



# Planning Board

## Meeting Agenda

December 17, 2013 at 7:00pm  
Council Chambers, 201 S Main St

### Invocation

1. Approve minutes of the November 4, 2013 special meeting
2. Approve minutes of the November 19, 2013 meeting
3. River Mill Rezoning (RZ1307). Request by Glenn E. Patterson to rezone properties located at 1310, 1318 & 1324 S Main St (GPIN 8883343539, 8883344510 & 8883344375) from Residential (medium density) (R-12) and Residential (low density) (R-18) to General Business (B-2).
4. 417 Albright Ave Overflow Parking (SUP1304). Request by William Wilson for a Special Use Permit for a parking lot serving uses not permitted in the district where the lot is located for property located on Albright Ave near E Elm St (GPIN 8884452822).

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

PLANNING ZONING BOARD  
Monday, November 4, 2013

The Planning & Zoning Board held a special meeting on Monday, November 4, 2013 at 7:00 p.m. in the large conference room at Graham City Hall. Board members present were Ricky Hall, Michael Benesch, Bonnie Blalock, Tim Beshel and Dean Ward. Members absent were Andy Rumley and Bill Teer. Staff members present were Melissa Guilbeau, City Planner, Kaitland Finkle, Planning Intern, Martha Johnson, Zoning/Inspections Technician and Darcy Sperry Zoning Enforcement Officer.

Vice-Chair Ricky Hall called the meeting to order and explained the Board was present for a training session.

Invocation was given by Ricky Hall.

Training was provided to the Board by Betsy Kane, senior planner with the North Carolina Department of Commerce's Division of Community Assistance.

At the completion of the training the meeting was adjourned.

Respectfully Submitted,  
Martha Johnson  
Inspections/Zoning Technician

PLANNING ZONING BOARD

Tuesday, November 19, 2013

The Planning & Zoning Board held its regular meeting on Tuesday, November 19, 2013 at 7:00 p.m. in the Council Chambers of the Graham Municipal Building. Board members present were Ricky Hall, Bill Teer, Andy Rumley, Bonnie Blalock, Tim Beshel and Dean Ward. Michael Benesch was absent. Staff members present were Melissa Guilbeau, City Planner, Kaitland Finkle, Planning Intern, Darcy Sperry, Zoning Enforcement Officer and Martha Johnson, Zoning/Inspections Technician.

Chairman Andy Rumley called the meeting to order and explained the function of the Board.

Invocation was given by Ricky Hall.

1. Ricky Hall made a motion for approval for the October 15, 2013 Planning Board minutes, second by Bonnie Blalock. All members voted in favor.

2. 1115 S Main St Rezoning (RZ1306). Request by Janet F. Cates and Foster B. Cates to rezone property located at 1115 S Main St (GPIN 8883264774) from Residential (medium density) (R-12) to General Business (B-2). Janet Cates of 417 S. Maple Street was there to represent the rezoning application. She said this rezoning would allow either residential or business at that location and provide for more flexibility in the future. Ricky Hall made a motion to accept the rezoning, second by Tim Beshel. All voted in favor.

3. Albright Community Center (SUP1303). Request by Wilson Realty Assoc. Inc., 401(k) Plan, William Wilson, Trustee, for a Special Use Permit for a community center at 417 Albright Ave (GPIN 8884450526 and 8884452611). Bill Wilson of P.O. Box 2888 Burlington, NC 27217 was present to represent the special use permit. He had submitted revised plans showing updated landscaping. He said the updated plan shows the larger trees (evergreens), some of which have already been planted at the front facing Albright Avenue. He also said there are more shrubs and bushes out there. Mr. Wilson said they had about one more month of work to do before finishing. He said the special use permit is for a community hall with 9250 sq. ft. and 19,750 sq. ft. used for warehouse. Bill Teer asked if any work was to be done in the back. Mr. Wilson said they had torn down some of the docks and had put in some pads and large rollup doors and will eventually do some grading. Mr. Wilson said they had built up the back dock in order to get equipment in and out of the building to do work inside to the floors. The pads will extend approximately 18 feet out and will be gravel out to the sidewalk. It will be cleaned up and painted like the front. Bill Teer asked if sidewalks will be put in on the property. Mr. Wilson stated they put a driveway in and the only sidewalk will be located in the sidewalk easement of approximately 10 ft. of space which he has given to the City of Graham.

Tim Beshel asked what the community center was going to be used for and what will be going in there. Mr. Wilson said there will be two sections and a central area for caterers to come in. There is 3000 sq. ft. on the smaller section of the building to be used for smaller conferences or receptions. The other section is 5,000 sq. ft. to be used for larger groups of up to 300 people. Dean Ward asked if he was allowing for the service of alcohol on the premises. Mr. Wilson said that some of the rules have changed. Originally you couldn't have live music or food. Now there are some issues with whether you can have dj's, live music or alcohol. He said he wanted to be perfectly clear that this will not be a bar or dance party. He said it was being built for receptions, conferences or weddings. One possible issue might be the catering situation with having weddings, because sometimes there is alcohol and music.

Dean Ward asked about the hours of operation. Mr. Wilson said he anticipates they would normally be 4 to 6 hour blocks which would probably be held on a Saturday and run until 9 or 10 o'clock at night. Andy Rumley

asked if there would be any staff there. Mr. Wilson said there would be one staff member there while the event occurs. There will be times when no one is present but there will be an alarm system and security system. Bonnie Blalock asked if he would partner with the City of Graham or the County Recreation Department if they needed a facility. Mr. Wilson said yes, it would be open to everyone in the community. She asked when he hoped to open and he said hopefully by the first of the year. Ricky Hall asked if it would have a kitchen or an area to prepare food. Mr. Wilson said there would be microwaves, warming areas, refrigerators but no ovens. Mr. Hall asked if the building requires sprinklers. Mr. Wilson said if you are under 12,000 or 12,500 sq. ft. you don't need a sprinkler system but now there is also an occupancy limit which he thinks is around 300. If it is above that or if you have alcohol and food, you have to have the sprinklers.

Ruth Wade of 422 E. Elm Street spoke. She said that Mr. Wilson had cleared up a lot of her questions. She was wondering when she first got her letter notifying her of the special use permit if there was going to be constant traffic but Mr. Wilson said he didn't think so. Dean Ward asked Melissa Guilbeau about buffering required down both the back and right side of property with screening of 6 ft high plantings. Melissa Guilbeau answered yes wherever the property abuts residential zoned property there needs to be an opaque screen of 8 ft. high at maturity. Bill Teer made a motion to accept this special use permit, second by Tim Beshel. All voted in favor.

4. Text Amendment for Pet Grooming. Request by citizen to amend the *Development Ordinance* to make pet grooming a use that is permitted in the Central Business (B-1) district. Chuck Talley of P.O. Box 872 Graham, NC spoke concerning the pet grooming amendment. He went over some of the history of Farm Services Corp. and stated that six months ago he had a pet groomer to rent a space inside the facility not knowing he couldn't do that at the time. Chuck Talley stated this is not a kennel; it is a pet grooming business. Mr. Talley is trying to find a solution to continue to do business in the City. Andy Rumley asked if there was any overnight boarding and Chuck Talley said people just drop off their dogs and pick them up later and the dogs don't go outside. Andy Rumley asked if there had been any complaints. Melissa Guilbeau said she wasn't aware of any but she mentioned to the Board that this amendment is to make this a use permitted in the downtown as a whole. So Ms. Guilbeau advised the Board that they have to think about what if someone was to propose to use this in the middle of Court Square because this is how it would apply. Jennifer Talley of P.O. Box 872 Graham, NC spoke giving some of the history concerning Farm Services. She said they wanted to be good neighbors and believes this is a good business that will service the community with no issues nor complaints with people around or any customers.

Dean Ward made a motion to accept the text amendment but add no overnight boarding use and Ricky Hall amended that motion adding no overnight outside boarding, second by Tim Beshel. All voted for approval for Option A to permit pet grooming in the B-1 zoning district with a special use permit with the additional condition no overnight outside boarding to be added. Melissa Guilbeau stated that once you get a Special Use Permit one time it is good forever and it runs with the land no matter who owns the property.

5. Election of Chair and Vice-Chair for 2014. Ricky Hall made a motion to leave the Chair and Vice-Chair the same as current, second by Bonnie Blalock. All voted in favor. Andy Rumley will continue to be the Chair and Ricky Hall will continue to be Vice-Chair.

There being no further business Andy Rumley adjourned the meeting.

Respectfully Submitted,  
Martha Johnson  
Inspections/Zoning Technician



# STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

## River Mill Rezoning (RZ1307)

**Type of Request:** Rezoning

### Meeting Dates

Planning Board on December 17, 2013

City Council on January 7, 2014

## Contact Information

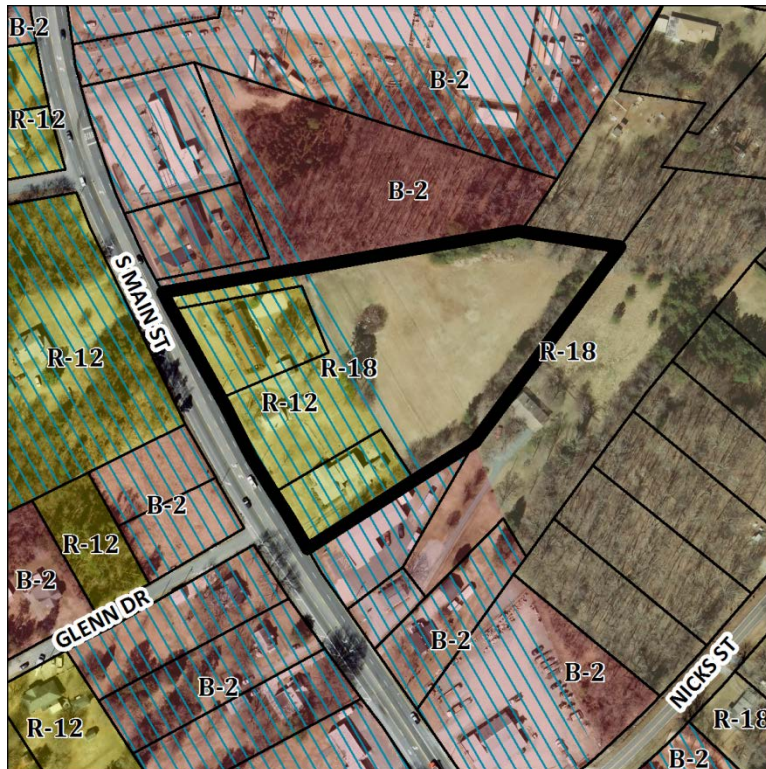
Glenn E. Patterson

1310 S Main St, Graham, NC 27253

336-226-6999; glenn@pattersonappraisal.net

## Summary

This is a request to rezone the subject properties from R-12 and R-18 to B-2. The current use of the properties is three single family dwellings. The stated reason for this rezoning request is "the rear 1.89 acres of this property is being purchased by River Mill Academy for expansion. The remaining 2.356 acres will be marketed for commercial investment/ use. We are hoping to market this site for a single commercial user or up to three commercial users on separate lots."



### Location

1310, 1318 & 1324 S Main St

GPIN: 8883343539, 8883344510  
& 8883344375

### Current Zoning

Residential (medium density)  
(R-12) & Residential (low density)  
(R-18)

### Proposed Zoning

General Business (B-2)

### Overlay District

S Main St/Hwy 87

### Surrounding Zoning

R-18, R-12 & B-2

### Surrounding Land Uses

Single Family Dwellings & General  
Businesses

### Size

4.3 acres

### Public Water & Sewer

Yes, along S Main St

### Floodplain

No

### Staff Recommendation

Approval

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

### Applicable Goals to Guide Us into the Future

- 6.3.2. Encourage commercial development within designated village centers as opposed to continued commercial strip development. *This rezoning would permit commercial uses in an area that is not a designated village center, but instead continues commercial “strip” development.*
- 6.3.2. Prohibit the encroachment of commercial development into established or planned residential areas. *This rezoning would permit commercial development on land that is bordered on both sides along S Main St by existing businesses.*
- 6.3.2. Increase the overall retail diversity throughout the City. *This rezoning would provide additional land where retail uses would be permitted.*

### Applicable Planning District Policies and Recommendations

- 7.5.4.1.2. Encourage commercial development in the district in village and neighborhood centers to serve the residents of South Graham. This pattern should be promoted over the highway commercial/strip development that has occurred along S Main St. *This rezoning would permit commercial uses in an area that is not a village or neighborhood center, but instead continues the commercial “strip” development along S Main St.*

### Staff Recommendation

Based strictly on the *Growth Management Plan 2000-2020*, staff would recommend denial of the rezoning. Rezoning the properties to B-2 would provide the opportunity to continue the commercial strip development style along S Main St in an area that is not a designated village or neighborhood center (see map at right), which is not consistent with the goals and policies of the *Growth Management Plan*. It is also not consistent with the Neighborhood Residential development type.

However, staff feels that the *Growth Management Plan* may no longer provide adequate guidance for the type of desired development in this section of S Main St. Also, the properties are bounded on S Main St by existing commercial development and B-2 zoning, and the additional regulations of the Hwy 87 Overlay District, which apply to these properties, are designed to mitigate some aspects of “strip” development. Based on these statements, staff **recommends approval** of the rezoning.

**Planning District**  
South

**Development Type**  
Neighborhood Residential

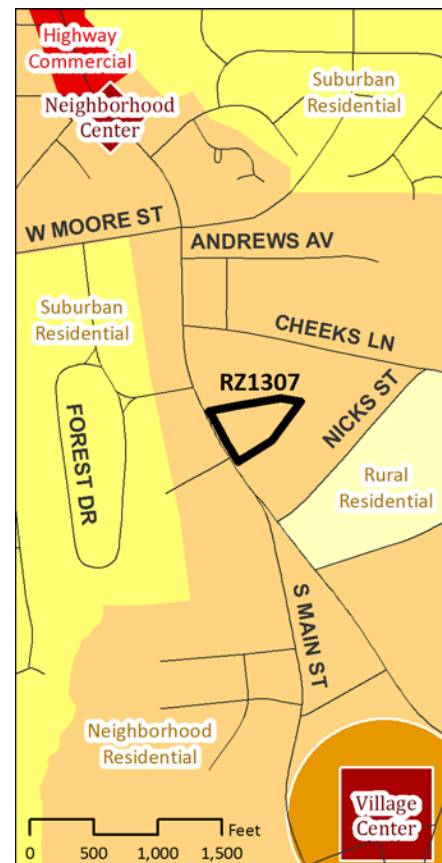
Located near a major thoroughfare

For single family residential and townhouses

Characteristics include open space; parks included within development; pedestrian-oriented; automobile-oriented; sidewalks; street trees; landscaping

Density of 3-5+ DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities







## 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.*

### **River Mill Rezoning (RZ1307)**

**Type of Request**  
Rezoning

**Meeting Dates**  
Planning Board on December 17, 2013  
City Council on January 7, 2014

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 *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 17<sup>th</sup> day of December, 2013.

Attest:

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Andy Rumley, Planning Board Chairman

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Martha Johnson, Secretary





# STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

## 417 Albright Ave Overflow Parking (SUP1304)

**Type of Request:** Special Use Permit

### Meeting Dates

Planning Board on December 17, 2013

City Council on January 7, 2014

### Contact Information

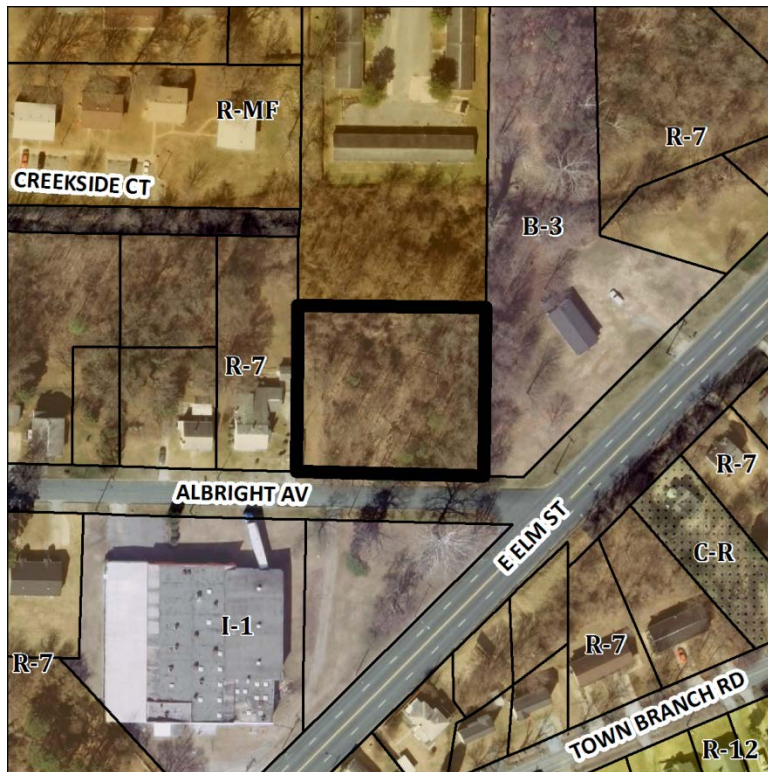
William Wilson

PO Box 2888, Burlington, NC 27216

336-264-8065; wwilson@realityworldtriad.com

## Summary

This is a request for a Special Use Permit for a parking lot serving uses not permitted in the district where the lot is located. The subject parcel is located on Albright Ave near E Elm St and is zoned R-7. The lot is wooded and is proposed to be used as overflow parking for 417 Albright Ave, which is located across the street. The current use of 417 Albright Ave is warehouse, which is not permitted in the R-7 zoning district. Also, a special use permit for a community center at 417 Albright Ave (SUP1303) was approved on December 3, 2013. Community centers are permitted in the R-7 zoning district with a special use permit.



### Location

Albright Ave near E Elm St

GPIN: 8884452822

### Proposed Special Use

Parking lot serving uses not permitted in the district where the lot is located

### Current Zoning

Residential (high density) (R-7)

### Overlay District

None

### Surrounding Zoning

R-7, R-MF, B-3 & I-1

### Surrounding Land Uses

Single Family Houses, Multifamily and Warehouse

### Size

0.78 acres

### Public Water & Sewer

Water along Albright Ave  
Sewer 115ft west on Albright Ave

### Floodplain

Yes, in northwestern corner of lot

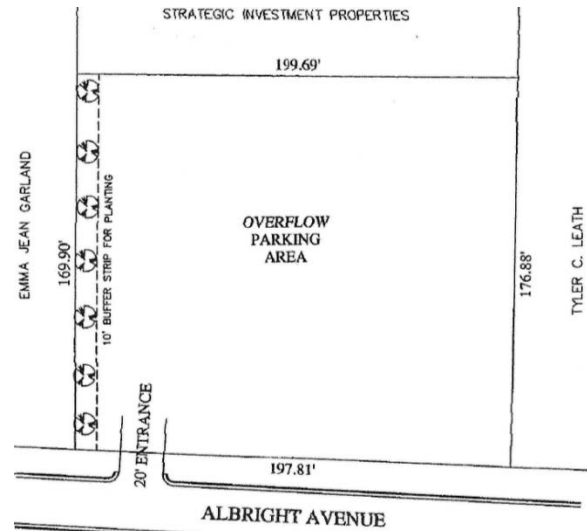
### Staff Recommendation

Approval, with condition

Staff estimates that the site may be able to accommodate a maximum of roughly 96 parking spaces.

The parking lot will have to meet landscaping requirements. This will include a Type A planting yard along the western border, Type C along the rear, and Type D along the eastern border, as well as street yard and parking lot landscaping. However, because the lot is less than 55,000sqft, no more than 15% of the site can be required to be landscaped, and these requirements would result in more than 15% so they will be reduced.

Staff is concerned with pedestrians crossing Albright Ave and recommends that a striped and signed crosswalk with curb ramps and connecting sidewalk be required, and that the speed limit be lowered to 25mph.



A final site plan will be required to be submitted and approved by the TRC before the parking lot is constructed.

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

#### Applicable Goals to Guide Us into the Future

- 6.1.3. Encourage development that compliments existing architectural designs of the neighborhood. *The application proposes to use the existing wooded land as a parking lot.*
- 6.3.1. Improve community aesthetics within established residential areas. *Constructing a parking lot will require the removal of many existing trees but will also require the installation of new landscaping along the street, in side yards and in the parking lot.*
- 6.3.1. Continue to protect established residential areas from incremental rezonings to a lower land use. *The special use permit would permit a parking lot but would not change the underlying zoning.*
- 6.3.2. Prohibit the encroachment of commercial development into established or planned residential areas. *The special use permit would permit a parking lot on wooded land adjacent to residential development.*
- 6.3.2 Encourage commercial development that utilizes effective landscaping and buffering to aid in improving the overall aesthetics of the community. *The Development Ordinance will require landscaping along the street and side yards and in the parking lot.*

<p><b><u>Planning District</u></b> North</p> <p><b><u>Development Type</u></b> Neighborhood Residential</p> <p>Located near a major thoroughfare</p> <p>For single family residential and townhouses</p> <p>Characteristics include open space; parks included within development; pedestrian-oriented; automobile-oriented; sidewalks; street trees; landscaping</p> <p>Density of 3-5+ DU/acre</p> <p>Infrastructure includes water, sewer, street connectivity and underground utilities</p>
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## Applicable Planning District Policies and Recommendations

- 7.3.4.1.3. Preserve established residential neighborhoods within the district. *This special use permit would allow a use on the edge of an established residential area that is also permitted with a special use permit in residentially zoned areas.*

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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 parking lot will be required to meet landscaping requirements. This will be addressed as part of final site plan approval.
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
  - There are no conditions specific to “parking lots or access driveways serving uses not permitted in district where lot is located.”
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 parking lot will be located across Albright Ave from the building it is intended to serve. Albright Ave is a residential street, approximately 24 feet wide, with a speed limit of 35mph and no sidewalks. The area where individuals would likely cross Albright Ave is located approximately 45 to 240 feet from E Elm St, a four-lane state highway with a speed limit of 35mph. If staff’s recommendation of lowering the speed limit to 25mph and requiring a striped and signed crosswalk with curb ramps and connecting sidewalk are approved, public safety would not be endangered.
4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.
  - The proposed parking lot will occupy land that is currently wooded.
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 parking lot will be located near a major road at the edge of an established residential area. Because it is a use that is permitted with a special use permit in most zoning districts, including residential districts, it is in general conformity with the *Growth Management Plan*.
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.
  - Before the parking lot is constructed, approval of a final site plan will be required that shows vehicle circulation, parking and landscaping, as required by the *Development Ordinance*.

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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, **with the following condition**:

- The applicant shall pay for the installation of a striped and signed crosswalk with curb ramps and connecting sidewalk to provide a distinct and safe pedestrian connection between the proposed parking lot and the building at 417 Albright Ave in a location and to specifications approved by the TRC.

The following supports this recommendation:

- The development is not inconsistent with goals of the *Growth Management Plan*. Though it does not strictly comply with the Development Toolkit Checklist for Neighborhood Residential, the fact that this use is permitted in several residential zoning districts with a special use permit suggests that it is a use that can be compatible in neighborhood residential areas.
- The development will comply upon final site plan approval with the standards of the *Development Ordinance*.
- The development will meet all six conditions required by Section 10.144 of the *Development Ordinance* if approved with the recommended condition.



# 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/planning

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: LOT VACANT ALBRIGHT  
Tax Map#: 177-713-102 GPIN: 888 445 2822  
Current Zoning District(s): R7  
Overlay District, if applicable:  
 Historic  S Main St/Hwy 87  E Harden St/Hwy 54  
Current Use: VACANT LOT  
Property Owner: WILLIAM WILSON  
Mailing Address: P.O. BOX 2888  
City, State, Zip: BORLINGTON NC  
Phone #: 336 264 8065 27216  
Email: wwilson@realityworldtriad.com

## Proposed Special Use

Proposed Use (from Sec. 10.135 Table of Permitted Uses):  
Parkway lots serving use not permitted in district where lot is located  
 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:

- Site Plan (include Site Plan Review Application)  
 Descriptive Information

OVERFLOW PARKING FOR 417 ALBRIGHT

**RECEIVED**  
NOV 19 2013  
CITY OF GRAHAM  
INSP. / P.Z.

## Applicant and Project Contact

Name: William Wilson  
 Property Owner Other \_\_\_\_\_  
Mailing Address: P.O. BOX 2888  
City, State, Zip: BORLINGTON NC 27216  
Phone #: 336 264 8065  
Email: wwilson@realityworldtriad.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.

[Signature] 11/12/2013  
Signature of Applicant Date

Signature of Property Owner (if other than applicant) Date

Office Use Only. DEVID# SUP1304

- 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

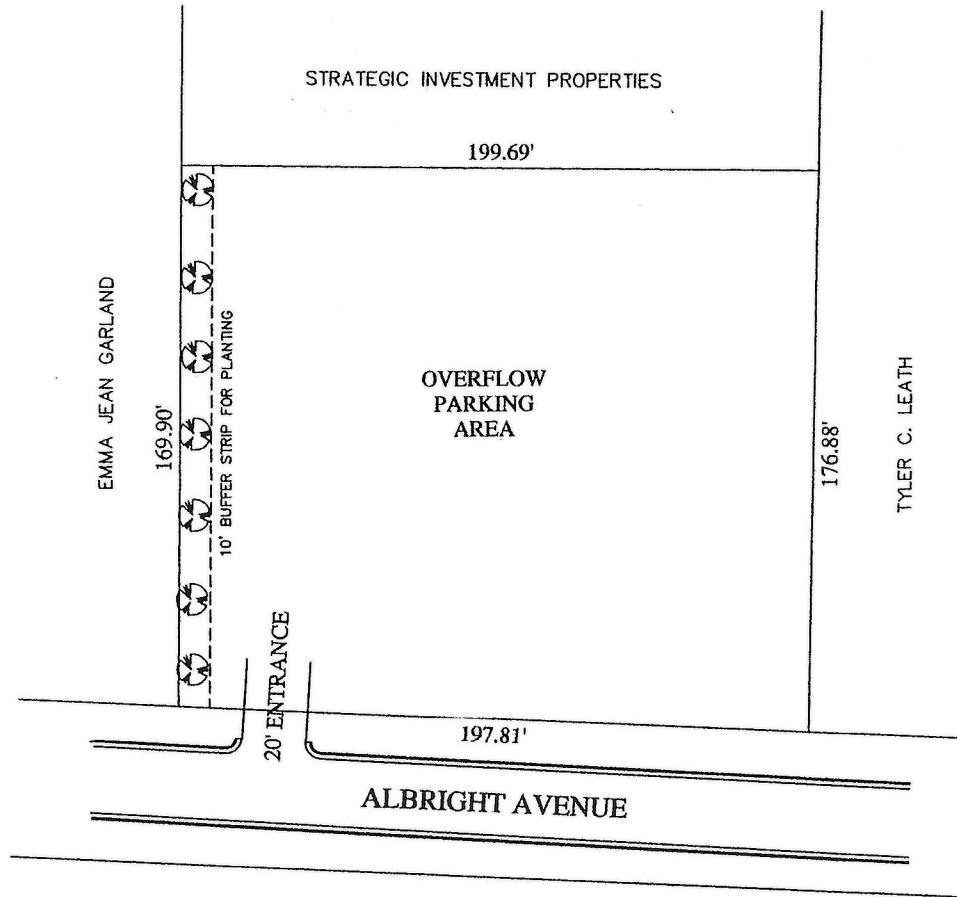
RECEIVED

NOV 19 2013

CITY OF GRAHAM  
INSP. / P.Z.

1"=60' SCALE

SUP1304





## 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.*

### **417 Albright Ave Overflow Parking (SUP1304)**

**Type of Request**  
Special Use Permit

**Meeting Dates**  
Planning Board on December 17, 2013  
City Council on January 7, 2014

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend APPROVAL with the following conditions:**
- o The applicant shall pay for the installation of a striped and signed crosswalk with curb ramps and connecting sidewalk to provide a distinct and safe pedestrian connection between the proposed parking lot and the building at 417 Albright Ave in a location and to specifications approved by the TRC.
  - o [Insert additional or other conditions]
- 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 17<sup>th</sup> day of December, 2013.

Attest:

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Andy Rumley, Planning Board Chairman

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Martha Johnson, Secretary