

MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
MARCH 3, 2021
REGULAR MEETING

(Due to current public health concerns, this meeting was held virtually.
Members of the Planning Board, staff and public participated remotely)

MEMBERS PRESENT: David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative; Whitney Watson, At-Large Representative; Charity Kirk, At-Large Representative

MEMBERS ABSENT: Gio Mollinedo, At-Large Representative

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Support

OTHERS PRESENT: Lamar Proctor, Drew Wilgus, MotoE5plus

Perdita reviewed the technical processes and rules for the virtual meeting

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Chair David Blankfard called the meeting to order.

AGENDA ITEM 2: INFORMATION ITEMS

- a. Planning Calendar for March and April
- b. Acknowledgement and thanks to Patricia Roberts as she finishes her second term and rotates off the Board effective 3/31/21

AGENDA ITEM 3: APPROVAL OF MINUTES

January 6, 2021 Regular Meeting Minutes

Kim Piracci: It didn't state anything about Craig's suggestion, when we voted to approve a basket of things. I wanted to make sure that it reflected that Craig suggested a different procedure for the Board to use when asking and making requests of developers. I remember that I asked if that procedure change was in the packet and he said no, or somebody said no, so I voted yes to approve the work plan and that isn't in the meeting minutes. I would like that to be in the meeting minutes. That change isn't in there.

David Blankfard: We said we would circle back on that issue. It's not in the annual report going to the BOCC so there is no procedure for how we

Kim Piracci: I know, I just want that we did vote yes on everything and originally the procedure change was in that. I want it noted.

David Blankfard: It's not in there.

Kim Piracci: I know it's not in there and I want that noted. I did bring it up.

Perdita Holtz: Kim there's something on page 11 of the packet, line 238 that I think addresses what you're talking about.

57 Kim Piracci: I made it clear that I wasn't in favor of that and on line 377 there was a motion made to approve the Planning
58 Board Annual Report and Work Plan as amended. I think originally, that change, correct me if I'm wrong, originally that
59 change in procedure was going to be included in that and before I voted, I wanted to make sure it wasn't included. I feel
60 like that should be

61
62 Craig Benedict: I said It's up to the Planning Board to set its agenda on what you would like to do as far as that internal
63 policy of how to bring up suggestions when there is an opportunity to bring up recommendations. That is between
64 members to determine the time of the year to discuss how best to accomplish that.

65
66 David Blankfard: There's nothing written down that says we have a procedure.

67
68 Kim Piracci: Precisely.

69
70 David Blankfard: So you want a procedure?

71
72 Kim Piracci: Well, it's not up to be but it does make sense to have a procedure, actually. It's just that I thought that that
73 change was going to be in the work plan.

74
75 David Blankfard: Right now we don't have a procedure

76
77 Kim Piracci: Right, and Craig suggested a change and I was against, didn't like it.

78
79 David Blankfard: So we didn't approve of a change.

80
81 Perdita Holtz: I think something was put into the work plan and I don't have access to it right now. If someone has the
82 work plan I emailed out it would be on one of the very last pages.

83
84 Kim Piracci: I did see it there, it's something for future work.

85
86 Perdita Holtz: So the work for coming up with that procedure was added to the work plan.

87
88 Kim Piracci: Ok, all right. So other people don't seem to think that, the fact that is wasn't included in this vote is

89
90 Perdita Holtz: Well, it's as amended and there were several things that were added to the work plan so when you look on
91 line 377, Randy Marshal approves the Planning Board Annual Report and Work Plan as amended, there were several
92 things added to the work plan as a result of the January meeting. It's not customary that we list all of those in the minutes.

93
94 Kim Piracci: Ok.

95
96 David Blankfard: So, what I understand this to mean is there no set procedure and it's up to the Board to decide what we
97 want to do. There's not a procedure.

98
99 Kim Piracci: But there was going to be a procedure.

100
101 David Blankfard: There was a suggestion of this kind of work the last time and do we want to continue that and there was a
102 lot of debate about that and it was not unanimous, it was not agreed upon.

103
104 Craig Benedict: In the coming year, I think everybody has the right to put it on an agenda and discuss it more thoroughly.

105
106 Melissa Poole: I would suggest that with the changing or switching out of members that April would be a good time to
107 have this discussion.

108
109 David Blankfard: I agree, do we need a second? I think we should definitely come to a consensus that we will take this up
110 at a later time.

111
112 *The Planning Board members came to a consensus to have a future procedural discussion.*

113
114 **MOTION** by Adam Beeman to approved the January 6, 2021 Regular Meeting Minutes. Seconded by Melissa Poole.
115

116 **ROLLCALL VOTE:**

117 Charity Kirk Yes
118 Randy Marshall: Yes
119 Susan Hunter: Yes
120 Kim Piracci: No
121 Adam Beeman: Yes
122 Carrie Fletcher Yes
123 Whitney Watson Yes
124 Melissa Poole: Yes
125 Alexandra Allman Yes
126 Patricia Roberts: Yes
127 David Blankfard: Yes

128 **MOTION PASSED 10 – 1**

129
130 Kim Piracci: I'm going to say no because I still want it documented that that procedure wasn't included in the vote even if
131 it's not customary to include all amendments.
132

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

135
136 There were none
137

138
139 **AGENDA ITEM 6: PUBLIC CHARGE**

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141 **INTRODUCTION TO THE PUBLIC CHARGE**

142 The Board of County Commissioners, under the authority of North Carolina General Statute, appoints
143 the Orange County Planning Board (OCPB) to uphold the written land development law of the County.
144 The general purpose of OCPB is to guide and accomplish coordinated and harmonious development.
145 OCPB shall do so in a manner, which considers the present and future needs of its citizens and
146 businesses through efficient and responsive process that contributes to and promotes the health, safety,
147 and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive
148 governance and quality public services during our deliberations, decisions, and recommendations.
149

150 **PUBLIC CHARGE**

151 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its citizens to
152 conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At
153 any time, should any member of the Board or any citizen fail to observe this public charge, the Chair will
154 ask the offending member to leave the meeting until that individual regains personal control. Should
155 decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment
156 to this public charge is observed.
157

158
159 **AGENDA ITEM 7: CHAIR COMMENTS**
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161
162 **AGENDA ITEM 8: ZONING ATLAS AMENDMENT (GENERAL USE DISTRICT)** – To review and make a recommendation to the
163 BOCC on an applicant-initiated zoning atlas amendment rezone 2.72 acres from Rural Residential (R-1)
164 to General Commercial (GC-4). The Parcel (PIN 9873-54-6387) is located on the east side of NC Hwy 86
165 (no physical street address) across from Fletcher Road and south of an existing self-storage business,
166 within the Hillsborough Township. This item is scheduled for BOCC public hearing on April 6, 2021.
167 **Presenter:** Michael Harvey, Current Planning Supervisor
168

169 *Michael Harvey Presented the Abstract and Application found in the Planning Board packet to the Planning Board.*
170

171 Kim Piracci: Is there something between Residential and Commercial that this could be rezoned to?
172

173 Michael Harvey: When you look at the appendices of the Comprehensive Plan (Appendix F), there is a chart listing out the
174 allowable land uses, general use zoning districts and various land use categories we are obligated to follow when
175 considering atlas amendments. Unfortunately, you will note from our abstract that within the Rural Residential Land Use
176 category there is not a commercial zoning designation that applies. As a result there is no commercial option available in
177 the current future land use category for the subject parcel. There has to be a future land use designation change to this
178 property in order to accommodate a commercial or non-residential general use zoning district.
179

180 Kim Piracci: Is there any other alternative between this and commercial?
181

182 Michael Harvey: This is the request we have received from the applicant. If an alternative land use designation is to be
183 studied, that request needs to come from the applicant. This is a conversation the staff has had with the applicant on at
184 least four separate occasions. This is the zoning designation she believes is most viable and I will say there can be no
185 zoning of the property to a non-residential zoning designation without the future land use category on the property being
186 modified. I would also say that given the existing Future Land Use categories in the area, there is no other designation
187 that makes sense other than the Commercial Industrial Transition Activity Node (CITAN) or the Economic Development
188 Activity Node which would also require access to public water and sewer in order for it to be changed. As a reminder, the
189 larger issue here is that the parcel is not viable for being placed in either of these future land use categories due to several
190 joint planning efforts we are party to with the Town.
191

192 David Blankfard: How close is water and sewer to this property?
193

194 Michael Harvey: I'm not sure where existing utilities lines are but this property is not listed as being viable for service by
195 public water and sewer by any of the planning documents we mentioned. As noted by the memorandum provided by the
196 Town of Hillsborough, on page 41, Margaret Hauth, the Planning Director for the Town of Hillsborough, has indicated they
197 (the Town) have no plans to provide water and sewer service to this property. The Water and Sewer Management,
198 Planning, and Boundary Agreement (WASMPBA) map would have to be amended and the Central Orange Coordinated
199 Area (COCA) Future Land Use map would also have to be amended indicating this parcel is viable for water/sewer and I
200 would say the Town would require annexation in order for it to be served.
201

202 Charity Kirk: To clarify, to actually convert this to commercial, you first have to get it approved for future water and sewer
203 use? Which is not in our realm, is that something that Hillsborough has to do. The other option, is if she had a plan for
204 commercial that didn't require water and sewer, it could potentially be rezoned?
205

206 Michael Harvey: The Comprehensive Plan requires that CITAN be extended or placed on properties that could be served
207 by water and sewer. This property can't be served by water and sewer based on current plans the County is party to. You
208 are correct, that extending water/sewer to this property requires a modification of two external documents the WASMPBA
209 and Town of Hillsborough Orange County Coordinated Land Use Plan (COCA). During development of COCA, Town staff
210 and advisory boards chose not to extend water and sewer services to the eastern side of NC Hwy 86 to serve these
211 parcels. You will note from Ms. Hauth's memo, the Town has not expressed an interest in pursuing extension. If the
212 applicant wanted to pursue it, they could but I think the Town would require annexation of this parcel into the corporate
213 limits of the Town of Hillsborough for water and sewer to be extended. We and the Town have made Ms. Richardson
214 aware of this potential.
215

216 *Craig Benedict reviewed areas of the COCA map on screen and some of the history of the process when created*
217

218 David Blankfard: Could the applicant put in their own line and connect to the sewer and water?
219

220 Michael Harvey: I think if the applicant approached the Town of Hillsborough and requested voluntary annexation, they
221 would then be able to spend the appropriate amount of money to extend water/sewer to serve this property but it would be
222 developed in accordance with the Town of Hillsborough's Land Use Regulations and Comprehensive Plans versus the
223 County. Could the applicant go through the existing separate processes with the Town and with the WASMPBA partners -
224 Orange County, Chapel Hill, Carrboro, Hillsborough and OWASA - and amend the various planning documents allowing

225 this parcel to be served by public utilities? Yes, she could and that would make this property viable for the extension of
226 CITAN. I think the applicant is rezoning the property to begin marketing it for sale. I don't have a path forward for the
227 applicant and the other concern is that if this applicant were allowed to proceed, we would inadvertently be setting her up
228 for a couple of years' worth of work and effort because if the property were marketed for commercial purposes,
229 development would not be practical until two planning documents were modified through separate processes that they
230 require in order for utilities to be extended, unless annexed which is a separate process. I don't dispute the applicant's
231 assertion this is, in many cases, a logical extension. The problem is it doesn't meet the requirements of the
232 Comprehensive Plan which is why the Director and I have had to complete the analysis as we have and make the
233 recommendation that has been made.

234
235 Charity Kirk: What would happen if we voted to approve this?

236
237 Michael Harvey: The Planning Board can make their recommendation, the staff's recommendation would still be to deny
238 based on the inconsistency with the Comprehensive Plan. You can make your own recommendations based on your own
239 reasons, I don't want to give the impression that you have to follow staff but the staff can't change its recommendation.
240 We have to maintain the consistency of the Comp Plan.

241
242 Charity Kirk: I understand that, what would happen if we voted yes?

243
244 Michael Harvey: The County Commissioners would get your recommendation separate from the staff recommendation
245 and the abstract presented to the County Commissioners say the Planning Board has recommended you approve this
246 request and here's our rationale. Staff would have a separate recommendation with a separate rationale. The County
247 Commissioners, upon holding the public hearing, would then make a determination as to the best way forward.

248
249 Craig Benedict: Exactly, the Planning Board is an advisory board they can recommend for or against with the rationale
250 and in any event it proceeds to the Commissioners for public hearing and then their final action on the item, which could be
251 approval or denial also.

252
253 Adam Beeman: What would it take to change all those documents for future growth on 86? With Virginia legalizing
254 marijuana and Danville getting a casino it is going to become a very busy place.

255
256 Craig Benedict: Usually every 5 to 8 years we reanalyze our joint cooperation agreements with our local governments to
257 see if areas have been built out in the areas that are intended for growth and if there need for additional areas. The
258 dialogue would begin with a joint meeting with the planning directors and myself or Michael Harvey with the applicant to
259 say are there conditions showing that it is appropriate at this time to start expanding the urban growth area of Hillsborough.
260 In our conversations with Hillsborough, they do not have any interest at this time to expand their growth boundary. I think
261 it's a timing issue. As Waterstone and other areas expand out and undeveloped properties become built this can be
262 reanalyzed in the coming years.

263
264 Whitney Watson: I appreciate that the staff has been thoughtful about trying to find a way forward for Ms. Richardson and
265 respecting all the planning work that has gone on into creating the underlying documents. That's how I do feel that this
266 staff recommendation is what it is. I also understand that the property owner wants to see their greatest realization from
267 sale or development of that piece of property but as I looked at the map and saw, moving south on 86, those parcels
268 become smaller and smaller making them less desirable as areas for development and since they back up onto Duke
269 Forest, unless Duke University is willing to sell part of that, there is no real opportunity to extend commercial areas to the
270 east. Perhaps the applicant could be encourage to think about how that area could be developed for residential and the
271 idea that it backs up to a forested area with rich habitats and opportunities for nature encounters would seem to be a
272 natural marketing advantage for high end homes in that area. I would hate to see us continue to land lock or lock up Duke
273 Forest and make it even less accessible.

274
275 **MOTION** by Randy Marshall to take the Planning Director's recommendation and that the request be denied because the
276 extension of the Commercial Industrial Transition Activity Node is not viable at this time as the property cannot be provided
277 with public water and wastewater services; the requested rezoning cannot be approved without the extension of CITAN;
278 the requested rezoning is inconsistent with the current policies of the adopted County Comprehensive Plan, the Town of
279 Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan and the Water and Sewer
280 Management Planning and Boundary Agreement (WASMPBA). Seconded by Melissa Poole.

281
282 Charity Kirk Yes
283 Kim Piracci: Yes
284 Melissa Poole: Yes
285 Randy Marshall: Yes
286 Susan Hunter: Yes
287 Adam Beeman: Yes
288 Carrie Fletcher Yes
289 Whitney Watson Yes
290 Patricia Roberts: Yes
291 Alexandra Allman Yes
292 David Blankfard: Yes
293 **MOTION PASSED UNANIMOUSLY**

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296 **AGENDA ITEM 10: ADJOURNMENT**

297 Meeting was adjourned by consensus at 7:46 p.m.

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David Blankfard, Chair