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SUMMARY MEETING NOTES
Neighborhood Information Meeting (NIM) for
Master Plan Development Conditional Zoning District (MPD-CZ)
Application
Beaver Crossing

Consistent with the requirement(s) of Section 2.9.2 (D) *Conditional Zoning District – Neighborhood Information Meeting* of the Orange County Unified Development Ordinance (UDO), a neighborhood information meeting (NIM) was held on Wednesday September 15, 2020 for a Master Plan Development Conditional Zoning (MPD-CZ) District Zoning Atlas Amendment for property north of Interstate 40/85 and east of Mt. Willing Road within the Cheeks Township of Orange County.

The project is commonly known as Beaver Crossing.

The applicant sent a notice of the meeting date, time, and on-line meeting registration link to all property owners within 1,000 feet of the subject property, consistent with the requirements of the UDO.

ATTENDEES: Stan Beard (Applicant Representative – Buc-ee's); Beth Trahos (Attorney for Applicant); Kelsey Westwood (Kimley Horn – Site Plan/Engineering Design for Project); Earl Lewellyn (Kimley-Horn – Traffic Engineer who completed the TIA);

Michael Harvey and Craig Benedict (Orange County Planning);

A total of 55 individuals attended the call, including those listed above. Given the virtual nature of the call, a complete list of attendees is not available. The following names were available on the virtual format: Marshall Welch; Rick; Jared and Heather Cates, Sita; A Pate; Steven; Heather Smith; Douglas Efland; Jennifer; Steven; Mikki Fleming; Chris Smith; M and N Efland; Rob Roberts; Lindsay Efland; PM; Bill Efland; Jaye Ruth Efland; Joe Williams; and Kaye Cartmill.

SUMMARY OF PROJECT:

The applicant summarized the proposal as follows:

In accordance with Section 2.2 *Applications* of the Unified Development Ordinance (UDO), staff began a sufficiency review of the submittal that was deemed complete and formally accepted for review on August 12, 2020.

The applicant spoke generally about the project using a PowerPoint presentation. A copy of the presentation is attached hereto as Exhibit A. The applicant began by orienting the attendees to the property location, explaining the existing and proposed zoning districts and discussing the Comprehensive Plan. The applicant discussed the detailed uses permitted in each development pod identified by numbers 1-6 using the Master Plan Land Use Plan Map C2.1. The traffic impact analysis and planned road improvements, including the elimination of exit 160 per NCDOT, were discussed. The landscape plan and open space areas were also discussed. Finally, the applicant discussed job creation (especially for low barrier to entry jobs that pay a living wage), sales taxes and the ad valorem taxes expected from the planned Buc-ee's and the larger commercial development. At full build out, the project is expected to generate in excess of \$2,000,000 per year in taxes. The meeting was then opened to questions from attendees which are discussed in detail below.

The following summary of the proposed project is provided by Planning Staff based upon the initial project submittal as follows:

1. Project involves 104 acres (4,530,240 sq.ft.) of property;
2. The project will observe a floor area ratio of 0.65 (28,314 sq.ft. of allowable building area per acre (43,560 sq.ft.) of property) with a maximum potential of over 2,900,000 sq. Ft. of anticipated building area, although the applicant indicated that they intended to impose a limit of 500,000 sq. ft. of maximum building area;
3. There will be approximately 30 acres (30%) of open space, although applicant noted in that there would be a total of 40 acres (38%) of open space when including maintained buffer area and indicated the submittal would be updated to confirm this figure;
4. Setbacks from various property lines would be as follows:

Setback from Property Lines	Freestanding Buildings and Structures + Vehicular Use Areas	Signs
Interstate 85 / Interstate 40	One hundred (100) feet average Forty (40) feet minimum	10' from public right-of-way
Interstate 85 Connector / U.S. Highway 70	Forty (40) feet	10' from public right-of-way
Mount Willing Road	Forty (40) feet	10' from public right-of-way 100' from residential uses
External Rear Property Line	Forty (40) feet	10' from public right-of-way 100' from residential uses
Internal Front, Side, and Rear (Development Area 1)	Zero (0) feet	5' from private right-of-way 10' from public right-of-way
Internal Front, Side, and Rear (Development Areas 2-6)	Twenty (20) feet	5' from private right-of-way

5. Buildings shall observe a 60' height limit consistent with County regulations. Accessory structures (i.e. water tower, telecommunication tower, etc.) may be higher;
6. Application contains a master sign plan proposing the following signage:
 - a. Development Area 1 (i.e. Buc-ees Travel Center):
 - i. 1 on premise sign approximately 100 ft. tall with a total sign area of 601 sq.ft.;
 - ii. 3 wall signs (i.e. on portions of the building that could have frontage/visibility from a road right-of-way) each approximately 270 sq.ft. in area (total cumulative sign area of 810 sq.ft.);
 - iii. Logos on the canopy – 4 total logos each approximately 50 sq.ft. in area (total cumulative sign area of 200 sq.ft.);
 - iv. A total of 16 signs on several separate gas pumps advertising fuel type, each sign 5.5 sq.ft. in area (total of approximately 88 sq.ft.).
 - b. Other development areas:
 - i. A total of 8 monument signs, each with 240 sq.ft. of sign area not exceeding 20 ft. in height (cumulative of 1,920 sq.ft. of sign area);
 - ii. Wall Signs: 64 sq.ft. of wall sign area for each individual tenant space;
 - iii. Directional and temporary/construction/real estate signage consistent with the provisions of Section 6.12 *Signs* of the UDO.

7. Outdoor lighting shall abide by County regulations as it relates to allowable lighting intensities at property lines and the use of full cut off fixtures;
8. Access to the development shall be off of:
 - a. A proposed driveway off of Ben Johnson Road and Mt. Willing Road;
 - b. Access drives are also proposed off of the Interstate off-ramp to the south of the property;
9. The project shall abide by applicable erosion control and stormwater regulations as detailed in Section(s) 6.14 and 6.15 of the County UDO;
10. Stream and floodplain buffers shall be preserved consistent with County regulations;
11. Permitted land uses include:
 - a. A Buc-ee's Travel Center including 120 pump gas station and car wash with approximately 70,000 sq.ft. of retail/restaurant area serving same;
 - b. 150,000 sq.ft. of office/light industrial/ flex space;
 - c. 120-room hotel (square footage of structure unknown);
 - d. 8,000 sq.ft. of medical office space;
 - e. 30,000 sq.ft. of specialty retail space;
 - f. A 3,500 sq.ft. drive-in bank;
 - g. 12,000 sq.ft. of casual restaurant; and
 - h. 20,000 SF of high-turnover sit-down restaurant space.
12. The applicant reviewed maps contained within the Traffic Impact Analysis (TIA) of the application package (Exhibit G) and discussed anticipated traffic impacts/improvements.

This included discussion of improvements the Interstate exist ramps, including the elimination of Exit 160 known locally as the *Efland Exit*.

PUBLIC COMMENT(S) AND QUESTIONS:

- A. Several comment(s) and concerns were expressed over the proposed elimination of Exit 160. Property owners expressed extreme displeasure with the loss of the existing Efland exit, expressing concern over anticipated 'impacts'.

APPLICANT: Well in advance of the rezoning submittal, there was extensive coordination with NCDOT officials regarding the proposed access plan. Based on those discussions it is our understanding that, irrespective of this project, NCDOT desires to close the I-40 Westbound Exit 160 due to inadequate weaving distance along the service road between this Exit Ramp and the I-40 Entrance Ramp, which does not currently satisfy standard NCDOT guidelines. This concern is further compounded by the prevailing speeds. As a result, the traffic impact analysis (TIA) was prepared based on NCDOT direction to close this exit ramp. The study recommends extensive improvements to accommodate

the redirected traffic demands as well as site traffic impact via Westbound I-40 Exit 161. The cost of these extensive improvements will be born by the developer as a part of this project rather than by taxpayers at some point in the future.

Attendees inquired who at NCDOT was involved in this project so that they could be contacted directly. Kevin Lacy was identified as the primary contact. An email address for Mr. Lacy was requested by several neighbors of the call. Mr. Lacy can be reached at: ijklacy@ncdot.gov

COUNTY STAFF: The applicant has submitted a traffic impact analysis to the County and NC Department of Transportation (DOT) for review. Staff from both agencies have requested additional information on anticipated traffic demand and the various proposals to address same.

Concern had been expressed to the applicant concerning the proposed loss of Exit 160, but all parties (i.e. applicant, County Planning, NC DOT) are still completing their reviews of the proposal.

DOT staff has requested additional information from the applicant, which is being produced. As review comment(s) are finalized, this matter will continue to be reviewed and discussed.

B. Why do we need a 120 pump gas station in Orange County?

APPLICANT: The proposed zoning allows for a Buc-ee's Travel Center, including 120 fueling positions. Unlike a typical gas station, Buc-ee's offers this number of fueling position recognizing that many customers leave their cars at a fueling position for thirty minutes or more while visiting the many amenities offered by the travel center. In this way, queuing is minimized.

This project also allows for a broader mix of uses in a master planned project including restaurants, retail, office, medical office, a hotel and industrial/flex uses. This combination of uses is desirable in that it meets recommendations of the Future Land Use Map in the Orange County Comprehensive Plan. In addition, it provides opportunities for employment that pays a living wage in the Efland Community and creates a significant a non-residential tax base for the benefit of the broader community. At completion, the project is estimated to contribute \$2,000,000.00 in sales and ad valorem taxes per year to Orange County coffers.

COUNTY STAFF:

C. I am concerned over proposed access driveways onto the Interstate on/off ramp south of the property (listed as a 'service road' on maps provided by the applicant).

There does not appear to be sufficient space allowing people to accelerate to merge onto the Interstate safely. Further, there will be a lot more congestion on the ramp making access to Mt. Willing Road haphazard. The proposed traffic pattern is too dangerous.

APPLICANT: As noted in the question, NCDOT is also concerned about existing weaving operations along this service road, and for that reason

has required removal of I-40 Westbound Exit 160, eliminating the closely spaced, high-speed freeway weaving maneuvers. The resulting operations along the service road and movements onto the I-40 Entrance ramp will be improved due to slower speeds and metering of traffic by upstream signal and stop controlled intersections, thereby improving safety.

COUNTY STAFF:

- D. What traffic improvements are proposed on Ben Johnson, Mt. Willing, and the Interstate access ramp (i.e. traffic lights, stop signs, restricted turn lanes, etc.)?

APPLICANT: Please see the attached Exhibit B, which details planned roadway improvements consistent with NCDOT recommendations.

COUNTY STAFF:

- E. Mt. Willing Road is very congested. Existing traffic existing/accessing the Interstate, even without this project, creates huge backups during morning and evening rush hour periods along the roadways. This includes backups along Forrest Avenue. This project will only exacerbate the problem. How will the applicant rectify this issue?

APPLICANT: Significant roadway and traffic signal improvements are proposed at the interchange ramps and site access along Mt. Willing Road. Site traffic will have minimal impact north of the Mt. Willing site entrance and does not necessitate additional roadway improvements outside of those already proposed. Please see the attached Exhibit B referencing roadway improvements which are consistent with NCDOT recommendations.

COUNTY STAFF:

- F. Isn't this property in a Critical Watershed?

APPLICANT: No, the property is not within a critical watershed area. The development will meet stormwater and erosion control requirements outlined by the Orange County development ordinance and the state of North Carolina. Our open space is concentrated in an area where environmentally sensitive features exist.

COUNTY STAFF: The subject parcels are not located within a critical watershed area as defined by the State of North Carolina.

The parcels are located within the Upper Eno Protected Watershed Protection Overlay district. Consistent with applicable watershed management standards, development on these properties are required to abide by:

- Established impervious surface (i.e. asphalt, concrete, gravel, structures, etc.) limit of 70%. This will require the installation of stormwater control measures throughout the project consistent with the UDO;
- Erosion Control permitting standards as detailed in Section 6.15 of the UDO;

- Stormwater management standards, including nutrient removal, as detailed in Section 6.14 of the UDO.

G. Will existing streams and water features have to be buffered?

APPLICANT: There are streams and other water features on the property (shown on Sheets C3.0 and C3.1 of the Rezoning Plan) that are to be buffered consistent with County regulations. These areas are slated for preservation in designated open space areas within the project.

COUNTY STAFF: All water features are required to be buffered consistent with Section 6.13 *Stream Buffers* of the UDO. The anticipated buffer will be 65 ft. on each side of the stream bank.

H. I see the overhead power lines are being relocated. How will this impact property owners to the north and west of the project?

APPLICANT: The overhead powerline relocation will remain within the limits of the proposed development and is not anticipated to impact adjacent property owners.

COUNTY STAFF:

I. I am concerned over ground water contamination fuel leaks/spills impacting water quality and contaminating our groundwater. What steps are being taken to address this potential issue and preserve/protect our well water?

APPLICANT: We follow all current design criteria required at the federal, state, and local levels and are subject to plan review, construction inspections, and final cover procedures required at all levels. To date, no travel center fueling system has ever had a reportable release and we work hard to maintain that standard. As an additional precaution not required by code, the developer is committed to installing oil-water separators as a part of the stormwater systems which are to be located in close proximity to the fueling stations to intercept incidental hydrocarbons gathered by stormwater runoff so that they can be collected and disposed of appropriately.

COUNTY STAFF:

J. I am concerned over air quality. How are you going to address the venting of gas tanks and comply with applicable air quality standards?

APPLICANT: We will comply with all federal, state and local regulatory requirements. Exposure to gasoline vapors during vehicle refueling is regulated on the macro scale by the federal government. All vehicles manufactured today come equipped with a required Onboard Refueling Vapor Recovery (ORVR) system which captures the vapors displaced during refueling and keeps them within the vehicle.

COUNTY STAFF:

K. Where will fuel be stored?

APPLICANT: Fuel will be stored in 6 underground, double-walled, concrete encased, constantly monitored tanks each with a capacity of 40,000 gallons for a total capacity of 240,000 gallons.

COUNTY STAFF:

- L. What signage is proposed for this project? Are you really proposing a 100 ft. tall sign? This is inconsistent with the rural nature of Efland.

APPLICANT: The original submittal included the Applicant's standard hi-rise sign height of 100'. The purpose of the sign height is to provide the interstate traveler, traveling at high speeds, with enough notice to see the sign, change lanes, and maneuver safely to the exit. Subsequent to the initial application, a balloon test was conducted to best determine the appropriate height of the sign. That test concluded that a height of 80' is sufficient. The application has not yet been updated but the revised submittal will reflect a height limit of 80'.

COUNTY STAFF:

- M. Several general comment(s) were made that Efland is a rural community that this project will severely impact.

APPLICANT: The subject property is located immediately adjacent to Highway 40/85, one of the most heavily traveled roadways in our state, at a highly traveled connection to Highway 70. The subject property is designated as a Commercial-Industrial Transition Activity Node on the Future Land Use Map in the Orange County Comprehensive Plan. The Comprehensive Plan defined Commercial-Industrial Transition Activity Nodes as follows: "[I]and near major transportation routes that could be provided with public water and wastewater services and is appropriated for retail and other commercial uses, manufacturing and other industrial uses; offices and limited (not to exceed 25% of any Node) higher density residential uses." Similarly, the Efland-Mebane Small Area Plan encourages "Mixed Use" in the southeast portion of the planning area. Change is planned and appropriate for this area.

- N. Several individuals made the comment they were supportive of development, and the need for additional non-residential development to lessen the tax burden on residential property owners. These individuals, however, do not believe a 120 pump gas station is what should occur to address this need.

APPLICANT: The subject property is currently zoned Office/Research and Manufacturing (O/RM) with the Upper Eno Protected Watershed Protection Overlay District, the Major Transportation Corridor Overlay and the Efland Interstate Overlay District. A wide variety of land uses are permitted in O/RM district including, all as shown on Table 5.2 entitled the "Table of Permitted Uses" in the UDO. A sample of uses permitted in the O/RM district is listed below:

- Manufacturing, Assembly, Processing of Food Products Except as identified in the Table 5.2 of the UDO, entitled “Table of Permitted Uses”, Section 27(A)-(G);
- Manufacturing, Assembly, Processing of Non-Food Products Except as identified in the Table 5.2 of the UDO, entitled “Table of Permitted Uses”, Section 28(A)-(Q);
- Hospital, Veterinary Clinic, Veterinary Hospital and other Medical Uses subject to the standards identified in the Orange County UDO;
- Office and Financial Services subject to use standards set out in the UDO;
- Service Uses except as identified in the Table 5.2 of the UDO, entitled “Table of Permitted Uses”, in Section 62 (A)-(Q);
- Telecommunication Towers subject to standards in the UDO or a special use permit depending on tower height; and
- Elevated Water Storage Tanks with a special use permit.

O. This property is located within an area defined by the State of North Carolina as a High-Quality Water (HQW) area. Why are we allowing a project of this magnitude in an HQW area?

APPLICANT: We will comply with the land area disturbance limitation required by the HQW. We are working with Orange County and the state of North Carolina to identify the best approach to abide by the requirements.

COUNTY STAFF: State Surface Water Classifications are designations applied to surface water bodies (i.e. streams, rivers, lakes, etc.) in an attempt to identify and define ‘protected activities’ (i.e. swimming, fishing, drinking water supply, etc.) for said waters.

Based on a water features classification, development(s) are required to adhere to specific standards addressing these ‘protected activities’. It needs to be remembered these ‘classifications’ are one of many ‘tools’ used by the State and local government(s) to protect water features.

The High-Quality Waters (HQW) classification is intended to protect waters which are rated excellent, based on biological and physical/chemical characteristics, and serve what staff will term ‘public purposes’ which can include serving as public drinking water supply.

State and County regulation(s) do not establish ‘prohibited’ land uses for HQW designated water features. Rather, development activities are severely curtailed, specifically there can be no more than 20 acres of ‘uncovered’ property area at any one time. The State allows for waivers with the approval of a formal erosion control plan.

In this instance, there are no regulation(s) prohibiting this development from locating within an HQW area. Development of the project, however, will have to comply with applicable land disturbance limits and erosion control guidelines enforced by the County.

- P. Mt. Willing and surrounding roadways are rural county roads. What steps are going to be taken to preserve our safety from additional traffic?

APPLICANT: Traffic generated by this project is predominately Interstate oriented. As such, roadways north of the site will experience only limited increases in traffic. As noted earlier, the planned removal of the I-40 Westbound Exit Ramp (Exit 160) will eliminate the existing substandard high-speed weaving condition along the westbound service road that is of concern to NCDOT. Consistent with TIA and NCDOT recommendations, numerous roadway and traffic signal improvements are proposed within the study area to mitigate resulting traffic demands and improve safety. Additional, supporting information about the unsafe conditions that exist at Exit 160 is available in a memo from Kimley-Horn dated October 8, 2020.

COUNTY STAFF: Staff is reviewing the Transportation Impact Analysis, submitted as part of the application package, with staff from the NC Department of Transportation.

- Q. Why is Mt. Willing being utilized as an access point for this project?

APPLICANT: The access onto Mt Willing Road provides for local traffic interconnectivity and provides for more efficient dispersal of site traffic, minimizing traffic impacts to the overall street network.

COUNTY STAFF: Mt. Willing Road offers another point of access for the project and allows for greater traffic flow/access to help address concern(s) over 'overloading' one or two roadways with too much traffic. The project will, essentially, have three central access points to help disperse traffic congestion.

- R. In staff's August 31, 2020 letter, they identified an inconsistency related to the proposed floor area ratio for the project and the estimated square footage of the development used as part of the traffic impact analysis. How can we move forward with this project as there appears to be a conflict with the information used in creation of the transportation study?

APPLICANT: We are fully aware of staff's concern and are working to rectify the matter. A revised submittal will include a commitment to no more than 500,000 square feet of building square footage, which is significantly less square footage than what is allowed in the current OR/M zoning designation. This limitation is commensurate with the traffic impact analysis.

- S. This application should not be reviewed until there can be physical meetings allowing for more public participation and discussion. There are people in the area who either have poor internet access and cannot participate or are not computer savvy enough to ensure they are able to have their voices heard.

COUNTY STAFF: The on-line meeting format is being conducted consistent with adopted State rules allowing local governments to process development proposals/applications.

While staff understands there are concerns over adjacent property owners being able to participate in the discussion of this project, the County is following established protocols.

To that end, additional opportunities are available multiple allowing individuals to participate the pending Planning Board meeting and BOCC public hearing. This includes provision of a call-in numbers so property owners with limited/no internet access can participate in the discussion.

T. How many stories are permitted within the 60' height allowance?

APPLICANT: The submittal is being revised to reflect a height of 35' with an increased setback for every foot above 35' up to 60'. Certain elements may exceed this height limitation, such as electrical lines, signs, water towers, telecommunication towers, and utility structures.

COUNTY STAFF: A 60 ft. building height allowance will typically result in 5 separate floors.

U. Are uses going to generate significant noise?

APPLICANT: We do not anticipate significant noise being generated on the subject property, especially given the ambient noise from the nearby highways. Of course, we will abide by the county noise ordinance.

COUNTY STAFF: At this time there is no indication of the noise level that could be generated by individual land uses. The County does have, and enforces, noise regulations. Development of, and those uses permitted to operate within, this project will have to abide by applicable standards.

V. What is the expected construction timeline?

APPLICANT: After full development approvals, construction is likely to take 12- 18 months, depending on site work requirements.

W. Has the Applicant performed an environmental study?

APPLICANT: Yes, as part of the application process, we completed an environmental assessment application package that is being reviewed by Orange County.

X. Are trees included in the landscaped buffer?

APPLICANT: Yes. Orange County requires a vegetative buffer along the perimeter of the project. Sheets C-6.0 and C-6.1 of the Master Concept

Plan denotes our anticipated buffer program being reviewed by County staff.

Y. What are the specific landscape standards being proposed for this project?

APPLICANT: The landscape standards for the development are outlined within the narrative submitted as part of the application. Aside from minor allowances within Tract 1, Tracts 2 through 6, the plans generally abide by the requirements outlined in the Orange County Unified Development Ordinance. Sheets C6.0 and C6.1 of the Rezoning Plan detail the landscape standards proposed with the development.

Z. Is this information available to the public?

COUNTY STAFF: Yes. Information on this zoning atlas amendment is available on the County website at:

<https://www.orangecountync.gov/792/Planning-Inspections>.

AA. What is the schedule of review for this project?

COUNTY STAFF: As indicated the review of this project is adhering to the following schedule:

- October 7, 2020 – Anticipated Planning Board meeting;
- November 5, 2020 – First available date for public hearing by the BOCC.

Both meetings will be virtual meeting. Link(s) allowing interested parties to attend the meeting will be included within the various notification letters sent out by the County and will also be posted to the County website.

In accordance with Session Law 2020-3 Section 4.31(a), pertaining to remote meetings during declared emergencies, written comments on items heard at a public hearing are accepted for 24 hours after the public hearing is closed. The BOCC will be unable to make a decision on public hearing items until the 24-hour period for the submittal of written comments has concluded.

BB. What happens if the City of Mebane says the project cannot be served by their sewer system?

APPLICANT: We are working with the City of Mebane and Orange Alamance Water System to implement system upgrades to ensure that the site can be served by water and sewer services as planned.

COUNTY STAFF: