

PLANNING & INSPECTIONS DEPARTMENT
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August 31, 2020

Kelsey Westwood Hall, P.E.
300 Morris Street
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Durham, NC 27701

**RE: REVIEW of Conditional Zoning Atlas Amendment – Master Plan Development (MPD) for
STAFF INITIAL REVIEW COMMENTS**

To Whom It May Concern:

On or about August 7, 2020 the Orange County Planning Department received a Conditional Zoning Atlas Amendment application for a parcel of property located north of Interstate 85/40 within the Cheeks Township.

Specifically, staff received an application to rezone an approximately 104 acres of property, further identified utilizing Orange County Parcel Identification Numbers (PIN) 9854-16-1576 and 9854-36-3711 (hereafter 'the Property'):

FROM: Office/Research and Manufacturing (O/RM) ; Upper Eno Protected Watershed Protection Overlay District ; Major Transportation Corridor (MTC) Overlay District ; Efland Interstate Overlay District.

TO: Master Plan Development Conditional Zoning (MPD-CZ) district; Upper Eno Protected Watershed Protection Overlay District ; Major Transportation Corridor (MTC) Overlay District ; Efland Interstate Overlay District.

According to the submittal, the purpose of the development is to: '*... create a mixed-use unified development providing a variety of retail, service, hotel, dining, light industrial/office flex space uses consistent with the Orange County 2030 Comprehensive Plan ...*'. As proposed, development will occur on approximately 104 acres of land and involve approximately 500,000 sq.ft. of building area supporting previous identified land use categories (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 that was deemed complete and formally accepted for review on August 12, 2020.

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

- a. August 14 through August 28, 2020 – Staff review and comment.
- b. September 14 through 18, 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.

The applicant is responsible for sending out notices to all property owners within 1,000 ft. of the Property notifying them of the date/time of the NIM.

These notices are required to be sent 15 days prior to the date of the NIM and are required to have a statement on the actual envelope indicate the letter is *Notification of a Neighborhood Information Meeting (NIM) – Beaver Crossing*.

Staff will assume responsibility for posting a sign on the Property advertising the NIM

- c. October 7, 2020 – Anticipated Planning Board meeting;
- d. November 5, 2020 – First available date for public hearing by the BOCC.

NOTE: The public hearing will be a virtual meeting.

In accordance with Session Law 2020-3 Section 4.31(a), pertaining to remote meetings during declared emergencies, written comments on items heard at a public hearing are accepted for 24 hours after the public hearing is closed.

The BOCC will be unable to make a decision on public hearing items until the 24-hour period for the submittal of written comments has concluded.

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

I. COMMENT(S):

A. GENERAL:

- 1. Staff is continuing to review language on utility permitting and connection standards with the Orange Alamance Water (water provided) and the City of Mebane (sewer provider) staff and will provide additional feedback as soon as possible.
- 2. The Property is located within an area defined as a High Quality Water (HQW) zoned by the State of North Carolina. As site specific

development plans are submitted, the State will be reviewing the proposal for compliance with applicable standards.

Please note 'uncovered areas' in HQW zones shall be limited at any one time to a maximum total area of 20 acres within the boundaries of the Property. Larger areas may be uncovered with the written approval of the Director of the Division of Land Resources of the Department of Environment and Natural Resources.

3. When reviewing similar development proposals, conditions have been recommended by advisory board/elected officials requiring a specific number, or percentage of required, parking be designed to accommodate electrical charging stations. Staff believes there will be similar interest for the Project.

Section 2.5 H *Sustainable Design* of the Narrative contains the following statement:

Electric Vehicle Charging Stations: (i) a paved EV charging station area including the required electrical conduit system will be reserved within Development Area 1, (but completion of the charging station installation would occur at Applicant's sole discretion) and, (ii) as to other Development Areas, EV charging stations will be encouraged, provided that such facilities shall be ancillary to a principal land use and as a service to patrons or employees.

It is staff's opinion advisory board/elected officials will be looking for specifics (i.e. actual number of stations).

4. When reviewing similar development proposals, conditions have been recommended by advisory board/elected officials requiring the creation/designation of parking spaces to support 'park and ride' activities. Staff believes there will be similar interest for the Project.
5. The Narrative will need more information on the anticipated water needs/usage of the Project. Staff is concerned existing infrastructure is not suitable to support all anticipated land uses and comply with applicable State Fire Codes.
6. Sewer services will be provided by the City of Mebane. Consistent with the current inter-local agreement with the City, there is a maximum daily sewer allocation for this entire area.

The Narrative needs to provide additional detail on the anticipated sewer needs/usage for the Project. Staff is concerned this one development could negatively impact available sewer service to the entire area based on the engineering design for the existing 12 inch sanitary sewer line.

Staff needs this additional detail on anticipated sewer flow to review with the City of Mebane and formulate a response.

At a minimum, staff may be looking at a condition requiring low flow toilets and/or low flow users to ensure the continued viability of the system as a whole.

7. In general, staff will be recommending conditions for this Project that the applicant shall comply with all utility connection requirements/policies enforced by the City of Mebane and Orange Alamance Waster System Incorporated.

II. SPECIFIC – NARRATIVE:

- A. Page 6 of the narrative contains a few grammatical errors that should be corrected, detailed below:

To that end, and in accordance with the provision of Section 2.9.2 of the (UDO), we hereby submit this application requests to rezone the approximately 104.55 acres of land generally depicted on Sheet C1.0 (the Property”) to the Master Plan Development Conditional Zoning (MPD-CZ) zoning designation to allow for the development of the Project consistent with the land uses, development standards and other terms and provisions of this rezoning plan (including these Development Standards and accompanying Sheets, the “Rezoning Plan”).

- B. Page 7 of the narrative ‘estimates’ the amount of open space for the project at 30%. Staff believes the narrative can definitively state the amount of proposed open space for the Project.

As an aside, there is language in the same paragraph indicating the proposed open space will be ‘well in excess of UDO minimum standards’. Typically, the minimum open space area required for such projects is 30% when you factor in total limits on impervious surface area for non-residential development, landscaping/buffering requirements, installation of stormwater control measures, etc.

- C. Page 7, second paragraph of the narrative contains a few grammatical errors that should be corrected, detailed below:

Significant new internal roads, ~~and~~ pedestrian improvements, and off-site traffic improvements are proposed to serve the new development activities and support/improve mobility and assure appropriate access management. These new roadway improvements will ensure acceptable levels of service in the area, remove the duplicative ramp activity on I- 40/85 between Hwy 70 and Mt. Willing Road, ~~and~~ re-route obtrusive overhead transmission lines along that section of the I-40/85 frontage, and provide much needed connectivity from Mt. Willing Road/Turner Road by way of a new street through the Project to connect with the I-85 Connector, among other improvements.

Staff believes the following comment(s)/observation(s) should be considered/addressed:

- i. It might be prudent to include a reference to the various map(s) and/or document(s) where this information is for the layperson reading the narrative;

- ii. Be mindful some may not agree with your characterization of the current location of the overhead power lines as being 'obtrusive'. Some may argue they are only 'obtrusive' to you and that your proposed relocation plan will only transfer the problem to 'others';
 - iii. The narrative uses the term 'acceptable levels of service'. Be mindful that there will be some property owners within the notification area who would argue the proposed traffic impacts of the project are not acceptable to them;
 - iv. Staff is not clear on what is meant by the statement 'remove duplicative ramp activity on I-40/85 between Hwy 70 and Mt. Willing Road'.
- D. The narrative on page 7 provides a synopsis of beneficial impacts with the development of 'Phase 1' of the Project (i.e. the Buc-ee's Travel center). There is, however, no overview of the project as a whole. Staff is concerned a lack of analysis/explanation of the anticipated benefits of the Project as a whole will become a focal point of criticism.
- E. Page 9 of the narrative uses the term 'vacant' to describe property to the south of the Project.

As a general observation, staff has seen previous projects criticized for using the term 'vacant' with residents arguing there is nothing inherently wrong with property that is undeveloped.

Staff suggests you consider revising language within the document to indicate property without land uses/developments be referred to as 'undeveloped' rather than 'vacant'.

- F. Page 10 of the narrative, under Section 1-5 (B) contains the following language:

'Therefore, there will be instances where modifications will be allowed without requiring administrative review under the UDO ...'

Staff believes what you are trying to articulate is that certain modifications to the Project will not require 'BOCC review/approval'. Technically, the Project is always under 'administrative review' by staff consistent with the provision(s) of the Unified Development Ordinance (UDO).

Staff does not want someone to argue your narrative is inconsistent with the UDO.

- G. Consistent with Section 1-5 (C) of the Narrative, staff understands you are requesting 'vested rights' for the Project. This request, however, may not be necessarily required.

What this proposal represents is, ultimately, the adoption of a new zoning district governing development of approximately 104 acres of property. There will be development requirements, conditions, and a list of permitted land uses for this new district. If approved, the new zoning district is not subject to being extinguished without formal County action to rezone the property consistent with Section 2.8 of the UDO.

Staff is continuing to review language with the Attorney's office and will provide additional analysis in the near future.

- H. Page 16 Section 2-3 *Project Development Areas* subsection (A) of the Narrative inadvertently repeats a phrase twice:

For ease of ~~ease of~~ reference and as an organizing feature associated with the master planned nature of the Project, a series of 6 Development Areas (as defined in Section 1-5 above) are generally depicted on Sheets C2.0 & 2.1 along preserved green/open space areas .

Staff also recommends you add the following language to the last paragraph of this section:

The exact boundaries of the Development Areas and preserved green/open space areas may be modified to account for Development/Site Elements (as defined below) and other modifications needed to fulfill the design and development intent of the Rezoning Plan. Please note in this context, modification refers specifically to location and not required minimums. An approved dimensional standards (i.e. floor area ratio limits, minimum percentage of property reserved/preserved as open space, minimum number of required parking spaces, etc.) shall be adhered to unless otherwise modified in accordance with the provisions of the UDO.

- I. Section 2-4 *Permitted Uses, Development Levels, and Use Conversion Rights* (page 17) subsection (A):

- i. Staff recommends revising number 1 as follows:

The Property may contain and may be developed with uses permitted by right in the MPD-CZ district as proposed herein, together with accessory uses as allowed in the MPD-CZ district, but except as expressly limited by the provisions of subsections 2-4B. and C. below.

Sheet C 2.0 of the Master Concept Plan makes reference to specific land use categories being developed within the Project. These are the land use categories you are proposing for development within the Project. Reference needs to be made that allowable land use categories are linked to your 'rezoning plan' and 'master concept plan'.

- ii. Staff recommends you list out the requested land use categories in the narrative as currently depicted within the Master Concept Plan for the Project. A new Section 1.a could be include within the narrative reading as follows:

1 (A) As submitted, the Project will allow development of individual land uses consistent with the following land use categories in accordance with

Section 5.2 Table of Permitted Uses of the County's UDO:

- i. -Manufacturing, Assembly, Processing, and Distribution Uses – Food Uses, excluding those land uses identified herein;
- ii. Manufacturing, Assembly, Processing, and Distribution Uses – Other Uses, limited specifically to Research Facility with Manufacturing;
- iii. Medical Uses, excluding those land uses identified herein;
- iv. Office and Financial Services Uses, excluding those land uses identified herein;
- v. Automotive/Transportation Uses limited specifically to Motor Vehicle Service Station (i.e. gas station) and Bus/rail Passenger Shelters land uses;
- .vi Service Uses limited specifically to Eating and Drinking Establishments and Short Term Rental – Non-host Occupied land uses.

Development of individual land uses shall occur consistent with the standards imposed as part of the MPD-CZ approval process and those specific regulation(s) contained within the UDO allowing for the development of that specific land use.

- iii. Staff recommends you include language indicating the proposed car wash is considered to be an accessory use to the proposed Motor Vehicle Service Station.

Further, in order for the 'car wash' to be considered an 'accessory use', it shall be located within the same development district as the proposed Motor Vehicle Service Station (i.e. Development Area 1);

- iv. The Narrative will need to provide more detail on what 'temporary uses' are envisioned for the Project. Currently, there is no allowance for 'temporary' activities within an MPD-CZ district.

J. Section 2-4 Permitted Uses, Development Levels, and Use Conversion Rights (page 17) subsection (B):

- i. Please correct the following grammatical issue:

Except for the uses allowed for Development Area 1 (including without limitation retail sales to include among

other uses the sale of gas and related products and services and quick service EDEE uses with drive-through facilities), no gas station nor convenience store/gasoline sales uses and will be allowed on the Property, and no fast food restaurant with drive-thru window facility will be allowed on the Property. For the purposes of this provision, the term "gasoline sales" shall including petroleum, ethanol, diesel or other motor vehicle fuels.

ii. Number 2:

1. Staff believes you are attempting to reference allowable land uses for a MPD-CZ district as detailed in Section 5.2 of the UDO. If this assumption is correct, please revise existing language accordingly:

i. Staff recommends you provide a list of all 'prohibited' land uses for each proposed category, for example:

a. Manufacturing, Assembly, Processing, and Distribution Uses – Food Uses: The following land uses are expressly prohibited:

i. Animal Feed Preparation, Manufacturing, Packaging, and Distribution;

ii. Animal Slaughtering and Processing, Packaging, and Distribution;

iii. Seafood Preparation, Packaging, and Distribution;

iv. Starch, Vegetable Fats and Oils Manufacturing; and

v. Tobacco Processing, Preparation, Packaging, and Distribution

b. Manufacturing, Assembly, Processing, and Distribution Uses – Other Uses, is expressly limited to Research Facility with Manufacturing;

c. Medical Uses. The following land uses are expressly prohibited:

i. Hospital;

ii. Veterinary Hospital

d. Office and Financial Services Uses. The following land uses are expressly prohibited:

i. Building/Trade contractor offices with external equipment storage yards;

ii. Pawnshop/payday loan services:

e. Automotive/Transportation Uses is expressly limited specifically Motor Vehicle Service Station (i.e. gas station) and Bus/rail Passenger Shelters land uses:

f. Service Uses limited specifically to Eating and Drinking Establishments and Short Term Rental – Non-host Occupied land uses:

This list is consistent with existing UDO language and simplifies what will and will not be permitted within the Project.

- b. 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 (i.e. acreage of development area, intended access, allowable floor area, etc.);
 - ii. Anticipated number of buildings and their size;
 - 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 Concept Plan as well (Sheet C 2.0 and/or c 2.1).

K. PERFORMANCE STANDARDS:

- i. IN GENERAL: The Narrative needs to contain a summary of the findings of the Environmental Assessment (Exhibit F) as you begin the discussion of the Project's 'performance standards'. Specifically, an analysis of the information demonstrating compliance with applicable standards (i.e. Section 6.16.3 (B) of the UDO) which will be vital in 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.
- ii. Floor Area Ratio (FAR): the Narrative indicates the Project will observe a FAR of 0.65 or 28,314 sq.ft. of building floor area per acre of property. If we presume single-story building(s) for the Project, this would translate to a maximum of 2,944,656 sq.ft. of building area (67 acres).

Staff realizes we will not be dealing with single-story structures throughout the project, but is concerned this proposed FAR is inconsistent with the Transportation Impact Analysis (TIA) submitted for this project, which estimates traffic generated for

approximately 500,000 sq.ft. of building area/land uses (Exhibit F). The FAR either needs to be:

- Modified to be consistent with the building square footage utilized in the development of the TIA,
- The TIA need to be modified to document traffic impacts anticipated for the square footage of proposed building area based on a FAR of .65, or
- A condition needs to be recommended that floor area exceeding that studied as part of the TIA will require modification to the MPD-CZ consistent with Section 2.9.2 of the UDO.

The FAR for the Project should also be listed on the Master Concept Plan, specifically sheet(s) C 2.0 and/or 2.1.

- iii. Open Space: the Narrative indicates there will be a minimum of 30% open space for the project, translating to approximately 32 acres of land area. Please correct the narrative to reflect 30% of the proposed 104 acre development site.
- iv. Proposed building height for the Project is listed at a maximum of 60 ft. Existing language indicates 'accessory structures' may exceed 60 ft. in overall height. Typically 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 '60 ft. height limit' be replaced with the following:

Buildings within the development shall abide by the height limitations and allowances established within Section 3.4 Office/Research and Manufacturing of the UDO. Building height shall be limited to 35 ft. 2 feet of additional height shall be allowed for one foot increase in require setback from an external road/property line with a maximum cap of 60 ft.

Additional information is required on the anticipated accessory land uses exceeding the 60 ft. height limit. Put simply: the applicant will need to provide a detailed list of land uses, other than signs, exceeding the height limit and the rationale for same.

Height limit(s) will also need to be listed on the Master Concept Plan, specifically sheet(s) C 2.0 and/or 2.1.

- v. A total impervious surface limit should be established for the project. Under current regulations, development with this area of the County could be a maximum of 70% with compliance development of stormwater control measures.

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 thereby potentially justifying additional impervious surface area.

- vi. The Narrative indicates the Project will comply with the provision(s) of Section(s) 6.13 *Stream Buffers* and 6.21 *Flood Regulations* of the UDO. This includes preserving required buffers around identified water features (i.e. streams, wetlands, floodplain, etc.) as defined in the UDO.
- vii. The Narrative appears to indicate the Project will comply with the provision(s) of Section(s) 6.14 *Stormwater* and 6.15 *Erosion Control* of the UDO.

Orange County Erosion Control and Stormwater Management staffs are reviewing the proposed conditions. As a general observation: If it is your intention to make use of nutrient buy-down tools, the Narrative should contain language denoting same.

- viii. Staff encourages the applicant to use on-site ponds, designed to capture runoff, for irrigation purposes as detailed on page 22 of the Narrative.

L. ENVIRONMENTAL FACTORS: The Narrative indicates the project shall abide by the provisions of Section 6.4 *Performance Standards* of the UDO inclusive (i.e. noise, vibration, air pollution, etc.).

M. ARCHITECTURAL DESIGN STANDARDS: The proposed architectural design standards appears consistent with the provisions of Section 6.5 *Architectural Design Standards* of the UDO.

N. SETBACKS: Staff is recommending the following:

- i. 100 ft. perimeter structure setback from all external property lines and right-of-way (i.e. Mt. Willing Road, the Interstate, etc.);
- ii. Vehicular use areas (i.e. access drive-isle, parking, loading berths):
 - 1. 100 ft. from residentially zoned property (i.e. the property north of the Project);
 - 2. 50 ft. from all other property lines/external public rights-of-way;
 - 3. Staff is recommending all internal setbacks be 20 ft.
- iii. Signage: the proposed setbacks appear reasonable. Having said that, staff would like to discuss the potential need for more restrictive setbacks for signs exceeding 48 ft. Specifically, staff is looking to address potential impacts from a large sign becoming compromised and collapsing.

O. LANDSCAPING: The Narrative contains landscaping and buffering requirements in Section 2.5 *Performance Standards (E)* beginning on page 26.

- i. In General: The section should provide detail on the landscape and buffer management standards for the Project, including the amount of proposed foliage within identified landscaped areas.
- ii. 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.

Sheet C 6.0 of the Master Concept Plan contains this information. Staff recommends it be placed in the Narrative as well.

Staff shall provide comment(s) on proposed buffers in the next section of this document.

- iii. Number 4 *Planting Requirement(s) – Street Trees*. Language within this section of the Narrative is inconsistent with information provided on Sheet C 6.0. There are going to be instances where a canopy tree will be required more than once for every 100 linear ft.
- iv. Number 6 *Planting Requirements – Foundation Plantings*. Staff is recommending the following:
 1. A minimum of 40% of the building foundation in District 1 shall be landscaped with foliage by means of raised planters, sidewalk cutouts, or portable planters.
- v. Number 7 *Planting Requirements – Vehicular Use Areas*. Staff is recommending the following:
 1. The Project shall comply with the provisions of Section 6.8.7 (D) (1) of the UDO requiring all parking areas observe a vegetative buffer, at least 10 ft. in width, separating parking from adjacent open space, vehicular use areas, property lines, etc.
- vi. Number 9 *Interior Landscaping*. Staff is recommending the following:
 1. Language appears to indicate interior parking lot landscaping shall be installed where above/below ground utility and stormwater infrastructure allows.

Development of the Project will be required to take into consideration these factors while allowing for the installation of required landscaping.

Staff believes the Project can and should comply with all internal tree planting standards.
- vii. Please revise this section of the Narrative to contain the following additional detail(s):

1. Canopy trees installed within a landscape island shall be, at a minimum, 1 ½ inch caliper at dbh at time of installation;
2. 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.

P. SIGNS: Staff summarizes the proposed signage for the Project as follows:

i. Current County sign regulation(s) would allow the following within an O/RM district general use zoning district:

1. 1 on premise sign with a height limit of 24 ft. and a maximum area of 72 sq.ft. for parcels that are large than 60,000 sq.ft. and have more than 300 linear ft. of frontage on a NC Department of Transportation maintained roadway;
2. 1 wall sign per building façade with frontage on a street right-of-way. Maximum allowable area for a wall sign is 64 sq.ft. for parcels that are larger than 60,000 sq.ft., have more than 300 linear ft. of frontage on a NC Department of Transportation maintained roadway, and contain a structure with more than 100 linear ft. of building length facing a public right-of-way;
3. Window signs are limited to a maximum of 30% of the total window area within the sign is to be located;
4. Per Section 6.12.13 a service station would be allowed signage on the gas pumps as follows:
 - a. No internal or external illumination shall be permitted;
 - b. Signs shall be limited to four square feet in area;
 - c. Signs must advertise items for sale on the property. Under no circumstances may a sign advertise a sale, activity, business, or product not associated with the principal use of property
5. With respect to signage on a canopy, the UDO currently indicates advertising material shall be limited to trademarks, logos, and the name of the service station or other similar display limited to six square feet of area. Signage on the canopy is usually reserved to the portion of the canopy facing/with frontage along a right-of-way.

ii. The submitted application proposes the following:

1. Development Area 1 (i.e. Buc-ees Travel Center):
 - a. 1 on premise sign approximately 100 ft. tall with a total sign area of 601 sq.ft.; - Roughly constituting a 800% increase in allowable sign area;

- b. 3 wall signs (i.e. on portions of the building that could have frontage/visibility from a road right-of-way) each approximately 270 sq.ft. in area (total cumulative sign area of 810 sq.ft.); - Roughly constituting a 400% increase in allowable sign area per sign;
- c. Logos on the canopy – 4 total logos each approximately 50 sq.ft. in area (total cumulative sign area of 200 sq.ft.); - Roughly constituting a 900% increase in allowable sign area per sign;
- d. A total of 16 signs on several separate gas pumps advertising fuel type, each sign 5.5 sq.ft. in area (total of approximately 88 sq.ft.) – A negligible increase in allowable sign area (i.e. allowed 4 sq.ft. proposing 5.5 sq.ft.).

2. Other development areas:

- a. A total of 8 monument signs, each with 240 sq.ft. of sign area not exceeding 20 ft. in height (cumulative of 1,920 sq.ft. of sign area);
- b. Wall Signs: 64 sq.ft. of wall sign area for each individual tenant space (insufficient information to determine cumulative sign area);
- c. Directional and temporary/construction/real estate signage consistent with the provisions of Section 6.12 *Signs* of the UDO.

A rough estimate of total requested sign area for the Project appears to be between 2,800 and 3,600 sq.ft. depending on the number of individual tenants requiring wall signage.

While the Conditional Zoning process allows the County to make additional signage allowances (i.e. height, allowable sign area, etc.), the requested signage is several orders of magnitude beyond what we current regulations would allow on the property.

The Narrative should contain information justifying the nature of the request based on the overall Property area of 04 acres and the specific design elements of the Project.

For example, the applicant may choose to include language within the Narrative arguing that under current regulations, the 104 acres of property zoned O/R M general use could be subdivided to create approximately 24 separate 4 acres lots, each with its own sign allotment.

In this scenario, there would be a maximum of:

- 24 freestanding signs (1 for each separate parcel) totaling 1,728 sq.ft. of allowable sign area; and

- 24 wall signs (presuming 1 sign for a single building on the 24 separate parcels) totaling 1,536 sq.ft. of sign area.

The Narrative would have to 'demonstrate' how the proposed signage for the Project would be consistent with the overall development potential of this 104 acres of O/R M zoned property if you were dealing with multiple, individual parcels.

As a general observation staff is concerned over the proposed 100 ft. free standing sign for in Development Area 1 (i.e. Buc-ee's Travel center) and recommends a maximum height limit of 60 ft. for the proposed sign. This recommendation takes into consideration this site is higher elevation than surrounding properties and the Interstate.

With respect to flags, staff recommends a maximum of 3 flags be allowed per individual development area, with a size limit of 24 sq.ft. per flag, consistent with Section 6.12.12 (A) of the UDO. Staff is not comfortable with the proposal to allow 2 flags each development area comply with the provision(s) of your proposal as articulated on page 29 of The Narrative. Staff is not comfortable recommending approval of the proposed standard, specifically each individual building being allowed to have 2 flags, as this is inconsistent with the spirit and intent of Section.

Q. LIGHTING: Staff has the following comment(s)/recommendation(s):

- i. An audit of current lighting levels should be completed and made part of the Narrative.

This audit will establish the baseline of existing illumination in and around the Property, most notably along the Interstate service road, allowing for a determination as to how much light already exists in the area.

Once the results of this audit are available, staff would have no problem recommending a condition for Development Area 1 (i.e. Buc-ee's Travel center) that: *there shall be no net increase in existing foot-candle/lumen levels along the southern property line adjacent to the Interstate service road with development in Development Area 1 of the Project.*

- ii. Staff has no concerns over the proposed maximum pole height of 36 ft.
- iii. Staff agrees with the recommended condition that all fixtures shall be full-cut off design consistent with Section 6.11.6 of the UDO.
- iv. 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.
- v. Staff recommends the applicant add language to the narrative indicating all security lights shall abide by the requirements of Section 6.11.3 (J) of the UDO.

- vi. Add language indicating formal lighting plans shall be submitted with all site plans where outdoor lighting is proposed.
- vii. Add language that lighting for the project shall comply with applicable NC Department of Transportation requirements for roadway lighting.

R. **PARKING:** At this time, staff has no comments on the proposed parking ratios (i.e. number of spaces per sq.ft. of building area based on land use) contained in Section III of the Narrative (page 32).

III. TRANSPORTATION IMPACT ANALYSIS (TIA):

There are 2 phases to the Project, specifically:

- Construction of a 120 pump gas station (Phase 1); and
- Construction of:
 - 120-room hotel (square footage of structure unknown);
 - 8,000 sq.ft. of medical office space;
 - 30,000 sq.ft. of specialty retail space;
 - A 3,500 sq.ft. drive-in bank;
 - 12,000 sq.ft. of casual restaurant; and
 - 20,000 SF of high-turnover sit-down restaurant space

(Phase 2).

As previously indicated herein the overall size of the structures referenced within the TIA appears inconsistent with the Narrative and information provided on the Master Concept Plan.

In reviewing the TIA, staff would offer these initial comments:

A. On August 31, 2020 staff was informed by NC Department of Transportation (NC DOT) staff they required clarification on various issues and had 'tabled' their review of the TIA proposal until responses were received.

PLEASE NOTE: DOT's review of this TIA is essential to the Project being able to move forward in the zoning atlas amendment process.

B. Staff is concerned the proposed square footages for structures, as detailed on the Master Concept Plan and within the Project narrative, are not clearly reflected within the TIA.

Put simply, there appears to be more building area generating potential traffic impacts that are not addressed in the submittal we are currently reviewing.

C. Staff would like to review the possibility of reserving a 50 ft. right-of-way along the northern property line to accommodate a future access road for parcels fronting on Southern Drive to obtain access to Mt. Willing Road.

This could be a separate roadway or some form of internal connectivity for these adjacent parcels to the internal roadway network within the Project. This is to address potential loss of Southern Drive as an access for these parcels in the event of railroad expansion.

- D. Staff is concerned about the proposed drive access points along the Interstate exit ramp running parallel with the southern Property line.

Specifically, staff is concerned about what appears to be 2-way traffic access onto the exit ramp from Development Area 1 (i.e. Buc-ee's Travel center).

Staff will be recommending to the applicant and NC DOT the proposal be revised to allow for right-turn only for these driveways, specifically:

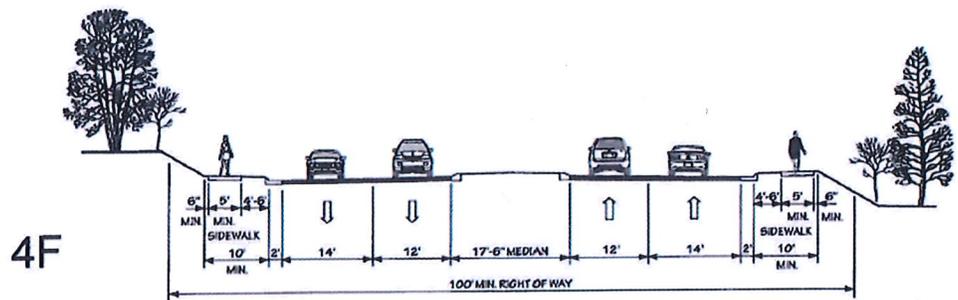
- Entrance to the Project near the intersection of Mt. Willing Road;
- Exit onto the allowing drivers to access Development Area 1 near the intersection of the UD Highway 70 connector.

This presumes NC DOT allows for the development of driveway/access roads onto the exit ramp serving Development Area 1.

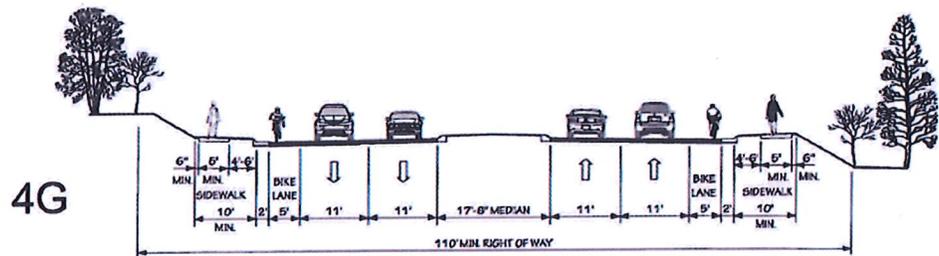
- E. Orange County Planning supports the proposed US Highway 70 connector improvements as detailed on the Master Concept Plan and referenced within the TIA.

- F. Mt. Willing Road is on the County's adopted 2019 *Efland-Buckhorn-Mebane Access Management Plan* (EBM AMP) as well as the Orange County CTP. Staff will be recommending the incorporation of the following:

- i. 4-Lane divided cross section (*page 20* of the EBM AMP)
- ii. The current right-of-way for Mt. Willing Road is 60 ft. Staff is recommending a 25' reservation of additional right-of-way along the western boundary of the Property in support of future improvements along the roadway.
- iii. Staff will be requiring a 100 right-of-way (4F) or 110' right-of-way (4G) – NOTE: sample cross sections on next page;
- iv. County staff will recommend to the BOCC that Mt. Willing Road improvements be approved as a County priority in SPOT 7 and subsequent processes.



4 LANE DIVIDED (17'-6" RAISED MEDIAN) WITH CURB & GUTTER,
WIDE OUTSIDE LANES, AND SIDEWALKS
POSTED SPEED 35-45 MPH



4 LANE DIVIDED (17'-6" RAISED MEDIAN) WITH CURB & GUTTER,
BIKE LANES, AND SIDEWALKS
POSTED SPEED 35-45 MPH

- G. Mt. Willing at I-40 EB off ramp should be considered for a signalized intersection in Phase 2.
- H. Stop sign currently at the off ramp; there is a 4-way stop intersection with W. Ten Road just south of this juncture. Staff will be working with the applicant to secure the necessary right-of-way dedication to facilitate these proposals.
- I. Staff would like to see an area of the project (either in Phase I or II) be reserved for connection to the transit systems of the area; this could include:
 - i. A bus stop location with signage
 - ii. A bus shelter with signage
- J. A "Future Transit Amenity by others" on a 1.62-acre parcel on the northeast edge of the project area is listed on the second page of the Master Concept Plan, but was not indicated in either TIA.
- K. Staff is interested in the internal roadway features of the project site (when both phases are built out) and what accommodations (sidewalks, side paths, bike lanes, etc.) might be included.

IV. MASTER PLAN SET:

- A. Section 6.7.1 (B) (1) of the UDO requires a map of the development site. While the Master Concept Plan set provides the majority of required detail(s), specifically Sheet(s) C 2.0 and 2.1 the submittal should be modified as indicated:
- i. Label and identify the various 'lines' on the submitted map(s). Staff recommends you use different colors to help distinguish the information contained on the individual maps.
 - ii. Sheet(s) C 2.0 and 2.1 should display the stream/wetland buffer area per Section 6.13 of the UDO.
 - iii. As previously indicated herein, Sheet(s) C 2.0 and 2.1 should display the following information:
 1. Proposed floor area ratio (FAR) for the Project.
 2. Proposed impervious surface area for the Project.
 3. Proposed open space.
 4. Breakdown of landscape/buffer area (i.e. acreage) for the Project.
 5. Proposed setbacks (internal and external).
 6. Anticipated number of parking spaces, loading berths/stalls, etc.
 7. Maximum allowable building height (in general and per each individual development 'pod' if there will be a difference).
 8. Anticipated number of parking spaces with access to alternative energy charging stations (if proposed).
 - iv. The Project will involve the relocation of existing overhead utility lines. Staff will need documentation indicating the relocated power line/easement(s) have been approved, and if development is located within the easement said activity has been approved by the utility provider.
 - v. Sheet C 6.0 and 6.1 serves as the landscape master plan for the project. Staff recommend(s) the following:
 1. A 75 ft. land use buffer along the northern property line separating the residential land uses from Development Area(s) 5 and 3. Planting requirements would follow what is proposed for the Type F buffer option as depicted on Sheet 6.1.
 2. The proposed tree planting requirements appear to be consistent with the provisions of Section 6.8.6 (F) of the UDO.

3. Denote internal landscaping (i.e. parking lot and parking lot perimeter, building, preservation of existing significant foliage, etc.) on Sheet 6.0 of the Master Concept Plan set.
4. Major Transportation Corridor (MTC) buffers, including requested breaks consistent with Section 6.6.4 of the UDO. Staff is recognizes the proposal calls for a managed MTC buffer, versus a cleared 'visual break', for the approximately 1,200 linear ft. of Property along the Interstate exit.

This proposed 'managed MTC buffer break' constitutes a design standard exceeding current UDO requirements.

- vi. The roadway cross-section on Sheet C 5.0 appears acceptable for internal roadway development. Staff recommends the drawing be updated to show typical landscaping installation as well.
- vii. Provide language (Sheet C 2.0) indicating if denoted stormwater control measures (SCMs) are:
 1. 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);
 2. Are anticipated to serve as master drainage basin areas or for specific 'pods'.
- viii. Sheet C 4.0: Section 6.7.1 (B) (6) of the UDO requires a map detailing the utility master plan for the project. While this Sheet provides the majority of required detail(s), the submittal should be modified as indicated:
 1. Provide notes detailing anticipated/proposed utility lines (i.e. water/sewer) anticipated within the project.
 2. Denote the anticipated location of sidewalks to assist staff ascertain if there will be any conflicts with utility location.
 3. 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.
 4. Include a note indicating: *'All onsite utilities shall be underground unless approved by the Board of County Commissioners'*.
 5. Indicate connection points to various utility lines.
 6. Denote the location of any anticipated/planned utility infrastructure (i.e. pump stations, etc.).
 7. 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.

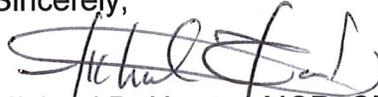
8. Provide detail on the anticipated placement of manholes and elevations same. This will include the provision of a typical manhole construction detail.
9. Denote anticipated stub out locations.
10. Additional detail on expected build-out. This information shall be essential in evaluating the ability of installed infrastructure to meet current and future needs of the project.

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, City of Mebane, Orange-Alamance Water, 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;
Chris Rollins, City of Mebane;
Cy Stobber, City of Mebane;
Chuck Edwards, NC DOT;
OAWS staff;
Elizabeth (Beth) Trahos, Attorney for the Applicant
File.