

**ORANGE COUNTY PLANNING DEPARTMENT
131 W. MARGARET LANE, SUITE 201
HILLSBOROUGH, NORTH CAROLINA 27278**



**AGENDA
ORANGE COUNTY PLANNING BOARD**

**ORANGE COUNTY WEST CAMPUS OFFICE BUILDING
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)
HILLSBOROUGH, NORTH CAROLINA 27278
Wednesday, August 5, 2015
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
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- 1. **CALL TO ORDER**
- 2. **INFORMATIONAL ITEMS**
3 - 4 a. Planning Calendar for August and September
 - September 2 – Planning Board Meeting
 - September 8 – Quarterly Public Hearing

- 3. **APPROVAL OF MINUTES**
5 – 8 July 1, 2015 ORC Notes
9 - 13 July 1, 2015 Regular Meeting

4. **CONSIDERATION OF ADDITIONS TO AGENDA**

5. **PUBLIC CHARGE**
Introduction to the Public Charge

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

Public Charge

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

6. **CHAIR COMMENTS**

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
7.		COMMITTEE/ADVISORY BOARD REPORTS a. Board of Adjustment b. Orange Unified Transportation
8.		ADJOURNMENT

IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR PERDITA HOLTZ (919-245-2578).

August 2015						
◀ July	August 2015					September ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5 ORC – 6:30 & Planning Board 7:00 pm WCOB 004*	6	7	8
9	10 Board of Adjustment 7:30 pm WCOB 004	11	12	13	14	15
16	17	18	19 OUTBoard 7:00 pm WCOB 004	20	21	22
23	24	25	26	27	28	29
30	31	Notes: * Planning Board Member Attendance Required WCOB = West Campus Office Building (131 W. Margaret Lane, Hillsborough)				

September 2015

◀ August

October ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Regular BOCC Meeting 7:00 pm Whitted Building	2 ORC – time TBD & Planning Board 7:00 pm WCOB 004*	3	4	5
6	7 Holiday	8 Quarterly Public Hearing 7:00 pm Whitted Building*	9	10 BOCC Work Session 7:00 pm Southern Human Services Center	11	12
13	14 Board of Adjustment 7:30 pm WCOB 004	15 Regular BOCC Meeting 7:00 pm Southern Human Services Center	16 OUTBoard 7:00 pm WCOB 004	17 BOCC/City of Mebane Joint Meeting 5:30 pm Whitted Building	18	19
20	21	22	23	24	25	26
27	28	29 BOCC/Schools Joint Meeting 7:00 pm Whitted Building	30	Notes: * Planning Board Member Attendance Required WCOB = West Campus Office Building (131 W. Margaret Lane, Hillsborough)		

51
52 Lisa Stuckey: What about the HOA in a subdivision that wants to put a ball field on an open space?
53
54 Michael Harvey: Perfectly legal because it is technically approved as part of the subdivision process.
55
56 Tony Blake: What if they want to do it retroactively?
57
58 Michael Harvey: The same thing as long as they comply with the ordinance with respect to compliance of Article 7
59 which is subdivision standards. Again, County parks would not be affected by this.
60
61 Lydia Wegman: Regarding Section 5.7.2, shooting ranges, no outdoor range shall be closer than 30 feet to the
62 property range?
63
64 Michael Harvey: That is reference to commercial shooting ranges, like an archery range. In these instances
65 shooting would only be allowed indoors. Private, residential shooting areas, the required setback is 300 feet.
66
67 **AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS**
68 **PUBLIC HEARING PROCESS REVISIONS**
69 To review and comment upon proposed amendments to the DUO to revise the public
70 hearing process.
71
72 **Presenter:** Perdita Holtz, Planning Systems Coordinator
73
74 Perdita Holtz: Reviewed abstract and began presentation.
75
76 Tony Blake: This is where I was confused. I see the notes regarding the public meeting on page 43, but where is the
77 neighborhood information meeting described?
78
79 Perdita Holtz: It is in the neighborhood information meeting section, Section 2.9.
80
81 Tony Blake: Are any changes being made to that?
82
83 Perdita Holtz: No
84
85 Tony Blake: I was going to suggest that the Planning Board member representing that township should be invited into
86 the neighborhood information meeting and that's an important change.
87
88 Perdita Holtz: If it's a matter of inviting someone, that can be done administratively and not have to be written into the
89 UDO. If it's something that you want to require then that's something that can be written into the UDO or into the
90 Planning Board Rules of Procedure.
91
92 Lisa Stuckey: That wouldn't be appropriate in a quasi-judicial situation?
93
94 Perdita Holtz: The Neighborhood Information meeting isn't a quasi-judicial meeting, but to explain how the process
95 works to neighbors.
96
97 Lisa Stuckey: I would touch base with a lawyer because it seems unlikely that you wouldn't get information not
98 available to BOCC and other Planning Board members upon which you would base your votes.
99
100 Tony Blake: The only thing you would get is information would be the neighbor's comments.
101
102 Pete Hallenbeck: In the quasi-judicial world, if those neighbors are not experts, you can't take it into consideration.

103
104 Lydia Wegman: To me, this is an information meeting.
105
106 Pete Hallenbeck: When the neighborhood meeting happens, it quasi-judicial in play?
107
108 Perdita Holtz: The Planning Board meeting is not quasi-judicial. From an ideal legal standpoint, the attorneys would
109 like the Planning Board to not be involved.
110
111 Tony Blake: The neighbors are looking to us and if we don't have any information, what is the point of us at all.
112
113 Craig Benedict: We are trying to make that meeting more process oriented with information about the process.
114
115 Pete Hallenbeck: When does the quasi-judicial process start?
116
117 Michael Harvey: I would argue it starts the day the application is accepted to review by the Planning Department and
118 all subsequent meetings that occur as a result are part of the quasi-judicial process.
119
120 Paul Guthrie: I agree with all that has been said, but be careful because you are about to go past an advisory board
121 and cut off input that can make wiser decisions. At what point, what do I stop thinking about what I know and have to
122 stop and say what I hear. You need to be careful about how you define that if you want true, good, long term advisory
123 committee members.
124
125 Lydia Wegman: If the neighborhood information doesn't include a presentation by the applicant then it would not be
126 helpful.
127
128 Craig Benedict: It includes a review of the project.
129
130 Lydia Wegman: There will be time for questions?
131
132 Craig Benedict: There may be. The information will be available. This is a dry run so everyone will know what is
133 proposed.
134
135 Perdita Holtz: Continued presentation.
136
137 Paul Guthrie: How long after the hearing do we have a record so there is a good reference to what is acceptable as
138 evidence and what isn't?
139
140 Perdita Holtz: All evidence is going to have to be made at the hearing.
141
142 Paul Guthrie: How long does it take to get that record and will the 60 days be adequate?
143
144 Perdita Holtz: You generally make a recommendation in less than 60 days.
145
146 Paul Guthrie: Be sure that works within your process.
147
148 Perdita Holtz: Continued presentation.
149
150 Paul Guthrie: Question on specific language, Section 1B(c) on page 71.
151
152 Perdita Holtz: That is not the part being changed.
153
154 Paul Guthrie: May need to think about the language in the policy saying basically this document overrules the
155 advisory committee structure set up by the BOCC.
156

- 157 Perdita Holtz: Only the BOCC approves the specific advisory board policies.
- 158
- 159 **AGENDA ITEM 3: ADJOURNMENT**

MINUTES
ORANGE COUNTY PLANNING BOARD
JULY 1, 2015
REGULAR MEETING

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

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

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

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Pete Hallenbeck: Called meeting to order

AGENDA ITEM 2: INFORMATIONAL ITEMS

a) Planning Calendar for July and August

AGENDA ITEM 3: APPROVAL OF MINUTES

a) **APRIL 1, 2015 REGULAR MEETING**

b) **JUNE 3, 2015 REGULAR MEETING**

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

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

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

VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

No changes to the agenda.

AGENDA ITEM 5: PUBLIC CHARGE

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

56

57 **Public Charge**

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

65

66 **AGENDA ITEM 6: CHAIR COMMENTS**

67

68 Pete Hallenbeck: I have no comments.

69

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

75

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

77

78 Michael Harvey: Reviewed abstract.

79

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

81

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

86

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

88 **VOTE:** Unanimous

89

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

93 **VOTE:** Unanimous

94

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

97 **VOTE:** Unanimous

98

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

101 **VOTE:** Unanimous

102

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

105 **VOTE:** Unanimous

106

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

112

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

114

115 Pat Mallett: Reviewed abstract and revised site plan.

116

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

119

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

122

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

124

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

126

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

131

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

133 **VOTE:** Unanimous

134

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

138 **VOTE:** Unanimous

139

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

143 **VOTE:** Unanimous

144

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

147 Andrea Rohrbacher seconded.

148 **VOTE:** Unanimous

149

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

152 **VOTE:** Unanimous

153

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

161

162 **Presenter:** Michael Harvey, Current Planning Supervisor

163

164 Michael Harvey: Reviewed abstract.

165

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

167

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

169

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

171

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

175

176 Michael Harvey: I am asking you for questions or comments in the next couple of weeks, email me by July
177 17, 2015. This will come back to you. My goal is to bring this back at the September meeting.

178

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

181

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

185

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

188

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

190

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

193

194 Buddy Hartley: Would there be any private security?

195

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

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

201

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

203

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

205

206 Pete Hallenbeck: Email any additional questions to Michael.

207

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

209 **A. Board of Adjustment**

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

211

212 **B. Orange County Transportation**

213 None

214

215 **AGENDA ITEM 11: ADJOURNMENT**