

**MINUTES
PLANNING BOARD
DECEMBER 2, 2015
REGULAR MEETING**

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MEMBERS PRESENT: Lydia Wegman (Vice Chair), At-Large Chapel Hill Township; James Lea, Cedar Grove Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Buddy Hartley, Little River Township Representative; Patricia Roberts, Cheeks Township Representative; Laura Nicholson, Eno Township Representative; Herman Staats, At-Large;

MEMBERS ABSENT: Lisa Stuckey, Chapel Hill Township Representative; Tony Blake, Bingham Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Perdita Holtz, Special Projects Coordinator, Meredith Pucci, Administrative Assistant II;

AGENDA ITEM 1: CALL TO ORDER

Craig Benedict: Opened the meeting by thanking Pete Hallenbeck for the work he has done as a member and as Chair of the Planning Board. He noted that Pete worked on the Efland-Mebane Small Area Plan (SAP) and also the implementation group for the Efland-Mebane SAP.

Pete Hallenbeck: Noted that while it may seem like a huge and long process, that Efland now has water and sewer and has gone from nothing to being commercial allowed to over 2,000 acres that can now be commercial. The Sim Efland property tract of land has opened up and the watershed has been pushed back so it makes sense and it is actually an incredible amount of progress. His advice to the members is it to be true to the County and to themselves.

Craig Benedict presented Pete Hallenbeck with a plaque thanking him for his service.

The Planning Board members introduced themselves and gave a little background information about themselves and their interest in serving on the Planning Board.

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a. Planning Calendar for December and January
- b. Reminder: Annual Election of Chair/Vice Chair in January
- c. Revised Public Hearing Process Begins in January (Items on February QPH Agenda will be on January Planning Board Agenda for a Recommendation)

Lydia Wegman reviewed the calendar and January QPH items

AGENDA ITEM 3: APPROVAL OF MINUTES

- November 4, 2015 ORC Notes
- November 4, 2015 Regular Meeting

MOTION by Paul Guthrie to approve the minutes. Seconded by Laura Nicholson.

VOTE: UNANIMOUS

50 Paul Guthrie: I have a question for Craig and Michael, in the minutes it reminded me of the dwelling and number of
51 people and medical supplemental housing; is there any relationship between that discussion and what Chapel Hill
52 has recently done and established the ability to add sub units, rental units inside of individual residential housing.
53

54 Michael Harvey: The best response from me is that in reading the newspaper article and reviewing some planning
55 blogs online, the Town of Chapel Hill's goal is to essentially adopt the County's accessory apartment guidelines but
56 increase the number of allowable units. I will make a personal statement that I believe it's a lot easier to do that
57 within a municipality when you have water and sewer and are not relying on septic. I do not think it had any
58 relationship to recent state law amendments dealing with temporary health care structures. I believe it is their
59 attempt to address what they perceive to be the affordable housing issue in Chapel Hill. I think it will be interesting to
60 see what arises as a result of those amendments being approved.
61

62 Paul Guthrie: We may want to keep an eye on that for a while and see how the dynamic goes.
63

64 Michael Harvey: I believe their staff is supposed to report back within a year to three years.
65

66 **AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA**

67
68 No additions or changes
69

70 **AGENDA ITEM 5: PUBLIC CHARGE**

71
72 **Introduction to the Public Charge**

73 The Board of County Commissioners, under the authority of North Carolina General
74 Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land
75 development laws of the County. The general purpose of OCPB is to guide and
76 accomplish coordinated and harmonious development. OCPB shall do so in a manner
77 which considers the present and future needs of its residents and business through
78 efficient and responsive process that contributes to and promotes the health, safety, and
79 welfare of the overall County. The OCPB will make every effort to uphold a vision of
80 responsive governance and quality public services during our deliberations, decision, and
81 recommendations.
82

83 **Public Charge**

84 The Planning Board pledges to the residents of Orange County its respect. The Board
85 asks its residents to conduct themselves in a respectful, courteous manner, both with the
86 Board and with fellow residents. At any time, should any member of the Board or any
87 resident fail to observe this public charge, the Chair will ask the offending member to
88 leave the meeting until that individual regains personal control. Should decorum fail to be
89 restored, the Chair will recess the meeting until such time that a genuine commitment to
90 this public charge is observed.
91

92 **AGENDA ITEM 6: CHAIR COMMENTS**

93
94 No comments from the Vice-Chair.
95

96 **AGENDA ITEM 7: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT - To make a recommendation**
97 **to the BOCC on government-initiated amendments to the text of the UDO regarding**
98 **recreational land uses, including shooting ranges. This item was heard at the September**
99 **8, 2015 quarterly public hearing and was discussed at the October 7 and November 4,**
100 **2015 Planning Board meetings.**

101 **Presenter:** Michael Harvey, Current Planning Supervisor
102

103 *Michael Harvey reviewed abstract*

104

105 Lydia Wegman: Could you review the setbacks?

106

107 Michael Harvey: We have recommended that anyone engaging in shooting activities to be located a minimum of 300
108 feet away from all property lines, rights-of-ways or easements; be located a minimum of 1,000 feet from occupied
109 dwelling units that are external to the property and be directed into a projectile proof backstop. We added language
110 to the proposal indicating if you are engaging in shooting activities indoors required setback changes to the activity
111 only having to be 100 feet from all property lines and the shot has to be kept in the structure. We have
112 recommended hours of operation for the discharge of firearms and obviously we have also recommended the posting
113 of warning signs and the maintenance of a land use buffer around the area where outdoor target shooting is
114 occurring. We also have provisions in the ordinance that incidental discharge of a firearm, the discharge of a firearm
115 in self-defense, or engaging in target shooting activities on a parcel of property less than 2 days a month is permitted.

116

117 Lydia Wegman: Does anyone have any concerns or questions about the information presented by Michael?

118

119 Laura Nicholson: I think that there should definitely be a backstop requirement for shooting.

120

121 Lydia Wegman: I agree. I think that the safety of the citizens is the most important issue.

122

123 Maxecine Mitchell: Will the Sherriff office still respond to calls about shooting on private property with this
124 amendment?

125

126 Michael Harvey: Yes, the sheriff deputies will still respond when called about shots fired.

127

128 Buddy Hartley: The Sheriff Deputies are going to come out to any call. If you call and say my neighbor is shooting
129 they have got to come out.

130

131 Paul Guthrie: The Sheriff's Department is not going to be enforcing the land use that is disturbing a neighbor or
132 potential harm to the neighbor. It's going to be a question of noise and stuff like.

133

134 Michael Harvey: Correct, we are not asking the Sheriff's Office to enforce a land use component.

135

136 Andrea Rohrbacher: I think what really needs to happen is they need to consider the source of the complaint.

137

138 Laura Nicholson: I agree with Andrea but I think that the recommendation made would be suitable for everyone. I
139 would still like to see involvement from the Sherriff Department on where they stand with the issue.

140

141 Lydia Wegman: Should we make a motion to approve or does anyone have any other questions or concerns?

142

143 **MOTION** made by Lydia Wegman to approve text amendment. Seconded by Laura Nicholson and Buddy Hartley

144 **VOTE:** Unanimous

145

146 **AGENDA ITEM 8:** **UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT** - To make a
147 recommendation to the BOCC on government-initiated amendments to the text of the UDO
148 regarding sexually oriented businesses. This item was heard at the November 23, 2015
149 quarterly public hearing

150

150 **PRESENTER:** Michael Harvey, Current Planning Supervisor

151

152 *Michael Harvey reviewed abstract*

153

154 Patricia Roberts: What is the point of regulating such businesses?

155

156 Michael Harvey: For the same reasons we regulate other businesses. We want to ensure there is a balance allowing
157 for reasonable use of property. Sexually oriented businesses have identified secondary impacts that can affect
158 adjacent property owners. What these regulations are designed to do is ensure they can be developed and not have
159 an impact on those identified sensitive land uses.

160
161 Maxecine Mitchell: Are we legally able to restrict alcohol consumption from certain businesses?
162

163 Michael Harvey: State law grants local government the authority to regulate sexually oriented businesses including
164 establishing regulations governing the consumption of alcohol.
165

166 Laura Nicholson: Are there any zoned properties in Orange County that would allow this?
167

168 Michael Harvey: Yes there are a few properties zoned that could allow for the development of a sexually oriented
169 business.
170

171 Maxecine Mitchell: So if these lots are developed, any new sexually oriented businesses will need to get a property
172 rezoned for this kind of land use?
173

174 Michael Harvey: That is correct if available property is developed for such a use. There is, however, available land
175 area that could be rezoned to support such development.
176

177 James Lea: Will there be any substantial economic development impact from approval of the text amendment?
178

179 Michael Harvey: It depends on your point of view. There are those that might argue this regulation may impede the
180 development of a commercial venture. There is also a possibility local businesses may have an aversion to having a
181 sexually oriented business locating near them because of perception concerns and a desire not to want to see it.
182 From my standpoint, however, I believe the proposed regulation is reasonable.
183

184 Lydia Wegman: Does anyone have any further questions or concerns before we consider a motion?
185

186 Laura Nicholson: I just wanted to say that I think you all did a great job of including everyone's concerns from the
187 quarterly public hearing.
188

189 Patricia Roberts: I still have concerns with regulating such businesses, especially how it is listed in the amendment. I
190 feel that these regulations are strict.
191

192 Paul Guthrie: I don't feel as if this text amendment is substantiated from a legal standpoint.
193

194 Lydia Wegman: If there aren't any other questions let's move forward with our first motion.
195

196 **MOTION** made by Buddy Hartley to approve changes. Herman Staats seconded.
197 **VOTE:** 7 – 2 (Paul Guthrie and Patricia Roberts)
198

199 Lydia Wegman: Can you please state your reason for opposition?
200

201 Paul Guthrie: I disagree for the reason previously stated.
202

203 Patricia Roberts: I don't think we should be so heavily restricting sexually oriented businesses.
204

205 Lydia Wegman: Should we go around the room to see if there are any concerns making the recommendations to the
206 BOCC?
207

208 Maxecine Mitchell: I recommend it.

209
210 Patricia Roberts: I don't have any opposition I guess.
211
212 Andrea Rohrbacher: I recommend the changes to be adopted.
213
214 Herman Staats: I have no concerns.
215
216 James Lea: I have no concerns.
217
218 Paul Guthrie: I still have concerns about the legality.
219
220 Buddy Hartley: I am fine with everything, so I recommend it.
221
222 Laura Nicholson: I am generally in favor.
223
224 Lydia Wegman: I see no concerns. Do we have a motion?
225
226 **MOTION** made by Buddy Hartley to make the recommendations to BOCC. Seconded by Andrea Rohrbacher.
227 **VOTE:** 8-1 (Paul Guthrie)
228
229 Paul Guthrie: I am opposed for the same reasons previously explained.
230
231 **AGENDA ITEM 9: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT - TO MAKE A**
232 **RECOMMENDATION TO THE BOCC ON GOVERNMENT-INITIATED AMENDMENTS TO THE TEXT OF**
233 **THE UDO REGARDING CAR SALES AND RENTAL OPERATIONS. THIS ITEM WAS HEARD AT THE**
234 **NOVEMBER 23, 2015 QUARTERLY PUBLIC HEARING**
235
236 **Presenter:** Michael Harvey, Current Planning Supervisor
237
238 *Michael Harvey reviewed abstract*
239
240 Laura Nicholson: Why has this become more of an issue?
241
242 Michael Harvey: The County has been receiving complaints related to the storage and display of vehicles being
243 offered for sale, specifically too many cars being placed on a parcel of property blocking or impeding access for both
244 customers and emergency vehicles.
245
246 Patricia Roberts: I don't think the allowed numbers of display vehicles is enough.
247
248 Herman Staats: Where did the number of cars displayed come from?
249
250 Michael Harvey: Ultimately the recommended numbers were designed to allow for approximately 20% of the property
251 to be used in support of motor vehicle display allowing for the remaining area to satisfy setback, office, customer
252 parking, and required land use buffer development.
253
254 James Lea: Does this address the storage of vehicles off-site?
255
256 Michael Harvey: This amendment would not address or impact vehicles being stored on another property or prohibit
257 same. Such storage would be treated as a separate, independent, land use and have to be permitted in accordance
258 with the provisions of the UDO.
259
260 Lydia Wegman: if vehicles stored on the property, and screened from view, would be counted as part of the display
261 limit.

262
263 Michael Harvey: They would not be counted unless parked within the designated vehicle display area for the
264 property. Staff is providing an option allowing for the storage of vehicles not intended or ready for sale/rental onsite.
265
266 Craig Benedict: This is how a typical car lot is set up. (Craig drew a picture on the white board of a typical car lot as a
267 visual example).
268
269 Paul Guthrie: I actually think that vehicle limit is plenty enough, especially considering the few dealerships that are in
270 the County.
271
272 Andrea Rohrbacher: Is there a time limit as to how long someone can have a car waiting to be prepared to sell?
273
274 Michael Harvey: No there is not a time limit established.
275
276 Lydia Wegman: Are there any other comments or questions for Michael?
277
278 **MOTION** made Paul Guthrie to recommend changes to BOCC. Laura Nicholson seconded.
279 **VOTE:** 8-1 (Patricia Roberts)
280
281 Lydia Wegman: Can you please explain why you are opposed?
282
283 Patricia Roberts: I don't think the proposed limit for vehicles displayed is enough.
284
285 **AGENDA ITEM 10: COMMITTEE/ADVISORY BOARD REPORTS**
286 **A.** Board of Adjustment
287 None
288
289 **B.** Orange County Transportation
290 None
291
292
293 **AGENDA ITEM 11: ADJOURNMENT**
294
295 Motion to adjourn made by Lydia Wegman.

Lydia Wegman, Vice - Chair