

AGENDA

ORANGE COUNTY BOARD OF ADJUSTMENT

**LOWER LEVEL CONFERENCE ROOM
(ROOM #004)
WEST CAMPUS OFFICE BUILDING
131 W. MARGARET LANE
HILLSBOROUGH, NORTH CAROLINA**

NOVEMBER 12, 2012

<u>TIME</u>	<u>PAGE</u>	<u>AGENDA ITEM</u>
7:30 p.m.		1. CALL TO ORDER
		2. CONSIDERATION OF ADDITIONS TO AGENDA
		3. APPROVAL OF MINUTES
	001-041	a. May 14, 2012
		4. PUBLIC CHARGE

The Board of Adjustment 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 person 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. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

042 - 135 5. A-3-12 – Appeal of a Decision Made by the Zoning Officer Submitted by Clifford Leath

In accordance with the provisions of the Orange County UDO, the applicant has appealed a decision of the Zoning Officer related to the approval of a site plan and the issuance of a Zoning Compliance Permit to the University of North Carolina at Chapel Hill (UNC) allowing for the expansion of a research facility located at 1907 Orange Chapel Clover Garden Road (PIN 9728-93-1820).

The applicant alleges the aforementioned research facility is required, per Section 3.3 *Residential Districts – Agricultural Residential Base Zoning District – Specific Development Standards* of the UDO, to apply for and receive a Class A Special Use Permit to allow for the development of a 'wastewater treatment facilities with a design capacity of 3,000 gallons per day or more'. The research facility is supported by a septic system that has a design capacity to treat over 3,000 gallons of wastewater per day.

In a letter, dated April 9, 2010, Orange County Planning staff informed UNC representatives a Class A Special Use Permit would be required to allow for a proposed expansion of the existing research facility due to the size of the septic system. This determination was later reversed as detailed in a letter dated November 16, 2010 where staff made a finding the Special Use Permit was not required.

The applicant is appealing the determination that the aforementioned Special Use Permit is not required.

6. ADJOURNMENT

IF UNABLE TO ATTEND THIS MEETING, PLEASE CALL THE PLANNING DEPARTMENT (NUMBERS LISTED BELOW – PRESS 1 PLUS EXTENSION 2575 OR 2585). STAFF CAN THEN DETERMINE IF A QUORUM WILL BE PRESENT FOR THE MEETING.

**HILLSBOROUGH - 732-8181
CHAPEL HILL - 967-9251**

**MEBANE - 227-2031
DURHAM - 688-7331**

**MINUTES
BOARD OF ADJUSTMENT
MAY 14, 2012
REGULAR MEETING**

MEMBERS PRESENT: Dawn Brezina, Full Member (Acting Chair)
David Blankfard, Alternate Member
James Carter, Full Member
Mark Micol, Alternate Member
Larry Wright, Full Member, Planning Board Liaison

STAFF PRESENT: Michael Harvey, Current Planning Supervisor
Debra Graham, Board Secretary
Sahana Ayer, Staff Attorney

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: CONSIDERATION OF ADDITIONS TO AGENDA

Dawn Brezina: Our regular Chairman, Mr. Brown, has resigned from this committee as Chairman and we need to determine another person to take that position. After some discussion, Larry Wright said that he could do that. Would anyone else want to take that position? Any discussion on any other nominations.

MOTION made by Mark Micol to nominate Larry Wright as Chairman. Seconded by James Carter.

VOTE: Unanimous

Dawn Brezina: Can we amend that nomination to say he will start next month?

**AGENDA ITEM 3: APPROVAL OF MINUTES
A. JANUARY 9, 2012**

Michael Harvey: Dr. Wright had asked staff to secure from the attorney's office, an opinion on the minutes, the review and approval electronically, etc. I forgot to ask Mr. Roberts if he had finished his memorandum which is why you don't have it tonight. We have been told it will be complete in the next week and we will get that to you in advance of the next meeting so you have an answer.

MOTION made by Larry Wright to approve the January 9, 2012 minutes. Seconded by James Carter.

VOTE: Unanimous

AGENDA ITEM 4: PUBLIC CHARGE

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AGENDA ITEM 5: A-1-12 – APPLICATION FOR CLASS B SUP FOR DEVELOPMENT OF A CLASS II KENNEL

Michael Harvey: As the typical rules of procedure of this board require where all individuals intending to speak or provide any comments please come forward to be sworn in.

Individuals sworn in:

- | | |
|-------------------|---------------------|
| Bob Hornik | Mike Wheeler |
| Noral Stewart | David Schmidt |
| Tammy Purner | Robert Long |
| Kathleen Schenley | Chad Abbott |
| Claudia Harris | Cornelius Kirschner |
| Cecil Griffin | |

Michael Harvey: At this time, I would ask the board to accept staff's abstract which begins on page 3 of the packet into the record. This includes for purposes of the record, Attachment 1 which is the actual Special Use Permit application including the site plan and other attachments. Attachment 2, which is an aerial photograph of the property; and Attachment 3 which is staff correspondence concerning this request. I will call to the board's attention which begins on page 63 of the packet and that includes the septic permit issued by Orange County Health, comments from the Sheriff's Department, Fire Marshal, Animal Control, the Department of Environment and Natural Resources for Orange County and Attachment 4 which are the Findings of Fact for this request. This is a script that will be reviewed by you prior to the closing of the public hearing outlining the various standards to be held to. As you are aware, the planning staff provides a recommendation on specific items as specified by the ordinance. An example is, do we have a site plan, and was it submitted in accordance with the code as containing required information. You will be reviewing our responses to that information. This Board is obligated, once the public hearing is closed and deliberation begins, on page 97, you are required to make specific findings of fact dealing with the project's compliance to Section 5.3.2(A)(2), the General Findings of Fact, that the use will maintain or promote the public health safety and general welfare, that the use will maintain or enhance the value of contiguous property, and the location and character of the use of development according to the plans submitted will be in harmony with the area which is it to be located. In making motions to affirm or negate, you will have to make specific findings of the information that has been entered in the record allowing you to make this decision either for or against. I will also ask that you enter into the record a statement from the applicant further identifying this project's compliance to the Comprehensive Plan. You also have notes and a presentation from an adjacent property owner who is asking you to take some things into consideration. You also have a copy of the public notice we sent out to the adjacent property owners. I would like to submit the certified mail receipts to be entered into the record that we complied with the provisions of notification for the ordinance. We can now briefly review the application and turn it over to the applicant.

Bob Hornik: I am an attorney with the Brough Law Firm in Chapel Hill. I am representing the applicant here this evening in connection with the Special Use Permit application. Our team includes David Schmidt; one of the people behind the application, and we have Tammy Purner, and her husband, Andrew Purner, two of the applicants. We have Margie Schmitt, Dave's wife; she is involved with the team. We have Cecil Griffin who is the property owner to the north of the property and also an applicant. Chad Abbott from Southern Engineers, who will give you the design details and site plan layout for the proposed kennel facility. Also, Michael Wheeler, a certified real estate appraiser will talk about property value and Noral Stewart will provide a noise impact that might be associated with the kennel operation. I am not going to go into any detail right now regarding the application. Mr. Harvey did a good job of presenting the general outline of the application. Kennel use is permitted in the Rural Buffer district with a special use

103 permit from this board. As Mr. Harvey has indicated he has reviewed the application and I
104 guess we would not be here tonight if the application itself were not in compliance with the
105 requirements under the Orange County UDO. Hopefully the accumulated testimony of all who
106 will speak to the board tonight will show the board that we satisfy the requirements of the UDO,
107 both the specific requirements of the kennel operation and the general requirements that are
108 generally for site plans and that as a result entitled to the special use permit. We first have
109 Dave Schmitt to testify and give a presentation of the background about the application and
110 what the proposal is about.

111
112 Dave Schmidt: Thank you for coming out tonight and thanks for the attention you paid to the
113 package. Michael assured us that you would be familiar with the packet. I had not planned to
114 speak tonight but Drew is sick and so if there are questions that come up, I might be called upon
115 to answer, so I thought I needed to introduce myself. My wife and I have been in Chapel Hill for
116 about 11 years now. We have two kids in the Chapel Hill Schools; we are very involved in the
117 local community. I have done a lot of coaching for Culbreth basketball and baseball. Margie is
118 the president of the PTA at Culbreth. We are very involved in the St. Thomas Moore
119 community. We like the community involvement and we would like to continue that with the
120 kennel project. I have done a lot of corporate America stuff for longer that I would like to recall
121 and now we want to own and operate a business. We are referenced in the narrative as the
122 second family. This kennel is like a dream of ours. The tag line would be clean, green, safe
123 and fun. The green aspect would be cisterns for some power generation. The clean aspect
124 would be, we have toured other kennels, and the one thing that would be a distinguishing factor
125 would be the mechanisms that we use to keep the kennel clean and our commitment to keeping
126 it clean for the dogs. The safe aspect would be that we want to at all times to be safe. People
127 love their dogs and we want to take great care of them when they are in our care. The fun part
128 is that we want these dogs to be very active. We have play yards specifically designed for them
129 in an outside lot. Some of the kennels we toured, the dogs would only be outside for minutes or
130 a half hour a day. We are pleased to say that we meet the standards, as we understand them
131 and we want to thank your colleagues in Orange County for helping us work with them. We met
132 with Bob and Irene at Animal Services and learned a lot from them and look forward to working
133 with them in the future and the other departments with whom we have met. You have been very
134 cooperative and highlighted the things we needed to do to meet the standards. We have taken
135 a lot of care in the design of the project. I hope that comes through in the material. We wanted
136 to have a lodge type atmosphere. There are some kennels that are low key, very casual. We
137 want this to feel great and for people to feel their dogs are in great care in a great facility when
138 they are traveling. An element that came through clearly is the site design aspect. We look
139 forward to working with you tonight and going forward.

140
141 Tammy Purner: I was sworn. My husband is the co-applicant and he is never ever sick. He
142 has been working months and months on this so I am going to speak on his behalf. I grew up
143 on Millhouse Road which is the main road our kennel is going to be off of. I spent all of my
144 childhood there and most of my adult life now. I was in California 13 years and we moved back
145 about 10 years ago to raise our kids here. I have seen a lot of changes on Millhouse Road.
146 When I grew up it was a dirt road. I would walk my horse to the local store and pay on a tab
147 without cash and had my kittens riding on the horse. I have seen it from what it was to what it is
148 now. I see Spence's Farm has moved in there and growing more and more. There are more
149 camps and traffic on the road. Waldorf School has gone in there which is a ton of traffic on the
150 road. The Town of Chapel Hill has put their operations sites and trash trucks and buses go ½
151 mile from my house. Now that Orange County has bought our adjacent property, they are
152 putting parks there and they run an office with all their equipment there. I guess my point is that
153 we are not the only people on the road that want to start a business. There are a lot of other
154 people who have businesses. Lots of smaller horse boarders along that road as well. Then we
155 have the animal shelter that is at the end of Millhouse Road off Eubanks Road and the UPS
156 station. The Town of Chapel Hill is in the process of trying to improve the Edge, a huge

157 development at the end of Eubanks Road at 1-40 and 86. Things are going to change. The city
158 has definitely moved out our way. I am hoping we are not changing it too much. We are trying
159 to stay as far away from Millhouse as we can. As far as being able to see our facility, you
160 should not be able to see it at all from the main road. We are back in the woods. My husband
161 and I and my dad have tried to meet with most of our neighbors before tonight to go over the
162 plans with them and answer any questions they had. My neighbor Neal had a bunch of
163 technical questions so we had Chad come out and meet with him to go over any concerns he
164 had. The reason we want to build this business is my husband had a job over in China
165 developing wind bars and we were living over there a couple of years. We just got back last
166 year and we need a new business and we thought this would be a lot of fun to do. It has been
167 in the back of my mind for a long time. In our lives now, it seems like the right fit and time. We
168 have two boys, ages 11 and 14 and we want to see a business they can work in through high
169 school and their friends can work in so we can keep an eye on them. My husband used to be a
170 K-9 handler, a police officer in California so we have been around dogs our whole lives basically
171 and it seems like the right fit for us now. You will see the site plan in a few minutes and more
172 detail.

173
174 Bob Hornik: Can you explain where you live in relation to the site?

175
176 Tammy Purner: If you see the red star, which is the site of the kennel itself. To the left is the
177 pond and up to the left of the pond is my house. This 15 acres basically borderlines my
178 property on the east and the west sides.

179
180 Bob Hornik: Does your father still live ...

181
182 Tammy Purner: My father lives over the river and through the woods. My parents are the only
183 house we can see from our house. They are just to the north. Our house, which is off this map,
184 the bare in the area you see is my Dad's barn and a field and his garden.

185
186 Bob Hornik: Just to the south of this site, is that the property?

187
188 Tammy Purner: The County of Orange owns that.

189
190 Bob Hornik: (inaudible)

191
192 Tammy Purner: They will eventually develop; they claim to put park land there like soccer
193 fields.

194
195 Bob Hornik: You talked a little about Spence's Farm and Waldorf School. Can you tell the
196 board where they are in location to the property?

197
198 Tammy Purner: About ½ mile north on Millhouse Road, which is the main winding road there,
199 there's Spence's Farm and Waldorf School is attached or adjacent to it.

200
201 Bob Hornik: How about where the Orange County Operations Center is in connection to the
202 property?

203
204 Tammy Purner: Across the railroad tracks.

205
206 Bob Hornik: And you think it is a little further south...

207
208 Tammy Purner: Then the county landfills are the other property that is up against the county
209 land.

210

211 Bob Hornik: Just west of the County

212
213 Tammy Purner: South. Which will hopefully be gone..

214
215 Bob Hornik: Where are the railroad tracks in relation to the property?

216
217 Tammy Purner: To the right of that end north and goes along the border of the picture.

218
219 Bob Hornik: How about I-40?

220
221 Tammy Purner: Just on the other side of that.

222
223 Bob Hornik: We now have Cecil Griffin.

224
225 Cecil Griffin: I have been sworn in. I have lived in the area since 1962 and according to my
226 recollection there is only one resident within a mile of me who has been in the area longer than I
227 have. There are a couple of residents, especially here, that have been here as long as I have
228 but not in the general area. I bought my original plot in 1978, moved into my house in 1980.
229 We originally wanted the plot that I now own and was not able to buy it but I was able to
230 purchase this 10 or 15 years ago and I often wondered what would happen to it. I wanted it to
231 stay in the family because I didn't buy the property just to make money off someone else buying
232 it. When my son-in-law and daughter decided to build a kennel, I said that sounds good to me
233 because that is a way I can make some needed income to supplement my Social Security. I
234 like the idea they are taking into consideration keeping it as isolated as possible for my
235 neighbors because we don't need to make anything more difficult for our neighbors. We have
236 enough traffic as it is. We are doing everything necessary to have minimal impact on the
237 neighbors but give us the opportunity to have a growing, thriving business that my grandsons
238 can work.

239
240 Bob Hornik: Next, we have Chad Abbott who will provide more detail about the plan, site and
241 property.

242
243 Chad Abbott: I have been sworn. We were asked to assist in this application to provide them
244 with a site plan and service for stormwater, sewer, and just site plan issues. I have a
245 presentation.

246
247 Michael Harvey: We are going to refer this as Petitioner's Exhibit 2; Exhibit 1 was the
248 memorandum at your desk.

249
250 Chad Abbott: Everything in the presentation should be pretty clear, just some of the contrast in
251 the pictures is a little different on the screen.

252
253 Larry Wright: What is Exhibit 2?

254
255 Michael Harvey: The PowerPoint presentation handout.

256
257 Chad Abbott: The property is located on Millhouse Road. There is approximately 15 acres
258 associated with the project but it is glass holed with another section in the rear which is another
259 property to the east, and the road will be extended to the rear. As you see, the yellow line is
260 going off the left side of the exhibit almost like a connection to this property. This is a picture
261 from the wintertime so it commonly has evergreens, pines, cedars and down in the bottom,
262 there is substantial park woods. The land does perk. A while back we had a problem with the
263 land being perked but this has been approved for a septic permit with a repair area so
264 everything is in line for a project to be successful on this property. I have outlined the adjacent

265 properties which are also shown on the plans we submitted. You can see a little detail as far as
266 who the owner is but I wanted to let you know what the uses were around the property. Number
267 one is Mr. Griffin's property, the barrier where the one is, is the barn. All the way around the
268 property except for number six are the same uses which are residential uses. Number six
269 would be the parkland that was alluded to earlier that the County has recently purchased for a
270 future park area. Number seven is the lot that the Purner's live on and in the lot connecting
271 expands to the rear of the property. This project is nestled in the woods in the evergreen
272 portion of the project to maintain the privacy and the surrounding sounds that exist now for
273 existing homeowners and landowners in that area. You also received a copy of this in the
274 original application packet. This is an elevation of what the Purner's and Schmidt's and our
275 architect in our office, Brian Shelby, has come to an agreement as far as the concept on what
276 they would like the building to look like. Certain elements could change a little depending on the
277 final structural design, etc. but the concept is there. How the roof pitches, and I don't know a lot
278 about those details because I am not an architect, but I know that the Purner's and Schmidt's
279 have worked heavily with the architect and could probably answer any questions about that. It
280 will contain about nine kennels. Nine units are about 9,800 square feet with about 23 parking
281 spaces. Some will be equipped with fences in the rear as required by your ordinance at least
282 six feet high. Pools, exercise yards, solar panels and the twenty foot drive that will come onto
283 the existing easement that was granted for the use of this property. We will also to have to
284 pretreat the pet waste before it goes to the conventional septic fields which I will talk about later.
285 The pet waste will be treated and then from there will go to the septic field. The system we
286 discussed, aimed in the stormwater treatment for the quality and quantity required by the
287 Orange County Stormwater division. This project airs on the side of low density so treatment of
288 stormwater will not be a problem. Are there any questions related to the site plan?
289

290 As you saw on the site plans, there is a septic repair area that the kennel is centrally located on
291 the site to maintain the wooded area from there to Millhouse Road to help protect the adjacent
292 residences. You can see there is a large fenced area for the exercise yard where the solar
293 panels will be located. It is also a pool there. Then you have the kennel which is not your
294 typical kennel where you have a metal building full of dog runs or cinder block buildings full of
295 dog runs. They have tried to be innovative. I am not an architect but I have been involved in
296 some of the conversations with the architect and he said it is one of the neatest projects he had
297 worked on to date.
298

299 Bob Hornik: David Schmidt had talked a little about the green features of the design. Can you
300 tell us about those features and where they are located?
301

302 Chad Abbott: The fenced in area will be here where there will be a row of solar panels in the
303 middle. That will be in the open area as a means to generate the electricity they are anticipating
304 as well as providing a shaded area for the dogs since you have a large exercise yard with no
305 real trees. Right now, we have not planned for the plumbing and where everything will be
306 located but there will be a cistern located to collect roof water and runoff used for washing down
307 the kennels. Those are the two items I know of and the design of the building has been done to
308 maximize the elements of natural sunlight. Those are the items I know of from the site plan
309 phase. Are there any questions regarding those items?
310

311 Larry Wright: With respect to the solar panels and the exercise area, I know that a co-member
312 of the planning board has a variety of solar panels, I think 40, and that requires cables because
313 that is generally what they do and I was wondering how that will interface with the exercise area
314 and the safety of the dogs.
315

316 David Schmidt: There are two envisioned arrays of photo cells. I think the picture shows along
317 the front of the building is one location and then the other is along the back. The cells
318 themselves would be raised on platforms. The platform is to provide shade because it gets hot

319 in the summer and the dogs need the shade. The cables would be buried underneath the
320 artificial turf which would run back up through the building.

321
322 Larry Wright: So they would be protected with conduit so they won't get chewed?

323
324 David Schmidt: The dogs will absolutely have no access to those. We would agree to anything
325 for the dogs to be safe.

326
327 Larry Wright: Relative to the cisterns and collecting that in the septic tanks, etc. and this will be
328 a pretty large kennel and will these animals be housed in cages?

329
330 David Schmidt: Not cages, pens or runs.

331
332 Larry Wright: Has the health department addressed the water used per day to wash the
333 kennels and how much water is used per day to wash each kennel? Can the septic system
334 handle that?

335
336 Chad Abbott: Yes. I believe on the site plans it is listed as 900 gallons per day is the
337 anticipated usage. That septic field has been sized to treat that amount per day. They
338 generated a permit that states they are approved for that amount of discharge so the water used
339 to wash down these kennels is incorporated into that 900 gallons per day. That is how you
340 generate that number.

341
342 Larry Wright: They know the number of kennels and that is all on the record?

343
344 Michael Harvey: Yes. Dr. Wright, if you will look at page 63 in your abstract, Attachment 3, the
345 Orange County improvements permit is submitted as part of staff's comments and that provides
346 the system is sized for a 9,800 square foot pet facility for 90 canines at 450 gallons per day, 20
347 foot lines, 100 gallons per day, 10 animal grooms per day which is 100 gallons per day, 250
348 gallons per day for a design flow of 900.

349
350 David Schmidt: 90 dogs is the application maximum. We think we would rarely have 90 dogs,
351 maybe Christmas or Thanksgiving or some weeks in the summer. The capacity is meant to ask
352 for room to accommodate that for those peak periods but it is much like a hotel where it is very
353 rarely fully booked. We think that for great stretches of time, we will be in the 60% utilization or
354 something like that. That 90 dog capacity gives room to move dogs around for cleaning but
355 very rarely we think it would be maxed out.

356
357 David Blankford: In the narrative, you stated it will have 90 dog runs and 20 felines. Is it 90
358 plus 20 or just 90?

359
360 David Schmidt: It will be 90 plus 20. The number of animals, we think the cattery would be way
361 under-utilized compared to the canines. We have done a lot of research on kennels and people
362 say you should have a cattery but don't count on high utilization.

363
364 Michael Harvey: That is also spelled out on the actual health permit itself where it says
365 maximum per day capacity, 90 dogs or 90 canines and 20 felines and then certain activities
366 limited to 10 per day. If this permit is issued, this is part of the record, they will have to abide by
367 this permit. If they choose not to, the health department will invalidate the permit and that is
368 grounds for revocation of the special use permit.

369
370 Chad Abbott: Any other questions on the site plan?

371
372 Larry Wright: Could you outline the pathway on the site plan of entry and exits?

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Chad Abbott: We have an exhibit that we submitted... Here is the entrance and exit of Millhouse Road as it comes into the site here. All this area is fully wooded. They do have the septic area here and the department has approved them to put it in without clearing all the trees. This is part of a field that is on the county property for the parks area. It starts here.

Larry Wright: And the traffic?

Chad Abbott: There was no use in the latest manual of the

Larry Wright: Just tell me how they come in and out and where they park.

Chad Abbott: They can circle here and park here and back up and come out. There are more parking spaces as they come in to park. There is parking on this side and that side.

Larry Wright: I had a hard time with this.

David Blankfard: For future use of the park, do you know what the county is planning to use for this road? Are they going to pave it someday? Will it be a major entrance into the park?

Bob Hornik: My understanding is easement will be reserved for the Purner's for access to their property so the county's plan, as far as I know, I don't know if they are allowed to buy the easement and use that driveway for access to their property.

Davis Schmidt: We were told the park plans were up in the air and maybe several years away from putting fields or selecting what they will do with it.

Michael Harvey: Mr. Blankfard, if I could call your attention to page 83 of your packet, we have a memorandum from the Department of Agricultural, Parks and Recreation, which is in charge of parks. The master plan has not been completed yet. They did put the applicant on notice and it is reflected here that there is more than likely going to be athletic fields, soccer, baseball, etc. toward the northern property line. There was some discussion about getting a road maintenance agreement to allow for county access but that has not been finalized but you will read that the applicant has been put on notice that as the park is developed, there is the potential for intensive uses to that northern property line. That may necessitate the county to go to the applicant to secure rights for access.

Mark Micol: This was a larger parcel that was subdivided and an easement was put in at that point in 2004?

Tammy Purner: That easement was there back in 1972. My three acres are to the left of that pond that was in the middle of this property. A gentleman bought that land from the Blackwoods who owned all this property. They gave him that easement right-of-way to get to that property. When my husband and I bought the land 10 years ago, that property still belonged to Mrs. Blackwood and she was in talks with a developer to develop homes on that property and it was our understanding that if we put our driveway in where the easement was, they could use that driveway as well to get to their home and we didn't really know what was going to happen and thought we are not building a driveway and paying for it when they can come back a year later and use it. So my Dad rented us an easement for this property but if I ever was to sell my property, that is the only legal easement.

Cecil Griffin: When I bought property here, she had to grant me an easement to a portion of the back so I have granted easement on the same easement. It didn't extend anything but it was the same easement that already existed.

427
428 Bob Hornik: Chad, can you tell us about existing vegetation on the property, how much will
429 remain and how much will be cleared?
430

431 Chad Abbott: The only portions cleared are at the building location in the fenced area, about
432 20%-30% vegetation and around the edges of the pond. Of course we have the buffers that are
433 required around the perimeter. The layout has been done to maintain the largest portion of
434 vegetation between the road and the site to protect the adjoining residents.
435

436 Bob Hornik: What is the distance between the kennel building itself and Millhouse Road?
437

438 Michael Harvey: 423 feet according to the site plan.
439

440 Chad Abbott: The animal waste treatment; once the kennels are washed down or the other
441 drains are washed down that are used to house and use animals will flow to a pretreatment
442 system like you would use where there is no perkable soils. There will be a holding tank, a
443 septic tank just like you have in a conventional system where the septic tank will have a wall
444 that will keep solids and liquids from spillover. It will be pumped to a sand bed to filter out the
445 fine particles which are called suspended solids and allow some bacterial processes to take
446 place through the sand. That is called the pretreatment. That is an example of a sand filter
447 from a residential project I did. That was about 12x12 for 480 gallons per day so one for a
448 kennel might be 24x24 or a couple of 12x12s together to allow the same surface area because
449 it is all surface area driven based on gallons per day so you can imagine two of those at the top,
450 two of those beside each other would be enough to treat from the actual dog operation and that
451 is for a whole 900 gallons and the whole 900 gallons will not go to this system. If you would
452 take two of those, that would treat everything, however, there are bathrooms for normal uses
453 that would go straight to a septic field just as it does at your house. Everything for the pets will
454 go here and filter out any solids that get through the septic tank and allow some of those
455 processes to take place as it goes through the sand. Then it goes through a disinfection,
456 fluorination or UV chamber to disinfect it so that when it leaves this system, often times in
457 residential cases, like this, you can discharge it into a creek or ditch because it has been treated
458 to that satisfaction of the State. When the water leaves this system, it will get additional
459 treatment because it will not be released into a ditch. In some places you spray, you drip but
460 because you have perkable soil, the State would rather you treat it through the soil so this
461 treated water will be pumped to the septic field they use to treat. That whole field has been
462 sized for the 900 gallons per day so this water will definitely be treated from the dog kennels
463 using this pretreatment and disinfection system and then be dispersed to the ground rather than
464 sprayed or dripped. That is how the septic will work on this site. I know there may be questions
465 relating to the quality of the water from this facility. The grading, Stormwater and Erosion
466 Control Issues, the county parkland here has a drainage running way back into the county
467 property. The drainage area is pretty deep so the storm water coming to this point and that gray
468 hatched area by Millhouse Road is a wet pond area. I am not sure if the pipe that was put in by
469 DOT was undersized or if it was put in at a bad invert but it is just a wet pond area you can see
470 in some pictures later. This may just be a seasonal issue but that is approximately the area that
471 stays wet and that, the pond and any conveyances on the property has been cleared by Orange
472 County Stormwater. There are not any wetlands, jurisdictional streams, etc. That wet area is
473 there and there is a lot of water coming into that point. As I was talking about grading and
474 stormwater erosion control, when we grade the site, we will maintain it at the existing drainage,
475 to the greatest extent possible to put it on the highest point on the site we can so that uphill
476 drainage is achieved across the site and we will catch our drainage and treat our drainage as
477 required by the county ordinance. On the board, we have these areas coming from the county
478 parkland. There is already, during large rain events, areas where it scours the leaf and off the
479 ground. This was back in March when I took these pictures. These areas are in bare areas
480 where the water rushes through and has already displaced the vegetation or leaf cover and

481 there is erosion and scouring that takes place as it exists now. I would say the pond may help
482 that situation to allow some of the stuff to settle out. We will use standard erosion control
483 practices to maintain the dirt on our site. When the construction is going on, and this is a low
484 density project which is about 15% impervious if you look at the total site acreage which is less
485 than 24% and we discussed it with the county stormwater and Terry Hackett said it would be
486 fine as far as our plans for treatment. There is a system that will catch water that will help
487 reduce the water from the well issues and use some of the rain water to wash down some of the
488 kennels and play areas. Then there are the traffic and driveway issues. This road is a bad road
489 all together from an engineering standpoint. You can look at the picture on the bottom right and
490 it is hard to pull out on any point on that road without being in a dangerous situation. We feel
491 that the access at the easement location is the most optimal point to maintain. As an engineer, I
492 am supposed to maintain the public health, safety, and welfare and the point we have chosen to
493 access this property is the best point. It is located on the outer radius of a horizontal turn. In
494 traffic terms that curve is a horizontal curve so when you pull up to it from the driveway, you will
495 be able to see all the way to the curve which isn't optimal but it is the best situation at this site
496 without moving further. If you try to move the driveway this way, when you get into this
497 horizontal curve, on the inner radius of it, you have to look behind your shoulder and by the time
498 you turn back and check this one, there could be someone coming the other way. This location
499 is the most optimal location.

500
501 David Blankfard: Looking to the right, is that the picture on the top?

502
503 Chad Abbott: Yes sir. There you also have a vertical curve and this is as far south as you can
504 go on the property without going off the property but at the same time you would not want to be
505 closer anyway because of that car stopping on that hill.

506
507 David Blankfard: What is the site distance between where you are exiting and the hill?

508
509 Chad Abbott: The distance is shown on the plan to be about 250-300 feet to the crest of that
510 hill. That is about the best we can get there but we would like to optimize the distance coming
511 from the other way because that is the immediate adjacent lane of impact if something were to
512 happen coming around here.

513
514 Larry Wright: Is this subject to DOT approval?

515
516 Chad Abbott: Yes. I have corresponded with DOT. Anytime you have a commercial operation
517 they would like for the site distances to be 500 feet. We might get close to 500 feet looking
518 back that way (due north) and we discussed that with them and they are in concurrence that you
519 can only deal with what you have got so we have responded. You can't be denied access to
520 your property; you have to explain what parameters you can meet and why you can't meet the
521 ones you can't.

522
523 Bob Hornik: The top right hand photo is from the approximate location of the driveway looking
524 southbound on Millhouse. The bottom right hand corner is from just south of the driveway
525 location looking northbound on Millhouse and the photo on the bottom left is looking eastbound
526 down the proposed driveway across the street (Mr. Kirshner's house).

527
528 Chad Abbott: The view of the lower left photo is not the view which someone would be coming
529 towards that drive. That was the view to show the screen and the pipe area and the location of
530 the adjacent property because the drive is coming at a skew so it is not pointing perpendicular
531 to the road like my camera was. I would also like to point out with respect to the site distance at
532 the top of the hill that the traffic coming from that location is also coming from a four way stop
533 and going through a tight curve, almost a 90 degree turn before you top that hill so you won't be
534 traveling quite as fast. That is just the exhibit we had shown shows the angle of the driveway

535 coming out and the sweeping of headlights across adjacent properties as they would make their
 536 way on Millhouse so that at any point the only time someone will be shining a light on adjacent
 537 properties would be when they make that turn not when they are sitting there perpendicular to
 538 the road.

539
 540 Larry Wright: A line of vision to the north will be maintained there?
 541

542 Chad Abbott: Yes. That is the good thing about being located on the outside of the curve is
 543 that the line of vision is in the right of way so there is no trees or anything that the owners could
 544 keep or plant or do anything to help or hurt that line of site. That is the view of the buffer; you
 545 can see the water in the bottom picture. That is the wet area I was referring to and on every
 546 one of those pictures, Millhouse Road is in the background and I am standing a couple of
 547 hundred feet off the road so you can see there are a lot of existing, mature trees as well as the
 548 undergrowth and the site will be double the distance this was taken from the road.
 549

550 Bob Hornik: Using photographs up there now, you are standing about 200 feet into the property
 551 from Millhouse Road and you are looking at Millhouse straight ahead?
 552

553 Chad Abbott: Yes. If you look at the site plan, the hatched gray area is what I am standing
 554 behind. Right there it may be pushed back into the woods because as it is shown on the plan at
 555 the time was looked at and plotted...
 556

557 Bob Hornik: Let us talk about what you have on the screen now because it is your analysis of
 558 compliance with standards of evaluation.
 559

560 Chad Abbott: Per the Orange County Ordinance there are several standards of evaluation that I
 561 am sure Mr. Harvey is aware of to address your decision on this project. The size is of
 562 adequate size to protect the adjacent properties from adverse effects of the kennel and riding
 563 stable/academy. I think it is apparent that the actual proximity of the site related to the
 564 surrounding area will only be visible from the applicant's residence. It is fully nestled between
 565 the existing wooded areas between Millhouse Road and the project. No part of any building
 566 structure, runway or riding area in which animals are housed or exercised shall be closer than
 567 150 foot from the property line except by the property occupied by the owner/operator of the
 568 kennel. We met that standard. Of course, Mr. Griffin and the Purner's are both adjacent to the
 569 site and they are owners/operators of the kennel and have met that 150 foot buffer around the
 570 rest of the property by location of the facility. Any kennel which is not wholly enclosed shall be
 571 enclosed by a security fence at least 6 foot in height. Any time the dogs will be out of the
 572 enclosed facility, there is a large play area or fenced area where the solar panels are and where
 573 the pool is, there will be a fence around it. The site plan shows the parking, the access areas,
 574 and the existing buffer to be used for the screen. It can be supplemented if needed but it has
 575 been determined that it is so heavily wooded that we don't feel additional screening will be
 576 required. The site plan shall be reviewed by the Orange County Animal Control Department.
 577 That has been done and they have issued their letters and met with the applicant several times.
 578 Building plans have been provided. The plan Mr. Wright was looking for that shows the floor
 579 plans and the units was issued at the same time and has been approved. A sign clearly visible
 580 from the ground shall be posted at the main entrance of the facility. It shall contain the names,
 581 addresses and phone numbers of the persons responsible for the facility. We have shown the
 582 location for a sign, obviously the DOT permit will dictate if it needs to be put back further if they
 583 say they want a larger site triangle than normal. However, a 10x70 site triangle is typical and
 584 we can clearly accommodate that at the entrance if it doesn't need to be pushed back further I
 585 am sure the applicants would be willing to, but right now we do have a sign proposal in the plan
 586 but the details of the sign have not been worked out. The sign will comply with any portions of
 587 the ordinance it is required to. Where required by the animal control ordinance, Class II kennel
 588 permits shall be obtained from the Department of Animal Control.

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Michael Harvey: The appraisal is actually part of Attachment 1 in your packet beginning on page 25.

Mike Wheeler: I have been sworn in. I came out of construction management in 1991 and went into the appraisal business full time as an associate broker for a national franchise. In 1998, I decided to get into the appraisal side of the business and after two grueling years as a trainee, I applied for and received my certificate with the North Carolina Appraisal Board. In 2000 I started my company 'The Real Estate Shop' and have been running it on a full time basis ever since.

Bob Hornik: You prepared an Impact Analysis in respect to the Green Beagle Lodge application?

Mike Wheeler: That is correct.

Bob Hornik: Did you arrive at a conclusion as to whether the project, if built and developed as operated as proposed will enhance or maintain the value of contiguous properties?

Mike Wheeler: Yes. I would like to direct your attention to page 3 of the report, the last sentence in the last paragraph in bold print: **"Thus the surrounding properties and the general neighborhood vicinity near the proposed Kennel project should maintain their current market values, and over time, their respective appreciation levels."**

Bob Hornik: What did you base your analysis on?

Mike Wheeler: I found two model facilities to use and then I examined the real estate sales surrounding those two facilities over the past 10 years. One that I used was Sunny Acres Pet Resort located in Orange County but has a Durham mailing address. I examined the residential real estate sales to the east, to the west and to the south of that facility. There was nothing to examine to the north because that is owned by the Eno River State Parks. The results of that investigation showed that property values over the past 10 years have appreciated at the rate of 2.04%. Please keep in mind this includes four years of recession. Our multiple listing services has Orange County divided into sections not squares. These boundaries are normally county lines and state highways. The section I used to examine the Sunny Acres Pet Resort properties is identified at Section 214 which is a pretty large section. The overall properties for this entire section over that same 10 years appreciated at a rate of 2.64% which is right in line with those properties that are in a closer proximity to Sunny Acres. The next facility I used was Hampton Point which is not a kennel. It is located at the intersection of Interstate 85 and Highway 86. This is where the Wal-Mart is located and the Home Depot. Hampton Point was developed after the majority of the sections surrounding that area had been developed. Property values within the closed proximity to Hampton Point over the past 10 years have appreciated at a rate of 2.43%. Going back to our multiple listing sections, it is identified as Section 213. It is a much smaller section than 214 but that entire section appreciated over the past 10 years at a rate of .86%, not even one percent so those properties that are located within the closest proximity to Hampton Point appreciated at a better rate than those who are in a further proximity.

Bob Hornik: Based on your investigation and analysis, is the conclusion that the Green Beagle Lodge, if developed as proposed, will retain the value of contiguous properties, the properties immediately surrounding the site.

Mike Wheeler: Yes it is.

Bob Hornik: No further questions.

643
644 Larry Wright: Over the last 10 years, has the development of any enterprise in Orange County
645 depreciated surrounding property values.

646
647 Mike Wheeler: I didn't find any data to support that.

648
649 Larry Wright: In your experience, have you ever shown that or seen that?

650
651 Mike Wheeler: Ever?

652
653 Larry Wright: In the last 10 years.

654
655 Mike Wheeler: No.

656
657 Noral Stewart: I am with Stewart Acoustical Consultants, 7330 Chapel Hill Road, Raleigh, N.C.
658 I have been sworn. I am a professional acoustical consultant. I have been in this business for
659 over 30 years. I obtained my training at North Carolina State University in the Department of
660 Mechanical Engineering through PhD. I am a Fellow of the Acoustical Society of America, a
661 Fellow of ASDM International, a member of the Institute of Control Engineering and a past
662 president of the National Council of Acoustical Consultants. I was asked by Mr. Purner to
663 review his plans and visit his site with respect to any potential problems from the sound of dogs
664 affecting the neighboring areas and assure they would be able to comply with the county noise
665 ordinance. I did calculations and reviewed the site plan, the concept of the building, did some
666 calculations, visited the site, discussed it with Mr. Purner in length, listened to the sound in the
667 vicinity, observed this is an area in some ways not particularly noise and in other ways it does
668 have some noise sources around; the railroad, the interstate highway, the city facilities, a
669 shooting range not too far away and the potential of the park being developed with recreational
670 activities and I did observe there were already some barking dogs in the community. I did an
671 analysis of the dog sounds outdoors with the plan as it is shown and found they should easily be
672 able to comply with the daytime limits in the County Noise Ordinance. I have reviewed the
673 building plans as they are. The concept is the dogs will be indoors during the nighttime hours
674 and only outdoors during the daytime hours. They do not have the building plans complete... all
675 the little details have not been worked out yet. The concept and plan is that I would continue to
676 work with the architect on the development of those details to ensure there are no fatal flaws in
677 the design. I am confident the building can contain the sound to where they would meet the
678 nighttime limits to the closest boundary which would be the one to the south, the County park,
679 assuming the residential limits would apply at that boundary which are the most stringent limits
680 so we would have to work with the architect to make sure there are no fatal flaws in the detail of
681 the plans as they are worked out and submitted for a building permit but it can certainly be
682 done. I have done this with others who have been through this in the last couple of years so we
683 know we can do that.

684
685 Bob Hornik: Mr. Stewart, are there any particular features either of the plan or the site itself that
686 helped you form your analysis?

687
688 Noral Stewart: Yes. The layout of the building and the site is very good. The building is
689 situated such that the outdoor areas for the dogs are to the north side. There are some runs on
690 the exterior of the building on the north side. The shape of the building and its location does an
691 excellent job of blocking that sound going to the south where the parkland would be. To the
692 east where there are neighbors you have from the building itself would be 400 feet but from the
693 area where these dogs would be outside it is more like 500 feet. And that distance alone is
694 extremely helpful in reducing the noise reaching that area. The general layout with the buffer
695 space to the nearest non-owned boundaries and the owners having large parcels of land which
696 create buffers to the north and west are extremely helpful. I consulted the Noise Ordinances

697 and did my calculations with the expected sound levels from the dogs that might be barking
698 outdoors.

699
700 Bob Hornik: Mr. Purner or Mr. Schmidt can answer this question. I don't think we have
701 discussed the hours of operation?

702
703 David Schmidt: The proposed hours are 7:00 a.m. to 7:00 p.m. There are two components to
704 the services we are offering. One is a boarding service; the other is a daycare service. You
705 would expect the daycare to be people picking up dogs after work and the boarding would be
706 drop-off when they wanted to with a maximum of 7:00 p.m. There is a quiet time in the middle
707 of the day and a lot of restricted hours on Sunday.

708
709 Michael Harvey: For the board's information that is contained on sheet C1 on your site plan.

710
711 Mark Micol: The hours would not change during the summer?

712
713 Noral Stewart: One of the things you plan when you are planning these facilities is that dogs
714 bark at strangers coming up and cars approaching and the layout is such that the dogs are on
715 one side of the building and the people coming and going are on the other so the dogs don't
716 have that distraction.

717
718 Bob Hornik: That is all we have as our presentation. I don't know if the practice is for a brief
719 summation or after others who wish to speak.

720
721 Dawn Brezina: We do the summaries at the end. If that is complete, we can open it up to the
722 people who would want to speak with any objections to the project.

723
724 Michael Harvey: Does anyone who wishes to speak this evening have any questions?

725
726 Kathleen Schenley: I am sworn. I want to ask Mr. Stewart whether you measured the acoustics
727 from across the street on the east side. The sound bounce off Blackwood Mountain is pretty
728 significant.

729
730 Noral Stewart: No, I have not.

731
732 Kathleen Schenley: I am the property owner directly opposite the property where you go back
733 to the first, I am number 4 and I received no notification about this meeting. I found out about it
734 in the newspaper.

735
736 Michael Harvey: A certified letter was mailed on the 27th of April.

737
738 Kathleen Schenley: Never made it.

739
740 Michael Harvey: I'm sorry but we did send it.

741
742 Kathleen Schenley: My name is Kathleen Schenley. My home is at 6714 Millhouse Road. It
743 was built in 1981. My property is directly across the street from the proposed facility. Here are
744 my concerns. First, water pollution; the runoff from this facility will drain directly into the pond
745 beside my home, the wetlands across the street and the ground water area in which my well is
746 located. Having witnessed the amount of runoff that occurs in this low lying area in a moderate
747 rainstorm, I need to see hard evidence that adequate measures are in place to protect the area.
748 I have attached to my statement documents for your perusal that outline the problems that result
749 from improper management of pet waste and storm water runoff. The potential for disease is
750 undeniable. The impact on the surface and ground water in this area could be disastrous.

751 Noise pollution; already our once peaceful, rural buffer community has been impacted with
 752 noise from the town operations center. We hear the coming and going of buses and
 753 maintenance vehicles and the testing of sirens and the disconcerting shots from small arms
 754 practice and the increased noise from I-40 caused by the removal of the buffer of trees that
 755 used to protect us from the worst of this traffic sound. Now we are asked to add the sound of up
 756 to 90 dogs to this mix. On an acoustical basis alone, the project is not suitable for our
 757 neighborhood. Traffic; Millhouse Road is a small winding road... a scant two miles long. This
 758 road is heavily used during rush hours. Parents are delivering their children to the Waldorf
 759 School. Commuters from the southwestern part of the county use the road as a short cut to
 760 Highway 86. UPS trucks use it to avoid the stoplight at Eubanks Road. City and County
 761 vehicles use it as a shortcut to Hillsborough. After many years, we were finally granted a 30
 762 mile per hour speed limit posting although it is not enforced and speeding remains a problem.
 763 The planners of this project have chosen the worst possible location on the road for a new
 764 entryway. The location is on a blind curve on a blind hill. Each dog owner represents two trips
 765 down Millhouse Road for each visit. Add to these staff vehicles and the deliveries of supplies,
 766 hopefully in small amounts because nothing larger than a pickup truck would be able to make
 767 the angle of that turn at that location. Adding a new entry and more traffic to Millhouse Road is
 768 not a safe proposal. Quality of life; I hear a lot of talk about the value of the Rural Buffer and the
 769 preservation of space and the need to make careful decisions about commercial expansion. It
 770 is time to walk the walk. If this permit is granted, what other commercial ventures might it open
 771 the door for? Mobile homes, stone quarries, fraternity houses. All of those are Class B
 772 projects. This permit application should never have been allowed. According to (my reading of)
 773 the Unified Development Ordinance adopted in 2011, this type of permit is only allowed in
 774 designated economic development areas and we are not one. We are still zoned as a rural
 775 buffer. Therefore, I feel the authorizing of the permit is not valid.

776
 777 Michael Harvey: Did any other citizens want to ask questions? Unless the board has any
 778 questions for Mr. Stewart or Mr. Wheeler.

779
 780 Dawn Brezina: Considering the comments from Mrs. Schenley, does anyone have any
 781 questions for Mr. Wheeler or Mr. Stewart concerning noise?

782
 783 David Blankfard: I know you said you would be involved in the project to make sure there are
 784 no fatal flaws to the detailing, is there a report you can turn in with the design drawings?

785
 786 Noral Stewart: If requested, that can be done, that is at the time of the building permit, you
 787 could, as a condition, say that we have to have a report saying we have reviewed the plans and
 788 the building will function and meet the ordinance.

789
 790 James Carter: This question is for Mrs. Schenley and Mr. Stewart. She asked you a question.
 791 Mrs. Schenley, did he answer your question about what you wanted in terms of the acoustics.

792
 793 Kathleen Schenley: He just said he had not tested the acoustics from across the street where I
 794 live. My question was because the way the topography of the land is, the mountain acts as a
 795 backdrop so when the cougars are running around the mountain, we hear them quite loudly at
 796 our house so I was curious if he tested how it would be with taking into account that acoustic
 797 factor of a mountain behind.

798
 799 Noral Stewart: As I indicated, I have not done any testing or measuring. Topographical
 800 features like that if you have a strong high rising hill, you can hear the echo off of it. Echos are
 801 typically not as loud as the direct sound you hear to follow up the echo sound. Sounds from
 802 distant places like that are often heard when atmospheric conditions are strong and someone
 803 might think they are reflecting off the hill but it may just be the atmospheric conditions. Did you
 804 notice there were certain times of the day; early in the morning or in the evening when you hear

805 things from a great distance more loudly than you do over the afternoon? That has to do with
806 atmospheric conditions. It will cause you to hear these distant things sometimes.

807
808 Mark Micol: In your expert opinion, based on the distances from the road, which is 500 feet, I
809 believe, will the cars turning on the road be louder than a barking dog?

810
811 Noral Stewart: If you are standing close to the car, yes. If you are standing on the shoulder of
812 the road, the cars on the road will be louder than the dogs. I don't have the sound level for a 35
813 mph car. I know that at 55 mph the sound that a car makes is about the same as a large dog, in
814 terms of maximum level. If you are 100 or 400 feet from the car or 400 feet from the dog, when
815 the car goes by, the maximum level is about the same as the level of the barking. We know
816 there is about a four or five dB decrease for each 10 mph so 35 would be 10 dB lower but you
817 also have to take into consideration the distance but if you are close to the car, it will be louder
818 than the dog.

819
820 Bob Hornik: The sound of a car driving past someone on Millhouse Road right beside the road
821 would be louder than the sound of the dog in a kennel 400 or 500 feet away?

822
823 Noral Stewart: Certainly if they are close to the road. That road is only 35 mph so I can't make
824 a claim that 400 feet from that road, the car is the same as the dog 400 feet away because the
825 car is going slower than 55 mph. If you did have traffic of 55 mph individual cars, maximum
826 level would be about the same as a maximum level as a car.

827
828 Dawn Brezina: Any further discussion or questions? Could we label this last piece of paper
829 Exhibit 3... Mrs. Schenley's paper?

830
831 Michael Harvey: If no one has any questions, it is up to the Chair to excuse the experts.

832
833 Dawn Brezina: Does anyone else think they may have any questions?

834
835 Cornelius Kirschner: I have been sworn in. I have prepared a short blurb and sent it to Mr.
836 Harvey and apparently he has given it to you but subsequently I received some test results back
837 on my pond, Millhouse Pond, and I would like to submit that as part of my blurb so I have these
838 here if you want to hand them out.

839
840 Michael Harvey: We will call this Exhibit 5 and Mr. Kirschner's statement Exhibit 4.

841
842 Cornelius Kirschner: Before I begin, I have to say I am impressed with all the work and
843 professionalism everyone has displayed here. It is amazing how large this project is how much
844 already has been put into it. I have lived at the Millhouse on Millhouse Road since 1972. On
845 March 11, Tammy showed me the architectural plans for the proposed kennel located on the
846 beginning slope of Blackwood Mountain above my home. My home is located directly on
847 Millhouse Pond. On March 15, I sent them a three page outline of my grave reservations about
848 the project. My concerns centered around the road access to the proposed kennel, traffic
849 generated by this business, immediate and long term erosion control, water quality, both ground
850 and surface. Tammy and Drew suggested that we meet with their civil engineer, Chad Abbott,
851 on March 29 to address my written reply. Regretfully, the meeting did not leave me with any of
852 my concerns. They were unwilling to change any part of their plans to address the issues I
853 raised. Every point I was met with the standard response, all facets of the proposed kennel
854 meet code. Furthermore, when I addressed the issue of the new road for the proposed kennel,
855 they refused to entertain the motion to use the existing private road, Bruin Way, which leads
856 directly to the proposed kennel. Tammy's father was a partner and owns the private road;
857 consequently, I am here this evening to bring these concerns directly to you. New road access;
858 the Purner's have chosen to exercise their right to build this new access road on an easement

859 which is on county land. Several crucial problems attach to this plan. First, the new road will
860 open directly onto my home. The corner of which is only 30 feet from the hard surface of
861 Millhouse Road. Noise from the vehicles entering and exiting while vehicle lights in the winter
862 and dust from the road with southwest winds would all cause a significant diminution of the
863 quality of my life. This traffic will be seven days a week. It is a business. Second, the surface
864 area resulting by building this new road, now mostly trees and underbrush would only increase
865 the runoff entering into this watershed. I understand the county or the state does not recognize
866 this as an official watershed but there is a tremendous amount of water. Even Mr. Abbott stated
867 that a lot of water comes through this area, a tremendous amount. Third, this runoff from the
868 road will wash over the proposed drain field for the septic tank. Up to 900 gallons a day is
869 permitted into this drain field. This road is at 500 feet if you look at the plot. The pond is about
870 482 feet; an 18 foot drop and approximately 150 feet. A significant drop in such a short
871 distance. To open up additional surface by building this road above the drain field and not
872 necessary at best, at most it is reckless. Fourth, the exit is not safe with a blind hill to the south
873 and a blind turn to the north. In ice and snow conditions, no vehicle can turn south towards
874 Chapel Hill and go up the hill from a dead stop. Bruin Way entrance could be moved 30 or 40
875 feet to the north to help with a safer exit. That is eliminating any safety issue whatsoever.
876 Given the time, expense, the serious impact on my life and property and the impact and use of
877 county land for this business, the decision to have this new road is seemingly so arbitrary when
878 one, the proposed owners has a road already made. That is indeed perplexing to me. As a
879 partner, Mr. Griffin can easily grant an easement namely, Bruin Way, to this proposal kennel
880 and also the Purner's home which they use already. Given that the proposed kennel is
881 encumbered by the owner's agreement as stipulated on the plans, then Mr. Griffin as part owner
882 could have no problem in granting this new easement to the proposed kennel. I submit that no
883 documented material has been supplied to this board to show that these concerns have been
884 met. Health, welfare and safety issues which I raise here are substantial and I find nothing in
885 the presented information to address them. The real problem here that I don't emphasize is that
886 this new road will open directly on to my house which is very close to the road and those cars
887 during the winter on exiting if they are open up to 7:00 p.m. during the winter. All the foliage will
888 be down in front of my house and the lights will scan if they are going north as they turn. That
889 will be intolerable. I never thought this would happen. Also, I think a very significant problem is
890 trying to go south on this road from a standstill going up the hill is impossible. I worked for the
891 postal service for 32 years and every time there was going to be any weather condition, and I
892 went to work at 2:00 a.m., and I had to leave my truck at the top of the hill because I could never
893 get out of my driveway from a standstill off a gravel road onto the hard surface road to go up the
894 hill because you can't go uphill. So I had to take my vehicle to the top of the hill and park it at
895 my neighbors. Drainage, there are very significant problems with water drainage throughout
896 this whole area. Look at the land gradient on the map. To open up such a significant area to
897 surface runoff by building is indeed questionable. Now, it is mostly forestry. With the addition of
898 the proposed road and its open surface area, we are talking about a very significant area open
899 to surface runoff. How much? It does not say. Any restriction on further exposed areas to
900 drainage, it does not say. All this water will enter Millhouse Pond. There is no other exit. We
901 have here the central point is Blackwood Mountain. To the north slope of Blackwood Mountain
902 is the source for New Hope Creek. The southeast portion of Blackwood Mountain comes
903 through this whole area we are talking about. Notice the pond above the kennel, there is my
904 pond, just at Millhouse Road and there is a pond below this and all these empty into New Hope
905 Creek. There will be a significant amount of water coming through here. Several years ago, I
906 had my pond redone after it was a pond for 80 years. The dam was compromised by animals
907 so I had a contractor come in and he did the pond at significant expense. We dug it out and did
908 the dam and while I was in Florida looking after my mother, one spring, there was so much
909 water, it washed out the dam. Now, the contractor made good on it and we did it again but I
910 can't over emphasize enough how much water comes through here. There needs to be more
911 study and documentation submitted to this board. I find no study or documentation that neither
912 addresses the increased amount of water nor is there any documented evidence concerning the

913 increase and speed this water will come down this watershed. What assurance do I have that
 914 this increased water flow will cause no harm to my property? To cite according to code, I
 915 suggest, is not enough to property, nor the health, safety and welfare of those downstream of
 916 this facility. Water quality; the pond is in good health. I re-did the pond approximately six years
 917 ago. I have never had problems with algae or weeds. Never any fish kills. To ascertain a
 918 better understanding of this water quality, I have retained the services of Tri Test, a certified lab
 919 by the State of North Carolina. The tests include Nitrate, Nitrite, ammonia, fecal coli, nitrogen
 920 and total suspended solids. I took this action myself to provide a baseline. The results of these
 921 five tests are included in the packet. Nothing found in the test suggested any contamination
 922 whatsoever. We use this pond which is 15 feet from my home for recreation and fishing and
 923 irrigating the garden. Mr. Abbott could offer no guarantee that the system would not fail in the
 924 future and so stated that disclaimer at our meeting. Please keep in mind that the drain field
 925 along the proposed field is about 14 feet in height about the pond. What if it begins to fail? By
 926 then it is too late. Once a year inspection, as according to code, hardly seems sufficient for the
 927 amount of water going into this drain field directly, as well as all the remaining runoff water into
 928 the pond. Code simply does not address this issue at all. There are no plans to test the water
 929 quality of the pond that was offered. Also, there was a spring and large water collection box just
 930 below the proposed drain field. The Millhouse did get its water from the spring. The water line
 931 was cut when the state re-did the road and paved it in 1992. The Millhouse has had its own well
 932 water since 1965. This spring and its protection are not mentioned at all in any of the literature.
 933 I can say the same for my well water. I have good well water. The county tested the well four
 934 months ago so at least I have that as a baseline. But if this project goes through without further
 935 safeguard to drinking water, I should be allowed to test the well myself more frequently. In light
 936 of all the above, I submit to you that no documented evidence has been presented to you to
 937 ensure the safety, health and welfare of me as a landowner and the county in general. Until
 938 such time as all these issues are satisfactory, this project should not go forward. You talk about
 939 the noise, you noticed; none of the experts mentioned the north side. There are homes to the
 940 north side. The building is to the south side so the runs will be open to the north side and that is
 941 where all the noise will be going to the north, not towards the south. Also, hours and weekends.
 942 This is a country road and this place will be open as a business seven days a week. Weekends
 943 are important because that is when people come home and people leave. We are going to
 944 have a very unique situation. The school is closed on the weekends. Nothing goes on during
 945 the weekend. On weekends, we are going to have a lot of traffic generated. Winter time when
 946 there is traffic, there will be lights all the time. If I am trying to sell my place and I say there is a
 947 kennel there and they listen to the dogs and see the traffic, there is no question; it will affect the
 948 resale value given the road. Thank you for your time. I think you have to understand, this is a
 949 very big watershed for this area. That is why there are three ponds and it all goes into New
 950 Hope Creek and there is no other place for the water to go. This is not one home; it is a
 951 tremendous area to open up to increased water.

952
 953 James Carter: I listened to the presentation about the hours of operation 7:00 a.m. until 7:00
 954 p.m. and the acoustic expert who testified. We also had someone who gave an appraisal. Did
 955 they answer your questions?

956
 957 Cornelius Kirschner: I don't buy the road. The road is very dangerous. I do know that no
 958 permit has been issued and one can't be until this is passed. The existing road there now,
 959 would be more than adequate to do it. The noise, the point I will make is the acoustic expert,
 960 never mentioned the noise to the north where the homes are close by. He said the homes on
 961 Millhouse Road are 300 or 400 feet away but the other homes to the north side are close by.
 962 He never talked about the north side of the kennel. I don't buy the evaluation. I know it will
 963 affect me directly to have that road there and the kennel there. And then with the water quality,
 964 there is no guarantee. The one thing I would love to see in this is there is no meter on how
 965 much water is going into this drain field a day. There is nothing. How do they know how much
 966 water is going in there. I find that astounding that a commercial business would not be required

967 to have a meter and keep a log on how much water is going in on a 24 hour period. To see that
968 it is not being overused because once it is overused, me as a result would be the direct recipient
969 of that coming right through my pond. No, they didn't answer anything.

970
971 James Carter: So you are opposed to the kennel?

972
973 Cornelius Kirschner: Until I receive satisfaction on the issues I have brought up.

974
975 Mark Micol: Your biggest concern is not the kennel per say but the amount of water?

976
977 Cornelius Kirschner: The amount of water, the increase in flow. Where the road is going to be
978 positioned and incidentally the noise won't directly affect me as much as the neighbors to the
979 north will. But certainly the traffic seven days a week. I can't see how they can compromise on
980 keeping the kennel closed on weekends.

981
982 Mark Micol: So how would you feel about the county building a park and you have traffic. Are
983 you for or against the park?

984
985 Cornelius Kirschner: I have no problem with the park.

986
987 Mark Micol: You don't think the park will generate just as much traffic as the kennel?

988
989 Cornelius Kirschner: I think it will generate more. They won't have a drive in front of my house.
990 Their parking lot is going to be way to the south. That is how they tell me will be the main
991 entrance there. Of course you will have noise and lights. Another significant problem for the
992 kennel; that park will generate noise and games, etc. and it will agitate the dogs. It just not cars
993 driving by. It will be a significant source of irritation probably for the dogs.

994
995 Larry Wright: I have a question for Mr. Harvey and this is relevant to Mr. Kirschner's point on
996 drainage from the development. Can you briefly state how housing must require to conform to
997 permeable and impermeable surface ratios relative to street, etc?

998
999 Michael Harvey: Let me say this particular parcel of property is not located in a protected or
1000 critical watershed. As a result there is no impervious surface limitation imposed like we have in
1001 other portions of the county. To provide an example; property west of Carrboro is located in a
1002 critical watershed and there is an impervious surface limit of 6% which was including the house,
1003 drive or anything that would prohibit or prevent the natural flow of water. What this project is
1004 limited to is dimensional requirements associated with the rural buffer where they are only
1005 allowed a maximum building area per the code. Obviously, part of the limitation of the building
1006 size will be the septic system, the availability of parking, compliance with applicable setbacks
1007 because you have to be 150 feet from various property lines. So while there is no impervious
1008 surface limit, there are other limitations imposed within the Unified Development Ordinance that
1009 restrict the size of the kennel operation that could be developed on this property. From an
1010 erosion control and stormwater standpoint, the site will have to be developed in compliance with
1011 the recently adopted State stormwater management and nutrient loading criteria meaning their
1012 erosion control and stormwater plan which would be reviewed and approved by Orange County
1013 Erosion Control, Mr. Terry Hackett, Mr. Ren Ivins, and Mr. Wesley Poole, proving that the runoff
1014 number one compliance with established flow parameters in terms of what can lead the site in
1015 accordance with state law, that the nutrient loads have to be consistent with the basin in which it
1016 is located and that there will have to be annual inspections to ensure the viability of any
1017 stormwater feature on the property consistent with state law and consistent with the recently
1018 revised Unified Development Ordinance incorporating those state standards.

.020 Larry Wright: For the education of the board and others, this is before the new state laws which
.021 are very stringent for new development, etc. and that would satisfy Mr. Kirschner's concern
.022 about what runoff would be coming into his pond. Am I overstepping that?
.023

.024 Michael Harvey: I won't say you are overstepping it. I will say there is obviously restrictive
.025 stormwater management that we have to abide by that we will hold the applicant to. Without
.026 seeing the stormwater plan I would not dare say what could or could not happen because it
.027 would be a little unfair for me to represent since I am not an expert in stormwater. It would be
.028 even worse for me to represent there would not be a problem. I think the honest answer is, as
.029 with any special use permit, class A or B, there are certain minimum requirements of standards
.030 that have to be met. If you can't meet them, you can't develop the project. Certainly, if they
.031 don't comply with established stormwater standards, they will not be able to get a building
.032 permit. Does that address Mr. Kirschner's concerns? I don't know. That is a question he would
.033 have to answer.
.034

.035 Larry Wright: I think at the last quarterly public hearing, the potassium levels, a lot of people
.036 thought they were unrealistic.
.037

.038 Michael Harvey: That is a fairly correct statement.
.039

.040 Mark Micol: A point of comparison from a residential stand point, could someone come in
.041 without a Board of Adjustment special use permit and build a large residence say with stables
.042 that would generate an equal amount of runoff?
.043

.044 Michael Harvey: Yes. There could be a farm built on property in the rural buffer because farms
.045 are technically exempt according to the general statute, 153A 34B2 which could include horse
.046 boarding operations based on the revised state definition of what a farm is. There are
.047 numerous committed uses that by permitted use according to the UDO means it is subject to
.048 staff review and approval and if they demonstrate compliance with the dimensional standards of
.049 the code, we are obligated to issue the permit so yes, you could have a development of a
.050 residential nature on this site that could have many if not more of the same impacts from a
.051 stormwater and drainage perspective.
.052

.053 Bob Hornik: Mr. Kirschner, you testified that you worked for some 30 odd years for the postal
.054 service... in what capacity?
.055

.056 Cornelius Kirschner: Clerk.
.057

.058 Bob Hornik: You are not a licensed engineer?
.059

.060 Cornelius Kirschner: No.
.061

.062 Bob Hornik: Not a real estate appraiser?
.063

.064 Cornelius Kirschner: No.
.065

.066 Bob Hornik: Not a scientist, soil scientist, water scientist?
.067

.068 Cornelius Kirschner: No.
.069

.070 Bob Hornik: That is all I have.
.071

1072 Claudia Harris: I have been sworn in and I live across the street also. I wonder... Mrs. Schenley
1073 mentioned that there was a type of zoning that could be done for the rural buffer area and this
1074 doesn't fit in that. Is that your understanding?

1075
1076 Michael Harvey: That is an incorrect representation of the UDO.

1077
1078 Claudia Harris: Where is the water coming from used to hose out where the dogs are?

1079
1080 Chad Abbott: A well that has been approved for the site.

1081
1082 Claudia Harris: I use well water too and I don't think I use 900 gallons a day and I was
1083 wondering if that was a realistic amount of water to expect from a well. Another option would be
1084 to pipe water down from the pond.

1085
1086 Chad Abbott: If the well ran out of water then they won't use 900 gallons a day. The cisterns
1087 will be used to supplement the well. They would be used to supplement the well and there is no
1088 guarantee that 900 gallons per day will be used. How many gallons would you use, about 500
1089 gallons per day?

1090
1091 Claudia Harris: I doubt it would be that much.

1092
1093 Chad Abbott: Most residences with three to four bedrooms have 480 gallons which is what the
1094 state requires us to use for sizing adequate systems so while they may not use 400 gallons per
1095 day, they are required to have a drainage field as a safety factor that is built into all this stuff.

1096
1097 Claudia Harris: I did not get a letter announcing this meeting. I actually found out in an email
1098 from Tammy. I didn't know until tonight that you wanted to do daily breedings. I thought it was
1099 all boarding and I was really okay with the whole thing and I found it was 90 dogs which
1100 shocked me and found out that the dogs are going to be coming and going in one day changed
1101 things for me. Our neighborhood has faced a lot of hardships. We are very close to the dump
1102 and we have had to do this thing with the trucks from Chapel Hill, the freeway, the waste
1103 transfer site and we have all faced these things as a unit and this issue is different for us and I
1104 really hate it and it is splitting us and we have always been a really good unit fighting other
1105 things. Thank you very much.

1106
1107 Robert Long: Thank you all for being here at 9:50 p.m. This is a really important issue and it is
1108 very difficult to be here in that Cecil is a dear friend. We are so glad to have him back from
1109 Japan. As Claudia said we have always been a unit that worked together. This is really tricky
1110 and I am here on behalf of the five families who make up the Manor Hill Court Homeowner's
1111 Association. Mr. Stewart and I actually dressed alike tonight. I am a consultant and I, often
1112 right alongside what he does with acoustics, I do with building planning and I am working with
1113 him. I appreciated what he said about the benign impact to the south of this building but we had
1114 one of our homeowners who... Cecil, how far is Martha from where the fence will be from the
1115 dogs?

1116
1117 Cecil Griffin: At least 400 if not 500 feet.

1118
1119 Robert Long: Probably somewhere in that range of open land right to one of our homeowners.
1120 The rest of us live gradually and are rising so the sound, no matter what, up against the north
1121 side of the building will reflect off the dog area. To have Mr. Stewart say that, they live on large
1122 tree properties, I wonder if he actually went to our house. I question that so we are very
1123 concerned that we will have dog barking impact and the question is how do you mitigate it?
1124 What if it does happen? We are being told it won't happen but if it does happen does it mean
1125 they have to build berms? What can we do to protect ourselves at this planning date? I also

l126 want to on behalf... I think Claudia said it great and Kathy said it, we have all mustered together
l127 to protect this part of the northern Chapel Hill area from a lot of things. This is a beautiful
l128 building and I love all the green elements to it. I have to question, how much clearing there will
l129 have to be for the solar rays to get the maximum benefit facing south. There will not be a tree
l130 buffer there if the solar is going to work and we all know that is how solar works. I also want to
l131 say the Schmidt's are very nice people I am sure and want to contribute but your dream does
l132 not necessarily match with my dream. You are bringing your dream to my neighborhood. My
l133 neighborhood is where I have lived for 15 years and want to continue living for a lot longer. This
l134 is a large building in a small area and it will have 10 employees, we understand, which hasn't
l135 been mentioned. That is a business of sizable proportion. When we mention Spence's Farm
l136 and Emerson Waldorf School, they have both been there. Emerson Waldorf School has been
l137 there 25 years and Spence's Farm 30 years. Those are not like new intrusions into our
l138 neighborhood and I want Tammy and Drew to prosper and do what they want to do. I am just
l139 saying there are problems ahead. There are problems yet to discuss. I often run up and down
l140 Millhouse Road and I think Chad has, in all due respect, plans that don't show the topography. I
l141 wish before you make a decision that you could come to the site and actually understand the
l142 topographical issues we are talking about. It is not as flat and benign as it looks in plans.
l143 Please give it your best thought.

l144
l145 Dawn Brezina: Any more testimony?

l146
l147 Bob Hornik: Can we address some of the neighbor's issues?

l148
l149 Dawn Brezina: Yes.

l150
l151 Bob Hornik: I think Mr. Harvey has the receipt of having the receipt of sending the letter to Ms.
l152 Harris.

l153
l154 Robert Long: Our letter was delayed for a week and a half to two weeks and it finally got to the
l155 homeowner's association on Friday.

l156
l157 Michael Harvey: They were stamped by the Hillsborough Post Office on the 27th of April.

l158
l159 Bob Hornik: Perhaps Chad can talk to the board a little about Bruin Way and whether that was
l160 considered as a proposed access to the site.

l161
l162 Chad Abbott: There were several issues brought up especially during the safety of the access.
l163 I tried to go into as much detail as possible and I even showed pictures. Bruin Trail is located
l164 just around that curve so I don't see how anybody would deem that as a safe condition since
l165 there is already an access at that location that isn't safe so while it might be a benefit for Mr.
l166 Kirschner to not have the driveway at this location doesn't mean it is a safe location because it
l167 already exists, especially if you want to increase traffic in that location. The horizontal land, you
l168 can see on our site plan. You can see the curvature of the road. You can see that Bruin Trail is
l169 located at the top of the page and you are on the inside of this horizontal curve. You can see
l170 from the picture, you can see all the way back to the point but if you were here you would not be
l171 able to see to the point you can see...

l172
l173 Mark Micol: Has that been brought up to the DOT? They recommend the use of

l174
l175 Chad Abbott: The Department of Transportation, we sent the plans to them, they had four
l176 comments. This pipe was shown here, it is not surveyed, just drawn in based on the concept
l177 but the actual drainage pipe for the picture I showed is in the right of way. We will either replace
l178 or maintain and extend that pipe. The other comment is that we provide the site... on the outer

1179 boundaries of the easement which we cannot do on the county's property because we had
1180 shown from the driveway which is typical.

1181
1182 Mark Micol: Specifically about Bruin?

1183
1184 Chad Abbott: They have not asked us to use Bruin Trail.

1185
1186 Mark Micol: What about the utility of entry on the access road and exit on Bruin?

1187
1188 Chad Abbott: This easement on Bruin Trail is an easement; it is not part of this property. It is
1189 another easement to another property so we have not even looked at it but it is not a safe
1190 condition as opposed to this easement on this property.

1191
1192 Mark Micol: In terms of safety, the visibility could be out on Bruin Trail, good to the left and not
1193 good to the right. Is that correct?

1194
1195 Chad Abbott: It is inside of a horizontal curve so if you are looking across the shoulder either
1196 way. That is not ideal. It is easier to keep your traffic out in front of you. This is the best
1197 location without getting into the septic area...like you said this is bigger than what it shows
1198 there. It is just the best location.

1199
1200 Bob Hornik: From a safety perspective, in designing this, the location on the south where we
1201 are showing it, is better than the Bruin Trail location?

1202
1203 Chad Abbott: Yes. You can obtain longer sight distance from the location.

1204
1205 Tammy Purner: I go in and out of Bruin Trail every day because if I go to my right people come
1206 flying around that curve and they always cut the curve to the center so I have to really watch it
1207 so I can't see if they are coming so usually I turn the radio down and try to listen to see if there
1208 is a car. If the headlights are there I can see those. If I turn left and go north then I am really
1209 taking my life in my hands because I have to get going really fast out of my driveway and turn
1210 left so neither direction is adequate but I'm used to doing it and I do it several times a day. I
1211 would not recommend a lot of people coming in and out of that driveway, it is not safe.

1212
1213 Bob Hornik: Chad, what is the expected trip generation for this facility?

1214
1215 Chad Abbott: There is no exact kennel defined in the IGE generation map for a land use so I
1216 took a veterinarian facility with the same number of units, so a veterinarian facility would have
1217 90 units and applied it or it might have been based on square footage but it is a comparable and
1218 it was around 80 or 90 trips per day. Again, it is not a classification for kennels but that is what
1219 tripped....

1220
1221 Larry Wright: There was how many?

1222
1223 Chad Abbott: 80 to 90 per day.

1224
1225 Larry Wright: In DOT, it averages 16 trips per day that is in and out.

1226
1227 Chad Abbott: That is total trips. 45 in and 45 out.

1228
1229 Larry Wright: And it is 16 for a three bedroom house.

1230

.231 Chad Abbott: Related to a bunch of the issues with the acreage here, the number of residential
.232 units that could be placed on this property, being around 15 which is a conservative number
.233 based on the zoning.
.234

.235 Michael Harvey: Seven or six.
.236

.237 Chad Abbott: Seven or six based on the zoning. Okay, seven or six houses at four bedrooms
.238 each would be required to have a septic field or treatment for 500 gallons per house which
.239 would yield a system requirement larger than what we have proposed here. If this were
.240 developed as residential, you could easily surpass the impervious areas as well. We have a
.241 total of 70,000 square feet if you take everything into account including that road. If you were to
.242 take that road and extend it to the back of the property, you are almost doubling or tripling the
.243 length of that road plus seven houses at 2 or 3,000 square feet, you could easily reach the
.244 impervious limit of 15%.
.245

.246 Bob Hornik: Did you want to address the water quality?
.247

.248 Chad Abbott: Back to the septic issue. Septic fields are sized using safety factors which are
.249 implemented, not by me but chosen by the State, by the county health department. This septic
.250 system has been appropriately sized and marked in field as deemed appropriate. I know there
.251 are concerns about the pond below and the ground contamination. I have already explained the
.252 treatment of the dog waste so if this were developed with residential houses, which are allowed
.253 without a special use permit, if one of those house septic systems failed, they don't have a
.254 meter on them so all of these issues can be compared easily to a residential development, and
.255 the water washing over the drain field, the water is not per say washing over the drain field as if
.256 you can look at the topography. The water is kind of concentrated coming towards our parking
.257 area. It won't wash across our drain field.
.258

.259 Bob Hornik: Chad, describe the topography of the land, where are the high spots and low spots
.260 and the cuts where drainage goes.
.261

.262 Chad Abbott: The topography slopes from the pond this way and gathers here and crosses the
.263 pipe to the other side of the road. The larger drainage area coming from the park area is from
.264 here. See the dashed line, it will come through here where we will have a pipe and it will
.265 continue down which bypasses our septic system. It is not going across our septic system. I
.266 know Mr. Kirschner alluded to washing across the drain field. There are no issues with water
.267 flowing across the drain field. That is where all the water....then there is a ditch along this road
.268 that brings the water down through the property and comes here as well so there are many
.269 places and sources that contribute to any increased levels.
.270

.271 Bob Hornik: The applicants this evening have talked about building a berm generally running
.272 east to west along the northern property line which will not eliminate noise moving northward. It
.273 will be one more barrier or buffering device that we have proposed at this point to put along that
.274 line so that will address it to some extent some of the concerns.
.275

.276 Larry Wright: Very early on with Mr. Harvey's opening remarks, he said that the permit would
.277 be one of the applicant's, Mr. and Mrs. Griffin are to the north and should they no longer live
.278 there, the whole business would cease.
.279

.280 Michael Harvey: There is a note on the site plan, sheet C1 that reads as follows: "The 150 foot
.281 required setback for section 565.A2B is not warranted at this property line as the owners are on
.282 the application. The owners and other parties on the application are aware that if the SUP is
.283 tied to the property and it is binding only to the parties involved. Should the contiguous change

1284 ownership, the SUP would become null and void unless sold to another party listed on the
1285 application.”

1286
1287 Larry Wright: If it was sold to his daughter and son-in-law, this operation would still be able to
1288 go on?

1289
1290 Michael Harvey: Yes, because the intent is if it is controlled as part of the kennel operation and
1291 it is maintained by the owner/operator of the kennel, then the condition is still valid but if I bought
1292 it and I wasn't part of the kennel operation, then they are no longer complying with the
1293 ordinance and have two choices, make it conform or shut it down.

1294
1295 Larry Wright: My concern is that it would turn into a grave field in the unfortunate event that
1296 something happened to the Griffin's.

1297
1298 Mark Micol: They would have to come before the board again to get a new SUP?

1299
1300 Michael Harvey: Ms. Ayer has talked about modifying, if we get to that point, a condition. We
1301 can go over that at an appropriate venue but I think there is language that we can massage that
1302 condition and still stipulate whoever runs that kennel has to own that property but we want to
1303 provide that they hear their options in order to address the sale of that parcel if it is not to
1304 someone associated with the kennel.

1305
1306 James Carter: Counsel, do you agree with that?

1307
1308 Sahana Ayer: Yes, and I discussed it with Michael so if for some reason the Griffin's no longer
1309 own the property then whoever purchases the land has to comply with the SUP.

1310
1311 Bob Hornik: As a practical matter, I haven't spoken to Sahana about this but I think the idea is
1312 that Mr. Griffin or whoever his successor might be entitled to his property would also have to be
1313 an owner/operator of the kennel so that if somewhere down the line... if Ms. Purner and her
1314 husband inherit the Griffin property, later they can sell that property and the kennel as long as
1315 they sell it together.

1316
1317 Michael Harvey: The recommended condition reads: "As denoted on the site plan, if the
1318 ownership of the northern contiguous property is sold or otherwise fallout of ownership from any
1319 individual connected with the ownership and/or operation of the kennel facility, the kennel facility
1320 shall be forced to cease and the approved SUP shall be become null and void." What Sahana
1321 had suggested is that the applicant shall have an appropriate amount of time to come back to
1322 the Board of Adjustment and revise the site plan to bring it into compliance with the 150 foot
1323 setback, so there are a couple different options.

1324
1325 Sahana Ayer: In any event, if two different people own the properties, then they would not be
1326 complying with 150 foot setback and that makes the SUP null and void. At that point, they have
1327 the option to have to come back before the Board to see if they can modify the SUP and make it
1328 into compliance.

1329
1330 Larry Wright: Or else they are connected with the ownership of the enterprise?

1331
1332 Sahana Ayer: Yes.

1333
1334 David Blankfard: Mr. Abbott, was a hydrogeology study required for this?

1335
1336 Chad Abbott: We met with Terry Hackett...

1337

338 David Blankfard: We have this low lying pond, would that material decaying in that pond affect
339 Mr. Kirschner's water quality?
340

341 Chad Abbott: As it exists now, any time leaves gather there or trees fall there, they take up
342 nitrogen as they grow and turn back into soil and release nitrogen back into whatever they are
343 in. If they are in water, they will elevate the level of nitrogen in this pond. That process could
344 cause problems but the quality of the water and I know he doesn't like the fact, the quality of the
345 water coming from this site will be held to what the EPA has mandated to Orange County and
346 the state through the NPDES permit and you have to adhere to those and if you don't you get
347 fined. I can't be there to make sure everything works when it rains but if a problem occurs, the
348 same as anybody else, you get fined. You are supposed to have design controls in place.
349 Once it gathers in that low lying area that he says is part of his pond, we can't control what
350 happens when it gathers there, it sits and could turn back into whatever, I can't control that.
351

352 Cecil Griffin: The vast majority of the water coming through there comes off county property not
353 ours. We have no control of the quality of water coming off county property.
354

355 Bob Hornik: I don't want to belabor the point. We have been here three hours and heard all the
356 testimony. The application seeks approval of a lower density than some of the other uses, that
357 this property could be an innovated environmental proposal, solar panel, cisterns, as given in
358 the name Green View Lodge, one of the ideas was to try to be ecology environmentally
359 conscious in the way the property is used and the way the facility will be operated. You have
360 heard Mr. Abbott, Mr. Wheeler and Mr. Stewart provide their expert testimony on the various
361 design issues, noise issues, and property value issues. The evidence shows to the Board that
362 we comply with the specific standards for the proposed kennel use. We comply with the general
363 standards of the UDO for the type of development we propose for the property. We understand
364 the neighbors are not happy with some aspects of the proposal. What they have offered is
365 speculation and fears about what might occur if the property is allowed to develop as proposed
366 by my clients. I think this Board knows that speculation, fears, concerns, isn't enough to rise to
367 the level of component evidence to support denial of the application. There have been a few
368 questions about water quality, drainage issues, and stormwater issues. In order to get our
369 permits, after the SUP is approved we still have to comply with requirements of Erosion and Soil
370 Control, we have to meet all the stormwater standards for the site. There are still more review
371 and codes that have to be met before we build and operate a site. When it is all said and done,
372 I suggest to the board that the board can and should make the findings required by the zoning
373 ordinance. Testimony for the board is the use will maintain the value of contiguous property.
374 Testimony characterizes the use promotes the public health, safety and welfare and that the use
375 is in harmony with the area and consistent with the Comprehensive Plan for Orange County and
376 for the rural buffer district. We ask the board to approve the special use permit. I know that Mr.
377 Harvey has prepared some proposed conditions attached to it. My clients are not opposed to
378 any of those conditions. We have also expressed that a condition voluntarily that we put some
379 kind of berm along the boundary line behind the dog play area to muffle some of the sound that
380 might be generated along that direction. For all those reasons, I ask the board to act tonight to
381 approve the application.
382

383 Dawn Brezina: Does this complete the testimony for tonight?
384

385 Michael Harvey: I have a few housekeeping items. As we do with every special use permit,
386 staff provides you with the necessary script. This allows staff to provide you locations and
387 evidence on standards we feel we can respond to and obviously giving you the heads up on
388 what you, as the Board, will have to do. We always recommend conditions in case you approve
389 a project.
390
391

1392 Michael Harvey reviewed the findings of fact. The planning staff does not offer any suggested
1393 findings or recommendations because this has to be based on the sworn testimony that has
1394 been offered this evening. We do provide you with a list of recommended conditions if you
1395 choose to issue the permit. We will stipulate that we have not received any information that
1396 would establish grounds for making a negative finding on the general standards.

1397
1398 Michael Harvey reviewed the conditions. There was some discussion about having the
1399 acoustical engineer provide documentation at the building permit level that the building would
1400 address noise issues. We didn't put that in there but that is something the board may want to
1401 consider.

1402
1403 Bob Hornik: We are willing to have Mr. Stewart provide a report that verified the acoustic issues
1404 are addressed in the building design.

1405
1406 Michael Harvey: I would like the board to add to recommendation 7 "or the application shall
1407 have 90 days to bring the property into compliance with the established 150 foot setback
1408 requirement".

1409
1410 Larry Wright: Is 90 days realistic to bring it before the board?

1411
1412 Michael Harvey: 90 days is realistic to get the application in... a condition about building the
1413 northern berm...

1414
1415 Bob Hornik: Along the northern boundary line in the vicinity of the outdoor play area.

1416
1417 Michael Harvey: I would suggest that is something that the Board of Adjustment is interesting in
1418 adhering to that the condition reads as follows: recommendation 8, "A berm shall be erected
1419 along the northern property line consistent with county regulations with respect to the
1420 maintenance of required landscaping in the area to address potential noise issues offsite".
1421 Chad will have to submit it as part of the landscape site plan. Once you close the public hearing
1422 Mr. Hornik cannot speak to you. No one can speak to you so if you have any questions, you
1423 need to ask them. The attorney is here representing the Board of Adjustment in this instance
1424 but obviously you can't ask me or Mr. Hornik or any other individual any questions once you
1425 start deliberation. Once the hearing is closed you cannot accept additional testimony.

1426
1427 Larry Wright: If we choose to go this way and we add a condition that on the acoustic
1428 conditions so we would ask for a report to verify that acoustic conditions are addressed in the
1429 building design in compliance or within....I don't know how we would do this if we...

1430
1431 David Blankford: That is the problem for me and the reasons I say that is because I am not an
1432 acoustical engineer. What I am guessing would occur is that the applicant's expert would
1433 provide a document indicating that the building design meets established acceptable practices
1434 for the abatement of extraneous noise.

1435
1436 Larry Wright: We heard this same... can I refer to another application?

1437
1438 Michael Harvey: Sure.

1439
1440 Larry Wright: We heard this same expert witness talk about building materials, etc. and how it
1441 mitigated and abated noise and I just can't figure out how he did that. It was very effective
1442 testimony. I don't know how you would word that.

1443
1444 Michael Harvey: Without telling you how to word the condition, recognizing limitations we have
1445 as a staff because we don't have an audiologist on staff. Maybe the condition is that the

[446 acoustical engineer provides documentation signifying that the materials used in the
[447 construction of the building will muffle the sound as directed by the Board of Adjustment and
[448 provide for reduction in the sound level of the barking dogs in the internal building.
[449

[450 Sahana Ayer: In the other application, the gentleman gave testimony that there was an attic
[451 area that wasn't properly insulated or there wasn't enough padding and he suggested extra
[452 padding to muffle the noise. I think that was a condition we put in the SUP. I guess we can say
[453 if they comply with the requirements of the noise ordinance. I think that should cover
[454 everything. The materials and everything else is at their discretion, what they use, as long as
[455 the noise does not exceed the decibel level permitted.
[456

[457 Dawn Brezina: Any other questions?
[458

[459 The public hearing portion was closed at 10:30 pm.
[460

[461 Dawn Brezina: Is there further comment among the members of this committee?
[462

[463 Sahana Ayers: We can just do a motion affirming staff's recommendation.
[464

[465 Dawn Brezina: Everything that staff has recommended?
[466
[467

FINDINGS OF THE ORANGE COUNTY PLANNING STAFF
PERTAINING TO REQUEST SUBMITTED BY SAMUEL AND CAROLYN GRIFFIN
AND TAMMY AND ANDREW PURNER
REQUESTING A CLASS B SPECIAL USE PERMIT TO ALLOW FOR A
CLASS II KENNEL
FOR A PARCEL OF PROPERTY LOCATED OFF OF MILLHOUSE ROAD
(PIN 9871-61-5733)

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Special Uses must comply with general and specific standards as set forth in Article 5.

Section 5.3.2 (A) (2) requires written findings certifying compliance with the following:

- (1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
- (2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and
- (3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners;

In addition, the Board shall make findings certifying that the application is complaint with the following specific standards:

- (1) Specific standards for the submission of Special Use Permit applications as outlined within Section(s) 5.6.5 of the UDO,
- (2) Applicable provisions of Article 3 (Dimensional Requirements) and Article 6 (Application of Dimensional Requirements) of the Ordinance.
- (3) Section 5.3.2 (B) relating to the method and adequacy of the provision of:
 - 1. Sewage disposal facilities,
 - 2. The adequacy of police, fire, and rescue squad protection,
 - 3. The adequacy of vehicular access to the site and traffic conditions around the site, and
 - 4. Other specific standards as set forth within the UDO.
- (4) Specific regulations governing the development of individual Special Uses as set forth in Article 5, specifically Section 5.6.5 *Class II Kennels* of the UDO.

Listed below are the findings of the Orange County Planning Department regarding the application in question. The findings have been presented by Article and requirement to assist the Board of Adjustment in its deliberations.

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ARTICLE 2.7.3 - APPLICATION COMPONENTS ("Yes" indicates compliance; "No" indicates non-compliance)

FINDINGS Ordinance Requirements	Planning Staff Recommending Findings:	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	Board of Adjustment Findings:
2.7.3 (A) Application submitted on forms providing full and accurate description of proposed use, including location, appearance and operational characteristics.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A complete application on appropriate forms (Attachment 1) has been submitted.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.7.3 (B) (1) A full and accurate description of the proposed use	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A complete application narrative containing the required information (Attachment 1) has been submitted.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.7.3 (B) (2) The name(s) and addressed of the owners of the property involved.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The application and site plan (Attachment 1) contain the required information	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.7.3 (B) (3) Relevant information needed to show compliance with the general and specific standards governing the special use.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Attachment 1 (narrative and site plan) contains relevant information Attachment 3 contains staff reports denoting the approval of the proposal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.7.3 (B) (4) - Ten (10) copies of the site plan prepared by a registered land surveyor, architect, or engineer.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Ten (10) copies of the site plan, prepared by Summit Engineers were submitted	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.7.3 (B) (5) - preliminary subdivision plat	<input type="checkbox"/> Not Applicable	The project does not involve a preliminary subdivision. As a result a preliminary plat is not required	<input type="checkbox"/> Not Applicable
2.7.3 (B) (6) - a list of all property owners within 500 feet	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The application package contains the required information	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.7.3 (B) (7) - elevations of the proposed structure	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The application package contains the required information	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.7.3 (B) (8) Ten (10) copies of the Environmental Assessment and/or Environmental Impact Statement, if required, by the Orange County Environmental Impact Ordinance.	<input type="checkbox"/> Not applicable	An EIS statement is not required by the Orange County Environmental Impact Ordinance as the proposed amount of disturbance is under the minimum amount necessary to warrant an EIS statement	<input type="checkbox"/> Not Applicable

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ARTICLE 2.7.3 - APPLICATION COMPONENTS ("Yes" indicates compliance; "No" indicates non-compliance)

Section 2.7.3 (B) (9) Method of disposal of trees, limbs, and stumps associated with the permitted activity

Yes No

The site plan contains a note indicating that all land clearing material(s) will be disposed of in accordance with the Orange County Solid Waste Management Ordinance in a manner other than burning.

Yes No

Section 2.7.3 (B) (10) Statement from the applicant indicating the anticipated development schedule for the project

Yes No

The application package (Attachment 1) contains the required information

Yes No

Section 2.7.3 (B) (11) - Statement from the applicant is justification of any request for vesting of the project

Not Applicable

The project does not involve a request for the vesting of the proposed site plan. As a result, no statement is required

Not Applicable

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ARTICLE 3 - DIMENSIONAL REQUIREMENTS ("Yes" indicates compliance; "No" indicates non-compliance)

FINDINGS	Planning Staff Recommending Findings:	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	Board of Adjustment Findings:
<u>Ordinance Requirements:</u>			
Article 3 lists standards for minimum lot size, lot width, front, side and rear setbacks, maximum building height and lot coverage, and development intensity.			
The applicant has applied for a Special Use Permit on property zoned Rural Buffer (RB). The standards for the AR district are set forth in Section 3.3 of the UDO and are as follows:			
a) Minimum lot area per use 87,120 sq. ft. (i.e. 2 acres)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	According to the application and site plan (Attachment 1) the property is 15 acres (653.400 sq. ft.) in area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) Minimum lot width - 150 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	According to the site plan (Attachment 1) there is approximately 567 feet of road frontage along Millhouse Road	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c) Required front setback - 40 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	According to the site plan (Attachment 1) the kennel building is approximately 423 feet from the front property line (i.e. Millhouse Road)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
d) Required side and rear setbacks - 20 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>According to the site plan (Attachment 1) the kennel building is approximately:</p> <ul style="list-style-type: none"> • 150 feet from the southern property line (i.e. Orange County Property) • 30 feet from the northern property line (i.e. Griffin property) and • 150 feet from the western property line (the exercise yard) 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e) Maximum building height - 25 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	According to the site plan (Attachment 1) the kennel building complies with the height limit for the district	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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RATIO STANDARDS (ARTICLE 3 CONTINUED)

FINDINGS	Planning Staff Recommending Findings:	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	Board of Adjustment Findings:
a) Floor Area Ratio - .088 sq. ft. or 60,229 sq. ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	According to the site plan (Attachment 1) the proposed floor area for the site shall only be 10,100 sq.ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) Maximum gross land area	<input checked="" type="checkbox"/> Not applicable	Not applicable – This proposed project is not subject to the maximum gross land area requirement as detailed within Section 3.3 of the UDO	<input checked="" type="checkbox"/> Not Applicable
c) Livability Space Ratio	<input checked="" type="checkbox"/> Not applicable	Not applicable – This proposed project is not subject to the Livability Space Ratio as detailed within Section 3.3 of the UDO	<input checked="" type="checkbox"/> Not Applicable
d) Recreation Space - .028 or 19,164 sq.ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	According to the site plan there is approximately 674,284 sq. ft. of property left in open space/recreation space on the property as defined within Article 10 of the UDO	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e) Required minimum open space ratio - .84 or 574,920 sq.ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	According to the site plan (Attachment 1) the proposed open space, as defined within Article 10 of the UDO, for the site shall be 674,284 sq.ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e) Required minimum pedestrian/landscape ratio - .21 or 143,730 sq.ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	According to the site plan (Attachment 1) the proposed pedestrian/landscape ratio, as defined within Article 10 of the UDO, for the site shall be 661,519 sq.ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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ARTICLE 5.3.2 (B) - SPECIFIC STANDARDS/ALL SPECIAL USES
("Yes" indicates compliance; "No" indicates non-compliance) (continued)

FINDINGS	Planning Staff Recommending Findings:	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	Board of Adjustment Findings:
Section 5.3.2 (B) requires the applicant to address the following:			
1) Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Information contained within Attachment Three (3) of the abstract completed by staff indicate that the well and septic system have been approved by Orange County Health With respect to solid waste disposal, the applicant has indicated that he will contract with a private firm for the removal and disposal of waste. According to staff this is acceptable with respect to the requirements of the UDO	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2) Method and adequacy of police, fire and rescue squad protection.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The New Hope Rural Fire Department will provide fire protection. Rescue services will be provided by Orange County EMS. The Orange County Sheriff's Department shall provide police protection. As detailed within Attachment 3 all applicable public safety agencies have approved the project	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3) Method and adequacy of vehicle access to the site and traffic conditions around the site.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The site plan indicates the lot is accessed through an existing access easement onto Millhouse Road. NC DOT will need to review in order to determine if a driveway permit can be issued allowing for the existing driveway to be used to support the hoarse boarding and training facility. They cannot issue final approval until there is an approved site plan. This should be a condition of approval.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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ARTICLE 5.6.5 - SPECIFIC STANDARDS FOR A CLASS II KENNEL
(“Yes” indicates compliance; “No” indicates non -compliance) (continued)

FINDINGS	Planning Staff Recommending Findings:	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	Board of Adjustment Findings:
<p>In addition to the information required by Subsection 5.3.2 of the UDO, the following shall be submitted as part of the application in order to determine compliance with the site specific development requirements for a Class II Kennel as outlined within Section 5.6.5 of the UDO:</p>			
<p>Section 5.6.5 (A) (1) (a)</p> <p>a) Plans for all kennels, barns, exercise yards, riding arenas, pens and related improvements, including signage.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The submitted site plan (Attachment 1) shows the location for all buildings proposed for use as part o the operation.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Section 5.6.5 (A) (1) (b)</p> <p>b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The submitted site plan (attachment 1) provides all essential information as required</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Section 5.6.5 (A) (2) (a)</p> <p>a) The site is of adequate size to protect adjacent properties from adverse effects of the kennel or riding stable/academy</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The submitted site plan (attachment 1) provides all essential information as required</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Section 5.6.5 (A) (2) (b)</p> <p>b) No part of any building, structure, runway or riding arena, in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the kennel. These minimum distances shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The submitted site plan (attachment 1) provides all essential information as required.</p> <p>As the applicant owns the northern property the 150 foot setback does not apply to this property line.</p> <p>The site plan contains a note indicating that if this northern property is sold, or is no longer owned/controlled by the operator of the kennel, then the kennel use shall be abandoned.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

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ARTICLE 5.6.5 - SPECIFIC STANDARDS FOR A CLASS II KENNEL
 ("Yes" indicates compliance; "No" indicates non-compliance) (continued)

Section 5.6.5 (A) (2) (c) Yes No The submitted site plan Yes No

c) Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least 6 feet in height, which shall include primary enclosures or runs

(attachment 1) provides all essential information as required.

Section 5.6.5 (A) (2) (d) Yes No The submitted site plan Yes No

d) The site plan shows parking, access areas and screening devices for buildings and animal boarding facilities

(attachment 1) provides all essential information as required.

Section 5.6.5 (A) (2) (e) Yes No As detailed within Attachment Yes No

e) The site plan shall be reviewed by the Orange County Animal Services Department, and found in conformance with the Animal Control Ordinance.

3, the site plan has been tentatively reviewed and deemed appropriate by Animal Control.

The applicant will be required to apply for and obtain a permit from Orange County Animal Health in addition to the Special Use Permit.

A condition of approval is that the applicant be required to obtain this permit within one hundred eighty (180) days from the issuance of the SUP

Section 5.6.5 (A) (2) (f) Yes No The renderings and floor plan Yes No

f) Building plans for all kennel facilities shall be reviewed and approved by the Orange County Animal Services Department prior to issuance of any building permits.

have been reviewed by Animal Services.

The applicant cannot make an application for final approval until the SUP is issued.

A condition of approval is that the applicant be required to obtain a building permit within one hundred eighty (180) days from the issuance of the SUP and that the building plans have to be approved by the Director of Animal Control

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ARTICLE 5.6.5 - SPECIFIC STANDARDS FOR A CLASS II KENNEL
("Yes" indicates compliance; "No" indicates non-compliance) (continued)

Section 5.6.5 (A) (2) (g)

Yes No

The applicant has indicated on the site plan (Attachment 1) that there will be a sign on the property adhering to this condition

Yes No

g) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth in the UDO

A recommended condition of approval is that the applicant be required to submit a sign rendering for review and approval by the Planning Department within one hundred eighty (180) days from the issuance of the SUP and that the approved sign shall be installed prior to the issuance of a Certificate of Occupancy allowing for kennel operations to commence.

Section 5.6.5 (A) (2) (h)

Yes No

The applicant has indicated that the plan will be reviewed and approved by the Orange County Department of Animal Control.

Yes No

h) A Class II Kennel Permit shall be obtained from Orange County Animal Services within the first 30 days of occupancy. Failure to obtain and maintain a valid Class II Kennel Permit or other related permits which may be required by the USDA or Wildlife Resources Commission will result in revocation of the Special Use Permit.

This should be a condition of approval

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MOTION made by Larry Wright to agree to staff's recommendations on the application beginning on page 88 through page 96 Seconded by Mark Micol.
VOTE: Unanimous

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SECTION 5.3.2 (A)(2) - APPLICATION COMPONENTS
("Will" indicates compliance; "Will Not" indicates non-compliance)

FINDINGS	Planning Staff Recommending Findings:	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	Board of Adjustment Findings:
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Ordinance Requirements

In accordance with Section 5.3.2 (A) (2), the Board of Adjustment shall also consider the following general conditions before the application for a Special Use can be approved:

1. The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.

To be determined by Board after receiving evidence to be submitted or heard at public hearing.

Will Will Not

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Dawn Brezina: In accordance with the Section 5.3.2 we shall consider the following general conditions for this special use to be approved. I know we have a list of special conditions. It might be easiest to put them into one.

MOTION made by Mark Micol to find in the affirmative on Article 5.3.2 (A) (2) Section 1 that the use will maintain or promote the health, safety and general welfare if located as proposed based on this project providing the community with a state of the art green facility that can be used by surrounding rural residents without forcing them to travel long distances, that the project incorporates best management practices for storm water control, energy conservation, and sustainable use of non-depleting renewable energy sources. Seconded by David Blankfard.

VOTE: Unanimous

2. The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).

To be determined by Board after receiving evidence to be submitted or heard at public hearing.

Will Will Not

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MOTION made by Larry Wright to vote in the affirmative on ordinance requirement Section 5.3.2 (A) (2), Section 2 concerning the value of property and contiguous property relative to the applications parcel based on Mr. Michael Wheeler's Impact Analysis on pages 20-60 of the packet and his written summary and the seal of his expertise. Seconded by Mark Micol.

VOTE: Unanimous

1592

3. The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the general plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

To be determined by Board after receiving evidence to be submitted or heard at public hearing.

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MOTION made by Larry Wright to vote in the affirmative on ordinance requirement Section 5.3.2 (A) (2), Section 3 on page 97 of the application that the conformance is in harmony with the 2030 Comprehensive Plan and according to staff's early opening statements on page 5 and 6. Staff outlines that it does meet the Unified Development Ordinance compliant with that and the Unified Development Ordinance and that conforms to the 2030 Comprehensive Plan. In Exhibit 1 talking about the rural buffer and the land use categories and these are objectives that come right from the Comprehensive Plan. Seconded by David Blankfard.
VOTE: Unanimous

RECOMMENDATION:

The Planning Staff has not received any information that would establish grounds for making a negative finding on the general standards. These standards include maintaining or promoting the public health, safety, and general welfare, maintaining or enhancing the value of contiguous property, and the use being in compliance with the general plan for the physical development of the County.

The Planning Staff has reviewed the application, the revised site plan, and all supporting documentation and has found that the applicant does comply with the specific standards and required regulations.

In the event that the Board of Adjustment makes the determination that the permit can be issued, Planning Staff recommends the attachment of the following conditions:

- (1) That the applicant complete and submit a formal application to the Orange County Inspections Department requesting authorization to commence construction of the proposed kennel facility. The application, including all applicable fees, shall be submitted within one hundred eighty (180) days from the approval of the Special Use Permit. Further, the building permit application shall be reviewed and approved by the Director of Animal Services for compliance with any and all applicable animal control regulations in accordance with the UDO,
- (2) That the Orange County Fire Marshal's office shall review and approve the building plans, as part of the normal building permit review process, and that any and all modifications to the structure be made to address fire code issues prior to the issuance of the permit authorizing the commencement of construction activities,
- (3) That the applicant complete, submit, and receive approval for a Class II Kennel application from the Orange County Animal Control Department within one hundred eighty (180) days from the issuance of the SUP,
- (4) That the applicant be required to submit a sign rendering for review and approval by the Planning Department within one hundred eighty (180) days from the issuance of the SUP and that the approved sign shall be installed prior to the issuance of a Certificate of Occupancy allowing for kennel operations to commence.
- (5) That the applicant shall submit the approved site plan to NC DOT for review and comment. In the event it is determined that the applicant is required to apply for, and receive a, driveway permit from NC DOT to allow for the project to be developed, the applicant shall submit all necessary applications as required by NC DOT within one hundred eighty (180) days from the issuance of the SUP and provide planning staff with a copy of the issued permit,
- (6) That prior to the commencement of land disturbing activity the applicant shall submit all necessary stormwater and erosion control applications to the Orange County Erosion Control Department. These applications shall be submitted within one hundred eighty (180) days from the issuance of the SUP.
- (7) As denoted on the approved site plan, if the ownership of the northern contiguous property be sold or otherwise fall out of ownership from any individual connected with the ownership and/or operation of the kennel facility, the kennel facility shall be forced to cease and the approved SUP shall become null and void.

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MOTION made by David Blankford to accept staff's recommended conditions numbers 1 through 7 with the edits as follows. Condition number 1, *"that an acoustic report will be submitted with the building construction building permit. That the building is constructed with mitigating noise materials that will meet the county ordinances."* Added to the end of condition 7, *"or the applicant or subsequent owner shall have 90 days to submit an application to bring compliance within the 150 foot setback should the property be sold"*. Add item 8, *"A berm shall be constructed on the northern boundary line of the proposed project to mitigate any potential noise"*

1611 *issue and adhere to the Orange County Ordinances referencing the Landscape Construction*
1612 *Ordinance.”* Seconded by James Carter.

1613 **VOTE:** Unanimous

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1615 **MOTION** made by David Blankfard to approve the Special Use Permit with the recommended
1616 conditions. Seconded by James Carter.

1617 **VOTE:** Unanimous

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1620 **AGENDA ITEM 6: ADJOURNMENT**

1621 The meeting was adjourned at approximately 10:45 pm.

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1625 Tina Owen, Minutes Preparer

Item	Description	Quantity	Unit Price	Total
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In a letter, dated April 9, 2010, Orange County Planning staff informed UNC representatives a Class A Special Use Permit would be required to allow for a proposed expansion of the existing research facility due to the size of the septic system.

Staff made this initial determination based on language contained within Section 6.20 of the Orange County Zoning Ordinance (now Section 3.3 *Residential Districts – Agricultural Residential Base Zoning District – Specific Development Standards* of the UDO) prohibiting the location of ‘ground absorption systems with a design capacity of 3,000 gallons per day or more and package treatment plans for sanitary sewage disposal’ without the submittal, review, and issuance of a Class A Special Use Permit or the approval of a Planned Development (PD) rezoning request.

The research facility is supported by a septic system that has a design capacity to treat over 3,000 gallons of wastewater per day.

This determination was later reversed as detailed in a letter dated November 16, 2010 where staff made a finding the Special Use Permit was not required.

The applicant is appealing the determination that the aforementioned Special Use Permit is not required as it relates to the formal approval of a site plan by the County Planning Department in February of 2012.

REQUEST: The application requests that the Board of Adjustment overturn the decision of the Planning Director to approve the site plan and require the issuance of a Class A Special Use Permit as detailed within staff’s April 9, 2010 letter.

Please find attached copies of the following:

1. Vicinity and property map (Attachment A)
2. Appeal application (Attachment B)
3. All other pertinent documents determined by staff to complete record (Attachment C):
 - a. March 18, 2010 Orange County Planning Letter to UNC detailing new site plan approval for an expansion of the existing research facility.
 - b. April 9, 2010 Orange County Planning Letter to UNC outlining Special Use Permit requirement.
 - c. May 28, 2010 UNC Letter to Craig Benedict (Planning Director) concerning site plan review.
 - d. October 28, 2010 UNC Letter to Craig Benedict concerning Special Use Permit requirement.

- e. November 16, 2010 Orange County Planning Letter to UNC revising finding concerning Special Use Permit requirement.
 - f. July 18, 2011 Orange County Planning Letter to UNC providing comments related to a courtesy review of a draft site plan.
 - g. December 2011 – Final site plan package submitted by UNC related to the research facility site.
 - h. February 1, 2012 Orange County Planning Letter to UNC approving submitted site plan package.
 - i. Copy of North Carolina General Statute (NCGS) 153A-347.
- 4. Statement from UNC related to the appeal (Attachment D)
 - 5. Approved site plan – February 2012 (Attachment E)

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary data collection techniques. The analysis focuses on identifying trends and patterns over time, which is crucial for making informed decisions.

The third part of the document provides a detailed breakdown of the results. It shows that there has been a significant increase in sales volume, particularly in the latter half of the period. This is attributed to several factors, including improved marketing strategies and better customer service.

Finally, the document concludes with a series of recommendations for future actions. It suggests continuing to invest in marketing and customer service while also exploring new product lines. The goal is to maintain the current growth trajectory and expand the market share further.

Attachment A - Vicinity and Property Map
CASE A-02-12
Board of Adjustment - November 12, 2012

UNC Property
 1907 Orange Chapel
 Clover Garden Road
 Chapel Hill, NC 27516

PIN 9728-93-1820

Clifford Leath
 6600 Maynard Farm Road
 Chapel Hill, NC 27516

PIN 9738-03-4870

AR

Haw River
 Unprotected Watershed

Walt Lobotsky
 (Now owned by UNC)
 6703 Maynard Farm Road
 Chapel Hill, NC 27516
 PIN 9728-92-1837

STAFF NOTE: This is a vicinity/property map utilizing 2012 aerial photographic data. This map serves as a locational map with respect to the highlighted properties associated with a Board of Adjustment case and is not intended for any other purpose such as identifying protected streams or required stream buffers, the location of actual structures on a given parcel of property, the location of the Special Flood Hazard Area Overlay District, or be used in any way to identify/provide zoning related information with respect to the compliance of identified properties with County regulations or be used in any way for development purposes.

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections.

OLD GREENSBORO RD

- | | | | |
|----------------------------|------------------------|---------------------------------------|--|
| USGS Water Feature | Parcels | Zoning | 100 YR Floodplain (Effective 02/02/07) |
| Soils Survey Water Feature | Township | City Limits | Floodway (Effective 02/02/07) |
| OC Updated Water Feature | School System Boundary | ETJ | 500 YR Floodplain (Effective 02/02/07) |
| Water Body | Contours | Conservation Easements Held by Others | Buildings |
| River Basins | County Boundary | Orange County Conservation Easements | Water and Sewer Boundary |
| Watershed | Soils | | |



1 inch = 455.298 feet



ATTACHMENT B – APPEAL APPLICATION

STAFF NOTE:

Walt Lobotsky is listed on the application and the ‘applicant’ initiating the complaint. Clifford Leath, another adjacent property owner, was willing to pay the application fee for the appeal but did not want to be the primary applicant as he was unsure of his availability to attend the appeal hearing when the application was submitted.

Mr. Lobotsky has now requested his name be removed from the application as he is no longer the owner of property adjacent to the UNC facility. As Mr. Leath paid the application fee, and is an adjacent property owner ‘impacted’ by the decision, he is now going to assume the responsibility for acting as the applicant for this request.

Please refer to Attachment A for additional clarification as to the location of the UNC, Leath, and former Lobotsky properties.

Orange County Planning and Inspections Department

BOARD OF ADJUSTMENT:

APPLICATION FOR AN APPEAL/ INTERPRETATION



The Orange County Board of Adjustment with a four-fifths (4/5) vote, may overturn or modify an interpretation of an Administrative Official for the Orange County Planning Department concerning the enforcement and/or the interpretation of a specific provision of the Unified Development Ordinance (UDO). Under the State-enabling act, the review of an interpretation by the Board of Adjustment is not intended to vary the UDO but to interpret and apply what the governing body has written and how it is being implemented in a particular circumstance. The decision of the Board of Adjustment shall be in accord with what the members believe to be the actual meaning and intent of the UDO.

RELIEF REQUESTED: Please check all applicable boxes and complete the required documentation attached.

APPEAL:

INTERPRETATION:

I, Walt Lobotsky and Preserve Rural Orange hereby appeal to the Board of Adjustment from the following adverse decision of an Administrative Official of the Planning and Development Department of the County of Orange, North Carolina made on the 1st day of February, 2012.

The decision ordered that: _____

On February 1, 2012 the University of North Carolina's site plan application submitted 12/9/11 for the UNC Animal Research Facility in Bingham Township was approved, and a Zoning Compliance Permit was issued.

This adverse decision was made with respect to property described in the attached General Application form.

I, _____ hereby request an interpretation of:

The Zoning Map

The Unified Development Ordinance (UDO), Section _____

inssofar as it relates to the use of the property described in the attached General Application form.

**** NOTE:** If the owner of the property subject to this application is not the same as the appellant, a notarized letter from the owner signifying his/her approval authorizing the submittal of the application shall be required **

In the space provided below, or on an attached letter, present your interpretation of the ordinance provision in question and state what reasons you have for believing that your interpretation is the correct one:

On February 1, 2012 the Orange County Planning Department approved a site plan application submitted on December 9, 2011 for the University of North Carolina's Animal Research Facility in Bingham Township. UNC's site plan includes a replacing and modifying a failed wastewater system with a new wastewater treatment and spray irrigation system with a design capacity of 3,556 gallons per day.

Due to the size of the proposed UNC wastewater system (3,000 gallons per day or more), the University is required by county ordinance to apply for a Special Use Permit. Without an approved Special Use Permit, UNC's 3,000+ gallon per day wastewater system is prohibited in the Agricultural Residential district (UDO Section 3.3).

In April 2010, Planning Department staff determined that UNC was required to apply for a Class A Special Use Permit for the facility. Planning staff later reversed the determination in November 2010. Preserve Rural Orange believes that Planning Department staff's first determination was correct in requiring UNC to apply for a Special Use Permit.

In its letter of October 28, 2010 to Mr. Benedict, UNC states that G.S. 153-347 (presumably citing to G.S. 153A-347) precludes the County from regulating the wastewater system and that State water quality rules pre-empt the County's ability to regulate the system. Both interpretations unreasonably and unlawfully restrict the County's authority to regulate wastewater systems with a capacity greater than 3,000 gallons per day.

There are multiple areas of concern regarding UNC's site plan for the animal research facility, including public health, safety, security, impacts on the watershed and water supply, and storage, transport and disposal of animal waste. The Special Use Permit application and review process provides the Board of County Commissioners with the ability to fulfill "its responsibility to protect the public health safety and general welfare" (UDO 5.1.3) and allows county citizens to share concerns.

In 2009 and 2010 the UNC facility's wastewater system was found in violation of county, state and federal regulations. County Planning Department staff issued a notice to UNC that a the UNC facility's 3,000+ gallon per day wastewater system was installed and operating without the required Special Use Permit. In 2010, the North Carolina Division of Water Quality issued three notices of violation, a revocation of a deemed permit and civil penalties on UNC facility's wastewater systems in four months following a series of wastewater equipment failures, chemical contamination of the septic system, incursions into previously undisclosed wetlands, and illegal discharges, including an illegal discharge from a leaking waste lagoon into a tributary of Collins Creek that went unreported for 52 days. The Army Corps of Engineers issued a notification of unauthorized activity/permit noncompliance to UNC for failing to submit a Nationwide Permit Pre-construction Notification when constructing wastewater spray irrigation fields and a new access road in wetlands, in violation of the federal Clean Water Act. The 2006 Environmental Assessment submitted for the project in 2006 states that there will be no significant impacts and that there are no wetlands on the UNC property.

On April 9, 2010 Planning Department staff sent a letter to UNC requiring the University to apply for a Class A Special Use Permit, citing the following determination:

In answering the University's question relating to the necessary process to review proposed modifications to the previously approved site plan(s), and based on available information, staff has determined that the University will be required to submit and seek approval of a Class A Special Use Permit Application allowing for the development of a facility requiring a ground absorption system with a design capacity over three thousand (3,000) gallons per day.

The April 9th Planning Department letter cited the following Orange County ordinance:

Section 6.20 of the Ordinance prohibits the location of 'ground absorption systems with a design capacity of 3,000 gallons per day or more and package treatment plans for sanitary sewage disposal' without the submittal, review and issuance of a Class A Special Use Permit in accordance with the provisions of Article Eight (8)....

Planning Department staff reversed this determination requiring a Class A Special Use Permit in a November 11, 2010 letter to the University:

While staff continues to maintain that we are not seeking to regulate the proposed septic system through a zoning approval process, and we reserve the right to continue monitoring the use of the existing facility in order to evaluate its compliance with existing development regulations, through this letter we hereby modify our original determination and find that a SUP is not required to allow for the installation/modification of the septic system on the property as currently proposed by the University.

According to AR District Specific Development Standards, UNC's wastewater facility requires a Special Use Permit.

UDO (Section 3.3):

6. With the exception of Orange County government development projects, wastewater treatment facilities with a design capacity of 3,000 gallons per day or more and package treatment plants for sanitary sewage disposal are prohibited in the AR zoning district unless approved through the Special Use Permit (SUP) process or as a Conditional Use (CU) District.

The UDO offers the following definition of a Wastewater Treatment Facility (UDO Section 10:1):

Wastewater Treatment Facility

A system of wastewater collection, treatment, and disposal in single or multiple components, including ground absorption systems, non-discharge systems, and systems that discharge effluent to the surface waters, and any other system as may be permitted by the Orange County Health Department or the State of North Carolina. (ref. NCGS Article 11, Chapter 130A)

The UDO specifies that replacements and modifications of land uses in existence prior to adoption of zoning regulations require Special Use Permit application submittal, review and approval (UDO Section 8.6):

SPECIAL PERMIT USES

Any land use that:

(A) Was in existence prior to adoption of zoning regulations and would require the issuance of a Special Use Permit under terms of this Ordinance, or

(B) Is made non-conforming due to an amendment of this Ordinance changing the review and approval criteria of said land use from permitted to either a Class A or B Special Use.

Shall be deemed a conforming use of property within the confines of this Ordinance, subject to the following limitation: Any enlargement, replacement or modification of such a use shall require submittal, review, and approval of a Special Use Permit application as though it were a new use.

In conclusion, ^{Preserve} ~~Protect~~ Rural Orange urges the Board of Adjustment to find that the first interpretation of the County Ordinances by Mr. Harvey in his letter of April 9, 2010 to UNC was correct and that the construction activities associated with the development of the UNC operated research facility require a special use permit. PRO hereby requests a hearing on this matter at the Board's convenience.

Applicants respectfully request that the county waive the \$540 staff review fee and \$800 advertising fee for the appeal.

STATEMENT BY APPELLANT:

I certify that the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Signature of applicant: Walt Lobotsky Laura

Date: 03/01/12 3/1/12

NOTARY:

STATE OF NORTH CAROLINA, COUNTY OF ORANGE

On this 1 day of MARCH, 20 12

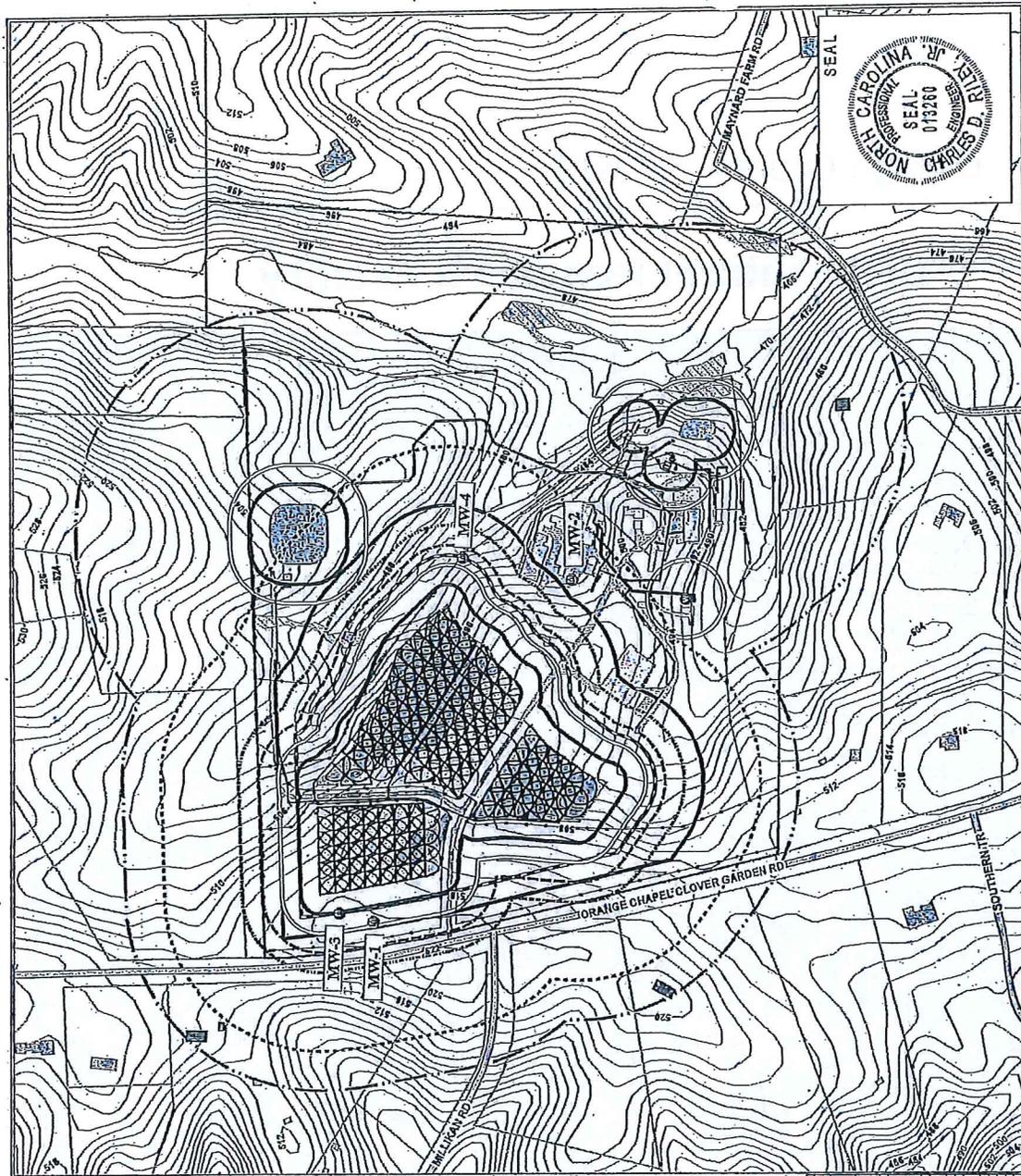
WALT LOBOTSKEY + LAURA STREITFELD personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public Maria Castro

My Commission expires: 12-14-16



Figure 1



Bingham Facility Wastewater System Improvements

Orange County, NC

1502011
1 inch = 250 feet



- Existing Monitoring Wells
- New Monitoring Wells
- Pobble Wells
- Sanitary Sewer
- Poable Water Piping
- 2-A Contour
- Effluent Foremain
- Fenceline
- Stream (survey)
- Sheets
- Irrigation Layout
- Compliance Boundary
- Review Boundary
- Wetlands (survey)
- Existing Building Footprints
- Existing Paved Area
- Bingham Property Boundary
- Orange County Parcel
- Well Subback
- 50' Subback
- 100' Subback
- 150' Subback
- 200' Subback
- 400' Subback
- 500' Area of Interest
- CH-WWTP, CK-WWTP
- Effluent Storage Basin
- Stream Pump Station
- Wet Weather Storage Basin
- Habitable Residences Not Within 500' feet
- Habitable Residences Within 500' feet
- Geopline Solls
- Herndon Solls

Revision 1 10/2011

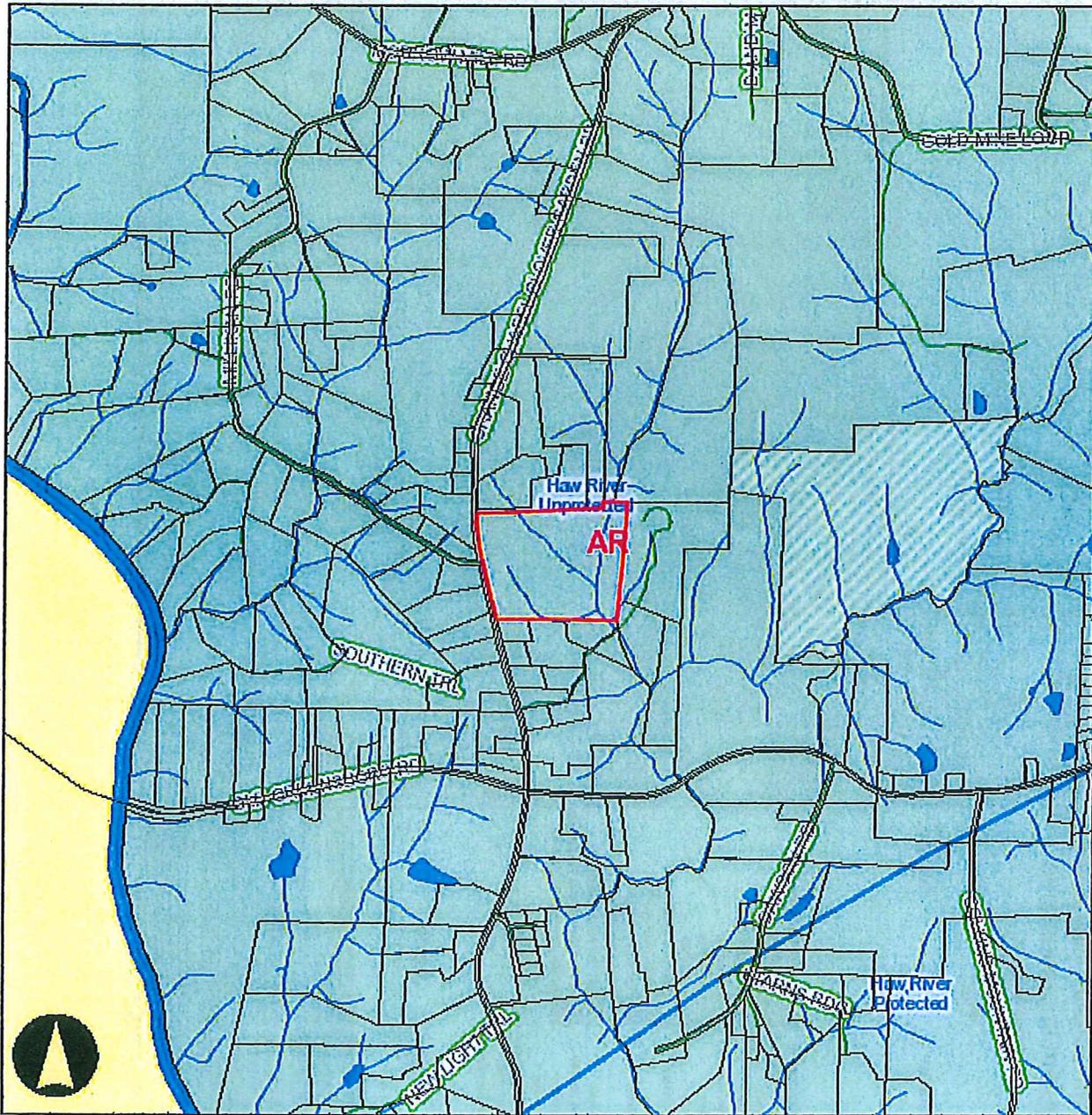
Item	Description	Area (Acres)	Volume (Cubic Feet)	Notes
1	Orange County Parcel	188.00	4,188,000	
2	Well Subback	228.00	5,016,000	
3	50' Subback	209.00	4,602,000	
4	100' Subback	198.00	4,356,000	
5	150' Subback	188.00	4,188,000	
6	200' Subback	178.00	3,924,000	
7	400' Subback	168.00	3,708,000	
8	500' Area of Interest	158.00	3,492,000	
9	CH-WWTP, CK-WWTP	148.00	3,276,000	
10	Effluent Storage Basin	138.00	3,060,000	
11	Stream Pump Station	128.00	2,844,000	
12	Wet Weather Storage Basin	118.00	2,628,000	
13	Habitable Residences Not Within 500' feet	108.00	2,412,000	
14	Habitable Residences Within 500' feet	98.00	2,196,000	
15	Geopline Solls	88.00	1,980,000	
16	Herndon Solls	78.00	1,764,000	
17	Existing Monitoring Wells	68.00	1,548,000	
18	New Monitoring Wells	58.00	1,332,000	
19	Pobble Wells	48.00	1,116,000	
20	Sanitary Sewer	38.00	852,000	
21	Poable Water Piping	28.00	636,000	
22	2-A Contour	18.00	420,000	
23	Effluent Foremain	8.00	180,000	
24	Fenceline	3.00	68,400	
25	Stream (survey)	1.00	22,800	
26	Sheets	0.50	11,400	
27	Irrigation Layout	0.25	5,700	
28	Compliance Boundary	0.125	2,850	
29	Review Boundary	0.0625	1,425	
30	Wetlands (survey)	0.03125	712.5	
31	Existing Building Footprints	0.015625	356.25	
32	Existing Paved Area	0.0078125	178.125	
33	Bingham Property Boundary	0.00390625	89.0625	

Handwritten note: 10/10/2011 10:00 AM
10/10/2011 10:00 AM
10/10/2011 10:00 AM



Orange County, NC GIS

UNC Animal Research Facility



1 Inch = 2000 feet
Created on 3/1/2012. Orange County, North Carolina.

ATTACHMENT C:

**PERTINENT DOCUMENTS
DETERMINED BY STAFF TO
COMPLETE RECORD**

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared _____

known to me to be the person whose name is subscribed to the foregoing instrument,

March 18, 2010 Orange County Planning Letter to UNC detailing new site plan approval for an expansion of the existing research facility.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Current Planning
(919) 245-2575
(919) 644-3002 (FAX)
www.co.orange.nc.us



131 West Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278



March 18, 2010

Eugene Bobber
Planning Office -The University of North Carolina at Chapel Hill
425 Macnider Hall CB# 7000
Chapel Hill, NC 27599

RE: REVIEW of development activities at 1907 Orange Chapel Clover Garden Road
(TMBL 6.33..12 / PIN 9728-93-1820)

Dear Mr. Bobber:

Thank you for your recent efforts to allow for a site visit by Planning staff to inspect recent construction activities associated with the development of a University operated research facility, in accordance with an approved site plan(s), at 1907 Orange Chapel Clover Garden Road (hereafter 'the Property').

The property is approximately fifty-six (56) acres in area and is currently zoned Agricultural Residential (AR). The property is also located within the Agricultural Residential Land Use Category as defined within the 2030 Orange County Comprehensive Plan. The property is heavily wooded with numerous streams flowing throughout.

In reviewing our records, staff has determined the following:

1. Sometime in 2003 a discussion began amongst Planning staff and University officials over the possibility of developing a research facility on the property that included housing and breeding facilities for mice, dogs, and hogs that are utilized to support various research projects.
2. In November of 2003 a letter was issued by the Planning Department informing the University that the property could be utilized to develop a 'Universities, Colleges, and Institutes' land use in accordance with the provisions of the Orange County Zoning Ordinance (hereafter 'the Ordinance') as such uses were considered a permitted use of property within the AR zoning district per Section 4.3 *Table of Permitted Uses* subject to

site plan approval in accordance with Article Fourteen (14) *Site Plan Approval Procedures* of the Ordinance.

3. On October 8, 2004 a site plan application proposing the development of a University research facility on the property was submitted.
4. The aforementioned site plan was approved by staff on November 22, 2004, as detailed within a letter authored by Ms. Cara Thames, allowing for the development of the following on the property:
 - a. 11,000 square foot rodent retention facility,
 - b. 8,850 square foot bio-lab,
 - c. 5,000 square foot dog kennel,
 - d. 1,500 square foot office,
 - e. 1,000 square foot storage facility,
 - f. 15,000 square foot kennel and lab are to support a new 'Blood Lab',
 - g. 5 pig enclosures, and
 - h. Parking facilities for employees

The site plan denoted the location of several 'future' buildings on the property as well.

5. In 2006 staff and University officials were discussing the need for a revised site plan showing:
 - a. The final location for all proposed, and existing, structures on the property,
 - b. The location of the spray irrigation field areas and other septic field and repair locations, if any,
 - c. All well locations,
 - d. The location of all streams and flood plains on the property,
 - e. The provision of a driveway encroachment agreement from NC DOT for the improvements to the entrance of the property, and
 - f. The location of sediment basins and stormwater detention ponds,

The revised site plan was deemed necessary as University staff had indicated that modifications were necessary to previously approved structures. In May of 2006 a site plan was submitted incorporating these items as requested by staff. According to our records the University was authorized in July of 2006 to move forward with development plans as approved by staff.

During a recent inspection of the property staff observed on-going construction work on various structures consistent with the approved 2004 and 2006 site plan(s). At this time, staff was informed that University staff was in the process of re-evaluating the location of all proposed structures, as well as their overall size and use, and that further modifications to the approved site plan(s) would be necessary to accommodate the University's needs on the property.

Planning staff understands that as programs are changed or modified there is an impact on the needs for space and their proximity to existing development on a given parcel of property. That being said any proposed modification to the location and/or size of structures on the property will require a site plan modification processed through the Orange County Planning Department in accordance with the provisions of the Ordinance.

Staff recommends that the University complete a new site plan application form (please see attached) and submit a revised site plan, for review and approval by staff, showing the revised building locations and their size. Once this revised site plan is reviewed and approved the University can begin development activities consistent with the requirements of the Ordinance.

Please note that staff will require certification that existing septic systems can support the proposed new facilities prior to any approval issued by this Department. It should be noted that Section 6.20 of the Ordinance prohibits the location of *'ground absorption systems with a design capacity of 3,000 gallons per day or more and package treatment plants for sanitary sewage disposal'* without the submittal, review, and issuance of a Class A Special Use Permit in accordance with the provisions of Article Eight (8) or a the submittal, review, and issuance of a Planned Development (PD) rezoning and Class A Special Use Permit in accordance with Article Seven (7) of the Ordinance.

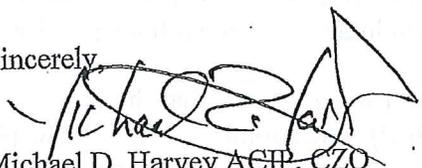
As of the writing of this letter, staff has not been provided any documentation from the University relating to the design capacity of the current sanitary disposal system operating on the property. With the submittal of the revised site plan, as discussed herein, we will be requiring more detail on the existing sanitary sewage disposal system currently permitted to operate on the property, specifically focusing on its design capacity. If the system exceeds established limitations, as referenced herein, further permit review will be required before additional land disturbing activities are authorized.

Further, while we realize that the septic facility on the property is reviewed, permitted, and inspected by the State, as are all of the buildings constructed on site, we request that our local Health Department and Building Inspections division, if necessary, be involved to the greatest extent possible with the review, permitting, and inspection of development proposals for the property in an effort to provide comment on proposed development activities as well as to offer guidance on addressing various developmental issues.

In terms of coordinating future zoning inspections to ensure compliance with approved site plan(s), the Department requests that University staff provide notice when development activities are initiated so necessary zoning compliance inspections can be conducted in accordance with the provisions of the Ordinance. As the facility is gated and access restricted, staff will need your assistance to ensure that we are able to verify the conforming status of all development projects consistent with all approved site plans.

Staff looks forward to working with you on this matter and looks forward to reviewing the revised site plan application. You may reach staff at (919) 245-2575 for additional assistance.

Sincerely,



Michael D. Harvey ACP, CZO
Current Planning Supervisor
Orange County

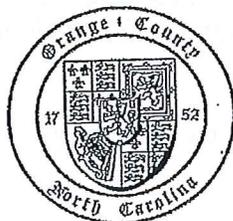
ATTACHMENTS: Site Plan Application

CC: Orange County Commissioners
Frank Clifton, County Manager
Craig Benedict, Planning Director
Susan Mellott, Building Inspections
Tom Konsler, Environmental Health
John Roberts, County Attorney
File

April 9, 2010 Orange County Planning Letter to UNC outlining Special Use Permit requirement.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Current Planning
(919) 245-2575
(919) 644-3002 (FAX)
www.co.orange.nc.us



131 West Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278



April 9, 2010

Bob Lowman
Associate Vice Chancellor for Research - UNC
312 South Building
Campus Box 4000
Chapel Hill, NC 27599

Dwayne Pinkney
Assistant to the Chancellor - UNC
303 South Building
Campus Box 1000
Chapel Hill, NC 27599

Eugene Bobber
Planning Office -UNC
425 Macnider Hall
Campus Box 7000
Chapel Hill, NC 27599

RE: REVIEW of development activities at 1907 Orange Chapel Clover Garden Road
(TMBL 6.33..12 / PIN 9728-93-1820)

To Whom It May Concern:

Recently, Mr. Eugene Bobber was kind enough to permit a site inspection by Planning staff to inspect recent construction activities associated with the development of a University operated research facility at 1907 Orange Chapel Clover Garden Road (hereafter 'the Property').

The purpose of the inspection was to verify that construction activity was being carried out in accordance with a Zoning Compliance Permit issued by this office based on an approved of a site plan, originally approved in November of 2004 and modified by the University in 2006.

The property is approximately fifty-six (56) acres in area and is currently zoned Agricultural Residential (AR). The property is also located within the Agricultural Residential Land Use Category as defined within the 2030 Orange County Comprehensive Plan. The property is heavily wooded with numerous streams flowing throughout.

During the aforementioned inspection, Mr. Bobber indicated that the site was being re-evaluated with respect to the location of all proposed structures, as well as their overall size and use, and that further modifications to approved site plan(s) would be necessary to accommodate the University's needs on the property.

Staff was asked to provide guidance on the necessary review and approval process to accommodate these anticipated revisions.

In reviewing this request, staff has determined the following:

1. Sometime in 2003 a discussion began amongst Planning staff and University officials over the possibility of developing a research facility on the property that included housing and breeding facilities for mice, dogs, and hogs that are utilized to support various research projects
2. In November of 2003 a letter was issued by the Planning Department informing the University that the property could be utilized to develop a 'Universities, Colleges, and Institutes' land use in accordance with the provisions of the Orange County Zoning Ordinance (hereafter 'the Ordinance').

Such uses were considered a permitted use of property within the AR zoning district per Section 4.3 *Table of Permitted Uses* after the property owner/applicant demonstrates compliance with applicable provisions of the Ordinance including, but not limited to, site plan approval as detailed within Article Fourteen (14) *Site Plan Approval Procedures*.

3. On October 8, 2004 a site plan application proposing the development of a University research facility on the property was submitted.
4. The site plan ('Phase 1') was approved by staff on November 22, 2004 allowing for the development of the following on the property:
 - a. 1,500 square foot research office,
 - b. 8,850 square foot research bio-lab,
 - c. Parking facilities for employees,
 - d. 11,000 square foot rodent retention facility,
 - e. 5,000 square foot dog kennel,
 - f. 1,000 square foot storage facility,
 - g. 15,000 square foot kennel and lab are to support a new 'Blood Lab', and
 - h. 5 pig enclosures

The site plan denoted the location of several buildings on the property, above and beyond what was asked by the University for the County to approve at that time.

It should be noted that there was no reference on the approved site plan denoting the overall size or capacity needs of the septic system necessary for the project nor was there any reference to the number of employees that would be working from the property.

The aforementioned letter only approved the construction of the various buildings identified therein. It did not grant 'blanket' approval for all buildings shown on the site plan.

There was an apparent understanding that as new building(s) were proposed for construction, additional site plan submittal, review, and approval would be necessary. This includes the payment of applicable Department review fees.

5. In 2006 Planning staff and University officials were discussing the need for a revised site plan showing:
 - a. The final location for all proposed, and existing, structures on the property,
 - b. The location of the spray irrigation field areas and other septic field and repair locations, if any,
 - c. All well locations,
 - d. The location of all streams and flood plains on the property,
 - e. The provision of a driveway encroachment agreement from NC DOT for the improvements to the entrance of the property, and
 - f. The location of sediment basins and stormwater detention ponds,

The revised site plan ('Phase 2') was deemed necessary as University officials had indicated that modifications were necessary to previously approved structures. In May of 2006 a site plan was submitted to the County incorporating these items as requested.

According to our records the University was authorized in July of 2006 to move forward with the revised development plans.

As with the 2004 site plan, there was no reference to the overall size or design capacity of the septic system on the revised site plan.

6. Planning staff has discovered that the existing wastewater disposal system on the property has a design capacity over three thousand (3,000) gallons based on permit records on file with the Orange County Health Department regarding the existing State permitted system.

This may have been in response to support the anticipated development of future buildings on the property.

7. Section 6.20 of the Ordinance prohibits the location of *'ground absorption systems with a design capacity of 3,000 gallons per day or more and package treatment plants for sanitary sewage disposal'* without the submittal, review, and issuance of a Class A Special Use Permit in accordance with the provisions of Article Eight (8) or a the submittal, review, and issuance of a Planned Development (PD) rezoning in accordance with Article Seven (7) of the Ordinance.
8. During the zoning site inspection, carried out on December 17, 2009, staff noticed inconsistencies with the 'Phase 2' site plan approved in 2006.

In answering the University's question relating to the necessary process to review proposed modifications to the previously approved site plan(s), and based on available

information, staff has determined that the University will be required to submit and seek approval of a Class A Special Use Permit Application allowing for the development of a facility requiring a ground absorption system with a design capacity over three thousand (3,000) gallons per day.

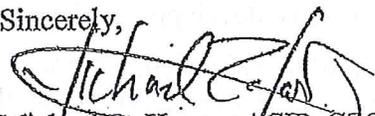
Staff is including the necessary Class A Special Use Permit application packet as well as the applicable provisions of the Ordinance relating to the review and approval of the project. Class A Special Use Permits are reviewed by the County Board of Commissioners and the Planning Board at one (1) of four (4) previously scheduled quarterly public hearings. Staff has attached a copy of the submittal deadlines associated with each of the quarterly public hearing dates.

The application fee for the processing of the Special Use Permit shall be \$1,560.00 in accordance with the current Orange County fee schedule. The site plan review, in order to allow staff to issue the Zoning Compliance Permit once the Special Use Permit is approved, shall be \$1,000.00 plus \$20.00 per one thousand (1,000) square feet of building area.

Planning staff strongly recommends that University officials schedule a pre-application meeting to review the necessary submittal and review process associated with the processing of a Class A Special Use Permit application.

Staff looks forward to working with you on this matter and will be more than happy to assist with the processing of the site plan modification as well as the Class A Special Use Permit application package. You may reach staff at (919) 245-2575 for additional assistance.

Sincerely,



Michael D. Harvey ACIP, CZO
Current Planning Supervisor
Orange County

ATTACHMENTS: (1) Class A Special Use Permit Application
(2) Article Eight (8) *Special Uses* of the Ordinance

CC: Orange County Commissioners
Frank Clifton, County Manager
Craig Benedict, Planning Director
John Roberts, County Attorney
Susan Mellott, Building Inspections
Tom Konsler, Environmental Health
File

(PLEASE TYPE OR PRINT - INK ONLY)

8/88

APPLICATION FOR CLASS A SPECIAL USE PERMIT
ORANGE COUNTY BOARD OF COMMISSIONERS

DATE: ___/___/___
APPLICATION NUMBER: PD-___-___

I (We) request a Class A Special Use Permit as provided for in Article _____ of the
Orange County Zoning Ordinance for _____

The following information is provided in support of this request:

A. PROPERTY INFORMATION:

Street Address or Location: _____
Orange County Tax Map _____ Block _____ Lot(s) _____ Township _____
Zoning District(s): _____
Lot/Parcel Size: _____ acres or _____ square feet
Number of Existing Buildings: _____ Gross Floor Area: _____ square feet
Number of Proposed Buildings: _____ Gross Floor Area: _____ square feet
Water Supply: _____ Public (Specify) _____ Community _____ Individual
Wastewater Disposal: _____ Public (Specify) _____ Community _____ Individual
School District: _____ Fire District: _____
General Land Uses in Area: _____
Critical Areas: _____ Stream/Drainageway _____ Flood Prone Area
Watershed (Specify) _____ Historic Site
Other (Explain) _____

B. SITE PLAN INFORMATION:

Twenty-six (26) copies of a Site Plan, prepared by a registered North Carolina
surveyor or engineer, are provided as required by Article 8.8 and which contain the
following information:

- _____ North point, scale, and date.
- _____ Extent of area to be developed.
- _____ Locations and widths of all easements and rights-of-way within or adjacent to
the site.
- _____ Location of all existing and proposed structures on the site.
- _____ Location of all areas on the site subject to flood hazard or inundation as shown
on flood maps or soils maps.
- _____ Location of all water courses on the site, including direction of flow.
- _____ Existing topography at a contour interval of five (5) feet based on mean sea
level datum.
- _____ Existing and proposed fencing, screening, gates, parking, service, and storage
areas.
- _____ Access to site, including sight distances on all roads used for access.

(PLEASE COMPLETE REVERSE SIDE)

C. OTHER SUBMITTAL INFORMATION:

- _____ Elevations of all structures proposed to be used in the development.
- _____ Two (2) full-size copies of the applicable Orange County Tax Map, one (1) copy with the property in question clearly marked.
- _____ The names and addresses of the property owner(s) and/or applicant(s), and the names and addresses are all persons owning property within five hundred (500) feet of the property in question.
- _____ Application fee as set by the Orange County Board of Commissioners.
- _____ Traffic impact study as required by Article 13 of the Zoning Ordinance.
- _____ Additional information regarding the proposed Special Use as required by Article 8 of the Zoning Ordinance.
- _____ Narrative (or letters from appropriate agencies) indicating:
 1. Method and adequacy of provision of sewage disposal facilities, solid waste disposal, and water service. Where public sewer is not available, a letter from the Orange County Health Department certifying the suitability of the existing and/or proposed wastewater treatment system for the property.
 2. Method and adequacy of police, fire, and rescue squad protection.
 3. Method and adequacy of vehicular access to the site and traffic conditions around the site.

I (We), the applicant(s), hereby certify that the foregoing application and supporting documentation is complete and accurate. I understand that it shall be my (our) responsibility to present evidence to the Board of Commissioners the form of testimony, exhibits, documents, models, plans, and the like to support the request for approval of the Class A Special Use Permit.

APPLICANT SIGNATURE(S)

_____/_____/_____
DATE

NOTE: If title to the above mentioned property is not in the name of the applicant(s), please include a letter from the owner(s) signifying approval of the request.

FEES: Amount \$ _____ Date Paid: ____/____/____ Receipt # _____

ARTICLE 8 - SPECIAL USES

8.1

It is the intention of the Board of County Commissioners to create, and from time to time amend, a list of Special Uses within Article 4 Permitted Use Table which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation. The Board of County Commissioners is aware of its responsibility to protect the public health, safety and general welfare and believe that certain uses which now or in the future may be included on this list are appropriately handled as Special Uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right.

In addition to the listing of such uses, the Board of County Commissioners intends that the general standards, established in Section 8.2.1, and the more specific requirements in 8.2.2, established below, shall be used by the Board of Adjustment, the Planning Board and the Board of County Commissioners, as appropriate, to direct deliberations upon application or the approval of Special Uses. It is the express intent of the Board of County Commissioners to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.

8.2.1

Before any application for a Special Use shall be approved:

- a) The applicant shall have the burden of establishing, by competent material and substantial evidence, the existence of the facts and conditions which this ordinance requires for approval; and
- b) The Board shall make written findings certifying compliance with the specific rules governing such individual Special Use and that the use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards including the following general conditions:

Amended
1/8/90

- (1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
- (2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property);

Amended
8/3/95

- (3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners;

and including all applicable provisions of Articles 4, 5, 6, 7, 9, 10 and 12 of this Ordinance, unless greater or different regulations are contained in the individual standards for the specific Special Use. The applicant shall have the burden of establishing by competent material and substantial evidence in the form of testimony, exhibits, documents, models, plans and the like that the application meets the requirements for approval of a Special Use.

8.2.2
Amended
8/3/95

Where the Board finds compliance with the general standards, specific rules governing the specific use and that the use complies with all required regulations and standards the application must be approved unless the Board shall also find, in some specific manner, that:

Amended
1/8/90
8/3/95

The use will not maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;

Those opposing approval of the application on the grounds that the use will not promote the public health, safety and general welfare shall have the burden of establishing, by competent material and substantial evidence, the specific manner in which the proposed use does not satisfy the requirements for approval of the application for a Special Use.

8.2.3
Amended
6/3/96

The Special Use Permit shall include a statement that if any condition of a Special Use Permit shall be held invalid or void, then the permit itself shall be void and of no effect.

8.2.4

In addition to the general standards stated in 8.2 the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit:

- a) Method and adequacy of provision of sewage disposal facilities, solid waste, and water.
- b) Method and adequacy of police, fire and rescue squad protection.
- c) Method and adequacy of vehicular access to the site and traffic conditions around the site.
- d) Other use specific standards are set forth in Section 8.8.

8.2.5
Amended
6/3/96

It shall be stated in the Special Use Permit that the Permit shall automatically expire within twelve (12) months of the date of approval if the use has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of County Commissioners as provided in 8.4.11 of the Orange County Zoning Ordinance.

8.3

Establishment of Classes of Special Uses; Authority To Approve or Disapprove

There is hereby established two classes of Special Uses which shall be approved or disapproved as shown:

Class A - Approved or disapproved by Board of Commissioners

Class B - Approved or disapproved by Board of Adjustment

8.4

Procedure For Submission and Consideration of Applications For Approval of Special Uses

8.4.1
Amended
8/4/86
12/10/02
6/4/08

Pre-Application Conference

- a) Prior to the application being received as prescribed in Article 8.4.2, the applicant must request a pre-application meeting with the Orange County Planning Department. A sketch plan illustrating the location, size and major design elements of the development of the site must be submitted five (5) working days prior to the pre-application meeting. The Planning Department may request that representatives of other public agencies be present at the pre-application meeting. These agencies may include, but not be limited to, the Orange County Planning Board, the Orange County Recreation Department, the Orange County Health Department, the municipalities of Chapel Hill, Carrboro, Hillsborough, and Durham, the North Carolina Department of Transportation, and Orange Water and Sewer Authority.
- b) Annual Telecommunications Projection Meeting (ATPM). In January of each year the County shall hold a meeting of all carriers and tower companies who have filed applications the previous year or anyone who has expressed an interest in filing an application to construct a facility within the County in order to develop a plan for facility deployment within the County that provides reasonable coverage based on the needs of the County and its residents, while minimizing the number and intrusiveness of the facilities and the most efficient facility site use. The County shall notify each party of the date, time and place of the meeting no later than thirty (30) days prior to the meeting at the last known address of the party and

attendance shall be expected from all parties desiring to locate wireless telecommunication facilities within the County during the year. Attendance at the ATPM is mandatory.

- 1) Prior to the acceptance of any applications for Telecommunications Wireless Support Structures, a plan indicating proposed search rings shall be submitted to the Zoning Officer on or before December 31st of each year. The purpose of the ATPM is to allow for a complete review of collocation opportunities and address coverage issues. After all site plans or search area plans are received, the Planning Department Staff shall schedule an ATPM during the month of January with the providers. New applications for Class A Special Use Permits for telecommunications wireless support structures will be reviewed twice per year at the County Commissioners' May and November Public Hearings. New applications for Class B Special Use Permits for telecommunications wireless support structures will be reviewed by the Board of Adjustment in accordance with the published Board of Adjustment meeting schedule. No application will be considered unless the proposed site was identified on either the site plan or the search ring plan shown at the ATPM.
- 2) Formal applications for the May and November Public Hearings by the County Commissioners, and meetings of the Board of Adjustment, shall be submitted in accordance with the published yearly calendar of meetings schedule.
- 3) Exceptions to the ATPM requirement as it applies to a particular site may be allowed in the case of unforeseen events as defined in Section 6.18 provided the applicant shall submit documentation for review by the Orange County Development Advisory Committee (DAC) that such a waiver is necessary. The DAC shall make a determination on the waiver request and notify the applicant within a reasonable time period.
- 4) As of the effective date of this Ordinance amendment, any pending applications that have not received a zoning compliance permit or a special use permit shall meet all requirements of this Ordinance, including, but not limited to submission deadlines, application standards and processing, excluding the ATPM requirement.

8.4.2

Application Submitted to Zoning Officer

Application for approval of Special Uses shall be filed with the Zoning Officer, who shall, before accepting any application, ensure that it contains all required information, as specified elsewhere in this Article.

Applications which are not complete, or otherwise do not comply with the provisions of this Article, shall not be accepted by the Zoning Officer, but shall be returned forthwith to the applicant, with a notation by the Zoning Officer of the deficiencies in the application.

8.4.3

Amended
8/4/86
3/14/00

Zoning Officer Prepares Analysis and Recommendation

The Zoning Officer shall cause an analysis to be made of the application by qualified representatives of the County and such other agencies or officials as appear appropriate in the Comprehensive Plan, zoning, subdivision, soil erosion and sedimentation, and health regulations, and, based upon that analysis, prepare a recommendation for consideration by, in the case of Class A Special Uses, the Planning Board and Board of County Commissioners and, in the case of Class B Special Uses, the Board of Adjustment.

8.4.4

Amended
8/4/86
3/14/00

Recommendation Submitted To Planning Board or Board of Adjustment

The Zoning Officer shall submit the analysis and recommendation to the Planning Board, in the case of Class A Special Uses, or the Board of Adjustment, in the case of Class B Special Uses.

8.4.5

Amended
1/3/84

Public Hearing Required; Notice Specified

Prior to consideration of the application for approval of a Special Use, a public hearing thereon shall be held by either the Board of County Commissioners or the Board of Adjustment, as appropriate for the classification of the Special Use involved.

The Zoning Officer shall give public notice of the date, time and place of the public hearing to be held to receive comments, testimony and exhibits pertaining to the application for approval of a Special Use.

Such notice shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date of the hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

The Zoning Office shall post on the applicant's affected property a notice of the public hearing at least ten days prior to the date of said hearing.

Written notice shall be sent by certified mail to all adjacent property owners not less than fifteen days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose names and addresses are currently listed in the Orange County tax records.

8.4.6

Amended
8/4/86
3/14/00

Planning Board Action On Class A Special Uses

The Planning Board shall prepare and submit for the Board of County Commissioners a recommendation concerning the disposition of the application. The Board of County Commissioners may direct the Planning Board to provide a recommendation by a date certain. If the Board of County Commissioners does not so direct, the Planning Board shall make its recommendation within three regularly scheduled Planning Board meetings. If the Planning Board fails to make a recommendation as directed by the Board of County Commissioners or within three regularly scheduled Planning Board meetings, whichever is applicable, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.

8.4.7

Amended
6/3/96

Action On The Application

After completion of the public hearing, the Board of County Commissioners or the Board of Adjustment, as appropriate, shall take action upon the application. This action shall be one of the following:

- a) Approval;
- b) Approval with conditions attached;
- c) Denial.

8.4.8

Imposed Conditions

The Board of County Commissioners or the Board of Adjustment, as appropriate; may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety and general welfare, ensure that substantial justice is done and equitable treatment provided.

Such conditions shall run with the land and use, and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.

8.4.9

Amended
10/4/82

Withdrawal of Application

An applicant may withdraw their application at any time by written notice to the County Manager. However, any withdrawal of an application after the printing of the first notice as required in 8.4.4 shall have the same effect as a denial of the petition.

8.4.10

Amended
10/4/82

Effect of Denial on Subsequent Petitions

When the Board of County Commissioners or Board of Adjustment, as appropriate, shall have denied an application, the Board of County Commissioners or Board of Adjustment shall not receive another application for the same or similar petition affecting the same property or a portion thereof until the expiration of a one year period, extending from the date of denial.

8.4.11
Amended
10/7/91

Time Limits on Special Uses

Construction of Special Uses must start and proceed within twelve (12) months of the approval of the Special Use Permit. If no construction has started within the stated time frame, the Special Use Permit becomes null and of no effect.

If a request is received before the permit expires, the Board of County Commissioners, for good cause shown, may extend the expiration deadline six (6) months upon the favorable recommendation of the Planning Board. No changes shall be made to the conditions of approval. Only one such approval of the time extension is permitted, and it shall be based on evidence presented by the applicant showing that permits have been pursued in a timely manner, and that delays have resulted from factors beyond the control of the developer.

For developments which require approval of a Special Use Permit, the applicant may request that the Special Use Permit be vested as a Site Specific Development Plan for a period of not less than two (2) nor more than five (5) years. For vesting purposes, Site Plans and Preliminary Plats may also be approved as a Special Use Permit at the request of the applicant. Additional application information is required, as specified in Article 8.8.27.

8.5
Amended
3/14/00

Action Subsequent to the Board Action

The Zoning Officer shall cause notice of the disposition of the application to be sent by certified mail to the applicant and a copy of the decision to be filed in the office of the Zoning Officer.

The Zoning Officer, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Board's action.

The Orange County Manager shall certify that the Special Use Permit with any imposed conditions is as approved by the Board of County Commissioners or Board of Adjustment, as appropriate.

8.6
Amended
7/6/82

Contents of Application for Approval of a Special Use

The application for approval of a Special Use shall be submitted on forms provided by the Zoning Officer. Such forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics shall be disclosed. Additionally, the forms shall, when completed by the applicant, disclose the name(s) and address(es) of the owner(s) of the property involved, and all relevant information needed to show compliance with the general and specific standards governing the Special Use which is the subject of the application. (See Section 8.2)

8.7

Minor Changes To Be Approved By Zoning Officer; Modifications Require Action By Approving Board

The Zoning Officer is authorized to approve minor changes in the approved plans of Special Uses, as long as they are in harmony with action of the approving Board, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the Board having jurisdiction.

*8.7.1

*Amended
7/5/83

Criteria To Be Used In Determination

- a) Any change in a condition imposed during the approval of a special use permit shall constitute a modification.
- b) Any change in use or enlargement of existing use shall constitute a modification.
- c) Any increase in intensity of use shall constitute a modification. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units.
- d) Structural alterations which significantly affects the basic size, form, style, ornamentation, and/or character of the building as shown on the approved site plan or described in the applicants narrative shall be considered a modification.
- e) Substantial change in the amount and/or location of open space, recreation facilities or landscape screening shall constitute a modification.
- f) Any increase in the size or number of approved signs shall constitute a modification.
- g) Any change in parking areas resulting in an increase or reduction of five percent or more in the number of spaces approved shall constitute a modification.
- h) Substantial changes in pedestrian and/or vehicular access or circulation shall constitute a modification.
- i) Any change in a setback required by the provisions of this Ordinance or imposed as a condition of approval shall constitute a modification.
- j) Any change in the location or extent of street and utility improvements or rights-of-way, including water, sewer and storm drainage facilities, which would provide a different level of service shall constitute a modification.

***8.7.2**

*Amended
7/5/83

Review of Record Required

The Zoning Officer shall, before making a determination as to whether a proposed action is a minor change or a modification, review the record of the proceedings on the original application for approval of the Special Use. The determination shall be based upon the request of the applicant, the review of the record of the approval of the original request and the Zoning Officer's findings under the criteria of Section 8.7.1.

***8.7.3**

*Amended
7/5/83

Action Required on Proposed Minor Changes or Modifications

The Zoning Officer shall, if it is determined that the proposed action is a minor change, state the findings in writing to the applicant. The applicant shall file with the Zoning Officer an amended site plan, or written statement, outlining in detail the minor change(s) proposed. The Zoning Officer shall file the amended site plan or written statement with the approved site plan.

If it is determined that the proposed action is a modification, the Zoning Officer shall require the applicant to submit a request for modification of the approved special use permit. The applicant shall provide an amended site plan and written narrative outlining the specific changes requested. The Zoning Officer shall submit the request to the Board which approved the original application. The Board shall set a public hearing to receive testimony concerning the modification request. Any public hearing called pursuant to a modification of an approved special use permit shall be held in conformity with the requirements of Section 8.4.4. The Board may approve, approve with conditions or disapproved the application for a modification. The Zoning Officer shall file the Board's action in his office as an amendment request to the original application.

*8.8

*Amended

11/21/89

10/7/91

9/16/03

Regulations Governing Individual Special Uses

The regulations for each Class A and Class B Special Use are divided generally into two sections: the first consists of additional and specific components of the application beyond those necessary to comply with Section 8.6, while the second consists of the specific standards which are supplementary to the general standards in Section 8.2 and to the required conditions in Subsection 8.4.7.

The following additional information is required for all Special Use Applications:

- a) For Class A Special Uses twenty-six (26) copies of the Site Plan, and for Class B Special Uses ten (10) copies of the Site Plan, prepared by a registered North Carolina land surveyor, landscape architect, architect, or engineer, which shall contain the information listed in Article 14.2.2. Where the application involves a Preliminary Subdivision Plat, twenty-six (26) copies of the Plat prepared in accordance with Section V of the Orange County Subdivision Regulations shall be provided.
- b) Elevations of all proposed structures to be used in the development.
- c) For Class A Special Uses twenty-six (26) copies and for Class B Special Uses ten (10) copies of the Environmental Assessment and/or Environmental Impact Statement, if required by the Orange County Environmental Impact Ordinance.
- d) A fee, as set by the Orange County Board of Commissioners.
- e) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.

*8.8.1

*Amended

4/1/85

Extraction of Earth Products (Class A Special Use)

*8.8.1.1

*Amended

7/5/83

Additional Information

In addition to the information required by Subsection 8.2, the following shall be submitted as part of the application.

- a) Twenty-six copies of the site plan, prepared by a North Carolina registered land surveyor or engineer, which shall contain the following:
 - 1) Extent of area to be excavated or mined.
 - 2) Aerial photograph of site and all areas within 1,000 feet of the perimeter of the property flown within two (2) months of the application for a Special Use Permit.

For purposes of this ordinance, steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute, shall be considered impact vibrations.

- b) The Rehabilitation Plan shall be referred to the Orange County Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to ensure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
- c) The permanent roads, defined as those to be used in excess of one year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland Cement concrete.
- d) Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.
- e) Where the proposed fill shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six feet high shall be installed.
- f) The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with filling.

*8.8.3 Public Utility Stations and Substations, including electric substations, metering, and switching stations receiving more than 100 kilovolts (kv) of electricity, Water Treatment, Sewage Treatment Plant, Telephone Exchanges (Class A Special Use)

*Amended
1-3-89

8.8.3.1 Additional Information

In addition to the information required by Subsections 8.2 and 8.8, the following shall be submitted as part of the application:

- a) A Site Plan showing all existing or proposed buildings, storage areas, parking and access areas, topography at a contour interval of five feet, any officially designated floodplains or alluvial soils.
- b) Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials.

- c) Landscape Plan, at the same scale as the site plan showing existing and proposed trees, shrubs, ground cover and other landscape material.

8.8.3.2 Standards of Evaluation

The following standards shall be used in deciding upon an application for approval of these Special Uses:

- a) Where a building is involved and it is proposed to be located in a residentially zoned district, it shall have the appearance suitable for a residential district, or it shall be screened from adjacent residential land.
- b) Where buildings are set back from road rights-of-way or from private property lines by a distance of 200' screening will not be required.
- c) All outside storage areas are fenced and screened from adjacent residentially developed areas.
- d) The site is of adequate size for the sewage disposal system proposed and for the proposed use.

8.8.4 Group Care Facility (Class B Special Use)

8.8.4.1 Additional Information

In addition to the information required by Subsection 8.2 and 8.8 the following shall be submitted as part of the application:

- a) A description of the type of persons to be cared for and the nature of the care to be provided.
- b) If structural alterations to existing structures or new construction is required, a complete description of the nature and extent of these alterations or new construction.

8.8.4.2 Standards of Evaluation

The following standards shall be used in deciding an application for approval of this use:

- a) The proposed use is not within 500 feet of another existing Family Care Facility or Group Care Facility.
- b) Structural alterations shall be of such a nature as to preserve the residential character of the building.
- c) If a state license or permit is required to operate such a facility, the standards necessary to qualify for such a permit have been met.

May 28, 2010 UNC Letter to Craig Benedict (Planning Director) concerning site plan review.

-82-

OVER



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

VICE CHANCELLOR FOR RESEARCH AND ECONOMIC DEVELOPMENT

OFFICE OF THE ASSOCIATE VICE CHANCELLOR FOR RESEARCH
301 BYNUM HALL T 919-962-0656
CAMPUS BOX 4100 F 919-962-6769
CHAPEL HILL, NC 27599-4100

May 28, 2010

Mr. Craig N. Benedict, AICP, Director
Orange County Planning and Inspections Department
131 West Margaret Lane
P.O. Box 8181
Hillsborough, NC 28278

Re: The University of North Carolina at Chapel Hill
Bingham Facility
1907 Orange Chapel Clover Garden Road
(TMBL 6.33.12/PIN 9728-93-1820)

Dear Mr. Benedict:

On behalf of the University, I want to thank you and Michael Harvey for meeting with UNC staff members Bruce Runberg, Anna Wu and Wendy Hillis on April 29, 2010, to discuss our expansion plans for the Bingham Facility. We especially appreciate the time and effort that went into the Orange County Planning Department's guidance for navigating the site plan approval process that was provided in the April 9, 2010, letter from Mr. Harvey.

Part of that letter was a review of past events related to prior approvals for the Bingham Facility. While for the most part the letter was accurate in its history, we offer the following clarifications for the record.

1. In the approval received from the Orange County Planning Department on November 22, 2004, for expansion to the UNC Research Resources Facility, Mr. Harvey's letter noted that (5) pig enclosures were included but did not mention the square footage for those enclosures. The approval was for 4,800 square feet for each of these enclosures, for a total of 24,000 square feet.
2. While Mr. Harvey's letter states that there was no reference on the 2004 approved site plan to the number of employees that would be working from the property, we would like to note that the Site Data provided with the University's application stated that there would be 30 employees on site at build-out.
3. Mr. Harvey's letter also states that there was no reference on either the 2004 approved site plan or the revised site plan approved by the county July 21, 2006, "denoting the overall size or capacity needs" of the wastewater treatment system necessary for the site. After reviewing the documents, we would clarify that application materials for the 2004 approved site plan show the existing wastewater

treatment system and spray fields on Sheet L600. The revised site plan also shows the proposed wastewater treatment system and spray fields and was approved by the county in 2006 without any questions being raised by Orange County staff at the time regarding its overall size or design capacity.

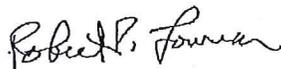
We acknowledge that the permit requirements for the wastewater treatment facility remain to be resolved. As previously discussed, we will contact your office to review these requirements when we have confirmed our plans for the new facility.

My team and I are in the midst of a thorough re-examination of the Bingham Facility that will result in the design and construction of an even stronger, more sustainable project than originally envisioned. The University has hired McKim & Creed, a nationally recognized engineering and design firm that specializes in sustainable design, to develop a reliable, total water management strategy for the site that is both sustainable and environmentally sound. This system will be designed to treat wastewater to the level of reclaimed water, thus alleviating any concerns about possible contamination of the site, groundwater and nearby creek.

This new wastewater treatment system is a key component of a much-needed expansion of the facility that is being partially funded by a \$14.5 million grant from the National Institutes of Health (NIH). This investment is an impressive endorsement of the quality of the University's genetic research on hemophilia, muscular dystrophy and cardiovascular disease. The expansion supports the University's research mission by allowing us to consolidate two remote and crowded facilities in one new and more spacious location designed especially for large animal research.

We look forward to working with your department on this project. Please let me know if you have any additional questions.

Sincerely,



Robert P. Lowman, Ph.D.
Associate Vice Chancellor for Research
University of North Carolina at Chapel Hill

October 28, 2010 UNC Letter to Craig Benedict concerning Special Use Permit requirement.



CHAPEL HILL

UNIVERSITY ARCHITECT AND DIRECTOR
FACILITIES PLANNING DEPARTMENT

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October 28, 2010

Mr. Craig Benedict, AICP, Director
Orange County Planning and Inspections Department
131 West Margaret Lane
P.O. Box 8181
Hillsborough, NC 28278

Dear Mr. Benedict:

I am writing to follow-up on our meeting of October 8, 2010 concerning future plans for the Bingham Facility. As you know, the University has declined the NIH award that would have provided funds for expansion of the facility. Our current plan, as we discussed with you, is to repair and renovate the older buildings and some of the infrastructure, but we will not be constructing any new facilities or expanding any of the existing ones. As we noted in our meeting, the wastewater system will not support any expansion of the existing facilities. As soon as it is available, we will provide to the Orange County Planning Department an updated and corrected site plan for administrative review and approval.

A letter dated April 9, 2010 suggested that the University should seek to obtain a Class A Special Use Permit (SUP) for the wastewater system serving the Bingham Facility. We believe the University is exempt from that requirement for the following reasons:

- a. The Bingham Facility has been in continuous existence since 1971, before the effective date of the County's Zoning Ordinance and before the requirement to obtain an SUP for a wastewater system treating more than 3000 gallons per day. Therefore by default, this use is already permitted.
- b. The North Carolina Department of Environment and Natural Resources (DENR) has statutory authority to regulate this type of wastewater treatment system and is requiring the University to upgrade the system to meet DENR regulations found in Title 15A, subchapter 2T of the North Carolina Administrative Code. The statutory authority and the accompanying state regulations pre-empt the County's ability to regulate this use.
- c. North Carolina General Statute section 153-347 subjects state buildings to regulation by a county's zoning ordinance. A wastewater system consisting of underground piping is not a building and thus cannot be regulated by the County.

For these reasons the University does not believe it must seek an SUP for the wastewater system. We will of course provide you with copies of our plans for the system as well as our application to DENR.

We appreciate the courtesy you have extended to us and your willingness to work with us. Please contact me if you have any questions.

Sincerely,

Anna A. Wu, FAIA

- c: Robert P. Lowman
Masaya Konishi
Bruce Runberg

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November 16, 2010 Orange County Planning
Letter to UNC revising finding concerning Special
Use Permit requirement.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Current Planning
(919) 245-2575
(919) 644-3002 (FAX)
www.co.orange.nc.us



131 West Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278



November 16, 2010

Bob Lowman
Associate Vice Chancellor for Research - UNC
312 South Building
Campus Box 4000
Chapel Hill, NC 27599

Dwayne Pinkney
Assistant to the Chancellor - UNC
303 South Building
Campus Box 1000
Chapel Hill, NC 27599

Eugene Bobber
Planning Office -UNC
425 Macnider Hall
Campus Box 7000
Chapel Hill, NC 27599

Anna Wu
Facilities Planning Department
103 Airport Drive
Campus Box 1090
Chapel Hill, NC 27599-1090

RE: CONTINUED review of development activities at 1907 Orange Chapel Clover
Garden Road (TMBL 6.33..12 / PIN 9728-93-1820)

- I. Special Use Permit Issues
- II. Site Plan Modification

To Whom It May Concern:

Thank you for your recent submittal of a formal response to our April 9, 2010 letter concerning permitting requirements associated with the continued operation of a University research facility located at 1907 Orange Chapel Clover Garden Road (hereafter 'the property').

The property is approximately fifty-six (56) acres in area and is currently zoned Agricultural Residential (AR). The property is also located within the Agricultural Residential Land Use Category as defined within the 2030 Orange County Comprehensive Plan. The property is wooded in areas with some open fields including a few streams.

I. SPECIAL USE PERMIT ISSUES:

Your letter addresses staff's determination, as referenced within our aforementioned letter, that the existing facility would require a Class A Special Use Permit (hereafter 'SUP') to allow for the approval and installation of a proposed septic system for the facility. We understand that the presently installed system, now taken out of service from a ground absorption standpoint, is over 3,000 gallons per day. As you may recall the County has a provision within the Orange County Zoning Ordinance (hereafter 'the Ordinance') mandating that development projects requiring a septic system with a design/processing capacity of over 3,000 gallons a day of ground absorption are required to obtain a SUP.

Staff had determined that the existing and proposed septic system exceeded the established 'threshold' requirements and, as a result, a SUP was required to allow for the facility to operate with the revised system. In rendering our decision, based on the information we had on hand at the time, staff further determined that the property should have gone through the SUP review and approval process back in early 2000 with the review and approval of the last site plan modification request.

However in reviewing your response, dated October 28, 2010, planning staff, the Planning Director, and the County Attorney's office has determined the following with respect to your contention that a SUP is not required to allow for the continued operations of the existing facility:

1. NCGS 153A-347 limits the applicability of the imposition of zoning regulation(s) by counties to the: 'erection, construction, and use of buildings' owned by the State.
2. The proposed wastewater project does not involve the 'erection, construction, and use of buildings' on the property. It involves the installation, and upgrading, of a septic system in accordance with the requirements associated with the North Carolina Department of Environment and Natural Resources.

For our records, please accept this letter as a formal request for a copy and all relevant information associated with this State permit.

3. Existing case law does not support the conclusion that a wastewater treatment facility is a 'building' and as such is not regulated by the County's zoning ordinances.

While staff continues to maintain that we are not seeking to regulate the proposed septic system through a zoning approval process, and we reserve the right to continue monitoring the use of the existing facility in order to evaluate its compliance with existing development regulations, through this letter we hereby modify our original determination and find that a SUP is **not** required to allow for the installation/modification of the septic system on the property as currently proposed by the University.

Please note that all required State and local permits and inspections will be required to allow for the septic system to be modified. We encourage you to remain in contact and coordinate efforts with the Orange County Health Department and Building Inspections

Department to ensure that applicable permitting and inspection requirements are adhered to. For more information, please contact the Health Department at (919) 245-2360 and the Building Inspections Department at (919) 245-2600.

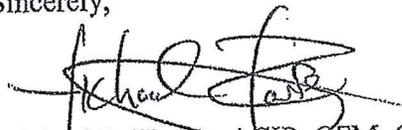
II. SITE PLAN MODIFICATION:

Further, through this letter staff is informing you that the University will be required to submit a revised site plan proposing a site plan modification in accordance with the provisions of Article Fourteen (14). The submittal of this site plan is considered to be an administrative review and will be handled by members of the Department.

This site plan modification will need to show the location of all existing, and proposed, structures for the property as well as the location of the aforementioned septic system. The University will also be required to pay the required site plan review fee of \$1,000.00 as denoted on our current adopted fee schedule for the review and approval of the site plan modification request. Please find attached to this document a copy of the site plan application that will need to be completed as part of this submittal.

Staff looks forward to working with you on this matter and will assist with the processing of the site plan modification application package. You may reach staff at (919) 245-2575 for additional assistance.

Sincerely,



Michael D. Harvey ACIP, CFM, CZO
Current Planning Supervisor
Planner III
Orange County

ATTACHMENTS: 1. UNC Response to County April 9, 2010 letter
2. Site Plan Application

CC: Orange County Commissioners
Frank Clifton, County Manager
Craig Benedict, Planning Director
John Roberts, County Attorney
Sahana Ayer, Staff Attorney
Susan Mellott, Building Inspections
Tom Konsler, Environmental Health
File

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THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

UNIVERSITY ARCHITECT AND DIRECTOR
FACILITIES PLANNING DEPARTMENT

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October 28, 2010

Mr. Craig Benedict, AICP, Director
Orange County Planning and Inspections Department
131 West Margaret Lane
P.O. Box 8181
Hillsborough, NC 28278

Dear Mr. Benedict:

I am writing to follow-up on our meeting of October 8, 2010 concerning future plans for the Bingham Facility. As you know, the University has declined the NIH award that would have provided funds for expansion of the facility. Our current plan, as we discussed with you, is to repair and renovate the older buildings and some of the infrastructure, but we will not be constructing any new facilities or expanding any of the existing ones. As we noted in our meeting, the wastewater system will not support any expansion of the existing facilities. As soon as it is available, we will provide to the Orange County Planning Department an updated and corrected site plan for administrative review and approval.

A letter dated April 9, 2010 suggested that the University should seek to obtain a Class A Special Use Permit (SUP) for the wastewater system serving the Bingham Facility. We believe the University is exempt from that requirement for the following reasons:

- a. The Bingham Facility has been in continuous existence since 1971, before the effective date of the County's Zoning Ordinance and before the requirement to obtain an SUP for a wastewater system treating more than 3000 gallons per day. Therefore by default, this use is already permitted.
- b. The North Carolina Department of Environment and Natural Resources (DENR) has statutory authority to regulate this type of wastewater treatment system and is requiring the University to upgrade the system to meet DENR regulations found in Title 15A, subchapter 2T of the North Carolina Administrative Code. The statutory authority and the accompanying state regulations pre-empt the County's ability to regulate this use.
- c. North Carolina General Statute section 153-347 subjects state buildings to regulation by a county's zoning ordinance. A wastewater system consisting of underground piping is not a building and thus cannot be regulated by the County.

For these reasons the University does not believe it must seek an SUP for the wastewater system. We will of course provide you with copies of our plans for the system as well as our application to DENR.

We appreciate the courtesy you have extended to us and your willingness to work with us. Please contact me if you have any questions.

Sincerely,

Anna A. Wu
Anna A. Wu, FAIA

- c: Robert P. Lowman
- Masaya Konishi
- Bruce Runberg

APPLICATION FOR SITE PLAN APPROVAL

PROJECT NAME:

DATE:

LOCATION:

OWNER/DEVELOPER:

ADDRESS:

PHONE:

AGENT/CONTACT:

PHONE:

A. SUMMARY INFORMATION

Orange County Tax Map _____ Block _____ Lot(s) _____ Twp. _____
 Zoning District(s): On site _____ and Adjacent _____
 Total Acreage: _____ Phases _____
 Number/Type of Structures: (existing) _____
 (proposed) _____
 Water Supply: _____ Public _____ Community _____ Individual _____
 Fire District _____
 Adjacent Land Uses _____
 Critical Areas: _____ Streams/drainageways: _____
 _____ flood prone areas: _____ slopes: _____
 _____ watershed, _____ historic sites, _____
 _____ natural areas, other _____

B. All site plans must be prepared by a registered engineer, landscape architect, or land surveyor (see "Approval Procedures" for exception). Drawings shall be at a scale adequate to show required detail (generally not more than 1"=50') and shall contain the following information:

Check completed items. Shaded areas are for office use only.

- | | | |
|--|--|--|
| | | a. The boundary of the lot(s) to be developed with bearings, and distances; |
| | | b. The name, address, and phone number of the applicant and the property owner; |
| | | c. Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates; |
| | | d. Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses; |

		e. Adjacent right-of-way widths with road names and numbers;
		f. Total gross land area of the parcel, maximum and proposed floor area, minimum and proposed open space, and minimum and proposed pedestrian/landscape area (Refer to Article 5.1.2 of the Zoning Ordinance);
		g. Maximum and proposed impervious surface and required stream buffers in PW II and WQCA (Article 6.23 and 6.24);
		h. Estimated traffic generated by the proposed development in trips per day (if it exceeds 800 trips per day, submit a traffic impact study in accordance with Article 13).
		i. Front, side and rear building setbacks as required by Article 5 and 6 of the Zoning Ordinance;
		j. Overhead and underground utilities with accompanying easements and storm drainage facilities/easements; (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights.)
		k. Vehicular use areas including existing and proposed streets and access drives, off street parking and loading to comply with Article 10 of the Zoning Ordinance, and entry/exit points of adjacent parcels;
		l. Overhead and underground utilities with accompanying easements and storm drainage facilities/easements; (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights.)
		m. Solid waste disposal facilities;
		n. All free-standing and wall-mounted signs in accordance with Article 9 of the Zoning Ordinance;
		o. A landscape plan demonstrating compliance with Article 12.3 of the Zoning Ordinance;
		p. Existing contour lines (dashed) and proposed contours (solid) at 5-foot intervals with 10-foot contours bold. Where site conditions warrant, 2-foot contours may be required.
		q. Retaining walls, tree wells, or rip rap as part of the grading plan;
		r. Streams, ponds, drainage ditches, swamps, floodway and floodplain boundaries; and
		s. Phase lines and numbers if the development is to be phased.

Additional information may be required based on site location and type of development proposed.

C. ADDITIONAL SUBMITTAL REQUIREMENTS:

- _____ 1. A minimum of three (3) copies of the site plan. Additional copies may be required based on the nature and location of development.
- _____ 2. One full size copy of an Orange County tax map with subject parcel(s) identified.
- _____ 3. Auxiliary documents, in draft form, which assure completion and/or maintenance of improvements required by Orange County. Such documents may include, but not be limited to, a private road maintenance agreement, association documents, articles of incorporated, and restrictive covenants. If necessary, these documents may be required as evidence that ordinance requirements are being met.

I, the applicant, hereby certify that the foregoing application is complete and accurate.

Applicant's Signature

Owner's Signature

(Date)

(Date)

*Amended
11/21/89

ARTICLE XIV. SITE PLAN APPROVAL

14.1

INTENT

To establish a set of standards for site plan applications.

APPLICABILITY

As required by Article 21.4 of this Ordinance, a zoning compliance permit must be issued before any new site development, building, structure, or vehicular use area may be erected, constructed or used. Site plan approval is required for a zoning compliance permit with the following exceptions:

*Amended 4-2-
90

- (a) Single-family detached dwellings and duplexes, and accessory structures to those residential uses; provided, however, when such uses are located in the University Lake Watershed (ULW) District, site plan approval shall be required.
- (b) Temporary uses which do not exceed thirty (30) days in duration; and
- (c) Interior renovation or repair of an existing structure, provided the use of the lot and/or structure has not changed.

14.2

APPLICATION REQUIREMENTS

*14.2.1

PROFESSIONAL DESIGN AND CERTIFICATION

*Amended
8-5-91

Each site plan shall be prepared by a registered engineer, landscape architect, architect, or land surveyor; however, in some cases, professional design and certification of the plan may not be required. These exceptions include, but are not limited to the following:

- a. Proposed additions to existing permitted non- residential structures where the use of the structure and lot has not changed and the floor area is not increased more than twenty-five percent (25%); and
- b. Accessory structures to existing permitted non- residential structures where vehicular use area is not extended and changes to existing grade are not more than one (1.0) foot in elevation.
- c. Single-family detached dwellings and duplexes, and accessory structures to such uses when located in the University Lake Watershed (ULW) District.
- d. Large day care homes, as defined in Article 22, Definitions.
- e. Rural Guest Establishments with three (3) guestrooms or less - Bed & Breakfasts.

*Amended
4-2-90

*Amended
8-5-91

*Amended
11/19/01

Any and all projects proposing the development of property located within the Special Flood Hazard Area Overlay District shall be required, regardless of the proposed land use, to submit a site plan prepared by a registered engineer, landscape architect, or land surveyor in accordance with the provisions herein.

*14.2.2

SUBMITTAL REQUIREMENTS

*Amended
9-4-90

The applicant shall submit to the Planning and Inspections Department:

- (a) Three (3) copies of the site plan prepared according to Article 14.2.1 and 14.2.3 (additional copies may be required depending on the nature and location of the proposed development);
- (b) The site plan application form;
- (c) A copy of the Orange County tax map with the subject property identified; and
- (d) Legal documentation establishing entities responsible for control over common areas and facilities to be approved by the County Attorney.
- (e) Three (3) copies of the Environmental Assessment and/or Environmental Impact Statement, if required by the Orange County Environmental Impact Ordinance.
- (f) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.

*Amended
9-16-03

Other items which should be submitted simultaneously, but are not required as part of the site plan application are:

- (a) Erosion control and grading plans as necessary to be approved by the Erosion Control Supervisor for a grading permit, and
- (b) Building construction plans to be approved by the Code Enforcement Supervisor prior to issuance of a building permit.

14.2.3

SPECIFICATIONS FOR PLAN PREPARATION

Amended
4/2/90
12/10/02
9/16/03

Each site plan shall be drawn at a scale adequate to show required detail and shall contain the following information. The Planning Staff will determine which items are applicable for sufficiency.

- a. The boundary of the lot(s) to be developed labeled with bearings and distances;
- b. The name, address, and phone number of the applicant and the property owner;
- c. Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates;
- d. Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses;
- e. Adjacent right-of-way widths with road names and numbers;
- f. Total gross land area of the parcel, maximum and proposed floor area, minimum and proposed open space, and minimum and proposed pedestrian/ landscape area (Refer to Article 5.1.2 of the Zoning Ordinance);
- g. Maximum and proposed impervious surface and required stream buffers in PW-II, WQCA, and ULW districts (see Articles 6.23, 6.24, and 6.25, respectively).
- h. Estimated traffic generated by the proposed development in trips per day (if it exceeds 800 trips per day, submit a traffic impact study in accordance with Article 13).
- i. Front, side, and rear building setbacks as required by Articles 5 and 6 of the Zoning Ordinance;
- j. Location of all proposed buildings and structures labeled according to floor area, building height and function, and proposed finished floor elevation;

- k. Vehicular use areas including existing and proposed streets and access drives, off street parking and loading to comply with Article 10 of the Zoning Ordinance, and entry/exit points of adjacent parcels;
- l. Overhead and underground utilities with accompanying easements and storm drainage facilities/easements; (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights.)
- m. Solid waste disposal facilities;
- n. All free-standing and wall-mounted signs in accordance with Article 9 of the Zoning Ordinance.
- o. A landscape plan demonstrating compliance with Article 12.3 of the Zoning Ordinance.
- p. Existing contour lines (dashed) and proposed contours (solid) at 5-foot intervals with 10-foot contours bold. Where site conditions warrant, 2-foot contours may be required;
- q. Retaining walls, tree wells, or rip rap as part of the grading plan;
- r. Streams, ponds, drainage ditches, swamps, floodway and floodplain boundaries; and
- s. Phase lines and numbers if the development is to be phased.
- t. The names of all property owners adjacent to, and across the street from, the proposed project shall be shown on the site plan.
- u. Methods of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.

Additional information may be required based on the site location and the type of development proposed.

***14.3**

SITE PLAN REVIEW

*Amended
9/4/90

14.3.1

Upon submission, the Planning and Inspection Department will review the site plan application for completeness in form and content according to Article 14.2. If an application is incomplete, it will be returned to the applicant within five (5) working days. When a complete application has been accepted, the plan, or set of plans, will be distributed to applicable agencies or other departments for review and comment. At the same time, the Planning Staff will review the plan(s) based on, but not limited to, the following general criteria:

- (a) Compliance with all applicable County ordinances;
- (b) Extent and intensity of impacts to the surrounding area;
- (c) Respect for existing site conditions, including slope, vegetation, drainage patterns, etc.;
- (d) Efficient use of the land to minimize disturbance and grading and to conserve energy;
- (e) Safe and efficient vehicular and pedestrian circulation; and
- (f) Logical placement of structures and other site functions.

Amended
9/16/03

(g) No open burning of trees limbs, stumps and construction debris associated with the permitted activity.

14.3.2

Where an application is found to be inconsistent with the above criteria, Staff may recommend changes to the site plan.

Amended
10/7/91
8/4/93

Following review of the site plan, except as provided by Article 14.3.3 of this Ordinance, the Planning and Inspections Department will take final action on the application within 21 days of acceptance. Such action will be one of the following:

- a. Approval,
- b. Approval subject to conditions, or
- c. Denial.

Failure to meet the criteria for site plan approval listed in Article 14.3, and/or to address agency comments solicited during plan review, will result in denial of the application.

If a plan is approved subject to conditions, no zoning permit or subsequent building permit shall be issued until all conditions of approval have been met to the satisfaction of Orange County.

Site plan approval and the issuance of a zoning compliance permit does not establish a vested right to develop the property should zoning regulations change subsequent to plan approval.

At the option of the Applicant, a Site Plan may be vested for a period of not less than two (2) nor more than five (5) years. To become vested, a Site Plan must be approved by the Board of County Commissioners as a Special Use Permit, pursuant to Article 8 of this Ordinance. An approved Site Specific Development Plan shall contain the following statement: "Approval of this plan establishes a zoning vested right under G.S. 153A-344.1. Unless terminated at an earlier date, the zoning right shall be valid until _____."

14.3.3

The Site Plan for a project which requires the preparation of an Environmental Impact Statement (EIS) pursuant to the Orange County Environmental Impact Ordinance may not be approved by the Planning Department until the EIS has been made available for public review, and has been presented to the Orange County Board of Commissioners in accordance with Section 3.2 of the Environmental Impact Ordinance.

14.4

APPEAL PROCEDURES

Any decision of the Planning and Inspections Department regarding a site plan application may be appealed to the Board of Adjustment according to the provisions set forth in Article 2.3.7 of this Ordinance.

14.5

IMPROVEMENTS

As a guarantee of improvements required as a condition of site plan approval, the developer shall provide Orange County with a security bond, escrow agreement, or irrevocable letter of credit by an approved institution. The guarantee shall be effective for twelve (12) months and shall include the cost of the improvements plus ten percent (10%). It shall also be approved by the County Attorney. If a guarantee is not submitted, the developer must install all required improvements to the satisfaction of the County prior to issuance of the zoning compliance and building permits.

July 18, 2011 Orange County Planning Letter to UNC providing comments related to a courtesy review of a draft site plan.

PLANNING & INSPECTIONS DEPARTMENT
Benedict, AICP, Director

Current Planning
(919) 245-2575
(919) 644-3002 (FAX)
www.co.orange.nc.us



131 W. Margaret Lane
P. O. Box 8181
Hillsborough, NC 27278



July 18, 2011

Wendy Hillis
Campus Historic Preservation Officer
The University of North Carolina at Chapel Hill
CB# 1090, Giles F. Horney Building
103 Airport Drive
Chapel Hill, NC 27599-1090

RE: COURTESY REVIEW of UNC Bingham Facility 2011 Site Plan Update located at 1907 Orange Chapel Clover Garden Road (PIN 9728-93-1820)

Dear Ms. Hillis,

Thank you for your recent submittal of a draft application for Site Plan Approval for the UNC Bingham Facility, previously known as the UNC Research Resource Facility, located at 1907 Orange Chapel Clover Garden Road (hereafter 'the property').

The property is approximately fifty-six (56) acres in area and is currently zoned Agricultural Residential (AR). The property is also located within the Agricultural Residential land Use Category as defined within the 2030 Orange County Comprehensive Plan.

The property is heavily wooded and has at least three (3) identified streams flowing through it subject to local stream buffer regulations. There appear to be nine (9) structures located on the property, three (3) research buildings and six (6) storage type structures. Additionally there are at least three detention/wastewater ponds on the property.

Staff understands that UNC is submitting this site plan for review in order to:

1. Memorialize existing conditions on the property due to discrepancies between actual site conditions and the previously approved 2006 site plan(s),
2. Seek approval for a new building constructed on the property that was not shown in its current configuration on the previous aforementioned site plan(s), and
3. To address anticipated changes and modifications to the location and scale of the septic/wastewater systems on the property.

In previous correspondence with UNC officials, this facility has been designated as a *University, Colleges and Institutes* land use, which is a permitted use of property within the AR zoning district. So long as the use of property remains consistent with current operations, as approved and memorialized within previous site plan submittals, this interpretation will continue to be considered valid.

Bear in mind, however, that deviation(s) from previously approved operational characteristics or the additional of new uses on the property shall cause this opinion to be re-evaluated and additional requirements, including heightened approval processes, may be required if the use is allowed to continue.

For the purposes of this letter, staff has determined that the project is still a permitted use of property (i.e. *University, Colleges and Institutes* land use) subject to staff site plan approval in accordance with the provisions of 2.5 *Site Plan Review* of the Orange County Unified Development Ordinance (hereafter 'UDO').

Staff has completed a thorough review of the draft site plan and has identified the following items that will have to be submitted with the formal site plan application for our review in processing your request:

- a. A site plan review fee of \$1,000.00,
- b. The submittal of three (3) copies of the revised and final site plan in accordance with the submittal requirements of Section 2.5 *Site Plan Review* of the UDO including, but not necessarily limited to, the following:
 - i. The site plan notes section will need to be modified to group the following information, including any and all applicable legal description of the aforementioned lot, to include:
 1. Property owner and owner address,
 2. Address of property.
 3. PIN number for the property,
 4. Planning jurisdiction,
 5. Provide a note that the property is or is not encumbered by identified floodplains and is not subject to the provisions of the Special Flood Hazard Overlay District.

If it is, please provide sufficient detail in the notes section indicating that the project is either compliant with the requirements of the Overlay District or are not specifically located within any previously identified sensitive areas,
 6. Current zoning designation as well as the zoning of adjacent properties.
 7. Proposed use (i.e. nature of the project) of the property. Staff will require a detailed narrative on the site plan outlining the operational parameters of the facility as well as a description of the type and number of animal test subjects that will be housed on the property,

8. A description detailing the disposal of euthanized animals, if any, resulting from activities on the property, and
 9. A general note indicating that the property is required to comply with established stream buffer requirements as denoted within Section 6.13 of the UDO.
- ii. Documentation detailing who prepared the site plan the dates on which work was done, and contact information. This is to include revision dates and other pertinent information,
 - iii. As required under Section 2.5.3 (J) of the UDO, please include the floor areas, building heights, function, and proposed finished floor elevation(s) for all existing and proposed structures on the property,
 - iv. As required under Section 2.5.3 (F) of the UDO, documentation shall be placed on the site plan detailing compliance with dimensional requirements associated with the development of this property, specifically:
 1. Per Section 3.3 *Base Zoning Districts – Agricultural Residential (AR)* of the UDO you are required to adhere to the following setback requirements:
 - a. Front Yard: 40 feet
 - b. Side Yard: 20 feet
 - c. Rear Yard: 20 feet

Staff is well aware that the property currently exceeds the minimum setback requirements. Please provide the minimum standards, as articulated herein, as well as the current setback observed from all property lines for structures and septic fields/systems.

2. Per Section 3.3 *Base Zoning Districts – Agricultural Residential (AR)* of the UDO you are required to adhere to the following dimensional and ratio standards:
 - a. Maximum Allowable Floor Area Ratio - .088.
 - b. Required Minimum Pedestrian and Landscape Ratio - .21
 - c. Required Minimum Open Space Ratio - .84

Based on staff's assessment, the following limits apply to this project:

- o Maximum Allowable Floor Area Ratio – 214,663 sq. ft.
- o Required Minimum Pedestrian and Landscape Ratio – 512,265 sq. ft.
- o Required Minimum Open Space Ratio – 2,049,062 sq. ft.

Within the notes section provide sufficient documentation denoting compliance with these requirements.

3. As required under Section 2.5.3 (F) of the UDO, documentation shall be placed on the site plan detailing compliance with development standards as articulated within Article 6 of the UDO associated with the development and/or use of this property, specifically:

a. Section 6.8 Landscaping, Buffers, and Tree Protection:

i. Provide a general note that all development requirements associated with Section 6.8 shall be complied with,

ii. Provide a note indicating that existing foliage will be protected in accordance with the provisions of Section 6.8, including the following specific references:

1. 6.8.4 (A) (1) the site plan shall be modified to include a note indicating that all existing trees are located within the Primary Tree Protection Area as defined within the UDO,

2. Section 6.8.4 (B) (1) add a note reading as follows:

Existing trees, regardless of size, shall not be cut or otherwise damaged or destroyed within a primary tree protection area except as shown on an approved Landscape and Tree Preservation Plan, plot plan, or site plan

3. Section 6.8.4 (B) (3) add a note reading as follows:

During construction activities, adequate protective measures shall be provided to minimize damage to existing trees and other vegetation.

4. Section 6.8.4 (B) (7) add a note reading as follows:

Signs shall be posted identifying the tree protection areas and shall state the area is not to be disturbed. Such protective devices shall effectively protect the critical root zones, trunks, and tops of trees to be retained and shall be maintained until all work has been completed.

5. Add a note indicating that the site shall maintain a Type B thirty (30) foot landscape buffer along all property lines.
6. Please provide a detail on the types of trees to be planted within the revamped parking area as well as the following note:

Native, non-invasive, and drought tolerant species shall be used where additional landscape areas are proposed.

b. Section 6.9 Parking and Loading:

1. Provide a note indicating that per Section 6.9.7 the project is required to provide:
 - a. One (1) parking space per staff member,
 - b. One (1) space per four (4) students,
2. Provide a note detailing the total number of employees that will be onsite,
3. Provide a note detailing the total number of students being taught onsite, if any,
4. Provide a note detailing the total number of visitor parking spaces that will be located onsite,
5. Provide a note indicating that the proposed parking lot shall comply with the dimensional requirements contained within Section 6.9.10 of the UDO,
6. Provide a typical parking space graphic denoting the design of a space,
7. Provide a typical parking space graphic for a handicapped parking space (if proposed),
8. Denote locations on the site plan indicating the placement of directional signs informing motorists that the parking lot is for one-way traffic with specific entrance and exit points,
9. Include a note indicating that access road design layout shall be reviewed and approved by the Orange County Fire Marshal as part of the formal site plan review process.

- c. Section 6.11 Outdoor Lighting: Provide a note indicating that no outdoor lighting fixtures, other than building mounted security lights, shall be installed on the property.
- d. Stormwater Management and Erosion Control: Provide a note on the site plan denoting that the developer will apply for all applicable stormwater management and erosion control plans as required by the UDO and the State of North Carolina.
- e. Solid Waste Management: There will need to be a note on the site plan indicating that the disposal of all waste material generated from the site shall be disposed of in accordance with the Orange County Solid Waste Management Ordinance.

Further, you will need to add a note that all construction debris and land clearing materials shall be disposed of in accordance with County regulations and shall not be burned or buried on-site as required by Section 2.5.3 (T) of the UDO.

- v. As required under Section 2.5.3 (R) of the UDO, the site plan shall denote the location of all '*streams, ponds, drainage ditches, swamps, floodway and floodplain boundaries*'.

Please bear in mind that all streams and connected water bodies are subject to stream buffer requirements detailed within Section 6.13 of the UDO.

The draft site plan denotes that the streams are required to observe a 65-foot buffer on both sides of the stream bank. Please make sure that the notes section properly reflects this requirement and that the streams denoted on the site plan reflect the 65-foot required buffer.

- vi. As required under Section 2.5.3 (H) of the UDO, please provide documentation estimating the traffic generated by the development (i.e. staff, deliveries, visitors, students, etc.).
- vii. As required under Section 2.5.3 (L) of the UDO, please provide the location of any '*overhead and underground utilities with accompanying easements and storm drainage facilities/easements*' on the site plan.
- viii. If there is to be any signage erected on the property you will need to submit a detailed sign rendering in accordance with the provisions of Section 6.12 of the UDO.

As required by Section 2.5.3 (N) of the UDO, please provide a note detailing all signage proposed for the property (i.e. freestanding, wall, directional, etc.).

The site plan will need to denote the location of any anticipated freestanding signs.

Staff would like to make the following general comments and requests for clarification on the site plan submittal as well:

1. On the application for site plan review it is unclear if there will be any new proposed buildings. It appears that there are nine (9) existing structures on the property. You list on the application under proposed structures that there will be an additional three (3) research and six (6) storage buildings.

On the draft site plan submitted it appears that there are three 100-ton package chillers proposed to be placed outside the Bingham 3 building.

Structures similar to these and any new buildings will need to be identified on the formal application submittal. Please clarify on your application and submitted site plan the number of existing proposed structures subject to review and approval by the County.

2. You state on your draft application submittal that an estimate of traffic generation is not applicable, however for an application to be complete under current regulations this information is required.

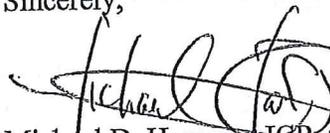
It appears that the number of employees has changed since 2006 from thirty-five (35) employees, as listed on the approved site plan, to ten (10) employees as denoted on the 2011 draft site plan submittal.

All employees, deliveries, student, researcher use of the facility will generate traffic. Please include a note on the site plan indicating the number of employees so that Staff can determine the parking requirements.

For your reference the Orange County Unified Development Ordinance was adopted on April 5, 2011, and can be found on the Planning and Inspections website: <http://www.co.orange.nc.us/planning/Ordinances.asp>

Staff looks forward to receiving your complete site plan application for review and processing. Should you have any questions regarding use of the UDO or general site plan submittal questions, please call me at (919) 245-2575.

Sincerely,



Michael D. Harvey AICP, CFO, GZO
Current Planning Supervisor
Orange County

CC: Craig Benedict, Planning Director
John Roberts, County Attorney
Sahana Ayer, Staff Attorney
File

December 2011 - Final site plan package submitted by UNC related to the research facility site.

JFH0003
Final

Revised Application
12/19/2011
Received.

APPLICATION FOR SITE PLAN APPROVAL

PROJECT NAME UNC BINGHAM FACILITY - 2011 SITE PLAN UPDATE DATE: 12/8/11
(PREVIOUSLY KNOWN AS THE UNC RESEARCH RESOURCE FACILITY)

LOCATION: 1907 ORANGE CHAPEL CLOVER GARDEN ROAD

OWNER/DEVELOPER: THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

ADDRESS: 103 AIRPORT DRIVE, CB #1090
CHAPEL HILL, NC 27599 PHONE: (919) 962-9104

AGENT/CONTACT: ANNA WU, DIRECTOR OF FACILITIES PLANNING PHONE: (919) 962-9104

A. SUMMARY INFORMATION
 Orange County Tax Map 9728 Block 93 Lot(s) 1020 Twp. BINGHAM
 Zoning District(s): On site AR and Adjacent AR
 Total Acreage: 56.45 Phases —
 Number/Type of Structures: (existing) 15 RESEARCH & STORAGE
 (proposed) 15 RESEARCH & STORAGE
 Water Supply: _____ Public _____ Community _____ X Individual
 Fire District WHITE CROSS
 Adjacent Land Uses AGRICULTURAL RESIDENTIAL
 Critical Areas: COLLINS CREEK TRIBUTARY Streams/drainageways:
 _____ flood prone areas: _____ slopes:
HAW RIVER - UNPROTECTED watershed, _____ historic sites,
 _____ natural areas, other _____

B. All site plans must be prepared by a registered engineer, landscape architect, or land surveyor (see "Approval Procedures" for exception). Drawings shall be at a scale adequate to show required detail (generally not more than 1"=50') and shall contain the following information:

Check completed items. Shaded areas are for office use only.

✓	a. The boundary of the lot(s) to be developed with bearings, and distances;
✓	b. The name, address, and phone number of the applicant and the property owner;
✓	c. Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates;
✓	d. Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses;
✓	e. Adjacent right-of-way widths with road names and numbers;
✓	f. Total gross land area of the parcel, maximum and proposed floor area, minimum and proposed open space, and minimum and proposed pedestrian/landscape area (Refer to Article 5.1.2 of the Zoning Ordinance);
✓	g. Maximum and proposed impervious surface and required stream buffers in PW II and WQCA (Article 6.23 & 6.24);

✓		h. Estimated traffic generated by the proposed development in trips per day (if it exceeds 800 trips per day, submit a traffic impact study in accordance with Article 13).
✓		i. Front, side and rear building setbacks as required by Article 5 and 6 of the Zoning Ordinance;
✓		j. Overhead and underground utilities with accompanying easements and storm drainage facilities/easements; (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights.)
✓		k. Vehicular use areas including existing and proposed streets and access drives, off street parking and loading to comply with Article 10 of the Zoning Ordinance, and entry/exit points of adjacent parcels;
✓		l. Overhead and underground utilities with accompanying easements and storm drainage facilities/easements; (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights.)
✓		m. Solid waste disposal facilities;
n/a		n. All free-standing and wall-mounted signs in accordance with Article 9 of the Zoning Ordinance; <i>none</i>
✓		o. A landscape plan demonstrating compliance with Article 12.3 of the Zoning Ordinance;
✓		p. Existing contour lines (dashed) and proposed contours (solid) at 5-foot intervals with 10-foot contours bold. Where site conditions warrant, 2-foot contours may be required.
✓		q. Retaining walls, tree wells, or rip rap as part of the grading plan;
✓		r. Streams, ponds, drainage ditches, swamps, floodway and floodplain boundaries; and
n/a		s. Phase lines and numbers if the development is to be phased.

Additional information may be required based on site location and type of development proposed.

C. ADDITIONAL SUBMITTAL REQUIREMENTS:

- ✓ 1. A minimum of three (3) copies of the site plan. Additional copies may be required based on the nature and location of development.
- ✓ 2. One full size copy of an Orange County tax map with subject parcel(s) identified.
- ✓ 3. Auxillary documents, in draft form, which assure completion and/or maintenance of improvements required by Orange County. Such documents may include, but not be limited to, a private road maintenance agreement, association documents, articles of incorporated, and restrictive covenants. If necessary, these documents may be required as evidence that ordinance requirements are being met.

I, the applicant, hereby certify that the foregoing application is complete and accurate.


 Applicant's Signature


 Owner's Signature

12/8/11

(Date)

12/8/11

(Date)

Transmittal

Date December 9, 2011

Number of pages including cover sheet 1

TO: Michael Harvey/Rebecca Samy
Orange County Planning and
Inspections

FROM: Wendy Hillis, AIA
UNC-CH Facilities Planning
202 Giles Horney Building
CB# 1090
University of North Carolina
Chapel Hill NC 27599
Phone 843-3238
Fax Phone 962-9103
E-mail wendy.hillis@fac.unc.edu

c: File

REMARKS:

UNC Bingham Animal Facility – updated drawings and application (per email sent 12/9/11)

Rebecca Samy

From: Hillis, Wendy (Facilities Planning) <Wendy.Hillis@facilities.unc.edu>
Sent: Friday, December 09, 2011 11:48 AM
To: Rebecca Samy
Cc: Michael Harvey
Subject: RE: Bingham Facility Site Plan
Attachments: Buildings.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Michael and Rebecca,

I will deliver copies of the corrected drawings and fact sheet to your office this afternoon. Please see my responses to your comments below in red.

Wendy Hillis, AIA, LEED™ AP
Campus Historic Preservation Officer
The University of North Carolina at Chapel Hill
CB# 1090, Giles F. Horney Building
103 Airport Drive
Chapel Hill, NC 27599-1090
Office: (919) 843-3238
Fax: (919) 962-9103

From: Rebecca Samy [<mailto:rsamy@co.orange.nc.us>]
Sent: Wednesday, November 30, 2011 9:29 AM
To: Hillis, Wendy (Facilities Planning)
Cc: Michael Harvey
Subject: Bingham Facility Site Plan

Hello Wendy,

I am sending this on behalf of Michael Harvey. When you respond please cc me on the email for our records and review.

Staff has completed its initial review of the UNC Bingham Facility site plan. There are, however, a few items that need to be addressed and/or corrected in order to ensure that the submitted plan complies with the provisions of the UDO and is deemed complete.

1. On the application for site plan approval you list that there are 19 existing research and storage buildings. However this number and the number of buildings listed on Sheet CO1 and CO4 do not match. Please provide staff with an accounting of how you arrived at 19 structures or, if the 19 structures contained on the application package is wrong, please correct the application by listing the actual number of structures. We also would request that Sheets CO1 and CO4 be amended to include a note or some other method of listing the correct number of structures (either highlight them like the other structures or number them and include a note). Per the attached spreadsheet, there are 15 existing research and storage buildings. This has been revised on all documents. Plan sheets now show all 15 structures shaded in gray.

2. Please revise note 11 on all data sheets to state: "No new outdoor lighting fixtures, other than building mounted security lights, shall be installed on the property." The current wording of the note is confusing and inconsistent with our original letter. Revised.
3. The floor area ratios provided at 35,050 sq. ft., on Sheet CO2 under Dimensional and Ratio Standards do not match the total of floor areas provided on Sheet CO4. Staff added the floor areas provided on Sheet CO4 and arrived at 35,260 sq. ft. Please provide an explanation of how you arrived at 35,050 sq. ft. for the total floor area ratio or correct the note to indicate that there is 35,260 sq. ft. of building area. Per the attached spreadsheet, the total SF area is 35,745. This has been coordinated on all sheets. Sheet CO4 now has photos/info on all 15 buildings.
4. Please revise Sheet CO4 to include the building heights for all structures. This was specifically requested in the letter sent to you on July 18, 2011 page 3, section b(iii). Additionally staff would like to request copies of building permits for the structures listed for our files. Building heights have been added for all structures. As a State entity, UNC is not required to obtain building permits per NC statute 143-135. The citation is available online at http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-135.1.html

As a courtesy, staff would like to inform you that Preserve Rural Orange Citizen Group has contacted the Planning Office requesting copies of all submitted application information. Staff will provide this information to Preserve Rural Orange once we have received the corrected information listed above and once we can issue the Zoning Compliance Permit indicating that the property is now operating under formal approval under the revised site plan.

Sincerely,

Rebecca

Rebecca Samy
Planning Technician
Orange County Planning & Inspections
(919) 245-2598
rsamy@co.orange.nc.us

UNC Bingham Animal Facility
Building Summary
12/9/11

	Name	Area	Height
1-	Bingham 1	9411	11'-0"
2-	Bingham 2	5363	17'-7"
3-	Bingham 3	10,847	16'-5"
4-	Old House	1242	21'-0"
5-	Wood Shed	100	12'-0"
6-	Storage Building	342	8'-7"
7-	Trailer	1030	12'-9"
8-	Metal Building	3200	18'-0"
9-	Pole Barn	3515	19'-5"
10-	Pump House @ north spray field	76	9'-0"
11-	Filter and well house	265	14'-3"
12-	Pump House - Building 1	76	9'-0"
13-	storage building at seeded basin	90	9'-10"
14-	shed at seeded basin	68	12'-10"
15-	storage building at bingham 1	120	9'-7"
	TOTAL	35745	



Orange County, NC GIS

UNC Bingham Animal Facility



1 inch = 400 feet

Search Results (1)

shape	ESRI.ArcGIS.ADF.Web.Geometry.Polygon
PIN	9728931820
PINSTATUS	ACTIVE
OWNER_TYPE	
IOFLAG	
OWNER1_LAST	STATE OF NORTH
OWNER1_FIRST	CAROLINA
OWNER2_LAST	
OWNER2_FIRST	
ADDRESS1	UNKNOWN ADDRESS
ADDRESS2	
CITY	
STATE	
ZIPCODE	
TOWNSHIP	6
SIZE	56.65
UOM	A
CALC_ACRES	56.31
SUBCODE	0
LEGAL_DESC	E/S SR 1956 BING TP
RATECODE	01
LANDVALUE	0
BLDGVALUE	0
BLDGCNT	
VALUATION	0
TAXSTATUS	E
FARMUSE	
USEVALUE	0
DEEDREF	229/379
LEGALREF	
DATESOLD	5/6/1971 12:00:00 AM
TAXSTAMPS	NaN
STAMPVALUE	NaN
YEARBUILT	
SQFT	NaN
SUBDIVISION_NAME	
SCHOOL_SYSTEM	Orange County Schools
TOWNSHIP_NAME	BINGHAM
SHAPE.fid	43061
shape.area	2452816.39175028

Created on 11/16/2011. Orange County, North Carolina.

**ORANGE COUNTY
PLANNING and
INSPECTIONS
DEPARTMENT**

**131 West Margaret Lane
Hillsborough, North Carolina
27278**

(919) 245-2600

(919) 644-3347 Fax

Craig N. Benedict, AICP, Director



RECEIPT

**RECEIPT NUMBER:R11-003291
TO: STATE OF NORTH CAROLINA**

**PERMIT #: SPR11-0003 TYPE:
Site Plan Review
SITE ADDRESS:
1907 ORANGE CHAPEL CLOVER GARDEN OCPL
PARCEL: 9728931820**

**TRANSACTION DATE:11/21/2011TOTAL
PAYMENT: 1,000.00
TOTAL PAID FROM CURRENCY:1,000.00**

TRANSACTION LIST:

Type	Method	Description	Amount
Payment	Check	03470914	1,000.00
XXXX-XXXX-XXXX-		TOTAL:	1,000.00

ACCOUNT ITEM LIST:

FEE DESCRIPTION	ACCOUNT CODE	CALCULATED FEES
-----------------	--------------	-----------------

**ORANGE COUNTY
PLANNING and
INSPECTIONS
DEPARTMENT**

**131 West Margaret Lane
Hillsborough, North Carolina
27278**

(919) 245-2600

(919) 644-3347 Fax

Craig N. Benedict, AICP, Director



RECEIPT

SITE PLAN REVIEW
10620003-430 1,000.00

Total : 1,000.00
Balance Due: \$0.00

RECEIPT ISSUED BY:RSAMY INITIALS:
RAS
ENTERED DATE:11/21/2011 TIME:
03:04 PM

Please retain this receipt for
your records.

APPLICATION FOR SITE PLAN APPROVAL

PROJECT NAME UNC BINGHAM FACILITY - 2011 SITE PLAN UPDATE DATE: 11-16-11
 (PREVIOUSLY KNOWN AS THE UNC RESEARCH RESOURCE FACILITY)
 LOCATION: 1907 ORANGE CHAPEL CLOVER GARDEN ROAD

OWNER/DEVELOPER: THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

ADDRESS: 103 AIRPORT DRIVE, CB#1090 PHONE: (919) 962-9104
CHAPEL HILL, NC 27599

AGENT/CONTACT: ANNA WU, DIRECTOR OF FACILITIES PLANNING PHONE: (919) 962-9104

A. SUMMARY INFORMATION

Orange County Tax Map 9728 Block 93, Lot(s) 1020 Twp. BINGHAM
 Zoning District(s): On site AR and Adjacent AR
 Total Acreage: 56.65 Phases —
 Number/Type of Structures: (existing) 19 RESEARCH & STORAGE
 (proposed) 19 RESEARCH & STORAGE
 Water Supply: — Public — Community — Individual X
 Fire District WHITE CROSS
 Adjacent Land Uses AGRICULTURAL RESIDENTIAL
 Critical Areas: COLLINS CREEK TRIBUTARY Streams/drainageways:
— flood prone areas: — slopes:
HAW RIVER - UNPROTECTED watershed, — historic sites,
— natural areas, other —

B. All site plans must be prepared by a registered engineer, landscape architect, or land surveyor (see "Approval Procedures" for exception). Drawings shall be at a scale adequate to show required detail (generally not more than 1"=50') and shall contain the following information:

Check completed items. Shaded areas are for office use only.

✓		a. The boundary of the lot(s) to be developed with bearings, and distances;
✓		b. The name, address, and phone number of the applicant and the property owner;
✓		c. Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates;
✓		d. Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses;
✓		e. Adjacent right-of-way widths with road names and numbers;
✓		f. Total gross land area of the parcel, maximum and proposed floor area, minimum and proposed open space, and minimum and proposed pedestrian/landscape area (Refer to Article 5.1.2 of the Zoning Ordinance);
✓		g. Maximum and proposed impervious surface and required stream buffers in PW II and WQCA (Article 6.23 & 6.24);

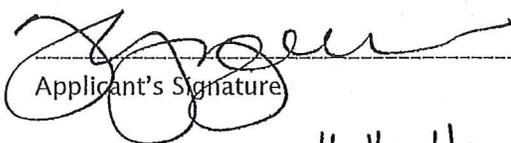
✓		h. Estimated traffic generated by the proposed development in trips per day (if it exceeds 800 trips per day, submit a traffic impact study in accordance with Article 13).
✓		i. Front, side and rear building setbacks as required by Article 5 and 6 of the Zoning Ordinance;
✓		j. Overhead and underground utilities with accompanying easements and storm drainage facilities/easements; (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights.)
✓		k. Vehicular use areas including existing and proposed streets and access drives, off street parking and loading to comply with Article 10 of the Zoning Ordinance, and entry/exit points of adjacent parcels;
✓		l. Overhead and underground utilities with accompanying easements and storm drainage facilities/easements; (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights.)
✓		m. Solid waste disposal facilities;
n/a		n. All free-standing and wall-mounted signs in accordance with Article 9 of the Zoning Ordinance; <i>none</i>
✓		o. A landscape plan demonstrating compliance with Article 12.3 of the Zoning Ordinance;
✓		p. Existing contour lines (dashed) and proposed contours (solid) at 5-foot intervals with 10-foot contours bold. Where site conditions warrant, 2-foot contours may be required.
✓		q. Retaining walls, tree wells, or rip rap as part of the grading plan;
✓		r. Streams, ponds, drainage ditches, swamps, floodway and floodplain boundaries; and
n/a		s. Phase lines and numbers if the development is to be phased.

Additional information may be required based on site location and type of development proposed.

C. ADDITIONAL SUBMITTAL REQUIREMENTS:

- ✓ 1. A minimum of three (3) copies of the site plan. Additional copies may be required based on the nature and location of development.
- ✓ 2. One full size copy of an Orange County tax map with subject parcel(s) identified.
- ✓ 3. Auxiliary documents, in draft form, which assure completion and/or maintenance of improvements required by Orange County. Such documents may include, but not be limited to, a private road maintenance agreement, association documents, articles of incorporated, and restrictive covenants. If necessary, these documents may be required as evidence that ordinance requirements are being met.

I, the applicant, hereby certify that the foregoing application is complete and accurate.


 Applicant's Signature


 Owner's Signature

11.16.11 (Date)

11.16.11 (Date)

DRAFT

APPLICATION FOR SITE PLAN APPROVAL

PROJECT NAME UNC BINGHAM FACILITY - 2011 SITE PLAN UPDATE
PREVIOUSLY KNOWN AS UNC RESEARCH RESOURCE FACILITY DATE: 23 June 2011

LOCATION: 1907 Orange chapel Clover Garden Road

OWNER/DEVELOPER: The University of North Carolina at Chapel Hill

ADDRESS: 103 Airport Drive, CB 1090 CH, NC 27599 PHONE: (919) 962.9104

AGENT/CONTACT: Anna W. Director of Facilities Planning PHONE: (919) 962.9104

A. SUMMARY INFORMATION

Orange County Tax Map 9728 Block 93 Lot(s) 1820 Twp. BINGHAM

Zoning District(s): On site AR and Adjacent AR

Total Acreage: 56.65 Phases —

Number/Type of Structures: (existing) (3) RESEARCH, (6) STORAGE
(proposed) (3) RESEARCH, (6) STORAGE

Water Supply: Public Community X Individual

Fire District WHITE CROSS

Adjacent Land Uses AR - AGRICULTURAL RESIDENTIAL

Critical Areas: COLLINS CREEK TRIBUTARY Streams/drainageways:
flood prone areas: slopes:

HAW RIVER - UNPROTECTED watershed, historic sites,
natural areas, other

B. All site plans must be prepared by a registered engineer, landscape architect, or land surveyor (see "Approval Procedures" for exception). Drawings shall be at a scale adequate to show required detail (generally not more than 1"=50') and shall contain the following information:

Check completed items. Shaded areas are for office use only.

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	b. The name, address, and phone number of the applicant and the property owner;
	c. Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates;
	d. Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses;
	e. Adjacent right-of-way widths with road names and numbers;
	f. Total gross land area of the parcel, maximum and proposed floor area, minimum and proposed open space, and minimum and proposed pedestrian/landscape area (Refer to Article 5.1.2 of the Zoning Ordinance);
	g. Maximum and proposed impervious surface and required stream buffers in PW II and WQA (Article 6.23 & 6.24);

DRAFT

n/a	h. Estimated traffic generated by the proposed development in trips per day (if it exceeds 800 trips per day, submit a traffic impact study in accordance with Article 13).
	i. Front, side and rear building setbacks as required by Article 5 and 6 of the Zoning Ordinance;
	j. Overhead and underground utilities with accompanying easements and storm drainage facilities/easements; (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights.)
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	l. Overhead and underground utilities with accompanying easements and storm drainage facilities/easements; (Including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights.)
	m. Solid waste disposal facilities;
n/a	n. All free-standing and wall-mounted signs in accordance with Article 9 of the Zoning Ordinance;
	o. A landscape plan demonstrating compliance with Article 12.3 of the Zoning Ordinance;
	p. Existing contour lines (dashed) and proposed contours (solid) at 5-foot intervals with 10-foot contours bold. Where site conditions warrant, 2-foot contours may be required.
	q. Retaining walls, tree wells, or rip rap as part of the grading plan;
	r. Streams, ponds, drainage ditches, swamps, floodway and floodplain boundaries; and
n/a	s. Phase lines and numbers if the development is to be phased.

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- n/a _____ 3. Auxiliary documents, in draft form, which assure completion and/or maintenance of improvements required by Orange County. Such documents may include, but not be limited to, a private road maintenance agreement, association documents, articles of incorporated, and restrictive covenants. If necessary, these documents may be required as evidence that ordinance requirements are being met.

I, the applicant, hereby certify that the foregoing application is complete and accurate.

Applicant's Signature

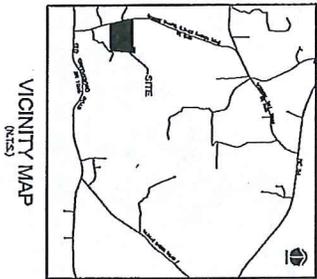
Owner's Signature

(Date)

(Date)

SITE PLAN UPDATE 2011
UNC BINGHAM FACILITY
 (PREVIOUSLY KNOWN AS UNC RESEARCH RESOURCE FACILITY)

FOR
THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
 ORANGE COUNTY, NC
 JUNE 2011



VICINITY MAP
 (RTE'S)

DRAWING INDEX

COVER SHEET	001
PROPOSED OVERALL SITE PLAN	001
PROPOSED OVERALL GRADING AND DRAINAGE PLAN	002



1720 Venable Drive, Suite 450
 Raleigh, North Carolina 27605
 Phone: (919)233-8091, Fax: (919)233-8031
 F-1222

www.mkkmcreeed.com



THE UNIVERSITY
 of NORTH CAROLINA
 at CHAPEL HILL



<p>UNC BINGHAM FACILITY (PREVIOUSLY KNOWN AS UNC RESEARCH RESOURCE FACILITY) SITE PLAN UPDATE 2011 PROPOSED OVERALL GRADING AND DRAINAGE PLAN</p>	
<p>DATE: 01/20/2011 DRAWN BY: J. B. BROWN CHECKED BY: J. B. BROWN SCALE: AS SHOWN SHEET NO.: 002 TOTAL SHEETS: 002</p>	<p>SCALE: AS SHOWN SHEET NO.: 002 TOTAL SHEETS: 002</p>
<p>PROJECT: UNC BINGHAM FACILITY LOCATION: CAMPUS DRIVE, CHAPEL HILL, NC CLIENT: UNC SYSTEMS</p>	<p>ISSUED FOR PERMIT</p>
<p>DESIGNED BY: J. B. BROWN CHECKED BY: J. B. BROWN DATE: 01/20/2011</p>	<p>SCALE: AS SHOWN SHEET NO.: 002 TOTAL SHEETS: 002</p>
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MCKIM & CREED
 1700 North Park, Suite 500
 Raleigh, North Carolina 27605
 Phone: 919-873-2222
 Fax: 919-873-2222
 www.mckimandcreed.com

THE UNIVERSITY OF NORTH CAROLINA
 at CHAPEL HILL

UNC BINGHAM FACILITY
 (PREVIOUSLY KNOWN AS UNC RESEARCH RESOURCE FACILITY)
 SITE PLAN UPDATE 2011
 PROPOSED OVERALL GRADING AND DRAINAGE PLAN

DATE: 01/20/2011
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 SCALE: AS SHOWN
 SHEET NO.: 002
 TOTAL SHEETS: 002

February 1, 2012 Orange County Planning
Letter to UNC approving submitted site plan
package.

PLANNING & INSPECTIONS DEPARTMENT
Benedict, AICP, Director

Current Planning
(919) 245-2575
(919) 644-3002 (FAX)
www.co.orange.nc.us



131 W. Margaret Lane
P. O. Box 8181
Hillsborough, NC 27278



February 1, 2012

Wendy Hillis
Campus Historic Preservation Officer
The University of North Carolina at Chapel Hill
CB# 1090, Giles F. Horney Building
103 Airport Drive
Chapel Hill, NC 27599-1090

RE: SITE PLAN REVIEW SPR11-0003 - UNC Bingham Facility 2011 Site Plan Update
located at 1907 Orange Chapel Clover Garden Road (PIN: 9728-93-1820)

Dear Ms. Hillis,

Thank you for the revised submittal of the UNC Bingham Facility site plan. Staff received the revised copy of the site plans on December 9, 2011 and has completed their review.

The UNC Bingham Facility is located at 1907 Orange Chapel Clover Garden Road (hereafter the 'property'). The property is approximately fifty-six (56) acres in area and is currently zoned Agricultural Residential (AR). The property is also located within the Agricultural Residential Land Use Category as defined within the 2030 Orange County Comprehensive Plan.

The University of North Carolina at Chapel Hill has submitted this site plan for review in order to:

1. Memorialize existing conditions on the property due to discrepancies between actual site conditions and the previously approved 2006 site plan(s).
2. Seek site plan approval for a new building constructed on the property that was not shown in its current configuration on the previous aforementioned site plan(s), and
3. To address anticipated changes and modifications with respect to the location and scale of the septic/wastewater systems on the property. As you are already aware, it was recently determined by the County that underground, non-building, development

activities associated with wastewater systems for government land uses are not subject to zoning review.

The current site plan application package indicates there are currently fifteen (15) building(s) or structure(s) located on the property with the following dimensional attributes:

Name	Area (square feet)	Height (feet)
Bingham 1	9411	11'-0"
Bingham 2	5363	17'-7"
Bingham 3	10,847	16'-5"
Old House	1242	21'-0"
Wood Shed	100	12'-0"
Storage Building	342	8'-7"
Trailer	1030	12'-9"
Metal Building	3200	18'-0"
Pole Barn	3515	19'-5"
Pump House @ north spray field	76	9'-0"
Filter and well house	265	14'-3"
Pump House - Building 1	76	9'-0"
Storage building at seeded basin	90	9'-10"
Shed at seeded basin	68	12'-10"
Storage building at Bingham 1	120	9'-7"

TOTAL 35,745 sq. ft. of building area

As part of the current site plan submittal no new buildings or structures are proposed for development at this time.

Staff has reviewed the site plan and found it to be in compliance with Section 2.5 *Site Plan Review*, Article 3 *Base Zoning Districts*, and Article 6 *Development Standards* (i.e. parking, landscaping, lighting, signage, etc.) of the Orange County Unified Development Ordinance (UDO).

Therefore in accordance with Section 2.5.4 *Procedures and Timeframes* of the UDO this letter shall serve as formal notice that the site plan application package has been approved by this office, including the square footages for each building denoted on the site plan as detailed herein, and that a Zoning Compliance Permit is hereby issued for this project consistent with this approved plan.

Bear in mind this letter only provides approval of the project from a land development/land use standpoint and should not be construed as providing blanket approval for

the commencement of land disturbing activities. UNC is obligated to secure all required local, State, and Federal permits necessary prior to the commencement of land disturbing activities.

Any alteration of the property and/or the change/development of new structures will require the submittal of a new site plan application package for review and approval by this office per the provisions of the UDO.

Further, and as you are aware from previous correspondence with UNC official(s), this facility has been designated, in accordance with the provisions of Section 5.3 *Table of Permitted Uses* of the UDO as a *University, Colleges and Institutions* land use, which is a permitted use of the property within the AR zoning district. So long as the use of the property remains consistent with current operations, as approved and memorialized through the various submitted site plans, this interpretation will continue to be considered valid. Deviation(s) from previously approved operational characteristics or the addition of new uses on the property shall cause this opinion to be re-evaluated and additional requirements, including heightened approval processes, may be required if the use is allowed to continue.

The Planning staff has enjoyed working with you on this project and looks forward to continuing work with you in the future. Should you have any questions regarding this letter or review process please contact me at (919) 245-2575.

Sincerely,



Michael D. Harvey AICP, CFO, CZO
Current Planning Supervisor
Orange County

CC: Craig Benedict, Planning Director
John Roberts, County Attorney
Sahana Ayer, Staff Attorney
File

§ 153A-347. Part applicable to buildings constructed by the State and its subdivisions; exception.

Each provision of this Part is applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

Notwithstanding the provisions of any general or local law or ordinance, no land owned by the State of North Carolina may be included within an overlay district or a special use or conditional use district without approval of the Council of State. (1959, c. 1006, s. 1; 1973, c. 822, s. 1; 1985, c. 607, s. 4.)



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

ATTACHMENT D

OFFICE OF UNIVERSITY COUNSEL

110 BYNUM HALL
CAMPUS BOX 9105
222 EAST CAMERON AVENUE
CHAPEL HILL, NC 27599-9105

T 919.962.1219
F 919.843.1617

November 2, 2012

VIA U.S. MAIL AND ELECTRONIC MAIL

Craig N. Benedict
Orange County Planning Director
P.O. Box 8181
Hillsborough, NC 27278

Michael D. Harvey
Current Planning Supervisor
P.O. Box 8181
Hillsborough, NC 27278

RE: UNC Bingham Facility 2011 Site Plan

Dear Craig and Michael,

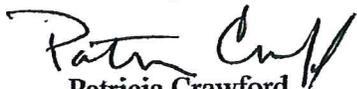
The University of North Carolina at Chapel Hill (University) supports the interpretation of the applicability of North Carolina General Statute section 153A-347 to the University's proposed repairs to its wastewater system at the Bingham Facility.

North Carolina General Statute section 153A-347 sets forth a county's zoning authority over State buildings. The University is a state agency and this statute applies to its development. The scope of that authority is as follows:

The scope of the County's zoning authority over the University only extends to the regulation of buildings. The Planning Department has determined on two separate occasions that a wastewater system is not a building. Please see the letters dated November 16, 2010 and February 1, 2012.

We request that this letter be made part of the record of the November 12, 2012 Board of Adjustment hearing.

Sincerely,


Patricia Crawford
Associate Vice Chancellor and
Deputy General Counsel


Stephen Keadey
Associate General Counsel

CC: Robert P. Lowman

CONSTITUTION

Article 1

Section 1

Section 2

Section 3

Section 4

Section 5

Section 6

Section 7

Section 8

Section 9

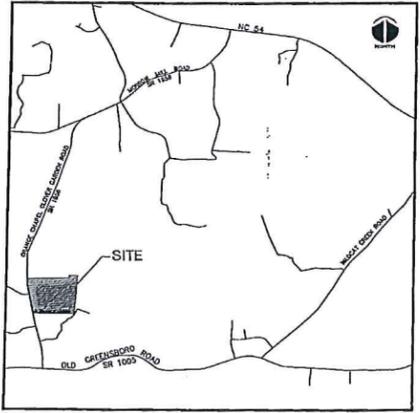
Section 10

Section 11

Section 12

Section 13

SITE PLAN UPDATE 2011
UNC BINGHAM FACILITY
 (PREVIOUSLY KNOWN AS UNC RESEARCH RESOURCE FACILITY)
 FOR
THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
ORANGE COUNTY, NC
JUNE 2011
REVISED: SEPTEMBER 2011



VICINITY MAP
(N.T.S.)

DRAWING INDEX

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PROPOSED OVERALL SITE PLAN - BELOW GROUND FEATURES.....	C02
PROPOSED OVERALL GRADING AND DRAINAGE PLAN.....	C03
PROPOSED SITE PLAN WITH EXISTING BUILDING PHOTOS.....	C04
SITE DETAILS.....	C05

*SP11-0032
State Review Copy
Revised - Received 12-9-2011
See attached Responses to
Comments letter.*

*Approved
Site
Plan
Feb 1, 2012
[Signature]*

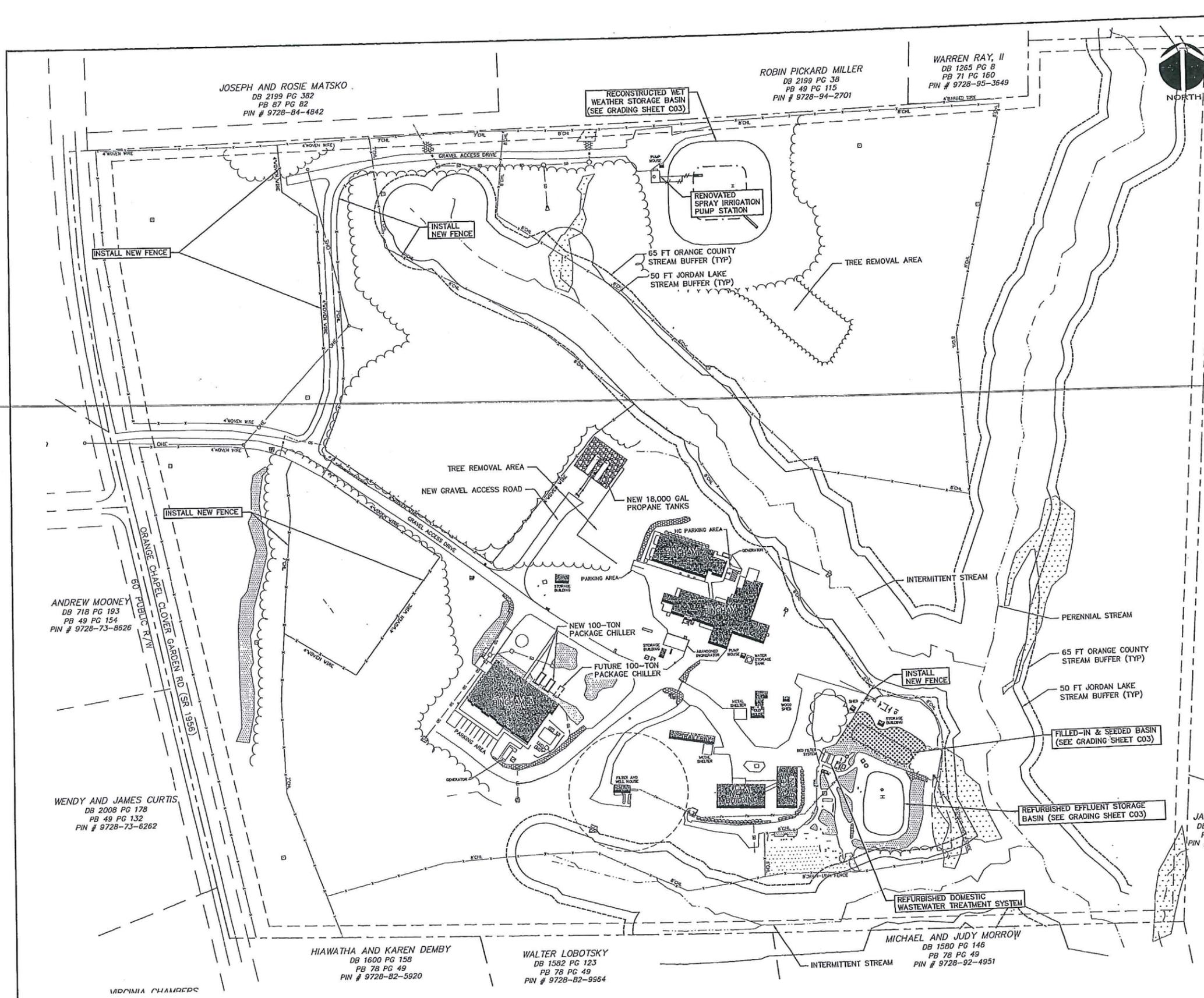
Approved Site Plan




MCKIM & CREED
 1730 Varsity Drive, Suite 500
 Raleigh, North Carolina 27606
 Phone: (919)233-8091, Fax: (919)233-8031
 F-1222
www.mckimcreed.com



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL



LEGEND

○	EXISTING POTABLE WATER WELL	— FM —	EXISTING SANITARY FORCE MAIN
⊙	EXISTING MONITORING WELL	— FM —	PROPOSED SANITARY FORCE MAIN
□	EXISTING PIEZOMETER	— SD —	PROPOSED STORM DRAIN
⊠	EXISTING ELECTRICAL TRANSFORMER	---	EXISTING STREAM
☆	EXISTING LIGHT POLE	---	EXISTING 50 FT JORDAN LAKE STREAM BUFFER
⊞	EXISTING TELEPHONE PEDESTAL	---	EXISTING 65 FT ORANGE COUNTY STREAM BUFFER
⊞	EXISTING TELEPHONE HAND HOLE	---	EXISTING PROPERTY LINE
⊞	EXISTING CABLE TV BOX	---	BUILDING SETBACK LINE
⊞	EXISTING POTABLE WATER METER	---	EXISTING BUSHES
---	EXISTING FENCE	---	EXISTING WOODSLINE
---	PROPOSED FENCE	---	PROPOSED WOODSLINE
---	EXISTING DITCH	---	EXISTING RIP RAP AREA
---	EXISTING OVERHEAD ELECTRIC LINE	---	EXISTING LANDSCAPED AREA
---	EXISTING SANITARY SEWER LINE	---	EXISTING WETLAND AREA
---	PROPOSED SANITARY SEWER LINE	---	PROPOSED LANDSCAPED AREA

- NOTES:**
- PROJECT IS LOCATED IN THE HAW RIVER WATERSHED IN THE CAPE FEAR RIVER BASIN.
 - PROJECT IS NOT LOCATED IN A FEMA REGULATED FLOODPLAIN AND NOT SUBJECT TO PROVISIONS OF THE SPECIAL FLOOD HAZARD OVERLAY DISTRICT.
 - MAXIMUM IMPERVIOUS SURFACE IS BASED ON THE NCDENR DIVISION OF WATER QUALITY LOW DENSITY THRESHOLD OF 24% IMPERVIOUS. THIS PROJECT IS CURRENTLY IN PROCESS OF SUBMITTAL TO NCDENR FOR OVERALL LOW DENSITY STORMWATER PERMIT.
 - PROPERTY IS REQUIRED TO COMPLY WITH STREAM BUFFER REQUIREMENTS OF SECTION 6.13 OF THE ORANGE COUNTY UDO.
 - ALL DEVELOPMENT REQUIREMENTS ASSOCIATED WITH ORANGE COUNTY UDO SECTION 6.8 SHALL BE FOLLOWED.
 - EXISTING TREES, REGARDLESS OF SIZE, SHALL NOT BE CUT OR OTHERWISE DAMAGED OR DESTROYED WITHIN A PRIMARY TREE PROTECTION AREA EXCEPT AS SHOWN ON AN APPROVED LANDSCAPE AND TREE PRESERVATION PLAN, PLOT PLAN, OR SITE PLAN.
 - DURING CONSTRUCTION ACTIVITIES, ADEQUATE PROTECTIVE MEASURES SHALL BE PROVIDED TO MINIMIZE DAMAGE TO EXISTING TREES AND OTHER VEGETATION.
 - SIGNS SHALL BE POSTED IDENTIFYING THE TREE PROTECTION AREAS AND SHALL STATE THE AREA IS NOT TO BE DISTURBED. SUCH PROTECTIVE DEVICES SHALL EFFECTIVELY PROTECT THE CRITICAL ROOT ZONES, TRUNKS, AND TOPS OF TREES TO BE RETAINED AND SHALL BE MAINTAINED UNTIL ALL WORK HAS BEEN COMPLETED.
 - THE PROJECT SITE SHALL MAINTAIN A TYPE B THIRTY (30) FT LANDSCAPE BUFFER ALONG ALL PROPERTY LINES.
 - ACCESS ROAD LAYOUT SHALL BE REVIEWED AND APPROVED BY THE ORANGE COUNTY FIRE MARSHAL.
 - NO NEW OUTDOOR LIGHTING FIXTURES, OTHER THAN BUILDING MOUNTED SECURITY LIGHTS, SHALL BE INSTALLED ON THE PROPERTY.
 - DEVELOPER SHALL APPLY FOR ALL APPLICABLE STORMWATER MANAGEMENT AND EROSION CONTROL PERMITS AS REQUIRED BY THE ORANGE COUNTY UDO AND NCDENR.
 - DISPOSAL OF ALL WASTE MATERIAL GENERATED FROM THE SITE SHALL BE IN ACCORDANCE WITH THE ORANGE COUNTY SOLID WASTE MANAGEMENT ORDINANCE.
 - DISPOSAL OF ALL CONSTRUCTION DEBRIS AND LAND CLEARING MATERIALS SHALL BE IN ACCORDANCE WITH ORANGE COUNTY REGULATIONS AND SHALL NOT BE BURNED OR BURIED ON SITE.
 - PROPOSED PARKING LOT SHALL COMPLY WITH THE DIMENSIONAL REQUIREMENTS CONTAINED WITHIN SECTION 6.9.10 OF THE ORANGE COUNTY UDO.
 - ALL EXISTING TREES ARE LOCATED WITHIN THE PRIMARY TREE PROTECTION AREA AS DEFINED WITHIN THE ORANGE COUNTY UDO.

SITE DATA

OWNER: THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
 300 SOUTH BUILDING
 CAMPUS BOX 1000
 CHAPEL HILL, NC 27599
 CONTACT: RICHARD L. MANN, VICE CHANCELLOR FOR FINANCE AND ADMINISTRATION
 PHONE: (919) 962-3795

PROJECT MANAGEMENT CONTACT:
 MASAYA KONISHI
 UNC CHAPEL HILL FACILITIES PLANNING
 CAMPUS BOX 1090
 CHAPEL HILL, NC 27599
 PHONE: (919) 843-5102

PROJECT ADDRESS: 1907 ORANGE CHAPEL CLOVER GARDEN ROAD
 CHAPEL HILL, NC 27516

PIN: 9728-93-1820
TOTAL PROPERTY AREA: 56.65 ACRES
PLANNING JURISDICTION: ORANGE COUNTY
ZONING - PROJECT SITE: A-R (AGRICULTURAL RESIDENTIAL)
ZONING - ADJ. PROPERTIES: A-R (AGRICULTURAL RESIDENTIAL)
PROPOSED PROPERTY USE: MEDICAL RESEARCH

OPERATIONAL PARAMETERS: THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL PLANS TO USE THE BINGHAM ANIMAL RESEARCH FACILITY TO HOUSE AND BREED ANIMALS, PRIMARILY RODENTS AND DOGS, THAT ARE USED FOR CURRENT RESEARCH STUDIES. ANY COMBINATION OF RODENTS AND DOGS IS BASED ON CURRENT RESEARCH NEEDS. IF THE FACILITY WAS TO HOUSE RODENTS ONLY, THE MAXIMUM POPULATION WOULD BE 6,000 CAGES (APPROXIMATELY 18,000 MICE). IF THE FACILITY WAS TO HOUSE CANINES ONLY, THE MAXIMUM POPULATION WOULD BE 200 DOGS.

A WIDE VARIETY OF HUSBANDRY AND VETERINARY CARE PROCEDURES WILL BE CONDUCTED ON SITE INCLUDING, BUT NOT LIMITED, TO AUTOMATED CAGE WASHING, MINOR SURGERY AND ANESTHESIA, BLOOD AND TISSUE SAMPLING, BEHAVIOR MONITORING, TREATMENTS AND DENTAL CARE.

ANIMAL TEST SUBJECTS: AT ANY GIVEN TIME BASED ON RESEARCH NEEDS, THERE COULD BE A VARIETY OF SPECIES, SUCH AS CHICKENS, FERRETS, RABBITS AND OTHERS, ON SITE. IT IS ANTICIPATED THAT THE PRESENCE OF THESE OTHER SPECIES WILL BE LIMITED. THE TOTAL ANIMAL POPULATION WILL BE DETERMINED BY THE WATER AND WASTE WATER CAPABILITIES OF THE SITE.

DISPOSAL OF EUTHANIZED ANIMALS: ANIMALS EUTHANIZED ARE REMOVED FROM THE FACILITY AND INCINERATED BY A LICENSED CONTRACTOR.

ANDREW MOONEY
 DB 719 PG 193
 PB 49 PG 154
 PIN # 9728-73-8626

WENDY AND JAMES CURTIS
 DB 2008 PG 178
 PB 49 PG 132
 PIN # 9728-73-6262

JOSEPH AND ROSIE MATSKO
 DB 2199 PG 382
 PB 87 PG 82
 PIN # 9728-84-4842

ROBIN PICKARD MILLER
 DB 2199 PG 38
 PB 49 PG 115
 PIN # 9728-94-2701

WARREN RAY, II
 DB 1265 PG 8
 PB 71 PG 160
 PIN # 9728-95-3549

HIAWATHA AND KAREN DEMBY
 DB 1600 PG 158
 PB 78 PG 49
 PIN # 9728-82-5920

WALTER LOBOTSKY
 DB 1582 PG 123
 PB 78 PG 49
 PIN # 9728-82-9564

MICHAEL AND JUDY MORROW
 DB 1580 PG 146
 PB 78 PG 49
 PIN # 9728-92-4951

JAMES HEUSER
 DB 1610 PG 596
 PB 75 PG 155
 PIN # 9738-02-1893

REV.	DESCRIPTION	DATE



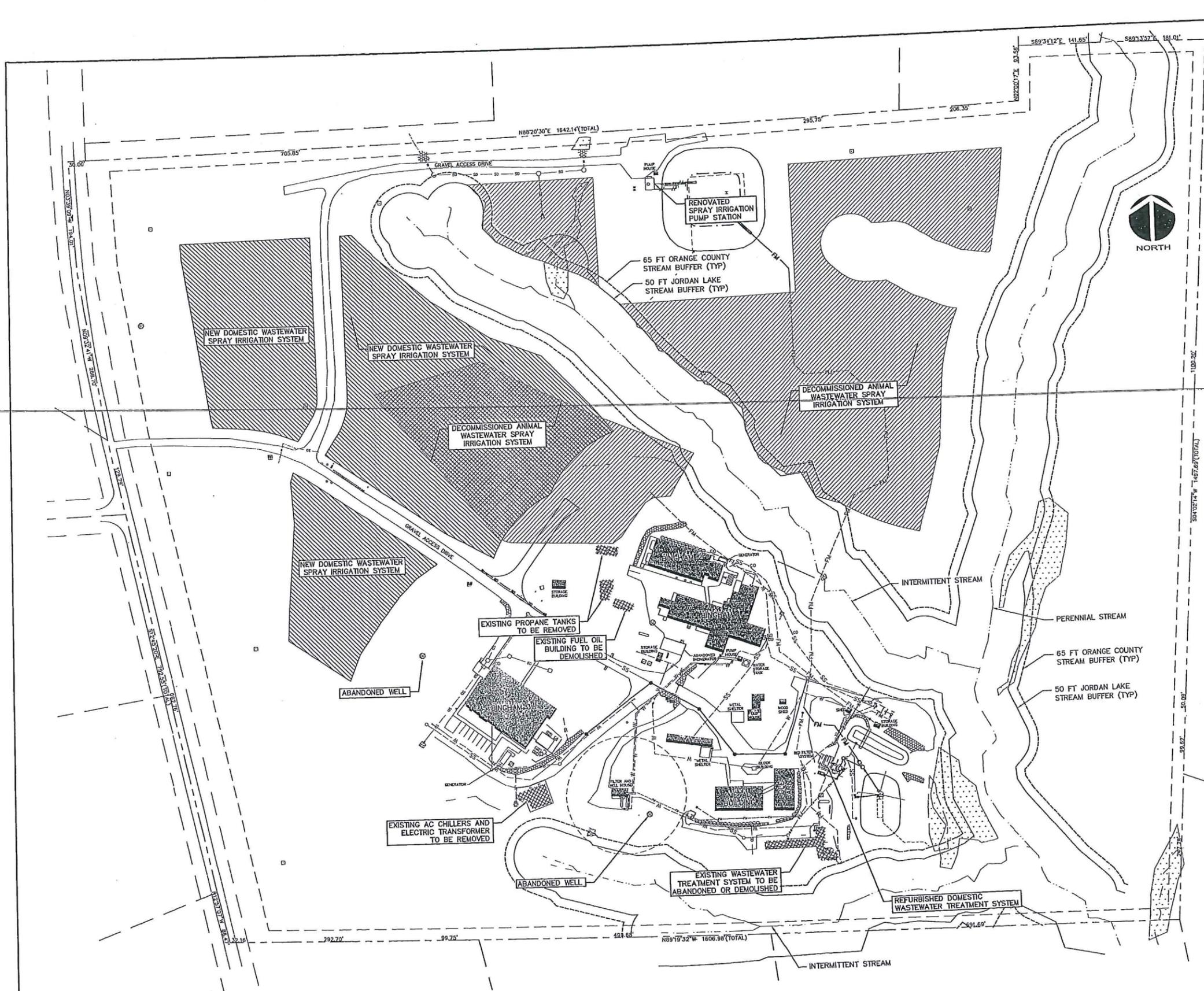
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THE UNIVERSITY of NORTH CAROLINA at CHAPEL HILL

UNC BINGHAM FACILITY (PREVIOUSLY KNOWN AS UNC RESEARCH RESOURCE FACILITY) SITE PLAN UPDATE 2011

PROPOSED OVERALL SITE PLAN ABOVE GROUND FEATURES

DATE: APRIL 2011	SCALE: HORIZONTAL: 1" = 80'	FILE NUMBER: C01
MCE PROJ. # 1488-0032	VERTICAL: NA	
DRAWN: SHK		
DESIGNED: CDR		
CHECKED: CMB		
PROJ. MGR: CDR		
STATUS: 2011 SITE PLAN UPDATE		



LEGEND

○	EXISTING POTABLE WATER WELL	SD	PROPOSED STORM DRAIN
○	EXISTING MONITORING WELL	---	EXISTING STREAM
□	EXISTING PIEZOMETER	---	EXISTING 50 FT JORDAN LAKE STREAM BUFFER
⊠	EXISTING ELECTRICAL TRANSFORMER	---	EXISTING 65 FT ORANGE COUNTY STREAM BUFFER
○	EXISTING LIGHT POLE	---	EXISTING PROPERTY LINE
⊞	EXISTING TELEPHONE PEDESTAL	---	BUILDING SETBACK LINE
⊞	EXISTING TELEPHONE HAND HOLE	---	EXISTING BUSHES
⊞	EXISTING CABLE TV BOX	---	EXISTING WOODSLINE
⊞	EXISTING POTABLE WATER METER	---	PROPOSED WOODSLINE
---	EXISTING FENCE	---	EXISTING RIP RAP AREA
---	PROPOSED FENCE	---	EXISTING LANDSCAPED AREA
---	EXISTING DITCH	---	EXISTING WETLAND AREA
SS	EXISTING SANITARY SEWER LINE	---	PROPOSED LANDSCAPED AREA
SS	PROPOSED SANITARY SEWER LINE		
FM	EXISTING SANITARY FORCE MAIN		
FM	PROPOSED SANITARY FORCE MAIN		

- NOTES:**
- PROJECT IS LOCATED IN THE HAW RIVER WATERSHED IN THE CAPE FEAR RIVER BASIN.
 - PROJECT IS NOT LOCATED IN A FEMA REGULATED FLOODPLAIN AND NOT SUBJECT TO PROVISIONS OF THE SPECIAL FLOOD HAZARD OVERLAY DISTRICT.
 - MAXIMUM IMPERVIOUS SURFACE IS BASED ON THE NCDENR DIVISION OF WATER QUALITY LOW DENSITY THRESHOLD OF 24% IMPERVIOUS. THIS PROJECT IS CURRENTLY IN PROCESS OF SUBMITTAL TO NCDENR FOR OVERALL LOW DENSITY STORMWATER PERMIT.
 - PROPERTY IS REQUIRED TO COMPLY WITH STREAM BUFFER REQUIREMENTS OF SECTION 6.13 OF THE ORANGE COUNTY UDO.
 - ALL DEVELOPMENT REQUIREMENTS ASSOCIATED WITH ORANGE COUNTY UDO SECTION 6.8 SHALL BE FOLLOWED.
 - EXISTING TREES, REGARDLESS OF SIZE, SHALL NOT BE CUT OR OTHERWISE DAMAGED OR DESTROYED WITHIN A PRIMARY TREE PROTECTION AREA EXCEPT AS SHOWN ON AN APPROVED LANDSCAPE AND TREE PRESERVATION PLAN, PLOT PLAN, OR SITE PLAN.
 - DURING CONSTRUCTION ACTIVITIES, ADEQUATE PROTECTIVE MEASURES SHALL BE PROVIDED TO MINIMIZE DAMAGE TO EXISTING TREES AND OTHER VEGETATION.
 - SIGNS SHALL BE POSTED IDENTIFYING THE TREE PROTECTION AREAS AND SHALL STATE THE AREA IS NOT TO BE DISTURBED. SUCH PROTECTIVE DEVICES SHALL EFFECTIVELY PROTECT THE CRITICAL ROOT ZONES, TRUNKS, AND TOPS OF TREES TO BE RETAINED AND SHALL BE MAINTAINED UNTIL ALL WORK HAS BEEN COMPLETED.
 - THE PROJECT SITE SHALL MAINTAIN A TYPE B THIRTY (30) FT LANDSCAPE BUFFER ALONG ALL PROPERTY LINES.
 - ACCESS ROAD LAYOUT SHALL BE REVIEWED AND APPROVED BY THE ORANGE COUNTY FIRE MARSHAL.
 - NO NEW OUTDOOR LIGHTING FIXTURES, OTHER THAN BUILDING MOUNTED SECURITY LIGHTS, SHALL BE INSTALLED ON THE PROPERTY.
 - DEVELOPER SHALL APPLY FOR ALL APPLICABLE STORMWATER MANAGEMENT AND EROSION CONTROL PERMITS AS REQUIRED BY THE ORANGE COUNTY UDO AND NCDENR.
 - DISPOSAL OF ALL WASTE MATERIAL GENERATED FROM THE SITE SHALL BE IN ACCORDANCE WITH THE ORANGE COUNTY SOLID WASTE MANAGEMENT ORDINANCE.
 - DISPOSAL OF ALL CONSTRUCTION DEBRIS AND LAND CLEARING MATERIALS SHALL BE IN ACCORDANCE WITH ORANGE COUNTY REGULATIONS AND SHALL NOT BE BURNED OR BURIED ON SITE.
 - PROPOSED PARKING LOT SHALL COMPLY WITH THE DIMENSIONAL REQUIREMENTS CONTAINED WITHIN SECTION 6.9.10 OF THE ORANGE COUNTY UDO.
 - ALL EXISTING TREES ARE LOCATED WITHIN THE PRIMARY TREE PROTECTION AREA AS DEFINED WITHIN THE ORANGE COUNTY UDO.

SITE DATA (CONTINUED FROM SHEET C01)

MINIMUM REQUIRED OPEN SPACE (PER ZONING SCHEDULE 5.1.2): 48.35 ACRES (85%)
 PROPOSED OPEN SPACE = 54.01 ACRES (95%)

MAXIMUM IMPERVIOUS SURFACE = 13.80 ACRES (24%)
 PROPOSED IMPERVIOUS SURFACE = 3.55 ACRES (6.3%)

SETBACKS:	REQUIRED	PROVIDED
FRONT:	40 FT	150 FT
SIDE:	20 FT	152 FT
REAR:	20 FT	514 FT

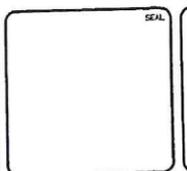
DIMENSIONAL AND RATIO STANDARDS:	REQUIRED	PROVIDED
MAX. FLOOR AREA RATIO:	0.088 (214,633 SF)	35,745 SF**
MIN. PEDESTRIAN & LANDSCAPE RATIO:	0.21 (512,265 SF)	521,413 SF
MIN. OPEN SPACE RATIO:	0.84 (2,049,062 SF)	2,352,650 SF

**THERE ARE 15 BUILDINGS ON SITE. SEE SHEET C04 FOR MORE INFORMATION.

PARKING SPACES:	REQUIRED	PROVIDED
1 PER EMPLOYEE	1 PER EMPLOYEE	11 (10 EMPLOYEE, 1 VISITOR)

FULL TIME EMPLOYEES AT BUILDOUT: 10
 STUDENTS TAUGHT ON SITE: 0
 TRAFFIC GENERATION: +/- 60 VEHICLE TRIPS PER DAY

REV.	DESCRIPTION	DATE
C	REVISE PER ORANGE COUNTY PLANNING COMMISSION DATED JULY 18, 2011	8/9/11
B	PRESENT TO UNC FOR ORANGE COUNTY SITE PLAN SUBMITTAL	4/23/11
A	DESIGNED FOR REVIEW BY UNC FOR ORANGE COUNTY SITE PLAN SUBMITTAL	4/27/11



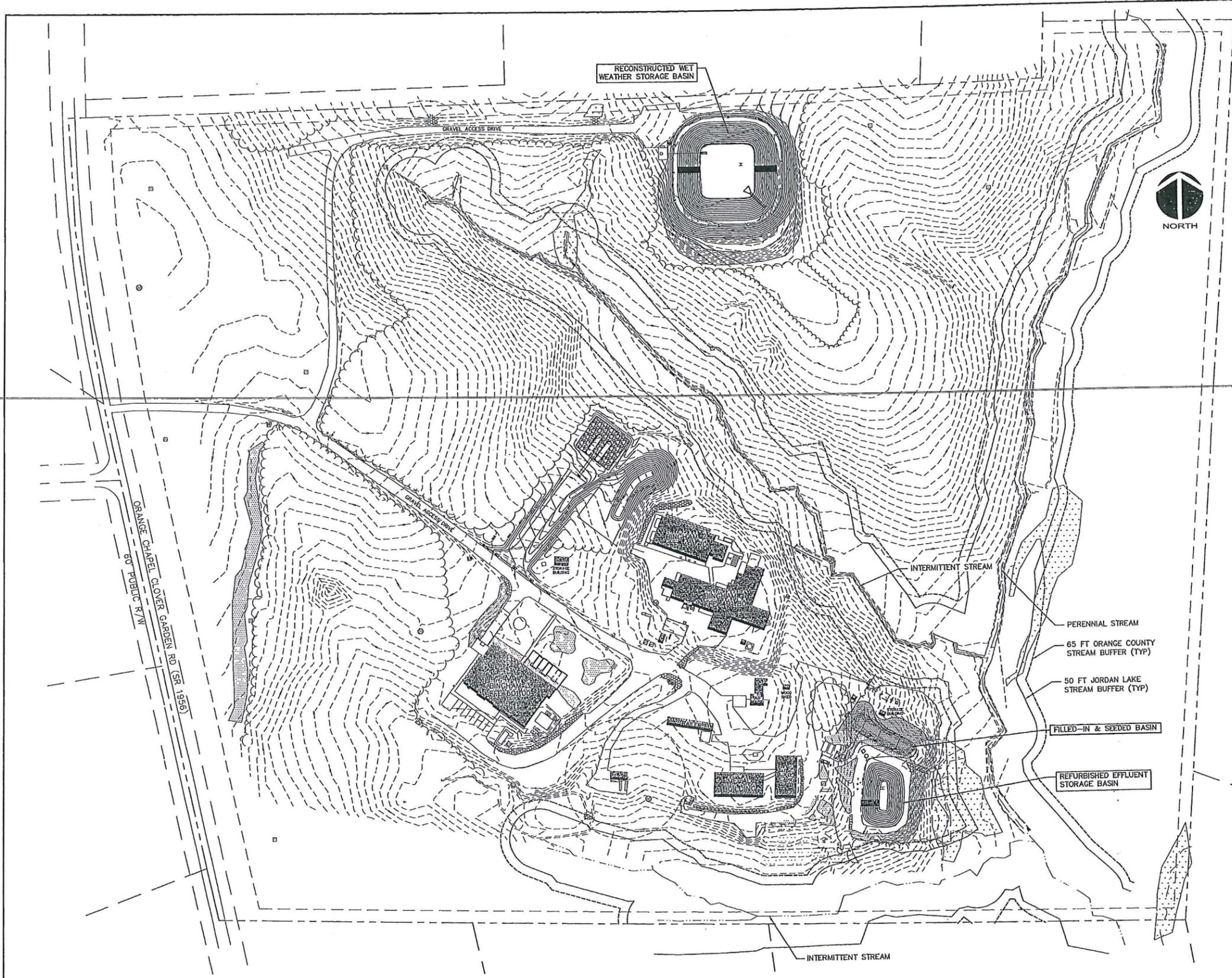
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UNC BINGHAM FACILITY (PREVIOUSLY KNOWN AS UNC RESEARCH RESOURCE FACILITY) SITE PLAN UPDATE 2011

PROPOSED OVERALL SITE PLAN BELOW GROUND FEATURES

DATE: APRIL 2011	SCALE: HORIZONTAL: 1" = 80'	REV. NO.: C02
MCE PROJ. # 1488-0032	VERTICAL: NA	REVISION: C
DRAWN: SHK		
DESIGNED: CDR		
CHECKED: CMB		
PROJ. MGR.: CDR		
STATUS: 2011 SITE PLAN UPDATE		



- LEGEND**
- ⊙ - EXISTING POTABLE WATER WELL
 - ⊙ - EXISTING MONITORING WELL
 - - EXISTING PIEZOMETER
 - ⊠ - EXISTING ELECTRICAL TRANSFORMER
 - ⊕ - EXISTING LIGHT POLE
 - ⊞ - EXISTING TELEPHONE PEDESTAL
 - ⊞ - EXISTING TELEPHONE HAND HOLE
 - ⊞ - EXISTING CABLE TV BOX
 - ⊞ - EXISTING POTABLE WATER METER
 - ⊞ - PROPOSED STORM DROP INLET
 - — — — — EXISTING FENCE
 - — — — — PROPOSED FENCE
 - - - - - EXISTING MINOR CONTOUR
 - - - - - EXISTING MAJOR CONTOUR
 - - - - - PROPOSED MINOR CONTOUR
 - - - - - PROPOSED MAJOR CONTOUR
 - - - - - EXISTING DITCH
 - - - - - EXISTING STREAM
 - - - - - EXISTING 50 FT JORDAN LAKE STREAM BUFFER
 - - - - - EXISTING 65 FT ORANGE COUNTY STREAM BUFFER
 - - - - - EXISTING PROPERTY LINE
 - - - - - BUILDING SETBACK LINE
 - - - - - PROPOSED STORM PIPE
 - ⊞ - EXISTING BUSHES
 - ⊞ - EXISTING WOODSLINE
 - ⊞ - EXISTING RIP RAP AREA
 - ⊞ - EXISTING LANDSCAPED AREA
 - ⊞ - EXISTING WETLAND AREA
 - ⊞ - PROPOSED LANDSCAPED AREA



INTERMITTENT STREAM

PERENNIAL STREAM

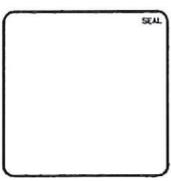
65 FT ORANGE COUNTY
STREAM BUFFER (TYP)

50 FT JORDAN LAKE
STREAM BUFFER (TYP)

FILLED-IN & SEEDING BASIN

REFURBISHED EFFLUENT
STORAGE BASIN

REVNO.	DESCRIPTIONS	DATE
C	REVISE PER ORANGE COUNTY PLANNING COMMENTS DATED JULY 18, 2011	8/10/11
B	RESUBMIT TO UNC FOR ORANGE COUNTY SITE PLAN SUBMITAL	4/23/11
A	ISSUED FOR REVIEW BY UNC FOR ORANGE COUNTY SITE PLAN SUBMITAL	4/21/11



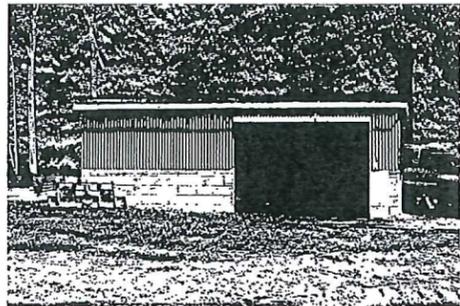
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**UNC BINGHAM FACILITY
 (PREVIOUSLY KNOWN AS UNC RESEARCH RESOURCE FACILITY)
 SITE PLAN UPDATE 2011**

**PROPOSED OVERALL
 GRADING AND DRAINAGE PLAN**

DATE: APRIL 2011	SCALE:	MAC FILE NUMBER:
M&C PROJ. # 1488-0032	HORIZONTAL: 1" = 80'	DRAWING NUMBER: C03
DRAWN: SHK	VERTICAL: NA	REVISION: C
DESIGNED: CDR		
CHECKED: CMB		
PROJ. MGR.: CDR		
STATUS: 2011 SITE PLAN UPDATE		



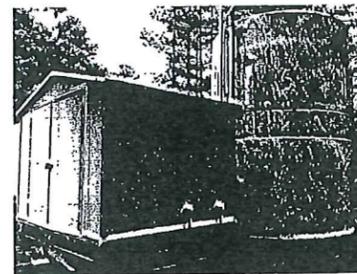
STORAGE BUILDING
CONSTRUCTED: UNKNOWN
FLOOR AREA: 342 SF, HEIGHT: 8'-7"
FUNCTION: STORAGE



BINGHAM 1
CONSTRUCTED: 1973
FLOOR AREA: 9,411 SF, HEIGHT: 11'-0"
FUNCTION: ANIMAL HOLDING AND OFFICES



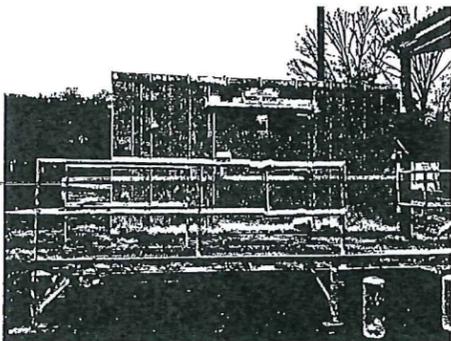
BINGHAM 2
CONSTRUCTED: 2007
FLOOR AREA: 5,363 SF, HEIGHT: 17'-7"
FUNCTION: ANIMAL HOLDING



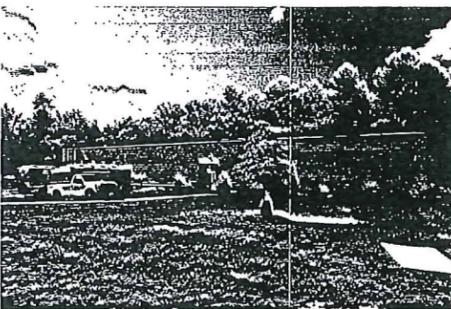
PUMP HOUSE
CONSTRUCTED: UNKNOWN
FLOOR AREA: 76 SF, HEIGHT: 9'-0"



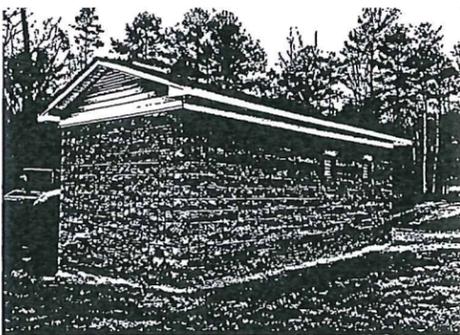
OLD HOUSE
CONSTRUCTED: 19TH CENTURY
FLOOR AREA: 1,242 SF, HEIGHT: 21'-0"
FUNCTION: STORAGE



STORAGE BUILDING
CONSTRUCTED: UNKNOWN
FLOOR AREA: 120 SF, HEIGHT: 9'-7"
FUNCTION: STORAGE



BINGHAM 3
CONSTRUCTED: 2010
FLOOR AREA: 10,847 SF, HEIGHT: 16'-5"
FUNCTION: ANIMAL HOLDING



FILTER AND WELL HOUSE
CONSTRUCTED: UNKNOWN
FLOOR AREA: 265 SF, HEIGHT: 14'-3"



NORTH

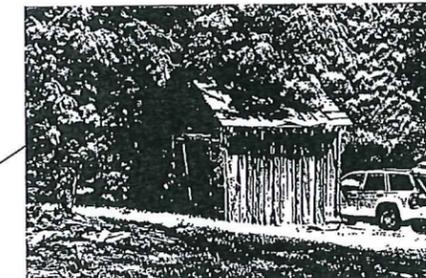
CAROLYN ROOSE
DP 2175 PG 14
PH # 919-742-2540

JOSEPH AND ROSE MATSUK
DP 2119 PG 22
PH # 919-641-4142

ROBIN PICKARD MILLER
DP 2194 PG 36
PH # 919-541-2701

WARREN RAY, II
DP 1280 PG 8
PH # 919-651-3441

BLAKE TOMPSON RAY
AND LARRY WARREN RAY, SR.
DP 414 PG 103
PH # 919-14-1222



WOOD SHED
CONSTRUCTED: UNKNOWN
FLOOR AREA: 100 SF, HEIGHT: 12'-0"
FUNCTION: NOT USED

DIANA HUFF
DP 2117 PG 5
PH # 919-742-2540

ANDREW MOONEY
DP 718 PG 183
PH # 919-731-8238

WENDY AND JAMES CURTIS
DP 2008 PG 174
PH # 919-742-2542

VERONICA CHAMBERS
DP 2317 PG 82
PH # 919-742-2576

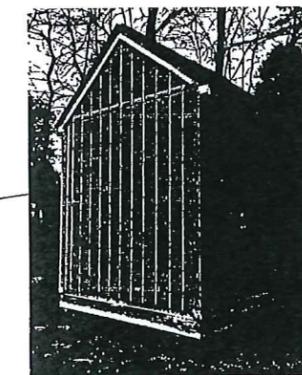
HANATHA AND KAREN DENN
DP 1000 PG 158
PH # 919-811-5145

WALTER LODATSKY
DP 1402 PG 123
PH # 919-821-9944

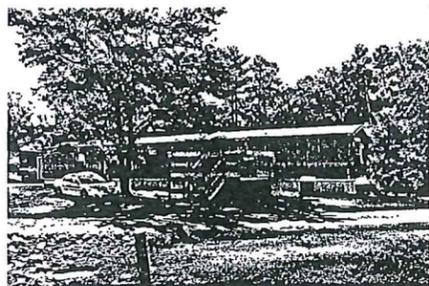
MICHAEL AND JOY MORROW
DP 1000 PG 146
PH # 919-742-2541

JAMES HUSSON
DP 1870 PG 208
PH # 919-651-1553

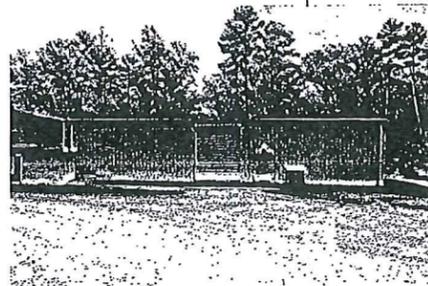
CLIFFORD AND LYNN LEATH
DP 1342 PG 588
PH # 919-651-8670



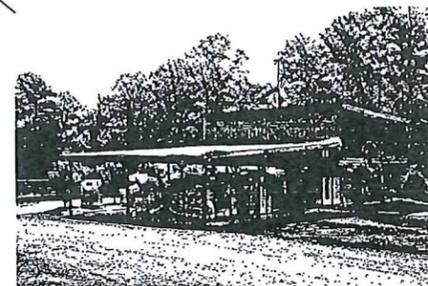
SHED
CONSTRUCTED: UNKNOWN
FLOOR AREA: 68 SF, HEIGHT: 12'-10"
FUNCTION: STORAGE



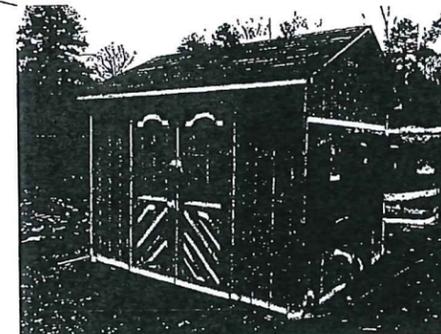
TRAILER
CONSTRUCTED: 1971
FLOOR AREA: 1,030 SF, HEIGHT: 12'-9"
FUNCTION: STORAGE



METAL BUILDING
CONSTRUCTED: 2003
FLOOR AREA: 3,200 SF, HEIGHT: 18'-0"
FUNCTION: STORAGE



POLE BARN
CONSTRUCTED: 2003
FLOOR AREA: 3,515 SF, HEIGHT: 19'-5"
FUNCTION: STORAGE



STORAGE BUILDING
CONSTRUCTED: UNKNOWN
FLOOR AREA: 90 SF, HEIGHT: 9'-10"
FUNCTION: STORAGE

REV. NO.	DESCRIPTION	DATE
C	REVISE PER ORANGE COUNTY PLANNING COMMENTS DATED JULY 18, 2011	8/29/11
B	PERMIT TO UNC FOR ORANGE COUNTY SITE PLAN SUBMITAL	8/23/11
A	DESIGN FOR REVIEW BY UNC FOR ORANGE COUNTY SITE PLAN SUBMITAL	4/22/11
1	ISSUED FOR REVIEW BY UNC FOR ORANGE COUNTY SITE PLAN SUBMITAL	4/22/11



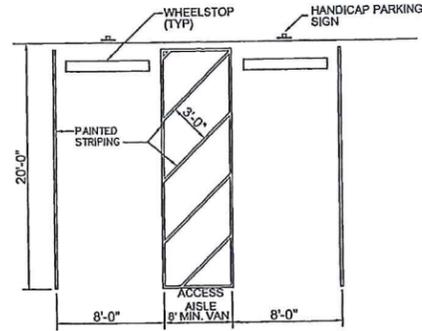
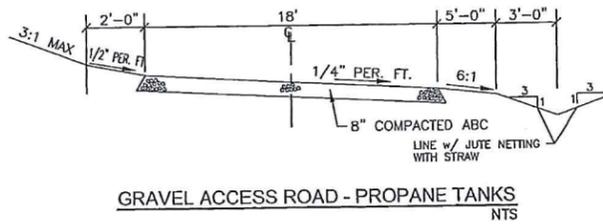
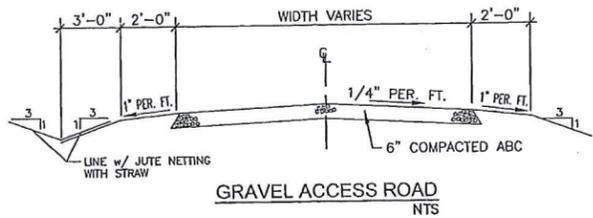
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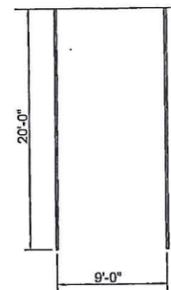
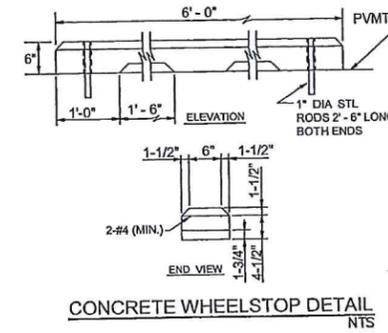
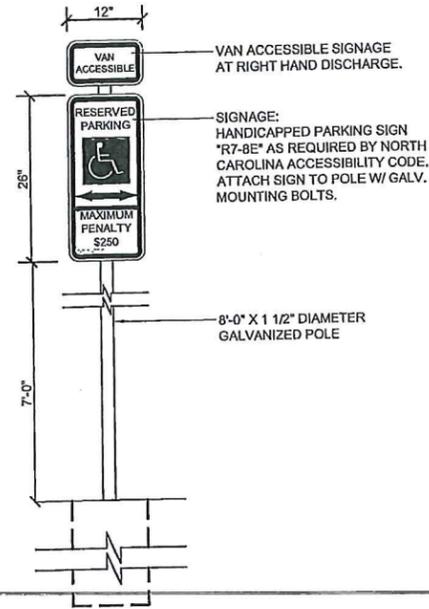
**UNC BINGHAM FACILITY
(PREVIOUSLY KNOWN AS UNC RESEARCH RESOURCE FACILITY)**
SITE PLAN UPDATE 2011

**PROPOSED SITE PLAN WITH
EXISTING BUILDING PHOTOS**

DATE: APRIL 2011	SCALE: HORIZONTAL: 1"=150'	VAC FILE NUMBER: C04
MCE PROJ. # 1488-0032	DRAWN: SHK	DRAWING NUMBER: C04
DESIGNED: CDR	CHECKED: CMB	VERTICAL: NA
PROJ. MGR.: CDR		
STATUS: 2011 SITE PLAN UPDATE		REVISION: C

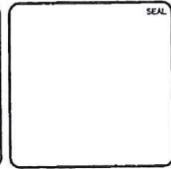


NOTE:
 1. IF A NON-VAN PARKING SPACE SHARES AN ACCESS AISLE WITH A VAN ACCESSIBLE SPACE, THEN THE ACCESS AISLE SHALL BE 9' WIDE.
 2. NEW SPACES SHALL NOT USE GROUND-PAINTED SYMBOLS.
 3. ACCESSIBLE SPACES ARE REQUIRED TO BE STRIPED OFF ONLY; STRIPING IS WHITE ON DARK PAVEMENT, BLACK ON LIGHT PAVEMENT. (N.C.D.O.T.)



NOTE:
 1. PARKING SPACES TO BE GRAVEL UNLESS SPECIFIED OTHERWISE.

REV.	DESCRIPTION	DATE
C	RESPONSE FOR ORANGE COUNTY PLANNING COMMENTS DATED JULY 18, 2011	9/29/11
B	RESUBMIT TO UNC FOR ORANGE COUNTY SITE PLAN SUBMITTAL	6/23/11
A	ISSUED FOR REVIEW BY UNC FOR ORANGE COUNTY SITE PLAN SUBMITTAL	4/27/11



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SITE DETAILS

DATE: APRIL 2011	SCALE:	WAC FILE NUMBER:
MCE PROJ. # 1489-0032	HORIZONTAL: NA	DRAWING NUMBER: C05
DRAWN: SHK	VERTICAL: NA	
DESIGNED: CDR		
CHECKED: CMB		
PROJ. MGR: CDR		
STATUS: 2011 SITE PLAN UPDATE	REVISION: C	