

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



**AGENDA  
ORANGE COUNTY PLANNING BOARD**

**ORANGE COUNTY WEST CAMPUS OFFICE BUILDING  
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)  
HILLSBOROUGH, NORTH CAROLINA 27278  
Wednesday, February 5, 2014  
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
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- 1. **CALL TO ORDER**
- 2. **INFORMATIONAL ITEMS**
  - a. Planning Calendar for February and March
  - b. Quarterly Public Hearing – 7:00 p.m. on Feb. 24 @ Dept. of Social Services – draft legal ad attached

3-4  
5-18

- 3. **APPROVAL OF MINUTES**
  - January 8, 2014 ORC Meeting Notes
  - January 8, 2014 Regular Meeting

19-24  
25-28

4. **CONSIDERATION OF ADDITIONS TO AGENDA**

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

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

**Public Charge**

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

6. **CHAIR COMMENTS**

No.	Page(s)	Agenda Item
7.	29-45	<b>MAJOR SUBDIVISION CONCEPT PLAN:</b> To review and make a decision on a major subdivision concept plan application (Pleasant Green Woods, Phase IV), located off of Pleasant Green Road.  <b>Presenter:</b> Jennifer Leaf, Planner I
8.		<b>COMMITTEE/ADVISORY BOARD REPORTS</b> a. Board of Adjustment b. Orange Unified Transportation
9.		<b>ADJOURNMENT</b>

**IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR MICHAEL HARVEY (919-245-2597).**

# February 2014

February 2014

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March 2014

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Jan 26 - Feb 1							
	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
Feb 2 - 8			7:00pm BOCC Reg Meeting (Department of Social Services)	7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg )			
	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
Feb 9 - 15		7:30pm Board of Adjustment (West Campus Office Bldg)	7:00pm BOCC Budget Work Session (Southern Human Services)		7:00pm BOCC Work Session (Link Gov't Service)		
	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>
Feb 16 - 22			7:00pm BOCC Reg Meeting (Southern Human Services)	7:00pm OUTBoard Meeting (West Campus Office Bldg)			
	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>Mar 1</b>
Feb 23 - Mar 1		7:00pm *Quarterly Public Hearing (Dept of Social Services)			7:00pm BOCC/Town of Hillsborough Joint Meeting (Link Gov't Service)		

# March 2014

March 2014

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	<b>Feb 23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>Mar 1</b>
Feb 23 - Mar 1							
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Mar 2 - 8			7:00pm BOCC Reg Meeting (Department of Social Services)	7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)	7:00pm BOCC Meeting (Dept Social Services)		
	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
Mar 9 - 15		7:30pm Board of Adjustment (West Campus Office Bldg)	5:30pm BOCC Work Session Dinner Meeting (Link: cj fm Gyfj JWk 7:00pm 6C 77 K ork Session (Link Gov't Sejf JWk				
	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>
Mar 16 - 22			7:00pm BOCC Reg Meeting (Southern Human Services)	7:00pm OUTBoard Meeting (West Campus Office Bldg)			
	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>
Mar 23 - 29					7:00pm BOCC/Town of Chapel Hill Joint Meeting (Southern Human Services)		
	<b>30</b>	<b>31</b>	<b>Apr 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Mar 30 - Apr 5							

\*Planning Board Member Attendance Required

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 4, 2014

**Action Agenda  
Item No.** \_\_\_\_\_

**SUBJECT:** Legal Advertisement for Quarterly Public Hearing – February 24, 2014

**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING: (Y/N)**

**ATTACHMENT(S):**

1. Proposed Legal Advertisement
2. Location Maps

**INFORMATION CONTACT:**

Perdita Holtz, Planning Systems  
Coordinator, 919-245-2578  
Craig Benedict, Planning Director, 919-  
245- 2592

**PURPOSE:** To consider the legal advertisement for items to be presented at the joint Board of County Commissioners/Planning Board Quarterly Public Hearing scheduled for February 24, 2014.

**BACKGROUND:** The Board of County Commissioners reviews proposals to be considered at public hearing for consistency with general County policy and presentation format. The following items are scheduled for the February 24, 2014 Quarterly Public Hearing (see maps in Attachment 2 for locations):

Applications:

1. Class A Special Use Permit request submitted by Strata Solar and Stout Farm LLC to develop a **5 megawatt solar array/public utility station** on two parcels of property, totaling approximately 52 acres in area, **off of Redman Road**. Parcel Identification Numbers (PIN) are 9844-06-5971 and 9844-17-2687.
2. Class A Special Use Permit request submitted by Sunlight Partners LLC, Kinetix Engineering and Shelia Bishop, Michael Bishop, and Annie Nunn to develop a **5 megawatt solar array/public utility station** on two parcels of property, totaling approximately 50 acres in area, **off of Mt. Sinai Road**. Parcel Identification Numbers (PIN) are 9881-38-8874 and 9881-49-3072.
3. Zoning Atlas Amendment request submitted by Mr. and Mrs. Don and Donna Easterlin to **rezone an approximately 12 acre parcel of property located at 5908 US 70 West:**

FROM: Economic Development Eno Low Intensity (EDE-1); Economic Development Eno High Intensity (EDE-2); and Lower Eno Protected Watershed Protection Overlay.

TO: Economic Development Eno High Intensity (EDE-2) and Lower Eno Protected Watershed Protection Overlay.

4. Unified Development Ordinance Text Amendment request submitted by Mr. and Mrs. Don and Donna Easterlin to amend Section 5.6.5 (A) (2) (b) *Kennels (Class II) – Standards of Evaluation* to **reduce required setbacks for Class II Kennels developed within the EDE-2 zoning district**. The current minimum setback is 150-feet. The text amendment would reduce the required setback to 25-feet which is the minimum setback for other structures developed in the EDE-2 zoning district.

County Initiated:

5. 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments and Zoning Atlas Amendments to **establish two new zoning overlay districts** in the Efland area (see map in Attachment 2 for locations). The proposed overlay districts are measures to implement some of the recommendations contained in the adopted Efland-Mebane Small Area Plan. This item was heard at the November 19, 2012 quarterly public hearing but was not adopted in 2013.
6. 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments to establish the **Agricultural Support Enterprises program outside of the Rural Buffer** land use classification.
7. 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments to establish the **Agricultural Support Enterprises program within the Rural Buffer** land use classification.
8. Unified Development Ordinance (UDO) Text Amendments to **change the existing public hearing process** for Comprehensive Plan-, UDO-, and Zoning Atlas-related projects/amendments.

The legal advertisement in Attachment 1 provides additional information regarding these items. The BOCC approved the Amendment Outline Form for items 5 and 8 at its October 15, 2013 meeting and approved the Amendment Outline Form for item 6 at its September 5, 2013 meeting. Item 7 is an “umbrella” item under item 6; the amendments related to the Rural Buffer were separated from the remainder of the county after the November 21, 2013 Assembly of Governments meeting because it was determined amendments to the Joint Planning Area Land Use Plan & Agreement would be necessary in order to apply the Agricultural Support Enterprises program in the Rural Buffer. Because amendments to the Joint Planning Area documents involve more steps and the staffs and elected officials of the joint planning partners, County staff believed it would be prudent to separate the amendments that pertain to the Rural Buffer for both timeliness and clarity purposes.

**FINANCIAL IMPACT:** Other than advertising costs, which are included in the FY 2013-14 Budget, there are no direct financial impacts associated with the approval of this item.

**RECOMMENDATION(S):** The Interim Manager recommends the Board approve the proposed February 24, 2014 Quarterly Public Hearing legal advertisement.

**NOTICE OF JOINT PUBLIC HEARING  
ORANGE COUNTY BOARD OF COMMISSIONERS  
ORANGE COUNTY PLANNING BOARD**

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Monday, February 24, 2014 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Class A Special Use Permit:** In accordance with the provisions of Section 2.7 *Special Use Permits* and Section 5.9.6 of the Orange County Unified Development Ordinance (UDO), Strata Solar and Stout Farm LLC have submitted a Class A Special Use Permit application seeking to develop a solar array/public utility station on two parcels of property, totaling approximately 52 acres in area, off of Redman Road between the railway and Interstate 85/40.

Strata Solar intends to lease the parcels, with Parcel Identification Numbers (PIN) of 9844-06-5971 and 9 844-17-2687, owned by Stout Farm LLC to develop a 5 megawatt facility involving the erection of individual solar arrays.

The properties in question are zoned Rural Residential (R-1), Upper Eno Protected Watershed Protection and Major Transportation Corridor (MTC) Overlay Districts.

The properties are located within the Commercial Industrial Transition Activity Node (CITAN) land use category as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

Purpose: To review the item and receive public comment on the application.

2. **Class A Special Use Permit:** In accordance with the provisions of Section 2.7 *Special Use Permits* and Section 5.9.6 of the Orange County Unified Development Ordinance (UDO), Sunlight Partners LLC, Kinetix Engineering and Shelia Bishop, Michael Bishop, and Annie Nunn have submitted a Class A Special Use Permit application seeking to develop a solar array/public utility station on two parcels of property, totaling approximately 50 acres in area, off of Mt. Sinai Road near Cascade Drive.

Sunlight Partners LLC intends to lease the parcels, with Parcel Identification Numbers (PIN) of 9881-38-8874 and 9881-49-3072, to develop a 5 megawatt facility involving the erection of individual solar arrays.

The properties in question are zoned Rural Buffer (RB) and are located within the Rural Buffer land use category as denoted on the Future Land Use Map of the Comprehensive Plan and the Rural Designated Area as denoted on the Growth Management System Map.

Purpose: To review the item and receive public comment on the application.

3. **Zoning Atlas Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Orange County Unified Development Ordinance (UDO), Mr. and Mrs. Don and Donna Easterlin have submitted an application seeking to rezone an approximately 12 acre parcel of property located at 5908 US 70 West:

**FROM:** Economic Development Eno Low Intensity (EDE-1); Economic Development Eno High Intensity (EDE-2); and Lower Eno Protected Watershed Protection Overlay.

**TO:** Economic Development Eno High Intensity (EDE-2) and Lower Eno Protected Watershed Protection Overlay.

The parcel in question is currently split zoned with a Parcel Identification Number (PIN) of 0803-11-5662. Approximately 8.6 acres of the property is zoned EDE-2 with the remaining acreage (approximately 3.4 acres) zoned EDE-1.

The property is currently utilized to support a Class II Kennel operation and a telecommunications tower. Kennels are a permitted use of property, subject to the issuance of a Class B Special Use Permit, in the EDE-2 zoning district and are prohibited within the EDE-1 zoning district. According to the application, Mr. and Mrs. Easterlin are requesting the rezoning to eliminate the existing split zoning and ensure the kennel operation is entirely contained within the EDE-2 general use zoning designation.

The property subject to this petition is located within the Economic Development Transition Activity Node land use category as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

Purpose: To review the item and receive public comment on the application.

4. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, Mr. and Mrs. Don and Donna Easterlin have submitted an application seeking to amend Section 5.6.5 (A) (2) (b) *Kennels (Class II) – Standards of Evaluation* to reduce required setbacks for Class II Kennels developed within the EDE-2 zoning district.

Section 5.6.5 (A) (2) (b) of the UDO requires a Class II Kennel operation, including outdoor runs, exercise yards, or buildings where animals are housed, to observe a 150 foot setback from property lines.

According to the application, Mr. and Mrs. Easterlin operate a Class II Kennel at 5908 US 70 West, the majority of which is zoned EDE-2. Portions of the operation,

permitted under an existing Special Use Permit issued on March 10, 1986, are within the required 150 foot setback.

The proposed amendment would reduce the required setbacks for Class II Kennels, developed within the EDE-2 zoning district, to 25 feet which is the typical setback required for structures developed within the district.

Purpose: To review the item and receive public comment on the application.

5. **2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments and Zoning Atlas Amendments:** In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* and Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the 2030 Comprehensive Plan and the Unified Development Ordinance and to the Zoning Atlas.

The purpose of these amendments is to establish two new zoning overlay districts in the Efland area. These proposed actions are measures to implement some of the recommendations contained in the adopted Efland-Mebane Small Area Plan. This is virtually the same text amendment that was heard at the November 19, 2012 quarterly public hearing but the text amendment was not adopted in 2013.

In the 2030 Comprehensive Plan, the Land Use and Zoning Matrix contained in Appendix F is proposed to be amended by adding a checkmark to potentially allow a special zoning overlay district in the following land use classifications: 20-Year Transition, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, and Economic Development Transition Activity Node.

The following Sections of the UDO are proposed for amendment: 2.5.7 and 4.4. Additionally, existing Sections 4.5 and 4.6 will be renumbered to 4.7 and 4.8, respectively. New Sections 4.5 and 4.6 will be inserted to establish the new zoning overlay districts. Existing Section 6.6.3 will be renumbered to be 6.6.5 and new Sections 6.6.3 and 6.6.4 will be inserted to establish standards for the two proposed zoning overlay districts.

The proposed renumbering will also affect references to the sections proposed for renumbering. References will be updated in the following existing Sections: 4.5.1 (which will also be renumbered to 4.7.1), 6.8.12, and 7.13.2.

The Zoning Atlas is proposed to be amended in order to depict the geographic extent of the two overlay districts.

The general geographic extent of the proposed “Efland Village Overlay District” is the railroad tracks that run through Efland to slightly north of U.S. Highway 70 with west-east boundaries of the Harding Road area and Gym Road.

The general geographic extent of the proposed “Efland Interstate Overlay District” is the railroad tracks that run through Efland to Interstate 40/85 with west-east boundaries of a line between Gaines Chapel Road and Center Street and the U.S. 70 Connector.

A map depicting the proposed overlay districts is available on the Planning Department’s website at: <http://orangecountync.gov/planning/SpecialProjects.asp>

Single-family residential uses are not subject to the proposed overlay districts.

Purpose: To review the item and receive public comment on the proposed text and zoning atlas amendments.

6. **2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments:** In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* and Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the 2030 Comprehensive Plan and the Unified Development Ordinance and to the Zoning Atlas.

The purpose of these amendments is to establish a zoning program commonly referred to as Agricultural Support Enterprises (ASE). This text amendment would establish the ASE program outside of the Rural Buffer land use classification, as depicted on the Future Land Use Map of the 2030 Comprehensive Plan. This is a program that has been in development since 2001.

In the 2030 Comprehensive Plan, the Land Use and Zoning Matrix contained in Appendix F is proposed to be amended by adding an ASE-CZ zoning district that would potentially be allowed in the following Land Use Classifications: Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Residential, Agricultural Residential, Rural Community Activity Node, Rural Neighborhood Activity Node, and Rural Industrial Activity Node.

The following Sections of the UDO are proposed for amendment: 2.4.3, 2.5.2, 3.8, numerous Sections in Article 5 (including the Table of Permitted Uses), 6.2.5, 6.2.6, 6.4.10, 6.8.6, 6.9.7, and Article 10 (Definitions).

The purpose of the Agricultural Support Enterprises program is to accommodate appropriate uses farmers outside of the Rural Buffer land use classification can pursue in order to generate additional farm-related income and to potentially allow farming support/related uses in rural areas while minimizing any adverse impacts on adjoining property by applying special standards for specific uses and the development requirements in the County’s UDO for all projects. By better enabling farmers to stay in the business of farming, the rural, farming heritage of Orange County will continue to be preserved.

Additional information about this topic is available on the Planning Department's website at: <http://orangecountync.gov/planning/SpecialProjects.asp>

Purpose: To review the item and receive public comment on the proposed text amendments.

### **PUBLIC INFORMATION MEETING for this proposal**

In an effort to better inform interested persons in an informal setting, a Public Information Meeting will be held on Thursday, February 13, 2014. Interested persons will have the opportunity to hear a presentation and ask questions about the proposed amendments. The Public Information Meeting will be held in the Food Lab of the Environmental and Agricultural Center located at 306 Revere Road in Hillsborough and will begin at 6:00 p.m.

7. **2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments:** In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* and Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the 2030 Comprehensive Plan and the Unified Development Ordinance and to the Zoning Atlas.

The purpose of these amendments is to establish a zoning program commonly referred to as Agricultural Support Enterprises (ASE). This text amendment would establish the ASE program within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the 2030 Comprehensive Plan.

In the 2030 Comprehensive Plan, the Land Use and Zoning Matrix contained in Appendix F is proposed to be amended by adding a checkmark to potentially allow the ASE-CZ zoning district in the Rural Buffer land use classification.

The following Sections of the UDO are proposed for amendment: 3.8 and several sections in Article 5, including the Table of Permitted Uses and Sections that are not currently adopted but would be adopted as part of "ASE outside of the Rural Buffer" (item #6 above).

The purpose of the Agricultural Support Enterprises program, as it applies to the Rural Buffer land use classification, is to accommodate appropriate uses farmers can pursue in order to generate additional farm-related income and to potentially allow appropriate farming support/related uses in the Rural Buffer while minimizing any adverse impacts on adjoining property by applying special standards for specific uses and the development requirements in the County's UDO for all projects. Projects in the Rural Buffer must also conform to the Joint Planning Area Land Use

Plan/Agreement which is a joint planning effort between Orange County and the Towns of Chapel Hill and Carrboro. By better enabling farmers to stay in the business of farming, the rural, farming heritage of Orange County will continue to be preserved.

Additional information about this topic is available on the Planning Department's website at: <http://orangecountync.gov/planning/SpecialProjects.asp>

Purpose: To review the item and receive public comment on the proposed text amendments.

### **PUBLIC INFORMATION MEETING for this proposal**

In an effort to better inform interested persons in an informal setting, a Public Information Meeting will be held on Thursday, February 13, 2014. Interested persons will have the opportunity to hear a presentation and ask questions about the proposed amendments. The Public Information Meeting will be held in the Food Lab of the Environmental and Agricultural Center located at 306 Revere Road in Hillsborough and will begin at 6:00 p.m.

8. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated amendments to the text of the Unified Development Ordinance (UDO).

The purpose of the amendments is to change the existing public hearing process for Comprehensive Plan-, UDO-, and Zoning Atlas-related items/amendments. The following Sections are proposed for amendments: 2.1, 2.3, 2.7, 2.8, 5.10.2.

The proposed amendments would replace the existing joint Board of County Commissioners (BOCC)/Planning Board quarterly public hearings with a minimum of eight (8) BOCC-only public hearing dates per year. The Planning Board would make its recommendation to the BOCC after the public hearing but a quorum of Planning Board members would no longer be necessary to hold a public hearing.

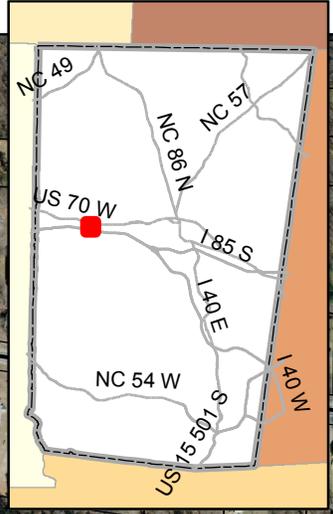
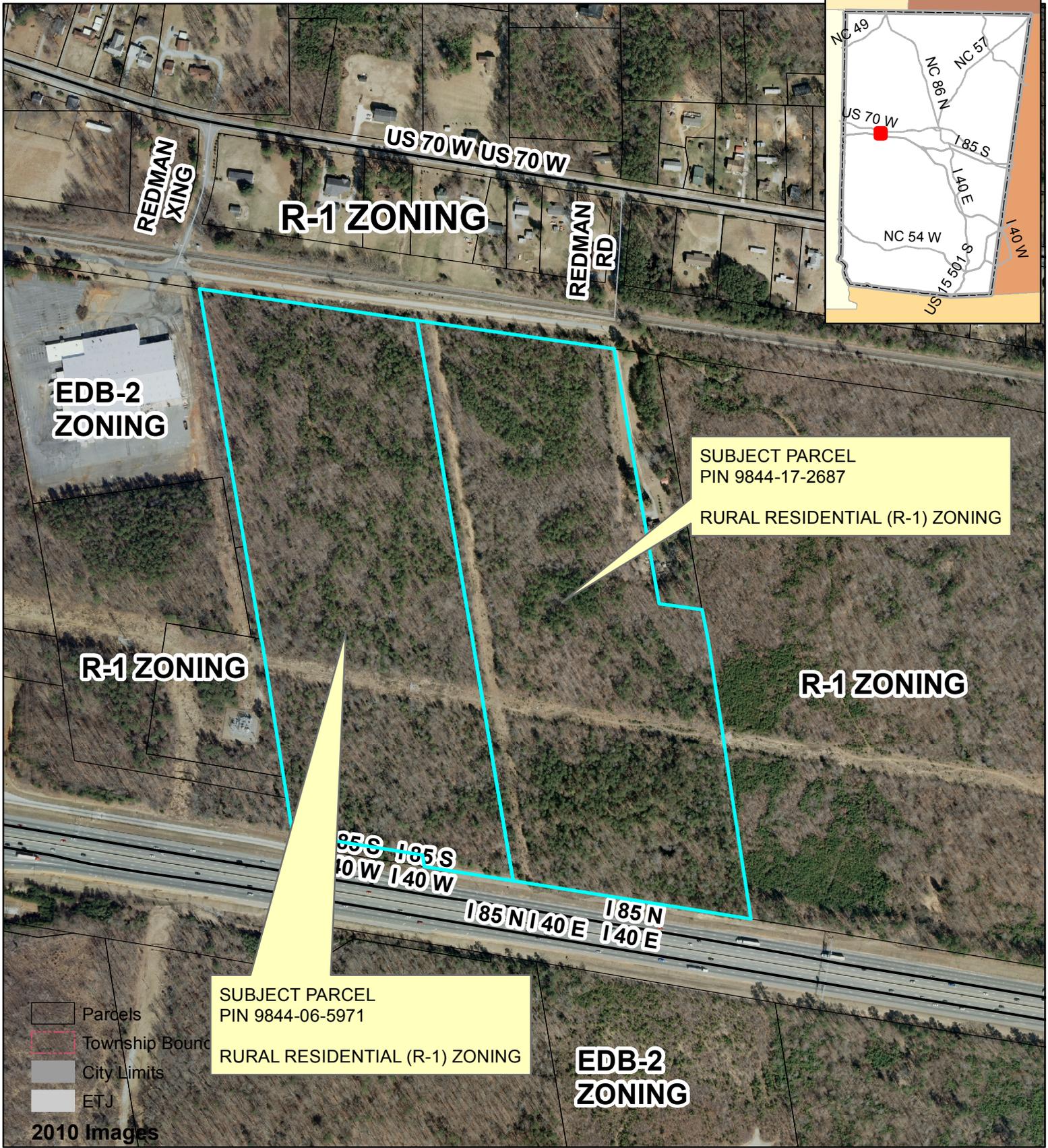
Purpose: To review the item and receive public comment on the proposed amendments.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers below. The full text of the public hearing items may be obtained no later than February 14, 2014 at the County website [www.co.orange.nc.us](http://www.co.orange.nc.us) at the [Meeting Agendas](#) link.

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH:	<u>The Herald Sun</u>	<u>News of Orange</u>
	February 12, 2014	February 12, 2014
	February 19, 2014	February 19, 2014

**VICINITY MAP - STRATA SOLAR  
CLASS A SPECIAL USE PERMIT REQUEST**

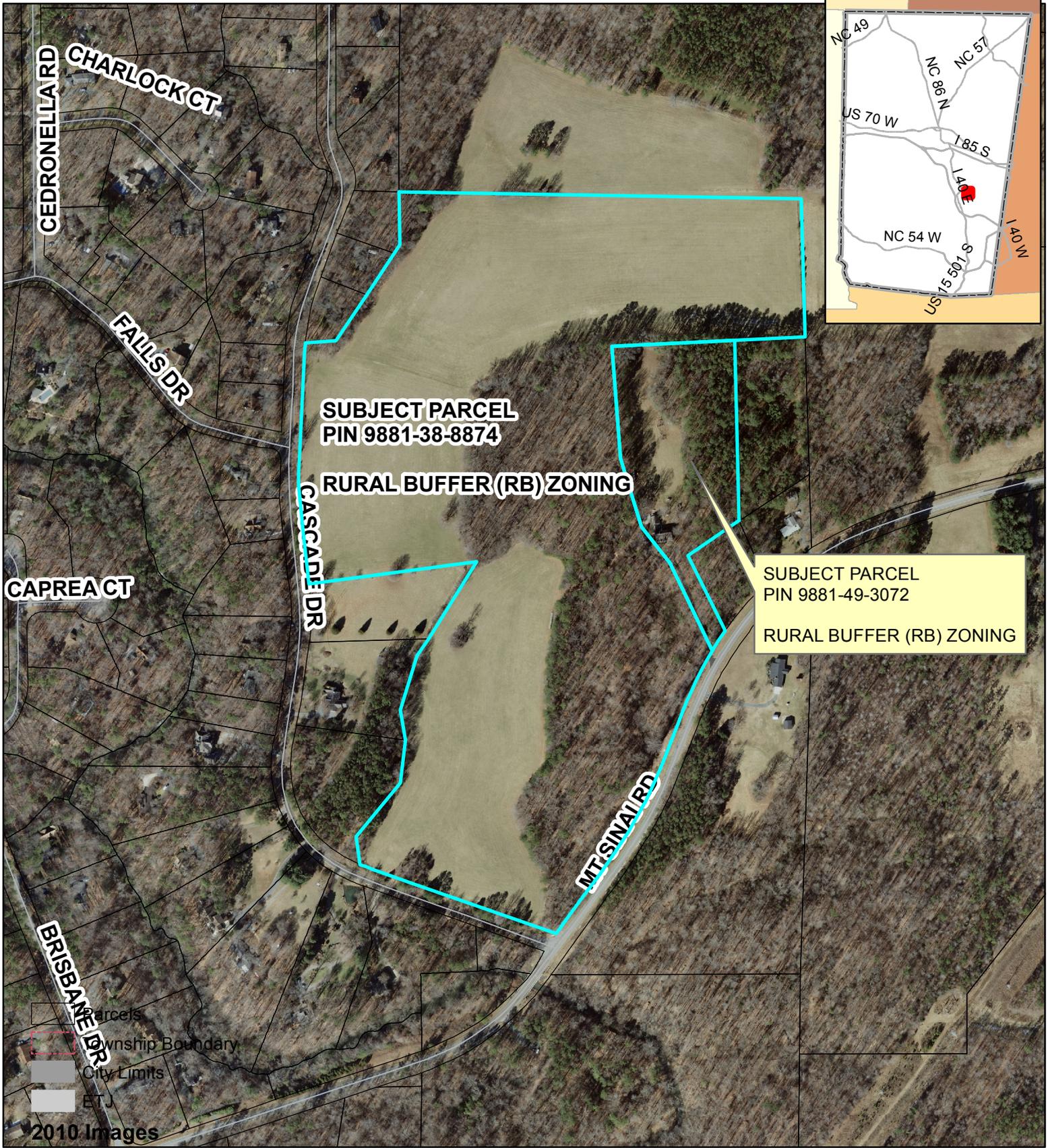


1 inch = 400 feet

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Orange County Planning and Inspections Department  
01/10/2014

**VICINITY MAP - SUNLIGHT PARTNERS LLC  
CLASS A SPECIAL USE PERMIT REQUEST**



SUBJECT PARCEL  
PIN 9881-49-3072  
RURAL BUFFER (RB) ZONING

- RGB**
- █ Red: Band\_1
  - █ Green: Band\_2
  - █ Blue: Band\_3

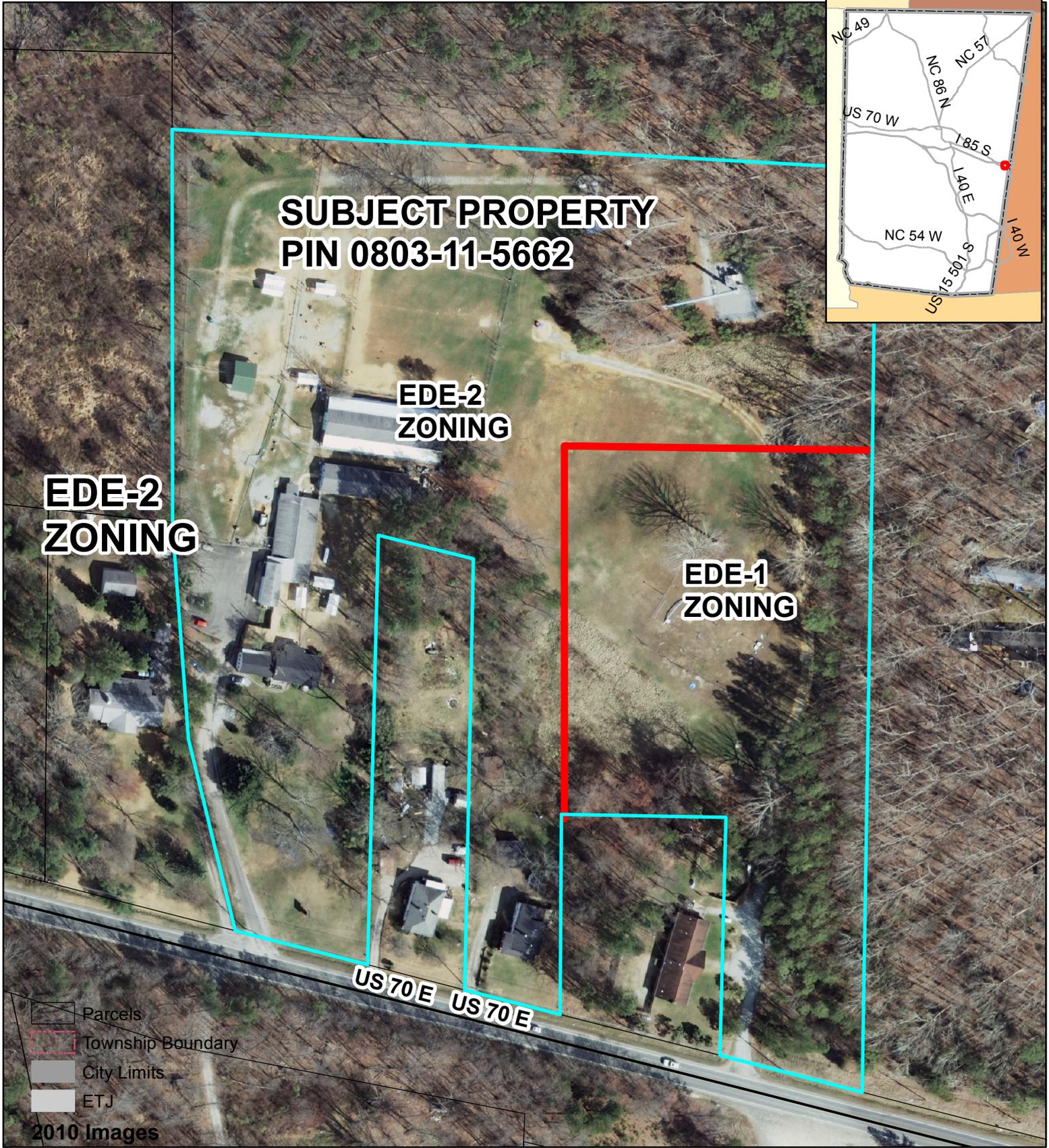


1 inch = 400 feet



Orange County Planning and Inspections Department  
01/10/2014

VICINITY MAP - EASTERLIN  
REZONING REQUEST



**RGB**

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

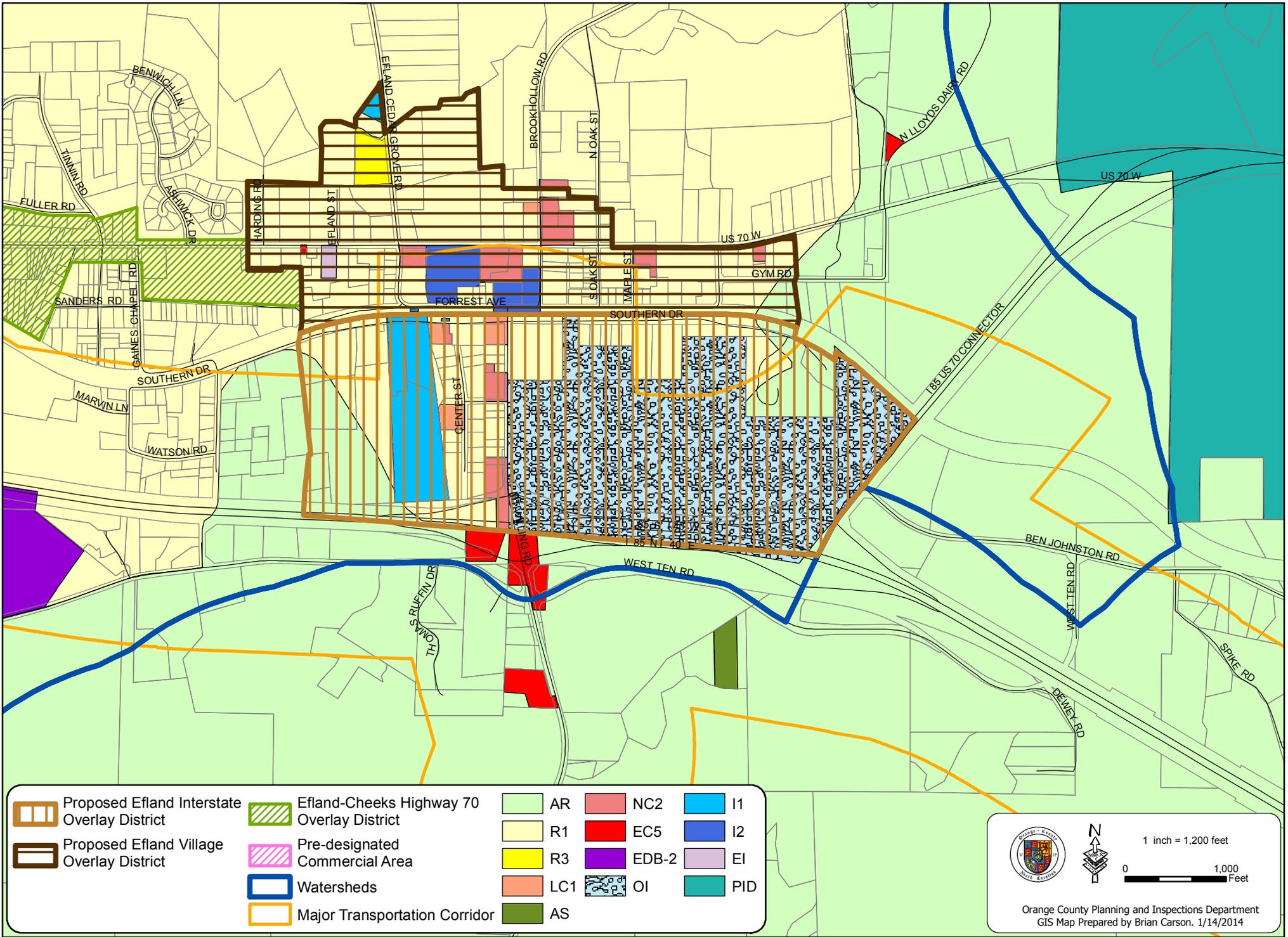


1 inch = 130 feet

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Orange County Planning and Inspections Department  
01/10/2014

# Proposed Zoning Overlay Districts



	Proposed Efland Interstate Overlay District		Efland-Cheeks Highway 70 Overlay District		AR		NC2		I1
	Proposed Efland Village Overlay District		Pre-designated Commercial Area		R1		EC5		I2
	Watersheds		EDB-2		R3		OI		EI
	Major Transportation Corridor		LC1		AS		PID		

1 inch = 1,200 feet  
 0 1,000 Feet

Orange County Planning and Inspections Department  
 GIS Map Prepared by Brian Carson, 1/14/2014

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**SUMMARY NOTES  
ORANGE COUNTY PLANNING BOARD  
JANUARY 8, 2014  
ORDINANCE REVIEW COMMITTEE**

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NOTE: A quorum is not required for Ordinance Review Committee meetings.

**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; James Lea, Cedar Grove Township Representative; Herman Staats, At-Large, Cedar Grove Township; Paul Guthrie, At-Large, Chapel Hill Township; Tony Blake, Bingham Township Representative; Buddy Hartley, Little River Township Representative; Johnny Randall, At-Large Chapel Hill Township;

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Special Projects Coordinator; Ashley Moncado, Special Projects Planner; Jennifer Leaf, Planner I; Tina Love, Administrative Assistant II

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

**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – CHANGES TO THE PUBLIC HEARING PROCESS**

To continue review and comment upon proposed revisions to the UDO to change the existing public hearing process and to amend other provisions that need to be changed if the public hearing process is amended.

**Presenter:** Perdita Holtz, Special Projects Coordinator

Perdita Holtz: Reviewed abstract.

Pete Hallenbeck: I think the chart on page 11 is really good, it tells you what’s going on. I also like the idea of discontinuing the joint BOCC/Planning Board meetings. It seems like the role of the Planning Board during these meetings tends to be just to sit there and there are other opportunities for the Planning Board to voice its concern. There is nothing to keep Planning Board members from attending the public hearing and I would not object if it was decided that the Planning Board Chair was required to be at the public hearing or at least somebody from the Planning Board. I do think it is good and important when you have citizen input to be able to hear it in addition to just reading it. I think not having the joint meeting is good but I’d like to have a mechanism where someone from the Planning Board is there so they can get more than the word. There are comments from both the Commissioners and the public during the hearing and it would be good to have a member present to hear them.

Paul Guthrie: Basically, I think this is a good move for a couple of reason. One is the increased number of hearing opportunities which I think can expedite a lot of the procedure and maybe take a little pressure off the planning staff since it gets spread out. They don’t have to dump everything into four quarters. I do have a couple of questions. One is what kind of communication summarizing the public hearing will be transmitted to the Planning Board so that the Planning Board can intelligently consider the topic?

Perdita Holtz: It is unlikely that official quarterly public hearing minutes would be available quick enough for Planning Board meetings. We are envisioning that the Planning Board meeting would occur within two to three weeks after the public hearing and generally meeting minutes take longer than that for the Clerk’s office to turn around. It would probably be, if the Planning Board was not going to view the meeting on the internet in the comfort of your own home, similar to what happens now where comments that were made are in the amendment outline form and the abstract and we provide a staff response, as necessary, to those comments. So it would pretty much be a staff report of what took place.

54

55 Pete Hallenbeck: I also like the quicker review and more meetings and less time for the public to get something  
56 through. That is certainly the number one point of all of this.

57

58 Perdita Holtz: I should mention that it is probably not going to be less time from application deadline to decision but  
59 there will be more opportunities for someone to submit an application. If they miss a deadline, they don't have to  
60 wait as long until the next application deadline.

61

62 Paul Guthrie: On page 19, in the new language, Planning Board shall make a recommendation based on  
63 information entered into the record at the public hearing but not make the finding required in section 5.3.2A. Does  
64 that mean that it is going to be the individual duty of the Planning Board member to look at all the documentation  
65 put in the public record at the time of the hearing in order to justify its decision?

66

67 Perdita Holtz: No, this is for Special Use Permits. They don't come along that often but for Class A Special Use  
68 Permits there is a 15 page form of yes/no answers that staff fills out for the Planning Board on whether it meets the  
69 requirements of various sections such as if they have enough landscaping, if they have enough buffer, etc. and we  
70 check yes or no in staff's opinion and then the Planning Board either concurs with that opinion or dissents from that  
71 opinion. On that form there are four questions that staff does not make a recommendation on and those are things  
72 that the Planning Board has to come to its own conclusion about and the BOCC has to come to its own conclusion  
73 as well. Those are the section referenced here and if you were not at the hearing it would be legally murky to make  
74 those findings if you weren't in attendance so that is what this is in reference to. I should also mention that on page  
75 17, the language of 2.3.10b needs to be revised a little bit before it goes to public hearing so that will be changing  
76 from what you see in front of you here.

77

78 Paul Guthrie: You have similar language in 2.8.8b. Another question, have you thought about how you would  
79 space the 8 mandatory hearing dates?

80

81 Perdita Holtz: It is going to be up to the BOCC to decide that but we as staff are going to recommend to them that  
82 they probably do hearings in the months of February, March, April, May, September, October, November. January  
83 they only have one meeting per year and it is usually very full and in December those are the last meetings before  
84 the break so we don't want to put them there plus the agenda deadlines are different due to the holidays. June is off  
85 as it is very budget heavy month when they have to adopt the budget by the end of the month. That is our staff  
86 recommendation but the BOCC will stagger them however they want.

87

88 Paul Guthrie: Again in 2.8.8e, which is existing language, do you think that existing language is a little too  
89 restrictive given the new format of not having the joint hearings? Essentially, the first time we'll be exposed to  
90 testimony will be in the presentation at the Planning Board meeting and does that mean we cut off verbal testimony.

91

92 Perdita Holtz: The reason it was adopted was the BOCC did not want to have oral evidence at the Planning Board  
93 meetings that they did not also hear. That is why this language exists. The meeting at the Planning Board is not  
94 going to be an official public hearing it is just a regular Planning Board meeting and technically people will not be  
95 able to come and speak if they don't also have their comments in writing. If you think that is not desirable, you can  
96 make a recommendation to look at that or change the language.

97

98 Paul Guthrie: I would encourage you to think about it because, and I'm wondering if that may even need to be  
99 elaborated on a little bit, because if somebody wants to come the Planning Board meeting or only knows about it  
100 through the Planning Board then we are advising County Commissioners who have already had a hearing. It  
101 bothers me a little bit.

102

103 Pete Hallenbeck: I think that could be mentioned to the Commissioners but it is definitely their call. I see their  
 104 concern that the Planning Board meeting would not be a public hearing. If people show to speak all of a sudden it is  
 105 a public hearing but the Planning Board is a mechanism for receiving input.

106  
 107 Paul Guthrie: Does that mean inversely if someone wants to speak on the subject on our agenda, they cannot  
 108 speak.

109  
 110 Pete Hallenbeck: The way I read it is if they have something written down they are allowed to come and give it to  
 111 the Board. I think the Planning Board could interact with them if they had questions or clarifications. The only thing  
 112 I would worry about with someone giving just oral evidence at the Planning Board meeting is that has to be carefully  
 113 documented as we certainly don't a scenario where someone says they said something at a meeting and there is  
 114 no documentation of it. The public hearing is better equipped for that. Finally, the Commissioners may, for the  
 115 same reason that I was, want to have Planning Board member present at the public hearings. I think the  
 116 Commissioners get a lot from hearing people talk and how they speak and how passionate they are and that might  
 117 be another reason they want to make sure that if somebody's just doing an oral presentation, they hear it. If staff  
 118 wanted to bounce that off the Commissioners and verify, yes we want oral presentations only at the County  
 119 Commissioners' meetings and anything presented at Planning Board should be written, they can verify that. I am a  
 120 little nervous about the Planning Board taking oral presentations we have to be careful of the interactions and  
 121 cannot promise anything like they can. The vote we have is not binding and the Commissioners are not at Planning  
 122 Board meetings to get all those nuances that come with an oral presentation.

123  
 124 Paul Guthrie: I have some concerns in the bigger picture than this topic. Putting that kind of restrictions on  
 125 communications to a citizen advisory board. I think it's a road we have to be very careful about how we define  
 126 because it could have major implications on the ability of this Board to function in what I perceive is what it's  
 127 capacity is. That goes beyond this.

128  
 129 Pete Hallenbeck: I do believe it does have to be carefully spelled out. You could have problems if you said all you  
 130 can do is come and give us written paper and I think you would have a problem if anyone could just walk in and  
 131 start talking and interacting and how would convey that to the Commissioners.

132  
 133 Paul Guthrie: I'm done.

134  
 135  
 136 **AGENDA ITEM 3: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – CREATE NEW ZONING DISTRICT**  
 137 To review and comment upon the creation of a new general use zoning district, entitled Research  
 138 Development and Applied Manufacturing District (RDAM), which will allow for the location of  
 139 office/research facilities and incidental light manufacturing on the same parcel of property. The district  
 140 is intended to be allowed within the Commercial Industrial Transition Activity Nodes as denoted on the  
 141 Future Land Use Map of the Comprehensive Plan.  
 142 **Presenter:** Michael Harvey, Current Planning Supervisor

143  
 144 Craig Benedict introduced with background information.

145  
 146 Michael Harvey reviewed abstract.

147  
 148 Craig Benedict: One last note, we have begun preliminary discussions with Mebane so that the ease of a  
 149 development proposal coming in doesn't have an O/I designation with the County and then upon annexation they  
 150 have to go through another rezoning process. Craig continued review.

151  
 152 Paul Guthrie: I think this is a good beginning. On page 30, where you describe some of the standards that might  
 153 apply to this theoretical district and you get to the question in 5 on the discharge of waste in the ground, can you be  
 154 that specific on square footage when you are adding to this district, the type of uses? The definition that you are

155 using there for the square footage for protection of the groundwater, have you checked that given the broadening  
156 nature of what the discharges might be?

157  
158 Michael Harvey: That is, quite candidly, language contained within every zoning district that we have. It is in here  
159 because we enforce that standard in every zoning district. The ultimate size of property is based on compliance, not  
160 only with all of our standards, but having sufficient and adequate area on a given property to support septic and  
161 repair area if the property is going to be served by an on-site septic system. These are minimums that we have  
162 worked out with the health department. You may not get a large facility on a parcel of property that has a lot of  
163 wastewater generation just on septic alone regardless of the minimum lot size.

164  
165 Paul Guthrie: I guess what I'm suggesting is as you refine what this district looks like, you might want to revisit.

166  
167 Craig Benedict: A lot of the area that would be for this zoning district would have public water and sewer.

168  
169 Paul Guthrie: Second issue in this district is what energy sources are available? The question is if you're going to  
170 have to build a huge transmission line or pipeline to the site disrupting the surrounding area, is that taken into  
171 consideration of whether or not it's the type of facility going into this.....

172  
173 Michael Harvey: Provision of utilities is always a consideration for any land use regardless of what zoning district  
174 it's in. The applicant ultimately bears the burden for being able to say yes, services are available and are sufficient  
175 to support the proposed operations, and has the obligation and the burden to get it there in accordance with the  
176 UDO. I would say it is already required as part of site plan submittal. It's handled on a case by case basis  
177 regardless of the district.

178  
179 Paul Guthrie: Part of that question is triggered by the story in the paper this morning, the gas pipeline in the eastern  
180 part of the County that has some disruption to the right-of-way. I think that as you start changing uses and making  
181 certain areas more available for different uses that's one of the things you'll need to pay some attention to.

182  
183 Michael Harvey: I think one of the ways to address your concern is that as this district is currently envisioned it  
184 would only be allowed in the Commercial/Industrial Transition Activity Node where there is existing infrastructure to  
185 support large scale non-residential land uses. We have separate zoning districts that only allow certain uses based  
186 on the ability for local land uses to be supported by conventional septic or well.

187  
188 Craig Benedict: The infrastructure this Board's been mentioning is just not water/sewer/gas/electric it's getting  
189 telecommunications in the ground and we're finding along West Ten Road that we're having difficulty within 60 to 80  
190 feet all of these uses so we may go on the south side of the road or we may get additional easements paralleling  
191 the right-of-way. Due to the potential intensity to these districts, and having right turn lanes, left turn lanes, etc. we  
192 better take a look at what our right-of-way needs are adjacent to these districts.

193  
194 Herman Staats: I like the idea of it. Do we have any examples where the lack of this type of zoning has created  
195 problems or prevented somebody from coming in?

196  
197 Craig Benedict: I can't mention the companies but I'd say every few weeks we meet with somebody through the  
198 economic development circle and sometimes we look at existing land with existing building and bring Michael into it.  
199 Typically, there is an issue so I would say yes we have found people who would be looking for categories that  
200 would allow more activities.

201  
202 Herman Staats: So this is primarily to allow manufacturing on that site or allow an increased level of manufacturing  
203 on that site that also allows research; where does biotechnology research type of zoning fit in Orange County?

204

205 Craig Benedict: There is a separate category, when a company comes in we try to categorize it. The unique thing  
206 with research and development is there may be 20% operations in research and development and then the back  
207 office is about how to put that stuff together. There are a lot of interpretations that can get us in trouble. This would  
208 give us a little more latitude.

209  
210 Michael Harvey: If you go to page 27 of the abstract, we have listed out those various general use zoning districts  
211 where research facilities are allowed as permitted uses. We also have the conditional use zoning process where  
212 individuals could come in with a proposal to put it anywhere if they wanted to go through that process. I think the  
213 concern here is trying to take existing zoning or a new district and address a concern about marketing for land uses  
214 that have a diverse component to them that involve a myriad of different activities each one of which could be  
215 classified as its own principal use on the same site.

216  
217 Buddy Hartley: I like the concept. Say you've got a bank coming in, a hotel, a vocational school, fire  
218 department/rescue and all that but then the question I would have is that lot of people will be needing to eat. It  
219 would be a good spot for a restaurant. Could the hotel have an onsite restaurant?

220  
221 Michael Harvey: Yes it could.

222  
223 Buddy Hartley: I'm talking about an area where a lot of people are staying in that area.

224  
225 Craig Benedict: If it were on a separate parcel, they could go through a Special Use process. That is the type of  
226 office park we would like to see.

227  
228 Buddy Hartley: That's what I'm thinking we're trying to do.

229  
230 Tony Blake: Has any thought been given to defining the percentage of any particular activity and marrying that to  
231 the land use? For example, you have 200 acres here and we only want about 50 acres in that manufacturing  
232 maximum in that spot, I don't know but it seems to me over time things morph.

233  
234 Michael Harvey: The problem with percentages is statistics can be used to say anything you want. You can have a  
235 permitted use that all of a sudden becomes nonconforming because it is at 51% because you have established a  
236 percentage base to it. It would be more appropriate to come up with a list of categories and uses that are permitted  
237 in association with that use which is what this district is a start towards and a comprehensive reassessment of other  
238 districts to see if we need to provide that same level of flexibility.

239  
240 Tony Blake: The problem that occurs to me is that company A comes in here and company B and company C and  
241 company A grows faster than B and C and creates more pressure on the infrastructure in that area than B and C.  
242 Then B and C want to grow but they can't and conflict can arise.

243  
244 Craig Benedict: When Orange County worked with the Town of Hillsborough for the Hillsborough area economic  
245 development zones, we had those percentage concerns. We developed somewhat of a Small Area Plan that was  
246 part of a land use document. I think that maybe as a backdrop document, which would be more in the land  
247 use/Small Area Plan size if we explain what we are trying to do so it's not all peak morning and afternoon traffic and  
248 that's what we tried to do in Hillsborough. Maybe we could provide a background document.

249  
250 Tony Blake: So we don't plan ourselves into a corner. That was my only concern, otherwise I think it's a great idea.  
251 It has a lot of merit, especially the idea of melding it with the partners on either side of the County, allowing that  
252 transition to become smoother and more predictable.

253  
254 Pete Hallenbeck: It is interesting these days, the idea of an R & D group going into Class A office space. I think  
255 this is a great idea. I am currently involved in a software project but I may have to make a little bit of hardware.

256 This is something that would be nice that doesn't exist. The ability to have an R&D group that was doing software  
257 but had to make some hardware on the side and contract out pieces and bring it together and assemble it is great.  
258 I also think in a lot of startups you see when you start out, the R & D would be very heavy. If it works, that  
259 percentage of the company gets less and less and you start manufacturing there to see if it's going to work and it  
260 just grows. I like it from that point of view. Another reason I think this is really important is I am seeing some  
261 people I work with, the old days of R & D are going away and the tendency now is to have a lot less separation  
262 between R & D and engineering and production and you want all those people to get together working with each  
263 other. This makes a ton of sense. Finally, I moved a company I started to Durham because there were problems  
264 with some of the Orange County rules. Another group I got in with talked about bringing something into the County,  
265 and we didn't because we didn't have time for all that was involved. From all levels, I like this a lot.  
266

267

268 **AGENDA ITEM 4:       ADJOURNMENT**

269

270 Meeting was adjourned

**DRAFT**  
**MINUTES**  
**ORANGE COUNTY PLANNING BOARD**  
**JANUARY 8, 2014**  
**REGULAR MEETING**

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**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; James Lea, Cedar Grove Township Representative; Herman Staats, At-Large, Cedar Grove Township; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Johnny Randall, At-Large Chapel Hill Township;

**MEMBERS ABSENT:** Lisa Stuckey, Chapel Hill Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Vacant- Hillsborough Township Representative; Vacant – Eno Township Representative

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Special Projects Coordinator; Ashley Moncado, Special Projects Planner; Tina Love, Administrative Assistant II

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

Pete Hallenbeck called the meeting to order.

**AGENDA ITEM 2: ELECTION OF CHAIR AND VICE-CHAIR FOR 2014**

Buddy Hartley: I think Pete has done an excellent job.

**MOTION** by Buddy Hartley to elect Pete Hallenbeck as Planning Board Chair. Seconded by Tony Blake.

**MOTION** by Buddy Hartley to elect Lisa Stuckey as Planning Board Vice-Chair. Seconded by Tony Blake.

**VOTE: UNANIMOUS**

**AGENDA ITEM 3: INFORMATIONAL ITEMS**

a) Planning Calendar for January and February.

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

**MOTION** by Tony Blake to approve the December 4, 2013 Planning Board and ORC notes with correction. Seconded by Buddy Hartley.

**VOTE: UNANIMOUS**

**AGENDA ITEM 5: CONSIDERATION OF ADDITIONS TO AGENDA**

**AGENDA ITEM 6: PUBLIC CHARGE**

**Introduction to the Public Charge**

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and

**DRAFT**

55 harmonious development. OCPB shall do so in a manner which considers the present and  
56 future needs of its citizens and businesses through efficient and responsive process that  
57 contributes to and promotes the health, safety, and welfare of the overall County. The OCPB  
58 will make every effort to uphold a vision of responsive governance and quality public services  
59 during our deliberations, decisions, and recommendations.  
60

61  
62 **PUBLIC CHARGE**  
63 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its  
64 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with  
65 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this  
66 public charge, the Chair will ask the offending member to leave the meeting until that individual  
67 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting  
68 until such time that a genuine commitment to this public charge is observed.  
69

70  
71 **AGENDA ITEM 7: CHAIR COMMENTS**  
72

73 Pete Hallenbeck: I have one comment, one thing I would like to work on is to get the discussion in the record by  
74 going around the table and a little less of just general discussion. I am trying to get it more focused for the  
75 Commissioners.  
76

77  
78 **Agenda Item 8: Unified Development Ordinance (UDO) Text Amendment – Home Occupations:** To  
79 make a recommendation to the BOCC on Planning Board – and Planning Director – initiated  
80 amendments to the Unified Development Ordinance (UDO) to change the existing standards  
81 for home occupations, modify and clarify existing regulations and definitions associated with  
82 home occupations, and allow for the exemption of special events organized or affiliated with  
83 a government or non-profit agency. This item was heard at the December 4, 2013 Planning  
84 Board meeting.

85 **Presenter:** Ashley Moncado, Special Projects Planner  
86

87 Ashley Moncado reviewed abstract.  
88

89 Paul Guthrie: First the disclaimer that I give every time that we in our household have an interest in small business.  
90 I have had a lot of questions with this and I have one particular thing that I want to raise which is not new but I want  
91 to raise it again. That is for minor home occupations, no matter whether you have one customer per year or 500,  
92 you have to pay \$90 to the planning department for the privilege of having a license. I have real problems with that  
93 with certain occupations those defined as minor home occupations. I have a little bit of problem with the  
94 requirement of a plot plan if it has to be done professionally. I had suggested earlier that it should be sufficient in a  
95 residential home to use what is on the GIS system as a sketch of the property and indicate on that whether or not  
96 that would be viable. I would hope there could be some accommodation especially for extremely small line of  
97 business so that it doesn't become a big paperwork jungle in order to file.  
98

99 Pete Hallenbeck: Well, Mr. Harvey do you have a comment on that?  
100

101 Michael Harvey: As I've indicated before, a plot plan is a simple drawing that you can use the GIS map system, it's  
102 actually listed that way in the Unified Development Ordinance. It's not a professionally prepared site plan. The \$90  
103 dollar fee is a one-time application fee. There are application fees for everything you have to do and this is a one-  
104 time fee that you have to pay. I don't believe it is burdensome and I don't believe it is unnecessary and I believe we  
105 are within our right to charge the fee.  
106

107 Paul Guthrie: I'm not going to follow with the natural comment other than to say, I believe that to be a burden on  
108 people trying to start a small business in a residence and I think as a matter of public policy, given the nature of the

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109 changing of the economics in this society, that we ought to be very careful about how we do this. That was one set  
 110 of comments. My personal opinion, and I think everybody has heard me before on the record, my personal opinion  
 111 is you will have massive ignoring of this. What will come will be selective enforcement. I'm not comfortable with  
 112 selective enforcement. I think when you have enforcement, you enforce those who are not in compliance but the  
 113 enforcement actions and the litigation etc. that will follow will take precious time from the planning department and  
 114 the legal hypothesis of the County on this and I question that in the area of minor home occupation. I think with that  
 115 I'll let others comment.

116  
 117 Herman Staats: I have no comments, I thought it was nicely done and it has been discussed here many times so I  
 118 have no other comments.

119  
 120 James Lea: No comments at this time.

121  
 122 Buddy Hartley: I don't have any problems with the standards set.

123  
 124 Maxecine Mitchell: I agree with them.

125  
 126 Tony Blake: I reread it and I don't have any issues with it. I think it is well put together.

127  
 128 Johnny Randall: I read it and I couldn't find anything of concern. However, what Paul just brought up, so in terms of  
 129 people not conforming to these regulations, how is it going to be enforced? Is it going to just create contempt for  
 130 the law for people who don't think they can be caught?

131  
 132 Pete Hallenbeck: Let me throw my two cents in on that and then see what Michael says. I think what you said is  
 133 very true. You have all these ordinances and there are always people who are going to fly under the radar and do  
 134 what they want but I think part of the goal here is that if somebody is doing that and it is bothering their neighbors  
 135 there is a recourse. I don't know how you get people to follow the rules, it is very difficult, but I do like the fact that  
 136 at least they are there. It is very difficult to call out a neighbor, it's a catch 22, we all want to be able to do what we  
 137 can but we like to be able to stop someone else if it is bothersome to us.

138  
 139 Pete Hallenbeck: Michael, does that pretty much jive with what.....

140  
 141 Michael Harvey: I'm not going to add anything. Thank you though.

142  
 143 Pete Hallenbeck: I have two things, one is a question about 5.4.3 special events where it talks about arts and  
 144 cultural special events in particular it calls out the Orange County Open Studio Tour. The other thing that I am  
 145 familiar with is the farm tour.

146  
 147 Ashley Moncado: That is exempt, that would be considered part of a bona fide farm and considered agricultural  
 148 and covered under a different set of rules.

149  
 150 Tony Blake: But that just an example.

151  
 152 Ashley Moncado: Yes, it is being used as an example. That was specifically called out as an example but also to  
 153 highlight it as well.

154  
 155 Pete Hallenbeck: That's fine but by throwing it in there seemed odd to have an ordinance call out a specific event  
 156 instead of making it in general so I wanted to make sure it was an example.

157  
 158 Ashley Moncado: We could add "for example".

159  
 160 Paul Guthrie: That's about a 100, anywhere from 90 to 120 artists, who once a year open up their studios in their  
 161 residences by in large for the tour over two days for two weeks. Every one of those artists will have to pay \$90.

162

**DRAFT**

163 Pete Hallenbeck: So does this get back to your \$90 concern then?

164  
165 Paul Guthrie: That's one of them but it's much more delicate than that.

166  
167 Pete Hallenbeck: My second comment on this is on the minor home occupation, the 750 sq. ft. limit is interesting, it  
168 takes me out of the game for the sq. footage I have in my house. It takes room to have a machine shop and test  
169 benches and rooms for parts and electronics and I don't think how much of your home you use is something that  
170 impacts your neighbors. However, I'll also point out that as an ordinance it is pretty nice because if that really  
171 bothered me I could apply for a major home occupation and there is a mechanism to do that. That brings me to my  
172 last comments and I can't remember an ordinance that had so many lines in the sand that were being discussed.  
173 We talked about sq. footage, number of trips, setbacks, what activity you can do, number of visits, size of vehicles,  
174 and it is quite extraordinary for this Board to deliberate something that has so many different thresholds and lines in  
175 the sand. I think it makes it a very difficult thing to discuss. Those are all my comments. Doesn't anybody have  
176 anything thing else to add?

177  
178  
179 **MOTION** by Tony Blake to recommend to the County Commissioners to accept this recommendation with comments.  
180 Seconded by James Lea.

181 **VOTE: PASSED 7-1** (Guthrie opposed)

182  
183 Paul Guthrie: I believe that with this ordinance we are moving into an area that we are not prepared to deal with and  
184 I think that while the intention is good, if you read the language carefully, especially when you start picking up the  
185 UDO and reading the references, that it exposes the County to some great difficulty, that's point one. Point two, due  
186 to the current economic situation, the more and more independent, small businesses erupting whether they start in  
187 the garage in California and become a billion dollar corporation or whether they start in a garage in Orange County  
188 and become a fifty thousand dollar organization, this can and may, if not administered in a very careful way, be an  
189 inhibition to economic development and to small business. I would much prefer to see the County develop a small  
190 business license system using some of these definitions than to smuggle it through under a regulation of the use of  
191 an individual residential property. With my own experience, two different enterprises in our family, one which falls  
192 under this and one which does not, I would vote no.

193  
194  
195 **AGENDA ITEM 9: COMMITTEE/ADVISORY BOARD REPORTS**

- 196  
197 a) Board of Adjustment  
198 b) Orange Unified Transportation  
199

200  
201 **AGENDA ITEM 10: ADJOURNMENT**

202  
203 Planning Board meeting was adjourned by consensus.

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: February 5, 2014

**Action Agenda  
Item No. 7**

**SUBJECT:** Major Subdivision Concept Plan Application – Pleasant Green Woods Phase IV

**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENTS:**

1. Application Package (site plan under separate cover) - [Click Here](#)
2. Property and Vicinity Map
3. Staff Generated Correspondence
4. Notes from Neighborhood Information Meeting

**INFORMATION CONTACT:**

Jennifer Leaf, Planner I	245-2577
Michael D. Harvey, Planner III	245-2597
Craig Benedict, Director	245-2575

**PURPOSE:** To review and take action on a Major Subdivision Concept Plan application proposing a 16 lot single-family residential subdivision in accordance with the provisions of Section 2.15 and Article 7 *Subdivisions* of the Unified Development Ordinance (UDO).

**BACKGROUND:** The basic facts concerning the current application are as follows:

Applicant(s): Drees Homes  
David Lazzo  
7701 Six Forks Road  
Raleigh, NC 27615

Owner: King Family Partnership  
4507 Pleasant Green Road  
Durham, NC 27705

Agent(s): Summit Design and Engineering Services  
504 Meadowland Drive  
Hillsborough, NC 27278

Location: Pleasant Green Road- Please refer to Attachment 2 for a vicinity map of the parcel.

Parcel Information:

- a. **PIN:** 9893-87-9972
- b. **Size of parcel:** 46.34 acres

Staff Note: The acreage is based on Orange County Tax/Map data as well as notes contained on the Concept Plan, specifically Sheet C-1. The Concept Plan Application leaves this line blank.

- c. **Zoning of parcels:** Rural Residential (R-1) and Lower Eno Protected Watershed Overlay (L-ENO-PW).
- d. **Township:** Eno
- e. **School District:** Orange County Schools.
- f. **Future Land Use Map Designation:** Rural Residential
- g. **Growth Management System Designation:** Rural
- h. **Joint Land Use Plan Designation:** N/A
- i. **Existing Conditions/Physical Features:** Varying topography with heavy vegetation, primarily mixed hardwoods, throughout.  

There are streams running through the property with varying slopes. Stream buffer width varies from 65 to 80 feet.

There is no floodplain on the property.
- j. **Roads:** Vehicular access to the parcel is through Paper Birch Lane, a public road that has not been accepted by NCDOT for addition to the State maintained system.
- k. **Water and Sewer Service:** The property is not located within a primary public utility service area according to the Water and Sewer Management Planning Boundary Agreement (WASMPBA).  

Proposed lots are to be served by individual well and septic systems.

Surrounding Land Uses:

- a. **NORTH:** Single family residences zoned R-1
- b. **SOUTH:** Single-family residences zoned R-1
- c. **EAST:** Single-family residences zoned R-1
- d. **WEST:** Single-family residence zoned AR

Development Process, Schedule, and Action: The typical cadence for the review of a major subdivision is as follows:

- **First Action** – Planning staff schedules a Neighborhood Information Meeting (NIM) and invites property owners within 500 feet of the project to attend the meeting in order to review the project with the applicant.  

**Staff Comment – DONE.** This meeting was held on January 14, 2014. Please refer to Attachment 4 for a synopsis of meeting comments.
- **Second Action** – The Planning Board reviews and takes action on the Concept Plan application approving either the ‘conventional’ or ‘flexible development’ layout.  

The Planning Board review begins on February 5, 2014. As a reminder the Concept Plan review is intended to allow Board members and the applicant to discuss the nature of the project and identify possible solutions to concerns identified by staff or surrounding property owners.

If approved the Concept Plan serves as a ‘roadmap’ for the developer with respect to the acceptable lot and road layout as well as location of proposed/required open space and recreation areas.

- **Third Action** – Once a concept plan is approved, the Planning Board reviews and makes a recommendation on the approval of the Preliminary Plat for the project.
- **Fourth Action** – The BOCC reviews and take action on the Preliminary Plat application.
- **Fifth Action** – Once all construction activities have been completed, or appropriate bonds have been approved, staff will sign off and allow the recordation of a Final Plat allowing for the individual lots to be created.

Proposal: The petitioner has submitted a Major Subdivision Concept Plan application proposing to develop a maximum of 16 single-family residential lots with an overall gross density for the project of 1 dwelling unit per every 2.9 acres of land area with approximately 15 acres of dedicated open space. Proposed lots range in size from 1.18 acres (smallest) to 2.18 acres (largest).

It should be noted the original application called for the creation of 17 lots. After comments received at the NIM, as well as a reassessment of access management issues and stormwater requirements, the applicant voluntarily chose to eliminate 1 proposed lot towards the intersection of Paper Birch Lane and Pleasant Green Road. This area is denoted on Sheet C-2 as being ‘Reserve Space’. The applicant has determined what the final use/disposition of this area will be. Please note required open space area is met without inclusion of this aforementioned area.

UDO Requirements: Per Section 2.15.2 (C) (2) (b) of the UDO, major subdivision concept plan applications are required to submit both a conventional and flexible development option.

The flexible development option involves the preservation of a minimum 33% of the total tract’s land area as protected open space. Development of individual lots is then allowed consistent with three ‘flexible development’ subdivision classifications detailed within Article 7 *Subdivisions* of the UDO, namely:

- Estate Lot Option: Characterized by lots having a minimum area of 4 acres where the building envelope does not exceed 50% of the total lot area.
- Conservation Cluster Option: Characterized by lots clustered together with a potential minimum lot area of 40,000 square feet. Allowable lot yield is based on compliance with density limits denoted within Section 4.2.4 of the UDO and as found in Section 6, Joint Planning Land Use Plan.
- Village Option: Allows for mixed-use development including various residential options (i.e. single-family, multi-family, townhome, etc.) as well as public/civic areas and non-residential development. This option is expressly prohibited within the RB zoning district as detailed within Section 7.13.2 (C) of the UDO.

As previously indicated, the applicant has decided to submit a conservation cluster flexible development layout with proposed lots adhering to the 40,000 square foot lot size, consistent with the R-1 general use zoning district guidelines, and proposing approximately 15.3 acres of open space. A summary of the proposal is as follows:

Subdivision Type	Number of Lots	Average Lot Size	Area in Open Space (Proposed)	Open Space Percentage
------------------	----------------	------------------	-------------------------------	-----------------------

Flexible Development Plan	16	1.5 acres	15.3 acres in open space	33% in open space
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**STAFF COMMENT – SUBDIVISION TYPES:** The proposal is in accordance with the anticipated densities for properties located within the Rural Residential land use category as defined within the adopted Comprehensive Plan and Rural Designated area as denoted on the Growth Management Systems Map.

The applicant has indicated he wishes to pursue the flexible development option and has not submitted a conventional option, which has the support of staff.

Roads: The proposal involves the creation of one cul-de-sac public road to service the project, constructed to NC Department of Transportation (DOT) standards.

**STAFF COMMENT - ROADS:** Staff has determined that the proposed roadway construction and layout is consistent with the requirements of the UDO.

In consultation with the Director, staff is going to recommend the Concept Plan be altered in the following manner:

- a. The proposed 20 foot wide Fire Department access easement, off of the cul-de-sac and in between lot(s) 6 and 7, be extended through to Willet Lane.

This is to facilitate emergency vehicle access through the project to Willet Lane as well as provide a secondary egress point for local property owners in the case of an emergency.

Staff is not recommending this become an extension of the proposed public road allowing for direct connectivity to Willet Lane or that the easement be constructed to public road standards.

- b. The proposed 20 foot wide access easement denoted off of Willet Lane allowing access to the stormwater area lot be eliminated as it is now redundant.

Utilities – Water and Sewer: The applicant is proposing to serve the project with individual wells and septic systems developed on each lot. Sheet 2 of the major subdivision concept plan maps denotes anticipated soil locations on each lot.

**STAFF COMMENT - UTILITIES:** Orange County Environmental Health indicated during the September 19, 2013 DAC meeting they did not see any potential problems with the proposed layout with respect to finding suitable soils to support septic tank development.

As of the writing of this abstract, the Health Department has not submitted any additional, written, comments. Final approval of proposed lot layouts typically occurs at the Preliminary Plat application review stage of the subdivision process.

Stormwater Drainage: Drainage will be engineered according to Best Management Practices (BMP) at the time of permit application for construction. The property is subject to recently adopted stormwater management guidelines limiting total nitrogen runoff of 2.2 pounds per acre annually and 0.33 pounds per acres annually for total phosphorus.

**STAFF COMMENT - STORMWATER:** Orange County Erosion Control has commented that the plan looks feasible but didn't have formal comments at this time as there is no stormwater management plan required as part of the concept plan submittal.

The applicant will be required to submit additional detail, with respect to the anticipated stormwater management plan, as part of the Preliminary Plat application package for review and comment.

Open Space: The flexible development plan denotes the maintenance of a 30-foot natural buffer along Pleasant Green Road and a 100-foot building setback along the perimeter of the project. Open space is identified in and around the existing streams. The total area reserved as open space is approximately 15.3 acres broken down as follows:

- **Primary Open Space:** Typically includes riparian buffer areas (i.e. stream buffers), floodplains, property with slopes greater than 25%, wetland areas, natural areas and/or wildlife habitats, and historic sites: **6.83 acres for the project composed of riparian buffer areas.**
- **Secondary Open Space:** Typically includes woodlands, farmland, property with a slope between 15% to 25%, recreation areas, scenic views, pedestrian access open space areas (POSA), roadside buffers, and green belt linkages: **8.47 acres for the project composed of roadside buffers (i.e. Pleasant Green Road and Willet Drive), POSA's, and wooded areas**

Proposed open space is composed of existing, mature, vegetation and trees with an approximate height of between 50 to 70 feet.

**STAFF COMMENT – OPEN SPACE:** Staff has determined the proposed open space and land use buffers meet the requirements of the UDO.

Land Use Buffer: The site plan indicates there will be a 30-foot buffer along Pleasant Green Road comprised of existing, dense, vegetation composed of existing, mature, shrubs and trees with an approximate height of between 50 to 70 feet.

**STAFF COMMENT – LAND USE BUFFER:** Section 6.8.6 (D) of the UDO requires that this project maintain a thirty (30) foot land use buffer separating the project from adjacent roadways. Staff has determined the proposed open space and land use buffers meet the requirements of the UDO.

Staff Generated Correspondence: Attachment 3 contains the various comments for this project as of the date of abstract preparation.

Public Notification: Section 2.15.2 (D) of the UDO requires that each property owner within 500 feet be notified by regular mail of the Neighborhood Information Meeting (NIM). Staff mailed out letters to the 48 properties within 500 feet of the property concerning the January 14, 2014 NIM.

Analysis: As required under Section 2.15.2 (E) of the UDO, the Planning Director is required to: *'prepare and submit a recommendation'* on the concept plan to the Planning Board for consideration. In analyzing this request, the Planning Director offers the following:

1. The application has been deemed complete in accordance with the requirements of Section 2.2 and 2.15.2 of the UDO.
2. Staff has determined that the property is of sufficient size to support the proposed subdivision.
3. The proposal appears consistent with the various goals outlined within the Comprehensive Plan concerning development, including:
  - a. Land Use Overarching Goal: *Coordination of the amount, location, pattern, and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.*
  - b. Land Use Goal 2: *Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.*
  - c. Land Use Goal 3: *A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*
4. Staff supports the approval of the flexible development option as denoted on Sheet 2 of the site plan package.

**FINANCIAL IMPACT:** Staff has determined the project would not require augmentation of County budgetary outlays to support services and that anticipated revenues from property taxes should supplement increases in cost.

**RECOMMENDATION:** The Planning Director recommends the Board:

1. Receive the Concept Plan application for the Pleasant Green Woods Phase IV Subdivision, and
2. Approve the Flexible Development option, denoted on Sheet 2 of the submitted major subdivision concept plan site plan, and allow the applicant to proceed with the development of a preliminary plat utilizing this layout.

## APPLICATION FOR MAJOR SUBDIVISION CONCEPT PLAN APPROVAL

DATE: 12/5/13 9/06SUBDIVISION NAME: PLEASANT GREEN WOODS PHASE IVLOCATION: PAPER BIRCH LANE AT PLEASANT GREEN ROADOWNER/DEVELOPER: DREES HOMESADDRESS: 7701 SIX FORKS RD. PHONE # (919) 844-9288RALEIGH, NC 27615AGENT/CONTACT: DAVID LAZZO PHONE # (919) 601-2816

## A SUMMARY INFORMATION

PIN: 9893 87 9972  
 Orange County Tax Map 920 Block 373 Lot(s)        Twp ENO Total acreage:         
 Zoning RURAL RESIDENTIAL (R-1) Total Lots 17 Bonus Units N/A Open Space        acres  
 Acreage in road right-of-way 960 acres, Linear feet in new roads 1590, Public  Private        Class         
 Adjacent zoning and land uses: RURAL RESIDENTIAL LAND USE - SINGLE FAMILY LOTS  
 Water Supply:        Public (Provider:       ),        Community, or  Individual  
 Wastewater Disposal:        Public (Provider:       ),        Community, or  Individual  
 Fire District: EAST ORANGE FIRE DEPT School District ORANGE COUNTY SCHOOLS

## B. SUBMITTAL REQUIREMENTS

- Orange County Tax Map showing the location of the subject property
- Stamped envelopes addressed to each property owner within 500 feet of the subject property
- Application fee (\$250.00 + \$5.00/lot)
- Twenty-five (25) copies of the Concept Plan and Site Analysis Map at a scale not less than 1"=200'
- N/A Comparison of potential impacts of Conventional versus Flexible Development Plan (see reverse)

Applicants may submit a three-part Concept Plan including a Site Analysis Map, Conventional Subdivision Plan, and a Flexible Development Plan OR a combined Site Analysis and Flexible Development Plan. **Each Concept Plan submittal must include the following information:**

## 1. GENERAL INFORMATION: Each Site Analysis Map and Development Plan shall contain:

- Sketch vicinity map
- Plotted boundaries of the tract from deeds or recorded plats.
- Total acreage to be subdivided
- Tax map, block, and lot number reference
- Name, address and telephone number of the subdivider the person responsible for the subdivision design
- Scale, north arrow, and date of plan preparation
- Subdivision name

2. SITE ANALYSIS MAP – Refer to Section <sup>7.14.2</sup> ~~V-B.2.~~ of the Subdivision Regulations

## Primary Conservation Areas including:

- Ten-foot contours with slope analysis showing 7.5%-15% slopes and slopes > 15%
- Soil types from the USDA Soil Survey or a soils map prepared by a soil scientist
- Hydrology including drainage patterns, wetlands, streams, ponds, floodplains, etc.
- Identified natural areas, habitats, and wildlife corridors
- Historic and archaeological sites (National Register, Study List, local landmark, etc.)

## Secondary Conservation Areas including:

- Vegetation including open and wooded areas described by dominant species and age
- Current land use and land cover including pasture, cropland, structures, cemeteries, etc.
- Scenic views on site as well as from the site to off-site features
- Historic and archaeological sites

## Transportation and Utility Systems:

- Railroad and road rights-of-way
- Easements for roads and utilities
- Public and private water and sewer lines, storm drainage facilities

3. **CONVENTIONAL SUBDIVISION PLAN** In addition to General Information listed above, shall include:  
N/A Proposed street layout, travelway and right-of-way widths, connections to existing roads  
N/A Proposed arrangement of the lots, including size and number  
N/A Location of soils suitable for individual septic systems

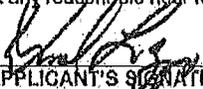
4. **FLEXIBLE DEVELOPMENT PLAN** In addition to General Information listed under Item #1 above,  
 Proposed street layout, travelway and right-of-way widths, connections to existing roads  
 Proposed arrangement of the lots, including size and number  
 Location, type, and acreage of proposed open space, whether part of individual lots or in a separate lot dedicated to a homeowners association, or other public or private entity  
 Preliminary soil suitability analyses for 50% of the proposed lots with soils map prepared in consultation with the Orange County Health Department

Density Bonuses N/A Total bonus units proposed 0 units  
 Location: \_\_\_\_\_ Transition Area (2.5 units/acre maximum density without rezoning)  
 (check 1) \_\_\_\_\_ Utility Service Area, Utility Provider \_\_\_\_\_ (1.3 units/acre max)  
 \_\_\_\_\_ Within ¼ mile of Interstate, HOV, busway route (2.5 units/acre maximum)  
 \_\_\_\_\_ Within half mile of transit station as shown on regional transit plan (5 units/acre max)  
 \_\_\_\_\_ Acres of open space over 33% located on site = 1 bonus unit/acre over 33%  
 \_\_\_\_\_ Acres of open space over 33% @ off-site location Tax Map Ref. \_\_\_\_\_, Zoning \_\_\_\_\_  
 \_\_\_\_\_ acres Primary Conservation Area x 1 bonus unit/5 acres = \_\_\_\_\_ bonus units  
 \_\_\_\_\_ acres Secondary Conservation Area in 2-ac. zoning district x 1 unit/2 ac. = \_\_\_\_\_ bonus units  
 \_\_\_\_\_ acres Secondary Conservation Area in 1-ac. zoning district x 1 bonus unit/ac. = \_\_\_\_\_ units  
 \_\_\_\_\_ % Units designated for affordable housing \_\_\_\_\_ on site or \_\_\_\_\_ off site (see Article 6.28)

5. **COMPARISON OF POTENTIAL IMPACTS FROM DEVELOPMENT OF CONCEPT PLAN**

	Conventional Subdivision	versus	Flexible Development
Linear feet of new roads	<u>N/A</u> linear feet		<u>1590</u> linear feet
Number of stream crossings	_____		<u>0</u>
Acres of farmland lost	_____ acres		<u>0</u> acres
Habitat/Natural area lost	_____ acres		<u>-</u> acres
Acres of woodland lost	_____ acres		<u>-</u> acres
Wetlands destroyed	_____ acres		<u>0</u> acres
Slopes > 15% disturbed	_____ acres		<u>0.27</u> acres
Historic/archaeological sites disturbed	_____ sites		<u>0</u> sites
Visual change (circle 1)	significant / moderate / minimal		significant / <u>moderate</u> / minimal

I certify that to the best of my knowledge the information contained above, and in the supporting documents, is a factual representation of the proposed development. I acknowledge that by signing this application, the Orange County Planning and Inspections Department is authorized, pursuant to N.C. Gen. Stat. Section 153a-360, to make as many inspections of the subject property as may be necessary to verify that the proposed work outlined herein is consistent with the provisions of all applicable State and local laws, ordinances and regulations. By signing this application, I acknowledge and agree that inspectors, zoning officers, erosion control officers, and other staff of the Orange County Planning & Inspections Department have a right, upon presentation of proper credentials, to enter the subject property at any reasonable hour for the purposes of inspection or other enforcement action.

 12/4/13  
 APPLICANT'S SIGNATURE DATE  
 12/11/13  
 OWNER'S SIGNATURE DATE

FEES: Amount \_\_\_\_\_ Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

# Attachment 2 - Vicinity Map

PID

R1

R1

AR

PID

Lower End  
Protected  
Watershed

EDE-2

JRK-DR

EC5



# Attachment 2 - Vicinity Map



## Attachment 3

**Michael Kelly**

---

**From:** Wesley Poole  
**Sent:** Friday, January 10, 2014 5:58 PM  
**To:** Michael Kelly; Steve J Kaltenbach  
**Cc:** Michael Harvey  
**Subject:** RE: Pleasant Green Woods, Phase IV Major Subdivision

Sorry for the delay in comments, but below are my 2 cents:

The concept plan for Pleasant Green Woods, Phase IV appears feasible in regards to erosion control / stormwater design potential, but please note that this portion of the development will be subject to the new stormwater regulations unlike previous phases that only had peak flow requirements. We prefer to avoid individual lot stormwater controls and instead account for a full build-out scenario and design a master stormwater structure/s with loading rate restrictions of **2.2 lbs/ac/yr for nitrogen and 0.33 lbs/ac/yr for phosphorus** in the Lower Eno Protected Watershed.

Thanks,  
Wesley Poole  
Orange County Planning & Inspections Dept.  
Erosion Control Division  
(919) 245-2587

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**From:** Michael Kelly  
**Sent:** Thursday, January 02, 2014 2:45 PM  
**To:** Wesley Poole; Steve J Kaltenbach  
**Subject:** Pleasant Green Woods, Phase IV Major Subdivision  
**Importance:** High

Dear Wes and Steve:

Current Planning received an application for a major subdivision in the County, Pleasant Green Woods, Phase IV. We would like very much for Erosion Control to review both the Flexible Development and Site Analysis Plans attached.

Thank you,  
Michael Kelly, Planning Technician  
Orange County Planning & Inspections Department  
131 W. Margaret Ln., Ste. 201 (Physical Location)  
P.O. Box 8181 (Mail)  
Hillsborough, NC 27278  
(919) 245-2598 - phone  
(919) 644-3022 – fax

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

**Michael Kelly**

---

**From:** Jason Shepherd  
**Sent:** Thursday, January 02, 2014 2:59 PM  
**To:** Michael Harvey; Michael Kelly; Jennifer Leaf  
**Subject:** Pleasant Green Subdivision

**Importance:** High

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

Planning Department,

Upon further review of the proposed subdivision, Fire apparatus access roads greater than 500' are required to have a width of 26'. In addition to that, I would need the architect to provide to me with the diameter of the proposed cul-de-sac. There are requirements of the cul-de-sac as well and I would need to know what the current design is.

As it pertains to water supply, I am meeting with the local fire chief to discuss current locations of water supply for the development and explore if there are additional requirements that we would need. I will get back with you regarding this next week.

Jason B. Shepherd  
Orange County Fire Marshal  
Orange County Emergency Services  
Fire Marshal Division  
510 Meadowlands Drive, Hillsborough NC 27278  
P.O. Box 8181, Hillsborough NC 27278  
Office (919) 245-6151  
Cellular (919) 257-8316  
Fax (919) 732-8137  
[jshepherd@orangecountync.gov](mailto:jshepherd@orangecountync.gov)

**Michael Kelly**

---

**From:** Jason Shepherd  
**Sent:** Wednesday, January 08, 2014 2:35 PM  
**To:** Michael Kelly; Michael Harvey  
**Subject:** Pleasant Green Woods

**Importance:** High

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

I have reviewed the proposed major development and have the following comments.

1. I would need the diameter of the cul-de-sac to be 96' giving a radius of 48'.
2. Need placement of a static water supply for fire protection if a pressurized system cannot be installed in the development.

Jason B. Shepherd  
Orange County Fire Marshal  
Orange County Emergency Services  
Fire Marshal Division  
510 Meadowlands Drive, Hillsborough NC 27278  
P.O. Box 8181, Hillsborough NC 27278  
Office (919) 245-6151  
Cellular (919) 257-8316  
Fax (919) 732-8137  
[jshepherd@orangecountync.gov](mailto:jshepherd@orangecountync.gov)

## Attachment 4

**Neighborhood Information Meeting  
Pleasant Green Phase IV  
Intersection of Pleasant Green Road and Paper Birch Lane (PIN 9893-87-9972)**

**West Campus Office Building - 131 West Margaret Lane  
January 14, 2014 – 12:00 p.m. to 1:00 p.m.**

There were 16 people in attendance in addition to the applicant's agent (Terry Boyland and Chad Abbott from Summit Engineering) and planning staff.

Staff reviewed the Major Subdivision Concept Plan application review process, including the need to submit a Conventional and Flexible Development subdivision layout for review, and reviewed the physical composition of the subject property.

Staff informed those in attendance the applicant, Drees Homes, had voluntarily chosen to submit just a flexible development layout as allowed by the UDO.

Staff informed those in attendance of the meeting scheduled by the Planning Board to begin the review of the proposed subdivision on February 5, 2014.

Once the Concept Plan is approved the applicant shall have 2 years to submit a Preliminary Plat application package for action by the County. Staff reviewed the process associated with the review of a Preliminary Plat application.

The applicant's agent, Mr. Terry Boylan, reviewed the basic elements of the proposal as follows:

- Development of a 16 to 17 lot single-family residential subdivision, each lot approximately 1 ½ to 2 acres in area, on an approximately 46 acre parcel of property located off Pleasant Green Road.
- The lots are intended to be served by individual well and septic systems,
- Access to the project will be from Paper Birch Lane, an existing roadway about to be accepted for maintenance purposes by the State.
- Internal roadways serving the project are proposed to be constructed to applicable public road standards, with the eventual goal that they will be turned over to the North Carolina Department of Transportation for perpetual maintenance upon completion,
- The overall density of the proposed subdivision is 1 dwelling unit for every 2.8 acres of property.
- The project will involve the preservation of 15 acres of land area as open space.

(STAFF COMMENT: The development proposal reviewed at this meeting included 17 individual lots. Based on comments from this meeting, and review of access management and stormwater concerns, the applicant has voluntarily chosen to eliminate 1 lot and proposal the ultimate development of 16 lots for this project).

**Comment(s):** Questions were asked about the sight distance for the new subdivision roadway from Pleasant Green Road. Those in attendance expressed concern over local motorists being able to see traffic both into, and from, the proposed neighborhood.

*Answer:* (Terry Boylan) Specific setback distances from the intersection of Paper Birch Lane and Pleasant Green Road, to address site distance issues, would be addressed with NC DOT. Unfortunately given the existing topography of the area there are limited, viable locations for an entrance way. NC DOT may require the elimination of trees to ensure visibility. The proposed roadway serving the project is approximately 500 feet from the intersection. The project will have to comply with applicable NC DOT guidelines to ensure proper site visibility.

There was additional discussion on this issue.

**Question:** Where will Lot 17, a corner lot with frontage on Paper Birch and Pleasant Green Roads, get access from?

*Answer:* (Terry Boylan) That had not been determined yet.

**Question:** Will Lot 17 would be required to have land use buffers.

*Answer:* (Staff) Staff outlined the buffer requirements for the project including a 30 foot Type B Buffer along Pleasant Green Road, the 100 foot building setback from project boundary lines, and required stream buffers throughout the project.

**Question:** Will be sidewalks and or bike paths along Pleasant Green Road for the project?

*Answer:* (Terry Boylan and Staff) Drees will have to look into the matter to ascertain if such development is possible. One major issue is Pleasant Green is a State maintained road and, as of recently, NC DOT has not been supportive of locating sidewalks within their right-of-way. The other concern is that it would be a sidewalk or bike path to nowhere as there were no existing amenities anywhere near the project.

There were general comments made about traffic issues along the roadway.

**Question:** Does open space meant the removal of trees?

*Answer:* (Terry Boylan) No. There may be some removal of trees for trails or stormwater features but there will not be wholesale grading or clearing of designated open space areas.

**Question:** Is there an opportunity to reduce the speed limit on Pleasant Green Road or Paper Birch Lane?

*Answer:* (Chad Abbott) That is a NC DOT decision and the developer can do nothing about the speeding issue along a State maintained roadway.

**Question:** What determines if the proposed lots are buildable? Specific concern was made over the development of Lot 17.

*Answer:* (Chad Abbott) The lots will meet the minimum lot area requirements mandated by the County. So the lot can be developable from a planning standpoint. The next step would be to complete a comprehensive soils assessment through Orange County Environmental Health to determine final septic locations for the proposed lots. If a lot does not perk, and suitable soil cannot be found, then the lot cannot be developed.

**Question:** How much open space is required?

*Answer:* (Staff) 33% of the tract must be preserved as open space. This translates to approximately 15 acres.

**Question:** Why is there a 100 foot building setback denoted on the plan?

*Answer:* (Staff) The Ordinance requires a 100 foot building setback along the perimeter of the property. This means no structure (i.e. house, shed, etc.) can be located in this area.

**Question:** Can the open space requirement be met without Lot 17 being a part of the subdivision?

*Answer:* (Terry Boylan) Yes. Open space is met with or without Lot 17. If Lot 17 cannot be developed it will more than likely become part of the open space area or be included in adjacent lot areas making these lots larger than currently proposed.

**Question:** Who will maintain or control the open space?

*Answer:* (Terry Boylan) A local homeowners association.

**Question:** Will this project be required to adhere to existing covenants already in place for Phase III of the Pleasant Green subdivision?

*Answer:* (Drees) There has been no final decision on the status of this project, if it will be part of the existing development project or a standalone development.

**Comment:** Enforcement of local covenants and integration of various development phases has been extremely difficult for local homeowners and the established associations to address.

**Question:** What is the anticipated house size and cost?

*Answer:* (Drees) Similar to existing development, approximately 3,000 to 4,000 square feet in size with a cost of about \$400,000 to \$600,000. This is comparable to existing development in the area.

**Question:** Have local HOA's (homeowners associations) been approached about this project being included within existing local covenants yet?

*Answer:* (Drees) No. It would be premature to do so until the Concept Plan is approved.

**Comment:** Several attendees indicated they were concerned over the displacement of wildlife that will be created by this project.

**Question:** Who will maintain the proposed roadway?

*Answer:* (Chad Abbott) The developer intends to turn over the roads to NC DOT for maintenance once the project is complete and there is sufficient development to allow the roadway to be turned over for maintenance purposes.

**Question:** Is the number of lots set?

*Answer:* (Chad Abbott) It cannot increase without a new Concept Plan application process being initiated by the developer.