

MINUTES
ORANGE COUNTY PLANNING BOARD
JULY 1, 2015
REGULAR MEETING

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lydia Wegman-At-Large Chapel Hill Township (Vice Chair); Tony Blake, Bingham Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township; Andrea Rohrbacher, At-Large Chapel Hill Township;

MEMBERS ABSENT: Bryant Warren, Hillsborough Township Representative; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Planning Systems Coordinator; Ashley Moncado, Special Projects Planner; Patrick Mallett, Planner II.

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Pete Hallenbeck: Called meeting to order

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for July and August

AGENDA ITEM 3: APPROVAL OF MINUTES

- a) **APRIL 1, 2015 REGULAR MEETING**
- b) **JUNE 3, 2015 REGULAR MEETING**

Pete Hallenbeck: Andrea Rohrbacher's name was listed at Laura Rohrbacher. Tony supplied an email that should be attached to the minutes.

Perdita Holtz: There were also the April 1 ORC notes that I emailed out.

MOTION by Paul Guthrie to approve the Planning Board minutes with corrections and the attached email. Seconded by Tony Blake.

VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

No changes to the agenda.

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its residents

52 and business through efficient and responsive process that contributes to and
53 promotes the health, safety, and welfare of the overall County. The OCPB will
54 make every effort to uphold a vision of responsive governance and quality public
55 services during our deliberations, decision, and recommendations.
56

57 **Public Charge**

58 The Planning Board pledges to the residents of Orange County its respect. The
59 Board asks its residents to conduct themselves in a respectful, courteous manner,
60 both with the Board and with fellow residents. At any time, should any member of
61 the Board or any resident fail to observe this public charge, the Chair will ask the
62 offending member to leave the meeting until that individual regains personal
63 control. Should decorum fail to be restored, the Chair will recess the meeting until
64 such time that a genuine commitment to this public charge is observed.
65

66 **AGENDA ITEM 6: CHAIR COMMENTS**

67
68 Pete Hallenbeck: I have no comments.
69

70 **AGENDA ITEM 7: APPLICATION FOR A CLASS A SPECIAL USE PERMIT:** To make a recommendation to
71 the Board of County Commissioners on a Special use Permit application seeking
72 approval of a school redevelopment/master plan for Emerson Waldorf School's
73 existing facility located at 6211 New Jericho Road within the Chapel Hill Township.
74 This item was heard at the May 26, 2015 quarterly public hearing.
75

76 **Presenter:** Michael Harvey, Current Planning Supervisor
77

78 Michael Harvey: Reviewed abstract.
79

80 Pete Hallenbeck: Is there a requirement for sprinklers for schools?
81

82 Patrick Mallet: Part of the review with Jason Shepherd, Orange County Fire Marshal, is whether it is a
83 situation whether they go left or right, they may or may not require sprinklers, there are ways we can
84 overcome that. This is why we have the recommended condition that all building plans are reviewed by the
85 Fire Marshal to ensure compliance with applicable standards.
86

87 **MOTION** made by Lydia Wegman to approve pages 49-54 of the agenda packet. Lisa Stuckey seconded.
88

89 **VOTE:** Unanimous
90

91 **MOTION** made by Lisa Stuckey that the use will maintain or promote the public health, safety and general
92 welfare, if located where proposed and developed and operated according to the plan as submitted based
93 upon the evidence listed on page 55 and there are no items to the contrary. Laura Nicholson seconded.
94

95 **VOTE:** Unanimous
96

97 **MOTION** made by Tony Blake that the use will maintain or enhance the value of contiguous property based
98 on the evidence provided and there is no counter evidence. Andrea Rohrbacher seconded.
99

100 **VOTE:** Unanimous

MOTION made by Lydia Wegman that the location and character of the use if developed according to the
plan submitted will be harmony with the area in which it is to be located. Tony Blake seconded.

101 **VOTE:** Unanimous

102

103 **MOTION** made by Paul Guthrie to recommend the special use permit for approval and all thirteen
104 recommended conditions. Laura Nicholson seconded.

105 **VOTE:** Unanimous

106

107 **AGENDA ITEM 8:** **APPLICATION FOR A CLASS A SPECIAL USE PERMIT:** To make a recommendation to
108 the Board of County Commissioners on a Special Use Permit application seeking
109 to develop a solar array/public utility station on a portion of a 35.8 acre parcel of
110 property located at 1612 white Cross Road within the Bingham Township. This
111 item was heard at the May 26, 2015 quarterly public hearing.

112

113 **Presenter:** Patrick Mallett, Planner II

114

115 Pat Mallett: Reviewed abstract and revised site plan.

116

117 Lydia Wegman: The 65 foot buffer is not reflected in the conditions on page 85? Should it be reflected
118 there?

119

120 Pat Mallett: We are noting that this was provided into the record as evidence; I would believe that it is
121 covered.

122

123 Lydia Wegman: So this plan, plus this statement about the 15 foot additional setback...

124

125 Pat Mallett: I would think you could include that as part of your recommendation.

126

127 Beth Trahos: I am an attorney with Smith, Moore, Leatherwood and I am here tonight on behalf of the
128 applicant. The 65 foot buffer was very carefully designated on the plans which are part of the approval
129 itself. We are held to the 65 foot buffer in the conditions that are included in the plans. We will draft a
130 written condition for inclusion as well that echoes the requirement of the site plan itself.

131

132 **MOTION** made by Lydia Wegman to approve the recommendations on page 78-82. Tony Blake seconded.

133 **VOTE:** Unanimous

134

135 **MOTION** made by Tony Blake that the use will maintain or promote the public health, safety and general
136 welfare, if located where proposed and developed and operated according to the plan as submitted and
137 there is no evidence to the contrary. Laura Nicholson seconded.

138 **VOTE:** Unanimous

139

140 **MOTION** made by Lydia Wegman that the use will maintain or enhance the value of contiguous property
141 based on the evidence provided on page 84 and there is no counter evidence. Andrea Rohrbacher
142 seconded.

143 **VOTE:** Unanimous

144

145 **MOTION** made by Tony Blake that the location and character of the use if developed according to the plan
146 submitted will be harmony with the area in which it is to be located with no evidence to the contrary.
147 Andrea Rohrbacher seconded.

148 **VOTE:** Unanimous

149

150 **MOTION** made by Lisa Stuckey to recommend the special use permit for approval and all eleven
151 recommended conditions. Laura Nicholson seconded.

152 **VOTE:** Unanimous

153

154 **AGENDA ITEM 9: ZONING ATLAS AMENDMENT (CONDITIONAL ZONING DISTRICT):** To begin review of a
155 request to rezone 112 acres of property from Rural Residential (R-1), Upper Eno
156 Protected Watershed Protection Overlay District to Master Planned Development
157 Conditional Zoning (MPD-CZ), Upper Eno Protected Watershed Protection
158 Overlay District in order to allow for the development of Hart's Mill Village within
159 the Cheeks Township. This item was heard at the May 26, 2015 quarterly public
160 hearing.

161

Presenter: Michael Harvey, Current Planning Supervisor

162

163 Michael Harvey: Reviewed abstract.

164

165 Paul Guthrie: Is it a common sewage disposal system or individual?

166

167 Michael Harvey: Common septic system with about 6 acres devoted to supporting a septic area.

168

169 Paul Guthrie: They need to carefully structure the ownership model as to who is responsible.

170

171 Buddy Hartley: If this is done like condominiums, the sewer is basically handled by the state, permitted, it
172 could be checked, they should have an association which pays homeowners dues that takes care of the
173 streets, etc.

174

175 Michael Harvey: I am asking you for questions or comments in the next couple of weeks, email me by July
176 17, 2015. This will come back to you. My goal is to bring this back at the September meeting.

177

178 Lydia Wegman: Is there any different impact when you have however many people living there in 34 units
179 and running a farm.

180

181 Michael Harvey: They enjoy the same rights as any 112 acre parcel of property owner that lives on the
182 property. If they are engaging in an activity otherwise, they would have to go through the appropriate
183 review and approval process.

184

185 Maxecine Mitchell: I want to encourage us to not to knock against it. It is really neat. I was hearing all the
186 concerns. I was thinking about neighborhoods. Let's embrace them and help them out.

187

188 Tony Blake: I agree, but this is a hybrid between a condominium and farm. There are different rules.

189

190 Pete Hallenbeck: Everyone is for this. Whatever they do, since they are creating their own zoning district,
191 so whatever they do, they have to go back and modify that.

192

193 Buddy Hartley: Would there be any private security?

194

195 Michael Harvey: Here is my list of additional questions for the applicant. You would like to see the
196 promotional materials and have a better understanding of how they are marketing this vision, this board
197 would like the applicant to consider the future and additional uses they may want to include, request for a
198

199 breakdown of farm uses and what they would like to do, and have you thought about security concerns or
200 thought about security services.

201

202 Lisa Stuckey: If they use irrigation will they have enough water

203

204 Michael Harvey: Site plan shows irrigation and a pond.

205

206 Pete Hallenbeck: Email any additional questions to Michael.

207

208 **AGENDA ITEM 10: COMMITTEE/ADVISORY BOARD REPORTS**

209 **A. Board of Adjustment**

210 Michael Harvey: Updated the board on the denial of a cell phone tower in June.

211

212 **B. Orange County Transportation**

213 None

214

215 **AGENDA ITEM 11: ADJOURNMENT**

Pete Hallenbeck, Chair