



Planning Board

Meeting Agenda

January 21, 2014 at 7:00pm
Council Chambers, 201 S Main St

Invocation

1. Approve minutes of the December 17, 2013 meeting
2. Rezoning for Mid-State Magic (RZ1401). Request by the City of Graham to rezone property located on E Interstate Service Rd at E Gilbreath St (GPIN 8884402904) from Conditional Industrial (C-I) to Heavy Industrial (I-2).
3. Rezoning for JRC Development C-R (RZ1402). Consideration to rezone property located at 613 W Gilbreath St (GPIN 8874820026) from Conditional Residential (C-R) to Residential (high density) (R-7) in accordance with Section 10.85.F of the *Development Ordinance*.
4. Text Amendment for Screening and Drive-in Theaters. Request by staff to amend the *Development Ordinance* to clarify the screening requirement for O-I, B-2 and B-3 districts and remove standards for drive-in theaters.

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

PLANNING ZONING BOARD

Tuesday, December 17, 2013

The Planning & Zoning Board held its regular meeting on Tuesday, December 17, 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, Michael Benesch and Dean Ward. Bonnie Blalock and Tim Beshel were 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. Approve minutes of the November 4, 2013 special meeting. Ricky Hall made a motion for approval, second by Dean Ward. All voted in favor.
2. Approve minutes of the November 19, 2013 meeting. Ricky Hall made a motion for approval, second by Dean Ward. All voted in favor.
3. 1115 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). It was the consensus of the Board that this project was consistent with what the City of Graham is trying to accomplish. Ricky Hall made a motion for approval, second by Dean Ward. All voted in favor.
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). Melissa Guilbeau stated that a site plan was submitted showing where the driveway will be located, it would have to meet landscaping requirements and coordinate with the *Development Ordinance*. Ms. Guilbeau said staff has concerns about the parking lot being located across the street from the use it will be serving and for the safety of pedestrians crossing Albright Avenue. As part of the approval, staff recommends a condition that the applicant has to construct a striped and signed crosswalk with curb ramps and connecting sidewalks. She said they are working with the Police Department to reduce the speed limit from 35 to 25 mph. Ms. Guilbeau said if this item is approved it will still go through final site plan review and approval before construction.

Dean Ward asked if the parking lot would have to be lighted. Melissa Guilbeau said it wasn't addressed on the site plan and we don't have any requirements in our *Development Ordinance* but that would be something the Police Department asks about in TRC. Mr. Rumley would additionally like an off duty police officer to flag traffic, especially in the evenings. Dean Ward asked if the Board could impose a special condition for a lighted parking lot if granted. Michael Benesch stated it is a blind area and he wasn't sure if a lighted parking lot would be sufficient enough, but it would be helpful. Mr. Ward said he would like to see a right in and right out of the parking lot and asked if this is a condition that can be imposed or would that come from DOT. Ms. Guilbeau stated that Albright Avenue is a City road but Elm Street is a DOT road. She said they could ask, but she is unsure how this would work.

Ricky Hall made a motion for approval with recommendation of down lighting and any other recommendations that TRC suggest, seconded by Bill Teer. All voted in favor.

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

Rezoning for Mid-State Magic (RZ1401)

Type of Request: Rezoning

Meeting Dates

Planning Board on January 21, 2014

City Council on February 4, 2014

Contact Information

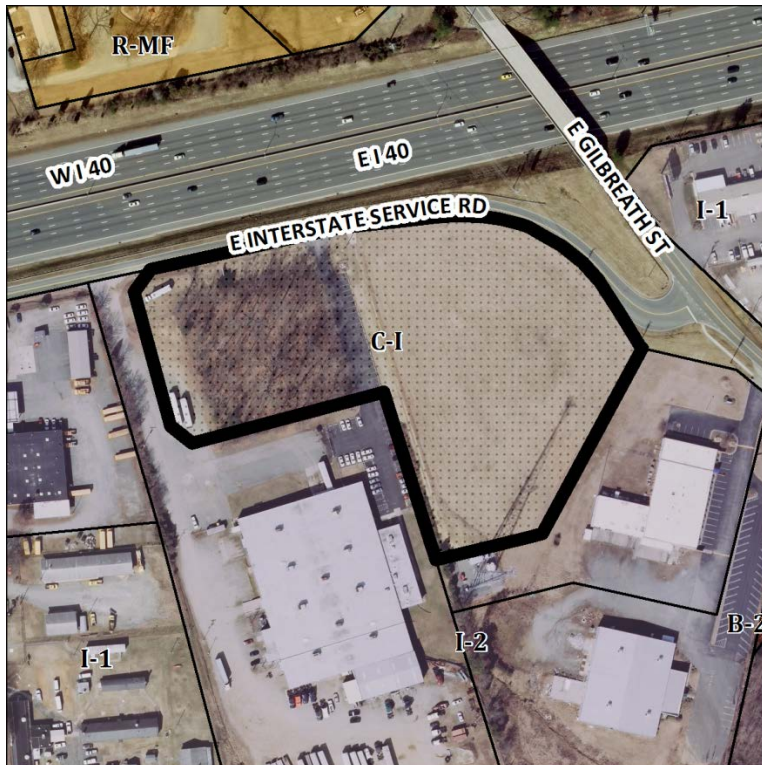
Frankie Maness, City of Graham

PO Drawer 357, Graham, NC 27253

336-570-6700; fmaness@cityofgraham.com

Summary

This is a request to rezone the subject property from C-I to I-2. The property is currently vacant and wooded. The stated reason for this rezoning request is "In 2009, the City worked with Mid-State Magic Basketball to rezone this property to Conditional Industrial in order to build a facility for them. This project is no longer in the works. The City feels that rezoning the property back to the I-2 zoning that it was prior to the C-I zoning will make it easier to potentially market and sell the property."



Location

E Interstate Service Rd at
E Gilbreath St

GPIN: 8884402904

Current Zoning

Conditional Industrial (C-1)

Proposed Zoning

Heavy Industrial (I-2)

Overlay District

none

Surrounding Zoning

I-2

Surrounding Land Uses

Industrial

Size

5.9 acres

Public Water & Sewer

Water on E Interstate Service Rd,
E Gilbreath St and thru property
Sewer on E Gilbreath 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

- 6.3.3. Encourage new industries to locate within existing industrial parks within the City or designated areas located on the future development map. *This rezoning would permit a number of types of industry in an area designated as a regional industrial center on the future development map.*

Applicable Planning District Policies and Recommendations

- None are applicable

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends approval** of the rezoning. The following supports this recommendation:

- Rezoning the property would be consistent with the Regional Industrial Center development type and would further goals of the *Growth Management Plan*.

Planning District

Central

Development Type

Regional Industrial Center

Located near a major thoroughfare with interstate access and large parcels

For industrial

Characteristics include open space; automobile oriented; design requirements; sidewalks; street trees; landscaping; buffering/screening; parking provided on-site; height of structures regulated; controlled access; building orientation

Size of development more than 10,000sf

Infrastructure includes water, sewer, street connectivity and underground utilities



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

Street Address: E Interstate Service Rd at E Gilbreath St

Tax Map#: 146703 GPIN: 8884402904

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

Current Use: vacant

Total Site Acres: 5.9

Property Owner: City of Graham

Mailing Address: PO Drawer 357

City, State, Zip: Graham, NC 27253

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: Frankie Maness

Mailing Address: PO Drawer 357

City, State, Zip: Graham, NC 27253

Phone # (336) 570-6700

Email: fmaness@cityofgraham.com

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

Frankie Maness

Digitally signed by Frankie Maness
DN: cn=Frankie Maness, o=City of Graham, ou,
email=fmaness@cityofgraham.com, c=US
Date: 2014.01.09 08:37:14 -0500

1/2/14

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:

In 2009, the City worked with Mid-State Magic Basketball to rezone this property to Conditional Industrial in order to build a facility for them. This project is no longer in the works. The City feels that rezoning the property back to the I-2 zoning that it was prior to the C-I zoning will make it easier to potentially market and sell the property.

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#



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.

Rezoning for Mid-State Magic (RZ1401)

Type of Request

Rezoning

Meeting Dates

Planning Board on January 21, 2014
City Council on February 4, 2014

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

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 21st day of January, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Rezoning for JRC Development C-R (RZ1402)

Type of Request: Rezoning

Meeting Dates

Planning Board on January 21, 2014

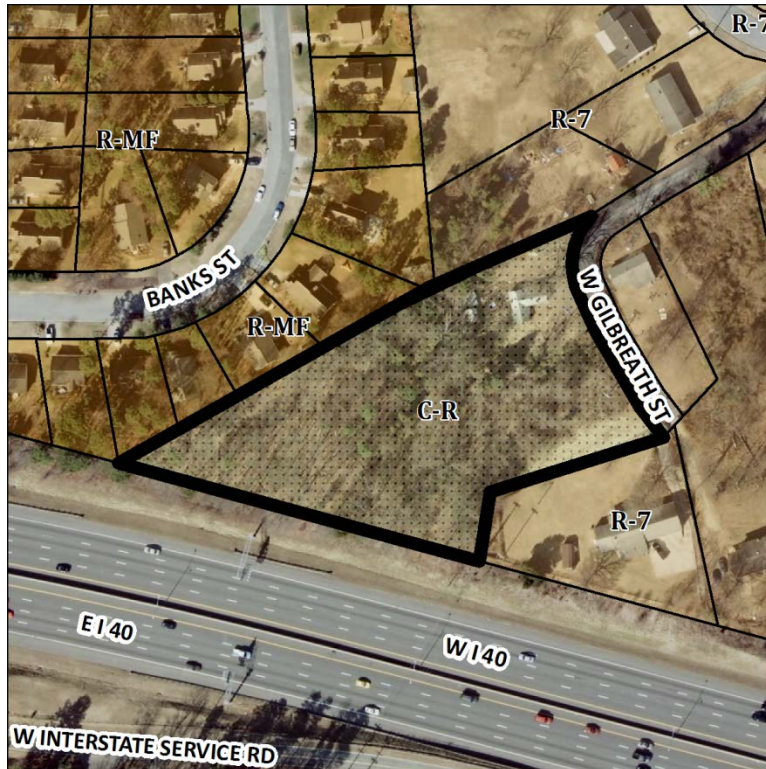
City Council on February 4, 2014

Contact Information

Not applicable

Summary

Because it has been more than three years since the subject property had conditional zoning approved and no progress has been made on the project, staff proposes that the subject property be rezoned from C-R back to R-7.



Location

613 W Gilbreath St

GPIN: 8874820026

Current Zoning

Conditional Residential (C-R)

Proposed Zoning

Residential (high density) (R-7)

Surrounding Zoning

R-7 & R-MF

Surrounding Land Uses

Single Family Dwellings

Size

2.08 acres

Section 10.85.F of the *Development Ordinance* states that “approval of a conditional zoning district... is intended that property shall be reclassified... only in the event of firm plans to develop the property. Therefore, no sooner than three years after the date of approval of the petition, the Planning Board may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the City Council a report, which may recommend that the property be reclassified to another district.”

The C-R conditional zoning district was approved for this property on December 5, 2006. The approval included a site plan and the following three additional conditions:

- The existing gravel road tying into this proposed C-R lot will be paved and widened to 20 feet by the developer. Additional right-of-way of this gravel road will be acquired by the developer if necessary and then be dedicated to the City of Graham.
- The minimum square footage of the future houses shall be 1100 square feet.
- The developer must ask the property owner at 736 Banks St if he or she desires the extension of the proposed 8-foot treated wood fence along the entire rear lot line of this property all the way to I-85/40. The developer shall provide the 8-foot wide treated fence if requested by the property owner at 736 Banks St, and the City of Graham shall be informed.

Construction drawings were submitted and reviewed by the Technical Review Committee on February 7, 2007 and were never approved. The Engineering Review Fee of \$600 (\$100 per lot) was never paid. Staff is not aware of any further activity related to this project.

Based on these facts, staff feels that progress has not been made in accordance with the approved petition and conditions.

NOTE: The Permit Extension Act “stopped the clock” for development approvals from January 1, 2008 to December 31, 2011, effectively adding four years to development approvals. Three years from approval of the conditional rezoning would have been December 5, 2009, but with the Permit Extension Act, it became December 5, 2013.

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

Applicable Goals to Guide Us into the Future

- 6.1.3. Promote the incorporation of street trees along new roads and the extension or widening of roads. *Rezoning the property back to R-7 would ensure that any future subdivision of the property would comply with the new street standards that were adopted in 2013, which promote street trees.*

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. *Rezoning the property back to R-7 would still allow the property to be subdivided provided that all requirements for the R-7 zoning district and subdivisions could be met.*
- 7.3.4.1.4. Improve enforcement of existing zoning ordinance to improve community appearance. *Rezoning an approved conditional rezoning after three years of no progress allows any new/changed standards to be applied to future development of the property. Rezoning the property back to R-7 would ensure that any future development of the property comply with new or changed regulations that were adopted since December 2006.*

Planning District

North

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.

Rezoning for JRC Development C-R (RZ1402)

Type of Request

Rezoning

Meeting Dates

Planning Board on January 21, 2014
City Council on February 4, 2014

I move to recommend that the property be **REZONED to R-7** in accordance with Section 10.85.F of the *City of Graham Development Ordinance*.

I move to recommend that the property **not be rezoned**.

This rezoning **is consistent** with the *City of Graham Growth Management Plan 2000-2020*.

This rezoning **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 21st day of January, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Text Amendment for Screening and Drive-in Theaters

Contact Information

Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on January 21, 2014

City Council on February 4, 2014

Summary

Two issues have been brought to the attention of staff that warrant amendments to the Development Ordinance.

The first concerns the requirements for screening contained in Section 10.246.10. The issue is that for the I-1 and I-2 districts, the ordinance provides that the required screening shall be 8-12 feet high at maturity. But for the O-I, B-2 and B-3 districts, the ordinance does not provide the “at maturity” option, so it may be interpreted that the screening must be at least six feet high at planting. Staff recommends adding language to provide that the screenings for the O-I, B-2 and B-3 districts shall be at least six feet high at maturity, which will clarify the requirement, make it similar to the requirement for the I-1 and I-2 districts, and lessen the burden on property owners by not requiring the planting of a six-foot high screen.

The second issue is that standards for drive-in theaters are provided in Section 10.149 Special uses listed, but “drive-in theater” is not listed as a use in the Table of Permitted Uses. There are two potential ways to address this issue: (1) add “drive-in theater” to the Table of Permitted Uses or (2) delete the entry for “Drive-in Theater” from Section 10.149 Special uses listed. Staff recommends deleting the entry from Section 10.149 because this is a use that is longer common. According to the website www.drive-ins.com, there used to be 210 drive-in theaters operating in North Carolina, including three in Burlington. Today, all but six of these drive-in theaters are closed. Also, staff cannot find that a special use permit has ever been issued for a drive-in theater in Graham.

Location

O-I, B-2, B-3, I-1 and I-2
Zoning Districts

GPIN

not applicable

Staff Recommendation

Approval

The following amendments to the Development Ordinance are proposed:

- Amend Section 10.246.10(a) Screening O-I, B-2, and B-3 Districts as follows:

Showing changes

O-I, B-2, and B-3 Districts – business uses whose property lines abut a district zoned residential shall erect an opaque screen at least six feet high designed so as to obstruct the view from surrounding residential property. Screens are not to be brightly colored, multicolored, or otherwise obtrusive. Colors and textures harmonious with nature and nearby residential structures are recommended. If a planted screen is used, it shall consist of evergreen shrubs or trees which at maturity will meet the required height.

Final result

O-I, B-2, and B-3 Districts – business uses whose property lines abut a district zoned residential shall erect an opaque screen at least six feet high designed so as to obstruct the view from surrounding residential property. Screens are not to be brightly colored, multicolored, or otherwise obtrusive. Colors and textures harmonious with nature and nearby residential structures are recommended. If a planted screen is used, it shall consist of evergreen shrubs or trees which at maturity will meet the required height.

- Delete the entire entry for “Use: Drive-in Theater” in Section 10.149 Special uses listed

Conformity to the *Growth Management Plan (GMP)*

Applicable Goals to Guide Us into the Future

- 6.1.3. Enforce landscaping standards to help beautify and buffer development sites. *Adding “at maturity” to the screening requirement for O-I, B-2 and B-3 will make it easier for staff to enforce this requirement.*

<p><u>Planning District</u> not applicable</p> <p><u>Development Type</u> not applicable</p>
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Applicable Planning District Policies and Recommendations

- Not applicable

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinances*, staff **recommends approval** of the amendments. The following supports this recommendation:

- The proposed text amendments will further goals of the *Growth Management Plan*.
- The proposed text amendments will clarify the requirements for screening and remove the potential for confusion regarding the permitting of drive-in theaters.



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.

Text Amendment for Screening and Drive-in Theaters

Type of Request
Text Amendment

Meeting Dates
Planning Board on January 21, 2014
City Council on February 4, 2014

- I move to **recommend APPROVAL** of the amendments as presented.
- I move to **recommend APPROVAL with the following modifications:**
- o [Insert modifications to proposed amendments]
- I move to **recommend DENIAL.**

-
- The amendments **are consistent** with the *City of Graham Growth Management Plan 2000-2020*.
- The amendments **are not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

This report reflects the recommendation of the Planning Board, this the 21st day of January, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary