

City of Graham Planning Board

Meeting Agenda

August 18, 2020 at 7:00 PM
Online Zoom Meeting- Details at bottom of agenda.

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

1. Approve minutes of the July 21, 2020 meeting
 2. New Business
 - a. AM2003 Multifamily Setbacks. Application by Dennis Euliss to reduce the triangle setbacks for multifamily structures.
 - b. AM2004 Residential Setbacks. Application by Mike Campbell to reduce the rear yard setbacks for residential lots.
 - c. CR2003 Cherry Creek Application by Tony Tate for rezoning and initiation of zoning for 70 (+/-) acres off Sugar Ridge and Jimmie Kerr Roads. GPINs 8893465385, 8893762882, 8893587021, 8893682433, and 8893585808.
 - d. S2004 Cherry Creek Application by Tony Tate for subdivision for 70 (+/-) acres off Sugar Ridge and Jimmie Kerr Roads. GPINs 8893465385, 8893762882, 8893587021, 8893682433, and 8893585808.
 3. Old Business
 - a. Fees for rezoning applications
 - b. Open Space Subdivisions
 4. Public comment on non-agenda items
- Adjourn

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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86324104725?pwd=UnlBZHlZWTd3Sm84OUd1aDBlNkZuQT09>

Passcode: 484257

Or iPhone one-tap :

US: +13017158592,,86324104725# or +13126266799,,86324104725#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128

Webinar ID: 863 2410 4725

International numbers available: <https://us02web.zoom.us/j/kwvY0BRz>

PLANNING ZONING BOARD
Tuesday, July 21, 2020

The Planning & Zoning Board held their regular meeting on Tuesday, July 21, 2020 as an Online Zoom Meeting at 7:00 p.m. Board members present were Dean Ward, Nate Perry, Eric Crissman, Bobby Chin, and Tony Bailey, and Michael Benesch joined later in the evening. New members Bobby Chin and Tony Bailey were sworn in by City Clerk Darcy Sperry on Thursday, 7/16/2020 and Friday, 7/17/2020 respectively. Staff members present were Nathan Page and Jeff Wilson. Chairman Ward called the meeting to order, gave the Overview of the Board, and general meeting rules.

1. Approval of the June 16, 2020 minutes. A motion was made to approve the minutes by Nate Perry, seconded by Dean Ward. As Tony Bailey and Bobby Chin were not present for the meeting, they abstained from voting. Ward and Perry voted to approve, but as Eric Crissman's connection went out, the vote failed to carry.

2. Old Business
 - a. CR2002 Riley's Meadow. Application by Tony Tate for initiation of zoning for 77 acres off Jim Minor Road. GPINS 8893762882 and 8893856817. Nathan Page presented the project to the board. This is 77 acres with 400 units purposed, townhomes and single family homes. Tony Tate, 3120A Timberline Drive, Mebane, the site Landscape Architect gave an overview of his project, and volunteered a 6' PVC privacy fence along the border of all of the homes on Atlas Drive. Kirby LaForce, developer, of 341 Kilmayne Drive, Suite 201, Cary, described other developments he is involved in. The following people spoke against the rezoning, citing traffic concerns and density.

Patty Allen	265 W Shannon Drive
Brent Gonet	2033 Atlas Drive
Nathan Woody	2065 Atlas Drive
Don Freeman	2025 Atlas Drive
Scott Gollnick	2001 Atlas Drive
Janelle Woody	2065 Atlas Drive
Lindsey Rotten	2088 Atlas Drive
Anthony Pierce	2009 Atlas Drive

The following people spoke in favor of the rezoning, citing the lack of housing on the market in Graham, as well as the previous development plans for this parcel

Alice Ray	1879 Jimmie Kerr Road
Michael White	5500 Tilley Lane, Gastonia

The board members had questions for Mr. Tate and then had a discussion between themselves. Items discussed included a reduction in density, a planting buffer for the existing homes, and pedestrian amenities around, internal, and to connect to the park.

Eric Crissman made a motion to recommend approval as presented, seconded by Nate Perry. Chair Ward polled the Board and Mr. Bailey, Mr. Crissman, and Mr. Perry voted to approve. Chair Ward and Mr. Chin voted to deny. The motion carried 3 to 2.

- b. S2002 Riley's Meadow. Application by Tony Tate for subdivision for 77 acres off Jim Minor Road. GPINS 8893762882 and 8893856817. Due to the similarity to the project to the previous item, after limited discussion, Eric Crissman proceeded with a motion to approve as presented, with the condition of an added turn lane, with applicable strategies from the Comprehensive Plan of 3.2.3, 3.2.4, 4.2.1, and 4.3.1. Nate Perry seconded. Chair Ward polled the Board and Mr. Bailey, Mr. Crissman, and Mr. Perry voted to approve. Chair Ward and Mr. Chin voted to deny. The motion carried 3 to 2.

Nate Perry made a motion to approve the minutes of the June 16, 2020 minutes, seconded by Dean Ward. Chair Ward voted to approve, Nate Perry voted to approve, Eric Crissman voted to approve. Tony Bailey and Bobby Chain abstained as they were not members of the board at that time. The motion carried and the minutes were approved.

3. New Business

- a. Planning Board Meeting Times and Fees. Nathan Page gave a refresher of the change in regulation approved by the City Council which gave the Planning Board the authority to choose their meeting time. The Planning Board consented to keep their meeting at the same time. Mr. Page discussed the additional expense due to the dual paper mailing requirements. The Planning Board requested Mr. Page refresh the spreadsheet of neighboring jurisdiction's fees and bring the item before them next month.
- b. 160D. Mr. Page discussed the upcoming 160D rewrite of the Development Ordinance, and that portions of the same would be coming before the Planning Board over the next few months in an attempt to get the regulations adopted and in place ahead of the NC General Assembly (NCGA) mandated deadline.

4. Public comment on non-agenda items.

- a. Patty Allen, 265 W Shannon Drive spoke against illegal trespassing.
- b. Brent Gonet, 2033 Atlas Drive spoke against a trail along his property line.
- c. Anthony Pierce, 2009 Atlas Drive requested information about forced-annexations. Mr. Page assured Mr. Pierce that the City of Graham is not interested in forced annexations, as well as the updated stricter standard applied by the NCGA.

Chair Ward requested that the 10.249 Open Space Subdivisions be added to the agenda for next month. Chair Ward also expressed gratitude for the service that Bonnie Blalock and Rachel McIntyre provided for the board.

Eric Crissman made a motion to adjourn, Chair Ward seconded. All voted Aye.

No further business the meeting was adjourned at 9:30 PM.

Respectfully Submitted,
Nathan Page



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Section 10.247 Building Spacing Requirements for Multifamily...

Type of Request: Text Amendment

Meeting Dates

Planning Board on August 18, 2020

City Council on September 8, 2020

Contact Information

Dennis Euliss

524-A West Elm Street

Graham NC 27253

denniseuliss@ymail.com

Summary

Dennis Euliss has applied for an amendment to our Development Ordinance to change the spacing calculations for multifamily developments.

The following amendments to the Development Ordinance are proposed:

Existing Language:

Section 10.247 Building Spacing Requirements for Multifamily Residential Buildings (Townhouses, Condominiums and Apartments)

- (a) Minimum Spacing of Buildings: If a zoning lot is developed for multifamily or townhouse residential buildings, the following method shall be used to determine the minimum spacing of buildings.
- (b) Front Yard Setbacks: On lots of more than 40,000 square feet which contain three or more dwelling units, all buildings shall observe front yard setback requirements from any street on which the lot abuts.
- (c) Calculation of Triangle: For all yards, including those on the project perimeter, each wall of every dwelling shall have a minimum yard space in the shape of an imaginary isosceles triangle. The base of the triangle shall be a line connecting the extreme ends of the wall of the building and whose altitude shall be the length of the base line multiplied by a factor related to the height of the dwelling as provided in Table 10.247 below and illustrated in the accompanying figures. There shall be a minimum distance of 15 feet between any walls of one-story buildings and 20 feet between two-story buildings. Any wall over 10 feet long shall be treated as a separate wall.

(Section 10.247 amended 1/4/2000, 11/5/2013)

Project Name
Multifamily Setbacks
(AM2003)

Location
city-wide

Current Zoning
not applicable

Proposed Zoning
not applicable

Overlay District
not applicable

Staff Recommendation
Approval

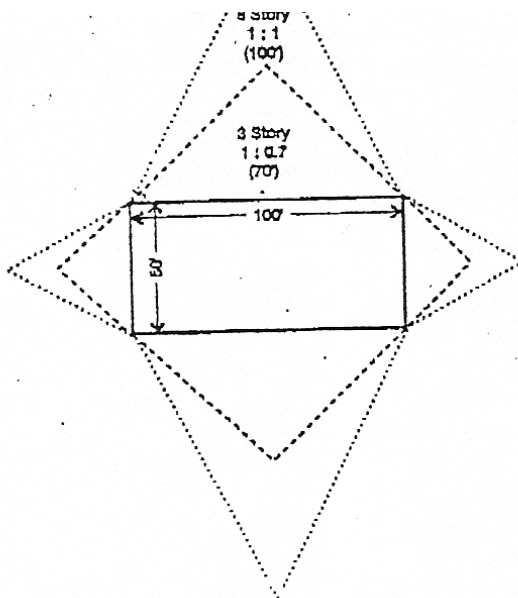
Table 10.247	
Number of stories	Factors to multiply base of triangle to obtain altitude

1	.4
2	.5
3	.6
4 or more	.7

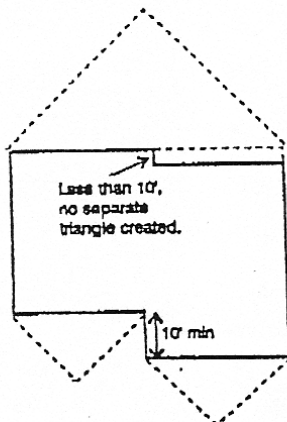
Building Spacing Requirements for Multifamily Residential Buildings, Townhouses, Condominiums and Planned Unit Developments that Include Multifamily Buildings

Spacing Buildings Using Triangles

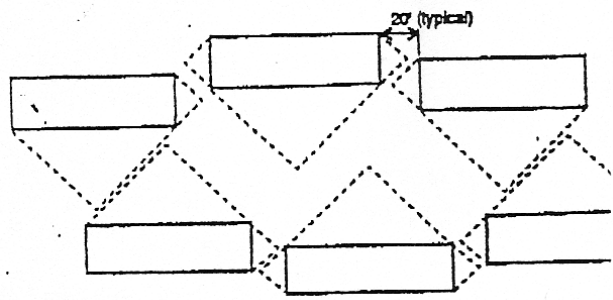
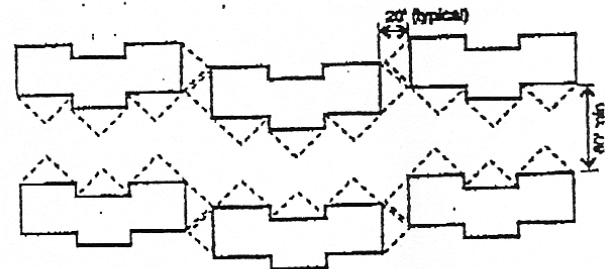
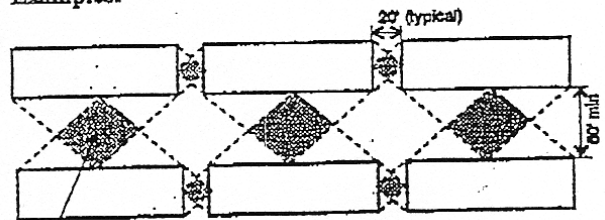
How to calculate triangles. An imaginary isosceles triangle defined by connecting the extreme ends of the wall or portions of the wall as the base of the triangles, and calculating the altitude by multiplying the base by a factor related to height as provided in Table 247.



Any wall must be offset by another wall at least ten (10) feet in length to be considered as a separate wall.



Examples:



- (c) Overlapping triangles prohibited. The yard spaces thus established by the isosceles triangles shall not overlap the yard space for any other wall of the same or any other dwelling.

- (d) Alternative compliance. A developer may propose spacing for buildings that varies from the strict application of the provisions of this section in order to accommodate the unique character of the site or to use innovative design. Application for alternative compliance shall include a site plan following the requirements specified by the Planning Department and any additional architectural plans, elevations, or perspective drawings to illustrate the proposed buildings design and/or placement alternative. Alternative compliance shall be approved by the City Council only upon a finding that the building architecture and site plan fulfills the following criteria as well or better than would strict conformance with the requirements of this Ordinance:
 - (1) The project provides adequate air and light to the development and surrounding properties.
 - (2) Through the use of a variety of fenestration patterns, building façade offsets, roofline treatments, and other architectural features, the perceived bulk, scale and length and width of the building is congruous with surrounding buildings.
 - (3) The development provides for orderly and easy movement of traffic and pedestrians.
 - (4) The project will not be injurious to property or improvements in the affected area.
 - (5) The project is in accordance with all development criteria and land use plans of the City of Graham.

Proposed Language:

**Section 10.247 Building Spacing Requirements for Multifamily Residential Buildings
(Townhouses, Condominiums and Apartments)**

In addition to the 25 foot setback from exterior property lines, all multifamily structures shall be no less than 25 feet from other dwelling structures, and no closer than 5 feet to accessory structures (e.g. garages, clubhouses, etc.)

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Develop a compact, mixed-use, and focused pattern of growth. Graham will focus compact development in well-defined areas in order to increase the viability of regional transit, preserve open space, rural areas, and environmentally sensitive lands, efficiently provide public services and infrastructure, and promote infill development and redevelopment. *The relaxation of the interior setbacks will likely lead to larger structures built on existing lots.*

Strategy 2.3.1 Facilitate Focused Development. Incentivize pedestrian-oriented nodal development consistent with this plan by incentivizing smart growth development... *The requirement for large interior setbacks may have a negative effect on the construction of smart growth neighborhoods.*

Planning District

All

Development Type

All

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. *The reduction in required interior yards may allow for more dense development, allowing for more efficient water supply systems.*

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 2035 Plan, in Strategy 2.3.1, as well as Policy 4.3.1, recommends reducing setback requirements for residential lots.

Nathan Page

From: Dennis Euliss <denniseuliss@ymail.com>
Sent: Monday, July 13, 2020 3:38 PM
To: Nathan Page
Subject: Re: Gilbreath St Apartments

[NOTICE: This message originated outside of the City of Graham, NC mail system -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Nathan, I think this will work for this Project.
Sounds good to me.

Thanks,

Dennis H Euliss

524-A West Elm St

Graham NC 27253

Office 336.350.8090

Fax 336.570.5273

On Monday, July 13, 2020, 03:23:31 PM EDT, Nathan Page <npage@cityofgraham.com> wrote:

From: Nathan Page
Sent: Wednesday, July 1, 2020 3:35 PM

To: 'Dennis Euliss' <denniseuliss@ymail.com>
Subject: RE: Gilbreath St Apartments

Dennis,

I think you're asking for Section 10.247 to be removed from our ordinance, which would have a 25' setback from the exterior property line. Would you propose any separation of the internal structures? I think the 25' requirement for exterior yards would be reasonable.

As such, we'd remove the below and replace it with

Section 10.247 Building Spacing Requirements for Multifamily Residential Buildings (Townhouses, Condominiums, and Apartments)

In addition to the 25 foot setback from exterior property lines, all multifamily structures shall be no less than 25 feet from other dwelling structures, and no closer than 5 feet to accessory structures (e.g. garages, clubhouses, etc).

Section 10.247 Building Spacing Requirements for Multifamily Residential Buildings (Townhouses, Condominiums and Apartments)

(a) Minimum Spacing of Buildings: If a zoning lot is developed for multifamily or townhouse residential buildings, the following method shall be used to determine the minimum spacing of buildings.

(b) Front Yard Setbacks: On lots of more than 40,000 square feet which contain three or more dwelling units, all buildings shall observe front yard setback requirements from any street on which the lot abuts.

(c) Calculation of Triangle: For all yards, including those on the project perimeter, each wall of every dwelling shall have a minimum yard space in the shape of an imaginary isosceles triangle. The base of the triangle shall be a line connecting the extreme ends of the wall of the building and whose altitude shall be the length of the base line multiplied by a factor related to the height of the dwelling as provided in Table 10.247 below and illustrated in the accompanying figures. There shall be a minimum distance of 15 feet between any walls of one-story buildings and 20 feet between two-story buildings. Any wall over 10 feet long shall be treated as a separate wall.

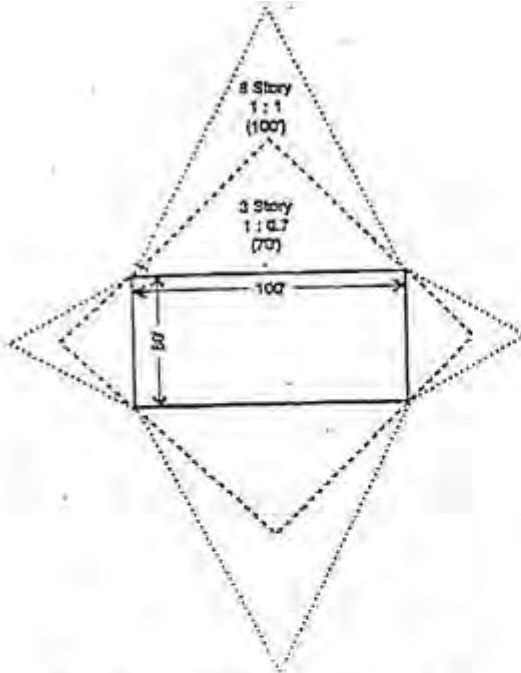
(Section 10.247 amended 1/4/2000, 11/5/2013)

Table 10.247	
Number of stories	Factors to multiply base of triangle to obtain altitude
1	.4
2	.5
3	.6
4 or more	.7

Building Spacing Requirements for Multifamily Residential Buildings, Townhouses, Condominiums and Planned Unit Developments that Include Multifamily Buildings

Spacing Buildings Using Triangles

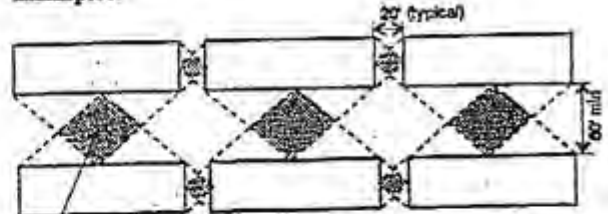
How to calculate triangles. An imaginary isosceles triangle defined by connecting the extreme ends of the wall or portions of the wall as the base of the triangles, and calculating the altitude by multiplying the base by a factor related to height as provided in Table 247.



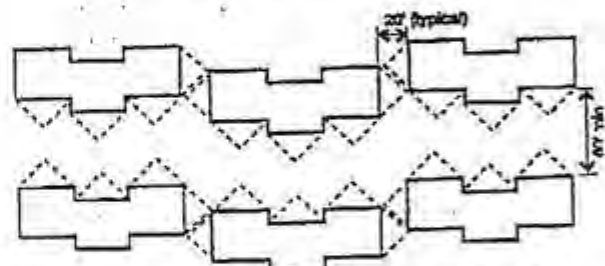
Any wall must be offset by another wall at least ten (10) feet in length to be considered as a separate wall.



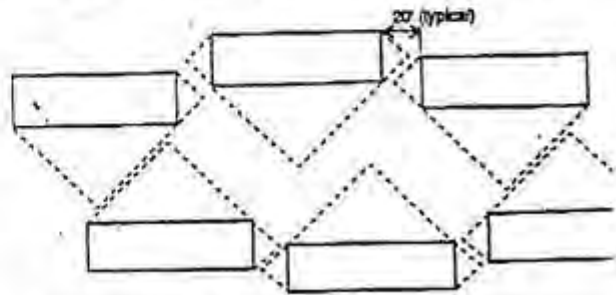
Examples:



UNACCEPTABLE: No portion of the prescribed imaginary triangle shall overlap any other within the same multifamily development.



ACCEPTABLE: Modified building architecture with minimum 10' offset.



ACCEPTABLE: Modified building location.

(c) Overlapping triangles prohibited. The yard spaces thus established by the isosceles triangles shall not overlap the yard space for any other wall of the same or any other dwelling.

(d) Alternative compliance. A developer may propose spacing for buildings that varies from the strict application of the provisions of this section in order to accommodate the unique character of the site or to use innovative design. Application for alternative compliance shall include a site plan following the requirements specified by the Planning Department and any additional architectural plans, elevations, or perspective drawings to illustrate the proposed buildings design and/or placement alternative. Alternative compliance shall be approved by the City Council

only upon a finding that the building architecture and site plan fulfills the following criteria as well or better than would strict conformance with the requirements of this Ordinance:

- (1) The project provides adequate air and light to the development and surrounding properties.
- (2) Through the use of a variety of fenestration patterns, building façade offsets, roofline treatments, and other architectural features, the perceived bulk, scale and length and width of the building is congruous with surrounding buildings.
- (3) The development provides for orderly and easy movement of traffic and pedestrians.
- (4) The project will not be injurious to property or improvements in the affected area.
- (5) The project is in accordance with all development criteria and land use plans of the City of Graham.

Nathan

From: Dennis Euliss <denniseuliss@ymail.com>
Sent: Wednesday, July 1, 2020 3:28 PM
To: Nathan Page <npage@cityofgraham.com>
Subject: Gilbreath St Apartments

[NOTICE: This message originated outside of the City of Graham, NC mail system --**DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

I Dennis Euliss, would like to have the pyramid setbacks removed from multi-family requirements.

Thanks,

Dennis H Euliss

524-A West Elm St

Graham NC 27253

Office 336.350.8090



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.

Multifamily Setbacks (AM2003)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 18, 2020

City Council on September 8, 2020

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 18th day of August, 2020.

Attest:

Dean Ward, Planning Board Chair

Debbie Jolly, Secretary



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Section 10.245 Area, Height, and Yard Regulations to change the setbacks for the Rear Yard Depth

Type of Request: Text Amendment

Meeting Dates

Planning Board on August 18, 2020

City Council on September 8, 2020

Summary

Mike Campbell has applied for an amendment to our Development Ordinance to reduce rear yard setbacks to 15 feet.

The following amendments to the Development Ordinance are proposed:

Contact Information

Mike Campbell

405 N Maple Street

Graham NC 27253

mc5590@protonmail.com

Project Name

Residential Rear Setbacks
(AM2004)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Existing Language:

Section 10.245 Area, Height, and Yard Regulations

Zoning District	Yard Depth Front	Minimum Yard Size (Feet From Property Line)		
		Side Yard Width	Side Yard Width Abutting Street	Rear Yard Depth
R-18 (See Section 10.249)	40 (See Note 9)	15	20 (See Note 2)	20 (1)(2)(2a)
R-15 (See Section 10.249)	40 (See Note 9)	10	20 (See Note 2)	20 (1)(2)(2a)
R-12 (See Section 10.249)	30 (See Note 9)	10	20 (See Note 2)	20 (1)(2)(2a)
R-9	30 (See Note 9)	8	15 (See Note 2)	20 (1)(2)(2a)
R-7	30 (See Note 9)	8	15 (See Note 2)	20 (See Notes 1,2, and 2a)
R-MF	30 for single family and two family dwellings; 25 for multi-family dwellings (See Note 9)	8 for single-family and two family dwellings. For multifamily, 25 feet minimum, see Sec. 10.247	15 for single-family and two family dwellings. For multifamily, 25 feet minimum, see Sec. 10.247	20 for single-family and two-family dwelling; (See Notes 1,2, and 2a) For multi-family, 25 feet minimum, see Sec. 10.247.
R-G (See Notes 3, 9)	30 for single family and two family dwellings; 25 for multi-family dwellings (See Note 9)	8 for single and two family dwellings. For multifamily, see Sec. 10.247	15 for single and two family dwellings. For multifamily, see Sec. 10.247	20 for single and two family dwelling (See Notes 1,2, and 2a; For multifamily, see Sec. 10.247

Proposed Language:

Section 10.245 Area, Height, and Yard Regulations

Zoning District	Yard Depth Front	Minimum Yard Size (Feet From Property Line)		Rear Yard Depth
		Side Yard Width	Side Yard Width Abutting Street	
R-18 (See Section 10.249)	40 (See Note 9)	15	20 (See Note 2)	15 (See Note 1, 2)
R-15 (See Section 10.249)	40 (See Note 9)	10	20 (See Note 2)	15 (See Note 1, 2)
R-12 (See Section 10.249)	30 (See Note 9)	10	20 (See Note 2)	15 (See Note 1,2)
R-9	30 (See Note 9)	8	15 (See Note 2)	15 (See Note 1, 2)
R-7	30 (See Note 9)	8	15 (See Note 2)	15 (See Note 1, 2)
R-MF	30 for single family and two family dwellings; 25 for multi-family dwellings (See Note 9)	8 for single-family and two family dwellings. For multifamily, 25 feet minimum, see Sec. 10.247	15 for single-family and two family dwellings. For multifamily, 25 feet minimum, see Sec. 10.247	15 for single-family and two-family dwelling; (See Notes 1 and 2) For multi-family, 25 feet minimum, see Sec. 10.247.
R-G (See Notes 3, 9)	30 for single family and two family dwellings; 25 for multi-family dwellings (See Note 9)	8 for single and two family dwellings. For multifamily, see Sec. 10.247	15 for single and two family dwellings. For multifamily, see Sec. 10.247	15 for single and two family dwelling (See Notes 1 and 2; For multifamily, see Sec. 10.247

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Develop a compact, mixed-use, and focused pattern of growth. Graham will focus compact development in well-defined areas in order to increase the viability of regional transit, preserve open space, rural areas, and environmentally sensitive lands, efficiently provide public services and infrastructure, and promote infill development and redevelopment. *The relaxation of the rear yard setbacks will likely lead to more neighborhood diversity and larger structures built on existing lots.*

Strategy 2.3.1 Facilitate Focused Development. Incentivize pedestrian-oriented nodal development consistent with this plan by incentivizing smart growth development... *The requirement for large rear-yard setbacks may have a negative effect on the construction of smart growth neighborhoods.*

Planning District

All

Development Type

All

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. *The reduction in required rear yards may allow for more dense development, allowing for more efficient water supply systems.*

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 2035 Plan, in Strategy 2.3.1, as well as Policy 4.3.1, recommends reducing setback requirements for residential lots.

Nathan Page

From: Mike Campbell <mc5590@protonmail.com>
Sent: Monday, July 27, 2020 3:39 PM
To: Nathan Page
Subject: RE: planning help

[NOTICE: This message originated outside of the City of Graham, NC mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Nathan,

If you think that is the best way to go, then I am willing to proceed with the request to amend the residential setback.

If that fails I would assume that the I could still submit a Variance request. I understand that it is rare to get one approved and I would imagine the reason is mostly proving "Unnecessary hardship would result from the strict application of the ordinance". I think the other 3 provisions could easily be demonstrated. I am reading some articles and cases in NC as it applies to Variance to see what has been approved and what some "experts" have said in those regards. The problem appears to be the vague nature of the term "unnecessary hardship".

In this case however, the actual ordinance itself may be cause of the hardship. It applies a modern setback to a lot that would not meet the current area requirements for a lot in the Zone it is in. For instance the current ordinance requirement for a minimum lot area in the R-7 zone is 7,000 square feet with a minimum width of 60 feet which would require a minimum depth of 116.66 to meet area requirements. My lot is approx 5875 square feet and 60 feet wide or only 84% of the current area requirement. Or, basically that the setback is disproportionately applied.

Interesting, just looking through the GIS at single residences where the lot area is equal or less that mine, I would say that a large majority of them are not within the current setback ordinance as they currently stand. It would be interesting to see what the ordinances were at the time it was built in 1943.

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Monday, July 27, 2020 11:41 AM, Nathan Page <npage@cityofgraham.com> wrote:

Mike,

I chatted with a few others in city hall, and one potential option is that you could change the rear yard setback to 15' for residentially zoned properties. It is my personal reading of the fact pattern that you wouldn't get approved for the Variance, and it would require significant effort on your part to put together an application. As the bar for a variance requires 4 out of 5 to be in agreement, and the bar for an amendment requires 3 out of 5 to be in agreement, I'd suggest you apply for an amendment to the Development Ordinance (specifically, change residential setbacks to 15'). All that would be required for this is to respond to this email and let me know you'd like to proceed with the amendment, and then attend the Planning Board and City Council meetings to speak on the item.

Regardless, if you wish to proceed with the Variance, here's the application. I assure you, a 12" bedroom would not be something I could live in, much less a 10" one! Please be aware that the more detailed your Variance application is, the more information the Board of Adjustment will have to write their response to.

Nathan

From: Mike Campbell <mc5590@protonmail.com>
Sent: Monday, July 27, 2020 10:33 AM
To: Nathan Page <npage@cityofgraham.com>
Subject: RE: planning help

[NOTICE: This message originated outside of the City of Graham, NC mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

The little porch (landing/stoop, not sure the best name for it) is something I can work around fairly easily. The back left (bottom right on graph) where the corner is over the line is my real concern. If I have to change the footprint it will make it look like an addition was stuck on to the house. If I can keep it a rectangle of the exact width I can blend it in with extending the roof and siding to where it would look like an original part of the house. While it may not seem like much on the drawing, the difference between a 10" wide bedroom and a 12" wide bedroom is quite significant when you have to live in it. Combine that with the current problem of locating a contractor to talk to about building, I am not sure a couple of months would make much of a difference.

Also just as a side note, I have talked with the owner of the empty lot behind me about the possibility of buying it from them. Not worth figuring on now as I am not certain they will sell, and if so if they will be within my price range. But, if that works out though, it would be interesting to know how that would play into it.

Mike

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Monday, July 27, 2020 10:16 AM, Nathan Page <npage@cityofgraham.com> wrote:

Mike,

The process takes a few months- it might just be easier to slide the porch over to the side?

Nathan

From: Mike Campbell <mc5590@protonmail.com>

Sent: Monday, July 27, 2020 10:10 AM

To: Nathan Page <npage@cityofgraham.com>

Subject: RE: planning help

[NOTICE: This message originated outside of the City of Graham, NC mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I understand, but I guess the worst that they could do would be to say no. To give a picture of what I would be asking for I have attached a rough drawing that is as accurate as I can get based on the measurements in the survey along with a ruler and graph paper. On the ¼ inch grid it is ¼ inch = 4 foot. After drawing I also thought that it may be possible to inset the entryway so that the porch/steps is reduced to be within the line.

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Monday, July 27, 2020 8:13 AM, Nathan Page <npage@cityofgraham.com> wrote:

Mike,

There is a process to request a variance from our Ordinance; however, in the 6 years I've worked here, I've never seen one approved in a case like this. Below is the standard, direct from the North Carolina General Statutes you would need to meet, and be approved by a 4 out of 5 vote from the Board of Adjustment in order to be granted one.

I will point out that the 20' setback is ubiquitous for all residential properties in the City, and I think it will be the hardest one for you to prove. It may also be worth noting that the City Council reduced the rear setback from a maximum of 75' to a 20' maximum in November of 2019.

Sorry to be the bearer of bad news,

Nathan

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

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the

ordinance, such that public safety is secured, and substantial justice is achieved. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

From: Mike Campbell <mc5590@protonmail.com>

Sent: Friday, July 24, 2020 2:59 PM

To: Nathan Page <npage@cityofgraham.com>

Subject: RE: planning help

[NOTICE: This message originated outside of the City of Graham, NC mail system -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Nathan,

So, I guess my next question would be; Is there anyone who I can talk to about an exception based on an average? I know I can not get what I originally wanted, but based on the survey and actually measuring from the house to the imaginary boundary line I have, it appears that I have a little over 28ft on the left rear of the house. However because of the rear property line runs at an angle to the house there is an additional 7-8ft on the right rear. To keep the addition equal on both sides the most I can currently would be the 10ft. If however I was allowed to go over to 12ft, only the rear left would be over the 18 feet for aprox 5ft while the rest would be under the 18ft setback up to 5ft on the right side. Sounds trivial but the extra 2 feet makes a big difference in room size.

Mike Campbell

mike.campbell@protonmail.com

----- Original Message -----

On Monday, July 20, 2020 8:20 AM, Nathan Page
<npage@cityofgraham.com> wrote:

Mike,

The two 'rear yard' calls appear to be omitted here. From a rough scaling, it does look like you have some room to expand, but not too much. In the most favorable interpretation of the Development Ordinance, you'll need an 18ft rear-yard setback (90ft *20% of the yard depth). If you have at least 3' of separation between your home and an accessory structure (covered deck or something), it will fall under the regulation of an accessory structure and the setback requirement is 5'.

Sorry I can't be more helpful on this one,

Nathna

From: Mike Campbell <mc5590@protonmail.com>

Sent: Friday, July 17, 2020 2:30 PM

To: Nathan Page <npage@cityofgraham.com>

Subject: planning help

[NOTICE: This message originated outside of the City of Graham, NC mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Nathan,

Concerning the phone conversation we had this morning I am attaching a scanned copy of the survey information from 2001. Let me know what else I can

provide. Thanks for taking the time to talk with me and trying to figure out exactly what I can do.

Mike Campbell

919-812-0436

mc5590@protonmail.com

Sent with [ProtonMail](#) Secure Email.



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.

Residential Rear Setbacks (AM2004)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 18, 2020

City Council on September 8, 2020

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 18th day of August, 2020.

Attest:

Dean Ward, Planning Board Chair

Debbie Jolly, Secretary



STAFF REPORT

Prepared by Nathan Page, Planning Director

Cherry Creek (CR2003)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on August 18, 2020

City Council on September 8, 2020

Contact Information

Tony Tate, TMTLA Associates

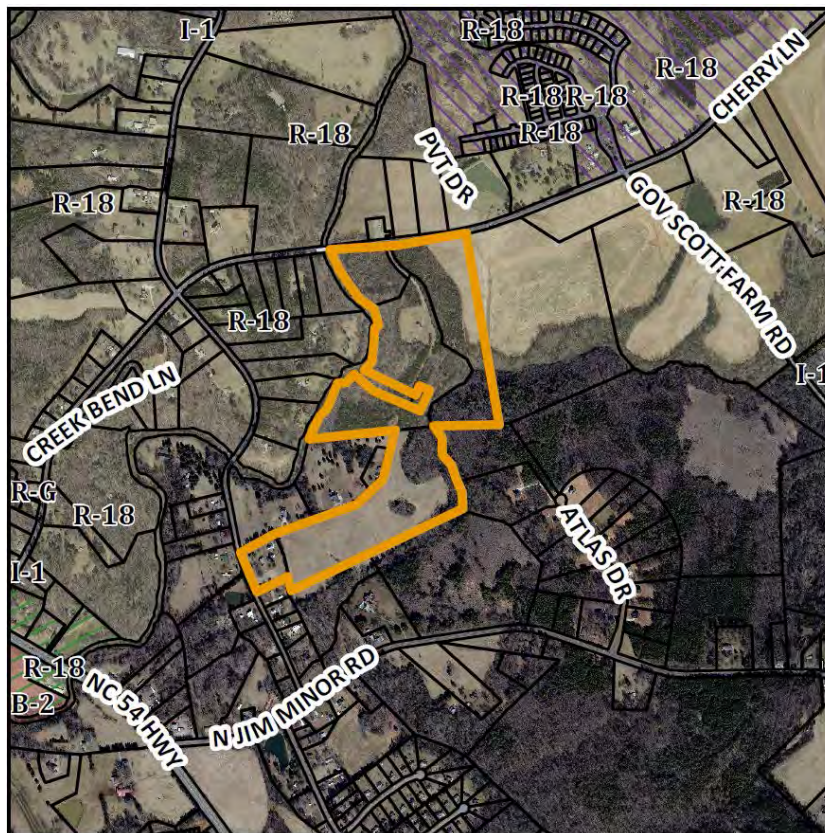
5011 Southpark Drive, Suite 200, Durham NC

27713; 919-484-8880

tony@tmtla.com

Summary

This is a request to initiate zoning, and rezone the subject property as Conditional Residential. The proposed use of the property is for 175 dwelling units, being made up of single family detached. The site is within the identified NCCP, and adjacent to one of the most valuable portions of that park.



The City of Graham, Mebane, and Alamance County have invested significant resources in extending utilities to this location. The potential for this site to be a light-industrial site which could provide employment for the residents of Alamance County. Due to this, the low-density nature of the Northern portion of the development (which is inside the NCCP), is recommended to be required to be no less than 5 dwelling units per acre.

Location

Sugar Ridge Rd Jimmie Kerr Rd

GPIN

8893465385, 8893762882,

8893587021, 8893682433,

8893585808

Current Zoning

unzoned and R-18

Proposed Zoning

Conditional Residential (CR)

Overlay District

none

Surrounding Zoning

unzoned, I-1

Surrounding Land Uses

Single Family, Under Cultivation,
Vacant

Size

Approximately 70 acres

Public Water & Sewer

To Be Extended by Developer

Floodplain

Yes

Staff Recommendation

Approval, with conditions

Open space has been provided internal to the site, as well as to protect the streams upon the site. The subdivision would include a portion of City of Graham's land, which would not be improved other than the installation of a roadway and utilities. No homes will be constructed on the City's land.

Technical Review Committee

The Technical Review Committee is reviewing the application and will provide comments to the applicant prior to the Planning Board meeting. However, comments are not available as of the publication of the packet.

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

Applicable Policies;

- **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 neighborhood is identified in the Alamance County greenway and trail plan, and could include a connection.*
- **3.3.2 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 Graham 2035 Comprehensive Plan expects employment opportunities in the north east portion of this lot, which may impact potential neighborhood.*
- **5.1.1 Housing Variety.** Encourage a mix of housing types within Graham to increase choice. These can include single family dwellings units, multifamily dwelling units, small units, pre-fabricated homes, co-housing and clustered housing. *This project would construct additional single-family-detached housing.*
- **5.2.1 Diverse Neighborhoods.** Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units. *The proposed zoning would allow for single-family-detached.*

Applicable Strategies;

- **1.1.2 Design Guidelines.** Develop commercial and residential site design guidelines that enhance community character and appearance, to be used with special use permits and conditional rezoning applications. *While the City doesn't have design guidelines, they could be required as a condition of approval.*

Development Type: North

Employment District

The employment district should be studied and planned in order to accommodate a range of employers and provide office space, industrial space, commercial space, institutional space, and residential housing. This should be planned to limit environmental impacts, preserve open space and open corridors, and develop high-quality and adaptable buildings for a variety of companies.

Appropriate Density: 6 dwelling units per acre

Development Type: South

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

- **4.2.1 Greenways.** Continue to develop a greenway system that links together the City’s recreational resources. *This neighborhood has a portion of the Alamance County greenway trail network upon it.*
- **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. *The site would connect to existing city sewer, and water with an extension of about 2000 feet.*

Staff Recommendation

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

- Rezoning the property would be in consistence with Policy 3.2.4, and Strategy 4.2.1 of *The Graham 2035 Comprehensive Plan*.



Application for REZONING or CONDITIONAL REZONING

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

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: (SEE ATTACHED)

Tax Map#: _____ GPIN: _____

Current Zoning District(s): UNZONED ALAMANCE CO.

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: RESIDENTIAL & VACANT LAND

Total Site Acres: 69.678 AC.

Property Owner: SEE ATTACHED

Mailing Address: _____

City, State, Zip: _____

Applicant

Property Owner Other TONY M. TATE, PLA

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: TONY M. TATE - TMTLA ASSOCIATES

Mailing Address: 5011 SOUTH PARK DR. SUITE 200

City, State, Zip: DURHAM, NC 27713

Phone # (919) 484-8880

Email: TONY@TMTLA.COM

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

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*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:

CONSTRUCTION OF A RESIDENTIAL NEIGHBORHOOD CONSISTING OF SINGLE FAMILY DETACHED LOTS/HOMES. APPROXIMATELY 175 TOTAL UNITS

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

Office Use Only. DEVID#

Cherry Creek Property Owners July 24, 2020

No.	Property Owner	Owners Address	Site Address	PIN	Zoning	Area	Parcel Id
1	Robert Travis Mullen	2042 Jimmy Kerr Road	Haw River, NC 27258	8893-46-5385	Alamance Co.	3.16	152270
2	Scott Associates-co/ Michael White	5500 Tilley Lane	Gastonia, NC 28056	8893-76-2882	Alamance Co.	23.618	152456
3	Robert Andrew Cagle			8893-58-7021	Alamance Co.	21.619	152386
4	Mary Ella Scott	2680 S. Mebane Street	Burlington, NC 27215	8893-68-2433	Alamance Co.	16.048	170234
5	Janet Louise Scott	2921 Lennox Road NE Unit 205	Atlanta, Georgia 30324	8893-58-5808	Alamance Co.	5.233	152385
					Total Area	69.678	



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.

Cherry Creek (CR2003)
Type of Request
Conditional Rezoning
Meeting Dates
Planning Board on August 18, 2020
City Council on September 8, 2020

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend APPROVAL with the following conditions:**
 - Street stubs to the east, connecting to the NCCP be prohibited.
 - Density of portions within the identified NCCP be no less than 5 dwelling units per acre, to protect the City's investment in water and sewer extensions to the area.
- 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 18th day of August, 2020.

Attest:

Dean Ward, Planning Board Chairman

Nathan Page, Planning Director



STAFF REPORT

Prepared by Nathan Page, Planning Director

Cherry Creek (S2004)

Type of Request: Major Subdivision

Meeting Dates

Planning Board on August 18, 2020

City Council on September 8, 2020

Contact Information

Tony Tate, TMTLA Associates

5011 Southpark Drive, Suite 200, Durham NC

27713; 919-484-8880

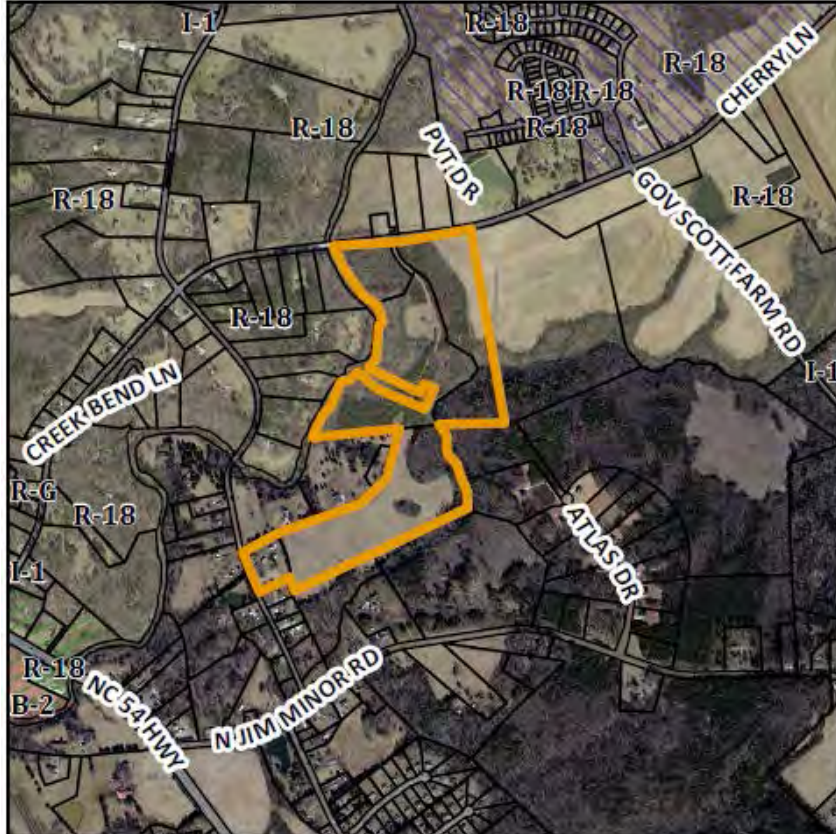
tony@tmtla.com

Summary

This is a request to subdivide the approximately 70 acres of the subject property for up to 175 residential lots. The properties are currently vacant.

Technical Review Committee

The Technical Review Committee will review the application and provide notes prior to the Planning Board meeting, however the complete notes are not available as of the publication of this packet.



Location

Jimmie Kerr and Sugar Ridge Road

GPIN

8893465385, 8893762882,

8893587021, 8893682433,

8893585808

Zoning

R-18, unzoned

Overlay District

none

Surrounding Zoning

R-18, unzoned

Surrounding Land Uses

Single Family, and Vacant

Size

Approximately 70 acres

Public Water & Sewer

In the vicinity

Floodplain

Yes

Staff Recommendation

Approval

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

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. *This proposal permits redundant access to all but a few lots.*
- **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 a condition of TRC approval to connect to the Haw River Trail.*
- **Strategy 4.2.1 Greenways** Continue to develop a greenway system that links together the City's recreational resources. *Alamance County Parks and Recreation is attempting to link many of these neighborhoods with the Haw River Trail.*

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 requires no extension of City sewer services. There is approximately 2000' of water line extension required.*

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff **recommends approval of the subdivision.**

The following supports this recommendation:

Allowing a subdivision in this location removes households from the potential harm from floodways (Policy 4.3.1), and protects greenspace (3.2.4) and promotes a greenway trail system (4.2.1).

Development Type: North

Employment District

The employment district should be studied and planned in order to accommodate a range of employers and provide office space, industrial space, commercial space, institutional space, and residential housing. This should be planned to limit environmental impacts, preserve open space and open corridors, and develop high-quality and adaptable buildings for a variety of companies.

Appropriate Density: 6 dwelling units per acre

Development Type: South

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



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:

LOCATED ON CHERRY LANE AND JIMMIE KERR ROAD AND ALONG BACK CREEK

Tax Map#: SEE ATTACHED GPIN: _____

Current Zoning District(s): ALAMANCE COUNTY

Overlay District, if applicable:

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

Property Owner: (SEE ATTACHED)

Mailing Address: _____

City, State, Zip: _____

Phone # _____

Applicant and Project Contact

Name: TMTLA ASSOCIATES

Property Owner Engineer/Surveyor

Other: LANDSCAPE ARCHITECT

Mailing Address: 5011 SOUTH PARK DR. SUITE 200

City, State, Zip: DURHAM, NC 27713

Phone #: (919) 484-8880

Email: TONY @ TMTLA . COM

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

[Signature] Date 07.24.2020

Submit SUBDIVISION MAPS with this application

Proposed Subdivision

Subdivision Name: CHERRY CREEK

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: 170 Total Acreage: 69.678

Related Development (if any): PROJECT AMENITY

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# <u>52004</u>	Fee \$

Cherry Creek Property Owners July 24, 2020

No.	Property Owner	Owners Address	Site Address	PIN	Zoning	Area	Parcel Id
1	Robert Travis Mullen	2042 Jimmy Kerr Road	Haw River, NC 27258	8893-46-5385	Alamance Co.	3.16	152270
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3	Robert Andrew Cagle			8893-58-7021	Alamance Co.	21.619	152386
4	Mary Ella Scott	2680 S. Mebane Street	Burlington, NC 27215	8893-68-2433	Alamance Co.	16.048	170234
5	Janet Louise Scott	2921 Lennox Road NE Unit 205	Atlanta, Georgia 30324	8893-58-5808	Alamance Co.	5.233	152385
					Total Area	69.678	



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.

**Cherry Creek
(S2004)**
Type of Request
Major Subdivision
Meeting Dates
Planning Board on 8/18/20
City Council on 9/8/20

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

I move to **recommend APPROVAL** with the following condition(s);
• [Insert additional comments]

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 18th day of August 2020.

Attest:

Dean Ward, Planning Board Chairman

Nathan Page, Planning Director