



Planning Board

Meeting Agenda

April 19, 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 February 16, 2016 meeting
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.
3. Old Business
 - a. Discussion regarding the City of Graham Development Ordinances
 - AM1607 Tree Cutting Permit
 - AM1609 B-1 District Uses
 - AM1610 Decommissioning of Cell Towers
 - AM1611 Unified Business Development
 - AM1612 Nonconforming Site Elements
4. Public comment on non-agenda items

Adjourn

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

PLANNING ZONING BOARD
Tuesday, February 16, 2016

The Planning & Zoning Board held their regular meeting on Tuesday, February 16, 2016 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, Ricky Hall and Kenneth Dixon. Staff members present were Nathan Page, City Planner, Aaron Holland, Assistant City Manager, Jenni Bost, Zoning Enforcement Officer, 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. Approval of the December 15, 2015 meeting minutes. Ricky Hall made a motion for approval, second by Bonnie Blalock. All voted in favor.

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. Nathan Page stated the application had been withdrawn. The applicant stated they were going to buy modulars to put on that property but the modular company gave them a different price from their original quote therefore they are withdrawing their desire to purchase that land. Ricky Hall made a motion to accept the withdrawal of this application, second by Bonnie Blalock. All voted aye.

b. RZ1601 Gilbreath B-2. An application to rezone two parcels on W. Gilbreath Street from R-7 to B-2. Mr. Page said 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.

Chad Oakley, the applicant of 114 W Gilbreath Street spoke next. Mr. Oakley was approached by someone that currently works for an accountant and he wanted to go out on his own and asked Mr. Oakley if he would be interested in allowing him to do that and Mr. Oakley said he would check with the City of Graham to see what would be possible. Mr. Oakley also mentioned that he has no contract with anyone to use this property. Mr. Page said the rezoning is on the property itself, not the structures.

Next we heard from some of the surrounding landowners:

Nicky Smith 402 S Maple Street
Vic Euliss 113 W Gilbreath Street
Peggy Vance 400 S Maple Street
Jim Christopher 120 Westover Street
Cory Smith 402 S Maple Street

Some of the landowners spoke in favor of the rezoning and some against it. After much discussion between Mr. Oakley, Nathan Page and the Planning Board, Mr. Oakley decided to withdraw his application and come back later possibly with a specific use (C-R).

c. S1502 Forks of the Alamance. An application for a Major Subdivision off Rogers Road. David Michaels of Windsor Homes 5603 New Garden Village Drive Greensboro, NC spoke as the Developer Representative to answer any questions concerning the submitted site plans. Mr. Michaels said the project meets R9

requirements and they have moved most of the lots up out of the flood zone. Mr. Michaels said there is around 100 lots on 60 acres. Andy Rumley asked if there had always been two entrances for the project and Mr. Michaels replied yes. Mr. Michaels said that DOT has looked at both of those entrances and they were ok with it with their request to widen the intersection and add turning lanes. Mr. Michaels stated the development would be done in four phases.

Bonnie Blalock had concerns if DOT mentioned a stoplight there. Ms. Blalock had been approached by someone living in that area about the increased traffic in that area with that number of homes being built. Mr. Michaels said that DOT has identified to them that this is a concern. Mr. Page said DOT did require the two turning lanes and no light at this time at this intersection.

Michael Benesch made a motion to approve, second by Kenneth Dixon. The vote was 6 to 1 with Mr. Teer dissenting.

3. Old Business. Community Service Facilities .There may be statutory authority to accept a payment/surety/bond from Conditional Developers for the installation of private amenities prior to the recordation of a final plat.

- a. Discussion regarding the City of Graham Development Ordinances

- AM1503 Definition of Future Development. Ricky Hall made a motion for approval, second by Dean Ward. All voted aye.

- AM1601 Definition of Singular/Plural. Ricky Hall made a motion for approval, second by Michael Benesch. All voted aye.

- AM1602 Residential Narrow Street. Ricky Hall made a motion for approval, second by Michael Benesch. All voted aye.

- AM1604 Commercial Variances Require TRC Approval. Ricky Hall made a motion for approval, second by Michael Benesch. All voted aye.

- AM1605 Definition of Non-Conforming Structures. The Board members had some discussion about the clarification concerning townhomes and duplexes along with concerns about how this would affect development at the old Oneida Mills if something unforeseen was to happen. Ricky Hall made a motion for approval, second by Kenneth Dixon. The vote was 4 to 3 for approval with Dean Ward, Michael Benesch, and Bill Teer dissenting.

- AM1606 Accessory Building Setback Modifications. Ricky Hall made a motion for approval, second by Michael Benesch. All voted aye.

4. Public comment on non-agenda items

Jason Cox of 200 N Main Street addressed the Board. Mr. Cox had some items concerning downtown that he would like the Planning Board to send recommendations to City Council. They are as follows: shortening parking downtown from two hours to one hour, improve wayfinding signage for public parking, and more pedestrian friendly streets in the downtown area. The Board asked Mr. Page to get with Mr. Cox to draft a letter for the Board to sign and send to City Council at our next meeting.

5. DO potential issues. After some discussion the Board and Mr. Page agreed to discuss the following items at our next meeting:

1. Focus B1 to Walkable Uses and remove used tire sales
 2. Permit for tree cutting
 3. Duration for landscape maintenance
 4. Dance school
 5. Co-location of Cell Towers on Power Poles/Buildings

6. Food Trucks

7. Add decommissioning Plan to Cell Towers

No further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician

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

13' existing fence

10' existing fence

63' Proposed fence

37' existing fence



1129 Rogers Rd

Proposed Conditional Rezoning

Gravel

14 Natural Area

← 115 ft →

Not to Scale
O = existing trees

← 310 ft →

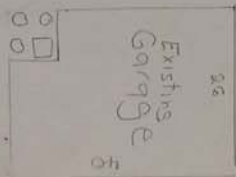
Grassy Area

Rogers Rd

Existing Driveway

Existing Residence

1129



ANDY'S
HANDYMAN SOLUTIONS
336-524-4333

ANDY'S
HANDYMAN SOLUTIONS
Handyman & Bath Remodeling & Repair
Flooring • Siding • Guttering • Painting & More
336-524-4333





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:

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



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Tree Cutting Permit

Contact Information

Not applicable

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.

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:

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



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for: B-1 District Uses

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* 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

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.*

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

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 19th day of April, 2016.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



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:

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



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:

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.

Project Name
Unified Business Development (AM1611)

Location
city-wide

Current Zoning
not applicable

Proposed Zoning
not applicable

Overlay District
not applicable

Staff Recommendation
Approval

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

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Showing Changes:

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

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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, Small" 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

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- 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-1B	R-1S	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1	C-1	I-2	C-MXR	C-MXC	LUC	
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:

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



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for: 10.71 Nonconforming Site Elements

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 City Council proposes to amend the *Development Ordinance*, Article IV, Division 1, Section 10.71 Nonconforming Site Elements.

The following amendments to the Development Ordinance are proposed:

Section 10.71 Nonconforming Site Elements (5)

Original Language:

- (5) All nonconforming signs, except outdoor advertising signs, must be brought into compliance or removed (including the entire sign and any or all supports) if any or all of the following occurs:
 - a. If damage to the sign exceeds 50% of its original value or replacement value, whichever is less;
 - b. If the sign is demolished or damaged to the extent where more than fifty percent (50%) of its display area requires replacement;
 - c. If the business or activity on the premises is discontinued for a continuous period of 90 days or more;
 - d. If additions or expansions of buildings, parking areas, or uses of open land occur that are greater than 3,000 square feet; or
 - e. If any change in the existing use of the property occurs.

Project Name

Nonconforming Site Elements

(AM1612)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Tracking Changes:

- (5) All nonconforming signs, except outdoor advertising signs, must be brought into compliance or removed (including the entire sign and any or all supports) if any or all of the following occurs:

- a. If damage to the sign exceeds 50% of its original value or replacement value, whichever is less;
- b. If, apart from normal maintenance or replacement of existing panels, the sign display area is demolished, or damaged, or removed to the extent where more than fifty percent (50%) of its display area ~~requires replacement~~ is affected;
- c. If the business or activity on the premises is discontinued for a continuous period of ~~90~~ 180 days or more;
- d. If additions or expansions of buildings, parking areas, or uses of open land occur that are greater than 3,000 square feet; or
- e. If any change in the existing use Land Use Classification of the property occurs.

Proposed Language:

- (5) All nonconforming signs, except outdoor advertising signs, must be brought into compliance or removed (including the entire sign and any or all supports) if any or all of the following occurs:
 - a. If damage to the sign exceeds 50% of its original value or replacement value, whichever is less;
 - b. If, apart from normal maintenance or replacement of existing panels, the sign display area is demolished, damaged, or removed to the extent where more than fifty percent (50%) of its display area is affected;
 - c. If the business or activity on the premises is discontinued for a continuous period of 180 days or more;
 - d. If additions or expansions of buildings, parking areas, or uses of open land occur that are greater than 3,000 square feet; or
 - e. If any change in the existing Land Use Classification of the property occurs.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

<p><u>Planning District</u> All</p> <p><u>Development Type</u> All</p>
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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 redevelopment of existing sign boxes in the overlay which may be nonconforming, but are permitted to continue as permitted nonconformities.



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.

**Nonconforming Site Elements
(AM1612)**
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:

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