



# Planning Board

## Meeting Agenda

July 18, 2017 at 7:00 PM  
Council Chambers, 201 S Main St

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

1. Approve minutes of the June 20, 2017 meeting

2. New Business

**a. AM1705 Subdivision Exemptions.** Updating the definition of a subdivision as required by the North Carolina General Assembly.

**b. AM1706 Floodplain Regulations.** Updating the article and adopting new maps as required by the Federal Emergency Management Agency.

3. Old Business

**a. Comprehensive Plan Update.** Discussion regarding ideas and procedure for subsequent meetings.

4. Public comment on non-agenda items

Adjourn

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

## PLANNING ZONING BOARD

Tuesday, June 20, 2017

The Planning & Zoning Board held their regular meeting on Tuesday, June 20, 2017 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Ricky Hall, Bonnie Blalock, Barry Hicks, Nate Perry, Dean Ward, and Michael Benesch. Staff members present were Nathan Page, Planning Director, Aaron Holland, Assistant City Manager, and Martha Johnson Zoning & Inspection Technician. Chair Hall called the meeting to order, gave the Overview of the Board, general meeting rules and gave the invocation.

1. Approval of the May 16, 2017 meeting minutes. Ricky Hall made a motion for approval, second by Nate Perry. All voted in favor.

2. New Business:

**a. CR1703 Watercourse Phase II.** A request by Kirk Bradley, of Eco Watercourse to rezone 14.3 acres in the vicinity of 1000 Woody Drive from B-2, R-18, R-9 to C-R. Nathan Page explained the request is proposed for 240 multi-family dwellings on Woody Drive. Staff recommends Approval of the Conditional Rezoning with the following conditions:

- Two hydrants to be installed on Woody Drive, as requested by Fire Chief
- Landscaping on Nelson Lane to be Type B, to increase buffer from interstate traffic

Dean Ward stated he had done work for Mr. Fugo and asked the Board if he needs to recuse himself. No one felt Mr. Ward needed to recuse himself from this agenda item. Joe Faulkner of the CE Group located at 301 Glenwood Avenue Raleigh, NC spoke representing the applicant. Mr. Faulkner explained this project is similar to the adjacent Watercourse project being 3 story, a gated community which stands-alone from the current complex. There will be 403 parking spaces, 18 garages with 2 entrances. One will be on Woody Drive and one will be an emergency exit on Nelson Drive. A traffic study was done which was forwarded to NCDOT and they found no additional roadway requirements needed to be done. Angela Lopez of 1007 Woody Drive and Paul Keller of 410 Stonehedge Drive both spoke. They had concerns with safety issues about lowering the speed limit, fencing, and better landscaping to be done on this complex than the existing one.

Ricky Hall made a motion to approve this application, with conditions as recommended by staff, being a good project and will improve the tax base and meets the requirements of the 2035 Comprehensive Plan, second by Nate Perry. All voted aye.

3. Old Business:

**a. RZ1701 Disash Business.** A request by Frank Longest to rezone Disash, LLC property at 602 E Harden Street from Multifamily Residential to General Business. Mr. Longest of 3453 Forestdale Drive thanked the Board for tabling this item from the previous meeting due to him being unavailable at that time. Mr. Longest stated that rezoning this property to B2 use makes the highest and best use of this property. There is no plan for this property as of now but they would proceed with development after the approval and they believe that B2 is the best use for that property in that area.

Jan Searls 526 E Pine Street and Elaine Murrin 1213 Raspberry Run both spoke against this rezoning. They felt it was premature to rezone at this time and fearful what might go there if it is rezoned, therefore they recommend denial. Board Members Nate Perry and Michael Benesch both understand and respect their feelings but the B2 zoning is appropriate and is in line with the adjacent property.

Michael Benesch made a motion to deny this application but there was not a second so the motion died. Ricky Hall made a motion to approve and give favorable review to City Council and it does meet the 2035 Comprehensive Plan. Second was by Dean Ward. The vote was 5 to 1 with Michael Benesch

dissenting.

4. New Business

**b. Comprehensive Plan Update.** Discussion regarding ideas and procedure for subsequent meetings. Mr. Page said the Comprehensive Plan should be reviewed annually and the Planning Board asked for it to be done this year. Mr. Page said he has it on the July and August Planning Board agenda and has asked the Steering Committee to come to either one of those meetings. He has requested that the Planning Board review the Plan and bring any changes, adding any strengths or weaknesses they wish to remove.

5. Public comment on non-agenda items:

Mr. Ward mentioned he had attended several City Council meetings recently. Mr. Ward expressed concerns about applicants presenting new material during the City Council Meeting that wasn't discussed at the Planning Board Meetings.

No further business the meeting was adjourned.

Respectfully Submitted,  
Martha Johnson



# STAFF REPORT

Prepared by Nathan Page, Planning Director

**Text Amendment for: Section 10.366 (b)**  
**Subdivision Exemptions**  
**Type of Request:** Text Amendment

**Meeting Dates**  
Planning Board on July 20, 2017  
City Council on August 1, 2017

**Contact Information**  
N/A

## Summary

The North Carolina General Assembly has changed the definition of a Subdivision to be more inline with recent court decisions. As the General Assembly writes our enabling statutes, we must adopt their new definition.

**The following amendments to the Development Ordinance are proposed:**  
**Existing Language;**

### **Section 10.336                      Applicability; exemptions**

- (a) Except as expressly exempted below, no land located either partially or wholly within the territorial jurisdiction of the City of Graham shall be subdivided until a final plat, approved in accordance with the procedures set out in this ordinance, shall have been approved by the City and filed and recorded with the Alamance County Register of Deeds.
- (b) The following are exempt from the provisions of this article, unless otherwise provided:
  - (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the applicable zoning district.
  - (2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
  - (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
  - (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the applicable zoning district.

<b><u>Project Name</u></b>
Subdivision Exemptions (AM1705)
<b><u>Location</u></b>
city-wide
<b><u>Current Zoning</u></b>
not applicable
<b><u>Proposed Zoning</u></b>
not applicable
<b><u>Overlay District</u></b>
not applicable
<b><u>Staff Recommendation</u></b>
Approval

**Proposed Language;**

**Section 10.336 Applicability; exemptions**

- (a) Except as expressly exempted below, no land located either partially or wholly within the territorial jurisdiction of the City of Graham shall be subdivided until a final plat, approved in accordance with the procedures set out in this ordinance, shall have been approved by the City and filed and recorded with the Alamance County Register of Deeds.
- (b) The following are exempt from the provisions of this article, unless otherwise provided:
  - (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown in its subdivision regulations.
  - (2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
  - (3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
  - (4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the City as shown by its subdivision regulations.
  - (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- (c) The City may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
  - (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.
  - (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
  - (3) The entire area of the tract or parcel to be divided is greater than five acres.
  - (4) After division, no more than three lots result from the division.
  - (5) After division, all resultant lots comply with all of the following:
    - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
    - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
    - c. A permanent means of ingress and egress is recorded for each lot."

**Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans**

Not applicable.

**Applicable Planning District Policies and Recommendations**

- Not applicable; city-wide.

<p><b><u>Planning District</u></b> All</p> <p><b><u>Development Type</u></b> All</p>
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### **Staff Recommendation**

Based on the comprehensive plan, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment brings us into alignment with the new subdivision definition of S.L. 2017-10.



# 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 Graham 2035 Comprehensive Plan" 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 Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.*

**Subdivision Exemptions (AM1705)**  
**Type of Request**  
Text Amendment  
**Meeting Dates**  
Planning Board on July 18, 2017  
City Council on August 1, 2017

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

I move to **recommend DENIAL**.

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The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

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

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This report reflects the recommendation of the Planning Board, this the 18<sup>th</sup> day of July, 2017.

Attest:

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Ricky Hall, Planning Board Chair

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Martha Johnson, Secretary