

**MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
AUGUST 3, 2022
REGULAR MEETING**

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MEMBERS PRESENT: Adam Beeman (Chair), Cedar Grove Township Representative; David Blankfard, Hillsborough Township Representative; Beth Bronson, At-Large Representative; Randy Marshall, At-Large Representative; Melissa Poole, Little River Township Representative; Charity Kirk, At-Large Representative; Delores Bailey, At-Large Representative; Steve Kaufmann, Bingham Township Representative; Susan Hunter, Chapel Hill Township Representative; Statler Gilfillen, Eno Township Representative;

MEMBERS ABSENT: Lamar Proctor (Vice-Chair), Cheeks Township Representative; Whitney Watson, At-Large Representative;

STAFF PRESENT: Cy Stober, Planning & Inspections Director; Perdita Holtz, Special Projects & GIS Supervisor; Pat Mallet, Erosion Control, Stormwater & Engineering Supervisor; Tom Altieri, Comprehensive Planning Supervisor; Brian Collie, Planner II; Tyler Sliger, Planner II; Tina Love, Administrative Support

OTHERS PRESENT: Ross Godwin; Amanda Griffin; John Griffin; Tony Johnson; Martha Griffin; Larry Sturdivant; Kevin Ray; Dave Conner; Barbara Conner; Jessica Ostrowski; Valerie Brenner; Marilee McTigue; Susan Walser; Allie Reinhold; Tony Blake; John McGuire; Stacey Gamble; Rob Greenberg; Jesus Bravo; Katherine Hayes; Bryna Rapp; Greg Rapp; Sadie Rapp;

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Chair Adam Beeman called the meeting to order and introduced Cy Stober as the new Planning and Inspections Director for Orange County.

AGENDA ITEM 2: INFORMATION ITEMS

- a. Planning Calendar for August and September

AGENDA ITEM 3: APPROVAL OF MINUTES

- June 1, 2022 Regular Meeting Minutes
- June 1, 2022 Training Session Notes
- July 6, 2022 Training Session Notes

MOTION BY Melissa Poole to approve the June 1, 2022 Regular Meeting Minutes and June 1, 2022 and July 6, 2022 Training Notes. Seconded by Randy Marshall.

MOTION PASSED UNANIMOUSLY

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA.

There were none

AGENDA ITEM 5: PUBLIC CHARGE

INTRODUCTION TO THE PUBLIC CHARGE

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

PUBLIC CHARGE

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

57 be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge
58 is observed.
59

60 **AGENDA ITEM 6: CHAIR COMMENTS**

61 *Chair Beeman reviewed the rules for the public and noted the 3 minute limit policy to address the Planning Board*
62

63 **AGENDA ITEM 7: ZONING ATLAS AMENDMENT (CONVENTIONAL DISTRICT)** – To review and make a recommendation to the
64 BOCC on an applicant-initiated zoning atlas amendment to rezone a 3.67 acres of a 4.83 acre parcel from
65 AR (Agricultural Residential) to NC-2 (Neighborhood Commercial) (1.19 acres) and LC-1 (Local
66 Commercial) (2.48 acres).
67 The parcel's address is 3026 White Cross Road in the Bingham Township (PIN 9749-40-2351). This item is
68 scheduled for the BOCC public hearing on September 6, 2022.

69 **PRESENTER:** Brian Collie, Planner II
70

71 *Brian Collie presented a PowerPoint presentation and reviewed the proposed zoning atlas amendment. The applicant's*
72 *representative did not have a presentation.*
73

74 Steve Kaufmann: There seems to be a lot of overlap of allowed uses between the two zones here.
75

76 *Clarification was made that there was no current overlap in the NC-2 and AR zones which is why the request is to change all*
77 *the AR zone to commercial with a mix of NC-2 and LC-1*
78

79 David Blankfard: Where is the physical structure going to be located on the property?
80

81 Brian Collie: That is not part of what is before the Planning Board, this is simply for the rezoning process.
82

83 David Blankfard: Can we put conditions on the approval?
84

85 Adam Beeman: No, if approved it would come back.
86

87 Perdita Holtz: The site plan review would be a staff review.
88

89 David Blankfard: How much of property could they build upon if rezoned? What I'm getting at is, is there is going to be a
90 building there, how many parking spaces and I would like for the building to be in the original NC-2, and put the parking in the
91 LC-1. Switch what is in AR now to parking.
92

93 Pat Mallett: AR doesn't allow for parking as a principal use so that wouldn't be an option.
94

95 David Blankfard: Once we change it, it's open season, they can do whatever they want for parking and building.
96

97 Statler Gilfillen: If this is approved, what is the maximum size structure they can put on this site and what would be the
98 parking spaces.
99

100 Perdita Holtz: I have done a quick calculation based on floor area ratio for NC-2 and using a quick calculation, the maximum
101 building area would be about 43,000 sq. ft. It is very unlikely they can meet that with erosion control standards. Parking
102 spaces are based on the use that goes in.
103

104 David Blankfard: Is that number based on runoff, impervious surfaces?
105

106 Perdita Holtz: This is in an unprotected watershed so there is not a maximum impervious surface.
107

108 Pat Mallett: In addition to that math, it never gets to that level because you have stormwater control measures, a wet pond.
109 You also have performance buffers and buffers along the road. Parking is based on use and can range from being based on
110 number of employees or based on square footage and that ranges from 1 space for every 200 sq. ft. and so forth. When you
111 do the math it doesn't physically fit.
112

113 David Blankfard: Applicant, what is your vision for the building.
114

115 Ross Godwin: The intent is to put a general retail store there. The building is typically about 10,000 sq. ft., typically on about
116 an acre and a half.
117

118 Randy Marshall: Our deliberations are solely based on changing the zoning without any acknowledgement of what is going to
119 be there and even if we were told, it could change. All this discussion would take place when they come back to submit a site
120 plan and all the regulations would be discussed at that point, not at this point. We are talking about issues that are beyond the
121 scope of our deliberations. We are talking here about making a zoning change without taking into account what development
122 might come in. It's the way the process works. It is a separate process to discuss what will go there. I don't think we should
123 get ahead of ourselves and I think a lot of people here believe they have an idea of what is coming there but that is not to be
124 taken into consideration in our deliberations tonight. The argument about what should go there is not part of our decision. It
125 would be future decisions about what is permitted or not permitted.
126

127 Beth Bronson: I'm in agreement with what Randy has stated in that this is a rezoning of the portions of the parcel that are
128 Agricultural Residential currently while there is existing NC-2 on that corner of the one single lot. It is in a Rural Activity Node
129 and there are multiple businesses that are zoned for commercial use within a Rural Commercial Activity Node and there is a
130 Rural Neighborhood Node further down the road on 54 as well. There are future land use plans for that intersection at White
131 Cross based on what has already been zoned in that area. I want to ask if you (David) if NC-2 could be recommended but not
132 the LC-1 or portions or what use it could actually be.
133

134 David Blankfard: What I was thinking was that we limit the building construction to being in what is now NC-2 and have
135 parking in what is proposed to be changed to LC-1.
136

137 Pat Mallett: Back when zoning was applied in this township for the first time and throughout the County they would draw a
138 zoning line around the building and maybe parking and there are numerous instances where they didn't even capture the
139 parking. If it were being zoned for the first time now it would be all or nothing and the entire parcel would be zoned the same.
140 In addition to that there is a policy that the building use and the parking is part of that use and well and septic have to be on
141 the commercially zoned portion of the property.
142

143 Beth Bronson: If they were to rezone part of the AR to NC-2, it would max out the amount of NC-2 allowed, 10 acres?
144

145 Brian Collie: For NC-2, for LC-1 there would be 1.34 acres left out of 10 acres for LC-1 for that node.
146

147 Perdita Holtz: For the Conventional Districts but there are other ways to do things with Conditional Districts; the Node
148 maximums do not apply to Conditional Zoning, only to Conventional Zoning.
149

150 Adam Beeman: Conditional District allow us to set conditions? This one we don't have that ability.
151

152 Perdita Holtz: That's correct.
153

154 Beth Bronson: For that list of what is prohibited in LC-1 and NC-2, for our reference where can we find that Table of Permitted
155 Uses.
156

157 Brian Collie: On the website under Section 5.2 of the UDO and if you want to send me an email I can send it to you.
158

159 Delores Bailey: Can you explain again how much land between the two parcels?
160

161 Brian Collie: It is all one parcel with 1.6 acres zoned NC-2 and 3.67 zoned AR for a total of 4.83 acres.
162

163 Delores Bailey: Thank you, I understand Randy's explanation of what we're here to do but if it were my community, I would be
164 concerned about what is getting ready to happen there when the zoning changes. It is very hard not to, especially since the
165 applicant didn't give any information for us, it's very hard to understand what the need is to change it, the rezoning. Do you
166 want to take a minute to share from the applicant's point why they feel like they need to change the zoning?
167

168 Ross Godwin: A portion of that site is zoned commercial and we are looking to rezone the rest of the parcel to commercial for
169 a general retail store.
170
171 Sue Hunter: Is there any other information you can provide?
172
173 Ross Godwin: Not at this time.
174
175 Melissa Poole: So they already own this property and part of it is zoned commercial and you are saying that the typical space
176 is 10,000 sq. ft. as an average, do you have a building plan already and can you give us a more definitive building size that is
177 going to go here? Is it going to sprawl or is it going to be multiple stories?
178
179 Ross Godwin: No, just one story and typically that average is about 10,000 sq. ft.
180
181 Randy Marshall: I believe that really goes beyond the scope of what we are trying to
182
183 Melissa Poole: I know, just for my sake, I wanted to know.
184
185 Randy Marshall: To some extent those questions are unfair of the developer because they are not required to give that
186 information and it makes it appear that they are hiding something if they don't provide that information. But it's not required
187 information that we need to take into account to approve or not approve the rezoning.
188
189 Statler Gilfillen: I differ with what you said. We are rezoning something for which they could put, regardless what they put on
190 there, there is a maximum size. They may say 10,000 now but it goes through the approval process, maybe it's going to be
191 20,000, maybe it's going to be a 30,000 sq. ft. building. I have to look at what is the maximum use of this property if we grant
192 them the rezoning. That I think is fair within our purview to look at. I am not disagreeing with you on principles like what are
193 you going to do now unless they want to tell us. Do they have an actual contract with the company if this succeeds? Which if
194 I'm hearing right, you don't right now. You have an interest but not a formal agreement with somebody, right?
195
196 Ross Godwin: Correct.
197
198 Statler Gilfillen: I think we need to consider that if this gets approved, what could they put on that property that maxes it out
199 which may or may not impact the neighbors that live there.
200
201 Charity Kirk: What are the sizes of the stores in the area? How much parking do they have? Is the potential of merging all
202 the lot going to allow for a building that doesn't match the character in the area. Allowing a large building on a single property.
203 What is the square footage of the buildings in the area?
204
205 *Overlapping conversations*
206
207 Charity Kirk: Based on reading the emails, people are pretty sure what is going to go in there and I think more of a concern is
208 the character changing in the area.
209
210 *Staff reviewed on-line tax assessor information and determined that some of the commercial building sizes in the area were:*
211 *7,066; 4,280; 8,800; 2,700; 1,680 square feet.*
212
213 Charity Kirk: So 10,000 is large for the area but not out of character. The question for me and the neighbors is a very large
214 building or a larger building does not fit the character that they are looking for. If we allow this lot to be developed it would
215 max out the all of the LC-1 and NC-2 for that area rather than having separate small businesses. Is that what we want or is
216 that what the neighborhood wants. There is talk about the Goals and Objectives of the Comprehensive Plan so it's coming
217 down to the Goals and Objectives of the Comprehensive Plan is it to just continue to push development of any kind?
218
219 Cy Stober: No, in fact mitigating sprawl is an objective of the Comprehensive Plan and in general promoting consistent
220 character is also a thread throughout that Plan. However, in the Rural Commercial Activity Nodes, there is no distinction
221 between types of commercial or intensity of commercial. It simply is to encourage commercial in these areas of up to a certain
222 threshold so that is the basis for the staff finding.
223

224 Charity Kirk: So we're meeting that threshold with it?

225

226 Cy Stober: Yes, that's staff interpretation and the basis of our recommendation.

227

228 Delores Bailey: If, as Randy mentioned, this is not the place for the community to talk about the use that is going to be on the
229 parcel, where is that in the process?

230

231 *Overlapping conversations*

232

233 Adam Beeman: Regardless of if we approve or deny it here tonight, it is going to the Board of County Commissioners.

234

235 Charity Kirk: It's still related to just what we're talking about, it's not related to any businesses on it.

236

237 Adam Beeman: But when it gets to the Board of County Commissioners, they are the only people that you can sway to say
238 yea or nay. They are going to be the ones willing to take on any litigation, if they deny the request and it doesn't meet – if the
239 applicant meets all the requirements and has done everything he is supposed to do and we say no, we have to have a reason
240 why we said no that is legitimate.

241

242 Charity Kirk: We can come up with a legitimate reason.

243

244 Delores Bailey: My question of process is when does the community get to say what they think.

245

246 Cy Stober: If it is approved by the Board of Commissioners, there will be no further opportunity for the community to have any
247 input on the use. It will come before staff and staff will review the site plan and ensure conformance with the UDO use
248 standards. Unless it's a Special Use Permit, in which case it would go to the Board of Adjustment, which would also be a
249 public hearing.

250

251 *Overlapping Conversations*

252

253 Amanda Griffin: I'm Amanda Griffin and I'm a homeowner in this very small community. I live on Everett Lane across from the
254 proposed rezoning lot and I wrote a treatise, I didn't know there was going to be a limit. I'm just going to have to bullet point
255 some of my main topic points here. I see that the Statement of Consistency does recommend for approval because it states it
256 moves acreage from residential to commercial and that it is in an area that is already more developed. I urge you to take the
257 following into consideration. As discussed, this lot is substantially located within a resource protection area. This may not
258 have any legal significance currently but it is talked about in the Comprehensive Plan. Land Use Goal 1, Objective 1.1 issues
259 that it is to avoid higher density, higher intensity development in area with protected cultural resources which is a direct
260 opposition to the current rationale used in the Statement of Consistency for this application. Also extending the lot's existing
261 commercial zoning by a substantial 3.67 acres seems to inevitably promote higher density and higher density development
262 which according to the Comprehensive Plan, should be avoided, specifically related to resource protection areas. The lot also
263 falls into Rural Community Activity Node, Land Use Goal 2, Objective 2.4 applies directly to these rural crossroad communities
264 and issues guidance to identify whether current regulations permit appropriate development that is in character with these
265 communities, which I say strongly, this is not. Land Use Goal 1, Objective 1.1 further calls for sustainable development
266 checklist to evaluate and report on whether both proposed developments are quote "compatible with existing natural, cultural
267 resources and whether they will enhance community character". I believe this directly concerns this rezoning proposal; as
268 discussed there's a possibility there could be up to 40,000 sq. ft. unit or maybe just a 10,000 sq. ft. proposed for this. It is
269 dramatically out of character for our local crossroads community and would be a tremendous change from what exists there
270 already. Also, this will eat up nearly 5 acres of valuable commercial development that could be used on more valuable
271 properties or will better serve the community. I also do believe that the language used in the Comprehensive Plan and Land
272 Use Goals makes the planned use of this lot not only relevant but in fact imperative to consider when making this rezoning
273 decision. The application does state the intended use of this lot is for retail sales which is greatly redundant in our community.
274 We have a local grocer, Bravos Market, which serves local produce, local meat and dairy, they employ locally, are owned
275 locally and sits on locally owned land. A large chain store would directly threaten them and take locally circulated money and
276 distribute it elsewhere. The zoning application submitted says quote "this rezoning should meet the intended purpose of the
277 Orange County Comprehensive Plan to provide retail sales to the community" this seems a woefully inadequate consideration
278 of the Comprehensive Plan and a redundancy in our neighborhood. Thank you.

279

280 Tony Johnson: I am a brand new resident in Orange County, just completed my house this past week. So, I'm excited to hear
281 and see what is going on. One of the things that I do want to mention or bring up is what this gentleman said, you can't take
282 into account what is going to be built there. To me that's the entire point of this rezoning. You can't into account, once you do
283 this rezoning, they can put anything they want to on that lot that means the minimum standards of the UDO. So you can't
284 control it at all, this is your one opportunity to stand up for this group of citizens and recommend rejecting this rezoning
285 because otherwise no one has any control over what happens. This is your opportunity to have that control. Thank you.
286

287 Dave Connor: My name is Dave Connor and my address is 1820 Arthur Minnis Road. I was listening to the description of the
288 project and the zoning reclassification, I'm stuck by the statement that this would not contribute to sprawl. If I take the
289 maximum, the worst case scenario of 43,000 sq. ft. that is mentioned by staff, just half that gives me a 20,000 sq. ft. facility
290 with 100 parking spaces, unless my math is wrong. Now the nearest facility with anywhere near that size is Carrboro Plaza
291 which only 7 minutes down the road. If one envisions a 20,000 sq. ft. retail facility and 100 parking spaces, that looks a lot like
292 Carrboro Plaza which is the nearest similar commercial right down NC 54. How can that possibly not be considered sprawl.
293 You've basically leapfrogged that sort of high intensity retail use, 7 miles further down the road conveniently located to serve
294 Alamance County and Chatham County down local roads. You're about to approve a very high intensity commercial facility
295 that will be mainly serving the residents of Alamance County which is very close by. Closer in fact than Carrboro Plaza or
296 Chatham County which is even closer. That is urban sprawl by anybody's definition and I don't think it meets the primary
297 standard of the Comprehensive Plan which is to prohibit that type of urban sprawl particularly in state highways (inaudible)
298 that's all I wanted to say.
299

300 Barbara Connor: My name is Barbara Connor and I live on Arthur Minnis Road as well and I have lived in a place where they
301 change the Comp Plan all the time and therefore your Comp Plan has no meaning. If you have a plan and you have zoning it
302 should leave it as it. If it's done for a reason and we don't need something like this in this community. That's why I oppose it.
303

304 Jessica Ostrowski: I'm Jessica Ostrowski, I live on Wabash Road which is off Carl Durham Road pretty close to the area in
305 question and I just want to say I am also opposed to the rezoning. I feel very similarly to others who have spoken. I am not
306 opposed to development, we were all super excited when Bravos opened, we love the other businesses that are out there. I
307 will say that the size of the property and size of the proposed development is an issue for the reasons that other people have
308 stated and I am in favor of smaller developments that are more in character of the community. Thank you.
309

310 John Griffin: I am just going to read what I submitted by email in case anyone here hasn't read it. My name is John Griffin
311 and I live in White Cross on Everett Lane which is a private lane just across the way from the proposed rezoning. My wife and
312 I chose to move to Orange County because it's the best county I've ever been in. It's close to developed metropolis and it's a
313 great place for us to be. We built a house, we're actually in the process of building a house and we want to have family and I
314 want to offer some thoughts that I have been coming up with the last few days since I learned about this. Rural Orange
315 County NC has a long history of trade and agricultural self-reliance dating back centuries, while state and nation-wide
316 economic forces encouraged neighboring counties to invest in major commercial and industrial infrastructures, generations of
317 Orange County residents chose to keep much of the commercial growth out of their forests, watersheds and country
318 crossroads. Today, residents continue to choose rural Orange County as their home and haven away from industrial and
319 suburban sprawl. Our county is indeed precious and unique for its preservation of home and land. The Orange County 2030
320 Comprehensive Plan enshrines these ideals in its stated values. The people here have made a good way of life without the
321 blight of low-paying, low-quality corporate retail at their rural crossroads. So right now this application for zoning atlas
322 amendment at 3026 White Cross Road at the corner of NC-54 is before the Orange County Planning Board. The applicant
323 has a record of seeking commercial rezone for small box chain dollar stores. However, the rural crossroads at White Cross
324 and NC-54 is well served by established and locally owned retailers like Bravos Market and Whitecross Market whom a new
325 chain dollar store, for instance, would seek to disrupt and out compete. White Cross aka Bingham Township even has an
326 historical preservation landmark at White Cross School whose artist tenants would be forced to look out their tall windows at a
327 corporate chain retailer when instead, they could see a locally owned, locally named mom and pop cafe, a post office, an
328 occupied house or the grassy piedmont meadow sitting there now. Moreover, the approval of this application to rezone would
329 set a sad precedent, the incursion of predatory, low quality, low paying chain retail throughout rural Orange County. This is
330 the first of its kind so you guys have a really important decision to make today. I implore you, Orange County, to deny this
331 application in the spirit of historical, rural Orange preservation and values for commercial development set forth in the Orange
332 County 2030 Comprehensive Plan.
333

334 Tony Blake: I am a former member of the Planning Board here, it's been awhile but I recall this same proposal coming up
335 before. Exactly the same parcels, same proposal, same idea and it strikes me that this is a game played in Orange County

336 where an equity partner or whatever will come in and get the rezoning and then resell the property at profit. I don't object to
337 people making profits but I really just wish that the process was better aligned to show that kind of a motive to show the
338 speculating. I think that speculation is a problem here and the second thing is that I understand you guys are an advisory
339 board and I understand the Planning Department has to approve things that are within the boundaries of the UDO but I urge
340 you to really take a closer look at stuff like this and get the word out to the community, use social media, we've exchanged
341 emails on this. Use the social media to get this out because I think once people are aware of it, they come out and that is what
342 should be. I live down White Cross Road and I'll come out and say that I oppose this thing but for the reasons I stated not
343 because of what it is but because of the way it is being held. Thank you.
344

345 Stacy Gamble: My name is Stacy Gamble and everybody here in the community has already spoken and said it so eloquently.
346 I have lived in Orange County since 1987, I am a member of the Trails Community which is by White Cross and you all are the
347 banks to the river here so we rely upon your judgement which is very confusing to me when you don't have all the facts. I am
348 not sure why the process is like that, it seems to me like that should be something that is addressed. This is a pretty big issue
349 all the growth that is going on in Chapel Hill alone is mind blowing. We've all gone out to that community because we don't
350 like that, we love our little places like Bravos and Fiesta Grill and everything else. This retail big box chain probably
351 won't even pay a living wage, is something that is not welcome and I oppose it. I would imagine if more people in my
352 community knew about this they would be here too. They will be here on the 6th. I greatly urge you to really consider who you
353 represent and that is us as a community not these chains. Thank you.
354

355 Jesus Bravo: I own Fiesta Grill and Bravos Market and the reason I am here is to oppose but first of all I have had Fiesta Grill
356 for 20 years and I have been trying to expand and why you guys are going to put something like this, this big when I have
357 been trying to expand and now you guys are going to put something this big on that corner right there? How's it going to
358 happen? I have Bravos Market and I am very lenient on how many employees I can have, I have a lot of restrictions and I
359 don't know why you guys are going to approve this. Also, they are having a lot of accidents there and of course this is going
360 to bring more people, more cars, more everything and it's going to be bad. I am opposed to that.
361

362 Sade Rapp: I am Sade Rapp and I live on Morrow Mill Road and I've lived there all of my 25 years except for 4 years in
363 college. I just learned about this rezoning today and I know that I reached out to, and a lot of people in my community were
364 reached out to and that I personally reached out to friends and family and specifically people that live very close to us, live on
365 our road and very, very few of us were able to make it today. I have talked to them I've talked to people and I am representing
366 my own ideas and beliefs but I am also speaking on behalf of a number of my friends, neighbors, family living on Morrow Mill
367 Road. I understand that commercial development is important and I am not inherently opposed to commercial development.
368 There's so much greatness that has been brought to White Cross and our community through commercial development and
369 that it brings in money for the County but I do have concerns about bringing in outside businesses at the expense of our
370 locally owned and operated ones because that is a net loss for our community if those local businesses are pushed out
371 because of the places being offered at an outside owned store. I'm certainly concerned about the non-traditionality of whatever
372 permit would happen but that may be my lack of understanding that sort of thing. I truly believe that this squanders an
373 opportunity for new or expanded locally owned and operated businesses to be created in this area and it is concerning for a
374 company to be coming from outside that does not have this mutual relationship with our community where they know the
375 community and have a vested interest in its vitality and its character the way that we have. I truly can't imagine that wouldn't
376 damage the character of this little community just through the amount of trees that would have to be taken down. Really the
377 core of my opposition to this recommendation is that there are too many unanswered questions to the environmental impact
378 and traffic impacts. I think to do this sort of rezoning that was recommended in the summer when people are out of town or
379 busy with farm work seems at best questionable and likely irresponsible. Thank you.
380

381 Delores Bailey: Can I ask about the timing of the notice that went out, it seemed rather shortened. It seemed to be at least a
382 month's worth of time before the hearing happened.
383

384 Perdita Holtz: It is a 10-day minimum notice and we sent it out like 15 days in advance.
385

386 Delores Bailey: A statement that was made was that this has been here before?
387

388 Perdita Holtz: Not to my recollection, I hate to have to contradict Tony.
389

390 Tony Blake: It was this exact parcel.
391

392 Perdita Holtz: I don't know Tony, full disclosure to everybody, I live within the 1,000 foot notification boundary and I don't
393 remember this parcel ever being up for rezoning.
394

395 Delores Bailey: What would keep Bravos from being able to expand?
396

397 Pat Mallett: Septic
398

399 Delores Bailey: Would that not be the same problem for whatever structure they decide to put here?
400

401 Cy Stober: They would size the septic for the structure at that time. As part of the new structure the septic tank would be
402 placed in the ground at the same time the foundation is being laid. Any expansion of Bravos or Fiesta Grill would require
403 replacing the existing septic tank with a larger one.
404

405 Beth Bronson: Based on the details of the rezoning requests, it would seem that construction wants to go for the whole
406 parcel, right? Not piecemeal from what is zoned for LC-1 and NC-2? The intention is to develop the entire 4.8 acres?
407

408 Ross Godwin: That is correct, obviously we would be abiding by the County UDO.
409

410 David Blankfard: If we approve this zoning change, that takes away the ability to further develop the rest of the intersection, is
411 that correct.
412

413 Adam Beeman: There would be 1.3 acres left for someone.
414

415 David Blankfard: So if we do not approve it the community could have 4 parcels that could be built instead of just 1,
416 hypothetically?
417

418 Adam Beeman: It's been available for a long time, that node has been there for a while.
419

420 David Blankfard: I'm saying you could have 1 now or 4 in the future.
421

422 Statler Gilfillen: I am hearing a number of things, I'd like to compliment the number of people that have shown up and spoken
423 and the politeness. What this Board will do we'll vote on something that will affect their personal lives. I will assume that any
424 final approval we give, if we are pro, has to be based on the ability of the owner to do a worst case scenario, the maximum.
425 That is a potential. We approve it and they could tell us they are going to put a 3,000 sq. ft. building plus parking but once the
426 approval is in they can do what they want under the law. I have not heard from the people asking for the rezoning, any
427 justification supporting a specific local need of a corporate store versus all the small local businesses that are going in. It
428 raises the question that if this a potential or corporate store, what will be developed could be out of context and out of scale to
429 what is there and seems to be servicing the local community.
430

431 Charity Kirk: On a similar vein, I also feel that the potential size is out of character in the neighborhood both away from Hwy
432 54 and just the large parcel compared to the other parcels so I want that to be taken into consideration whether it's a dollar
433 store or something else. The potential for being out of character with the neighbor needs.
434

435 David Blankfard: I don't think we know what the setbacks are, I think the square footage that we have right now is based on
436 zero setbacks and zero buffers.
437

438 Charity Kirk: Even a 10,000 sq. ft. building is a bit out of character for this area and what would be allowed considering how
439 deep that parcel is – just my comment.
440

441 David Blankfard: Setbacks, sewer system, well, buffers and all of that, there is a reason why most of the properties out there
442 are 2,000 sq. ft. again this is probably going to be around 2,000 sq. ft. once the civil people get in there and figure it out.
443

444 Statler Gilfillen: If we were to approve this what is the maximum that could go in, I've not heard that information so it leaves
445 me questioning will this or will this not be under the context of the community. Could we be doing harm to the community.
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447 David Blankfard: That is something that the applicant should present at the County Commissioner's meeting.

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Cy Stober: Perdita already shared that the maximum is roughly one acre of footprint for the building. That's the floor area ratio exclusive of parking, septic, well, etc. Just under a 5 acre parcel that leaves an abundance of room for those plus stormwater if the disturbed area exceeds one acre of disturbance so it is conceivable that it could be the footprint. That is the maximum buildout potential of our cursory research.

Perdita Holtz: Whether it's actually feasible on the ground would require a site plan which is not required at this stage.

Steve Kaufmann: I drove out to the area this weekend to see the parcel, White Cross and 54, and it didn't seem like that big a deal to me. It's less than 5 acres, it's across from a gas station but actually I have memories of the place because I used to teach out of the White Cross School for 2 to 3 years when I rented space there. It's a very old funky space so to compare the footage of that 10,000 sq. ft. to another 10,000 sq. ft. doesn't do it justice because this is like a very old wood structure that is far off the road. It is one story and it is filled with artists and the stores around there are all the same as I remember from 25 years ago. It's like funky, kind of cool. It has a character, a personality, so I am moving away from the square footage idea just on the makeup of the energy of that place and uniqueness and I was struck by that. I was curious to hear what everyone had to say tonight and to me that is an important part of my decision process. It's an important element because if I just look at the paperwork, it's less than 5 acres, it's on a corner, it's across the street from a gas station, that doesn't seem like a big deal to me but actually there is more to it than that and I wanted to throw that out.

Randy Marshall: I'd like to remind people that what we've been asked to do here is to take a piece of property that is double zoned and make the property fully zoned for commercial retail space. That is all that the request is.

MOTION BY Randy Marshall that the proposal is consistent with the Goals and Objectives of the adopted 2030 Comprehensive Plan that is Land Use Goal 3 and Land Use Goal 5 of the Comprehensive Plan and that the amendment is reasonable and in the public interest because it furthers the goals of the adopted Comprehensive Plan. Seconded by David Blankfard.

MOTION FAILED 6 – 4 (KIRK, GILFILLIN, POOLE, HUNTER, BAILEY, KAUFMANN)

Melissa Poole: I held my statement until after the vote. I am a huge proponent of commercial development in Orange County. We are 80% dependent on residential taxes and that is not sustainable and it is leading to, unintended I think, to the gentrification of Orange County. We are seeing houses built that are 300,000 to 500,000 dollars now. Everyday people are not going to be able to come and live in our wonderful community. With that said, I voted no, I do agree with Randy that it is consistent but I voted against RTLP for a lack of transparency and I agree with David. This is going to go to the Board of County Commissioners either way, I would strongly suggest there be a little more transparency with the BOCC.

NOTE: The following item was pulled from the agenda prior to the meeting by request and will be presented at a future Planning Board meeting

AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – EROSION CONTROL & SEDIMENTATION CONTROL, STORMWATER AND PERFORMANCE GUARANTEE PROVISIONS - TO MAKE A RECOMMENDATION TO THE BOCC ON PROPOSED AMENDMENTS TO THE UDO PERTAINING TO PROVISIONS FOR EROSION & SEDIMENTATION CONTROL, STORMWATER AND PERFORMANCE GUARANTEES.

PRESENTER: Christopher Sandt, Staff Engineer

AGENDA ITEM 9: ADJOURNMENT

Meeting was adjourned at 8:52 p.m.

Adam Beeman, Chair