

## 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