

Graham City Council
Virtual Meeting Agenda
Tuesday, September 8, 2020 @ 6:00 P.M.



Meeting called to order by the Mayor
Invocation

1. Consent Agenda:

- a. Approve Minutes – August 11, 2020 Regular Session (Virtual)
- b. Approve Tax Releases
- c. Approve Resolution Setting Deadline for Agenda Packet Items

2. Old Business/Recommendations from Planning Board:

- a. Public Hearing: AN2003 1455 East Harden Street. Annexation Ordinance for Voluntary Contiguous Annexation for 6.37 acres located at 1455 East Harden Street (GPIN 8893072659)
- b. Public Hearing: Riley's Meadow (GPIN 8893856817 & 8893762882)
 - i. AN2002 Riley's Meadow. Annexation Ordinance for Voluntary Non-Contiguous Annexation for 77 acres located on Jim Minor Road
 - ii. CR2002 Riley's Meadow. Application by Tony Tate for initiation of zoning for 77 acres off Jim Minor Road
- c. S2002 Riley's Meadow. Application by Tony Tate for subdivision for 77 acres off Jim Minor Road
- d. Public Hearing: Cherry Creek (GPIN 8893465385, 8893762882, 8893587021, 8893682433 & 8893585808)
 - i. AN2004 Cherry Creek. Annexation Ordinance for Voluntary Non-Contiguous Annexation for 21.619 acres located on Sugar Ridge Road and Jimmie Kerr Road
 - ii. CR2003 Cherry Creek. Application by Tony Tate for rezoning and initiation of zoning for 70 (+/-) acres off Sugar Ridge Road and Jimmie Kerr Road
- e. S2004 Cherry Creek. Application by Tony Tate for subdivision for 70 (+/-) acres off Sugar Ridge Road and Jimmie Kerr Road
- f. Public Hearing: Text Amendments
 - i. AM2003 Multifamily Setbacks. Request by Dennis Euliss to reduce the triangle setbacks for multifamily structures
 - ii. AM2004 Residential Setbacks. Request by Mike Campbell to reduce the rear yard setbacks for residential lots

3. Requests & Petitions from Citizens:

- a. Request by Travis Laughlin to close the 100 block of West Elm Street from 10 a.m. – 5 p.m. on Saturday, October 3, 2020 for a block party celebrating the life & legacy of Wyatt Outlaw

4. Issues Not on Tonight's Agenda (Public Comment Period)

How to Access the September 8, 2020 Virtual Meeting:

<https://us02web.zoom.us/j/86088326644?pwd=Wit0d0FUyMFDZkg0dWU4MHBITDRodz09>

Passcode: 484257

Or iPhone one-tap:

US: +16465588656,86088326644# or +13017158592,86088326644#

Or Telephone:

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

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

Webinar ID: 860 8832 6644

International numbers available: <https://us02web.zoom.us/j/86088326644?pwd=Wit0d0FUyMFDZkg0dWU4MHBITDRodz09>

**CITY OF GRAHAM
VIRTUAL SESSION
TUESDAY, AUGUST 11, 2020
6:00 P.M.**

The City Council of the City of Graham met in virtual session at 6:00 p.m. on Tuesday, August 11, 2020, via livestreaming media.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Chip Turner
Council Member Melody Wiggins
Council Member Jennifer Talley
Council Member Ricky Hall

Staff Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Jeff Wilson, IT Systems Manager

Mayor Jerry Peterman called the meeting to order and presided at 6:16 p.m. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance. Due to technical difficulties, Council Members lost connection at various times throughout the proceedings.

Consent Agenda:

- a. Approve Minutes – July 10, 2020 Special Session*
- b. Approve Minutes – July 14, 2020 Special Session (Virtual)*
- c. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
AUGUST				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
182237	2020	EXECUTIVE SECRETARIAL SVCS	MOVED TO BURLINGTON	10.46
353742	2020	HARPER, SAMULE MARTIN	ADJUSTED VALUE OF BOAT	46.00
619924	2020	BLACKWELL, DAMIAN AVERY	SOLD JET SKI IN 2019	3.91
661071	2020	SHORT, JOHNNY LEE REVOC TRUST	BPP BILLED TO WRONG ACCT NUMBER	\$153.61
686691	2020	LANE, DAWN PATTISHALL	ADJUSTED VALUE OF BOAT	\$61.65
689377	2020	HANKINS, JOHN VINCENTE	BILLED TO WRONG PROPERTY OWNER (PROCESSED DISCOVERY TO CORRECT OWNER)	\$696.79

- d. Approve Resolution to Adopt the Eno-Haw Regional Hazard Mitigation Plan*

A RESOLUTION TO ADOPT THE ENO-HAW HAZARD MITIGATION PLAN

WHEREAS, in October 2000, the President of the United States signed into law the “Disaster Mitigation Act of 2000” (PL 106-390) to amend the “Robert T. Stafford Disaster Relief and Emergency Act of 1988” which requires local governments to adopt a mitigation plan in order to be eligible for hazard mitigation funding; and

WHEREAS, Federal mitigation planning regulations require local mitigation plans to be updated and resubmitted to the Federal Emergency Management Agency for approval every five years in order to continue eligibility for Federal Emergency Management Agency hazard mitigation assistance programs; and

WHEREAS, North Carolina General Statute §166-A - 19.41, approved by the North Carolina General Assembly in June 2001 requires local governments to have a hazard mitigation plan approved in order to receive state public assistance funds; and

WHEREAS, Alamance County staff along with representatives from partnering jurisdictions in conjunction with contract services have performed a comprehensive review and evaluation of the newly created Eno-Haw Regional Hazard Mitigation Plan and have updated the plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the North Carolina Division of Emergency Management; and

WHEREAS, the North Carolina Division of Emergency Management has deemed the Eno-Haw Regional Hazard Mitigation Plan compliant with Section 322 of the Disaster Mitigation Act of 2000, as well as with relevant state requirements; and

WHEREAS, the Federal Emergency Management Agency has received a draft of the Eno-Haw Regional Hazard Mitigation Plan and is currently reviewing;

NOW THEREFORE, BE IT RESOLVED, that the City Council of The City of Graham hereby adopt, by way of this resolution, the “Eno-Haw Regional Hazard Mitigation Plan” 2020 edition as approved by the North Carolina Division of Emergency Management.

Adopted this the Eleventh day of August, 2020

- e. *Approve Ordinance Rescinding Annexation Ordinance to Extend the Corporate Limits of City of Graham, North Carolina for 1455 East Harden Street (AN2003)*

ORDINANCE
 RESCINDING
 ANNEXATION ORDINANCE
 TO EXTEND THE CORPORATE LIMITS
 OF
 CITY OF GRAHAM, NORTH CAROLINA
 FOR 1455 EAST HARDEN STREET (AN2003)

WHEREAS, Kenneth Smith and Anita Smith, pursuant to G.S. 160A-31 petitioned the City of Graham to annex certain property at 1455 East Harden Street (AN2003); and

WHEREAS, a public hearing on the question of this annexation was held by teleconference at 6:00 P.M. on July 14, 2020; and

WHEREAS, the City Council upon conclusion of the public hearing adopted an Ordinance annexing 1455 East Harden Street as more particularly set forth in the Annexation Ordinance (AN2003) and recorded in the Alamance County Register of Deeds on July 29, 2020 in Book 04027, Start Page 0454 and End Page 0455 which is incorporated herein by reference; and

WHEREAS, The City Council directed by resolution on June 9, 2020, that the required public notice be published in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing; and

WHEREAS, the City Council has determined that the required publication of the public notice failed to occur and has therefore determined that said Ordinance (AN2003) adopted on July 14, 2020 should be rescinded; and

WHEREAS, the City Council, at a meeting of this body upon notice duly convened on August 11, 2020 in accordance with the Open Meetings Law (G.S. Section 143-318.12(b)(2)), considered the matter of the rescission of said Annexation Ordinance (AN2003); and

NOW THEREFORE, the City Council does hereby RESCIND AND REPEAL the action of July 14, 2020 adopting Annexation Ordinance (AN2003); and said action adopting said Ordinance is otherwise of no effect.

The Mayor of the City of Graham shall direct city staff to take all actions required to give full force and effect to this action and shall cause to be recorded in the office of the Register of Deeds of Alamance County, this ORDINANCE RESCINDING ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF CITY OF GRAHAM, NORTH CAROLINA FOR 1455 EAST HARDEN STREET (AN2003).

Adopted this, the 11th day of August, 2020.

- f. Approve Professional Services Agreement with Hazen and Sawyer for engineering services for the improvements and expansion of the Graham Wastewater Treatment Plant*
- g. Petition for Voluntary Non-Contiguous Annexation for 21.619 acres located on Sugar Ridge Road and Jimmie Kerr Road (GPIN 8884821071 & 8884825405) (AN2004):*
 - i. Approve Resolution Requesting City Clerk to Investigate Sufficiency*
 - ii. Approve Resolution Fixing Date of Public Hearing on Question of Annexation*

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58
FOR FIVE PARCELS ON SUGAR RIDGE RD AND JIMMIE KERR ROAD (AN2004).**

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 24, 2020, by the Graham City Council; and

WHEREAS, G.S. 160A-58 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

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

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

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

**RESOLUTION FIXING DATE OF SEPTEMBER 8, 2020 FOR A PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO G.S. 160A-58 FOR A 70 ACRE LOT ON SUGAR RIDGE AND JIMMIE KERR ROADS
(AN2004)**

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC or by teleconference at 6:00 pm on September 8, 2020.

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

Beginning at an existing railroad spike, said railroad spike having state plane coordinates (NAD 83 / NSRS 2011) of N = 839,139.30' & E = 1,895,662.65' and being at a T-intersection on the southern right of way of Cherry Lane (S.R. 2123) and the centerline of Sugar Road; thence making the following calls:

Along the southern right of way of Cherry Lane, North 83°08'34" East, 399.98 feet to a pinched top existing iron pipe;
Thence, on a curve with a radius of 2848.41' and an arc length of 255.15 feet and having a chord bearing of North 80°42'47" East, 255.06 feet to an existing iron pipe;
Thence, leaving the southern right of way of Cherry Lane, South 9°40'08" East, 1,683.80 feet to an existing iron pipe;
Thence, South 88°51'32" West, 556.97 feet to a pinched top existing iron pipe;
Thence, South 87°25'33" West, 26.34 feet to a computed point on approximately the centerline of a creek;
Thence, following the approximate centerline of a creek and making the following calls:

- South 28°45'03" East, 134.31 feet to a computed point; thence,
- South 7°28'21" West, 108.13 feet to a computed point; thence,
- South 39°55'58" East, 230.69 feet to a computed point; thence,
- South 17°55'36" East, 87.61 feet to a computed point; thence,
- South 33°07'57" East, 81.17 feet to a computed point; thence,
- South 8°30'56" East, 130.25 feet to a computed point; thence,
- South 23°48'25" East, 84.14 feet to a computed point; thence,
- South 32°25'15" West, 97.79 feet to a computed point; thence,
- South 38°48'45" West, 55.60 feet to a computed point; thence,
- South 24°25'41" West, 130.25 feet to a computed point; thence,
- South 74°16'13" West, 99.46 feet to a computed point; thence,
- South 58°36'41" West, 53.64 feet to a computed point; thence,
- South 32°09'29" West, 37.30 feet to a computed point; thence,
- South 59°50'22" West, 66.08 feet to a computed point; thence,
- South 44°20'27" West, 48.12 feet to a computed point; thence,

-North 84°17'38" West, 44.79 feet to a computed point; thence,
-South 49°36'31" West, 53.73 feet to a computed point; thence,
-South 24°25'41" West, 130.25 feet to a computed point; thence,

Thence, leaving the approximate centerline of creek, North 32°40'57" West, 251.96 feet to an existing iron pipe;

Thence, South 60°08'43" West, 761.62 feet to an existing iron pipe;

Thence, North 8°47'07" West, 112.23 feet to an existing iron pipe;

Thence, South 67°56'49" West, 319.28 feet to a pike nail set in the centerline of Jimmie Kerr Road;

Thence, along the centerline of said road, North 23°06'44" West, 286.09 feet to a pike nail set;

Thence, North 15°52'35" West, 88.05 feet to a computed point;

Thence, leaving the centerline of Jimmie Kerr Road, North 64°18'53" East, 360.00 feet to a computed point;

Thence, North 25°39'26" West, 17.28 feet to an existing iron pipe;

Thence, North 70°52'15" East, 375.92 feet to an existing iron pipe;

Thence, North 70°52'15" East, 414.08 feet to an existing iron pipe;

Thence, North 46°02'32" East, 251.21 feet to an existing iron pipe;

Thence, North 18°44'26" East, 485.42 feet to the base of an existing iron pipe;

Thence, South 82°24'49" West, 828.00 feet to a computed point;

Thence, North 25°18'19" East, 585.00 feet to a point;

Thence North 50°03'19" East, 185.00 feet to a point;

Thence North 65°06'41" East, 75.02 feet to a point;

Thence North 65°02'24" East, 34.98 feet to a point;

Thence North 28°20'19" East, 42.56 feet to a point;

Thence North 28°20'19" East, 64.67 feet to a point;

Thence North 28°20'19" East, 42.77 feet to a point;

Thence North 6°14'19" East, 29.06 feet to a point;

Thence North 6°14'19" East, 63.05 feet to a point;

Thence North 6°14'19" East, 109.21 feet to a point;

Thence North 6°14'19" East, 68.67 feet to a point;

Thence North 41°55'41" West, 41.32 feet to a point;

Thence North 41°55'41" West, 95.01 feet to a point;

Thence North 36°34'07" West, 154.86 feet to a point;

Thence North 35°02'59" West, 260.00 feet to a point;

Thence North 25°18'59" West, 144.29 feet to a point;

Thence North 83°12'25" East, 49.96 feet to a point;
Thence North 83°11'08" East, 498.33 feet to the point and place of beginning containing 69.678 Acres more or less.

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

Adopted this the 11th day of August, 2020.

CERTIFICATE OF SUFFICIENCY
FOR 70 ACRE AREA ON SUGAR RIDGE ROAD AND JIMMIE KERR ROAD (AN2004)

To the City Council of the City of Graham, North Carolina:

I, Darcy L. Sperry, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by an appointed representative of real property lying in the area described therein, in accordance with G.S. 160A-58.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Graham, this the 5th day of August, 2020.

- h. Petition for Voluntary Contiguous Annexation for 6.37 acres located at 1455 East Harden Street (GPIN 8893072659) (AN2003):*
- i. Approve Resolution Requesting City Clerk to Investigate Sufficiency*
 - ii. Approve Resolution Fixing Date of Public Hearing on Question of Annexation*

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR PROPERTY AT 1455 E HARDEN STREET

WHEREAS, a petition requesting annexation of an area described in said petition was received on June 2, 2020, by the Graham City Council; and

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

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

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

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

RESOLUTION FIXING DATE OF SEPTEMBER 8, 2020 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31 FOR A 6.37 ACRE LOT AT 1455 E HARDEN STREET (AN2003)

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC or by **teleconference at 6:00 pm on September 8, 2020.**

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

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

A certain tract or parcel of land situated in Graham Township, Alamance County, North Carolina, adjoining the lands of NC Highway 54 (E. Harden Street), City of Graham and Michael P Hodges and wife Brenda B. Hodges and being more particularly described as follows:

Beginning at an existing iron pin in the southern margin of the 120 feet right of way of NC Highway 54 (E. Harden Street) and in the western line of the City of Graham; running thence along and continuous with the existing corporate limits line of the City of Graham S 5° 49' 00" W 178.23 feet to an existing iron pin, corner with the City of Graham; running again along and continuous with the northern corporate limits line of the City of Graham, N 88° 27' 00" W 551.88 feet to an existing iron corner pin in the property line of the City of Graham, continuing with the City of Graham N 87° 42' 00" W 401.42 feet to an existing iron pin in the property line of the City of Graham, continuing with the City of Graham N 87° 42' 00" W 223.70 feet to an existing iron pin in the property line of the City of Graham, continuing with the City of Graham and the eastern boundary of Michael P Hodges and wife Brenda B Hodges, N 67° 30' 31" E 827.12 feet to an existing iron pin, continuing again with Hodges, N 83° 53' 02" E 35.15 feet to an existing iron pin, corner of Hodges, continuing again with Hodges N 60° 22' 57" E 170.18 feet to an existing iron pin corner with Hodges in the southern margin of the 120 feet right of way of NC Highway 54(E. Harden Street); thence along the southern margin of the 120 feet right of way of NC Highway 54(E. Harden Street) S 42° 41' 58" E 12.00 feet to an existing iron pin; running thence again with the southern margin of the 120 foot right of way of NC Highway 54(E. Harden Street), S 42° 48' 33" E 351.87 feet to the point of beginning and containing 6.37 acres ± (0.0099 square miles) and being an extension of the City of Graham Corporate Limits.

The foregoing description was taken from a map prepared by Boswell Surveyors, Inc. dated 5/21/2020 entitled Final Plat, Voluntary Satellite Annexation Corporate Limits Extension City of Graham.

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

Adopted this **the 11th day of August, 2020.**

CERTIFICATE OF SUFFICIENCY
FOR A 6.37 ACRE LOT AT 1455 EAST HARDEN STREET GPIN# 8893072659 (AN2003)

To the City Council of the City of Graham, North Carolina:

I, Darcy L. Sperry, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by an appointed representative of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Graham, this the 5th day of August, 2020.

- i. Petition for Voluntary Non-Contiguous Annexation for 77 acres located on Jim Minor Road (GPIN 8893856817 & 8893762882) (AN2002):*
- i. Approve Resolution Requesting City Clerk to Investigate Sufficiency*
- ii. Approve Resolution Fixing Date of Public Hearing on Question of Annexation*

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58
FOR TWO PARCELS ON JIM MINOR ROAD.

WHEREAS, a petition requesting annexation of an area described in said petition was received on June 2, 2020, by the Graham City Council; and

WHEREAS, G.S. 160A-58 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

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

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

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

RESOLUTION FIXING DATE OF SEPTEMBER 8, 2020 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58 FOR A 77 ACRE LOT OFF JIM MINOR ROAD (AN2002)

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC or by **teleconference at 6:00 pm on September 8, 2020.**

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

A CERTAIN TRACT OF LAND SITUATED IN MELVILLE TOWNSHIP, ALAMANCE COUNTY, NORTH CAROLINA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING 3/4 INCH IRON PIPE ON THE NORTHERN MARGIN OF THE MAINTENANCE RIGHT OF WAY FOR N. JIM MINOR ROAD (SR #2135) AND BEING A SOUTHEAST CORNER OF HEREIN DESCRIBED, SAID EXISTING 3/4 INCH IRON PIPE ALSO BEING A SOUTHWESTERLY CORNER OF CHRISTOPHER A. MITSCHERLICH AS DESCRIBED RECORDED IN DEED BOOK 3937 PAGE 0089, THENCE WITH THE WESTERN LINE OF SAID CHRISTOPHER A. MITSCHERLICH AS DESCRIBED RECORDED IN DEED BOOK 3937 PAGE 0089 SOUTH 03 DEG. 26 MIN. 27 SEC. WEST DISTANCE BEING 31.28 FEET TO A POINT IN THE CENTERLINE OF NORTH JIM MINOR ROAD (STATE ROAD#2135) AND THE NORTHERN LINE OF FORMERLY RALPH SCOTT PROPERTY AS SHOWN RECORDED ON PLAR BOOK 15 PAGE 68 NORTH 86 DEG. 27 MIN. 08 SEC. WEST DISTANCE BEING 175.06 FEET TO A POINT IN THE CENTER OF SAID NORTH JIM MINOR ROAD, THENCE WITH AN EASTERN LINE OF GREGORY N BARKMAN AND MARTHA BARKMAN AS DESCRIBED IN DEED BOOK 801 PAGE 646 NORTH 03 DEG. 27 MIN. 57 SEC. EAST DISTANCE BEING 30.89 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE SAME NORTH 03 DEG. 27 MIN. 57 SEC. EAST DISTANCE BEING 402.15 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH A NORTHERN LINE OF THE SAME NORTH 86 DEG. 32 MIN. 57 SEC. WEST DISTANCE BEING 325.22 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH A WESTERN LINE OF THE SAME SOUTH 03 DEG. 25 MIN. 57 SEC. WEST DISTANCE BEING 402.23 TO EXISTING 1/2 INCH IRON PIPE, ON THE AFORESAID NORTHERN MARGIN OF THE MAINTENANCE RIGHT OF WAY FOR N. JIM MINOR ROAD, THENCE WITH A WESTERN LINE OF THE SAME SOUTH 03 DEG. 25 MIN. 57 SEC. WEST DISTANCE BEING 30.25 FEET TO A POINT IN THE CENTERLINE OF NORTH JIM MINOR ROAD (STATE ROAD#2135) AND THE NORTHERN LINE OF FORMERLY RALPH SCOTT PROPERTY AS SHOWN RECORDED ON PLAR BOOK 15 PAGE 68, THENCE WITH THE NORTHERN LINE OF SAID PROPERTY FORMERLY OWNED BY RALPH SCOTT AS SHOWN RECORDED IN PLAT BOOK 15 PAGE 68 NORTH 86 DEG. 27 MIN. 08 SEC. WEST DISTANCE BEING 116.81 FEET TO A POINT IN THE CENTER OF SAID NORTH JIM MINOR ROAD, THENCE WITH THE SAME NORTH 84 DEG. 03 MIN. 37 SEC. WEST DISTANCE BEING 203.60 FEET TO A COMPUTED POINT, THENCE WITH THE SAME NORTH 82 DEG.

26 MIN. 18 SEC. WEST DISTANCE BEING 86.92 FEET TO A NAIL IN THE SOUTHERN EDGE OF PAVEMENT ON NORTH JIM MINOR ROAD, THENCE WITH A WESTERN LINE OF HEREIN DESCRIBED ALSO BEING THE WEST LINE OF MICHAEL AND CAROLYN WHITE AS DESCRIBED IN DEED BOOK 1035 PAGE 627 AND BEING THE EASTERN LINE OF ALAMANCE ACRES SUBDIVISION AS SHOWN RECORDED ON PLAT BOOK 74 PAGE 354 NORTH 13 DEG. 24 MIN. 20 SEC. EAST DISTANCE BEING 39.09 FEET TO AN EXISTING 1/2 INCH IRON PIPE ON THE NORTHERN 30 FOOT RIGHT OF WAY FOR AFORESAID NORTH JIM MINOR ROAD AS SHOWN RECORDED ON PLAT BOOK 74 PAGE 354, THENCE WITH THE SAME NORTH 13 DEG. 24 MIN. 20 SEC. EAST DISTANCE BEING 282.61 FEET TO AN EXISTING 1/2 INCH IRON PIPE BEING THE SOUTHEAST CORNER OF LOT 2 OF THE AFORESAID ALAMANCE ACRES SUBDIVISION, THENCE WITH THE SAME NORTH 13 DEG. 16 MIN. 35 SEC. EAST DISTANCE BEING 263.92 FEET TO AND EXISTING 1/2 INCH IRON PIPE BEING THE SOUTHEASTERN CORNER OF LOT 3 OF THE SAID ALAMANCE ACRES SUBDIVISION, THENCE WITH THE SAME NORTH 13 DEG. 18 MIN. 58 SEC. EAST DISTANCE BEING 309.15 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE NORTH LINE OF SAID MICHAEL AND CAROLYN WHITE AS DESCRIBED IN DEED BOOK 1035 PAGE 627 AND BEING THE SOUTHERN LINE OF LOT 4 OF THE SAID ALAMANCE ACRES SUBDIVISION SOUTH 87 DEG. 07 MIN. 14 SEC. EAST DISTANCE BEING 10.05 FEET TO AN EXISTING 1/2 INCH IRON PIPE BEING THE SOUTHWEST CORNER OF SCOTT

ASSOCIATES AS DESCRIBED IN DEED BOOK 1044 PAGE 467, THENCE WITH THE EASTERN LINE SAID ALAMANCE ACRES SUBDIVISION AND A WESTERN LINE OF SCOTT ASSOCIATES AS DESCRIBED IN DEED BOOK 1044 PAGE 467 NORTH 13 DEG. 23 MIN. 39 SEC. EAST DISTANCE BEING 41.08 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE SAME BEING A CURVE TO THE LEFT A CHORD BEARING OF NORTH 24 DEG. 19 MIN. 53 SEC. WEST CHORD DISTANCE BEING 952.95 FEET ARC-LENGTH BEING 1,025.30 FEET AND HAVING A RADIUS OF 779.37 FEET TO A NEW IRON PIPE, THENCE WITH THE SAME NORTH 61 DEG. 59 MIN. 03 SEC. WEST DISTANCE BEING 70.09 FEET TO A NEW IRON PIPE, THENCE WITH THE SAME BEING A CURVE TO THE LEFT A CHORD BEARING OF SOUTH 76 DEG. 12 MIN. 07 SEC. WEST CHORD DISTANCE BEING 606.70 FEET ARC-LENGTH BEING 664.09 FEET AND HAVING A RADIUS OF 455.00 FEET TO A NEW IRON PIPE ON THE NORTHERN TERMINUS OF ATLAS DRIVE,

THENCE WITH THE EASTERN LINE OF LOT 11 OF THE SAID ALAMANCE ACRES NORTH 32 DEG. 21 MIN. 31 SEC. WEST DISTANCE BEING 743.90 FEET TO A PINCH TOP IRON PIPE IN THE SOUTHERN LINE OF JANET L. SCOTT AND OTHERS AS RECORDED IN DEED BOOK 323 PAGE 513 TRACT 1, SAID EXISTING PINCH TOP IRON PIPE ALSO HAVING 83 NORTH CAROLINA GRID COORDINATES OF N=835,570.3559 FEET AND E=1,896,696.1015 FEET, SAID PINCH TOP IRON ALSO BEING THE NORTHWESTERN MOST CORNER OF HEREIN DESCRIBED, THENCE WITH THE SOUTHERN LINE OF SAID JANET L. SCOTT AND OTHERS AS RECORDED IN DEED BOOK 323 PAGE 513 TRACT 1 AND AS SHOWN AS LOT 1 RECORDED IN PLAT BOOK 73 PAGE 135 NORTH 72 DEG. 59 MIN. 41 SEC. EAST DISTANCE BEING 1206.16 FEET TO AN EXISTING IRON PIPE ON THE TOP OF THE BANK FOR MILL CREEK, THENCE NORTH 72 DEG. 59 MIN. 41 SEC. EAST DISTANCE BEING 24.00 FEET TO THE CENTER OF SAID MILL CREEK, THENCE WITH THE CENTER OF MILL CREEK AND THE SOUTHERN LINE OF CARL A. WESTMAN AS DESCRIBED IN DEED BOOK 2976 PAGE 166 SOUTH THE FOLLOWING 27 CALLS:

1. SOUTH 33 DEG. 53 MIN. 04 SEC. EAST DISTANCE BEING 45.11 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
2. SOUTH 55 DEG. 57 MIN. 33 SEC. EAST DISTANCE BEING 24.07 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
3. NORTH 76 DEG. 48 MIN. 13 SEC. EAST DISTANCE BEING 130.48 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
4. NORTH 66 DEG. 17 MIN. 28 SEC. EAST DISTANCE BEING 53.20 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
5. NORTH 41 DEG. 59 MIN. 56 SEC. EAST DISTANCE BEING 38.01 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
6. NORTH 59 DEG. 48 MIN. 51 SEC. EAST DISTANCE BEING 44.91 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
7. NORTH 76 DEG. 32 MIN. 19 SEC. EAST DISTANCE BEING 35.56 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
8. SOUTH 70 DEG. 10 MIN. 34 SEC. EAST DISTANCE BEING 44.07 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK

9. NORTH 85 DEG. 16 MIN. 13 SEC. EAST DISTANCE BEING 37.48 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
10. NORTH 50 DEG. 51 MIN. 30 SEC. EAST DISTANCE BEING 47.84 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
11. SOUTH 72 DEG. 12 MIN. 13 SEC. EAST DISTANCE BEING 28.85 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
12. SOUTH 28 DEG. 12 MIN. 08 SEC. EAST DISTANCE BEING 26.02 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
13. SOUTH 64 DEG. 22 MIN. 58 SEC. EAST DISTANCE BEING 29.18 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
14. SOUTH 82 DEG. 58 MIN. 28 SEC. EAST DISTANCE BEING 77.81 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
15. SOUTH 54 DEG. 00 MIN. 59 SEC. EAST DISTANCE BEING 27.61 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
16. SOUTH 31 DEG. 08 MIN. 07 SEC. WEST DISTANCE BEING 36.79 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
17. SOUTH 17 DEG. 23 MIN. 16 SEC. WEST DISTANCE BEING 24.12 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
18. SOUTH 36 DEG. 34 MIN. 02 SEC. EAST DISTANCE BEING 29.60 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
19. NORTH 72 DEG. 03 MIN. 37 SEC. EAST DISTANCE BEING 35.84 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
20. SOUTH 81 DEG. 37 MIN. 23 SEC. EAST DISTANCE BEING 57.59 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
21. SOUTH 88 DEG. 43 MIN. 16 SEC. EAST DISTANCE BEING 14.97 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
22. SOUTH 04 DEG. 53 MIN. 15 SEC. EAST DISTANCE BEING 54.10 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK

23. SOUTH 33 DEG. 19 MIN. 54 SEC. EAST DISTANCE BEING 31.05 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

24. SOUTH 80 DEG. 44 MIN. 54 SEC. EAST DISTANCE BEING 23.36 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

25. SOUTH 42 DEG. 50 MIN. 06 SEC. EAST DISTANCE BEING 17.97 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

26. NORTH 87 DEG. 54 MIN. 46 SEC. EAST DISTANCE BEING 152.20 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

27. SOUTH 85 DEG. 45 MIN. 40 SEC. EAST DISTANCE BEING 22.11 FEET,

THENCE WITH THE SOUTHERN LINE OF SAID CARL A. WESTMAN AND LEAVING THE AFORESAID MILL CREEK SOUTH 49 DEG. 54 MIN. 10 SEC. EAST DISTANCE BEING 505.10 FEET TO AN EXISTING IRON PIPE, THENCE WITH THE SAME SOUTH 49 DEG. 54 MIN. 10 SEC. EAST DISTANCE BEING 461.68 FEET TO A REBAR IN CONCRETE, THENCE WITH A NORTHER LINE OF EDWARD A. FRESHWATER AND WIFE IVA FRESHWATER AS DESCRIBED IN DEED BOOK 3563 PAGE 388 SOUTH 74 DEG. 12 MIN. 04 SEC. WEST DISTANCE BEING 50.36 FEET TO AN EXISTING IRON PIPE, THENCE WITH THE SAME SOUTH 74 DEG. 12 MIN. 04 SEC. WEST DISTANCE BEING 433.94 FEET TO AN EXISTING REBAR IN CONCRETE, THENCE WITH A WESTERN LINE OF THE SAME SOUTH 03 DEG. 27 MIN. 56 SEC. WEST DISTANCE BEING 930.51 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE SAME SOUTH 03 DEG. 26 MIN. 55 SEC. WEST DISTANCE BEING 290.49 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE WESTERN LINE OF RUTH A. FRESHWATER AS DESCRIBED IN DEED BOOK 989 PAGE 370 SOUTH 03 DEG. 26 MIN. 11 SEC. WEST DISTANCE BEING 130.12 FEET TO AN EXISTING 3/4 INCH IRON PIPE, THENCE WITH A NORTHER LINE OF CHRISTOPHER A. MITSCHERLICH AS DESCRIBED RECORDED IN DEED BOOK 3937 PAGE 0089 NORTH 86 DEG. 32 MIN. 06 SEC. WEST DISTANCE BEING 149.94 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE WESTERN LINE OF SAID CHRISTOPHER A. MITSCHERLICH SOUTH 03 DEG. 26 MIN. 27 SEC. WEST DISTANCE BEING 439.64 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 77.25 ACRES MORE OR LESS.

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

Adopted this the 11th day of August, 2020.

CERTIFICATE OF SUFFICIENCY
FOR A 77 ACRE AREA OFF JIM MINOR ROAD GPIN# 8893856817 and 8893762882
(AN2002)

To the City Council of the City of Graham, North Carolina:

I, Darcy L. Sperry, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by an appointed representative of real property lying in the area described therein, in accordance with G.S. 160A-58.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Graham, this the 5th day of August, 2020.

Following a request by Mayor Peterman to pull items “g” and “i”, Council Member Ricky Hall made a motion to approve items “a”, “b”, “c”, “d”, “e”, “f” and “h” of the Consent Agenda. Council Member Melody Wiggins seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Mayor Peterman asked Assistant City Manager Aaron Holland to explain the changes made to items “g” and “i”. Mr. Holland stated that the wrong General Statute was referenced on the staff reports for both items included in the agenda packet. He advised that the correct General Statute is G.S. 160A-58 and Council should reference that Statute in their motion. With no discussion forthcoming, Council Member Hall made a motion to approve item “g” as written with the updated language. Council Member Wiggins seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Council Member Hall made a motion to approve item “i” as written with the corrected language, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Old Business:

- a. **Public Hearing: Riley’s Meadow (CR2002). Application by Tony Tate for initiation of zoning for 77 acres off Jim Minor Road (GPIN 8893762882 and 8893856817)***
- b. **S2002 Riley’s Meadow. Application by Tony Tate for subdivision for 77 acres off Jim Minor Road (GPIN 8893762882 and 8893856817)***

Planning Director Nathan Page advised that due to the improper publication of the public notice, Council does not have the authority to rule on the rezoning or subdivision requests until the annexation is official. Mr. Page recommended tabling these items until the next meeting.

Mayor Peterman made a motion to postpone both items until September 8, 2020, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Public Hearing: Project Sort

- a. **Approve Incentive Agreement for Project Sort with United Parcel Service, Inc. and authorize the Mayor, City Manager, City Attorney, City Clerk and Finance Officer to execute the agreement of behalf of the City***

City Manager Frankie Maness explained that staff members from the City of Graham, City of Mebane, and Alamance County have been working to entice United Parcel Service, Inc. to locate a proposed regional headquarters and distribution facility in the NCCP. The facility proposes to employ 451 full time employees with average salaries of \$65,147 and provide a taxable value of \$262,214,000. Mr. Maness added that the properties being considered are NE of the Wal-Mart Distribution Center within the North Carolina Commerce Park and the jurisdiction of the City of Mebane as determined by the existing Line of Agreement (LOA) established between the Cities. As such, the City of Mebane will be the lead agency for development reviews, inspections, and the provider of municipal services. Exact acreage of the site will depend on final facility design. Project Sort will be the fourth incentive project in the NCCP and the sixth project overall. Mr. Maness provided a brief overview of the property being considered and the proposed incentive package.

Following a brief discussion between Council Members and staff, Mayor Peterman opened the Public Hearing.

The following individuals addressed Council Members, Mr. Kevin Zaletel, UPS Senior Project Manager and Mr. Mac Williams, Alamance Chamber President via the livestream:

Patty Allen	Stephanie Ward-2072 Jimmie Kerr Rd. Graham
Maggie Blunk	Nikki Cassette
Carey Griffin	

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Council Members took turns expressing their appreciation to Mr. Maness, Mr. Williams and staff for their hard work in putting together this incentive package. They all felt that UPS would be a wonderful addition to this community.

Mayor Peterman made a motion to approve the Incentive Agreement for Project Sort with United Parcel Service, Inc. and authorize the Mayor, City Manager, City Attorney, City Clerk and Finance Officer to execute the agreement of behalf of the City. Council Member Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Boards & Commissions Appointments:

Mayor Peterman explained the process by which appointments would be made. Each Council Member would be asked to choose the candidate they would like to see appointed and the candidate with the most votes would be who is appointed.

Appearance Commission – term expires 2021

Council Member Jennifer Talley requested that an application from Z.W. Clark Baldwin, received by the City Clerk after the agenda packet deadline be allowed to be considered. Following a brief discussion, Mayor Peterman stated that Ms. Baldwin could be considered for appointment to the Appearance Commission.

City Clerk Darcy Sperry read emails received from Appearance Commission Chair Carla Smith and applicant Renee Russell.

The following represents the votes cast by Council Members:

Council Member	Applicant
Mayor Peterman	Renee Russell
Mayor Pro Tem Turner	Renee Russell
Council Member Wiggins	Renee Russell
Council Member Talley	Z.W. Clark Baldwin
Council Member Hall	Z.W. Clark Baldwin

Mayor Peterman made a motion to appoint Renee Russell to the Appearance Commission, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members. Ayes: Mayor Peterman, Council Member Wiggins and Mayor Pro Tem Turner. Nays: Council Member Talley and Council Member Hall. Motion carried: 3:2.

Historical Museum Advisory Board – 1 term expires 2023, 1 term expires 2022, 1 term expires 2021

The following individual addressed Council Members via the livestream:

Elaine Murrin

The following represents the votes cast by Council Members for the term expiring in 2023:

Council Member	Applicant
Mayor Peterman	Chuck Talley
Mayor Pro Tem Turner	Jennifer Brito
Council Member Wiggins	Beverly Scurry
Council Member Talley	Chuck Talley
Council Member Hall	Chuck Talley

Mayor Peterman made a motion to appoint Chuck Talley to the Historical Museum Advisory Board with a 2023 expiration term, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members. Ayes: Mayor Peterman, Mayor Pro Tem Turner, Council Member Talley and Council Member Hall. Nays: Council Member Wiggins. Motion carried: 4:1.

The following represents the votes cast by Council Members for the term expiring in 2022:

Council Member	Applicant
Mayor Peterman	Jennifer Brito
Mayor Pro Tem Turner	Jennifer Brito
Council Member Wiggins	Beverly Scurry
Council Member Talley	Jennifer Brito
Council Member Hall	Jennifer Brito

Mayor Peterman made a motion to appoint Jennifer Brito to the Historical Museum Advisory Board with a 2022 expiration term, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

The following represents the votes cast by Council Members for the term expiring in 2021:

Council Member	Applicant
Mayor Peterman	Jeanette Beaudry
Mayor Pro Tem Turner	Jeanette Beaudry
Council Member Wiggins	Jeanette Beaudry
Council Member Talley	Jeanette Beaudry
Council Member Hall	Jeanette Beaudry

Mayor Peterman made a motion to appoint Jeanette Beaudry to the Historical Museum Advisory Board with a 2021 expiration term, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

The following individual addressed Council Members via the livestream:

Carey Griffin

Mayor Peterman responded to Ms. Griffin's concern for nepotism. He stated that there is no financial gain to Council Member Talley to have voted for her husband. Council Member Wiggins stated that while it is not illegal in local government to nominate your spouse, it is highly unethical in the oaths and ethics that Council Members have taken.

Recreation Commission – term expires 2023

The following represents the votes cast by Council Members for the term expiring in 2023:

Council Member	Applicant
Mayor Peterman	Pat Moser
Mayor Pro Tem Turner	Pat Moser
Council Member Wiggins	Pat Moser
Council Member Talley	Pat Moser
Council Member Hall	Pat Moser

Mayor Peterman made a motion to appoint Pat Moser to the Recreation Commission with a 2023 expiration term, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Tree Board – term expires 2023

The following individuals addressed Council Members via the livestream:

Jan Searls-526 E. Pine St. Graham	Carey Griffin
Stephanie Ward	Kait Moore
Carmen Larimore	

Prior to the vote, Mayor Peterman asked Council Member Hall to recuse himself. Council Member Hall asked to be recused.

The following represents the votes cast by Council Members for the term expiring in 2023:

Council Member	Applicant
Mayor Peterman	Judy Hall
Mayor Pro Tem Turner	Judy Hall
Council Member Wiggins	Judy Hall
Council Member Talley	Judy Hall
Council Member Hall	Recused

Mayor Peterman made a motion to appoint Judy Hall to the Tree Board with a 2023 expiration term, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman polled the Council Members. Ayes: Mayor Peterman, Mayor Pro Tem Turner, Council Member Wiggins and Council Member Talley.

Council Member Wiggins asked that the minutes reflect that Mayor Peterman asked Council Member Hall to recuse himself while his wife was up for appointment, but did not ask Council Member Talley to recuse herself when her husband was up for appointment.

ALCOVETS Street Closure Request:

- a. Approve Request from Jennifer Talley and Richard Shevlin on behalf of ALCOVETS to close the 100 Block of East Elm Street from 5:00pm on September 10, 2020 to 5:00pm on September 13, 2020 for the 2020 DockDogs Event*

Mayor Peterman advised that this event has been postponed to next year. He made a motion that this event not be considered until next year, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Issues Not on Tonight's Agenda (Public Comment Period):

Ms. Janet Eckleberger of 604 Washington Street Graham joined the livestream and expressed how uncomfortable she was after reading an article in the Washington Post about the confederate monument and how it portrayed Graham.

Ms. Patty Allen of 265 West Shannon Drive Graham joined the livestream and spoke about her frustration with virtual meetings. She also addressed volunteer appointments and taking a chance on new applicants.

Ms. Nikki Cassette joined the livestream and asked Council Member Talley to clarify public remarks about a video showing armed people inside her business outside of normal operating business hours. Mayor Peterman advised Council Member Talley to not respond to that, as that the City is still in litigation. He requested all questions be directed to him. Ms. Cassette asked Mr. Maness if the Police Department or City has followed up on the video.

Ms. Carey Griffin joined the livestream and asked if the video Ms. Cassette referenced is part of the lawsuit. Mayor Peterman stated he did not know if the video is part of the litigation or not.

Mr. Eric Crissman joined the livestream and expressed concern with Council Member Talley not appearing on screen during this meeting. He also expressed concern with the chat feature on Zoom not being visible to the public. Information Technology Systems Manager Jeff Wilson advised that he disabled the chat feature for everyone due to inappropriate comments posted during the Council's first virtual meeting. Mr. Crissman also inquired about the median salary for UPS.

Ms. Elaine Murrin joined the livestream and spoke about including fresh faces on volunteer boards.

Ms. Stephanie Ruiz joined the livestream and expressed concern with Council not addressing the confederate monument.

Ms. Sperry read public comments she received from the following individuals addressing the confederate monument and/or public safety in the City of Graham:

Von Johnson	Amy Cooper
Peter Grant	Bennett Harris

Ms. Sperry also read additional public comments received from Mr. Johnson inquiring about Police patrols in the downtown area and the City's leash law.

Council Member Hall stated that he had received a request to have a three way stop sign at Pomeroy and Water Streets. Mayor Peterman asked staff to have the Police Department look into this.

Mayor Peterman advised that the Fire Department is participating in training at the Burlington training facility.

At 8:13 p.m., Council Member Talley lost connection to the meeting.

At 8:16 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Darcy Sperry, City Clerk

CITY OF GRAHAM
RELEASE ACCOUNTS

SEPTEMBER

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
608275	18-19	CRESCO CAPITAL INC	BPP HAD NOT BEEN DEPRECIATED	131.57
678740	2020	MIXON, MITCHELL ALEXANDER	DID NOT OWN JAN 1	19.46
692162	2020	OLIVER, GORDON	BILLED TO NEW OWNER PER PARK OPERATOR	53.24
679190	2020	CARROLL, DEBRA F	QUALIFIED FOR HOMESTEAD EXEMPTION	\$368.42
556168	2020	TAYLOR, BOBBY	QUALIFIED FOR DISABLED VETERANS EXCLUSION	\$204.75

TOTAL RELEASES 777.44

STAFF REPORT

SUBJECT:	CITY COUNCIL AGENDA PACKET ITEMS DEADLINE
PREPARED BY:	DARCY SPERRY, CITY CLERK

REQUESTED ACTION:

Adopt Agenda Packet Deadline Resolution.

BACKGROUND/SUMMARY:

In June 2016, City Council directed staff to set a deadline for agenda packet items. Staff set an informal deadline of the Wednesday before the City Council’s regularly scheduled monthly meeting. As the City becomes busier and receives more requests for items to be placed on the City Council’s agenda, staff is challenged with not having proper time to review requests before the agenda packet goes out. In an effort to improve the clarity and completeness of items submitted to Council for consideration, staff recommends Council adopt a Resolution setting a formal deadline for agenda packet items.

After consulting with the City’s Attorneys, staff recommends establishing a deadline of 5:00 pm on the Tuesday before the City Council’s regularly scheduled monthly meeting.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. This Resolution aims to establish standards and provide general guidelines for staff in preparing and submitting City Council agenda items for City Council meetings. The information provided is intended to aid in the timely and accurate preparation of staff reports to be included in the City Council’s Agenda packets. The proposed deadline will allow for more review time by staff and/or legal counsel.

SUGGESTED MOTION(S):

I move we adopt the Resolution setting the deadline for agenda packet items to be 5:00 pm on the Tuesday before the City Council’s regularly scheduled monthly meeting.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA TO ADOPT A DEADLINE FOR ITEMS TO BE PLACED IN THE AGENDA PACKET FOR THE REGULAR MONTHLY MEETING

WHEREAS, in 2016, City Council directed staff to establish a deadline for items to be included in the City Council agenda packet; and

WHEREAS, staff established an informal deadline of the Wednesday prior to the City Council's regularly scheduled monthly meeting; and

WHEREAS, timely submission of information will afford accurate preparation of materials;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Graham hereby adopts, by way of this resolution, a deadline for submission of agenda items of 5:00pm on the Tuesday before the regularly scheduled monthly meeting of the City Council of the City of Graham, North Carolina.

ADOPTED this the Eighth day of September, 2020.

Gerald R. Peterman, Mayor

ATTEST:

Darcy L. Sperry, City Clerk

PLANNING ZONING BOARD
Tuesday, August 18, 2020

The Planning & Zoning Board held their regular meeting on Tuesday, August 18, 2020 as an Online Zoom Meeting at 7:00 p.m. Board members present were Dean Ward, Justin Moody, Nate Perry, Eric Crissman, Bobby Chin, Tony Bailey, and Michael Benesch. Staff members present were Nathan Page, Debbie Jolly, and Jeff Wilson. Chairman Ward called the meeting to order, gave the Overview of the Board, and general meeting rules.

1. Approval of the July 21, 2020 minutes. A motion was made to approve the minutes by Bobby Chin, Seconded by Eric Crissman. All vote Aye.
2. New Business
 - a. AM2003 Multifamily Setback. Application by Dennis Euliss to remove the triangle setbacks for multifamily structures. Mr. Page gave an overview of the request. Mr. Euliss was not present. The board had a brief discussion about the set guidelines. Eric Crissman made a motion to approve text amendment it is consistent with the 2035 Comprehensive Plan of 2.3.1, 4.3.1. Seconded by Michael Benesch. 6-1 Bobby Chin voted Nay.
 - b. AM2004 Residential Setback- Nathan gave an overview of this request- Mike Campbell 405 N Maple St. requested setback be moved from 20 ft. to 15 ft. it's an older neighborhood and he would like to add a rear bedroom on. Mr. Campbell's communications stated that rear setbacks were an issue for may of the lots in his neighborhood. The planning board had a few questions for the applicant. After a brief discussion with the board, Mr. Chin made a motion to deny the setback request this application is not fully consistent with The Graham 2035 Comprehensive Plan. Not reasonable to change setback should request a variance. Seconded by Dean Ward. 5-2 Nate Perry and Eric Crissman voted Nay.
 - 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's 8893465385 88993762882,8893587021,893682433 and .889358808. Nathan Page presented the project to the board. This is 70 acres with 175 units purposed, single family homes. Tony Tate, 5011 S Park Dr. Durham, the site Landscape Architect gave an overview of his project, and stated they left a large area for open space 47% which is 32.97 acres. The following people spoke against the rezoning, citing traffic concerns and density and the size of house on the lots, as well as changing the country setting.

Stephanie Ward	2072 Jimmie Kerr Road
Kim Minter	1906 Jimmie Kerr Road
Michelle Morris	1800 Cherry Lane
Angela Willis	1408 N. Jim Minor Road

Christie Wood

2038 Jimmie Kerr Road

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.

Andrew Cagle
Michael White

1677 Cherry Lane
5500 Tillary Lane, Gastonia

The board had several questions for Mr. Tate. They had a discussion between the board members. Mr. Chin made a motion to approve with the following conditions, 1. 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 the water and sewer extensions to the area. Lot sizes no less than 12,000 square feet. The application is consistent with the 2035 Comprehensive Plan Strategy 3.3.2. Seconded by Michael Benesch. The motion passed 5-2, Eric Crissman and Nate Perry voted Nay.

3. 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. Nathan Page presented the subdivision project. The board had a brief discussion. Nate Perry made a motion to approve the application as it is consistent with the 2035 Comprehensive Plan and to increase available housing. Seconded by Eric Crissman. All vote Aye. Old Business

- a. Fee for rezoning Application-Nathan Page gave a slide showing the fee for zoning fees around our area. Chairman Ward ask what it cost each month to do the mailings each month. Mr. Ward ask for the fees coming in and going out. The board asked several questions about the fees and cost we spend each month. Nathan agree to get a cost on advertisement, paper, envelopes and stamps before the next meeting.
 - b. Open Space Subdivision –Nathan gave an overview of what this consist of An example of 28,000 square feet open space diagram. Chairman Ward Thanked Mr. Page for this and stated it was very helpful.
4. Public comment on non-agenda items. There were no public comments.

Eric Crissman made a motion to adjourn, Bobby Chin seconded. All voted Aye.

No further business the meeting was adjourned at 9:22 PM.

Respectfully Submitted,
Debbie Jolly

STAFF REPORT

SUBJECT:	ANNEXATION OF 1455 E HARDEN STREET
PREPARED BY:	NATHAN PAGE, PLANNING DIRECTOR

REQUESTED ACTION:

Approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina, for a lot located at 1455 E Harden Street.

BACKGROUND/SUMMARY:

The attached petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is 1455 E Harden Street (Approx 6.4 acres). Water is available at this location, and the applicant wishes to tie onto the City waterlines.

The annexation process has multiple steps. Following a public hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process.



FISCAL IMPACT:

The fiscal impact to the City is expected to be negligible. There are already water and lines available at the property, and the City provides trash service in the vicinity.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

1. I move we approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for 1455 E Harden Street.

ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR 1455 E HARDEN STREET (AN2003)

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 6:00 P.M. on September 8, 2020, after due notice by publication on August 20, 2020; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of September 30, 2020:

A certain tract or parcel of land situated in Graham Township, Alamance County, North Carolina, adjoining the lands of NC Highway 54 (E. Harden Street), City of Graham and Michael P Hodges and wife Brenda B. Hodges and being more particularly described as follows:

Beginning at an existing iron pin in the southern margin of the 120 feet right of way of NC Highway 54 (E. Harden Street) and in the western line of the City of Graham; running thence along and continuous with the existing corporate limits line of the City of Graham S 5° 49' 00" W 178.23 feet to an existing iron pin, corner with the City of Graham; running again along and continuous with the northern corporate limits line of the City of Graham, N 88° 27' 00" W 551.88 feet to an existing iron corner pin in the property line of the City of Graham, continuing with the City of Graham N 87° 42' 00" W 401.42 feet to an existing iron pin in the property line of the City of Graham, continuing with the City of Graham N 87° 42' 00" W 223.70 feet to an existing iron pin in the property line of the City of Graham, continuing with the City of Graham and the eastern boundary of Michael P Hodges and wife Brenda B Hodges, N 67° 30' 31" E 827.12 feet to an existing iron pin, continuing again with Hodges, N 83° 53' 02" E 35.15 feet to an existing iron pin, corner of Hodges, continuing again with Hodges N 60° 22' 57" E 170.18 feet to an existing iron pin corner with Hodges in the southern margin of the 120 feet right of way of NC Highway 54(E. Harden Street); thence along the southern margin of the 120 feet right of way of NC Highway 54(E. Harden Street) S 42° 41' 58" E 12.00 feet to an existing iron pin; running thence again with the southern margin of the 120 foot right of way of NC Highway 54(E. Harden Street), S 42° 48' 33" E 351.87 feet to the point of beginning and containing 6.37 acres ± (0.0099 square miles) and being an extension of the City of Graham Corporate Limits.

The foregoing description was taken from a map prepared by Boswell Surveyors, Inc. dated 5/21/2020 entitled Final Plat, Voluntary Satellite Annexation Corporate Limits Extension City of Graham.

Section 2. Upon and after September 30, 2020, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this, the 8th day of September, 2020.

Gerald R. Peterman, Mayor

ATTEST:

APPROVED AS TO FORM:

Darcy L. Sperry, City Clerk

Bryan Coleman, City Attorney

ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR TWO LOTS OFF JIM MINOR ROAD (AN2002)

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-58 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 6:00 P.M. on September 8, 2020, after due notice by publication on August 20, 2020; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-58;

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

Section 1. By virtue of the authority granted by G.S. 160A-58, the following described territory is hereby annexed and made part of the City of Graham as of September 8, 2020:

A CERTAIN TRACT OF LAND SITUATED IN MELVILLE TOWNSHIP, ALAMANCE COUNTY, NORTH CAROLINA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING 3/4 INCH IRON PIPE ON THE NORTHERN MARGIN OF THE MAINTENANCE RIGHT OF WAY FOR N. JIM MINOR ROAD (SR #2135) AND BEING A SOUTHEAST CORNER OF HEREIN DESCRIBED, SAID EXISTING 3/4 INCH IRON PIPE ALSO BEING A SOUTHWESTERLY CORNER OF CHRISTOPHER A. MITSCHERLICH AS DESCRIBED RECORDED IN DEED BOOK 3937 PAGE 0089, THENCE WITH THE WESTERN LINE OF SAID CHRISTOPHER A. MITSCHERLICH AS DESCRIBED RECORDED IN DEED BOOK 3937 PAGE 0089 SOUTH 03 DEG. 26 MIN. 27 SEC. WEST DISTANCE BEING 31.28 FEET TO A POINT IN THE CENTERLINE OF NORTH JIM MINOR ROAD (STATE ROAD#2135) AND THE NORTHERN LINE OF FORMERLY RALPH SCOTT PROPERTY AS SHOWN RECORDED ON PLAR BOOK 15 PAGE 68 NORTH 86 DEG. 27 MIN. 08 SEC. WEST DISTANCE BEING 175.06 FEET TO A POINT IN THE CENTER OF SAID NORTH JIM MINOR ROAD, THENCE WITH AN EASTERN LINE OF GREGORY N BARKMAN AND MARTHA BARKMAN AS DESCRIBED IN DEED BOOK 801 PAGE 646 NORTH 03 DEG. 27 MIN. 57 SEC. EAST DISTANCE BEING 30.89 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE SAME NORTH 03 DEG. 27 MIN. 57 SEC. EAST DISTANCE BEING 402.15 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH A NORTHERN LINE OF THE SAME NORTH 86 DEG. 32 MIN. 57 SEC. WEST DISTANCE BEING 325.22 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH A WESTERN LINE OF THE SAME SOUTH 03 DEG. 25 MIN. 57 SEC. WEST DISTANCE BEING 402.23 TO EXISTING 1/2 INCH IRON PIPE, ON THE AFORESAID NORTHERN MARGIN OF THE MAINTENANCE RIGHT OF WAY FOR N. JIM MINOR ROAD, THENCE WITH A WESTERN LINE OF THE SAME SOUTH 03 DEG. 25 MIN. 57 SEC. WEST DISTANCE BEING 30.25 FEET TO A POINT IN THE CENTERLINE OF NORTH JIM MINOR ROAD (STATE ROAD#2135) AND THE NORTHERN LINE OF FORMERLY RALPH SCOTT PROPERTY AS SHOWN RECORDED ON PLAR BOOK 15 PAGE 68, THENCE WITH THE NORTHERN LINE OF SAID PROPERTY FORMERLY OWNED BY RALPH SCOTT AS SHOWN RECORDED IN PLAT BOOK 15 PAGE 68 NORTH 86 DEG. 27 MIN. 08 SEC. WEST DISTANCE BEING 116.81 FEET TO A POINT IN THE CENTER OF SAID NORTH JIM MINOR ROAD, THENCE WITH THE SAME NORTH 84 DEG. 03 MIN. 37 SEC. WEST DISTANCE BEING 203.60 FEET TO A COMPUTED POINT, THENCE WITH THE SAME NORTH 82 DEG.

26 MIN. 18 SEC. WEST DISTANCE BEING 86.92 FEET TO A NAIL IN THE SOUTHERN EDGE OF PAVEMENT ON NORTH JIM MINOR ROAD, THENCE WITH A WESTERN LINE OF HEREIN DESCRIBED ALSO BEING THE WEST LINE OF MICHAEL AND CAROLYN WHITE AS DESCRIBED IN DEED BOOK 1035 PAGE 627 AND BEING THE EASTERN LINE OF ALAMANCE ACRES SUBDIVISION AS SHOWN RECORDED ON PLAT BOOK 74 PAGE 354 NORTH 13 DEG. 24 MIN. 20 SEC. EAST DISTANCE BEING 39.09 FEET TO AN EXISTING 1/2 INCH IRON PIPE ON THE NORTHERN 30 FOOT RIGHT OF WAY FOR AFORESAID NORTH JIM MINOR ROAD AS SHOWN

RECORDED ON PLAT BOOK 74 PAGE 354, THENCE WITH THE SAME NORTH 13 DEG. 24 MIN. 20 SEC. EAST DISTANCE BEING 282.61 FEET TO AN EXISTING 1/2 INCH IRON PIPE BEING THE SOUTHEAST CORNER OF LOT 2 OF THE AFORESAID ALAMANCE ACRES SUBDIVISION, THENCE WITH THE SAME NORTH 13 DEG. 16 MIN. 35 SEC. EAST DISTANCE BEING 263.92 FEET TO AND EXISTING 1/2 INCH IRON PIPE BEING THE SOUTHEASTERN CORNER OF LOT 3 OF THE SAID ALAMANCE ACRES SUBDIVISION, THENCE WITH THE SAME NORTH 13 DEG. 18 MIN. 58 SEC. EAST DISTANCE BEING 309.15 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE NORTH LINE OF SAID MICHAEL AND CAROLYN WHITE AS DESCRIBED IN DEED BOOK 1035 PAGE 627 AND BEING THE SOUTHERN LINE OF LOT 4 OF THE SAID ALAMANCE ACRES SUBDIVISION SOUTH 87 DEG. 07 MIN. 14 SEC. EAST DISTANCE BEING 10.05 FEET TO AN EXISTING 1/2 INCH IRON PIPE BEING THE SOUTHWEST CORNER OF SCOTT ASSOCIATES AS DESCRIBED IN DEED BOOK 1044 PAGE 467, THENCE WITH THE EASTERN LINE SAID ALAMANCE ACRES SUBDIVISION AND A WESTERN LINE OF SCOTT ASSOCIATES AS DESCRIBED IN DEED BOOK 1044 PAGE 467 NORTH 13 DEG. 23 MIN. 39 SEC. EAST DISTANCE BEING 41.08 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE SAME BEING A CURVE TO THE LEFT A CHORD BEARING OF NORTH 24 DEG. 19 MIN. 53 SEC. WEST CHORD DISTANCE BEING 952.95 FEET ARC-LENGTH BEING 1,025.30 FEET AND HAVING A RADIUS OF 779.37 FEET TO A NEW IRON PIPE, THENCE WITH THE SAME NORTH 61 DEG. 59 MIN. 03 SEC. WEST DISTANCE BEING 70.09 FEET TO A NEW IRON PIPE, THENCE WITH THE SAME BEING A CURVE TO THE LEFT A CHORD BEARING OF SOUTH 76 DEG. 12 MIN. 07 SEC. WEST CHORD DISTANCE BEING 606.70 FEET ARC-LENGTH BEING 664.09 FEET AND HAVING A RADIUS OF 455.00 FEET TO A NEW IRON PIPE ON THE NORTHERN TERMINUS OF ATLAS DRIVE,

THENCE WITH THE EASTERN LINE OF LOT 11 OF THE SAID ALAMANCE ACRES NORTH 32 DEG. 21 MIN. 31 SEC. WEST DISTANCE BEING 743.90 FEET TO A PINCH TOP IRON PIPE IN THE SOUTHERN LINE OF JANET L. SCOTT AND OTHERS AS RECORDED IN DEED BOOK 323 PAGE 513 TRACT 1, SAID EXISTING PINCH TOP IRON PIPE ALSO HAVING 83 NORTH CAROLINA GRID COORDINATES OF N=835,570.3559 FEET AND E=1,896,696.1015 FEET, SAID PINCH TOP IRON ALSO BEING THE NORTHWESTERN MOST CORNER OF HEREIN DESCRIBED, THENCE WITH THE SOUTHERN LINE OF SAID JANET L. SCOTT AND OTHERS AS RECORDED IN DEED BOOK 323 PAGE 513 TRACT 1 AND AS SHOWN AS LOT 1 RECORDED IN PLAT BOOK 73 PAGE 135 NORTH 72 DEG. 59 MIN. 41 SEC. EAST DISTANCE BEING 1206.16 FEET TO AN EXISTING IRON PIPE ON THE TOP OF THE BANK FOR MILL CREEK, THENCE NORTH 72 DEG. 59 MIN. 41 SEC. EAST DISTANCE BEING 24.00 FEET TO THE CENTER OF SAID MILL CREEK, THENCE WITH THE CENTER OF MILL CREEK AND THE SOUTHERN LINE OF CARL A. WESTMAN AS DESCRIBED IN DEED BOOK 2976 PAGE 166 SOUTH THE FOLLOWING 27 CALLS:

1. SOUTH 33 DEG. 53 MIN. 04 SEC. EAST DISTANCE BEING 45.11 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
2. SOUTH 55 DEG. 57 MIN. 33 SEC. EAST DISTANCE BEING 24.07 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
3. NORTH 76 DEG. 48 MIN. 13 SEC. EAST DISTANCE BEING 130.48 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
4. NORTH 66 DEG. 17 MIN. 28 SEC. EAST DISTANCE BEING 53.20 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
5. NORTH 41 DEG. 59 MIN. 56 SEC. EAST DISTANCE BEING 38.01 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
6. NORTH 59 DEG. 48 MIN. 51 SEC. EAST DISTANCE BEING 44.91 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK

7. NORTH 76 DEG. 32 MIN. 19 SEC. EAST DISTANCE BEING 35.56 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
8. SOUTH 70 DEG. 10 MIN. 34 SEC. EAST DISTANCE BEING 44.07 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
9. NORTH 85 DEG. 16 MIN. 13 SEC. EAST DISTANCE BEING 37.48 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
10. NORTH 50 DEG. 51 MIN. 30 SEC. EAST DISTANCE BEING 47.84 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
11. SOUTH 72 DEG. 12 MIN. 13 SEC. EAST DISTANCE BEING 28.85 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
12. SOUTH 28 DEG. 12 MIN. 08 SEC. EAST DISTANCE BEING 26.02 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
13. SOUTH 64 DEG. 22 MIN. 58 SEC. EAST DISTANCE BEING 29.18 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
14. SOUTH 82 DEG. 58 MIN. 28 SEC. EAST DISTANCE BEING 77.81 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
15. SOUTH 54 DEG. 00 MIN. 59 SEC. EAST DISTANCE BEING 27.61 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
16. SOUTH 31 DEG. 08 MIN. 07 SEC. WEST DISTANCE BEING 36.79 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
17. SOUTH 17 DEG. 23 MIN. 16 SEC. WEST DISTANCE BEING 24.12 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
18. SOUTH 36 DEG. 34 MIN. 02 SEC. EAST DISTANCE BEING 29.60 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
19. NORTH 72 DEG. 03 MIN. 37 SEC. EAST DISTANCE BEING 35.84 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
20. SOUTH 81 DEG. 37 MIN. 23 SEC. EAST DISTANCE BEING 57.59 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK

21. SOUTH 88 DEG. 43 MIN. 16 SEC. EAST DISTANCE BEING 14.97 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

22. SOUTH 04 DEG. 53 MIN. 15 SEC. EAST DISTANCE BEING 54.10 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

23. SOUTH 33 DEG. 19 MIN. 54 SEC. EAST DISTANCE BEING 31.05 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

24. SOUTH 80 DEG. 44 MIN. 54 SEC. EAST DISTANCE BEING 23.36 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

25. SOUTH 42 DEG. 50 MIN. 06 SEC. EAST DISTANCE BEING 17.97 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

26. NORTH 87 DEG. 54 MIN. 46 SEC. EAST DISTANCE BEING 152.20 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

27. SOUTH 85 DEG. 45 MIN. 40 SEC. EAST DISTANCE BEING 22.11 FEET,

THENCE WITH THE SOUTHERN LINE OF SAID CARL A. WESTMAN AND LEAVING THE AFORESAID MILL CREEK SOUTH 49 DEG. 54 MIN. 10 SEC. EAST DISTANCE BEING 505.10 FEET TO AN EXISTING IRON PIPE, THENCE WITH THE SAME SOUTH 49 DEG. 54 MIN. 10 SEC. EAST DISTANCE BEING 461.68 FEET TO A REBAR IN CONCRETE, THENCE WITH A NORTHER LINE OF EDWARD A. FRESHWATER AND WIFE IVA FRESHWATER AS DESCRIBED IN DEED BOOK 3563 PAGE 388 SOUTH 74 DEG. 12 MIN. 04 SEC. WEST DISTANCE BEING 50.36 FEET TO AN EXISTING IRON PIPE, THENCE WITH THE SAME SOUTH 74 DEG. 12 MIN. 04 SEC. WEST DISTANCE BEING 433.94 FEET TO AN EXISTING REBAR IN CONCRETE, THENCE WITH A WESTERN LINE OF THE SAME SOUTH 03 DEG. 27 MIN. 56 SEC. WEST DISTANCE BEING 930.51 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE SAME SOUTH 03 DEG. 26 MIN. 55 SEC. WEST DISTANCE BEING 290.49 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE WESTERN LINE OF RUTH A. FRESHWATER AS DESCRIBED IN DEED BOOK 989 PAGE 370 SOUTH 03 DEG. 26 MIN. 11 SEC. WEST DISTANCE BEING 130.12 FEET TO AN EXISTING 3/4 INCH IRON PIPE, THENCE WITH A NORTHER LINE OF CHRISTOPHER A. MITSCHERLICH AS DESCRIBED RECORDED IN DEED BOOK 3937 PAGE 0089 NORTH 86 DEG. 32 MIN. 06 SEC. WEST DISTANCE BEING 149.94 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE WESTERN LINE OF SAID CHRISTOPHER A. MITSCHERLICH SOUTH 03 DEG. 26 MIN. 27 SEC. WEST DISTANCE BEING 439.64 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 77.25 ACRES MORE OR LESS.

Section 2. Upon and after September 8, 2020, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this, the 8th day of September, 2020.

Gerald R. Peterman, Mayor

ATTEST:

APPROVED AS TO FORM:

Darcy L. Sperry, City Clerk

Bryan Coleman, City Attorney



STAFF REPORT

Prepared by Nathan Page, Planning Director

Riley's Meadow (CR2002)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on June 16, 2020
City Council on July 14, August 11 & September 8, 2020

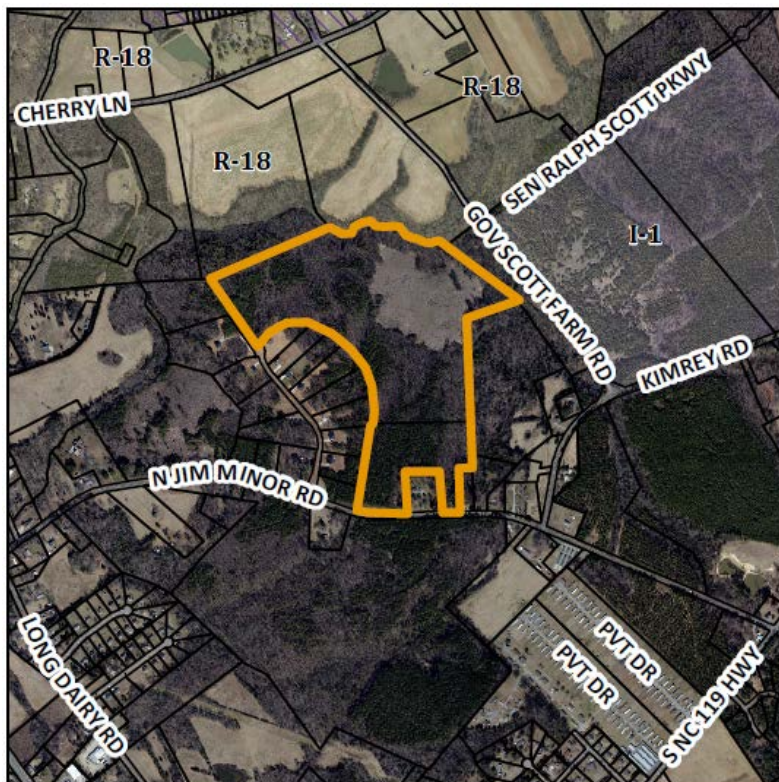
Contact Information

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 upon the subject property as Conditional Residential. The proposed use of the property is for 393 dwelling units, with a mixture of townhomes and single family detached units. While the site is within the identified NCCP, the location of the park and the existing residential density on Atlas Drive suggest that this location may be better served by residences than an industrial complex.

Open space has been provided internal to the site, as well as to protect the wetlands and streams upon the site. This development is across the street from the Graham Regional Park, which has recently opened the second phase.



Location

Jim Minor Road

GPIN

8893762882, 8893856871

Current Zoning

unzoned

Proposed Zoning

Conditional Residential (CR)

Overlay District

none

Surrounding Zoning

unzoned, R-18, I-1

Surrounding Land Uses

Single Family, Under Cultivation,
Vacant, Distribution, City Park

Size

Approximately 77 acres

Public Water & Sewer

To Be Extended by Developer

Floodplain

Yes

Staff Recommendation

Approval

Technical Review Committee

The Technical Review Committee reviewed the application and provided comments to the applicant via the Planning Director. As of the publishing of this agenda packet, the applicant had not responded to the comments. There are substantial required revisions to the plans, which may result in the loss of a few units for stormwater control, but would not require a new roadway be constructed.

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 across Jim Minor Road from our largest park, and could include a crosswalk to the park, if it is an amenity the City Council desires.*
- **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 a Potential Activity Center to develop within the half-mile walkable radius of this 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 townhomes, as well as single-family-detached to increase housing choice in Graham.*
- **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 both townhomes and single-family-detached in the same neighborhood.*

Planning Type

Employment District

Development Type

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.

Density of 6 DU/acre

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.*
- **4.2.1 Greenways.** Continue to develop a greenway system that links together the City’s recreational resources. *This neighborhood has the potential to have easy access to Graham’s largest park.*
- **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 only a short extension.*

Staff Recommendation

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

- Rezoning the property would be in consistence with Policy 3.2.4, 5.2.1, and Strategy 4.3.1 of *The Graham 2035 Comprehensive Plan*.



Application for REZONING or CONDITIONAL REZONING

P.O. Drawer 357
201 South Main Street
Graham, NC 27255
(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: 1430 & 1530 N. JIM MINOR RD.
Tax Map#: 152456 GPIN: 8893762882
152471 8893856871
Current Zoning District(s): 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 44
Current Use: VACANT
Total Site Acres: _____
Property Owner: MICHAEL & CAROLYN WHITE TRUSTEE
SCOTT ASSOCIATES
Mailing Address: 5500 TILLEY LANE
City, State, Zip: GASTONIA, NC 28056

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 LOTS AND TOWNHOMES. THE NEIGHBORHOOD SHALL CONTAIN approximately 393 total units.

Applicant

Property Owner Other LANDSCAPE ARCHITECT
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: TMTLA ASSOCIATES
Mailing Address: 5011 SOUTH PARK DR. SUITE 200
City, State, Zip: DURHAM, NC 27713
Phone #: (919) 484-8880
Email: Tony@TMTLA.com

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#

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

Signature of Applicant _____ Date 5.20.20

Riley's Meadow

PRELIMINARY SUBDIVISION PLAN

MELVILLE TOWNSHIP, GRAHAM, NORTH CAROLINA



TMTLA ASSOCIATES
5011 SOUTHPARK DRIVE, STE. 200 - DURHAM, NC 27713
P: (919) 484-8888 E: tmtla@tmtla.com



B & F
CONSULTING
2805 Tobermory Lane
Raleigh, NC 27608
Phone No. (919) 618-0180
License No. C-2149

COVER
Riley's Meadow
JIM MINOR ROAD, GRAHAM, NC
CAROLINA LAND GROUP, CARY, NC

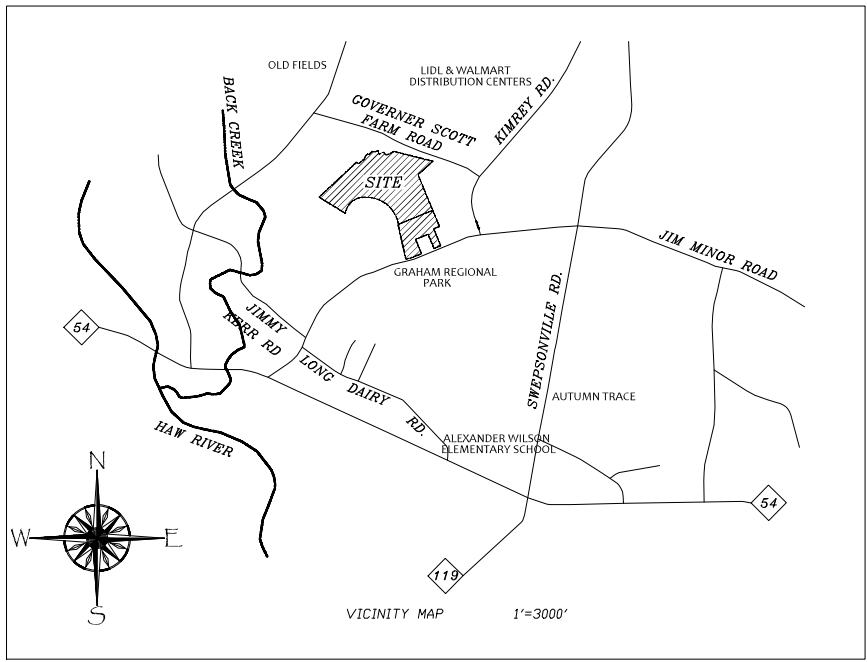
SCALE:
1"=100'
DRAWN BY:
CDR
PROJECT #
19190
DATE:
6/12/2020
SHEET
COVER
OF 5

SUBMITTALS

FIRST SUBMITTAL _____	5/25/2020
SECOND SUBMITTAL _____	6/12/2020
THIRD SUBMITTAL _____	6/18/2020

INDEX

COVER SHEET	
PRELIMINARY SITE PLAN _____	MP-1
DETAILS _____	MP-2
PRELIMINARY UTILITY PLAN _____	C-1
WATERLINE EXHIBIT _____	C-2



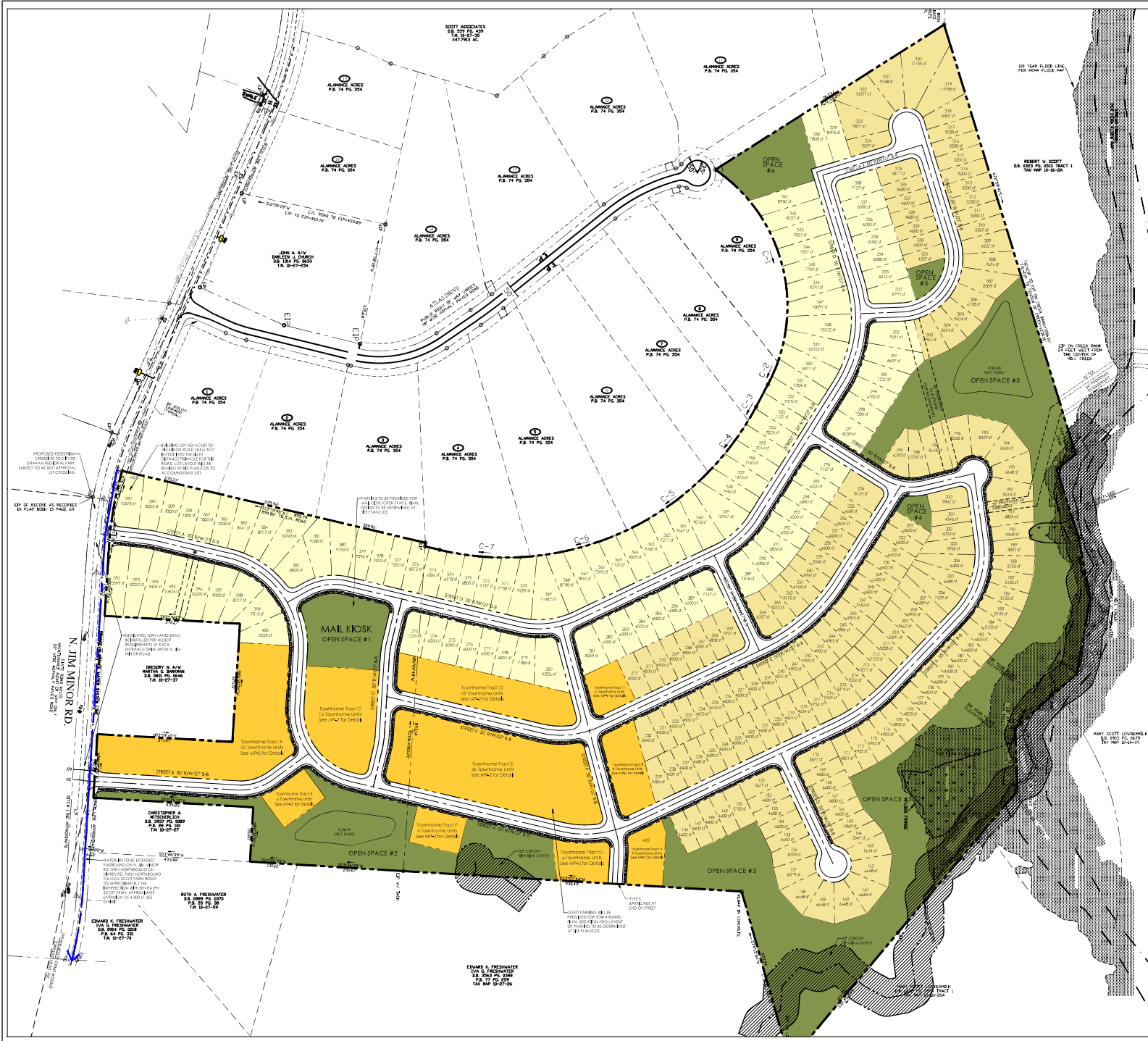
developer:
CAROLINA LAND GROUP
341 Kilmayne Drive, Suite 201
Cary, North Carolina 27511
(704) 608-3085

landscape architect:
TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, North Carolina 27713
(919) 484-8880

civil engineer:
B&F Consulting Engineering
2805 Tobermory Lane
Raleigh, NC 27606
919-618-0180

surveyor:
Evans Engineering
4609 Dundas Drive
Greensboro, NC 27407
(336) 854-8877

\\proj\proj\020503_322736_PM_AncCAD\TIP\General\Documentation\p3



SITE DATA

TOTAL AREA	77.08 AC
TOWNSHIP	MEVILLE
EXISTING ZONING	ALABAMA COUNTY
PROPOSED ZONING	CONDITIONAL RESIDENTIAL
MINIMUM LOT SIZE	4,300 S.F.
TOTAL TOWNHOMES PROPOSED	145 UNITS
TOTAL SINGLE FAMILY PROPOSED	600 UNITS
TOTAL UNITS	745 UNITS
LINEAR FEET OF PUBLIC STREET	8,571 LF
OPEN SPACE REQUIRED	7.20 AC
OPEN SPACE PROVIDED	(13) 13.63 AC
FEAS MAP #	372089001.dwg 03/20/20

SINGLE FAMILY LOTS

MINIMUM LOT SIZE	4,300 SF
MINIMUM LOT WIDTH	40'
MINIMUM LOT DEPTH	100'
MINIMUM FRONT SETBACK	10'
MINIMUM SIDE SETBACK	10'
MINIMUM SIDE CORNER SETBACK	10'
MINIMUM REAR SETBACK	10'
MAXIMUM BUILDING HEIGHT	35'

TOWNHOME LOTS

MINIMUM LOT SIZE	2,000 SF
MINIMUM LOT WIDTH	30'
MINIMUM LOT DEPTH	100'
MINIMUM FRONT SETBACK	10'
MINIMUM SIDE SETBACK	10'
MINIMUM SIDE CORNER SETBACK	10'
MINIMUM REAR SETBACK	10'
MAXIMUM BUILDING HEIGHT	35'

OPEN SPACE

OPEN SPACE REQUIRED	7.20 AC	= 310,320 S.F.
OPEN SPACE PROVIDED	13.63 AC	= 588,810 S.F.
OPEN SPACE AREA #1	45,594 S.F.	1.04 AC
OPEN SPACE AREA #2	18,930 S.F.	0.43 AC
OPEN SPACE AREA #3	540,984 S.F.	12.43 AC
OPEN SPACE AREA #4	54,098 S.F.	1.24 AC
OPEN SPACE AREA #5	6,775 S.F.	0.15 AC
OPEN SPACE AREA #6	34,389 S.F.	0.78 AC
TOTAL	769,999 S.F.	17.67 AC

1. The survey and topographic information taken from data files by Town Engineering, dated April 18, 2020.
 2. All dimensions and bearings are given in feet and decimal fractions thereof.
 3. The site location and area of the proposed project are shown by the boundary lines shown on this plan.
 4. The proposed project is shown by the boundary lines shown on this plan.
 5. The proposed project is shown by the boundary lines shown on this plan.
 6. The proposed project is shown by the boundary lines shown on this plan.
 7. All lots shall be owned by City of Raleigh, NC and shall be owned by City of Raleigh, NC.
 8. All proposed developments shall be subject to the City of Raleigh's Comprehensive Zoning Ordinance.
 9. The proposed project is shown by the boundary lines shown on this plan.
 10. The proposed project is shown by the boundary lines shown on this plan.
 11. The proposed project is shown by the boundary lines shown on this plan.
 12. The proposed project is shown by the boundary lines shown on this plan.
 13. The proposed project is shown by the boundary lines shown on this plan.
 14. The proposed project is shown by the boundary lines shown on this plan.
 15. The proposed project is shown by the boundary lines shown on this plan.
 16. The proposed project is shown by the boundary lines shown on this plan.
 17. The proposed project is shown by the boundary lines shown on this plan.
 18. The proposed project is shown by the boundary lines shown on this plan.
 19. The proposed project is shown by the boundary lines shown on this plan.
 20. The proposed project is shown by the boundary lines shown on this plan.

LEGEND

- PROJECT BOUNDARY
- 50' LOTS (SEE DETAILS ON MP-1)
- 40' LOTS (SEE DETAILS ON MP-2)
- TOWNHOMES (SEE DETAILS ON MP-1)
- OPEN SPACE
- WETLANDS
- 50' JORDAN RIPARIAN BUFFER
- 50' JORDAN RIPARIAN BUFFER

GRAPHIC SCALE

1" = 100'

DATE: 6/12/2020

SHEET: MP-1 of 5



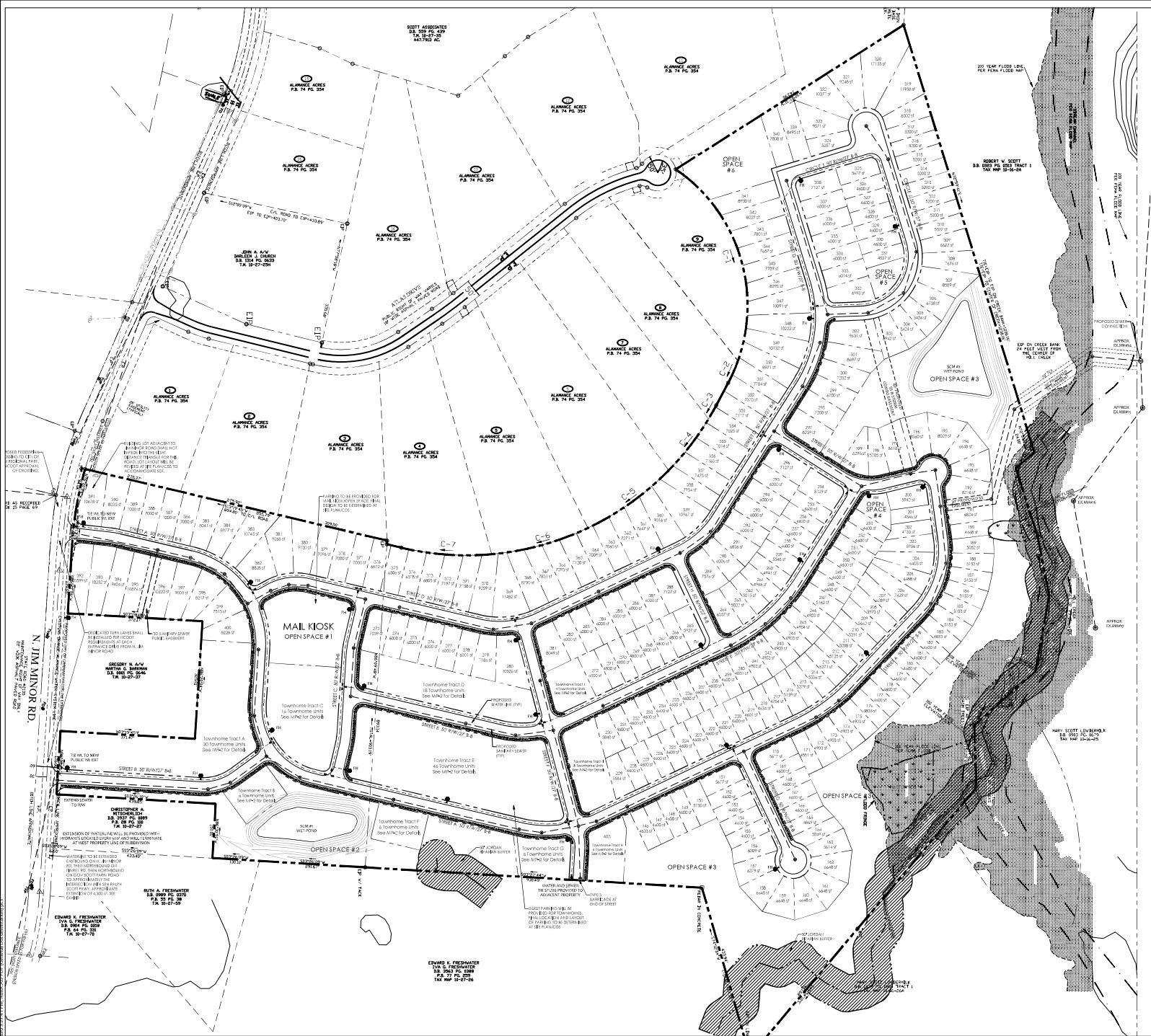
B & F CONSULTING
 3805 Tobemary Lane
 Raleigh, NC 27608
 Phone No. (919) 618-0180
 License No. C-2149



Know what's below.
 Call before you dig.

PRELIMINARY MASTER PLAN
 Riley's Meadow
 JIM MINOR ROAD, GOSHAM, NC
 CAROLINA LAND GROUP, CARY, NC

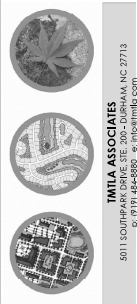
SCALE: 1" = 100'
 DRAWN BY: CDJ
 PROJECT #: 19190
 DATE: 6/12/2020
 SHEET: MP-1 of 5



LEGEND

- PROJECT BOUNDARY
- WETLANDS
- 50' JORDAN RIPARIAN BUFFER

- NOTES:**
1. PROJECT WILL BE A HIGH DENSITY STORMWATER DEVELOPMENT AND WILL COMPLY WITH CITY OF GRAHAM'S STORM DRAINAGE DESIGN MANUAL.
 2. PROJECT WILL REQUIRE COMPLIANCE WITH CITY OF GRAHAM ENGINEERING PLANS CHECKLIST.
 3. PROJECT WILL REQUIRE COMPLIANCE WITH RIPARIAN BUFFER ORDINANCE.
 4. REQUIRED FLOW WILL BE AT LEAST 500 GPM FOR SINGLE FAMILY HOMES AND 1500 GPM FOR MULTIFAMILY AREAS.
 5. WATERLINE DESIGN, HYDRANT AND VALVE SPACING WILL ADHERE TO CITY OF GRAHAM'S STANDARDS AND SPECIFICATIONS.
 6. MANHOLE AND SEWER LINE DESIGN WILL ADHERE TO CITY OF GRAHAM STANDARDS AND SPECIFICATIONS.
 7. PUBLIC WATERLINE WILL BE EXTENDED (SIZE PENDING DISCUSSION WITH THE CITY) FROM THE TERMINUS AT GOVERNOR SCOTT FARM ROAD TO SOUTH RALPH SCOTT PARKWAY AND WILL CONTINUE ALONG GOVERNOR SCOTT FARM ROAD TO RIMNEY ROAD, N. JIM MINOR ROAD AND TERMINATE AT WEST PROPERTY LINE OF SUBDIVISION.
 8. SEWER SERVICE WILL BE PROVIDED BY OFF SITE EASEMENT FROM THE NORTH SIDE OF THE PROJECT.
 9. 50' RIPARIAN BUFFER ELEVATION WILL BE CALCULATED ON SECONDARY STREAMS TO ENSURE THAT ALL PROPOSED FINISHED FLOORS WILL BE LOCATED A MINIMUM OF 2' ABOVE THE 100-YEAR FLOOD ELEVATION.



TMILA ASSOCIATES
 5011 SCOTT FARM ROAD, SUITE 27713
 CARY, NC 27513-4888



B & F CONSULTING
 2805 Teberry Lane
 Raleigh, NC 27606
 Phone No. (919) 616-0160
 License No. C-2149



PRELIMINARY - DO NOT USE FOR CONSTRUCTION



Know what's below. Call before you dig.

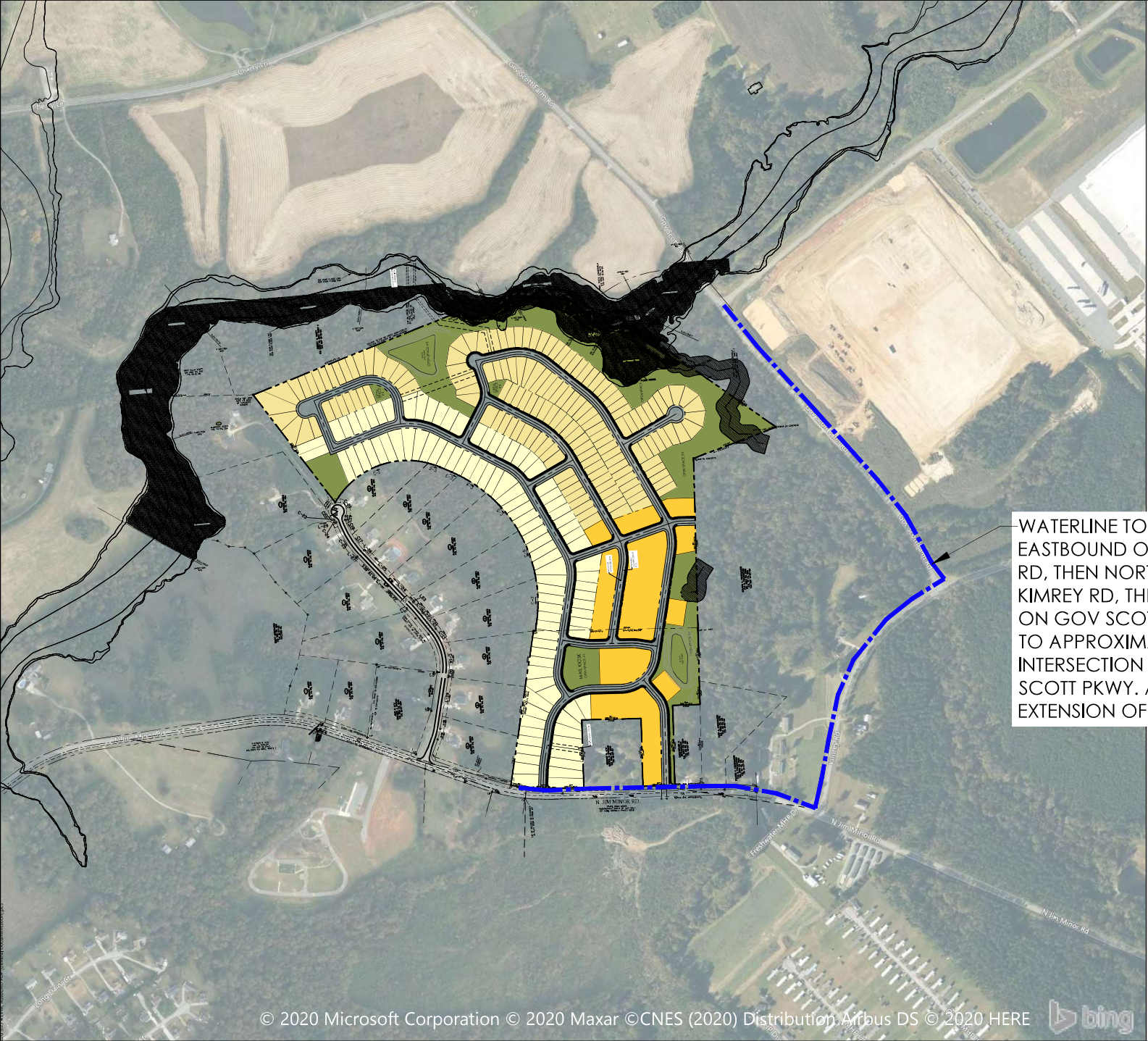
UTILITY PLAN
 Riley's Meadow
 JIM MINOR ROAD, GRAHAM, NC
 CAROLINA LAND GROUP, CARY, NC

SCALE: 1"=100'
 DRAWN BY: AF
 PROJECT #: 191190
 DATE: 6/12/2020
 SHEET C-1 OF 5

GRAPHIC SCALE

(IN FEET)
 1 inch = 100 ft.

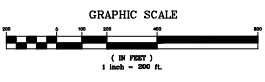
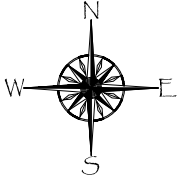
Z:\Projects\16\Green Campus\Bldg\A_Meadow_Graham_NC\Submittal\Bldg_A_Meadow_Sp_41.dwg
 6/12/2020 10:58:58 AM



LEGEND

- PROJECT BOUNDARY
- WETLANDS
- 30' JOZDAN RIPARIAN BUFFER

WATERLINE TO BE EXTENDED EASTBOUND ON N. JIM MINOR RD, THEN NORTHBOUND ON KIMREY RD, THEN NORTHBOUND ON GOV SCOTT FARM ROAD TO APPROXIMATELY THE INTERSECTION WITH SEN RALPH SCOTT PKWY. APPROXIMATELY EXTENSION OF 4,300 LF.



TMTLA ASSOCIATES
 5011 SCOTT DR. SUITE 100
 CARY, NC 27513
 P: 919.442.8833 E: info@tmtla.com



Know what's below.
Call before you dig.

WATERLINE EXHIBIT
Riley's Meadow
 JIM MINOR ROAD, GRAHAM, NC
 CAROLINA LAND GROUP, CARY, NC

SCALE: 1"=200'
 DRAWN BY: CDR
 PROJECT #: 191190
 DATE: 6/12/2020
 SHEET: C-2
 OF 5

Z:\Projects\Queen Campbell\Kirkby Meadow, Graham, NC\Submittal\Kirkby Meadow_S2_B.rvt
 6/12/2020 10:58:58 AM



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.

Riley's Meadow (CR2002)

Type of Request
Conditional Rezoning

Meeting Dates
Planning Board on 6/16, 7/21/20
City Council on 7/14, 8/11/20

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend APPROVAL with the following conditions:**
- A pedestrian crossing to the City's park be provided across Jim Minor Road.
 - Sewer, with sufficient depth to serve 10' in on the South side of the road through gravity, is provided at one of the two street stubs, but is not necessary along the street frontage of Jim Minor Road.
 - A waterline connection is installed across Jim Minor Road, but is not required to be carried along the street frontage of the property.

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 21st day of July, 2020.

Attest:



Dean Ward, Planning Board Chairman



Nathan Page, Planning Director



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council. If the City Council approves, this rezoning shall be effective upon written consent to the conditions herein described.

Riley's Meadow (CR2002)

Type of Request
Conditional Rezoning

Meeting Dates
Planning Board on June 16, 2020
City Council on 7/14, 8/11, 9/8/2020

Choose one...

- I move that the application be **APPROVED**.
- I move that the application be **APPROVED with the following conditions**.
- I move that the application be **DENIED**.

Choose one...

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

State reasons...

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

The petitioner agrees to abide by the conditions presented to the City Council this the 8th day of September, 2020.

Tony M. Tate

This report reflects the decision of the City Council, this the 8th day of September, 2020.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Riley's Meadow (S2002)

Type of Request: Major Subdivision

Meeting Dates

Planning Board on June 16, 2020

City Council on July 14, 2020, August 11, 2020

Contact Information

Tony Tate, TMTLA Associates

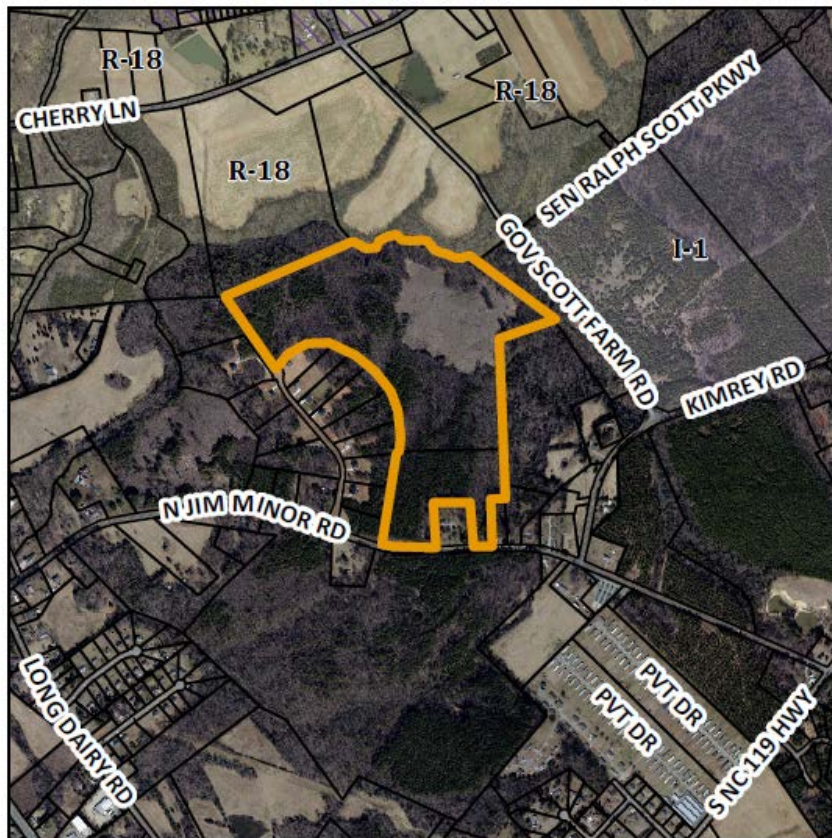
5011 Southpark Drive, Suite 200, Durham NC

27713; 919-484-8880

tony@tmtla.com

Summary

This is a request to subdivide the approximately 77 acres of the subject property for up to 393 residential lots. The properties are currently vacant.



Location

Jim Minor Road

GPIN

8893762882 and 8893856871

Zoning

unzoned

Overlay District

none

Surrounding Zoning

R-18, unzoned

Surrounding Land Uses

Single Family, Park, Industrial, and Vacant

Size

Approximately 77 acres

Public Water & Sewer

In the vicinity

Floodplain

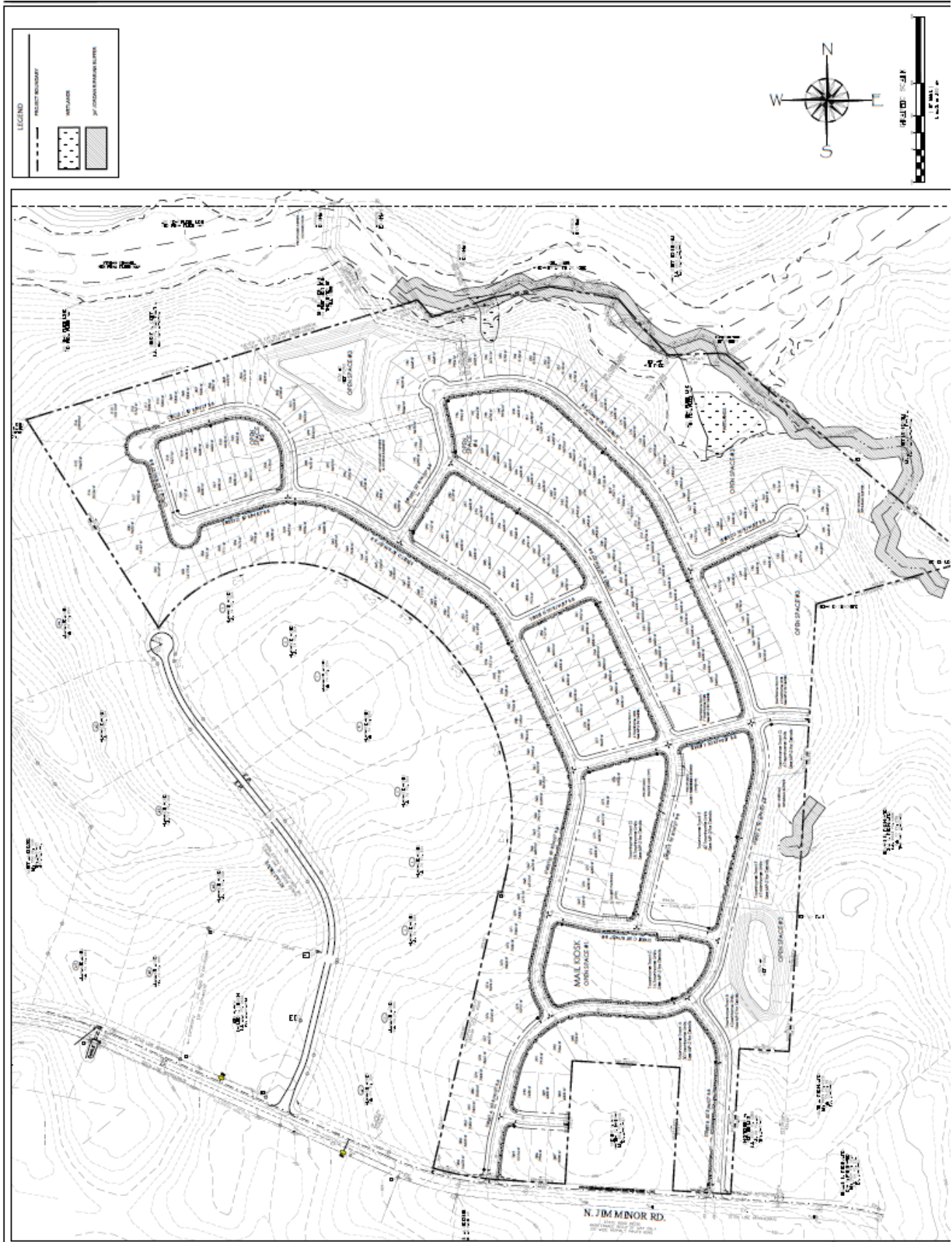
Yes

Staff Recommendation

Approval

Technical Review Committee

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



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 NCCP, and eventually 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 will bring water and sewer infrastructure close to the City of Graham's park.*

Development Type

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

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).



Application for SUBDIVISION

RECEIVED
MAY 25 2020
PLANNING DEPT.
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:

Tax Map#: 152 456 152 471 GPIN: 8893762882 8893856871

Current Zoning District(s): KRAMANCE CO.

Overlay District, if applicable:

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

Property Owner: MICHAEL & CAROLYN WHITE TRUSTEE
SCOTT ASSOCIATES

Mailing Address: 5500 TILLEY LANE

City, State, Zip: GASTONIA, NC 28056

Phone # _____

Applicant and Project Contact

Name: TMTLA ASSOCIATES

Property Owner Engineer/Surveyor

Other: LANDSCAPE ARCHITECT

Mailing Address: 5011 SOUTHPARK DRIVE, SUITE 200

City, State, Zip: DURHAM NC 27713

Phone # (919) 484-8880

Email: Tonly@TMTLA.com

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

Signature of Applicant: [Signature] Date _____

Submit SUBDIVISION MAPS with this application

Proposed Subdivision

Subdivision Name: RILEY'S MEADOW

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: _____ Total Acreage: _____

Related Development (if any): _____

Subdivision Maps

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

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

Other Requirements

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

FOR OFFICE USE ONLY	
DEVID# <u>52002</u>	Fee \$ _____



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.

**Riley's Meadow
(S2002)**

Type of Request
Major Subdivision

Meeting Dates
Planning Board on 6/16, 7/21/20
City Council on 7/14, 8/11/20

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:

strategy 3.2.3, 3.2.4, 4.2.1, and 4.3.1 of the
Graham 2035 Comprehensive Plan

This report reflects the recommendation of the Planning Board, this the 21st day of July 2020.

Attest:

Dean Ward

Dean Ward, Planning Board Chairman

Nathan Page

Nathan Page, Planning Director



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Riley's Meadow
(S2002)**

Type of Request
Major Subdivision

Meeting Dates
Planning Board on 6/16, 7/21/20
City Council on 7/14, 8/11, 9/8/20

Choose one...

- I move that the application be **APPROVED**.
- I move to **recommend APPROVAL** with the following condition(s);
 - [Insert additional conditions]
- I move that the application be **DENIED**.

Choose one...

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

State reasons...

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

This report reflects the decision of the City Council, this the 8th day of September, 2020.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk

STAFF REPORT

SUBJECT:	ANNEXATION OF FIVE LOTS ON SUGAR RIDGE AND JIMMIE KERR ROAD
PREPARED BY:	NATHAN PAGE, PLANNING DIRECTOR/AARON HOLLAND, ASST. CITY MGR

REQUESTED ACTION:

Approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina, for two lots off Jim Minor Road.

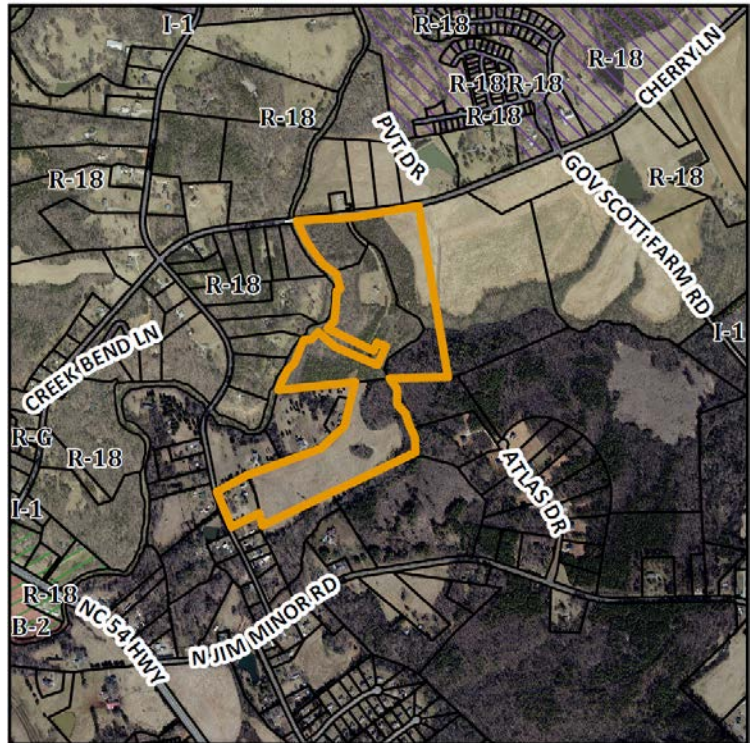
BACKGROUND/SUMMARY:

The 70 +/- acre area being considered for annexation is noncontiguous. While sewer is on the lot, the applicant anticipates extending municipal water service to the location.

The annexation process has multiple steps. Following a public hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process.

FISCAL IMPACT:

The fiscal impact of the proposed development will vary greatly depending upon the potential conditions approved by City Council. If the lot sizes are required to be no smaller than 12,000 square feet, they will cost more to serve than they will return in revenue. However, if the densities are as the developer proposed, they will require a subsidy of approximately \$100,000 per year. If the densities are closer to those recommended within the Employment District of the 2035 Comprehensive Plan, the revenues will be higher, with 5 dwelling units per acre returning about \$50,000 a year in revenue.



STAFF RECOMMENDATION:

The density of the development as proposed does not support urban services, therefore staff recommends denial as presented. If the Northern part of the neighborhood is 5 dwelling units per acre, and the Southern portion of the neighborhood has larger lots, it may result in a revenue balance.

SUGGESTED MOTION(S):

1. I move that the Annexation Ordinance not be approved.
2. I move we approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for portions of five lots, making up approximately 70 acres in the vicinity of Sugar Ridge and Jimmie Kerr Roads.

ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS OF THE

CITY OF GRAHAM, NORTH CAROLINA

FOR FIVE LOTS ON SUGAR RIDGE AND JIMMIE KERR ROAD (AN2004)

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-58 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 6:00 P.M. on September 8, 2020, after due notice by publication on August 20, 2020; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-58;

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

Section 1. By virtue of the authority granted by G.S. 160A-58, the following described territory is hereby annexed and made part of the City of Graham as of September 8, 2020:

Beginning at an existing railroad spike, said railroad spike having state plane coordinates (NAD 83 / NSRS 2011) of

N = 839,139.30' & E = 1,895,662.65' and being at a T-intersection on the southern right of way of Cherry Lane (S.R. 2123) and the centerline of Sugar Road; thence making the following calls:

Along the southern right of way of Cherry Lane, North 83°08'34" East, 399.98 feet to a pinched top existing iron pipe;

Thence, on a curve with a radius of 2848.41' and an arc length of 255.15 feet and having a chord bearing of North 80°42'47" East, 255.06 feet to an existing iron pipe;

Thence, leaving the southern right of way of Cherry Lane, South 9°40'08" East, 1,683.80 feet to an existing iron pipe;

Thence, South 88°51'32" West, 556.97 feet to a pinched top existing iron pipe;

Thence, South 87°25'33" West, 26.34 feet to a computed point on approximately the centerline of a creek;

Thence, following the approximate centerline of a creek and making the following calls:

-South 28°45'03" East, 134.31 feet to a computed point; thence,

-South 7°28'21" West, 108.13 feet to a computed point; thence,

-South 39°55'58" East, 230.69 feet to a computed point; thence,

-South 17°55'36" East, 87.61 feet to a computed point; thence,

-South 33°07'57" East, 81.17 feet to a computed point; thence,

-South 8°30'56" East, 130.25 feet to a computed point; thence,

-South 23°48'25" East, 84.14 feet to a computed point; thence,

-South 32°25'15" West, 97.79 feet to a computed point; thence,

-South 38°48'45" West, 55.60 feet to a computed point; thence,

-South 24°25'41" West, 130.25 feet to a computed point; thence,

-South 74°16'13" West, 99.46 feet to a computed point; thence,

-South 58°36'41" West, 53.64 feet to a computed point; thence,
-South 32°09'29" West, 37.30 feet to a computed point; thence,
-South 59°50'22" West, 66.08 feet to a computed point; thence,
-South 44°20'27" West, 48.12 feet to a computed point; thence,
-North 84°17'38" West, 44.79 feet to a computed point; thence,
-South 49°36'31" West, 53.73 feet to a computed point; thence,
-South 24°25'41" West, 130.25 feet to a computed point; thence,

Thence, leaving the approximate centerline of creek, North 32°40'57" West, 251.96 feet to an existing iron pipe;

Thence, South 60°08'43" West, 761.62 feet to an existing iron pipe;

Thence, North 8°47'07" West, 112.23 feet to an existing iron pipe;

Thence, South 67°56'49" West, 319.28 feet to a pike nail set in the centerline of Jimmie Kerr Road;

Thence, along the centerline of said road, North 23°06'44" West, 286.09 feet to a pike nail set;

Thence, North 15°52'35" West, 88.05 feet to a computed point;

Thence, leaving the centerline of Jimmie Kerr Road, North 64°18'53" East, 360.00 feet to a computed point;

Thence, North 25°39'26" West, 17.28 feet to an existing iron pipe;

Thence, North 70°52'15" East, 375.92 feet to an existing iron pipe;

Thence, North 70°52'15" East, 414.08 feet to an existing iron pipe;

Thence, North 46°02'32" East, 251.21 feet to an existing iron pipe;

Thence, North 18°44'26" East, 485.42 feet to the base of an existing iron pipe;

Thence, South 82°24'49" West, 828.00 feet to a computed point;

Thence, North 25°18'19" East, 585.00 feet to a point ;

Thence North 50°03'19" East, 185.00 feet to a point;

Thence North 65°06'41" East, 75.02 feet to a point;

Thence North 65°02'24" East, 34.98 feet to a point;

Thence North 28°20'19" East, 42.56 feet to a point;

Thence North 28°20'19" East, 64.67 feet to a point;

Thence North 28°20'19" East, 42.77 feet to a point;

Thence North 6°14'19" East, 29.06 feet to a point;

Thence North 6°14'19" East, 63.05 feet to a point;

Thence North 6°14'19" East, 109.21 feet to a point;

Thence North 6°14'19" East, 68.67 feet to a point;

Thence North 41°55'41" West, 41.32 feet to a point;

Thence North 41°55'41" West, 95.01 feet to a point;

Thence North 36°34'07" West, 154.86 feet to a point;

Thence North 35°02'59" West, 260.00 feet to a point;

Thence North 25°18'59" West, 144.29 feet to a point;

Thence North 83°12'25" East, 49.96 feet to a point;

Thence North 83°11'08" East, 498.33 feet to the point and place of beginning containing 69.678 Acres more or less.

Section 2. Upon and after September 8, 2020, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this, the 8th day of September, 2020.

Gerald R. Peterman, Mayor

ATTEST:

APPROVED AS TO FORM:

Darcy L. Sperry, City Clerk

Bryan Coleman, City Attorney



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

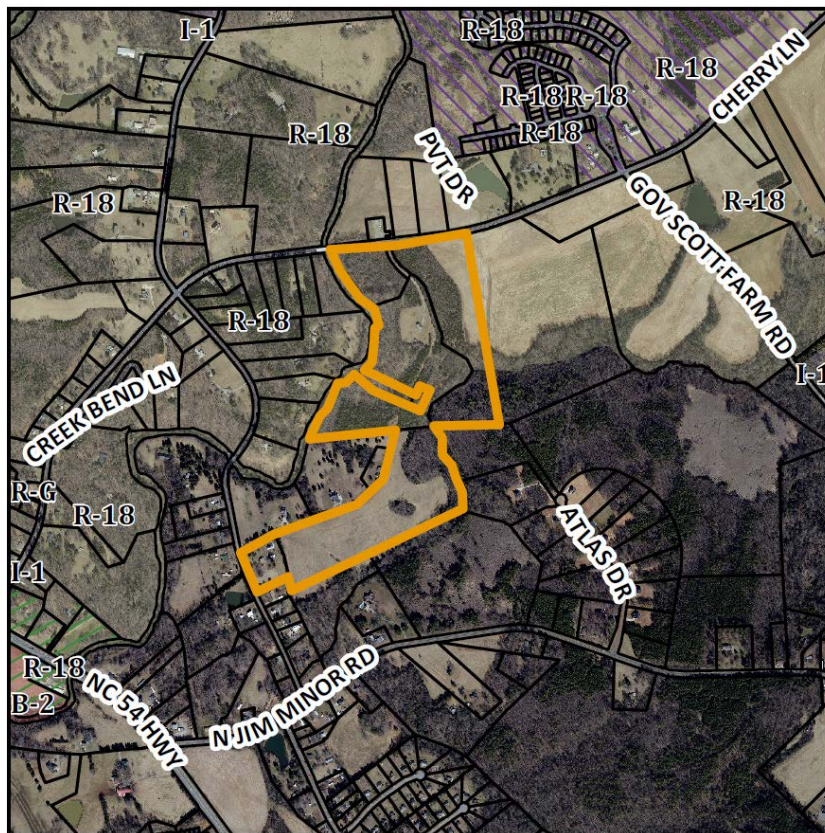
5011 Southpark Drive, Suite 200, Durham NC

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

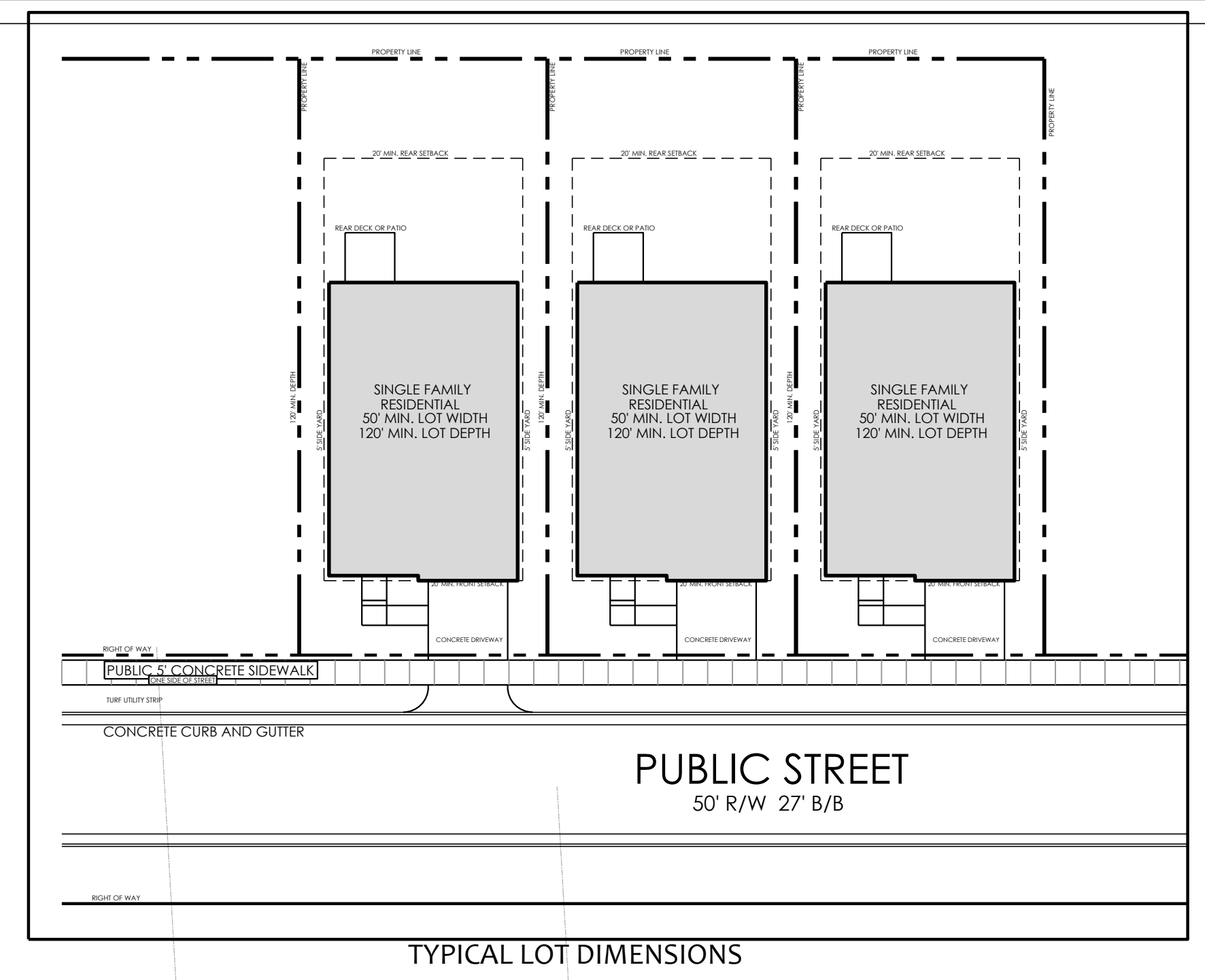
For Conditional Rezonings, this application must be accompanied by a Preliminary Site Plan and supporting information specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined ordinance requirements, will govern the development and use of the property.

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	



SITE DATA

TOTAL AREA	69.678 AC
TOWNSHIP	MELVILLE
EXISTING ZONING	GRAHAM R-18 & ALAMANCE COUNTY
PROPOSED ZONING	CONDITIONAL RESIDENTIAL
MINIMUM LOT SIZE	6,000 S.F.
TOTAL SINGLE FAMILY PROPOSED	170 UNITS
LINEAR FEET OF PUBLIC STREET	6,250 LF
OPEN SPACE REQUIRED 10%	6.96 AC
OPEN SPACE PROPOSED	33.83AC
FEMA MAP #	37201619001 dated 05/02/06

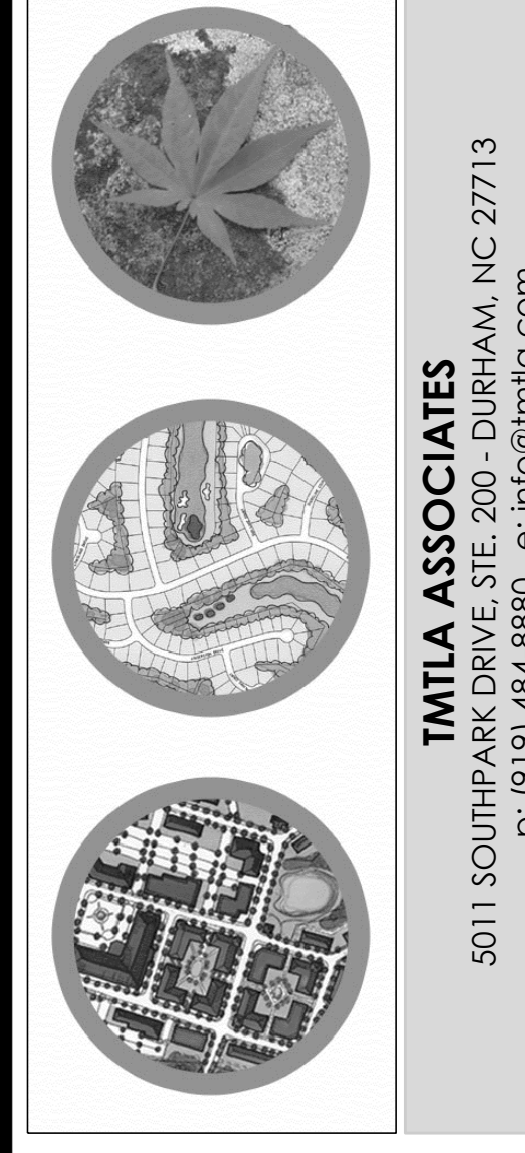
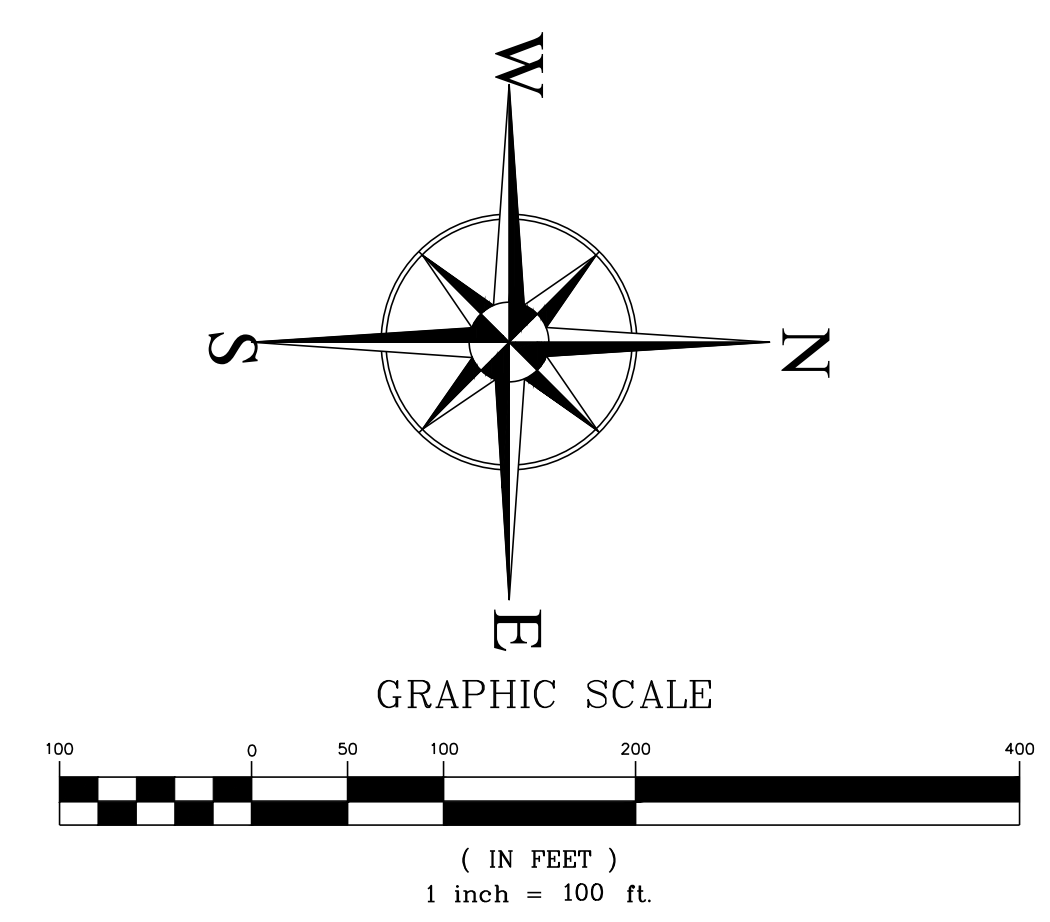
OPEN SPACE

OPEN SPACE REQUIRED 10%	69.678 AC	=	6.96 AC
OPEN SPACE PROPOSED 48%		=	33.83 AC
OPEN SPACE AREA #1	336,176 S.F.	7.72 AC	
OPEN SPACE AREA #2	191,504 S.F.	4.40 AC	
OPEN SPACE AREA #3	9,509 S.F.	0.22 AC	
OPEN SPACE AREA #4	5,469 S.F.	0.13 AC	
OPEN SPACE AREA #5	839,142 S.F.	19.426 AC	
OPEN SPACE AREA #6	55,345 S.F.	1.27 AC	
OPEN SPACE AREA #7	10,184 S.F.	0.23 AC	
OPEN SPACE AREA #8	6,807 S.F.	0.25 AC	
OPEN SPACE AREA #9	19,780 S.F.	0.45 AC	
TOTAL	1,473,916 S.F.	33.83 AC	

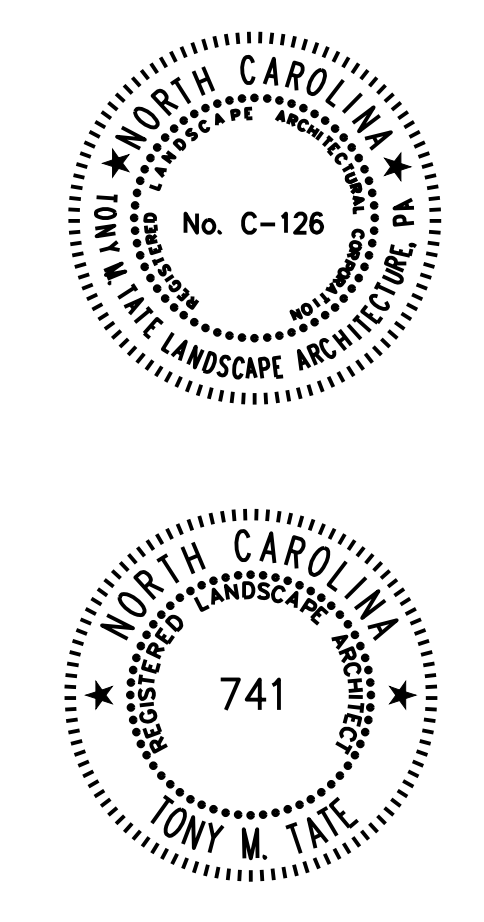
- NOTES**
- Boundary and topographic information taken from digital file by Bateman Civil Survey, dated, 1/20/20.
 - Adjoining property boundary information taken from Alamance County GIS.
 - The site is located within a FEMA Flood zone according to Flood Mapping 37088300K dated 11/27/07.
 - Contractor shall verify the location of all existing utilities and shall be responsible for any damage resulting from his activities. Call utility locator service at least 48 hours prior to digging.
 - All construction shall conform to City of Graham, NCDOT and North Carolina standards and specifications.
 - All utilities shall be located underground.
 - All lots shall be served by City of Graham public water and sanitary sewer.
 - All proposed streets shall be public and constructed to the City of Graham Standards.
 - Street addresses shall be assigned prior to lot recordation.
 - Street names shall be approved prior to plat recordation.
 - Sign permits shall be required for any entrance signage. Permits will be required prior to fabrication or installation of signs. Signage will be restricted to an on-site location.
 - An erosion control plan shall be approved by the City of Graham and the State prior to any grading on this site.
 - The developer is responsible for coordination and installation of all utilities, including street lighting.
 - Wetland and Jordan Riparian buffers have been delineated by Environmental Services, Inc.
 - No revisions may be made without permission from the permit issuing authority.
 - Construction drawings shall be submitted and approved by the City of Graham and NCDOT prior to construction.
 - Restrictive covenants shall be approved and recorded prior to recording of final plat.
 - A Home Owner's Association for ownership and management of open space, buffers and restrictive covenants must be submitted for review with the first final plat.
 - Stormwater management shall be contained in and accessed via open space maintained and owned by the Home Owner's Association. A maintenance plan must be developed to address the stormwater ponds. All shall be designed in conformance with City of Graham and State requirements.
 - All open space shall be private common open space controlled by the Homeowner's Association (HOA).
 - The US Army Corps of Engineers and the NC Division of Water Quality require wetlands and waters of the United States through the 404 Corps Permit and 401 State Water Quality Certification process. Site designers and developers are responsible for obtaining all applicable local, state, and federal permits, certifications or approvals as necessary for proposed site development activities.
 - If proposed land disturbing activity exceeds one (1) acre, an Erosion Control Permit from NCDENR Land Quality is required.
 - Stream and wetland locations are not surveyed and are for reference only.
 - Posted speed limits shall be 20 mph unless requested and approved as otherwise by the City of Graham.
 - Initial condition for all intersections shall be all-way stop. To be evaluated by the City of Graham and revised as deemed necessary.

LEGEND

- PROJECT BOUNDARY
- 50' LOTS (SEE DETAILS ON MP-2)
- OPEN SPACE
- WETLANDS
- 100 YEAR FLOODPLAIN
- 100 YEAR FLOODWAY



TMTA ASSOCIATES
 5011 SOUTH PARK DRIVE, STE. 200 - DURHAM, NC 27713
 p: (919) 484-8880 e: info@tmta.com



Stocks Engineering
 801 E. Washington Street
 NASHVILLE, NC

MASTER SUBDIVISION PLAN
CHERRY CREEK
 GRAHAM, NC
 HERITAGE HOMES 3300 PARAMOUNT PKWY STE. 120 MORRISVILLE NC 27560

SCALE: 1"=100'
 DRAWN BY: TMT
 PROJECT # 20074
 DATE: 07-24-2020
 SHEET
MP-1
 OF



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.
 - Lot sizes no less than 12,000 square feet.
 - 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:

strategy 3.3.2

This report reflects the recommendation of the Planning Board, this the 18th day of August, 2020.

Attest:

Dean Ward

Dean Ward, Planning Board Chairman

Debbie Jolly

Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council. If the City Council approves, this rezoning shall be effective upon written consent to the conditions herein described.

Cherry Creek (CR2003)

Type of Request
Conditional Rezoning

Meeting Dates
Planning Board on August 18, 2020
City Council on September 8, 2020

Choose one...

- I move that the application be **APPROVED**.
- I move that the application be **APPROVED with the following conditions**.
- I move that the application be **DENIED**.

Choose one...

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

State reasons...

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

The petitioner agrees to abide by the conditions presented to the City Council this the 8th day of September, 2020.

Tony M. Tate

This report reflects the decision of the City Council, this the 8th day of September, 2020.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



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

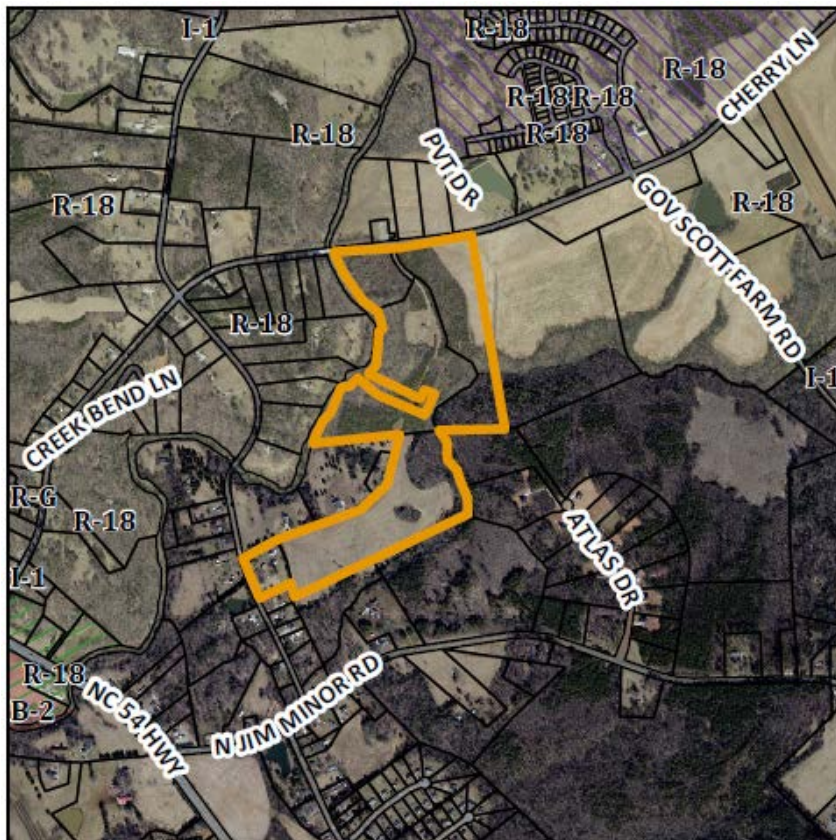
tony@tmtla.com

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

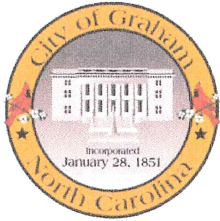
Located near a major thoroughfare

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 SOUTHPARK 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]
Signature of Applicant 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
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
(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:

increase available housing

This report reflects the recommendation of the Planning Board, this the 18th day of August 2020.

Attest:

Dean Ward
Dean Ward, Planning Board Chairman

Debbie Jolly
Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Cherry Creek
(S2004)**

Type of Request
Major Subdivision

Meeting Dates
Planning Board on 8/18/20
City Council on 9/8/20

Choose one...

- I move that the application be **APPROVED**.
- I move to **recommend APPROVAL** with the following condition(s);
 - [Insert additional conditions]
- I move that the application be **DENIED**.

Choose one...

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

State reasons...

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

This report reflects the decision of the City Council, this the 8th day of September, 2020.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



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

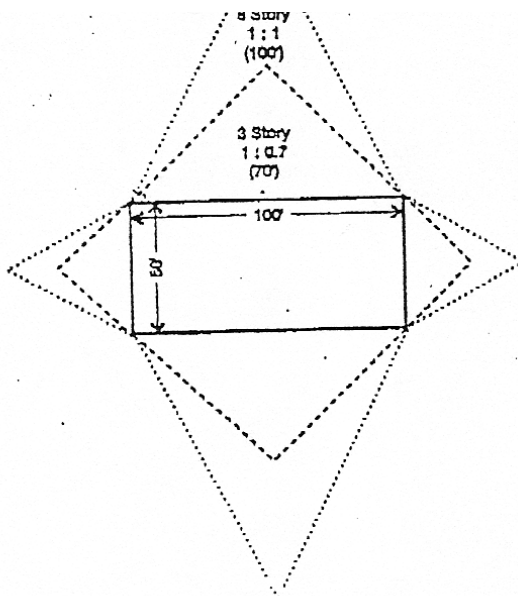
Table 10.247	
Number of stories	Factors to multiply base of triangle to obtain altitude

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

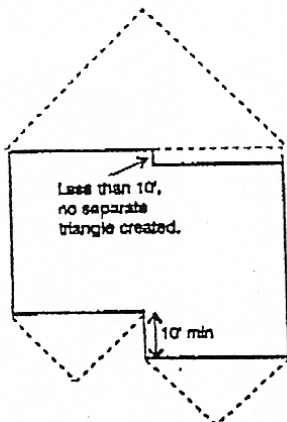
Building Spacing Requirements for Multifamily Residential Buildings, Townhouses, Condominiums and Planned Unit Developments that Include Multifamily Buildings

Spacing Buildings Using Triangles

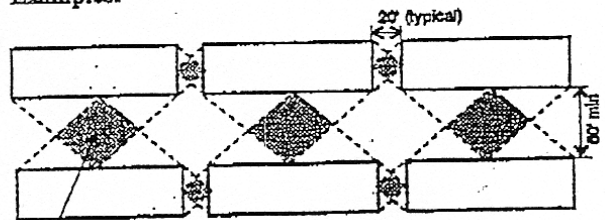
How to calculate triangles. An imaginary isosceles triangle defined by connecting the extreme ends of the wall or portions of the wall as the base of the triangles, and calculating the altitude by multiplying the base by a factor related to height as provided in Table 247.



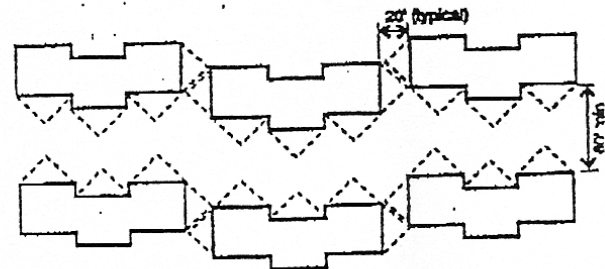
Any wall must be offset by another wall at least ten (10) feet in length to be considered as a separate wall.



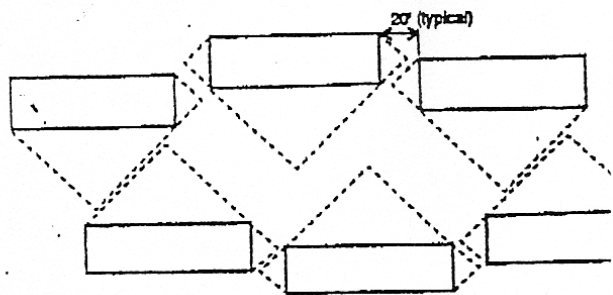
Examples:



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



ACCEPTABLE: Modified building architecture with minimum 10' offsets.



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.

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.

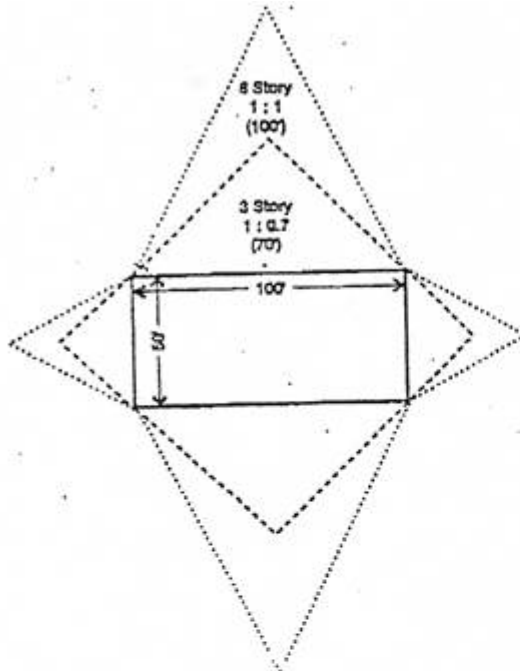
(Section 10.247 amended 1/4/2000, 11/5/2013)

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

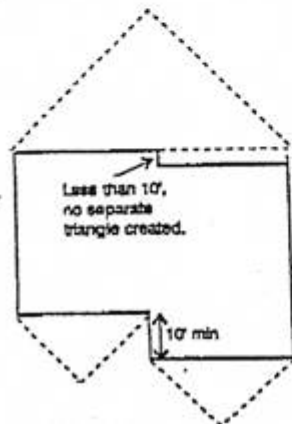
Building Spacing Requirements for Multifamily Residential Buildings, Townhouses, Condominiums and Planned Unit Developments that Include Multifamily Buildings

Spacing Buildings Using Triangles

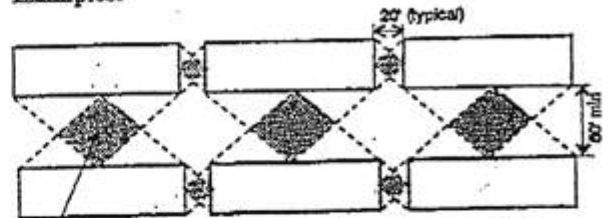
How to calculate triangles. An imaginary isosceles triangle defined by connecting the extreme ends of the wall or portions of the wall as the base of the triangles, and calculating the altitude by multiplying the base by a factor related to height as provided in Table 247.



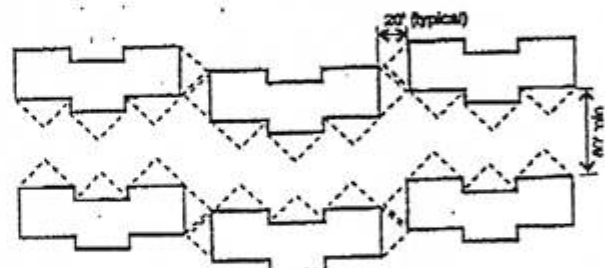
Any wall must be offset by another wall at least ten (10) feet in length to be considered as a separate wall.



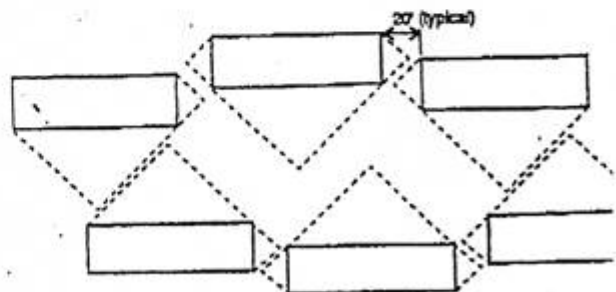
Examples:



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



ACCEPTABLE: Modified building architecture with minimum 10' offsets.



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:

2.3.1 and 4.3.1

This report reflects the recommendation of the Planning Board, this the 18th day of August, 2020.

Attest:

Dean Ward

Dean Ward, Planning Board Chair

Debbie Jolly

Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Multifamily Setbacks (AM2003)

Type of Request
Text Amendment

Meeting Dates
Planning Board on August 18, 2020
City Council on September 8, 2020

Choose one...

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

Choose one...

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

State reasons...

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

This report reflects the decision of the City Council, this the 8th day of September, 2020.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



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:

not reasonable to change setback, should request a variance

This report reflects the recommendation of the Planning Board, this the 18th day of August, 2020.

Attest:

Dean Ward

Dean Ward, Planning Board Chair

Debbie Jolly

Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Residential Rear Setbacks (AM2004)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 18, 2020

City Council on September 8, 2020

Choose one...

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

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

Choose one...

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

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

State reasons...

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

This report reflects the decision of the City Council, this the 8th day of September, 2020.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

SUBJECT:	CLOSURE OF 100 BLOCK OF W. ELM STREET FOR A BLOCK PARTY CELEBRATING LIFE & LEGACY OF WYATT OUTLAW
PREPARED BY:	MARY FAUCETTE, DOWNTOWN DEVELOPMENT COORDINATOR

REQUESTED ACTION:

Closure of the 100 block of West Elm Street on Saturday October 3, 2020 (10am - 5pm) for a block party uplifting the story and impact of Wyatt Outlaw's life.

BACKGROUND/SUMMARY:

Travis Laughin has reached out seeking permission to have the 100 block of West Street closed to traffic on Saturday October 3, 2020 10am – 5pm.

The request is being made to coincide with a celebration planned to take place in both Sesquicentennial Park and the 100 block of West Elm Street. Mr. Laughin along with Alamance Arts, Down Home Alamance, and others are coordinating a family-friendly block party activating visual and performing arts to uplift the story and lasting impact of the life of Wyatt Outlaw.

Through the arts, workshops, and celebration, it is the hope to raise awareness and understanding of the importance of Wyatt Outlaw and to create a community connection and dialogue.

Event schedule

10:00 - 11:00 AM - Set Up

11:00 AM - 12:00 PM - Opening Performances and Art Walk

12:00 - 2:00 PM - Arts Programming (workshops and performances by local arts groups)

2:00 - 4:00 PM Celebration - Cake Cutting, S.A. Performance (cultural arts group), Speakers

4:00 - 5:00 PM - Clean Up

Staff has informed organizers pending Council approval tonight the following is required:

- A certificate of liability (COI) listing the City as an additional insured certificate holder is required from the event organization
- They are to schedule public safety following the *Extra Duty Solutions* process
- Follow the Governor's guidelines for Phase II as they pertain to outdoor gatherings

FISCAL IMPACT:

N/A. The applicant will use Extra Duty Solutions for the scheduling of both Police & Fire personnel.

STAFF RECOMMENDATION:

Postpone. Since the onset of the COVID-19 Pandemic and the issuance of statewide executive and emergency orders, the City has not hosted or approved like events in the interest of public health. Since public gatherings are currently limited to 25 people, an alternative recommendation is for this event to take place on private property.

SUGGESTED MOTION(S):

I make a motion to deny the requested street closure of the 100 block of West Elm Street Saturday October 3, 2020 10am – 5pm.

I make a motion to approve the requested street closure of the 100 block of West Elm Street on Saturday October 3, 2020 10am – 5pm with the following condition(s):

Mr. Laughin and the other organizers:

- Obtains and submits a Certificate of Liability Insurance (COI) meeting all City requirements;
- Schedules public safety personnel following the Extra Duty Solutions process;
- Follows all the Governor's guidelines set forth in Phase II for outdoor gatherings and limiting the event to 25 people;
- Provides sanitizing stations and social distancing

Request for Permit for October 3, 2020

Travis Laughlin <travisslaughlin@gmail.com>

Mon 8/31/2020 4:11 PM

To: Mary Faucette <mfaucette@cityofgraham.com>

Cc: Heather Bryce <brycedance@gmail.com>

[**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.]

Ms. Faucette,

I am emailing to request a permit for the closing of West Elm Street in Graham, North Carolina on Saturday, October 3rd, 2020 to coincide with a celebration planned on that date in the public space across from the courthouse. The purpose of this permit is to hold a family/community friendly block party that activates visual and performing arts in an effort to uplift the story and lasting impact of the life of Wyatt Outlaw. Through the arts, workshops, and celebration, it is our hope to raise awareness and understanding of the importance of Wyatt Outlaw and to create opportunities for community connection and dialogue.

For your consideration, here are the details of the event as planned thus far:

- **Date:** Saturday, October 3, 2020
- **Time:** 10:00 AM until 5:00 PM
- **Location:** West Elm Street and the public park space across from the courthouse
- **Anticipated Crowd Size:** Approximately 1000 throughout the entire day; safety precautions (i.e. masks, social distancing) will be required and enforced by event organizers
- **Schedule for the Day**
 - 10:00 - 11:00 AM
 - Set Up
 - 11:00 AM - 12:00 PM
 - Opening Performances and Art Walk
 - 12:00 - 2:00 PM
 - Arts Programming (workshops and performances by local arts groups)
 - 2:00 - 4:00 PM Celebration
 - Cake Cutting
 - S.A. Performance (cultural arts group)
 - Speakers
 - 4:00 - 5:00 PM
 - Clean Up
- **Partner Organizations**
 - Confirmed
 - Alamance Arts
 - Down Home Alamance
 - Pending
 - African-American Cultural Arts and History Center
 - Paperhand Puppet
 - Paramount Theatre
 - Southern Arts Movement

Thank you for your consideration and please let me know if you need any further information.