



Planning Board

Meeting Agenda

May 20, 2014
immediately following the Board of Adjustment meeting at 7:00pm
Council Chambers, 201 S Main St

Invocation

1. Approve minutes of the April 15, 2014 meeting
2. Shannon Dr Internet Marketing Center (SUP1401). Request by Chase Brooks for a Special Use Permit for Electronic, Internet or Sweepstakes Gaming for property located at 107 E Shannon Dr (GPIN 8883421261).
3. Providence Foster Respite for Children (SUP1402). Request by Mollissie Peterson for a Special Use Permit for a Group Home for property located at 306 Providence Rd (GPIN 8874987219).
4. Chase and Halsey Multifamily (RZ1404). Request by Chris Foust to rezone property located on Chase and Halsey Streets (GPIN 8874799174) from Residential (low density) (R-18) to Residential (multifamily) (R-MF).

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

PLANNING ZONING BOARD

Tuesday, April 15, 2014

The Planning & Zoning Board held its regular meeting on Tuesday, April 15, 2014 at 7:00 p.m. in the Council Chambers of the Graham Municipal Building. Board members present were Ricky Hall, Bill Teer, Andy Rumley, Dean Ward and Bonnie Blalock. Michael Benesch and Tim Beshel were absent. Staff members present were Melissa Guilbeau, City Planner and Martha Johnson, Zoning/Inspections Technician.

Invocation was given by Ricky Hall.

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

Mayor Peterman spoke to the Board concerning last month's project that the Board approved and the City Council disapproved. He thanked the Board for all that they do.

1. Approve minutes of the March 18, 2014 meeting. Ricky Hall made a motion to approve, second by Bonnie Blalock. All voted in favor.

2. Shannon Dr Internet Marketing Center (SUP1401). Request by Chase Brooks for a Special Use Permit for Electronic, Internet or Sweepstakes Gaming for property located at 107 E Shannon Dr (GPIN 8883421261).

Charles Brooks spoke as the owner of the property at 107 E Shannon Drive (Brooks Realty Endeavors) which is also known as Mr. B's Garden Center. Mr. Brooks stated he has owned the property for seventeen years and his family has owned the land since 1936. He calls his business an advertising social center and currently has one running on Auto Park Dr. Mr. Brooks said that 80% of his customers are women at that facility and have rarely had any issues.

Andy Rumley asked if it would be a 24 hour facility and Mr. Brooks said probably not. Mr. Brooks said it would probably be open until 2:00 a.m. and reopen in the mornings around noon. Dean Ward asked if there was enough parking available and Mr. Brooks stated they had more than enough. Ricky Hall asked if there was a daycare facility close to this property. Mr. Brooks said that the daycare no longer exists.

Dean Ward said there was also a church which cannot be within 1000 feet and it is approximately 915 feet from this property. Mr. Brooks said he ran a meter down the front line all the way across down to the front drive and it was approximately 1032 feet. Mr. Ward asked Ms. Guilbeau if she was confident with the staff's measurement of 915 feet. She replied yes and the drawing is straight line from the nearest point from each property line. Mr. Brooks added that he was completely out of sight and completely away from that facility. Mr. Brooks asked if there would be a possibility of asking for a variance and Mr. Rumley answered that would be a totally separate matter which the Board could not address at this meeting. Ms. Guilbeau got the GIS up on her computer screen for everyone to see and did an additional measuring which showed 912 feet straight line.

Mr. Rumley asked Ms. Guilbeau if this would be something the Board of Adjustment would address. She said it is not a variance from a use but from a standard so it was something that the Board of Adjustment could address.

Mr. Rumley asked if staff was present when in operation and Mr. Brooks replied yes. Mr. Brooks continued to further explain the background of the operation of their business.

Bonnie Blalock asked if he planned to close the garden side and Mr. Brooks said they would not.

Dean Ward asked Ms. Guilbeau if the Board approved his request tonight would he still need to ask for a variance because of the ordinance itself. Ms. Guilbeau said he didn't have to ask for the variance to go before City Council but then he would be going before City Council without that variance and it would be up to City Council to make their decision. Ricky Hall asked if it could be tabled and let the applicant come back to the Board of Adjustment and then the Planning Board. Ms. Guilbeau said the Planning Board has up to 60 days to decide on these things but it is complicated by the Planning Board meeting being held before the Board of Adjustment meeting. Ricky Hall asked if the meetings could be flipped and Ms. Guilbeau said she didn't have a problem with that and it would be up to the Board.

Ricky Hall made a motion to table this item to give Mr. Brooks the opportunity to apply for a variance, second by Dean Ward. All voted in favor.

3. Watercourse Apartments (CR1403). Request by Lee-Moore Capital Company to rezone the property located at 1050 Woody Dr (GPIN 8884724405) from General Business (B-2) to Conditional Residential (C-R) to construct seven apartment buildings with a total of 196 residential units. Conceptual perspective views of the development from different angles were submitted with the application package, as well as a site narrative. The applicant proposes to construct 80 one-bedroom units, 72 two-bedroom and 44 three-bedroom. Buildings 1 through 5 on the site plan would be 3 stories and 6 and 7 would be 4 stories tall. A primary entrance on Woody Dr is proposed along with a left-turn lane on Woody Dr to enter the property and a secondary emergency access on the service road adjacent to I-85. The applicant also proposes to construct a park area, 8' asphalt trail and pedestrian bridge. Also the project will have 320 parking spaces, gates to restrict traffic, realignment of the existing 18" public sewer line that crosses the property, and retaining walls where needed.

John Fugo, Developer partner & General Contractor from Montgomery Development at 7806 NC 751, Durham, NC 27713 spoke representing the project along with other members of the development team. Mr. Fugo said he came before this Board approximately 7 years ago to rezone it to business. Mr. Fugo stated he had a major anchor store to go there but they pulled out as a result of the recession and once the major anchor pulled out so did the other tenants. Mr. Fugo mentioned several different stores they tried to get to go there but nothing worked out. Mr. Fugo said this project is looking to do apartments and all indications say Graham is a perfect place for multifamily communities to service Graham, Burlington, Mebane, Winston-Salem along with the Research Triangle with it being centrally located to all these areas.

Mark Ashness from the CE Group 301 Glenwood Ave, Ste 220, Raleigh, NC 27603 spoke next explaining the project showing the site plan. He explained they were proposing to lessen the grade on the property by cutting toward the east to lower the site and moving dirt toward the west towards Town Branch Creek to make it a more level site. The actual drive entrance is in the center where the cutting on the east balances with the filling on the west side. Once they submit construction drawings they will be in compliance with the stormwater ordinance, the floodplain development ordinance, riparian buffer protection ordinance, utility requirements and landscaping ordinance.

Dean Ward asked what is the material being used on the exterior of the buildings. Mr. Fugo said it would be predominately hardy plank siding and hardy plank trim. The clubhouse in the center would have masonry along the bottom but that design isn't finished yet and Mr. Fugo stated there would not be any vinyl. Mr. Rumley asked Mr. Fugo if once it is all built out will this team still own and manage the property. Mr. Fugo said they intend to keep it. Mr. Rumley asked about the length of leases and Mr. Fugo said they were yearly leases averaging \$900.00 per month.

Dean Ward asked if the construction would be all at one time or in phases. Mr. Fugo said the buildings will all go up at once, one building at a time and the first one won't be rented until everything is done. Bonnie Blalock asked if they had any other apartment complexes in this area and Mr. Fugo said they do not.

Brad Minsley from 10 Federal Finance LLC, 5611 NC Hwy 55, Ste 202 Durham, NC 27713 spoke next. He said they own Heritage Apartments located in Hillsborough, NC which they acquired 2 years ago and they intend to own that property for a very long time. Mr. Rumley asked if these apartments are eligible for government assistance and how do you screen your tenants. Mr. Minsley stated this project will not accept Section 8 vouchers. These apartments are considered market rate apartments, when an applicant seeks to live there a very thorough criminal and background credit check is done.

Mr. Teer asked how many people they expect to live there. Mr. Minsley stated approximately 400-500 people. Mr. Teer asked if he had talked to anyone with the school system and Mr. Minsley said he spoke with Dain Butler. Mr. Butler stated the middle school and high school are under capacity for what they are designed for but Mr. Butler said that North Graham Elementary is over-capacity in the fourth grade. Mr. Minsley said they expect to only have approximately 50 children in the development. Mr. Teer asked if they will be building it all at one time and make it available for occupancy at one time and Mr. Minsley replied it generally takes approximately 12 months to build a project like this from start to finish and another year to lease it all up.

Dean Ward asked about the amenities being offered. Mr. Minsley said a pool with cabanas, fitness facility, and a clubhouse with common areas, various grills sites, and a tot lot along with a dog park.

Rynal Stephenson with Ramey Kemp & Associates, 5808 Faringdon Pl, Ste 100 Raleigh, NC 27609 spoke next. Mr. Stephenson stated they had prepared a traffic study on the access and coordinated it with NCDOT with the road improvements. Mr. Stephenson said that NCDOT was comfortable with the access as you see on the plans. Dean Ward asked if there would be a divider there or just a yellow line with a right in and right out. Mr. Stephenson said they will be taking the three lanes at the intersection all the way back to the driveway. Mr. Ward asked what type of lighting they were proposing. Mr. Stephenson said it would be energy efficient lighting all to code with no light pollution to the adjacent facilities. Bonnie Blalock asked if anyone from their team had contacted the neighbors. Mr. Fugo stated he had spoken to the spokesman from the neighborhood in his office. He also spoke with a few of the neighbors and he left an open invitation that he would meet with anyone anywhere.

Paul Keller 410 Stonehedge Dr spoke. He has concerns with the traffic and backup with cars entering back in especially at night. Mr. Rumley asked for clarification concerning the staging area before you go in. Mr. Minsley said the gates are set back in each direction from the entrance with 2 opportunities for stacking inside the project. Mr. Keller was concerned about noise from all the apartments and would like a buffer on Woody Dr.

Chuck Granger 404 Stonehedge Dr in Avalon Acres stated his concern was that apartments are not right for E Harden Street. Mr. Granger said we need to attract business and bring traffic off of the interstate. He also was concerned about the possible noise with that many apartments.

Martin Shoffner 612 Wildwood Ln, Graham, NC said we need housing here in Graham and these apartments do look very nice. Mr. Shoffner feels there needs to be a public street within the complex, concerned for four levels, the sanitary sewer outfall and other underground utilities. Mr. Shoffner also had concerns about the height of the retaining wall along with the flow of traffic in the future with more possible development in that area.

Dean Ward said that he felt this was a very well planned project but not sure if this is the best project for this land that is zoned business. Mr. Ward is concerned about the traffic with this many units and approximately 500 people on this site. Mr. Ward said he knew NCDOT will have some recommendations and he knew they would do what NCDOT asks of them. Bonnie Blalock said she agreed with Mr. Ward and it was one of the nicest apartment complexes presented to the Board in a long time and they would be a nice addition to the City of Graham and it is something different from what we have now. Mr. Teer feels it would be a better location for a business instead. Mr. Hall felt the development team worked extensively on trying to find a business partner to help them and he feels it is a good fit for this property. Mr. Hall said the businesses close by will benefit from this project and the project fits in the current City of Graham 2020 plan and the comprehensive plan we are currently working on. Andy Rumley said he agreed with everyone and he agrees that this property would be best used as commercial property but as Mr. Fugo has illustrated at this time that is not an option. Mr. Rumley feels it is an excellent use for this property and has been well thought out and well planned. Mr. Rumley said the traffic concerns will always be there but they have addressed this to NCDOT and that should be worked out.

Ricky Hall made a motion to approve and send with favorable review to City Council, second by Bonnie Blalock. The vote was 3 to 2 with Dean Ward and Bill Teer dissenting.

No further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Shannon Dr Internet Marketing Center (SUP1401)

Type of Request: Special Use Permit

Meeting Dates

Planning Board on April 15 and May 20, 2014

City Council on May 6 on June 3, 2014

Contact Information

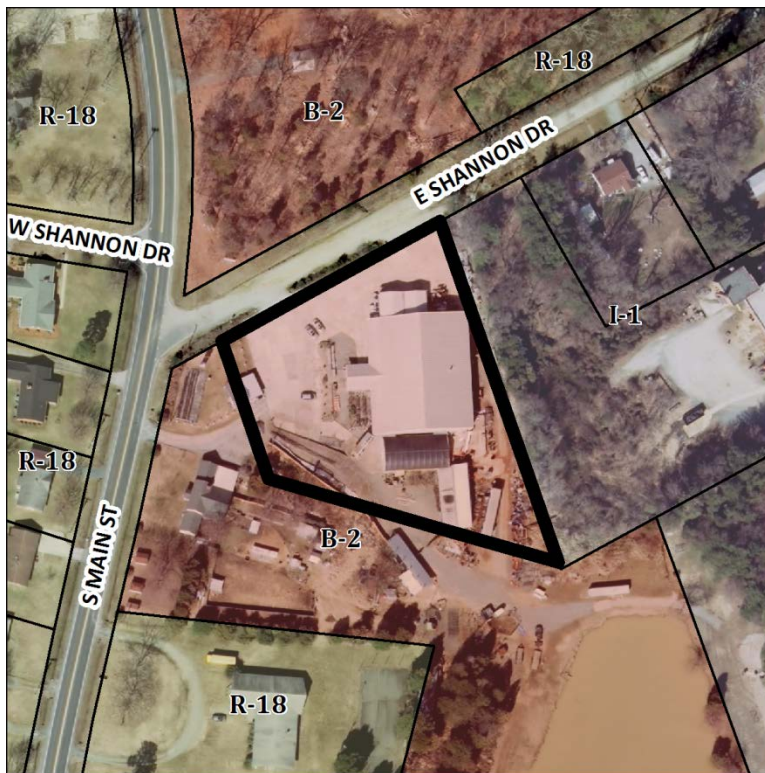
Chase Brooks

1611 Parham Dr, Graham, NC 27253

336-740-0709; chaselivelifelife@gmail.com

Summary

This is a request for a Special Use Permit for electronic, internet or sweepstakes gaming at 107 E Shannon Dr. There is an existing building on the property that contains a garden center. The internet marketing center is proposed to share the building with the garden center.



Because this is a new use for the property, the development will be required to comply with off-street parking requirements. As of the writing of this staff report, a plot plan showing how off-street parking requirements will be met had not been submitted.

Location

107 E Shannon Dr

GPIN: 8883421261

Proposed Special Use

Electronic, Internet or Sweepstakes Gaming

Current Zoning

General Business (B-2)

Overlay District

None

Surrounding Zoning

R-18, B-2 & I-1

Surrounding Land Uses

Single Family Houses, General Businesses and Industrial

Size

1.56 acres

Public Water & Sewer

Water along S Main St

No Sewer

Floodplain

No

Staff Recommendation

Denial

Because this is a change of use that results in an increase of two in the Land Use Classification number, the development will be required to comply with landscaping requirements and those shall apply to the entire lot. As of the writing of this staff report, a plot plan showing how landscaping requirements will be met had not been submitted.

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. *The special use permit would permit a type of commercial development in a designated village center.*
- 6.3.4. Promote the location of mixed-use development at designated village centers. *The special use permit would allow a development with two commercial uses in a designated village center.*

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. *The special use permit would permit a type of commercial development in a designated village center.*

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 property is zoned B-2. "Electronic, Internet or Sweepstakes Gaming" is permitted in this zoning district with a Special Use Permit. The proposed internet marketing center will be located in the existing building, which appears to meet the area, height and yard regulations. Any new signs will require a sign permit.

2. Conditions specific to each use, identified by the Development Ordinance, are complied with.

As of the writing of this staff report, a plot plan demonstrating that off-street parking and landscaping could be complied with had not yet been submitted. There are also a number of requirements specific to this Special Use Permit:

- *This use cannot be located closer than 1000 feet to another Electronic, Internet or Sweepstakes Gaming establishment; closer than 1000 feet to a public or private elementary or secondary school, child day care center or nursery school, public park, church or community college; or closer*

Planning District

South

Development Type

Village Center, Traditional Neighborhood Development and Neighborhood Residential

For single family residential, townhouses, apartments & condominiums, commercial, office/institutional and mixed use

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

Density of 3+ DU/acre or 10,001 to 100,000sf of retail

Infrastructure includes water, sewer, street connectivity and underground utilities

than 500 feet to a bar or night club, as measured from property line to property line. The proposed internet marketing center is located roughly 915 feet from Bethany Presbyterian Church which is located at 1501 S Main St.

- *No other principal or accessory use may occupy the same building or property with any Electronic, Internet or Sweepstakes Gaming establishment. The proposed internet marketing center will occupy the same building and property as an existing garden center.*
- *Flashing lights or fluttering devices designed and used to attract attention are not permitted. The application does not mention or address this.*
- *Sound amplification shall not be directed outside. The application does not mention or address this.*
- *Alcohol may not be consumed or sold on the premises. The application states that no alcohol will be permitted.*
- *No person under age 18 may be allowed in the establishment and age must be verified for each customer at the time of entry into the establishment. The application does not mention or address this.*
- *Staff has reviewed the application and has no reason to believe that it contains any misstatements of fact.*
- *Staff had a criminal background check done by the Graham Police Department and has verified that the applicant has not been convicted of a felony within the past three years.*
- *The proposed site must meet building and fire prevention codes. A stop work order for interior renovations to the existing building was issued on March 11, 2014 due to misrepresentation in the building permit application of the type of use that would occupy the space. Building permit #5138 was issued for interior renovations consisting of partition walls for a portion of the building at 107 E Shannon Dr to be used for office space; this permit was revoked on 3/11/2014.*

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 proposed internet marketing center will not materially endanger the public health or safety.

4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.

The proposed internet marketing center will not substantially injure the value of adjoining property.

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 proposed internet marketing center is a commercial use that will be located adjacent to other existing commercial uses and is in general conformity with the Growth Management Plan 2000-2020.

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.

As of the writing of this staff report, a plot plan showing vehicle circulation and parking had not been submitted.

Staff Recommendation

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

- The development does not comply with the requirements of the *Development Ordinance*. It is located within 1000 feet of a church and will occupy the same building and property as an existing garden center.
- The development does not meet all six conditions required by Section 10.144 of the *Development Ordinance*, specifically condition #2.



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

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: 107 E SHANNON DR
Tax Map#: 144571 GPIN: 8883421261
Current Zoning District(s): B-2
Overlay District, if applicable:
 Historic S Main St/Hwy 87 E Harden St/Hwy 54
Current Use: GARDEN CENTER
Property Owner: Brooks Realty Endeavors
Mailing Address: 107 E SHANNON DR
City, State, Zip: GRAHAM NC 27253
Phone # 336-740-0709
Email: Chaselivlife@gmail.com

Proposed Special Use

Proposed Use (from Sec. 10.135 Table of Permitted Uses):
Internet Marketing Center

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:

- Preliminary Site Plan
- Descriptive Information

SEE ATTACHMENTS

RECEIVED

MAR 25 2014

CITY OF GRAHAM
INSP. / P.Z.

Applicant and Project Contact

Name: Chase Brooks
 Property Owner Other _____
Mailing Address: 1101 PACHAM DR
City, State, Zip: GRAHAM NC 27253
Phone # 336-740-0709
Email: Chaselivlife@gmail.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.

Chase A Brooks 03/23/14
Signature of Applicant Date
Chase A Brooks 03/23/14
Signature of Property Owner Date
(if other than applicant)

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

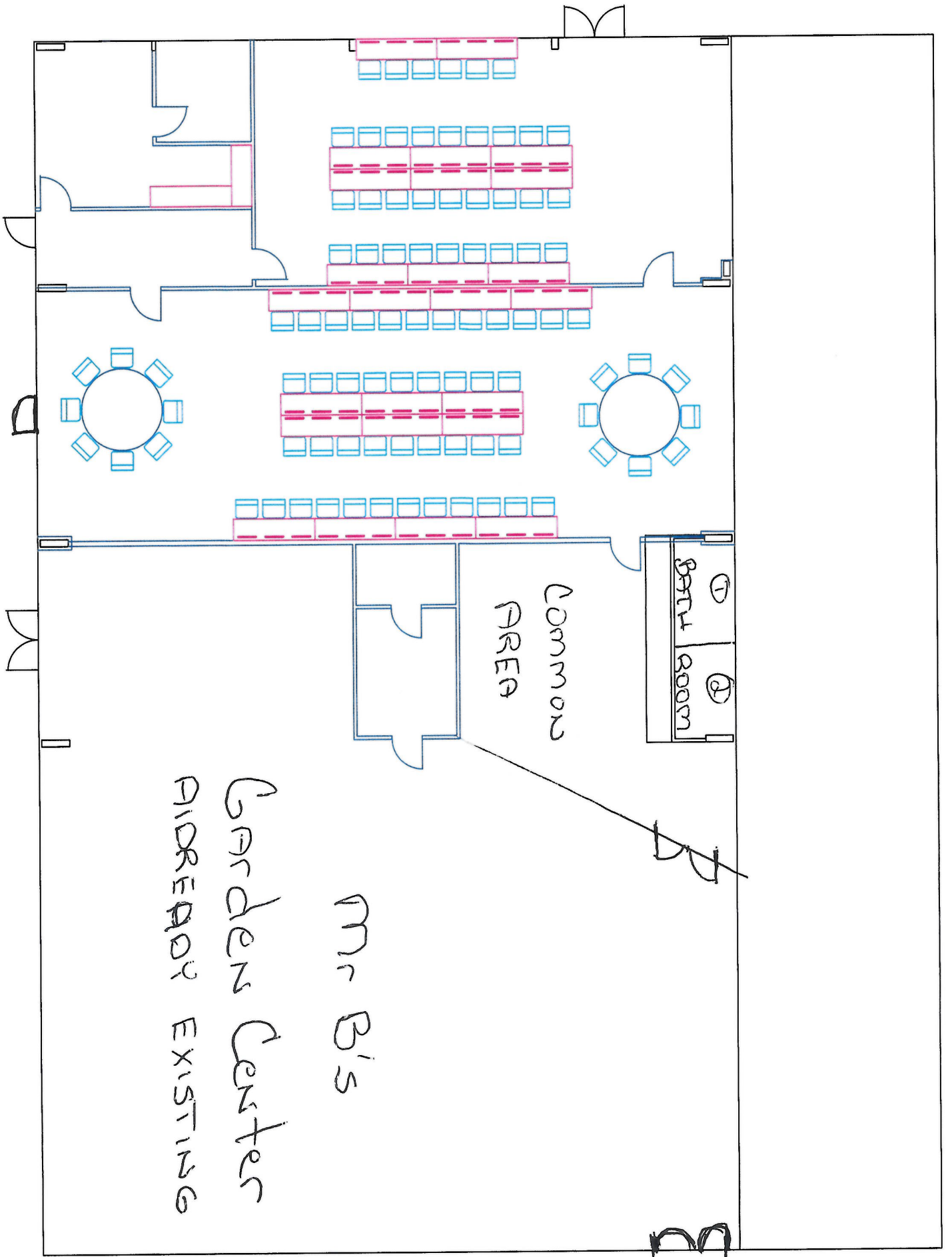
N/A

Office Use Only. DEVID# SUP1401

Description of the Business and Software

The proposed businesses are designed to offer and expose as many people to the World Wide Internet as possible. This will be accomplished through the sell of internet time by the minute at a competitive rate. This will all be done within a social environment. It is well known that humans are social by nature and learn best in social environments. We use our software package to promote internet use alongside the sale of other legal products. Web products, web games, web marketing, packaged food and snacks are some such examples. It should be noted that not all people of this world have access to personal computers. We as a software provider have taken great efforts to make it easy for the end user to access all usable sites in today's web world. We encourage our employees to teach the end patrons on how to use the web as a life tool. Remember... a student you teach today is tomorrows return customer. We utilize every marketing tool, including a Pre Reveal sweepstakes to sell our internet time.

Our place of business is designed to offer a safe and comfortable environment for our customers. 80% of our clientele are women. 80% of those women are over the age of 40. No alcohol, profanity or drugs will be permitted and these rules will be strongly enforced as our customer base appreciates a wholesome environment. As a side note, the entire facility will be under close video surveillance.

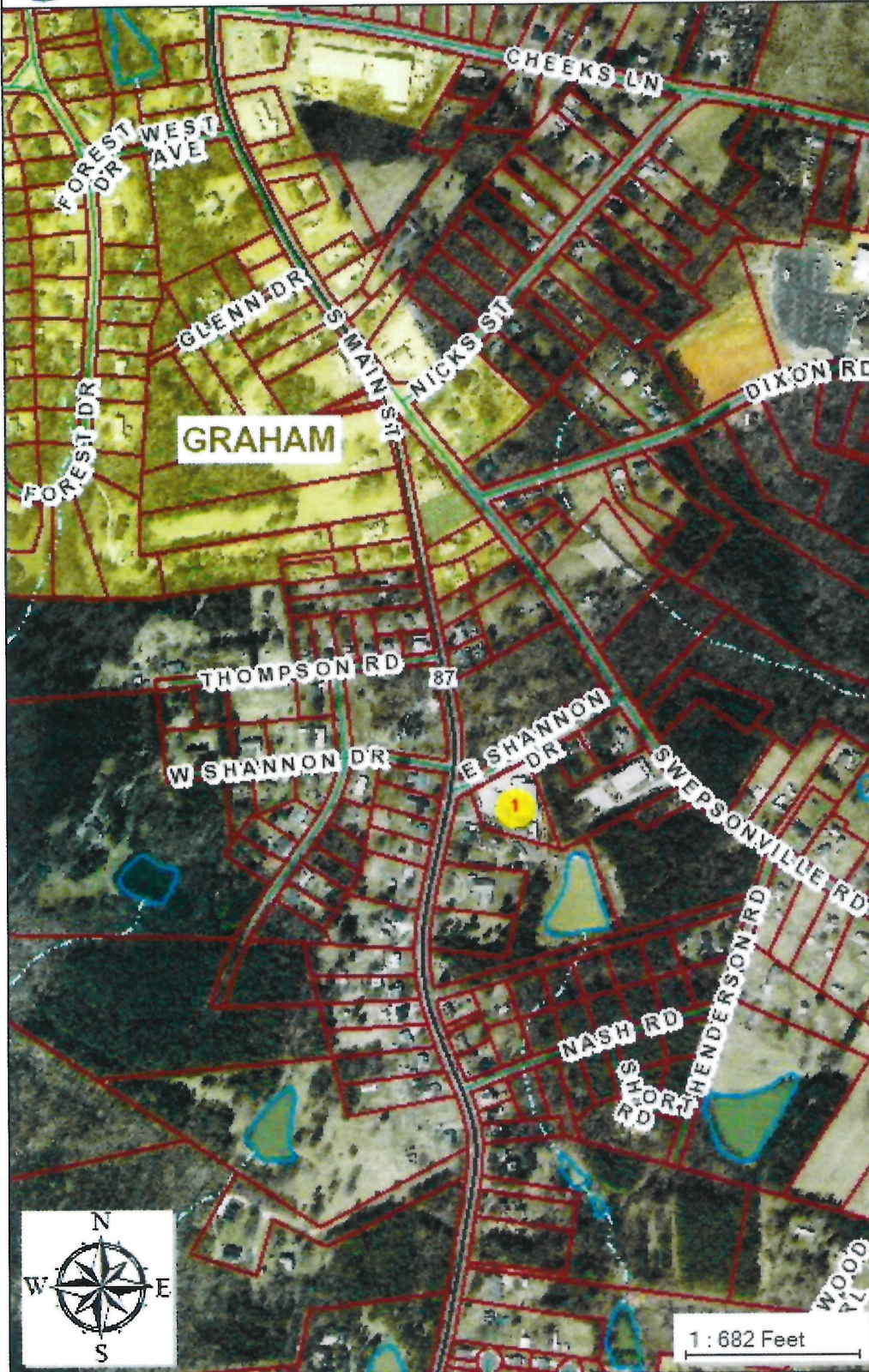


①
BATH ROOM
②

Common
AREA

Mr B's

Gardens Center
AIDREPOR EXISTING



- Streets
- Parcels ID
- Cities
 - ALAMANCE
 - BURLINGTON
 - ELON
 - GIBSONVILLE
 - GRAHAM
 - GREEN LEVEL
 - HAW RIVER
 - MEBANE
 - OSSIPEE
 - SWEPSOINVILLE
 - WHITSETT
- Railroads
- Major Roads
- Outside Counties
 - Caswell County
 - Chatham County
 - Guilford County
 - Orange County
 - Person County
 - Randolph County
 - Fockingham County
- Hydrology
 - Dam or Weir
 - Intermittent
 - Manmade Shoreline Permanent

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Address Points
●

Streets
—

Parcels ID
□

Cities

- ALAMANCE
- BURLINGTON
- ELON
- GIBSONVILLE
- GRAHAM
- GREEN LEVEL
- HAW RIVER
- MEBANE
- OSSIPEE
- SWEPSONVILLE
- WHITSETT

Railroads
—

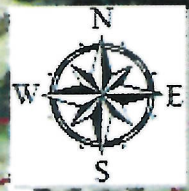
Major Roads
— <all other values>
— HWY/HWY

Outside Counties

- Caswell County
- Chatham County
- Guilford County
- Orange County
- Person County
- Randolph County
- Rockingham County

Hydrology

- Dam or Weir
- Intermittent
- Manmade Shoreline: Permanent



1 : 171 Feet

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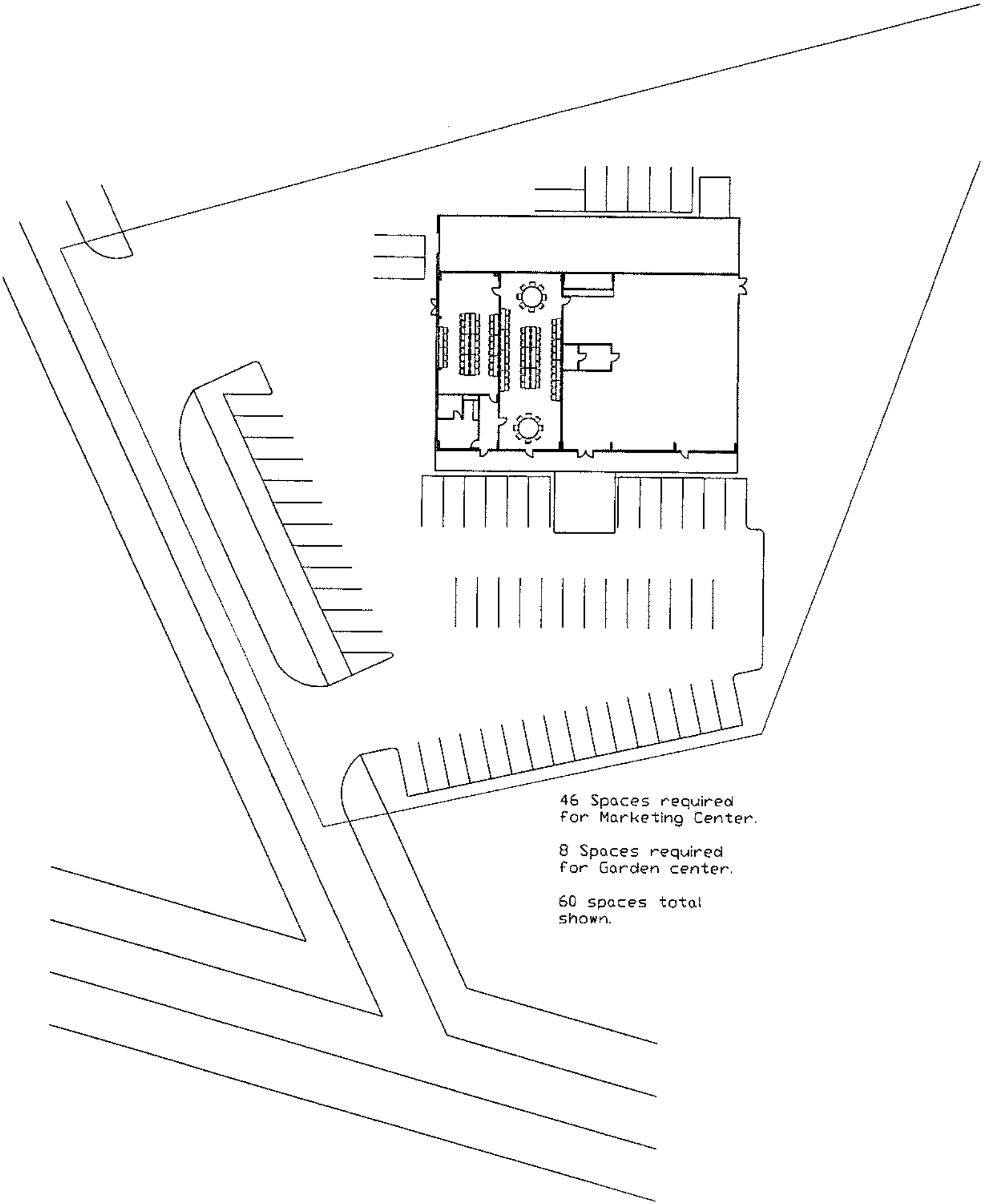
SUP1481

Parking Layout
for
107 E. Shannon Dr
Graham N.C.

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APR 11 2014

CITY OF GRAHAM
INSP. / P.Z.



46 Spaces required
for Marketing Center.

8 Spaces required
for Garden center.

60 spaces total
shown.

SUP1401

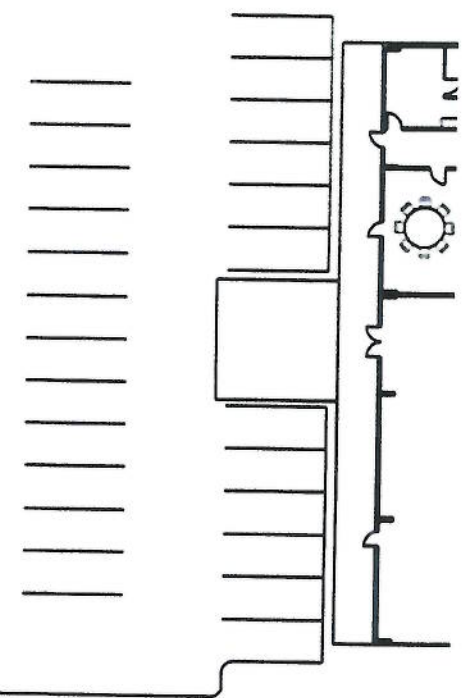
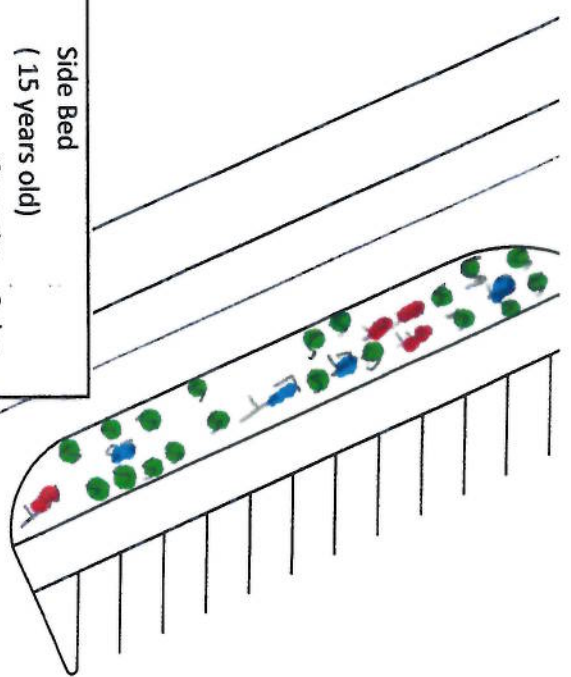
Landscaping Design
for 107 E. Shannon Dr

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APR 11 2014

CITY OF GRAHAM
INSP. / P.Z.

Side Bed (15 years old)		
	Quantity	Color
Large Tree	3	Blue
Medium Tree	4	Orange
Shrub	20	Green



46 Spaces required
for Marketing Center.
8 Spaces required
for Garden center.
60 spaces total
shown.

Front Bed (15 years old)		
	Quantity	Color
Large Tree	3	Blue
Medium Tree	5	Orange
Shrub	54	Green



Landscaping pictures
of front bed
107 E. Shannon Dr
Graham N.C.
(15 years old)









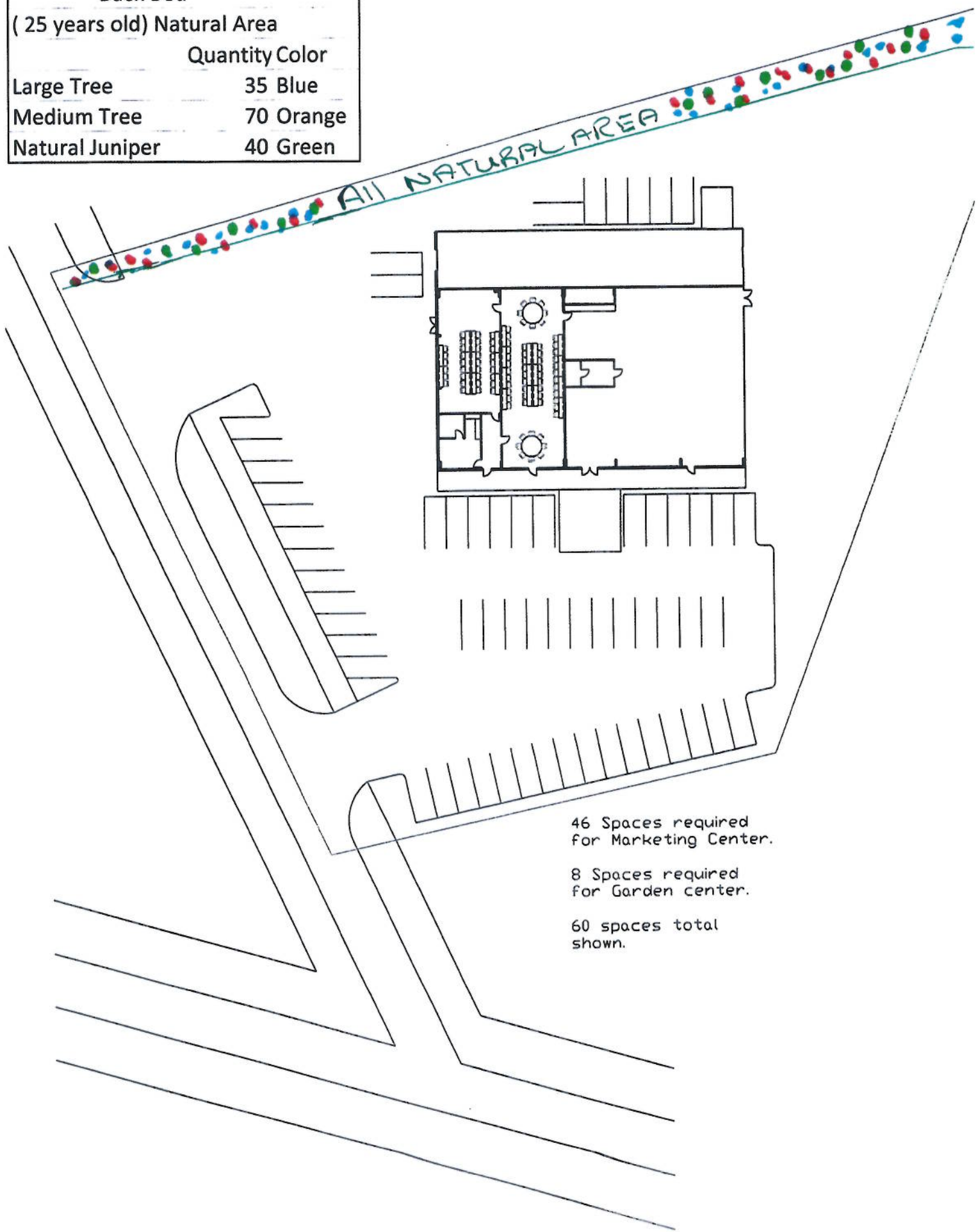


Landscaping pictures
of " Side Bed "
107 E. Shannon Dr
Graham N.C.
(15 years old)



Landscaping pictures
of " Back Bed "
107 E. Shannon Dr
Graham N.C.
(25 years old)

Back Bed	
(25 years old) Natural Area	
	Quantity Color
Large Tree	35 Blue
Medium Tree	70 Orange
Natural Juniper	40 Green



46 Spaces required
for Marketing Center.

8 Spaces required
for Garden center.

60 spaces total
shown.







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.

Shannon Dr Internet Marketing Center (SUP1401)

Type of Request
Special Use Permit

Meeting Dates
Planning Board on April 15, 2014
City Council on May 6, 2014

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend APPROVAL with the following conditions:**
- 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 15th day of April, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Providence Foster Respite for Children (SUP1402)

Type of Request: Special Use Permit

Meeting Dates

Planning Board on May 20, 2014

City Council on June 3, 2014

Contact Information

Mollissie Peterson

530 Rosenwald, Burlington, NC 27217

336-437-4382; mollissie@yahoo.com

Summary

This is a request for a Special Use Permit for a group home at 306 Providence Rd. There is an existing single family home and carport on the property.



Because this is a new use for the property, the development will be required to comply with off-street parking requirements, which are one space for each two residents of driving age plus one space per employee. The plot plan that was submitted with the application shows the location of two parking spaces in the existing carport behind the house.

Location

306 Providence Rd

GPIN: 8874987219

Proposed Special Use

Group Home

Current Zoning

Residential (high density) (R-7)

Overlay District

None

Surrounding Zoning

R-7

Surrounding Land Uses

Single Family Houses

Size

0.15 acres

Public Water & Sewer

Water along Providence Rd

Sewer to Washington 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

- 6.2.3. Provide various and adequate community facilities for all residents throughout the City (i.e. Senior Citizens Center). *This special use permit would permit a group home for children.*

Applicable Planning District Policies and Recommendations

- None are applicable

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 property is zoned R-7. "Group Home" is permitted in this zoning district with a Special Use Permit. The proposed group home will be located in the existing single family house built in 1932, which appears to meet the area, height and yard regulations, though it may be nonconforming for the front yard setback. Any new signs will require a sign permit.

2. Conditions specific to each use, identified by the Development Ordinance, are complied with.

The following requirements are specific to this use:

- *Off-street parking is required in the amount of one space for each two residents of driving age plus one space per employee. It shall be located to the side and/or rear of the building. Two parking spaces, one for each employee, are proposed to be located to the rear of the house.*
- *Group homes should be located in areas where employment, goods and services can readily be reached by a variety of means of transportation. Access to transit, a sidewalk network and/or close proximity to employment, goods and services are encouraged for approval of a special use permit unless the applicant can satisfactorily demonstrate that the intended residents of the group home do not require this service. The group home will be a "foster respite for children... [providing a] residential therapeutic (habilitative) facility for children and adolescents of all disability groups." There is no sidewalk along this block of Providence Rd. The home is a short walk from an existing convenience store and church. It is also within a ten minute walk of services along N Main St and the Graham Recreation Center.*

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 proposed foster respite for children will not materially endanger the public health or safety.

Planning District

North

Development Type

Neighborhood Center and
Neighborhood Residential

Located near a major
thoroughfare

For single family residential,
townhouses, commercial, office/
institutional, and mixed use

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

Density of 3+ DU/acre or
<10,000sf of retail

Infrastructure includes
water, sewer, street connectivity
and underground utilities

4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.

The proposed foster respite for children will not substantially injure the value of adjoining property.

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 proposed foster respite for children is a residential use that will be located in an existing single family home and is in general conformity with the Growth Management Plan 2000-2020.

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.

Satisfactory provision has been made for vehicle circulation and parking.

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. The following supports this recommendation:

- The development furthers goals of the *Growth Management Plan* and complies with the Development Toolkit Checklist for Neighborhood Center and Neighborhood Residential.
- The development complies with the standards of the *Development Ordinance*.
- The development meets all six conditions required by Section 10.144 of the *Development Ordinance*.



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

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: 306 Providence Rd.
Tax Map#: 135346 GPIN: 8874987219
Current Zoning District(s): R-7
Overlay District, if applicable:
 Historic S Main St/Hwy 87 E Harden St/Hwy 54
Current Use: Residence
Property Owner: LINDA C. MOSER
Mailing Address: 514 N. MAIN ST.
City, State, Zip: GRAHAM, NC 27253
Phone #: 336-227-6426
Email: lmoser003@triad.rr.com

Proposed Special Use

Proposed Use (from Sec. 10.135 Table of Permitted Uses):

Group Home

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:

Preliminary Site Plan
 Descriptive Information

Foster Respite for Children, State Code (5100). Residential Therapeutic (habilitative) facility for Children and adolescents of all disability groups. Foster Respite Services providing treatment for Individuals no more than (6)

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APR 24 2014

CITY OF GRAHAM
INSP. / P.Z.

Applicant and Project Contact

Name: Mollissie Peterson
 Property Owner Other Business Owner
Mailing Address: 530 Rosenwald
City, State, Zip: Burlington NC, 27217
Phone #: 336-437-4382
Email: mollissie@yahoo.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.

Mollissie Peterson 4/21/14
Signature of Applicant Date

Linda C. Moser 4/21/14
Signature of Property Owner Date
(if other than applicant)

Office Use Only. DEVID# SUP1402

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



ReGIS

Burlington
Graham
Elon

GrahGISMap
Printed April 24, 2014
See Below for Disclaimer

No Legend Provided



This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition, and accuracy, which aspects produce inconsistencies among features represented together on this map. The Partnership shall not be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.

Parking for SUP1402

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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.

Providence Foster Respite for Children (SUP1402)

Type of Request
Special Use Permit

Meeting Dates
Planning Board on May 20, 2014
City Council on June 3, 2014

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend APPROVAL with the following conditions:**
- 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 20th day of May, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Chase and Halsey Multifamily (RZ1404)

Type of Request: Rezoning

Meeting Dates

Planning Board on May 20, 2014

City Council on June 3, 2014

Contact Information

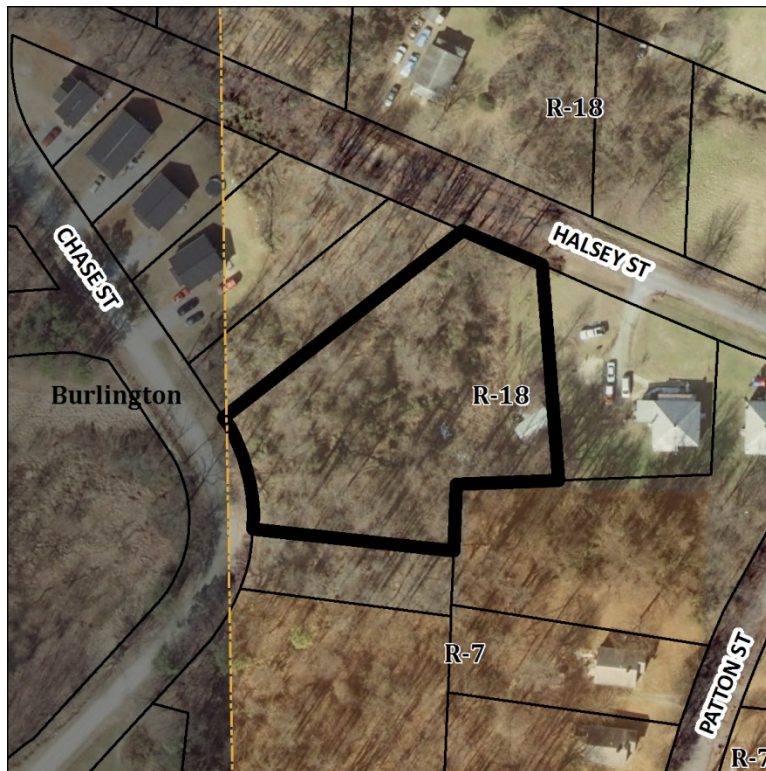
Chris Foust

1851 S Main St, Graham, NC 27253

336-516-1888; kfoust@mcphersongrading.com

Summary

This is a request to rezone the subject property from R-18 to R-MF. The property is currently vacant and wooded. The stated reason for this rezoning request is "two 4500sf buildings consisting of 1 and 2 bedroom apartments totaling 16 units."



Location

Chase St and Halsey St

GPIN: 8874799174

Current Zoning

Residential (low density) (R-18)

Proposed Zoning

Residential (multifamily) (R-MF)

Overlay District

none

Surrounding Zoning

R-18, R-7 & Burlington

Surrounding Land Uses

Single family and Vacant

Size

0.86 acres

Public Water & Sewer

Water on Halsey St

Sewer on Chase St

Floodplain

No

Staff Recommendation

Denial

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

Applicable Goals to Guide Us into the Future

- 6.3.1. Encourage the conversion and development of higher density residential development around the downtown and other designated activity areas. *This rezoning would permit the development of higher density residential development in an area that is not around the downtown or a designated activity area.*

Applicable Planning District Policies and Recommendations

- 7.3.4.1. Encourage infill development within the district, as well as redevelopment efforts of deteriorating structures. *This rezoning would permit the development of an infill parcel with a variety of residential types, including single family, duplexes, multifamily and townhouses, instead of being limited to only single family.*
- 7.3.4.12. Promote homeownership within the district as a way to protect established neighborhoods from down zoning. *This rezoning would permit the development of a variety of residential types, which could be owner or renter occupied.*

Planning District

North

Development Type

Neighborhood Residential

Located near a major thoroughfare

For single family residential and townhouses

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

Density of 3+ DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

Staff Recommendation

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

- Rezoning the property does further some goals of the *Growth Management Plan*, such as infill development. However, it would not be entirely consistent with the Neighborhood Residential development type.
- Staff feels that a multifamily development on this site could fit in with the surrounding area if properly designed, but simply applying the standards of the *Development Ordinance* would not guarantee a compatible design and site layout. Also, the surrounding property within the City of Burlington's jurisdiction allows for higher density development and multifamily uses.



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: Chase Street and Halsey Street

Tax Map#: 134630 GPIN: 8874799174

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: 0.86

Property Owner: Peggy Tingen Massey

Mailing Address: 167 Boone Road

City, State, Zip: Burlington, NC 27217

Applicant

Property Owner Other Chris Foust

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: Chris Foust

Mailing Address: 1851 S. Main Street

City, State, Zip: Graham, NC 27253

Phone # (336) 516-1888

Email: kfoust@mcphersongrading.com

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

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*s, 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:

Two 4500 SF buildings consisting of 1 and 2 bedroom apartments totaling 16 units.

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For Conditional Rezonings, this application must be accompanied by a Preliminary Site Plan and supporting information specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined ordinance requirements, will govern the development and use of the property.

Site Plan Review Application *must be attached to this application for Conditional Rezoning*s

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RZ1404



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.

Chase and Halsey Multifamily (RZ1404)

Type of Request

Rezoning

Meeting Dates

Planning Board on May 20, 2014

City Council on June 3, 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 20th day of May, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary