

## PLANNING ZONING BOARD

Tuesday, January 21, 2014

The Planning & Zoning Board held its regular meeting on Tuesday, January 21, 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, Bonnie Blalock, Tim Beshel and Dean Ward. Michael Benesch was absent. Staff members present were Melissa Guilbeau, City Planner, Frankie Maness, City Manager, 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 December 17, 2013 meeting. Ricky Hall made a motion for approval, second Bonnie Blalock. All voted in favor.

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). Melissa Guilbeau stated this is a request from the City of Graham to rezone the property from C-I to I-2. The stated reason for this rezoning request is that the project from 2009 is no longer in the works and 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. Ricky Hall made a motion to approve the rezoning, second by Tim Beshel. All voted in favor.

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*. Melissa Guilbeau said if the 3 year limit is over on an approved conditional rezoning the property can be rezoned. This would be a recommendation by the Planning Board. This property was approved December 5, 2006 for a six lot subdivision which had construction drawings reviewed after the rezoning but those drawings were never approved by TRC and the engineering review fee of \$600.00 was never paid. To Staff's knowledge no further progress was made on this conditional rezoning. December 5, 2013 was the end of the timeframe for the approved petition and conditions due to the time added by the Permit Extension Act. It is now up to the Board to decide if progress has been made and if the Board wants to make a recommendation to rezone it. Melissa Guilbeau stated that the current property owner had been in contact with her in the last few days. Ms. Guilbeau said it was her understanding he was not the one who got the approval but had purchased the property in foreclosure and hopes to move forward with that project. He had been asking questions and sounds like he is still interested but she hasn't heard from him in a couple of days. Ricky Hall made a motion to approve rezoning to R-7, second by Dean Ward. All voted in favor.

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. 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](http://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. Melissa Guilbeau stated her recommendation would be to take the standards out of Section 10.149.

Ricky Hall made a motion to adopt both text amendments as proposed, second by Tim Beshel. All voted in favor.

There being no further business Andy Rumley adjourned the meeting.

Respectfully Submitted,  
Martha Johnson  
Inspections/Zoning Technician