



# **Planning Board**

## **Meeting Agenda**

May 19, 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 April 21, 2015 meeting
3. Old Business
  - a. Discussion of Development Ordinance
4. New Business
  - a. Alamance Christian School (SPU 1502); This is an application from an existing school who is intending to come into compliance with current regulations to allow for future expansion.

Adjourn

*A complete agenda packet is available at [www.cityofgraham.com](http://www.cityofgraham.com)*

PLANNING ZONING BOARD  
Tuesday, April 21, 2015

The Planning & Zoning Board held their regular meeting on Tuesday, April 21, 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, and Ricky Hall. Kenneth Dixon and Bill Teer were absent. Staff members present were Nathan Page, Interim City Planner, Frankie Maness, City Manager, 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 17, 2015 meeting minutes. Ricky Hall made a motion for approval, second by Dean Ward. All voted in favor.
3. Committee Reports. There were none.
4. Old Business.
  - a. Discussion of Development Ordinance.

Dean Ward stated that there needs to be some type of text amendment or moratorium with the payment in lieu of in the Development Ordinance. Mr. Ward said that he had done some research and contacted some surrounding municipalities, and Mebane was the only one that does take in lieu of payment other than the City of Graham.

The other Board members agreed with him that you should not be able to skirt around the ordinance, more thought given to it or some changes made, and more clarity in the ordinance. Nathan Page said he could get some municipalities that have in lieu of payment and the Board could possibly use some of their language. Andy Rumley asked Frankie Maness how the Board should move forward at this point.

Frankie Maness said that in his opinion it was a little early to determine the effectiveness of the ordinance since only two projects have inquired. He stated that the ordinance does not guarantee a development the ability to pay in lieu of, rather it is an option should there be a hardship. Staff will not allow a payment in lieu if there is some question about a true hardship or if a developer is trying to use it to circumvent another rule such as stormwater. If a developer does not agree with a staff decision, they can appeal to the board of adjustment for an administrative review.

Mr. Ward asked if we could put a moratorium or stay for the in lieu of payment. Mr. Maness said there is a process for a moratorium, and he would need to look at that and get back with him.

It was the final consensus of the Board to get input from City Council so the discussion was left open until next month's meeting, and possibly staff can arrange a joint meeting with City Council to discuss this item.

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).

Mr. Page said there is an application from Frankie Maness to initiate zoning for two parcels which is located in the NCCP and is on our side of the line of agreement with Mebane and is outside our ETJ which is why it is unzoned. The proposal is to rezone the parcels to I-1.

Mr. Maness said there is a pending petition for annexation for the parcel. As a city, we don't leave a parcel unzoned, and since this is an industrial zone, the more restrictive zoning would be I-1 for light industrial. Mr. Ward asked when the ETJ would be extended out there. Mr. Maness said there are no plans to extend the ETJ out there at this point. There has been some talk about unified zoning that is consistent with both cities. Mr. Maness said this parcel is outside our one mile limit. Mr. Maness said there is a line of agreement drawn on the map where Graham and Mebane have agreed as they grow, they will go to that line of agreement, and this parcel is on our side and is outside our jurisdiction. Mr. Maness said this is not a forced annexation but a noncontiguous annexation. Mr. Ward asked if they will receive all city services, and Mr. Maness said yes they would receive all city services and rules, taxes etc.

Ricky Hall made a motion to give favorable review and pass on to City Council, second by Bonnie Blalock. All voted aye.

No further business the meeting was adjourned.

Respectfully Submitted,  
Martha Johnson  
Inspections/Zoning Technician



# STAFF REPORT

Prepared by Nathan Page, Interim City Planner

## Alamance Christian School (SUP1502)

**Type of Request:** Special Use Permit

### Meeting Dates

Planning Board on May 19, 2015

City Council on June 2, 2015

## Contact Information

James Fogleman

3056 Rogers Road, Graham NC

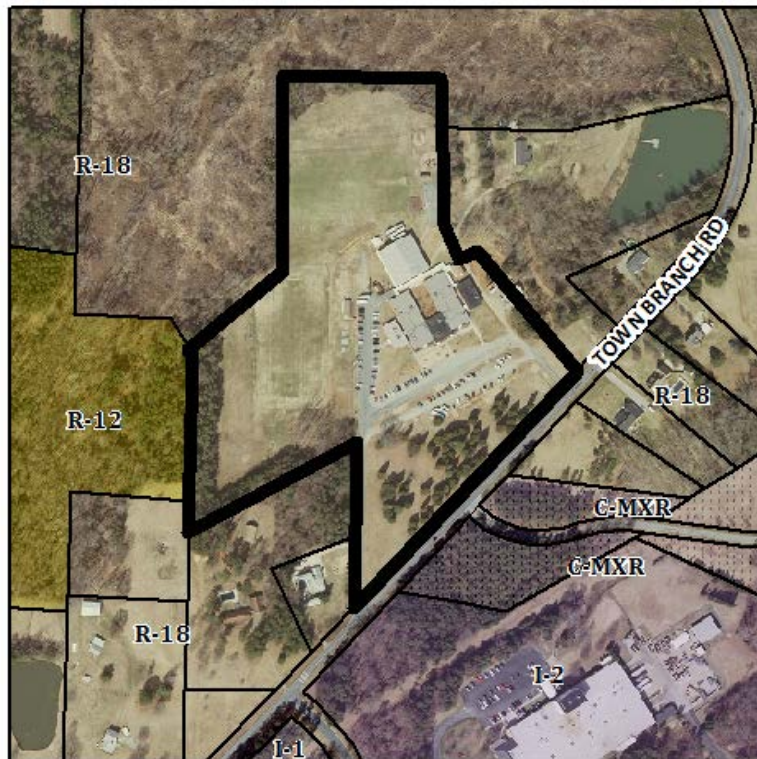
336-213-2115

[foglemanjames@gmail.com](mailto:foglemanjames@gmail.com)

## Summary

This is a request for a Special Use Permit for a School, elementary or secondary for property located at 1336 Town Branch Road.

There are existing buildings on the site, currently in use as a non-conforming school. The total building square footage is 21,348.



### Location

1336 Town Branch Road

GPIN: 8884967148

### Proposed Special Use

School, Elementary or Secondary

### Current Zoning

Light Residential (R-18)

### Overlay District

N/A

### Surrounding Zoning

R-12, R-18, C-MXR, I-2

### Surrounding Land Uses

Single Family Houses & Light Industrial

### Public Water & Sewer

Yes

### Floodplain

No

### Staff Recommendation

Approval

This site was originally developed in 1970, as a religious school. This occurred before the adoption of a Special Uses clause requirement for schools in our ordinance. However, given the school now intends to expand, compliance in the form of a Special Use Permit is now required by the Development Ordinance.

Because the Development Ordinance recognizes School, Elementary or Secondary as a Land Use Classification type 1, no landscape buffering is required. However, if an expansion of more than 3,000 square feet is done the school will be required to plant a street yard and provide parking lot trees sufficient to cover the expansion.

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

Planning District: North

Development Type: Neighborhood Residential

### 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 1970, and this special use permit would allow use of an existing private school to conform with our updated ordinance.*
- 6.2.3. Provide various and adequate community facilities for all residents throughout the city. *This special use permit would allow a privately owned educational facility in the eastern 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. However, if an expansion of more than 3,000 square feet takes place the school would need to comply with current ordinance requirements.*
- 6.3.2. Prohibit the encroachment of commercial development into established or planned residential areas. *The school is located in a residential zone between residential and industrial areas.*
- 6.3.8. Encourage the reuse and revitalization of unused or underutilized structures and properties. *This special use permit would allow continued use in an existing building.*

### Description of Development Type

North

### Development Toolkit Checklist

Located near a major thoroughfare

Single family residences and townhomes

Characteristics include open space, parks, pedestrian orientation, sidewalks, street trees, and landscaping

3-5 Dwelling Units/ Acre

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 bring into conformance the continued use of a building designed as a school.*

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## 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 R-18, a school is permitted in this zone only with a special use permit.*
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
  - *There are no conditions specific to "school, elementary or secondary."*
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 continued use of the location as a school 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 continued use of the location of a school 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 school is located in a neighborhood residential section of Graham, 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 access drives.*
  - *Parking is being proposed to remain as is.*

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### **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 Neighborhood Residential development type.
- The development meets all six conditions required by Section 10.144 of the *Development Ordinance*.



# 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: 1336 Townbranch Road  
Tax Map#: 6-39-12G GPIN: 8884967148  
Current Zoning District(s): R-18  
Overlay District, if applicable:  
 Historic  S Main St/Hwy 87  E Harden St/Hwy 54  
Current Use: School  
Property Owner: Alamance Christian School, Inc.  
Mailing Address: PO Box 838  
Graham, NC, 27253  
City, State, Zip: \_\_\_\_\_  
Phone # 336-578-0318  
Email: \_\_\_\_\_

## Proposed Special Use

Proposed Use (from Sec. 10.135 Table of Permitted Uses):  
SCHOOL, Elementary or Secondary

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

Site is currently a non-conforming private school. The application for a Special Use Permit is to bring the school into compliance such that upgrades can be made in the future.

## Applicant and Project Contact

Name: JAMES FOGLEMAN  
 Property Owner Other ENGINEER  
Mailing Address: 3056 ROGERS RD  
City, State, Zip: GRAHAM NC 27253  
Phone # 336-213-2115  
Email: foglemanjames@gmail.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.

James Fogleman 4-21-15  
Signature of Applicant Date

Jay Bailey 4-24-15  
Signature of Property Owner Date  
(if other than applicant)

Office Use Only. DEVID#

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.*

### **Alamance Christian School (SUP1502)**

**Type of Request**  
Special Use Permit

**Meeting Dates**  
Planning Board on May 19, 2015  
City Council on June 2, 2015

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend APPROVAL with the following conditions:**
- o [insert reason(s) here]
- I move to **recommend DENIAL.**

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- 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 19<sup>th</sup> day of May, 2015.

Attest:

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Andy Rumley, Planning Board Chair

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Martha Johnson, Secretary