

PLANNING ZONING BOARD  
Wednesday, October 2, 2013

The Planning & Zoning Board held a special meeting on Wednesday, October 2, 2013 at 12:00 p.m. in the large conference room of the Graham Municipal Building. Board members present were Dean Ward, Ricky Hall, Bill Teer, Andy Rumley, Bonnie Blalock, Tim Beshel and Michael Benesch. Staff members present were Frankie Maness, City Manager, Melissa Guilbeau, City Planner, Kaitland Finkle, Planning Intern, and Martha Johnson, Zoning/Inspections Technician. Mayor Jerry Peterman was also present.

Chairman Andy Rumley called the meeting to order.

1. Text Amendment for Subdivisions and Site Plans. Request by staff to amend the *Development Ordinance* to replace “Article VIII. Subdivision Regulations” with “Article VIII. Subdivisions and Site Plans,” add “Appendix C. Street Standards,” and make other related amendments. Melissa Guilbeau referred to the bullet list gathered from the joint Planning Board and City Council meeting held September 17<sup>th</sup>. She said they did make some changes based on these comments which can be seen printed in red. She proceeded to go through the changes.

Under the subdivision procedures section the first change made was adding the digital copy in a format suitable to the City of Graham. The next change discussed was what level of improvement had to be completed before the final plat is submitted. There was discussion amongst staff regarding changing from the first layer of asphalt of the roadway to final grade. Also, language was added in the event a construction surety was filed to include money for as-built drawings. Dean Ward wanted clarification on language about the final grade, or final sub grade or grade with stone. He felt that there shouldn’t be room left for interpretation. Chris Foust, a developer that was present, stated in his opinion the level of completion should be sub grade and Dean Ward agreed. Mr. Maness mentioned the big concern at this point was for the availability of access for fire-fighting equipment if necessary. Permitting final grade allows the developer a head start with building while putting in streets and other infrastructure, but before issuing a certificate of occupancy there are more things that will have to be in place.

The next discussion was in regard to the construction of private improvements. Melissa Guilbeau said there had been a lot of discussion amongst staff. One thing they thought they could allow as a city is to let the developer bond private improvements providing more surety that they would be constructed. It would make more sense for this to be done before the certificate of occupancy was issued instead of before the final plat. This allows the developer to get started on buildings, but doesn’t allow them to be occupied until the private improvements are constructed. They felt, after viewing other cities’ policies, to leave the threshold at 50% of dwellings or square footage of non-residential buildings. Dean Ward wanted to know when the letter of credit or bonding is required. Melissa said before that last threshold of 50% of certificates of occupancy. Mr. Ward mentioned about the current problem with existing subdivision amenities not being installed for ten or fifteen years or developers going under. Dean Ward asked about bonding upfront as a possible solution. Mr. Maness said we need more discussion on this section.

Next was the changes regarding when the certificate of occupancy can be issued. This was initiated due to the changes to when the final plat is approved. We added that certificate of occupancy can be issued when everything has been done except final layer of asphalt, sidewalks and street trees, which may remain incomplete provided that we have a construction surety. The next change Ms. Guilbeau discussed was the rewording saying we would not revoke a certificate of occupancy just allow for the potential to withhold it. Under procedure for site plans, there was language added that specified if there was an administration amendment to a site plan that was denied, it could be appealed to the Board of Adjustments like any other staff decision.

The Appendix C. Street Standards is the next section with changes. We took out the requirement for sidewalks on both sides for the residential narrow changing to one side being required but encouraged for both sides. The residential mediums require sidewalks on one side but highly encouraged sidewalks on both sides and on the residential wide sidewalks are required on both sides of the streets because that is a high density development and a heavily traveled street.

Melissa Guilbeau said staff had changed the language for the green zone. Street trees are not required but are encouraged. She said they put width standards which are 4' when you don't have trees. Note #6 was changed saying where you provide street trees your green zone must be at least seven feet wide. It is the same standard, it just changed the way it is presented. That allowed them to change the way the typical right of way is presented, which is narrower than the current standard.

On the street standards staff still proposed to keep sidewalks on both sides on the streets for commercial roads but changed it to one side for industrial roads. On page 5 they made the same types of changes that were made in the residential, it was the same requirements just changed in the way it was presented.

The last section for review was the Article II. Definitions. The first change was the flag lot. Staff was leaving the definition and taking the standards out of definition section. Ricky Hall had some concerns about flag lots. He would like to see them eliminated because a lot of them are becoming a nuisance. Under Section E. Effect of approval all those changes is language about administrative amendments minor revisions to a site plan that staff can approve. This language is now in the site plan procedures in article 8.

The next change is in regard to an application for a special use permit. Melissa Guilbeau said part was just cleaning up how it read and adding language that a plot plan or preliminary site plan may be required depending on what kind of development it was. Under the section about condominiums most of the language is now covered by the site plan procedures. This simplified what the section was trying to say and what the requirements are for condominiums. In the section about duplexes the site plan was taken out because on a case by case basis a plot plan would probably be needed.

The next change is in regard to telecommunications towers. It should say preliminary site plan, not site development plan. It also takes out "prepared by a North Carolina surveyor" because that is now a requirement of site plans. Just like the condominiums, the townhouse developments procedures are now under subdivisions or site plans depending on what type of townhomes are proposed.

The change on the last page regarding building spacing requirements takes out language. The sentence basically is saying to show what you are supposed to show on a site plan and they didn't feel this needed to be said. Bill Teer asked if there is any language about solar farms in proposed changes. Melissa said they are not outlined in the ordinance and are therefore prohibited.

After further discussion on changes already mentioned, staff agreed to look into comments and possibly make further changes which would be presented in the Regular October meeting. There being no further business Andy Rumley adjourned the meeting.

Respectfully Submitted,  
Martha Johnson  
Inspections/Zoning Technician