

PLANNING ZONING BOARD

Tuesday, July 16, 2013

The Planning & Zoning Board held its regular meeting on Tuesday, July 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, Andy Rumley, Bonnie Blalock, Michael Benesch and Tim Beshel. Staff members present were Frankie Maness, City Manager, Melissa Guilbeau, City Planner, Kaitland Finkle, Planning Intern, 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. Ricky Hall made a motion for approval for the June 16, 2013 minutes, second by Bonnie Blalock. All voted in favor.
2. 919 & 957 Woody Dr Rezoning (RZ1304). Request by Dennis Euliss to rezone property located at 919 Woody Dr (GPIN 8884821071) and 957 Woody Dr (GPIN 8884825405) from Residential (low density) (R-18) to Residential (multifamily) (R-MF). The stated reason for this rezoning request is “to rezone to MF-R with the intent to build luxury apartments.” Dean Ward notified the Board that he has had business dealings with Dennis Euliss in the past but is not a partner with him to clarify for the record.

The following neighbors spoke in opposition to the rezoning at this location: David McSherry 1105 Castle Drive, Kimberly Garner 1037 Noah Road, Janice McSherry 1047 Valley Drive, John & Lori Clark 1107 Noah Road, Marie Baker 927 Whittemore Road, Jeanne Neal 967 Woody Drive, and Paul Keller 410 Stonehedge Drive. All who spoke were concerned about the apartments in the neighborhood adding traffic and noise problems, if any buffer would be required, tax values on their properties, the wetlands, the road flooding and that no traffic or environmental studies had been done yet.

Melissa Guilbeau stated that no drawings are required at this time for this application. Andy Rumley said there would be a buffer required between residential zones. Ms. Guilbeau said the minimum setback required for R-MF zoning was 25 feet and the landscaping is 25 feet with tall and short trees and shrubs.

Dennis Euliss of 3372 William Newlin Drive spoke about his rezoning. Mr. Euliss stated he along with David Morton and Tony Rose plan to build luxury apartments with a pool and fitness center. Mr. Euliss stated he was a small partner doing the construction work. Mr. Euliss also said he understands the City of Graham and their procedures, TRC and all their setback requirements. He said the setbacks around the buildings would be 50 feet from the street and adjacent properties. Mr. Euliss said there would be approximately sixteen buildings with 12 units per building, 3 floors being brick and vinyl with possible hardy plank or shake. Mr. Euliss showed a sketch of the possible site layout.

Andy Rumley stated that no traffic study had been done at this time by DOT which is handled through the TRC meeting. Ricky Hall emphasized that the Planning Board is voting on the rezoning application only.

There was concern about a possible pond in the lower section of the property and Dean Ward asked for verification. Melissa Guilbeau showed the GIS map on the screen which showed the pond was not on the property being rezoned.

Janice McSherry referred to spot zoning. Frankie Maness replied she was referring to satellite annexation which doesn't apply as it would be a contiguous annexation. Michael Benesch stated that the Board is caught between the concern of the citizens and the duties of the Board to make a recommendation to the City Council based on the Growth Management Plan.

Ricky Hall made a motion to approve, second by Dean Ward. The motion carried 4-3 approval. Voting against were Michael Benesch, Bonnie Blalock and Bill Teer.

3. Martin Flea Market (SUP1302). Request by Philip L. Martin for a Special Use Permit to operate a flea market at 410 E Interstate Service Rd (GPIN 8884309537). Melissa Guilbeau stated that Mr. Martin requested that City Council repeal the special use permit for the saw mill that was approved in 2003, but in the event the special use permit for the flea market is not approved, he would like for the saw mill special use permit to remain active. Mr. Philip Martin from P.O. Box 100 Haw River spoke representing Martin Properties. Mr. Martin said the building was vacant with some storage and having the flea market would just be another optional use for the building. Ricky Hall asked him if he would be operating the facility and he said that had not been decided yet. Andy Rumley asked if there would be any modifications needed and Mr. Martin replied that a few minor things for foot traffic inside would need to be changed. Mr. Martin also stated that the saw mill was sold a couple of years ago. Michael Benesch made a motion to approve the special use permit, seconded by Ricky Hall. The motion carried unanimously.
4. Text Amendment for Tattoo Business. Request by staff to amend the *Development Ordinance* related to "tattoo businesses." Melissa Guilbeau said that all requirements for tattooing businesses listed in Section 10.149 would be removed and that "tattoo business" would be added to the list of prohibited uses in unified business developments. She said in nine other municipalities reviewed only three required a special use permit for a tattoo business and staff proposes to make Tattoo Business a use permitted by-right in the B-2, I-1 and I-2 zoning districts. Ms. Guilbeau stated that the Alamance County Health Department issues tattooing permits on an annual basis to each tattoo artist at each location where that tattoo artist operates. Also the health department inspects the establishment to ensure that it meets all health requirements. Ricky Hall asked to recuse himself because of his involvement with the health department. Michael Benesh made a motion for approval, Tim Beshel seconded. The motion carried unanimously 6 to 0 (excluding Ricky Hall).

There being no further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician