



Planning Board

Meeting Agenda

November 18, 2014 at 7:00pm
Council Chambers, 201 S Main St

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

1. Public comment on non-agenda items
2. Approve minutes of the September 16, 2014 meeting
3. Committee Reports
4. Old Business
5. New Business
 - a. Elect Chair and Vice-Chair
 - b. Text Amendment for Stormwater and Surety. Request by staff to amend the Development Ordinance in relation to surety for stormwater treatment devices, surety in relation to site plan development, and changes related to the Jordan Lake rules.

Adjourn

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

PLANNING ZONING BOARD

Tuesday, September 16, 2014

The Planning & Zoning Board held their regular meeting on Tuesday, September 16, 2014 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Ricky Hall, Bill Teer, Dean Ward, Michael Benesch, and Tim Beshel. Andy Rumley and Bonnie Blalock were absent. Staff members present were Melissa Guilbeau, City Planner and Martha Johnson, Zoning/Inspections Technician.

Vice Chair Ricky Hall called the meeting to order, led the Invocation and gave the Overview of the Board and general meeting rules.

1. Public comment on non-agenda items. There were none.
2. Approval of the August 19, 2014 meeting. Dean Ward made a motion for approval, second by Bill Teer. All voted in favor.
3. Committee Reports. There were none.
4. Old Business. There were none.
5. New Business
 - a. Wendy's at Kourescent (SUP8301). Request by Chris Clayton of Commercial Site Design for an amendment to the Special Use Permit for a Unified Business Development for property located at 835 S Main St (GPIN 8883195723 & 8883195412).

Melissa Guilbeau said this was a request to amend the Special Use Permit for a Unified Business Development that was issued in 1983 which is known currently as Kourescent Square. The amendment is specifically to demolish the Wendy's and rebuild it on the site. Ms. Guilbeau gave the Board a revised copy of the preliminary site plan.

Dean Ward stated he had done work for Walker Holding approximately 7 to 8 years ago but is not doing any work with them at this time. The Board all agreed that this would not call for Mr. Ward to be recused.

Chris Clayton from Commercial Site Design spoke representing the project. Mr. Clayton stated they had presented a site plan to TRC and the major issue was the 2 curb cuts into the shopping center parking lot. NCDOT wanted them to do away with the one near S Main St, which they did, and they also added sidewalks. Mr. Clayton distributed color pictures of the site to the Board.

Mr. Teer asked if this would be a larger building and Mr. Clayton said if it was it wasn't significantly larger. Mr. Clayton said they are proposing only one menu board for now but they are planning for two for future use. Mr. Teer asked when they proposed to start the project. Mr. Clayton said they will start construction early to mid-November and that construction would take 3 to 4 months.

Dean Ward asked if they were going to change the existing lighting for the parking lot. Mr. Clayton said they will have new lighting since it is a total redo of the property. Ricky Hall asked what the major concern from the TRC meeting was. Ms. Guilbeau said it was the sidewalks and to do away with the entrance closest to S Main Street so it would eliminate people blocking traffic there. Mr. Hall also asked if they had met stormwater requirements and Ms. Guilbeau said there were no stormwater requirements.

Mr. Hall stated he would like to see a right in and right out from the shopping center onto S Main Street which would eliminate the potential of blocking traffic there. Mr. Clayton said that NCDOT didn't have issues with it and that his concern was that this was bringing the shopping center owner into the picture and that is more in their court than his clients. The right in and right out would affect the shopping center more than his client's development.

Mr. Ward asked what the traffic count per day is and Mr. Clayton said during peak hours it would be around 120. Mr. Benesch suggested widening the driveway into the shopping center parking lot. Mr. Clayton said Wendy's shouldn't have a problem with widening the driveway. Mr. Ward stated he has issues with the one point of egress. Mr. Ward said there are tons of cars at Wendy's during the day with the traffic bad at certain times of the day, turning the building he feels is a very good idea but he feels there needs to be another way in and out of that parking lot. Mr. Clayton said that NCDOT was adamant about closing the access that is closer to the nearest travel lane on S Main St.

Bill Teer made a motion to approve, second by Tim Beshel. Mr. Hall requested an amendment to the proposal with a right in and a right out and Mr. Teer agreed with that addition. Mr. Beshel was concerned about slowing down the process for Wendy's. It sounds like NCDOT has shot it down definitely. This project will be better for the City of Graham when it is finished and is definitely better than it is currently.

Ricky Hall said he would withdraw his amendment and that the Board goes with what the recommendation was originally. All members voted aye 5-0 and this is consistent with the City of Graham Growth Management Plan.

Dean Ward stated that he saw in the local paper that the Nicks Building was sold in a foreclosure proceeding and now we might be able to contact the new owner and address the issues there concerning the code violations. Mr. Ward wasn't sure who bought the property.

No further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Text Amendment for Stormwater and Surety

Type of Request: Text Amendment

Meeting Dates

Planning Board on November 18, 2014

City Council on December 2, 2014

Contact Information

Not applicable

Summary

Staff proposes to amend the *Development Ordinance* to address the following:

- Staff believes that it would be desirable to allow stormwater treatment facilities to be one of the last items completed in a development to ensure that they are properly installed. To that end, staff proposes to allow stormwater treatment devices to remain incomplete with a construction surety at the time that a certificate of occupancy is requested.
- Staff also noted that the ordinance does not allow any infrastructure to remain incomplete for developments constructed under the Site Plan provisions. Staff proposes to allow site plans the same provisions for incomplete infrastructure that are allowed for subdivisions.
- The NC General Assembly changed the general statute for the Jordan Lake Riparian Buffer Rules and this change clarified three items that NC DENR had previously interpreted differently than most local governments. Staff proposes to incorporate this clarification into the ordinance. The proposed changes are less stringent than the original interpretations.

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

The following amendments to the Development Ordinance are proposed:

- Amend Section 10.339(d)(4) Procedures for Major Subdivisions as follows:

Showing changes

No certificate of occupancy may be issued for any building or structure within the subdivision until the City certifies that all public improvements for that phase of the subdivision within which a certificate of occupancy is sought have been installed as required and are functional, with the exception of the last layer of asphalt, stormwater treatment facilities, sidewalks and street trees, which may remain incomplete provided that a construction surety has been posted in accordance with Section 10.339(c)(3)b. A certificate of occupancy may be issued even though minor deficiencies and defects remain provided that the deficiencies or defects do not render the improvements dysfunctional, the improvements provide the full level of fire protection, and the developer has provided the City with a construction surety (as provided for in Section 10.339(c)(3)b) for the deficiencies and defects.

Final result

No certificate of occupancy may be issued for any building or structure within the subdivision until the City certifies that all public improvements for that phase of the subdivision within which a certificate of occupancy is sought have been installed as required and are functional, with the exception of the last layer of asphalt, stormwater treatment facilities, sidewalks and street trees, which may remain incomplete provided that a construction surety has been posted in accordance with Section 10.339(c)(3)b. A certificate of occupancy may be issued even though minor deficiencies and defects remain provided that the deficiencies or defects do not render the improvements dysfunctional, the improvements provide the full level of fire protection, and the developer has provided the City with a construction surety (as provided for in Section 10.339(c)(3)b) for the deficiencies and defects.

- Amend Section 10.347(c)(4) Procedures for Site Plans as follows:

Showing changes

A Certificate of Occupancy shall not be issued for any building or structure on the site until the City verifies that all required improvements have been constructed in accordance with the approved site plan and construction drawings and specifications, or a construction surety for allowable incomplete public and/or private improvements (as provided for in Sections 10.339(c)(3)b, (c)(4) and (d)(4)) has been accepted by the city, and that all other requirements have been met.

Final result

A Certificate of Occupancy shall not be issued for any building or structure on the site until the City verifies that all required improvements have been constructed in accordance with the approved site plan and construction drawings and specifications, or a construction surety for allowable incomplete public and/or private improvements (as provided for in Sections 10.339(c)(3)b, (c)(4) and (d)(4)) has been accepted by the city, and that all other requirements have been met.

- Amend Section 10.577.B. Table of Uses as follows:

Showing changes

| | Exempt* | Allowable* | Allowable with Mitigation* |
|--|----------|------------|----------------------------------|
| <u>Piping of a stream allowed under a permit issued by the United States Army Corps of Engineers</u> | | <u>X</u> | |
| Utility, non-electric, other than perpendicular crossings ^{4,5} : • Impacts in Zone Two | <u>X</u> | ✕ | |

Final result

| | Exempt* | Allowable* | Allowable with Mitigation* |
|---|---------|------------|----------------------------------|
| Piping of a stream allowed under a permit issued by the United States Army Corps of Engineers | | X | |
| Utility, non-electric, other than perpendicular crossings ^{4,5} : • Impacts in Zone Two | X | | |

- Amend Section 10.583.B. Definitions ‘Airport Facilities’ as follows:

Showing changes

‘Airport Facilities’ means all properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases ‘air navigation facility’, ‘airport’, or ‘airport protection privileges’ under G.S. 63-1; the definition of ‘aeronautical facilities’ in G.S. 63-79(1); the phrase ‘airport facilities’ as used in G.S. 159-48(b)(1); the phrase ‘aeronautical facilities’ as defined in G.S. 159-81 and G.S. 159-97; and the phrase ‘airport facilities and improvements’ as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, aeronautic industrial facilities that require direct access to the airfield, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof and any combination of any or all of such facilities.

Final result

‘Airport Facilities’ means all properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases ‘air navigation facility’, ‘airport’, or ‘airport protection privileges’ under G.S. 63-1; the definition of ‘aeronautical facilities’ in G.S. 63-79(1); the phrase ‘airport facilities’ as used in G.S. 159-48(b)(1); the phrase ‘aeronautical facilities’ as defined in G.S. 159-81 and G.S. 159-97; and the phrase ‘airport facilities and improvements’ as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, aeronautic industrial facilities that require direct access to the airfield, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons,

marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof and any combination of any or all of such facilities.

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

Applicable Goals to Guide Us into the Future

- 6.1.1. Support efforts to protect sensitive natural resources including wetlands, waterways, slopes, floodplains, etc.
Allowing stormwater treatment devices to be installed after the rest of the development is complete will ensure that they are properly and effectively installed, which will improve the quality of stormwater runoff. Amending the ordinance related to the Jordan Lake buffer rules allows for clearer and more consistent application of the rules designed to improve the quality of water in Jordan Lake.

Planning District

All

Development Type

All

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and research of State regulations, other jurisdictions and best practices, staff **recommends approval** of the text amendments. The following supports this recommendation:

- The proposed text amendments will further goals of the *Growth Management Plan* and will accomplish the purposes of the revisions.



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 Stormwater and Surety

Type of Request
Text Amendment

Meeting Dates
Planning Board on November 18, 2014
City Council on December 2, 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 18th day of November, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary