

**CITY OF GRAHAM
REGULAR AGENDA
TUESDAY, MAY 3, 2016
7:00 P.M.**

Meeting called to order by the Mayor
Invocation and Pledge of Allegiance

1. Honorary Proclamations and Presentations:

- Food Allergy Awareness Week Proclamation
- National Police Week Proclamation
- Presentation by “B.O.K. Décor” – Graham Middle School Shark Tank Competition

2. Consent Agenda:

- a. Approval of Minutes – April 5, 2016 Regular Session
- b. Tax Releases
- c. Request from the Graham Police and the Graham Parks and Recreation Departments to close North Main, South Main, East Elm and West Elm Streets in the Downtown Business District on October 28, 2016 from 5:00p.m.-10:00p.m. for a Halloween Festival

3. Old Business:

- a. Public Hearing: Text Amendment for the City of Graham Development Ordinances
 - i. Narrow Residential Road (AM1602)

4. Requests and Petitions of Citizens:

- a. Petition for Voluntary Contiguous Annexation on Rogers Road (AN1601):
 - i. Approve Resolution requesting City Clerk to Investigate Sufficiency
 - ii. Approve Resolution fixing date of Public Hearing on Question of Annexation

5. Recommendations from Planning Board:

- a. Public Hearing: Rogers Contractor (CR1602). This is a request from Charles Terry to rezone property at 1129 Rogers Road from R-12 to C-B
- b. Public Hearing: Text Amendments for the City of Graham Development Ordinances
 - i. Tree Cutting Permit (AM1607)
 - ii. B-1 District Uses (AM1609)
 - iii. Decommissioning of Cell Towers (AM1610)
 - iv. Unified Business Development (AM1611)

6. Issues Not on Tonight’s Agenda

Proclamation Recognizing Food Allergy Awareness Week

WHEREAS, as many as 15 million Americans have food allergies; nearly 6 million are children under the age of 18; and

WHEREAS, research shows that the prevalence of food allergy is increasing among children; and

WHEREAS, eight foods cause the majority of all food allergy reactions in the U.S.: shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat; and

WHEREAS, symptoms of a food-allergic reaction can be subtle or severe and can include hives, vomiting, respiratory distress, and swelling of the throat; and

WHEREAS, according to the Centers for Disease Control and Prevention, food allergy results in more than 200,000 ambulatory care visits a year involving children under 18. Reactions typically occur when an individual unknowingly eats a food containing an ingredient to which they are allergic; and

WHEREAS, it is very likely that school age children and parents of school age children will be involved with and interact with children who have food allergies; and

WHEREAS, there is no cure for food allergy, and scientists do not understand why. Strict avoidance of the offending food is the only way to prevent an allergic reaction; and

WHEREAS, anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death; and

WHEREAS, education and information is made available by organizations such as the Food Allergy Research & Education (FARE), a national, nonprofit organization dedicated to improving the quality of life and the health of individuals with food allergies, and to provide them hope through the promise of new treatments; and

NOW, THEREFORE, I, Jerry Peterman, Mayor of the City of Graham, do hereby proclaim May 8 – May 14, 2016 as “Food Allergy Awareness Week” in the City of Graham, North Carolina, and call upon all citizens, community agencies and businesses to increase their understanding and awareness of food allergies and anaphylaxis by visiting www.foodallergyweek.org.

This the 3rd day of May 2016.

Mayor
City of Graham

Proclamation Recognizing May 15 – May 21, 2016 as National Police Week

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the 38 dedicated members of the Graham Police Department; and

WHEREAS, nearly 50,000 assaults against law enforcement officers are reported each year, resulting in approximately 15,000 injuries; and

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 28th Annual Candlelight Vigil, on the evening of May 13, 2016; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year from May 15th to May 21st; and

WHEREAS, May 15th is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

THEREFORE, I, Jerry Peterman, Mayor of the City of Graham, do hereby proclaim May 15 – May 21, 2016, as “National Police Week” in the City of Graham, North Carolina and publicly salute the service of law enforcement officers in our community and in communities across the nation.

This the 3th day of May 2016.

Mayor
City of Graham

Shark Tank

“Shark Tank” is a problem-based learning unit I developed with other sixth grade teachers and our STEM coordinator that is based on the popular show. The students go through the design process by identifying a problem at our school, brainstorming solutions to that problem, creating a prototype of a product/service that will fix the problem, and then creating an engaging presentation to present to the “sharks” that advertises their product/service using persuasive language. Students vote on the best ten teams in the grade level who go on to present in front of a panel of “sharks” that recently included the mayor of Graham, a school board member, and a member of LabCorp. In the past, the winning team has received funding for their product and have presented in front of the School Board. The ownership and real world experience this project offers is powerful and motivating for students. I believe similar activities that connect students with their community will lead to the retention of our brightest students, who, in the future, will be encouraged to settle down and work in Graham.

Beth Estes, Graham Middle School Teacher

Hi my name is Blessing Wade. I am 11 years old. I am in 6th grade and in Mrs. Gollmar’s homebase. I love to read and I also like finding out math equations. When I am at home, I like to play football and basketball at my friend’s house and maybe baseball. I love to hang out with my friends but most of all I love school.

Blessing Wade, “B.O.K. Décor” Team Member

Hello my name is Olivia Summers and I am the “O” of B.O.K studio. I’m a 12 year old in 6th grade that has a interest in drawing and designing. My best and favorite subjects are language arts and social studies. I live in Haw River with my wonderful family of four. Some of my other interests are writing short stories and then illustrating them in my sketchbook. Now I plan to get enough money to fund the redesigning of the school office.

Olivia Summers, “B.O.K. Décor” Team Member

Hi! My name is Katie Gomez I am 12 years old, and am in the 6th grade go to GMS. Some of my favorite hobbies are to read and enjoy time outside. One of my favorite authors is Rick Riordan, I love his books because they are very exciting! I also enjoy very much to spend time with my pets and family. I have one cat named Tiger and two parakeets one of them is named Angle and the other one is named Snowflake. My mom and dad like to spend time with us but they also work very hard for us. I have two sibling and both of them are older than me which isn't very great because I’m the one who gets bossed around and not them. I don't really have a favorite subject in school because I like a little bit of all of them and want to learn new things it can be stressful sometimes when I don't understand things but my teachers, sister, and brother are always there for me when I need help. When I grow up I want to bet a vet and take care of pets and animals that need my help. I also like to go shopping and be outside, I also love animals and always like to search for them but when the spot me they run or fly away (probably because I like to chase them and try to catch them). I like to play sports even though I’m not really good at them and won’t play any rough sports. You can learn a lot of things about me and like to learn things about others, but sometimes I can be really shy and hide like the animals chase around.

Katie Gomez, “B.O.K. Décor” Team Member

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, APRIL 5, 2016
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, April 5, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, City Planner
Keith Whited, City Attorney

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Council Member Chip Turner gave the invocation and everyone stood to recite the Pledge of Allegiance.

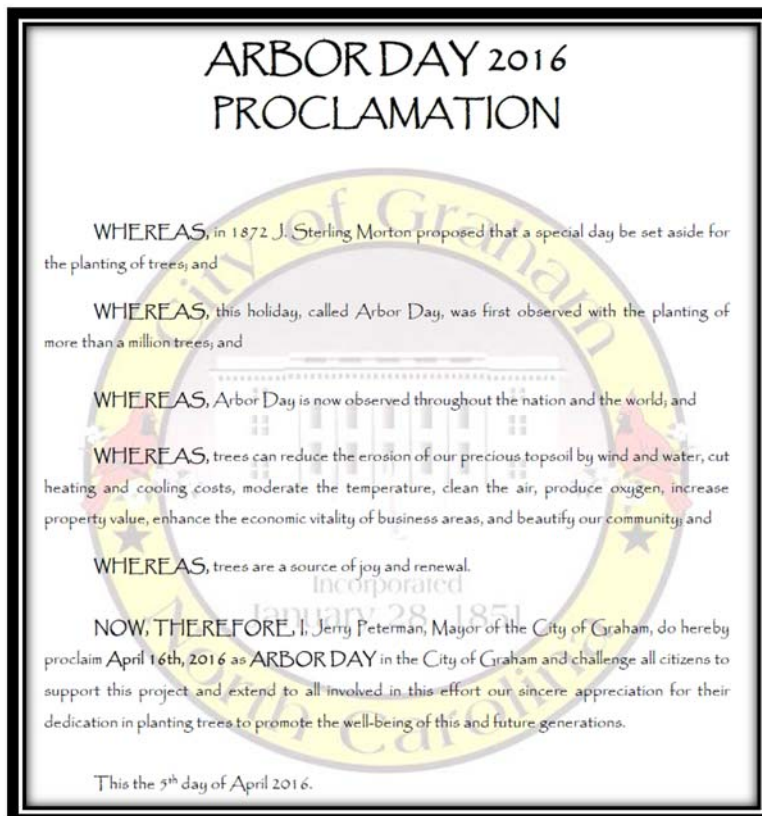
Honorary Presentations and Proclamations:

➤ ***Presentation by “B.O.K. Décor” – Graham Middle School Shark Tank Competition***

Mayor Peterman advised that due to a scheduling conflict, this presentation would be moved to the May 3, 2016 Council Meeting.

➤ ***2016 Arbor Day Proclamation***

Mayor Peterman presented the 2016 Arbor Day Proclamation to Ms. Elaine Murrin, Graham Appearance Commission Chairperson.



Consent Agenda:

- a. *Approval of Minutes – March 1, 2016 Regular Session*
- b. *Approval of Minutes – March 7, 2016 Special Session*
- c. *Approval of Minutes – April 4, 2016 Special Session*
- d. *Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS						
APRIL COUNCIL MEETING						
<u>ACCT#</u>	<u>YEAR</u>	<u>RECIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
146474	2014	3413	HANCOCK, JOHN LAWS	PP	SOLD BOAT 2013	10.91
146474	2014	3414	HANCOCK, JOHN LAWS	PP	SOLD BOAT MOTOR 2013	5.56
146474	2015	3219	HANCOCK, JOHN LAWS	PP	SOLD BOAT 2013	11.91
146474	2015	3220	HANCOCK, JOHN LAWS	PP	SOLD BOAT MOTOR 2013	3.88
501111	2014	6767	SHANNON, WILLIAM ALLEN	PP	BOAT LOCATED IN BURLINGTON	13.21
501111	2015	6538	SHANNON, WILLIAM ALLEN	PP	BOAT LOCATED IN BURLINGTON	13.21
552115	2014	5546	NEESE, ANNETTE JOY	PP	JET SKI SOLD 2013	2.10
552115	2014	5547	NEESE, ANNETTE JOY	PP	JET SKI SOLD 2013	2.10
552115	2015	5319	NEESE, ANNETTE JOY	PP	JET SKI SOLD 2013	2.10
552115	2015	5320	NEESE, ANNETTE JOY	PP	JET SKI SOLD 2013	2.10
558970	2012	73	ADAMSKI, CHRISTOPHER RYAN	PP	MOVED 2011 TO VA, ALA CO NEVER SENT RELEASE	15.83
558970	2012	74	ADAMSKI, CHRISTOPHER RYAN	PP	MOVED 2011 TO VA, ALA CO NEVER SENT RELEASE	18.49
558970	2013	63	ADAMSKI, CHRISTOPHER RYAN	PP	MOVED 2011 TO VA, ALA CO NEVER SENT RELEASE	15.83
558970	2013	64	ADAMSKI, CHRISTOPHER RYAN	PP	MOVED 2011 TO VA, ALA CO NEVER SENT RELEASE	16.60
558970	2013	65	ADAMSKI, CHRISTOPHER RYAN	PP	MOVED 2011 TO VA, ALA CO NEVER SENT RELEASE	16.60
558338	2015	2460	EVERGREEN HOLDINGS GROUP	PP	LISTED IN WRONG FIRE DISTRICT	5.93
644539	2014	7250	STEINS, JERRY CHARLES	PP	DID NOT OWN BOAT JAN 1 2014	6.85
644539	2015	6960	STEINS, JERRY CHARLES	PP	DID NOT OWN BOAT JAN 1 2014	8.34
644601	2014	8297	WILLIAMS, RICKY LYNN	PP	BOAT LOCATED IN BURLINGTON	9.15
644601	2015	7987	WILLIAMS, RICKY LYNN	PP	BOAT LOCATED IN BURLINGTON	7.01
TOTAL RELEASES						187.71

- e. *Request from the Graham Recreation and Parks Department to close the 100 block of W. Elm Street from 5:00 p.m. – 11:00 p.m. for the Thursday At Seven Concert Series on May 26, 2016, June 23, 2016, July 28, 2016, August 25, 2016, September 8, 2016 and September 22, 2016*
- f. *Boards & Commissions*
 - i. *Appointments to Tree Board*
 - ii. *Appointment to Appearance Commission*

Council Member Turner made a motion to approve the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Old Business:

- **Public Hearing: Text Amendments for the City of Graham Development Ordinance**
- i. **Future Development (AM1503)**

City Planner Nathan Page explained that this was a text amendment presented to Council last month requesting that a definition for “Future Development” to be added to the Development Ordinance. Per Council’s request last month, he researched and provided Council with definitions pertaining to “Future Development” from neighboring municipalities.

Council Member Lee Kimrey expressed concern about the definition including “storage of materials” – stating that he believes this is already covered in our Code of Ordinances Chapter 12, Article III, Sec. 12-70 – Conditions declared a nuisance. City Manager Frankie Maness advised that removing this from the definition would make a decision less legislative and more discretionary and encouraged Council to look at more than just the nuisance side of things.

Mayor Peterman opened the public hearing. With no forthcoming comments, Mayor Peterman closed the public hearing.

Council Member Kimrey made a motion that the text amendment be approved with the following condition:

- Elimination of storage of materials;

And that the text amendment is consistent with The 2035 Graham Comprehensive Plan and this action is reasonable and in the public interest for the following reason: It’s in the best interest of the public for the City of Graham. Mayor Jerry Peterman seconded the motion and all voted in favor of the motion.

ii. Narrow Residential Road (AM1602)

Mr. Page explained that this item, also from last month, is still being researched and that Staff was requesting that this item be postponed to next month’s meeting. Mayor Peterman opened the public hearing. With no comments forthcoming, Mayor Peterman closed the public hearing.

Council Member Kimrey made a motion to postpone this item to next month’s meeting, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor the motion.

Little Alamance Creek Restoration Update

Mr. Josh Johnson, City Engineer from Alley, Williams, Carmen & King, gave an overview of the creek highlighting the following:

- Where is the Watershed
- What are Benthic Macroinvertebrates
- Background
- Draft Total Maximum Daily Load in 2010
- 4b Plan in 2012
- 4b Plan Implementation
- Stream Cleanup

Council Members and Staff discussed with Mr. Johnson various issues that plague the creek, such as the effect nitrogen from fertilizer has on the creek and impairment from drought. Mr. Johnson said ultimately, the City needs to strengthen public education and participation.

Discussion of “Welcome to Graham” Sign

Mr. Maness advised that this sign has been in the works for the past twelve (12) years and that he entrusted this project to Assistant City Manager Aaron Holland to handle. Mr. Holland explained that he has worked with multiple sign companies to design a “Welcome to Graham” sign that would be approximately fourteen feet (14’) wide by eight feet (8’) tall consisting of two feet (2’) tall text.

Council Members expressed concern that this sign exceeds the size requirement for the Highway 54 Overlay District and about the cost of changing out some elements of the sign should the City choose to rebrand at some point in the future. Council Members stated that they feel the City shouldn't be able to do more than what we allow the public to do and that we should comply with the same rules. Mr. Maness advised that our Ordinance allows for some governmental exemptions and the City is permitted by right to have a sign of this size. By consensus, Council Members asked Staff look into revising the current Non-Conforming Sign Ordinances and the Sign Ordinances for Overlay Districts and then move onto revising the entire Sign Ordinance. In addition, Council asked Staff to table going forward with this new sign until that has been done. Mr. Maness advised that in light of this decision, he would not allow the already approved banners we were to hang along Main Street to be purchased.

Issues Not Included on Tonight's Agenda

Mr. Gary Evans, 141 E. Harden Street, Graham spoke on the recent notice of violation letter he received regarding the non-conforming sign at his business located at the above address. Mr. Maness asked Mr. Evans if he had gotten a permit for that sign. Mr. Evans said no he did not. Mr. Evans had installed a non-conforming sign without applying for a sign permit, resulting in the issuance of a notice of violation letter. Mr. Page advised that Mr. Evans then requested a sign permit for the existing pole sign, located in the East Harden Street/Highway 54 Overlay District, and based on our Sign Ordinance for that district, Mr. Page denied the application as presented. Mr. Evans stated that he appealed Mr. Page's decision to the Board of Adjustment and advised Council that the Board of Adjustment didn't vote on that appeal the night it was presented. Mayor Peterman advised Mr. Evans to consider submitting another notice to appeal and that all further enforcement action would cease until the Board of Adjustment rules on the matter.

Jay Martin, 405 Ivey Road, Graham thanked Mayor Peterman and Council Member McClure for organizing the Graham Public School Community Forum held on April 4, 2016 at the Graham Middle School. He urged City leaders to look outside the box and look at all ways to pull the community in and work together to better the Graham Schools.

Mayor Peterman followed up Mr. Martin's comments by saying that he was pleased with the turnout at the meeting and has already thought about changes that could be made to future forums that may be held. Council Members discussed that they feel Dr. William Harrison, Superintendent of the Alamance Burlington School System is listening to their concerns and are happy with some of the Dr. Harrison's proposed changes. Council Members reiterated Dr. Harrison's comments from the forum by saying that the proposed redistricting plan had undergone multiple changes thus far and will most likely undergo more changes before a final plan is submitted to the County Commissioners to vote on later this year.

At 9:27 p.m. Council Member Kimrey made a motion to adjourn, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
RELEASE ACCOUNTS**

MAY COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>RECIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
153645	2014	4908	MARTIN, NANCY BOOKOUT	PP	SOLD BOAT 3 YRS AGO. OWNER DECEASED	5.51
153645	2014	4909	MARTIN, NANCY BOOKOUT	PP	SOLD BOAT 3 YRS AGO. OWNER DECEASED	2.55
558936	2015	1049	BUNTING, JENNIFER MITCHELL	PP	DID NOT OWN BOAT JAN 2015	13.11
644656	2015	1840	COX, JASON MONROE	PP	DID NOT OWN BOAT JAN 2015	95.35

TOTAL RELEASES 116.52

4/25/2016



STAFF REPORT

SUBJECT:	CLOSURE OF DOWNTOWN STREETS AROUND COURT SQUARE, ON OCTOBER 28, 2016.
PREPARED BY:	J. C. PRICHARD, CHIEF OF POLICE

REQUESTED ACTION:

The Graham Police Department and the Graham Parks and Recreation requests the closure of North and South Main Street and East and West Elm Street in the downtown business district of Graham on Friday, October 28, 2016, for a Halloween Festival.

BACKGROUND/SUMMARY:

The Halloween Festival would be a combined event with the Graham Police and the Graham Parks and Recreation Departments. Last year the Graham Police Department had over 1000 people attend the annual Trunk or Treat event. The Graham Parks and Recreation Department also held a separate event. This year we would like to combine the two events and have them be held in the downtown area of Graham. The Graham Area Business Association has also been contacted to assist with this event.

FISCAL IMPACT:

Both the Graham Police and Graham Parks and Recreation Departments have budgeted for the event. There will be no fiscal impact to the City of Graham, however it will bring several thousand people to the city of Graham.

STAFF RECOMMENDATION:

Staff recommends approval.

SUGGESTED MOTION(S):

I MAKE A MOTION TO APPROVE THE CLOSURE OF NORTH MAIN, SOUTH MAIN , EAST ELM AND WEST ELM STREETS IN THE DOWNTOWN BUSINESS DISTRICT ON OCTOBER 28, 2016, FROM 5pm-10pm FOR THE HALLOWEEN FESTIVAL.



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Definitions:
Narrow Residential Road

Contact Information
 Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on February 16, 2016
 Council on March 1, April 5, and May 3rd, 2016.

Summary

Staff proposes to amend the *Development Ordinance* Appendix C. Street Standards.

The following amendments to the Development Ordinance are proposed:

Existing Language;

Residential Narrow

Intended for use where the predominant character is one of large-lot, lower density housing. Sidewalks are required on one side of the street but are encouraged on both sides of the street. Parking on the street will be infrequent, with ample on-site parking. Residential Narrow may be used if all of the following conditions are met:

- Net densities along the street are below four units per acre
- Lots are at least 80 feet wide
- There is sufficient on-site parking for three vehicles per dwelling unit
- There is more than one connection to the street for redundant emergency access routes (e.g. not a dead-end street)
- There are alternative, parallel routes available, and
- Block length is a maximum of 1,000'.

Project Name

Narrow Residential Road
 (AM1602)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

	Shared Vehicle and Parking Zone ^{2,3}					Typical Right- of-Way ⁸
	With Curb and Gutter	With Shoulder ⁴	Sidewalk Zone ⁵	Green Zone ^{5,6}	Shoulder ^{4,7}	
Residential Narrow	20'	20'	5'	4'	6'	42'
Residential Medium	27'	26'	5'	4'	6'	50'
Residential Wide	35'	not permitted	6'	4'	not permitted	60'

Proposed Language;**Residential Narrow**

Intended for use where the predominant character is one of large lot, lower density housing. Sidewalks are required on one side of the street but are encouraged on both sides of the street. Parking on the street will be infrequent **prohibited**, with ample on-site parking. Residential Narrow may only be permitted by TRC if all of the following conditions are met:

- Net densities along the street are below four units per acre
- Lots are at least 80 feet wide
- Driveways must be 50' apart; shared driveways are permitted
- Trash trucks must be able to make all intersection turns in Autoturn.
- Trash cans must be placed on one side of the roadway
- Less than 100 total households load onto the roadway
- Parking is prohibited on both sides of the roadway
- There is sufficient on-site **simultaneously accessible** parking for three vehicles per dwelling unit
- There is more than one connection to the street for redundant emergency access routes (e.g. not a dead-end street)
- There are alternative, parallel routes available, and
- Block length is a maximum of 1,000'.

	Shared Vehicle and Parking Zone ^{2,3}					Typical Right-of-Way ⁸
	With Curb and Gutter	With Shoulder ⁴	Sidewalk Zone ⁵	Green Zone ^{5,6}	Shoulder ^{4,7}	
Residential Narrow	20' 24'	20'	5'	4'	6'	42'
Residential Medium	27'	26'	5'	4'	6'	50'
Residential Wide	35'	not permitted	6'	4'	not permitted	60'

Showing changes;**Residential Narrow**

Sidewalks are required on one side of the street but are encouraged on both sides of the street. Parking on the street will be prohibited, with ample on-site parking. Residential Narrow may only be permitted by TRC if all of the following conditions are met:

- Driveways must be 50' apart; shared driveways are permitted
- Trash trucks must be able to make all intersection turns in Autoturn.
- Trash cans must be placed on one side of the roadway
- Less than 100 total households load onto the roadway
- Parking is prohibited on both sides of the roadway
- There is sufficient on-site simultaneously accessible parking for three vehicles per dwelling unit
- There is more than one connection to the street for redundant emergency access routes (e.g. not a dead-end street)

- There are alternative, parallel routes available.

	Shared Vehicle and Parking Zone ^{2,3}					Typical Right-of-Way ⁸
	With Curb and Gutter	With Shoulder ⁴	Sidewalk Zone ⁵	Green Zone ^{5,6}	Shoulder ^{4,7}	
Residential Narrow	24'	20'	5'	4'	6'	42'
Residential Medium	27'	26'	5'	4'	6'	50'
Residential Wide	35'	not permitted	6'	4'	not permitted	60'

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

<u>Planning District</u> All
<u>Development Type</u> All

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan*, other jurisdictions and best practices, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment does not change the intent, purpose, or applicability of the ordinance, but brings us into compliance with North Carolina Fire Code.



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 Graham 2035 Comprehensive Plan" 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 Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Narrow Road (AM1602)
Type of Request
Text Amendment
Meeting Dates
Planning Board on February 16, 2016
City Council on March 1, 2016

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend DENIAL**.

- The application is **consistent** with *The Graham 2035 Comprehensive Plan*.
- The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

The action is reasonable and in the public interest for the following reasons:

The proposal doesn't change the application of
the Ordinance

This report reflects the recommendation of the Planning Board, this the 16th day of February, 2016.

Attest:

Andy Rumley
Andy Rumley, Planning Board Chairman

Martha Johnson
Martha Johnson, Secretary



City Council Decision & 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. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Residential Narrow Road (AM1602)

Type of Request

Text Amendment

Meeting Dates

Planning Board on January 19, 2016
City Council on February 2, 2016,
April 5, 2016 and May 3, 2016.

Choose one...

I move that the text amendment be **APPROVED**.

I move that the text amendment be **DENIED**.

Choose one...

The text amendment is **consistent** with *The Graham 2035 Comprehensive Plan*.

The text amendment is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 3rd day of May, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

SUBJECT:	ANNEXATION OF PROPERTY ON ROGERS ROAD
PREPARED BY:	NATHAN PAGE, CITY PLANNER

REQUESTED ACTION:

Approve the following (separately):

1. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for Property on Rogers Road.
2. Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for Property on Rogers Road.



BACKGROUND/SUMMARY:

The attached petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is the parcel located on Rogers Road (59.76 acres).

The annexation process has multiple steps. The preliminary steps following receipt of a petition are to adopt two resolutions that are outlined in the "Requested Action" above. Approval of these resolutions does not finalize the annexation as Council is required to advertise and conduct a public hearing, followed by a vote on an annexation ordinance.

FISCAL IMPACT:

The fiscal impact of this annexation to the City is negligible. The extensions for water and sewer will be handled by the developer.

STAFF RECOMMENDATION:

Approval. The adoption of the requested resolutions simply moves forward the annexation process.

SUGGESTED MOTION(S):

1. I move we approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for Property on Rogers Road.
2. I move we approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for Property on Rogers Road.



City of Graham

City of Graham

Area to be Annexed

Area to be Annexed

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR PROPERTY ON ROGERS ROAD

WHEREAS, a petition requesting annexation of an area described in said petition was received on April 27, 2016, by the Graham City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham:

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

Gerald R. Peterman, Mayor

ATTEST:

Darcy L. Sperry, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31
FOR PROPERTY ON ROGERS ROAD

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Graham, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC at 7:00pm on June 7, 2016

Section 2. The area proposed for annexation is described as follows:

ALL of that certain piece, parcel or tract of land lying and being in the City of Graham, Graham Township, Alamance County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing 5/8" iron rod at the northeast corner of Bradley H. Qualls and Stacy H. Qualls, either now or formerly, as described in instrument recorded in Deed Book 3254, Page 130, in the Alamance County Registry (the "Qualls Property"); said point being, North 50 deg. 01 min. 56 sec. East 21.66 feet to an existing iron pipe and South 86 deg. 18 min. 22 sec. East 512.65 feet from an existing iron pipe in the eastern margin of Rogers Road, a 60' public right-of-way, said point being South 01 deg. 28 min. 55 sec. West 1281.94 feet from a published NCGS monument, "Lacy" and having NAD 83\2011 coordinates of, Northing = 829,089.634 and Easting = 1,878,148.730; and thence from the Point of Beginning and running in a northerly direction with the Qualls Property and Daniel S. Lester and Shaharazad Lester, either now or formerly, as described in instrument recorded in Deed Book 1003, Page 0343, in the Alamance County Registry (the "Lester Property"), the following five (5) courses and distances: (i) North 86 deg. 18 min. 22 sec. West 127.05 feet to an existing iron pipe; (ii) North 67 deg. 45 min. 39 sec. West 188.56 feet to an existing iron pipe; (iii) North 03 deg. 50 min. 39 sec. East 369.75 feet to an existing iron pipe; (iv) North 67 deg. 58 min. 45 sec. West 47.89 feet to a point; (v) North 86 deg. 14 min. 03 sec. West 174.54 feet to a point on the eastern margin of Rogers Road; thence with the eastern margin of Rogers Road, North 04 deg. 00 min. 29 sec. East 509.94 feet to a new iron pipe, the southwest corner of James M. Alcon and Lisa M. Alcon, either now or formerly, as described in instrument recorded in Deed Book 1043, Page 955, in the Alamance County Registry (the "Alcon Property"); thence leaving the eastern margin of Rogers Road and with the line of the Alcon Property, the following four (4) courses and distances: (i) South 70 deg. 41 min. 25 sec. East 228.30 feet to an existing iron pipe; (ii) North 04 deg. 01 min. 01 sec. East 196.06 feet to an existing iron pipe; (iii) along a curve to the left having a radius of 241.02 feet with an arc distance of 219.46 feet and said arc being subtended by a chord having a course and distance of North 59 deg. 48 min. 41 sec. West 211.95 feet to an existing iron pipe; (iv) North 85 deg. 48 min. 20 sec. West 29.76 feet to an existing nail in the eastern margin of Rogers Road; thence with the eastern margin of Rogers Road, North 03 deg. 39 min. 47 sec. East 50.00 feet to a point, the southwest corner of Ernest Mims, Jr. and Geraldine Mims, either now or formerly, as described in instrument recorded in Deed Book 2793, Page 461, in the Alamance County Registry (the "Mims Property"); thence leaving the eastern margin of Rogers Road and with the line of the Mims Property, the following four (4) courses and distances: (i) South 85 deg. 48 min. 20 sec. East 30.34 feet to an existing iron pipe; (ii) along a curve to the right having a radius of 291.02 feet with an arc distance of

153.54 feet and said arc being subtended by a chord having a course and distance of South 70 deg. 40 min. 59 sec. East 151.77 feet to an existing iron pipe; (iii) North 34 deg. 27 min. 49 sec. East 46.45 feet to an existing iron pipe; (iv) North 04 deg. 10 min. 57 sec. East 169.91 feet to an existing iron pipe, the southeast corner of Cecil W. Eakes and Kristi L. Eakes, either now or formerly, as described in instrument recorded in Deed Book 2728, Page 926, in the Alamance County Registry (the "Eakes Property"); thence with the eastern line of the Eakes Property North 04 deg. 10 min. 37 sec. East 83.38 feet to an existing iron pipe, in the southern line of Stephen M. Rogers, Nancy R. Lindsay, George C. Rogers, Jr. and Elizabeth R. Gatto, either now or formerly, as described in instrument recorded in Deed Book 550, Page 473, in the Alamance County Registry (the "Rogers Property"); thence with the southern line of the Rogers Property the following four (4) courses and distances: (i) South 51 deg. 51 min. 52 sec. East 726.37 feet to an existing stone; (ii) South 03 deg. 19 min. 42 sec. East 1319.33 feet to an existing iron pipe; (iii) North 76 deg. 46 min. 40 sec. East 660.21 feet to an existing iron pipe; (iv) South 29 deg. 17 min. 27 sec. East 1197.90 feet, passing over an existing iron pipe at 1029.99 to a point on the northern bank of Big Alamance Creek; thence along the northern bank of Big Alamance Creek, the following four (4) courses and distances: (i) South 84 deg. 17 min. 00 sec. West 302.37 feet to a point; (ii) South 80 deg. 42 min. 07 sec. West 236.25 feet to a point; (iii) South 74 deg. 26 min. 40 sec. West 427.35 feet to a point; (iv) South 55 deg. 24 min. 02 sec. West 239.86 feet to a point in the northern line of Joseph E. Frazier and Dian R. Frazier, either now or formerly, as described in instrument recorded in Deed Book 942, Page 175, in the Alamance County Registry (the "Frazier Property"); thence with the northern line of the Frazier Property North 43 deg. 01 min. 12 sec. West 770.00 to the southeast terminus of Cesar Court, a un-improved 60' public right-of-way; thence with the terminus, North 42 deg. 48 min. 44 sec. West 59.90 feet to the northeast corner of John M. Hall, either now or formerly, as described in instrument recorded in Deed Book 3183, Page 811, in the Alamance County Registry (the "Hall Property"); thence with the northern line of the Hall Property the following two (2) courses and distances: (i) North 43 deg. 07 min. 17 sec. West 195.44 feet to an existing iron pipe; (ii) North 47 deg. 13 min. 29 sec. West 80.64 feet to an existing iron pipe, the southeast corner of the Qualls Property; thence with the eastern line of the Qualls Property, North 20 deg. 13 min. 37 sec. East 714.41 feet to the Point and Place of Beginning and containing 59.763 acres more or less.

- Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Gerald R. Peterman, Mayor

ATTEST:

Darcy L. Sperry, City Clerk

PLANNING ZONING BOARD
Tuesday, April 19, 2016

The Planning & Zoning Board held their regular meeting on Tuesday, April 19, 2016 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Dean Ward, Bonnie Blalock, Ricky Hall and Kenneth Dixon. Members absent were Andy Rumley, Michael Benesch and Bill Teer. Staff members present were Nathan Page, City Planner, Jenni Bost, Zoning Enforcement Officer, and Martha Johnson, Zoning/Inspections Technician.

Vice Chair Ricky Hall called the meeting to order and gave the Overview of the Board, general meeting rules and also gave the invocation.

1. Approval of the February 16, 2016 meeting minutes. Dean Ward made a motion for approval, second by Bonnie Blalock. All voted in favor.

2. New Business

a. CR1602 Rogers Contractor. Request by Charles Terry to rezone property located at 1129 Rogers Road from R-12 to C-B to use the place he lives as his business. Nathan Page stated this is a request to rezone the subject property located at 1129 Rogers Road from R-12 to C-B. The applicant is proposing to “use the place I live at as my business.” Andy Shanklin of 1129 Rogers Road, the applicant spoke next. Mr. Shanklin said he has been there for 3 years and has been working on cleaning up the property. Mr. Shanklin stated he had fixed the drainage problem at that property and had cleared out some of the trees and he hopes to soon put up a privacy fence so you cannot see his vehicles. Mr. Shanklin was open to any questions or suggestions from the Board or any of his neighbors.

Next we heard from some of the surrounding landowners:

Lynne Higgins 1127 Rogers Road

Katherine Guizi 1118 Rogers Road

Rebecca Fecher 207 Aloha Drive

Jennifer Hill 1129 Rogers Road

Martha Terry 2917 Rogers Road

Brian Higgins 6415 Coral Vine Way, Whitsett, NC

There were mixed opinions among the neighbors. There was concern for lots of noise, his residence looks like a business with building material, lots of trucks, trailers and heavy equipment. There was mention of traffic issues on a very busy road with him pulling in and out with his trucks and trailers. Some of the neighbors were worried about their property values also.

Ricky Hall made a motion to deny this item. Mr. Hall stated it was not a correct fit for the neighborhood and if allowed this decision could open flood gates with commercial property trying to pop up in other residential areas. The vote was second by Bonnie Blalock, all voted aye.

3. Old Business

a. Discussion regarding the City of Graham Development Ordinances:

AM1607 Tree Cutting Permit. Dean Ward made a motion to approve, second by Bonnie Blalock. All voted aye.

AM1609 B-1 District Uses. Ricky Hall made a motion to approve, second by Kenneth Dixon. The vote was split 2 to 2 with Dean Ward and Bonnie Blalock dissenting due to concern for the property located at 101 W Harden St would have very limited use.

AM1610 Decommissioning of Cell Towers. Ricky Hall made a motion to approve, second by Kenneth Dixon. All voted aye.

AM1611 Unified Business Development. Mr. Page stated that high traffic load areas needs this and not low traffic areas. Mr. Page stated there was currently a pending application. Mr. Kevin Geddes located at 410 E Interstate Service Road said he hoped this would be expedited because of an additional business he hopes to open at this location. Kenneth Dixon made a motion to approve, second by Ricky Hall. All voted aye.

AM1612 Nonconforming Site Elements. Dean Ward made a motion to table this item, second by Ricky Hall. The vote was 3 to 1 with Kenneth Dixon dissenting.

Mr. Hall asked Mr. Page what Development Ordinances the Board would look at next. Mr. Page stated that with the upcoming budget that Council has recommended that there be no Development Ordinances at the next Planning Board meeting. It was discussed that the Board keep scheduled meetings even with no other items to address so we can move forward on the Development Ordinances project.

Mr. Page said that Jason Cox had spoken at our February 16, 2016 meeting and he had some request. At that time Chairman Rumley suggested that the Planning Board draft a letter to present to City Council. The members felt that the letter was ok to send to City Council but some felt the downtown business owners should be aware of these changes if Council approves the changes. See attached copy of letter.

Ricky Hall made a motion to approve, second by Dean Ward. All voted aye.

4. Public comment on non-agenda items, there were none.

No further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician

City of Graham Planning Board
201 S Main Street
Graham NC, 27253

Dear Mayor Peterman and City Council Members,

We the members of the Graham Planning Board believe that revitalization in the downtown area is imminent. Now is the time to increase the focus of the City staff and funds towards this area, as identified by the Graham 2035 Comprehensive Plan.

Policy 2.3.1: Downtown *A vibrant downtown is critical for Graham's economic success. Graham's downtown is a priority when considering incentives, investments, regulations, and marketing. Encourage entertainment options to locate within Graham's downtown.*

Inasmuch, we request the Council focus on three primary goals within this region to bring about a vision for the downtown that was expressed by the citizenry of Graham through the comprehensive planning process. In light of these efforts, we have targeted many of the Development Ordinance revisions before you this month towards the downtown.

Our primary goal in the downtown area is safety. Currently, the vehicle traffic is prioritized over pedestrian traffic in our downtown. While we are not advocating any lane closures, we believe there are portions of key intersections where the installation of reduced lane widths could protect pedestrian lives. These lane-width reductions could take the form of bumpouts, which would also result in additional public spaces devoted to an attractive streetscape in the downtown area. The tradeoff between pedestrian spaces and lanes for motorized traffic has a profound effect on neighborhood character, development patterns, and how people choose to use a public space.

Secondly, we want visitors to our City to feel at home in our downtown. We feel that the wayfinding in the downtown area is sorely lacking, and the abundant parking located downtown is unknown by the general populace. The installation of signage indicating the location of City-owned parking lots could offset the negative perception regarding parking in our Central Business District. The pedestrian wayfinding could be addressed by the placement of additional signage unique to the downtown. There should be A-frame signs in the downtown area, to bring additional attention to the businesses we have.

Our last goal for the downtown is to reduce the 2-hour time limit placed on the priority parking spots. Frequently, we have found that the business employees themselves are parked in these spots, which are intended to be used by visitors and not individuals who are staying for a workday. As such, we would like to see the time limit reduced to one hour for N. Main Street, as well as E. and W. Elm Streets.

Thank you for your consideration in this matter which we feel brings important, positive change to this critical area of the City.



Rickey Hall
Acting Chair

Andy Rummley
Chair
Graham Planning Board

Deadline = 3/25



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

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: 1129 Rogers Rd Graham N.C 27253

Tax Map#: 6-8-41 GPIN: 8883166529

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: Home occupation

Total Site Acres: .7

Property Owner: _____

Mailing Address: _____

City, State, Zip: _____

Applicant

Property Owner Other Renter

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: CHARLES TERRY

Mailing Address: 2917 Rogers Rd

City, State, Zip: GRAHAM NC 27253

Phone # 336 697 8803

Email: Andyshandyman.solutions@gmail.com

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

Charles Terry
Signature of Applicant

3/17/16
Date

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*s, 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:

I would like to use the place I live at as my business

For Conditional Rezonings, this application must be accompanied by a **Preliminary 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**s

Office Use Only. DEVID# _____



STAFF REPORT

Prepared by Nathan Page, City Planner

Rogers Contractor (CR1602)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on April 19, 2016

City Council on May 3, 2016

Contact Information

Charles Terry

2917 Rogers Road, Graham NC 27253

336-697-8803

Summary

This is a request to rezone the subject property from R-12 to C-B. The applicant is proposing to “use the place I live at as my business.” The property was functioning as a Home Occupation, however exceeded that definition and was issued a notice of violation on March 8th, subsequent to which Andy requested alternative methods under which his property could come into compliance.



Project Name

Rogers Contractor (CR1602)

Location

1129 Rogers Road

GPIN: 8883166529

Size

0.7 acres

Proposed Density

N/A

Current Zoning

Residential (Medium density)
(R-12)

Proposed Zoning

Conditional Business (C-B)

Surrounding Zoning

R-12

Surrounding Land Uses

Single Family, Vacant

Staff Recommendation

Denial

The applicant is proposing to rezone the property to C-B in accordance with the attached site plan. The proposal is for numerous outbuildings to be used for commercial purposes within a residential district. The home currently has access only along Rogers Road. The proposal includes the following specifics:

- A fence to buffer the west and eastern portion of the lot.
- Outbuildings will be used for general storage of construction materials.

Conformity to *The Graham 2035 Comprehensive Plan (GCP)* and Other Adopted Plans

Development Type: Suburban Residential

Principle and Supporting Uses

- Principle- single-family homes, duplexes, townhomes, and small scale multi-family dwelling units.
- Supporting- Places of worship, day cares, park facilities, schools, civic spaces, accessory dwelling units. Neighborhood centers may include neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking. *The Home Occupation is intended to be conducted within a dwelling unit, and not take place in the rear yard.*

Applicable Policies and Recommendations

- **2.3.1 Focused Development** In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *While the addition of a mixed use business to a residential neighborhood is frequently recommended by this plan, typically the envisioned uses are those that are permitted within the B-3 (Neighborhood Business). While the contractor's office may not be a noisy neighbor, the storage of trucks and heavy equipment, as well as storage of materials, makes it a less desirable neighbor than a residence.*

Description of Development Type

Suburban Residential

Located near a major thoroughfare

For single family residential

Characteristics include sidewalks on both sides, street trees at 30-40 feet intervals, and block lengths less than 600 feet

Density of 3 to 6 DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff **recommends denial of the conditional rezoning.**

The following supports this recommendation:

- Because the development has grown beyond the scope of what the Development Ordinance permits as a home occupation, the business shall now move into a zone more suitable for the storage of gravel, dump trucks and bulldozers.





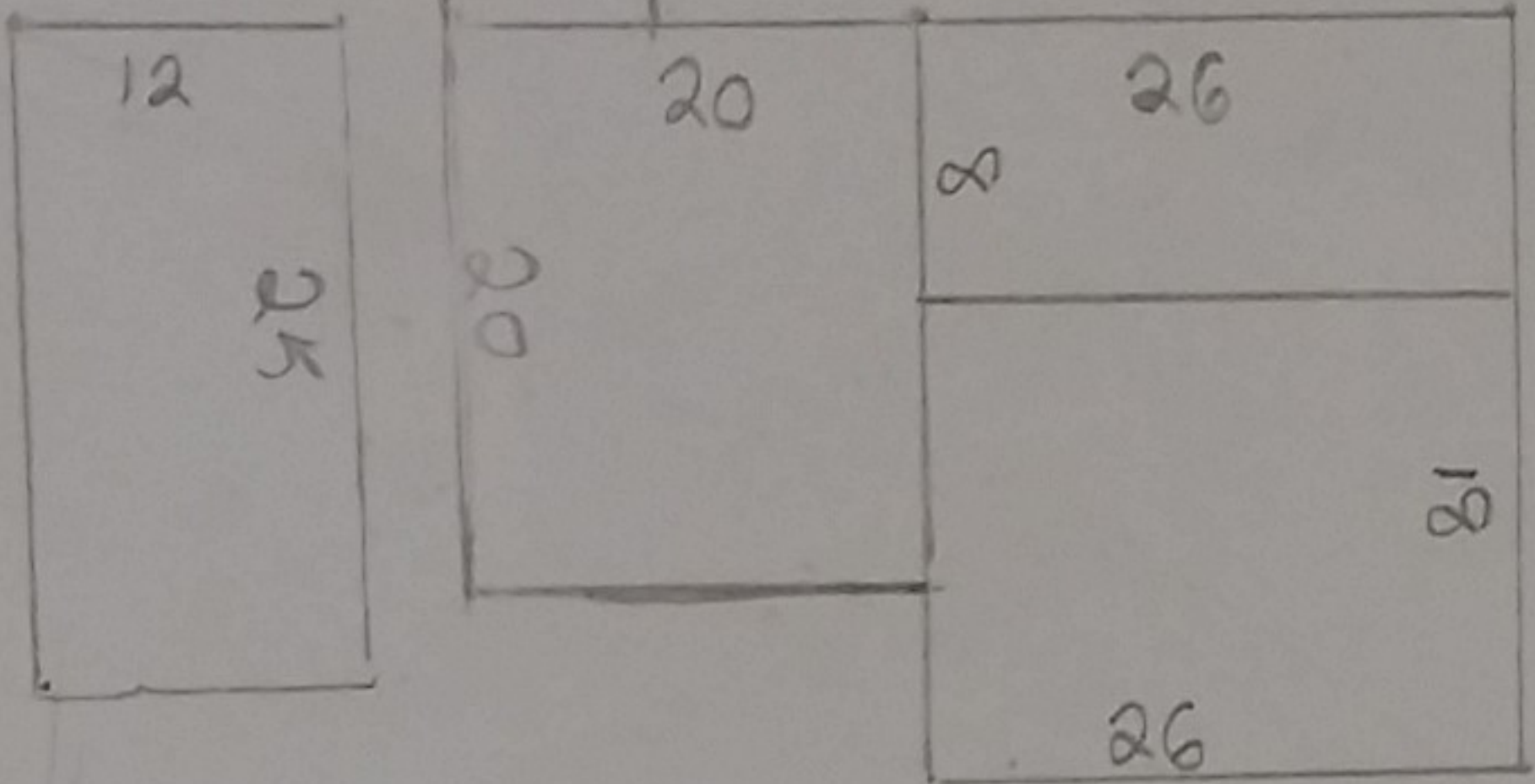
Proposed Fence 133'
8' Privacy

18' existing fence

16' existing fence

68' Proposed fence

27' existing fence



1129 Rogers Rd

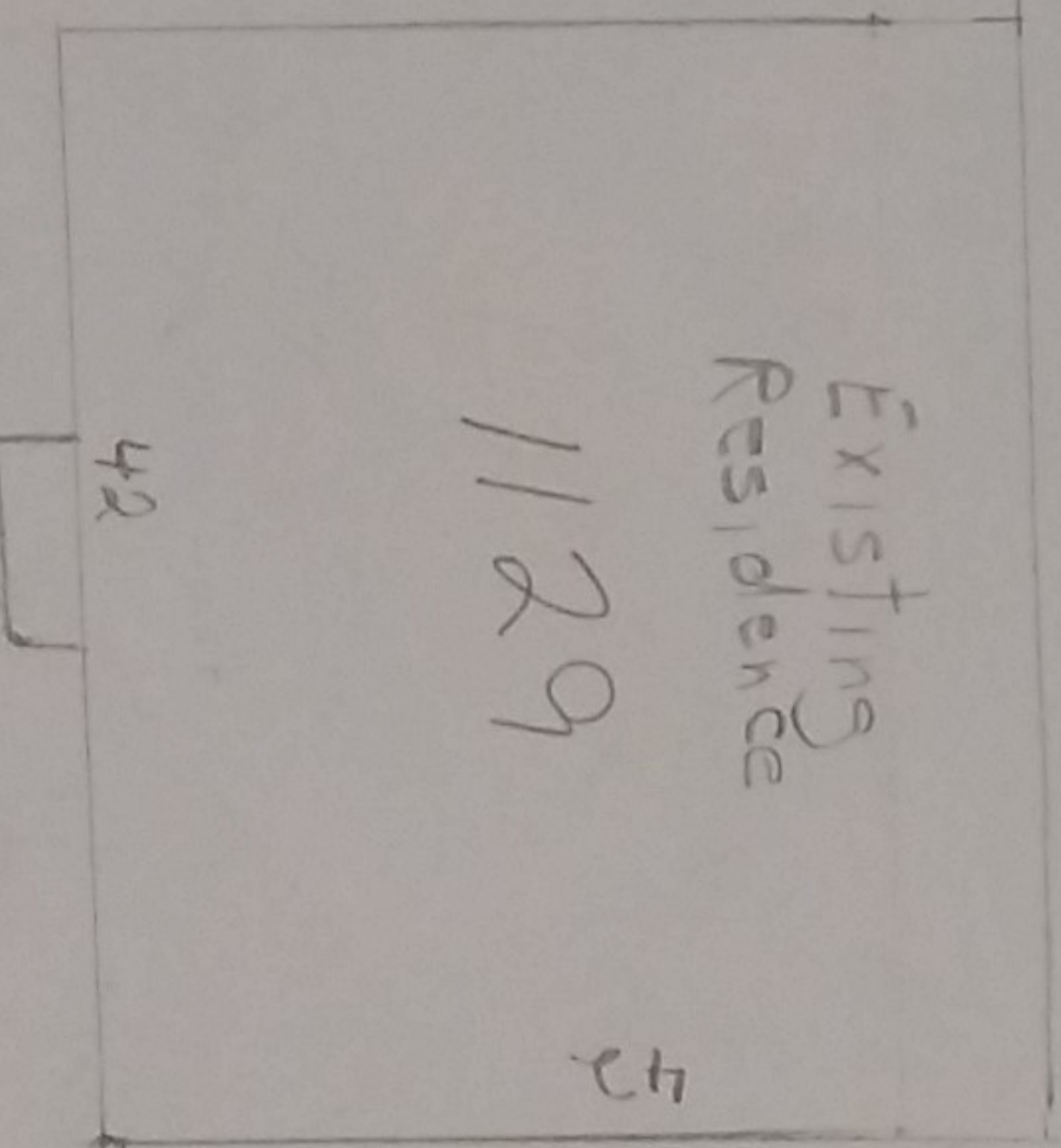
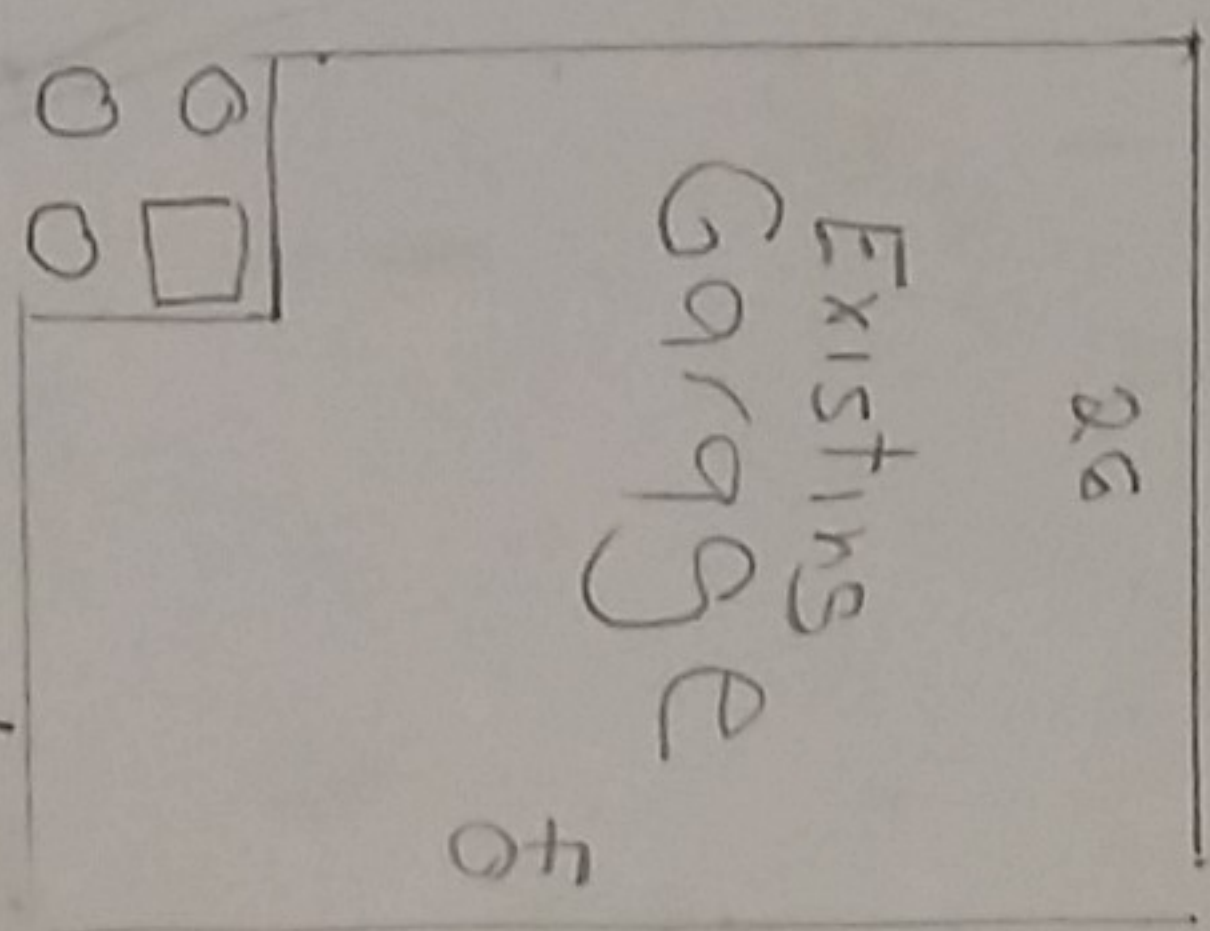
Proposed Conditional Rezoning

Gravel

Natural Area

← 115 ft →

Not to Scale
O = existing trees



Existing Driveway

Grassy Area

Rogers Rd



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 Graham 2035 Comprehensive Plan" 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 Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Rogers Contractor
(CR1602)**
Type of Request
Rezoning
Meeting Dates
Planning Board on April 19, 2016
City Council on May 3, 2016

I move to recommend **APPROVAL** of the application as presented.

I move to recommend **APPROVAL** with the following conditions:

- [Insert additional conditions]

I move to recommend **DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

The action is reasonable and in the public interest for the following reasons:

Because the development has grown beyond the scope of what the Development Ordinance permits as a home occupation, the business shall now move into a zone more suitable for the storage of gravel, dump trucks and bulldozers.

This report reflects the recommendation of the Planning Board, this the 19th day of April, 2016.

Attest:

Andy Rumley, Planning Board Chairman

Ricky Hall Acting

Martha Johnson Secretary



City Council Decision & 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. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Rogers Contractor
(CR1602)**
Type of Request
Rezoning
Meeting Dates
Planning Board on April 19, 2016
City Council on May 3, 2016

Choose one...

- I move that the application be **APPROVED**.
- I move that the application be **APPROVED with the following conditions**.
[Insert conditions as needed].
- I move that the application be **DENIED**.

Choose one...

- The application is **consistent** with *The Graham 2035 Comprehensive Plan*.
- The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 3rd day of May, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Tree Cutting Permit

Type of Request: Text Amendment

Meeting Dates

Planning Board on April 19, 2016

City Council on May 3, 2016

Summary

Staff proposes to amend the *Development Ordinance*, Article VII, Trees.

The following amendments to the Development Ordinance are proposed:

Section 10.312 Work on city-owned trees generally-License; bond

It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The license fee, in an amount fixed from time to time by the city council and kept on file in the office of the city clerk, shall be paid annually in advance; provided, however, that no license shall be required of any public service company, ~~or~~ city employee, **or contractor hired by the city** doing such work in the pursuit of the public service endeavors thereof. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in minimum amounts established by the City for bodily injury and property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

This change is proposed because currently, in the event of an ice storm or other hazardous accident, the work on City owned trees which have fallen in the right-of-way could be held up until such time as the required permit was completed. Additionally, the payment required as a portion of this permit would simply be passed back to the city.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Contact Information

Not applicable

Project Name

Tree Cutting Permit (AM1607)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Planning District

All

Development Type

All

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan*, other jurisdictions and best practices, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment permits faster disaster response, and potentially lowers the price for a contractor hired by the city to work on city-owned trees.



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 Graham 2035 Comprehensive Plan" 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 Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Tree Cutting Permit (AM1607)

Type of Request
Text Amendment

Meeting Dates

Planning Board on April 19, 2016
City Council on May 3, 2016

I move to recommend **APPROVAL** of the application as presented.

I move to recommend **DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

The action is reasonable and in the public interest for the following reasons:

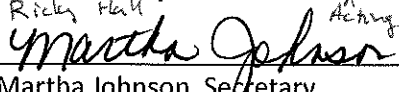
The proposed amendment permits faster diaster response,
and potentially lowers the price for a contractor
hired by the city to work on city-owned trees.

This report reflects the recommendation of the Planning Board, this the 19th day of April, 2016.

Attest:



Andy Rumley, Planning Board Chairman



Martha Johnson, Secretary



City Council Decision & 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. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Tree Cutting Permit (AM1607)

Type of Request
Text Amendment

Meeting Dates
Planning Board on April 19, 2016
City Council on May 3, 2016

Choose one...

- I move that the text amendment be **APPROVED**.
- I move that the text amendment be **DENIED**.

Choose one...

- The text amendment is **consistent** with *The Graham 2035 Comprehensive Plan*.
- The text amendment is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 3rd day of May, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for: B-1 District Uses

Type of Request: Text Amendment

Meeting Dates

Planning Board on April 19, 2016

City Council on May 3, 2016

Summary

The Planning Board proposes to amend the *Development Ordinance* Table of Permitted Uses, as well as the notes to the Table of Permitted Uses.

The following amendments to the Development Ordinance are proposed:

Section 10.135 Table of Permitted Uses, Section 10.136 Notes to Table of Permitted Uses.

Currently Permitting in the B-1 District:

ABC Store (liquor)
 Accessory Uses, See Note 1
 Accounting, Auditing or Bookkeeping Services
 Advertising Agency
 Alteration, Clothing Repair
 Ambulance, Fire, Rescue Station
 Antique Shops
 Antique shops, florist shops, other specialty shops in structures originally designed for residential use
 Apparel Sales (Clothing, Shoes, Accessories)
 Appliance Store
 Architect, Engineer or Surveyor's Office
 Arts and Crafts Store
 Auditoriums, Stadiums, and similar facilities where admission is charged or organized athletic events are held, See Note 2
~~Automobile Accessory and Supply Sales~~
~~Automobile body and fender repair conducted within completely enclosed building~~
 Automobile Dealers (new and used)
 Automobile Rental or Leasing
~~Automobile repair shops, not including body or fender repair~~
 Bakery, selling at retail products produced on premises
 Bank, Savings and Loan, Credit Union, similar financial institutions
 Bars (as principal use), See Note 4 **Also, removing bar as use by right in I-1 and I-2.**
 Barber Shop

Contact Information

Not applicable

Project Name

Downtown Uses (AM1609)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Beauty Shop
 Bed and Breakfast (Tourist Home)
 Billiard Halls, Bingo Games, Bowling Alleys, other public amusement establishments
 Bookstore
 Camera Store
 Candy Store
 Car Wash, including Self Service, See Note 7
 Christmas Tree Sales
 Church, Synagogue
 Clothing, Shoe and Accessory Store
 Coin Operated Amusement, Video Arcades
 Communication or Broadcasting Facility, without Tower
 Community Centers, not including gymnasiums or stadiums
 Computer Sales and Service
 Contractors Offices, no outdoor storage
~~Convenience Store (with gasoline pumps)~~
 Convenience Store (without gasoline pumps)
 Dance School
 Dental, Medical or Related Office
~~Drive-in Restaurants~~
 Drugstore
 Dwelling, located in the second or higher story of a commercial structure, with adequate light, air and bathroom facilities
 Dwelling quarters for operators, caretakers, etc. in or adjacent to buildings primarily for nonresidential use
 Dry cleaning pick-up establishments
~~Equipment Rental & Leasing (no outside storage)~~
 Fabric or Remnant Shop
 Farm Equipment Sales
 Farmer's Market
 Farmer's Market (as Accessory Use, See Note 22)
 Finance or Loan Office
 Fire, Ambulance, Rescue Station
 Floor Covering, Drapery or Upholstery Sales
 Florist
 Funeral Home or Crematorium
 Furniture Sales
 Game Room, Video Game Room, Coin Operated Amusements
 Government Office
 Grocery Store
 Hardware Store
 Hardware, Wholesale Dealer
 Health Club
 Hobby Shop
 Home Furnishings Sales
 Hotel, Motel or Executive Suites
~~Insurance Agency with on-site claims inspections)~~
 Insurance Agency Office

Interior Design and Decorator Shops and Offices
 Jewelry Store
 Laundromat, Coin-Operated
 Laundry (not self-service)
 Law Office
 Library, Art Gallery or Museum
 Lighting Sales and Service
 Locksmith
~~Lodges, Civic and Social Clubs~~
 Martial Arts Instructional Schools
 Massage Therapy, practitioner licensed by the State of NC
 Medical, Dental or Related Office
~~Medical or Dental Laboratory~~
~~Motor Vehicle Sales (new and used)~~
~~Motorcycle Sales~~
 Municipal Facilities
 Museum or Art Gallery
 Musical Instrument Sales
 Newsstand
 Night clubs, dance halls (see note 4) **Also, removing these as use by right in I-1 and I-2.**
 Office Machine Sales
 Office Uses Not Otherwise Classified, No Retail Sales or Storage
 Optical Goods Sales
 Paint and Wallpaper Sales
 Park, Public
 Parking lots serving uses permitted in the district where located, See Note 11
 Parking lots or access driveways serving uses not permitted in district where lot is located
 Pawnshop or Used Merchandise Store
 Pet Grooming, No Outside Animal Storage or Care
 Pet Store
 Photocopying and Duplicating Services
 Photofinishing Laboratory
 Photography Studio
 Physical Fitness Center, Health Club
 Planned Unit Development (PUD)
 Police Station, neighborhood/substations
 Post Office
 Printing and Publishing Operation
 Public facilities, unattended
 Radio, Television Stations without Towers
 Real Estate Office
 Record and Tape Store
~~Recreational Vehicle Sales~~
~~Restaurant (with drive thru)~~
 Restaurant (without drive-thru)
 Retail Sales Not Otherwise Listed
 Roadside stands, temporary, for sale of agricultural products produced on premises; not in right-of-way
 Satellite Dish, Freestanding, As Accessory Use, See Note 12

School, commercial, vocational
 School, music, art or dancing
~~Service Station, provided not gas or oil pump or concession is located within 15 ft. of a property line, unless within a building~~
 Shoe Repair or Shoeshine Shop
 Sporting Goods Store
 Sports and Recreation Clubs, Indoor
 Stationery Store
 Stock, Security or Commodity Broker
 Swimming Pool, community nonprofit, See Note 14
 Swimming Pool As Accessory Use, See Note 15
 Tanning Salon
 Tavern
 Television, Radio or Electronics Sales & Repair
 Temporary Construction or Real Estate Office, Storage Facilities – use to be terminated upon completion of construction
 Theater (indoor)
~~Tire Recapping and Retreading (Accessory use)~~
 Tire Sales
 Tourist Home (Bed and Breakfast)
 Travel Agency
 Unattended facilities for public utilities, See Note 16
 Unified Business Development
 Utility Substation, See Note 17
 Video Tape Rental and Sales
 Vocational, Business or Secretarial School

- **4. Bars, Night Clubs, Dance Halls (as a principle use)** – ~~No bar, night club or dance hall shall be located within 500 feet of a church, elementary or secondary school, public park, residentially zoned property, or sexually oriented business.~~ All locations must meet the requirements of NCCS 18B-901, Issuance of [ABC] permits. Where the property on which a bar is located abuts residential property, screening including a minimum six-foot high opaque fence along the entire length of the property of the abutting residence(s). The main entrance of the building shall be toward a street zoned predominantly for nonresidential uses. Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences. *(Amended by City Council on 10/7/03)*

This change is proposed because currently, used tire sales and the sale of large lot-items is use by right in the downtown area. As this portion of the City is intended to be dense, commercial, and walkable, these large lot uses are incongruous. The re-evaluation will help to focus these more dense uses in the downtown area. The change for bars is proposed because the addition of the Sesquicentennial Park on the courthouse square, in conjunction with a 500 foot buffer effectively prohibits the location of a bar anywhere within the B-1 district.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Policy 2.2.1 Focused Development. In order to maintain Graham’s affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *The required scale of many of the uses being removed from the list prohibits walkable environments.*

Planning District

All

Development Type

All

Policy 2.3.1 Downtown. A vibrant downtown is critical for Graham’s economic success. Graham’s downtown is a priority when considering incentives, investments, regulations, and marketing. Encourage entertainment options to locate within Graham’s downtown. *By removing some of the large-lot uses, the City can encourage a diversified list of businesses downtown.*

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan*, other jurisdictions and best practices, staff **recommends approval** of the text amendment. The following supports this recommendation:

- As declared in our 2035 Plan, policies 2.2.1 and 2.3.1 identify the downtown as a priority to improve walkability, entertainment, and infill development. This amendment furthers those goals by discouraging large-lot users with low volumes of foot traffic.



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 Graham 2035 Comprehensive Plan" 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 Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

B-1 Uses (AM1609)

Type of Request
Text Amendment

Meeting Dates

Planning Board on April 19, 2016
City Council on May 3, 2016

- I move to recommend **APPROVAL** of the application as presented.
- I move to recommend **DENIAL**. Split vote 2 to 2.

- The application is **consistent** with *The Graham 2035 Comprehensive Plan*.
- The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

The action is reasonable and in the public interest for the following reasons:

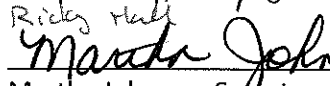
As declared in our 2035 Plan, policies 2.2.1 and 2.3.1 identify the downtown as a priority to improve walkability, entertainment and infill development. This amendment furthers those goals by discouraging large-lot users with low volumes of foot traffic.

This report reflects the recommendation of the Planning Board, this the 19th day of April, 2016.

Attest:



Andy Rumley, Planning Board Chairman

Ricky Hall


Martha Johnson, Secretary



City Council Decision & 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. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

B-1 Uses (AM1609)
Type of Request
Text Amendment
Meeting Dates
Planning Board on April 19, 2016
City Council on May 3, 2016

Choose one...

- I move that the text amendment be **APPROVED**.
- I move that the text amendment be **DENIED**.

Choose one...

- The text amendment **is consistent** with *The Graham 2035 Comprehensive Plan*.
- The text amendment **is not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 3rd day of May, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Decommissioning Cell Towers

Contact Information

Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on April 19, 2016

City Council on May 3, 2016

Summary

The Planning Board proposes to amend the *Development Ordinance*, Article IV, Division 7, Special Uses to require a decommissioning plan be filed for cell towers prior to receiving approval for their electrical permit.

The following additions to the Development Ordinance are proposed:

Section 10.149 Special Uses Listed, Telecommunications Towers (Cellular, PCS, Radio, TV, etc.), Cessation in Use:

If the wireless telecommunications towers ceases to be used for this purpose, then the tower owner shall dismantle and remove the tower and accessory structures from the site, within 120 days from the date the tower is taken out of service. The tower owner shall notify the Planner when any transmission tower is placed out of service. This Special Use Permit expires 120 days after the date that any transmission tower is taken out of service. **Prior to final approval of the Electrical Permit, a Decommissioning Plan (see definitions) shall be approved by the City. (added xx/xx/xxxx)**

Decommissioning Cell Towers

(AM1610)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable.

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Planning District

All

Development Type

All

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and best practices, staff recommends **approval** of the text amendment. The following supports this recommendation:

- The proposed telecommunications tower text amendment allows for the developer to explain how they will remove the structure when it is no longer in use prior to installation.



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 Graham 2035 Comprehensive Plan" 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 Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Decommissioning of Cell Towers
(AM1610)**
Type of Request
Text Amendment
Meeting Dates
Planning Board on April 19, 2016
City Council on May 3, 2016

I move to recommend **APPROVAL** of the application as presented.

I move to recommend **DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

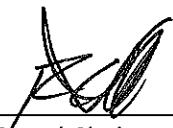
The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

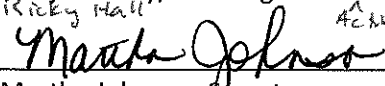
The action is reasonable and in the public interest for the following reasons:

The proposed telecommunications tower text amendment allows for the developer to explain how they will remove the structure when it is no longer in use prior to installation.

This report reflects the recommendation of the Planning Board, this the 19th day of April, 2016.

Attest:



Andy Rumley, Planning Board Chairman
Ricky Hall


Martha Johnson, Secretary



City Council Decision & 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. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Decommissioning of Cell Towers
(AM1610)**

Type of Request
Text Amendment

Meeting Dates
Planning Board on April 19, 2016
City Council on May 3, 2016

Choose one...

- I move that the text amendment be **APPROVED**.
- I move that the text amendment be **DENIED**.

Choose one...

- The text amendment **is consistent** with *The Graham 2035 Comprehensive Plan*.
- The text amendment **is not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 3rd day of May, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for UBD

Type of Request: Text Amendment

Meeting Dates

Planning Board on April 19, 2016
City Council on May 3, 2016

Contact Information

Not applicable

Summary

Staff proposes to amend the *Development Ordinance*, Article IV, Division 6, Section 10.135 and 10.136 to permit more than one tenant in large heavy industrial situations, as well as to permit administrative review in specific circumstances.

The following additions to the Development Ordinance are proposed:

Project Name
Unified Business Development
(AM1611)

Location
city-wide

Current Zoning
not applicable

Proposed Zoning
not applicable

Overlay District
not applicable

Staff Recommendation
Approval

Option A:

The table of permitted uses for UBD will add an "S" for the I-2 zone, permitting these to be granted for this additional zone.

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

Showing Changes:

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-1	C-O-1	B-3	B-2	B-1	C-B	I-1	C-1	I-2	C-MXR	C-MXC	LUC	
Unified Business Development, Heavy	-	-	-	-	-	-	-	-	S	C	-	S	S	C	S	C	S	C	C	C	3
Unified Business Development, Light	-	-	-	-	-	-	-	-	X	C	-	X	X	C	X	C	X	C	C	C	3

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Use: Unified Business Development and Shopping Center**Special Use Districts: O-I, B-2, B-1, ~~and I-1~~ and I-2**

Description: A unified business development consists of one or more principal structures or buildings, together with accessory structures or buildings, containing two or more stores, service establishments, offices, or other permitted uses. A development of this type is planned, organized, and managed to function as a unified whole and featuring all of the following: 1) common driveways, 2) common parking, 3) common signage, and 4) common landscaping plan. Examples are shopping centers, retail centers, office parks, and business parks having the characteristics listed above. Such unified business developments may include outparcels for lease or for sale, which may be intersected by public streets. Any such unified business development may be organized as a condominium or in a manner analogous to that of a townhouse development (with ownership of parcels beneath the building units and with parking and driveways being in common area owned and maintained by an Owners Association).

Condominium and Townhouse Unified Business Developments: Any unified business development that is proposed to be organized as a condominium or townhouse development must follow the procedures established for condominium and townhouse uses, as specified in Section 10.149. However, the provisions for **Dimensional Requirements: Off-Street Parking and Loading Requirements** in each of these sections shall not be used in the site plan layout, but will be based on the standards for the underlying zoning district. If a nonconforming building is converted into a condominium or townhouse development, the Declaration and Final Plat shall disclose such nonconformity and explain potential consequences of such nonconformity in case of substantial damage to the building.

Access to Street or Thoroughfare: Such developments shall abut a major thoroughfare, minor arterial, or collector street (existing or proposed) as shown on the Burlington-Graham Thoroughfare Plan. Access to the street or thoroughfare shall be by means of a service road, or direct access, keeping in mind the need to control congestion on and into the thoroughfare or street.

Administrative Approval: When the anticipated traffic load is less than 250 vehicles per day, the approval for this UBD may be treated as a "Unified Business Development, Light" and be considered use by right by the City Planner, or referred to Council as they so choose. However, if the traffic increases beyond this amount, or is anticipated to increase beyond this amount, the applicant must come before the City Council to be approved, or the parcel must have only one use.

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Uses to be Enclosed: Required Screening:

- 1. All uses shall be completely enclosed in buildings except for plant sales, sidewalk cafes, and permitted drive-in uses.
- 2. An opaque screen shall be provided wherever, in the city council's judgment, such screening is necessary to shield adjacent residential districts.

Uses Permitted in Unified Business District:**B-2 and I-1**

- 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;

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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.

- 2. Drive-in establishments offering goods or services directly to customers in parked cars shall be permitted only when the locations of buildings and access drives have been approved by the city council.
- 3. All business establishments shall be retail or service establishments dealing directly with the public.
- 4. Dry cleaning businesses are allowed with the following provisions: (a) No Hazardous Air Pollutants (HAP's), Resource Conservation and Recovery Act (RCRA) hazardous waste, or Occupational Safety & Health Administration (OSHA) labeled toxic substances allowed on premises and (b) no dry cleaning chemical storage allowed on premises.

O-1 and B-1

All uses permitted in the underlying districts are allowed within those districts.

I-2

All uses permitted in the underlying district are allowed within the Heavy Industrial District.

Uses to be Enclosed: Required Screening:

- 1. All uses shall be completely enclosed in buildings except for plant sales, sidewalk cafes, and permitted drive in uses.
- 2. An opaque screen shall be provided wherever, in the city council's judgment, such screening is necessary to shield adjacent residential districts.

Option B:

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-1	C-O-1	B-3	B-2	B-1	C-B	I-1	C-1	I-2	C-MXR	C-MXC	IUC	
Unified Business Development	-	-	-	-	-	-	-	-	S	C	-	S	S	C	S	C	S	C	C	C	3

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I-2

- All uses permitted in the underlying district are allowed within the Heavy Industrial District.

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Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Strategy 2.1.5 Reduce Barriers. Work with local businesses and economic development partners to identify and address unnecessary barriers to local business development.

Planning District All
Development Type All

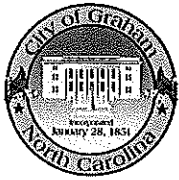
Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and best practices, staff recommends **approval** of the text amendment. The following supports this recommendation:

The proposed amendment permits the redevelopment of old, large mills on Heavy Industrial property, as well as adding automobile repair shops to our Unified Business Developments.



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 Graham 2035 Comprehensive Plan" 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 Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Unified Business Developments (AM1611)

Type of Request
Text Amendment

Meeting Dates
Planning Board on April 19, 2016
City Council on May 3, 2016

I move to recommend **APPROVAL** of the application as presented.

I move to recommend **DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

The action is reasonable and in the public interest for the following reasons:

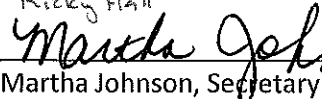
The proposed amendment permits the redevelopment of old, large mills on heavy industrial properties, as well as adding automobile repair shops to our Unified Business Developments.

This report reflects the recommendation of the Planning Board, this the 19th day of April, 2016.

Attest:



Andy Rumley, Planning Board Chairman



Martha Johnson, Secretary



City Council Decision & 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. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Unified Business Development
(AM1611)**

Type of Request
Text Amendment

Meeting Dates
Planning Board on April 19, 2016
City Council on May 3, 2016

Choose one...

- I move that the text amendment be **APPROVED**.
- I move that the text amendment be **DENIED**.

Choose one...

- The text amendment is **consistent** with *The Graham 2035 Comprehensive Plan*.
- The text amendment is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 3rd day of May, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk