

SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
APRIL 6, 2016
ORDINANCE REVIEW COMMITTEE

NOTE: A quorum is not required for Ordinance Review Committee meetings.

MEMBERS PRESENT: Lydia Wegman (Vice Chair), At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; James Lea, Cedar Grove Township Representative; Tony Blake, Bingham Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Kim Piracci, At-Large;

MEMBERS ABSENT: Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Patricia Roberts, Cheeks Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Ashley Moncado, Special Projects Planner, Meredith Pucci, Administrative Assistant II

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Lydia Wegman called meeting to order and introduced new member, Kim Piracci.

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – O/I (OFFICE/INSTITUTIONAL) ZONING DISTRICT AND NEW PERMITTED USE TYPE TO REVIEW AND COMMENT UPON PROPOSED AMENDMENTS TO THE UDO REGARDING REVISIONS TO THE O/I (OFFICE/INSTITUTIONAL) ZONING DISTRICT AND ESTABLISHMENT OF A NEW PERMITTED USE TYPE.

PRESENTER: ASHLEY MONCADO, SPECIAL PROJECTS PLANNER

Ashley Moncado reviewed abstract

Craig Benedict presented information on map

Tony Blake: So the part that would be OI or OI/RM is the green/gray place but not Buckhorn? And you would not want residential in there at all?

Craig Benedict: The mixed use that we're promoting in this we checked with economic development department, the mixed use their interested in is employment centers and possibly retail, but there's other land uses in the Efland area that allow for multi-family and even single family. So, right now we want to protect our economic development zones as much as possible for non-residential because if you allow a multi-family or a single family, which was allowed in some of our other uses, if they happen to be the first proposals to come in and they were permitted by right in many cases we most likely would allow them. And then when the business comes in we have residential people saying they don't want that business there, even though the intent of the economic development zone was for jobs. Ninety-five percent of Orange County Planning jurisdiction allows residential, it's only about 5 percent within our power to focus on our economic development efforts, so we want to protect that from too much residential in that area.

Paul Guthrie: I have a basic question. How are you defining residential? I asked the question because I can think of a circumstance when a business that this area would be useful to be in might very well want to have a residential security manager or residential over-seerer for research or something like that where the residents would actually be on-site. How would you handle a situation like that?

55 Craig Benedict: We could allow that as an accessory use. We've had mini warehouses where they wanted an on-site
56 resident and you could accommodate that as not a primary use but as an incidental and secondary use. And we can
57 make sure that's allowed for big factories there might be some residential or over night component to it.

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59 Paul Guthrie: It just occurred to me that if you barred that completely it could give you a problem. On the other hand,
60 if you allowed it then I think somebody could attack the whole principal on the basis.

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62 Craig Benedict: We're allowing hotels and motels, and someone might say that's residential but that's a commercial
63 use.

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65 Michael Harvey: I would make the argument that's not a residential land use. The principal use of the property would
66 be X and it's up to the applicant to justify, "I need this for this reason" and again I know we shouldn't be fixating on
67 the examples, but in that example that's what I would say; that it's not functioning as a residential development, there
68 is a component, but it's in support of the principal use which, let's say, is this research manufacturing unit.

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70 Lisa Stuckey: So if I drove through this, what would it look like?

71
72 Craig Benedict: These would be more of a corporate park but, corporate parks and business parks and industrial
73 parks have changed over the last 15-20 years. Our zoning, as evidence by office institutional, was very regimen. This
74 is where you put your Class A office building, and then somewhere else you put your warehouse, and somewhere
75 else you put your manufacturing, and somewhere else you have R&D. Now they don't do that anymore, they put
76 everything in the same place. They'll have their clean office, they'll have their R&D Park they'll put it all together. This
77 district will allow office, and research, manufacturing, and distribution. So, the buildings could be from 20,000 to
78 100,000 square feet. So you could see a few of those buildings in there that have multiple activities. And by the
79 secondary uses that are allowed means that somebody could come in with a business and say, "I don't see enough
80 restaurants around here, how about if I bring as part of my master plan a Chili's with me?" and that's a bonus. When
81 we were looking at another retail site, Cabella's, even though that was all retail they brought a hotel with them and a
82 restaurant. We're definitely not having this as a retail focus, we're listing this stuff as secondary uses in there so we
83 can keep that prime use as job based light industrial manufacturing.

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85 Lydia Wegman: Have we heard of any companies that are interested in this particular kind of land use? Or this is just
86 to make us attractive to companies if one is interested?

87
88 Craig Benedict: This is just to make us attractive. When the candy factory came, they were designated
89 Office/Institutional, and it did say manufacturing was okay. I'd say it's a relatively small fix, as you were mentioning
90 some of the economic development zones; we need to go into there and take a look at the way the uses are
91 fashioned in there too. The next project that you'll hear from Perdita Holtz, probably in the next month or so, is in the
92 Hillsborough Economic Development. Because we have a joint agreement with Hillsborough we're trying to align both
93 our joint land uses and the zoning categories that can go within that land use. And right now, they're all over the
94 place.

95
96 Tony Blake: I have a question. I read through this and I read the column and what it allows and accessory use and all
97 that stuff and I came down to the automotive/transportation and because I'm sort of passionate about the way we're
98 doing our transit and thinking that BRT is a good rapid transit solution. I noticed that it would allow a bus passenger
99 shelter, which I view as one of these little cubicles by the side of the road, but not a bus terminal or garage. And Bus
100 Rapid Transit has a raised platform appeal, especially in an area where there's a concentrated number of transit
101 people. Would that be allowed in this zone?

102
103 Craig Benedict: Well, we can make it. It does make sense. I think what they were thinking about was kind of a simple
104 city bus terminal, so we can make sure that our bus stops and level platforms and all stuff could be allowed. Because
105 we do have our bus service that is going very close to this zone, if not through it, and if we get some employment
106 concentrations we will modify that transit system.

107

108 Tony Blake: If you can. A lot of people live within walking distance; the least we could do is provide a good, raised
109 platform sort of transit.

110
111 Lisa Stuckey: What is raised platform?
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113 Tony Blake: The big slam against buses versus light rail is light rail you board and you walk directly from the platform
114 onto the platform without steps. But BRT actually has the ability to pull a bus in at a raised platform and where you
115 are walking directly onto the bus, the same way you would walk onto a light rail train. And it's being deployed and it's
116 a lot cheaper than light rail and more flexible. And the travel lane down Martin Luther King will actually be able to be
117 used for emergency vehicles as well.

118
119 *Ashely Moncado continued with the presentation*

120
121 James Lea: What would that do to the property owners? Would that raise their taxes?
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123 Craig Benedict: No. The property taxes are based on the properties of a similar zoning category sell over time. So,
124 putting even sewer on a piece of property eventually would raise the value of it but changing the uses would not
125 automatically, until somebody determines that this new use list is better and therefore more valuable but, we're a
126 couple years from where that would ever matriculate into higher values.

127
128 Lisa Stuckey: It leads to the potential of higher value, so higher taxes.
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130 Paul Guthrie: It could potentially. Property is less and less areas available for residential, for example, outside of that
131 district if someone wanted to sell their house in that they would have, potentially, a sale of their house that would
132 raise as assess valuation in the next re-evaluation.

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134 Craig Benedict: We have examined which districts have residential. If they sell their residential property for office
135 research manufacturing and they get more money for it at some point in the future, they'd love that.

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137 Paul Guthrie: But you can't keep them from selling it for another residential person.
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139 Craig Benedict: Probably not.
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141 Paul Guthrie: This is a far out thing, but we're still in the area. I spent a good part of the afternoon reading about this
142 other thing, the Supreme Court case, and these are the kinds of things you start getting trouble with down the road.
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144 Craig Benedict: One last thing about that, we addressed this in the Buckhorn EBB area. We asked the people if they
145 would like the zoning rollback to residential one that would allow the house to be reconstructed and burned down or
146 would you like it to remain Buckhorn District 2 that has higher value if you ever sell it, it was resounding to leave it
147 EDB-2.

148
149 Michael Harvey: One more thought in question when I read this. There's a demand right now. There's a lack of wet
150 lab space in the area and this talks about laboratories, not limited laboratories, prototype production, general facilities
151 but, wet labs sometimes have some pretty onerous stuff going on in them. Is there something that you would put in
152 here to protect that or restrict that or change that? Basically, this is something I can see where somebody would want
153 to come in and put in a wet lab and this thing they're dealing with some kind of biological agent or something like that
154 and people go crazy, but it's permitted by right and so I'm just trying to air on the side of caution here.
155

156 Craig Benedict: Two answers in there. There might be room to add something here. One is we tried not to legislate
157 water consumption, even though there are some provisions in some of our economic development zones that talk
158 about it, but it doesn't say that if you use over one galloon per square foot we're not going to allow you. So that's one
159 element we try not to legislate uses by the water they use but, admittedly in all of our economic development zones
160 we have limitations on water use because there's just not a lot of water. In Hillsborough there's some water limitation,
161 also in Eno. The bigger restriction is the sewer outfall that comes from it, that's where the restriction is. So with the

162 sewer element of it there are some pre-treatment requirements that all utility providers have. And we could note that
163 they must meet the environmental regulations of the utility. For example, Morinaga; there is a pre-treatment function
164 so there's not high level organic matter that goes in the sewer that can create issues.

165
166 Michael Harvey: I guess I was asking; is that covered somewhere else? Or because we're permitting this by right are
167 we leaving the door open for a big use?
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169 Craig Benedict: I think either turn it into a policy, like a small area planning policy so that we have to be aware in of that
170 and I agree if you have something permitted by right you better have some way to have it black and white; it's okay
171 by the site plan or it's not okay by the site plan. So, I'll work with Michael and Ashley to see if there's a way to keep
172 that in mind.
173

174 Michael Harvey: Also, remember that just because something is permitted by right, there are still regulatory
175 permitting processes that we may say we could use. But using this example, if a local utility or even the state says
176 you can't do what you're proposing in this manner.
177

178 Tony Blake: But given what's going on in politics right now, relying on the EPA or the state for things like that might
179 not be the wisest.
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181 Craig Benedict: The one area we may consider is some of those performance measurements. Vibration, glare, and
182 soot; maybe we could have some sort of sewer.
183

184 Tony Blake: Yeah, or require them to contain whatever it is and dispose of it in some other way, elsewhere... What
185 I'm worried about is somebody is going to come in here and do something that's potentially dangerous or harmful and
186 not be properly regulated.
187

188 Lydia Wegman: But as Michael says the EPA or the state. They would have to have some kind of hazardous waste
189 disposal or incineration permit in order to do that.
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191 *Ashley Moncado continued presentation.*
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193 Craig Benedict: And the last thing, if you have any more comments on this or any of the other Board Members have
194 comments send them to Ashley and before the next meeting we'll try to answer them. So feel free to send Ashley
195 some additional comments.
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197 **AGENDA ITEM 3: ADJOURNMENT**
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199 *Meeting was adjourned by consensus.*
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