

PLANNING & INSPECTIONS DEPARTMENT
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June 30, 2020

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Barrister Commercial Group
3810 Springhurst Boulevard
Suite 120
Louisville, KY 40241

Chris Bostic, PE
Kimley Horn
421 Fayetteville Street
Suite 600
Raleigh, NC 27601

RE: REVIEW of Conditional Zoning Atlas Amendment – Master Plan Development (MPD) for Research Triangle Logistics Park (RTLTP)

INITIAL REVIEW COMMENTS

To Whom It May Concern:

On or about June 5, 2020 the Orange County Planning Department received a Conditional Zoning Atlas Amendment application for several parcels located south of Interstate 40 within the Hillsborough Township.

Specifically staff received an application to rezone approximately 161 acres of property to Master Plan Development (MPD) Conditional Zoning for a development, referred to as the Research Triangle Logistics Park, on parcels identified utilizing the following Orange County Parcel Identification Numbers (PIN):

- PIN 9863-71-8857: an approximately 90 acre parcel of property zoned MPD-CZ, part of the Settlers Point project approved by the County in 2018, and Major Transportation Corridor (MTC) Overlay District;
- PIN 9863-91-6573: approximately 60 acres of an 80 acre parcel zoned MPD-CZ (i.e. part of the Settlers Point project approved by the County in 2018) Economic Development Hillsborough Limited Officer (EDH-2), and Major Transportation Corridor (MTC) Overlay District;

STAFF COMMEENT: Approximately 20 acres of the parcel, north of Interstate 40, is not part of the application and will remain zoned as currently depicted on the official County Zoning Atlas.

- PIN 9862-99-8894: an approximately 12 acre parcel of property zoned Rural Residential (R-1) and Rural Buffer (RB).

According to the submittal, the development: '... will have the capacity for over 2,250,000 square feet of health technology, information sciences and engineering, advanced manufacturing, light manufacturing, scientific research and laboratories, logistics, warehousing and supply chain fulfillment' land uses (hereafter 'the Project').

Review and action on the Project shall be in accordance with the provision(s) of Section 2.9 *Conditional Districts* of the Unified Development Ordinance (UDO).

In accordance with Section 2.2 *Applications* of the Unified Development Ordinance (UDO), staff began a sufficiency review of the submittal, which was deemed complete and formally accepted for review on June 15, 2020.

As a general reminder the timeline for the review of the project remains as follows:

- a. June 15 through July 2, 2020 – Staff review and comment.
- b. July 15 or 16, 2020 – Neighborhood Information Meeting (NIM). A NIM shall be held allowing local property owners to ask the applicant questions and for staff to provide information on the process associated with the review of the project. Given current COVID-19 pandemic protocols, this will be an on-line meeting sponsored/administered by the applicant with presentation materials linked on the County website.
- c. August 5, 2020 – Planning Board meeting;
- d. September 15, 2020 – First available date for public hearing by the BOCC.

In reviewing the submitted application package, staff would like to offer the following observation(s) and comment(s):

I. COMMENT(S):

A. GENERAL:

1. The narrative and exhibits make reference to stormwater 'best management practices' or BMPs for the Project. Please update such references to 'stormwater control measures' or SCMs per current State and County guidelines.
2. There are no references in the narrative to proposed parking standards (i.e. required number of spaces per sq.ft. of proposed land use, loading space design requirements, shared parking, compact parking standards, drive-isle standards, etc.) for the Project.

Please modify the narrative to either indicate the Project will comply with the provisions of Section 6.9 *Parking, Loading, and Circulation* of the UDO or propose a comparable parking standard for consideration.

In addition, the following observation(s) should be kept in mind:

- i. A condition of approval for the Settlers Point MPD-CZ project indicated a minimum of 1% of all required parking be designed to

accommodate electrical charging stations. Staff believes there will be similar interest for the Project.

- ii. A condition of approval for the Settlers Point MPD-CZ project required the creation/designation of 100 parking spaces to serve as supporting 'park and ride' activities. While the nature of this project is different from Settlers Point, staff believes there will be discussion at both the Planning Board and County Commissioner level on requiring a similar condition.
3. Section 6.7.5 (D) of the UDO requires the issuance of a Class A Special Use Permit when any non-residential land use within an MPD-CZ is developed: ... *'within 200 ft. of a property line of an existing dwelling unit located on a lot smaller than 2 acres in size.* This section specifically applies to MPD-CZ development(s) within the Hillsborough Economic Development District.

This provision may impact portions of the Project as currently denoted on the master plan, specifically development on the 12 acre parcel (PIN 9862-99-8894) as adjacent parcels, each with a residential land use, are under 2 acres in size.

4. The Project will be required to comply with provisions of Section 6.10 *Roadway Improvements and Multi-modal Transportation* of the UDO.
5. Staff is continuing to review language on utility permitting and connection standards with the Town of Hillsborough staff and will provide additional feedback as soon as possible.

B. SPECIFIC – NARRATIVE:

1. Section 1-1 *Introduction*:

- i. Page 4 Final Paragraph: There is language within the narrative discussing the submittal of the Conditional Zoning Atlas amendment package, which could confuse the average reader. You should consider revising the language as follows:

Given the scope of the project, we believe it is appropriate to submit the project through the County's Master Plan Development (MPD) Conditional Zoning process, the purpose of which is to:

... provide for unified large scale subdivisions, non-residential, and mixed use developments that promote economical and efficient land use, improved level of amenities, appropriate and harmonious variety, creative design, and a better environment through the approval of a general Master Plan.

In accordance with the provision of Section 2.9.2 of the Orange County Unified Development Ordinance (UDO), we are proud to submit ~~the~~ this request to rezone a total of 161.21 acres of property, further defined in Section 1-2 of this document, to a MPD Conditional Zoning designation for development as the RTLP consistent with proposed development standards.

This includes the rezoning of approximately 148.8 acres of property previously zoned MPD-CZ by the County as part of the Settlers Point project.

Approval of this request will, in effect, eliminate the County's previous action to approve the Settlers Point project in January of 2018. 12.35 acres of land and submit the cumulative (being 161.216 acres) properties identified herein as being part of the RTLP project to MPD-CZ and allow for the development of the project consistent with recommended development standards.

2. Section 1-2 *Project Size and Location*: Staff recommends including the following language under the subsection number 2 describing the rezoning of PIN 9863-91-6573:

'APPLICANT NOTE: Approximately 20 acres of the parcel, which is located north of Interstate 40, are not part of the application and will remain in the ownership of the current property owner and zoned EDH-2 consistent with current County regulations.'

While all parties are aware of the distinction, the narrative should contain a definitive reference that the request only involves rezoning 60 acres of an 80 acre parcel.

3. Section 1-3 *Current Land Uses*: Include a reference to the Settlers Point project when identifying the parcels zoned MPD-CZ:

PIN – 9863718857 Undeveloped MPD-CZ (formerly Settlers Point MPD-CZ)

PIN – 9863916573 Undeveloped MPD-CZ (formerly Settlers Point MPD-CZ)

This will help the general public to follow what is being proposed, and what was previously done.

4. Section 1-5 *Construction Schedule*: Additional information should be included, specifically:

- i. *Water/Sewer improvements*: Provide language indicating the extension of applicable utility lines shall be in accordance with Town of Hillsborough's utility extension protocols/policies.

Staff recommends additional language be added defining/clarifying what a 'looped' water line system will entail. For example where will the connection(s) be made (i.e. off Old NC Highway 86 near David Road, a new water line running parallel with Interstate 40 connecting to existing lines off Orange Grove Road, etc.).

There also should be some mention of required permitting to install the new utility lines.

This detail will need to be present on the utility master plan contained in Exhibit D as well.

- ii. *Road improvements*: Add references to the Traffic Impact Analysis (TIA) contained in Exhibit H of the application.

5. Section 2 – *Land Use Program*: The narrative makes a reference to ‘County Planning staff’ referring to the Project as the ‘Research Triangle Logistics Park’ or RTLTP. This is the name you have chosen for the Project and is not a ‘staff’ reference. Please revise existing language accordingly.
6. The narrative should be revised to include additional detail(s) on proposed development activities, namely:
 - i. A description/identification of each individual development area or ‘pod’ within the Project;
 - ii. Anticipated number of buildings and their size for each development area or ‘pod’;
 - iii. An explanation on the anticipated number of parking spaces;
 - iv. An explanation of loading berths/zones for each area or ‘pod’;

This information should also be placed on the master plan set.

7. Section 2-1 *Land Uses*: Staff is concerned the proposed list of allowable and prohibited land uses does not following existing naming or organization conventions as detailed in Section 5.2 *Table of Permitted Uses* of the UDO. We suggest additional review of our recommendation(s) on the listing of land uses consistent with our June 1, 2020 email as contained in Attachment 1.

8. Section 2-2-1 *Land Use Intensity*:

- i. There is no mention of Floor Area Ratio (FAR) requirements within the narrative.

As proposed, the FAR for the Project appears to be approximately 0.32 (i.e. roughly 13,939 sq.ft. of floor area per acre with a cumulative total of 2,250,00 sq.ft. of floor space for the 161 acres located within the Project).

As a comparison, the FAR for:

- Settlers Point for District 1 was 0.20 (i.e. 8,712 sq.ft. of floor area per acre);
- County UDO would potentially allow 0.65 (i.e. 28,314 sq.ft. of floor area per acre) if the MPD-CZ parcels were still zoned Economic Development Hillsborough Research and Manufacturing (EDH-5).

The proposed FAR appears consistent with what has been historically allowed for the parcels making up the bulk of the Project.

NOTE: The FAR should also be listed on the master plan set, specifically sheet(s) C.2.

- ii. Number 1: Per Section 6.7.5 (C) (1) of the UDO, the maximum impervious surface level for the Project is 50%.

After conferring with the Director, it has been recommended the narrative contain language discussing the cumulative/shared nature of the development (i.e. shared access roads, shared parking, common stormwater control measures, open space preservation, etc.) resulting in an overall reduction in the amount of land clearing/grading that will be required to accommodate the Project.

This will result in an overall reduction in the anticipated environmental impact of the Project justifying additional impervious surface area.

- iii. Number 2: Staff recommends the minimum percentage of open/landscaped space for the Project be increased to a minimum of 30% of the Project or 48 acres.

According to the '*graded area exhibit*' of the Environmental Assessment (Exhibit G) anticipated open space for the project is approximately 41 acres or 25% of land area.

The Director has indicated he is willing to allow for the 498,705 sq.ft. of land area reserved to serve as stormwater control measures to be included as part of the open space calculation.

NOTE: The minimum open space requirement should be listed on the master plan set, specifically sheet(s) C.2.

- iv. Number 3: Per Section 6.7.5 (C) (1) of the UDO the maximum height allowed for the Project is 60 ft. There are additional setback requirements for structures exceeding 40 ft. in height per Section 3.7 of the UDO.

Staff recommends references in the narrative to a '6 story height limit' be replaced with the following:

Buildings within the development shall abide by the height limitations and allowances established within Section 3.7 *Economic Development Districts – Economic Development Hillsborough Research and Manufacturing (EDH-5)* of the UDO.

Under no circumstances may a structure exceed 60 ft. in height.

NOTE: Height allowances/restrictions should be listed on the master plan set, specifically sheet(s) C.2.

- v. Number 4: Please include specific references to the Stream Buffer regulations as contained in the UDO (i.e. Section 6.13).

Further, we recommend including language within this section referencing your submittal of a Letter of Map Amendment (LOMA) to the Federal Emergency Management Agency (FEMA) for review, which may result in a reduction of land area encumbered by identified floodplain.

This is to address potential concern(s) the submitted master plan (i.e. the overall preliminary site plan map – Sheet C-2) denotes potential development activity in areas currently identified as being within special flood hazard area, where development activity is specifically prohibited in accordance with Section 6.21 of the UDO.

9. Section 2-2-2 *Environmental Factors*:

- i. Number 1 *Noise*: Language should indicate the Project shall comply with the County's Noise Ordinance, as enforced by the Sheriff's Office, and Section 6.4.3 of the UDO.
- ii. Orange County Solid Waste staff members have agreed, in concept, with the language contained in Section 2-2-2 (6) of the narrative. A recommended condition of approval will be:

'All solid waste and recycling collection methods, facilities, areas, etc. shall be reviewed during formal site plan review by Orange County Solid Waste. Site specific development conditions associated with solid waste/recycling collection and disposal will be addressed at that time'

There is a typo under 6 (d) (v) of the narrative, specifically the word 'and' appears at the end of the proposed standard that does not appear to belong.

- iii. Number 7 *Erosion Control*: Please revise the narrative and make specific reference the Project will comply with the provisions of Section 6.15 *Soil Erosion and Sedimentation Control* of the UDO.
- iv. Orange County Erosion Control and Stormwater Management staffs are reviewing the proposed conditions under Section 2-2-2 (8) of the narrative.

General observation(s):

1. If it is your intention to make use of nutrient buy-down tools, the narrative should contain language denoting same.
2. County riparian/floodplain buffer requirements are more restrictive than State riparian standards. Language in Section 8 (a) of the narrative should be modified to indicate riparian buffers shall be maintained consistent with the provision(s) of Section 6.13 of the UDO. This change will also ensure consistency with language contained in Section 2-2-3 (1) (a) of the narrative.

10. Section 2-2-3 *General Performance Standards – Environmental*: The narrative needs to contain a summary of the findings of the Environmental Assessment (Exhibit G). Specifically, an analysis of the information demonstrating compliance with applicable standards (i.e. Section 6.16.3 (B) of the UDO).

This analysis is vital to documenting your rationale for arguing an Environmental Impact Statement, as detailed in Section 6.16.4 of the UDO, is not required for the Project.

11. Section 2-3-1 *Architectural Design* – Staff recommends you add language indicating the ‘examples’ contained within the narrative are for illustrative purposes only and do not represent actual client(s) or tenants. The rationale is the listing of a specific company or business could become an unnecessary focus of discussion/criticism during review of the Project.
12. Section 2-3-2 *Landscaping and Preservation Design*:

- i. General: The section should provide detail on the landscape and buffer management standards for the Project, including:

1. Amount of proposed foliage within identified landscaped areas.

Section 6.8.7 (F) of the UDO, the County establishes various buffer types outlining the number/species of foliage required within every 100 linear ft. of property.

The narrative will need to define what level of landscaping is going to be required consistent with this standard.

- ii. Number 2: Language should be modified to indicate formal landscape plans shall be submitted as part of each individual site plan for review and approval consistent with approved standards for the Project.

- iii. Number 5:

1. Specify planting of a canopy tree within required tree islands;
 2. Tree(s) should be, at a minimum, 1 ½ inch caliper at dbh at time of installation;
 3. Tree planting area should be increased from 162 sq.ft. (9 ft. by 18 ft. as suggested) to a minimum of 200 sq.ft. to ensure adequate area for installation. As a reminder Section 6.8.7 (D) (2) (b) requires terminal landscape islands within parking lots to be 300 sq.ft. in area;
 4. Each terminal island or ‘tree grate area’ as detailed in the narrative should contain 1 canopy tree and shrubs for coverage. Staff recommends inclusion of a typical ‘tree grate area’ design schematic showing the ‘tree grate area’ design as well as the anticipated installation of proposed foliage.

- iv. Number 6:

1. All parking areas should have a vegetative buffer, at least 10 ft. in width, separating parking from adjacent open space, vehicular use areas, property lines, etc. For reference

purposes, staff is recommending compliance with Section 6.8.7 (D) (1) of the UDO.

If it is your intention to allow existing/preserved foliage to satisfy this requirement, please indicate same within the narrative and on Sheet C-6 of the master plan set;

2. Staff is not of the opinion a 5% building perimeter landscaping requirement will be sufficient and recommends continued discussion. For reference purposes, current regulations would require the following (Section 6.8.7 (C))

A minimum of a five foot landscape area must be planted around the entire foundation of non-residential structures to blend the architecture into the site and to accent entrances. Vegetation of varying heights and textures shall be placed along walls and fences to soften the planes.

If a landscape area around the foundation is not possible, as in the case of existing buildings and parking, landscape planters should be incorporated into the store frontage. This can be done by means of raised planters, sidewalk cutouts, or portable planters.

- v. Number 7: As previously indicated, the County requires landscaping to be installed/preserved to meet a specified level of intensity (i.e. minimum foliage per every 100 linear ft.). Staff requests additional review of establishing a minimum standard for the Project using the provisions of Section 6.8.6 as a guide.

As part of initiating this conversation, staff requests you consider the following minimum standard: 3 canopy, 1 evergreen, 2 deciduous understory, 5 evergreen understory, and 40 shrub trees for every 100 ft. of required landscape area.

13. Section 2-3-3 Signs and Lighting:

- i. Staff is still reviewing the master sign plan (Exhibit F) and will provide comment(s) as soon as possible.
- ii. If the location of outdoor lighting fixtures is known, a formal lighting plan is required to be submitted as part of the MPD-CZ application (refer to Section 6.11.5 (B) of the UDO). If not, please add language indicating same within the narrative.
- iii. With respect to lighting standards contained in Section 2-3-3 of the narrative, staff recommends:
 1. Add language indicating all lights shall be full cut-off fixtures;
 2. Provide detail on the anticipated height of all light poles;

3. Provide detail that the Project will comply with maximum permitted foot-candle limits consistent with Section 6.11.6 of the UDO (i.e. observe a light limit of 0.5 foot-candles at any adjoining residential property line and/or 1.0 foot-candles at any adjoining non-residential property line);
 4. You may wish to add language to the narrative indicating all security lights shall abide by the requirements of Section 6.11.3 (J) of the UDO;
 5. Add language indicating formal lighting plans shall be submitted with all site plans where outdoor lighting is proposed;
 6. Add language that lighting for the project shall comply with applicable NC Department of Transportation requirements for roadway lighting.
14. Section 3-1 *Internal Traffic Circulation and Parking*: No initial comments other than those referenced under 'General Comments'.
15. Section 3-2 *TIA Improvement Summary*:
- i. The TIA describes the Project as consisting of of "2,251,200 sq. feet of warehouse".

As there will be a myriad of other development occurring within the Project (i.e. light manufacturing, warehousing, research, medical, fulfillment services, etc.) staff is concerned the TIA does not adequately anticipate/define impacts.
 - ii. According to the TIA, the Project anticipates generating 3,648 new trips per average weekday, with 320 AM peak trips and 326 PM peak trips. The AM/PM "peaks" represent only 18% of all trips. This number seems small to staff. This, combined with the anticipated mixture of land uses summarized herein, could create issues with some of the lower-performing LOS intersections (and overall greater rates of congestion in the area).
 - iii. There does not appear to be sufficient right-of-way to allow for the development of a dedicated right-turn lane on southbound Old NC 86. The concern for staff is that this 'right-turn lane' is the designated connection to three (listed as A, B and C within the TIA) of four total driveways to be constructed (the fourth, D, will be on Davis Rd.).
 - iv. The three "exceptions" that do not meet LOS D or better for average intersections are all predicated on a "typical" AM and PM peak time. Staff is concerned this will, actually, be the case if the majority/entirety of the development is warehousing.
 - v. The turn movements were calculated in October of 2016. Staff is concerned how valid this data may still be.

- vi. One Page 31, Table 8 of the TIA there are references to Old NC 86 at I-40 EB have an issue with maxing out the 200-feet of available storage during AM travel periods.

Staff is concerned none of the recommendations contained within the TIA call for an additional lane or improvement beyond a traffic light to address this issue.

- vii. The overall conclusions (page 34 of Exhibit H) identify the problems that create a LOS E and LOS F for these particular intersections, but offer no solutions. As 2 of the three intersections in question connect to I-40, and one connects with the road containing three of the development's four total driveways, this is a concern for staff.

16. Section 5-1 *Vegetated Buffers*:

- i. Number 1: As proposed, there is a 100 ft. 'perimeter structure buffer' along the external western property line with allowances for parking/internal roads within 50 ft. of the western property line.

Consistent with the provisions of Section 6.8.12 (C) of the UDO, staff recommends observing a 100 ft. perimeter buffer for the Project from western and southern property lines that are adjacent to residentially zoned property.

Staff would agree with allowing trails and/or roadways within this area but not parking areas.

- ii. Number 3: Staff recommends a 30 ft. vegetative/landscape area separating the Project from both the Service and Davis Road rights-of-way. As written, the narrative references a 25 ft. 'land use buffer' along Service Road and does not mention Davis Road.
- iii. Number 4: Please indicate buffers along all 'water features' (i.e. streams, floodplain, wetlands, etc.) shall be preserved consistent with Section 6.13 of the UDO. As an aside, required buffer is based on slope. There may be areas of the Project where a 65 ft. stream buffer may be applicable versus an 80 ft. buffer.

C. MASTER PLAN SET:

- 1. Section 6.7.1 (B) (1) of the UDO requires a map of the development site. While the master plan map set provides the majority of required detail(s), the submittal should be modified as indicated:

- i. Label and identify the various 'lines' on the submitted map(s). Specifically:
 - 1. Internal and external property lines;
 - 2. Internal rights-of-way;
 - 3. Internal district or 'pod' development areas;
 - 4. Utility lines/easements.

Staff recommends the use of a legend indicating what these lines represent (i.e. project boundary lines, utility easements, utility service areas, rights-of-way, etc.).

- ii. Sheet C-2 should display the floodplain and floodplain buffer area per Section 6.13 of the UDO;
- iii. Sheet C-2 should display the following information:
 - 1. Proposed floor area ratio (FAR) for the Project;
 - 2. Proposed open space;
 - 3. Breakdown of landscape/buffer area (i.e. acreage) for the Project;
 - 4. Proposed setbacks (internal and external);
 - 5. Anticipated number of parking spaces, loading berths/stalls, etc.;
 - 6. Maximum allowable building height (in general and per each individual development 'pod' if there will be a difference);
 - 7. Anticipated number of parking spaces with access to alternative energy charging stations (if proposed);
 - 8. Number of 'park and ride' spaces (if proposed).
- iv. Development of Building D appears to 'cross' an existing property line.

There needs to be some explanation of boundary/development areas on the master plan set providing an explanation of what will be included within individual development areas of the Project.

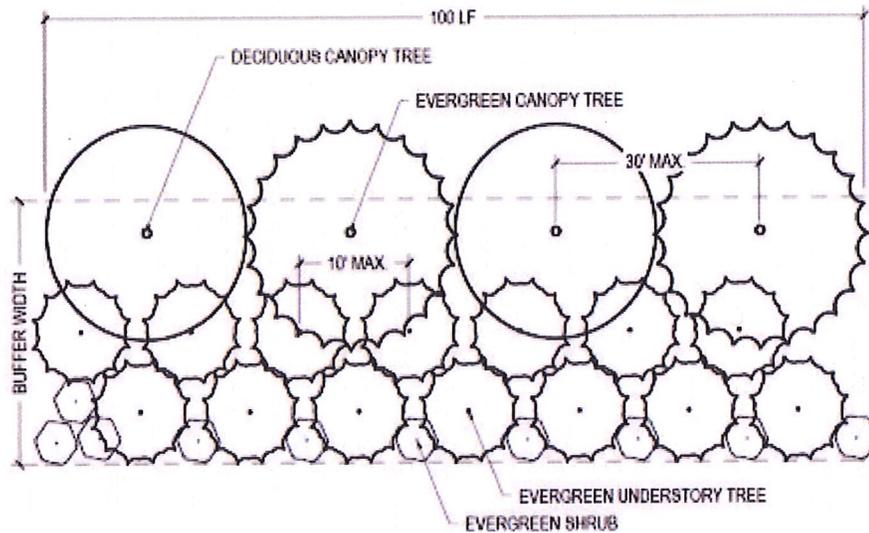
- v. Sheet(s) C-2 and C-2.4 indicate there will be development activity occurring within an existing utility easement, specifically a power line easement.

Staff requires documentation indicating either the power line/easement is being relocated or the utility provider will allow for the development of parking and structures within their easement.

- vi. Sheet C-6: Label and document all proposed and/or required landscape/ buffer areas for the Project including, but not limited to:
 - 1. Perimeter buffers;
 - 2. In-between lot/development pod landscape areas;
 - 3. Internal landscaping (i.e. parking lot and parking lot perimeter, building, preservation of existing significant foliage, etc.);
 - 4. Stream/floodplain buffers;
 - 5. Major Transportation Corridor (MTC) buffers, including requested breaks consistent with Section 6.6.4 of the UDO.

- v. Sheet C-6 needs a legend detailing what the proposed landscape/buffer areas are.

Further, revise the Sheet to contain the proposed planting schedule (i.e. amount of foliage for every 100 linear ft. of the Project) consistent with previous direction. Staff recommends use of a planting detail on the Sheet supporting this description and offers the following illustrative example as a guide:



**** NOTE: not taken from County UDO. Graphic is for illustrative purposes only ****

- i. Provide the following additional detail on Sheet C-2:
1. A typical public road access cross section detail for the individual development areas;
 2. A typical interior roadway design standard (i.e. cross section) including drainage detail(s) and explanation of how drainage will be handled by interior road systems if at all;
 3. If there is a proposed layout (i.e. creation of individual parcels allowing for development) please denote same on this map;
 4. Provide language indicating if denoted stormwater control measures (SCMs) are:
 - a. For illustrative purposes (i.e. final SCM location shall be determined with the submittal of a formal stormwater management plan in accordance with the UDO);
 - b. Are anticipated to serve as master drainage basin areas or for specific 'pods'.
- ii. Sheet C-4: Section 6.7.1 (B) (6) of the UDO requires a map detailing the utility master plan for the project (Sheet C-4). While

the Sheet C-4 provides the majority of required detail(s), the submittal should be modified as indicated:

1. Denote the location of all utility lines (i.e. sewer, water, reclaimed water, stormwater management, electrical service, cable, telephone, etc.) on the map.

As part of this modification please provide a key/legend detailing:

- a. Existing infrastructure in place,
- b. What infrastructure is expected to be constructed by Orange County/Town of Hillsborough, and
- c. New infrastructure serving the project.

As part of this requirement, staff will need detailed information on proposed line types, sizes, anticipated construction, etc.

- b. Denote the anticipated location of sidewalks to assist staff ascertain if there will be any conflicts with utility location.
- c. The map will need to be modified to include the detailed design calculations for the project indicating that the proposed utility lines are sufficient for expected development and associated/estimated density for the project.
- d. Include a note indicating: *'All onsite utilities shall be underground unless approved by the Board of County Commissioners'*.
- e. Indicate connection points to various utility lines.
- f. Denote the location of any anticipated/planned utility infrastructure (i.e. pump stations, etc.).
- g. Please include the following information on Sheet C-4:
 - a. Provide detail on anticipated fire flow for the proposed utility lines with detail on how same will support the project. As a general reminder fire flow requirements are necessary for consideration when sizing water lines.
 - b. Provide detail on the anticipated placement of manholes and elevations same. This will include the provision of a typical manhole construction detail.
 - c. Anticipated stub out locations.
 - d. All existing and anticipated utility line easements.
 - e. Provide sufficient detail outlining how the project will comply with the Town of Hillsborough water/sewer utility line construction standards.

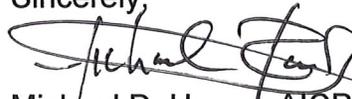
- f. Additional detail on expected build-out. This information shall be essential in evaluating the ability of installed infrastructure to meet current and future needs of the project.
- g. Information outlining opportunities for water and sewer extension to serve adjacent parcels.

NOTE: The ability to serve surrounding parcels is predicated on said parcels location within a primary service area as detailed within the Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA), the County Comprehensive Plan, and the Orange County/Town of Hillsborough Joint Planning Land Use Plan.

Please note this document represents staff comments on the project thus far and should in no way be construed as our final determination. Additional correspondence shall be provided as necessary outlining our comments on the project. This will include comment(s) from other County agencies (i.e. Erosion Control/Stormwater, Fire Marshal, Solid Waste, County's Attorney office, etc.) and external review partners (i.e. NC Department of Transportation, Town of Hillsborough, etc.)

We will of course be more than happy to meet with you in person to review these comments, any new issues, and methods of complying with other regulatory requirements. Please contact me at (919) 245-2597 and/or mharvey@orangecountync.gov schedule and/or discuss the project in greater detail.

Sincerely,



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

CC: Travis Myren, Deputy County Manager;
Craig Benedict, Planning Director;
Steve Brantley; Economic Development;
James Bryan, County Attorney's Office;
Margaret Hauth, Town of Hillsborough;
File.

Michael Harvey

From: Michael Harvey
Sent: Monday, June 01, 2020 11:01 AM
To: 'Bostic, Chris'; Frank A Csapo; Craig Benedict
Cc: Steve Brantley; Rick Ogburn; Michael Birch; Doug Short; Aucoin, Bill (Avison Young - US); Graham, Jack (Avison Young - US); Peach, Matt
Subject: RE: RTLP
Attachments: May 29, 2020 - MDH Document of land use format.docx

To all: I have attached a very brief document outlining my recommendation on formatting of permitted uses for RTLP.

Many thanks

Michael D. Harvey AICP, CFM, CZO
Current Planning Supervisor
Orange County
131 West Margaret Lane
Suite 201
PO Box 8181
Hillsborough, NC 27278

(919) 245-2597



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.

SERVICE IMPACTS FROM COVID-19

PLEASE NOTE: Orange County, North Carolina issued an amendment to the Declaration of a State of Emergency. **The amendment orders the public to Stay at Home to prevent further spread of COVID-19.** The Order will take effect on Friday, March 27th, 2020 at 6:00 p.m. and will remain in effect until April 30, 2020 at 5:00 p.m. The Stay at Home Order shall be reviewed periodically to determine whether it should be extended, modified, or rescinded. For the latest information and guidance relating to Orange County's COVID-19 response, visit <https://www.orangecountync.gov/Coronavirus>

Effective immediately, the following adjustments have been made to protect employees and the general public and to ensure that service levels can be maintained throughout the duration of the COVID-19 pandemic.

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Planning staff can be reached at the following:

- Michael Harvey, Supervisor: (919) 245-2597 or mharvey@orangecountync.gov
- Patrick Mallett, Planner 2: (919) 245-2577 or pmallett@orangecountync.gov
- Molly Boyle, Planner 1: (919) 245-2599 or mboyle@orangecountync.gov
- Tyler Sliger, Planning Technician: (919) 245-2598 or tsliger@orangecountync.gov

Meetings: Meeting(s) shall occur by appointment only during revised operating hours listed above. Please note staff will observe appropriate social distancing requirements and staff 6 feet away from parties attending a meeting at all times.

Plan Review: Applications for development projects shall be accepted:

Electronically via e-mail;

By Mail sent to: Orange County Planning
ATTN: Current Planning Division
PO Box 8181
Hillsborough, NC 27278

Dropped off in person during the revised operating hours listed above. **PLEASE NOTE:** Applications physically dropped off at Planning offices shall be placed in an appropriately labeled drop box and shall not be handed by staff until appropriate social distancing protocols can be observed. Staff will be unable to review and discuss the proposal with you at the time of submittal.

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Communications: Current Planning staff can be reached at the e-mail addresses and phone numbers listed above.

From: Bostic, Chris [mailto:Chris.Bostic@kimley-horn.com]

Sent: Wednesday, May 27, 2020 11:05 AM

To: Michael Harvey; Frank A Csapo; Craig Benedict

Cc: Steve Brantley; Rick Ogburn; Michael Birch; Doug Short; Aucoin, Bill (Avison Young - US); Graham, Jack (Avison Young - US); Peach, Matt

Subject: [EXTERNAL MAIL!] RE: RTLP

Good morning all.

Please see attached draft master plan binder for review and discussion today.

Thank you.

Chris

Kimley»Horn

Chris Bostic, P.E.

Kimley-Horn | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601
Direct: 919-653-2927 | Mobile: 919-623-0414

From: Michael Harvey <mharvey@orangecountync.gov>

Sent: Wednesday, May 27, 2020 9:38 AM

To: Frank A Csapo <FCsapo@barristercg.com>; Craig Benedict <cbenedict@orangecountync.gov>

Cc: Steve Brantley <sbrantley@orangecountync.gov>; Bostic, Chris <Chris.Bostic@kimley-horn.com>; Rick Ogburn <rogburn@redlevel13.com>; Michael Birch <mbirch@longleaflp.com>; Doug Short <short@manningfulton.com>; Aucoin, Bill (Avison Young - US) <bill.aucoin@avisonyoung.com>; Graham, Jack (Avison Young - US) <jack.graham@avisonyoung.com>

Subject: RE: RTLP

Attached in a comparison chart on the various land uses proposed by RTLP as they compare to County allowances (EDH-5) and as permitted under the Settlers Point MPD-CZ.

My goal for today's meeting is to make sure we are on the same page so I can recommend grouping of land uses into readily identifiable categories that have some semblance to the current organizational framework in the UDO. My hope is that by doing this, we can assist the applicant provide justification to elected officials for the change and deflect anticipated criticism (based on experiences with the Settlers Point project and the revamping of the table of permitted uses currently contained in the UDO).

Looking forward to discussing with you all this afternoon.

Michael D. Harvey AICP, CFM, CZO
Current Planning Supervisor
Orange County
131 West Margaret Lane
Suite 201
PO Box 8181
Hillsborough, NC 27278

(919) 245-2597



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.

SERVICE IMPACTS FROM COVID-19

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Communications: Current Planning staff can be reached at the e-mail addresses and phone

numbers listed above.

From: Frank A Csapo [<mailto:FCsapo@barristercg.com>]

Sent: Tuesday, May 26, 2020 11:24 AM

To: Craig Benedict; Michael Harvey

Cc: Steve Brantley; Bostic, Chris; Rick Ogburn; Michael Birch; Doug Short; Aucoin, Bill (Avison Young - US); Graham, Jack (Avison Young - US)

Subject: [EXTERNAL MAIL!] RTLP

Good Morning Craig & Michael,

We trust you both had an enjoyable Memorial Day weekend!

As you know, the MPD-CZD for RTLP is a work in progress, however, June 5 is rapidly approaching; Bearing that in mind, I want to keep you up to speed on any tweaks noted by the engineers and/or attorneys as the site plan is more fully detailed.

To that end, attached is the MPD-CZD with a few more technical tweaks. For ease of review we have accepted all the prior redline changes, however, we understand that the document is still a work in progress and subject to your comments.

Thank you.

Sincerely,

Frank A. Csapo

Barrister Commercial Group

Meridian Building

3810 Springhurst Boulevard, Suite 120

Louisville, Kentucky 40241

Phone: 502-412-2800

Facsimile: 502-412-2808

E-mail: fcsapo@BarristerCG.com

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May 29, 2020 – MDH review comment(s) on RTLP table of permitted land use language (observations and recommendations)

Language provided by Chris Bostic in email dated May 27, 2020 as part of the draft application narrative:

In addition to the uses allowed within Section 5.2.3 Uses Permitted As a Matter of Right of the Orange County Unified Development Ordinance (UDO) the following shall be permitted in all of RTLP's development districts:

a. Customary Accessory Uses to Principal land uses developed on-site

a.b. Government Facilities and Office Buildings, (MDH: as an observation only, did you want to specify what type of office. For example, there may be office/service uses that create more traffic than you wish to handle (i.e. from an on and off-site roadway improvement standpoint). Also, you might want to review if you could inadvertently create a concern over incompatible land uses. For example, a local government social service locates within RTLP adjacent to a manufacturing land use that makes significant noise and potentially emits odors.)

b.c. Government Protective Services (MDH: staff recommends this be revised to read as follows: Government Protective Services limited to Police/Sheriff Offices , Fire Stations and Emergency Service (i.e. ambulance/rescue squad) stations. This seems more consistent with what you all are looking to allow versus the wide range of what some might consider a 'government protective service' land use),

e.d. Bus Passenger Shelter,

e.e. Surface and structure parking as principal use (When associated with a local or regional transportation goal such as mass transit or park- and- ride), (MDH: the way this is worded, RTLP would be allowing for/encouraging a park and ride scenario on-site. If that is what you are looking for then there is no problem. Based on comments from various meetings, however, I was not under the impression you were interested in providing such an amenity and potentially impacting your clientele.)

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e.f. _____ Mail kiosks for central mail pick-up,

f.g. _____ Elevated Water Storage Tanks. (MDH: you may wish to add language indicating same is either part of ensuring water availability for fire suppression or is only required as part of a coordinated utility effort with the Town of Hillsborough).

g.h. _____ Public Parks. (MDH: I do not think your interest is providing a dedicated park/recreation space for public use. Based on comments in various meetings, I believe you are primary interested in providing public open space for use of on-site businesses, employees of same, and customers rather than the general public. Staff recommends rewording as follows: Recreation space for on-site tenants, employees and customers.)

h.i. _____ Natural and man-made pedestrian/bicycle paths. (MDH: Ibid)

Information provided in email from Frank Csapo in May 18, 2020 email:

Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Light industrial includes, by way of example and not limitation, the following uses:

1. Bottling.
2. Brewery, winery, distillery, cidery.
3. Bus or rail transit vehicle maintenance or storage facility.
4. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
5. Food and beverage products
6. Lawn, tree or garden service.
7. Laundry, dry-cleaning, and carpet cleaning plants.
8. Leather and leather products except tanning and finishing.

9. Sheet metal, welding, machine, tool repair shop or studio.
10. Stone, clay, glass, and concrete products.
11. Woodworking, including cabinet makers and furniture manufacturing.
12. Fabricated metal products and machinery.
13. Industrial sign-making.
14. Leather and leather products includes tanning and finishing.
15. Manufactured or modular housing sales.
16. Primary metal manufacturing.

A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing includes by way of example and not limitation, the following uses:

1. Clothing, textile apparel manufacturing.
2. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
3. Office showroom/warehouse.
4. Printing, publishing, and lithography.
5. Production of artwork and toys, graphic design sign-making, movie production facility, photo-finishing laboratory.
6. Repair of scientific or professional instruments and electric motors

A facility focused primarily on the research and development of new products. Research and development includes by way of example and not limitation the following uses:

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. Self-service storage includes by way of example and not limitation the following uses:

1. Warehouse, self-service.
2. Fully enclosed indoor multi-story storage.
3. Mini-warehouse.

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution includes by way of example and not limitation the following uses:

1. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
2. Commercial packing for fruits and vegetables.
3. Distribution facility, central postal facility.
4. Freight, service facility.
5. Parcel services.
6. Transfer and storage business where there are no individual storage areas or where employees or automation are the primary movers of the goods to be stored or transferred.
7. Trailer storage, drop off lot.
8. Truck or motor freight terminal, cross-docking or service facility.
9. Trucking operation.
10. Warehouse.

Facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public. Products may be picked up on-site or delivered to the customer. Wholesale trade includes by way of example and not limitation the following uses:

1. Mail-order house.
2. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment and store fixtures.
3. Wholesale sales of food, clothing, auto parts, building hardware and similar products.

MDH Recommendation: I would like the RTLP group to consider the following reorganization that might help denote those land uses you are attempting to market to:

1. Manufacturing, Assembly, Processing and Distribution of Food Items with the following expressly prohibited:

- a. Animal Slaughtering and Processing;
- b. Seafood Preparation and Processing;
- c. Starch, Vegetable Fats/Oil Manufacturing and Processing.

2. Manufacturing, Assembly, Processing and Distribution of non-food items with the following expressly prohibited:

- a. Chemical Manufacturing and Processing not including pharmaceutical and medical manufacturing and processing operaitons;
- b. Concrete Batching Plant;
- c. Foundry;
- d. Leather and Hide Tanning and Finishing;
- e. Petroleum and Coal Product Processing, Preparation, and Distribution including Asphalt Plants;
- f. Pulp, Paper, and Paperboard Mills;
- g. Sawmills;

3. Office and Financial Service Uses with the following expressly prohibited:

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a. Pawnshop/Payday Loan.

4. Retail Uses;

5. Research Facilities (with and without on-site manufacturing);

6. Service Uses with the following expressly prohibited:

a. Beauty and personal grooming services;

b. Body alteration (i.e. tattoo artist, body piercing, etc.);

c. Car Wash;

d. Cemetery;

e. Crematoria;

f. Funeral Home;

g. Junk/Salvage yard;

h. Kennel;

i. Massage Business;

j. Sexually Oriented Business;

k. Spas;

l. Taxidermy

7. Storage of Goods including warehousing (self-service, external and fully enclosed, etc.);

8. Wholesale Trade.

My rationale: you do not want to exclude a use by mere omission of listing. If, however, you structure your list to indicate which land use categories you are interested in marketing/allowing to be developed and list those uses you are excluding, it will be more conscience.

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