

Graham City Council
 Regular Meeting Agenda
 Tuesday, August 10, 2021 @ 6:00 P.M.



Meeting called to order by the Mayor
 Invocation & Pledge of Allegiance
 Code of Ethics Disclosing Conflicts of Interest: City Clerk

1. Consent Agenda:

- a. Approve Minutes – July 13, 2021 Regular Session
- b. Approve Tax Collector's Year End Report
- c. Approve 2020 Outstanding Tax Listing
- d. Approve Tax Releases
- e. Approve the Ordinance amendment to CHAPTER 18- STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, ARTICLE I- IN GENERAL of the Code of Ordinances to require Historic Resource Commission and Technical Review Committee approval prior to City Council consideration of an Encroachment License request
- f. Petition for Voluntary Contiguous Annexation for 52 acres located off Parham Drive and Wildwood Lane (GPIN 8883202217, 8883216464, 8883219007, 8883312515) (AN2102):
 - i. Approve Resolution Requesting City Clerk to Investigate Sufficiency
 - ii. Approve Resolution Fixing Date of September 14, 2021 for Public Hearing on Question of Annexation
- g. Appoint the following to the Appearance Commission with a term expiration of June 30, 2024:
 - i. Zipporah Clark Baldwin
 - ii. Bernadette Konzelmann
 - iii. Carmen Larimore

2. Old Business:

- a. Public Hearing: CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on Truby Drive (GPIN 8894453334) **(7/29/21 – Applicant requested item to be tabled)**
- b. Public Hearing: RZ2104 Jimmie Kerr Multi-Family. Request by Travers Webb for rezoning to R-MF from I-1 for approximately 11 acres on Jimmie Kerr Road (GPIN 8894469497 & 8894469816)

3. Recommendations from Planning Board:

- a. Public Hearing: CR2101 Gilbreath Multifamily. Application by Ben Green Hyconic Holdings LLC, for 38 acres to Conditional Residential from Light Industrial for 453 dwelling units, apartments and townhomes (GPIN 8883885270, 8883872722, 8883886903) **(8/2/21 – Applicant request item to be tabled)**
- b. Public Hearing: RZ2106 Maple and Market. Application by Jerry Smith for rezoning of parcels (approximately 3.5 acres) to B-1 from R-7 (GPIN 8884059566, 8884150571, 8884151515, 8884058556, 8884059880, 8884151700, 8884151602)
- c. Public Hearing: AM2102 Text Amendment Special Use Permits. Development Ordinance Amendments as recommended by City Council regarding Special Use Permits- Hearings before the Board of Adjustment, Article 4, Division 7 (Sections 10.137 to 10.148)

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

This meeting will be aired via YOUTUBE LIVE - click [here](#) to watch

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JULY 13, 2021
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, July 13, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street.

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:

Aaron Holland, Interim City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Jeff Wilson, IT Systems Manager
Mary Faucette, Downtown Development Coordinator

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Mayor Pro Tem Chip Turner gave the invocation and everyone stood to recite the Pledge of Allegiance.

Code of Ethics Disclosing Conflicts of Interest:

Council Member Jennifer Talley stated that her husband has a request on this agenda. Mayor Peterman made a motion that Council Member Talley be recused from item 3a (Nicks Building Balcony) Encroachment. Mayor Pro Tem Turner seconded the motion and all voted in favor of the motion.

Consent Agenda:

- a. Approve Minutes – June 8, 2021 Regular Session*
- b. Approve Minutes – June 17, 2021 Special Session*
- c. Approve Tax Releases*

| CITY OF GRAHAM RELEASE ACCOUNTS | | | | |
|------------------------------------|-------------|--------------------|------------------------------|----------------------------|
| JULY | | | | |
| <u>ACCT#</u> | <u>YEAR</u> | <u>NAME</u> | <u>REASON FOR RELEASE</u> | <u>AMOUNT RELEASED</u> |
| 686582 | 2020 | COUNTY OF ALAMANCE | PROPERTY EXEMPT - BOAT | \$60.79 |
| 686582 | 2020 | COUNTY OF ALAMANCE | PROPERTY EXEMPT - BOAT MOTOR | \$42.27 |
| 498065 | 2017 | YDG, LLC | OUT OF BUSINESS IN 2017 | \$44.18 |
| 498065 | 2018 | YDG, LLC | OUT OF BUSINESS IN 2017 | \$57.03 |
| 498065 | 2019 | YDG, LLC | OUT OF BUSINESS IN 2017 | \$57.03 |

- d. Approve request to have the Alamance County Board of Commissioners remove Frankie Maness, and appoint Aaron Holland as a Plat Review Officer*
- e. Approve Employee Pension Audit Contract with Stout, Stuart, McGowen & King, LLC*

Council Member Ricky Hall made a motion to approve the Consent Agenda, seconded by Council Member Melody Wiggins.

Old Business:

- a. **Public Hearing: CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on Truby Drive (GPIN 8894453334)***

Interim City Manager Aaron Holland explained that this is a request to rezone the subject property from I-1 to CMXR (Conditional Mixed Use Residential). The application is for 22 buildings, with 24 units per building for a total of 1056 bedrooms. He added that this item was tabled from last month.

Following Council Member Talley's question for verification that nothing has changed with this request since last month, Mayor Peterman opened the Public Hearing.

The following individuals addressed this agenda item with Council Members:

| | |
|---|-----------------------------|
| Amanda Hodieme-804 Green Valley Rd. Greensboro | Tom Boney-Alamance News |
| Travers Webb-619 E. Harden St. | John Burton-2849 Burlington |

Ms. Hodieme addressed Council on behalf of Second Partners, LLC. She advised that her clients have done a feasibility plan that would include some commercial uses in an effort to dissipate the intensity of the multi-family. She spoke to Council about some ideas that her clients have come up with including an upgrade to the force main line, putting a delay on anything more than 300 apartments, and possibly sending sewer to Haw River's treatment plant. She advised that she hopes Council would be willing to consider one of these ideas and is hoping to get this into a development agreement in the future. A general discussion about the various options presented ensued between Council Members, Ms. Hodieme and staff. Following the discussion, Council Members heard Mr. Boney, Mr. Webb and Mr. Burton. Mr. Webb expressed concern that others are speaking on behalf of this project when he is currently the authorized spokesperson for Second Partners, LLC. Mr. Boney inquired as to who owns the property and Mr. Burton advised that he and Mr. Webb were partners in this project but as of this Friday, he and his brother Jack will own all of the property. He informed Council that they will amend the affidavit filed with the City once they are sole owners.

Following the discussion, Mayor Peterman made a motion to postpone this item until the August 10, 2021 meeting. Council Member Hall seconded the motion and all voted in favor of the motion.

- b. **Public Hearing: RZ2104 Jimmie Kerr Multi-Family. Request by Travers Webb for rezoning to R-MF from I-1 for approximately 11 acres on Jimmie Kerr Road (GPIN 8894469497 & 8894469816)***

Mr. Holland explained that this is a request to rezone the property from I-1 to R-MF (residential multi-family).

The property currently is vacant, and is surrounded by general business and industrial districts, including a hotel, truck stop, and packaging facility, the latter two of which signal frequent semi-truck traffic along this portion of Jimmie Kerr Road. He advised that this item was tabled at last month's meeting. With no questions forthcoming, Mayor Peterman opened the Public Hearing.

The following individual addressed this agenda item with Council Members:

Travers Webb-619 E. Harden St. Graham

Mr. Webb expressed concern that at last month's meeting, someone from another project spoke about Mr. Webb's need for sewer. He informed Council that his request does not need sewer. He asked that Council consider the merits of his request on its own and not base their decision on other requests.

Council Members and Mr. Webb discussed sewer capacity, zoning and traffic. Mayor Peterman stated that he would like to see what sewer capacity in that area might look like after hearing back from Second Partners, LLC next month. He asked Mr. Webb if he would be willing to postpone this request for one month. Mr. Webb asked Council to take action at this meeting. At the conclusion of the discussion with Mr. Webb, Mayor Peterman closed the Public Hearing. Council Member Wiggins stated that Mr. Webb has the right to ask Council to move forward with his request. Council Member Talley made a motion to postpone this item until the August 10, 2021 meeting, seconded by Council Member Hall. Ayes: Council Member Talley, Council Member Hall, Mayor Peterman and Mayor Pro Tem Turner. Nays: Council Member Wiggins. Motion carried 4:1.

Requests & Petitions from Citizens:

a. Nicks Building Balcony Encroachment. Request by Jennifer Talley for an encroachment license agreement for the installation of a balcony on the front of the Nick's building located at 102 South Main Street

Mayor Peterman asked Council Member Talley to step down while discussing this agenda item. Mr. Holland explained that the City received a written request from Chuck and Jennifer Talley with supporting photos for a proposed balcony to be installed on the front and side of the Nicks building located at 102 S. Main Street. The proposed balcony is to be re-installed as it was on the historic Nicks building and described in the attached request. He added that an encroachment license agreement approved by City Council is required pursuant to Sec. 18-2(c) of the City's Code of Ordinances. Mr. Holland advised that the proposed project has not received all necessary approvals from applicable boards. Any conflicts within right of ways will need to be further investigated during TRC review. He advised that staff recommends any approvals to be contingent upon satisfaction of TRC and HRC approval.

A brief discussion between Council Members and staff about encroachment requests coming to Council prior to obtaining HRC and TRC approval ensued. Council Members expressed concern with items coming straight to Council before HRC and TRC, with Mayor Peterman suggesting that we look into policy and making an amendment that would require HRC and TRC approval first. With no further comments forthcoming, Mayor Peterman opened the discussion to the floor.

The following individual addressed this agenda item with Council Members:

Chuck Talley-808 Sideview St. Graham

Mr. Talley expressed concern for the time in which a developer has once they are issued a permit. Mayor Pro Tem Turner stated that he did not see a problem with approving the encroachment agreement because Mr. Talley would still have to go back before HRC and TRC. Council Member Hall agreed with Mayor Pro Tem Turner. Mayor Peterman stated that out of respect for our volunteer boards and commissions, the only way he could see him approving this was if he received approval from Council to be at the HRC and TRC meetings to explain the Council's position and answer questions.

Council Member Hall made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Jennifer Talley for the installation of a balcony on the front and side of the building located at 102 S. Main Street as identified by the submitted photos with the following condition(s):

- Approval by all applicable boards including HRC and TRC prior to construction.
- Provide proof and maintenance of \$1,000,000 in liability insurance with the City as additional insured.
- Provide a final survey to confirm approved use of public space.
- Improvements under the Encroachment License must be made prior to the expiration of the building permit.
- City Council gives permission to Mayor Peterman to go to HRC and TRC to answer any questions that they may have of the City Council.

City Council Wiggins seconded the motion and all voted in favor of the motion. Council Member Talley returned to the bench.

Mr. Tom Boney encouraged Council to consider making a policy change in order to make a procedural change. Mayor Peterman asked staff to look into what other cities are doing. Council Member Talley expressed concern for other projects being approved with language that stated contingent upon approval from TRC. Mayor Peterman advised that staff will look into the matter.

Board & Commission Appointments:

Appearance Commission:

Council Member Wiggins asked City Clerk Darcy Sperry if she had received any updates to Zipporah Clark Baldwin's application regarding employment. She noted that at the HRC meeting, newly appointed member Ms. Clark Baldwin advised that she had recently begun working, but her application stated she is retired. Ms. Sperry advised that she had not received anything from Ms. Clark Baldwin. Consensus was given to move this agenda item until next month's meeting.

Planning Board/Board of Adjustment:

Mayor Peterman made a motion to appoint Jerome Bias to the Planning Board/Board of Adjustment with a term ending 2024, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Recreation Commission:

Mayor Peterman made a motion to appoint Laurie Pickard and Tim Beshel to the Recreation Commission with terms ending 2024, seconded by Council Member Hall.

Tree Board:

The following individual addressed this agenda item with Council Members:

Megan Buckner-Hickman-304 Eastway Ln. Graham

Mayor Peterman made a motion to appoint Megan Buckner-Hickman and Carmen Larimore to the Tree Board with terms ending 2024, seconded by Council Wiggins. All voted in favor of the motion.

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

Downtown Development Director Mary Faucette mentioned the upcoming Kinfolk and Thursdays at Seven Concert series. She also advised that the Downtown Consumer Survey was extended to July 31, 2021.

Mayor Pro Tem Turner stated that he would like to offer Mr. Holland a two year contract to continue on as Interim City Manager. Mayor Peterman stated that he would like to discuss this and would like to get a report on applications received for the City Manager position.

Council Member Talley asked if the Cemetery Advisory Committee had met yet. Mayor Peterman advised they had not.

Council Member Talley asked about the brick repair to planters in the downtown area. Mr. Holland stated that Public Works Director Burke Robertson is evaluating it.

Council Member Talley asked if there was any information on the BB&T building.

Council Member Talley asked when we would be meeting about grant money. Mr. Holland advised that the City has been asked to pump the breaks until we see if we will receive funds from other grants. He advised that the Council has to approve all fund expenditures.

At 7:54 p.m., Council Member Hall made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

City of Graham
P. O. Drawer 357
201 South Main Street
Graham, North Carolina 27253
(336) 570-6700 / Fax: (336) 570-6703

PRELIMINARY REPORT FOR FISCAL YEAR 2020 – 2021

TO: Aaron Holland, Interim City Manager
Graham City Council

FROM: Sandy P. Callahan, Tax Collector

DATE: July 20, 2021

In accordance with N.C.G.S. 105-373(a)(1), I respectfully submit the following Report:

Attached to this Report is a combined list of the persons owning real property whose taxes for 2020 remain unpaid, and persons not owning real property whose personal property taxes for 2020 remain unpaid, along with the principal amount owed by each person.

In compliance with the N.C.G.S. 105-373(a)(3), attached hereto is a Report entitled "Settlement for Current Taxes for Fiscal Year 2020-2021" dated June 30, 2021 setting forth my full settlement for all taxes in my hands for collection for the fiscal year 2020-2021.

Further, I hereby certify that I have made diligent efforts to collect the taxes due from the persons listed in such a manner that is reasonably necessary.

Respectfully submitted,

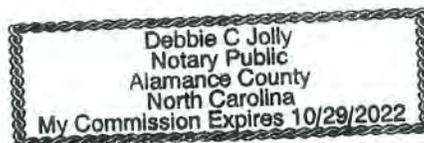

Sandy P. Callahan, Tax Collector

SWORN TO AND SUBSCRIBED BEFORE ME, this 20th day of July, 2021.


Notary Public

My Commission expires:

10/29/2022



SETTLEMENT FOR CURRENT TAXES FOR FISCAL YEAR 2019-2020
June 30, 2021

| | TOTAL PROPERTY VALUATION | RATE | AMOUNT OF LEVY |
|---|-----------------------------|--------|---------------------|
| TAX LEVY-CITY WIDE | 1,122,006,096 | 0.455% | 5,105,129.06 |
| <u>DISCOVERIES:</u> | | | |
| CURRENT YEAR & PRIOR YEAR | 39,194,086 | | 178,333.24 |
| <u>ABATEMENTS:</u> | (939,299) | | (4,273.81) |
| <u>ANNEXATIONS</u> | 317,812 | | 1,446.01 |
| <u>UNCOLLECTED INTEREST</u> | | | 5,151.69 |
| <u>UNCOLLECTED ADVERTISING COST</u> | | | 946.73 |
| | | | |
| TOTAL LEVY FOR YEAR | 1,160,578,695 | | 5,280,634.34 |
| | | | |
| LESS UNCOLLECTED TAX: | | | |
| REAL PROPERTY | | | 76,705.77 |
| PERSONAL PROPERTY | | | <u>18,681.30</u> |
| | | | 95,387.07 |
| | | | |
| CURRENT YEAR TAXES COLLECTED: | | | 5,185,247.27 |
| | | | |
| PERCENT OF CURRENT YEAR COLLECTED: | | | 98.19% |
| | | | |
| DMV VEHICLE TAX & TAG RECEIVED (July 1, 2019 - June 30, 2020) | | | 654,183.57 |
| | | | |
| TOTAL MOTOR VEHICLE COLLECTION | | | 654,183.57 |

Submitted by: Sandy P. Callahan, Tax Collector



| TAXPAYER NO | NAME | YR RECEIPT | GENERAL | DOG | CAR | LATE | PRINCIPAL |
|-------------|--------------------------------|------------|---------|--------|---------|------|-----------|
| INTEREST | COST | BALANCE | | | | | |
| 184266 | CAMPOS, LEONARDO | | | | | | |
| | 2020 001210 | 41.00 | 4.10 | 45.10 | 2.60 | | 47.70 |
| | | | | | 47.70 * | | |
| 107141 | CANON FINANCIAL SERVICES INC | | | | | | |
| | 2020 008943 | 4.16 | | 4.16 | .23 | | 4.39 |
| | | | | | 4.39 * | | |
| 125830 | CANTU, MARY JEFFREYS | | | | | | |
| P#146072 | 2020 001219 | 159.52 | | 159.52 | 3.60 | 4.00 | 167.12 |
| | 126 W HANOVER RD | | | | | | 167.12 * |
| 608231 | CARBAJAL, MIGUEL SECUNDINO | | | | | | |
| | 2020 001228 | 6.46 | .65 | 7.11 | .39 | | 7.50 |
| | | | | | 7.50 * | | |
| 662841 | CARCAMO RAUL ALFREDO SANTANA | | | | | | |
| | 2020 008944 | 63.70 | 6.37 | 70.07 | 4.05 | | 74.12 |
| | | | | | 74.12 * | | |
| 122983 | CARROLL, DOUGLAS LYNWOOD | | | | | | |
| | 2020 001275 | 1.37 | | 1.37 | .08 | | 1.45 |
| | | | | | 1.45 * | | |
| 693736 | CARTER, BETTY JEAN FOUST HEIRS | | | | | | |
| P#146819 | 2020 001279 | 13.65 | | 13.65 | .77 | 4.00 | 18.42 |
| | TOWN BRANCH RD | | | | | | 18.42 * |
| 635504 | CARTER, BRIAN | | | | | | |
| | 2020 001280 | 43.09 | 4.31 | 47.40 | 2.75 | | 50.15 |
| | | | | | 50.15 * | | |
| 501667 | CARTER, BRIAN L | | | | | | |
| | 2020 001282 | 1.34 | .13 | 1.47 | .08 | | 1.55 |
| | | | | | 1.55 * | | |
| 5793 | CARTER, DAVID M | | | | | | |
| P#145398 | 2020 001285 | 253.59 | | 253.59 | 14.57 | 4.00 | 272.16 |
| | 308 W GILBREATH ST | | | | | | 272.16 * |
| 552912 | CASTANEDA, EUFROCINA | | | | | | |
| | 2020 001319 | 12.29 | 1.23 | 13.52 | .77 | | 14.29 |
| | | | | | 14.29 * | | |
| 588678 | CASTANEDA, ISABEL/ZAMORA MARIO | | | | | | |
| | 2020 001320 | 4.55 | .46 | 5.01 | .30 | | 5.31 |
| | | | | | 5.31 * | | |
| 654546 | CASTANEDA, LUZ ELENA | | | | | | |
| P#146431 | 2020 001321 | 80.99 | | 80.99 | 4.67 | 4.00 | 89.66 |
| | 1003 JEFFREYS ST | | | | | | 89.66 * |
| 21767 | CASTANEDA, PEDRO | | | | | | |
| | 2020 001322 | 10.37 | | 10.37 | .61 | | 10.98 |
| | | | | | 10.98 * | | |
| 669922 | CASTILLO, LILIAN YOLANDA | | | | | | |
| | 2020 001323 | 13.75 | 1.38 | 15.13 | .85 | | 15.98 |
| | | | | | 15.98 * | | |
| 514448 | CAULDER, LESLIE SAMUEL | | | | | | |
| | 2020 001344 | 4.55 | .46 | 5.01 | .30 | | 5.31 |

| | | | | | | | | |
|---------------------------------------|-------------|--------|-------|--------|-------|------|----------|--|
| 673598 ESCOBAR, MARCONY O DIAZ ETUX | | | | | | | | |
| P#147142 | 2020 002273 | 311.89 | | 311.89 | 17.94 | 4.00 | 333.83 | |
| 639 E ELM ST | | | | | | | | |
| | | | | | | | 333.83 * | |
| 686396 EULISS, DENNIS HAYES | | | | | | | | |
| | 2020 002293 | 6.80 | .68 | 7.48 | .45 | | 7.93 | |
| | | | | | | | 7.93 * | |
| 502816 EULISS, DENNIS HAYNES | | | | | | | | |
| | 2020 002295 | 7.94 | .79 | 8.73 | .52 | | 9.25 | |
| | 2020 002296 | 7.94 | .79 | 8.73 | .52 | | 9.25 | |
| | | | | | | | 18.50 * | |
| 672710 EULISS, UFTRING NATASHA RAY | | | | | | | | |
| P#146547 | 2020 002308 | 480.27 | | 480.27 | 27.61 | 4.00 | 511.88 | |
| 403 ALBRIGHT AVE | | | | | | | | |
| | | | | | | | 511.88 * | |
| 688084 EVE, MANAGEMENT GROUP LLC | | | | | | | | |
| P#146604 | 2020 002321 | 176.09 | | 176.09 | 10.12 | 4.00 | 190.21 | |
| 407 MOSER ST | | | | | | | | |
| | | | | | | | 190.21 * | |
| 642234 EVERETTE, DOROTHY LOUISE MONRO | | | | | | | | |
| P#145688 | 2020 002323 | 51.19 | | 51.19 | 2.92 | 4.00 | 58.11 | |
| 201 GERALD ST | | | | | | | | |
| | | | | | | | 58.11 * | |
| 671480 EWING TOM | | | | | | | | |
| | 2020 009036 | 114.48 | 11.45 | 125.93 | 7.22 | | 133.15 | |
| | | | | | | | 133.15 * | |
| 54810 FAIRWAY OUTDOOR FUNDING LLC | | | | | | | | |
| | 2020 009037 | 789.29 | 78.93 | 868.22 | 49.91 | | 918.13 | |
| | 2020 009038 | 55.22 | 5.52 | 60.74 | 3.51 | | 64.25 | |
| | | | | | | | 982.38 * | |
| 682754 FARRINGTON, DONALD E | | | | | | | | |
| P#146238 | 2020 002365 | 428.59 | | 428.59 | 24.62 | 4.00 | 457.21 | |
| 109 N MARSHALL ST | | | | | | | | |
| | | | | | | | 457.21 * | |
| 692157 FELIX, ROGELIO | | | | | | | | |
| | 2020 002389 | 26.53 | 2.65 | 29.18 | 1.68 | | 30.86 | |
| | | | | | | | 30.86 * | |
| 662035 FIELDS, LATIEL | | | | | | | | |
| P#148917 | 2020 002404 | 439.96 | | 439.96 | 25.30 | 4.00 | 469.26 | |
| 614 QUINCY CT | | | | | | | | |
| | | | | | | | 469.26 * | |
| 353213 FISH-TECH INC | | | | | | | | |
| | 2020 009061 | 2.03 | .20 | 2.23 | .14 | | 2.37 | |
| | 2020 009062 | 1.56 | .16 | 1.72 | .08 | | 1.80 | |
| | 2020 009063 | 5.84 | .58 | 6.42 | .38 | | 6.80 | |
| | 2020 009064 | 19.82 | 1.98 | 21.80 | 1.24 | | 23.04 | |
| | | | | | | | 34.01 * | |
| 37093 FISHER, SHANE C | | | | | | | | |
| P#144225 | 2020 002434 | 512.47 | | 512.47 | 29.45 | 4.00 | 545.92 | |
| 117 MONTREE LN | | | | | | | | |

| | | | | | | | | |
|---------------------------------------|-------------|--------|-------|--------|-------|------|----------|--|
| P#146256 | 2020 003387 | 8.67 | | 8.67 | .46 | | 9.13 | |
| 107 N MELVILLE ST | | | | | | | | |
| | | | | | | | 9.13 * | |
| 692310 HOLT, BOBBY | | | | | | | | |
| | 2020 003397 | 10.83 | 1.08 | 11.91 | .69 | | 12.60 | |
| | | | | | | | 12.60 * | |
| 671479 HORIZON KINETICS LLC | | | | | | | | |
| | 2020 009099 | 102.44 | 10.24 | 112.68 | 6.50 | | 119.18 | |
| | | | | | | | 119.18 * | |
| 663254 HORNER, MARK ROGERS | | | | | | | | |
| | 2020 003453 | 10.74 | 1.07 | 11.81 | .69 | | 12.50 | |
| | 2020 003454 | 7.63 | .76 | 8.39 | .47 | | 8.86 | |
| | 2020 003455 | 3.96 | .40 | 4.36 | .24 | | 4.60 | |
| | | | | | | | 25.96 * | |
| 692158 HOWELL, ANTOINE | | | | | | | | |
| | 2020 003481 | 20.34 | 2.03 | 22.37 | 1.30 | | 23.67 | |
| | | | | | | | 23.67 * | |
| 690649 HOWELL, EUGENE E HEIRS | | | | | | | | |
| P#146992 | 2020 003483 | | | | | 4.00 | 4.00 | |
| 609 E PINE ST | | | | | | | | |
| | | | | | | | 4.00 * | |
| 690332 HUERTA, DIANA GARCIA | | | | | | | | |
| P#171278 | 2020 003496 | 102.94 | | 102.94 | 5.91 | 4.00 | 112.85 | |
| 788 E HANOVER RD | | | | | | | | |
| | | | | | | | 112.85 * | |
| 689969 HUEY, WILLIAM I HEIRS | | | | | | | | |
| P#143921 | 2020 003504 | 774.85 | | 774.85 | 44.55 | 4.00 | 823.40 | |
| 1519 WEDGEWOOD DR | | | | | | | | |
| | | | | | | | 823.40 * | |
| 226861 HUGHES, CAROLYN FAYE | | | | | | | | |
| P#147324 | 2020 003513 | 391.48 | | 391.48 | 22.53 | 4.00 | 418.01 | |
| 500 DOGGETT DR | | | | | | | | |
| | | | | | | | 418.01 * | |
| 682777 HUNBERTO, AGUIRRE | | | | | | | | |
| | 2020 003521 | 4.55 | .46 | 5.01 | .30 | | 5.31 | |
| | | | | | | | 5.31 * | |
| 19163 HURT, ARLIE | | | | | | | | |
| P#134895 | 2020 003548 | 103.00 | | 103.00 | 5.91 | 4.00 | 112.91 | |
| 807 OAKLEY ST | | | | | | | | |
| | | | | | | | 112.91 * | |
| 491294 ICE AGE MANAGEMENT, INC | | | | | | | | |
| | 2020 003567 | 9.18 | 9.18 | .53 | | | 9.71 | |
| | | | | | | | 9.71 * | |
| 646129 IH3 PROPERTY NORTH CAROLINA LP | | | | | | | | |
| | 2020 009106 | 8.03 | 8.03 | .46 | | | 8.49 | |
| | | | | | | | 8.49 * | |
| 645628 IH3, PROPERTY NORTH CAROLINA L | | | | | | | | |
| P#130255 | 2020 003573 | 826.53 | | 826.53 | 47.53 | 4.00 | 878.06 | |
| 2607 PEPPERSTONE DR | | | | | | | | |
| | | | | | | | 878.06 * | |
| 671208 INGALLINERA, JOSEPHINE | | | | | | | | |
| | 2020 003590 | 6.16 | .62 | 6.78 | .39 | | 7.17 | |

| | | | | | | | | |
|-----------------------------------|-------------|----------|-------|----------|------------|-------|----------|--|
| | | | | | 454.83 * | | | |
| 660926 MATTHEWS TREE SERVICE | | | | | | | | |
| 2020 009176 | 8.32 | .83 | 9.15 | .53 | | 9.68 | | |
| | | | | | 9.68 * | | | |
| 651443 MATTHEWS, BRIAN ETHAN | | | | | | | | |
| P#152568 | 2020 004620 | 204.75 | | 204.75 | 11.80 | 4.00 | 220.55 | |
| 1324 RASPBERRY RUN | | | | | | | | |
| | | | | | 220.55 * | | | |
| 686462 MAY, DALE EUGENE | | | | | | | | |
| 2020 004630 | 1.95 | .20 | 2.15 | .14 | | 2.29 | | |
| 2020 004631 | .93 | .09 | 1.02 | .07 | | 1.09 | | |
| | | | | | 3.38 * | | | |
| 583212 MAYNARD, CARRIE R HEIRS | | | | | | | | |
| P#134878 | 2020 004641 | 45.50 | | 45.50 | 2.61 | 4.00 | 52.11 | |
| 605 OAKLEY ST | | | | | | | | |
| | | | | | 52.11 * | | | |
| 692160 MAYORQUIN, PABLO HERNANDEZ | | | | | | | | |
| 2020 004644 | 7.46 | .75 | 8.21 | .46 | | 8.67 | | |
| | | | | | 8.67 * | | | |
| 684503 MBT, TRUST | | | | | | | | |
| P#147537 | 2020 004658 | 394.92 | | 394.92 | 22.70 | 4.00 | 421.62 | |
| 405 ASHBURN ST | | | | | | | | |
| | | | | | 421.62 * | | | |
| 22906 MCADAMS, PATSY E | | | | | | | | |
| P#135048 | 2020 004661 | 185.09 | | 185.09 | 10.65 | 4.00 | 199.74 | |
| 409 GATES AVE | | | | | | | | |
| | | | | | 199.74 * | | | |
| 689204 MCADEN, PLACE LLC | | | | | | | | |
| P#146148 | 2020 004662 | 1,832.96 | | 1,832.96 | 105.41 | 4.00 | 1,942.37 | |
| 209 MCADEN ST | | | | | | | | |
| | | | | | 1,942.37 * | | | |
| 22912 MCADOO, PERCY N HEIRS | | | | | | | | |
| P#146849 | 2020 004665 | 68.25 | | 68.25 | 3.92 | 4.00 | 76.17 | |
| TOWN BRANCH RD | | | | | | | | |
| P#146854 | 2020 004666 | 158.49 | | 158.49 | 9.12 | 4.00 | 171.61 | |
| 600 TOWN BRANCH RD | | | | | | | | |
| | | | | | 247.78 * | | | |
| 49696 MCCANN, KENNETH JAY | | | | | | | | |
| P#131156 | 2020 004680 | | | | | 4.00 | 4.00 | |
| WENDY DR | | | | | | | | |
| | | | | | 4.00 * | | | |
| 682135 MCCULLOCK, MELONY | | | | | | | | |
| 2020 004709 | 9.51 | .95 | 10.46 | .61 | | 11.07 | | |
| | | | | | 11.07 * | | | |
| 532880 MCDONALD, AMBER | | | | | | | | |
| P#131488 | 2020 004717 | 171.19 | | 171.19 | 9.82 | 4.00 | 185.01 | |
| ROGERS RD | | | | | | | | |
| | | | | | 185.01 * | | | |
| 113789 MCENTIRE & DILELLO | | | | | | | | |
| 2020 009181 | 4.70 | .47 | 5.17 | .30 | | 5.47 | | |
| 2020 009182 | 3.88 | .39 | 4.27 | .24 | | 4.51 | | |
| 2020 009183 | 16.71 | 1.67 | 18.38 | 1.07 | | 19.45 | | |
| 2020 009184 | 2.47 | .25 | 2.72 | .15 | | 2.87 | | |

| TAXPAYER NO | NAME | YR RECEIPT | GENERAL | DOG | CAR | LATE | PRINCIPAL |
|-------------------------------------|-------------|------------|---------|--------|-------|-------|-----------|
| INTEREST | COST | BALANCE | | | | | |
| P#147289 | 2020 005638 | 485.73 | | 485.73 | 27.91 | 4.00 | 517.64 |
| 326 DOGGETT DR | | | | | | | |
| 517.64 * | | | | | | | |
| 659639 PINA, GUTIERREZ ALEJANDRINIA | 2020 005651 | 9.56 | .96 | 10.52 | .61 | 11.13 | |
| 11.13 * | | | | | | | |
| 680674 PLATINUM, RENOVATIONS INC | 2020 005671 | 70.98 | | 70.98 | 4.07 | 4.00 | 79.05 |
| 1046 A GANT RD | | | | | | | |
| P#134644 | 2020 005673 | 50.71 | | 50.71 | 2.91 | 4.00 | 57.62 |
| GANT RD | | | | | | | |
| P#134645 | 2020 005674 | 2.45 | | 2.45 | .15 | 4.00 | 6.60 |
| GANT RD | | | | | | | |
| 143.27 * | | | | | | | |
| 16791 PORE, REATHA MAE LIFE ESTATE | 2020 005708 | 260.78 | | 260.78 | 15.02 | 4.00 | 279.80 |
| P#146610 603 SEYMOUR ST | | | | | | | |
| 279.80 * | | | | | | | |
| 23277 PORTER, CHRISTOPHER LYNN | 2020 005711 | 6.84 | .68 | 7.52 | .45 | 7.97 | |
| 7.97 * | | | | | | | |
| 683970 POTEAT, MARK A | 2020 005723 | 495.75 | | 495.75 | 28.52 | 4.00 | 528.27 |
| P#145471 223 WARD ST | | | | | | | |
| 528.27 * | | | | | | | |
| 681636 POWELL, JOHN | 2020 005731 | 991.93 | | 991.93 | 57.04 | 4.00 | 1,052.97 |
| P#143641 1413 ROGERS RD | | | | | | | |
| 1,052.97 * | | | | | | | |
| 190896 POWELL, TRINA DARLENE | 2020 005733 | 2.52 | .25 | 2.77 | .16 | 2.93 | |
| 2.93 * | | | | | | | |
| 92694 PRICE, NANCY H | 2020 005765 | 17.52 | 1.75 | 19.27 | 1.09 | 20.36 | |
| 20.36 * | | | | | | | |
| 657822 PULLEN, GRACIE S HEIRS | 2020 005802 | 398.08 | | 398.08 | 22.91 | 4.00 | 424.99 |
| P#146949 501 E HANOVER RD | | | | | | | |
| 424.99 * | | | | | | | |
| 666656 QUALLS, DANIEL B | 2020 005872 | 8.19 | .82 | 9.01 | .53 | 9.54 | |
| 9.54 * | | | | | | | |
| 538369 QUINTERO, MARIELA YAZMIN | 2020 005887 | 14.56 | 1.46 | 16.02 | .92 | 16.94 | |
| 16.94 * | | | | | | | |
| 657406 RAMOS, MIRIAN E ROSALES | 2020 005916 | 4.55 | .46 | 5.01 | .30 | 5.31 | |
| 5.31 * | | | | | | | |
| 198730 RAMSEUR, DOUGLAS DONALD | 2020 005917 | 576.23 | | 576.23 | 33.12 | 4.00 | 613.35 |
| P#145027 809 MARTIN AVE | | | | | | | |

| | | | | | | | |
|--------------------------------------|-------------|--------|------|----------|--------|----------|------------|
| | | | | | 3.39 * | | |
| 383020 STOKES & FOLKS INC | | | | | | | |
| 2020 009307 | .90 | .09 | .99 | .07 | | 1.06 | |
| 2020 009309 | .39 | .04 | .43 | .01 | | .44 | |
| | | | | | 1.50 * | | |
| 586894 STOKES, ADDIE HEIRS | | | | | | | |
| P#146472 | 2020 006991 | 107.94 | | 107.94 | 6.21 | 4.00 | 118.15 |
| 312 FIELD ST | | | | | | | |
| | | | | | | 118.15 * | |
| 33546 STOKES, OBIE LEE III | | | | | | | |
| P#146451 | 2020 006993 | 82.63 | | 1.87 | 84.50 | 4.84 | 4.00 |
| JEFFRIES ST | | | | | | | 93.34 |
| | | | | | | | 93.34 * |
| 157310 STOREY CONCRETE INC | | | | | | | |
| 2020 006998 | 330.74 | | | 330.74 | 19.01 | | 349.75 |
| 2020 006999 | 1.59 | | | 1.59 | .08 | | 1.67 |
| | | | | | | | 351.42 * |
| 352853 STRATIGIC INVESTMENT PROPRTIE | | | | | | | |
| 2020 007026 | 8.66 | | | 8.66 | .47 | | 9.13 |
| | | | | | | | 9.13 * |
| 491897 SUNBELT RENTALS | | | | | | | |
| 2020 009312 | 4,955.59 | | | 4,955.59 | 284.96 | | 5,240.55 |
| 2020 009313 | 61.32 | | | 61.32 | 3.53 | | 64.85 |
| 2020 009314 | 2.29 | | | 2.29 | .15 | | 2.44 |
| | | | | | | | 5,307.84 * |
| 669524 TAIMOOR ENTERPRISE INC | | | | | | | |
| 2020 009315 | 4.44 | .44 | 4.88 | .30 | | | 5.18 |
| 2020 009319 | 1.14 | .11 | 1.25 | .08 | | | 1.33 |
| | | | | | | | 6.51 * |
| 673498 TALIA, MARTINA | | | | | | | |
| 2020 007099 | 4.55 | .46 | 5.01 | .30 | | | 5.31 |
| | | | | | | | 5.31 * |
| 553141 TAPIA, CAROLINA | | | | | | | |
| 2020 007135 | 6.83 | .68 | 7.51 | .45 | | | 7.96 |
| | | | | | | | 7.96 * |
| 469298 TATE, CHARLES HERMAN SR | | | | | | | |
| P#146550 | 2020 007142 | 9.02 | | 9.02 | .53 | 4.00 | 13.55 |
| LONG AVE | | | | | | | |
| | | | | | | | 13.55 * |
| 664089 TAYLORS ZINN ENTERPRISES INC | | | | | | | |
| 2020 007168 | 173.61 | | | 173.61 | 9.97 | | 183.58 |
| 2020 007169 | 7.06 | | | 7.06 | .39 | | 7.45 |
| 2020 007170 | 2.51 | | | 2.51 | .15 | | 2.66 |
| | | | | | | | 193.69 * |
| 512942 TEIXEIRA, ROBERTO | | | | | | | |
| 2020 007192 | 3.16 | .32 | 3.48 | .22 | | | 3.70 |
| | | | | | | | 3.70 * |
| 673497 TEJADA, ABIGAIL | | | | | | | |
| 2020 007193 | 4.55 | .46 | 5.01 | .30 | | | 5.31 |
| | | | | | | | 5.31 * |

CITY OF GRAHAM
RELEASE ACCOUNTS

AUGUST

| <u>ACCT #</u> | <u>YEAR</u> | <u>NAME</u> | <u>REASON FOR RELEASE</u> | <u>AMOUNT RELEASED</u> |
|---------------|-------------|--------------------------------|--|----------------------------|
| 680674 | 2021 | PLATINUM RENOVATIONS INC | RELEASE & REBILLED TO CURRENT OWNER | \$113.75 |
| 693659 | 2021 | DALIMONTE, FRANK | SCE REMOVED FROM 21 BILL, ADD EXEMPTION BK | \$299.45 |
| 700137 | 2021 | ZACHARY, JONATHAN LAVERNE ETAL | RELEASE & REBILLED TO CURRENT OWNER | \$602.66 |
| 597413 | 2021 | QUIGLEY, DAVID RAYMOND JR | SOLD PRIOR TO JAN 1, 2021 | \$34.32 |
| 603973 | 2021 | SYSTEL BUSINESS EQUIPMENT CO | WRONG SCHEDULE, VALUE ADJUSTMENT | \$18.77 |
| 678174 | 2021 | REICHENBACH, KENNETH WAYNE | VALUE OF BOAT ADJUSTED | \$3.64 |
| 680893 | 2020 | TURNER, BRICE CALDWELL | DID NOT OWN JAN 2020 | \$6.38 |
| 680893 | 2021 | TURNER, BRICE CALDWELL | DID NOT OWN JAN 2020 | \$6.38 |

TOTAL RELEASES \$1,085.35



STAFF REPORT

| | |
|--------------|---|
| SUBJECT: | AMEND ENCROACHMENT LICENSE REQUIREMENTS |
| PREPARED BY: | AARON HOLLAND, INTERIM CITY MANAGER |

REQUESTED ACTION:

Amend Code of Ordinances to require applicable board approvals for Encroachment Licenses prior to City Council consideration.

BACKGROUND/SUMMARY:

At the conclusion of the July 2021 City Council meeting, it was discussed and directed by the City Council to have staff amend the Code of Ordinances language pertaining to approvals for an Encroachment License request. Section 18-2 requires City Council approval but does not currently require any other board or commission approvals prior to Council consideration. The proposed amendment would require, if applicable, Historic Resource Commission and Technical Review Committee approvals prior to Council consideration.

FISCAL IMPACT:

Nominal.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to CHAPTER 18- STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, ARTICLE I- IN GENERAL of the Code of Ordinances to require Historic Resource Commission and Technical Review Committee approval prior to City Council consideration of an Encroachment License request.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 18, ARTICLE I, SEC. 18-2 TO THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA

The City Council of the City of Graham, North Carolina, does ORDAIN:

Sec. 1. That the Code of Ordinances, City of Graham, North Carolina, is hereby amended by amending section numbered 18-2, which said section reads as follows:

Chapter 18 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. – IN GENERAL

Sec. 18-2(e). – Encroachments on streets and public rights-of-way.

Current Section 18-2(e)

e. The city manager or his designee will work with the applicant to help prepare the application for presentation to the city council. The city staff may require the application to, and approval from the historic resources commission. The city staff may also require the applicant to produce evidence of property ownership sufficient to establish the applicant's authority for the use of any person or entity other than the signatory and/or engineered drawings sufficient to determine the proposed use of the public space.

Amended Section 18-2(e)

e. The city manager or his designee will work with the applicant to help prepare the application for presentation to the city council. The city staff **may shall** require the application to, and approval from the historic resources commission **and technical review committee, if applicable**. The city staff may also require the applicant to produce evidence of property ownership sufficient to establish the applicant's authority for the use of any person or entity other than the signatory and/or engineered drawings sufficient to determine the proposed use of the public space.

Sec. 2. That this Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law

This the _____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

STAFF REPORT

| | |
|--------------|--|
| SUBJECT: | ANNEXATION OF 52 +/- ACRES OFF PARHAM AND WILDWOOD |
| PREPARED BY: | NATHAN PAGE, PLANNING DIRECTOR |

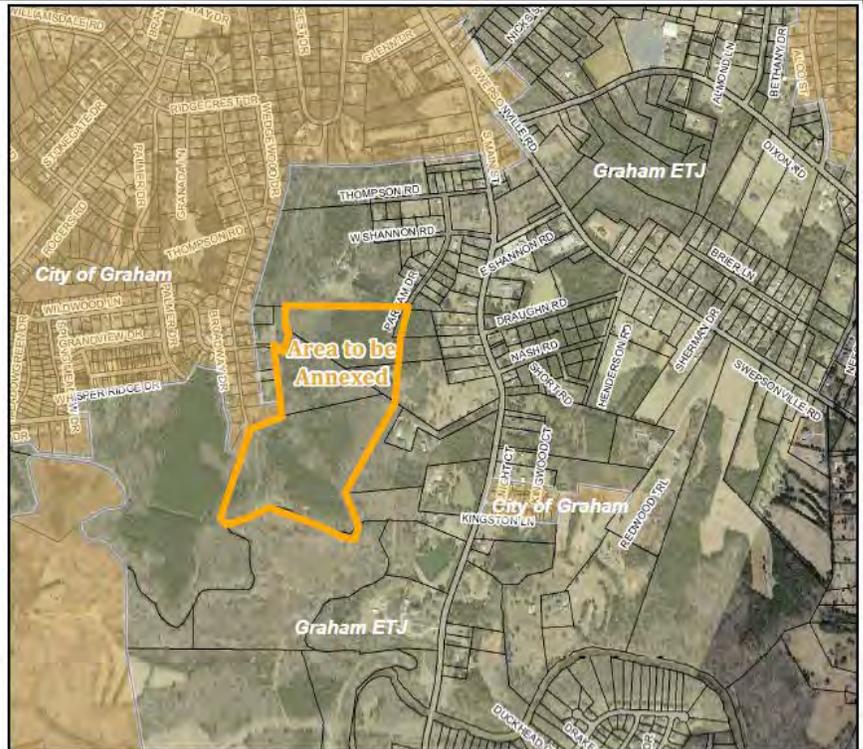
REQUESTED ACTION:

Approve the Resolution Fixing Date of **September 14, 2021**, for a Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for 52 acres off Parham Drive and Wildwood Lane.

BACKGROUND/SUMMARY:

The area being considered for annexation is contiguous along the West side. Water lines are adjacent to this location, with Burlington's outfall along the creek to the South. The applicant wishes to tie onto the City's infrastructure.

Approval of this resolution does not finalize the annexation as Council is required to advertise and conduct a public hearing, followed by a vote on an annexation ordinance.



FISCAL IMPACT:

The proposed 114 single family detached homes on 52 acres is likely to be revenue positive for their first 15 years of life.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

1. I move we approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for a parcel located off Parham Drive and Wildwood Lane.
2. I move we approve the Resolution Fixing Date of **September 14, 2021**, for a Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for 52 acres on Parham Drive and Wildwood Lane.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR 52 ACRES LOCATED OFF PARHAM DRIVE AND WILDWOOD LANE
GPIN# 8883216464, 8883312515, 8883219007, 8883202217 (AN2102)

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 21, 2021, 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.

Gerald R. Peterman, Mayor

ATTEST:

Darcy Sperry, City Clerk

RESOLUTION FIXING DATE OF SEPTEMBER 14, 2021 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31 FOR 52 ACRES LOCATED OFF PARHAM DRIVE AND WILDWOOD LANE GPIN# 8883216464, 8883312515, 8883219007, 8883202217 (AN2102)

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 **at 6:00 pm on September 14, 2021.**

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:

Beginning at an existing buried stone in the recorded eastern margin of Broadway Drive as shown on a map entitled "Luther R. Shoffner" and recorded in Plat Book 68, Page 85 in the Office of the Register of Deeds of Alamance County, N.C., said point being the recorded northwestern property corner of Grantor (now or formerly) Foust Family Properties, LLC as described and recorded in Deed Book 3520, Page 846 and being Lot 2 as shown on a map entitled "T. Howell Foust" and recorded in said Plat Book 62, Page 71 in said Alamance County Registry), said stone also being the recorded southwestern lot corner of Lot 133 as shown on a map entitled "Broad Acres, Section Seven" and recorded in Plat Book 50, Page 5 in said Alamance County Registry; thence, from said point of beginning, along Grantor's recorded northern property line, said southern lot line of said Lot 133, North 68°26'47" East 290.90 feet to a computed point, said point being the recorded southwestern property corner of (now or formerly) Martin L. Shoffner as described and recorded in Deed Book 3440, Page 381 in said Alamance County Registry and also being the recorded southeastern corner of said Lot 133; thence, along said Shoffners western property line and the recorded eastern line of Lots 133, 132A, 90A, 89A and 86A as shown on several maps entitled "Broad Acres, Plat Book 50, Page 5, Plat Book 46, Page 44, Plat Book 23, Page 80 & Plat Book 60, Page 40" in said Alamance County Registry the following seven (7) bearing and distances: 1) North 03°30'29" West 121.69 feet to a point; 2) North 03°31'56" West 110.19 feet to a point; 3) North 01°58'58" East 80.47 feet to a point; 4) North 18°01'03" West 20.92 feet to a point; 5) North 03°21'56" West 100.08 feet to a point; 6) North 02°36'52" West 155.77 feet to a point on the recorded southern margin of Wildwood Drive; 7) thence along the recorded eastern margin of Wildwood Drive North 08°58'27" West 50.49 feet to a point on the recorded northern margin of Wildwood Drive, said point being the recorded northwestern corner of said Martin L. Shoffner and also being a point on the recorded southern property line of (now or formerly) Fields Family Irrevocable Trust, Linnie Fields Jr. & Frances, Trust as described and recorded in Deed Book 2658, Page 823 in said Alamance County Registry; thence, along the recorded northern property line of said Shoffner and the recorded southern property line of said Field Family, with a curve to the right, having a radius of 426.31 feet and a chord bearing and distance of South 63°22'23" East 99.77 feet to a new iron pipe; thence, along the recorded western property line of said Shoffner and recorded eastern property line of said Fields the following three (3) bearing and distances: 1) North 10°01'12" East 195.04 feet to a point; 1) North 63°42'26" West 35.51 feet to a point; 3) North 05°20'12" West 218.32 feet to a new iron pipe, said pipe being the recorded northwestern property corner of said Shoffner, the recorded northeastern property corner of said Fields and pipe also being located on the recorded southern property line of (now or formerly) Michael R. Allen as described and recorded in Deed Book 1336, Page 253 in said Alamance County Registry; thence, along the recorded northern property line of said Shoffner and the recorded southern property line of said Allen the following five (5) bearing and distances: 1) South 87°33'42" East 167.35 feet to a point; 2) South 87°34'11" East 222.16 feet to a point; 3) South 87°30'54" East 701.29 feet to an existing iron pipe; 4) South 88°12'03" East 58.80 feet to an bent existing iron pipe; 5) South 88°06'57" East 160.00 feet to a new iron pipe, said pipe being the recorded northeastern property corner of said Shoffner and a pipe on the recorded southern property line of (now or formerly) Brian Reid as

described and recorded in Deed Book 3674, Page 424 in said Alamance County Registry and also being located on the recorded northern lot line of Lot 16 as shown on a map entitled "B.V. May Property" and recorded in Plat Book 1, Page 117 in said Alamance County Registry; thence, with a new proposed property line for said Shoffner (recorded in Deed Book 3440, Page 381 and Deed Book 2974, Page 539) the following five (5) bearing and distances: 1) South 18°17'26" West 510.28 feet to a new iron pipe, said pipe being located on the recorded northern property corner of (now or formerly) Randy C. Williamson & Theresa P. Williamson as described and recorded in Deed Book 3827, Page 810 and also located on the recorded southern property line of said Shoffner (Deed Book 3440, Page 381 in said Alamance County Registry; 2) South 32°07'09" West 404.33 feet to a new iron pipe, said pipe being located on the southern property line of said Williamson and also being located on the recorded northern property line of said Foust Family Properties, LLC; 3) South 25°03'03" West 400.22 feet to a new iron pipe; 4) South 17°47'19" West 268.10 feet to a new iron pipe; 5) South 20°17'47" West 273.29 feet to an existing iron pipe, said pipe being the recorded northwestern property corner of (now or formerly) Jean Monnett Ross as described and recorded in Deed Book 3618, Page 103 and also known as the recorded northwestern lot corner of Lot 1 as shown on a map entitled "Jean Monnett Ross" and recorded in Plat Book 78, Page 59 in said Alamance County Registry; thence, along with the recorded eastern property line of said Foust Family Properties, LLC and the recorded western property line of said Ross South 16°13'38" East 336.58 feet to a computed point, said point being the recorded southwestern property corner of said Ross, one of the recorded southeastern property corners of said Foust Family Properties, LLC and also being one of the recorded northeastern property corner of (now or formerly) Ivey Thomas Foust & ETAL as described and recorded in Deed Book 1583, Page 353 in said Alamance County Registry; thence, along with the recorded southern property line of said Foust Family Properties, LLC and the recorded northern property line of said Ivey Thomas Foust & ETAL the following seven (7) bearing and distances as it meanders and bends along the Little Alamance Creek: 1) South 49°35'52" West 102.11 feet to a point; 2) North 74°54'08" West 405.00 feet to a point; 3) North 56°07'08" West 290.00 feet to a point; 4) South 78°20'52" West 184.00 feet to a point; 5) South 68°32'52" West 325.00 feet to a point; 6) South 82°37'52" West 90.00 feet to a point; 5) North 51°51'33" West 50.13 feet to an existing iron pipe tack, said pipe being the recorded southwestern property corner of said Foust Family Properties, LLC and one of the recorded southeastern property corners of (now or formerly) Martin L. Shoffner as described and recorded in Deed Book 3440, Page 381 in said Alamance County Registry; thence, along the recorded western property line of said Foust Family Properties, LLC and the recorded eastern property line of said Martin L. Shoffner the following five (5) bearing and distances: 1) North 19°52'02" East 666.29 feet to an existing iron pipe; 2) North 19°48'21" East 185.10 feet to an existing iron pipe; 3) North 02°46'16" East 40.69 feet to an existing iron pipe; 4) with a curve to the left, having a radius of 49.40 feet and a chord bearing and distance of North 41°29'22" East 32.35 feet to a new iron pipe; 5) North 19°49'50" East 25.35 feet to the point of beginning, containing an area of 52.172 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 10th day of August**, 2021.

Gerald R. Peterman, Mayor

ATTEST:

Darcy L. Sperry, City Clerk



Petition for ANNEXATION

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

To the City Council of the City of Graham, NC:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed into the City of Graham.

If applicable as "income-based": We believe that this petition meets the requirements of G.S. 160A-31(b1).

If applicable as "distressed": We believe that this petition meets the requirements of G.S. 160A-31(j).

2. The area to be annexed is contiguous, as defined by 160a-31 non-contiguous, as defined by 160a-58 to the City of Graham and the boundaries of such territory are as follows:

General description of area to be annexed

Site consists of four parcels with associated GPIN#'s 8883202217, 8883216464, 8883219007, & 8883312515 and Parcel ID#'s 176737, 144077, & 176741 (No Parcel ID corresponding to 8883312515) See attachments for additional information

Attach the following:

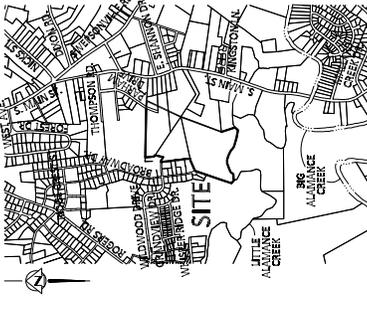
Annexation Plat – 1 paper copy, 2 mylars and 1 pdf. In addition to standard plat information, also include tax map numbers of all parcels and total square miles and acreage of area to be annexed.

Metes and Bounds Description – 1 paper and 1 digital copy

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate yes below and attach proof.)

| Name | Address | Vested rights? | Signature |
|--|------------------------------------|----------------|---|
| Land Acquisition and Development Services, LLC | PO Box 9147 - Greensboro, NC 27409 | |  |
| David Michaels, Company Agent | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

attach additional sheets if necessary...



VICINITY MAP
SCALE: 1"=2,000'



SYMBOLS & LEGEND

| | | |
|---------------|-----|--------------------|
| DEED BOOK | PL | EXISTING IRON PIPE |
| EASEMENT | PL | EXISTING IRON PIPE |
| CONCRETE | CL | Centerline |
| PAVEMENT | PA | Right of Way |
| NON IRON PIPE | RVA | Found Monument |
| North | NS | Re-sounded |
| South | SS | Completed Point |
| East | ES | |
| West | WS | |



SEVEN OFFICE OF ALANCE COUNTY, ALANCE COUNTY
 CERTIFY THAT THE MAP OF PLAT TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVEN OFFICER _____ DATE _____
 ANNOTATION APPROVED BY THE GRAHAM CITY COUNCIL ON THE _____ DAY OF _____ 2020 WITH AN EFFECTIVE DATE OF _____ THAT THE PLAT BE RECORDED WITHIN SIXTY DAYS OF FINAL APPROVAL.

BY _____ DATE _____
 ATTEST _____ DATE _____
 CITY CLERK _____

NOTES:
 AREA DETERMINED BY DMD METHOD
 ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.
 PROPERTY LINES SHOWN DASHED ARE NOT A PART OF THIS SURVEY AND ARE TAKEN FROM REFERENCES SHOWN HEREON.
 BOUNDARY INFORMATION TAKEN FROM FIELD DATA BY BORNHAY & ASSOCIATES, P.A. AND RECORDED INFORMATION A PORTION OF THE PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE STATE OF NORTH CAROLINA FEDERAL EMERGENCY MANAGEMENT AGENCY PER COMMUNITY PANEL #107088000K DATE: 10/12/2011
 3/4" IRON PIPES REFERENCED AS EIP AT ALL PROPERTY CORNERS, EXCEPT AS NOTED.
 NGS66 COORDINATES FOR THIS PROJECT WERE DERIVED FROM REAL TIME KINEMATIC DIFFERENTIAL GPS OBSERVATIONS USING ONE SPECTRA PRECISION SP900 RECEIVER. THE VECTORS WERE ADJUSTED USING THE 2011 PROJECTIONS. PROJECT HAS BEEN LOCALIZED NEAR THE CENTER OF THE PROJECT PROJECTIONS GROUND COORDINATES ON WHICH GRID TIES ARE BASED.

FINAL PLAT
 CORPORATE LIMITS EXTENSION
 CITY OF GRAHAM
 TAX PARCEL 1761B1, 1440T1 & 1761A1
 GRAHAM TOWNSHIP ALANCE COUNTY
 GRAHAM, NORTH CAROLINA
 SCALE: 1"=200' JULY 13, 2021

0' 100' 200' 400' 600' 800'

Bornham, Wide and Associates, P.A.
 607 North Glen Ridge Way, Graham, NC 27424
 Phone: 866-7-PAVE, Fax: 336-575-5719
 E.O. 12812: AFFIRMATIVE ACTION

Baggett's
 Planners
 Surveyors

SITE DATA

| | |
|-------------------|--|
| PROPOSED ZONING: | R-12 |
| WATERSHED: | JORDAN LAKE |
| RIVER BASIN: | BIG ALANCE CREEK/HAH RIVER/CAPE FEAR RIVER |
| GRIN# (STATE ID): | 8009216464, 8009212915, 8009214007 & 8009202221 |
| PARCEL ID: | 1440T1, 1761B1, 1761A1 |
| OLD TAX ID: | 6-14-07, 6-16-34, 6-16-03 & 6-16-35 |
| DEED REFERENCE: | * DB, 3911, PG. 143; DB, 4060, PG. 166 |
| PLAT REFERENCES: | * DB, 4023, PG. 41 PB, 62, PG. 111; PB, 44, PG. 173 PB, 1, PG. 41 & PB, 1, PG. 117 |
| TOTAL AREA: | : 52172 ACRES |

VOLUNTEER BOARD & COMMISSION APPLICATION



The following application is used by the Graham City Council to identify individuals interested in serving on a City board or commission. To ensure that your application will receive full consideration, please answer all questions completely. For more information and details about each board, please visit cityofgraham.com/boards-commissions

Name: Zipporah W Clark Baldwin Email Address: queenrosez61@yahoo.com
 Home Address: 219 W Harden St Mailing Address: 219 W Harden St
 City, State, Zip: Graham, NC 27253 City, State, Zip: Graham, NC 27253
 Home Phone: 336-260-1577 Alternate Phone: _____

Please list the board(s) and/or commissions on which you are currently serving:

None

Please select up to, two (2) boards and/or commissions from the list below for which you would like to be considered and indicate your preference for each selection (1 = first choice and 2 = second choice):

- | | |
|---|---|
| <input type="checkbox"/> Alcohol Beverage Control Board | <input checked="" type="checkbox"/> 2 Historic Resources Commission |
| <input checked="" type="checkbox"/> 1 Appearance Commission | <input type="checkbox"/> Planning Board/Board of Adjustment |
| <input type="checkbox"/> Canine Review Board | <input type="checkbox"/> Recreation Commission |
| <input type="checkbox"/> Graham Housing Authority | <input type="checkbox"/> Tree Board |
| <input type="checkbox"/> Historical Museum Advisory Board | |

Note: If you wish to change your selections for desired board(s) and/or commission(s) you will need to file a new application with the City Clerk. Only the most recent application on file will be presented to City Council. If not selected, applicants must reapply after the July City Council meeting to be considered for future appointments.

RELEVANT EXPERIENCE

Current employer/retired: retired
 Employer address: _____ City, State, Zip: _____

Job title and description of responsibilities:
 retired mortgage broker

Which of the following relevant knowledge, skills, abilities, interest, and/or experiences would you bring to the board(s) or commission(s) to which you are applying (select all that apply):

- | | | |
|---|--|---|
| <input type="checkbox"/> History | <input type="checkbox"/> Legal | <input checked="" type="checkbox"/> Critical Thinking |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Graphic Design | <input checked="" type="checkbox"/> Data Analysis |
| <input type="checkbox"/> Research | <input checked="" type="checkbox"/> Creativity | <input checked="" type="checkbox"/> Active-Listening |
| <input type="checkbox"/> Program Development | <input type="checkbox"/> Marketing/Social Media | <input checked="" type="checkbox"/> Effective Communication |
| <input checked="" type="checkbox"/> Historical Preservation | <input checked="" type="checkbox"/> Economic Development | <input checked="" type="checkbox"/> Education & Outreach |
| <input checked="" type="checkbox"/> Event Planning | <input checked="" type="checkbox"/> Community Organizing | <input checked="" type="checkbox"/> Conflict Resolution |
| <input type="checkbox"/> Landscape Design | <input type="checkbox"/> Athletics/Sports | <input checked="" type="checkbox"/> Time Management |
| <input type="checkbox"/> Gardener/Arborist | <input checked="" type="checkbox"/> Problem Solving | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Adaptability | <input checked="" type="checkbox"/> Interpersonal Skills | |

Why do you believe you would be an asset to the board(s) and/or commission(s) to which you are applying?

I currently have served within my community for 30+ years and have strengthened home ownership within the triad as well as Orange, Wake and Durham County. I am currently serving as a missionary and work to offset conflict within my community. I work closely with misplaced children of our community. I help plan events for local churches and organizations. I live in the recently renovated Oneida Lofts where I am working to do what I can to promote a safe and enjoyable and diverse living space.

Have you attended a meeting of the board(s) and/or commission(s) for which you are applying?

Yes No

Have you met with the chairperson or Staff Liaison of the board(s) and/or commission(s) for which you are applying?

Yes No

Additional relevant information:

I work on Administrative and accounts receivable for EP Gates Construction and Realty. I also help them with collections and marketing. My job does not require any duties pertaining to the construction side which is located in another part of the building and I only work solely with the property management team. *Additional Information received 7/15/2021*

For Office Use Only
Date Received:

Received
August 6, 2020

Thank you for your interest in the City of Graham's boards and commissions. Submit this application by email to: dsperry@cityofgraham.com, in person to: City Clerk's Office at 201 South Main Street, or by mail to: City Clerk P.O. Drawer 357, Graham, NC 27253.

VOLUNTEER BOARD & COMMISSION APPLICATION



The following application is used by the Graham City Council to identify individuals interested in serving on a City board or commission. To ensure that your application will receive full consideration, please answer all questions completely. For more information and details about each board, please visit cityofgraham.com/boards-commissions

Name: Bernadette Konzelmann Email Address: bernadettekonzelmann@gmail.com
 Home Address: 508 Pomeroy Street Mailing Address: 508 Pomeroy Street
 City, State, Zip: Graham NC 27253 City, State, Zip: Graham NC 27253
 Home Phone: 336-639-9624 Alternate Phone: 336-937-2819

Please list the board(s) and/or commissions on which you are currently serving:

n/a

Please select up to, two (2) boards and/or commissions from the list below for which you would like to be considered and indicate your preference for each selection (1 = first choice and 2 = second choice):

- | | |
|---|--|
| <input type="checkbox"/> Alcohol Beverage Control Board | <input type="checkbox"/> Historic Resources Commission |
| <input checked="" type="checkbox"/> Appearance Commission | <input checked="" type="checkbox"/> Planning Board/Board of Adjustment |
| <input type="checkbox"/> Canine Review Board | <input type="checkbox"/> Recreation Commission |
| <input type="checkbox"/> Graham Housing Authority | <input type="checkbox"/> Tree Board |
| <input type="checkbox"/> Historical Museum Advisory Board | |

Note: If you wish to change your selections for desired board(s) and/or commission(s) you will need to file a new application with the City Clerk. Only the most recent application on file will be presented to City Council. If not selected, applicants must reapply after the July City Council meeting to be considered for future appointments.

RELEVANT EXPERIENCE

Current employer/retired: Home Depot
 Employer address: 3215 Brassfield ave City, State, Zip: Greensboro NC ,27410

Job title and description of responsibilities:

Associate Support Department Supervisor - Human Resources. central point of contact for store associates ,scheduling, hiring , orientation ,developing associates , training , support for store leadership.



Which of the following relevant knowledge, skills, abilities, interest, and/or experiences would you bring to the board(s) or commission(s) to which you are applying (select all that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> History | <input type="checkbox"/> Legal | <input checked="" type="checkbox"/> Critical Thinking |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Graphic Design | <input type="checkbox"/> Data Analysis |
| <input type="checkbox"/> Research | <input type="checkbox"/> Creativity | <input checked="" type="checkbox"/> Active-Listening |
| <input type="checkbox"/> Program Development | <input type="checkbox"/> Marketing/Social Media | <input checked="" type="checkbox"/> Effective Communication |
| <input type="checkbox"/> Historical Preservation | <input type="checkbox"/> Economic Development | <input type="checkbox"/> Education & Outreach |
| <input type="checkbox"/> Event Planning | <input type="checkbox"/> Community Organizing | <input checked="" type="checkbox"/> Conflict Resolution |
| <input type="checkbox"/> Landscape Design | <input type="checkbox"/> Athletics/Sports | <input type="checkbox"/> Time Management |
| <input type="checkbox"/> Gardener/Arborist | <input checked="" type="checkbox"/> Problem Solving | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Adaptability | <input checked="" type="checkbox"/> Interpersonal Skills | |

Why do you believe you would be an asset to the board(s) and/or commission(s) to which you are applying?

I am a long time resident of Graham and have witnessed the continual growth of our community . I would like to help foster the change in our community, but see it done responsibly. Maintaining the history and architecture of the new and old communities within Graham. I want to be a leader in the next steps, growth, and development in Graham by still keeping it the small home town we love.

Have you attended a meeting of the board(s) and/or commission(s) for which you are applying?

- Yes No

Have you met with the chairperson or Staff Liaison of the board(s) and/or commission(s) for which you are applying?

- Yes No

Additional relevant information:

For Office Use Only
Date Received

JUL 05 2021

CITY OF GRAHAM

Thank you for your interest in the City of Graham's boards and commissions. Submit this application by email to: dsperry@cityofgraham.com, in person to: City Clerk's Office at 201 South Main Street, or by mail to: City Clerk P.O. Drawer 357, Graham, NC 27253.

VOLUNTEER BOARD & COMMISSION APPLICATION



The following application is used by the Graham City Council to identify individuals interested in serving on a City board or commission. To ensure that your application will receive full consideration, please answer all questions completely. For more information and details about each board, please visit cityofgraham.com/boards-commissions

Name: Carmen Larimore Email Address: cbzl2013@gmail.com
 Home Address: 500 Cornelia Dr. Mailing Address: 500 Cornelia Dr
 City, State, Zip: Graham, NC 27253 City, State, Zip: Graham, NC 27253
 Home Phone: 252-253-3386 Alternate Phone: _____

Please list the board(s) and/or commissions on which you are currently serving:

Please select up to, two (2) boards and/or commissions from the list below for which you would like to be considered and indicate your preference for each selection (1 = first choice and 2 = second choice):

- | | |
|---|---|
| <input type="checkbox"/> Alcohol Beverage Control Board | <input type="checkbox"/> Historic Resources Commission |
| <input checked="" type="checkbox"/> Appearance Commission | <input type="checkbox"/> Planning Board/Board of Adjustment |
| <input type="checkbox"/> Canine Review Board | <input type="checkbox"/> Recreation Commission |
| <input type="checkbox"/> Graham Housing Authority | <input checked="" type="checkbox"/> Tree Board |
| <input type="checkbox"/> Historical Museum Advisory Board | |

Note: If you wish to change your selections for desired board(s) and/or commission(s) you will need to file a new application with the City Clerk. Only the most recent application on file will be presented to City Council. If not selected, applicants must reapply after the July City Council meeting to be considered for future appointments.

RELEVANT EXPERIENCE

Current employer/retired: Stay at home mom

Employer address: 500 Cornelia Dr City, State, Zip: Graham, NC 27253

Job title and description of responsibilities:

I am raising my 2 daughters (2.5 years old and 3.5 months old) in our home. I am also an independent contractor for VIPKID (I teach English to students online in China). Before my daughters were born, I was a substitute teacher for ABSS and I also worked for Chick-Fil-A as a Shift Leader.

Which of the following relevant knowledge, skills, abilities, interest, and/or experiences would you bring to the board(s) or commission(s) to which you are applying (select all that apply):

- | | | |
|---|--|---|
| <input type="checkbox"/> History | <input type="checkbox"/> Legal | <input checked="" type="checkbox"/> Critical Thinking |
| <input type="checkbox"/> Architecture | <input checked="" type="checkbox"/> Graphic Design | <input checked="" type="checkbox"/> Data Analysis |
| <input checked="" type="checkbox"/> Research | <input checked="" type="checkbox"/> Creativity | <input checked="" type="checkbox"/> Active-Listening |
| <input type="checkbox"/> Program Development | <input checked="" type="checkbox"/> Marketing/Social Media | <input checked="" type="checkbox"/> Effective Communication |
| <input type="checkbox"/> Historical Preservation | <input type="checkbox"/> Economic Development | <input checked="" type="checkbox"/> Education & Outreach |
| <input type="checkbox"/> Event Planning | <input type="checkbox"/> Community Organizing | <input checked="" type="checkbox"/> Conflict Resolution |
| <input type="checkbox"/> Landscape Design | <input type="checkbox"/> Athletics/Sports | <input checked="" type="checkbox"/> Time Management |
| <input checked="" type="checkbox"/> Gardener/Arborist | <input checked="" type="checkbox"/> Problem Solving | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Adaptability | <input checked="" type="checkbox"/> Interpersonal Skills | |

Why do you believe you would be an asset to the board(s) and/or commission(s) to which you are applying?

I would love to spend time volunteering for the community and I enjoy staying busy. Our street is so green and beautiful and I am so grateful everytime we go out for a walk. We love all of our neighbors and how festive the town is for holidays. I have my own flower garden that I take care of with my daughters. I have strong social media skills and I have a passion for design, from home improvemnt projects to flyers and powerpoints. I also earned my Bachelor's degree in Sociology.

Have you attended a meeting of the board(s) and/or commission(s) for which you are applying?

- Yes No

Have you met with the chairperson or Staff Liaison of the board(s) and/or commission(s) for which you are applying?

- Yes No

Additional relevant information:

For Office Use Only
Date Received:

RECEIVED

MAY 25 2021

CITY OF GRAHAM

Thank you for your interest in the City of Graham's boards and commissions. Submit this application by email to: dsperry@cityofgraham.com, in person to: City Clerk's Office at 201 South Main Street, or by mail to: City Clerk P.O. Drawer 357, Graham, NC 27253.



STAFF REPORT

Prepared by Nathan Page, Planning Director

Truby Apartments (CR2006)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on January 19, 2021

City Council on 2/9, 3/9, 4/13, 5/11, 6/8, 7/13 & 8/10 2021

Contact Information

Travers Webb

trav93@icloud.com, 336-414-7777

619 E Harden Street, Graham NC 27253

Summary

This is a request to rezone the subject property from I-1 to CMXR (Conditional Mixed Use Residential). The application is for 22 buildings, with 24 units per building for a total of 1056 bedrooms. A list of proposed conditions was included:

- 1.) Access via Truby and an easement
- 2.) Meet all TRC/NCDOT/Etc standards
- 3.) Meet Graham multifamily standards
- 4.) Include office, clubhouse, pool, recreation areas
- 5.) Three story, mix of one, two, and three bedrooms



Project Name

Truby Apartments (CR2006)

Location

Truby Drive

GPIN: 8894453334

Size

Approx. 52 acres

Proposed Density

10 DU/acre

Current Zoning

Light Industrial (I-1)

Proposed Zoning

Conditional Mixed-Use Residential (CMXR)

Surrounding Zoning

CMXR, I-2, I-1, Haw River's Jurisdiction

Surrounding Land Uses

Truck Stop, Haw River, vacant land.

Staff Recommendation

Denial, pending clarification

The TRC is currently reviewing the site plan for comments, which will be completed prior to the Planning Board meeting. However, the TRC noted that existing downstream sewer capacity is insufficient for the development at the Haw River Pump Station. Additionally, there are capacity concerns from NCDOT and the TRC for traffic considerations due to congestion on Jimmie Kerr Road. The TRC recommends denying this item until such time as these issues have been fully evaluated by the City and addressed by the developer.

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

Development Type: Interchange Regional Node

Applicable Policies and Recommendations

Strategy 2.3.1 **Facilitate Focused Development** Incentivize pedestrian-oriented nodal development consistent with this plan by incentivizing smart growth development. The City could choose to utilize some of the following methods; Expedited permit review, deferred tax payments, covering some building expenses, Low-interest loans, providing infrastructure, flexible and innovative regulations, Small area plans. *Additional density in the vicinity of the interchanges may result in more focused development patterns with less sprawl. However, traffic patterns in this location are already troublesome and the construction of such a large apartment complex here may result in additional congestion concerns.*

Strategy 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. *Water and sewer services already exist in this area. This project would be a small fraction of the maintenance costs for a single-family residential development of comparable size. There is limited pump station capacity downstream from this site, and the developer may enter into an agreement to participate in the upfit of that pump station.*

Policy 5.1.1: **Housing variety** Encourage a mix of housing types within Graham to increase choice. These can include single family dwelling units, multifamily dwelling units, small units, pre-fabricated homes, co-housing, and clustered housing. *This multifamily development will provide additional housing choice for those residing or wishing to reside in Graham.*

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, and the developments compliance with the Graham Development Ordinance, staff **recommends Denial** of the Conditional Rezoning. However, if the Council issues approval, it should be **with the following conditions(s)**:

- **All recommended, and required, improvements of a Traffic Impact Analysis be constructed by the developer.**

Description of Development Type

Interchange Regional Node

Like the downtown regional node, interchange nodes serve a market within and beyond the extent of Graham's planning area.

Appropriate Form

0.3 to 0.5 FAR

Desired Pattern

Industrial districts should have limited setbacks between the front of the property line and adjacent industrial uses in order to use land and infrastructure efficiently. These uses should be heavily buffered from residential neighborhoods, parks and open space, and streams. Such areas should follow orderly development patterns and seek to maintain minimal adverse environmental impacts.

- **The developer will upfit the Haw River Pump Station to City specifications to handle the additional flow, with the ability of City Staff to upfit the proposed sizing at material cost.**

The following supports this recommendation:

While proposed project is in conformity with infill development (Policy 2.2.1) and housing variety (Policy 5.1.1) of the Graham Comprehensive Plan 2035, the capacity issues for traffic congestion and sanitary sewer must be solved before approval can be issued for this project.

AFFIDAVIT OF OWNER CONSENT

If the Owner(s) of the subject property is giving authorization for another person to apply for Conditional Zoning on their property, this affidavit must be completed and signed by all recorded owners of the property/ This affidavit also conveys the authority for the Representative to agree, in writing, to conditions placed upon the property by the Graham City Council pursuant to NC SL 2019-111, Pt. I.

The persons listed below hereby appear before a Notary Public and swear and affirm that they are the legal owners of the described property and give further authorization to

George Travers Webb of Webb + GSSO.
(Name of Representative) (Name of Company)

To submit a Petition for Zoning Map Change to Conditional Zoning to agree to conditions requested by the City of Graham Council for my (our) property from

I-2 to Conditional C/R
(Current Zoning District) (Proposed Zoning District)

And to offer use and/or standard restrictions as a part of the request for a Conditional Zoning.

Signature of Owner(s)

Alamance County PIN

8894453334

Amiel G. McNeal
for

State of North Carolina

County of Brunswick

Sworn to and subscribed before me the 6 day of January, 2021

Notary Public in and for the State of North Carolina. My commission expires 6-6-21

Marsha Britt Rechichar Marsha Britt Rechichar
Notary Public Printed



Seal



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 152813

Street Address: UNAD. TRUBY DRIVE

Tax Map#: 152813 GPIN: 8894453334

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: VACANT

Total Site Acres: 55 ±

Property Owner: 2ND PARTNERS LLC

Mailing Address: 2555 ST. JAMES DRIVE #403

City, State, Zip: SOUTHPORT NC 28461

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: John Burton

Mailing Address: 2489 Willoughby Court

City, State, Zip: Burlington NC 27215

Phone # 336-229-2273

Email: John.Burton@BurtonLS.com

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

Signature of Applicant [Signature] Date 12-17-20

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:

Please See Attached
Conditions

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#



Application for SITE PLAN REVIEW

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

A site plan must be approved before any building, structure or parking facility is constructed, installed, expanded or extended. Also, several types of development activity require a preliminary site plan as part of the application process, including conditional rezonings, multifamily development, manufactured home parks and telecommunications towers. When completing this application, applicants are encouraged to consult with the *City of Graham Development Ordinances* and the City Planner for the requirements specific to the development.

Site

Street Address: Unaddressed Truby Drive
 Tax Map#: 131432 GPIN: 8894453334
 Current Zone(s): R-MF R-G Other R Cond.
 O-I B-1 B-2 B-3 I-1 I-2
 Overlay District, if applicable:
 Historic S Main St/Hwy 87 E Harden St/Hwy 54
 Current Use: VACANT - WOODS
 Property Owner: Truby Drive Realty, LLC
 Mailing Address: 1360 Truby Drive
 City, State, Zip: HAW RIVER NC 27258
 Phone # _____

Applicant and Project Contact

Name: The LEAPS GROUP PA
 Property Owner Engineer/Surveyor
 Other _____
 Mailing Address: 505 E. DAVIS STREET
 City, State, Zip: BURLINGTON NC 27215
 Phone # 336-227-8724
 Email: chuffine08@gmail.com

I hereby make application for review of a
 Preliminary Final Site Plan.

I have completed this application truthfully and to the best of my ability. I have prepared the site plan in accordance with the Site Plan Checklist and have submitted the required plans.

Charles D. Huff 12-23-2020
 Signature of Applicant Date

SUBMIT 4 COPIES AND 1 PDF OF THE SITE PLAN

Proposed Development

Project Name: Truby Drive Apartments
 Proposed Zone (if applicable): C-R
 Proposed Use(s) (from Sec. 10.135 Table of Permitted Uses): MF - 22 THREE STORY BUILDINGS

Brief description, including information such as number of dwelling units, type of multifamily development, size and number of buildings, and other descriptive information:

22 Bldgs - 24 units - 1056
 BEDROOMS - SEEKING
 REZONE FROM I-1 to CR

Site Plan Checklist

This application **must be accompanied** by a site plan, 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 site plan, as applicable.**

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 is 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# | Fee \$ |

Truby Drive Apartments – Proposed Conditional Zoning Conditions

(draft 12-23-2020)

The following conditions are proposed with the conditional zoning request for the:
55 Acre Parcel ID 8894453334 located in Graham, Alamance County, North Carolina.

- 1) Access to the project will be from the existing public right of way at Truby Drive and via improvements within the existing easement as referenced on the attached site plan and submitted plat of easement. A street section within the access easement will be paved and not less than 26' wide with provisions for resident traffic and safety vehicles.
- 2) The project proposes to comply with the City of Graham technical review process including obtaining a technical review committee approval and obtaining proper water, sanitary sewer, erosion control, NCDOT and stormwater permits.
- 3) The project proposes to conform to the current City of Graham development ordinance as published as it pertains to density, open space, landscaping and buffering requirements for Multi-family developments and as shown on the attached site plan.
- 4) The project proposes to provide an onsite office, clubhouse, pool, recreational areas, and walking trails similar to those presented on the attached conditional zoning plan submitted with these conditions.
- 5) Proposed Use as follows:
22 Three Story Multifamily Buildings with the following distribution:
24 units per building
528 units
Unit Distribution:
1 bedroom 25% = **132** Bedrooms
2 bedroom 50% = **528** Bedrooms
3 bedroom 25% = **396** Bedrooms
1056 total Bedrooms

1 Multi-use accessory building for office, pool, fitness, administrative use
1 Pool
Outdoor passive recreation amenities
Outdoor active recreation amenities

PARCEL DATA
 Alamance County Tax Information (Per Alamance County GIS)
 Parcels Included in this Project:
 Parcel 1:
 GFIN: 8894453334
 Parcel ID: 131432
 Property Address: Unaddressed, Graham, North Carolina
 Township: Graham Township
 Zoning Jurisdiction: Graham
 Deed Reference: DB 1407, Pg 254

Current City of Graham Zoning: I-1 Light Industrial
 Proposed Zoning: City of Graham CXMR
 528 Apartment units proposed in 22 Buildings
 Portions of the site are location with the 100 year flood FEMA Panel: 3710889400K

Proposed water and sewer connections to The City of Graham Municipal System are requested.
 Proposed Zoning Conditions attached to the Submittal Application

Alamance Community College
 P.O. Box 8000
 Graham, NC 27253

PROPOSED DEVELOPMENT DATA:
 22 Apartment (Multi-Family) Buildings
 having 24 units per building
 25% Three bedroom (3x132=396)
 50% Two bedroom (2x264=528)
 25% One bedroom (1x132=132)
 Total Bedrooms: 1,056
 Office / Administration / Clubhouse Building 6,200 sqft.
 One proposed dog park
 Two proposed play areas

Proposed Sewer Demands:
 1,188 x 120 gpd / bdm = 126,720 apd
 6,200 sq ft 25 apd / 100sf. = 1,550 apd
 A 2,800 sqft. pool is proposed

Apartment Building Envelope Data:
 Proposed Building Envelope 60'w x 180'L x 60'H

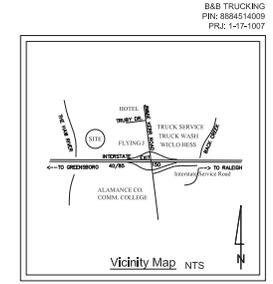
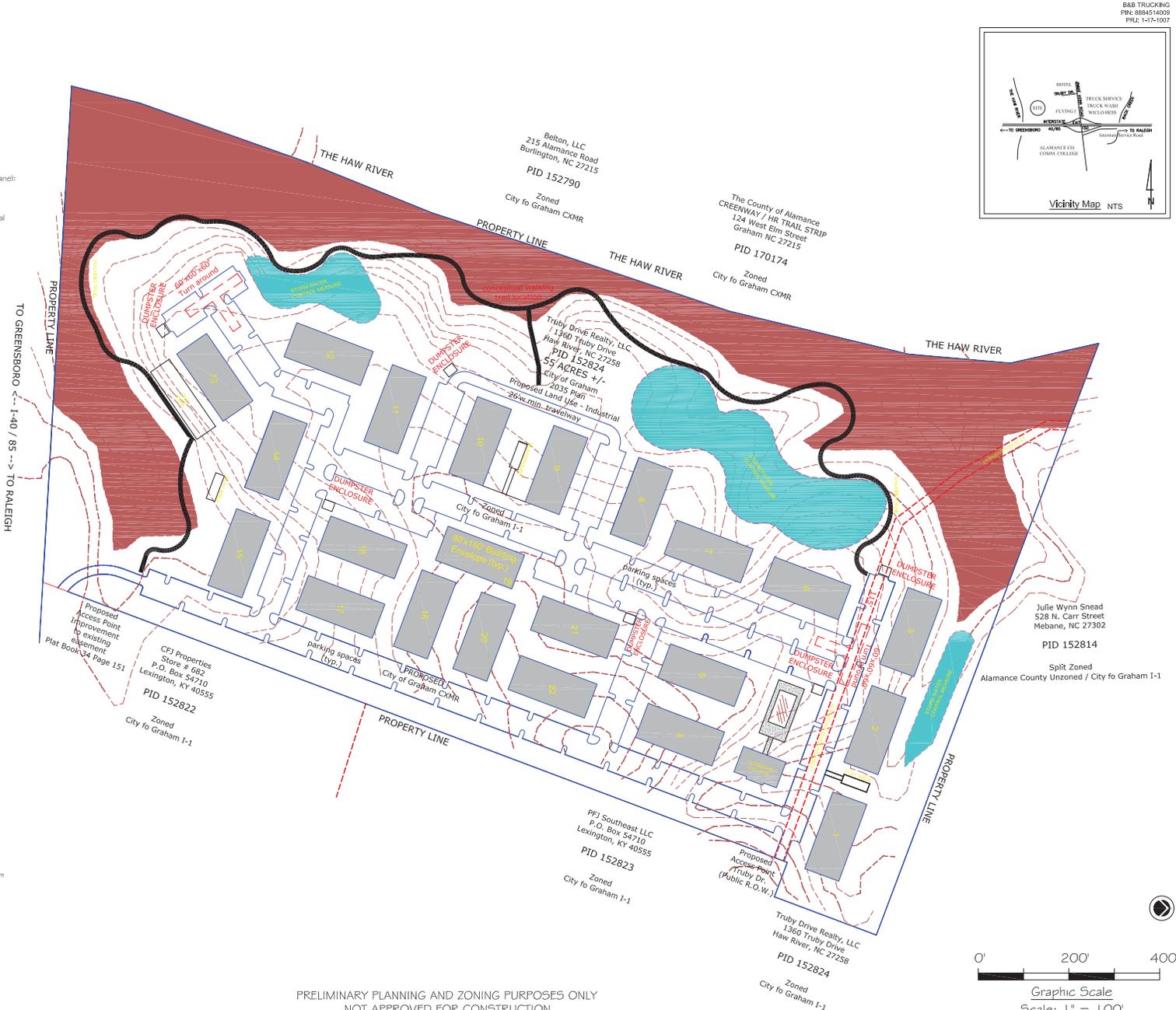
SITE DATA:
 Existing Use: Vacant Woods
 Proposed Use: Multi-Family Residential
 Total Property Area: 55 Acres ±

River Basin: Cape Fear
 Receiving Water: The Haw River

Boundary obtained from a plat obtained at the Alamance County registry Plat Book: 0044 Page: 118 as prepared by Wayne Perry, RL5
 Topographic information obtained from Alamance County GIS data.
 Existing Conditions are wooded and the site is encumbered by City of Graham Sanitary Sewer easements and others. Water service is in Truby Drive.

Plan Prepared for:
 Mr. John Burton
 1360 Truby Drive
 Graham, NC 27253
 Contact: 336-269-2261

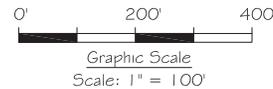
CALL BEFORE YOU DIG! ITS THE LAW
 ULOCO North Carolina One Call Center
 1-800-632-4949



B&B TRUCKING
 PIN: 8894514009
 PRJ: 1-17-1007

12-21-2020
 1" = 100'
 TMT/CDH
 1-20-1040
 CONDITIONAL ZONING PLAN
 12-21-2020
 CDH
 24924
 Charles D. Huffine
 TRUBY DRIVE MULTI-FAMILY SITE
 THE L.E.A.D.S. GROUP, P.A.
 100 EAST DAVENPORT STREET
 RALEIGH, NC 27601
 919-876-8000
 Land Engineering and Development Services

PRELIMINARY PLANNING AND ZONING PURPOSES ONLY
 NOT APPROVED FOR CONSTRUCTION





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.

Truby Apartments (CR2006)

Type of Request
Conditional Rezoning

Meeting Dates
Planning Board on January 19, 2021
City Council on February 9, 2021

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

I move to **recommend APPROVAL with conditions** of the application.

The developer will upfit the Haw River Pump Station to City specifications to handle the additional flow, with the ability of City Staff to upfit the proposed sizing at material cost.

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: 2.2.1, 5.5.1,
the project will comply with and meet all TRC standards,
including an NCDOT study and sewer
study. _____

This report reflects the recommendation of the Planning Board, this the 19th day of January, 2021.

Attest:

Dean Ward

Dean Ward, Planning Board Chairman

Debbie C 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.

**Truby Apartments
(CR2006)**
Type of Request
Conditional Rezoning
Meeting Dates
Planning Board on January 19, 2021
City Council on February 9, 2021,
March 9, 2021, April 13, 2021, May
11, 2021, June 8, 2021, July 13, 2021,
August 10, 2021

Choose one...

- I move that the application be **APPROVED**.
- I move that the application be **APPROVED with the following conditions**.
 - The developer will upfit the Haw River Pump Station to City specifications to handle the additional flow, with the ability of City Staff to upfit the proposed sizing at material cost.
 - [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:

These conditions voluntarily consented to by the petitioner, this the 10th day of August, 2021.

G. Travers Webb, agent for Second Partners, LLC

This report reflects the decision of the City Council, this the 10th day of August, 2021.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Jimmie Kerr Multi-Family (RZ2104)

Type of Request: Rezoning

Meeting Dates

Planning Board on April 20, 2021

City Council on May 11, 2021, June 8, 2021, July 13, 2021, August 10, 2021

Contact Information

G. Travers Webb, III

PO Box 1429, Graham NC 27253

trav93@icloud.com, 336-414-7777

Summary

This is a request to rezone the property from I-1 to R-MF (residential multi-family). The property currently is vacant, and is surrounded by general business and industrial districts, including a hotel, truck stop, and packaging facility, the latter two of which signal frequent semi-truck traffic along this portion of Jimmie Kerr Road.

While this meets many of the standards of the Graham 2035 Comprehensive Plan, the potential magnitude of the density of development, unknown site layout, the limited sewer capacity, and the potential traffic issues suggest that this development may be better served by one comprehensive Conditional Zoning.



Location

Jimmie Kerr Road

GPIN: 8894469497, 8894469816

Current Zoning

Light Industrial (I-1)

Proposed Zoning

Residential Multi-Family (R-MF)

Overlay District

none

Surrounding Zoning

I-1, I-2, B-2

Surrounding Land Uses

Light Industrial, Heavy Industrial, General Business, Vacant

Size

Approximately 37 acres

Public Water & Sewer

Limited Sewer Capacity

Floodplain

No

Staff Recommendation

Denial

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

Applicable Policies and Recommendations

- Strategy 2.3.1 **Facilitate Focused Development** Incentivize pedestrian-oriented nodal development consistent with this plan by incentivizing smart growth development. The City could choose to utilize some of the following methods; Expedited permit review, deferred tax payments, covering some building expenses, Low-interest loans, providing infrastructure, flexible and innovative regulations, Small area plans. *Additional density in the vicinity of the interchanges may result in more focused development patterns with less sprawl. However, traffic patterns in this location are already troublesome and the construction of a large housing complex here may result in additional congestion concerns.*
- 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, however, we have limited sewer capacity at this location.*
- Policy 5.1.1: **Housing variety** Encourage a mix of housing types within Graham to increase choice. These can include single family dwelling units, multifamily dwelling units, small units, pre-fabricated homes, co-housing, and clustered housing. *This multifamily development will provide additional housing choice for those residing or wishing to reside in Graham.*
- 2.2.1 **Job Development.** Provide support and assistance to the business recruitment efforts of the Alamance County Chamber of Commerce, seeking to attract a range of employment opportunities. *The Chamber is actively attempting to recruit businesses like those that would choose to occupy this parcel.*

Description of Development Type

Residential District (Multi-Family)

This district is intended for multi-family residences to be the principal land use and to create relatively high-density neighborhoods.

Appropriate Form

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.

Desired Pattern

Density of 3 to 6 DU/acre

Staff Recommendation

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

- Rezoning the property would be in consistence with the Mixed Use Commercial District, however the lack of current municipal resources, and site design considerations support a comprehensive Conditional Zoning for this site, in accordance with Strategies 2.3.1 and 4.3.1.



Application for REZONING or CONDITIONAL REZONING

RECEIVED

MAR 25 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 Jimmie Kerr Road (S.R. #1928)

Tax Map#: 152814&152815 GPIN: 8894469497 & 8894469816

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: Vacant Land

Total Site Acres: 10.75 Ac in Graham ETJ (37.79 Ac Total)

Property Owner: Julie Wynn Snead & MAC MOM, L.L.C.

Mailing Address: 528 N Carr St.

City, State, Zip: Mebane, NC 27302

Applicant

Property Owner Other Contracted Purchaser

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: G. Travers Webb, III

Mailing Address: PO Box 1429

City, State, Zip: Graham, Nc 27253

Phone # (336) 414-7777

Email: trav93@icloud.com

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

G. Travers Webb 3/25/21
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 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:

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# RZ210Y



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.

Jimmie Kerr Multi-Family (RZ2104)
Type of Request
Rezoning
Meeting Dates
Planning Board on April 20, 2021
City Council on May 11, 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:

Strategies 2.3.1, 4.3.1, and 5-1.1

This report reflects the recommendation of the Planning Board, this the 20th day of April, 2021.

Attest:

Dean Ward

Dean Ward, 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.

Jimmie Kerr Multi-Family (RZ2104)

Type of Request

Rezoning

Meeting Dates

Planning Board on April 20, 2021
City Council on May 11, 2021, June 8, 2021, July 13, 2021, August 10, 2021

Choose one...

- I move that the application be **APPROVED**.
- 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 10th day of August 2021.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk

PLANNING ZONING BOARD

Tuesday, July 20, 2021

The Planning & Zoning Board held their regular meeting on Tuesday, July 20, 2021, at 7:00 PM. Board members present were Dean Ward, Bobby Chin, Eric Crissman, Jerome Bias, and Michael Benesch. Members absent Justin Moody and Tony Bailey. Staff members present were Nathan Page and Debbie Jolly. Chair Ward called the meeting to order, gave the Overview of the Board, and general meeting rules.

1. Approval of the May 18, 2021 minutes. A motion was made to approve the minutes by Michael Benesch, seconded by Dean Ward. All voted in favor. Eric Crissman and Jerome Bias did not vote, as they were not present for the last meeting. Chairman Ward welcomed new member Jerome Bias.

2. New Business
 - a. CR2101 Gilbreath Multifamily. Application for Conditional Residential from Light Industrial for 484 dwelling units, apartments and townhomes, by Ben Green Hyconic Holdings LLC. 38 acres, GPIN 8883885270, 8883872722 and 8883886903. Mr. Page gave an overview on the project to the board. Ben Green and Kevin Williams presented this project to the planning board. The board had several questions for Mr. Green and Mr. Williams. Comments were open to the public. The following individuals spoke on the matter:

| | |
|-----------------|-----------------|
| Dewey Brown | E. Harden St. |
| Tom Boney | 114 W Elm |
| Keith Michaels | 205 Ivey Rd. |
| Janice McSherry | 1047 Valley Dr. |

 Eric Crissman made a motion to table for 30 days. Jerome Bias seconded. 3-2 vote was denied, Dean Ward, Bobby Chin and Michael Benesch voted Nay. Bobby Chin made a motion to deny, is not fully consistent with The Graham 2035 Comprehensive Plan, Policy 5.1.1 does not the housing variety we are looking for. Michael Benesch seconded. All voted aye.

 - b. RZ2106 Maple and Mill. Application for rezoning of parcels to B-1 from R-7 by Jerry Smith Approx. 3.5 acres, GPINS 8884059566, 8884150571, 8884058556, 8884059880, 8884151700, 8884151602. Nathan gave an overview of the project. Jason Cox of 200 N Main St. represented the property owner. Mr. Cox answered several questions from the board. The following people spoke on this project.

| | |
|-------------------|--------------------|
| Yevonka Barksdale | 309 Mill St |
| John Lepri | 531 N. Main St. |
| Jill Fuller | 531 N. Main St. |
| Robert Drumright | Mill/W. Market St. |
| Janice McSherry | 1047 Valley Dr. |
| Tom Boney | 114 W Elm. St. |
| Cary Worthy | 110 Albright Ave. |
| Janet Ecklebarger | 604 Washington St. |

Michael Benesch made a motion to approve the application as presented it is consistent with The Graham 2035 Comprehensive Plan. This amendment will allow for greater density adjacent to our downtown properties, creating additional walkable homes and businesses within our downtown. Eric Crissman seconded the motion. 3-2 vote was denied, Dean Ward, Bobby Chin and Jerome Bias voted Nay. Eric Crissman made a motion that City council send this back to The Planning board and the developer to reconsider the rezoning permit. Dean Ward seconded. All voted Aye.

c. Development Ordinance Amendment as recommended by City Council

i. Special Use Permits- Hearings before the Board of Adjustment, Article 4, Division 7 (Sections 10.137 to 10.148) ii. Special Use Permits- Table of Permitted Uses. Michael Benesch made a motion to table until next meeting. Bobby Chin Seconded. All voted Aye. iii. Extension of the Overlays to City Limits for Highway 87, 49, etc. iv. Overlay for Interstate 40/85 to remove warehousing and solar panels from parcels visible from the interstate v. Reevaluate the Land Use Classifications for all properties for landscaping purposes

3. Old Business

a. Discussion of Subdivision Ordinance in the City of Graham Development Ordinance, Article VIII (section 10.335 to 10.357). Dean Ward made a motion to table the above items until next month. Jerome Bias seconded. All voted Aye.

4. Public comment on non-agenda items- Zoom meeting and BOA meeting hearing. Look into witness being in person.

Eric Crissman made a motion to adjourn. Seconded Dean Ward. All voted Aye.

No further business the meeting was adjourned at 9:57

Respectfully Submitted,
Debbie Jolly



STAFF REPORT

Prepared by Nathan Page, Planning Director

Gilbreath Multifamily (CR2101)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on July 20, 2021

City Council on August 10, 2021

Contact Information

Ben Green, Hyconic Holdings, LLC

Bgreen613@gmail.com (732) 685-3989

415 Cedar Bridge Ave, Lakewood NJ 08701

Summary

This is a request to rezone the subject property from I-1 to CR (Conditional Residential). The application is for 57 townhomes for purchase and 396 apartment units for lease. The project is expected to be built out in phases.



Project Name

Gilbreath Multifamily
(CR2101)

Location

E Gilbreath Street

GPIN: 8883886903,
8883885270, 8883872722

Size

Approx. 38 acres

Proposed Density

10 DU/acre

Current Zoning

Light Industrial (I-1)

Proposed Zoning

Conditional Mixed-Use
Residential (CR)

Surrounding Zoning

CMXR, I-2, I-1, Haw River's
Jurisdiction

Surrounding Land Uses

Mobile Homes, Wastewater
Treatment, Vacant,
Apartments, Single Family
Detached

Staff Recommendation

Approval

The TRC has met for this item, and all TRC notes are relatively minor, but may result in additional loss of density for this parcel.

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

Development Type: Suburban Residential

Applicable Policies and Recommendations

Strategy 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. *Water and sewer services already exist in this area, with sufficient capacity for the proposed development.*

Policy 5.1.1: **Housing variety** Encourage a mix of housing types within Graham to increase choice. These can include single family dwelling units, multifamily dwelling units, small units, pre-fabricated homes, co-housing, and clustered housing. *This multifamily development will provide additional housing choice for those residing or wishing to reside in Graham.*

Policy 5.2.1 **Diverse Neighborhoods** Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units. *The proposed layout includes a mix of townhomes and apartments to provide additional options for those wishing to reside in Graham.*

Policy 5.2.2 **Multigenerational Housing** Promote buildings and neighborhood designs that serve multiple age groups simultaneously and meet the needs of young people, families, older adults, and people with disabilities, especially in focus areas and in close proximity to services. *The proposed design would have different options for families of various sizes.*

Description of Development Type

Suburban Residential

Development Toolkit Checklist

Located near a major thoroughfare

Predominantly detached single-family homes

Characteristics include porches, sidewalks, street trees, and garages setback from the front of the home

Density of 3-6 DU/acre

New neighborhoods should consider a variety of lot sizes with consistent setbacks along the same street

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, and the developments compliance with the Graham Development Ordinance, staff **recommends Approval** for the Conditional Rezoning.

The following supports this recommendation:

The proposed project is in conformity with Land Use Patterns (Policy 4.3.1) and housing variety (Policy 5.1.1) of the Graham Comprehensive Plan 2035.



Application for REZONING or CONDITIONAL REZONING

RECEIVED

JUN 24 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: 1054 EAST GILBREATH STREET

Tax Map#: 145232,145233,145227 GPIN: 8883885270 8883872722 8883886503

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: VACANT LAND

Total Site Acres: +/-37.87 AC

Property Owner: DGT PROPERTIES, LLC

Mailing Address: 4076 POND ROAD

City, State, Zip: BURLINGTON, NC 27215

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:

The purpose of this rezoning request is to rezone 3 existing parcels from their current zoning designation of I-1 and R-G to CZ-R-MF in order to develop a mixed use multi-family development. The development will be comprised of townhomes for purchase and apartments for lease. The proposed development information is the following:

TOWNHOMES (2 story)
 21 Buildings
 42 - 3 bedroom units @ +/- 1,440 sf
 70 - 2 bedroom units @ +/- 1,260 sf
 Total Townhome dwelling units = 112

APARTMENTS (3 story)
 11 full size buildings @ +/- 28,320 sf each
 9 half size buildings @ +/- 14,865 sf each
 Total Apartment dwelling units = 372

The project is anticipated to be constructed in phases which will be depicted on the construction drawings for the project pending rezoning and sketch plan approval

Applicant

Property Owner Other PURCHASER

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: BEN GREEN, CEO, HYCONIC HOLDINGS, LLC

Mailing Address: 415 CEDAR BRIDGE AVENUE, SUITE #6

City, State, Zip: LAKEWOOD, NJ 08701

Phone # (732) 685-3989

Email: bgreen613@gmail.com

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

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

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

[Signature] 6/7/21
 Signature of Applicant Date

Office Use Only. DEVID#

GARDENS AT GRAHAM
SKETCH PLAN

| | |
|-------------|----------|
| DATE | AS SHOWN |
| DESIGNED BY | KEW |
| CHECKED BY | KEW |
| APP. NUMBER | 6-1-2021 |

1054 EAST GILBREATH STREET
GARDENS AT GRAHAM, NC
HYCONIC HOLDINGS, LLC
SALISBURY, NC

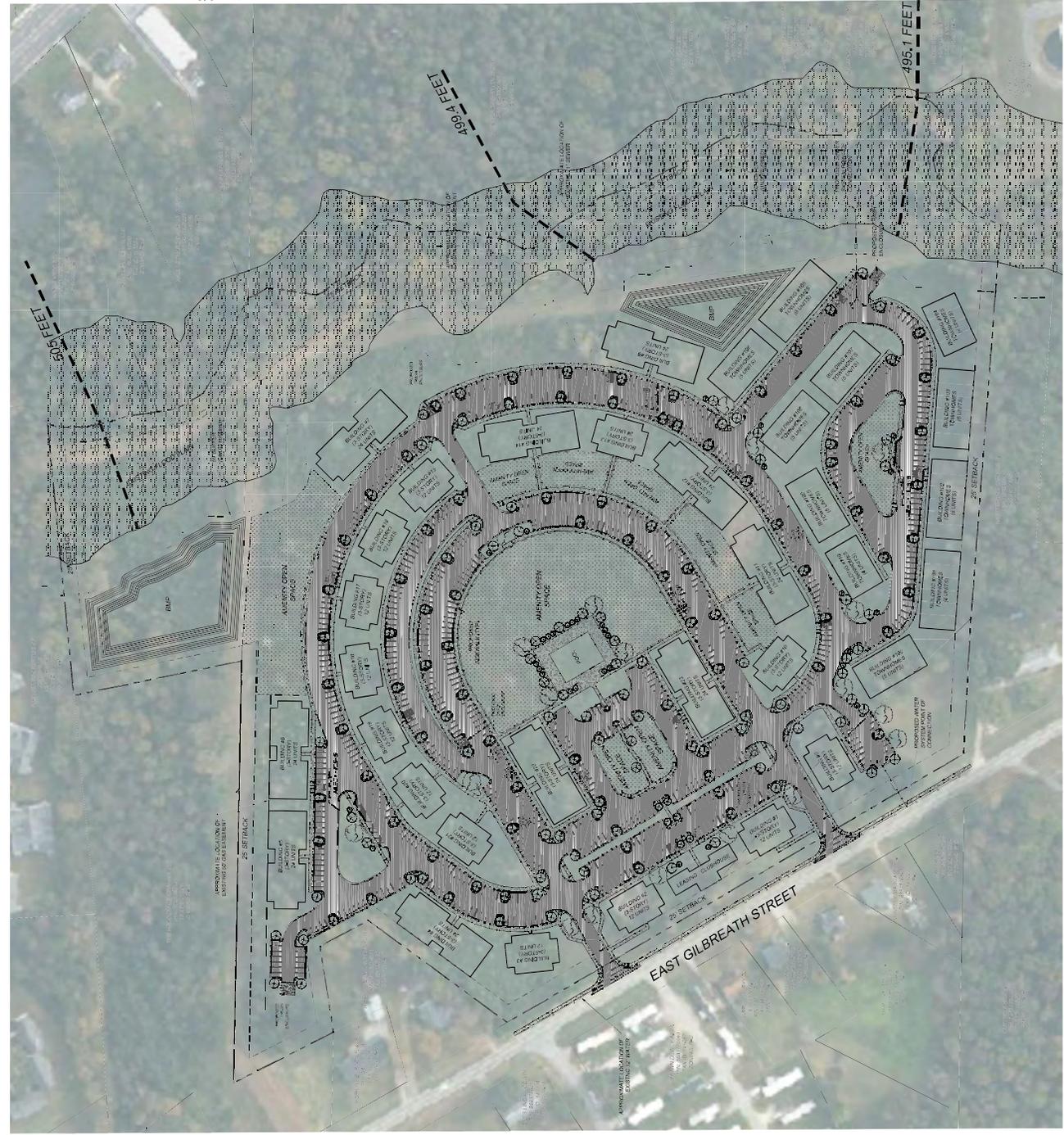
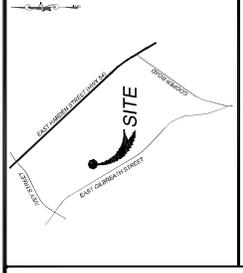


SITE DATA

| | |
|--------------------|---|
| PARCEL ID: | 883885270, 883887222, 883888980 |
| EXISTING ZONING: | M-1 (LIGHT INDUSTRIAL) & R-6 (GENERAL RESIDENTIAL - DISTRICT) |
| PROPOSED ZONING: | CZ-RMF (CONDITIONAL ZONING RESIDENTIAL MULTIFAMILY) |
| PROPOSED USE: | MIXED USE MULTIFAMILY (TOWNHOMES & APARTMENTS) |
| TOTAL UNITS: | 443 |
| TOWNHOMES: | 10 |
| 3 BEDROOM UNITS: | 22 |
| 2 BEDROOM UNITS: | 26 |
| 1 BEDROOM UNITS: | 60 |
| TOTAL UNITS: | 118 |
| APARTMENTS: | 325 |
| 3 BEDROOM UNITS: | 80 |
| 2 BEDROOM UNITS: | 80 |
| 1 BEDROOM UNITS: | 65 |
| TOTAL UNITS: | 395 |
| GRAND TOTAL UNITS: | 443 |

| | |
|---------------------------------|--|
| REQUIRED BUILDING SETBACKS: | FRONT SETBACK: 25' |
| | REAR SETBACK: 25' |
| | SIDE SETBACK: 25' |
| PARKING SPACES REQUIRED: | 3 BEDROOM UNIT = 2 SPACES |
| | 2 BEDROOM UNIT = 2 SPACES |
| | 1 BEDROOM UNIT = 1.5 SPACES |
| PARKING SPACES PROVIDED: | TOWNHOME SPACES = 65 SPACES + 2 ADA SPACES = 67 SPACES |
| | APARTMENT SPACES = 728 SPACES + 17 ADA SPACES = 745 SPACES |
| | TOTAL ON-SITE PARKING SPACES PROVIDED = 812 SPACES |
| LOT COVERAGE (IMPERVIOUS AREA): | BUILDINGS, HARDSCAPE, PAVEMENT, ETC. = 415.77 AC (41.5%) |
| OPEN SPACE REQUIRED: | 10% OF TOTAL PARCEL WITHIN BOUNDARY = 43.79 AC NEEDED |
| OPEN SPACE PROVIDED: | 42.79 AC (LANDSCAPE OPEN SPACES) |
| | 1.00 AC (PARKING LOT OPEN SPACES) |
| | 15.11 AC (FLOOD PLAIN) (SEVEN BMP PONDS) |
| | TOTAL OPEN SPACE PROVIDED = 58.90 AC (58.5%) |

- NOTES:
- THE BOUNDARY AND EXISTING TOWNHOMES ARE SHOWN IN RED. INFORMATION SHOWN IS BASED ON AERIAL ALTIMETER COUNTY GIS DATA SETS.
 - BUILDING FOOTPRINTS ARE PRELIMINARY.
 - THE PROPOSED DEVELOPMENT SHALL COMPLY WITH THE APPLICABLE BUFFER PLANTING REQUIREMENTS FOR THE OPEN SPACE AREAS AS SHOWN.
 - EACH TOWNHOME SHALL HAVE ITS OWN WATER METER AND SEWER SERVICE. THE PROPOSED APARTMENTS SHALL BE SERVED BY ONE MASTER METER AND SHALL BE SERVED BY ONE WATER METER AND ONE SEWER SERVICE. THE PROPOSED DRIVEWAY SHALL BE A ONE-WAY DRIVEWAY WITH A 12' DRIVEWAY WIDTH.
 - THE PROPOSED DRIVEWAY SHALL BE 12 FEET WIDE.
 - OPEN SPACE CALCULATIONS REFLECT ALL OPEN SPACE WITHIN THE BOUNDARY.
 - PROPOSED CONSTRUCTION SHALL COMPLY WITH CITY OF GRAHAM'S STANDARD DETAILS AND SPECIFICATIONS.
 - THE SITE SHALL COMPLY WITH THE CITY OF GRAHAM'S BUFFER REQUIREMENTS FOR OPEN SPACE AREAS AS SHOWN.
 - THE SITE SHALL REQUIRE WATER, SEWER, STORMWATER, BUFFER, AND FLOODPLAIN PERMITS.
 - THE SITE WILL REQUIRE VICINITY ENCROACHMENT AND DRIVEWAY PERMITS.



CDM+R
ENGINEERING + PLLC
Charlotte, NC
WILKINS LAND DEVELOPMENT, LLC
1054 EAST GILBREATH STREET
SALISBURY, NC 27340
TEL: 704.660.8111
www.williamslanddevelopment.com



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.

**Gilbreath Multifamily
(CR2101)**

Type of Request
Conditional Rezoning

Meeting Dates
Planning Board on July 20, 2021
City Council on August 10, 2021

- I move to recommend **APPROVAL** of the application as presented.
- I move to recommend **APPROVAL with conditions** of the application.
[insert additional conditions]
- I move to recommend **DENIAL**.

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

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

S.I.1 Not housing variety nor diversity of neighborhood.

This report reflects the recommendation of the Planning Board, this the 20th day of July, 2021.

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.

**Gilbreath Multifamily
(CR2101)**
Type of Request
Conditional Rezoning
Meeting Dates
Planning Board on July 20, 2021
City Council on August 10, 2021

Choose one...

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

These conditions voluntarily consented to by the petitioner, this the 10th day of August, 2021.

Ben Green, agent for DGT Properties LLC

This report reflects the decision of the City Council, this the 10th day of August, 2021.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Maple and Market (RZ2106)

Type of Request: Rezoning

Meeting Dates

Planning Board on July 20, 2021
City Council on August 10, 2021

Contact Information

Jerry Smith
312 North Maple Street
Graham NC 27253
919-667-4222;
jerrybrucesmith1967@gmail.com

Summary

This is a request to rezone the subject property from R-7 to B-1. The property currently has a few detached single family homes, some of which are rentals and some are owner-occupied. The homes are served by city streets, water, and sewer. The site is approximately 3.5 acres.



Location
Maple and Market Streets

GPIN:
8884059566, 8884150571,
8884151515, 8884058556,
8884059880, 8884151700,
8884151602.

Current Zoning
Residential (high density) R-7

Proposed Zoning
Downtown Business B-1

Overlay District
none

Surrounding Zoning
R-MF, R-7, I-1, B-2, B-1

Surrounding Land Uses
Single Family, Multi Family,
Vacant, and Business

Size
3.5 acres

Public Water & Sewer
Yes

Floodplain
No

Staff Recommendation
Approval

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

Applicable Policies;

- **2.2.1 Focused Development.** In order to maintain Graham’s affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *This amendment will allow for greater density adjacent to our downtown properties, creating additional walkable homes and businesses within our downtown.*
- **2.3.1 Downtown.** A vibrant downtown is critical for Graham’s economic success. Graham’s downtown is a priority when considering incentives, investments, regulations, and marketing. Encourage entertaining options to locate within Graham’s downtown. *Permitting this rezoning would relax some of the regulations regarding lot size and setbacks for these properties.*
- **2.3.1 Facilitate Focused Development.** Incentive pedestrian-oriented nodal development consistent with this plan by incentivizing smart growth development... *This rezoning would allow pedestrian oriented development adjacent to the Downtown node.*
- **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 use of this parcel for more homes would allow us to protect more of our valuable green space and agricultural land. It would also allow more efficient use of the existing water and sewer lines, without an additional maintenance burden.*
- **5.1.1 Housing Variety.** Encourage a mix of housing types within Graham to increase choice. These can include single family dwelling units, multi family dwelling units, small units, prefabricated homes, cohousing, and clustered housing. *Given the proximity to the downtown, this is an ideal location for additional housing units.*
- **5.2.2 Multigenerational Housing.** Promote buildings and neighborhood designs that serve multiple age groups simultaneously and meet the needs of young people, families, older adults, and people with disabilities, especially in focus areas and in close proximity to services. *This location is walkable to multiple pharmacies, a grocer, restaurants, and many other businesses. It may allow multiple households to age in place without having to move if they have mobility issues as they age.*

Planning Type

District

Development Type

Downtown District

New buildings in downtown should be located no further than 10 feet from the front lot line and should include transparent windows on at least 50% of the first floor façade. Multiple stories and a mix of uses are desirable. The building design should also consider the existing historic architecture throughout downtown.

The downtown district should foster vibrant activity day and night by including diversity in land use, including offices, homes, restaurants, entertainment venues, high quality public gathering spaces, and cultural opportunities. In this way, downtown Graham will be the focal point of the community.

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 this property would further Policy 2.3.1 and 5.2.2, creating focused development near our downtown that would increase accessibility to amenities to people of all ages and ability levels.

Reference List of Parcels – Maple & Market

- 1. NJA PROPERTIES - 207 W Market - Parcel Ref No – 145570**
- 2. NJA PROPERTIES - 203 W Market - Parcel Ref No - 145897**
- 3. NJA PROPERTIES - 302 N Maple St - Parcel Ref No – 145900**
- 4. NRS PROPERTIES - 213 W Market – Parcel Ref No – 145567**
- 5. NORMA SMITH HEIRS – 312 N Maple St – Parcel Ref No – 145571**
- 6. HASENMILLER- 308 N MAPLE ST – Parcel Ref No – 145902**
- 7. SESSOMS – 306 N MAPLE ST – Parcel Ref No – 145901**



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.

Maple and Market (RZ2106)
Type of Request
Rezoning
Meeting Dates
Planning Board on July 20, 2021
City Council on August 10, 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 20th day of July, 2021.

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.

Maple and Market (RZ2106)

Type of Request
Rezoning

Meeting Dates
Planning Board on July 20, 2021
City Council on August 10, 2021

Choose one...

- I move that the application be **APPROVED**.
- 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 10th day of August, 2021.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Special Use Permits

Type of Request: Text Amendment

Meeting Dates

Planning Board on July 20, 2021

City Council on August 10, 2021

Contact Information

N/A

Summary

The City Council has requested the Planning Board evaluate the process for Special Use Permits, with the recommendation that they be sent to the Board of Adjustment to be heard once. Under the current process, the residents of the City have limited input and the City Council has limited discretion for Special Use Permits. In light of this, the current process leaves most residents feeling disconnected from the deliberations regarding these Quasi-Judicial Hearings.

Other jurisdictions in North Carolina have taken the step to evaluate what uses their Table of Permitted Uses has for Special Use Permits, as well as what limitations should be placed upon them (for example, a cell tower may be required to have all property lines as far away as the height of the tower). The Planning Board and Council may remove the requirement for Special Use Permits for all uses without specific standards, or add standards to those uses. For example, Bed and Breakfasts currently require a Special Use Permit in some zones, but have no standards with regards to capacity, parking, etc.

The draft language below places authority to hear and approve or deny the Special Use Permits with the Board of Adjustment, and such hearings only occur once, rather than going before the Planning Board and subsequently the City Council.

Existing Language:

DIVISION 7. SPECIAL USES

Section 10.137 Purpose of special use regulations

Permitting special uses adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special use Permit procedure, property uses that would otherwise be undesirable in certain districts can be developed to minimize any undesirable effects they may have on surrounding properties.

Project Name

Special Use Permits (AM2102)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Section 10.138 Special uses shown in Table of Permitted Uses

Each use for which a special use permit is required is indicated in the Table of Permitted Uses, by an "S" in the column for a particular zoning district. The "S" indicates that such use may be placed in that zoning district only after a special use permit has been approved by the city council and issued by the zoning enforcement officer.

Section 10.139 Application for a Special Use Permit

Applicants for a special use permit are advised to confer with the Planner before formal application for a permit in order to ascertain what information must accompany the formal application. Applications for special use permits shall be submitted to the Planner. Depending on the character and size of the proposed use, a plot plan or a preliminary site plan may be required showing any or all of the following information, in addition to the specific conditions set forth under each special use:

- a. Vicinity map, showing the location of the property in relation to existing and proposed streets, streams, railroads and other major physical features.
- b. Location, size and type of all buildings, existing and proposed, on or near the property.
- c. Grading plan.
- d. Proposed points of vehicle ingress and egress, together with the proposed pattern of internal circulation.
- e. Proposed parking and loading areas.
- f. Landscape plan, showing the number, location, size and name of each plant species; and the proposed ground cover, especially on slopes, banks, and ditches. If the special use permit is approved, the landscape plan shall be carried out within one year of the date of issuance of the certificate of occupancy; landscaping shall be permanently maintained thereafter.
- g. Proposed provision for utilities.
- h. Location, size, height, orientation, and lighting information on all signs.

Section 10.140 Timing of Submissions

The applicant must submit the required plans and request for a special use permit on or before the 25th day of the month preceding the planning board meeting at which consideration is desired.

Section 10.141 Role of Planning Board

The planning board shall review applications for special use permits, together with accompanying plans, maps, and drawings. The planning board may recommend that the city council (1) deny the special use permit, or (2) approve the special use permit subject to the conditions for individual special uses, or (3) approve the special use permit subject to the conditions for individual special uses and other reasonable conditions recommended by the planning board. The planning board may also recommend modifications of the original plans.

Section 10.142 Role of Historic Resources Commission

As provided for in Section 10.205, the Historic Resources Commission is authorized to review and comment on special use applications for proposed uses within any historic district or historic landmark.

Recommendations and comments from the commission shall be relayed directly to the City Council for consideration along with the Planning Board's recommendations.

Section 10.143 Role of City Council

For each application for a special use permit the City Council shall hold a public hearing, notice of which shall be published in the same manner as required for a hearing on an amendment to this article. When deciding a special use permit, the City Council shall follow quasi-judicial procedures as required by law. At the public hearing the City Council shall review the application for a special use permit, together with accompanying plans, maps, and drawings. Recommendations of the planning board shall be heard. The City Council may (1) deny the special use permit, or (2) grant the special use permit subject to the conditions for individual special uses, or (3) grant the special use permit subject to the conditions specified for each use listed in Section 10.149 (Special uses listed) and to other reasonable conditions the council imposes upon the permit. Subject to S.L 2019-111, Pt. I, the City Council shall not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. The Council shall obtain the applicant or land owner's written consent to conditions related to a special use permit to ensure enforceability. There shall be competent, material and substantial evidence in the record to support the Council's findings of facts and conclusions. No vote greater than a majority vote shall be required for the City Council to issue special use permits. Vacant positions on the City Council and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the City Council' for calculation of the requisite majority.

(Section 10.143 amended 7/11/2006)

Section 10.144 Findings

In granting a special use permit, the council shall find that all of the conditions listed below have been met, or it shall be denied.

- (1) That all applicable regulations of the zoning district in which the use is proposed are complied with.
- (2) That conditions specific to each use, identified by this Ordinance are complied with.
- (3) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
- (4) That the use will not substantially injure the value of adjoining property or that the use is a public necessity.
- (5) That the location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.
- (6) That satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.

Section 10.145 Conditions added by Council, Limitations

In granting a Special Use Permit, the Council may designate only those conditions, in addition to those already contained in this ordinance or proposed by the applicant, that will, in its opinion, assure that the

use in its proposed location will be harmonious with the area. Examples of such additional conditions include landscaping or buffer provisions, conditions related to on-premises signage, conditions to reduce traffic congestion and other conditions directly related to the land use impact of the use on the area. The city council may modify the original plans to reflect such conditions which shall be entered into the minutes of the meeting at which the permit is granted.

Section 10.146 Conditions run with land

All special use conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns. In voting on a request for a special use permit, a vote by the majority of the City Council membership shall be required to grant the request.

Section 10.147 Appeal

No appeal may be taken to the board of adjustment from the action of the city council in granting or denying a special use permit. The city council's action on an application for a special use permit, like the council's action on an application for an amendment to the ordinance, shall be reviewable by the courts as provided by law.

Section 10.148 Invalidation

In the event of failure to comply with the plans approved by the city council or with any other condition imposed by the city council upon the special use permit, the permit shall immediately become void and of no effect. No further building permits or certificates of occupancy shall be issued, and completed structures shall be regarded as nonconforming uses. A special use permit shall become null and void 24 months after the date of its issuance unless construction is begun during the twenty-four-month period.

Proposed Language:

DIVISION 7. SPECIAL USES

Section 10.137 Purpose of special use regulations

Permitting special uses adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special use Permit procedure, property uses that would otherwise be undesirable in certain districts can be developed to minimize any undesirable effects they may have on surrounding properties.

Section 10.138 Special uses shown in Table of Permitted Uses

Each use for which a special use permit is required is indicated in the Table of Permitted Uses, by an "S" in the column for a particular zoning district. The "S" indicates that such use may be placed in that zoning district only after a special use permit has been approved by the Board of Adjustment and issued by the zoning enforcement officer.

Section 10.139 Application for a Special Use Permit

Applicants for a special use permit are advised to confer with the Planner before formal application for a permit in order to ascertain what information must accompany the formal application. Applications for special use permits shall be submitted to the Planner. Depending on the character and size of the proposed use, a plot plan or a preliminary site plan may be required showing any or all of the following information, in addition to the specific conditions set forth under each special use:

- a. Vicinity map, showing the location of the property in relation to existing and proposed streets, streams, railroads and other major physical features.
- b. Location, size and type of all buildings, existing and proposed, on or near the property.
- c. Grading plan.
- d. Proposed points of vehicle ingress and egress, together with the proposed pattern of internal circulation.
- e. Proposed parking and loading areas.
- f. Landscape plan, showing the number, location, size and name of each plant species; and the proposed ground cover, especially on slopes, banks, and ditches. If the special use permit is approved, the landscape plan shall be carried out within one year of the date of issuance of the certificate of occupancy; landscaping shall be permanently maintained thereafter.
- g. Proposed provision for utilities.
- h. Location, size, height, orientation, and lighting information on all signs.

Section 10.140 Timing of Submissions

The applicant must submit the required plans and request for a special use permit on or before the 25th day of the month preceding the planning board meeting at which consideration is desired.

Section 10.141 Reserved.

~~Section 10.141 Role of Planning Board~~

~~The planning board shall review applications for special use permits, together with accompanying plans, maps, and drawings. The planning board may recommend that the city council (1) deny the special use permit, or (2) approve the special use permit subject to the conditions for individual special uses, or (3) approve the special use permit subject to the conditions for individual special uses and other reasonable conditions recommended by the planning board. The planning board may also recommend modifications of the original plans.~~

Section 10.142 Role of Historic Resources Commission

As provided for in Section 10.205, the Historic Resources Commission is authorized to review and comment on special use applications for proposed uses within any historic district or historic landmark. Recommendations and comments from the commission shall be relayed directly to the Board of Adjustment for consideration along with the Planning Board's recommendations.

Section 10.143 Role of Board of Adjustment

For each application for a special use permit the Board of Adjustment, supported by staff and counsel, shall hold a public hearing, notice of which shall be published in the same manner as required for a hearing on an amendment to this article. When deciding a special use permit, the Board of Adjustment shall follow quasi-judicial procedures as required by law. At the public hearing the Board of Adjustment shall review the application for a special use permit, together with accompanying plans, maps, and drawings. Recommendations of the Historic Resources Commission, if applicable, shall be heard. The Board of Adjustment may (1) deny the special use permit, or (2) grant the special use permit subject

to the conditions for individual special uses, or (3) grant the special use permit subject to the conditions specified for each use listed in Section 10.149 (Special uses listed) and to other reasonable conditions the Board of Adjustment imposes upon the permit. Subject to S.L 2019-111, Pt. I, the Board of Adjustment shall not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. The Board of Adjustment shall obtain the applicant or land owner's written consent to conditions related to a special use permit to ensure enforceability. There shall be competent, material and substantial evidence in the record to support the Board of Adjustment's findings of facts and conclusions. No vote greater than a majority vote shall be required for the Board of Adjustment to issue special use permits. Vacant positions on the Board of Adjustment and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the Board of Adjustment for calculation of the requisite majority.

(Section 10.143 amended 7/11/2006)

Section 10.144 Findings

In granting a special use permit, the Board of Adjustment shall find that all of the conditions listed below have been met, or it shall be denied.

- (1) That all applicable regulations of the zoning district in which the use is proposed are complied with.
- (2) That conditions specific to each use, identified by this Ordinance are complied with.
- (3) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
- (4) That the use will not substantially injure the value of adjoining property or that the use is a public necessity.
- (5) That the location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.
- (6) That satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.

Section 10.145 Conditions added by Board of Adjustment, Limitations

In granting a Special Use Permit, the Board may designate only those conditions, in addition to those already contained in this ordinance or proposed by the applicant, that will, in its opinion, assure that the use in its proposed location will be harmonious with the area. Examples of such additional conditions include landscaping or buffer provisions, conditions related to on-premises signage, conditions to reduce traffic congestion and other conditions directly related to the land use impact of the use on the area. The Board of Adjustment may modify the original plans to reflect such conditions which shall be entered into the minutes of the meeting at which the permit is granted.

Section 10.146 Conditions run with land

All special use conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns. In voting on a request for a special use permit, a vote by the majority of the Board of Adjustment membership shall be required to grant the request.

Section 10.147 Appeal

No appeal may be taken to the City Council from the action of the Board of Adjustment in granting or denying a special use permit. The Board of Adjustment's action on an application for a special use permit, like the Board's action on an application for an appeal or variance, shall be reviewable by the courts as provided by law.

Section 10.148 Invalidation

In the event of failure to comply with the plans approved by the Board of Adjustment or with any other condition imposed by the Board of Adjustment upon the special use permit, the permit shall immediately become void and of no effect. No further building permits or certificates of occupancy shall be issued, and completed structures shall be regarded as nonconforming uses. A special use permit shall become null and void 24 months after the date of its issuance unless construction is begun during the twenty-four-month period.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

| |
|--|
| <p><u>Planning District</u> All</p> <p><u>Development Type</u> All</p> |
|--|

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:

- Placing authority for Special Use Permits with the Board of Adjustment will reduce the number of quasi-judicial hearings before the City Council, thus allowing them to be more engaged in the democratic process of public input and legislative discretion.

| Jurisdiction | SUP |
|----------------------------|------------|
| Aberdeen | PB |
| Angier | BOA |
| Apex | TC |
| Carthage | TC |
| Cary | BOA |
| Durham | BOA |
| Fuquay-Varina | BOA |
| Garner | TC |
| Hillsborough | BOA |
| Holly Springs ¹ | TC |
| Kernersville | Both |
| Knightdale | TC |
| Morrisville | TC |
| N-Focus Default | BOA |
| Raleigh | BOA |
| Randolph County | PB |
| Rolesville | BC |
| Roxboro | TC |
| Salisbury | TC |
| Stanley County | BOA |
| Wake Forest | BC |
| Wendell | BC |
| Wake County | BOA |
| Woodfin | BOA |
| Zebulon | TC |

AAS - Administrative Approval by Staff

BC - Board of Commissioners QJPH

TC - Town Council QJPH

BOA - Board of Adjustment QJPH

PZB - Planning & Zoning Board PZB QJPH

* Zoning BOA - plans associated with SUP, 100 or more residential units, or 100,000 square feet non-residential (unless property rezoned in past 2 years, then it is AAS; essentially all projects are AAS at this point)

** TC hears variances that are related to projects simultaneously requesting SUP approval so that both QJ hearings are held at the same time by TC

*** Dissolved BOA so PZB acts as BOA

**** All site plans are AAS

¹ Holly Springs has a UDO re-write that is underway (completion in approx. 6 months): remove QJ items from Town Council, reduce the number/types of uses that require SUPs, and combine PB and BOA



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.

Special Use Permits (AM2102)
Type of Request
Text Amendment
Meeting Dates
Planning Board on 7/20, 8/17 2021
City Council on 8/10, 9/14 2021

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend APPROVAL** of the alternative language, as proposed by the Planning Board.
- 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 17th day of August, 2021.

Attest:

Dean Ward, Planning Board Chair

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.

Special Use Permits (AM2102)

Type of Request
Text Amendment

Meeting Dates
Planning Board on July 20, 2021
City Council on August 10, 2021

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 10th day of August, 2021.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk