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

**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

**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.*

**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.