

MINUTES  
ORANGE COUNTY PLANNING BOARD  
OCTOBER 2, 2013  
REGULAR MEETING

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**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Tony Blake, Bingham Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Paul Guthrie, At-Large Chapel Hill Township;

**MEMBERS ABSENT:** Johnny Randall, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Stephanie O'Rourke, Eno Township Representative; Vacant- Hillsborough Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Special Projects Coordinator; Michael Harvey, Current Planning Supervisor; Tom Altieri, Comprehensive Planning Supervisor; Ashley Moncado, Special Projects Planner; Abigaile Pittman, Transportation/Land Use Planner; Tina Love, Administrative Assistant II

**HANDOUTS:** *Petition regarding Eno Area Access Management Plan; Town of Hillsborough/Orange County Coordinated Area Land Use Plan Flowchart*

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

**AGENDA ITEM 2: INFORMATIONAL ITEMS**  
a) Planning Calendar for October and November

**AGENDA ITEM 3: APPROVAL OF MINUTES  
SEPTEMBER 4, 2013 REGULAR MEETING**

**MOTION** by Lisa Stuckey to approve the July 10, 2013 Planning Board ORC notes and the July 10, 2013 Planning Board minutes. Seconded by Tony Blake.

**VOTE: UNANIMOUS**

**AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA**

**AGENDA ITEM 5: PUBLIC CHARGE**

**Introduction to the Public Charge**  
The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its citizens 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 citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time, should any member of the Board or any citizen 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.

55 AGENDA ITEM 6: CHAIR COMMENTS

56  
57 **Agenda Item 7: Zoning Atlas Amendment** – To make a recommendation to the BOCC on a property owner-  
58 initiated amendment to the Zoning Atlas to rezone a 2.67 parcel of property located at 3604  
59 Southern Drive (PIN 9844-86-5155) from Rural Residential (R-1) and Light Industrial (I-1) to Light  
60 Industrial (I-1). This item was heard at the September 9, 2013 quarterly public hearing.  
61 **Presenter:** Michael Harvey, Current Planning Supervisor  
62

63 Michael Harvey: (Reviewed abstract). We have provided a synopsis of the questions asked at the public hearing. A  
64 Commissioner wanted staff to clarify if this property was in an overlay zoning district specifically a watershed overlay zoning  
65 district which it is, Upper Eno Protected, that means there is going to be impervious surface limits imposed on any  
66 expansion of this property. There was also a question asked if the rezoning of this parcel would have an impact on any  
67 property surrounding, and the answer is no. The only public comment I have received from the public hearing is a call from  
68 Miss May who live right here (pointed out on location map), who expressed consternation that I made Mr. Keizer go through  
69 this process at all. You have a planning staff recommendation of approval and the rationale for our decision is the  
70 application was submitted in compliance with the UDO, the property is of sufficient size to be rezoned as requested, and the  
71 rezoning is consistent with the Comprehensive Plan, Future Land Use Map, the Growth Management System Map, and the  
72 adopted Efland-Mebane Small Area Plan.  
73

74 **MOTION** made by Tony Blake to approve Attachments 2 and 3 to rezone the Keizer property a 2.67 acre parcel of property  
75 located at 3604 Southern Drive. Seconded by Maxecine Mitchell.  
76

77 **VOTE:** Unanimous  
78

79 **Agenda Item 8: Zoning Atlas Amendment** – To make a recommendation to the BOCC on a property owner-  
80 initiated amendment to the Zoning Atlas to rezone 2 parcels of property, totaling approximately 16  
81 acres in land area, from Rural Residential (R-1) and Light Industrial (I-1) to Light Industrial (I-1). The  
82 parcels are undeveloped and without an assigned street address but are located east and south of  
83 the USA Dutch property at 3604 Southern Drive. This item was heard at the September 9, 2013  
84 quarterly public hearing.  
85 **Presenter:** Michael Harvey, Current Planning Supervisor  
86

87 Michael Harvey: (Reviewed abstract).  
88

89 Maxecine Mitchell: Are they on septic there?  
90

91 Michael Harvey: They're still on septic, however, sewer and utilities ought to be available in the near future. If it is available  
92 they obviously could tie in if they go through the appropriate process.  
93

94 Tony Blake: They have not purchased this property yet?  
95

96 Michael Harvey: No, and as we stipulated at the public hearing, they have an offer to purchase and have signed a contract  
97 to purchase contingent upon this rezoning going through.  
98

99 Lisa Stuckey: Is this is the rural buffer?  
100

101 Michael Harvey: No. This is rural residential zoning.  
102

103 Maxecine Mitchell: Will this company's future expansion create more job opportunities and is this something we should take  
104 into consideration for this proposal?  
105

106 Michael Harvey: It shouldn't be part of the consideration but Mr. Kizer did make comment at the public hearing that  
107 additional jobs would be created.  
108

109 Paul Guthrie: Will that sewer system that is going through there have the capacity to handle that operation or will there have  
110 to be pre-treatment?  
111  
112 Craig Benedict: The system is in the design stages and it will take into consideration the land uses and the water and sewer  
113 demand enough to accommodate the change of land uses from what is there now to non-residential. From a demand  
114 standpoint, yes we have it covered. We will examine what type of sewer flow they have and sometimes pretreatment is  
115 necessary in some manufacturing operations.  
116  
117 Maxecine Mitchell: You said that a certain percentage of the R1 could be turned into I1.  
118  
119 Michael Harvey: The percentage figure I believe you are referring to was the allowable percentage of impervious surface  
120 area on a given lot. The node, as currently defined, allows for minimal high intense residential development in the area.  
121  
122 Maxecine Mitchell: If we rezone this will it leave room for more requests?  
123  
124 Michael Harvey: Yes. Approval of this request will not limit or hinder future requests from being submitted or heard.  
125  
126 **MOTION** made by Tony Blake to approve attachments 3 and 4 to rezone two parcels totaling 16.1 acres. Seconded by Lisa  
127 Stuckey.  
128  
129 **VOTE:** Unanimous  
130  
131 **Agenda Item 9: Unified Development Ordinance (UDO) Text Amendment** – To make a recommendation to the  
132 BOCC on government-initiated amendments to the Unified Development Ordinance (UDO) that will  
133 require a neighborhood information meeting be held prior to site plan submittal for most proposed  
134 governmental uses. This item was heard at the September 9, 2013 quarterly public hearing.  
135 **Presenter:** Michael Harvey, Current Planning Supervisor  
136  
137 Michael Harvey: (Reviewed abstract). There were a couple of comments and questions at the quarterly public hearing.  
138 This information is detailed on page 45 of your abstract. Concern was expressed by a Planning Board member that there  
139 needs to be additional thought as to what constitutes government use and the expense of logistical issues of having this  
140 neighborhood information meeting. Staff's comment is essentially that we understand the concern but the direction we have  
141 from the elected officials is that anytime there is a government use, that use is going to be reviewed by the adjacent property  
142 owners in this form and setting to ensure that they understand what is going on. There are concerns about local volunteer  
143 fire departments absorbing this cost and those have been expressed to the elected officials who have indicated that while  
144 they understand the concern, they are moving forward with this option. Planning staff recommends that you deliberate on  
145 this and vote to recommend approval of the amendment to the elected officials.  
146  
147 Tony Blake: I have a couple of comments. It was expensive and not what the intent of what the fire tax is. It was several  
148 thousand dollars including renting space, printing boards and mailing expense. It was difficult to communicate to people that  
149 this site plan was not approved yet so we didn't have anything concrete to show them.  
150  
151 Paul Guthrie: Do I read this to be that the volunteer fire department is not a governmental function?  
152  
153 Michael Harvey: No sir. It is a government use. In Section 5.2 of the table under the government use category, it is listed.  
154  
155 Pete Hallenbeck: This is a pain for the fire department and it costs money but can be fairly cheap compared to upsetting  
156 neighbors forever when something is just dropped on them.  
157  
158 Tony Blake: There were more complainers that lived further away.  
159  
160 James Lea: What are the nuts and bolts of this? It is the cost or the information for the meeting?  
161  
162 Michael Harvey: The issues were the cost of the certified mailing.

163  
164 Tony Blake: There are costs for the volunteers to do this.

165  
166 Pete Hallenbeck: The volunteer fire departments are run by volunteers and it is about a \$3,000.00 cost. The county is  
167 requiring these neighborhoods to have these meetings.

168  
169 Michael Harvey: The issue is cost, resources, feelings that the meetings are unnecessary.

170  
171 Tony Blake: We didn't plan for this cost.

172  
173 Paul Guthrie: One thing I mentioned is that once you established precedence in this area, the definition of governmental  
174 uses in terms of projects, are there ways to do that communication without sending out thousands of letters.

175  
176 **MOTION** made by Lisa Stuckey to approve. Maxecine Mitchell seconded.

177 **VOTE:** 7:1 (Tony Blake)

178  
179 Tony Blake: I think the certified mailings should be left out and we should identify the affected property owners and not just  
180 the ones within 500 feet.

181  
182 **Agenda Item 10: Eno Economic Development District (EDD) Access Management Plan** – To make a  
183 recommendation to the BOCC on a proposed access management plan for the Eno Economic  
184 Development District (EDD). The proposed access management plan involves approximately 980  
185 acres of land in the vicinity of US Highway 70 and Old Highway 10 (near Durham County). This item  
186 was heard at the September 9, 2013 quarterly public hearing.

187 **Presenter:** Abigaile Pittman, Transportation/Land Use Planner

188  
189 Abigaile Pittman: (Reviewed abstract). At the quarterly public hearing several comments were collected and this is what we  
190 came away with, that we need to prepare a summary of access management planning 101 to help educate residents and we  
191 have given you some of that in these initial slides. There was some confusion over the relationship to recent zoning and  
192 land use changes in the Eno EDD. Staff was asked to look at protections that could be applied on Old NC Highway 10 and  
193 St. Mary's Road was mentioned as an example. A petition was submitted by a group of citizens and it is one of your  
194 handouts. We have mapped the addresses of the people who have signed it. Some petitioners have voiced their concerns  
195 related to overall previously approved development plans, the zoning and future land use maps, water and sewer extension  
196 plans, etc. and not so much the access management plan. They don't like the zoning that is there. As a follow-up, based on  
197 County Commissioners' and public comments, staff has begun researching protections that may be put into place to  
198 preserve the character of Old NC Highway 10 including previous protections pursued for St. Mary's Road, secondary view  
199 shed regulations, scenic corridor overlay regulations, scenic byway regulations, and scenic conservation easements. Staff is  
200 recommending the following revisions to the plan based on comments: on page 4 and page 21 of the plan, to rephrase  
201 language regarding bike lanes to state that NCDOT has striped the pavement two feet from the shoulder of Old NC Highway  
202 10 for bicycles, and on page 26 of the plan which is the concept map, to remove the simple symbol for possible commuter  
203 rail transit stop from the map and legend and revise the legend for signalized intersections to indicate that it means existing  
204 signalized intersections. The staff recommendation is that the Planning Board review the plan and provide its  
205 recommendation to the BOCC and the Board could also include the request that staff continue its research on protections  
206 for St. Mary's Road and report back to the BOCC.

207  
208 Herman Staats: At the Quarterly Public Hearing it seems that most of the public comments I heard related to this were the  
209 misperception that this was a plan to build a lot of new roads, stop lights, signals, etc. so I agree that education is needed.

210  
211 Tony Blake: When we did the rezoning last year, I took a drive up there and I heard at least 4 or 5 people comment that the  
212 biggest transportation improvement needed is to fix the railroad bridge on Old NC 10 because the trucks keep going down  
213 there and slamming that bridge overpasses or having to back up when they realize the bridge is too low. Did that figure into  
214 this plan? Are you working with DOT on that?

215

216 Abigaile Pittman: We reviewed that in the course of this access management plan because we heard comments from the  
217 residents out there that they don't want the truck traffic going down NC 10 and into Hillsborough. Our review is that it is not  
218 possible because of the bridge. They don't have adequate clearance. I think what could be done is that we need some  
219 good signage and good communication from NCDOT because truckers have to clear their routes and it needs to be properly  
220 signed that they can't get down that road. We can certainly recommend communication with NCDOT to create a good  
221 system of signage through there.

222  
223 Maxecine Mitchell: People are concerned about the vehicle traffic and speed. To not encourage more traffic on Old NC 10.  
224 Whatever development that comes will create more traffic on Old NC 10 and it will be very dangerous for pedestrians and  
225 bicyclists who utilize that road as a scenic route.

226  
227 Abigaile Pittman: One of the objectives of an Access Management Plan is to control that traffic flow and manage the access  
228 points so the road has capacity to manage it in a safe manner.

229  
230 Maxecine Mitchell: If we have it in here, we will have to educate the community on how we plan to redirect the traffic.

231  
232 Craig Benedict: If you don't have an access management plan on Highway 70 where the focus of the growth is, the higher  
233 intensity area where things are planned, then people are going to look for a bypass. The main purpose of this is to  
234 designate efficiently spaced intersections on 70 with frontage roads so that people are directed to these potential of a  
235 signalized intersection to handle the growth and then they won't look for these bypasses as much. It really is a benefit to the  
236 peripheral areas to bring people to those services that may be eventually on 70.

237  
238 Lisa Stuckey: Could you repeat what you said about the bike lanes?

239  
240 Abigaile Pittman: NCDOT striped two feet from the edge of the curb to allow for the bicyclists.

241  
242 Paul Guthrie: Most of the signatures on the petition is concentrated in that area of the subdivision so I would suggest that  
243 further communication with them regarding the access management plan, the transportation planning, may ease their pain.

244  
245 Pete Hallenbeck: One of the things we can see from the petitioners' map and addresses is that there is confusion over the  
246 difference between zoning and an access management plan.

247  
248 Tony Blake: Do we act on this petition?

249  
250 Pete Hallenbeck: This is just information about public input.

251  
252 Tony Blake: Ok, that was my question.

253  
254 **MOTION** made by James Lea to adopt agenda item 10 as recommended by staff. Seconded by Lisa Stuckey.

255 **VOTE:** Unanimous

256  
257 **Agenda Item 11:** **Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan** – To  
258 make a recommendation to the BOCC on future land uses proposed for areas of County jurisdiction  
259 located in the Town's Urban Service Boundary. This is the next step towards completion of a joint  
260 Town of Hillsborough/Orange County Central Orange Coordinated Area Land Plan. This item was  
261 heard at the September 9, 2013 quarterly public hearing.  
262 **Presenter:** Tom Altieri, Comprehensive Planning Supervisor

263  
264 Tom Altieri: (Reviewed map). At the public hearing there were no members of the public that spoke but there was a  
265 comment from Commissioner Gordon regarding process and more specifically some questions about the ETJ swaps that  
266 are mentioned and part of the Interlocal Agreement. The ETJ swaps are not part of this process. It is a good question and  
267 Commissioner Gordon is looking down the road at next steps. You have a handout that is a flowchart of what comes next  
268 and the decision points. I can refer to that with those questions. The swapping process must be initiated by the Town of  
269 Hillsborough and that had not been done prior to the public hearing and it since has. The County received letter and

270 notification from the Town on September 13<sup>th</sup> that the Town is prepared to initiate that process and has asked for  
271 coordination with County staff and that a meeting be held to determine how that process will unfold and when. I don't have  
272 those specifics now but certainly will have more soon following that meeting we anticipate to take place this month. The  
273 recommendation is that the Planning Board deliberate as necessary on the draft plan and provide that recommendation to  
274 the County Commissioners in time for their November 5<sup>th</sup> meeting.

275  
276 Pete Hallenbeck: I know that Commissioner Gordon had concerns about the area where the municipal was all in black  
277 and gray in the map, did you have a chance to look at that.

278  
279 Tom Altieri: I have and what she is referring to is the area shown within the Town's ETJ and is included in the area that is  
280 to be swapped with Orange County. It will become Orange County's jurisdiction. There is an area that is presently in the  
281 County's jurisdiction that is to become Town of Hillsborough ETJ and therefore it has colors on the maps in those areas.

282  
283 *(Planning Members and staff reviewed maps)*

284  
285 Pete Hallenbeck: *(referring to area on map)* That area is Duke Forrest and critical watershed so it is really unlikely there  
286 will be factories or condominiums in that area.

287  
288 Tom Altieri: That is exactly why the Town is entertaining this swap and it makes sense to both parties.

289  
290 Craig Benedict: ETJ is usually intended for growth and they can't grow there so we are giving them areas such as near  
291 the interchange that would allow them growth. We need some clarity with regard to the 'rural living' category within Orange  
292 County planning jurisdiction.

293  
294 Pete Hallenbeck: One of the things driving this is that Hillsborough historically had this very large bite of the County they it  
295 was anticipating for services and then figured out how much it would cost to do water and sewer and the other thing that  
296 really affected this was that I-40 came along and this area between I-40 and I-85 is pure gold. It developed in a way that no  
297 one could anticipate prior to knowing about I-40. What we are really deliberating on here is saying yes this is a good  
298 process in having the County and Hillsborough get together and come up with an agreement on how things should go and  
299 coordinate their planning efforts to go in that direction.

300  
301 Tony Blake: The swap makes sense.

302  
303 *Tom Altieri pointed out areas on the map in regard to the Town of Hillsborough's plans on when to potentially service with*  
304 *water and sewer.*

305  
306 **MOTION** made by Paul Guthrie to approve the draft Town of Hillsborough/Orange County Coordinated Future Land Use  
307 Plan. Maxecine Mitchell seconded.

308 **VOTE:** Unanimous

309  
310 **AGENDA ITEM 12: COMMITTEE/ADVISORY BOARD REPORTS**

- 311  
312 a) Board of Adjustment  
313 b) Orange Unified Transportation

314  
315 **AGENDA ITEM 13: ADJOURNMENT**

316  
317 **MOTION:** made by Lisa Stuckey to adjourn. Seconded by Tony Blake.

318 **VOTE: UNANIMOUS**

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Pete Hallenbeck, Chair