

PLANNING ZONING BOARD
Tuesday, April 16, 2013

The Planning & Zoning Board held its regular meeting on Tuesday, April 16, 2013 at 7:00 p.m. in the Council Chambers of the Graham Municipal Building. Board members present were Dean Ward, Ricky Hall, Bill Teer, and Michael Benesch. Andy Rumley, Bonnie Blalock and Tim Beshel were absent. Staff members present were Frankie Maness, City Manager, Melissa Guilbeau, City Planner, Martha Johnson, Zoning/Inspections Technician and Darcy Sperry, Zoning Enforcement Officer.

Vice-Chairman Ricky Hall called the meeting to order and explained the function of the Board.

Invocation was given by Ricky Hall.

1. Dean Ward made a motion for approval for the March 19, 2013 minutes, second by Michael Benesch. All voted in favor.
2. Request by Boswell Land Development, LLC, to rezone property located at 1620 S Main St (GPIN 8883421685) from Conditional Business (C-B) to General Business (B-2) (RZ1302). Eddie Boswell of 3340 Red Wolf Way Burlington, NC spoke representing Boswell Land Development, LLC. Mr. Boswell stated that the first time they rezoned was September 2008 for a Bed & Breakfast and Event Center. He said the City of Graham's Growth Management Plan #6.3.2 encourages commercial development within designated village centers as opposed to continued commercial strip development and this is what they would like to do. He explained it would be a village similar to Fearington Place. He stated they didn't have enough funds to do the whole project at one time so zoning to B-2 allows more flexible timing for them to finish the project. Mr. Boswell said it would not be a strip mall but what the GMP for Graham encourages. Mr. Boswell showed a map of the property with the shops they are hoping to put there. It included an ice cream shop, the Bed & Breakfast, gazebo, outdoor veranda, garden and also a barn.

Dean Ward asked if alcohol would be served on the premises. Mr. Boswell said it would not be sold there but it could be at receptions being held on the property. Mr. Ward asked if they had discussed their plans with the neighbors and Mr. Boswell said yes and no one had any objections. Mr. Ward stated he thought it would be a good project and a good thing for the City of Graham. Dean Ward made a motion to approve, Michael Benesch second. The motion carried unanimously.

3. Request by John L. Kempf for a conditional rezoning from Residential (high density) (R-7) to Conditional Residential (C-R) for property located between E Elm St and Town Branch Rd (GPIN 8884455665) to construct a three-unit multifamily dwelling (CR1302). John Kempf of P.O. Box 1340 Graham, NC spoke on his own behalf. He said he purchased an addition parcel from the City of Graham and decided that combining this property with the lot he already owned is best suited for a triplex because together they make a deep lot. Bill Teer asked if the triplex would be multi story. Mr. Kempf said he had plans for them to be single story with access to Townbranch Road only. Dean Ward asked about the proposed fence and Mr. Kempf stated it would be a six foot privacy fence. Mr. Ward asked about handicap parking. Mr. Kempf said there would not be any and the units are not handicap accessible. Dean Ward thought the project was good for the area and so did Michael Benesch. Dean Ward made a motion to approve, Bill Teer second. The motion carried unanimously.

4. Text Amendment for Historic District Design Guidelines for Outdoor Displays, Dining and Other Temporary Encroachments. Request by staff and the Historic District Commission to amend the *Development Ordinances* to add the “Historic District Design Guidelines for Outdoor Displays, Dining and Other Temporary Encroachments” as Appendix B. Melissa Guilbeau said the request is to add new text to the *Development Ordinances*. The Appendix B is titled Historic District design guidelines for outdoor displays, dining and other temporary encroachments. The purpose is to allow staff to approve permits for outdoor dining and displays in the downtown area that meet the guidelines the Historic District Commission has approved. If they don’t, they would be required to get a Certificate of Appropriateness instead. Staff is proposing to amend the Code of Ordinances to have a new type permit that would allow outdoor dining and displays on the sidewalks in the downtown area and since most of the downtown area is in the Historic District, we needed a set of guidelines for staff to go by when approving those permits. Dean Ward asked if alcohol will be allowed on the sidewalks and Melissa Guilbeau said the current proposed amendment to the code of ordinances would allow it in any area that is enclosed by a temporary fence. Mr. Ward also asked about any designated time of use, example being a party at a restaurant at outside dining late in the evening. Melissa Guilbeau said it is not currently in our proposed ordinance but we do reference our noise ordinance and do also have a standard about lighting. The lighting can be in that area only and not pointing up or out. Ricky Hall stated what the City of Graham is proposing makes sense in the business area. Michael Benesch and Dean Ward both agreed with him. Ricky Hall made a motion to approve, Dean Ward second. The motion carried unanimously.
5. Text Amendment for Short-Term Special Use Permit requested by staff to amend the *Development Ordinance* to remove the section on “short-term special use permits.” Melissa Guilbeau said this is section 10.150. Basically staff thinks the whole idea of short-term special use permit has caused a lot of confusion and doesn’t necessarily do anything that other parts of the *Development Ordinance* don’t address. For staff, Council and citizens it would make more sense not to have these short-term special use permits. They basically allow Council to permit almost anything in any zoning district for a period of two years at a time with conditions attached and are renewable indefinitely every two years. Currently we have three short-term special use permits that are active. The staff report has a summary of how they would be affected. Two of them, Herring Brothers and Living Landscapes, after their current short-term special use permit expires, they would just become a nonconforming use and would continue to operate as they are but they could not enlarge or expand. The third current short-term special use permit is for Barristers Café outside dining area. As soon as their permit expires, they would have to come under the provisions of that new ordinance that staff is proposing for outside dining. Vaughn Willoughby, owner of Living Landscapes, lives at Highway 87 North Elon, NC. He expressed his concerns about his business growing and not being able to expand. He asked what type permit would be needed. Frankie Maness said there are different ways already in our *Development Ordinance* Living Landscapes could make their situation permanent where he could expand. He explained rezoning to B-2 would take care of that or if he does nothing and continues to operate the business as it is forever and not need to go back to the City of Graham and pay the \$100.00 every two years. Mr. Maness explained it would be a legal non-conforming use and the only limitations would be on expansion. Mr. Willoughby asked what happens at the next renewal time and Mr. Maness replied nothing, business as usual. Dean Ward made a motion to approve, Michael Benesch second. The motion carried unanimously.

There being no further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician