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

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

MEMBERS PRESENT: Lydia Wegman-At-Large Chapel Hill Township (Chair); Tony Blake, Bingham Township Representative (Vice-Chair); Paul Guthrie, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Kim Piracci, At-Large; Buddy Hartley, Little River Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Tom Altieri, Current Planning Supervisor; Perdita Holtz, Planning Systems Supervisor; Ashley Moncado, Special Projects Planner; Meredith Pucci Administrative Assistant;

AGENDA ITEM 1: CALL TO ORDER

Lydia Wegman called meeting to order.

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – MODIFY USE STANDARDS

To review and comment upon proposed amendments to the UDO that would establish use standards to allow certain principal uses to include a small component of other specific uses in the O/RM (Office/Research and Manufacturing) zoning district.

Presenter: Ashley Moncado, Special Projects Planner

Ashley Moncado delivered presentation.

Tony Blake: Does this now permit drive-thrus? I think I remember that there were no drive-thrus.

Ashley Moncado: I believe that is correct.

Tony Blake: I kind of drew this thing on the board when we took the O/RM blob there and divided up into the three possible primary uses and then the secondary uses. The language that I'm missing here is where it talks about multi-family there's a line in there that says, "The multi-family use is part of an overall site plan that includes at least 1 other permitted…" That language is missing here for me. That language that says we need an overall site plan and what I'm afraid to end up with is 25% here and 25% here and 25% here and 25% here, as opposed to a central master plan. It seems to lend itself more towards this cut up view. Now maybe that's on purpose but that was what struck me when reading this.

Perdita Holtz: It's not; that language is part of the next item though. We can probably just put in language indicating that it needs to be part of an overall site plan.

Tony Blake: And that's what I was thinking. Because you could conceivably have all three of these different uses inside this O/RM and you don't know. Say this guy builds industrial and then they want to start building these accessory uses. You don't know what the overall square footage is going to be in this whole thing so you can't say what 25% of that is. And it just starts to get complicated and hard to figure out for a developer.

Craig Benedict: I think that would help during this site plan process to allocate an area of the site that maybe they're not building retail in phase 1 but they could say here's part of the site.

Paul Guthrie: In terms in whether it's language or not, whether you can describe in a neat form that's understandable of what you've just gone through. I'm wondering if the way to deal with the kind of would be to say that after the initial

development or something of the whole area any future, additional changes for some of these accepted uses inside the area must go through the whole process again to make sure that they are not more than 25% of the area.

Perdita Holtz: The intent of this was for a cohesive development project overall site plan.

Paul Guthrie: I understand that, but I think that's one of my worries through the whole paper. All of this is the initial thing. What's going to happen ten years from now? Because the natural order of things in development is that you devolve, and then you re-develop, and then you re-develop if you can't get land outside to do it all over again. And I'm wondering if somehow there could be a clause that the lawyers would accept that at a certain point you have to basically reinterpret this whole original area that was zoned that way and developed in that definition.

Craig Benedict: When we do a site plan, for let's say a ten acre site, but they're only using six acres, but yet that original site was a ten acre site and somebody wants to develop something we call that a site plan modification. So that we're still including what happened in phase 1 so maybe something along those lines.

Tony Blake: I'm trying to stay with the overall purpose and background, which is to streamline things. To make it easier to develop and I know a lot of times you guys come up with a conceptual plan for something but the developer wants to move things around and that's when the real discussions happen. But, if the thing is based on square footage it seems like that's a cumbersome method of doing it and if you wanted to streamline the process you would make it based on square acres or land or something.

Craig Benedict: We've considered the square footage versus acreage and some projects could use up a lot more acreage by not keeping it to square footage so we don't want a lot of our economic development zones to have too much residential so the square footage is a value. So for now we're going square footage and we'll evaluate this as it comes through.

Tony Blake: Would food trucks be permitted?

Craig Benedict: Yes.

AGENDA ITEM 3: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – HILLSBOROUGH ECONOMIC DEVELOPMENT DISTRICT (EDD)

To review and comment upon proposed amendments to the UDO that would modify existing regulations that pertain to the Hillsborough EDD.

Presenter: Perdita Holtz, Planning Systems Coordinator

Perdita Holtz delivered presentation.

Lydia Wegman: What is the difference between EDH-2, 3, 4 and 5?

Perdita Holtz: The types of uses that are allowed, the development standards that are on the table - lot sizes, floor area ratios, that kind of stuff. And there is an EDH-1 also, but we're not proposing any changes to that district.

Perdita Holtz continued presentation.

Lydia Wegman: Is there any downside, as far as not requiring a Class A SUP, for people who live near it?

Perdita Holtz: Well there could be, it depends on a person's point-of-view. As you know the Special Use Permit (SUP) process is pretty involved and when people find out that they need to hire an attorney to represent them they often have a problem with that.

Craig Benedict: Perdita, is the EDH-1, which we're not suggesting to change, closer to the residential areas now?

Perdita Holtz: I don't think that provision is in EDH-1 but I'm not 100% sure.

Paul Guthrie: The area that we're talking about borders the interstate, at least South side, and one of the things that highways with that kind of traffic and in that type of terrain have a tendency to do is have lower air quality. Is there any consideration in any of this in the permitting process check through that what proposes to be built there will not aggravate the air quality standards in the area surrounding?

Perdita Holtz: There are performance standards in Article 6 of the UDO and air quality standards are one of the performance standards that projects have to meet. So they would still have to meet those.

Perdita Holtz continued presentation.

Tony Blake: Is there a distinction between wholesale and retail?

Perdita Holtz: Yes.

Tony Blake: Is there a reason why wholesale is not included in the retail section here?

Perdita Holtz: It's not included in the retail section because wholesale is a completely different use type. The Hillsborough EDD uses what's called NAICS numbers to classify uses, and that's something that was done quite some time ago now.

Tony Blake: I was just wondering why wholesale was excluded from EDH-4 and 5.

Perdita Holtz: Wholesale is on page 38 of the packet, it is being proposed for EDH-5.

Perdita Holtz continued presentation.

Craig Benedict: Just to add on, one of the things mentioned earlier, a discussion that we planned to bring public water and sewer under the interstate and those monies for that come from Article 46 sales tax which is just allocated for economic development purposes. So, part of what we're doing here is to set up a land use program for, primarily, non-residential uses so when we use the money for public water or sewer it matches that. We don't want to spend economic development monies for tax base and jobs and have it turned to single family residential which, in some cases, the way the plan is now may allow that. We're being a little bit more prescriptive, we know Hillsborough has recently approved some large residential projects within their jurisdiction so it's not like we're excluding residential, but in an area with interstate access and visibility we're priming it for economic development uses.

Tony Blake: Is there a requirement for the property owners to connect to this water and sewer or is it just being kind of laid in there?

Craig Benedict: Yeah, it's just going to be laid in there. We're not going to touch every parcel that's in there. We're just going to get it under the interstate, which would take a developer a year and a half to two years and when we show a piece of property on the south side of the interstate they say, "Where's the sewer?" and just getting it to the south side and having somebody be able to tie into that with their own sewer extension might take four to six months - the time it would take them to build the building.

Tony Blake: Are you planning when you wrote this sewer in to run fiber optics and stuff?

Craig Benedict: Presently not.

Lydia Wegman: And this is all outside of the rural buffer, right?

Perdita Holtz: Yes. It's all within the primary service area for water and sewer.

Lydia Wegman: Is there a percentage like no more than 25% could be multi-family?

Perdita Holtz: Yes.

Perdita Holtz continued presentation.

Tony Blake: So that's the plan, to extend the service road or come off of that service road somewhere?

Perdita Holtz: Yes, and likely improve the service road.

Tony Blake: Have you had any contact with the people around this area about the re-zoning?

Perdita Holtz: We are sending out notices next Monday and there's going to be a public information meeting on the 26th of this month.

Craig Benedict: Also, we've been in contact with the 166-acre parcel, the present zoning on that now is being marketed so they're familiar with our process to change the zoning. These zoning amendments would facilitate a better development program.

Perdita Holtz: So the next steps I just mentioned we're planning on holding the public information meeting on July 26th 6:00-7:30 in this room. That meeting will cover the three related topics, which are the joint land use plan amendments that Tom's going to talk about; these text amendments; and the re-zoning that I've just showed you, I think there's six parcels total. We are doing mailed notices. It's going to be a combined notice, for both the public information meeting and the August Planning Board meeting to the affected parcels and the property within 1,000 feet of those parcels that are proposed for re-zoning and we're also going to be posting signs in the affected area.

Maxecine Mitchell: That's good because I just met someone up near the Tanger Mall because they thought they were on the other side of 40/85 and they didn't attend the information meeting and now their property is commercial but they don't have water and sewer over there and they didn't understand all that, so please make sure the people understand that they might want to come and find out what's going on.

Perdita Holtz: I mentioned that these 3 topics are scheduled for the Planning Board meeting next month on August 3rd for recommendation and the quarterly public hearing is scheduled for September 12th.

Tony Blake: Two more questions. I'm reading on the DOT site that they're planning on widening I-40 from the hill on up; are you aware of that and will they need more land?

Perdita Holtz: I believe they already have right of way for everything.

Tony Blake: Is Hillsborough planning to annex this area?

Perdita Holtz: Not anytime soon because it would have to be a voluntary annexation, the property owner would have to apply for annexation.

Tony Blake: Also one more question; I've noticed that Alamance County, Mebane have created a free trade zone, or a foreign trade zone or something like that. Is there a provision in this to do that sort of trade zone if a foreign company wanted to locate here?

Craig Benedict: We have no special provisions within our zoning code for that. That is not a zoning issue; that is a policy and tax issue… For example, if a developer came in and wanted to do an industrial park then that would be part of a tax incentive program.

Kim Piracci: When you were talking about the 20,000 square foot thing and you were going to get rid of that and it was difficult, is that going away? Is it being moved to 40,000?

Perdita Holtz: Well, the way zoning works is that you have legislative decisions where you have by-right things and then you have quasi-judicial decisions. SUPs are quasi-judicial decisions and you haven't experienced one yet but you will next month. They are fairly complicated and there are a lot of limitations on who can say what and when and things like this. And there are lawyers on all sides. We are suggesting doing away with the SUP requirement for any type of developments on two acre or larger lots. It would still be subject to all of the other criteria that are in the UDO, which is fairly extensive.

Tony Blake: But only in these zones, right?

Perdita Holtz: Right.

Craig Benedict: Just to add, SUP's are typically associated with certain uses that, based on their nature, need additional review. So let's say, an asphalt mixing plant will still be a SUP. The criteria that we had in here was unique, it was based on an acre size and not on the use and was based on the square footage of a building size. Which a 20,000 square foot medical building probably doesn't have the same scrutiny that a 20,000 square foot different use. But if it is a 20,000 corporate asphalt mixing plant it still has to go through the SUP process. So we're getting rid of two criteria that were based on acreage and square footage, which are not your normal SUP criteria. So we're going back to more of a conventional standardization of why you have a special use, and that's usually because the operation might have glare, noise, a lot of traffic, that type of stuff will put you in a SUP category.

Lydia Wegman: Just for the record, I'm not comfortable with the elimination of the Class A SUP. It still makes me uncomfortable… So I would just suggest that you provide a little further explanation about why that makes sense. I understand why it makes sense from a development standpoint but why it's not going to be harmful.

Perdita Holtz: Well these areas that would be zoned, EDH-3, 4 and 5 are not near residences.

Lydia Wegman: Ok.

Craig Benedict: The two amendments she was talking about with the zoning, some are called text amendments and that's everything that she's doing with EDH-3 and changes the uses and the floor area ratios; all those are considered text amendments. And the other type of zoning amendment changes is a map amendment. That's where you're actually going from EDH-2 and making it EDH-3. So that's how they're separate.

AGENDA ITEM 4: TOWN OF HILLSBOROUGH/ORANGE COUNTY CENTRAL ORANGE COORDINATED AREA LAND USE PLAN AMENDMENT

To receive information about an upcoming Land Use Plan amendment involving five parcels south of Interstate 40 in the vicinity of Old Highway 86. Amendments are proposed to better promote economic development opportunities in the area and help preserve planned sewer capacities for non-single-family residential uses.

Presenter: Tom Altieri, Comprehensive Planning Supervisor

Tom Altieri delivered presentation.

Tony Blake: Is this change being driven by the landowners or by the County or by the town?

Craig Benedict: There will be an interlocal agreement that will probably refer to these changes that occur here that says, "As long as you redevelop consistent with this joint land use plan then please feel free to use this public water and sewer system." So the commissioners, probably in September, will be seeing a draft of this interlocal agreement

that if the County puts "x" amount of dollars into public water and sewer that they'll use it for, primarily, non-residential economic development purposes. This is kind of a pre-requisite to that impending public water and sewer extension.

Lydia Wegman: So they're not disturbed at losing the mixed residential…

Craig Benedict: No, because along the frontage of South Churton and Old 86 it's still there.

Tom Altieri: So I'll just add that the agreement that Craig mentioned, that is the last bullet in the PowerPoint here, and it is an important component. The group mentioned "annexation" and the text and zoning amendments that are being made to the UDO, those are within the County's UDO. In the case of an annexation, a development would occur under the town's land develop ordinance. So it is that type of an agreement that would outline under what conditions annexation might occur, its timing, if there were a component of, let's say, this entire Hillsborough economic development district is approximately 500 acres, potentially what percentage of that might be developed for non-residential uses versus residential? An agreement could address. So that's where the County could receive that official handshake from the town on the ratio between residential and non-residential development in the area.

Craig Benedict: Orange County has met with Hillsborough Staff, both engineering division and planning division, to discuss this over the last six months or so, so they're in line with what's suggested. We put a lot of these things on the map just three years ago or so, and we're learning. So here is our first amendment coming forward. They're working on some interchange improvements on I-85 and South Churton so that's a few years from now. And that will be a dramatic design.

Tony Blake: By the way, I always saw in the plan for Orange Grove Road to not stop at Churton Street and go straight across. Is that ever going to happen?

Craig Benedict: Yes. We're moving that forward through the prioritization process, and it's probably just off this map.

Craig Benedict explained where it was on the map and the details of the proposed transportation improvement.

AGENDA ITEM 5: UPCOMING PUBLIC INFORMATION MEETING

A public information meeting to present the upcoming proposed amendments pertaining to the Hillsborough EDD to interested persons has been scheduled for Tuesday, July 26 from 6:00 to 7:30 p.m. in Room 004 of the West Campus Office Building (131 W. Margaret Lane in Hillsborough). The documents proposed for amendment include the Town of Hillsborough/ Orange County Central Orange Coordinated Area Land Use Plan, Zoning Atlas, and UDO. These items are scheduled for the September 12, 2016 quarterly public hearing.

AGENDA ITEM 6: ADJOURNMENT

Meeting was adjourned by consensus.