



Planning Board

Meeting Agenda

August 21, 2018 at 7:00 PM
Council Chambers, 201 S Main St

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

1. Approve minutes of the July 17, 2018 meeting

2. New Business

- a. RZ1805 – Initiate I-1 zoning for a parcel located at the intersection of Senator Ralph Scott Parkway, Governor Scott Farm Road, and Kimrey Road. Application by William Seymour, Windsor Commercial. GPIN 9803085096.
- b. RZ1806 – Rezoning from B-2 to B-1 for property located at 206 E. Elm Street, and the adjacent City Parking Lot. Application by Haywood Simpson. GPIN 8884243495, 8884242495.
- c. AM1806 – An amendment to permit home occupations in Conditional Zones. Application by Kevin Ingold.
- d. AM1807—An amendment to permit modular or mobile offices within the Overlay Districts. Application by Tony Holt.

3. Old Business

- a. RZ1804 – Rezoning from R-18 to R-9 for property located on Rogers Rd. Application by Greg Garrett, Shugart Enterprises, LLC. GPIN 8872986536, 8873900485.
- b. S1801 – Application for 178 units on approximately 106 acres. Application by Greg Garrett, Shugart Enterprises, LLC. GPIN 8872986536, 8873900485.
- c. AM1805 – Application to amend the Table of Permitted Uses to permit Life Counseling in the B-1 downtown district. Application by William Hughes.
- d. AM1803 -- Entrance Overlays. Discussion by Planning Board with regards to future potential regulations within the City's gateways.

4. Public comment on non-agenda items

Adjourn

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

PLANNING ZONING BOARD

Tuesday, July 17, 2018

The Planning & Zoning Board held their regular meeting on Tuesday, July 17, 2018 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Ricky Hall, Nate Perry, Justin Moody, Bonnie Blalock, Dean Ward, Eric Crissman and Michael Benesch. Staff members present were Nathan Page, Planning Director, Aaron Holland, Assistant City Manager, and Debbie Jolly Zoning & Inspection Technician. Chair Hall called the meeting to order, gave the Overview of the Board, general meeting rules and gave the invocation.

1. Approval of the June 19, 2018 meeting minutes. Michael Benesch made a motion for approval, second by Nate Perry. All voted in favor.

Mr. McVey was heard here instead of Old business since he was here to represent himself.

RZ1802 – Rezoning from R-7 to B-3 for property located at 204 E McAden Street. Application by Curt McVey. GPIN 8884223927. Curt McVey-415 W. Pine St, Graham NC 27253

Curt McVey- 415 W. Pine St, Graham NC 27253

Mr. McVey explained that his last tenant had passed away unexpected and he had not found a suitable tenant until now. After a brief discussion, Eric Crissman made a motion to approve RZ1802 from R-7 to B-3 Ricky Hall seconded. All voted Aye.

2. New Business

- a. RZ1804 – Rezoning from R-18 to R-9 for property located on Rogers Rd. Application by Greg Garrett, Shugart Enterprises, LLC. GPIN 8872986536, 8873900485

Nathan Page provided a brief overview of the development project, as stated in the Staff Report.

Greg Garrett from Shugart was not present to make a presentation. Eric Crissman made a motion to table until the next meeting seconded by Bonnie Blalock. 6 voted Aye 1 opposed.

- b. S1801 – Application for 178 units on approximately 106 acres. Application by Greg Garrett, Shugart Enterprises, LLC. GPIN 8872986536, 8873900485

Chris Foust 1851 S. Main St. Graham, NC 27253

David Michael 4101 Oak Cliff Rd Greensboro, NC

Both party spoke in favor of the sub division but wanted to make sure it would not block the other landowners that have adjoining properties. In addition, the roads could handle the traffic. Ricky Hall made a motion to table this since Shugart was not here Eric Crissman seconded. All voted Aye.

- c. AM1805 – Application to amend the Table of Permitted Uses to permit Life Counseling in the B-1

downtown district. Application by William Hughes.

William Hughes 108 W Elm St Graham, NC 27253

Gene Smith 138 Canterbury Danville, VA 24541

Tom Boney 1240 Gemstone Ct Graham, NC 27253

Mr. Hughes spoke on behalf of the Life counseling center and explained what Mr. Smith does and that he didn't think this would be a problem when he rented the space to him. Mr. Smith addressed a few concern that the board had. Mr. Boney addressed the board with some questions and concerns on why this was a problem. After a lengthy discussion, Ricky Hall made a motion to approve 10.16 with added language no more than 14 in a class at one time. 10.135 add O-1 to use type. Mr. Hall withdrew his motion. Mr. Crissman made a motion to approve 10.16 recommended language and add no more than 14 people in a group at any time. Also, add to table of permitted uses O-1. Ricky Hall seconded. Vote was 3-4 opposed. Mr. Hall made a motion to table this until the next meeting and ask the staff to get more information. Mr. Ward seconded. All voted Aye.

3. Old Business

- a. AM1803 -- Entrance Overlays. Discussion by Planning Board with regards to future potential regulations within the City's gateways. Nathan explain we did not have examples of others city overlay at this time. The board requested that he work on getting some for the next meeting. Mr Hall made a motion to table this until stall could get more information Dean Ward seconded. All voted Aye.
- b. Discussion Regarding Used Tire Ordinance from Burlington. Nathan Page presented the Burlington Tire Ordinance the board had a brief discussion. Michael Benesch made a recommendation to forward to City Council with recommended changes to the 2035 Comprehensive Plan Nate seconded 6-1 vote

Ricky Hall made a motion to adjourn. Seconded by Dean Ward. All vote Aye.

No further business the meeting was adjourned.

Respectfully Submitted,
Debbie Jolly



STAFF REPORT

Prepared by Nathan Page, Planning Director

Gov Scott Farm Rd (RZ1805)

Type of Request: Rezoning

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 2018

Contact Information

William Seymour, Windsor Commercial

5603 New Garden Village Dr.

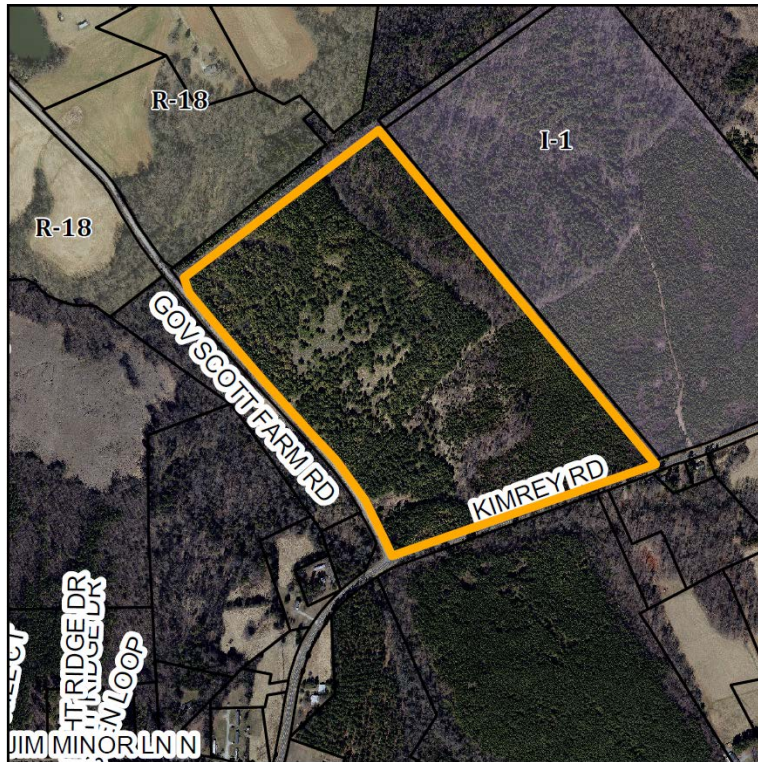
Greensboro, NC 27410

336-362-0734,

bseymour@windsorcommercial.com

Summary

This is a request initiate zoning upon the property. The property is currently vacant. The stated request is to permit “development of industrial property.”



Location

Gov Scott Farm Road, Sen Ralph Scott Road, and Kimrey Rd

GPIN: 9803085096

Current Zoning

Unzoned

Proposed Zoning

Industrial (Light) (I-1)

Overlay District

none

Surrounding Zoning

R-18, I-1, Unzoned

Surrounding Land Uses

Distribution/Warehouse, Single Family, Agricultural, and Vacant

Size

Approximately 70 acres

Public Water & Sewer

Yes

Floodplain

No

Staff Recommendation

Approval

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

Applicable Policies;

- 2.4.1 NC Commerce Park. Promote growth of Graham's primary job creation opportunity, a joint planning area known as the North Carolina Commerce Park (NCCP), due to its location, regional accessibility, and high developable status. *Permitting Light Industrial zoning would allow for the anticipated land uses likely to occupy this parcel in the future.*
- 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 connecting to existing city infrastructure, and could facilitate later development of existing adjacent property.*

Applicable Strategies;

- 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.*
- 2.4.3 Freight Corridors. Encourage freight-oriented industrial development to locate where it can maximize access to major freight routes, including I-40/85 and state highways. *The construction of the Senator Ralph Scott Parkway was intended to provide freight access through this region without disrupting local transportation networks.*

Planning Type

District

Development Type

Employment District

Contains several uses, including farms, single family homes, natural groundcover, and warehousing.

Provide office space, industrial space, commercial space, institutional space, and residential housing.

This should be planned to preserve open space and open corridors, and develop high-quality and adaptable buildings for a variety of companies.

Should support the viability of safe walking and bicycling as a serious form of transportation, while also ensuring the most efficient transportation network possible for freight trucks and other heavy vehicles that require regional access.

Density of 6 DU/acre, or 0.5 Commercial/Industrial FAR

Staff Recommendation

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

- Rezoning the property would be in consistence with the Employment District type and will allow land uses which are likely to attract employment opportunities within the City of Graham.



Application for REZONING or CONDITIONAL REZONING

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

This application is for both general district rezonings and conditional rezonings. Applications are due on the 25th of each month. Applicants are encouraged to consult with the *City of Graham Development Ordinances* and the City Planner.

Site

Street Address: 3875 Senator Ralph Scott Pkwy

Tax Map#: 172 761 GPIN: 9803085096

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: Tree farm/vacant land

Total Site Acres: 69.781

Property Owner: Scott Mayo Properties II, LLC

Mailing Address: 840 Plantation Dr

City, State, Zip: Burlington, NC 27215

Applicant

☐ Property Owner ☒ Other William Seymour

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: William Seymour

Mailing Address: 5603 New Garden Village Dr

City, State, Zip: Greensboro, NC 27410

Phone # (336) 362-0734

Email: bseymour@windsorcommercial.com

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

William Seymour 7/11/18
Signature of Applicant Date

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

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

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

Development of industrial property.

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

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

Office Use Only. DEVID# 221805



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.

Gov Scott Farm Road (RZ1805)

Type of Request

Initiate Zoning

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 2018

☐ 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 21th day of August, 2018.

Attest:

Ricky Hall, Planning Board Chairman

Debbie Jolly, Secretary



STAFF REPORT

Prepared by Alexa Powell, Planner

Elm Street CBD (RZ1806)

Type of Request: Rezoning

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 2018

Contact Information

Haywood Simpson

2714 N. Front St. A-3

Burlington, NC 27215

336-584-6275

h.simpson5@triad.r.r.com

Summary

This is a request to rezone the property from B-2 General Business to B-1 Central Business. The property recently burned down and was listed as a total loss by the insurance company. The stated request is to permit the property owner to “restore structure to similar footprint.”

Prior to the property burning down it was considered a nonconforming building because it did not meet the current front yard setback requirements for buildings in the B-2 zoning district. The Development Ordinance, Section 10.70 Nonconforming Buildings, says “if a building is destroyed, in whole or in part, by any means, to an extent greater than 60% of replacement cost or bulk it cannot be replaced.”



Location

206 E. Elm St.

GPIN: 8884243495

8884242495

Current Zoning

B-2 General Business

Proposed Zoning

B-1 Central Business

Overlay District

none

Surrounding Zoning

B-1 & B-2

Surrounding Land Uses

Funeral Home, Medical Office, Parking, Single Family, & Retail

Size

Approximately 0.54 acres

Public Water & Sewer

Yes

Floodplain

No

Staff Recommendation

Approval

If the property remains B-2, any new structure would need to meet the 40ft front yard setback, and would be required to install landscaping if a new structure were to be constructed.

Alternatively, by rezoning the property to B-1 there are no setback or landscaping requirements and the structure could be rebuilt to a similar, or larger, footprint.

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

Applicable Policies;

- 2.1.5 Reduce barriers. Work with local businesses and economic development partners to identify and address unnecessary barriers to local business development.
Minimizes barriers to development by permitting a similar structure be rebuilt within the previous building footprint.
- 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.
Facilitates infill development that maintains downtown walkability.

Applicable Strategies;

- 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*Utilizes existing City infrastructure to its full potential. The rezoning provides an innovative solution to regulations in order to incentivize the desired pedestrian oriented development pattern.*

Staff Recommendation

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

- Rezoning the property would be permit additional dense development in the immediate vicinity of our downtown.

Planning Type

District

Development Type

Downtown District

Contains several uses, including offices, homes, restaurants, entertainment venues, gathering spaces, and cultural opportunities.

New buildings in mixed use commercial areas should be located no further than 15 feet from the front lot line and should include transparent windows on at least 50% of the first floor facade. Multiple stories and a mix of uses are desirable.

Downtown streets should be built as places, not just transportation corridors, and should primarily accommodate pedestrians and bicyclists. Automobile parking should be located on the street, creating a barrier between moving traffic and the sidewalk, and behind or below buildings. Bicycle racks should be located throughout downtown. In all new street redevelopment projects, street trees should be placed at 20-30 foot intervals.

3-5 Story Building Height



Application for REZONING or CONDITIONAL REZONING

P.O. Drawer 357
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Graham, NC 27253
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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: 206 E. Elm Street
Tax Map#: 146236 GPIN: 8984243495

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: office

Total Site Acres: 7500 sq ft app.

Property Owner: HAYWOOD SIMPSON

Mailing Address: 2714 W. Front St., A-3

City, State, Zip: Burlington, N.C. 27215

Applicant

☒ Property Owner ☐ Other _____

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

Name: HAYWOOD G. SIMPSON, JR.

Mailing Address: 2714 W. Front St., A-3

City, State, Zip: BURLINGTON, NC 27215

Phone # 336 584-6275

Email: H.SIMPSON5@TRIAD.R.R.

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

Signature of Applicant: Haywood Simpson 7/19/18
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:

restore structure to similar foot print

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#

RZ1806



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.

E Elm CBD (RZ1806)

Type of Request

Initiate Zoning

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 2018

☐ 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 21th day of August, 2018.

Attest:

Ricky Hall, Planning Board Chairman

Debbie Jolly, Secretary

[illegible]

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable

Applicable Planning District Policies and Recommendations

- Policy 2.1.6 **Locally owned businesses** Facilitate the creation and growth of locally-owned businesses and support programs that provide technical and financial assistance to promote sustainable operating practices. *Many locally-owned businesses start small, often in someone's kitchen or garage. This amendment would permit more citizens to use their homes more efficiently, while not disrupting the character of their neighborhoods.*
- 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. *This amendment will allow more mixed use in our existing neighborhoods, while not changing the residential feel of many of our subdivisions.*
- 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 5.2.1 **Diverse Neighborhoods** Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units.

Planning District

All

Development Type

All

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and practice by other jurisdictions, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment will allow for a home to be used by the citizen to a higher standard, while not disrupting the residential character of the neighborhood.

From: [Kevin Ingold](#)
To: [Nathan Page](#)
Subject: Re: Home Occupation
Date: Monday, July 23, 2018 11:31:05 AM

Thank you Nathan. Will be in touch.

Kevin Ingold

On Wed, Jul 18, 2018 at 10:56 AM, Nathan Page <npage@cityofgraham.com> wrote:

Kevin,

I spoke with the Planning Board last night, and they are interested in proceeding with an amendment to our development ordinance that will allow a Home Occupation in the C-MXR district. As it stands now, your requested use is not permitted in that zone. I do think this was an oversight when the Ordinance was written, and having spoken with the Board, I think it is likely the amendment will be passed.

I would suggest that you come to their meeting on August 21, and then attend the subsequent City Council meeting on 9/4/2018 in order to speak your case. Both meetings are at 7 PM in the Council Chambers of Graham City Hall.

Nathan

From: Kevin Ingold [mailto:klingold@gmail.com]
Sent: Friday, July 06, 2018 3:07 PM
To: Nathan Page <npage@cityofgraham.com>
Subject: Re: Home Occupation

Nathan, this note is to confirm i dropped off the below documents completed with Debbie at the front desk. Will be in touch.

Thanks!

Kevin Ingold

336-263-3788

Sent from my iPhone

On Jul 5, 2018, at 4:05 PM, Nathan Page <npage@cityofgraham.com> wrote:

Mr. Ingold,

Please fill out the attached Zoning Permit (left side) and Wastewater Survey (both sides). I've also attached the Home Occupation regulations just so you're aware. Please let me know if you have any questions,

Nathan

Nathan Page, CZO

Planning Director for Graham, North Carolina

(336) 570-6705x135 npage@cityofgraham.com

www.cityofgraham.com/departments/planning

<Zoning.pdf>

<WastewaterSurvey.pdf>

<HomeOccupations.pdf>



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.

Home Occupation in CZ (AM1806)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 2018

- ☐ 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 21th day of August, 2018.

Attest:

Ricky Hall, Planning Board Chair

Debbie Jolly, Secretary



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Section 10.466

Building Standards

Type of Request: Text Amendment

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 2018

Summary

Tony Holt has requested a change to the Development Ordinance to permit manufactured or mobile units to be used as office space for his location at 327 E Elm Street.

The following amendments to the Development Ordinance are proposed:

Existing Language:

Section 10.466 Building Standards

(a) Manufactured and mobile units shall be prohibited, except for temporary use during construction or for storage of materials during construction.

(b) Building facades visible from East Harden Street shall be clad with brick or stone masonry, wood, stucco, or similar material. The facades of buildings located on corner lots that are visible from East Harden Street and any other road shall be clad with brick or stone masonry, wood, stucco, or similar material. The use of textured vinyl siding or decorative, split-faced cinder blocks may be used but shall not exceed 25% of the visible side of the building. The use of cinder-block, smooth vinyl, and metal siding shall only be allowed on the side and rear of the building if not visible from East Harden Street.

Proposed Language:

Section 10.466 Building Standards

(a) ~~Manufactured and mobile units shall be prohibited, except for temporary use during construction or for storage of materials during construction.~~

(b) With the exception of manufactured or mobile units, building facades visible from East Harden Street shall be clad with brick or stone masonry, wood, stucco, or similar material. The facades of buildings located on corner lots that are visible from East Harden Street and any other road shall be clad with brick or stone masonry, wood, stucco, or similar material. The use of textured vinyl siding or decorative, split-faced cinder blocks may be used but shall not exceed 25% of the visible side of the building. The

Contact Information

Tony Holt

327 E Elm Street, Graham NC 27253

tony@dynayarn.com, 336-437-1542

Project Name

Manufactured and Mobile Units
in the Overlay (AM1807)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

Hwy 54 and Hwy 87

Staff Recommendation

Denial

use of cinder-block, smooth vinyl, and metal siding shall only be allowed on the side and rear of the building if not visible from East Harden Street.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Applicable Planning District Policies and Recommendations

- Strategy 1.1.1 **Wayfinding and Gateways** Develop an upgraded “wayfinding” and signage system for installation along gateways and corridors. Designate gateways for entrances to the historic downtown area, and further develop plans for public improvements and landscaping in the gateway areas. *The removal of this restriction may result in a less attractive land use pattern within our gateway corridors.*
- Strategy 1.1.3 **East Harden** Prepare a corridor plan to guide development and public investment in the East Harden/NC54 corridor. *With the proposal to widen Highway 54 through to Carrboro currently under development by NCDOT, the City may benefit from an increase in transportation volume. Graham should consider carefully what future uses and built form is permitted in this vicinity.*
- Strategy 2.1.5 **Reduce Barriers** Work with local businesses and economic development partners to identify and address unnecessary barriers to local business development. *The removal of this restriction would remove a barrier to development in the Corridor.*
- 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. *The amendment as written would permit additional potential for property within the Corridor.*
- Strategy 2.4.2 **Promote Industrial Redevelopment** Encourage reinvestment and intensification at existing industrial sites. Encourage redevelopment of existing buildings and infrastructure for industrial growth. *The amendment would allow for greater usage of existing land, but would reduce the likelihood that the structures within the Corridor would be remodeled.*

Planning District

All

Development Type

All

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and practice by other jurisdictions, staff **recommends denial** of the text amendment. The following supports this recommendation:

- The proposed amendment will allow for land within our gateways and corridors to become less attractive.

From: [Tony Holt](#)
To: [Nathan Page](#)
Cc: hans-peter.mauch@zimsi.com; darko.sutlar@zimsi.com
Subject: Application -- Request to Present our Plans for Expanding Office Space for Zimmermann-Dynayarn USA
Date: Wednesday, August 01, 2018 6:08:04 PM
Attachments: [xml541 Zimm-Dyna Temporary Office Space 7-26-18.pdf](#)
[xml542 Office Space Concept.pdf](#)

Dear Mr. Page,

Please accept this as our formal request to the City of Graham for allowing us to present our plans for quickly expanding office space for Zimmermann-Dynayarn USA. We do not occupy the portion of the building that includes proper office space facilities (occupied by Atlantic Custom Container), so we are forced to look outside for the additional space needed during this period of our merger and integration. Our proposal is the best option we have considered to-date as it places our expanded offices in very close proximity to our ongoing operations. Please see the attachments regarding our new office concept.

As I am still working through some of the details for what we may present and while we may define other options in the interim, I wanted to preserve the opportunity to present.

I note from the city website that the application deadline is 8/3/18 and I understand that this email is sufficient for our application. I note other dates on the August calendar and want to make sure I understand the process correctly for when we would present and the appropriate format.

I also acknowledge that you have provided me with references to some of the applicable ordinances for building standards.

Thank you for your attention in this matter.

Respectfully submitted,

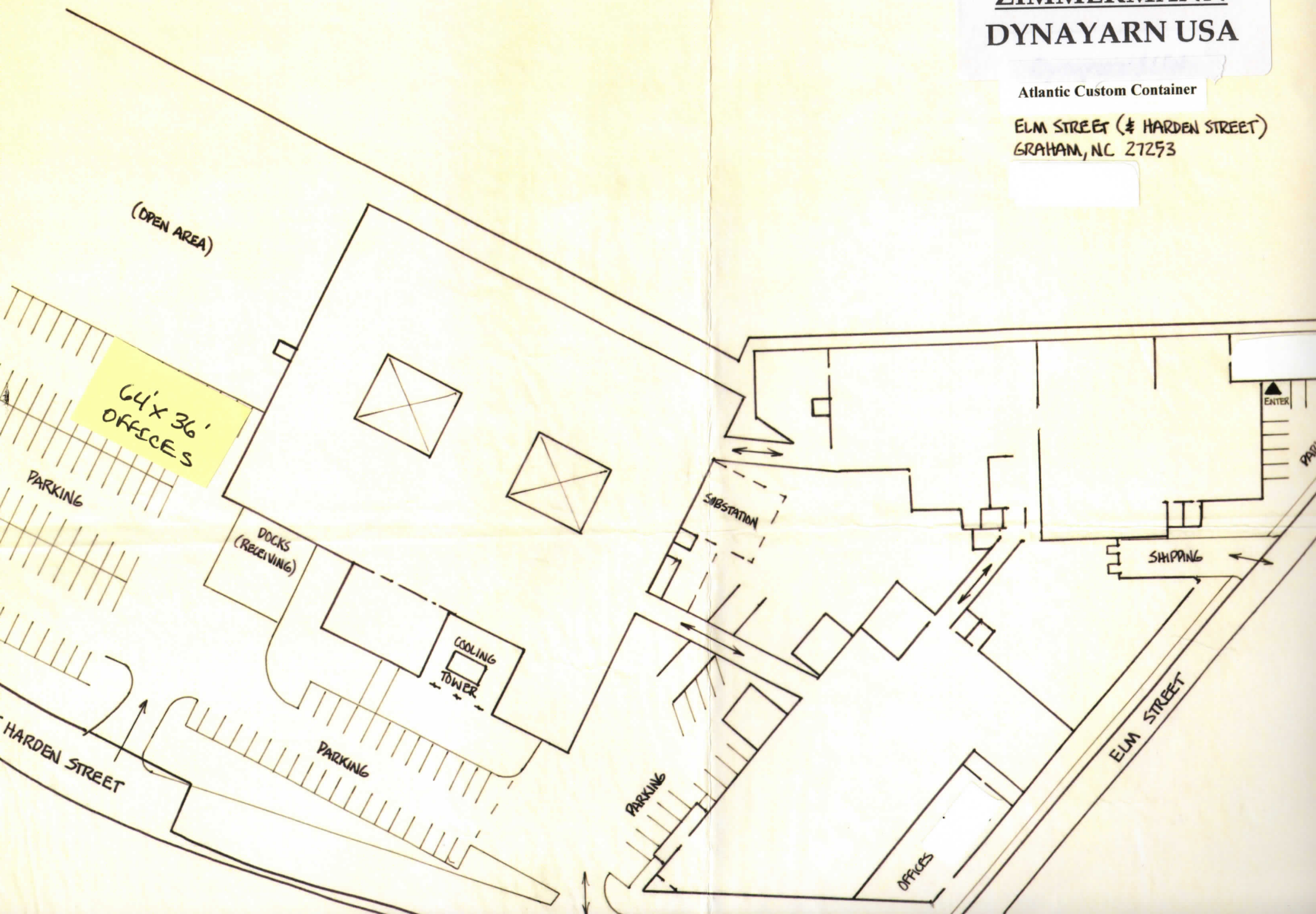
Tony Holt
Managing Director

Zimmermann-Dynayarn USA | P.O. Box 811 | 327 E. Elm Street | Graham, NC 27253 Tel +1 336 437-1542 | Fax +1 336 395-2166 | <http://www.dynayarn.com>

ZIMMERMANN DYNAYARN USA

Atlantic Custom Container

ELM STREET (½ HARDEN STREET)
GRAHAM, NC 27253





64' x 36' REDI-PLEX BUILDINGS

Dimensions

- 64' Long (including hitch)
- 36' Wide

Exterior Finish

- Vertical textured sliding perimeter frame
- Clear span EPDM roof mansard

Interior Finish

- Vinyl covered walls
- Solid core wood doors
- Carpet or tile floor
- Suspended acoustical ceiling
- Wide open shells available
- Optional door locations

Electric

- Recessed diffused fluorescent lights
- Pre-wired sub panels

Heating/Cooling

- Central AC w/ electric, heat ducted supply & return

Windows/Doors

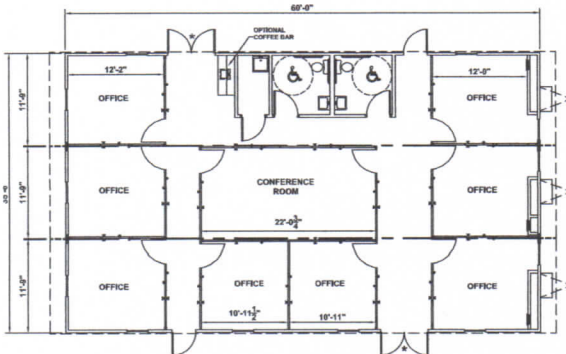
- Vertical slide insulated windows w/ blinds
- Insulated stl door in stl frame w/ vision panel



When you have access to comfortable, convenient office space, your business operations flow more seamlessly. Our 64' x 36' Redi-Plex building can help keep your operations on track and moving forward. Durable, secure and easily configured, our Redi-Plex buildings can be used as healthcare facilities, administrative offices, meeting areas or classroom space. Our 64' x 36' Redi-Plex building features:

- 60' Clear span roof truss
- Suspended acoustical ceiling
- Recessed fluorescent lighting
- Energy efficient windows
- Central HVAC

PRODUCT FLOOR PLAN



* Photos are representational; actual products vary. Additional floor plans and specifications may vary from those shown and are subject to in-stock availability



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.

Manufactured and Mobile Units in the Overlay (AM1807)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 2018

- ☐ 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 21th day of August, 2018.

Attest:

Ricky Hall, Planning Board Chair

Debbie Jolly, Secretary



STAFF REPORT

Prepared by Nathan Page, Planning Director

Rogers Shugart (RZ1804)

Type of Request: Rezoning

Meeting Dates

Planning Board on July 17 and August 21, 2018
City Council on August 7 and September 4, 2018

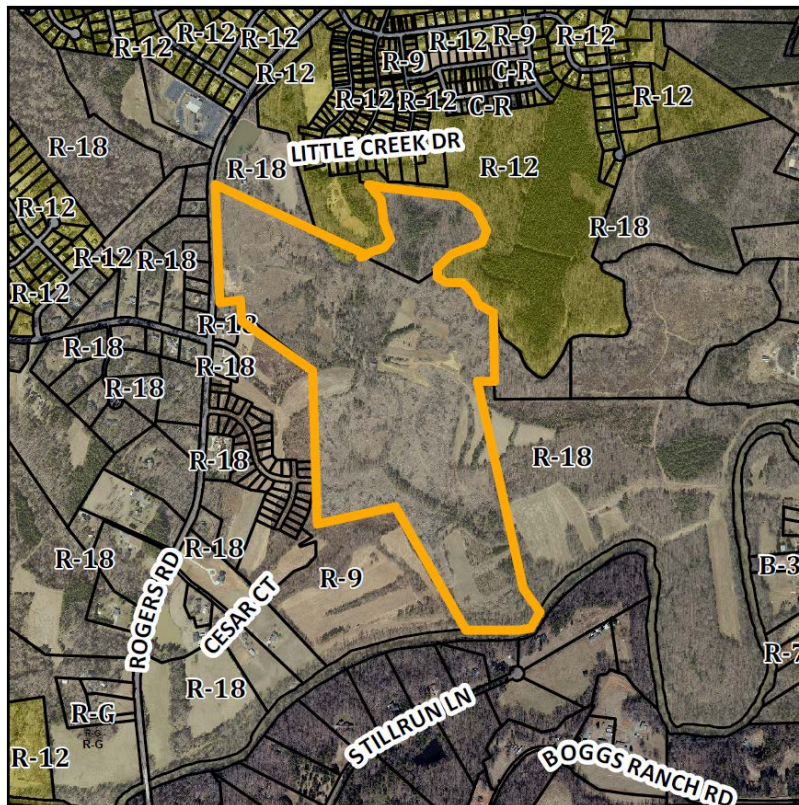
Contact Information

Greg Garrett, Shugart Enterprises, LLC
221 Jamestown Rd
Winston-Salem NC 27104
336-231-6764; greg@shugarthomes.net

Summary

This item was tabled by the Planning Board and should therefore be tabled by the City Council until their 9/4/2018 meeting. The item is on City Council's agenda as a result of public notice which was published in the Alamance News on 7/19/18 and 7/26/18.

This is a request to rezone the subject property from R-18 to R-9. The property is currently vacant, wooded, and under cultivation. This property was crossed by the proposed Southern Loop, which has subsequently been removed.



Location

Rogers Rd

GPIN: 8872986536, 8873900485

Current Zoning

Residential (low density)
(R-18)

Proposed Zoning

Residential (high density) (R-9)

Overlay District

none

Surrounding Zoning

R-18

Surrounding Land Uses

Single Family and Vacant

Size

Approximately 106 acres

Public Water & Sewer

Yes

Floodplain

Yes

Staff Recommendation

Approval

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

Applicable Policies;

- 3.3.2 Focused Development. In order to maintain Graham's affordability and promote growth, the city will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *This development utilizes the land which is served by city water and sewer more efficiently than maintaining the existing R-18 zoning. Additionally, the Suburban Residential neighborhood type density recommendations are greater than that which is permitted by R-18 zoning.*

Applicable Strategies;

- 4.3.1 Land Use Patterns. Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *The site would connect to existing city infrastructure, and would facilitate later development of existing adjacent property.*

Planning Type

Neighborhood

Development Type

Suburban Residential

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

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

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

Density of 3 to 6 DU/acre

Staff Recommendation

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

- Rezoning the property would be in consistence with the Suburban Residential type and furthers the policies and strategies put forth by the *Graham 2035 Comprehensive Plan*, such as connected, efficient development.



Application for REZONING or CONDITIONAL REZONING

RECEIVED

JUN 29 2018

CITY OF GRAHAM
INSP. / P.Z.

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 Rodgers RD

Tax Map#: 130476 GPIN: 8872986536
131641 8873900485

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: Agriculture

Total Site Acres: 94

Property Owner: Dixie W. Rodgers, Shoffner Land & Timber, LLC

Mailing Address: 1526 Rodgers RD

City, State, Zip: Graham, NC 27253

Applicant

☐ Property Owner Other Shugart Enterprises, LLC

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: Shugart Enterprises, LLC

Mailing Address: 221 Jonesboro RD

City, State, Zip: Winston-Salem, NC 27104

Phone # (336) 231-6764

Email: greg@shugarthomes.net

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

Greg Shugart 6/29/18
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:

This rezoning request is designed to help prepare this land for residential development.
1468 Trollingwood Rd Mebane 27302

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#

R21804



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.

Rogers Road (RZ1804)

Type of Request

Rezoning

Meeting Dates

Planning Board on July 17, 2018

City Council on August 7, 2018

☐ 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 17th day of July, 2018.

Attest:

Ricky Hall, Planning Board Chairman

Debbie Jolly, Secretary



STAFF REPORT

Prepared by Nathan Page, Planning Director

Rogers' Springs (S1801)

Type of Request: Major Subdivision

Meeting Dates

Planning Board on July 18, 2018

City Council on August 7, 2018

Contact Information

Greg Garrett, Shugart Enterprises, LLC

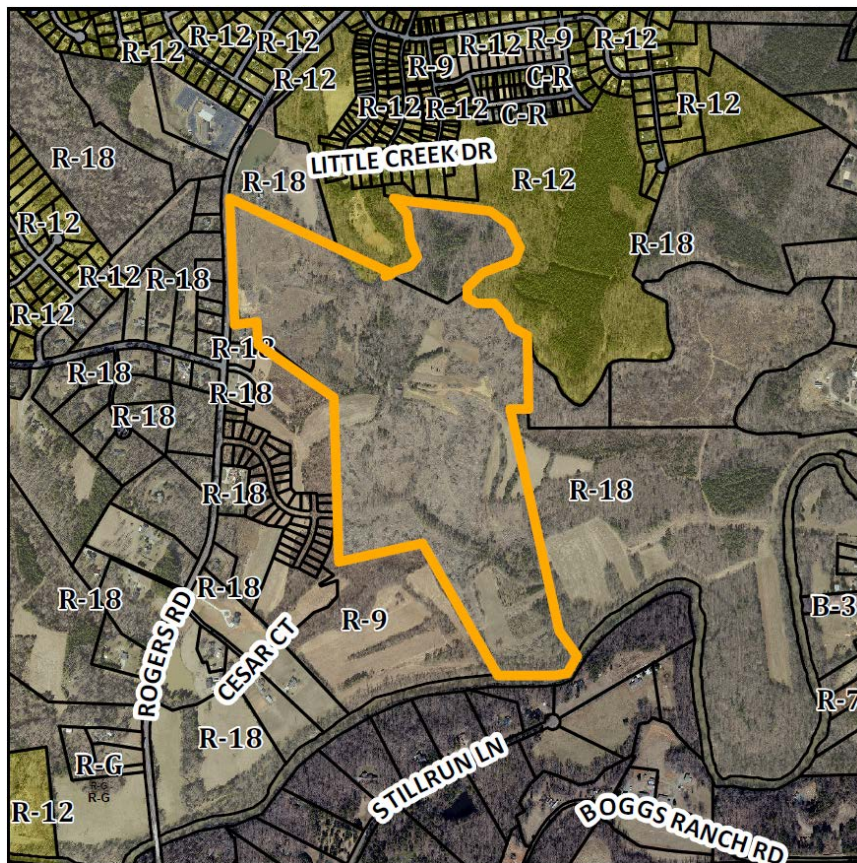
221 Jamestown Rd

Winston-Salem NC 27104

336-231-6764; greg@shugarthomes.net

Summary

This is a request to create a new major subdivision on approximately 106 acres for 178 new lots.



Location

Rogers Road

GPIN: 8872986536, 8873900485

Proposed Zoning

High Density
Residential (R-9)

Overlay District

none

Surrounding Zoning

R-9, R-12, R-18

Surrounding Land Uses

Single family, vacant, agricultural

Size

Approximately 106 acres

Public Water & Sewer

New Infrastructure Proposed

Floodplain

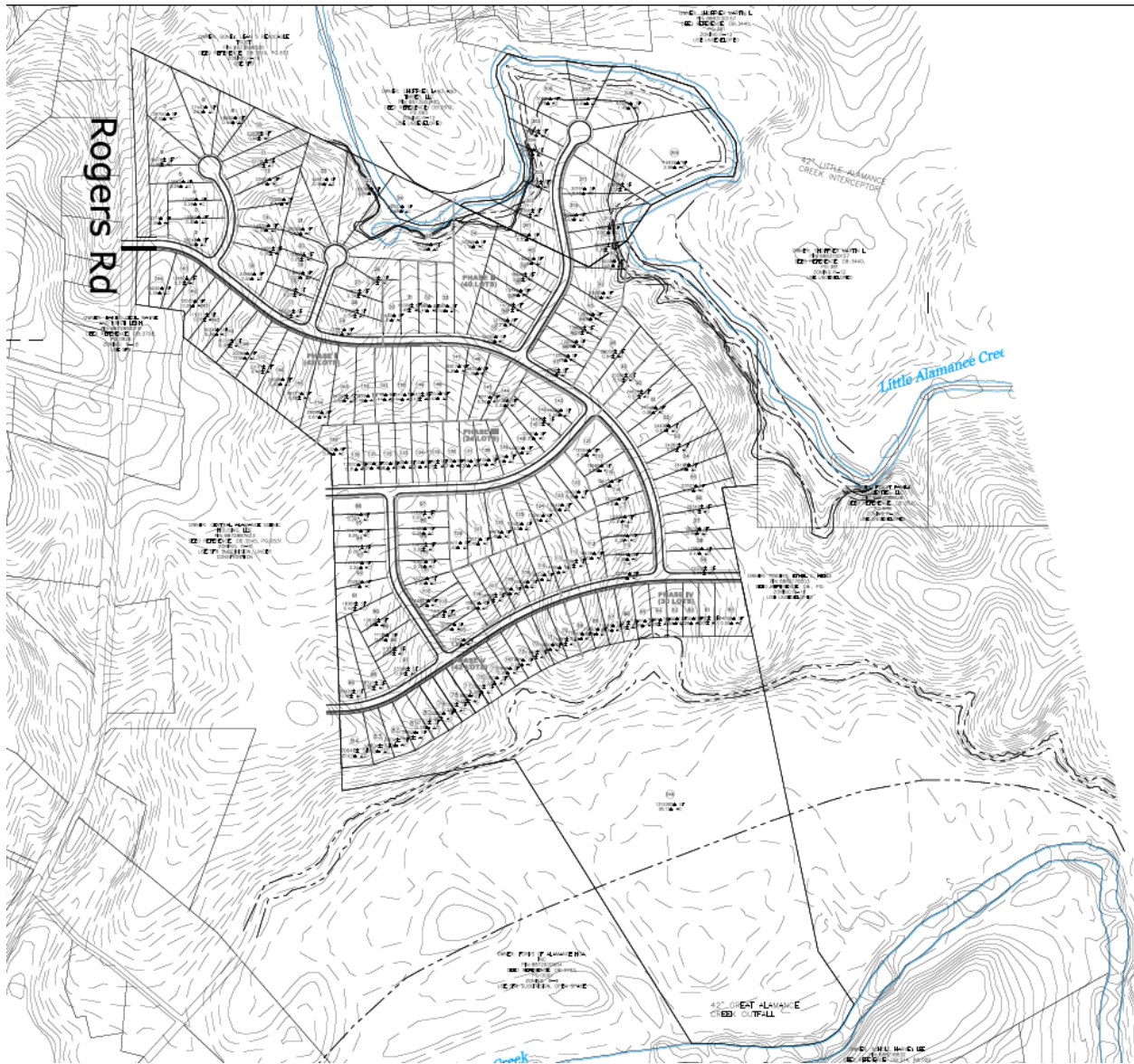
Yes

Staff Recommendation

Approval, with conditions

Technical Review Committee

The Technical Review Committee has not yet had an opportunity to review the proposal.



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

From Our Vision

- **A Healthy Environment** New growth in Graham will occur sustainably, with minimal impact on the natural environment. Conservation efforts will maintain the health of the watershed, preserve habitat for native plants and animals, as well as reduce pollution through investments in renewable energy sources, clean transportation options, and resource conservation. *This subdivision proposes approximately 30 acres of open space, mostly in the floodplain. This protection of existing floodplain will reduce downstream flood events and protect habitat. The common areas are identified in our Future Land Use Map as areas to protect. Additionally, it will continue laying out a greenway connection to the MST/HRT along Big Alamance Creek.*

Development Type

Suburban Residential

Located near a major thoroughfare

For single family residential

Characteristics include sidewalks on both sides, street trees at 30-40 feet intervals, and block lengths less than 600 feet

Density of 3 to 6 DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

Applicable Strategies and Policies

- **Policy 3.2.3 Fewer Dead-end Streets** Discourage or prohibit the development of cul-de-sacs and dead-end streets in new projects. *While the proposal will have three cul-de-sacs, they are a result of the expense of crossing the stream which lies to the North of the subject property. Additionally, while there is a cul-de-sac which is in excess of 500 feet, it is a result of the unique site characteristics.*
- **Policy 3.2.4 Greenway System** Promote a greenway system that links together the City's recreational resources and provides connections to commercial, employment, and residential areas. Greenways along stream buffers should be prioritized in order to protect the stream watershed. *This parcel contains land that a pedestrian easement will be required as part of approval upon. Additionally, the Alamance Parks and Recreation department may attempt to acquire a larger portion in the future, but the land here is protected as common space.*
- **Strategy 4.2.1 Greenways** Continue to develop a greenway system that links together the City's recreational resources.
- **Policy 4.3.1 Land Use Patterns** Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *This proposal keeps almost all of the development out of the floodplains, and allows for connection from the stubs to the east for future development on suitable land. However, given a single road connection, it does limit the future development potential to the land bounded by the creeks, unless a bridge is subsequently provided to connect to S. Main Street.*

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff recommends approval of the subdivision, with the following conditions;

- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.

The following supports this recommendation:

Allowing a high density subdivision in this location removes households from the potential harm from floodways, and protects greenspace and promotes a greenway trail system.



Application for SUBDIVISION

RECEIVED

JUN 29 2018

CITY OF GRAHAM

INSP / PZ

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

This application is for both major and minor subdivisions, as defined in Article VIII of the City of Graham Development Ordinances.

Site

General description of subdivision location, using nearest streets, streams or other identifiable features:

105.9 acres with a proposed
178 units, for 1.68 units per
acre.

Tax Map#: 130476, 131641 GPIN: 8872986536, 8873900485

Current Zoning District(s): R-18

Overlay District, if applicable:

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

Property Owner: Dixie Rogers Shoffner Land Title

Mailing Address: 1526 Rogers Rd 1468 Trolleywood Rd

City, State, Zip: Graham NC 27253 Mebane NC 27302

Phone #

Applicant and Project Contact

Name: Shugart Enterprises, LLC

☐ Property Owner ☐ Engineer/Surveyor

Other: Developer

Mailing Address: 221 Jonestown Rd

City, State, Zip: Winston Salem NC 27104

Phone # (336) 231-6764

Email: greg@shugarthomes.net

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

Signature of Applicant: [Signature] Date: 6/29/18

Submit SUBDIVISION MAPS with this application

Proposed Subdivision

Subdivision Name: Rogers' Springs

Type of Application:

- ☒ Preliminary Plat, Major Subdivision **By signing this application, I authorize the City of Graham to record the Final Plat.*
☐ Final Plat*, Major Subdivision
☐ Final Plat*, Minor Subdivision

Number of Lots: 178 Total Acreage: 105.9

Related Development (if any):

Subdivision Maps

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

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

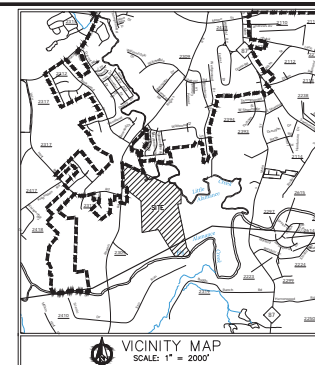
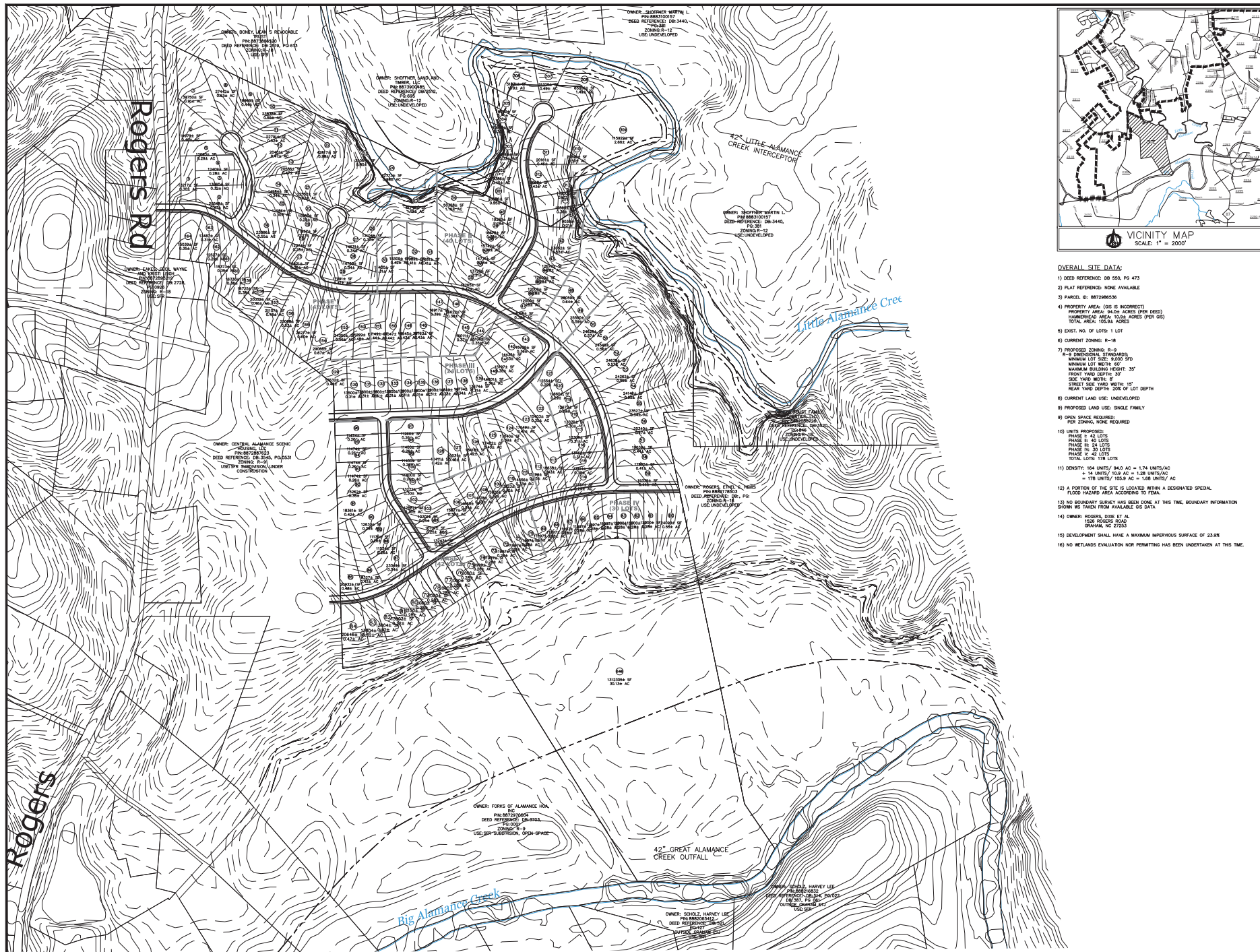
Other Requirements

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

FOR OFFICE USE ONLY

DEVID# 51801

Fee \$



OVERALL SITE DATA:

- 1) DEED REFERENCE: DR 550, PG 473
- 2) PLAT REFERENCE: NONE AVAILABLE
- 3) PARCEL ID: 88729808
- 4) PROPERTY AREA: (SEE IS INFORMATION)
PROPERTY AREA: 94.08 ACRES (PER DEED)
UNIMPAVED AREA: 10.99 ACRES (PER GIS)
TOTAL AREA: 105.99 ACRES
- 5) EXIST. NO. OF LOTS: 1 LOT
- 6) CURRENT ZONING: R-18
- 7) PROPOSED ZONING: R-8
R-8 DIMENSIONAL STANDARDS:
MINIMUM LOT SIZE: 8,000 SQD
MINIMUM LOT WIDTH: 60'
MAXIMUM BUILDING HEIGHT: 35'
SIDE YARD WIDTH: 10'
STREET SIDE YARD WIDTH: 10'
REAR YARD DEPTH: 25% OF LOT DEPTH
- 8) CURRENT LAND USE: UNDEVELOPED
- 9) PROPOSED LAND USE: SINGLE FAMILY
- 10) OPEN SPACE REQUIRED:
PER ZONING, NONE REQUIRED
- 11) UNITS PROPOSED:
PHASE I: 40 LOTS
PHASE II: 40 LOTS
PHASE III: 40 LOTS
PHASE IV: 40 LOTS
TOTAL LOTS: 160 LOTS
- 12) DENSITY: 160 UNITS/ 94.08 AC = 1.74 UNITS/AC
+ 14 UNITS/ 10.99 AC = 1.28 UNITS/AC
= 1.78 UNITS/ 105.99 AC = 1.68 UNITS/ AC
- 13) A PORTION OF THE SITE IS LOCATED WITHIN A DESIGNATED SPECIAL FLOOD HAZARD AREA ACCORDING TO FEMA.
- 14) OWNER: ROGERS, ONE ET AL
1500 ROGERS ROAD
GRAHAM, NC 27323
- 15) DEVELOPMENT SHALL HAVE A MAXIMUM IMPERVIOUS SURFACE OF 23.8%
- 16) NO WETLANDS EVALUATION NOR PERMITTING HAS BEEN UNDERTAKEN AT THIS TIME.



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.

**Rogers' Springs
(S1801)**

Type of Request
Major Subdivision

Meeting Dates
Planning Board on July 17, 2018
City Council on August 7, 2018

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

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

☐ I move to **recommend DENIAL**.

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

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

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

This report reflects the recommendation of the Planning Board, this the 17th day of July, 2018.

Attest:

Ricky Hall, Planning Board Chairman

Debbie Jolly, Secretary



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Life Counseling

Type of Request: Text Amendment

Meeting Dates

Planning Board on May 15, 2018

City Council on June 5, 2018

Contact Information

William T Hughes

110 W Elm Street Graham NC, 27253

336-228-0226

Summary

William Hughes has proposed permitting Life Counseling to occur within the B-1 District.

Project Name

Life Counseling (AM1805)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Existing Language:

Section 10.16 Definitions

Group Care Facility – A facility with support and supervisory personnel that provides room and board, personal care or habilitation services in a group environment for more than 6 people. Examples include homeless shelters, transitional housing shelters, substance abuse programs or halfway houses. This does not include “Family Care Homes.”

Section 10.135 Table of Permitted Uses

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
Group Care Facility, See Note 23						C	S	S	S	C	S	S		C				C	C	3

Section 10.136 Notes to the Table of Permitted Uses

23. **Group Care Facilities and Group Homes, Development Standards** – Off-street parking, as required by Section 10.240, shall be located to the side and/or rear of the building. Group Care Facilities and Group Homes should be located in areas where employment, goods and services can readily be reached by a variety of means of transportation. Access to transit, a sidewalk network and/or close proximity to employment, goods, and services are encouraged for approval of a special use permit unless the applicant can satisfactorily demonstrate that the intended residents of the group home or facility do not require this service. For halfway houses, there shall be on-site supervision at all times by persons employed by or volunteers trained by the agency operating the halfway house. Rules of conduct shall be established and enforced by the agency operating a halfway house. These rules shall prohibit the use or possession of drugs, alcohol or weapons, as well as disorderly conduct.

Requested Language:

Section 10.16 Definitions

Life Counseling – Counselors working with individuals in individual settings and in group settings providing counseling and education to assist people charged with and/or convicted of DWI offenses to recognize and create new life behaviors and coping mechanism[s] to avoid self destructive behaviors. The participants come in for sessions. This is not a residential program.

Section 10.135 Table of Permitted Uses

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
Life Counseling													X							2

Recommended Language:

Section 10.16 Definitions

Life Counseling – Counselors working with individual(s) or group(s) providing counseling and education in a non-residential setting.

Section 10.135 Table of Permitted Uses

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
Life Counseling						C			X	C		X	X	C			C	C	C	2

Planning Board Proposed Language:

Section 10.16 Definitions

Life Counseling – Counselors working with individual(s) or group(s) providing counseling and education in a non-residential setting, as clarified under 10A NCAC 27G.3813. This does not include section .4400, .4403, .4500, nor .4503 which will continue to be included under Group Care Facilities.

Section 10.135 Table of Permitted Uses

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
Life Counseling						C			X	C		X	X	C			C	C	C	2

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Create vibrant centers, especially downtown

Graham should grow employment and a mix of uses around downtown and focus areas. Vibrant centers create spillover effects and foster small business development and innovation. Create the next generation of employment sanctuaries by facilitating development through public-private partnerships. *This would allow for an additional use downtown which is currently not permitted.*

Planning District

All

Development Type

All

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan*, other jurisdictions and best practices, **staff recommends approval of the recommended language for the text amendment.** The following supports this recommendation:

- The land use impact from a residential facility should be regulated differently than operations that occur during typical business hours.

TO: Planning Department City of Graham
FROM: William T. Hughes
Owner: 108 West Elm Street
TENANT: Life Changes, Inc.
DATE: June 29, 2018

RECEIVED

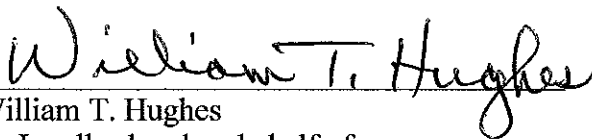
JUN 29 2018

CITY OF GRAHAM
INSP. / P.Z.

We ask the City of Graham through its Planning Department to add a another
USE type description for the B-1 district to read as follows:

Life Counseling - Counselors working with individuals in individual settings and in
group settings providing counseling and education to assist people charged with and/or
convicted of DWI offenses to recognize and create new life behaviors and coping
mechanism to avoid self destructive behaviors. The participants come in for sessions.
This is not a residential program.

Submitted by:



William T. Hughes
As Landlord and on behalf of
Life changes, Inc.

Office:
110 West Elm Street
336-228-0226
336-264-6399 cell

AM1905

10A NCAC 27G .3813 PLACEMENT CRITERIA FOR ASSESSED DWI CLIENTS

(a) Clients who have completed a DWI substance abuse assessment shall be placed in the appropriate service

(F) ADETS shall be conducted in accordance with the rules established in this Section.

(2) Short-term Outpatient Treatment:

(A) the assessment outcome suggests diagnosis of psychoactive substance abuse only;

(B) the client does not fit all aspects of the diagnosis, but, under certain circumstances, the clinical impression provides reason to conclude that a treatment setting would be more appropriate than ADETS. Some of these circumstances include, but are not limited to:

(i) alcohol concentration is .15 or higher

(ii) refusal of chemical test at time of arrest;

(iii) problems relating to family history of substance abuse;

(iv) other problems which seem to be a contributing factor to DWI behavior, such as grief, loss; and

(v) the client meets the criteria for Level I of the ASAM Placement Criteria;

(C) this category of service requires a minimum of 20 contact hours over a minimum of 30 days. Each client must have services scheduled weekly.

(3) Longer-term Outpatient Treatment:

(A) when a client meets minimal conditions for the diagnosis of "substance dependence";

(B) the criteria for Level I of the ASAM placement criteria are met; and

(C) this category of service requires a minimum of 40 contact hours over a minimum of 60 days. Each client must have services scheduled weekly.

SECTION .4400 – SUBSTANCE ABUSE INTENSIVE OUTPATIENT PROGRAM

10A NCAC 27G .4403 OPERATIONS

(a) A SAIOP shall operate in a setting separate from the client's residence.

(b) Each SAIOP shall operate at least three hours per day, at least three days per week with a maximum of two days between offered services.

(c) A SAIOP shall provide services a maximum of 19 hours for each client.

(d) Each SAIOP shall provide services a minimum of nine hours per week for each client.

(e) Group counseling shall be provided each day program services are offered.

(f) Each SAIOP shall develop and implement written policies to carry out crisis response for their clients on a face to face and telephonic basis 24 hours a day, seven days a week, which shall include at a minimum the capacity for face to face emergency response within two hours.

(g) Before discharge, the program shall complete a discharge plan and refer each client who has completed services to the level of treatment or rehabilitation as specified in the treatment plan

SECTION .4500 – SUBSTANCE ABUSE COMPREHENSIVE OUTPATIENT TREATMENT PROGRAM

10A NCAC 27G .4503 OPERATIONS

(a) A SACOT shall operate in a setting separate from the client's residence.

(b) Each SACOT shall provide services a minimum of 20 hours per week.

(c) Each SACOT shall operate at least four hours per day, at least five days per week with a maximum of two days between offered services.

(d) Each SACOT shall provide a structured program of services in the amounts, frequencies and intensities specified in each client's treatment plan.

(e) Group counseling shall be provided each day program services are offered.

(f) Each SACOT shall develop and implement written policies to carry out crisis response for their clients on a face to face and telephonic basis 24 hours a day, seven days a week, which shall include at a minimum the capacity for face to face emergency response within two hours.

(g) Psychiatric consultation shall be available as needed.

(h) Before discharge, the program shall complete a discharge plan and refer each client who has completed services to the level of treatment or rehabilitation as specified in the treatment plan.

Substance Abuse Intensive Outpatient Program (State-Funded):

Level 2.1 Intensive Outpatient Services ASAM Criteria

Service Definition and Required Components

Substance Abuse Intensive Outpatient Program (SAIOP) means structured individual and group addiction activities and services that are provided at an outpatient program designed to assist adults and adolescents to begin recovery and learn skills for recovery maintenance. The program is offered at least 3 hours a day, at least 3 days a week, with no more than 2 consecutive days between offered services, and distinguishes between those individuals needing no more than 19 hours of structured services per week (ASAM Level 2.1). The individual must be in attendance for a minimum of 3 hours a day in order to bill this service. SAIOP services shall include a structured program consisting of, but not limited to, the following services:

- a. Individual counseling and support;
- b. Group counseling and support;
- c. Family counseling, training or support;
- d. Biochemical assays to identify recent drug use (e.g. urine drug screens);
- e. Strategies for relapse prevention to include community and social support systems in treatment;
- f. Life skills;
- g. Crisis contingency planning;
- h. Disease Management; and
- i. Treatment support activities that have been adapted or specifically designed for individuals with physical disabilities; or individuals with co-occurring disorders of mental illness and substance use; or an intellectual and developmental disability and substance use disorder.

SAIOP can be designed for homogenous groups of individuals e.g., pregnant women, and women and their children; individuals with co-occurring mental health and substance use disorders; individuals with human immunodeficiency virus (HIV); or individuals with similar cognitive levels of functioning. Group counseling shall be provided each day SAIOP services are offered.

SAIOP includes:

- a. case management to arrange, link or integrate multiple services; and
- b. assessment and reassessment of the individual's need for services.

SAIOP services also:

- a. inform the individual about benefits, community resources, and services;
- b. assist the individual in accessing benefits and services;
- c. arrange for the individual to receive benefits and services; and
- d. monitor the provision of services.

Individuals may be residents of their own home, a substitute home, or a group care setting; however, the SAIOP must be provided in a setting separate from the individual's residence. The program is provided over a period of several weeks or months.

A service order for SAIOP must be completed by a physician, licensed psychologist, physician assistant or nurse practitioner according to their scope of practice prior to or on the day that the services are to be provided.

Provider Requirements

SAIOP must be delivered by practitioners employed by substance abuse provider organizations that meet the requirements of 10A NCAC 27G and the provider qualification policies, procedures, and standards established by DMH/DD/SAS. These policies and procedures set forth the administrative, financial, clinical, quality improvement, and information services infrastructure necessary to provide services. Provider organizations shall demonstrate that they meet these standards by being credentialed by the LME-MCO. Additionally, the organization shall achieve national accreditation with at least one of the designated accrediting bodies within one year of enrollment as a provider with the LME-MCO. The organization shall be established as a legally recognized entity in the United States and qualified or registered to do business as a corporate entity in the State of North Carolina, capable of meeting all of the requirements of the LME-MCO credentialing process, DMH/DD/SAS Communication Bulletins, the DMH/DD/SAS *Records Management and Documentation Manual*, and service implementation standards. The provider organization shall comply with all applicable federal and state requirements.

Organizations that provide SAIOP must provide "first responder" crisis response on a 24 hours a day seven days a week 365 days a year basis to individuals who are receiving this service.

Staffing Requirements

Persons who meet the requirements specified for CCS, LCAS, LCAS-A, and CSAC under Article 5C may deliver SAIOP. The program must be under the clinical supervision of a CCS or a LCAS who is on site a minimum of 50% of the hours the service is in operation. Services may also be provided by staff who meet the requirements specified for QP or AP status for Substance Abuse according to 10A NCAC 27G .0104, under the supervision of a CCS or LCAS. The maximum face-to-face staff-to-beneficiary ratio is not more than 12 adult beneficiaries to 1 QP based on an average daily attendance. The ratio for adolescents shall be 1:6. Paraprofessional level providers who meet the requirements for Paraprofessional status according to 10A NCAC 27G .0104 and who have the knowledge, skills, and abilities required for the population and age to be services may deliver SAIOP, under the supervision of a CCS or LCAS. Paraprofessional level providers may not provide services in lieu of on-site service provision by a CCS, LCAS, LCAS-A, CSAC, or QP.

Service Type and Setting

Facility is licensed under 10A NCAC 27G .4400.

Program Requirements

See Service Definition and Required Components.

Utilization Management

The initial 30 calendar days of treatment do not require a prior authorization. Services provided after this initial 30 day "pass-through" period require authorization from the LME-MCO. This pass-through is available only once per treatment episode and only once per state fiscal year. The amount, duration, and frequency of SAIOP service must be included in an individual's authorized PCP. Services may not be delivered less frequently than the structured program set forth in the service description above.

Reauthorization shall not exceed 60 calendar days. Under exceptional circumstances, one additional reauthorization up to 2 weeks can be approved. This service is billed with a minimum of three hours per day as an event. All utilization review activity shall be documented in the service record.

This service is billed with a minimum of three hours per day as an event.

Eligibility Criteria

The individual is eligible for this service when ALL of the following criteria are met:

- A. There is a substance use disorder diagnosis present;
- B. The individual meets ASAM Level 2.1 criteria.

Continued Service Criteria

The individual is eligible to continue this service if the desired outcome or level of functioning has not been restored, improved, or sustained over the time frame outlined in the individual's PCP or the individual continues to be at risk for relapse based on history or the tenuous nature of the functional gains or any one of the following applies:

- A. The individual has achieved positive life outcomes that support stable and ongoing recovery, and additional goals are indicated.
- B. The individual is making satisfactory progress toward meeting goals.
- C. The individual is making some progress, but the PCP (specific interventions) needs to be modified so that greater gains, which are consistent with the individual's premorbid level of functioning, are possible or can be achieved.
- D. The individual is not making progress; the PCP must be modified to identify more effective interventions
- E. The individual is regressing; the PCP must be modified to identify more effective interventions.

Expected Outcomes

The expected outcome of SAIOP is abstinence. Secondary outcomes include: sustained improvement in health and psychosocial functioning, reduction in any psychiatric symptoms (if present), reduction in public health or safety concerns, and a reduction in the risk of relapse as evidenced by improvement in empirically supported modifiable relapse risk factors.

Documentation Requirements

Minimum standard is a daily full service note for each day of SAIOP that includes the individual's name, Medicaid identification number, date of service, purpose of contact, describes the provider's interventions, the time spent performing the intervention, the effectiveness of interventions, and the signature and credentials of the staff providing the service. A documented discharge plan will be discussed with the individual and included in the record.

Discharge Criteria

The individual meets the criteria for discharge if any one of the following applies:

Individual's level of functioning has improved with respect to the goals outlined in the PCP, inclusive of a transition plan to step down, or no longer benefits, or has the ability to function at this level of care and any of the following applies:

- A. The individual has achieved positive life outcomes that support stable and ongoing recovery.
- B. The individual is not making progress, or is regressing and all realistic treatment options have been exhausted indicating a need for more intensive services.
- C. The individual no longer wishes to receive SAIOP services.

Service Exclusions and Limitations

SAIOP may not be billed during the same authorization as SA Comprehensive Outpatient Treatment, all detoxification services levels, Non-Medical Community Residential Treatment or Medically Monitored Community Residential Treatment.

Substance Abuse Comprehensive Outpatient Treatment Program (State Funded)

Level 2.5 Partial Hospitalization ASAM Criteria

Service Definition and Required Components

Substance Abuse Comprehensive Outpatient Treatment (SACOT) program means a periodic service that is a time-limited, multi-faceted approach treatment service for adults who require structure and support to achieve and sustain recovery.

SACOT Program is a service emphasizing:

- a. reduction in use of substances or continued abstinence;
- b. the negative consequences of substance use;
- c. development of social support network and necessary lifestyle changes;
- d. educational skills;
- e. vocational skills leading to work activity by reducing substance use as a barrier to employment;
- f. social and interpersonal skills;
- g. improved family functioning;
- h. the understanding of addictive disease; and
- i. the continued commitment to a recovery and maintenance program.

These services are provided during day and evening hours to enable individuals to maintain residence in their community, continue to work or go to school, and to be a part of their family life. The following types of services are included in the SACOT Program:

- a. individual counseling and support;
- b. group counseling and support;
- c. family counseling, training or support;
- d. biochemical assays to identify recent drug use (e.g., urine drug screens);
- e. strategies for relapse prevention to include community and social support systems in treatment;
- f. life skills;
- g. crisis contingency planning;
- h. disease management; and
- i. treatment support activities that have been adapted or specifically designed for individuals with physical disabilities; or individuals with co-occurring disorders of mental illness and substance use; or an intellectual and developmental disability and substance use disorder.

SACOT programs can be designed for homogenous groups of individuals, including:

- a. individuals being detoxed on an outpatient basis;
- b. individuals with chronic relapse issues;
- c. pregnant women, and women and their children;
- d. individuals with co-occurring mental health and substance use disorders;
- e. individuals with HIV; or
- f. individuals with similar cognitive levels of functioning.

SACOT includes case management to arrange, link or integrate multiple services as well as assessment and reassessment of the individual's need for services. SACOT services also:

- a. inform the individual about benefits, community resources, and services;
- b. assist the individual in accessing benefits and services;
- c. arrange for the individual to receive benefits and services; and
- d. monitor the provision of services.

Individuals receiving SACOT may be residents of their own home, a substitute home, or a group care setting; however, the SACOT Program must be provided in a setting separate from the individual's residence.

A comprehensive clinical assessment is one mechanism to demonstrate medical necessity for a service and to assess and identify an individual's needs. For state-funded services, a service order is recommended. Providers shall coordinate with the LME-MCO regarding their requirements for service orders.

This service must operate at least 20 hours per week and offer a minimum of 4 hours of scheduled services per day, with availability at least 5 days per week with no more than 2 consecutive days without services available. The individual must be in attendance for a minimum of 4 hours a day in order to this for this service. Group counseling services must be offered each day the program operates. Services must be available during both day and evening hours.

A SACOT Program may have variable lengths of stay and reduce each individual's frequency of attendance as recovery becomes established and the individual can resume more and more usual life obligations. The program conducts random drug screening and uses the results of these tests as part of a comprehensive assessment of participants' progress toward goals and for Person Centered Planning.

Provider Requirements

SACOT Programs shall be delivered by a team of practitioners employed by substance abuse provider organizations that meet the requirements of 10A NCAC 27G and the provider qualification policies, procedures, and standards established by DMH/DD/SAS. These policies and procedures set forth the administrative, financial, clinical, quality improvement, and information services infrastructure necessary to provide services. Provider organizations shall demonstrate that they meet these standards by being credentialed by the LME-MCO. Additionally, the organization shall achieve national accreditation with at least one of the designated accrediting bodies within one year of enrollment as a provider with the LME-MCO. The organization shall be established as a legally recognized entity in the United States and qualified or registered to do business as a corporate entity in the State of North Carolina, capable of meeting all of the requirements of the LME-MCO credentialing process, DMH/DD/SAS Communication Bulletins, the DMH/DD/SAS *Records Management and Documentation Manual*, and service implementation standards. The provider organization shall comply with all applicable federal and state requirements.

Organizations that provide SACOT must provide "first responder" crisis response on a 24 hours a day seven days a week 365 days a year basis to individuals who are receiving this service.

Staffing Requirements

Persons who meet the requirements specified for CCS, LCAS, LCAS-A, and CSAC under Article 5C may deliver SACOT Program. The program must be under the clinical supervision of a CCS or LCAS who is on site a minimum of 90% of the hours the service is in operation. Clinical services may also be provided by staff who meet the requirements specified for QP or AP status for Substance Abuse according to 10A NCAC 27G .0104, under the supervision of a CCS or LCAS. The maximum face-to-face staff-to-beneficiary ratio is not more than 10 adult beneficiaries to one QP based on an average daily attendance. Paraprofessional level providers who meet the requirements for paraprofessional status according to 10A NCAC 27G .0104 and who have the knowledge, skills, and abilities required by the population and age to be served may deliver SACOT Program, under the supervision of a CCS or LCAS. Paraprofessional level providers may not provide services in lieu of on-site service provision to beneficiaries by a qualified CCS, LCAS, LCAS-A, CSAC, or QP.

Consultation Services

Individuals receiving the service must have ready access to psychiatric assessment and treatment services when warranted by the presence of symptoms indicating co-occurring substance use and mental health disorders (e.g. major depression, schizophrenia, borderline personality disorder). These services shall be delivered by a psychiatrists who meet requirements as specified in NCAC 27G .0104. The providers shall be familiar with the SACOT Program treatment plan for each individual seen in consultation, shall have access to SACOT Program treatment records for the individual, and shall be able to consult by phone or in person with the CCS, LCAS or CSAC providing SACOT Program services.

Service Type and Setting

Facility licensed in accordance with 10A NCAC 27G .4500.

Program Requirements

See Service Definition and Required Components.

Utilization Management

The initial 60 calendar days of treatment do not require a prior authorization. Services provided after this initial 60 day "pass-through" period require authorization from the LME-MCO. This pass-through is available only once per treatment episode and only once per state fiscal year. The amount, duration, and frequency of SACOT service must be included in the individual's authorized PCP. Services may not be delivered less frequently than the structured program set forth in the service description above.

Reauthorization shall not exceed 60 calendar days. This service is billed with a minimum of four hours per day billed in hourly increments. Utilization management must be performed by the LME-MCO. All utilization review activity shall be documented in the service record.

This service is billed with a minimum of four hours per day billed in hourly increments.

Eligibility Criteria

The individual is eligible for this service when the following criteria are met:

- A. There is a substance use disorder diagnosis present.

AND

- B. The individual meets ASAM Level 2.5 criteria.

Continued Service Criteria

The individual is eligible to continue this service if the desired outcome or level of functioning has not been restored, improved, or sustained over the time frame outlined in the individual's PCP or the individual continues to be at risk for relapse based on history or the tenuous nature of the functional gains or any one of the following applies:

1. The individual has achieved initial PCP goals and continued service at this level is needed to meet additional goals.
2. The individual is making satisfactory progress toward meeting goals.
3. The individual is making some progress, but the PCP (specific interventions) needs to be modified so that greater gains, which are consistent with the individual's premorbid level of functioning, are possible or can be achieved.
4. The individual is not making progress; the PCP must be modified to identify more effective interventions.
5. Individual is regressing; the PCP must be modified to identify more effective interventions.

AND

Utilization review must be conducted every 30 days and is so documented in the PCP and the service record.

Discharge Criteria

The individual meets the criteria for discharge if any one of the following applies:

The individual's level of functioning has improved with respect to the goals outlined in the PCP, inclusive of a transition plan to step down, or no longer benefits, or has the ability to function at this level of care and any of the following applies:

1. The individual has achieved positive life outcomes that support stable and ongoing recovery.
2. The individual is not making progress, or is regressing and all realistic treatment options have been exhausted indicating a need for more intensive services.
3. The individual or family no longer wishes to receive SACOT services.

Expected Outcomes

The expected outcome is abstinence. Secondary outcomes include: sustained improvement in health and psychosocial functioning, reduction in any psychiatric symptoms (if present), reduction in public health or safety concerns, and a reduction in the risk of relapse as evidenced by improvement in empirically-supported modifiable relapse risk factors. For individuals with co-occurring mental health and substance use disorders, improved functioning is the expected outcome.

Documentation Requirements

Minimum standard is a daily full service note for each day of SACOT that includes the individual's name, Medicaid identification number, date of service, purpose of contact, describes the provider's interventions, the time spent performing the intervention, the effectiveness of interventions, and the signature and credentials of the staff providing the service. A



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.

Life Counseling (AM1805)

Type of Request

Text Amendment

Meeting Dates

Planning Board on July 17, 2018

City Council on August 7, 2018

- ☐ 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 July, 2018.

Attest:

Ricky Hall, Planning Board Chair

Debbie Jolly, Secretary



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Entrance Overlays

Type of Request: Text Amendment

Meeting Dates

Planning Board on May 15, 2018

Contact Information

Not Applicable

Summary

The Planning Board has requested a proposal for the entry corridors into Graham from Burlington and Haw River. There is no formal recommendation of language at this time, it is more an intent to gather information from the Planning Board and begin to draft the Overlay.

Project Name

Entrance Overlays (AM1803)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

I reached out to Burlington, who expects the Maple Ave Corridor Plan in the fall, as well as Lillington, Monroe, and Reidsville, who doesn't have an entrance overlay currently. I also reached out to Statesville, Madison, Eden and Pittsboro, none of which responded to my email request.

Language for discussion:

The purposes of the Overlay District include:

1. Preserving and enhancing the overall image of the Overlay District and Historic District.
2. Encouraging development that compliments and expands the unique character of the Overlay District and its surrounding area.
3. Establishing Graham as a unique high quality community within the Triad by creating development that provides visual interest consistent with the community goals.
4. Enhancing the business economy through the creation of attractive commercial areas.
5. Preserving and enhancing property values through creation of high quality developments.
6. Implementing the goals, policies, and objectives recommendation of the *The Graham 2035 Comprehensive Plan*.
7. Promoting the overall health, safety, and welfare of the citizens, residents, workers, and business owners.
8. <insert additional items>

Discussion Items

Prohibited Uses, Building Standards, Signage, Landscaping, Access Management and Parking Areas, Building Orientation, Sidewalks, Screening/Buffering, any others the Planning Board considers worthy?

Staff Recommendation

- At this time, the Planning Board will discuss the items they wish to see included in the draft overlay. A subsequent draft will be published with potential regulations.

SCENIC CORRIDOR OVERLAY DISTRICTS DESIGN MANUAL



July 1, 2010

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Requirements for All Scenic Corridors

The following general requirements apply to all Scenic Corridor Overlay Districts:

- (1) For the purposes of this Design Manual, a Scenic Corridor Overlay District is a district that supplements the underlying zoning district established on the site. In addition to the requirements of the underlying zoning district(s), the requirements herein shall apply to all new construction, additions, alterations, or expansions to existing buildings, parking lots or vehicular storage areas, unless explicitly exempted.
- (2) All uses permitted in the underlying zoning districts are allowed as regulated by said districts, unless explicitly modified.
- (3) The specific development requirements of a particular Scenic Corridor Overlay District shall apply uniformly to all property within said district, as specified in the officially adopted corridor plan and this Design Manual.
- (4) In case of conflict with the regulations of the underlying zoning district within the Land Development Ordinance and this Design Manual, the more restrictive requirement shall govern.

NC Highway 68 Scenic Corridor

Applicability

Application: The NC Highway 68 Scenic Corridor Overlay District design standards of this manual shall apply to all principal buildings on lots or open uses of land constructed, reconstructed, or established after the effective date of the Land Development Ordinance (July 1, 2010), except as exempted or otherwise provided below.

Exemptions: The NC Highway 68 Scenic Corridor Overlay District design standards shall not apply to:

- (1) Single-family detached dwellings or two-family dwellings on their own lots.
- (2) A change in use, which does not result in an increase of two or more in the Land Use Classification number.
- (3) Those buildings and their accessory uses including parking or vehicular storage areas existing on the effective date of the Land Development Ordinance whose gross square footage of building, parking area, or open use of land is not expanded in excess of 3,000 square feet of that which existed on the effective date of the Land Development Ordinance.
- (4) Those projects that have an approved Site Specific Development Plan in compliance with the Land Development Ordinance.

Expansion of Existing Uses: For those buildings, parking areas, or open uses of land which are expanded in excess of 3,000 square feet of their gross square footage after the effective date of the Land Development Ordinance the following requirements shall be met:

- (1) Required planting yards shall be provided. In locations where the entire width of the required planting yard cannot be provided due to existing development, planting yards shall be provided to the extent possible, with no reduction in the size or numbers of required plantings.
- (2) The expanded portion only of any new parking lot or vehicular storage area shall meet the full landscaping and screening requirements for parking and vehicular surface areas.
- (3) Nonconforming signage shall comply with the Land Development Ordinance.

Use and Design Standards

(A) **Landscaping and Screening Requirements:** Landscaping and screening shall be in accordance with the following requirements. In case of conflict with the landscape and tree conservation requirements of the Land Development Ordinance, the stricter standard shall apply.

(1) Planting yards for lots that do not have frontage on NC Highway 68 shall be as required by Land Development Ordinance.

(2) Street planting yards along NC Highway 68:

(a) Shall be used in a limited fashion for signage, walkways, fountains and other amenities, as long as no more than 15 percent of the yard is covered with built upon areas;

(b) Shall be a minimum of 20 feet in width and have an average width of 30 feet;

(c) Shall have the following planting rates:

(i) Four canopy trees for every 100 linear feet;

(ii) Four understory trees for every 100 linear feet; and

(iii) 34 shrubs for every 100 linear feet.

(d) There shall be at least one canopy tree for every 50 linear feet.

(3) **Parking and Loading Areas:**

(a) If a lot adjacent to NC Highway 68 has a parking lot located between the right-of-way and the principal building line, the parking lot shall be screened at a height of four and one-half feet and may be augmented with earthen berms or mounds, existing vegetation, solid fencing, masonry walls or any combination thereof to take advantage of site topography for maximum screening. Tree conservation considerations shall not eliminate the requirement for landscape plantings to screen such a parking lot. The intent of this requirement is to screen parking areas solely and should not be applied so as to eliminate building visibility.

(b) Loading areas, docks, and doors shall be restricted to the area between the rear property line and the principal building(s), as viewed from NC Highway 68. Loading areas, docks, and doors may be located on the side of a principal building if fully screened as much as reasonably possible from ground level view from NC Highway 68.

(4) Accessory outside storage areas, trash rooms, garbage containers, or trash holding receptacles shall be fully screened as much as reasonably possible from ground level view from NC Highway 68.

(5) Parking lot and perimeter lighting shall include diffusers or minimal wattage bulbs that minimize glare to adjoining roadways and properties. Lighting levels measured at the edge of the property shall not exceed three footcandles.

(B) Signage: Signage shall be in accordance with the following requirements. In case of conflict with the signage provisions of the underlying zoning districts, the stricter standard shall apply.

(1) Prohibited signs: In addition to signage prohibited by the Land Development Ordinance, the following signs shall be prohibited in the NC Highway 68 Overlay District:

- (a) Information boards that are visible from driver's eye level on any portion of a travel lane or ramp of NC Highway 68, except for fuel pricing and church identification signs as allowed by Sections (2) and (3) below;
- (b) Electronic message boards that are visible from driver's eye level on any portion of a travel lane or ramp of NC Highway 68, except for time and temperature signs which do not exceed 15 square feet of copy area;
- (c) Outdoor advertising signs;
- (d) Ground surface signs; and
- (e) Signs containing exposed neon tubing, but not including those attached to a window.

(2) Freestanding Signs: Accessory freestanding signs shall be in accordance with the following specifications:

- (a) Signs shall display only the name, trademark, and registered logo;
- (b) Fuel pricing signs shall display only the name, trademark, registered logo or vehicular fuel product and prices;
- (c) Church identification signs shall display only the church name, service hours, and church related events;
- (d) Signage shall be limited to monument type signs, except for developments with two or more businesses and more than 25,000 square feet of gross floor area.
- (e) Limited to one sign per frontage;
- (f) Maximum height:

- (i) Six feet for lots with less than 200 feet of frontage; and
- (ii) 15 feet for lots exceeding 200 feet of frontage.

(g) Maximum area:

- (i) 50 square feet for single businesses;
- (ii) 90 square feet for developments with two or more businesses and 25,000 square feet or less gross floor area; and

(iii) 135 square feet for developments with two or more businesses and more than 25,000 square feet of gross floor area.

(h) For lots adjoining the Interstate 40 right-of-way, or lots located on a service road that physically adjoins the Interstate 40 right-of-way, freestanding signs shall conform to the underlying zoning district size and height requirements of the Land Development Ordinance.

(3) Accessory Attached Signs: Accessory attached signs shall be in accordance with the following specifications:

- (a) Limited to one sign per wall;
- (b) Maximum area of seven and one-half percent of the wall area not to exceed 100 square feet; and
- (c) The height of the sign shall not exceed the top of the wall.

(4) In nonresidential districts, illumination of all signage shall be limited to cut-out letter and indirect lighting, except for wall signage in commercial districts. In commercial districts, back lit wall signage shall be permitted; however, signs with panels over fluorescent lighting shall be opaqued.

(C) Convenience Stores with Fuel Pumps and Gasoline Service Stations:

(1) Buildings: Convenience store and gasoline service station buildings shall comply with the following standards:

- (a) Buildings shall have hip or gable roofs with natural earth tones, white, black, or shades of gray. Flat roofs are prohibited;
- (b) Buildings shall be constructed with natural earth tone brick or with masonry which is painted with natural earth tones, white, black, or shades of gray; and
- (c) Building soffit lighting shall include diffusers that minimize glare to adjoining roadways and properties. Lighting levels measured at the ground surface, a distance of 20 feet from the edge of the soffit, shall not exceed 20 footcandles.

(2) Canopies:

- (a) All freestanding canopies shall meet the requirements of Subsection (D) (2) below;
- (b) The maximum area of signage affixed to each side of a canopy shall not exceed 20 square feet or 25 percent of the canopy fascia, whichever is less;
- (c) Canopy lighting shall include diffusers that minimize glare to adjoining roadways and properties. Lighting levels measured at the ground

surface, beneath the edge of the perimeter of the canopy, shall not exceed 20 footcandles; and

(d) Canopy columns shall be finished with either brick or masonry that is consistent with the principal building material.

(3) Landscape boulders or other decorative devices shall be used near driveway entrances in lieu of steel bollards. However, bollards may be used to protect fuel pump islands.

(4) If fuel pumps are not located to the rear of the principal building, as viewed from NC Highway 68, the street planting yard shall contain two additional understory trees for every 100 linear feet. Trees and shrubs located in the street planting yard shall be equally spaced throughout the yard to achieve an effective screen.

(D) Architecture:

(1) Corrugated metal siding is prohibited if visible from NC Highway 68 unless the siding meets the following specifications:

(i) Corrugations on the exterior face do not exceed five-sixteenths inch in depth; and

(ii) Fasteners used to attach siding to structural members are concealed from view from the exterior.

(2) No awnings or canopy fascias shall be internally lit.

(3) Building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided.

(4) Building color schemes shall blend in with surroundings. Multiple colors and garish or unusual patterns or geometric shapes shall be avoided.

(5) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with this section shall be achieved and approved by the Planning Director prior to installation.

(6) Appropriate screening shall be provided to obscure as much as reasonably possible all roof-mounted equipment, roof vents, or other unsightly building appurtenances from view from NC Highway 68.

Urban Loop - Scenic Corridor SCO-1

Applicability

Application: Urban Loop Scenic Corridor Overlay – 1 design standards of this manual shall apply to all principal buildings on lots or open uses of land constructed, reconstructed, or established after the effective date of the Land Development Ordinance (July 1, 2010), except as exempted or otherwise provided below.

Exemptions: The Urban Loop Scenic Corridor Overlay – 1 design standards shall not apply to:

- (1) Those buildings and their accessory uses including parking or vehicular storage areas existing on the effective date of the Land Development Ordinance whose built upon area is not expanded in excess of 25 percent of the area existing at the time of the effective date of the Land Development Ordinance,
- (2) Those projects that have an approved Site Specific Development Plan in compliance with the Land Development Ordinance.

Expansion of Existing Uses: Once the built upon area of the property is increased by 25 percent of the area existing at the time of the effective date of the Land Development Ordinance, street protective yards shall be required containing 50 percent of the required width and 50 percent of all required plantings.

Use and Design Standards

(A) **Permitted Uses:** Subject to the provisions of this overlay zone, all uses permitted in the underlying zoning districts are allowed except those listed below, which are prohibited if visible from the highway:

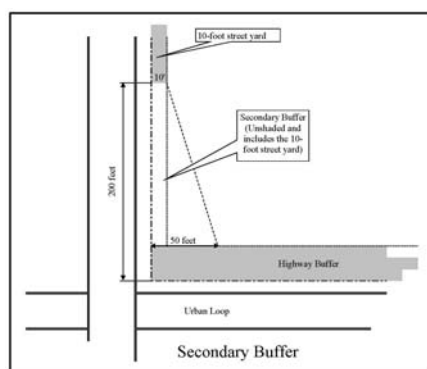
- (1) Flea markets, outdoor;
- (2) Land clearing and inert debris landfills, major;
- (3) Outdoor retail sales;
- (4) Outdoor storage; and
- (5) Salvage yards, junk yards; or scrap processing.

(B) **Buffer Requirements:**

- (1) A natural undisturbed buffer, a minimum 40 feet wide and a maximum 75 feet wide, with an average width of 50 feet, shall be maintained along the portion

of any lot adjacent to the highway right-of-way. If there are no existing canopy or understory trees in the buffer area, then the following planting rates shall apply. If existing canopy or understory trees in the buffer area do not satisfactorily provide screening that would be similar to that achieved by the planting rates, then supplemental canopy or understory trees shall be required, as determined by the Planning Director. Portions of the buffer area that do not contain significant vegetation may be graded if the Technical Review Committee grants a modification upon a finding that equal or better performance, with regard to visibility from the highway, will result from the alternate standards portrayed on the plan. In addition, the Planning Director will require the installation of plant material at locations to maximize the visual buffering. The following planting rates per 100 linear feet shall be used:

- (a) Nine canopy trees; and
- (b) 12 understory trees.



(2) A secondary natural undisturbed buffer meeting the following standards shall be maintained for a distance of 200 feet along any street right-of-way intersecting the highway right-of-way. If there are no existing canopy or understory trees in the buffer area, then the following planting rates shall apply. If existing canopy or understory trees in the buffer area do not satisfactorily provide screening that would be similar to that achieved by the planting rates, then supplemental canopy or understory trees shall be required, as determined by the Planning Director. Portions of the buffer area that do not contain significant vegetation¹ may be graded if the Technical Review Committee grants a modification upon a finding that equal or better performance, with regard to visibility from the street intersecting the highway right-of-way, will result from the alternate standards portrayed on the plan. In addition, the Planning Director will require the installation of plant material at locations to maximize the visual buffering:

¹ *Significant vegetation.* A group of four or more trees, four inches or greater DBH, that are within 30 feet of one other tree or form a contiguous canopy. The trees must have a life expectancy of greater than 10 years, and a relatively sound and solid trunk with no extensive decay or disease.

(a) The 200 foot distance requirement shall be measured from the intersection of the rights-of-way; however, the secondary buffer width and planting rate shall begin at the termination of the buffer along the highway.

(b) The width of the secondary buffer shall proportionately decrease from 50 feet at its inception to 10 feet at its termination, with the following planting rates:

- (i) One canopy tree per 555 square feet of buffer area; and
- (ii) One understory tree per 420 square feet of buffer area.

(c) The required street planting yard meeting the width and planting rates of the Land Development Ordinance shall be provided along the street right-of-way intersecting the highway. The width and plantings of the street yard count toward achieving the overlay buffer requirements.

(3) Buffer Width Reduction:

(a) If a minimum five-foot high earthen berm is installed in locations where a natural buffer does not exist, the minimum, maximum, and average width of the buffer may be reduced by ten feet. The earthen berm shall contain a rounded crown suitable for planting and a stabilized side slope of no greater than three-to-one (3:1).

(b) If walls, a minimum of five feet in height, constructed of masonry, stone or pressure treated lumber, or an opaque fence, a minimum of five feet in height, are installed in locations where a natural buffer does not exist, the minimum, maximum, and average width of the buffer may be reduced by ten feet, provided that:

- (i) The installation of the wall or fence does not disturb the critical root zone of existing trees;
- (ii) The wall or fence is installed at a location to maximize the visual screening; and
- (iii) The use of chain-link fencing with woven slats of opaque material and retaining walls are not acceptable for this buffer width reduction.

(c) The following planting rates per 100 linear feet shall be used:

- (i) Seven canopy trees; and
- (ii) 10 understory trees.

(4) Trees shall be planted a minimum of 10 feet, but no more than 50 feet, from other trees.

(5) Trees located within the required buffer area may be used to meet tree conservation requirements of the Land Development Ordinance.

(6) No development, including improvements, buildings, structures, parking areas or open-air uses are allowed within the buffer, except free-standing signage which is not visible from the highway, as per Section (C) (5). In approving a site plan or subdivision plat, however, streets or easements may be permitted to cross the buffer when necessary for access or provision for utilities.

(7) To allow an existing or new development to preserve the required natural undisturbed buffer area, the number of required off-street parking spaces shall be reduced by the Planning Director by up to 10 percent if requested by the applicant.

(8) No development shall be required to have the buffer area exceed 20 percent of the total site. If it is necessary to reduce the buffer area, the secondary buffer area along any street right-of-way intersecting the highway shall be reduced first.

(9) The Technical Review Committee may grant a Type 2 modification to Subsection (B), Buffers Requirements, where unreasonable or impractical situations result and alternate methods of compliance are proposed, in accordance with the modification process established in Land Development Ordinance.

(C) Signage: Signage shall be in accordance with the following requirements. In case of conflict with the signage provisions of the underlying zoning districts, the stricter standard shall apply.

(1) In addition to signage prohibited by the Land Development Ordinance, the following signs shall be prohibited:

- (a) Outdoor advertising signs;
- (b) Ground surface signs; and
- (c) Signs containing exposed neon tubing, but not including those attached to a window.

(2) Freestanding signage shall be limited to one monument type sign per frontage as specified below:

Development Size	Maximum Height	Maximum Size
< 25,000 sq. ft.	6 ft.	50 sq. ft.
25,000--49,999 sq. ft.	10 ft.	90 sq. ft.
50,000--100,000 sq. ft.	15 ft.	140 sq. ft.
> 100,000 sq. ft.	20 ft.	200 sq. ft.

(3) In C-H zoning or in Integrated Multiple Use Developments, freestanding signage for each outparcel shall be limited to one monument sign meeting the size and height requirements of the Land Development Ordinance.

(4) In nonresidential districts, illumination of all signage shall be limited to cut-out letter and indirect lighting, except for wall signage in commercial districts. In commercial districts, back lit wall signage shall be permitted; however, signs with panels over fluorescent lighting shall be opaqued.

(5) Freestanding signage, visible from the highway, is not permitted in protective buffer area(s) except at access points.

(D) Access Management:

(1) Major or minor thoroughfares that intersect the highway shall have a minimum of 500 feet of corner clearance when determined to be practical by NCDOT or GDOT; and

(2) Local or collector streets that intersect the highway shall have a minimum of 200 feet of corner clearance when determined to be practical by NCDOT or GDOT.

(E) Additional Requirements:

(1) Structures shall not exceed 80 feet in height within 500 feet of the highway right-of-way, as measured from the base of the building at the finished grade or from the adjacent highway grade, whichever is higher, to the top of the highest component of the building.

(2) Loading areas, docks, and doors shall be screened as much as reasonably possible from ground level view from the highway.

(3) If visible from the highway, building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided.

Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with this section shall be achieved and approved by the Planning Director prior to installation. This Subsection shall not apply to residentially zoned property.

(4) All outdoor lighting shall include diffusers or minimal wattage bulbs that minimize glare to adjoining roadways and properties. This Subsection shall not apply to residentially zoned property.

(5) All new on-site utilities shall be located underground unless required by the utility to be otherwise.

Urban Loop - Scenic Corridor SCO-2

Applicability

Application: Urban Loop Scenic Corridor Overlay – 2 design standards of this manual shall apply to all principal buildings on lots or open uses of land constructed, reconstructed, or established after the effective date of the Land Development Ordinance (July 1, 2010), except as exempted or otherwise provided below.

Exemptions: The Urban Loop Scenic Corridor Overlay – 2 design standards shall not apply to:

- (1) Those buildings and their accessory uses including parking or vehicular storage areas existing on the effective date of the Land Development Ordinance whose built upon area is not expanded in excess of 25 percent of the area existing at the time of the effective date of the Land Development Ordinance,
- (2) Those projects that have an approved Site Specific Development Plan in compliance with the Land Development Ordinance.

Expansion of Existing Uses: Once the built upon area of the property is increased by 25 percent of the area existing at the time of the effective date of the Land Development Ordinance, street protective yards shall be required containing 50 percent of the required width and 50 percent of all required plantings.

Use and Design Standards

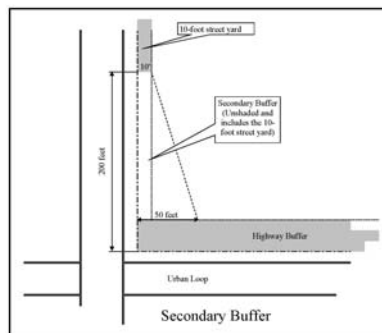
(A) Permitted Uses: Subject to the provisions of this overlay zone, all uses permitted in the underlying zoning districts are allowed except those listed below, which are prohibited if visible from the highway:

- (1) Flea markets, outdoor;
- (2) Land clearing and inert debris landfills, major;
- (3) Outdoor retail sales;
- (4) Outdoor storage; and
- (5) Salvage yards, junk yards; or scrap processing.

(B) Buffer Requirements: The following buffer requirements shall be maintained along the portion of any lot adjacent to the highway right-of-way, unless the standards described in section (C) below are achieved and approved by the TRC.

(1) A natural undisturbed buffer, a minimum 25 feet wide and a maximum 50 feet wide, with an average width of 30 feet, shall be maintained along the portion of any lot adjacent to the highway right-of-way. If there are no existing canopy or understory trees in the buffer area, then the following planting rates shall apply. If existing canopy or understory trees in the buffer area do not satisfactorily provide screening that would be similar to that achieved by the planting rates, then supplemental canopy or understory trees shall be required, as determined by the Planning Director. The following planting rates per 100 linear feet shall be used:

- (a) Four canopy trees; and
- (b) Four understory trees.



(2) A secondary natural undisturbed buffer meeting the following standards shall be maintained for a distance of 200 feet along any street right-of-way intersecting the highway right-of-way:

- (a) The 200 foot distance requirement shall be measured from the intersection of the rights-of-way; however, the secondary buffer width and planting rate shall begin at the termination of the buffer along the highway.
- (b) The width of the secondary buffer shall proportionately decrease from 30 feet at its inception to 10 feet at its termination, with the following planting rates:
 - (i) One canopy tree per 600 square feet of buffer area; and
 - (ii) One understory tree per 375 square feet of buffer area.
- (c) The required street planting yard meeting the width and planting rates of the Land Development Ordinance shall be provided along the street right-of-way intersecting the highway. The width and plantings of the street yard count toward achieving the overlay buffer requirements.

(3) Buffer Width Reduction:

(a) If a minimum five-foot high earthen berm is installed in locations where a natural buffer does not exist, the minimum, maximum, and average width of the buffer may be reduced by ten feet. The earthen berm shall contain a rounded crown suitable for planting and a stabilized side slope of no greater than three-to-one (3:1).

(b) If walls, a minimum of five feet in height, constructed of masonry, stone or pressure treated lumber, or an opaque fence, a minimum of five feet in height, is installed in locations where a natural buffer does not exist, the minimum, maximum, and average width of the buffer may be reduced by ten feet, provided that:

- (i) The installation of the wall or fence does not disturb the critical root zone of existing trees;
- (ii) The wall or fence is installed at a location to maximize the visual screening; and
- (iii) The use of chain-link fencing with woven slats of opaque material and retaining walls are not acceptable for this buffer width reduction.

(c) The following planting rates per 100 linear feet shall be used:

- (i) Seven canopy trees; and
- (ii) Ten understory trees.

(4) Trees shall be planted a minimum of 10 feet, but no more than 50 feet, from other trees.

(5) Trees located within the required buffer area may be used to meet tree conservation requirements of the Land Development Ordinance.

(6) No development, including improvements, buildings, structures, parking areas or open-air uses are allowed within the buffer, except free-standing signage which is not visible from the highway. In approving a site plan or subdivision plat, however, streets or easements may be permitted to cross the buffer when necessary for access or provision for utilities.

(7) To allow an existing or new development to preserve the required natural undisturbed buffer area, the number of required off-street parking spaces shall be reduced by the Planning Director by up to 10 percent if requested by the applicant.

(8) No development shall be required to have the buffer area 20 percent of the total site. If it is necessary to reduce the buffer area, the secondary buffer area along any street right-of-way intersecting the highway shall be reduced first.

(C) Alternate Requirements: The following requirements are an alternative to the buffer requirements described in section (B) above, and must be approved by the TRC prior to installation.

(1) A street planting yard, a minimum 20 feet wide and a maximum 50 feet wide, with an average width of 30 feet, shall be maintained along the portion of any lot adjacent to the highway right-of-way. The following planting rates per 100 linear feet shall be used:

- (a) Five canopy trees;
- (b) Eight understory trees; and
- (c) 33 shrubs.

(2) Trees shall be planted a minimum of 10 feet, but no more than 75 feet from other trees. Shrubs shall be planted three feet on center.

(3) Parking lot planting areas containing trees shall be installed and maintained. Each parking lot planting area shall have a minimum inside dimension of seven feet and shall have a minimum area of at least 200 square feet. Each parking space must be entirely within the designated distance of a parking lot planter as specified below:

Size of Parking Lot Planter	Number of Trees in Planter	Distance
200 - 499 sq. ft.	1	80 ft.
500 - 899 sq. ft.	3	110 ft.
900+ sq. ft.	5	130 ft.

- (a) For parking lots with 100 parking spaces or less, one canopy tree is required for every eight parking spaces.
- (b) For parking lots with more than 100 parking spaces, the required canopy tree rate shall be used:

Percentage of parking spaces exceeding the minimum requirement	Canopy tree rate
0 - < 10 percent	1/10 parking spaces
10 - < 30 percent	1/9 parking spaces
30 - < 50 percent	1/8 parking spaces
50 percent or greater	1/7 parking spaces.

(4) Architecture:

(a) Buildings visible from the highway shall be finished with one or more of the following materials:

- (i) Brick and brick veneer;
- (ii) Stone, stone veneer, and cultured stone;
- (iii) Precast or field-poured tilt concrete panels with texture and architectural detailing;
- (iv) Stucco with architectural detailing; and
- (v) Wood and wood materials designed and intended for use as exterior finish material.
- (vi) Vinyl siding designed and intended for use as exterior finish material shall be permitted for residential buildings.

(b) No portion of any building visible from the highway shall have an expanse wider than 50 feet or higher than 20 feet without detail or articulation. Large, flat blank expanses are not acceptable.

(c) The architectural style and color of new buildings shall be similar to and compatible with surroundings.

(d) No awnings or canopy fascias shall be internally lit.

(e) Appropriate screening shall be provided to obscure as much as reasonably possible all roof-mounted equipment, roof vents, or other unsightly building appurtenances.

(5) Convenience Stores with Fuel Pumps and Gasoline Service Stations:

(a) Buildings shall be constructed with brick or masonry conforming to the color requirements contained in Subsection (F)(2).

(b) Buildings shall have hip or gable roofs. Flat roofs are prohibited.

(c) Canopy columns shall be finished with either brick or masonry that is consistent with the principal building material.

(d) The maximum area of signage affixed to each side of a canopy shall not exceed 20 square feet or 25 percent of the canopy fascia, whichever is less.

(e) Fuel pricing signs shall display only the name, trademark, registered logo or vehicular fuel product and prices.

(f) If fuel pumps are not located to the rear of the principal building, as viewed from the highway, the street planting yard shall contain two additional understory trees for every 100 linear feet. Trees and shrubs located in the street planting yard shall be equally spaced throughout the yard to achieve an effective screen.

(6) Parking lot and perimeter lighting levels measured at the edge of the property shall not exceed two footcandles.

(D) Signage: Signage shall be in accordance with the following requirements. In case of conflict with the signage provisions of the underlying zoning districts, the stricter standard shall apply.

(1) In addition to signage prohibited by the Land Development Ordinance, the following signs shall be prohibited:

- (i) Outdoor advertising signs;
- (ii) Ground surface signs; and
- (iii) Signs containing exposed neon tubing, but not including those attached to a window.

(2) Freestanding signage shall be limited to one monument type sign per frontage as specified below:

Development Size	Maximum Height	Maximum Size
< 25,000 sq. ft.	6 ft.	50 sq. ft.
25,000--49,999 sq. ft.	10 ft.	90 sq. ft.
50,000--99,999 sq. ft.	15 ft.	140 sq. ft.
100,000--200,000 sq. ft.	20 ft.	200 sq. ft.
> 200,000 sq. ft.	30 ft.	200 sq. ft.

(3) In C-H zoning or in Integrated Multiple Use Developments, freestanding signage for each outparcel shall be limited to one monument sign meeting the size and height requirements of the Land Development Ordinance.

(4) Freestanding signage visible from the highway shall be in accordance with the following requirements:

(a) A decorative base and surrounding frame shall be constructed with a material that is the same as or similar to the majority of the material used for the principal building(s).

(b) A defined landscaped area shall be required at the base of the sign, parallel to the face(s) of the sign. The required landscaped area shall be at least 50 square feet in area. For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.

- (i) The required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, perennials, shrubs,

and ornamental trees covering at least 50 percent of the defined landscaped area at maturity. A plan of the landscaped area indicating the species, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

(5) In nonresidential districts, illumination of all signage shall be limited to cut-out letter and indirect lighting, except for wall signage in commercial districts. In commercial districts, back lit wall signage shall be permitted; however, signs with panels over fluorescent lighting shall be opaqued.

(E) Access Management:

(1) Major or minor thoroughfares that intersect the highway shall have a minimum of 500 feet of corner clearance when determined to be practical by NCDOT or GDOT; and

(2) Local or collector streets that intersect the highway shall have a minimum of 200 feet of corner clearance when determined to be practical by NCDOT or GDOT.

(F) Additional Requirements:

(1) Loading areas, docks, and doors shall be screened as much as reasonably possible from ground level view from the highway.

(2) If visible from the highway, building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided. Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with this section shall be achieved and approved by the TRC prior to installation. This Subsection shall not apply to residentially zoned property.

(3) All outdoor lighting shall include diffusers or minimal wattage bulbs that minimize glare to adjoining roadways and properties. This Subsection shall not apply to residentially zoned property.

(4) All new on-site utilities shall be located underground unless required by the utility to be otherwise.

Scenic Corridor Overlay - 3

(Reserved)

Scenic Corridor Overlay - 4

(Reserved)



The Little Pink House starring Catherine Keener tells the story behind *Kelo v. New London*, the influential eminent domain case. Watch the trailer at youtu.be/6GPWNNITJ9g.

Eminent Domain v. the Little Pink House

PLANNING AND ZONING BOARD MEMBERS perked up their ears this year when they heard the words “eminent domain” uttered in a Hollywood movie. The film is *The Little Pink House*, an adaptation of a 2009 book by Jeff Benedict based on the *Kelo v. New London* case decided by the Supreme Court in 2005.

The plaintiffs, a Connecticut home owner named Susette Kelo and her attorneys at the California-based legal group, the Institute of Justice, had contended that the city was using eminent domain essentially to benefit private developers. In a five-to-four vote, the court affirmed the right of the city and its development group, the New London Development Corporation, to make use of the takings clause of the Constitution.

“You don’t see many movies about urban planning,” says Anthony Flint, a senior fellow at the Lincoln Institute of Land Policy in Cambridge, Massachusetts, who organized a session on the film for a recent urban journalism institute. “This makes us think not only about the law but about the challenges faced by a place like New London, which in the late 1990s was desperately trying to promote regeneration. It also pays tribute to the efforts of one woman to keep her property.”

The little pink house’s impact

Kelo and her neighbors in the Fort Trumbull area astonished local and state officials by refusing to sell their houses. Instead, they sued, charging that it was unconstitutional for the state to acquire their properties through eminent domain in order to transfer them to a private company as part of a 96-acre development plan.

The *Kelo* case, and others that followed, led to legislation in a number of states modifying the use of eminent

domain for the purpose of economic development—and in some cases restricting its use. The Pfizer Corporation, the international pharmaceutical firm that the city was seeking to accommodate, closed its New London plant a few years after the Supreme Court decision.

Critics gave the film version of *The Little Pink House* mixed reviews. Some said there are too many legal details; others, not enough. There is no doubt, however, that members of local planning boards and commissions—and development commissions like the New London Development Corporation—will find it thought-provoking.

In particular, it offers a rare insight into the minds of the home owners who are affected by the decisions of those same boards and commissions. The film reveals the dangers of a lack of communication and a kind of “we know best” attitude on the part of local officials.

An article in the April 2013 issue of *Planning* titled “New London Readies for Its Close-Up” suggests that the city had learned its lesson from the battle. A local resident was quoted as saying, “The elephant in the room is that no one will admit that destroying the neighborhood in order to upgrade it was a risky strategy from the start.” ■

—Ruth Eckdish Knack, FAICP
Knack is a former executive editor of *Planning*.

RESOURCES

FROM APA

Alternatives to Eminent Domain, on-demand education: planning.org/events/course/9126541.

“New London Readies for Its Close-Up,” *Planning*, April 2013: planning.org/planning/2013/apr/newlondon.htm.

ONLINE

“What *Kelo* Does Not (Necessarily) Change,” by George J. Kroclic: duanemorris.com/articles/article3461.html.