



Planning Board

Meeting Agenda

February 16, 2016 at 7:00 PM
Council Chambers, 201 S Main St

Meeting Called to Order, Invocation, and Overview of Board and general meeting rules

1. Approve minutes of the December 15, 2015 meeting
2. New Business
 - a. CR1601 Melville Residences. An application to rezone about 1.5 acres from R-7 to CR to permit three single family homes on the same lot.
 - b. RZ1601 Gilbreath B-2. An application to rezone two parcels on W. Gilbreath Street from R-7 to B-2.
 - c. S1502 Forks of the Alamance. An application for a Major Subdivision off Rogers Road.
3. Old Business
 - a. Discussion regarding the City of Graham Development Ordinances
 - AM1503 Definition of Future Development
 - AM1601 Definition of Singular/Plural
 - AM1602 Residential Narrow Street
 - AM1604 Commercial Variances Require TRC Approval
 - AM1605 Definition of Non-Conforming Structures
 - AM1606 Accessory Building Setback Modifications
4. Public comment on non-agenda items

Adjourn

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

PLANNING ZONING BOARD

Tuesday, December 15, 2015

The Planning & Zoning Board held their regular meeting on Tuesday, December 15, 2015 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Dean Ward, Andy Rumley, Bonnie Blalock, Bill Teer, Michael Benesch, and Ricky Hall. Kenneth Dixon was absent. Staff members present were Nathan Page, City Planner, Aaron Holland, Assistant City Manager, and Martha Johnson, Zoning/Inspections Technician.

Chair Andy Rumley called the meeting to order and gave the Overview of the Board and general meeting rules. Ricky Hall gave the invocation.

1. Public comment on non-agenda items. There were none.
2. Approval of the November 17, 2015 meeting minutes. Ricky Hall made a motion for approval, second by Bonnie Blalock. All voted in favor.
3. New Business. Rogers/Windsor Rezoning RZ1504. Nathan Page stated this was an application by Windsor Investments to rezone approximately 60 acres from R18 to R9. Mr. Page said this was a request to develop single-family homes utilizing the available public water and sewer adjacent to the site.

Tom Hall with Windsor Homes at 5603 New Garden Village Drive Greensboro, NC spoke representing his company. Mr. Hall gave a brief overview of their company. Mr. Hall stated that his company plans to have approximately 100 lots there along with two points of access and 29 +/- acres of open space near the creek. Mr. Hall said the property would be annexed into the City of Graham. Mr. Hall said they had several meetings with Graham Planning Department and DOT concerning their proposed project. Windsor Homes also had a meeting with adjacent property owners with a question and answer session and also gave them notification of the City of Graham's meeting this evening.

Hubert Ryan of 2566E Rogers Road spoke next. Mr. Ryan stated he had lived there since 1979. Mr. Ryan said he had no problem with the sale of the land but he was not happy with the 9000 square foot lots, he felt the homes would be too close together and he had concerns about the flood plain area.

Dan Lester of 2472 Rogers Road spoke. Mr. Lester is against the rezoning to R9 and would like to leave it R18. Mr. Lester is worried about his property values going down.

Tom Hall said that the zoning they are applying for would allow for 8 foot side setbacks which would make the homes 16 feet apart. Mr. Rumley asked Tom Hall what was Windsor's vision for this project. Mr. Page mentioned that anything Tom Hall says is not legally binding at this point. Mr. Rumley agreed with him but he just wanted some idea for the adjacent property owners. Tom Hall said Windsor hopes to build one and two story homes, 2000 – 3500 square foot with stone and brick on the front with vinyl on the sides. Tom Hall said this is typically the size lots they build on.

Ricky Hall made a motion to recommend approval, second by Andy Rumley. The motion was denied 4 to 2. Another motion was made to recommend denial by Bonnie Blalock, second by Michael Benesch. The vote was 4 to 2 for denial because the plan is not fully consistent with the 2035 Comprehensive Plan.

4. Old Business

a. Discussion regarding the City of Graham Development Ordinances:

AM1501 Electronic Billboards. The Board had some discussion about scrolling signs and dimmer systems. Ricky Hall made a motion to approve, second by Dean Ward. All voted aye and it is consistent with the Graham 2035 Comprehensive Plan.

AM1502 Construction Surety. This amendment is to conform to the current state statues which would require us to reduce our Construction Surety requirements from 150% to 125%. Mr. Hall made a motion to approve, second by Dean Ward. All voted aye and it is consistent with the Graham 2035 Comprehensive Plan.

AM1503 Future Development. Staff proposes to amend this to define “future development”. The Board felt this needed more discussion. Dean Ward made a motion to table this item until next month, second by Michael Benesch. All voted aye for this item to be tabled.

AM1504 Handicapped Parking. This is a proposal by Staff to add handicapped parking requirements where they will be visible by developers in the Off-Street Parking Chapter. Ricky Hall made a motion to approve with the following changes to the required minimum number of accessible spaces:

Total	Accessible
1 to 5	1
6 to 10	2
11 to 25	3
26 to 50	4
51 to 150	5

Michael Benesch seconded the motion, all voted aye with it being consistent with the 2035 Comprehensive Plan.

AM1505 Parking Maximums. Ricky Hall made a motion to approve, second by Andy Rumley. All voted aye and it is consistent with the 2035 Comprehensive Plan.

AM1506 Sidewalk Payment-in-Lieu. Mr. Ward spoke with concern that this amendment was too open ended and too broad. Mr. Ward felt that staff should not make that decision and it should be done by City Council. After much discussion Mr. Holland said this was not allowing anyone to escape the sidewalk, it was holding them accountable for it. Mr. Ward made a motion to amend the amendment to add that City Council make the final decision not TRC nor the City Planner and an estimate would be required and paid by the developer and the estimate for the construction come from the City of Graham’s engineer. Ricky Hall second the motion, all voted aye stating that it is consistent with the 2035 Comprehensive Plan.

AM1507 Solar Farms. This amendment is to clarify the definition of a solar farm which is one or more acres, and would also require a Decommissioning Plan initially. Ricky Hall made a motion to approve, second by Michael Benesch. All voted aye and it is consistent with the 2035 Comprehensive Plan.

For the next meeting, the amendments to the Development Ordinance for definitions of singular/plural, residential narrow streets, applying for a text amendment, variances requiring TRC approval, and further explaining the rebuilding of non-conforming structures will be discussed.

No further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician

DRAFT



Application for REZONING or CONDITIONAL REZONING

INSR / PZ
CITY OF GRAHAM
JAN 30 2015
RECEIVED
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: N. MELVILLE ST.

Tax Map#: 176-709-74 GPIN: 8884259475

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: Lot/Land

Total Site Acres: 1.47 acres

Property Owner: MARY ELLEN S. HOLT

Mailing Address: 1609 WYCLIFF CT.

City, State, Zip: BURLINGTON, NC 27215

Applicant

☒ Property Owner ☐ Other _____

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: MARY ELLEN S. HOLT

Mailing Address: 1609 WYCLIFF CT.

City, State, Zip: BURLINGTON, NC 27215

Phone # 336-226-6742

Email: _____

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

Mary Ellen S. Holt 1-19-16
Signature of Applicant 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*, 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 would like to put 3 modular homes on the site for our family we are working with North Carolina Custom Homes.

For Conditional Rezoning, 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**

Office Use Only. DEVID#



STAFF REPORT

Prepared by Nathan Page, City Planner

Melville Residences (CR1601)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on February 16, 2016

City Council on March 1, 2016

Contact Information

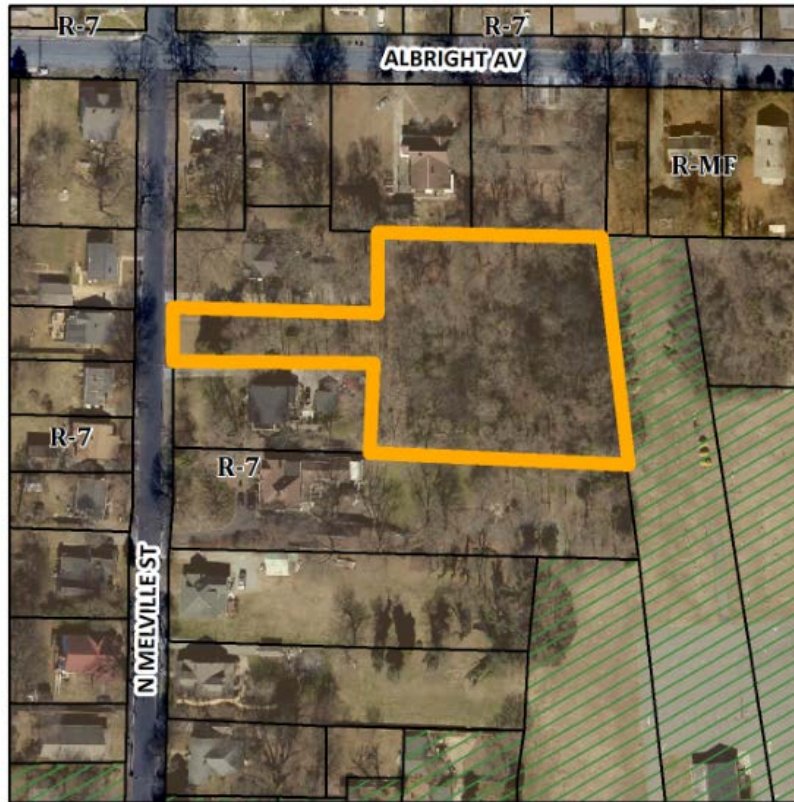
Mary Ellen S Holt

1609 Wycliff Ct., Burlington NC 27215

336-226-6742

Summary

This is a request to rezone the subject property from R-7 to C-R. The applicant is proposing to “put three modular homes on the site for our family.”



Project Name

Melville Residences (CR1601)

Location

N Melville between Albright
and Harden

GPIN: 8884259475

Size

1.47 acres

Proposed Density

2 DU/acre

Current Zoning

Residential (high density)
(R-7)

Proposed Zoning

Conditional Residential (C-R)

Surrounding Zoning

R-7

Surrounding Land Uses

Single Family, Vacant and
Religious

Staff Recommendation

Approval, with conditions

The applicant is proposing to rezone the property to C-R in accordance a site plan to be submitted at the Planning Board meeting on February 16th. The proposal is for three single-family buildings. The homes will have access from N Melville St. The proposal includes the following specifics:

- One shared driveway to access the three homes
- Each house will be no closer than XX feet to an adjacent property line

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

Development Type: Downtown Residential

Applicable Strategies to Guide Us into the Future

- **3.3.1 Sidewalks and Street Trees** Amend subdivision and zoning regulations to promote and provide incentives for all new development to include sidewalks and street trees, especially where part of the adopted Pedestrian Plan. *Due to the Pedestrian's Plan identification of the location as a mid-term priority project, and the nature of Conditional Zoning, the City Council has the authority to require the installation of a sidewalk as a condition of approval.*
- **4.3.1 Land Use Patterns** Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *This proposal takes advantage of existing infrastructure.*

Applicable Policies and Recommendations

- **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. *Without the granting of the Conditional Residential, the use would be permitted, but would become a nonconforming use when our definitions change (and permit only one primary use per lot). As such, with the construction of the sidewalk, this development would permit greater downtown connectivity as well as better utilize the existing large lot.*

Graham Pedestrian Plan

- Recommends a five-foot sidewalk on N. Melville, from E. Harden St to E Parker St, as a medium priority project.

Description of Development Type

Downtown Residential

Development Toolkit Checklist

Located near a major thoroughfare

For single family residential and duplexes

Characteristics include porches, sidewalks, street trees, and garages setback from the front of the home

Density of 3-6 DU/acre

New homes should consider adjacent lot sizes and building orientations

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff **recommends approval of the conditional rezoning, with the following conditions:**

- A sidewalk is constructed along N. Melville Street
- No house will be closer than 15' to an adjacent property line

The following supports this recommendation:

- While the development doesn't strictly comply with the Downtown Residential type, the usage of a single parcel by three single family residential dwelling units furthers a number of goals and policies of *The Graham 2035 Comprehensive Plan*.



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.

Melville Residences (CR1601)

Type of Request
Rezoning

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 APPROVAL with the following conditions:**
- No home shall be closer than 15 feet to an adjacent property line.
 - A sidewalk 5' wide (or 6' if back of curb), and a pedestrian access and repair easement be granted prior to the issuance of a CO.
- ☐ 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:

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

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



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: 114 W. Gilbreath St.
Tax Map#: 145734 #888412125 AND
GPIN: #8884120240

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: Single Family Dwelling

Total Site Acres: +/- 1 Acre

Property Owner: Chad Oakley

Mailing Address: 114 W. Gilbreath St.

City, State, Zip: Graham, N.C. 27253

Applicant

☒ Property Owner ☐ Other _____

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: Chad Oakley

Mailing Address: 114 W. Gilbreath St.

City, State, Zip: Graham, N.C. 27253

Phone # (336) 213-8972

Email: OAKLEYCBOY@AOL.COM

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

Chad Oakley 1/23/16
Signature of Applicant 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, 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:

The purpose of this rezoning request: to have the ability to lease the property to an accountant, Financial planner, etc. and keep the current use as a single family dwelling compliant with rezoning of B-2.

For Conditional Rezoning, 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*

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RZ1601



STAFF REPORT

Prepared by Nathan Page, City Planner

Gilbreath B-2 (RZ1601)

Type of Request: Rezoning

Meeting Dates

Planning Board on February 16, 2016

City Council on March 1, 2016

Contact Information

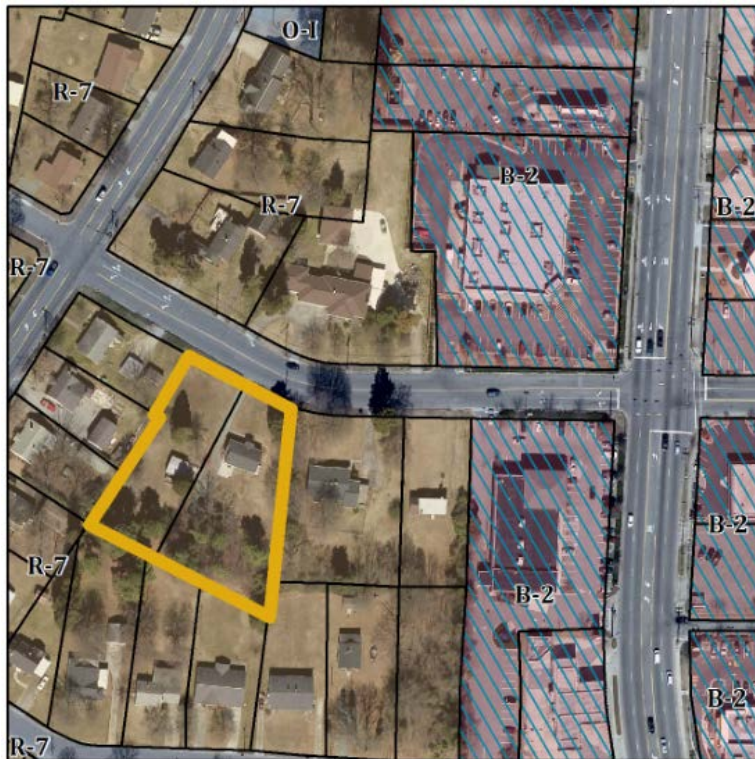
Chad Oakley

114 W Gilbreath St, Graham NC 27253

336-213-8972; oakleycboy@aol.com

Summary

This is a request to rezone the subject property from R-7 to B-2. One of the two lots is currently occupied by a single family dwelling. The stated reason for this rezoning request is "to have the ability to lease the property to an accountant, financial planner, etc. and keep the current use as a single family dwelling compliant with rezoning of B-2."



Location

114 W. Gilbreath St

GPIN: 8884121125 and

8884120240

Current Zoning

Residential (high density)
(R-7)

Proposed Zoning

General Business (B -2)

Overlay District

none

Surrounding Zoning

R-7

Surrounding Land Uses

Single Family Homes

Size

1 acre

Public Water & Sewer

Yes

Floodplain

No

Staff Recommendation

Denial

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

Applicable Policies;

- **2.2.3 Retail Centers** Because of market limitations on the amount of retail space the City can viably support, Graham promotes retail within focused centers of activity that will host a large variety of small retail spaces while generally discouraging sprawling isolated retail that does not promote a cohesive urban fabric. *Permitting a B-2 zoning on this lot would make retail centers use by right outside of an identified node.*

Applicable Strategies;

- **1.1.5 Discourage Strip Development** Discourage strip development along transportation arteries and proposed interstate interchanges by directing these commercial activities to proposed activity centers. *Permitting an extension of the business district down side streets while we have vacant commercial buildings along the main transportation corridors and in the vicinity of the Downtown will have adverse effects on both businesses and neighborhoods.*

Description of Development Type

Downtown Residential

Development Toolkit Checklist

Located near a major thoroughfare

For single family residential and duplexes

Characteristics include porches, sidewalks, street trees, and garages setback from the front of the home

Density of 3-6 DU/acre

New homes should consider adjacent lot sizes and building orientations

Staff Recommendation

Based on the *Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff recommends **denial** of the rezoning. The following supports this recommendation:

- Rezoning the property would be inconsistent with the Downtown Residential type. A B-2 zone permits auto body shops, used tire sales, farm equipment sales, a miniature golf course, hospitals, etc., which may not fit the existing neighborhood.



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.

**Gilbreath B-2
(RZ1601)**

Type of Request
Rezoning

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*.

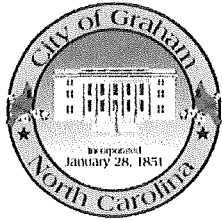
The action is reasonable and in the public interest for the following reasons:

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

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



Application for SUBDIVISION

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 major and minor subdivisions, as defined in Article VIII of the *City of Graham Development Ordinances*.

Site

General description of subdivision location, using nearest streets, streams or other identifiable features:

ON THE EAST SIDE OF ROGERS RD,
NEAR THE INTERSECTION WITH
LACY HOLT ROAD

Tax Map#: PARCEL ID 130475 GPIN: 8872970504

Current Zoning District(s): R-9

Overlay District, if applicable:

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

Property Owner: DIXIE W. ROGERS
NANCY W. CRABTREE

Mailing Address: 1526 ROGERS RD.

City, State, Zip: GRAHAM, NC 27253

Phone # _____

Applicant and Project Contact

Name: DAVID MICHAELS (WINDSOR HOMES)

☐ Property Owner ☐ Engineer/Surveyor

Other: DEVELOPER REP.

Mailing Address: 5603 NEW GARDEN VILLAGE DR.

City, State, Zip: GREENSBORO, NC 27410

Phone # (336) 207-8003 (CELL)

Email: dmichaels@windsorhomes.us

I certify that all information furnished is true to the best of my knowledge.

THOMAS C. HALL, MANAGER 1-21-2016
Signature of Applicant Date

Submit SUBDIVISION MAPS with this application

Proposed Subdivision

Subdivision Name: FORKS OF ALAMANCE

Type of Application:

- ☒ Preliminary Plat, Major Subdivision **By signing this application, I authorize the City of Graham to record the Final Plat.*
☐ Final Plat*, Major Subdivision
☐ Final Plat*, Minor Subdivision

Number of Lots: 101 Total Acreage: 60.262

Related Development (if any): _____

Subdivision Maps

This application **must be accompanied** by a subdivision map, which may include one or more sheets to provide sufficient detail for review. **See the back of this application for a checklist of items that should be shown on the subdivision map, as applicable.** The following copies of the subdivision map are required to be submitted with this application:

- ☒ For Major Subdivision Preliminary Plan, 4 paper copies and an electronic pdf
☐ For Major Subdivision Final Plats, an electronic pdf for preliminary review, then 2 Mylar and 2 paper copies
☐ For Minor Subdivision Final Plats, an electronic pdf for preliminary review, then 2 Mylar and 1 paper copy

Other Requirements

- ☒ **NCDOT Driveway Permit**, if a new or relocated driveway is proposed on a NCDOT road, or for existing driveways if the use of the property is changing
☒ **NCDOT 3-Party Encroachment Agreement**, if things such as a sidewalk or utility connection are proposed in the right-of-way
☒ **Flood Elevation Certificate**, if there is Special Flood Hazard Area near the development
☒ **Floodplain Development Permit**, if development is proposed in a Special Flood Hazard Area
☒ **Stormwater Permit**, if one or more acres is disturbed
☒ **Erosion Control Permit** from the NC Dept. of Environment and Natural Resources if the land disturbing activity exceeds one acre

FOR OFFICE USE ONLY

DEVID#	Fee \$
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STAFF REPORT

Prepared by Nathan Page, City Planner

Forks of the Alamance (S1502)

Type of Request: Major Subdivision

Meeting Dates

Planning Board on February 16, 2016

City Council on March 1, 2016

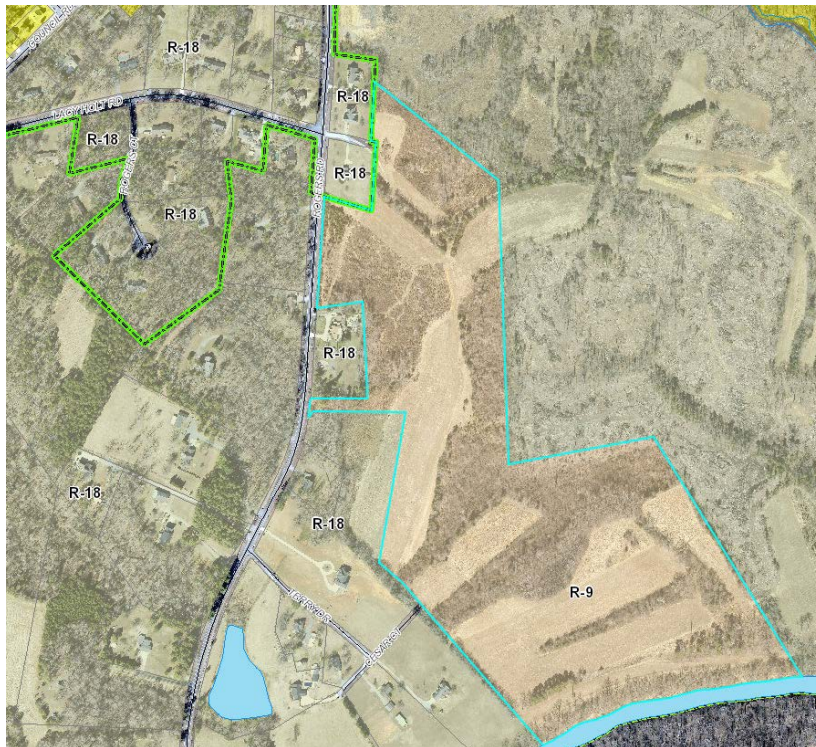
Contact Information

David Michaels 5603 New Garden Village Dr,
Greensboro, NC 27410

336-207-8003; dmichaels@windsorhomes.us

Summary

This is a request to create a new major subdivision on the subject property for 101 lots. The property is currently vacant.



Location

Rogers Road

GPIN: 8872970504

Current Zoning

High Density
Residential (R-9)

Overlay District

none

Surrounding Zoning

R-9

Surrounding Land Uses

Single family

Size

60.3 acres

Public Water & Sewer

New Infrastructure Proposed

Floodplain

Yes

Staff Recommendation

Approval, with conditions

Technical Review Committee

The Technical Review Committee reviewed the application and provided comments to the applicant via the City Planner. As of the publishing of this agenda packet, the applicant had not responded to the comments. There are substantial required revisions to the plans, but they do not affect the number of proposed lots, nor the access points from Rogers Road.



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

From Our Vision

- A Healthy Environment** New growth in Graham will occur sustainably, with minimal impact on the natural environment. Conservation efforts will maintain the health of the watershed, preserve habitat for native plants and animals, as well as reduce pollution through investments in renewable energy sources, clean transportation options, and resource conservation. *This subdivision proposes approximately 30 acres of open space, mostly in the floodplain. This protection of existing floodplain will reduce downstream flood events and protect habitat. The common areas are identified in our Future Land Use Map as areas to protect. Additionally, it will begin to lay out a greenway connection to the MST/HRT along Big Alamance Creek.*

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

Applicable Strategies and Policies

- Policy 3.2.3 Fewer Dead-end Streets** Discourage or prohibit the development of cul-de-sacs and dead-end streets in new projects. *While the proposal will have a stub out to two adjacent properties, the only dead-end is the cul-de-sac of Sunfield Ct.*
- Policy 3.2.4 Greenway System** Promote a greenway system that links together the City's recreational resources and provides connections to commercial, employment, and residential areas. Greenways along stream buffers should be prioritized in order to protect the stream watershed. *This parcel contains land that a pedestrian easement will be required as part of approval upon. Additionally, the Alamance Parks and Recreation department may attempt to acquire a larger portion in the future, but the land here is protected as common space.*
- Strategy 4.2.1 Greenways** Continue to develop a greenway system that links together the City's recreational resources.
- Policy 4.3.1 Land Use Patterns** Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into

areas that are not most suitable for development. *This proposal keeps almost all of the development out of the floodplains, and allows for connection from the stubs to the east and south for future development on suitable land.*

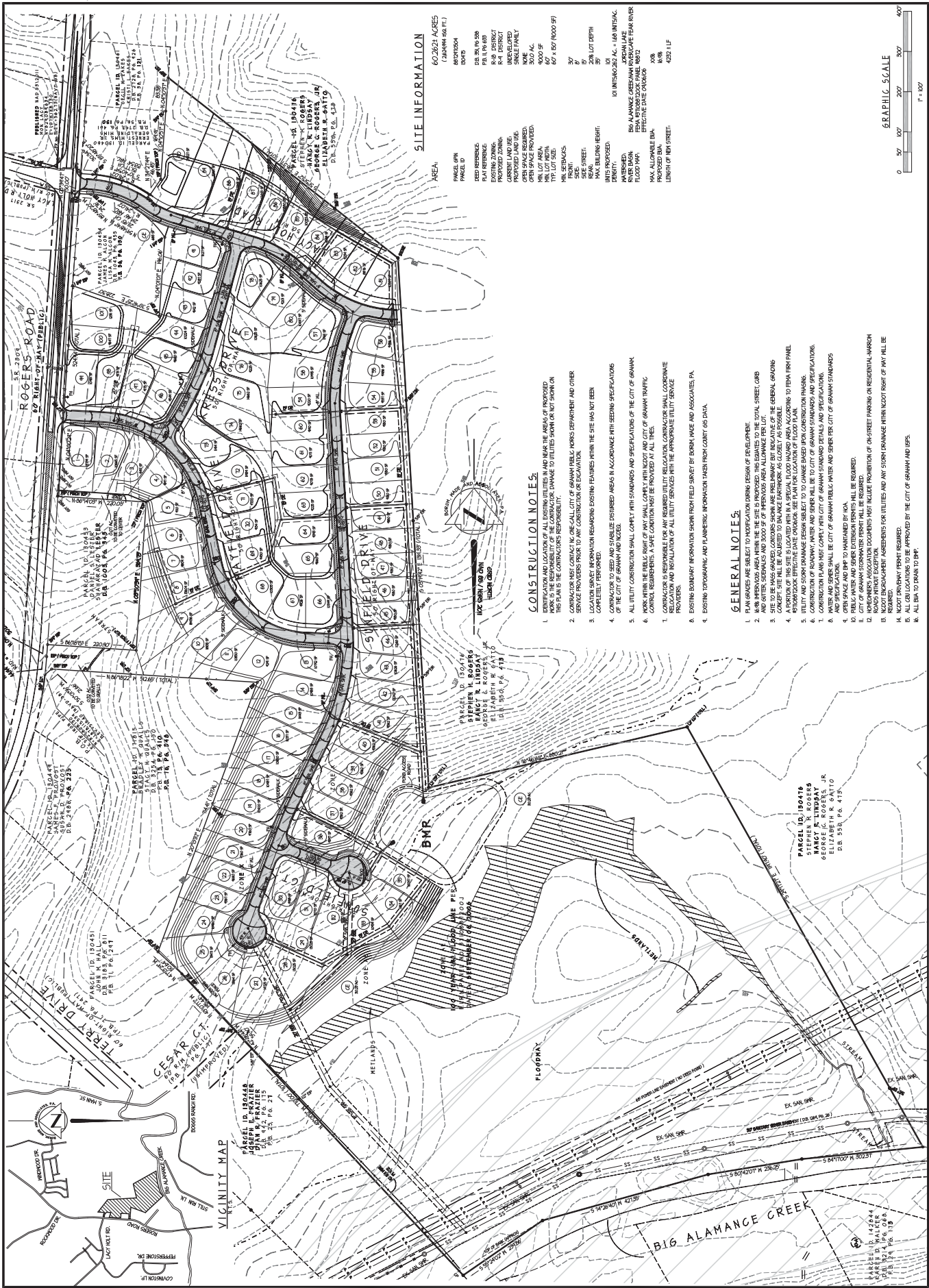
Staff Recommendation

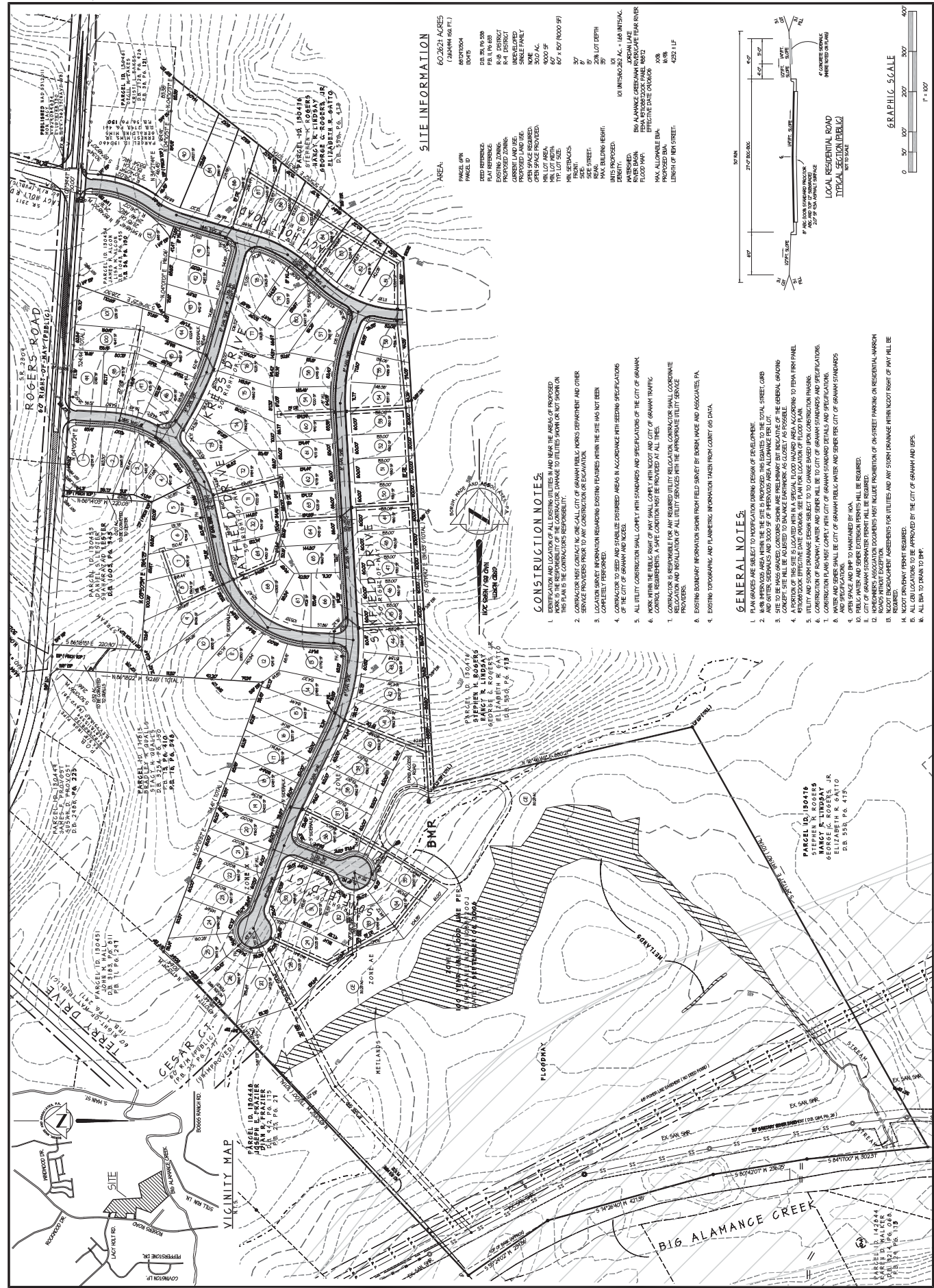
Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff **recommends approval of the subdivision, with the following conditions;**

- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.

The following supports this recommendation:

Allowing a high density subdivision in this location removes households from the potential harm from floodways, and protects greenspace and promotes a greenway trail system.





CONSTRUCTION NOTES:

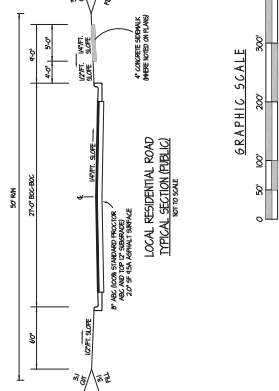
3. IDENTIFICATION AND LOCATION OF ALL EXISTING UTILITIES IN AND AROUND THE AREAS OF PROPOSED WORK IS THE RESPONSIBILITY OF THE CONTRACTOR. DAMAGE TO EXISTING SHOWN OR NOT SHOWN ON THIS PLAN IS THE CONTRACTOR'S RESPONSIBILITY.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE SERVICE PROVIDERS PRIOR TO ANY CONSTRUCTION OR RELOCATION.
5. LOCATION SURVEY INFORMATION RELATIONS EXISTING FEATURES WITHIN THE SITE HAS NOT BEEN COMPLETELY PERFORMED.
6. CONTRACTOR TO FIELD AND EVALUATE DISTURBED AREAS IN ACCORDANCE WITH SEEING SPECIFICATIONS OF THE CITY OF SEANAN AND NADA.
7. ALL UTILITY CONSTRUCTION SHALL COMPLY WITH STANDARDS AND SPECIFICATIONS OF THE CITY OF SEANAN.
8. WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL COMPLY WITH CITY OF SEANAN TRAFFIC CONTROL REQUIREMENTS. A SAFE CONSTRUCTION BE PROVIDED AT ALL TIMES.
9. CONTRACTOR IS RESPONSIBLE FOR ANY REQUIRED UTILITY RELOCATION, CONTRACTOR SHALL COORDINATE RELOCATION AND INSTALLATION OF ALL UTILITY SERVICES WITH THE APPROPRIATE UTILITY SERVICE PROVIDERS.
10. EXISTING SURVEY INFORMATION SHOWN FROM FIELD SURVEY BY BROWN MAE AND ASSOCIATES, P.A.
11. EXISTING TOPOGRAPHIC AND ELEVATION INFORMATION TAKEN FROM CITY 665 DATA.

GENERAL NOTES:

- [illegible]

SITE INFORMATION

60.2621 ACRES (264944 AC. P. 1)	867215054	D23 TR. RW 528 F&B TR. RW 528 R-4 DISTRICT UNDEVELOPED NONE 30.0 AC. 4000 SF 60' x 50' (NOO SF)	30' 30' 208' LOT DEPTH 39'	101 INTS/530' AC. = 140 INTS/AC. JORDAN LANE BIG ALUMINE CREEK HAVEN FEAR RIVERS EFFECTIVE DATE UNKNOWN	X-08 4292.1 LF
ING HEIGHT: USED	ING HEIGHT: USED	ING HEIGHT: USED	ING HEIGHT: USED	ING HEIGHT: USED	ING HEIGHT: USED

LOCAL RESIDENTIAL ROAD
TYPICAL SECTION (PUBLIC)



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.

Forks of the Alamance (S1502)

Type of Request
Rezoning

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 APPROVAL** with the following condition(s);
- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.
- ☐ 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:

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

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Definitions: Future Development

Contact Information
Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on March 1, 2016

Summary

Staff proposes to amend the *Development Ordinance* to define 'future development.'

The following amendments to the Development Ordinance are proposed:

- Add "Future Development" to Article II. Definitions.

Future Development – Any human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the city or county, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations and storage of materials.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable

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:

- The proposed amendment does not change the intent, purpose, or applicability of the ordinance, but communicates what qualifies as "future development" within the City of Graham.

Project Name

Future Development

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Planning District

All

Development Type

All



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.

10.446, 10.471; Future Development

Type of Request

Text Amendment

Meeting Dates

Planning Board on December 15, 2015
and 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:

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

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Definitions:

Singular/Plural

Contact Information

Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on February 16, 2016

City Council on March 1, 2016

Summary

Staff proposes to amend the *Development Ordinance* definitions.

The following amendments to the Development Ordinance are proposed:

Section 10.16 Definitions

Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular, **unless the context of the particular usage clearly indicates otherwise**. The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "shall" is always mandatory and not directory. The word "may" is permissive. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designated to be used" or "occupied." The words "residential property" shall apply to land zoned for residential use and to other land occupied by residential structures. The words "map," "zoning map," or "Graham zoning map" shall mean the zoning map of the City of Graham, North Carolina. The words "article," "zoning ordinance," or "Graham zoning ordinance" shall mean the zoning ordinance of the City of Graham, North Carolina. The words "Graham planning area" or "planning area" shall mean the area within which the City of Graham exercises zoning authority. All other words not defined below shall have their customary dictionary definitions.

This change is proposed because currently, the definitions are the most specific language and this innocuous bit of wording permits two houses per lot, or one house to be built on two lots. As a result of this, the added clarification will align with what the intention of the Ordinance actually is.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable

Applicable Planning District Policies and Recommendations

Project Name

Singular/Plural Definitions

(AM1601)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Planning District

All

Development Type

All

- 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:

- The proposed amendment does not change the intent, purpose, or applicability of the ordinance, but communicates the intent of the zoning ordinance within the City of Graham.



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.

Singular/Plural Definition (AM1601)

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:

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

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



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

City Council on March 1, 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}		Sidewalk Zone ⁵	Green Zone ^{5,6}	Shoulder ^{4,7}	Typical Right- of-Way ⁸
	With Curb and Gutter	With Shoulder ⁴				
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, 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}		Sidewalk Zone ⁵	Green Zone ^{5,6}	Shoulder ^{4,7}	Typical Right- of-Way ⁸
	With Curb and Gutter	With Shoulder ⁴				
Residential Narrow	20' not permitted	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 infrequent, 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	not permitted	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.

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 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:

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

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Variance: Commercial Establishments

Contact Information

Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on February 16, 2016

City Council on March 1, 2016

Summary

Staff proposes to amend the *Development Ordinance* Section 10.97 **Powers and duties generally** [of the Board of Adjustment].

As variances are quasi-judicial, the likelihood for difficulties arising from these hearings is raised. Because of this, the staff recommends that prior to a hearing by the Board of Adjustment, and the creation of a file which runs with the land in perpetuity, which must be maintained and monitored by staff, that proposed commercial development be legally permitted to occur on a lot prior to the issuance of said variances.

The following amendments to the Development Ordinance are proposed:

Existing Language:

(2) Variances. When unnecessary hardships would result from carrying out the strict letter of the ordinance, the board shall vary any of the provisions of the ordinance upon a showing of all of the following:

Proposed changes:

(2) Variances. When unnecessary hardships would result from carrying out the strict letter of the ordinance, the board shall vary any of the provisions of the ordinance upon a showing of all of the following, **except in the case of commercial development, which must first receive conditional approval from the TRC:**

Project Name

Variance TRC (AM1604)

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*, 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, it aligns variances with the requirements of NC Building Code and NC 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.

Variances Require TRC Approval (AM1604)

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:

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

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Definitions:
Nonconforming Buildings

Contact Information
Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on February 16, 2016

City Council on March 1, 2016

Summary

Staff proposes to amend the *Development Ordinance* definitions to clarify the non-conforming buildings in the case of duplex, townhomes, or condominiums.

The following amendments to the Development Ordinance are proposed:

Section 10.70 Nonconforming Buildings

Nonconforming buildings may remain and be occupied, subject to the following provisions or as otherwise provided for in this ordinance:

- (1) Any enlargement of a nonconforming building must conform to the dimensional requirements of the zoning district unless the Board of Adjustment grants a variance in accordance with the variance provisions of this ordinance. Any building or portion thereof may be altered to decrease its nonconformity.
- (2) Should any nonconforming building **as defined by the North Carolina Building Code** or nonconforming portion of a building be destroyed, in whole or in part, by any means, to an extent of:
 - a. More than 60 percent of its replacement cost or bulk at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance, with the exception of nonconforming buildings used as a single family dwelling and complying with the NC Residential Building Code, which may follow the provisions in subsection "b" below.
 - b. 60 percent or less of its replacement cost or bulk at the time of destruction, it may be reconstructed in the same location and up to the same dimensions as originally existed provided that a permit for reconstruction is obtained within one (1) year of the date of destruction and any requirements for flood damage prevention are met.

Project Name

Non-Conforming Structures
(AM1605)

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*, 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 clarifies a point of contention regarding multiple buildings in one structure within the City of Graham.



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.

Non-Conforming Structures (AM1605)

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:

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

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Definitions:

Accessory Buildings

Contact Information

Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on February 16, 2016

City Council on March 1, 2016

Summary

Staff proposes to amend the *Development Ordinance* to permit accessory buildings to be placed in front of a structure, if they meet the setback requirements of the zoning lot.

The following amendments to the Development Ordinance are proposed:

Section 10.136

Notes to the Table of Permitted Uses

1. **Accessory Uses in Residential Districts** - Accessory uses in residential districts such as garages, utility buildings are restricted to rear yards or side yards ~~if~~ **unless** the required setback can be maintained. For a noncommercial greenhouse that is an accessory use, the heating plant for the greenhouse must be located within 60 feet of the front property line or within 10 feet of any other property line. In addition, in the R-18 district, one private stable on a lot at least 20,000 square feet in area is permitted, provided the stable is located at least 60 feet from the front property line and not less than 10 feet from any other property line.

Project Name

Accessory Buildings (AM1606)

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*, 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 permits accessory buildings for individuals with houses removed from the street on very large lots.



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.

Accessory Buildings (AM1606)

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:

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

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary