

City of Graham Planning Board

Meeting Agenda

February 16, 2021 at 7:00 PM
Online Zoom Meeting- Details at bottom of agenda.

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

1. Approve minutes of the January 19, 2021 meeting
 2. New Business
 - a. RZ2101 Poplar Industrial. Request by Urias G. Hernandez for rezoning from residential high density R-7 to light industrial I-1. GPIN 8874769214 .
 - b. RZ2102 Shakori Hills. Request by Walid Nicola for rezoning from medium density R-15 to medium density R-12. GPIN 8883766151 .
 3. Old Business
 - a. 160D Update Review and Discussion
 4. Public comment on non-agenda items
- Adjourn

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

You are invited to a Zoom webinar.
When: Feb 16, 2021 07:00 PM Eastern Time (US and Canada)
Topic: Planning Board Zoom Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84459331554?pwd=dVQ1Q0d4VkF1cTRaS3JUeGIUaGw3dz09>

Passcode: 930979

Or iPhone one-tap :

US: +13017158592,,84459331554# or +13126266799,,84459331554#

Or Telephone:

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

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

Webinar ID: 844 5933 1554

International numbers available: <https://us02web.zoom.us/j/kcH4Aek7YI>

PLANNING ZONING BOARD

Tuesday, January 19, 2021

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 December 15, 2020 minutes. A motion was made to approve the minutes by Eric Crissman seconded by Dean Ward. All voted in favor.
2. New Business
 - a. RZ2010 Riverbend Business. Request by Travers Webb, for rezoning from R-MF (Multifamily Residential) to B-2 (General Business). GPIN 8884721949. Nathan Page presented the project to the Planning Board. George Travers Webb III gave an overview of his project. He answered a few questions for the board. Eric Crissman made a motion to approve as it is consistent with The Graham 2035 Comprehensive Plan. Seconded by Nate Perry. All voted aye.
 - b. CR2006 Trudy Apartments. Request by Second Partners, LLC for Conditional Rezoning for multifamily apartments from Light Industrial. GPIN 8894453334. Mr. Page gave the staff report to the planning board. Presenters for this project are listed below. Each one presented a different aspect of this project. The board had several questions for the applicants about the project. Justin Moody made a motion to approve the application based on conformity with policies 2.2.1 and 5.5.1, consistency with The Graham 2035 Comprehensive Plan and meets with the following conditions : TRC standards, NCDOT study and sewer study meet requirements. Tony Bailey seconded. All voted aye. Bobby Chin made a motion the developer will up fit the Haw River Pump Station to City specification to handle the additional flow, with the ability of City Staff to up fit the proposed sizing at material cost. Michael Benesch seconded. All voted Aye.

| | |
|----------------|--------------------|
| John Burton | 2849 Willoughby Ct |
| George Webb IV | 129 Hudson Ct |
| Chad Huffine | 505 E Davis St. |

.
 - c. CR2007 Albright Carport. Request by Jane Albright for Conditional Rezoning for accessory structure placed in front and side yard. GPIN 8884230039. Jim Albright 103 Rockriver Rd. spoke on behave of his sister and explained her situation. The board ask to move to item d on the agenda and come back to this item next. Mr. Albright withdrew

this application.

- d. AM2005 R7 Setbacks. Request by Nathan Page to reduce the setbacks for R7 front yards. Development Ordinance Section 10.245 Table of area, height, and yard regulations. Nathan presented to the board. Mr. Crissman made a motion to approve based on The Graham 2035 Comprehensive Plan, 2.3.1, 4.3.1 development ordinance. Dean Ward seconded. Vote 5-2 Tony Bailey and Bobby Chin voted Nay
3. Old Business
 - a. 160D Update Review and Discussion- Attorney still are working on this. Nathan is reaching out to the attorneys to ask about the time frame on this.
 4. Public comment on non-agenda items- Bobby Chin made a motion to adjourn. Eric Crissman seconded. All voted Aye.

No further business the meeting was adjourned.

Respectfully Submitted,
Debbie Jolly



STAFF REPORT

Prepared by Nathan Page, Planning Director

Poplar Industrial (RZ2101)

Type of Request: Rezoning

Meeting Dates

Planning Board on February 16, 2021

City Council March 9, 2021

Contact Information

Urias G. Hernandez

2416 Berkley Rd, Burlington NC 27217

(336) 263-0655,

urias.hernandez777@gmail.com

Summary

This property has previously opened right of way (ROW) to the south, and unopened ROW to the east. The parcel currently has a narrow access off of Webb Avenue. The stated reason for this rezoning is to permit an Automotive Painting/Body Shop.



Location

W Elm St

GPIN: 8874769214

Current Zoning

Residential (R-7)

Proposed Zoning

Light Industrial (I-1)

Overlay District

N/A

Surrounding Zoning

R-7, B-2

Surrounding Land Uses

Single Family Homes,
Commercial

Size

0.81 (+/-) acres

Public Water & Sewer

Available

Floodplain

No

Staff Recommendation

Denial

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

Planning District: Mixed Use Commercial

Applicable Policies;

- **3.2.1 Connectivity.** Promote interconnectivity within residential and commercial developments. *The rezoning of this parcel to commercial would be in keeping with this goal.*
- **3.1.2 Safe Access to Businesses and Homes.** Limit direct highway access or the number of curb cuts to commercial activities by directing development to proposed regional and village centers and requiring internal connectivity between commercial uses, uniformity in design standards, and rear alley access where feasible. *This property has access concerns due to roadway realignments over time. However, there are multiple points which could be improved by the business owner to access the property.*

Development Type

Mixed Use Commercial

Buildings located no further than 15 feet from the front lot line

3-5 story building heights

Sidewalks, small block lengths, on-street parking, transparent windows on >50% of front façade

A mix of uses is desirable, including retail, commercial, office, multifamily residential, and institutional uses

Built to a human scale

Applicable Strategies;

- **1.1.5 Discourage Strip Development.** Discourage strip development along transportation arteries and proposed interstate interchanges by directing these commercial activities to proposed activity centers. *This parcel is in the vicinity of a Community Activity Center. The proposal of General Business zoning may fit better with that designation than the requested Light Industrial Regulations.*
- **2.3.1 Facilitate focused development.** Incentivize pedestrian-oriented nodal development consistent with this plan by incentivizing smart growth development. *Rezoning this property lot to B-2 would reinforce the goals of pedestrian-oriented nodal development and smart growth development while discouraging commercial strip developments.*

Staff Recommendation

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

- The adjacent residential character of the neighborhood may be better served with commercial zoning on this property, as industrial zoning is not in keeping with Policy 3.2.1, nor strategy 1.1.5.

However, the location may be suitable for the General Business District, which would permit this use without the possibility of outdoor storage. The following supports this recommendation:

- The residential character of the existing neighborhood is better suited to a light commercial activity than a light industrial site, in alignment with strategies 1.1.5, 2.3.1, and Policy 3.1.2.



Application for REZONING or CONDITIONAL REZONING

RECEIVED

JAN 05 2021

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 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: 0 Poplar St. Graham, NC

Tax Map#: _____ GPIN: 134526

Current Zoning District(s):

R-7 R-9 R-12 R-15 R-18

R-MF R-G C-R C-MXR

B-1 B-2 B-3 C-B C-MXC

O-I C-O-I I-1 I-2 C-I

Overlay District, if applicable:

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

Current Use: There is no existing use (vacant old home)

Total Site Acres: .81

Property Owner: Hicks Howard L Jr.

Mailing Address: _____

City, State, Zip: _____

Applicant

Property Owner Other Buyer (contract attached)

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: Urias G. Hernandez

Mailing Address: 2416 Berkley Rd.

City, State, Zip: Burlington, NC 27217

Phone # (336) 263-0655

Email: urias.hernandez777@gmail.com

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

Urias G. Hernandez
Signature of Applicant

Date

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

R-7 R-9 R-12 R-15 R-18

R-MF R-G C-R C-MXR

B-1 B-2 B-3 C-B C-MXC

O-I C-O-I I-1 I-2 C-I

Describe the purpose of this rezoning request. *For Conditional Rezoning*, also specify the actual use(s) intended for the property (from Sec. 10.135 Table of Permitted Uses) along with other descriptive or pertinent information, such as number of dwelling units, type of multifamily development, square footage and number of buildings:

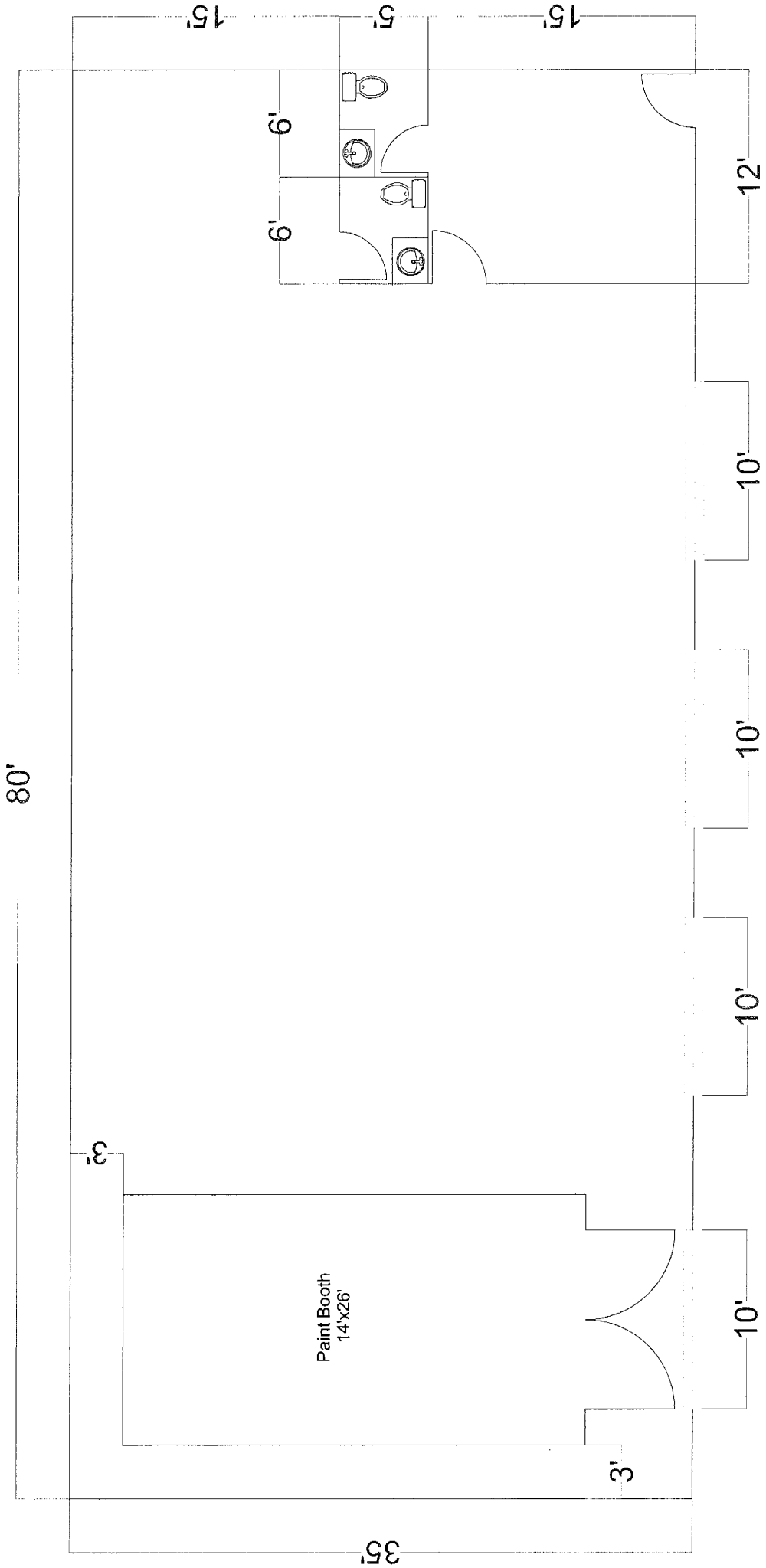
Automotive Painting/Body Shop (4.4.C.7)

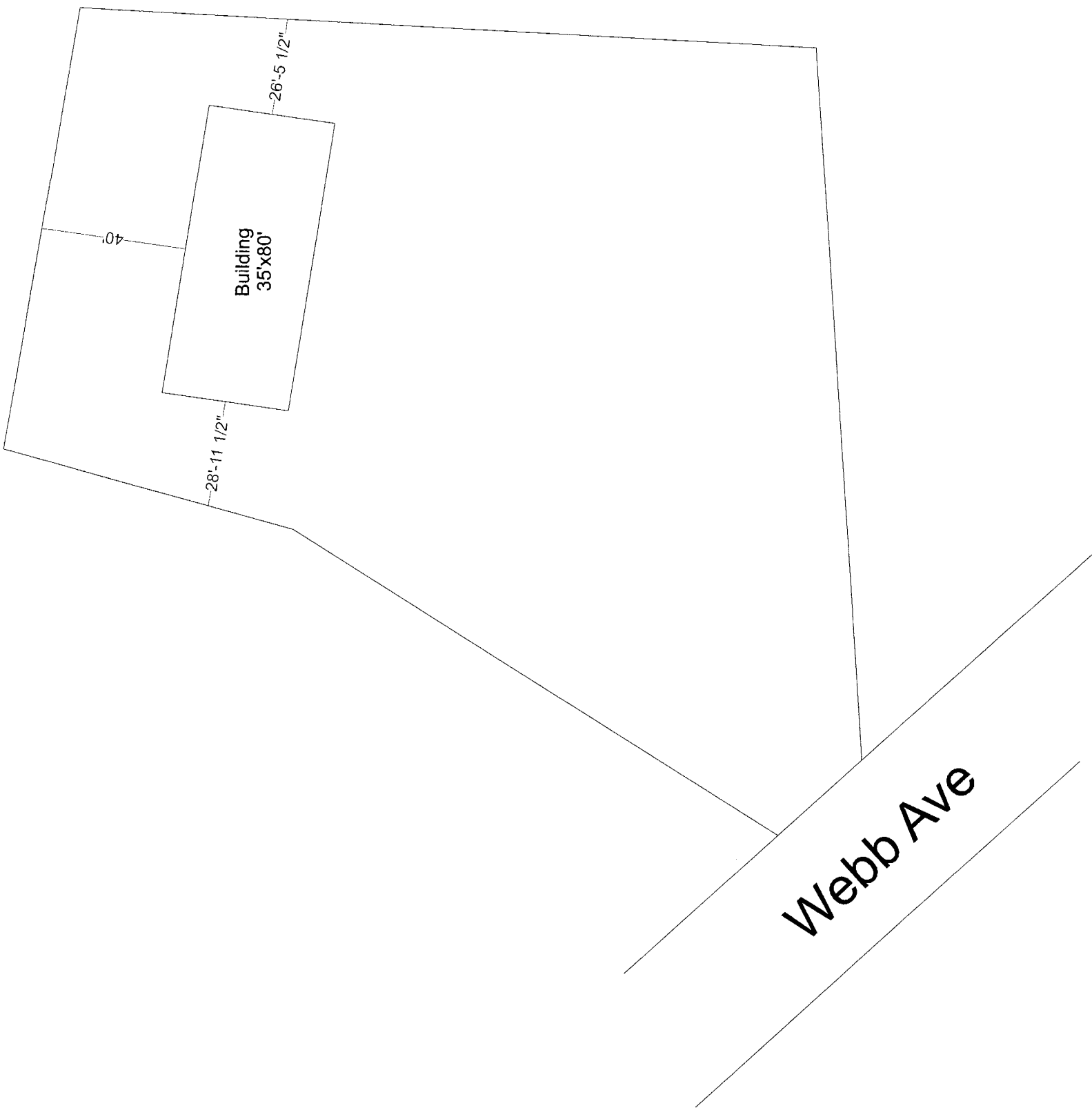
One metal building: 80'x35': 2800 square footage

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

Site Plan Review Application **must be attached to this application for Conditional Rezoning**

Office Use Only. DEVID# RZ2101 Poplar Industrial







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.

**Poplar Industrial
(RZ2101)**
Type of Request
Rezoning
Meeting Dates
Planning Board on February 16, 2021
City Council on March 9, 2021

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

I move to **recommend DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

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

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

This report reflects the recommendation of the Planning Board, this the 16th day of February, 2021.

Attest:

Dean Ward, Planning Board Chairman

Debbie Jolly, Secretary



STAFF REPORT

Prepared by Nathan Page, Planning Director

Shakori Hills R-12 (RZ2102)

Type of Request: Rezoning

Meeting Dates

Planning Board on February 16, 2021

City Council on March 9, 2021

Contact Information

Walid Nicola

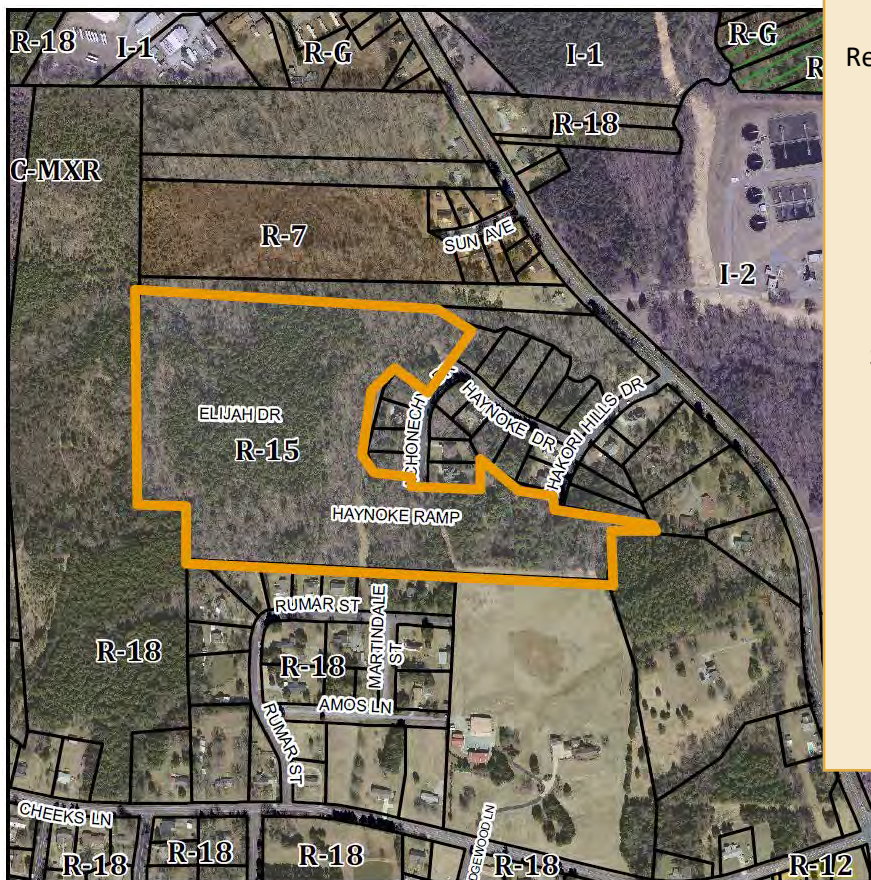
906 S Main St, Burlington NC 27215

(336)449-5050

wnicola57@yahoo.com

Summary

This is a request to rezone the subject property from R-15 to R-12. The property is currently wooded. This property was originally approved as a neighborhood in the 1990's, but went through a subsequent development phase in 2006. At this time, the developer is requesting a rezoning to R-12, without a stated reason. The developer had approval for an R-15 with Open Space subdivision from the 2006 date. This site is already within Graham's City Limits.



Location

E Gilbreath Street
Achonechy Tr./Haynoke
Dr./Shakori Hills Dr.

GPIN: 8883766151

Current Zoning

Residential (medium density)
(R-15)

Proposed Zoning

Residential (medium density) (R-12)

Overlay District

none

Surrounding Zoning

R-7, R-18, I-2

Surrounding Land Uses

Single Family, Industrial, and
Vacant

Size

Approximately 33 acres

Public Water & Sewer

Yes

Floodplain

Yes

Staff Recommendation

Approval

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

Applicable Policies;

- **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. *This development utilizes the land which is served by city water and sewer more efficiently than maintaining the existing R-15 zoning. Additionally, the R-12 zoning allows for the construction of more homes in suitable locations than the R-18 current zoning, which may alleviate a need for a potentially dangerously sloped cul-de-sac.*

Applicable Strategies;

- **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 infrastructure, with redundant access and water and sewer connections.*

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 the Suburban Residential type and furthers policy 3.3.2, and strategy 4.3.1, as put forth by the *Graham 2035 Comprehensive Plan*.

Planning Type

Neighborhood

Development Type

Suburban Residential

For single family residential, townhouses, duplexes, accessory dwelling units, and small scale multi-family dwelling of twelve units or less.

Buildings should be located near the front of the property line, oriented towards the street, and include front porches and other private outdoor spaces.

Recess garages behind the front of buildings to avoid streetscapes dominated by garage doors.

Density of 3 to 6 DU/acre



Application for REZONING or CONDITIONAL REZONING

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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: VA GILBREATH ST, GRAHAM

Tax Map#: 145076 GPIN: 8883766151

Current Zoning District(s):

- R-7 R-9 R-12 R-15 R-18
- R-MF R-G C-R C-MXR
- B-1 B-2 B-3 C-B C-MXC
- O-I C-O-I I-1 I-2 C-I

Overlay District, if applicable:

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

Current Use: RESIDENTIAL

Total Site Acres: 33.22

Property Owner: GRAHAM LAND HOLDINGS, LLC

Mailing Address: 906 S. MAIN ST, BURL

City, State, Zip: BURLINGTON, NC 27215

Applicant

Property Owner Other _____

Application for Conditional Rezoning may only be initiated by the owner of a legal interest in all affected property, any person having an interest in the property by reason of written contract with owner, or an agent authorized in writing to act on the owner's behalf. If the applicant for Conditional Rezoning is other than the Property Owner, documentation in compliance with the preceding statement must be provided in order for this application to be complete.

Name: WALD NICOLA

Mailing Address: 906 S. MAIN ST.

City, State, Zip: BURL, NC 27215

Phone #: 336 449-5050

Email: WNICOLA57@YAHOO.COM

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

[Signature] 1/15/21
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 Rezonings*, 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:

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 Rezonings**

Office Use Only. DEVID# R22102



PLANNING BOARD Recommendation & Statement of Consistency

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**Shakori Hills
(RZ2102)**
Type of Request
Rezoning
Meeting Dates
Planning Board on February 16, 2021
City Council on March 9, 2021

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

I move to **recommend DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

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

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

This report reflects the recommendation of the Planning Board, this the 16th day of February, 2021.

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Dean Ward, Planning Board Chairman

Debbie Jolly, Secretary