

MEETING MINUTES  
ORANGE COUNTY PLANNING BOARD  
AUGUST 5, 2020  
REGULAR MEETING

(Due to current public health concerns, this meeting was held virtually.  
Members of the Planning Board, staff and public participated remotely)

**MEMBERS PRESENT:** David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large Representative; Hunter Spitzer, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative

**MEMBERS ABSENT:** Gio Mollinedo, At-Large Representative; Vacant, At-Large Representative

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Tom Altieri, Comprehensive Planning Supervisor; Michael Harvey, Current Planning Supervisor; Brian Carson, GIS Tech III, Tom Ten Eyck, Transportation/Land Use Planner, Christopher Sandt, Staff Engineer; Tina Love, Administrative Support; Steve Brantley, Economic Development Director, Amanda Garner, Assistant Economic Development Director;

**APPLICANT AND ASSOCIATES PRESENT:** Bill Aucoin, Vice President - Avison Young; Chris Bostic, Project Manager – Kimley-Horn and Associates, Inc.; Jack Graham, Principal – Avison Young; Michael Birch, Partner – Longleaf Law Partners; Christa Greene, Senior Principal – Stantec; Frank Csapo, CEO – Barrister Commercial Group; Wes Hall, Civil Engineer Analyst – Kimley-Horn; Matt Peach, Senior Transportation Engineer – Stantec; Rick Ogburn, Director of Construction – Barrister Commercial Group; Doug Short, Partner – Manning Fulton

**OTHERS PRESENT:** Penny Rich (BOCC Chair); Sarah Shore; Joseph Shore; Stephen Williams; Frederick Tapp; Kaila Mitchell; Brandon Sneed; Gerald Scarlett; Leslie Robert; Ellen Mayer; Jayse Sessi; Myra Gwin-Summers; Franklin Garland; Isabel Garland; Clare Brennan; Karen Fernandez; Theresa Gilliam; Maryanne Ross; Jill Bauer; Dennis Hagerman; Ronald Sieber; Jared Jurkiewicz; Matthew Kostura; Jon Lorusso; Richard Wagoner; Ted Bryant; Bob Bundschuh; Allen Rynish; Brian Lapham; Steve Kaufmann; Gina Rhoades; Doug Short; Betty Garland; Kevin Nicholson, Jonathan Espitia, William Clayton, Beatrice Brooks, Rowdy and Kim Walker, Beth Rosenberg, Diane and Erik Dunder; Noah Chase; Cedar Eagle; Jack Rupplin; Tammy Grubb; 3 callers

**AGENDA ITEM 1:        BRIEF SUMMARY BY STAFF ON TECHNOLOGY PROTOCOLS FOR MEETING**  
**PRESENTER:** Perdita Holtz, Planning Systems Coordinator

*Perdita reviewed the technical processes and rules*

**AGENDA ITEM 2:        CALL TO ORDER AND ROLL CALL**  
Chair David Blankfard called the meeting to order.

**AGENDA ITEM 3:        INFORMATION ITEMS**  
a. Planning Calendar for August and September

**AGENDA ITEM 4:        APPROVAL OF MINUTES**  
February 5, 2020

**MOTION** by Randy Marshall to approve the February 5, 2020 Meeting Minutes. Seconded by Hunter Spitzer.  
**VOTE:** Unanimous

56  
57 **AGENDA ITEM 5: CONSIDERATION OF ADDITIONS TO AGENDA.**  
58 There were none

59  
60  
61 **AGENDA ITEM 6: PUBLIC CHARGE**

62  
63 **INTRODUCTION TO THE PUBLIC CHARGE**

64 The Board of County Commissioners, under the authority of North Carolina General Statute,  
65 appoints the Orange County Planning Board (OCPB) to uphold the written land development law of  
66 the County. The general purpose of OCPB is to guide and accomplish coordinated and  
67 harmonious development. OCPB shall do so in a manner, which considers the present and future  
68 needs of its citizens and businesses through efficient and responsive process that contributes to  
69 and promotes the health, safety, and welfare of the overall County. The OCPB will make every  
70 effort to uphold a vision of responsive governance and quality public services during our  
71 deliberations, decisions, and recommendations.

72  
73 **PUBLIC CHARGE**

74 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its  
75 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with  
76 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this  
77 public charge, the Chair will ask the offending member to leave the meeting until that individual  
78 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting  
79 until such time that a genuine commitment to this public charge is observed.

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82 **AGENDA ITEM 7: CHAIR COMMENTS**  
83 There were none

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86 **AGENDA ITEM 8: PROPOSED AMENDMENTS TO THE TOWN OF HILLSBOROUGH/ORANGE COUNTY CENTRAL ORANGE**  
87 **COORDINATED AREA (COCA) LAND USE PLAN AND TO THE ORANGE COUNTY COMPREHENSIVE PLAN**  
88 **FUTURE LAND USE MAP (FLUM) - To review and make a recommendation to the BOCC on County-**  
89 **initiated amendments to the COCA and FLUM in the vicinity of the southern portion of the**  
90 **Hillsborough Area Economic Development District. The amendments related to COCA affect 17**  
91 **parcels (in whole or part) encompassing 84 acres. The amendments related to the FLUM affect 20**  
92 **parcels (in whole or part) encompassing 89 acres. The COCA proposed land use category is**  
93 **Suburban Office and the FLUM proposed category is Economic Development. This item is**  
94 **scheduled for BOCC public hearing on September 15, 2020.**

95 **PRESENTER:** Tom Altieri, Comprehensive Planning Supervisor

96  
97 *Tom Altieri reviewed the abstract and proposed changes*

98  
99 Hunter Spitzer: The first question that I have, no residential zoning will be permitted under this new County Land Use  
100 under the Economic Transitional correct?

101  
102 Tom Altieri: As part of these amendments, there is no associated rezoning at this time. The residential structures,  
103 the homes that are there now will continue to be conforming, the planning term, because the Rural Residential or R1  
104 Zoning District will remain in place.

105  
106 Hunter Spitzer: So could these properties potentially be rezoned to say medium or low intensity residential  
107 development is my question, are those allowable zonings under this new land use?

108  
109 Tom Altieri: Yes

110  
111 Hunter Spitzer: I noticed in the Comprehensive Land Use map that there are protected areas identified in green but  
112 in the areas selected to be rezoned as Suburban Office, there are no protected areas and I was wondering why not  
113 but they are identified as protected in the County Land Use map. I suppose I know why, because we don't want to  
114 restrict development but I was wondering if you could lend anything to that.

115  
116 Tom Altieri: It's really for no particular reason, it's just a matter of the Town took the initial step in the development of  
117 the Joint Land Use Plan and it used the Land Use categories that it already had in its existing plan and it is just not  
118 shown on the map in the Joint Land Use Plan. Those areas there certainly exist, I did mention that if or how  
119 development occur in those resource protection areas is really handled through our Zoning Ordinance with stream  
120 buffers and so forth. I think the resource protections area is really shown on the County's Future Land Use map as  
121 more, let's just say, a reminder, if you would. That layer that land use category does not have a direct companion-  
122 zoning district or applicable zoning districts that would be applied in a resource protection area. It's more or less just  
123 an overlay just to show where there is a high likelihood of wetlands or steep slopes and so forth.

124  
125 Hunter Spitzer: Ok, thank you.

126  
127 David Blankfard: I have a question, so Orange County Comprehensive Plan map says it's 20 parcels and 89 acres  
128 and Hillsborough says it's 17 parcels and 84 acres. Is that just the Town and Orange County finally coming together  
129 to make the map match up?

130  
131 Tom Altieri: That is correct. There are just a few parcels that are addressed in the COCA Land Use Plan on the  
132 north side of the amendment area that are also covered in the County's Future Land Use map so there's a little  
133 overlap there. That's why when we're looking at amendments to the COCA Land Use Plan the acreage amount is  
134 different from the County's Land Use Plan. I can point those out if you'd like to see the differences, I know you have  
135 the maps in your packets but there is just a few parcels and a few acres difference between the two amendments  
136 and that's right along the northern boundary of the amendment area.

137  
138 Melissa Poole: Will you flip back – I think it was 17, one of the maps where it had the star. (Map was shown) This is  
139 currently Rural Residential and the star is where the RTLP is planned to go.

140  
141 Tom Altieri: Correct.

142  
143 Melissa Poole: So, I guess my questions is that it seems like we are doing this backwards, for me if this is Rural  
144 Residential then why is RTLP planned to go there but we are only now talking about rezoning? It seems like we are  
145 doing this backwards. Am I misunderstanding?

146  
147 Tom Altieri: What we are doing is responding to the Town's expansion of its Urban Services area and we are  
148 reflecting that on the Joint Land Use Plan with Hillsborough and when that's done, we need to apply a Future Land  
149 Use category to the map and that is the addition of the Suburban Office Complex. We also need to add a County  
150 Land Use classification which is Economic Development District. The County is not proposing rezoning so this 12  
151 acres would stay R1. However, there is another item on your agenda tonight where the developer is initiating a  
152 process to also amend the zoning, not just for the 12 acres where the star is, but for a couple of the parcels to the  
153 north as well. I hope that answers your question. These are really separate amendments. We have a County  
154 initiated amendment to implement the expansion of the Town's Urban Services Area that is different and separate  
155 from the developer's proposal and the rezoning required for RTLP. It's just a matter of the two amendments share 12  
156 acres. Does that help?

157  
158 Melissa Poole: Yes, thank you.

159  
160 David Blankfard: Ok, we will take comments from the public. Please say your name and if you received a letter from  
161 the County about this amendment. Thank you.

162  
163 Franklin Garland: My name is Franklin Garland and I live off of Ode Turner Road. It seems like this was tried  
164 already and I have a lot to say. Some people have ceded their time to me because I have spent the last two weeks  
165 actually doing research. Nobody on the south side of the I-40 wants this, ok, the residents. There's approximately

166 2000 residents that get involved in this. I know that you're looking at just one particular piece of land out there but  
167 what does the public, what do the people of Orange County have to say about this? I am looking at the Code of  
168 Ethics, I'm looking at the Mission Statements, it says here "serve the residents of Orange County" "our residents  
169 come first". Now the residents don't want this, ok. I know that, I personally put out 2000 flyers last week and it's  
170 unanimous out there that nobody wants it. So how can you force this on us, ok. Even though we don't want it. That's  
171 another question for the Planning and Inspections Board out here. I have many, many questions that go along here  
172 and I'm going to read a statement later on that maybe clarifies a whole lot but right now, my main question is what  
173 give you the right to just force this on us? Anybody? Want to care to answer? Who's win?

174

175 David Blankfard: Your elected officials, they are the ones that started this with the Town... (interrupted)

176

177 Franklin Garland: So our elected officials...

178

179 David Blankfard: Hold on, let me finish, your elected officials are the ones that started this land use planning, years  
180 and years ago so I don't know what to tell you.

181

182 Franklin Garland: in 1991, this was planned as an EDD, actually all this area out here was rural, and it was  
183 designated possibly as an Economic Development Area because I-40 wasn't in place then. Once I-40 went in place,  
184 I believe in 1984, actually you said 1981. It actually was designated as is and this is 39 years ago. This whole area  
185 has grown to be residential now. It's no longer open space and rural and like I said it's a whole lot of people out  
186 there. If our elected officials are choosing to do this, why are they going in there with perceived ideas, and already  
187 made up their mind that this is going to happen. That's not the democratic way. That's called a fascist way when you  
188 do it that way. It's very offensive, most people are offended by this and we're trying to put a stop to this. By the way,  
189 I think this is a ridiculous way to hold a meeting. I am going to add that, that we have 42 attendees where in person  
190 you would probably have several thousand today, ok. It's not valid for anybody in there, we actually are trying to take  
191 some legal action on this as well. I will have more to say, I have a statement that I mailed out to the Commissioners  
192 already, I hope that they have the courtesy to read it, I asked them to actually reply via email, text, call any which way  
193 that they had actually received the email. I have one of the Commissioners actually respond, that said they received  
194 it, not that they had read it, it would be nice if they actually went with how their constituency actually feels. I think  
195 they are the ones that count out here. Again, like I said earlier, as that our residents come first and you're putting the  
196 Town of Hillsborough first. You're putting the Planning Board first, what the whims are there. We are perfectly happy  
197 with our wells, we don't want city water necessarily out here. We don't want city sewer, we are out of the Town, we  
198 don't want to be annexed and this is not just me. I happen to hold a chunk of property that is immediately adjacent to  
199 this that I'm structure out there that basically, 2.5 million square feet big. This is about 3 times the size of Carter  
200 Findlay Stadium and you say that doesn't have an impact. You're putting this in middle of an area that is completely  
201 at this point basically residential. So you're going to put an industrial park for lack of a better word, because this light  
202 manufacturing, any manufacturing as you actually look carefully in there, warehousing and logistic center. That  
203 translates into industrial park, this is a pretty hefty size industrial park. It would actually, just to give you a couple  
204 comparison numbers, the PNC Center is 700,000 square feet including all the levels, so that's 700,000 this is 2.5  
205 million that you want to put in there. Carter Findlay Stadium is 107,000 square feet. How can this not going to have  
206 an impact on this whole area, doing this.

207

208 David Blankfard: I think your comments, most of the stuff you are wanting to talk about is going to be held up in the  
209 later item. Right now we're talking about something else. Thank you.

210

211 Franklin Garland: I know you're trying to approve something that is going to be the infrastructure for something else.

212

213 Craig Benedict: Good evening, my name is Craig Benedict, Orange County Planning Director. Just a little bit about  
214 how we can answer some questions from the public in how we will handle it moving forward. If staff can address with  
215 a quick answer, if it's a or b we will provide that during this meeting, if it is a more lengthy question, we will make  
216 note of the public comment and we can provide in writing the justification of the goals of the County and how the  
217 process has come forward.

218

219 Franklin Garland: (background discussion of a personal nature)

220

221 Perdita Holtz: I have gone ahead and muted Franklin Garland

222  
223 Randy Marshall: I was just going to say that since we have a number of people who want to speak tonight, it seems  
224 to me we want to try to institute some limit to the amount of time that people have to speak. Otherwise, we're going  
225 to be here terribly late. The other thing is in the past, it's never been quite productive to have Planning Board  
226 members respond to presenters individually. I agree with what Craig had to say in that we need to take the  
227 information that people are offering to us and we can get back to them or staff can get back to them at an appropriate  
228 time.

229  
230 David Blankfard: Thank you Randy.

231  
232 Perdita Holtz: We have asked for folks to limit comments to no more than 5 minutes.

233  
234 Ronald Sieber: This is Ronald Sieber speaking; I live in the New Hope Springs neighborhood, which is along David  
235 Road. I have two short comments to make and a question. My first comment is that the signs that have been  
236 provided by the Planning Department to announce these meetings are too small, the print on them is too small, and  
237 they are placed in dangerous venues that if a person such as myself wants to stop and try to interrupt what is on  
238 them, we'll get run over by cars. This actually happened to me on Davis Road when I stopped to photograph one of  
239 the signs because it was really too small to read. As I was doing that, a truck came up behind me and almost hit my  
240 car which was parked by the side of the road. I would ask the Planning Department to please come up with a sign  
241 that's got larger print in it, is more intelligent in its presentation and doesn't present a danger to us folks who want to  
242 read what's going on. My second comment is that the July 21<sup>st</sup> meeting invited only those people within a 1000  
243 square feet of the affected area along David Road, which is a mile and a half long, there are 100s of homes,  
244 thousands of people who live on Davis and Ode Turner and all of us are going to be effected by this change. Not  
245 only from the development itself in parcels one and two but also the proposed change of planning along Davis for  
246 that little 12 acre parcel that the RTLP is planning to incorporate as part of their zoning change. That goes to my  
247 questions, my questions is if this is a rural neighborhood of farms, legacy businesses and homes, why are we  
248 allowing a major corporation come in and annex this piece and make it part of their monstrosity of a development.  
249 This is just going to change everything not only in our neighborhood but on the road itself on Old 86 and potentially  
250 on Davis Road. That's the end of my question. Thank you for taking it.

251  
252 Richard Wagoner: My question is more of a question than a comment. I was unable to attend the earlier July  
253 meeting for the public and my question is about the residential areas right when you come off I-40 onto Old 86. Right  
254 now, I think it is in the Neighborhood Mixed Use on one map but on another map, it's the Economic Development  
255 Transition so I am trying to get an idea of what is proposed for that area in the future. My mother-in-law lives when  
256 you are coming off 86 on the right hand side, my wife is the property owner along with my mother-in-law so we are  
257 trying to find out what is proposed for that area.

258  
259 Tom Altieri: The parcels you are inquiring about are to the north of the amendment area that I discussed in my  
260 presentation. They are addressed in that Central Orange Joint Land Use Plan as well as the County's  
261 Comprehensive Plan it is located in an area that would have the potential for economic development. The properties  
262 there that are residential if zoned for non-residential uses those parcels are allowed to continue to be there to have  
263 residential uses. They are what's called non-conforming uses meaning that it may be a house if it's rezoned to non-  
264 residential it's not within the conforming zoning district but those houses are certainly allowed to stay. We did receive  
265 a question at our public information session about would it increase potentially the developers interests in purchasing  
266 those houses and the response at that time was that yes it could so it is possible there could be some transitioning  
267 there if property owners want to willingly sell their property to developers for non-residential uses in the future.

268  
269 Richard Wagoner: There would be no requirement at this time, you could stay there if you wanted to or sell if you  
270 wanted to?

271  
272 Tom Altieri: Absolutely, that is correct. I know it's hard to really separate the development proposal from some of the  
273 land use amendments that I've been discussing but things like buffer requirements around the development to  
274 provide buffers between it and adjacent residential uses will certainly be discussed later this evening.

275  
276 Richard Wagoner: Ok, thank you.

277

278 Clare Brennan: Hi, Clare Brennan, like one of my neighbors earlier, I also live down Davis Road in the New Hope  
279 Springs subdivision. I wanted to specifically talk about that little parcel of land that had the star on it. That's of  
280 concern to me and I think a lot of my neighbors since we live down Davis Road. As I see it, I think this big planned  
281 economic development is likely going to happen but I would like to sort of try to get a win out of this somehow and  
282 maybe will a battle but lose the war. My position is that we need not be rezoning or annexing that little parcel that  
283 had the star on it. I think that was 17 acres that was on the west side of 86 and adjacent to Davis Road. I think there  
284 was plans to change that zoning from Rural Residential to an Economic Development Transitional Zone, I am totally  
285 opposed to that, and speaking for my neighbors, I think we all are in the subdivision. I also want to step back and  
286 remind people that Old 86 is one of 57 scenic byways in the State of North Carolina and appeared on colonial maps  
287 of this state dating back to 1770 so we've had 250 years of living off of Old 86, families, generations enjoying this  
288 rural life so it is really with a lot of dismay and disappointment that we are seeing the plans for this huge rezoning  
289 here right at the corner of our neighborhood. I also take a bit of issue with the term RTP Logistics Park. We are at  
290 least 30 miles from RTP, surely this is a bit of a misnomer should we maybe consider calling this the Hillsborough  
291 Manufacturing District, it's kind of what we are looking at, right? This is not a RTP associated park in any way shape  
292 or form. Also this might go onto the next agenda item but I have a real concern about the PIN 9862-99-8894 that is a  
293 warehouse that has an access road off of Davis Road and this is planned to be 300,000 square feet again according  
294 to my math that is some sort of building that would be 300 ft. by 1000 ft. right as you turn off of Old 86 onto Davis  
295 Road. Quite frankly, that is really unacceptable. We moved out here to this lovely part of Hillsborough and Orange  
296 County for the luxury and the privilege of living in the country and that is really just going to totally deface the whole  
297 entryway into what is supposed to be our gateway into historic Hillsborough. I also want to mention in this COVID  
298 environment, that Davis Road has really become a place that our neighbors cherish. We cycle out there and walk out  
299 there you see families walking hand in hand with children on Davis Road especially because people are home now  
300 and not able to go out and socialize. Folks cycle out there this is a great place to ride bikes and again that quality of  
301 life that we're used to maybe gone if this huge development comes to fruition so my pitch again is to remove any  
302 service road, any development from encroaching down that Davis Road corridor and let's leave Davis Road in as  
303 much of the pristine condition as we can. My last question is once this large manufacturing and industrial  
304 warehousing site is approved, will residents be notified about the potential new owners of these facilities and what  
305 sort of manufacturing and industrial plans do we have for these parcels are we looking at a rubber tire plant, a swine  
306 pig manufacturing site, pharmaceuticals what are we really approving here? It's quite nebulous in my mind and a little  
307 frightening so I'll stop now and just take any questions if need be. Thank you.

308

309 David Blankfard: Thank you.

310

311 Randy Marshall: How far is your development from 86?

312

313 Clare Brennan: 1.75 miles, it's right the Ode Turner fork, go left at the fork.

314

315 Randy Marshall: Ok, so you'd have to go 1.7 miles down Davis Drive from 86 to get to your development?

316

317 Clare Brennan: Correct.

318

319 Randy Marshall: Thank you.

320

321 Hunter Spitzer: My question was if we do not approve this Land Use Plan amendment, can this area still be rezoned  
322 in the following amendment or would it be passed to the Board of County Commissioners? The one for the Research  
323 Triangle Logistic Park if we don't change our land use map?

324

325 Tom Altieri: Any rezoning needs to be consistent with the Land Use Plan. If it is not consistent with the Land Use  
326 Plan then the Land Use Plan needs to change concurrently. So the answer to your question is no.

327

328 Craig Benedict: I can add on to that. North Carolina State Law allows rezoning to proceed and independent and if  
329 the rezoning is approved in an area such as this then we would have to, as Tom said, go back and change the Land  
330 Use Plan.

331

332 Hunter Spitzer: So it would be inconsistent but because our Land Use Plan didn't agree with this, it wouldn't  
333 necessarily stop it?

334  
335 Craig Benedict: That's correct.

336  
337 Jared Jurkiewicz: My name is Jared Jurkiewicz; I live down Davis Road as well just past the New Hope Subdivision.  
338 I'm actually in the Windsong Subdivision, which is a tenth of a mile from them. I am also the president of the  
339 homeowners association for the Windsong Subdivision representing approximately 15 households on this call and I  
340 would just like us all to go on record saying that we oppose making these changes here all of us are extremely  
341 concerned about the detrimental effects it will have to our community, to the traffic on Davis and to the overall  
342 lifestyle of the area. It has been summarized by Franklin and several others beforehand that many of us moved out  
343 here specifically because it was a rural area and we wanted to be outside of the city. We did not come here to  
344 suddenly have a massive manufacturing facility and warehouse district pop up in our back yards. A lot of us are  
345 incredibly unhappy about this and I don't know if it is true or not but I know it has been discussed among people here  
346 as we feel like this is being snuck in and hidden with the things such as the signs that are unreadable on the road  
347 unless you stop and endanger your life to read them. That the stuff is being done very under the table and sort of an  
348 underhanded fashion and it is breeding a lot of resentment with the residents of this area. I can that's true for my  
349 entire subdivision, it's come up in our homeowners association meetings several time now and as Franklin said, it  
350 really feels like, even though the statute said or the creed said that Hillsborough residents come first, it feels like we  
351 are all coming last. That this corporation, which is from out of state, is getting more preferential treatment than the  
352 2000 + citizens that live here and that's pretty much my entire comment. Thank you.

353  
354 Hunter Spitzer: New question, I know that the Town is planning to expand sewer service area to the north of this  
355 parcel that's in question right now and they will provide services to the proposed RTLP development but I remember  
356 reading the plan that they're also planning a long term vision to build a sewer loop that will return back across 86 and  
357 I wondered if the Town needs this area to complete that project?

358  
359 Craig Benedict: Tom, I can handle that one. The loop that they would be providing would be for a water system and  
360 not a sewer system. So it's likely that in order to get the fire flows for development of this type, that a loop would  
361 occur back from I-40 near the service road through the development and back out to Old 86 where there is presently  
362 a large water line in 86 now. As far as the sewer system, this area even this additional 12 acre area and the other  
363 roughly 70 acres on the east side all flows by gravity naturally to the sewer systems within Hillsborough. That's why  
364 this both could be served easily by the sewer system and also water main loop that would go back to the existing  
365 facilities along Old 86.

366  
367 Hunter Spitzer: Right, the Town doesn't necessarily need this area to complete the water loop.

368  
369 Craig Benedict: There's multiple engineering solutions. One of them would be a loop system so it's something that's  
370 being explored to provide those fire flows that are necessary.

371  
372 David Blankford: I think the other way they could do it is to have a fire pump inside each room and each building  
373 could generate the flows that they would need for a sprinkler system but those are costly.

374  
375 Bob Bundschuh: My name is Bob Bundschuh; I also live in New Hope Springs, a couple of miles down Davis. I'll try  
376 to keep this to this particular amendment. The first question I have is when did Hillsborough actually approve this?  
377 You said that this is the next step the County has to then follow suit but why now? What made it pertinent this month  
378 to actually start doing this and is it related to the second part of the agenda? Looking at your first five slides, you  
379 looked at all the areas that are slated for development, there are a lot of areas that are slated for development,  
380 already zoned for development and aren't developed yet. So why the push to do this right now, why don't we wait  
381 until we actually let the demand start catching up with the supply. Or as some people have said is this a quick way to  
382 get this kind of rezoned and then call it the master plan which back when Settler's Point was going on this was phase  
383 3 and some type of retirement place and we're going to go ahead and table that as kind of a negotiation tactic that  
384 was used back then. So why is it suddenly become a thing to, it's not a rezoning but we're going to match it up with  
385 the master plan for the Suburban Office. The second one is the 12 acre parcel at the northwest corner, it's kind of  
386 funny that it is connected to the redrawing of the lines to say, we need that little 12 acre parcel to become part of this  
387 complex across the way. So we had 89 acres and 12 of it is across the street. Is it really realistic that someone  
388 would actually go in and get that 12 acres, develop it you said, a walkable office building without drive up traffic or is  
389 that a way to let's get this little corner across the street, and Hunter even eluded to it, do we have to do it in the right

390 order to say yeah we do the land use first and then we can go and rezone it. Is that a way of saying let's get this first  
391 because somebody wants to rezone that later. It's not, it doesn't make sense that we have to put that little 12 acre  
392 piece in there, it's just a way to get it in line so that in your next agenda you can then rezone it. Like other people,  
393 that connection to Davis, and we'll talk about that more in the second one, it makes no sense. Davis is a two-lane  
394 road where the white line actually will go into the gravel sometimes it's so narrow. The development on Davis is not  
395 where you want to put it. And lastly, so how do we change it? Every time we come to one of these meetings, we  
396 want to change the master plan of the development to zone it more industrial and take away rural and you said well  
397 that's been the plan for 20 years. Well obviously, it can be changed so how do we change it back. Do we go to the  
398 zoning board? Do we go to the County Commissioners? How do we put restrictions as the people that live out here,  
399 so that every year we don't have to keep doing this and that a decision made 20, 30 years, is not going to come up  
400 all the time. One last comment, and Randy with all due respect, you said earlier that we have to make this quick or  
401 we'll be here terribly late. I understand we got to make it quick but we live here. We're the one that have to deal with  
402 the decisions being made so if people have to stay up a little later, I think that's a small sacrifice for those of us who  
403 have to live with being up terribly late with development so with all due respect, I'm ok with staying up a little late and  
404 I think everybody else is to. Thank you.

405  
406 Maryanne Ross: Hi, thank you for having this meeting and thank you Bob for that. We are community members and  
407 with all due respect, if we are here later, this is our neighborhood. The last meeting that we attended it was put off to  
408 a later date and they waited until we forgot, they waited until something else happened and they passed a rezoning.  
409 It's the same thing that Ronald said, the sign was put out and it was so small, the meeting had passed, it was only for  
410 a few people and then the next thing I knew, I drove by and there were like 20 signs out. And then the meeting  
411 happened a week later. So, speaking to David and Hunter and Melissa, welcome, the OCPB charge is that  
412 'harmonious development, future needs, homes, homestead, wildlife habitat' we have deer, we have endangered  
413 bluebirds, we have many wildlife that are living in this neighborhood community. Whether or not we live 1.75 miles,  
414 2.3 miles, we live on Davis, we live on Ode Turner, we live in this neighborhood. This is where we live now. We  
415 didn't live here 20 years ago this is where we live this is where our families are this is our harmonious development  
416 we are your constituents we would appreciate you listening to what we have to say. I'm talking to you Hunter, I'm  
417 talking to you Melissa, I'm talking to you David. Apparently, you weren't here when we had this meeting two years  
418 ago and they wanted to rezone yet again these same areas and that fell through and what Mr. Altieri described  
419 earlier, the whole kit and caboodle was this is an example of the Town giving an inch and a developer taking a mile  
420 because there's a little bit of an extra parcel and that's what they want to do. And we implore you to please put a  
421 stop to it. Let us have our green area. Let us live our lives where we live it best. I do not need nor do we want to  
422 have this traffic, this green space taken away, Thank you.

423  
424 Jon Lorusso: Good evening, I don't have a lot to say. I wanted to voice my opposition to this. I also live off Davis  
425 Road across from the New Hope Springs Subdivision. I am against this I concur with previous speakers about the  
426 signs. I almost got into an accident myself trying to read information off a sign. It does feel like this is being done  
427 without the, no one voices their opposition. I came in from a meeting late tonight and I missed the meeting in July. I  
428 wasn't at the meeting a few years ago that the previous speaker mentioned. I don't know how long in the process we  
429 are but once it's done you cannot undo it. You cut down a tree the tree is gone it's not coming back you can't just put  
430 a new one there. If this is done, it's permanent. It will change forever the place that we live. The phrase Not in My  
431 Back Yard comes to mind. I don't know how many of the County Commissioners live in this area if this was being  
432 done on the other side of the County, I probably wouldn't care but it is being done in my backyard like the previous  
433 speakers have said, I didn't move here so that I could live next to a giant manufacturing district. This is just not why I  
434 moved here not why I live here. I would also like to reiterate what speakers said about the potential use. What's  
435 going to go on here? No idea. I think she mentioned a rubber tire factory, who knows? It's really none of our  
436 business right? It's private property, they can do whatever they want. I am very upset by this and I really wish you  
437 wouldn't do this to us. That's all I have to say.

438  
439 Stephen Williams: I just wanted to voice my concerns and many people have already spoken on the topics I was  
440 concerned about. I am wondering why the residents in this area haven't be given any results as to if traffic studies  
441 have been done on the impacts that this facility might have on traffic as well as green space. I spent one day this  
442 week putting up my new mailbox because I am in the process of building on a property 3 acres that will border this  
443 potential development and life others have said, as I was putting up my mailbox, bikers went by, people walking,  
444 cars, it's just unimaginable what the impacts will be on Davis Road to allow an entrance or exit to a facility of this  
445 size. I am also confused as to why the 12 acres is so important. We keep saying that it's, we'll talk about something

446 separate but really they go hand and hands. I really thought it would have been best in the interest of everyone if this  
447 had been addressed and then questions had been asked. There's a major and no one has mentioned this, there are  
448 major power lines that separate that 12 acres from the rest of this development. I don't know if that has been brought  
449 to anyone's attention, I'm sure the planning committee is aware of that it just seems illogical that those 12 acres are  
450 essential to them putting this development in. I concur the signs are super small, many people at the July meeting  
451 voiced their concerns there weren't many of us but there were a few there. I do feel like it's absurd that we're talking  
452 about changing the zoning of a residential area with residents and people's homes and lives that in and of itself  
453 should say. What are we doing here? Why are we doing this? Are we doing this for money? I chose to buy land in  
454 Orange County and pay the higher taxes because I wanted some space, I wanted 3 acres, I wanted some woods. I  
455 didn't know at the time that all this was going to be occurring or I would have changed my mind. I could have bought  
456 in a different county and paid a lot lower taxes so I hope the planners here will hear our voices and as it's been said,  
457 we do the voting and I guess we'll need to remember that when we vote again. Again, time is of the essence but I'm  
458 hearing a lot of questions from people on the planning committee so we might want to direct the time to constituents  
459 and residents if we want to save time and save those planning committee questions for when you guys meet at a  
460 later time. Thank you.

461  
462 Leslie Roberts: Thank you for letting me speak, this is Leslie Roberts and I live on Old 86 about a half a mile from  
463 the Davis/86 intersection. I am opposed to this and I have some concerns that have not been mentioned yet. One of  
464 them being that traffic on Old 86 is picking up quite a bit since I've moved here I've noticed and I think would be  
465 erroneous to assume that the traffic will stay between this warehouse and 40 since 40 is right there. I think that traffic  
466 will probably increase along Old 86 to New Hope Church Road as people bypassing go another to the interstate. I  
467 think that is something that should be considered also considering the narrower parts of Old 86 out here as well as  
468 cyclists and just people just trying to get out of their driveways. I am also concerned because I know that this is a  
469 long time coming people have not heard that this has been in motion for many many years but the world we live in  
470 now is not the same world we were in when this was thought of and I think it would behoove us to really take a step  
471 back and consider the footprint that we are looking at leaving with this industrial complex. Many businesses are  
472 opting to work from home options that may be permanent. They are finding that automation can make smaller  
473 spaces for warehouses and not as big warehouses are needed. So I think it's frivolous at this point to consider such  
474 a big industrial impact when we're very clearly seeing that in two or three years from now the same resources may  
475 not be necessary and so I think that's really important to consider that what we're doing here will have a lasting  
476 effect. I have a question to be considered for later, are there plans to consider that is there a pivot that can be made  
477 if we realize that this is not going to be fruitful. So that's where I'm coming from. I appreciate you taking my  
478 questions, thank you.

479  
480 Matthew Kostura: Just a couple of comments. First there have been a lot of question about what might go in here. I  
481 think it's pretty clear what going to go in here, a very large warehousing distribution center, manufacturing is probably  
482 not in the cards here. You are really talking about the big impacts is traffic and with all due respect to Randy about  
483 asking where people live on Davis Road, 1.8 miles away, whatever. Last I heard cars move they are going to be  
484 coming down this way and a point that I want to make is that for everybody out here on Davis Road, all the  
485 comments about the biking and the walking and such are true and here's the reason why, in 20 years' time since I've  
486 been living here based on North Carolina's own annual average daily trip data, the traffic on David Road has not  
487 increased one bit it's been stuck around 800 trips a day. So this is not a road for us, it's a driveway. We don't view it  
488 as a road it's our driveway that we come home to. Now at the top of it, you're going to be putting the traffic bog of  
489 basically four years' worth of trips on this road, four years 3000 trips. That just doesn't make any sense. Secondly, I  
490 want to go back to Melissa Poole's question because I think it's really important. It seems like this rezoning is  
491 backwards. How I interrupt Tom Altieri's commentary is basically this way, we can rezone it because in the future we  
492 have it marked for rezoning. So we can rezone it now. That's basically how I'm interrupting this, I think it's true but  
493 it's really just as a way, an ad hoc way to say, we're going to get this way in that is critical for this development. They  
494 need a second egress from that site and that land is for that. Oh and by the way, they're putting a 300,000 square  
495 foot building there too. Right next to a bunch of homes, which they are free, to sell to anybody who wants to come in  
496 and put up fence. It seems to me, I really want to address that issue of how this lays out because it seems to me like  
497 this a very ad hoc exercise. I really like some explanations on how that works out because it seems to me what  
498 you're justifying a present change because the future overlay that's going to occur. Really, that cuts back to Melissa  
499 Poole's comments. Thank you, I'm done.

500

501 Adam Beeman: I am just wondering if we can just get past this first amendment, a lot of the problems and questions  
502 would be addressed and answered in Mr. Harvey's presentation over the rezoning of the MPZ-CD. We're going  
503 through stuff that they will get answers to once Mr. Harvey give his presentation. I don't know if there is a way we  
504 can vote on this first amendment and move along but a lot of the stuff will be answered once we get to that next  
505 presentation, I believe.

506  
507 Gerald Scarlett: I will speak specifically to Item 8 let it be known that I am not in favor of any of this. I have been here  
508 for 65 years; my family has been here for over 200 years. When you look at your map, West Scarlett Mountain Road  
509 is my driveway. It's a half a mile long and I personally maintain all of it, all the expense and all the work. What I  
510 would ask of the Board is that you recommend to the County Commissioners that Item 8 not be approved. I'd like for  
511 all this to go away but I've been fighting this stuff since Interstate 40 took part of my property so I know how some of  
512 it will turn out but we do not need to approve Item 8. If you look at that map, the change that you are making, I know  
513 it's not yet a rezoning, seems to be just because the Town wanted to do it and we want to match that. I think we  
514 need to make everything as hard as possible for anybody to do anything in that section other than the R1. Part of my  
515 reasoning for that is if you look at my driveway, that is the beginning of the Rural Buffer. My property is in the Rural  
516 Buffer. There are a lot of things I cannot do with my property that people on Davis Road can because I'm in the  
517 Rural Buffer. Some of my tax money has been spend over the last couple of years to put up signs that say 'Entering  
518 the Rural Buffer'. Some people love it, I personally don't, it rubs my nose in the fact that I can't do something on the  
519 piece of property my family has been paying taxes on for 150 – 200 years but none of that matters at this point but if  
520 you look at that map and you look at my driveway, it does not make sense to me that you have a Rural Buffer that  
521 limits the use of property so that it has to stay the very rural, more rural than the rest of the County but I would have  
522 to pass businesses and retail potential down the road to get off of my Rural Buffer property. If we are going to make  
523 development, there has got to be a buffer between a Rural Buffer and the beginning of the Retail and Industrial. It  
524 makes no sense to make a hard line to the Rural Buffer, don't cut your trees, you can't divide your property, right over  
525 to here's an industrial zone. If you are going to this and recommend to the County Commissioners that they do this  
526 and approve this then you need to do away with the Rural Buffer. That needs to be forgotten about so I guess if  
527 there is a question in all that, is there any intention of providing any kind of buffer between my driveway and the  
528 changes that this might allow and the zoning that it might allow down the road and I know that the answer to that is  
529 no. So, I would beg you please recommend to the Commissioners at least for Item 8 and of course, I think so for the  
530 rest of it too, recommend to them that they do not change that. Let's not make it easy for people to come in and ruin  
531 what we've done here. Thank you.

532  
533 Sarah Shore: My name is Sarah Shore. Randy, I just want to let you know that my land backs up to this so we are  
534 directly affected by this amendment. This proposed amendment that was snuck in, that was completely different for  
535 Settler's Point, is really upsetting because I will have a warehouse in my backyard, about a 100 yards away from my  
536 children's playset. I moved here to keep my kid's childhood simple with the woods and being able to run around and  
537 have fun and you are now telling me there will be a semi going past my backyard because of the is one little parcel of  
538 land and I understand that we can't fight it all but whoever said it earlier, fighting and winning this battle and losing  
539 the war is looking like it might be but please do not put a semi in my backyard and this warehouse. One thing Randy,  
540 this is my backyard, I don't live down Davis Road, I live on Old 86. Thank you.

541  
542 Cedar Eagle: Hello, I have a question regarding the zoning basically. Can the constituents create a petition to keep  
543 the zoning as Rural and Residential and if so, how many signature would be required on a petition like that before the  
544 Town would have to address it? That's my only question.

545  
546 Craig Benedict: There is a public hearing process that is part of these amendments. You are welcome to attend and  
547 bring signatures or petitions if you would like to that public hearing and that will be part of the consideration for the  
548 amendment so that's the process within the laws of the County that are put up in the Unified Development  
549 Ordinance.

550  
551 Cedar Eagle: Ok but there's no set amount of signatures that is necessary. You can't give me any kind of numerical  
552 data to show how much outcry we would need to make it strongly ... I mean I understand the County Commissioners  
553 what this approved but pretty much everything I've heard from every resident wants it to keep agricultural and  
554 residentially zoned so if had a public outcry of thousands of petitions saying they don't want it how much impact  
555 would that have?

556

557 Craig Benedict: We regularly, as part of the public hearing process, take a look at the input that comes from  
558 residents and it is gauged against our Comprehensive Plan. There is not a numerical limit that makes it go one way  
559 or the other. There is a public hearing process.

560  
561 Cedar Eagle: Ok, thank you that's all I needed to know.

562  
563 Tom Altieri: If I might add, what you are describing sounds a little bit like a reference to annexation law in that when  
564 an area is proposed for voluntary annexation, a majority of the property owners have to agree to that annexation.  
565 That could be what you are referring to. Annexation of course is not proposed here and there is no rezoning part of  
566 Item 8.

567  
568 Jack Rupplin: Good evening, I appreciate the opportunity to talk to you about this issue. I was ignorant about it until  
569 a few days ago until Franklin Garland told me about it because I noticed the little signs but they didn't mean much to  
570 me. He briefed me on this and I realized the impact that this would have on the total area and I was totally shocked. I  
571 thought that this amount of time that he described was totally short fused especially on circumstances we are living  
572 now with the COVID and so I contacted my attorney and he referred me to another attorney and in turn they referred  
573 me to Morningstar Law and they are a very good group of attorneys who specialize in this sort of issue. I spoke with  
574 them and I asked them what it would take for them to represent us in this case which I will oppose with all ingenuity  
575 and money I can muster to stop this because it is totally a rough plan. It's a plan without any thought there is no  
576 special use zoning in here, it's just all very broad stroked and that makes it very dangerous and very unpredictable  
577 and we will suffer the consequences for a long time and I am personally very happy where I'm near and I will want to  
578 continue living where I am. So, as to what I want from you all is a voluntary deferment or delay of any action so we,  
579 the residents of this area, we can organize and we can retain legal counsel and we can prepare a plan or a counter  
580 plan and suggest some modifications to the zoning or the rezoning and suggest some modifications to the RTLP and  
581 come up with something that is reasonable. This is our area not the Planning Board's area. We want to work with  
582 you and we want to organize we are not going to be run over and we are not going to be forced into this so I would  
583 like to ask you to consider postponing this and give us the time to organize and to get legal counsel. Hereby, I  
584 pledge \$1,000 dollars of my money as seed money to begin this action. I thank you very much for your attention and  
585 God bless you.

586  
587 Betty Garland: I just wanted to say that this is going to be in my backyard. We do a brisk agritourism business in  
588 general here and this is going to have a very negative impact on that. Also, regarding petitions and signatures we  
589 had about 5000 against the Summit project but it got voted in anyway so like if we had 30,000 signatures would that  
590 get somebody's attention? I would like to get that really clarified if I can. That's it.

591  
592 Kaila Mitchell: I'm Kaila Mitchell, I live on Jedi Way my parents live on one side and then my in-laws live on the other  
593 we are about a quarter of a mile down the road from Old 86. Before we move here, at the end of 2017, my husband  
594 Matt Mitchell spoke with Michael Harvey asking about the development plans as far as that expansion that plot that  
595 will come up to Davis. He was told that were was no appetite for it and so we were under the impression that it would  
596 not happen. If we had known that it would have, of course we would have chosen not to move here. Some of our  
597 concerns, just like many of our neighbors that I agree with, we are concerned about light, and noise, pollution, air  
598 pollution and of course safety because of the increase traffic, especially the big trucks. I'd also, the potential for the  
599 decrease in the value of our property being so close to a warehouse district. So I wanted to make my concerns  
600 known as well and that I stand in solidarity with my neighbors being 100% opposed to this. Thank you.

601  
602 Jon Lorusso: I spoke earlier, I'd just like to say that if this meeting were in person, the attendees, the residents would  
603 have the opportunity to meet and meet each other in person a lot of my neighbors, share contact details and organize  
604 in a way that Mr. Rupplin was speaking about. We don't have the opportunity to do that because this is being done  
605 virtually but if, I was made aware of this through Mr. Garland, Mr. Franklin Garland, I would say, just to keep it simple,  
606 I am going to email him and see if he has any means of organizing the rest of us. Perhaps a Facebook group or  
607 something along those lines would be useful. Mr. Rupplin if you have any ideas, I can't really share my email with  
608 you right now but I will try to get in touch with you through Mr. Garland and hopefully we can organize something that  
609 way. That's all I have thank you.

610

611 Franklin Garland: Thank you for taking my questions again, I know I am using a lot of the time out here. Somethings  
612 that haven't been asked yet and I know this will come up later on in the meeting but are any Commissioners present  
613 today for this meeting. That's one question, ok.

614

615 Perdita Holtz: Can I go ahead and answer that and say that Commission Chair Penny Rich is on the call as an  
616 attendee.

617

618 Franklin Garland: She the only one.

619

620 Perdita Holtz: Yes, it is not typical that BOCC members attend Planning Board meeting.

621

622 Franklin Garland: So this is moot, what we're discussing the decision everything we're saying.

623

624 Perdita Holtz: Well this the Planning Board meeting and there will be a public hearing before the Board of County  
625 Commissioners at a future date.

626

627 Franklin Garland: It's my understanding, and everybody that has spoken so far that this was in fact an information  
628 meeting with the Commissioners present and once again it seems to me that the Planning Board is trying to sweep  
629 everything under that rug. Ok, again pulling the wool in front of our eyes. Big questions for you guys, there is the  
630 Research Triangle Logistic Park Company out there Terra Equity did a presentation for a hand full of people because  
631 nobody else was notified and Planning Board has made it a point of not notifying all the people that really get  
632 involved but just the ones that are in contact with the property. Ok, so sort of devious, ok because there are, like I  
633 said, thousands of people that get affected by this not just the 12 parcels around it. However, big big question, we  
634 did have an informational meeting on July 15<sup>th</sup> I believe it was and they said it was going to create 4500 jobs. The  
635 same argument used by the planning that was going to create this jobs for from Northern Orange County. So, this  
636 was with Summit Corporation. If we have 4500 new jobs out here and that are being created for the people who live  
637 in Northern Orange County, that means we're going to have approximately 4500 cars coming through Hillsborough  
638 additional to the traffic that is a mess already there, in the morning and those cars are going to be returning in the  
639 afternoon ok. I don't think that is exactly good planning by the way. I mean we really need a different way other than  
640 Churton to get through Hillsborough and that's never going to happen but let's go ahead and double the traffic out  
641 there. 4600 people that almost the population of Hillsborough that you actually adding to the traffic conditions out  
642 there ok. I don't know if you guys have considered that apparently not because certainly that would require putting in  
643 four lanes or at least 2 lanes in every direction and that's not in the plans either. I understand that DOT doesn't have  
644 money to convert the roads at this one and to the work and Hillsborough doesn't either ok. I also, actually good  
645 question out here, everything we got pretty much blindsided with Summit and it got approved. I will ask someone  
646 who is in the know, Summit got approved pretty much they just blew us away and said we're going to do whatever we  
647 want anyhow and you did and then they pulled out. Why did they pull out, when did they pull out, what did Terra offer  
648 you that is making you do it. When did they let you know that they were going to do this and why weren't we  
649 informed that this all had happened? Any care to comment on that, it is planning, this is you know obviously  
650 somebody planned Summit and decided to get out of it. Somebody now trying to just pull another one over us. I  
651 wouldn't mind if Mr. Harvey or Mr. Benedict answered this one cause apparently they're the one in charge of this and  
652 I hope they're present because they are the planning commission and if they're not there why are we even having  
653 this meeting?

654

655 Craig Benedict: I can give you a brief answer; we will provide something in writing. The developer of Settler's Point  
656 received approval in January 2018. At times, developers do not stay with the project and we are not privy to why they  
657 left the project, cease to exist. Another project did pick that up.

658

659 Franklin Garland: Have you seen the damage they did back there already? And the wildlife that the displaced? I  
660 mean they literally raised it and then abandoned it.

661

662 David Blankfard: I think that was the tornado.

663

664 Franklin Garland: No, no, no, no, no we're talking about 90 + acres that are devastated back there not tornados.  
665 Raised, cut down and raised and leveled with grading already having started on it. I am just curious why they pulled  
666 out. It seems like you guys would know. There would be some agreement that there have to do it since they went

667 forth and everything and they pulled out and you guy pulled out from who knows where this other mega corporation  
668 that is not even in North Carolina that one of the stipulations is here that it's going to help North Carolinians. This  
669 company is from Kentucky for crying out loud. They gonna get their own crews in here and that is supposed to help  
670 us? Orange County residents? I mean I don't see where you guys are deciding this and pulling this out from and you  
671 literally putting this whole thing in middle of a residential area. You look around your development zone and it is all  
672 residential. It might be by I-40 but that doesn't keep it from being residential.

673

674 David Blankfard: I think Michael Harvey has something to say.

675

676 Franklin Garland: I'd be surprised.

677

678 Michael Harvey: The applicant for Settler's Point did not engage in any land clearing. The land clearing that Mr.  
679 Garland is referring to was actually carried out, as I understand it, as part of a timber operation and consistent with a  
680 forest management plan to harvest the timber. The land disturbance activity did not occur as result of any actual  
681 development activity for the Settler's Point project.

682

683 Franklin Garland: Why did Settler's Point pull out Harvey. I mean you should know you're in charge of this.

684

685 Michael Harvey: Well, Mr. Garland, I responded to your email request. The Settlers Point applicant has not pulled  
686 out of anything and the properties have been rezoned. As I understand it the applicant for the project chose not to  
687 move forward with initiation of development plans activities due to utility extension issues. We have a new applicant  
688 proposing a new project that is being processed in accordance with the provision of the Unified Development  
689 Ordinance.

690

691 Franklin Garland: So if Summit hasn't done anything that doesn't mean they're out of the picture, they just have not  
692 done anything yet. You gonna try to sell this to the second customer, how about we go ahead and do a proposal of  
693 our own to put up whatever we want our community and try to counter that, would that fly too then.

694

695 David Blankfard: You're welcome to do it.

696

697 Franklin Garland: If our proposal calls for farmland for example, we want it rezoned to pasture. I mean that's a  
698 perfectly legitimate thing and that's then, you'd have to accept it right if the people, if that's what we want.

699

700 Jayse Sessi: My name is Jayse Sessi, I live a little further away but I drive by that area all the time. We moved here  
701 almost 14 years ago and we chose to live in a semi-rural area. Since we've been here that parcel that corner has  
702 been put up for several different situations and I think it's a little upsetting that the rural area, if that 12 acres, will  
703 impact the neighborhoods that are nearer than I am but it also would have a negative impact, I think, for this area.  
704 It's not just that immediate, those immediate houses those people have mentioned but it's further away that has an  
705 impact as well. I am just basically wanting to voice my concerns and I am against it and my support to the local  
706 community.

707

708 David Blankfard: Ok, I think that's everybody from the attendees. Does anybody on the Board have any further  
709 questions or comments or anything?

710

711 Perdita Holtz: There are two people with their hands up. They have already spoken and as is normal during an in-  
712 person meeting, normally people are able to speak once so I'll have to let the Planning Board make a decision on  
713 whether they want to hear from Cedar Eagle again and Franklin Garland again.

714

715 David Blankfard: So what does the Board think?

716

717 Hunter Spitzer: I think it's time for a motion.

718

719 Adam Beeman: I believe I've heard enough.

720

721 David Blankfard: Yeah, they'll have time to talk about what they really want to talk about in the next couple of items.  
722 Ok, so can I get a motion.

723  
724 Adam Beeman: Motion to approve the item – I don't have it in front of me. A motion to approve the amendment for  
725 the zoning for the COCA and FLUM.

726  
727 Tom Altieri: In the motion, sorry for interrupting, the motion would be to approve the resolution that is provided in  
728 your packet as attachment 3 and that outlines the amendment and the parcels to be amended if indeed the Planning  
729 Board wants to recommend approval they would do so by virtue of approving the resolution that you have.

730  
731 Adam Beeman: I move to approve Tom's resolution.

732  
733 Kim Piracci: Wait a second, I really... I would like to hear from Michael Harvey before I vote on anything. Do I have to  
734 vote to hear from Michael Harvey?

735  
736 David Blankfard: You can ask Michael anything.

737  
738 Kim Piracci: Isn't he going to present tonight?

739  
740 David Blankfard: Yes, the next one.

741  
742 Craig Benedict: The next two items.

743  
744 David Blankfard: We've got a long way to go. Tom spoke on this item.

745  
746 Tom Altieri: I'm sorry, I did not hear. I think the motion on the floor is to approve the Land Use Plan amendments  
747 through the resolution. I believe Mrs. Piracci's question is with regard to the rezoning and there are actually two  
748 rezonings on the agenda but I think the one that she is referring to is Item 10, the MPD-CZ that Michael Harvey has a  
749 presentation to introduce that item. This is for the Land Use Plan amendments and does not include the rezoning.

750  
751 Randy Marshall: I am prepared to read the proposal if you want to hear it from the agenda packet.

752  
753 **MOTION** by Randy Marshall to approve the amendment. The requirements of Section 2.8 of the UDO have been  
754 deemed complete pursuant to Sections 1.1.5 and 1.1.7 of the UDO and Section 153a to 341 of the North Carolina  
755 General Statutes the Board finds sufficient documentation within the record denoting that the amendment is  
756 consistent with the adopted 2030 Comprehensive Plan. The amendment is reasonable and in the public interest  
757 because it supports modifying existing non-residential zoning designations in an effort to provide each property  
758 owner with an opportunity/path forward for the reasonable development of their property. I would recommend that  
759 the Planning Board recommend to the Board of County Commissioners that they consider adoption of the proposed  
760 Zoning Atlas amendments. Seconded by Adam Beeman.

761  
762 **ROLLCALL VOTE:**

763 Carrie Fletcher: No  
764 Adam Beeman: For it  
765 Hunter Spitzer: No  
766 Melissa Poole: No  
767 Randy Marshall: Yes  
768 Kim Piracci: No  
769 Patricia Roberts: Yes  
770 Susan Hunter: Yes  
771 Alexandra Allman: Yes  
772 David Blankfard: Yes

773 **MOTION PASSED 6-4**

774  
775  
776 **AGENDA ITEM 9: ZONING ATLAS AMENDMENT (GENERAL USE REZONING)** - To review and make a recommendation to  
777 the BOCC on a County-initiated action to rezone 8 parcels totaling 45.96 acres from MPD-CZ  
778 (Settler's Point) to EDH-4 (Economic Development Hillsborough Office/Retail) (1 parcel 32.76

779 acres in size) or EDH-2 (Economic Development Hillsborough Limited Office) (7 parcels totaling  
780 13.2 acres). The parcels are located in Hillsborough Township, south of Interstate 40 and east of  
781 Old Highway 86. This item is scheduled for BOCC public hearing on September 15, 2020.

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

783 *Michael Harvey reviewed the abstract and proposed changes to the Zoning Atlas Amendment*

784

785 David Blankfard: Anybody from the Board have any questions or comments?

786

787 Hunter Spitzer: My first question is in rezoning these parcels back to what they were prior to this, particularly on the  
788 east side of 86, could I recommend or ask for consideration to rezoning to low intensity to medium intensity  
789 residential in this area? It seems as though the industrial land uses are not very in line with the vision that the  
790 residents have and I would add this zoning in addition to the ones that you already have recommended and in place  
791 of Rural Residential this would allow for a more transition, a different opportunity for development in the area that I  
792 think would be more in line with what some people have voiced.

793

794 Michael Harvey: Thank you for the question, that suggestion in my opinion is inconsistent with the Comprehensive  
795 Plan, which identifies this area as Economic Development Transition. I also think that these property owners would  
796 object to (their property being) the down zoning of their property and loss of potential development value. These  
797 parcels have been zoned Economic Development for several decades. That it is not something that I am comfortable  
798 with recommending or supporting. If you have an interest in restudying the area, that statement needs to be made to  
799 the County Commissioners who would need to take it under consideration. What I will say is that, as with other  
800 projects in this general area, there has been an interest in expanding our current Hillsborough Economic  
801 Development District and increasing economic development opportunities in this area. I also do not think it's the best  
802 planning idea to put low intensity residential right up against an Interstate. I think that the current land use categories  
803 and zoning that we have recommended would allow for purposeful development and expansion consistent with  
804 current County policy.

805

806 Hunter Spitzer: I have another, more of a comment and this is pertaining to the analysis section of the introduction of  
807 this amendment. 'It finds that this is consistent with land use goal 3, a variety of land uses that are coordinated within  
808 a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts,  
809 supported by an efficient and balanced transportation system.' This is not mentioned again in the actual motion or I  
810 believe the resolution we have to recommend to the Board. So if that will not be included over in summary words  
811 those things that we've accomplished then I have no further objections but I do find that land use goal in itself a little  
812 bit contradictory and not applicable to this situation.

813

814 David Blankfard: All right, anybody else have any comments? Ok, again I'd like to ask people from the community to  
815 say if they received a letter from the planning department.

816

817 Stephen Williams: I did receive a letter from the County Planning Board. I just want to reiterate something that the  
818 gentleman just said that was speaking. He said that he didn't think that the residents or the owners, I'm sorry, the  
819 owners of the property that we are discussing now would appreciate a rezoning that would devalue their property and  
820 I think that that's something that every resident here is concerned about. It's interesting that we're concerned about  
821 these particular parcels and the owners of them and worried about decreasing the value they have in their property  
822 but I think it should be noted that rezoning these areas and putting in this development which is the goal here, is also  
823 going to devalue the properties of the residents that are around those areas. Thanks.

824

825 Bob Bundschuh: I have a question if these go back to their old zoning and they're allowed to develop independently,  
826 two questions. Is water and sewer does the loop have to be supplied to them before they can do that and secondly, if  
827 someone decided to develop again can you reiterate what steps they would have to take. Would it go through zoning  
828 and then the County Commissioners again or since it is zoned does it just go to the zoning board?

829

830 Michael Harvey: I think I can answer that question. Any development of this property will have to be done in  
831 compliance with the Orange County Unified Development Ordinance. Development would be under staff's  
832 administrative review, it would not go back to the Planning Board or the County Commissioners. If these properties  
833 remain Settler's Point, MPD-CZ it would also not have to go back to the County Commissioners or the Planning

834 Board it would develop under site plan review. There are standards in the Unified Development Ordinance dealing  
835 with shared driveway access that any development on these properties would have to abide by, but the rezoning of  
836 these parcels would mean that the concept access management strategy developed as part of the Settler's Point  
837 MPD-CZ would not have to be followed and from our standpoint, it is more appropriate to give these individual  
838 property owners a path forward to development of their property as compliant with the various 18 or so pages of  
839 conditions associated with the Settler's Point MPD-CZ would be difficult for them to abide by.

840

841 Bob Bundschuh: And water and sewer?

842

843 Michael Harvey: I'm sorry sir; I forgot the water and sewer (question). These parcels are not intended nor are they  
844 slated to be served by water and sewer. In order for any of these eight parcels to get water/sewer, it is my opinion  
845 they would have to request annexation of the Town of Hillsborough. My apologies for that. This rezoning does not  
846 somehow give them the ability to tap onto water/sewer inconsistent with what the Town's original reaction was back  
847 when Settler's Point was being reviewed.

848

849 Franklin Garland: So, Mr. Harvey, it's my understanding with these eight parcels and pretty much everything else out  
850 there that what you decide goes and even though the ethics part of our webpage out here says that you can't do that,  
851 you just gonna railroad everything through no matter what as you saying this is not going to go to the Board of  
852 Commissioners, what you're doing right now. That they would have no say, they can't tell you no, and hold on hold  
853 on, I'm not done....

854

855 Michael Harvey: No sir, this Zoning Atlas amendment has to go to the County Commissioners for eventual approval,  
856 the development of these properties, as individual parcels would be handled by the staff consistent with the  
857 requirements of the Unified Development Ordinance as all permitted land uses would be handled.

858

859 Franklin Garland: Ok, so if you spending all this time and energy and all this money on it and all the people out here,  
860 I can get 20 or 30 thousand people to go against what you're trying to propose, you have wasted all this money and it  
861 will go to the Board of Commissioners and they gonna say, well we agree with the community, maybe they will this  
862 time. Apparently, you don't. You don't live here, I don't know where you live, you know. I don't know where the  
863 Commissioners live, I don't know where the rest of the Board lives but apparently they're not being affected by this  
864 because they could care less, including you, ok. I would really appreciate it if actually some of the Commissioners  
865 and some of these planning people came and looked at these properties. I will gladly let you on my property and  
866 show you what I mean. I have a drone I can fly over so you can see it because apparently you going by maps and  
867 that's good enough and that's not good enough for the people that live here by the way. You know what's good  
868 enough is for you to leave us alone.

869

870 David Blankfard: Thank you Mr. Garland

871

872 Steve Kaufmann: Can I have video too. My name is Steve Kaufmann and I did receive a letter from the County for  
873 this. First, let me introduce myself as a resident of Hillsborough for 25 years. I moved here to be a school teacher  
874 here and I moved on Davis Road and like everyone else has spoken about Davis Road, I just love this road it's like a  
875 dream come true moving here and I opened up a martial arts school here. I've been teaching martial arts in  
876 Hillsborough for 25 years also. Driving on Old 86 on my way to work, I saw some land for sale on the east side right  
877 near 40 and I wanted to build a martial arts school so I purchased that land that was actually zoned for schools at  
878 that time. Unfortunately, there as a moratorium for six months going on while I was purchasing it and once the  
879 moratorium was over I was no longer able to build a school on it. So I've been waiting for 20 years and I had the  
880 opportunity to have a school on it when Settler's Point was approved because basically the codes changed a lot  
881 during that time which they're present still. Because of what Michael Harvey explained, it's impossible for anyone to  
882 do anything with that property given that everyone has to work together because there's traffic ordinances and lots of  
883 details that take lots of money to do anything within any of that property. So, I don't want people to inflate those  
884 properties on the east side with the this humongous thing that's going on with the west side. They are very very  
885 different things. I purchased this property exactly 20 years ago; I'm like a newcomer there. I purchased it from a  
886 family who had lived there for generations and all my neighbors have lived there for generations, I mean, I'm  
887 definitely the new guy there after 20 years. All those people have had property for many years and I don't know what  
888 they are planning to do with it but I don't see anyone eager to build with it, they are just sitting on it, including myself  
889 at the moment. We're very very close to I-40 there's already Dodson's Construction is already a business right near

890 40 that's been a business there ever since I've been there and that's right next door to my house. Whatever is going  
891 to go on there, those are like four to six acres lots. Once again, don't inflate it with the these humongous warehouses  
892 that are happening on the west side an especially that 12 acre lot on Davis Road which I'm definitely against. Those  
893 are very very different things that are happening on the same night tonight so I just wanted to air my concerns. It  
894 would definitely be a setback to me to have that as residential only, I purchased it to build the school on and I've  
895 been struggling for 20 years to try to get a school on it and I've been in conversations with Orange County for 20  
896 years about how to build a school on it and believe me it's not easy to build anything in Orange County without going  
897 through lots of red tape. If you are a very large building company and you have lawyers and you have architects and  
898 you have designers and you have site planners and you have lots of money to work with you can get things done but  
899 as a small mom and pop operation that I have it's very very very difficult to get anything done so I just want to assure  
900 you that there aren't going to be all these things popping up on the east side of that street. There's no water and  
901 sewer there, it's almost like it's impossible to build there the land doesn't perk well and we don't have water and  
902 sewer. It's probably going to be sitting there for a good many years still. Ok, that's all I have to say, thank you very  
903 much.

904  
905 Craig Benedict: Michael Harvey, can you confirm that these rezonings would facilitate him being able to do  
906 something on his property besides the Settler Point district two.

907  
908 Michael Harvey: Yes, as I alluded, if the rezoning is approved then development of the individual parcels would have  
909 to be compliant with the County Unified Development Ordinance but they would be developed and could be  
910 developed independently from one another consistent with applicable standards including the Table of Permitted  
911 Land Uses contained in Section 5.2.

912  
913 Perdita Holtz: Franklin Garland has put his hand up for a second time; it will be up to the Board whether you want to  
914 allow additional comments from Mr. Garland.

915  
916 David Blankfard: I don't think we need to hear anything else from Mr. Garland on this agenda item.

917  
918 Gerald Scarlett: I'm Gerald Scarlett again from West Scarlett Mountain Road. I just have a quick question. I think I  
919 know the answer but I want to make sure. Item 9 on the agenda, the only thing that is doing is reverting the zoning  
920 for the property on the east side of Old 86 back to its previous zoning before the development for Settler's Point, is  
921 that correct?

922  
923 Michael Harvey: You are correct sir.

924  
925 Gerald Scarlett: Thank you.

926  
927 Randy Marshall: Ready to make a motion if that's the desire of the Planning Board.

928  
929 David Blankfard: Yes

930  
931 **MOTION** by Randy Marshall this would be an ordinance amending the Orange County Zoning Atlas as established in  
932 Section 1.2 of the Orange County Unified Development Ordinance and whereas the proposed rezoning consists of  
933 the eight property owners and whereas the proposal has been found to be consistent with the 2030 Orange County  
934 Comprehensive Plan and whereas the requirement of Section 2.8 of the UDO have been deemed complete and  
935 whereas the Board has found that the proposed zoning atlas amendment to be reasonably necessary to promote the  
936 public health, safety, and general welfare, we recommend that the Board of County Commissioners rezone the areas  
937 described above and depicted on the attached maps.

938  
939 Michael Harvey: Chair Blankfard, this is Michael Harvey, can I ask for a clarification. Randy so your motion is that  
940 you make a recommendation to approve the Statement of Consistency as contained in attachment 3 and the  
941 proposed ordinance, which you have just summarized as contained in attachment 4 to the County Commissioners, is  
942 that correct?

943  
944 Randy Marshall: My presumption was we had already approved the attachment 3 by our earlier vote and I was  
945 recommending approval of attachment 4.

946  
947 Michael Harvey: No sir, this is a different item, so it's both items.

948  
949 Randy well then I recommend both 3 and 4.

950  
951 **MOTION** by Randy Marshall to recommend approval of the Statement of Consistency and the ordinance amending  
952 the Orange County Zoning Atlas. Seconded by Hunter Spitzer.

953  
954 **ROLLCALL VOTE:**

955 Carrie Fletcher: Yes  
956 Adam Beeman: Yes  
957 Hunter Spitzer: Yes  
958 Melissa Poole: Yes  
959 Randy Marshall: Yes  
960 Kim Piracci: Yes  
961 Susan Hunter: Yes  
962 Alexandra Allman: Yes  
963 David Blankfard: Yes  
964 Patricia Roberts: Yes

965  
966 **MOTION PASSED UNANIMOUSLY**

967  
968  
969 **AGENDA ITEM 10: ZONING ATLAS AMENDMENT (MASTER PLAN DEVELOPMENT APPLICATION – RESEARCH TRIANGLE**  
970 **LOGISTICAL PARK)** - To review and make a recommendation to the BOCC on a developer-initiated  
971 application for an MPD-CZ (Master Plan Development Conditional Zoning). The proposed project  
972 encompasses approximately 180 acres in the Hillsborough Economic Development District (EDD)  
973 south of Interstate 40 and west of Old Highway 86, within Hillsborough Township. 168 acres are  
974 currently zoned MPD-CZ (Settler's Point) and 12 acres are currently zoned R-1 (Rural Residential).  
975 This item is scheduled for BOCC public hearing on September 15, 2020.

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

977 *Michael Harvey reviewed the abstract and proposed changes to the Zoning Atlas Amendment*  
978 *The Applicant for the RTLP proposal give a presentation*

979  
980 Randy Marshall: I read in some of the material here that you are likely going to consider putting left turn only from  
981 that service road onto Davis Drive, I didn't see it in your presentation. Is that something you're considering doing, left  
982 turn only coming out of the service drive onto Davis?

983  
984 Michael Birch: Correct, we have added a condition that is part of the case that requires the developer to install  
985 signage essentially stating 'left hand turns only' there at that access point. That is part of the conditions.

986  
987 Randy Marshall: I think that would help address some of the residents concern that there'd be a lot of increased  
988 traffic going down Davis Road or at least intending to try to control traffic and encourage them to turn left, that might  
989 allay some of their concerns.

990  
991 Michael Birch: Absolutely, and that access point is approximately 1000 feet from the intersection with 86 and as I  
992 mentioned, the traffic engineers have been working with the County and the State to really anticipate only about 5%  
993 of the site trips to come or to go on Davis Drive to the west, or coming from the west. We think that signage will  
994 assist with that.

995  
996 Adam Beeman: My biggest concern is the traffic coming off of 40 or especially coming from Mebane. How do you  
997 plan on solving that problem because it's only a single lane coming down the ramp and there is no lights so right now  
998 anybody that comes off that ramp could sit there for minutes before they can make a left turn to go towards the  
999 hospital. I only see that increasing with all those, the developments that they put in over across the street from the

1000 hospital and you want to add how many tractor-trailers coming off of that ramp? So, I'm just curious to know what  
1001 your plan is for the light situation coming off the ramp.

1002  
1003 Matt Peach: Hello everybody, my name is Matt Peach with Stantec Consulting Services; I'm the engineer of record  
1004 for the traffic impact analysis. Mr. Beeman, I did hear your question and I think your concern regarding the amount of  
1005 traffic coming from Mebane and using I-40, that's correct? We're currently in the process of recommending and  
1006 coordinating improvements with NCDOT. We know that the applicant has recommended improvements, particularly  
1007 installing a traffic signal at the I-40 eastbound ramps there at Old NC 86. In addition to that, we're trying to  
1008 coordinate with NCDOT regarding two projects they have in the area along I-40 and to the north on Churton Street  
1009 trying to make sure that our recommendations are in line with their future projects as well. That was the, part of the  
1010 information that they had requested previously, that we supplied them today.

1011  
1012 Adam Beeman: So there's no intention to add any extra lane, widen any lanes coming off the ramp or turning that  
1013 corner towards your service road?

1014  
1015 Matt Peach: That's what we're coordinating with NCDOT right now. We would definitely try our best to work within  
1016 the existing pavement to have turn lanes there at the service road. In terms of lanes at the ramps, we are not  
1017 proposing any at this moment but that's exactly what we're coordinating with NCDOT.

1018  
1019 Adam Beeman: I come off of that ramp from Mebane, I go to the hospital, and I can sit there from minutes trying to  
1020 take that left. I just imagine if someone is trying to take the left and that ramp's not any wider when you start stacking  
1021 up trucks behind those people, you are going to be up on the highway before long so I am just curious. I know,  
1022 understand you're within the footprint but that right hand turning lane would be really nice so that the truck could just  
1023 roll off and not have to sit there and stack up.

1024  
1025 Matt Peach: I certainly understand that and the purpose that and the purpose of putting a traffic signal in there would  
1026 be to allow the side street to move more efficiently. In theory, that delay would be reduced.

1027  
1028 Adam Beeman: Well that's my biggest concern; I mean all the other stuff is secondary. My biggest concern is just  
1029 that whole intersection is a nightmare and I don't if it's going to be on you guys to deal with it or because the hospital  
1030 is expanding, they're building all those houses across the street from the hospital and all that development, that  
1031 intersection is going to be a nightmare before long so I was just hoping that you guys would try to address it  
1032 preemptively rather than reactively.

1033  
1034 Matt Peach: Our current recommendation to NCDOT is to install a signal at that location so we are right in line with  
1035 you there and just to point upon the point you made regarding the hospital, we made sure to account for traffic for  
1036 future phases of Waterstone in our analysis.

1037  
1038 David Blankfard: I have a question, so what kind of traffic is going to be coming out from the building onto David  
1039 Drive? Is that going to be trucks or is it going to be automobiles or a combination?

1040  
1041 Matt Peach: We do foresee both. Really as we had kind of been mentioning previously, the trucks would be using  
1042 Old NC 86 to get up to I-40 primarily. We see very little traffic going to and from the west on Davis Road. If traffic is  
1043 on Davis Road it's trying to get from that driveway to Old 86 for that 1000 feet and that's about it.

1044  
1045 David Blankfard: What about when they get to Davis Road and it's backed up from I-40? What prevents them from  
1046 taking a right on Old 86 going down to the stop sign and then turning onto New Hope to get onto 40?

1047  
1048 Matt Peach: Another recommendation we made in the traffic study was to install a signal at Davis Road as well at  
1049 Old NC 86 so again the delay on the side street having no longer stop control will be reduced in this scenario.

1050  
1051 David Blankfard: But there's nothing to stop them from turning right and going further into the rural...going toward  
1052 Carrboro.

1053  
1054 Matt Peach: There will be no physical barrier, to answer that question specifically, but they would be losing time and  
1055 which I don't believe truckers, it's in their best interests.

1056  
1057 David Blankfard: I guess, I'm just saying if it gets backed up where you're proposing, over near the service road, if it  
1058 gets backed up there then they would go the other way. Is there going to be a lot of stacking between the service  
1059 road and I-40?

1060  
1061 Matt Peach: I don't believe that would be any longer, to answer your question. We do foresee some queues going  
1062 back from the ramp but that's just normal for the installation of a traffic signal and quite frankly, we need that traffic to  
1063 stop for brief periods so we can let the ramp move but our analysis show that the stacking would go back a couple  
1064 hundred feet certainly nowhere near Davis Road and certainly not long enough to really deter anybody from taking 40  
1065 up that way off Old 86.

1066  
1067 David Blankfard: Ok, so what you're saying is it's faster just to go down to towards the service road as opposed to  
1068 taking a right?

1069  
1070 Matt Peach: Correct sir.

1071  
1072 David Blankfard: Now what about once they get to 40 and say they are going on 85 northbound, would it be faster to  
1073 for them to get on 40 west and then looping around to 85 or to keep going straight past Waterstone to get to 85.

1074  
1075 Matt Peach: I'd imagine the faster way would be I-40 but that would be an individual decision that every individual  
1076 driver would have to make.

1077  
1078 David Blankfard: Ok, so we don't know?

1079  
1080 Matt Peach: I can't say definitively what behavior individuals will choose. It depends on time of day, depends on  
1081 their individual preferences. In my view, I would take I-40 to 85.

1082  
1083 David Blankfard: Ok, my next question is what the outcome of the high electric line going over the existing or one of  
1084 the proposed buildings?

1085  
1086 Chris Bostic: Good evening, I'm Chris Bostic with Kimley-Horn; I'm the civil engineer of record for his project. To  
1087 answer your question, Duke Energy does have regulations as to what is allowed underneath those transmission  
1088 lines, no buildings are allowed within the easement of those transmission line, however, they do allow parking and  
1089 our current conceptual plan does contemplate putting parking underneath the power lines and keeping the proposed  
1090 structure the required distance away from the easement.

1091  
1092 David Blankfard: Ok, the entrance onto Davis Drive, there's a parcel of land that's very close and their house is very  
1093 close to where the proposed driveway is or the road access. Is there concern about, I mean you've got the 100 foot  
1094 setback but is it going, what kind of impact is that going to have for that property owner?

1095  
1096 Michael Birch: (*Showed an exhibit*) So, I think you are talking about this area (*pointed out on exhibit*) down here  
1097 along Davis, so we really only have within that 100 foot area, really only have kind of the drive aisle and maybe a little  
1098 bit of parking in that area with the building setback 60 feet. Excuse me the building setback with a maximum height  
1099 of 60 feet but outside of that 100 foot setback line, in terms of impact, I was trying to see if there is a better image to  
1100 try to get a sense of it there but I think with a mix of landscaping that we anticipate in that area that is a mitigating part  
1101 of the transition.

1102  
1103 David Blankfard: There is a similar part on the east side. That person's home is quite close to the property line. I  
1104 am just wondering is their backyard going to be your driveway and parking lot.

1105  
1106 Michael Birch: No, there was anticipate likely having a stormwater control facility in that area and then only outside of  
1107 that, again, we are kind of showing a 100 foot buffer on this exhibit that the parking and drive aisle would be outside  
1108 of that, largely outside of that 100 feet.

1109  
1110 David Blankfard: Is this going to be phased construction; are you starting with Building A and then going to Build B,  
1111 C and then finishing up with D?

1112  
1113 Michael Birch: Likely, it will be phased. I don't know exactly if it's a Building A, B, C, D but we do anticipate that it  
1114 would be phased. The building likely off the service road to be part of that initial phase.

1115  
1116 David Blankfard: Are they all one story, or are they going to be multiple stories or high bay?

1117  
1118 Michael Birch: Anticipated to be one story.

1119  
1120 David Blankfard: So, high bay?

1121  
1122 Michael Birch: Yes.

1123  
1124 David Blankfard: Are you going to put any photovoltaics on the roof?

1125  
1126 Hunter Spitzer: I was going to ask how far away is the nearest Duke Energy substation?

1127  
1128 Michael Birch: I want to make sure I heard the two questions to make sure we get the response for you. One, how  
1129 far away are we from the closest Duke Energy substation and then two, are we planning to include any photovoltaic  
1130 cells or panels on the roofs. Just from the developer it's likely that some will be included. We don't have the answer  
1131 on what the distance is to the substation.

1132  
1133 Hunter Spitzer: Would the developer be willing to submit to a condition requiring roofs not to install solar immediately  
1134 but to be readily available to solar installation? If that makes sense? Designed with the intent to install solar.

1135  
1136 Michael Birch: Yes, I think that's something that the developer would be willing to agree to.

1137  
1138 Hunter Spitzer: Additionally, would the developer be willing to commit to electrical vehicle charging stations in  
1139 addition to this?

1140  
1141 Michael Birch: Yes.

1142  
1143 Hunter Spitzer: I know for the Settler's Point development we had, I am be confusing this with a different Special Use  
1144 Permit, but we had agreed to a particular number of stations per parking spaces. I am sure one of the staff can  
1145 remember because it was based on the parking deck for the Orange County Municipal Building downtown. What  
1146 would be acceptable ratio?

1147  
1148 Michael Birch: My senses given the nature of this development and how different it is both from Settler's Point and  
1149 the project that was used as a reference point for that Settler's Point ratio, my sense is we would not be agree on a  
1150 ratio basis. I think we could discuss a flat number of station.

1151  
1152 Hunter Spitzer: I see and are you intending to provide stations or availability to electrical fleet management  
1153 particularly in the context of developing the distribution center?

1154  
1155 Michael Birch: Sorry, just to kind of answer your question, our sense is that something like that or having that  
1156 available will be driven by the end user, a particular end user that we don't have in mind right now or don't have at  
1157 the table. So I think it would be hard for us, difficult for us to commit to providing that and then there's the potential,  
1158 again if it's not a warehouse, distribution use. Kind of having those and nothing to use it so I think given that is  
1159 somewhat of a trend being driven by some of those types of users, if there is that type of use there, I would expect  
1160 them to be there but I think not knowing who the users are going to be or what type of user there is going to be, I  
1161 don't think we can commit to that as a condition.

1162  
1163 Hunter Spitzer: Are you anticipating any fuel storage on the premises, gasoline, diesel or otherwise for backup  
1164 generation or vehicle fueling? I'm not sure where the nearest gas station is immediately to this but I imagine if you  
1165 are expecting a lot of traffic it wouldn't be unreasonable.

1166  
1167 Michael Birch: There might be some diesel storage for backup generation but that's really all that is anticipated.

1168  
1169 Hunter Spitzer: This is more of a question for the planning staff. There are UDO regulations to control that correct?  
1170 Fuel storage.

1171  
1172 Michael Harvey: It's actually regulated by the North Carolina State Fire Code, not necessarily by zoning. In terms of  
1173 distance from structure, how stored, how protected, and how maintained it's actually going to be addressed through  
1174 compliance with the fire code and what I want to remind everybody that site plans that are submitted have to go  
1175 through the development review process with Orange County, which requires the fire marshal's office to sign off on  
1176 them. That is going to be a component of any and all review. So this will come up at the appropriate time by the  
1177 appropriate entity if proposed.

1178  
1179 Hunter Spitzer: Can I simply request that the developer agree as a condition not to put fuel storage adjacent to their  
1180 vegetative buffer of the flood plain.

1181  
1182 Michael Birch: Yes, we can agree to that.

1183  
1184 David Blankfard: This is a question for Michael, is the building height determined by how tall the fire department can  
1185 raise their ladder?

1186  
1187 Michael Harvey: So Mr. Blankfard let me answer that question this way, obviously there are height limits enforced  
1188 under Orange County General Use Zoning Districts and 60 feet is the potential building height that would be allowed  
1189 (for this MPD-CZ). You are correct that building height is usually determined by available ... or I should say one of  
1190 the factors in determining allowable building height ... is available infrastructure to fight fire. I think that without  
1191 putting words in the applicant's mouth or stealing their thunder, one of the reasons this site has so much traction is  
1192 because of the availability of water and sewer service and the potential for sprinklered buildings addressing some of  
1193 these concerns as well. There's also, in their narrative discussions about the potential to allow for water towers on  
1194 the property that might be used in addressing that very particular issue as well.

1195  
1196 David Blankfard: Is there any requirements for high beams on the trucks and cars spilling over our property line?  
1197 Something similar to what happens in parking decks?

1198  
1199 Michael Birch: I think that's likely addressed through the vegetated buffer around the perimeter. I think largely, I  
1200 think Michael Harvey can correct me if I'm wrong, largely the County's Lighting Ordinance with regard to site lighting  
1201 but again I think we anticipate that vegetated buffer around the perimeter of the site would mitigate those headlights.

1202  
1203 Michael Harvey: Chair Blankfard, this is Michael Harvey, Mr. Birch is correct our lighting regulations particularly  
1204 address outdoor lighting, building security lighting and whatnot they don't address or they are not designed to  
1205 address lights from vehicles.

1206  
1207 David Blankfard: Would the developer be willing to try to mitigate those high beams?

1208  
1209 Michael Birch: I think we're trying to through the use of those perimeter buffer yards and also one, the vegetation  
1210 and two the distance and also the location of where our parking area are or anticipate them to be. I think it would be  
1211 hard for us to articulate an objective standard but just to answer your question more broadly, I think yes we will try to  
1212 mitigate that but it's hard for me to think of an objective standard that we could apply as a condition.

1213  
1214 Melissa Poole: So you don't have actual companies going into this location into this space yet, is that correct?

1215  
1216 Michael Birch: That's correct.

1217  
1218 Melissa Poole: Ok, so if you're looking at manufacturing and possibly laboratory and research are you looking at that  
1219 they would have the ability to operate multiple shifts?

1220  
1221 Michael Birch: Yes, potentially a building user could have multiple shifts that is correct?

1222

1223 Melissa Poole: So, back to, I want to jump back to just to a moment to David, when he talking about particularly the  
1224 residents most closely situated towards the lines, I mean I guess my question is how can you guarantee this will not  
1225 disrupt their life if you are running multiple shifts. That's 24 hours, could be 7 days a week 24 hours and you don't  
1226 know what kind of businesses are going in there.

1227  
1228 Michael Birch: Right but they are indoor activity in these buildings. In terms of like the primary use is inside, again  
1229 building setbacks, vegetative buffers around the perimeter, and I mentioned earlier, those distances between just our  
1230 property line in some of the closer structure to our west from the larger parcel over 1100 feet. To our south from that  
1231 larger parcel over 800/900 feet so I think we are well buffered on the subject property but also a lot of the lots that  
1232 surround us are deep lots with the houses situated far from the common boundary line.

1233  
1234 David Blankfard: Can you have the traffic engineer explain what is going on at Davis Drive and Old 86. Specifically,  
1235 what the current traffic is and then when this is functioning what happens what will the new traffic pattern be.

1236  
1237 Matt Peach: Thank you, appreciate the question. Obviously, we recommended a traffic signal there at that location  
1238 and I believe was touched on previously in the presentation but what we were concerned with at the intersection of  
1239 Davis Road and Old NC 86, quite frankly, is sight distance. What our concern was traffic coming along Davis Road  
1240 coming to a stop and being able to see in both direction down Old NC 86 for a sufficient distance to allow them to  
1241 turn safely onto Old NC 86 to make sure there is a sufficient gap in traffic. We didn't feel that it was there in terms of  
1242 site distance so we had recommended a traffic signal to that end in addition to helping facilitate movement to and  
1243 from the site. In terms of traffic today, we had full traffic counts. Currently on Davis Road at Old NC 86 there's about  
1244 170 cars along Davis Road in the morning peak hour. In the evening peak hour there is roughly 91 cars coming  
1245 along Davis trying to turn onto Old NC 86. On Old NC 86 there's a 300 northbound cars approximately in the  
1246 morning and this is consistent with the evening rush hour southbound is similar about 300 in the morning and  
1247 evening rush hour.

1248  
1249 David Blankfard: That's current?

1250  
1251 Matt Peach: That's correct.

1252  
1253 Hunter Spitzer: I have a question for the County staff; does the Town's sewer line currently follow along Cate's  
1254 Creek? Both sewer and water connections?

1255  
1256 Craig Benedict: I can answer that, yes the sewer line is known as the Cate's Creek outfall and it would roughly follow  
1257 those elevation changes flowing to the north. The water doesn't have to follow the topography and it would be along  
1258 the service road and there is an existing 16 inch water main on Old 86 now at Davis Road all the way into  
1259 Hillsborough and there is actually an emergency interconnect all the way down Old 86 to the Orange Water and  
1260 Sewer Authority facility. The Old 86 line is in operation with the Town of Hillsborough now and it would be those two  
1261 areas, Old 86, service road and then some sort of loop through the project would be likely with the final engineering.

1262  
1263 Hunter Spitzer: I was thinking less about water and sewer and more along the lines of co-locating some sort of  
1264 pedestrian trail but then I remembered that you have to build a bridge over I-40, which would probably border on  
1265 impossible. Maybe that should be a development .... If they are planning on redoing 40 in this area anyway which I  
1266 think is the case. Ah, maybe we should see if the developer will build us a bridge, what do you say guys?

1267  
1268 David Blankfard: I still have a question for the traffic, what is going to be when it's build out what are the numbers  
1269 going to be?

1270  
1271 Matt Peach: When we put the development in, we're looking at very little traffic coming from the south on Old NC 86.  
1272 We're looking at, we had estimated that being a maximum of 37 vehicle per hour. That's particularly in the morning  
1273 and it's similar for the southbound on Old NC 86, that is a maximum of, we had estimated that at 28 that's in the  
1274 evening rush hour. Along Davis Road, since we are directing trucks to turn left out of this site and onto Davis for that  
1275 short 1000 foot section to get to Old 86, we're seeing a little bit higher, so we're looking at staff, 62 in the morning  
1276 traffic, an additional 62 and up to 200 vehicles per hour in the evening.

1277

1278 David Blankfard: One of the comments was, did your, the traffic study was only for a.m. and p.m. was that the high  
1279 times? The other times were fewer these were the maximums?

1280  
1281 Matt Peach: That's correct, the other hours of the day we're forecasting much less traffic. What NCDOT requires us  
1282 to do is basically run the traffic study imagining that a shift change or some other operation were to occur during the  
1283 rush hour on the road already. So, kind of trying to get that worst-case scenario, that's what we ended up studying.  
1284 We didn't study any of the off-peaks where traffic would be less both at the development and along the roads within  
1285 the study area.

1286  
1287 David Blankfard: Ok, on this slide that is being shown at the service road there is a right out only so how do the  
1288 trucks get to I-40?

1289  
1290 Matt Peach: That's correct. The back and forth that we are currently having with NCDOT right now is NCDOT had  
1291 expressed concerns over whether queues at the interchange would extend past the service road and what they had  
1292 requested we analyze and those are the numbers I was just quoting you, would be if left turns were prohibited out of  
1293 the service road and if that traffic were relocated down to Davis but to get back over to Old NC 86 for that 1000 feet.  
1294 That's why you see that right turn there, that was at the request of NCDOT.

1295  
1296 David Blankfard: So the trucks leave the service road they take a right on Old 86 they go down to Old 86 and how do  
1297 they turn back around?

1298  
1299 Matt Peach: So trucks would go through the site, they would exit at Davis go to Old NC 86 that way.

1300  
1301 David Blankfard: Ok, so they would go through, ok. They wouldn't be exiting from the service road the trucks would  
1302 be diverted towards David Road and then they take a left on Old 86 towards I-40.

1303  
1304 Matt Peach: That's correct.

1305  
1306 Melissa Poole: So, with regards to manufacturing and the laboratory, I'm sorry to jump back to this, when we went  
1307 through the list of prohibited, and this might be a question for Craig and Michael Harvey, when we went through the  
1308 list of prohibited businesses, I did not see like biodefence or anything like that in that list. So, if it doesn't come back  
1309 to Planning Board once we go through this and it doesn't go to Board of County Commissioners everything just kind  
1310 of goes through. What are the protections for residents, not just nearby but Orange County in general, for things like  
1311 insuring biodefence manufacturing in there or biodefence research is going in there?

1312  
1313 David Blankfard: I think the building codes, I'm not, hopefully, I'm not speaking out of turn Michael. I think the  
1314 building codes would limit the amount of toxic chemicals and based on what is going on there. That would be ...

1315  
1316 Melissa Poole: It doesn't have to be chemical, it could be research on Corona, it could be research on, you know, it  
1317 doesn't have to emit a toxic chemical. You see what I'm saying?

1318  
1319 David Blankfard: Then it wouldn't be lethal, right? If they're just doing research?

1320  
1321 Melissa Poole: I have a client in Maryland who's doing the vaccine for COVID and everybody in the company's got  
1322 COVID. I'm just telling you.

1323  
1324 Michael Harvey: This is Michael Harvey, let me just provide Ms. Poole an answer. The permitted uses that the  
1325 applicant put in their narrative are various general land use categories with sample or anticipated uses for  
1326 development within the project. The narrative also provides a prohibited use list as well. The direct answer to your  
1327 question is if a proposed activity falls into those general uses and is similar to the uses listed, much like the current  
1328 County's Table of Permitted Uses, it would be permitted. You could have an activity consistent with research and  
1329 development activities that, not to make a judgement call, you may not necessarily find viable as other similar uses  
1330 (other research and development activities) but it could be developed within the project because you're allowing  
1331 research and development. That goes directly to your example that there may be research and development  
1332 activities that you are not comfortable with. We wouldn't have the authority to say no you can't do that as there is no  
1333 specific prohibition. David is correct there would be building and other regulatory standards that the applicant would

1334 have to comply with, but if they meet the standard proposed by the applicant and approved by the County  
1335 Commissioners staff would not have the authority to prohibit it (proposed land use) if it falls in the approved use  
1336 category. That would be the same answer with the enforcement of the current Table of Permitted Uses.

1337  
1338 If you are, for example, proposing a rec amenity and while you as an adjacent property may not like the actual  
1339 amenity someone has chosen to develop, if the proposed use qualifies as an allowable use and meets applicable  
1340 development requirements and criteria then it gets developed, it's permitted as an allowable rec amenity. The  
1341 Planning Board and County Commissioners wouldn't have any ability to, I hate to use the word challenge but I'm  
1342 going to, whether or not the validity of that land use is consistent with the approval. I will also say that every decision  
1343 that the County makes as it relates to the enforcement of the UDO and as it relates to the enforcement of the  
1344 conditions imposed on this project, is subject to appeal to the Orange County Board of Adjustment. That's not a  
1345 great answer but that is the answer, part of the answer I'm going to give you to try to address your question.

1346  
1347 Ronald Sieber: Hello, this is Ronald Sieber again and first of all, I'm just trying to process the change from 800 cars  
1348 per day traveling on our road, Davis Road, to 200 per hour. I mean that is a stunning, I repeat that is a stunning  
1349 change in numbers. I want the Planning Board to think about that, you work for us. This is unreal that you are  
1350 allowing this development to go forward. I just can't believe it so therefore, I've prepared several and a couple of  
1351 questions and I'd like to just run them by you and you don't need to respond, I would just like you to hear, record and  
1352 react to it at a later date.

1353  
1354 David Blankfard: Ronald, before you start, can you tell us if you received a letter from the Planning ...

1355  
1356 Ronald Sieber: No, I receive no letter because I live, as Mr. Marshall would point out, 1.7 miles away from this  
1357 development so therefore, I'm not relevant, so you know.

1358  
1359 David Blankfard: I didn't say that but thank you.

1360  
1361 *\*\*Planning Board Member Melissa Poole left the meeting\*\**

1362  
1363 Ronald Sieber: Yes, ok, thank you Mr. Blankfard and I'll proceed. First of all, I just want to point out that the  
1364 developer does not seem to be supportive of electrical charging stations. We're at a point, and I've followed the  
1365 automotive industry because that's what I write about, I'm a professional writer. We're at a point where fleets, I'm  
1366 talking about fleets of trucks are developing electrical charging stations to charge and support their electrical fleets. I  
1367 think it's time that developers, especially those who are putting warehouses up for such facilities to be used by fleets  
1368 of trucks. They need to start providing the infrastructure for these folks to attract them as businesses. I think that  
1369 also, I'd like to point out, that on amendment 8 and I know this goes back to 8 and we're talking about 10 but 8 is  
1370 involved with 10. Four members of the Planning Board voted against amendment 8 and I do appreciate their  
1371 support, however, I just want to put it on, put the remainder on notice that that property that you want to rezone from  
1372 rural to something else is along a road that is inhabited by 100s of people, some of them are legacy businesses,  
1373 some of them are farms, and many of them are residents who moved out here without any knowledge, like myself,  
1374 without any knowledge of some sort of planned economic development section that is going to change our lives  
1375 forever. We did not move out here to be next to an industrial park, we moved out here to be in a rural neighborhood  
1376 and that's what we want to preserve and I think it's high time we change that development or designation and I'm  
1377 going to work every way I can to change that if we can have a chance to do that but apparently it seems like the dice  
1378 and the deck is stacked against us. Nevertheless, we as a community are going to fight this every way we can. We  
1379 are opposed to this proposed change. Having said all that this community is not opposed to intelligent development.  
1380 That's in sync, that somehow aligns with some of the goals of this community, which is to have a nice place to live, a  
1381 Rural Buffer. Now Steve Kaufmann had an intention to build a school and he's going to get that zoning returned to  
1382 him so he can do that. That's an example of the kind of development that we can support as a community not a  
1383 warehouse. Come on guys think about it. In closing I would just like to say we are totally opposed to an access road,  
1384 as I mentioned, the number of trips on this road are going to be drastically increased. The size of the vehicles are  
1385 going to be on this road which is Davis Road are going to be drastically changed. Planning Board will you think  
1386 about what you are deciding on, you work for us. That's the end of my comments. Thank you.

1387  
1388 Joseph Shore: Hi everyone my name is Joseph Shore, I live on Old 86 between Davis and 40 most of the  
1389 conversation tonight has been about the effect on 40 but this going to completely alter my life and I can't emphasize

1390 that enough. If it's impossible to get out of my driveway with 300 cars during rush hour as the traffic engineer  
1391 mentioned and you double that it means cars are going to be coming by my driveway every 5 to 6 seconds, 18  
1392 wheels are going to be coming by every 5 to 6 seconds. That will literally make my property worthless because I  
1393 won't be able to access my own home anymore I won't be able to get to work or I'll have to stay in my travel lane for I  
1394 don't even know how long to try to get in and out. There's a preschool right down the road, there's a preschool by  
1395 the corner of Davis and Old 86. I can't imagine trying to be a parent to drop off my 3 or 4 year old there when there's  
1396 18-wheelers coming by every 10 seconds or 5 seconds. Just imagine the traffic trying to turn in and out of the  
1397 preschool in the morning. To the previous gentleman's quoting, we aren't opposed to development but this is the  
1398 absolutely wrong thing for this area. I can't emphasize that enough this is a residential area. In the 1980s when this  
1399 plan was originally developed, my house was a cow pasture so sure put a warehouse there it doesn't matter to them  
1400 but things have changed dramatically, it doesn't make sense to have this development here any longer so Planning  
1401 Board please hear me I'm begging you, oppose this. Please don't make my family collateral damage from this  
1402 economic development building.

1403  
1404 Jon Lorusso: Hello, it's quite late thank you for giving me a chance to speak. I wrote down a few notes of what I'd  
1405 like to say before I get to them I just want to agree with previous speaker this really does come down to a 40 year old  
1406 plan that is no longer relevant and yet the Planning Board feels that they need to stick with it because it's on the  
1407 books so we might as well, I'm almost tempted to say that there is some kind of conspiracy going on some kickbacks  
1408 because there really, this is the Planning Board, you are supposed to plan for the communities and the people who  
1409 live here. Not for out of state businesses, not for lawyers in Raleigh this is for the people, you work for us the people  
1410 who live here. Yes, the people here need jobs but not at the expense of their fellow citizens, this is absurd. So just  
1411 to go through a few points. The traffic engineer mentioned that is would be up to the individual truck drivers whether  
1412 or not they took 40 west to get to 85 north that's absurd no one would ever do that. People who live here know that  
1413 you wouldn't do that, you are obviously going to take Churton to get 85 north. We've already had, the Planning  
1414 Board has a plan in action to extend 70 from Orange Grove because of already existing traffic issues. They already  
1415 exist the traffic issues this is going to make it so much worse and yet are we planning or are we reacting. We're going  
1416 to allow this to be built and then react later on. We'll figure it out 20 years from now when people are fed up. So, this  
1417 neighborhood, one if the improvement that Mr. Birch mentioned was oh we get a traffic signal at the end of Davis  
1418 Road and all we have to do it to get it is build a 2.1 million square foot warehouse inside of our neighborhood. Great  
1419 thanks a lot thank you for that wonderful improvement. The left only sign coming out of the place onto Davis Road,  
1420 are there any laws that, is there going to be a cop stationed there and if they make a right are they subject to a  
1421 summons? A ticket? No, it's really just up to the individual driver if they see that the traffic is backed up to the light  
1422 on Old 86 you know maybe I'll just make a right and take Orange Grove up or maybe I'll make a left on Orange  
1423 Grove and go down to Arthur Minnis, who cares right? Who cares about the people who live here, who cares. 200  
1424 vehicles per hour additional on Davis Road that is absurd an average tractor-trailer is 72 feet. How many tractor-  
1425 trailers can fit between Old 86 and 1000 foot entrance on Davis Road? I don't know what the math is divide 1000 by  
1426 72 it's somewhere around 14. If you have 200 per hour, it sounds to me like it's going to get backed up. It sounds to  
1427 me like there's a lot of conjecture, a lot of estimates based on businesses that we don't even know what kind of traffic  
1428 they'll have. I think Michael Birch again that the primary use is indoor yet he doesn't actually know what kind of  
1429 business is going to be there. How does he know they're going to be indoor? They're asking for approval when  
1430 they're still back and forth with NCDOT how can you approve something when things haven't even been settled? We  
1431 are not talking about little things; we're talking about huge changes. Oh, the traffic is backed up on 40 west, on the  
1432 40 east who cares if there's an ambulance that can't get to the hospital, who cares right? It's all at the expense of  
1433 business, who cares, who cares if people are backed up on the highway, who cares? I mean this is absurd; it's  
1434 absurd that our Planning Board the people who are supposed to plan this are the ones that are selling up the river.  
1435 It's crazy. I could expect it from the lawyers in Raleigh who don't care what happens here because they don't live  
1436 here. They're going to get this signed and they're done they get their check but from our own Planning Board the  
1437 people who are supposed to protect the citizens of this county they are the ones who are selling us up the river. It's  
1438 insane, it really is insane. That's all I have to say.

1439  
1440 David Blankfard: One thing, did you receive a letter from the planning department?

1441  
1442 Jon Lorusso: No I did not.

1443

1444 Perdita Holtz: David as you can see there are 12 people with their hands up and it now 11 p.m. I don't know if there  
1445 wants to be any discussion among the Planning Board on how to handle the rest of the meeting, what some options  
1446 might be.

1447  
1448 Hunter Spitzer: I do recall that Michael had some comments that he wanted to make pertaining to us making  
1449 recommendation. So I would like to hear those at the very least before we move forward.

1450  
1451 Michael Harvey: As I indicated, your abstract had suggested that the Board, if they felt comfortable, make a  
1452 recommendation in time for the County Commissioner's September 15<sup>th</sup> hearing. Obviously the applicant will also  
1453 need to weigh in on this. As I see it, there's a couple of different options and scenarios here. Through no fault of the  
1454 applicant, we got comments from the Department of Transportation on this project Friday, July 31<sup>st</sup> and again that is  
1455 not anything that staff or the applicant could control. The applicant has responded to the Department of  
1456 Transportation and we are waiting for a response to those comments. We've heard tonight from Planning Board  
1457 members related to potential conditions that you all would to see vetted before you make a final decision. We have  
1458 obviously heard some comments from the public and there's going to be some additional comments as we continue  
1459 discussion.

1460  
1461 So as I see it the Board technically has a couple of options. The Board could table any decision providing the  
1462 applicant with areas of specific focus that they want answers to, I've heard loud and clear and in my note the primary  
1463 concerns is traffic impact and more review of the DOT comments and the applicants responses and what DOT says  
1464 to some of the traffic concerns I've heard. So you could certainly delay any decision til or table the item until your next  
1465 regular meeting, which would be September 2<sup>nd</sup> to wait for that information. Craig and I have had a texting  
1466 discussion about this very topic over the last hour, you could identify areas where you have less concerns or you are  
1467 satisfied with the conditions and the applicant's responses and identify specific conditions you'd like to see fleshed  
1468 out, you could adjourn this meeting to a date and time certain in a couple of weeks conceivably to revisit this  
1469 discussion or the Board could vote either to make a recommendation to approve or make a recommendation to deny  
1470 this evening.

1471  
1472 I'm not trying to say you don't have any of those options but staff was going to recommend was that we're still waiting  
1473 on DOT to get us some documentation as is the applicant and hearing some of the discussion tonight, I think that  
1474 there is a comfort level lacking with the transportation component from staff, the applicant who is waiting on DOT and  
1475 you all and that might need some discussion. Whatever you all's decision is, I would like to strongly urge you to  
1476 identify any specific areas of concern be it traffic, be it alternative energy conditions, whatnot so that the applicant  
1477 and staff have a clear understanding of what we need to be working on in the interim to provide you the feedback  
1478 you're asking for so you can make an informed decision. If that makes sense and thank you Hunter for asking.

1479  
1480 David Blankfard: So what does everybody have a concern with?

1481  
1482 Adam Beeman: My biggest concern is I want to see whatever the DOT is come to them with and determine whatever  
1483 steps necessary to rectify, my biggest concern is coming off of the highway and right there at the highway. I am not  
1484 so concerned as Davis Road as much as the highway but that's all part of the study so I'd like to see what DOT's  
1485 response was.

1486  
1487 Hunter Spitzer: I would like the applicant to consider removing access to Davis Road as they move forward with the  
1488 process cause I suspect that we will probably vote to delay at least until our Planning Board meeting and potentially  
1489 until we, until you end negotiations with the DOT. Conditionally, I would like a more concise proposal on electrical  
1490 vehicle charging. I will just put the number out there at 1 station per 100,000 square feet of space to be built. Those  
1491 are my largest concerns at the moment.

1492  
1493 Michael Harvey: Chair Blankfard, if I could interject quickly. I'm sorry I know that Ms. Poole lost her internet access if  
1494 I recall what Perdita said. One of her concerns was more specificity in land uses. In terms of what would fall into this  
1495 categories and what would not. At least that's what I have in my notes.

1496  
1497 Hunter Spitzer: If I may say one more thing, particularly to the residents that are listening. A lot of what we've been  
1498 doing over the past hour has been talking about conditions that we would like to request from the developer, that's  
1499 the nice part about this master planning conditional zoning is that we can ask for certain conditions to be met and so

1500 if you all and I understand that you are all very opposed to this but in the off chance that it can't be stopped, you do  
1501 have the opportunity to shape this development through this process and so I encourage you to consider what you  
1502 might want to put in as conditions if at all possible.

1503  
1504 David Blankfard: I have a huge concern about the traffic being dumped onto Davis Drive. Not just some of the traffic  
1505 but everything is going to be dumped onto Davis Drive because NCDOT does not want anybody to come out the  
1506 service road. So I don't know if anybody else feels that way or if we want to see if the applicant can come up with a  
1507 better way of getting access to the site. Are we comfortable making a decision now or wanting to wait?

1508  
1509 Hunter Spitzer: I move that we delay a decision on our recommendation until our next meeting on September 2<sup>nd</sup>.

1510  
1511 Michael Birch: This is Michael Birch, the applicant, I think the outstanding issues that appear to be out there are one  
1512 responses from DOT but I want to reiterate that whatever DOT comes back with in terms of requested improvements,  
1513 those will be made. So it's not really a negation in that respect. Second with regard to some of the comments about  
1514 Davis Drive, I just think it is not possible for us to prohibit access onto Davis Drive. Third, with regard to some of the  
1515 comments or requests for the conditions the design of the buildings with intent to accommodate solar, providing  
1516 some electric vehicle charging stations and no fuel storage adjacent to the flood plain. I am comfortable with we can  
1517 craft those conditions and extremely short order and so I would respectfully ask but because of the date of the next  
1518 Planning Board meeting being on the 2<sup>nd</sup> essentially eliminates our opportunity to get to the Board of Commissioner's  
1519 meeting on the 15<sup>th</sup>. I would ask that the Planning Board please consider meeting or adjourning to a date certain  
1520 possibly 2 weeks from today on the 19<sup>th</sup>.

1521  
1522 David Blankfard: I think we could do the 19<sup>th</sup> to reconvene.

1523  
1524 Adam Beeman: I was going to ask Craig or Michael Harvey, with what Mr. Birch said about whatever DOT comes  
1525 back and they're going to rectify whatever DOT says they need to do. Do you guys feel comfortable with moving  
1526 forward knowing whatever DOT may say or would it be better to meet a date later once the DOT issues have been  
1527 straightened out?

1528  
1529 Craig Benedict: Let me just give a brief introduction about NCDOT is in charge of the roads within Orange County so  
1530 they are the ultimate authority on what improvements are made because counties in North Carolina are not in the  
1531 road business so they take, their recommendations are of prime importance and as the developer said they will have  
1532 to do whatever NCDOT says. We work with DOT and we will take the comments that we have from tonight and  
1533 impart them to NCDOT for any alternatives that there may be but NCDOT is also in the business to use taxpayer  
1534 money to use the roadways to their best ability. My opinion if you want to call it that is that we will be satisfied with  
1535 what NCDOT suggest as improvements for the project.

1536  
1537 Kim Piracci: I just want to say that it seems to me that the traffic that's being talked about, even if it could be  
1538 arranged in such a way that the traffic only comes and goes from 40 to Old 86 and never hits Davis it just seems like  
1539 an enormous amount of traffic even just for Old 86. Even though I understand there'll be road expansion and  
1540 whatnot so I just, I feel like the scope of the project is just too big for this space in Orange County. Maybe smaller  
1541 warehouses or two instead of three. I don't know but in any case it just seems like too much. To me it seems all  
1542 that's too much.

1543  
1544 Hunter Spitzer: Do you have an expected return date from NCDOT on those comments? An anticipated time?

1545  
1546 Michael Harvey: Hunter, let me jump in and Mr. Birch may be able to also provide some detail. I don't know if it's fair  
1547 to say if we have any expectation from DOT. They obviously took a prolonged period of time to get us the comment  
1548 they got us on Friday and we can obviously impress to Mr. Edwards who is our district engineer the need for  
1549 expediency but I can't and will not tell you that I can guarantee that within two weeks we'll have an answer. I can't  
1550 guarantee that within two weeks we'll have an answer. But I think it's reasonable for us to try if the Board sees fit to  
1551 adjourn to at date and time certain in two weeks. We'll do the best we can to address this concern as best we can  
1552 and I know so will the applicant but I do think it's also important for me to make clear one think to the Board. It's been  
1553 sort of danced around but I think it's important to say it. One of the, this same issue came up with Settler's Point, the  
1554 Department of Transportation is not satisfied with the current condition of service road which parallels (Interstate) 40  
1555 and they had requested or indicated that in order for Settler's Point to be developed they had to have secondary

1556 means of ingress/egress. At Settler's Point chose to try and secure access off Old NC Hwy 86 directly. That was a  
1557 gamble they took and unfortunately it didn't pay off at the time they had the approval they couldn't negotiate an  
1558 access point. I know that this applicant has looked for alternative access points and I'm not telling you this to say, it's  
1559 a fait accompli, but I'm telling you this that one of the reasons there's two access points is because DOT has  
1560 mandated it from day one. This applicant is obviously proposing Davis Road there's obviously concerns about that  
1561 and there's request for more information and that needs to be processed to move forward but I think the Board just  
1562 needs to be put back in the loop that the reason there's two is because DOT is mandating it.

1563  
1564 Michael Birch: This is Michael Birch, the applicant just to reiterate on the timing of DOT responses. We will hound  
1565 them as best we can to get responses so we can this resolved in advance of a possible meeting on the 19<sup>th</sup>.

1566  
1567 Randy Marshall: I'm not sure we are going to continue to be productive tonight so I'd like to make a recommendation  
1568 that we adjourn or postpone or continue the meeting until two weeks from tonight at 7 p.m.

1569  
1570 Hunter Spitzer: Seconded.

1571  
1572 Adam Beeman: I vote going ahead and solving the problem tonight if anybody else is ready to vote. I'm ready to  
1573 vote. I'm got my choices made so if everybody else wants to shelve it that's fine but I'm ready to move forward  
1574 tonight.

1575  
1576 Kim Piracci: I would like to postpone voting but to me it doesn't make sense to meet in two weeks if we haven't  
1577 heard from the DOT though it could be a conditional two weeks from tonight sort of thing.

1578  
1579 Michael Harvey: Kim, let me just interject that it unfortunately can't be conditional you are going to be adjourning to a  
1580 date and time certain so there will be a meeting if you all elect to do it this way on the 19<sup>th</sup> and if we don't have the  
1581 response unfortunately we don't have the response and I hate to say it that way but it's the truth. The two options  
1582 you have are to adjourn this meeting matter or table this matter until the September meeting which obviously the  
1583 applicant I know has a concern with or to say you're going to attempt to do a special meeting on the 19<sup>th</sup>. If there's  
1584 Board consensus to try that and we don't have answers, we don't have answers. That's the unfortunately blunt way  
1585 I'm going to have to put it to you.

1586  
1587 Randy Marshall: Part of my thinking was that we still have a number of people who wanted to address this some of  
1588 them we may have already have heard from and understand what their positions are but there may be others that  
1589 we've not heard from at all and I'm not sure we want to start listening to them at this late time. The other things is  
1590 we've not been able to address the DOT issues and nothing may change as Michael suggests in two weeks but at  
1591 least in two weeks we will have a little bit more information and can get a little bit more input from the public and  
1592 make an informed decision at that time. I can vote tonight, I know where I stand but I just want to make sure that  
1593 everybody feels like they've had enough opportunity to get all the information they need or to provide all the  
1594 information they need.

1595  
1596 David Blankfard: I think that we should postpone it to the 19<sup>th</sup>. I guess we'll have to have a motion again. But we'll  
1597 wait and until the 19<sup>th</sup> we can listen to more of the constituents, the public right because they were saying they were  
1598 not notified this will give them more time to rally their forces and then if the DOT isn't there, we'll just listen to the  
1599 public and if the DOT we can finish it then and there.

1600  
1601 Craig Benedict: Perdita how many people do you have still want to speak tonight?

1602  
1603 Perdita Holtz: There are 14 people that have their hands raised.

1604  
1605 Adam Beeman: I have a question if we come back on the 19<sup>th</sup> and we don't have the information from DOT are we  
1606 going to push it out again.

1607  
1608 David Blankfard: We'll just listen to the public.

1609  
1610 Adam Beeman: I understand that but are we going to push the vote out again or are we going to vote on the 19<sup>th</sup>?

1611

1612 Randy Marshall: I suggest that we have a vote on the 19<sup>th</sup> we'll have all the information available and I think we  
1613 should go ahead and vote then and I would also recommend for people who want to speak, to try not to continue to  
1614 repeat yourselves and to provide us with new information or insight which will help us get closer to making a decision.  
1615

1616 Michael Harvey: Chair Blankfard, just to remind the Board that if you adjourn the meeting to a date and time certain  
1617 and adjourn to a specific format, we will not be resending out notifications because this is a continuation of the  
1618 meeting. We will not be sending out new notices, we're not obligated to send out new notices because you are  
1619 adjourning to a date time certain. We will post it on the website as we have done with tonight's meeting but we will  
1620 not be sending out notices to everyone within 1000 feet.

1621  
1622 **MOTION** by Randy Marshall to adjourn the Planning Board meeting to August 19, 2020 at 7:00 PM via Zoom.

1623 Seconded by Hunter Spitzer.

1624 **VOTE:** 9-2 (Adam Beeman and Kim Piracci opposed)

1625

1626 Craig Benedict: Staff will be making a summary of some of the questions.

1627

1628

1629 **AGENDA ITEM 11: ADJOURNMENT**

1630 Meeting was adjourned by consensus

1631

1632

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1634

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David Blankfard, Chair