



# Planning Board

## Meeting Agenda

October 18, 2016 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 September 20, 2016 meeting
2. New Business
  - a. CR1404\_A1 Peak Resources. To change the approved conditional zoning site plan to permit a fence along N. Main Street and remove the front steps.
  - b. AM1620 Overlay Districts. To remove the 50% exemption for repainting from the overlay, as well as to align the prohibited uses between Highway 54 and Highway 87 districts.
  - c. AM1621 Loading Berths. To remove a requirement for new construction or renovations to install loading berths.
3. Old Business
  - a. Discussion of *Downtown Economic Development Ideas*
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, September 20, 2016

The Planning & Zoning Board held their regular meeting on Tuesday, September 20, 2016 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Dean Ward, Bonnie Blalock, Ricky Hall, Andy Rumley, and Michael Benesch. Member absent was Kenneth Dixon. Staff members present were Nathan Page, Planning Director, Aaron Holland, Assistant City Manager, Frank Glover, Planning Intern, and Martha Johnson, Zoning/Inspections Technician.

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

1. Approval of the August 16, 2016 meeting minutes. Ricky Hall made a motion for approval, second by Dean Ward. All voted in favor.
2. New Business: RZ1606 208 S Marshall Street from R7 to B3. An application has been received by Jason Cook to permit a Financial Office at this location, GPIN#8884233505, tax map 146192. Jason Cook 1895 Challenge Drive spoke next as the applicant. Mr. Cook stated he currently works at Smith Cook & Associates and is planning on building a new free standing structure at this location for himself. Mr. Cook said he has no drawings to show at this time because it will be a few years before he builds the structure and he stated it would be similar to Mid Carolina and Capital Bank being an all brick structure making it look more residential. Ricky Hall asked if there would be parking in the backyard and Mr. Cook said it would be front and back similar to Dr. Causey's business. Dean Ward said he had a potential conflict because he does business with Mr. Cook, and Bonnie Blalock disclosed that she lives in close proximity to the property. The Board had no problem with these situations. Ricky Hall made a motion to approve, second by Michael Benesch, all voted aye.
3. Old Business: Discussion of the *The Graham 2035 Comprehensive Plan* to revisit the plan a year after adoption. Ricky Hall made a motion that the *2035 Comprehensive Plan* go for another year and recommend at the next review to invite the stakeholders to attend the meeting, second by Michael Benesch. All voted aye.
4. Public comment on non-agenda items. None.
5. Potential Development Ordinance Issues. There was some discussion about several items for the next meeting: Co-location of Cell towers on Power Poles/Buildings, Definition for Beer & Wine, Façade colors in the Overlay- greater than 50%, Fee for Appeals and Downtown Economic Development. After lengthy dialog among the Board Members it was the consensus that next month's meeting should be about the Downtown Economic Development.

Dean Ward made a recommendation to move Andy Rumley to an ETJ Member. Ricky Hall second the motion, all voted aye. Also Mr. Rumley also asked that the prospective applicants be contacted to attend our next meeting if they are interested in serving on the Board.

No further business the meeting was adjourned.

Respectfully Submitted,  
Martha Johnson  
Inspections/Zoning Technician



# 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 25<sup>th</sup> of each month. Applicants are encouraged to consult with the *City of Graham Development Ordinances* and the City Planner.

### Site

Street Address: 217 COLLEGE / 600 N. MAIN ST

Tax Map#: 145631 / 145641      GPIN: 8884072069  
8884075145

Current Zoning District(s): 145641      8884075145

- 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: 5.8

Property Owner: PEAK RESOURCES - GRAHAM

Mailing Address: 101 BAYNES CT

City, State, Zip: CARY NC 27511

### 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: HAROLD NUNN

Mailing Address: 101 BAYNES CT

City, State, Zip: CARY NC 27511

Phone #: 919 290-2722

Email: HPNUNN@PeakResourcesINC.COM

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

Harold P. Nunn      11/24/14  
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:

Proposed use is Nursing Home, approximately 75,000 SF single story building. Also, request includes larger sign (up to 100 SF).

\*REVISION IS FOR FENCE ADDITION ALONG MAIN STREET. SEE RECEIVED ATTACHED FOR NOV 25 2014 MORE DETAIL. CITY OF GRAHAM INSR / P.Z.

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# CR1404



# STAFF REPORT

Prepared by Nathan Page, Planning Director

## Peak Resources, Amendment 1 (CR1404\_A1)

**Type of Request:** Conditional Rezoning

### Meeting Dates

Planning Board on October 18, 2016

City Council on November 1, 2015

## Contact Information

Harold Nunn

101 Baynes Ct, Cary, NC 27511

919-290-2722; hpunn@peakresourcesinc.com

## Summary

This is a request to change the conditional zoning of the property. The property is located in the North Main Street Historic District, which is listed on the National Register of Historic Places. The stated intention of the amendment is to add a fence along Main Street, and to remove the connection to the public sidewalk.



### Location

215 College St

GPIN: 8884072069

### Current Zoning

Conditional Office and Institutional (C-O-I)

### Proposed Zoning

Conditional Office and Institutional (C-O-I)

### Overlay District

none

### Surrounding Zoning

R-7, R-MF, O-I & I-1

### Surrounding Land Uses

Single Family Houses, Multi-family dwellings, Park, Churches, Light Industrial

### Size

5.8 acres

### Public Water & Sewer

Water along Main & College  
Sewer along Main, Parker & College

### Floodplain

none

### Staff Recommendation

Approval, with conditions



## Conformity to *The Graham 2035 Comprehensive Plan (GCP)* and Other Adopted Plans

### Applicable Planning District Policies and Recommendations

- This location is identified as a Community Activity Center, which includes a mix of retail in a pedestrian oriented environment (pg. 37). *Because the plan focuses on walkability, and N Main Street is an integral portion of the network, it would be beneficial to have the area be as inviting as possible. The proposed fence may change the character of the walkway.*

### Graham Pedestrian Plan

- Recommends a five-foot sidewalk on this section of College St as a mid-term project. *The proposal includes a 5' sidewalk along College St.*

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### Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff **recommends approval of the conditional rezoning, with the following condition:**

- If possible, the restricted access portion of the structure should face on College or W. Parker streets, and leave the entry to N Main Street intact.

### Description of Development Type

Downtown Residential

Located near a major thoroughfare

For single family residential

Characteristics include sidewalks on both sides, street trees at 30-40 feet intervals, and block lengths less than 600 feet

Density of 3 to 6 DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities



# STAFF REPORT

Prepared by Nathan Page, Planning Director

**Text Amendment for: Section 10.420**

**Overlay Districts**

**Type of Request:** Text Amendment

**Meeting Dates**

Planning Board on October 18, 2016

City Council on November 1, 2016

**Contact Information**

Not applicable

## Summary

The Planning Board proposes to amend the *Development Ordinance*, Article XI, Section 10.420. Nonconforming Uses and Situations as well as to align the prohibited uses between the Highway 54 and Highway 87 Overlay Districts. *Currently, this language enables actions out of alignment with the overall goals of the Overlay District.*

**The following amendments to the Development Ordinance are proposed:**

Existing Language:

### **Section 10.420 Nonconforming Uses and Situations**

Any structure proposed to be painted 50% or more shall conform to the color requirements of this Article. For all other Nonconforming Uses and Situations, refer to Article IV., DIVISION 2. NONCONFORMING USES AND SITUATIONS and Article X., Section 10.394 Nonconforming Signs of the *Development Ordinances*.

Proposed Language:

### **Section 10.440 Prohibited Uses**

The following uses shall not be allowed in the South Main Street Overlay District:

Adult Entertainment; All Incinerators; Asphalt Mixing Plant; ~~Auto Repair with outside storage visible from South Main Street;~~ Vehicle assembling, painting, upholstering, rebuilding, reconditioning, body and fender work with outside storage that is visible from public right of way; Bars (as principal use); Campgrounds, commercial; Flea Market; Hazardous Waste Facilities; Jails; Junkyards, Salvage Yards; Landfill, Demolition Debris; Landfill, for Household and Commercial Waste; Manufactured Dwelling Park; Manufactured Home Sales; Medical Waste Operations; Pawnshops; Petroleum and Petroleum Products Storage, over 100,000 gallons; Racetracks for automobiles, motorcycles; Recycling Facility; Sexually Oriented Business; Shooting Range, Indoor; Shooting Range, Outdoor; Tattoo Business; Towers, Cellular and Digital Communications (excludes government uses); Towers, Radio and Television; Used Tire Sales; Utility Building Sales, Sales of Storage Sheds and Trailers.

### **Project Name**

Overlay Districts (AM1620)

### **Location**

city-wide

### **Current Zoning**

not applicable

### **Proposed Zoning**

not applicable

### **Overlay District**

not applicable

### **Staff Recommendation**

Approval

**Section 10.420 [Reserved]**

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

Strategy 1.1.1 Wayfinding and Gateways

Develop an upgraded “wayfinding” and signage system for installation along gateways and corridors. Designate gateways for entrances to the historic downtown area, and further develop plans for public improvements and landscaping in the gateway areas. *The Overlay Districts have begun to affect development in our approach corridors. However, this section seems to be incongruous with the intent of the overlay, and could permit very garish painting of buildings within the section. Removal would require all new painting comply with the standards within the Overlay.*

<b><u>Planning District</u></b> All
<b><u>Development Type</u></b> All

*The Overlay Districts have begun to affect development in our approach corridors. However, this section seems to be incongruous with the intent of the overlay, and could permit very garish painting of buildings within the section. Removal would require all new painting comply with the standards within the Overlay.*

**Applicable Planning District Policies and Recommendations**

- Not applicable; city-wide.

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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 will promote a more uniform appearance along both of our primary gateways.





# 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.*

**Overlay Districts (AM1620)**  
**Type of Request**  
Text Amendment  
**Meeting Dates**  
Planning Board on October 18, 2016  
City Council on November 1, 2016

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 October, 2016.

Attest:

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Andy Rumley, Planning Board Chairman

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Martha Johnson, Secretary



# STAFF REPORT

Prepared by Nathan Page, Planning Director

**Text Amendment for: Sections 10.240, 10.243, and 10.244 Off Street Loading Berths**

**Type of Request:** Text Amendment

**Meeting Dates**

Planning Board on October 18, 2016

City Council on November 1, 2016

**Contact Information**

Lee Kimrey

410 Raven Ct, Graham NC 27253

[lkcllc@aol.com](mailto:lkcllc@aol.com), 336-261-8562

**Summary**

Lee Kimrey proposes to amend the *Development Ordinance*, Article IV, Division 11, Section 10.240 Off-street Parking, 10.243 Off-street loading in business and industrial districts, and 10.244 Additional Parking Requirements for the B-1 District. *See below for summaries of separate sections.*

**The following amendments to the Development Ordinance are proposed:**

Existing Language:

**Section 10.240 Off-Street Parking**

Where the city council determines that the off-street parking requirements of this section would impose undue hardship upon development it may reduce or waive off-street parking requirements for that lot. *This could potentially grant a variance for new development without the higher standard of requirements that is necessary. The waiver is also permissible through a conditional rezoning, in which case the Council could place additional requirements to offset any negative effects due to the failure to comply with the Development Ordinance.*

**Section 10.243 Off-street loading in business and industrial districts**

The number of off-street loading berths required by this section shall be considered as the minimum and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For the purposes of this section an off-street loading berth shall have minimum dimensions of 12 feet by 25 feet with 14 feet of clearance overhead with adequate means of ingress and egress. A loading space requirement may be modified by the board of adjustment on application in the case of a bank, theater, assembly hall, office building, or other building with limited loading space requirements.

- (1) *Structures up to 25,000 square feet* for structures containing up to 25,000 square feet of gross floor area, one berth shall be required.
- (2) *Larger structures.* For structures containing 25,000 square feet or more of gross floor area, the number of berths specified in the table below shall be provided:

<i>Square Feet of Gross Floor Area</i>	<i>Requires Number of Berths</i>
25,000 - 40,000	2

<b><u>Project Name</u></b>
Loading Berths (AM1621)
<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

40,000 - 100,000	3
100,000 - 160,000	4
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7

Plus one additional berth for each 90,000 square feet above 400,000.

*The requirement to have a loading dock for all new construction restricts redevelopment as well as new retail spaces through requiring infrastructure that may not be necessary, or of an improper size, for the intended use. Additionally, it may be that this was added at a time when large, bulk goods were the predominant output of manufacturing rather than the trend toward smaller and more service oriented facilities.*

**Section 10.244 Additional Parking Requirements for the B-1 District**

Buildings constructed, or converted to commercial use, after the effective date of this article which have access to a public alley shall provide off-street loading and unloading berths as required in section 10.243 above.

*The requirement to have a loading dock for all new construction restricts redevelopment as well as new retail spaces through requiring infrastructure that may not be necessary, or of an improper size, for the intended use. Additionally, it may be that this was added at a time when large, bulk goods were the predominant output of manufacturing rather than the trend toward smaller and more service oriented facilities.*

Proposed Language:

**Section 10.240 Off-Street Parking**

Where the city council determines that the off-street parking requirements of this section would impose undue hardship upon development it may reduce or waive off-street parking requirements for that lot.

**Section 10.243-10.244 [Reserved]**

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

**Policy 2.1.6 Locally Owned Businesses** Facilitate the creation and growth of small locally-owned businesses and support programs that provide technical and financial assistance to promote sustainable operation practices. *The requirement to provide a loading dock increases the cost of construction for a local retailer, who may or may not need such for their business. Local Businesses typically do not have the capital to invest in unnecessary infrastructure.*

<b><u>Planning District</u></b> All
<b><u>Development Type</u></b> All

**Strategy 2.1.5 Reduce Barriers** Work with local businesses and economic development partners to identify and address unnecessary barriers to local business development. *Removing unneeded requirements from the Development Ordinances lowers the cost of construction and thus allows for additional development.*

**Policy 2.3.1 Downtown** A vibrant downtown is critical for Graham’s economic success. Graham’s downtown is a priority when considering incentives, investments, regulations and marketing. Encourage entertainment options to locate within Graham’s downtown. *The loading berth requirement for*

*alleyways may only affect properties in the downtown. As such, they stifle development where the Plan calls for the most innovation.*

**Policy 2.3.2 Innovative spaces, spaces of Innovation** Graham promotes the development of flex space, live-work units, and adaptive structures for office, retail and light industry. *For the downtown, the requirement of a loading berth may increase the price of a structure intended to be mixed-use, thus requiring that all construction in the area be for single-use only.*

**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, pre-fabricated homes, co-housing, and clustered housing. *The removal of this requirement makes it more feasible to have live-work units, as a loading berth would not be required for each new non-residential use.*

**Policy 5.2.1 Diverse Neighborhoods** Encourage a mix of housing types within Graham including detached, duplex, multifamily, townhomes, and live-work units. *The removal of this requirement makes it more feasible to have live-work units, as a loading berth would not be required for each new non-residential use.*

#### **Applicable Planning District Policies and Recommendations**

- Not applicable; city-wide.

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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 removes an unnecessary burden on development.



# 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.*

**Loading Berths (AM1621)**  
**Type of Request**  
Text Amendment  
**Meeting Dates**  
Planning Board on October 18, 2016  
City Council on November 1, 2016

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 October, 2016.

Attest:

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Andy Rumley, Planning Board Chairman

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Martha Johnson, Secretary