



Planning Board

Meeting Agenda

February 19, 2013 at 7:00pm
Council Chambers, 201 S Main St

Invocation

1. Approve minutes of the January 15, 2013 meeting.
2. Repeal of Special Use Permit. Request by Vasant Sejpal to repeal the Special Use Permit approved on August 2, 2011 for a Unified Business Development on the property located at 1229 S Main St (GPIN 8883257252).

A complete agenda packet is available at www.cityofgraham.com/boards.

PLANNING ZONING BOARD
Tuesday, January 15, 2013

The Planning & Zoning Board held its regular meeting on Tuesday, January 15, 2013 at 7:00 p.m. in the Council Chambers of the Graham Municipal Building. Board members present were Andy Rumley, Dean Ward, Ricky Hall, Bonnie Blalock, Michael Benesch, Bill Teer and Tim Beshel. Staff members present were Frankie Maness, City Manager, Melissa Guilbeau, City Planner, Martha Johnson, Zoning/Inspections Technician, and Darcy Sperry, Zoning Enforcement Officer.

Chairman Andy Rumley called the meeting to order, explained the function of the Board to those present and business was conducted as follows:

Invocation was given by Ricky Hall.

1. Bonnie Blalock made a motion for approval for the December 18, 2012 minutes, second by Ricky Hall. All voted in favor.

Next, Mayor Peterman thanked the Board for all the work they do for the City of Graham and that the City Council supports them.

2. Request from New Mt. Zion Christian Church for a Conditional Rezoning from Neighborhood Business (B-3) to Conditional Business (C-B) for property located at 414 E Harden St (GPIN 8884441801). The request is being made by Paul Dark, Pastor. The applicant is proposing to construct a 1500 square foot church. Jeff Johnson from Alley Williams Carmen and King spoke for the New Mt. Zion Christian Church. Mr. Johnson stated the original church was built in 1950 and since that time with the road widening along with zoning changes the front yard has become smaller.

Mr. Teer asked when they propose to start construction if it is approved and Mr. Johnson said possibly by spring. Ricky Hall asked how many people currently attend the church and six was the reply, but before the fire there were around twenty five in attendance. Dean Ward asked if they had any additional parking. Jeff Johnson stated the church was able to use additional parking in the lot at the convenience store next door. Tim Beshel along with Andy Rumley both expressed concern if the store stops allowing the church to use their parking lot. It was asked about parking on the property behind the church.

Mr. Theodore Albright from the church said the former owner of the property behind the church would let the church use the property for parking. The current owner Mr. Tinnin will not co-operate with the church in anyway.

Bill Teer made a motion to approve the conditional rezoning, second by Bonnie Blalock. The motion carried unanimously.

3. The board received training from Mr. Oliver Bass from the North Carolina Department of Commerce related to planning and quasi-judicial procedures.

There being no further business the meeting was adjourned.

Respectively Submitted,
Martha Johnson
Inspections/Zoning Technician



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Repeal of Special Use Permit for Unified Business Development (SUP1101)

Type of Request: REPEAL of Special Use Permit

Meeting Dates

Planning Board on February 19, 2013

City Council on March 5, 2013 (tentative)

Contact Information

Vasant Sejpal

PO Box 852

Graham, NC 27253

336-260-8082

Summary

This is a request to repeal a Special Use Permit for a Unified Business Development that was approved on August 2, 2011, for property located on 1229 & 1233 S Main St.



Project Name

Repeal of Special Use Permit for Unified Business Development (SUP1101)

Location

1229 & 1233 S Main St

GPIN: 8883257252

Size

2.8 acres

Current Zoning

General Business (B-2)

S Main St/Hwy 87
Overlay District

Surrounding Zoning

R-12 & B-2

Surrounding Land Uses

Single Family Dwellings

Staff Recommendation

Approval

There are currently two single family dwelling structures located on the property. The one addressed as 1229 is currently occupied by a resale store and the one addressed as 1233 appears to be vacant.

In his letter requesting the repeal, the applicant states the reason for the request as "that the 1233 unit is a residential house, and [he] would like to offer the house for residential rental, but this is prohibited with a Special Use Permit." Residential dwellings are specifically prohibited in a Unified Business Development, as described in Section 10.149 of the Development Ordinance.

Conformity to the *Growth Management Plan (GMP)* and Other Adopted Plans

Planning District: South

Development Type: Neighborhood Residential (along S Main St) and Suburban Residential (rear of property)

Applicable Goals to Guide Us into the Future

- 6.2.1. Promote development that reduces the number of trips generated by incorporating multiple uses at one site. *This site has two structures with different uses.*
- 6.3.2. Encourage commercial development within designated village centers as opposed to continued commercial strip development. *Repealing this SUP will allow residential use on this property, which is not in a designated village center.*
- 6.3.8. Encourage the reuse and revitalization of unused or underutilized structures and properties. *Repealing this SUP will make it more likely that both structures will be occupied and potentially revitalized by allowing residential use of the existing single family structures.*

Applicable Planning District Policies and Recommendations

- 7.5.4.1.2. Encourage commercial development in the district in village and neighborhood centers to serve the residents of South Graham. This pattern should be promoted over the highway commercial/strip development that has occurred along S Main St. *Repealing this SUP will allow residential use on this property, which is not located in a village or neighborhood center, instead of restricting it to commercial use.*

Description of Development Type

Neighborhood Residential

Development Toolkit Checklist

Located near a major thoroughfare

For single family residential and townhouses

Characteristics include open space; parks included with development; pedestrian-oriented; automobile-oriented; sidewalks; street trees; landscaping

Density of 3+ DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

DRAFT Findings of Fact and Conclusions

In granting a special use permit, the City Council shall find that all of the six conditions listed below have been met, or it shall be denied. Staff has prepared the following DRAFT findings of fact for each of the six conditions. These findings should be modified by the Council as it considers its decision.

1. All applicable regulations of the zoning district in which the use is proposed are complied with.
 - If the Special Use Permit is repealed, all use of the property will be governed by the zoning and other regulations of the *Development Ordinance*. Thus this condition is satisfied.
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
 - If the Special Use Permit is repealed, all use of the property will be governed by the zoning and other regulations of the *Development Ordinance*. Thus this condition is satisfied.
3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
 - If the Special Use Permit is repealed, all use of the property will be governed by the zoning and other regulations of the *Development Ordinance*.

- Because the intent of the Development Ordinance is “to promote the health, safety and general welfare of the City of Graham and areas within its extraterritorial jurisdiction,” this condition is satisfied.
4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.
 - If the Special Use Permit is repealed, all use of the property will be governed by the zoning and other regulations of the *Development Ordinance*.
 - Because the intent of the Development Ordinance is “to promote the health, safety and general welfare of the City of Graham and areas within its extraterritorial jurisdiction,” this condition is satisfied.
 5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.
 - If the Special Use Permit is repealed, all use of the property will be governed by the zoning and other regulations of the *Development Ordinance* and in consideration of the *Growth Management Plan*.
 - Because the intent of the Development Ordinance is “to promote the health, safety and general welfare of the City of Graham and areas within its extraterritorial jurisdiction,” this condition is satisfied.
 6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.
 - If the Special Use Permit is repealed, all use of the property will be governed by the zoning and other regulations of the *Development Ordinance*.
 - When development occurs on this property, this condition will be satisfied.

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends approval of the request to repeal the Special Use Permit**. The following supports this recommendation:

- Because the Special Use Permit prohibits residential uses, it in effect encourages commercial development in an area that is not a designated village or neighborhood center. Therefore, repealing the Special Use Permit would further a number of goals and policies of the *Growth Management Plan* that seek to encourage commercial development in designated centers.
- With the repeal of the Special Use Permit, the property, as it exists, will still be in compliance with the *Development Ordinance*.

Vasant Sejpal
P.O. Box 852
Graham, NC 27253

Graham City Council
City of Graham, NC
PO Drawer 357
Graham, NC 27253

January 24, 2013

ATTN: Graham City Council
RE: Repeal of Special Use Permit

Dear Graham City Council,

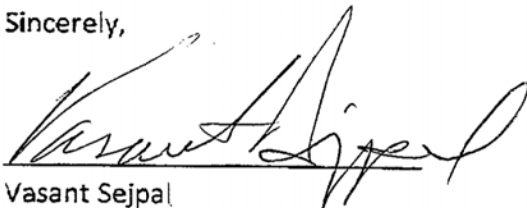
I, Vasant Sejpal, am the property owner at 1233 S. Main Street and 1229 S. Main Street in Graham, NC. Both properties are located on the same lot (see attached reference map).

A Special Use Permit for a Unified Business Development was approved for the lot on August 2, 2011. An additional condition of the approval process required that a nonconforming property sign on the lot be removed and be replaced with a conforming property sign meeting the requirements of the Development Ordinance. This condition was fulfilled.

I am writing this letter to request that the Special Use Permit for a Unified Business Development for the lot be repealed. The reason for this request is that the 1233 unit is a residential house, and I would like to offer the house for residential rental, but this is prohibited with a Special Use Permit.

Thank You.

Sincerely,


Vasant Sejpal

RECEIVED

JAN 24 2013

CITY OF GRAHAM
INSP. / P.Z.



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with the "City of Graham Growth Management Plan 2000-2020" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

Repeal of Special Use Permit for UBD (SUP1101)

Type of Request

REPEAL of Special Use Permit

Meeting Dates

Planning Board on February 19, 2013
City Council on March 5, 2013

- I move to recommend that the City Council **APPROVE** the request in that the application is consistent with all of the objectives and policies for growth and development contained in *The City of Graham Growth Management Plan 2000-2020* because of the following reasons:
- o Based on the recommendations of the *Growth Management Plan*
 - o [Insert reasons]
- I move to recommend that the City Council **DENY** the request because the application is not fully consistent with the objectives and policies for growth and development in *The City of Graham Growth Management Plan 2000-2020* because of the following reasons:
- o [Insert reasons]

The report reflects the recommendation of the Planning Board, this the 19th day of February, 2013.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson