



Planning Board

Meeting Agenda

April 21, 2015 at 7:00pm
Council Chambers, 201 S Main St

Meeting Called to Order, Invocation, and Overview of Board and general meeting rules

1. Public comment on non-agenda items
2. Approve minutes of the March 17, 2015 meeting
3. Committee Reports
4. Old Business
 - a. Discussion of Development Ordinance
5. New Business
 - a. Kimrey Road Rezoning (RZ 1502) - Application by the City of Graham to initiate I-1 zoning for a portion of a parcel on Kimrey Road (GPIN 9803172212).

Adjourn

A complete agenda packet is available at www.cityofgraham.com

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

Rezoning for Kimrey Road (RZ1502)

Type of Request: Initiate Zoning

Meeting Dates

Planning Board on April 21, 2015

City Council on May 5, 2015

Contact Information

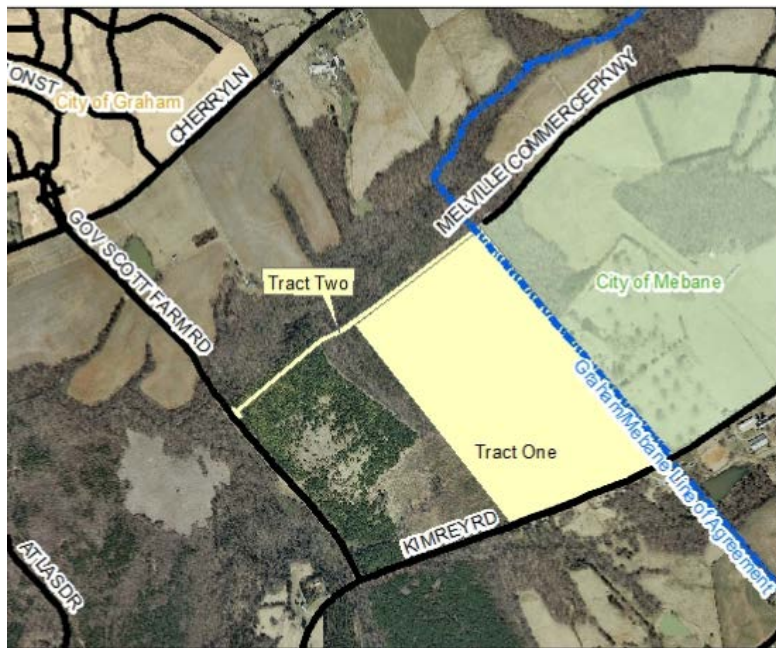
Frankie Maness, City of Graham

PO Drawer 357, Graham, NC 27253

336-570-6700; fmaness@cityofgraham.com

Summary

This is a request to zone the subject properties to I-1. The property is currently vacant and wooded. The stated reason for this rezoning request is "To initiate zoning on a parcel which has applied for annexation into city limits from Alamance County's Jurisdiction."



Map prepared by Graham Planning Department for Illustrative Purposes only. April, 2015.



Location

Kimrey Road

GPIN: 9803172212

Current Zoning

N/A

Proposed Zoning

Light Industrial (I-1)

Overlay District

none

Surrounding Zoning

N/A, Mebane Light Manufacturing (M-2)

Surrounding Land Uses

Vacant, Tree Farm, Distribution Center

Size

84.433 acres and 3.901 acres

Public Water & Sewer

Provided along northwestern portion of tract.

Floodplain

No

Staff Recommendation

Approval

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

Applicable Goals to Guide Us into the Future

- 7.6.4.1. Encourage the development of an office/industrial/light industrial center developed similar to a corporate campus, office park, or regional employment center. *This rezoning would permit a number of types of industry in an area adjacent to a regional industrial center on the future development map.*

Applicable Planning District Policies and Recommendations

- None are applicable

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 would be consistent with the Regional Industrial Center development type and would further goals of the *Growth Management Plan*.

Planning District

Hawfields

Development Type

Regional Industrial Center

Located near a major thoroughfare with interstate access and large parcels

For industrial

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

Size of development more than 10,000sf

Infrastructure includes water, sewer, street connectivity and underground utilities



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: _____

Tax Map#: _____ GPIN: _____

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: _____

Total Site Acres: _____

Property Owner: _____

Mailing Address: _____

City, State, Zip: _____

Applicant

Property Owner Other _____

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: _____

Mailing Address: _____

City, State, Zip: _____

Phone # _____

Email: _____

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*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:

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#



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.

Kimrey Road Zoning (RZ1502)

Type of Request
Initiate Zoning

Meeting Dates
Planning Board on April 21, 2015
City Council on May 5, 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