



City of Graham Planning Board

Meeting Agenda

May 20th, 2025, at 6:30 PM
Council Chambers, Graham
City Hall

1. Meeting called to order.
2. Roll Call and confirmation of quorum.
3. Pledge of allegiance and moment of silence or invocation.
4. Overview of board and general meeting rules.
5. Approval of the April 29 2025, meeting minutes.
6. New Business:
 - a. CR2403 - Jim Minor Townhomes
 - b. SUP2501- E Harden UBD Heavy
 - c. AM2502 - Tobacco, CBD, Vapor Shop
7. Public comment on non-agenda items.
8. Staff comment.
9. Adjournment.



PLANNING BOARD MINUTES

Tuesday, April 29th, 2025

The Planning & Zoning Board held its regular meeting on Tuesday, April 29th, 2025. Members present were Tony Bailey, Vice Chair John Wooten, and Chair Dean Ward, Chad Huffine, James Stockert, Michael Benesch, and Jim Young. Staff members present were Planner Cameron West.

1. Meeting called to order at 6:30 p.m. by Chair Dean Ward
2. Roll Call and confirmation of quorum.
3. Pledge of allegiance and moment of silence or invocation.
4. Overview of board and general meeting rules.
5. Approval of the meeting minutes for the March 18th, 2025 and April 15th, 2025 meeting of the Planning Board. John Wooten made a motion to approve the minutes. Michael Benesch seconded. All voted Aye.
6. New Business
 - a. CR2503 – 113 W Gilbreath C-B: Cameron West presented the staff report to the board. This is a request to rezone .83 acres of land at 113 W Gilbreath Street from R-7 (High-Density Residential) to C-B (Conditional Business) for the purpose of allowing a hair salon to be utilized as a home occupation as an accessory use to the single-family home. The use is proposed to occur inside of the attached accessory structure while the primary use of the single-family home will remain. Our Development Ordinance does not currently permit these types of uses to be utilized as home occupations. That is why the applicant is requesting this zoning classification. This property is listed on the Future Land Use Map as Downtown Residential. The Downtown Residential land use area describes principle uses in this zone are predominantly detached single family homes and that new neighborhoods may include a range of duplexes. It also states that supporting uses in this area are Places of worship, daycares, park facilities, schools, civic spaces; designated neighborhood centers may include neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking. The applicant has requested a condition that the site plan requirement be waived due to the nature of this request. Public Hearing was opened. Dean Ward made a motion to open the public hearing. Jim Young seconded. All voted Aye. Nadia Euliss Pickens, 113 W Gilbreath Street Graham, NC 27253 spoke on behalf of the project. The applicant, staff, and board spoke about the topics of building inspections and ADA requirements, limiting the uses, and parking. Chair Ward closed the public hearing. Seconded by Jim Young. All voted Aye. Chad Huffine made a motion to approve the application with the condition that the use of the primary dwelling is limited to single-family and the attached accessory structure was to be allowed only for the hair salon and ADU use type and could the two could not run concurrently. Seconded by Jim Young. All Voted Eye. Motion passed 7-0.



- b. AM2501 – Multi-Tenant Industrial Buildings: Cameron West presented the Staff Report and noted that this was a request by the applicant to define and create a use classification for multi-tenant industrial facilities. Currently, the development ordinance does not have a specified use for this proposed type of development. We have an approved use for single industrial buildings and unified business developments. The unified business developments are particular to shopping centers and commercial developments. They do not permit any I-1 uses in these developments, even being allowed in the I-1 zoning. As of right now, there is no way for staff to approve these types of developments as the closest related zoning use we can choose from is the unified business developments. We have received multiple new requests for these types of developments and have suggested that a text amendment was proposed to define them in our ordinance. Taylor Squires and Ryan Moffitt, 522 S Lexington Ave. Burlington, NC 27215, both spoke on behalf of the amendment and mentioned the amendment was to serve as a path forward for their applicant to be able to develop an industrial site with multiple buildings and multiple tenants inside of those buildings. Cameron West mentioned that there were multiple interested parties in this type of development on a smaller scale. The board had discussion and determined that the term “on-sites” in the amendment wasn’t necessary. Tom Boney from the Alamacne News posed a question to the board on the topic of size requirements for these buildings and the size requirement for the potential multi-units themselves. No discussion was held on that topic. Chair Dean Ward made a motion to approve the amendment with the recommendation that the term “on-sites” was removed from the definition. Seconded by John Wooten. All voted Eye. Motion passed 7-0.

7. Public comment on no agenda items- None.

8. Staff comments- None. Chad Huffine did ask about the future land use plan update and where staff was with that. West mentioned that we had been in discussion with the contracted firm and were working on finalizing a draft to send out.

9. Adjournment- Chair Dean Ward made a motion to adjourn. Seconded by Vice Chair John Wooten. All vote aye.

Meeting Adjourned at 8:34 p.m.

Respectfully submitted this day 8th day of May, 2025
Cameron West



STAFF REPORT

Prepared by Cameron West, Senior Planner

Jim Minor Townhomes (CR2403)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on May 20, 2025

City Council on June 10, 2025

Contact Information

Shawn Cummings

1141 Jay Lane Graham, NC 27253

743-205-3912

scummings@vennterra.com

Summary

This is a request to rezone 24.18 acres of property from Un-Zoned to C-R (Conditional Residential) for the purpose of constructing a maximum of 143 town homes. The site plans to have public roadways and connect to water and sewer through the existing utilities surrounding the property. The property is fully inside of the Employment District future land use zone. The future land use plan mentions the employment district should be studied and planned in order to accommodate a range of employers and provide office space, industrial space, commercial space, institutional space, and residential housing. This should be planned to limit environmental impacts, preserve open space and open corridors, and develop high quality and adaptable buildings for a variety of companies. The development falls in around 5.9 dwelling units per acre which meets the appropriate density in the suburban residential land use zone of 3-6 dwelling units per acre. The applicant has requested a condition to reduce the width between buildings from 25 feet to 20 feet. Outside of that condition all aspects of the R-MF zoning district are being met. Since the development is over 5 acres in size the applicant was required to provide open space within the development and all areas can be found on the site plan.



Location

Jim Minor Road

GPIN

8893569560

Current Zoning

Un-Zoned

Proposed Zoning

Conditional Residential (CR)

Overlay District

none

Surrounding Zoning

Un-Zoned, C-R

Surrounding Land Uses

Single Family

Size

24.18 Acres

Public Water & Sewer

To Be Extended by Developer

Floodplain

Yes

Zoning Map

Zoning



City of Graham

Legend

Downtown Historic District

Zoning Districts

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

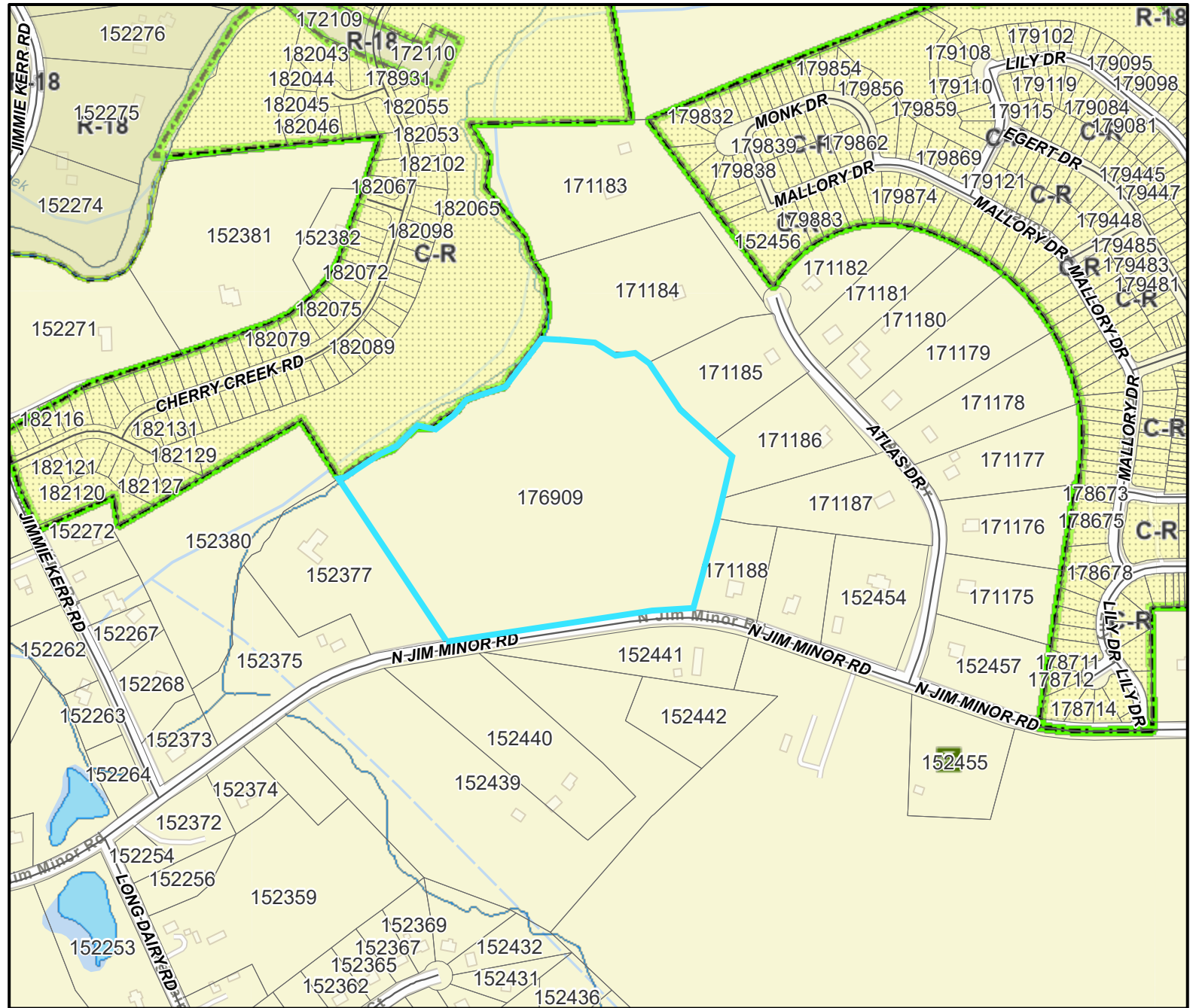
Zoning Overlay Districts

- HD
- PUD
- HWY-87 OD
- HWY-54 OD



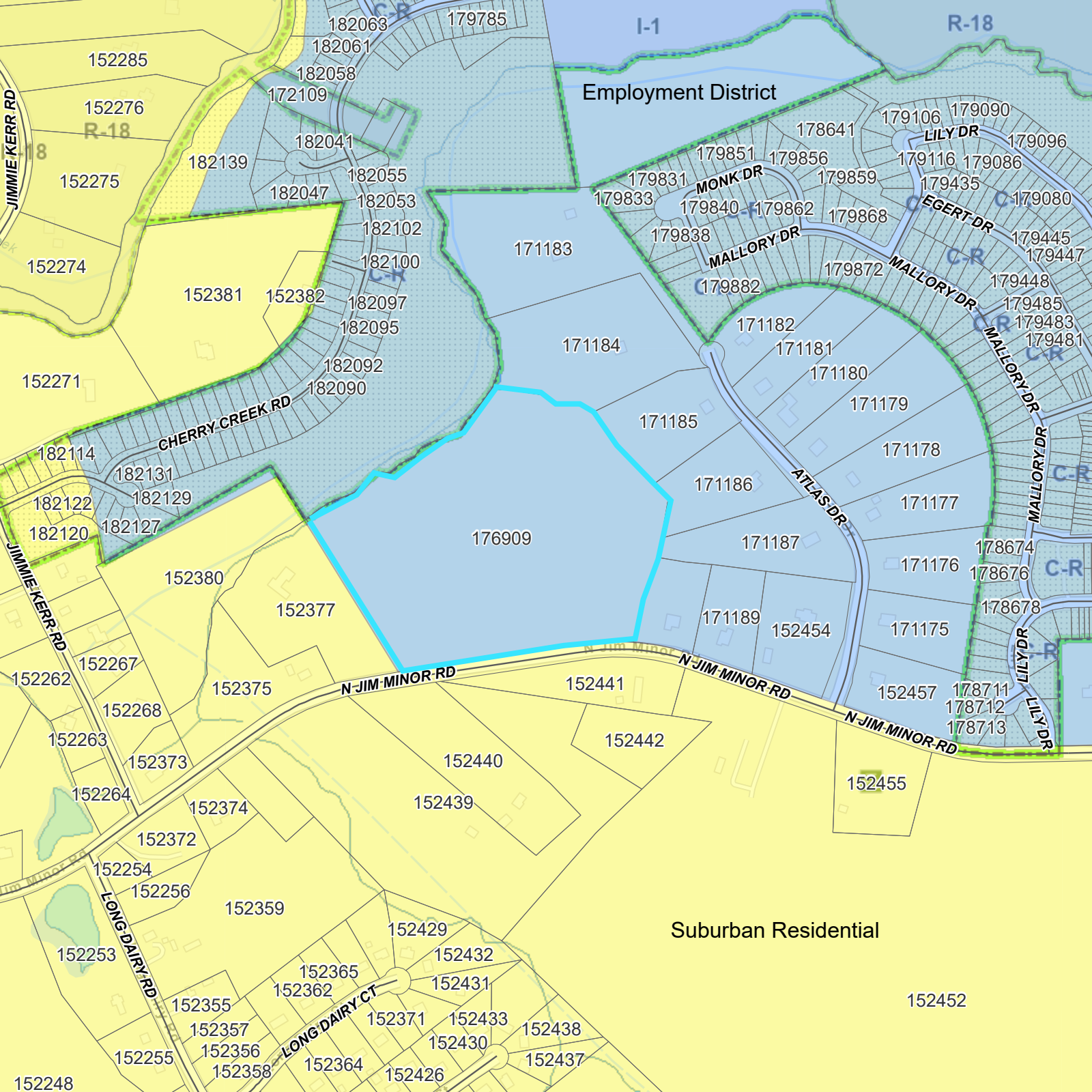
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Print Date: 5/13/2025



Disclaimer:

This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the City of Graham nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.



PROJECT DATA:

SITE ADDRESS: 1430 N JIM MINOR ROAD, HAW RIVER, NC
OWNER: VENN JIM MINOR LLC / GILLIAM CINDY G
PIN: 176909
GPIN: 8893569560
OLD TAX MAP ID: 10-27-113
TOTAL ACREAGE: 24.220 AC.
FEMA: PANEL 8893, VERSION NUMBER 2.3.3.2, MAP NUMBER 3710889300K, REV. NOV. 17, 2017

EXISTING USE: VACANT
FUTURE LAND USE AREA: EMPLOYMENT DISTRICT

PROPOSED ZONING: CR
PROPOSED USE: TOWNHOMES (3 BEDROOM)
PROPOSED UNITS: 143 UNITS
PROPOSED DENSITY: 5.90 UNITS / ACRE

REQUIRED PARKING: 2 PER TOWNHOME
3 PROVIDED ON EACH LOT
(1 GARAGE SPACE AND 2 DRIVEWAY SPACES)
ADDITIONAL 19 GUEST PARKING PROVIDED
2 ADA VAN PARKING PROVIDED

HISTORIC STRUCTURES: NONE

GRADING: MASS GRADING

ESTIMATED SEWER CAPACITY REQUEST: 32,175 GPD

TOWNHOME DESIGN STANDARDS

MIN. LOT SIZE: 2,000 SF
MIN. LOT WIDTH AT BUILDING LINE: 22'
MIN. LOT FRONTAGE: 18'
MIN. LOT DEPTH: 94'
MIN. FRONT SETBACK: 20'
MIN. SIDE SETBACK: 10'
MIN. SIDE CORNER SETBACK: 10'
MIN. REAR SETBACK: 15'
MAX. BUILDING HEIGHT: 50'

PROPERTY BUFFERS:

STREET YARD BUFFER (SOUTHERN PROP. LINE): 35' MODIFIED STREET YARD BUFFER
TYPE 'C' BUFFER (NORTH, EAST, AND WEST PROP.LINES): 20' TYPICAL

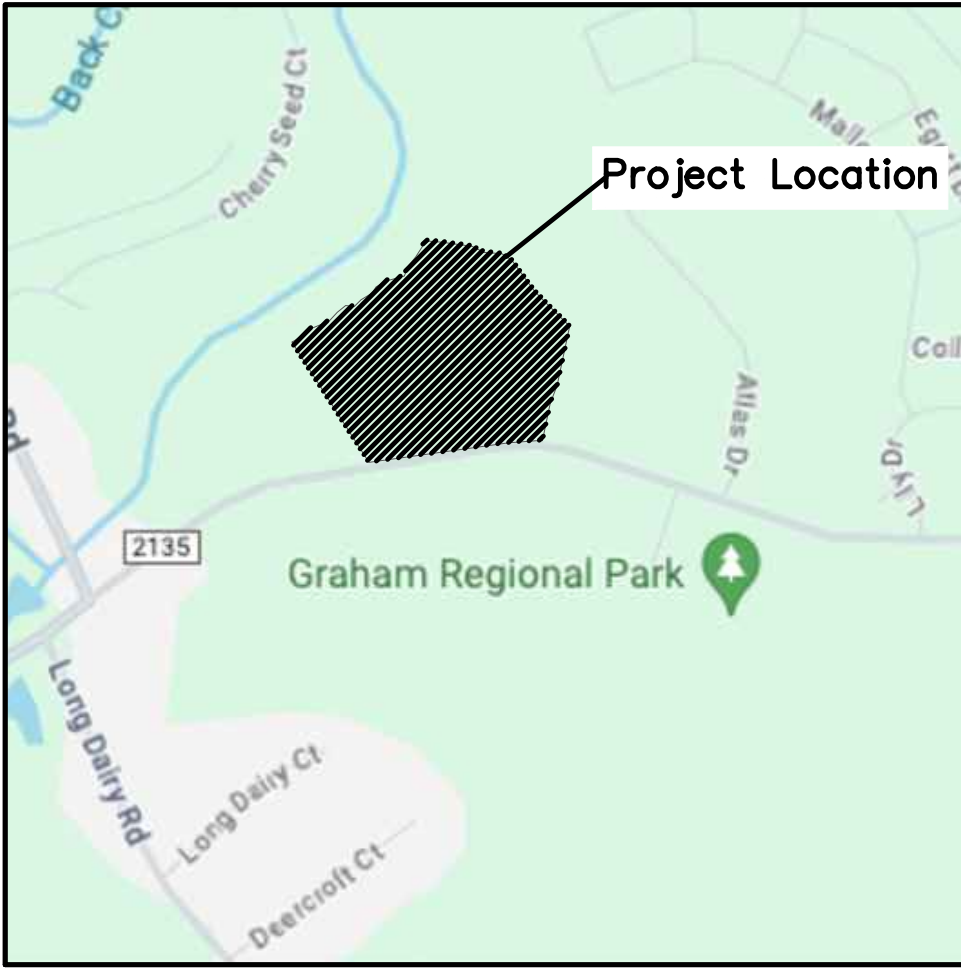
1430 N JIM MINOR TOWNHOMES

CONDITIONAL ZONING PRELIMINARY
SITE PLAN

1430 N JIM MINOR ROAD
CITY OF GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA
AUGUST 23, 2024
PREPARED FOR:
VENN JIM MINOR LLC.
3041 S CHURCH ST.
BURLINGTON, NC 27215



AERIAL MAP
SCALE NTS



LOCATION MAP
SCALE NTS

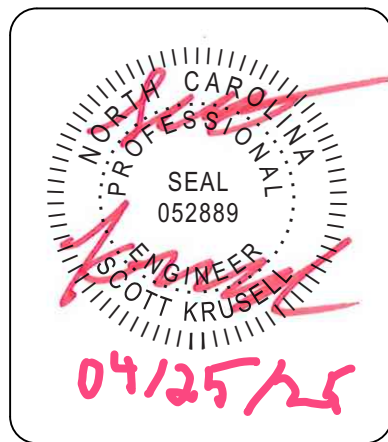
PREPARED BY:



VennTerra
Land Development

1141 JAY LANE
GRAHAM, NC 27253

SHEET LIST:	
SHEET NO.	SHEET TITLE
SK1.00	COVER SHEET
SK1.01	EXISTING CONDITIONS PLAN
SK1.02	SIT PLAN
SK1.03	GRADING AND DRAINAGE PLAN
SK1.04	PROFILE PLAN
SK1.05	PROFILE PLAN
SK1.06	UTILITY PLAN
SK1.07	LANDSCAPE PLAN
SK1.08	SIGHT DISTANCE PLAN



REV	DATE	DESCRIPTION
2	04/22/2025	REVISION PER TOWN AND NCOT COMMENTS
1	04/22/2025	REVISION PER TOWN AND NCOT COMMENTS

COVER SHEET	JIM MINOR TOWNHOMES CONDITIONAL REZONING CITY OF GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA
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DATE: AUG 2024	SCALE: NTS
DESIGN: SAK	DRAWN: SAK
JOB NO.:	FILE NAME: SKETCH
SHEET NO.:	SK1.00

CONTACTS

DEVELOPER/OWNER: VENN JIM MINOR LLC.
3041 S CHURCH ST.
BURLINGTON, NC 27215
ATTN: SHAWN CUMMINGS
PHONE: (743) 205-3912
scummings@vennterra.com

CIVIL ENGINEER: VENNTERRA LAND DEVELOPMENT LLC.
1141 Jay Lane
Graham, NC 27253
PHONE: (704) 497-0983
ATTN: SCOTT KRUSELL, PE
skrusell@vennterra.com

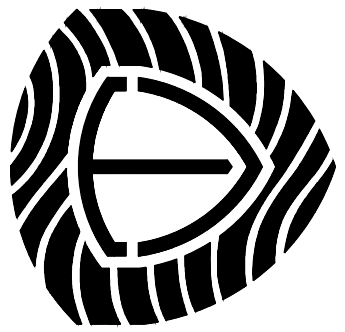


- NOTES:
1. SURVEY OF EXISTING CONDITIONS, BOUNDARY, AND TOPOGRAPHY PROVIDED BY ALLRED LAND SURVEYING PLLC. PROVIDED TO VENNTERRA VIA EMAIL ON 8-21-2024 REVISED ON 9-19-2024
 2. WETLAND LOCATIONS PROVIDED BY ECS VIA EMAIL ON 12/10/24
 3. PROPERTY AREA: 24.22 AC
 4. PROPERTY NET AREA: 23.55 AC (EXCLUDES JIM MINOR ROW)
 5. STREAM DETERMINATION APPEAL IS ONGOING WITH DWR WITH RESPECT TO POTENTIAL INTERMITTENT STREAM ONSITE

- SITE DATA:
1. PIN #: 176909
 2. TAX MAP ID: 10-27-113
 3. DEED REF.: D.B. 4379 PG. 627
 4. PLAT REF.: P.B. 82 PG. 45
 5. 24.22 ACRES, 0.038 SQ. MI.



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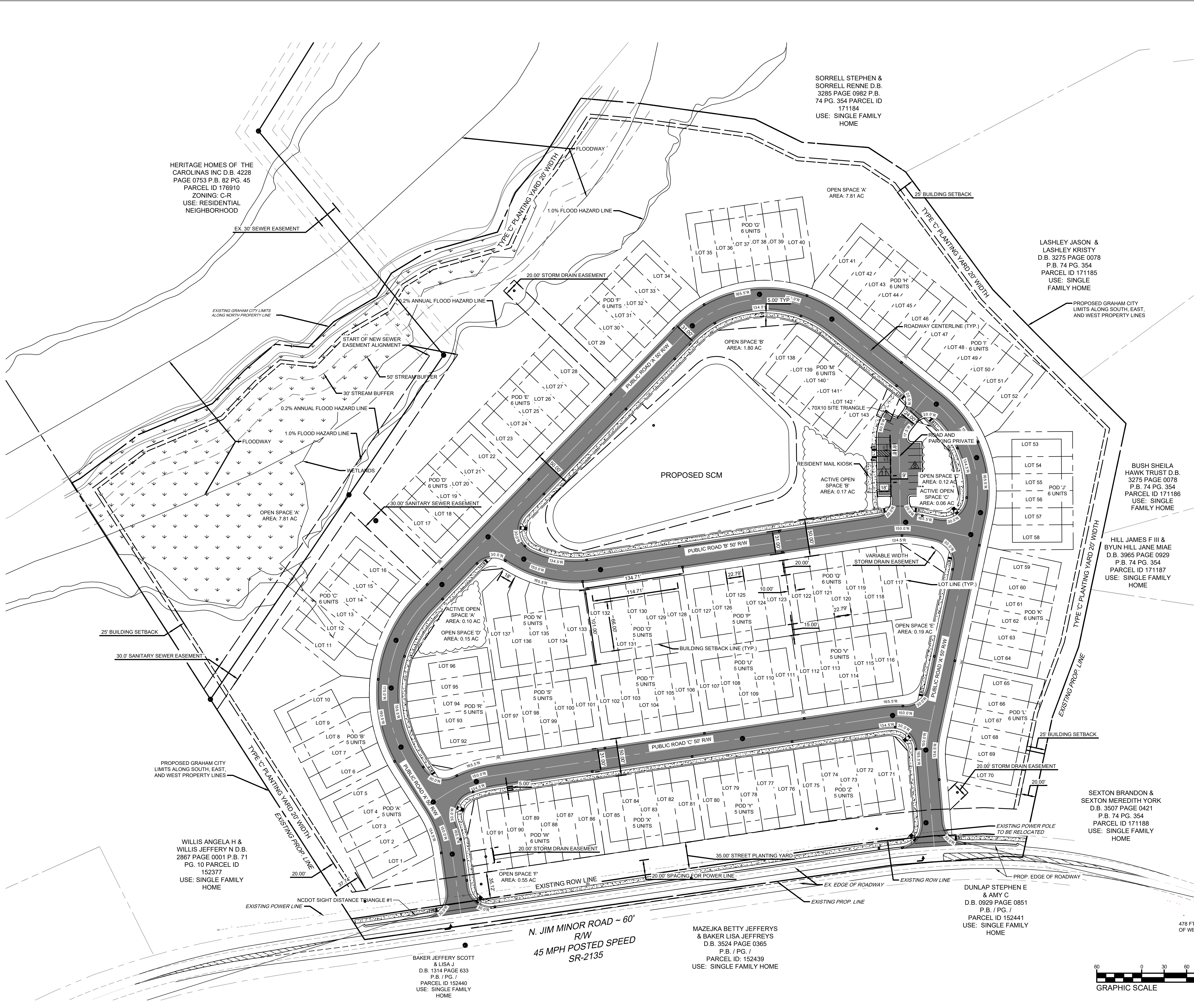


REV	DATE	DESCRIPTION
3	06/12/2025	NOTE ADDED PER TOWN REQUEST
2	04/22/2025	REVISION PER TOWN AND NCOT COMMENTS
1	04/02/2025	REVISION PER TOWN AND NCOT COMMENTS

EXISTING CONDITIONS PLAN
JIM MINOR TOWNHOMES
CONDITIONAL REZONING
CITY OF GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

DATE: AUG 2024	SCALE: 1" = 60'
DESIGN: SAK	DRAWN: SAK
JOB NO.:	FILE NAME: Jim Minor
SHEET NO.:	SK1.01

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PROJECT DATA:
SITE ADDRESS: 1430 N JIM MINOR ROAD, HAW RIVER, NC 17699
PIN: 8893569560
OLD TAX MAP ID: 10-27-113
TOTAL ACREAGE: 24.220 AC.
NET ACREAGE: 23.550 AC.
FEMA: PANEL 8893, VERSION NUMBER 2.3.3.2, MAP NUMBER 3710889300K, REV. NOV. 17, 2017

EXISTING USE: VACANT
FUTURE LAND USE AREA: EMPLOYMENT DISTRICT

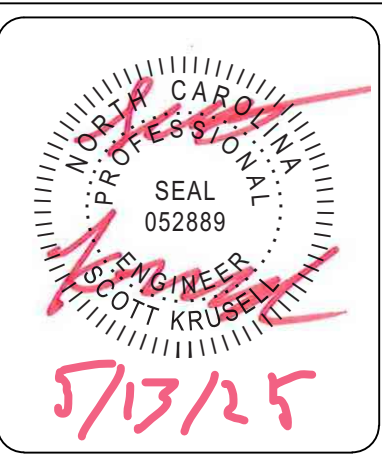
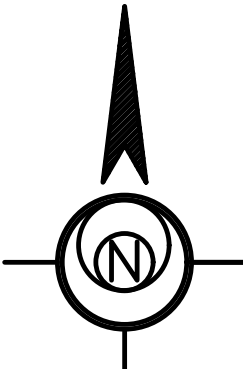
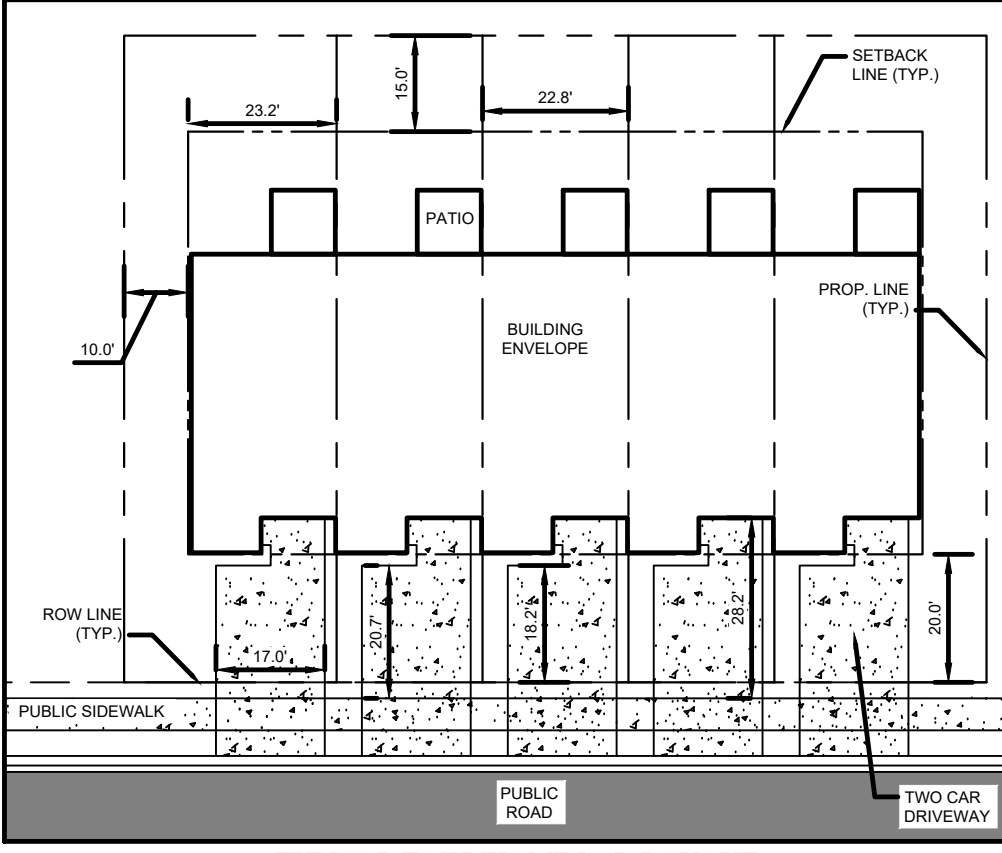
PROPOSED ZONING: CR
PROPOSED USE: TOWNHOMES (3 BEDROOM)
PROPOSED UNITS: 143 UNITS
PROPOSED DENSITY: 5.90 UNITS / ACRE

REQUIRED PARKING: 2 PER TOWNHOME REQUIREMENT MET ON EACH LOT (1 GARAGE AND 2 DRIVEWAY)
ADDITIONAL 19 GUEST PARKING PROVIDED
2 ADA VAN PARKING PROVIDED

TOWNHOME DESIGN STANDARDS

MIN. LOT SIZE	2,000 SF
MIN. LOT WIDTH AT BUILDING LINE	22'
MIN. LOT FRONTAGE	18'
MIN. LOT DEPTH	94'
MIN. FRONT SETBACK	20'
MIN. SIDE SETBACK	10'
MIN. SIDE CORNER SETBACK	10'
MIN. REAR SETBACK	15'
MAX. BUILDING HEIGHT	50'

- NOTES:**
- SURVEY OF EXISTING CONDITIONS PROVIDED BY ALLRED LAND SURVEYING PLLC. PROVIDED TO VENNTERRA VIA EMAIL ON 8-21-2024
 - CURB RADII ARE 5' AT BACK OF CURB UNLESS OTHERWISE STATED
 - SHOWN CURB RADII ARE MEASURED FROM THE BACK OF CURB
 - OPEN SPACE INCLUDES BUFFERS AND STORMWATER POND
 - RECREATION SPACE ONLY INCLUDES BUBBLED AREAS SHOWN
 - RECREATION SPACE USES MAY INCLUDE:
 - PICKLEBALL COURT
 - CHILD PLAY AREA
 - GAZEBO
 - NON GAZEBO SHADE STRUCTURES
 - GRILL AREA
 - OPEN PLAY LAWN
 - DECORATIVE LANDSCAPE PATH
 - FRISBEE GOLF
 - BIKE RACKS
 - BENCHES
 - DOG WASTE RECEPTALS
 - DOG PARK
 - OUTDOOR FITNESS EQUIPMENT
 - DEVELOPER IS NOT REQUIRED TO IMPLEMENT ALL OF THE ABOVE RECREATION OPTION.
 - OFF-SITE ROAD IMPROVEMENTS SHOWN AT THE RECOMMENDATION OF NCDOT BUT SUBJECT TO NCDOT APPROVAL
 - SITE IS REQUESTING CITY TRASH AND RECYCLING SERVICE VIA ROLL CARTS FOR EACH UNIT
 - ALL ONSITE WORK IS TO BE COMPLETED PER THE CITY OF GRAHAM STANDARD DETAILS AND SPECIFICATIONS
 - 70x10 SITE TRIANGLES BASED OFF BACK OF CURB PER STATE STATUTE 160A-306 (b) (3)
 - ACCESS EASEMENT ALONG WEST SIDE OF PROPERTY REMOVED AFTER PERMANENT RIGHT OF WAY ACCESS PROVIDED TO PARCEL 176910
 - STREAM DETERMINATION APPEAL IS ONGOING WITH DWR WITH RESPECT TO POTENTIAL INTERMITTENT STREAM ONSITE

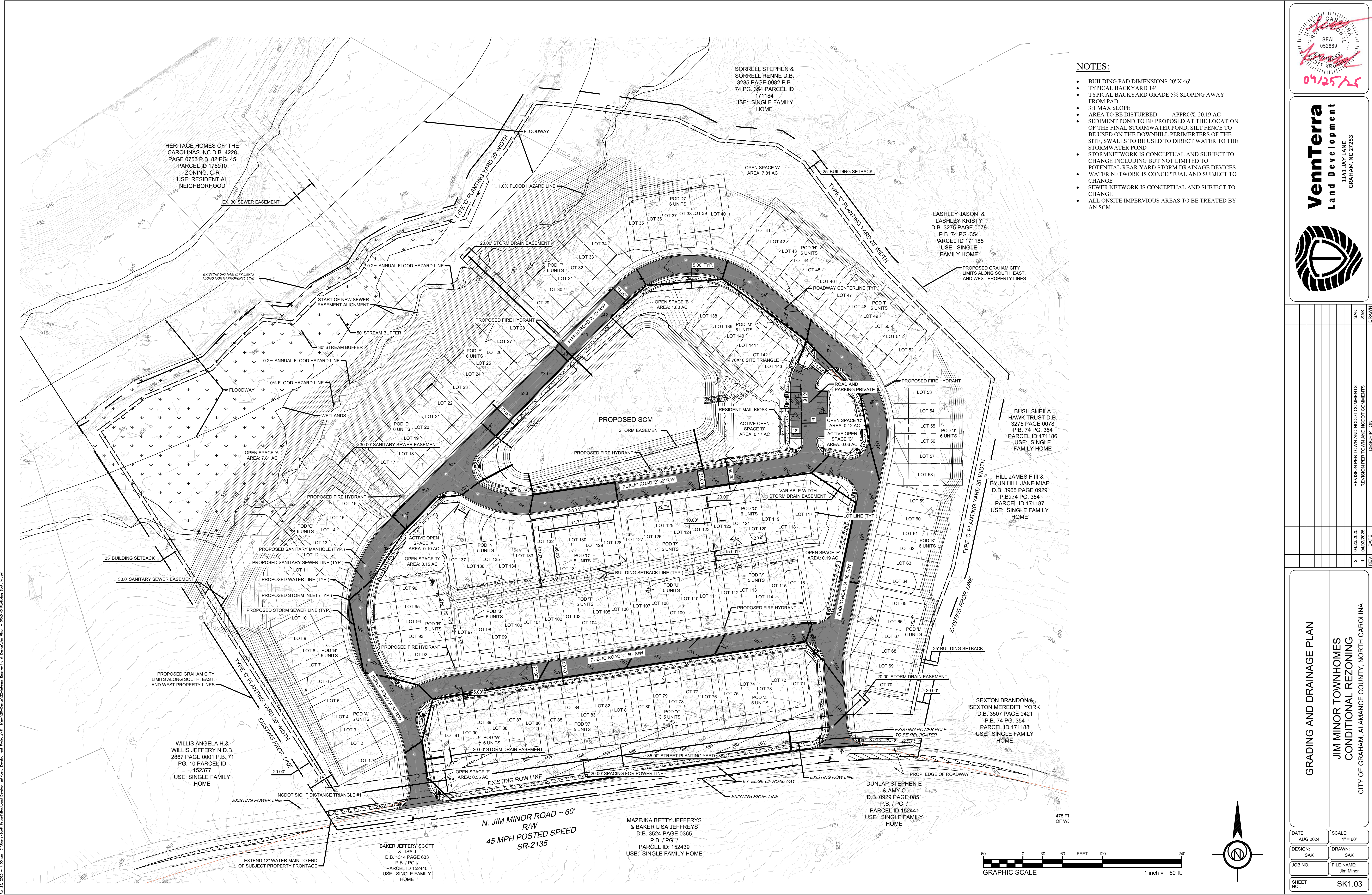


NO.	DATE	DESCRIPTION
1	04/02/2025	REVISION PER TOWN AND NCDOT COMMENTS
2	04/22/2025	REVISION PER TOWN AND NCDOT COMMENTS
3	05/13/2025	NOTE ADDED PER TOWN REQUEST

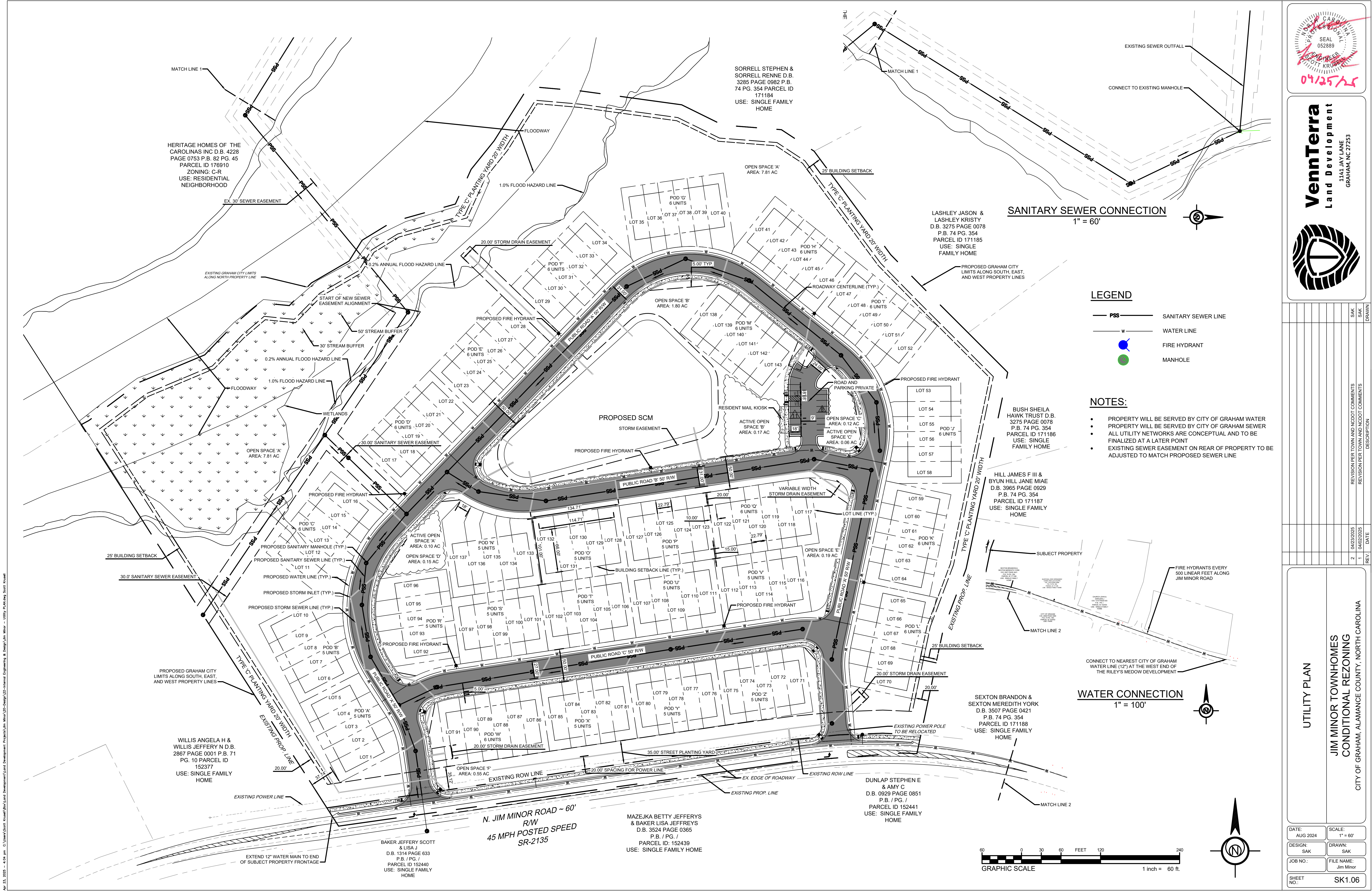
SITE PLAN

JIM MINOR TOWNHOMES
CONDITIONAL REZONING
CITY OF GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

DATE: AUG 2024	SCALE: 1" = 60'
DESIGN: SAK	DRAWN: SAK
JOB NO.:	FILE NAME: Jim Minor
SHEET NO.:	SK1.02



Apr 23, 2025 - 4:00 pm C:\Users\Scott_Kramer\OneDrive\Land Development\Projects\Jim Minor\20-Design\22-Internal Engineering & Design\Jim Minor - GRADING & DRAINAGE Scott_Kramer



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REVISION	DATE	DESCRIPTION
1	04/22/2025	REVISION PER TOWN AND NCDOT COMMENTS
2	04/22/2025	REVISION PER TOWN AND NCDOT COMMENTS

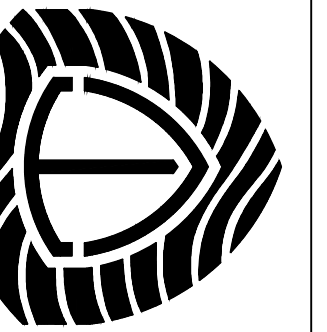
UTILITY PLAN

JIM MINOR TOWNHOMES
CONDITIONAL REZONING
CITY OF GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

DATE:	AUG 2024	SCALE:	1" = 60'
DESIGN:	SAK	DRAWN:	SAK
JOB NO.:		FILE NAME:	Jim Minor
SHEET NO.:			SK1.06



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GRAHAM, NC 27253

[illegible]

LANDSCAPE PLAN

**JIM MINOR TOWNHOMES
CONDITIONAL REZONING**

CITY OF GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

DATE: AUG 2024	SCALE: 1" = 60'
DESIGN: SAK	DRAWN: SAK
JOB NO.:	FILE NAME: Jim Minor
SHEET NO.: SK1.07	



Jim Minor Townhomes Development

Conditional Use Document

Project Data:

Site Address: 1430 N Jim Minor Road, Haw River, NC

Pin: 176909

Gpin: 8893569560

Old Tax Map Id: 10-27-113

Total Acreage: 24.220 Ac.

Development Conditions:

Zoning/Use/Density:

Existing Zoning:	No Zoning; Located in Unincorporated Alamance County; Not in Graham ETJ
Future LU Designation:	Located in Employment District of Future Land Use Area
Existing Use:	Vacant
Proposed Zoning:	C-R (Conditional Residential)
Proposed Use:	Townhomes (3 Bedroom)
Proposed Max Units:	143 Units
Proposed Max Density:	5.90 Units/Acre

Parking:

Required Parking:	2 Spaces Per Townhome (3 bedroom multifamily)
Proposed Parking:	>3 Spaces Per Townhome (Exceeds Requirements) <ul style="list-style-type: none">▪ 1 Space via Single-Car Garage▪ 2 Spaces via 17' Driveway Width▪ Additional Spaces via the 19-Space Parking Lot Provided

Townhome Design Modifications/Dimensional Standards:

Min. Lot Size	2,000 Sf
Min. Lot Width at Building Line:	22'
Min. Lot Frontage at Right of Way:	18'
Min. Lot Depth:	94'
Min. Front Setback:	20'
Min. Side Setback:	10'*
Min. Side Corner Setback:	10'
Min. Rear Setback:	15'
Max. Building Height:	50'

*This will result in 20' spacing between townhome buildings so we are requesting a reduction from Section 10.247 (requires 25' between townhome buildings)



Open Space:

Minimum Open Space Required:	10% (105,502 Sf) (2.42 Ac.)
Minimum Open Space Proposed:	30% (316,506 Sf) (7.27 Ac.)
Minimum Recreation Space* Required:	0.0 % (0 Sf) (0 Ac.)
Minimum Recreation Space* Proposed:	1.0% (10,550 Sf) (0.24 Ac.)

*Recreation Space is defined as active areas within the proposed open space that the below uses may take up including the sidewalks and open/grassed areas in between and around the uses. Recreation Space Uses May Include: pickleball court, child play area, gazebo, non-gazebo shade structures, grill area, open play lawn, decorative landscape path, frisbee golf, bike racks, benches, dog waste receptacles, dog park, or outdoor fitness equipment.

Landscaping:

Proposed “Side and Rear Planting Yards” is a Type C buffer which matches the UDO requirements for the Perimeter Buffers Adjacent to Residential Areas.

Proposed Enhanced “Street Planting Yard”: Along Frontage of Property with Jim Minor Road

<u>Item</u>	<u>Proposed Enhanced</u>	<u>Standard</u> (shown for comparison)
Min. Width:	35'	8'
Min. Canopy Trees:	(2)/100'	(2)/100'
Min. Understory Trees:	(6)/100'	NA
Min. Shrubs:	(18)/100'	(17)/100'

Supplemental Landscaping to Be Provided on the Site Including Yard Trees and Landscaped Beds

Utilities:

Developer will extend the sewer line (includes manhole at the property line) in a dedicated easement to the adjacent parcel to the west for future access/growth.

Developer will extend a sewer line (includes manhole at the property line) across Jim Minor Road to provide access to the adjacent parcel to the south for future access/growth.

Developer will extend the existing public water line (including fire hydrants) located to the east along Jim Minor Road to the site which will provide access/growth to other parcels, including the Graham Regional Park site.

Transportation:

Developer will widen Jim Minor Road at both entrances to provide exclusive left-turn lanes into the site.

Developer will install sidewalks on one side for all development streets.



Developer will install sidewalks with curb and gutter on the development side along its frontage on Jim Minor Road.

Architectural:

Developer makes the following architectural commitments.

- Covered front porches; min 5' deep
- Projecting eaves
- Front façade will be a mix of cementitious board (i.e. Hardie Plank), masonry, stone, shake, and board and batten
- Siding materials limited to wood, brick, stone, and cementitious board
- Garage doors to include decorative paneling/windows/hardware
- Architectural shingles
- Min roof pitch of 5:12
- Color and/or material deviation between contiguous units

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

Applicable Policies;

- **3.3.2 Focused Development.** In order to maintain Graham's affordability and promote growth, the city will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *The Graham 2035 Comprehensive Plan expects employment opportunities in the north east portion of this lot, which may impact potential neighborhood.*
- **5.1.1 Housing Variety.** Encourage a mix of housing types within Graham to increase choice. These can include single family dwellings units, multifamily dwelling units, small units, pre-fabricated homes, co-housing and clustered housing. *This project would construct additional single-family-detached housing.*
- **5.2.1 Diverse Neighborhoods.** Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units. *The proposed zoning would allow for single-family-detached.*

Applicable Strategies;

- **1.1.2 Design Guidelines.** Develop commercial and residential site design guidelines that enhance community character and appearance, to be used with special use permits and conditional rezoning applications. *While the City doesn't have design guidelines, they could be required as a condition of approval.*
- **4.3.1 Land Use Patterns.** Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *The site would connect to existing city sewer, and water with an extension.*

Development Type: North

Employment District

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

Appropriate Density: 6 dwelling units per acre

Development Type: South

Suburban Residential

Located near a major thoroughfare

Density of 3 to 6 DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff provides the following statement:

- Rezoning the property would be in consistence with Policy 3.3.2, 5.1.1, and 5.2.1 and Strategy 1.1.2 and 4.3.1 of *The Graham 2035 Comprehensive Plan*.



STAFF REPORT

Prepared by Cameron West, Senior Planner

E Harden Street UBD (SUP2501)

Type of Request: Special Use Permit

Meeting Dates

Planning Board on May 20, 2025

City Council on June 10, 2025

Contact Information

The LEADS Group

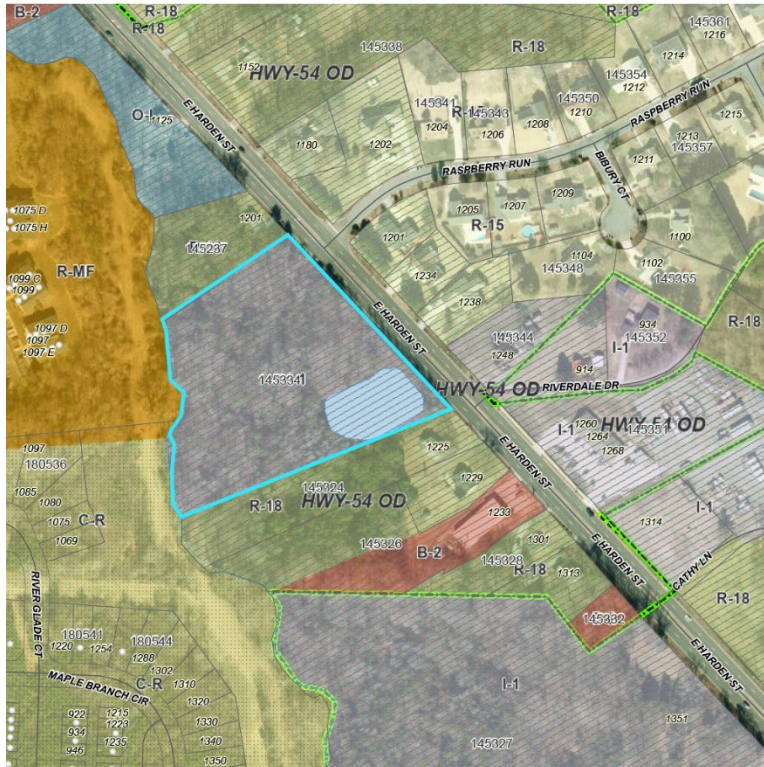
505 E Davis Street Burlington, NC 27215

336-227-8724

chuffine08@gmail.com

Summary

This is a request for a Special Use Permit for a Unified Business Development Heavy (UBD) for property located at 1205 E Harden Street. The applicant has a set of approved plans for a proposed single use building currently. The applicant has requested to turn that building into a multi-tenant use type which requires the application for special use permit under the Unified Business Development Use. The parcel falls in the Corridor Future Land Use Zoning area and the Suburban Residential Corridor.



Location

1205 E Harden Street

GPIN: 8883990211

Proposed Special Use

Unified Business Development

Current Zoning

Light Industrial (I-1)

Overlay District

HWY 54 Overlay

Surrounding Zoning

R-18, R-MF, C-R, & I-1

Surrounding Land Uses

Single Family Houses and Multi-Family

Public Water & Sewer

Yes

Floodplain

Yes

Zoning



City of Graham

Legend

Downtown Historic District

Zoning Districts

R-18

R-15

R-12

R-9

R-7

C-R

R-MF

R-G

O-I

C-O-I

B-3

B-2

B-1

C-B

I-1

I-2

C-I

C-MXR

C-MXC

Zoning Overlay Districts

HD

PUD

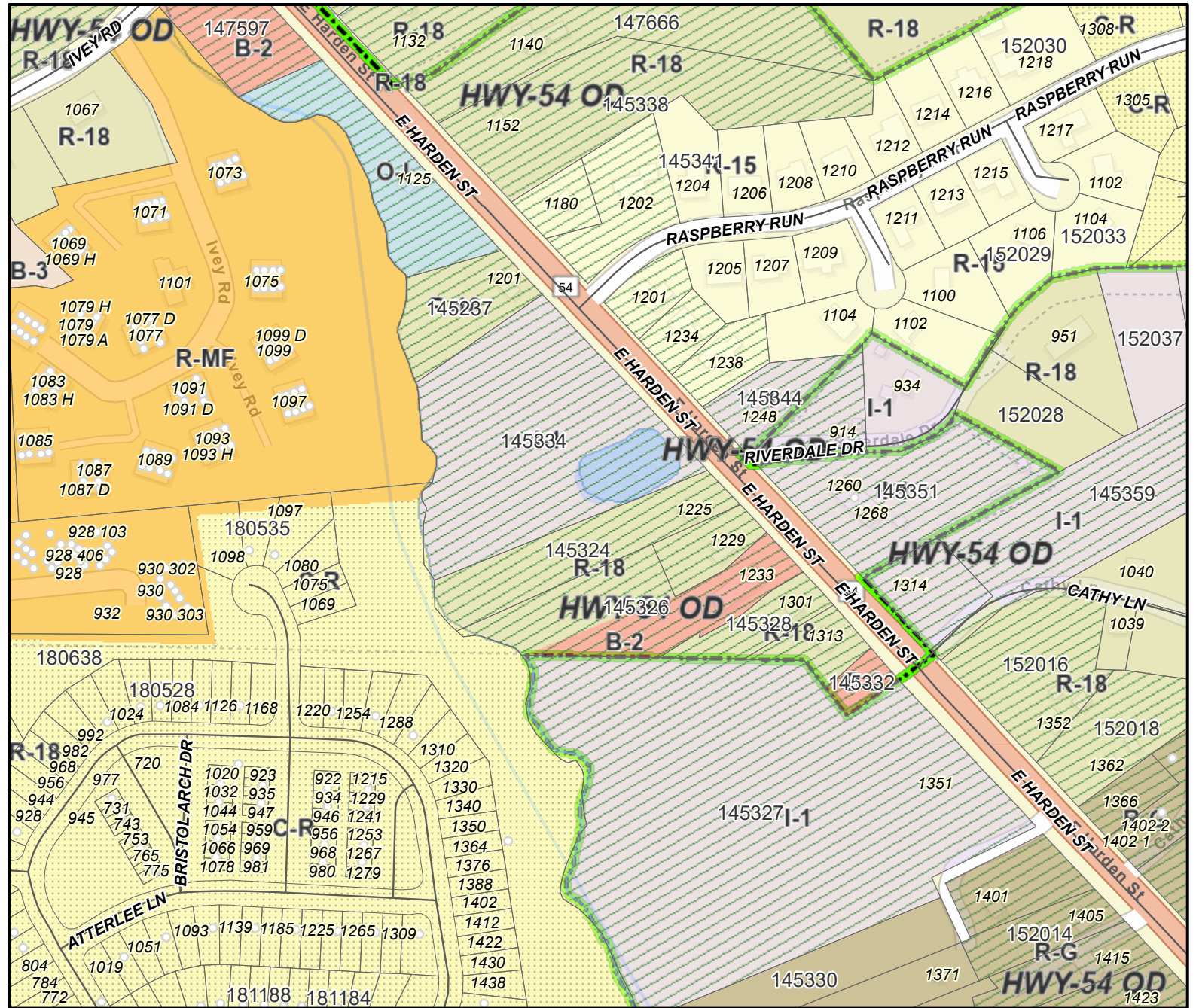
HWY-87 OD

HWY-54 OD



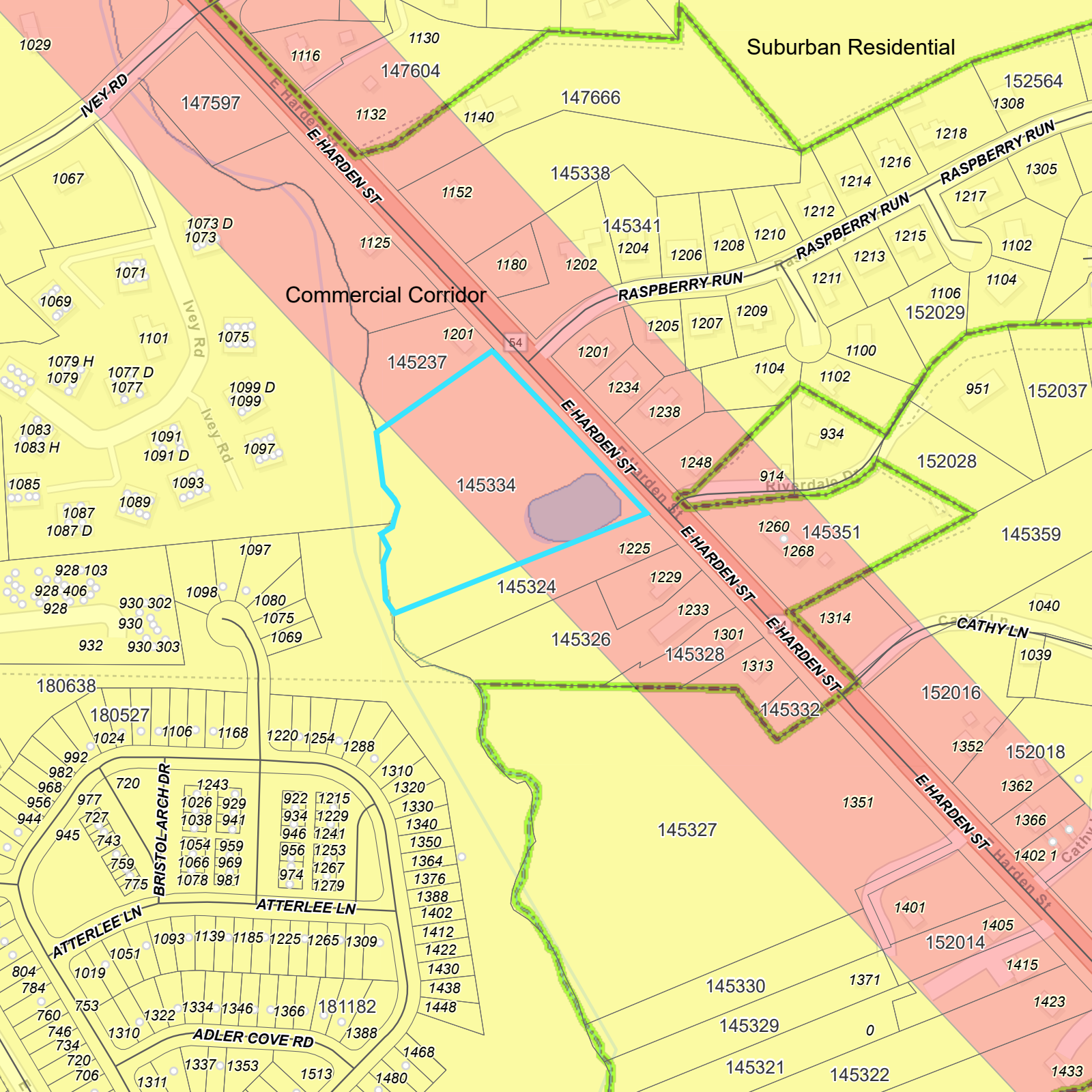
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Print Date: 5/13/2025



Disclaimer:

This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the City of Graham nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.



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

Planning Type: Corridors

Development Type: Commercial Corridors

Applicable Policies;

- **Policy 2.2.1: Focused development** In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments.
- **Policy 2.3.2: Innovative spaces, spaces of innovation** Graham promotes the development of flex space, live-work units, and adaptive structures for office, retail, and light industry.
- **Policy 2.3.3: Retail centers** Because of market limitations on the amount retail space the City can viably support, Graham promotes retail within focused centers of activity that will host a large variety of small retail spaces while generally discouraging sprawling isolated retail that does not promote a cohesive urban fabric.
- **Policy 4.3.1: Land Use Patterns** Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development.

Planning Type

Corridors

Development Type

Commercial Corridor

Ideally, most future development will be focused in strategically located clusters identified within this plan. Where commercial growth occurs along the identified NC 54 and NC 87 corridors, pedestrian, bicycle, and vehicular safety should be promoted through high quality planned development.

Density of 0.5 FAR

DRAFT Findings of Fact and Conclusions

In granting a special use permit, the City Council shall find that all of the six conditions listed below have been met, or it shall be denied. Staff has prepared the following DRAFT findings of fact for each of the six conditions. These findings should be modified by the Council as it considers its decision.

1. All applicable regulations of the zoning district in which the use is proposed are complied with.
 - *The property is zoned I-1. "Unified Business Development" is permitted in the I-1 zoning district. The property will allow all uses allowed in a B-2 district, with the exceptions as noted our ordinance, under section 10.149 Special Uses and 10.465 Prohibited Uses in E Harden/ HWY 54 Overlay.*
 - *The applicant has received site plan approval from the Technical Review Committee for the proposed building.*
 - *All proposed uses will have to be in accordance with the Development Ordinance and receive zoning permits.*
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
 - *The plan is in accordance to development within the I-1 zoning districts and HWY 54 Overlay requirements. The special use type of a UBD Heavy does not require any additional conditions for development.*
 - *An opaque screen shall be provided wherever, in the city council's judgment, such screening is necessary to shield adjacent residential districts. There is a residential zone to the North and South of the building, zoned R-18, and currently classified as single family residential..*
 - *All uses shall be completely enclosed in buildings except for plant sales, sidewalk cafes, and permitted drive-in uses. The proposed uses are completely enclosed, with the exception of the proposed drive-thru window. Drive-in establishments offering goods or services directly to customers in parked cars shall be permitted only when the locations of the builds and access drives have been approved by the city council.*
3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
 - *The reuse of the location as a shopping center will not materially endanger the public health or safety.*
4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.
 - *The proposed UBD will not substantially injure the value of adjoining property.*
5. 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.

- *The Unified Business District will be located along a major road in a commercial corridor land use area and is in general conformity with the Graham 2035 Comprehensive Plan*
6. 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.
- *Public water and sewer, parking and loading, service entrances and areas, utilities, signs, and lighting are satisfactorily provided.*

Staff Recommendation

Based on the Graham 2035 Comprehensive Plan and the *City of Graham Development Ordinance*, staff provides the following statements:

- The development furthers goals of the Graham 2035 Comprehensive Plan and is in conformance with the Commercial Corridor Land Use type.
- The development appears to meet all six conditions required by Section 10.144 of the *Development Ordinance*.

MINIMUM BUILDING SETBACKS

Per City of Graham Zoning Ordinance Section 10.245
City of Graham Zoning: I-1 Light Industrial
Front setback - 50' for buildings; parking areas 10'
Side setback - 50' adjacent to a lot zoned residential or any residence on a lot otherwise zoned; 20' elsewhere
Side setback abutting street - 50'
Rear setback - 50' adjacent to a lot zoned residential or any residence on a lot otherwise zoned; 20' elsewhere

PARCEL DATA

Alamance County Tax Information (Per Alamance County GIS)
Parcels Included in this Project: 1

Parcel 1:
GPN: 8883990211
Parcel ID: 145334
Property Address: 1205 E Harden Street, Graham, NC 27253
Township: Graham Township
Deed Reference: DB 3269, Pg 623
Owner: MAPLE VIEW, INC
City of Graham Zoning: I-1 Light Industrial
Zoning Overlay District: HWY-54 OD
River Basin: Cape Fear
Receiving Water: Town Branch, Stream Index: 16-17
(Stream Class: WS-V, NSW)

SITE DATA

Existing Use: Vacant
Proposed Use: Medical Office Center
Total Property Area: 5.11 Acres ± Total, including Right-of-Way
4.53 Acres ± Not including Right-of-Way

Existing Impervious Surface Area: 0 sf. (0 acres) = 0% (PRE-CONSTRUCTION)

Total Proposed Impervious Surface Area: 77,550 sf. (1.78 acres) = 39.29% (POST-CONSTRUCTION)

Per Alamance County GIS:

A portion of this site is within the 100 yr. flood plain.
No disturbance is proposed within the flood plain.

Uses:

Single use / same tenant on both sides of firewall.

Parking:

Per City of Graham Zoning Ordinance Section 10.240 Requirements

Use: Retail establishments, high volume

Rate: One space for each 200 square feet gross floor area

Floor Area Proposed: 19,600 sf.

Parking Required: 98 spaces

Parking Provided: 98 spaces (including 4 HC van accessible spaces)

Proposed Traffic load: 294 Trips per Day

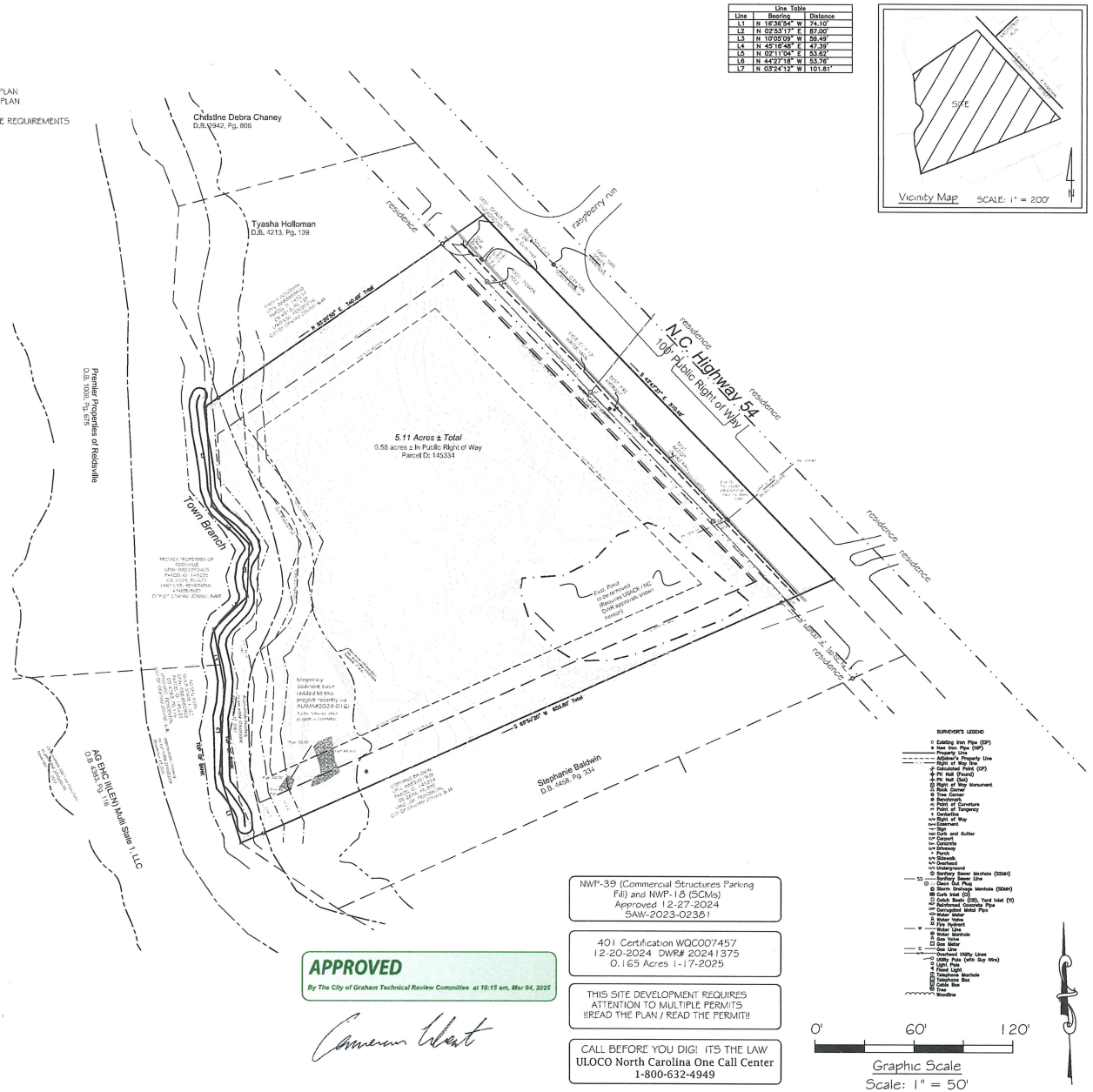
General Notes:

- All construction methods and materials shall conform to the NCDOT, NCDNR, Erosion Control, City of Graham Standard Specifications & Details, and the NC Plumbing Code.
- Boundary, topographic, and existing feature information provided from a survey prepared by Boswell Surveyors, Inc., Burlington, North Carolina (Job No. 23-451-300).
- Existing Conditions are shown based on field surveys and best available record. Any discrepancies shall be reported to the engineer immediately.
- Sanitary sewer service is proposed as shown.
- Water service is proposed as shown.
- Exact size and location of utilities are to be field verified prior to construction.
- Contact the project engineer immediately with any conflicts regarding the design or construction of the project. All field adjustments shall be verified by the project engineer prior to construction.
- Construction and location of sidewalk, slopes, landings, approaches, ramps, and accessible routes shall be in accordance with the ANSI 2003 Handicap code or latest Accessibility Code revision.
- Contractor shall contact project engineer to observe formwork for site curb, concrete sidewalks, and other items as well as string lines or other controls prior to the placement of concrete, setting base course stone, or the placement of asphalt.
- Compaction of fill materials, approval of residual subgrade, soil proof rolls, stone placement, and/or other materials testing functions shall be in accordance with the project geotechnical engineer's guidance, specifications, recommendations, and testing standards.

Plan Prepared for:
MAPLE VIEW, INC
1648 MEMORIAL DR.
BURLINGTON, NC 27215
Contact: John Talley 336-229-9464

SHEET INDEX

- EXISTING CONDITIONS PLAN
- DEMOLITION / RELOCATION PLAN
- SITE & UTILITY PLAN
- LANDSCAPE PLAN
- CITY REQUIRED SIDEWALK PLAN
- SITE LIGHTING PLAN
- GRADING & STORMWATER PLAN
- WET DETENTION POND DETAILS
- EXISTING CONDITIONS EROSION CONTROL PLAN
- POST CONSTRUCTION EROSION CONTROL PLAN
- EROSION CONTROL DETAILS
- EROSION CONTROL, MINIMUM MAINTENANCE REQUIREMENTS
- EROSION CONTROL DETAILS
- EROSION CONTROL DETAILS
- CONSTRUCTION DETAILS



APPROVED

By The City of Graham Technical Review Committee at 10:15 am, Mar 04, 2025

Cameron Went

NWP-39 (Commercial Structures Parking
Fill) and NWP-18 (SCMs)
Approved 12-27-2024
SAW-2023-02361

401 Certification WQC007457
12-20-2024 DWR# 20241375
0.165 Acres 1-17-2025

THIS SITE DEVELOPMENT REQUIRES
ATTENTION TO MULTIPLE PERMITS
(READ THE PLAN / READ THE PERMIT!)

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

0' 60' 120'
Graphic Scale
Scale: 1" = 50'

1-9

8-29-2023

1" = 50'

CD#B55

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MINIMUM BUILDING SETBACKS

Per City of Graham Zoning Ordinance Section 10.2.45
 City of Graham Zoning: I-1 Light Industrial
 Front setback - 50' for buildings; parking areas: 10'
 Side setback - 50' adjacent to a lot zoned residential or any residence on a lot otherwise zoned; 20' elsewhere
 Side setback abutting street - 50'
 Rear setback - 50' adjacent to a lot zoned residential or any residence on a lot otherwise zoned; 20' elsewhere

PARCEL DATA

Alamance County Tax Information (Per Alamance County G-5)
 Parcels Included in this Project: 1

Parcel 1:
 GPIN: 0603990211
 Parcel ID: 145334
 Property Address: 1205 E Hadden Street, Graham, NC 27253
 Township: Graham Township
 Deed Reference: DB 3269, Pg 623
 Owner: MAPLE VIEW, INC
 City of Graham Zoning: I-1 Light Industrial
 Zoning Overlay District: HWY-54 OD
 River Basin: Cape Fear
 Receiving Water: Town Branch, Stream Index I G-17 (Stream Class: WS-V-NSW)

OUTDOOR SITE LIGHTING DATA

Max: 14 fc (footcandles)
 Min: 0.01 fc (footcandles)

OUTDOOR SITE LIGHTING NOTES

Per City of Graham UDO Section 10.290:

- Unless otherwise exempted below, light intensities shall not exceed fifteen (15) footcandles at any location on the site to limit glare and blinding caused by significant light variations across a site. (10.290.6)
- Interior sidewalks, those sidewalks that connect buildings to parking areas, common areas, or facilities within a development that are likely to be used at night, shall have minimum light intensity of 0.5 footcandles. (10.290.3)
- Lighting fixture height shall not exceed twenty-five (25) feet or the maximum height of the main portion of the primary building(s) on the site (including spires, towers, parapet walls and the like), whichever is lower. For sites where no building is proposed (such as parking lots or athletic fields), mounting heights for fixtures shall not exceed twenty-five (25) feet. (10.290.9)
- Lighting locations shall not be located so as to require relocation or removal of any required planting per the landscaping ordinance. (10.290.9.1)
- Lighting shall be full cutoff type fixtures (being 60° to 90° tilt) as defined in section 10.290.9 of the City of Graham Development Ordinance so that light is focused downward and does not trespass above the future building.

CONTRACTOR'S NOTES:

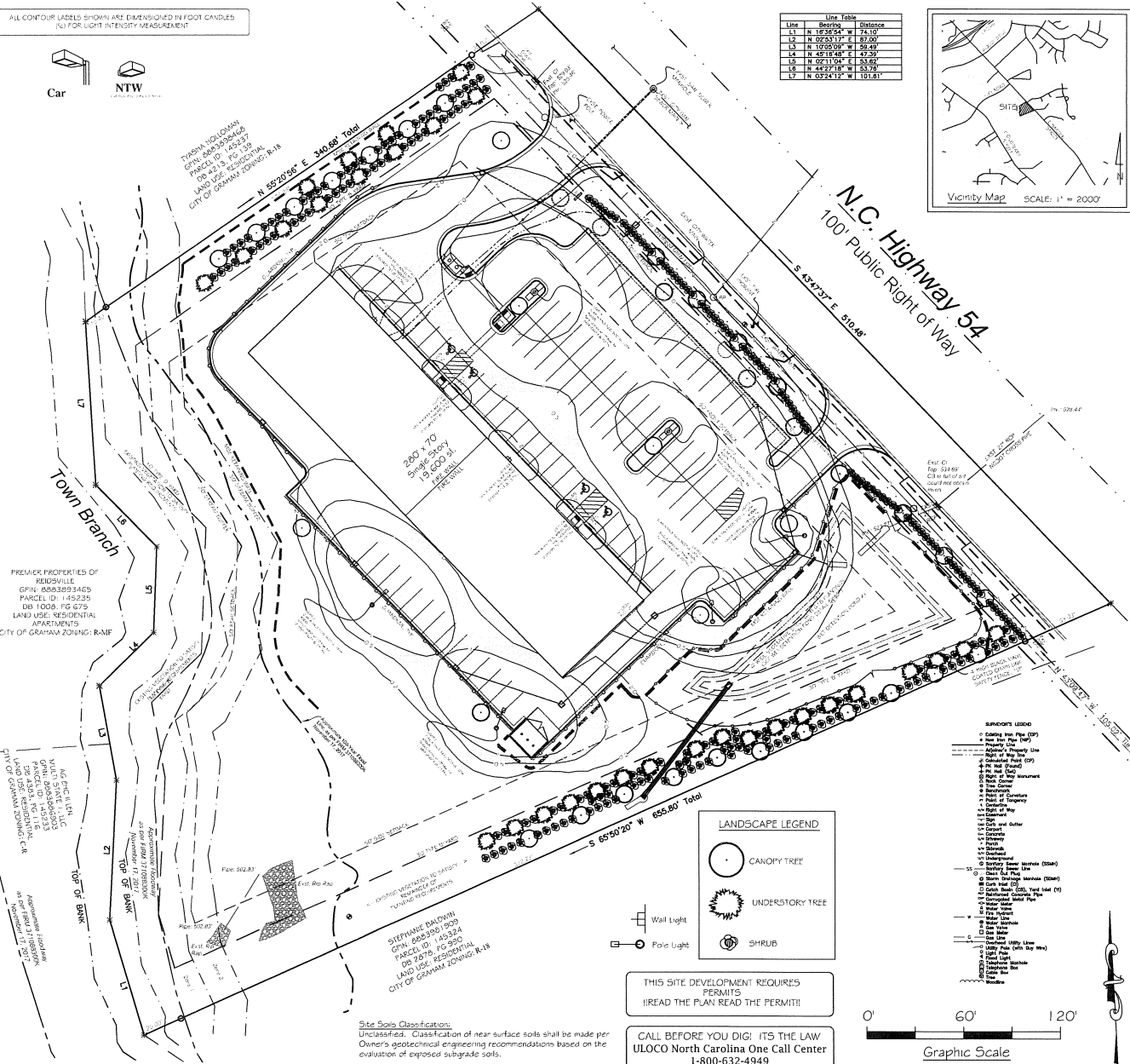
- The contractor shall verify the location of all existing utilities prior to beginning construction. Locations of existing utilities shown on the plan are based on the best available information, but can only be considered approximate.
- The City of Graham shall review and approve construction drawings prior to construction. Any conflicts should be reported to the project engineer immediately for review prior to beginning construction. It shall be the owner's responsibility to obtain all required approvals and permits from agencies governing this work prior to any construction.
- It shall be the responsibility of the owner to obtain all applicable permits, complete testing and inspections, and obtain proper certification that the proposed construction was installed in accordance with the approved plans and specifications.
- All underground utilities are to be installed and tested prior to the placement of any base course stone, concrete, or pavement.
- Any fill material imported into or exported from the site shall originate from or be disposed of at a properly permitted location. All structural fill material and bearing soils shall be tested and certified by the project geotechnical engineer.

General Notes:

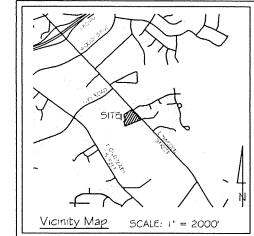
- All construction methods and materials shall conform to the NCDOT, NCDENR, Erosion Control, City of Graham Standard Specifications & Details, and the NC Pumping Code.
- Boundary, topographic, and existing feature information provided from a survey prepared by Bowtell Surveyors, Inc., Burlington, North Carolina (Job No. 23-451-300).
- Existing Conditions are shown based on field surveys and best available record. Any discrepancies shall be reported to the engineer immediately.
- Sewer service is proposed as shown.
- Water service is proposed as shown.
- Exact size and location of utilities are to be field verified prior to construction.
- Contact the project engineer immediately with any conflicts regarding the design or construction of the project. All field adjustments shall be verified by the project engineer prior to construction.
- Construction and location of sidewalk, slopes, landings, approaches, ramps, and accessible routes shall be in accordance with the ANSI 2009 (handicap code or latest Accessibility Code revision).
- Contractor shall contact project engineer to observe formwork for site curb, concrete sidewalks, and other items as well as string lines or other controls prior to the placement of concrete, setting base course stone, or the placement of asphalt.
- Compaction of fill materials, approval of residual subgrade, soil proof rolls, stone placement, and/or other materials testing functions shall be in accordance with the project geotechnical engineer's guidance, specifications, recommendations, and testing standards.

Plan Prepared for:
 MAPLE VIEW, INC
 1646 MEMORIAL DR
 BURLINGTON, NC 27215
 Contact: John Talley 336-229-9464

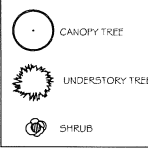
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Line	Bearing	Distance
13	N 02°31'17" W	24.70'
14	N 02°31'17" W	87.00'
15	N 10°05'09" W	50.40'
16	N 85°11'48" E	47.20'
17	N 02°11'04" E	53.80'
18	N 85°24'12" W	53.70'
19	N 02°24'12" W	101.61'

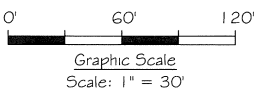


LANDSCAPE LEGEND



THIS SITE DEVELOPMENT REQUIRES PERMITS
 (READ THE PLAN READ THE PERMIT!)

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



PRELIMINARY PURPOSES ONLY, NOT APPROVED FOR CONSTRUCTION

2C/9

8-29-2023

1" = 30'

CDH658

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LIGHTING PLAN

18-25-2024

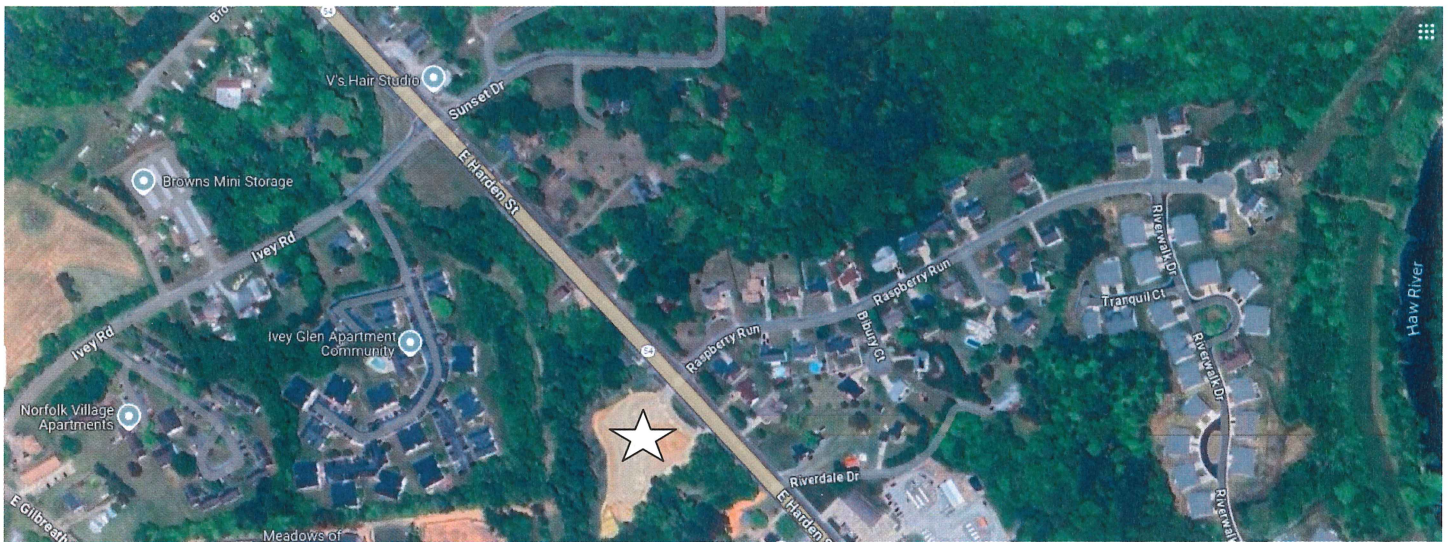
THE L.E.A.D.S. GROUP, P.A.

Land Engineering and Development Services

MAPLE VIEW, INC. - UNIFIED BUSINESS DEVELOPMENT

Project Location:
1205 East Harden Street Graham, North Carolina 27253
PID: 145334 5.11 Acres +/-

Special Use Permit UNIFIED BUSINESS DEVELOPMENT IN (I-1) LIGHT INDUSTRIAL



Six Findings of Fact

Prepared For:
Maple View, Inc.
1648 Memorial Drive
Burlington, NC 27215

By:
The L.E.A.D.S. Group, Pa (Engineer)
505 East Davis Street, Burlington, NC 27215

FINDINGS IN ACCORDANCE WITH CITY OF GRAHAM UDO – 10.144

(1) That all applicable regulations of the zoning district in which the use is proposed are complied with.

The applicable regulations of the zoning district (I-1) Light Industrial within which the subject site and proposed use resides are being complied with in this proposal. The City Ordinance requires that a special use permit application is required where more than one tenant may occupy a building, group of building or occupy areas where shared supporting facilities occur by more than one tenant. This type of use for the proposed building is defined in the City Development Ordinance as the "Unified Business Development".

This use has been determined by the City to require a special use permit as designated in Division 7 – Special Uses that the special use permit is required for multi-tenant occupancy in the (I-1) Light Industrial District.

By making this application for the deemed required special use permit submittal, and by conforming to all other dimensional, technical and other ordinance requirements set forth within this zoning district as depicted on the plan submitted with this application, and by completing the technical review of the accompanying plan as submitted, the zoning regulations have been met.

(2) That conditions specific to each use, identified by this Ordinance are complied with.

This proposed use has been determined by the City to require a special use permit as designated by the letter "s" within the I-1 zoning district table of permitted uses, page 72 as a shopping center, retail center, office park, and business park. There are no additional footnotes or associated development conditions designated in this portion of the table of permitted uses. As such, by complying with the requirements of the I-1 zoning district, the special use permit application process, and the by technical review of the proposed plan ongoing, The conditions known and expressed to this proposed use are met.

(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.

The findings that are necessary to support this special use permit request consider issues related to promoting the public's health safety and general welfare. The proposed improvements to this site and specific additions will be designed in accordance with the City of Graham requirements as defined in the UDO, designed in accordance with all applicable permitting requirements, and will be constructed by all applicable driveway location and connection standards as set forth by the NCDOT and the City of Graham. Specific driveway items and connections are proposed to create two accessible driveway connections to the existing frontage street (HARDEN STREET) in compliance with technical criteria set forth by these regulatory agencies.

(4) That the use will not substantially injure the value of adjoining property or that the use is a public necessity.

The project as proposed will be designed and constructed in accordance with the City of Graham required perimeter landscaping considerations included. In addition to those requirements, the project will provide adequate lighting, and maintain a neat appearing area. Specific to this location within the City of Graham, any improvement to the property made over its current vacant condition will be subsequently considered an improvement elevating the value of the site. Adequate separation between adjacent uses and buffers are provided in accordance with applicable ordinance dictated buffer areas and building setback requirements.

Based on our experiences with similar projects, it is not anticipated that property values will be affected by the development this project as proposed.

(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.

The project as proposed will be in harmony with the surrounding uses and vicinity. The property is not being considered for rezoning and is proposing no change to the approved plan, building or surrounding site features. The special use is required where more than one tenant will occupy the building. For this reason only, a special use permit is being applied for here. The development of this property within this vicinity works to complete the in-fill of vacant land at this general area. The proposed development is consistent with the City of Graham long range plan for this area and is consistent with the existing uses and intentions of current landowners in the vicinity. Current property uses in the vicinity of this site include residential, retail, industrial, institutional, agricultural, and heavy municipal uses. This use will be consistent with those uses and brings no significantly different uses to the general area.

Based on a collective review by our firm and the City staff, the proposed use will be in conformity with the long-range plan for this 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.

Satisfactory accommodations for vehicle movements specific to this use and site conditions have been made. Vehicle movements into and out of the site have been studied, proposed and reviewed by the City and NCDOT with the resulting two driveway connections to improve access conditions and geometry tailored for this use. The internal movements, buffering, stormwater controls, and other specific technical provisions have been provided and accounted for in accordance with good design and proposed adherence to all applicable City Development Ordinance requirements and with respect for adjoining properties to this proposed use and site.



STAFF REPORT

Prepared by Cameron West, Senior Planner

Text Amendment for:

Type of Request: Text Amendment for Tobacco, CBD, and Vapor Shop

Meeting Dates

Planning Board on May 20, 2025

City Council on June 10, 2025

Contact Information

On Behalf of Planning Staff from Council Request

Summary

The City Council has requested City Staff to address the lack of use types and regulation for tobaccos, CBD, and Vapor Shops inside of the Development Ordinance and update it. Prior to the update, the use was viewed as a retail sale with little to no regulation associated with it. This amendment will provide a definition, special use permit or conditional zoning requirement, and other regulations in order for a potential use to be approved. All the supporting documentation has been provided to you all in your agenda packets for discussion.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable.

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on the comprehensive plan, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment updates the language to provide a use type and regulation for Tobacco, CBD, and Vapor Shops

Project Name

Text Amendment for Tobacco, CBD, and Vapor Shop
(AM2502)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Planning District

All

Development Type

All

Furthermore, a street shall be considered a public right-of-way set aside for public travel if it:

- (1) Has been accepted for maintenance by the State of North Carolina or by the City of Graham; or
- (2) Has been established as a public street prior to the date of adoption of this article; or
- (3) Has been dedicated to the City of Graham or the State of North Carolina for public travel by the recording of a plat of a subdivision which has been approved by the Graham planning board or by City council.

Street Line - A dividing line between a lot and a street right-of-way.

Thoroughfare Plan - A plan adopted by the governing body for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost-effective manner.

Tobacco, CBD, and Vapor Shop - A commercial establishment, operated as a principal use, engaged in the retail sale of tobacco, nicotine, hemp-derived compounds, including CBD, for the purposes of human ingestion as authorized for sale by the State, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco, tobacco-related paraphernalia of any type, electronic cigarettes, any electronically-actuated device or inhaler meant to simulate cigarette smoking that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation

Tower, Communications: A structure designed to support antennae used for transmitting or receiving telephone communications and or telecommunications.

Tower, Microwave - A structure designed to support antennae used for transmitting or receiving microwave communications and/or signals.

Tower, Radio and Television Transmission - A structure of wires, poles, rods, reflecting disc or similar devices used for transmitting or receiving television, or radio signals, excluding satellite dish antennae.

Townhouse – One or more structures containing a total of two or more units intended for owner occupancy, where ownership of the land beneath each unit runs with that unit, where units and the individually owned lands on which they rest do not meet conventional lot requirements for street frontage and yard size, and where walls between units are constructed in accordance with North Carolina State Building Code requirements.

Townhouse Lot - A parcel of land intended as a unit for transfer of ownership and lying underneath, or underneath and around a townhouse, patio home, or unit in nonresidential group development.

Toxic Substance - Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, whether directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

Usable Open Space - A parcel or parcels of land or an area of water or a combination of both land and water designed for the recreational use and enjoyment of residents of the proposed development, not including streets or off-street parking areas. Not more than one-half of the required usable open space



Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC
School, commercial, vocational									S	C	S	X	X	C	X	X	C	C	C	1
School, music, art, martial arts, or dancing											X	X	X	C	X		C	C	C	1
Septic Tank Installation and Servicing Businesses															X	X	C			3
Sexually Oriented Business												S			S					5
Shooting Range, Indoor															X	X	C			3
Shooting Range, Outdoor																S				4
Short-Term Rental			X	X	X			X				X	X							
Solar Farm (See Note 24)						C				C				C	X	X	C	C	C	2
Stable, including riding facilities	S														S	S	C			1
Storage Yard, See Note 13															X	X	C			5
Tanning Salon									X	C		X	X	C				C	C	3
Tattoo Business												X			X	X				3
Taxidermist												X		C	X		C		C	3
Temporary Construction or Real Estate Office, Storage Facilities – use to be terminated upon completion of construction	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X	X	C	C	C	n/a
Theater (indoor)												X	X	C	X		C	C	C	3
Tire Recapping and Retreading (principal use)															X	X	C			3
Tire Sales												X		C	X		C		C	3
Tobacco, CBD, and Vapor Shop												S		C						3
Towers, Radio, Television, Cellular and Digital Communication															S	S	C			5
Truck and Utility Trailer Rental and Leasing												X		C	X	X	C			4
Trucking or Freight Terminal, Storage, Repair, Wash, or Stop															S	S	C			4
Unattended facilities for public utilities, See Note 16	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X	X	C	C	C	2
Utility building sales, sales of storage sheds and trailers												X			X	X	C			
Unified Business Development, Heavy									S	C		S	S	C	S		C	C	C	3



district or an historic landmark. "Historic" means a district or landmark, which has been nominated, to the National Register of Historic Places.

Outside Storage:

Outside storage is not permitted on the tower site.

Use: Tobacco, CBD, and Vapor Shops

Special Use Districts: B-2

1. Such uses shall secure and maintain all licenses and permits, including licenses to sell vapor products, required by the State prior to operation;
2. Such uses shall be separated from the following use types by at least 1,000 linear feet:
 - a. An adult business
 - b. A bar, cocktail lounge, or private club,
 - c. A child day care;
 - d. A community/youth/senior center;
 - e. A cultural facility, library, or museum;
 - f. An elementary, middle, or high school;
 - g. Fairgrounds;
 - h. A nightclub or dance hall;
 - i. A park (whether public or private);
 - j. A religious institution; or,
 - k. Another tobacco, CBD, or vapor shop.
3. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed adult establishment is to be located to the nearest point of the lot line or boundary of the closest adult establishment, residence, residentially zoned district, public or private elementary or secondary school, child day care center or nursery school, public park, church, community college, bar, or night club
4. No smoking shall be permitted on the premises at any time; and
5. No outdoor storage, outdoor activity areas, or outdoor vending machine sales of tobacco, CBD, or vapor products may take place on the site.

Designation:

1. Except for a grocery store use of 10,000 square feet of floor area or more, these standards shall be applied to any retail use type engaged in the sale of tobacco, tobacco products, electronic cigarettes, and related products where the lesser of five percent or 500 square feet or more of the use's gross floor area is for the display, sale, distribution, delivery, offering, furnishing, or marketing of cigarettes, tobacco, electronic cigarettes, or any related product.
2. Grocery store uses of 10,000 square feet of floor area or more that meet the definition of a grocery store in this Ordinance shall not be considered a tobacco, CBD, or vapor shop despite the retail sale of cigarettes, tobacco, electronic cigarettes, or any related product.

