonings and conditional rezonings. Applications are due on the 25th of each month. Applicants are encouraged to consult with the *City of Graham Development Ordinances* and the City Planner.

Site

Street Address: Cheeks Lane
Tax Map#: 6-15-75 GPIN: 8883552739
Current Zoning District(s):
☐ R-7 ☐ R-9 ☐ R-12 ☐ R-15 ☐ R-18
☐ R-MF ☐ R-G ☐ C-R ☐ C-MXR
☐ B-1 ☐ B-2 ☐ B-3 ☐ C-B ☒ C-MXC
☐ O-I ☐ C-O-I ☐ I-1 ☐ I-2 ☐ C-I
Overlay District, if applicable:
☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54
Current Use: Vacant
Total Site Acres: 15.44
Property Owner: Glenn Patterson
Mailing Address: PO Box 597
City, State, Zip: Burlington NC 27216

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

☐ R-7 ☐ R-9 ☐ R-12 ☐ R-15 ☐ R-18
☐ R-MF ☐ R-G ☐ C-R ☒ C-MXR
☐ B-1 ☐ B-2 ☐ B-3 ☐ C-B ☐ C-MXC
☐ O-I ☐ C-O-I ☐ I-1 ☐ I-2 ☐ C-I

Describe the purpose of this rezoning request. *For Conditional Rezoning*s, also specify the actual use(s) intended for the property (from Sec. 10.135 Table of Permitted Uses) along with other descriptive or pertinent information, such as number of dwelling units, type of multifamily development, square footage and number of buildings:

This proposal is an amendment to the southernmost portion of the Stillhouse Farm Conditional Mixed Use Residential Zoning. It revises this 15.44 acre tract from 112 townhomes to 80 one-story townhomes in the approximate layout as depicted on the accompanying plans. The 80 units are all 2- bedroom units and are incorporated within 12 buildings of either 6 or 7 units each. The project is oriented around a centralized Community Center and large amount of open space in the form of preserved forest and landscaped areas. Walkways will interconnect the community to the open space, community center, mail kiosk, screened trash collection/ recycling centers, picnic areas and other amenities. The amount of open space provided within this parcel has been increased from the previous plan. At the same time, the amount of impervious surface and parking requirement has been decreased since this project will be an age- restricted seniors community. The buildings will have a significant amount of facade variation and undulation. In addition, each unit will have a covered front porch adding to the interest of the building elevations.

For Conditional Rezonings, this application must be accompanied by a Preliminary Site Plan and supporting information specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined ordinance requirements, will govern the development and use of the property.

☒ Site Plan Review Application **must be attached** to this application for Conditional Rezoning

Office Use Only. DEVID#

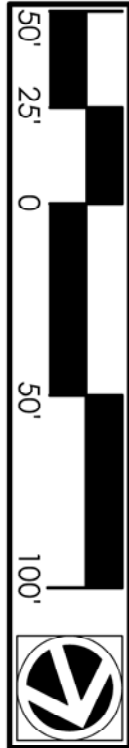
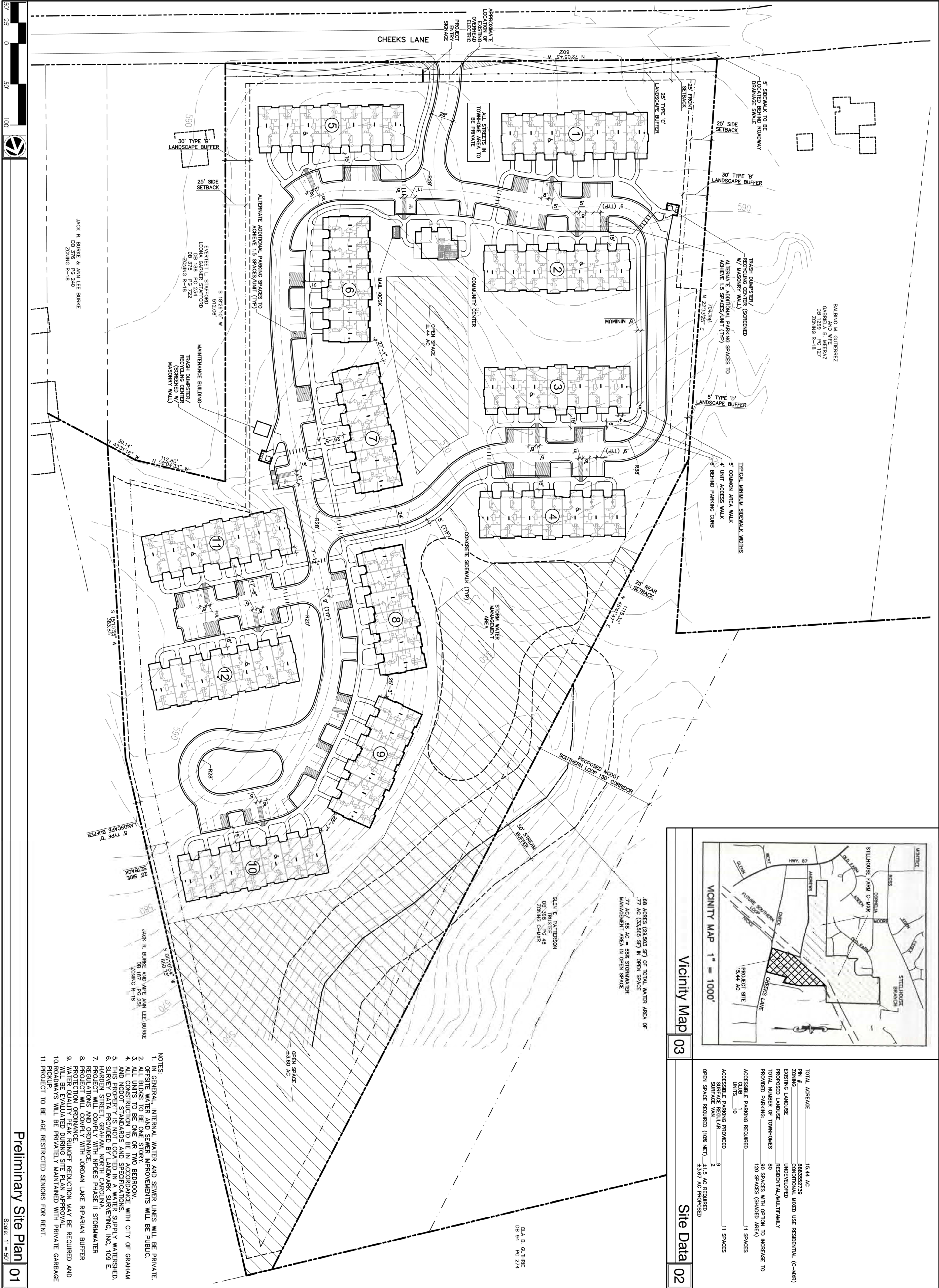
Applicant

☐ Property Owner Other Developer
Application for Conditional Rezoning may only be initiated by the owner of a legal interest in all affected property, any person having an interest in the property by reason of written contract with owner, or an agent authorized in writing to act on the owner's behalf. If the applicant for Conditional Rezoning is other than the Property Owner, documentation in compliance with the preceding statement must be provided in order for this application to be complete.

Name: Mark Richardson
Mailing Address: 15800 John Delaney Tr.
Suite 120
City, State, Zip: Charlotte NC 28277
Phone #: 980-318-5000
Email: MRichardson@greenwayllc.net

I have completed this application truthfully and to the best of my ability.

Signature of Applicant: Mark Richardson Date: 2/25/2015
Greenway Residential
Dev, LLC



JACK R. BURKE & ANN LEE BURKE
DB 376 PG 240
ZONING R-18

Preliminary Site Plan 01

SD1.00

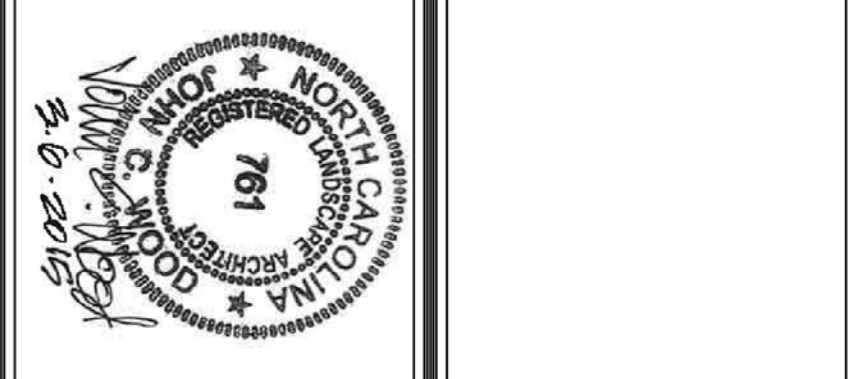
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125 N. Harrington St.
Raleigh, NC 27603
919/833.6413
919/836.1280 FAX
ClineDesignAssoc.com

Greenway Residential Development, LLC
Patterson Place
Graham, North Carolina

Amended Conditional Rezoning



PROJECT: 015011
DATE: 02.25.2015
REVISIONS: 3.6.15

REVISIONS: 3.6.15
DATE: 02.25.2015
PROJECT: 015011
DRAWN BY: SP
CHECKED BY: ML
Preliminary Site Plan



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with the "City of Graham Growth Management Plan 2000-2020" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Stillhouse Farms/Patterson Place
(CR0502)**

Type of Request
Conditional Rezoning


Meeting Dates
Planning Board on March 17, 2015
City Council on April 14, 2015

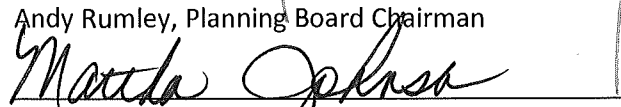
- ☐ I move to **recommend APPROVAL** of the application as presented.
- ☒ I move to **recommend APPROVAL with the following conditions:**
- The project will supply a sidewalk along Cheeks Lane.
 - The final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.
- ☐ I move to **recommend DENIAL**.

- ☒ The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.
- ☐ The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

This report reflects the recommendation of the Planning Board, this the 17th day of March, 2015.

Attest:


Andy Rumley, Planning Board Chairman


Martha Johnson, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "City of Graham Growth Management Plan 2000-2020" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

Stillhouse Farms/Patterson Place (CR0502)

Type of Request
Conditional Rezoning

Meeting Dates
Planning Board on March 17, 2015
City Council on April 14, 2015

Choose one...

- ☐ I move that the application be **APPROVED**.
- ☐ I move that the application be **APPROVED with the following conditions**:
- The project will supply a sidewalk along Cheeks Lane.
 - The final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.
 - [Insert additional or other conditions]
- ☐ I move that the application be **DENIED**.

Choose one...

- ☐ The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.
- ☐ The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

- [insert reasons]

This report reflects the decision of the City Council, this the 14th day of April, 2015.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

2035 Comprehensive Plan

Type of Request:

Adoption of Comprehensive Plan

Meeting Dates

Planning Board on March 17, 2015

City Council on April 14, 2015

Contact Information

Not applicable

Summary

The *Growth Management Plan 2000-2020* has served as the city's comprehensive plan since it was adopted on May 2, 2000. Over the past year and a half, the city has worked to draft a new comprehensive plan to guide the city's decisions over the next 20 years. Key milestones in the development of the *2035 Comprehensive Plan* included:

Location
corporate limits and ETJ

Staff Recommendation
Approval

- In the summer of 2013, a Steering Committee of 19 individuals was formed. The role of the steering committee was to serve as an ambassador of the plan, provide oversight and guidance of the planning effort, review and comment on draft products, and determine the policies and strategies to be included in the plan. The steering committee met 11 times throughout the process.
- With the support of the Community Transformation Grant, the City established a MindMixer site to serve as a platform for community input on the plan. Several local establishments generously donated goods to serve as rewards to encourage participation on the MindMixer site.
- In September 2013, the City issued a Request for Proposals with the intent to hire a consulting firm to prepare the new comprehensive plan. Proposals were due October 4th. The City received 10 proposals, with fees ranging from \$49,950 to \$172,188. Staff reviewed and ranked the proposals, and chose the three highest-ranked to be invited to interview with the Steering Committee.
- On October 17, 2013, the Steering Committee met with presentations and interviews of the three top-ranked consultants. Following the presentations, the Steering Committee discussed and voted Clarion Associates as their first choice consultant, with Renaissance Planning Group as their second.
- The City entered into a contract with Clarion Associates in late October 2013.
- Over four days in January and February, 2014, Clarion interviewed 37 stakeholders. Based on these interviews, combined with review of data and existing plans and trends, the Planning Conditions Report was prepared.
- A public workshop was held on April 8, 2014 at the Graham Recreation Center. About 40 residents attended and provided input on the plan via small group discussion, sticky notes and interactive polling.



Small group discussions at the April 8th public workshop

- Over the summer of 2014, staff and Clarion conducted a scenario planning exercise. That exercise forecasted future population and commercial/industrial growth then described two different development scenarios – status quo and compact, nodal development – both based on the forecasted growth. The results of this exercise were presented in a Growth Options Report.
- On November 17, 2014, a second and final public workshop was held at the Graham Recreation Center. About 20 residents attended and provided input on the draft comprehensive plan, again using sticky notes and interactive polling.



A presentation at the November 17th public workshop

Staff Recommendation

Based on the input received throughout the comprehensive planning process, staff **recommends approval** of the *2035 Comprehensive Plan*.

Suggested Motion:

I move that we adopt the *2035 Comprehensive Plan* as the comprehensive plan for the City of Graham.



Steering Committee members and staff at the final steering committee meeting on January 26, 2015

Steering Committee Members

Allison Russell
resident

Denise Baker
Historic Resources Commission

Destiny Snipes
Graham High School

Elaine Murrin
Appearance Commission

Griffin McClure
downtown business owner and Recreation Commission

Jamie Rollins
Southern High School

Janice McSherry
resident

Jay Cook
business owner

Jennifer Talley
resident and business owner

Keith Parker
resident

Kristin Foust
resident

Larry Brooks
Historic Resources Commission

Lee Kimrey
City Council Member

Mike Conklin
resident

Rev. Miriam Pereda
Hispanic/Latino Community

Ricky Hall
Planning Board

Roger Jefferson
resident

Stan Wyrick
business owner

Tim Beshel
Planning Board



STAFF REPORT

SUBJECT:	CEMETERIES PERPETUAL CARE FUND ORDINANCE
PREPARED BY:	MICHAEL LEINWAND

REQUESTED ACTION:

Adopt an ordinance establishing a cemeteries perpetual care fund.

BACKGROUND/SUMMARY:

Currently the City operates two cemeteries, Graham Memorial Park and Linwood Cemetery. Over the years the City has realized revenue from plot sales and those funds have been earmarked and restricted without specific guidance as to their use or preservation. The City's Finance Department has treated these funds as a non-expendable trust, thus preserving both principal and interest. Currently all operation and maintenance for both cemeteries, including improvements, runs through our normal operating budget in the General Fund.

The [North Carolina General Statutes \(160A-347\)](#) authorize a city to create a perpetual care trust fund for any cemeteries under its ownership or control. Monies continue to accumulate in the cemetery fund and an ordinance would specify how the principal and interest of these funds are expended moving forward. The proposed ordinance (Sec. 10-34) defines the term "perpetual care", and it regulates the expenditure of income. The ordinance, as designed, limits expenditures to the income received from the investments of the fund with no part of the principal being expended.

FISCAL IMPACT:

As of January 31, 2015, revenue totals for the cemetery fund equal \$2,371,313.14, which includes \$1,315,605.92 in principal (55.48%) and \$1,055,707.22 in interest (44.52%). Without a perpetual care fund ordinance, the monies in the cemetery fund will continue to accumulate and earn interest. The funds cannot be expended nor earmarked without an ordinance, and the City's General Fund will continue to be used exclusively for the operation and maintenance of the cemeteries.

STAFF RECOMMENDATION:

Approval. Formalizing the cemetery trust fund forwards one of the goals established for the current fiscal year. Clear direction on the use of the funds is beneficial to management and the Cemetery Committee when drafting budgets and capital spending plans.

SUGGESTED MOTION(S):

I move we approve the Ordinance to adopt Sect. 10-34 Cemeteries perpetual care fund.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM,
AMENDING CHAPTER 10 – CEMETERIES OF THE CODE OF ORDINANCES
OF THE CITY OF GRAHAM, NORTH CAROLINA**

The City Council of the City of Graham, North Carolina, does ORDAIN:

Sec. 1. That Chapter 10, Sec. 10-34 of the Code of Ordinances, City of Graham, North Carolina, is hereby added;

Sec. 10-34. Cemeteries perpetual care fund.

- (a) *Definition.* The term "perpetual care" means the cutting of grass upon plots in the cemeteries described in subsection (b) of this section at reasonable intervals, the pruning of shrubs and trees that may be placed by the city, the general preservation of the lots, grounds, walks, roadways, boundaries and structures, to the end that such grounds shall remain and be reasonably cared for as cemetery grounds forever. The term "perpetual care" shall in no case be construed as meaning the maintenance, repair or replacement of any grave markers placed upon lots or grave spaces, the planting of flowers or ornamental plants; the reconstruction of any bronze, marble, granite or concrete work on any section or lot or any portion or portions thereof in the cemetery, mausoleum or other buildings or structures, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by order of any military or civil authority, whether the damage be direct or collateral, other than that as provided in this section.
- (b) *Established.* A fund, known as the Cemeteries Perpetual Care Fund, shall be established for the purpose of perpetually caring for and beautifying the city cemeteries. The city may accept gifts and bequests to the fund upon such terms as the donor may prescribe.
- (c) *Management of fund.* The principal of the fund shall be invested in the same manner as other city funds. Principal is defined as income from the sale of cemetery plots.
- (d) *Expenditure of income.* Perpetual care expenditure shall be limited to the income received from the investments of the fund with no part of the principal being expended.

Secs. 10-35 – 10-54. – Reserved.

Sec. 2. That this Ordinance shall be in full force and effect on April 14, 2015 and upon publication, as provided by law

This the _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk