



Planning Board

Meeting Agenda

July 16, 2013 at 7:00pm
Council Chambers, 201 S Main St

Invocation

1. Approve minutes of the June 18, 2013 meeting
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).
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).
4. Text Amendment for Tattoo Business. Request by staff to amend the *Development Ordinance* related to "tattoo businesses."

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

PLANNING ZONING BOARD

Tuesday, June 18, 2013

The Planning & Zoning Board held its regular meeting on Tuesday, June 18, 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 and Tim Beshel. Michael Benesch was absent. 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. Tim Beshel made a motion for approval for the April 16, 2013 minutes, second by Dean Ward. All voted in favor.
2. Request by Julia Webster, Ann Russell, Janet Cates and Foster Cates for a Rezoning (RZ1303) from R-12 to B-2 for property located at 1111 S. Main Street (GPIN #8883263844). Janet Cates of 417 S. Maple Street spoke representing the owners. Mrs. Cates explained the house is currently vacant and they hope to open a business there to offer antiques, painted furniture, jewelry, gifts, etc. Tim Beshel asked if this was a new business and Janet Cates responded yes. Bill Teer asked if anyone had spoken against the business and Janet Cates answered no. Ann Russell said that she had heard positive statements from some of the neighbors about the business opening there and the house not being vacant anymore. Bonnie Blalock asked if there would be a driveway to Rogers Road and Mrs. Cates said only on S. Main Street. Andy Rumley asked staff for future consideration if entrance to the property from Rogers Road could ever be used for a commercial entrance and how wide was the property existing on Rogers Road. Melissa Guilbeau said the property was approximately thirty feet wide.

Next to speak was Earl and Shirley Williams of 1200 Blair Street. Mrs. Williams asked if there would be any painting, sanding or spraying done with the antiques at this new business at 1111 S. Main Street. She said they were concerned about this for health reasons because they live directly behind this property. Mr. Williams asked if there would be a buffer of any type between their residence and the new business. Andy Rumley stated that the Board encourages using natural buffering versus fences and walls. Janet Cates said the driveway at the new business would be gravel except there would be concrete at the handicap area. Mrs. Cates said there would be no refinishing furniture at the location. She said they would only be opened three days a week and does not anticipate a big crowd there and should not be a lot of vapor problems either. Dean Ward asked if she would have any objections to any screening at the location and Mrs. Cates replied fencing would be costly but definitely some trees would be planted. Melissa Guilbeau stated that the ordinance states that any B-2 property adjacent to a residential property requires a six foot opaque screen which could be fencing or trees.

Ricky Hall made a motion to approve the rezoning, second by Dean Ward. The motion carried unanimously.

3. Next Melissa Guilbeau discussed the Growth Management Plan update as follows:
 - a. Current Growth Management Plan
 - b. New Steps for the new Growth Management Plan
 - c. In-House Resource Team
 - d. Growth Management Steering Committee
 - e. Public Outreach
 - f. Work with a consulting team
 - g. Adopt a new Growth Management Plan (target 2015)

There being no further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician



STAFF REPORT

Prepared by Kaitland Finkle, Planning Intern

919 & 957 Woody Dr Rezoning (RZ1304)

Type of Request: Rezoning

Meeting Dates

Planning Board on July 16, 2013

City Council on August 6, 2013

Contact Information

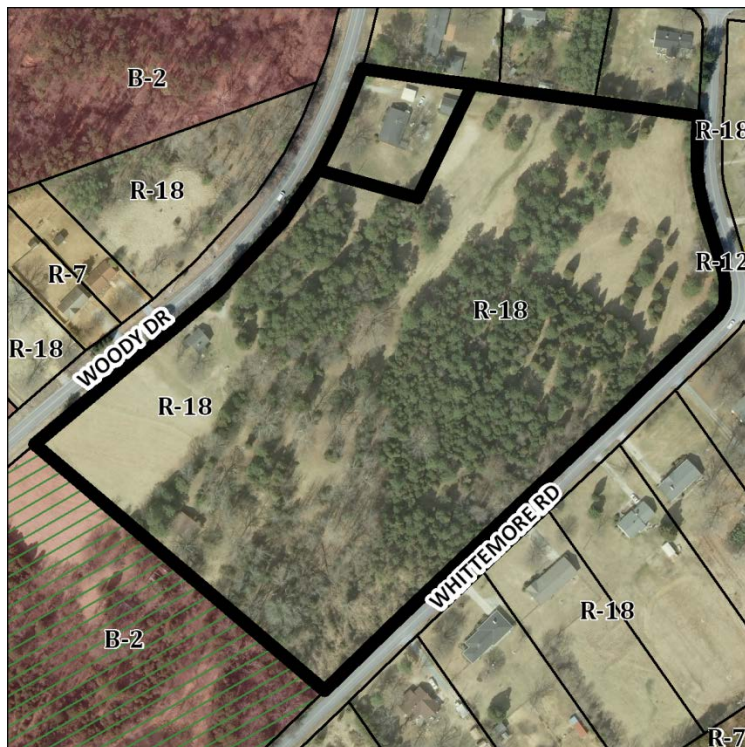
Dennis Euliss

524 W Elm St, Graham, NC 27253

336-212-0258; denniseuliss@ymail.com

Summary

This is a request to rezone the subject properties from R-18 to R-MF. The current uses of the properties are single family residences. The stated reason for this rezoning request is "to rezone to R-MF with the intent to build luxury apartments in the future."



Project Name

919 & 957 Woody Dr
Rezoning (RZ1304)

Location

919 Woody Dr &
957 Woody Dr

GPIN: 8884825405 &
8884821071

Size

13.5 acres

Current Zoning

Residential (low density)
(R-18)

Proposed Zoning

Residential (multifamily)
(R-MF)

Surrounding Zoning

R-18, R-12, R-7 & B-2

Surrounding Land Uses

Single Family Dwellings,
General Businesses

Staff Recommendation

Approval

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

Planning District: Central

Development Types: Regional Commercial Center, adjacent to Neighborhood Residential

Applicable Goals to Guide Us into the Future

- 6.3.1. Encourage the conversion and development of higher density residential development around the downtown and other designated activity areas. *The property would provide residential development within a designated regional commercial center.*
- 6.3.1. Prohibit residential development that is in close proximity to incompatible uses or provide proper buffering to protect existing uses and new development. *The R-MF zoning would serve as a buffer between the designated regional commercial center and adjacent neighborhood residential area.*

Applicable Planning District Policies and Recommendations

- 7.4.4.1.1. Ensure that development along Highway 54 does not replicate the highway commercial/strip development characteristics of S Main St. This can be accomplished by promoting nodal development through a regional commercial center and village center with sufficient separation between centers. A regional commercial center could include a major anchor store(s) interspersed with smaller commercial activities, office and institutional uses, multi-family, and government facilities located within an integrated complex. *The rezoning would provide multi-family residential development within a designated regional commercial center adjacent to neighborhood residential.*
- 7.4.4.1.3. Provide a transitional buffer between the proposed commercial and village centers and existing or proposed single-family neighborhoods that would consist of landscaping, multi-family developments and/or townhouse developments. *The rezoning would provide multi-family residential development to serve as a transitional buffer between the designated regional commercial center and adjacent neighborhood residential area.*

Description of Development Type

Regional Commercial Center

Development Toolkit Checklist

Located near a major thoroughfare, with interstate access, large parcels

For townhouses, apartments & condominiums, commercial, office/institutional and mixed use

Characteristics include automobile-oriented; design requirements; sidewalks; street trees; landscaping; buffering/screening; parking provided on-site; height of structures regulated; controlled access; building orientation

High Density of 5+ DU/acre and 10,000+ sq. ft. of retail

Infrastructure includes water, sewer, street connectivity and underground utilities

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 within development; pedestrian-oriented; automobile-oriented; sidewalks; street trees; landscaping

Density of 3-5+ DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends approval** of the rezoning. The following supports this recommendation:

- Rezoning the property would be consistent with the Regional Commercial Center development type and would further goals and policies of the *Growth Management Plan*.
- The *Growth Management Plan* identifies this area as a Regional Commercial Center, which encourages a mix of uses including townhouses, apartments and condominiums as well as commercial and office/institutional properties. Rezoning to R-MF would permit a greater variety of uses in the area.
- This area is identified as being adjacent to Neighborhood Residential Development according to the *Growth Management Plan*. Rezoning the property to R-MF would provide a buffer between commercial uses and single family development.



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.

**919 & 957 Woody Dr Rezoning
(RZ1304)**

Type of Request

Rezoning

Meeting Dates

Planning Board on July 16th, 2013

City Council on August 6th, 2013

I move to **recommend APPROVAL** 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 additional reasons]

I move to **recommend DENIAL** 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 16th day of July, 2013.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Martin Flea Market (SUP1302)

Type of Request: Special Use Permit

Meeting Dates

Planning Board on July 16, 2013

City Council on August 6, 2013

Contact Information

Philip L. Martin

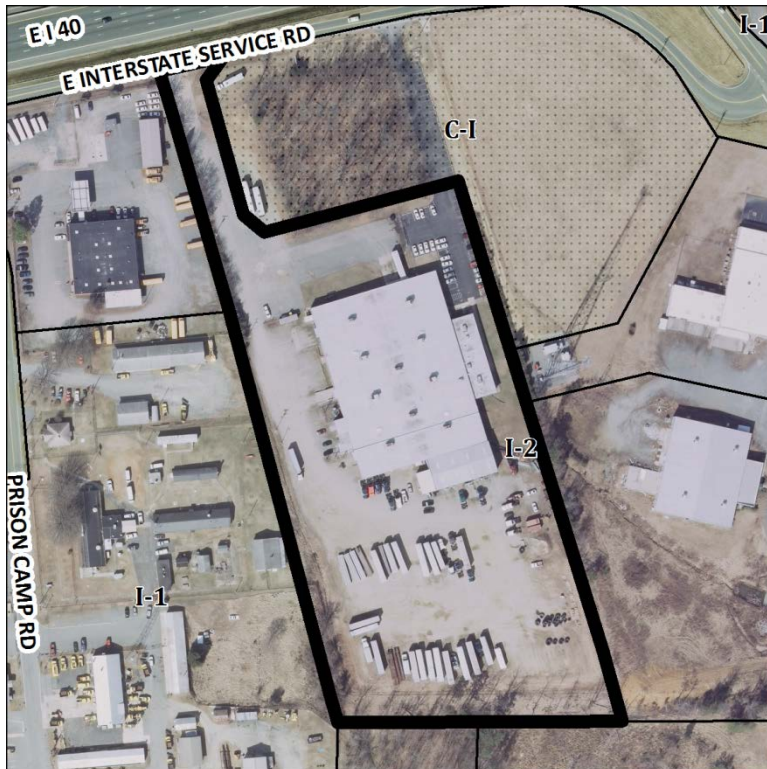
PO Box 100, Haw River, NC 27258

336-263-6721 or 336-578-3100

phil@mebaneshrubbery.com

Summary

This is a request for a Special Use Permit to operate a flea market in an existing building located at 410 E Interstate Service Rd. The building is currently used as a warehouse.



Project Name

Martin Flea Market
(SUP1302)

Location

410 E Interstate Service Rd

GPIN: 8884309537

Size of Retail

50,000 sq. ft.

Current Zoning

Heavy Industrial (I-2)

Surrounding Zoning

I-1, I-2 & C-I

Surrounding Land Uses

Industrial & Vacant

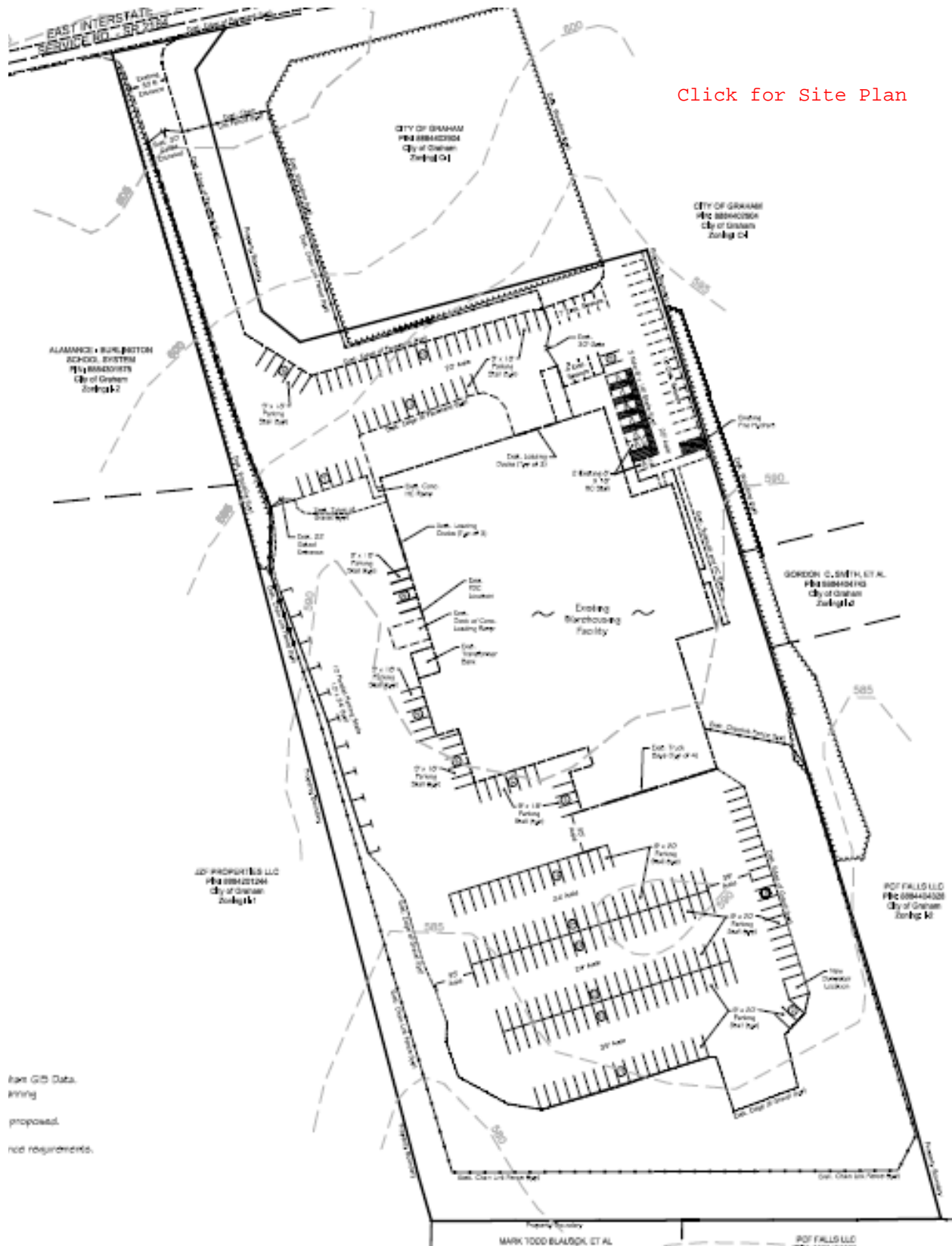
Staff Recommendation

Approval

The application includes a letter acknowledging that the flea market will provide no permanent outdoor display and all sale items and temporary signs will be placed inside the permanent building on premises after 6:00pm.

Because this is a new use for the property, the business must meet parking requirements. The proposed uses are "high volume retail establishments," which requires one off-street parking space for each 200sf of gross floor area, and "warehouses," which requires one space for each employee. The flea market will

occupy 50,000sf, requiring 250 spaces. The warehouse area will have 15 employees, requiring 15 spaces. A total of 265 spaces are required, and the site plan proposes 266 off-street parking spaces.



Because the property is zoned I-2, the performance standards for all uses in the I-1 and I-2 zoning districts will apply to the use of this property.

The property currently has a Special Use Permit for a sawmill that was approved on November 4, 2003. The property owner has requested that if the Special Use Permit for a flea market (SUP1302) is approved, that the Special Use Permit for a sawmill (SUP0305) be repealed.

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

Planning District: Central

Development Type: Regional Industrial Center

Applicable Goals to Guide Us into the Future

- 6.3.2. Encourage commercial development within designated village centers as opposed to continued commercial strip development. *The proposal is for a commercial use and is not located within a designated village center.*
- 6.3.2. Increase the overall retail diversity throughout the City. *The proposal is for a flea market of a size that does not currently exist in the city.*
- 6.3.8. Encourage the reuse and revitalization of unused or underutilized structures and properties. *The proposal will reuse an existing warehouse building.*

Applicable Planning District Policies and Recommendations

- None

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.
 - The use provides more than the required minimum number of off-street parking spaces. Use of the property will be required to meet performance standards for all uses in the I-1 and I-2 zoning districts, though as a retail use it is not anticipated that any of these will apply.
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
 - The applicant has provided a statement acknowledging the requirement that the flea market will provide no permanent outdoor display and all sale items and temporary signs will be placed inside the permanent building on premises after 6:00pm.
3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.

Description of Development Type

Regional Industrial Center

Development Toolkit Checklist

Located near a major thoroughfare with interstate access and large parcels

For industrial

Characteristics include open space; automobile-oriented; design requirements; sidewalks; street trees; landscaping; buffering/screening; parking provided on-site; height of structures regulated; controlled access; building orientation

10,001sf+ of retail

Infrastructure includes water, sewer, street connectivity and underground utilities

- The proposal is for a high volume retail establishment – a flea market – located along a local commercial road that fronts on the interstate, and that was previously occupied by a warehouse and by a fabric manufacturing operation prior to that.
4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.
- The proposal is for a high volume retail establishment – a flea market – located along a local commercial road that fronts on the interstate, and that was previously occupied by a warehouse and by a fabric manufacturing operation prior to that.
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.
- The proposal is for a 50,000sf, high volume retail establishment in an area that is currently occupied by industrial uses and vacant land and is planned in the *City of Graham Growth Management Plan 2000-2020* as a Regional Industrial Center, which allows for large retail buildings.
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.
- All requirements of the *Development Ordinance* have been met, including the provision of off-street parking. Any new signage will require a sign permit prior to installation.

Staff Recommendation

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

- The development furthers goals of the *Growth Management Plan* and complies with the Development Toolkit Checklist for Regional Industrial Center.
- The development complies with the standards of the *Development Ordinance*.
- The development meets all six conditions required by Section 10.144 of the *Development Ordinance*.

SUP 1302

MARTIN PROPERTIES ACNC LLC

PO Box 100
Haw River, NC 27258

June 26, 2013

City Planner, City of Graham
Attn: Melissa Guilbeau, AICP
PO Drawer 357
Graham, NC 27253

RECEIVED

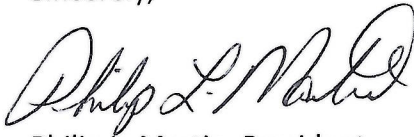
JUN 26 2013

**CITY OF GRAHAM
INSP. / P.Z.**

Ms. Guilbeau,

In regards to our Special Use Permit for a Flea Market we acknowledge that said "Flea Market, provide no permanent outdoor display and all sale items and temporary signs are placed inside the permanent building on premises after 6:00 p.m."

Sincerely,



Philip L. Martin, President
Martin Properties ACNC LLC

MARTIN PROPERTIES ACNC LLC

PO Box 100
Haw River, NC 27258

July 2, 2013

City Planner, City of Graham
Attn: Melissa Guilbeau, AICP
PO Drawer 357
Graham, NC 27253

RECEIVED

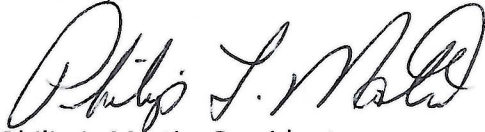
JUL 02 2013

CITY OF GRAHAM
INSP. / P.Z.

Ms. Guilbeau,

We are requesting that the City Council repeal the Special Use Permit for a saw mill that was approved on November 4th, 2012. We are the owner of the property located at 410 E. Interstate Service Rd. In the event that the Special Use Permit for a flea market is not approved, we would like the Special Use Permit for the saw mill to remain active.

Sincerely,



Philip L. Martin, President
Martin Properties ACNC LLC



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.

Martin Flea Market (SUP1302)

Type of Request
Special Use Permit

Meeting Dates
Planning Board on July 16, 2013
City Council on August 6, 2013

- I move to **recommend APPROVAL, and recommend repeal of the Special Use Permit for a sawmill approved on November 4, 2003**, 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 additional reasons]
- I move to **recommend APPROVAL, and recommend repeal of the Special Use Permit for a sawmill approved on November 4, 2003, with the following conditions** [insert conditions] in that the application with the added conditions 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 additional reasons]
- I move to **recommend DENIAL** 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 16th day of July, 2013.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Text Amendment for Tattoo Business

Contact Information

Type of Request: Text Amendment

not applicable

Meeting Dates

Planning Board on July 16, 2013

City Council on August 6, 2013

Summary

It has been brought to the attention of staff that our zoning regulations for tattoo businesses should be updated. Tattoo businesses are currently permitted with a special use permit in our B-2, I-1 and I-2 zoning districts, and are prohibited in Unified Business Developments and the two Highway Corridor Overlay Districts. There are additional regulations attached to the special use, including the requirement for a state permit, that no employee or any person with an interest in the business have been convicted of a crime (other than a traffic violation), and that the proposed site meet building and fire prevention codes and zoning requirements.

It is staff's opinion that these additional regulations are redundant and unnecessary, such as the requirement for a state permit. Tattoo businesses are already regulated by the State through the county health departments. The Alamance County Health Department, Environmental Health Section, issues tattooing permits on an annual basis to each tattoo artist at each location where that tattoo artist operates. Before issuing a tattooing permit, the Health Department inspects the establishment to ensure that it meets all health requirements. And on the requirement related to building and fire codes, this is something that all new businesses must meet.

Staff reviewed the zoning requirements of other municipalities and found that of the nine municipalities that were reviewed, only three required a special use permit for a tattoo business, and only one of those had additional regulations. In that instance, the additional regulations were for a valid tattoo permit from the state, minimum buffers and a maximum of one tattoo business per lot. Six of the nine municipalities that were reviewed, including Burlington, categorize a tattoo business as "personal service" just like a barber shop, and they are permitted by-right.

Staff proposes to remove the additional regulations that are listed in Section 10.149 Special Uses Listed for a Tattooing Business and to add "tattoo business" to the list of prohibited uses for a Unified Business Development. As an option, staff also proposes to make Tattoo Business a use permitted by-right in the B-2, I-1 and I-2 zoning districts.

Project Name

Text Amendment for
Tattoo Business

Location

citywide

GPIN

not applicable

Current Zoning

not applicable

Proposed Zoning

not applicable

Staff Recommendation

Approval

The following amendments to the Development Ordinance are proposed:

- Delete the entire entry for “Use: Tattooing business” in Section 10-149 Special uses listed
- Amend the entry for “Use: Unified Business Development and Shopping Center” in Section 10-149 Special uses listed as follows:

Showing changes

1. All uses permitted in the B-2 District are permitted except for the following uses, which are not permitted: residential dwellings; animal hospital; automobile repair; automobile sales; car wash; amusements/water parks; bottling or dairy plant; commercial campgrounds; camping vehicle parks; contractor’s storage yards (offices are permitted); day care centers (child and adult); farm equipment sales, storage and repair; funeral homes; golf courses (all types); hospitals; kennels; laundries, except self-service; lodges; manufactured home sales; nursing homes; plumbing shops; sign shop; stonecutting; monument manufacture and sales; tattoo business; tire recapping and retreading (principal use); truck sales; veterinarian; wholesale distributors.

Final result

1. All uses permitted in the B-2 District are permitted except for the following uses, which are not permitted: residential dwellings; animal hospital; automobile repair; automobile sales; car wash; amusements/water parks; bottling or dairy plant; commercial campgrounds; camping vehicle parks; contractor’s storage yards (offices are permitted); day care centers (child and adult); farm equipment sales, storage and repair; funeral homes; golf courses (all types); hospitals; kennels; laundries, except self-service; lodges; manufactured home sales; nursing homes; plumbing shops; sign shop; stonecutting; monument manufacture and sales; tattoo business; tire recapping and retreading (principal use); truck sales; veterinarian; wholesale distributors.

As an option, the following amendments to the Development Ordinance are proposed:

- Modify Section 10.135 Table of Permitted Uses as follows:

Showing changes

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1	C-I	I-2	C-MXR	C-MXC	LUC
Tattoo Business												☞			☞		☞			☞

Final result

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1	C-I	I-2	C-MXR	C-MXC	LUC
Tattoo Business												X			X		X			3

Conformity to the *Growth Management Plan (GMP)*

Planning District: not applicable

Development Type: not applicable

Description of Development Type

not applicable

Development Toolkit Checklist

not applicable

Applicable Goals to Guide Us into the Future

- 6.3.8. Promote new and expanding businesses which: help to diversify the local economy, utilize a higher skilled labor force, increase the prosperity of City residents and are not detrimental to the environment. *This amendment would remove redundant and unnecessary regulation of a type of business that meets some or all of these goals.*

Applicable Planning District Policies and Recommendations

- Not applicable; citywide text amendment not located in a Planning District

Staff Recommendation

Based on the *Growth Management Plan 2000-2020*, the *City of Graham Development Ordinances* and research of State regulations, other jurisdictions and best practices, staff **recommends approval** of the text amendment. The following supports this recommendation:

- Tattooing businesses are regulated by the State for the protection of public health. Therefore, the requirement for a tattooing permit is redundant.
- Other municipalities treat tattooing businesses as a personal service establishment, such as a barber shop, which are permitted by-right. Of those who require a special use permit, most do not have any additional requirements.



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.

Text Amendment for Tattoo Business

Type of Request
Text Amendment

Meeting Dates
Planning Board on July 16, 2013
City Council on August 6, 2013

- I move to **recommend APPROVAL** in that the amendment 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 DENIAL** because the amendment 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 16th day of July, 2013.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson