

Planning Board Meeting Agenda

June 20, 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 May 16, 2017 meeting
- 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.
 - **b. Comprehensive Plan Update.** Discussion regarding ideas and procedure for subsequent meetings.
- 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.
- 4. Public comment on non-agenda items

Adjourn

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

PLANNING ZONING BOARD Tuesday, May 16, 2017

The Planning & Zoning Board held their regular meeting on Tuesday, May 16, 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, and Dean Ward. Member absent was Michael Benesch. Staff members present were Nathan Page, Planning Director, Frank Glover, Planning Intern, and Martha Johnson Zoning & Inspection Technician. Chair Hall called the meeting to order, gave the Overview of the Board, general meeting rules. Nate Perry gave the invocation.

- 1. Approval of the April 18, 2017 meeting minutes. Dean Ward made a motion for approval, second by Ricky Hall. All voted in favor.
- 2. New Business:
 - **a. CR1702 Riverwalk Sign**. A request by Harendva Patel to rezone his residence at 1202 Raspberry Run to permit a commercial real estate sign for the neighborhood. Frank Glover stated the applicant is proposing to allow for a single sign being located on his property. The proposed rezoning would not change the existing single family residence on said property. Michael Blackwell 1104 Knighbridge Ct was there to represent the applicant, Harendva Patel and answer any questions. Some of the nearby property owners spoke:

Mike Blackwell 1104 Knightbridge Ct Johnny Lankford 1218 Raspberry Run Elaine Murrin 1213 Raspberry Run

Some folks were opposed to the type and location where the sign was going to be put, along with the possibility at a later time anyone could put up a sign for anything.

Ned Pierce 3215 Hobbs Landing Ct Greensboro, NC spoke. Mr. Pierce stated that he and some other investors had bought the existing lots at the back of the development. One reason for the sign(which is a 4' x 8') he said was they are planning on adding 50 homes back there and it is hard to let people know it is there. Mr. Pierce said he had tried to work with the neighbors by fixing the fountain that was damaged and also helped with other landscaping at the entrance to the development. Mr. Blackwell was not opposed to the sign and that Mr. Pierce had fixed the waterfall to help the neighborhood.

Mr. Perry asked if the Board could make restrictions for the sign to be only for that development. Mr. Glover said no because content regulation of signage is illegal.

Nate Perry made a motion, based on staff suggestion and from the presentation of the residents, to deny this application which would be inconsistent with the Comprehensive Plan, second by Ricky Hall. All voted aye.

b. RZ1701 Disash Business. A request by Frank Longest to rezone Disash, LLC property at 602 E Harden Street from Multifamily Residential to General Business. Sherri Hamlett of 3453 Forestdale Drive Burlington, NC spoke on behave of Frank Longest. Mr. Longest is the attorney for the property owner, Disash, LLC. Ms. Hamlett stated Mr. Longest was out of the country and was asking the Board to table this item until the next month meeting. Dean Ward made a motion to table this item, second by Ricky Hall. All voted aye.

3. Old Business

a. AM1703 Food Trucks. An amendment by Debarah Wilson to permit Temporary Outdoor Sales within the Downtown Business District.

Debarah Wilson, 110 Home Avenue spoke as the proposer of the Ordinance change for special events and to allow outdoor sales with all types of vendors. She also mentioned the City of Graham is a "Main Street City" and we could apply to get grants from various agencies.

Several other people spoke:

Paul Harden 6468 Preacher Robertson Rd

Jennifer Talley
Jan Searls
Chuck Talley
Eric Crissman
Tom Boney
Jason Cox
S08 Sideview St
808 Sideview St
808 Sideview St
208 Albright Ave
208 Albright Ave
200 N Main St

Brian Fisher 148 Chuck Garner Trail Corey Suggs 1565 Holmes Ln Mebane NC

Some of the different point of views are as follows:

Any change should be eased into

Do a trial to see how it works

City of Graham needs more events

Don't limit the number of events and kind of events

Unfair competition being on the street versus brick & mortar restaurants

Separate the two proposals: City sanction events allow Food Trucks and reject food trucks at any other time

City of Graham probably doesn't have enough sidewalk traffic for Food Trucks to want to come to Graham

Dean Ward made a motion that these restrictions do not apply to farmers selling goods grown on their own property, nor to schools, approved educational, religious or charitable organizations, when the proceeds from such solicitation, in excess of the cost of the goods sold, goes to the fund of some approved educational or charitable organization. Barry Hicks second the motion, the vote was 4 to 1 with Ricky Hall dissenting. This motion is consistent with the 2035 Growth Management Plan.

Nate Perry made a motion to approve Debarah Wilson's proposal with a note added stating "As part of a City-Sanctioned event that Temporary sales shall not be located within 50 feet of the primary entrance to a similar-purpose institution without prior written permission of a person with authority to represent the local business, unless that business is not open during the time the sales are taking place. A new letter must be issued for each time the temporary sales are permitted to be located closer than 50 feet. For example: Donut trucks may not locate except for with the permission of the local business in front of any building whose primary source of revenue is generated by sale of food objects. Similarly, a vendor selling mattresses cannot locate within 50 feet of a building who primarily sells furniture, without prior written permission of affected parties. Ricky Hall second the motion, the vote was 4 to 1 with Barry Hicks dissenting. This

motion is consistent with the 2035 Growth Management Plan.

No further business the meeting was adjourned.

Respectfully Submitted, Martha Johnson



Signature of Applicant

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	Proposed Rezoning or Conditional Rezoning
Street Address: See attachment Tax Map#: See attachment 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	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 Rezonings, 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,
Current Use: Vacant & Single-family Residential Total Site Acres: 14.267 Acres	square footage and number of buildings: The request is to rezone to R-MF, with a
Property Owner: See attachment	proposed use classified as Dwelling, Multi-Family.
Mailing Address: see attachment City, State, Zip: See attachment	The project will include (9) Apartment buildings with 240 residential units, (1) Maintenance building, (3) garage buildings,
Applicant	and an amenity swimming pool complex.
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.	Buildings will be (3) stories with an eave height of +/-32'. We are requesting alternative compliance for building spacing as shown on Preliminary Site Plan.
Name: Kirk Bradley, Registered Agent Eco Watercourse II, LLC	
Mailing Address: PO Drawer 9 City, State, Zip: Sanford, NC 27331 Phone # (919) 895-6001 Email: KBradley@LMOC.Net	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.
I have completed this application truthfully and to the best of my ability.	Site Plan Review Application must be attached to this application for Conditional Rezonings

5.18.217

Office Use Only. DEVID#



Watercourse II (CR1703)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on June 20, 2017 City Council on June 11, 2017

Contact Information

Kirk Bradley, Eco Watercourse II, LLC P.O. Drawer 9, Sanford, N.C. 27331 919-895-6001

Summary

This is a request to rezone the subject property from B-2, R-7 and R-18 to C-R, with a proposed use classified as Dwelling, Multi-Family. The project will include (9) apartment buildings with 240 residential units, (1) maintenance building, (3) garage buildings, and an amenity swimming pool complex. Buildings will be (3) stories with an eave height of 32'±. Developer is requesting alternative compliance for building spacing as shown on preliminary site plan. The request is also to add approximately 0.27 acres so that 20 additional parking spaces can be provided for the existing apartments. Access to the site will be provided via Woody Drive and Nelson Lane.



Project Name

Watercourse II (CR1703)

Location

1004 Woody Drive

GPIN: 8884822878, 8884728137, 8884821366, 8884729623, 8884832196, 8884729296

<u>Size</u>

14.267 acres

Proposed Density

N/A

Current Zoning

B-2, R-7 and R-18

Proposed Zoning

Conditional Residential (C-R)

Surrounding Zoning

R-18, C-R

Surrounding Land Uses

Low and medium density single family and multifamily residential, vacant land.

Staff Recommendation

Approval with conditions

Conformity to the Graham 2035 Comprehensive Plan (GCP) and Other Adopted Plans

Development Type:

Applicable Policies and Recommendations

Strategy 2.3.1 **Facilitate Focused Development** Incentivize pedestrian-oriented nodal development consistent with this plan by incentivizing smart growth development. The City could choose to utilize some of the following methods; Expedited permit review, deferred tax payments, covering some building expenses, Low-interest loans, providing infrastructure, flexible and innovative regulations, Small area plans. *The granting of approval for this rezoning would be an example of flexible and innovative regulations and potentially positively affect future development.*

Strategy 4.3.1 **Land Use Patterns** Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. Water and sewer services already exist in this area. There may be a small extension of public sewer main, however this would be installed by the developer and be a small fraction of the maintenance costs for a single-family residential development of comparable size.

Policy 5.1.1: **Housing variety** Encourage a mix of housing types within Graham to increase choice. These can include single family dwelling units, multifamily dwelling units, small units, prefabricated homes, co-housing, and clustered housing. *This multifamily development will provide additional housing choice for those residing or wishing to reside in Graham.*

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, and the developments compliance with the Graham Development Ordinance, staff **recommends Approval** of the Conditional Rezoning, **with the following conditions(s):**

- 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

The following supports this recommendation:

The proposed project is in general conformity with the Graham Comprehensive Plan 2035 and aligns with the Mixed Use Commercial Districts permitted uses.

Description of Development Type

Mixed Use Commercial District

Located adjacent to the HWY 54 Overlay Corridor.

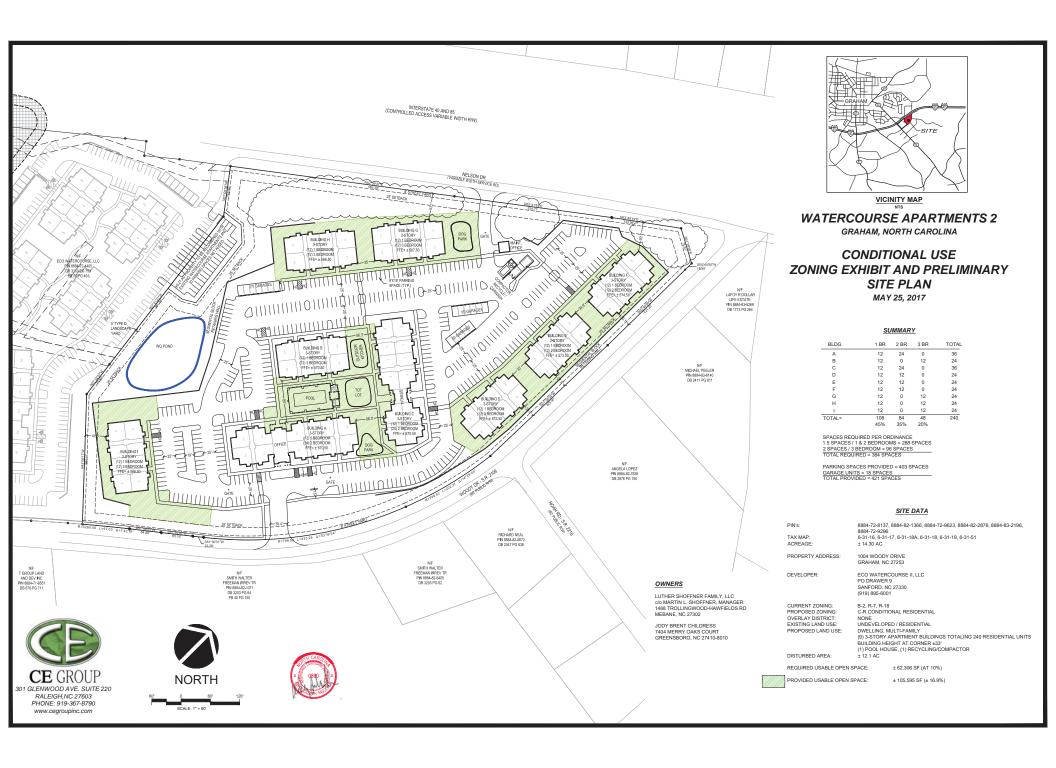
These areas provide a mix or retail, commercial, office, multifamily residential and institutional uses. Buildings are multiple stories, with architectural details, surface textures, and should be built at a human scale.

Appropriate Form

2 – 5 story Buildings

Desired Pattern

This land use area currently includes strip and other low density commercial developments. These should be redeveloped over time into pedestrian oriented nodal centers of activity. New buildings should be located no further than 15 feet from the front lot line. Automobile parking should be located on the street or behind buildings. Bicycle racks should be located in front of all new buildings and street development should include 8-15 foot wide sidewalks with street trees planted at 30 foot intervals.





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.

Watercourse II (CR1703)

Type of Request

Conditional Rezoning

Meeting Dates

Planning Board on June 20, 2017 City Council on July 11, 2017

I move to recommend APPROVAL of the application as presented.
 I move to recommend APPROVAL 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 [Insert additional conditions]
☐ I move to recommend DENIAL .
☐ The application is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan.</i>
The action is reasonable and in the public interest for the following reasons:
This report reflects the recommendation of the Planning Board, this the 20 th day of June, 2017.
Attest:
Ricky Hall, Planning Board Chairman
Martha Johnson, Secretary

The Graham 2035 Comprehensive Plan



A Time of Opportunity

ADOPTED September 1, 2015







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	Proposed Rezoning or Conditional Rezoning
Street Address: <u>602 & Harden St</u> Tax Map#: <u>147607</u> GPIN: <u>898433 7331</u>	Proposed Zoning District(s): R-7 R-9 R-12 R-15 R-18 R-MF R-G C-R C-MXR
Current Zoning District(s): R-7 R-9 R-12 R-15 R-18 R-MF R-G C-R C-MXR	B-1 X B-2 B-3 C-B C-MXC O-I C-O-I I-1 I-2 C-I
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:	Describe the purpose of this rezoning request. For Conditional Rezonings, 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
Historic S Main St/Hwy 87 E Harden St/Hwy 54 Current Use: Residential/Duplex	number of dwelling units, type of multifamily development, square footage and number of buildings:
Total Site Acres: 2.29 acres, more or less	B-2 Rezoning Request in order to permit use of the property for any use
Property Owner: Disash, LLC C/O Frank A. Longest, Jr. Mailing Address: 3453 Forestdale Drive	permitted by right in a B-2 zone, except the following: which subject property will not be used: ABC Store;
City, State, Zip: Burlington, NC 27215	ambulance, etc.; athletic fields; vehicle body repair; vehicle repair
Applicant	shops; bars; billiard hall, etc.; game room amusements; municipal
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. Disash, LLC Name: By: Frank A. Longest, Jr., its Attorney	facilities; night club; or school (elementary or secondary) FA-C
Mailing Address: 3453 Forestdale Drive	
City, State, Zip: Burlington, NC 27215	For Conditional Rezonings, this application must be accompanied by a Preliminary Site Plan and supporting
Phone # (336) 227-7461	information specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined
Email: flongest@hlwbmlaw.com	ordinance requirements, will govern the development and use of the property.
I have completed this application truthfully and to the best of my ability. 4/24/17	Site Plan Review Application must be attached to this application for Conditional Rezonings Office Use Only: DEVIDE: 911001
Signature of Applicant Frank A. Longest, Jr. Date Sherri Hamlett, sherri@hamlett	Action. The contraction of the first transport of the contraction of t



Disash Business (RZ1701)

Type of Request: Rezoning

Meeting Dates

Planning Board on May 16, 2017 City Council on June 6, 2017

Contact Information

Frank Longest 3453 Forestdale Drive, Burlington NC 27215 336-227-7461, flongest@hlwbmlaw.com

Summary

This property is surrounded by two development types; a large multi-family tract, and suburban residential across Harden Street. This request is to rezone a portion of the property from R-MF to all B-2. The lot is currently occupied by a duplex. The stated reason for this rezoning request is to "...permit use of the property for any use permitted by right in a B-2 zone." There is concern for how this property will be served by sewer.



Location

602 E Harden St

GPIN: 8884537331

Current Zoning

Multifamily Residential R-MF

Proposed Zoning

General Business B-2

Overlay District

East Harden St Highway 54
Overlay District

Surrounding Zoning

R-12, R-MF

Surrounding Land Uses

Single Family Homes, Multi-Family Homes

Size

2.44 acres

Public Water & Sewer

Water on Harden St Sewer only on Gunter St

Floodplain

No

Staff Recommendation

Approval

Conformity to the Graham 2035 Comprehensive Plan (GCP) and Other Adopted Plans

Planning District: Mixed Use Commercial

Applicable Policies;

• 3.1.2 Safe Access to Businesses and Homes.

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, uniformity in design standards, and rear alley access where feasible. This property is an identified regional center, and the rezoning would allow for a land use which could support the proposed and existing multifamily homes.

Applicable Strategies;

• 1.1.5 Discourage Strip Development. Discourage strip development along transportation arteries and proposed interstate interchanges by directing these commercial

activities to proposed activity centers. This parcel is in the vicinity of an Interchange Regional Node, on a high volume traffic route. The proposed residential density in the vicinity also lends itself to additional retail and service industries.

• 2.3.1 Facilitate focused development. Incentivize pedestrian-oriented nodal development consistent with this plan by incentivizing smart growth development. Rezoning this property lot to B-2 would reinforce the goals of pedestrian-oriented nodal development and smart growth development while discouraging commercial strip developments.

Development Type

Mixed Use Commercial

Buildings located no further than 15 feet from the front lot line

3-5 story building heights

Sidewalks, small block lengths, onstreet parking, transparent windows on >50% of front façade

A mix of uses is desirable, including retail, commercial, office, multifamily residential, and institutional uses

Built to a human scale

Staff Recommendation

Based on The Graham 2035 Comprehensive Plan, staff recommends **approval** of the rezoning. The following supports this recommendation:

• The adjacent multifamily developments, the quantity of vehicle traffic, and the size of the Highway 54 corridor suggest that a business may be better suited to this site than additional apartments.



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.

Disash Business (RZ1701)

Type of Request

Rezoning

Meeting Dates

Planning Board on May 16, 2017 City Council on June 6, 2017

I move to recommend APPROVAL of the application as presented.
☐ I move to recommend DENIAL .
The application is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The action is reasonable and in the public interest for the following reasons:
This report reflects the recommendation of the Planning Board, this the 16 th day of May, 2017.
Attest:
Ricky Hall, Planning Board Chairman
Martha Johnson, Secretary