



Planning Board

Meeting Agenda

August 20, 2013 at 7:00pm
Council Chambers, 201 S Main St

Invocation

1. Approve minutes of the July 16, 2013 meeting
2. Oneida Mills Rezoning (RZ1305). Request by Third Wave Housing, LLC to rezone property located at 219 W Harden St (GPIN 8884056108) from Light Industrial (I-1) to Residential (multifamily) (R-MF).

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

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 Benesch 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



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Oneida Mills Rezoning (RZ1305)

Type of Request: Rezoning

Meeting Dates

Planning Board on August 20, 2013

City Council on September 3, 2013

Contact Information

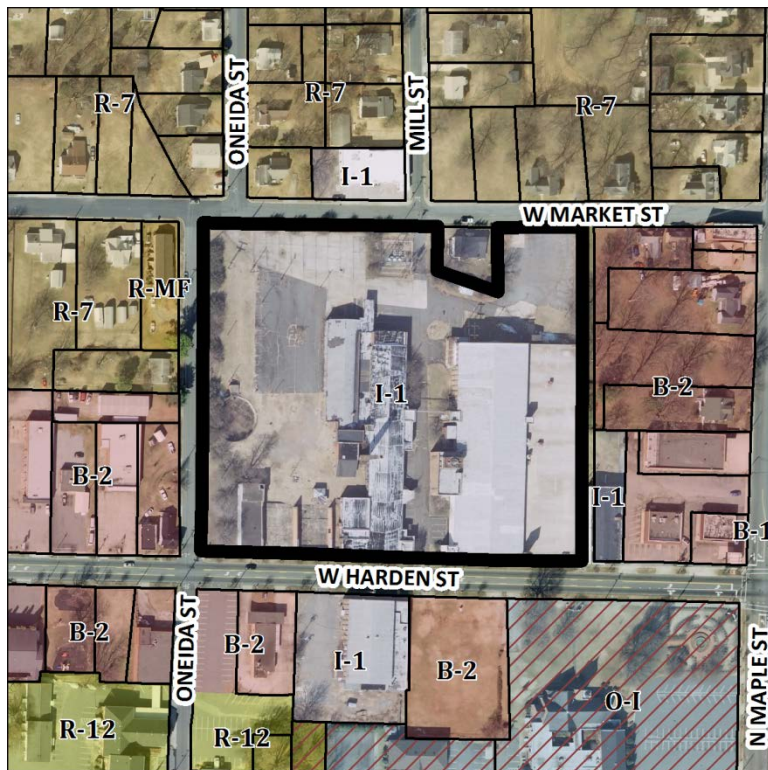
Third Wave Housing, LLC

463 ½ Carolina Cir, Winston-Salem, NC 27104

904-616-2643; admin@thirdwavehousing.com

Summary

This is a request to rezone the subject property from I-1 to R-MF. The current use of the property is a vacant industrial building. The stated reason for this rezoning request is to do “an adaptive-reuse of the mill building into 127 rental apartments using the existing interior spaces.”



Project Name

Oneida Mills Rezoning
(RZ1305)

Location

219 W Harden St

GPIN: 8884056108

Size

6.8 acres

Current Zoning

Light Industrial (I-1)

Proposed Zoning

Residential (multifamily)
(R-MF)

Surrounding Zoning

R-7, R-MF, O-I, B-2 & I-1

Surrounding Land Uses

Single Family Dwellings,
Multifamily Dwellings,
General Businesses, Church

Staff Recommendation

Approval

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

Planning District: North

Development Types: Town Center

Applicable Goals to Guide Us into the Future

- 6.1.2. Continue to support efforts that identify, restore and/or reuse cultural and historic structures, buildings, monuments and neighborhoods. *Rezoning the property to R-MF would allow the reuse of a vacant mill site into multifamily dwellings, which is the stated reason for the rezoning.*
- 6.3.1. Encourage the conversion and development of higher density residential development around the downtown and other designated activity areas. *The rezoning would allow for higher density residential development within the Town Center area.*
- 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 rezoning would provide a transition zone between the existing single family neighborhood and W Harden St/downtown businesses, instead of the current light industrial designation.*
- 6.3.8. Encourage the reuse and revitalization of unused or underutilized structures and properties. *The stated purpose of the rezoning – to convert the existing structures into apartments – would reuse a vacant historic structure.*

Description of Development Type

Town Center

Development Toolkit Checklist

Located near a major thoroughfare

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

Characteristics include pedestrian-oriented; design requirements; sidewalks; street trees; height of structures regulated; building orientation

Density of 5+ DU/acre or 10,000 to 100,000sf of retail

Infrastructure includes water, sewer, street connectivity and underground utilities

Applicable Planning District Policies and Recommendations

- 7.3.4.1.1. Encourage infill development within the district, as well as redevelopment efforts of deteriorating structures. *The stated purpose of the rezoning – to convert the existing structures into apartments – would redevelop a deteriorating historic structure.*
- 7.3.4.1.3. Preserve established residential neighborhoods within the district. *Rezoning to R-MF would be a more compatible land use than I-1 adjacent to an existing single family neighborhood.*
- 7.3.4.1.6. Continue to encourage the redevelopment efforts underway within the Town Center. *The stated purpose of the rezoning – to convert the existing structures into apartments – would redevelop an historic structure within the Town Center.*

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 Town Center development type and would further goals and policies of the *Growth Management Plan*.



Application for REZONING or CONDITIONAL REZONING

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com/planning

This application is for both general district rezonings and conditional rezonings. Applications are due on the 25th of each month. Applicants are encouraged to consult with the *City of Graham Development Ordinances* and the City Planner.

Site

Street Address: 219 W Harden St

Tax Map#: 145558 GPIN: 8884056108

Current Zoning District(s):

- R-7 R-9 R-12 R-15 R-18
 R-MF R-G C-R C-MXR
 B-1 B-2 B-3 C-B C-MXC
 O-I C-O-I I-1 I-2 C-I

Overlay District, if applicable:

- Historic S Main St/Hwy 87 E Harden St/Hwy 54

Current Use: Vacant Industrial Building

Total Site Acres: +/- 6.83 Acres

Property Owner: Jay Burke Rentals, Inc

Mailing Address: 17 SE Court Square, Suite 202

City, State, Zip: Graham, NC 27253

Applicant

Property Owner Other Contracted Purchaser

Application for Conditional Rezoning may only be initiated by the owner of a legal interest in all affected property, any person having an interest in the property by reason of written contract with owner, or an agent authorized in writing to act on the owner's behalf. If the applicant for Conditional Rezoning is other than the Property Owner, documentation in compliance with the preceding statement must be provided in order for this application to be complete.

Name: Third Wave Housing, LLC

Mailing Address: 463 1/2 Carolina Circle

City, State, Zip: Winston Salem, NC 27104

Phone # (904) 616-2643

Email: Admin@ThirdWaveHousing.com

I have completed this application truthfully and to the best of my ability.

Signature of Applicant

Date

7/24/2013

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

- R-7 R-9 R-12 R-15 R-18
 R-MF R-G C-R C-MXR
 B-1 B-2 B-3 C-B C-MXC
 O-I C-O-I I-1 I-2 C-I

Describe the purpose of this rezoning request. *For Conditional Rezoning*, also specify the actual use(s) intended for the property (from Sec. 10.135 Table of Permitted Uses) along with other descriptive or pertinent information, such as number of dwelling units, type of multifamily development, square footage and number of buildings:

We are doing an adaptive-reuse of the mill building into 127 rental apartments using the existing interior spaces.

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INSP. / P.Z.

For Conditional Rezoning, this application must be accompanied by a Site Plan and supporting information specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined ordinance requirements, will govern the development and use of the property.

Site Plan Review Application *must be attached* to this application for Conditional Rezoning

Office Use Only. DEVID#

RZ1305



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.

Oneida Mills Rezoning (RZ1305)

Type of Request Rezoning

Meeting Dates

Planning Board on August 20, 2013
City Council on September 3, 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 20th day of August, 2013.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson