

**MEETING MINUTES  
ORANGE COUNTY PLANNING BOARD  
AUGUST 7, 2019  
REGULAR MEETING**

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

**MEMBERS ABSENT:** Lydia Wegman (Chair), At-Large Chapel Hill Township Representative; Jessica Aguilar; At-Large;

**STAFF PRESENT:** Craig Benedict, Planning Director; Patrick Mallett, Planner II; Tina Love, Administrative Support I; Tyler Sliger, Planning Tech;

**MEMBERS OF THE PUBLIC :** Dona McAdoo; Carolyn Poteat; Levorne Miller;

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**  
Vice Chair David Blankfard called the meeting to order.

**AGENDA ITEM 2: INFORMATIONAL ITEMS**  
a. Planning Calendar for August and September 2019

**AGENDA ITEM 3: APPROVAL OF MINUTES**  
June 5, 2019 Regular Meeting

**MOTION** by Adam Beeman to approve the June 5, 2019 Regular Meeting Minutes with corrections. Seconded by Hunter Spitzer.

**VOTE:** Unanimous

**AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA**

**AGENDA ITEM 5: PUBLIC CHARGE**

**AGENDA ITEM 6: CHAIR COMMENTS**

**AGENDA ITEM 7: ZONING ATLAS AMENDMENT (GENERAL USE REZONING) -** To review and make a recommendation on an owner initiated application seeking to rezone an approximately 16.45 acre parcel of property (PIN 9834-25-2573) located in Cheeks Township at 6405 West Ten Road From: Rural Residential (R-1) (14.57 acres) ; Neighborhood Commercial (NC-2) (1.88 acres) To: General Commercial (GC-4). The purpose of the rezoning is to eliminate the existing split zoning on the parcel make the entire property viable for non-residential development.

**PRESENTER:** Patrick Mallett, Planner II

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Patrick Mallett: Good evening. I'll be presenting the case. The representatives for the applicant are here and there are some adjacent property members that are here that probably want to speak in the case. I'm going to walk you through the packet. This is a general use rezoning request. It has a same format as most cases you see in terms of the abstract with a series of attachments. We have the abstract which starts on page 7 of your packet and ends on page 24 of your packet. It has attachments including the application starting on page 11. Maps of the parcel can be found on page 20, a site assessment on page 21, a statement of consistency which is attachment 4 on page 22, and then the ordinance amending the atlas on page 24. If you have any questions, I can answer them after the presentation. I would also like to note that I sent out an email yesterday regarding the property having a major transportation quarter overlay district in addition to the zoning. They are not proposing to change it or recommended to change it. The subject property is a little over 16 acres with two pieces of frontage. There is a landscaping contracting business on one side, with farm fields and a pond. There are several residential properties along the frontage of West Ten. The existing zoning areas in yellow are residential. The areas to the north of this property is zoned (ORM) Office and Researching Manufacturing. There is agricultural and residential zoning on the south side of West Ten and a neighborhood commercial area on this portion of the property. As you saw in the packet, this case is a split zoning case. The direction from the commissioners is to clean up the split zone pieces of property. This neighborhood commercial portion has a contracting and landscaping business on a portion of the property. The applicant, Mr. Doby, lives in this residence here. The site summary is that it is within the Cheeks Township with a pin number and owner, Wayne Doby. The existing zoning is neighborhood commercial and is approximately 1.71 acres. The rural residential on one side is 14.54 acres in the watershed and it would be MTC. The request is to consolidate these two zoning categories into 16.45 acres of General Commercial (GC-4). This is the land-use element of the comprehensive plan. The plan calls and designates this property as a commercial industrial transition activity node. The growth management system of the property is zoned as urban designated. In summary, this property like the other one that you heard in May was part of the batch in 2016 that was split zoned. Mr. Doby like Mr. Lawton, which you heard back in May, has asked to be taken off this list and had to ask to reinstate his zoning in order to resolve it. Staff recommended rezoning this split zoning portion of the property to (GC-4) that is most consistent with the comprehensive plan and the land-use plan designation. Cheeks Township was originally zoned in 1984 and the non-residential portion of this property was established at least a year prior to that zoning. The zoning at that time did not capture all of their non-residential use. The planning director recommends that the Planning Board review the proposed zoning atlas amendment, to deliberate on the petition, to consider the director's recommendation, and then to make a recommendation to the board of commissioners on the statement of consistency and for a proposed ordinance for the atlas amendment in time for the September 3<sup>rd</sup> BOCC meeting. I will answer any questions you have about the presentation or the packet and then turn it over to the applicants.

David Blankfard: I think we're good.

Chad Huffine: Good evening; my name is Chad and I am a civil engineer with the project, with 505 E. Davis St. in Burlington. We were contacted by Mr. Doby to look at the potential uses for his property and immediately noticed the split zoning on his property. After several conversations with staff, and taking recommendations, we submitted a rezoning application for the (GC-4), which is consistent with the land-use plan you have currently. I do want to reiterate one thing that Pat said, we do not propose any changes to the transportation overlay. We do not have any conditions associated with this rezoning request and we would appreciate your favorable consideration. If you have any questions please feel free to contact me.

Hunter Spitzer: What is it that Mr. Doby wants to do with the property?

110 Chad Huffine: He's currently proposing the multiuse of landscaping and mini-storage use, but  
111 that is not what you're considering tonight. What you are considering tonight is a rezoning  
112 without conditions.

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114 Patrick Mallett: I'll add on to that briefly. This case is a general use case. In some jurisdictions  
115 they may have conditional zoning category that could be applied, and you can restrict and  
116 eliminate some of the uses. This is a general-use case. They can indicate what they intend on  
117 doing, but you have to consider all of the permitted uses that are allowed in the (GC-4) district.

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119 David Blankfard: Do we have any comments from the citizens?

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121 Crystal Gvaldoni: My name is Crystal. I live at 6405 West Ten Rd., which is directly impacted  
122 by this change. I built my home in 2010 from the ground up, and I know Mr. Doby personally. I  
123 am against what he's planning on doing to the property by rezoning it as commercial and putting  
124 in a mini-storage facility. I feel like it's going to increase the amount of crime that we have in our  
125 neighborhood. For his property, I pulled some 911 records and in the last several years there  
126 have been robberies by someone I know who has been in jail. I think that putting a storage  
127 facility directly behind my house is going to decline the property value of my house and will also  
128 affect curb appeal if I choose to sell my home in the future. My biggest concern is the increase  
129 and amount of crime we are going to have because everything is open. His business sits on the  
130 road front and there is no security. If you stick a mini-storage my backyard, how is it going to be  
131 affected? I have children there, we love where we live, and we don't want to move, and I may  
132 be forced to move if this happens.

133

134 Bal K Sharma: My name is Bal. I live in Cary, but we do have some land next to the truck stop  
135 there on Buckhorn Road. We also have combined investments there. This exit has not doubled  
136 up enough compared to other exits which I would love to see. In terms of the General  
137 Commercial use, it gives more employment opportunities for the citizens. I do support changing  
138 into the commercial joining and support this cause.

139

140 David Blankfard: Does the board have any questions?

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142 Adam Beeman: I have a question for the owner. To elaborate a little on the storage unit. I am  
143 looking at the only place that you are going to be able to get into on that property which is on  
144 that right or would you pass by the landscaping business if you were to develop in the future?

145

146 Chad Huffine: The only thing I can commit to is to respond to some of her concerns and to  
147 comment to the property value and the crime deterrent and prevention. I can tell you that  
148 access would be from West Ten Rd. and that during the site plan process, the information is  
149 provided to DOT and Orange County and that driveway conditions are either approved or not  
150 approved. The property has frontage on West Ten Rd. and would be accessible by light.

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152 Adam Beeman: Are there plans to fill that pond in the back of that property?

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154 Chad Huffine: I have no idea. We are in the early stages of the rezoning portion of this.

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156 Adam Beeman: I'm just trying to get information for the neighbors around them to understand a  
157 little better. I'm trying to understand what the potential intent is on the back of the property.

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159 Chad Huffine: I took good notes on what I heard the neighbors say, and one thing I can indicate  
160 is that property values increase when they are changed in zoning to commercial use. Property  
161 values may or may not change if they are rezoned to different residential uses. As development  
162 increases around these proposed nodes of industrial and commercial use, commercial  
163 properties create value. Adjacent commercial properties create the synergy between those two  
164 commercial properties and the property values do seem to increase. Once the project moves

165 forward to site planning, security fencing, cameras, and driveway access is looked at specifically  
166 by staff. At this point, we're just trying to grip the rezoning to start the process.  
167

168 Patrick Mallett: What we went through in showing the future land-use elements is that this is a  
169 part of a bigger strategy. A lot of time went into this plan and in taking a look at properties and  
170 what they should be and what they should transition toward as time moves on. In this case, this  
171 area is specifically along that northern edge of West Ten Rd. going towards Mebane which has  
172 always been envisioned for a commercial industrial transition, not residential development. That  
173 was not part of the long-term vision which is the basis for our recommendation. If this township  
174 were being zoned for the first time today, we would have followed the property line and zoned  
175 the entire property commercial. This is the first part of the process that would theoretically  
176 include permits: stormwater permits and environmental health permits and site plans. With this  
177 zoning, they are proposing that there would be 30-foot land-use buffers along the frontage of the  
178 West Ten Rd. and then 100-foot buffer all around the perimeter. Mr. Doby has indicated to me  
179 that he has a desire to retain the land, find some positive revenue streams to deal with the cost  
180 of taxes, and that his vision is to seek for a storage facility in this field area. Mr. Doby also  
181 applied for an improvement permit for an evaluation based on mini-storage with a schematic for  
182 that area which has been an indicator of the intent.  
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184  
185 Adam Beeman: Okay.  
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187 Carolyn Poteat: My name is Carolyn Swepson Poteat. We received a letter from the planning  
188 board stating that we needed to come to the meeting tonight in reference to Clarence Doby  
189 rezoning. What do we need to do?  
190

191 David Blankfard: The piece of property is zoned in two different ways, and so the County  
192 commissioners have tasked us to clean up so that the zoning is uniform for the entire piece of  
193 property. You would just need to listen to the possibility of being rezoned as a commercial site.  
194 There is not really anything that you need to say or do.  
195

196 Carrie Fletcher: I am a homeowner in Orange County as well. I am always concerned about  
197 development around my home. What can be done for the citizens on the list nearby that will be  
198 impacted in order to keep them informed to quell their fears and make the transition less  
199 painful? Is there anything that can be addressed to the neighborhoods and people around so  
200 they know what's going on?  
201

202 Chad Huffine: Yes. As part of the process with planning and the commissioners, a dimension  
203 or radius around the property including adjacent properties, would be notified by mail,  
204 newspaper, and by signage. The property owners can be located in the packet. They have  
205 been made aware as the commissioners meeting approaches in September.  
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207 Carrie Fletcher: Can the folks in the back hear? I want to make sure they can understand.  
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209 Chad Huffine: They will be notified by the County prior to the public hearings. They will have  
210 another opportunity to speak to the County commissioners at that time but also to hear about  
211 any developments of what is proposed.  
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213 Bal K Sharma: It sounds like some of the neighbors need to be educated about the good and  
214 the bad of this proposal. I said commercial is good for several reasons, but at the same time,  
215 homeowners are outraged and they need to be convinced why it is good for them. If everyone  
216 understands why it is good it will be a win-win for everyone. Everyone needs to be educated on  
217 why it is important to the people and how it will also impact everyone.  
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219 Patrick Mallett: In North Carolina, most of the process is prescribed by state law on what you  
220 have to do. This type of zoning process has to go to a planning board and it needs to make a  
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222 recommendation. It then goes to an elected body. With most jurisdictions in North Carolina, the  
223 notification requirements are far less than what we actually do. Notices were sent out to every  
224 property owner that was on the tax rolls and owns property within a thousand feet. We run legal  
225 ads, we post signs for both the planning board meeting and the board of commissioners  
226 meeting. We also post all the information online so people can come and check our rezoning  
227 cases or what's new on the planning portion of our website. If you have a question about this  
228 case or anything going on in the area, my door is always open and you can contact me.  
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230 Adam Beeman: You said that the area has been intended to be commercial for some time. Do  
231 you have a date on when that was set in stone for Orange County?  
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233 Craig Benedict: Good evening. Craig Benedict, Orange County Planning Director. This area  
234 was originally designated in 1981 when zoning went into effect in this Township as Commercial  
235 Industrial Activity Node. They left the existing zoning in place as (R-1) residential. You have  
236 also heard some of our discussions in the past about leaving it for somebody to ask for a  
237 conversion consistent with the Commercial Industrial Activity Node if they wanted to come in in  
238 the future. In 1994, the (CITAN) Commercial Industrial Activity Node was changed in land-use  
239 to economic development while at the same time, they changed the zoning with the land-use, so  
240 the zoning is in place just across Buckhorn Road. There are two different ways to do it. You will  
241 also notice that in these CITANs, the commissioners have asked us if there are places that we  
242 are calling pre-zoned to fix to an area that's consistent with that future land-use. In this case,  
243 the applicant was out in front of us. You may see some other conversions that are even  
244 government initiated. The commissioners also noticed that in the 1990's there was housing in  
245 the area and leaving the (R-1) designation on there allowed those houses to remain as a  
246 conforming use, so this was a way to balance the program. This is in transition and may  
247 transition to more commercial industrial in the near future. By 2008, when the comprehensive  
248 plan was updated, we had additional outreach meetings to discuss the economic development  
249 land-use and commercial industrial land use. The last opportunity was roughly in 2013 when we  
250 started extending utilities into the area. We had no community meetings. The utilities for this  
251 area run from Gravelly Hill Middle School over to Buckhorn Road with some properties on  
252 Buckhorn Road and then eventually tied in the Petro Truck Stop with the sewer flowing back to  
253 Mebane. This was to support that future land-use such as commercial industrial. When Patrick  
254 mentioned that this is part of the major transportation overlay, it's a recognition of its proximity to  
255 the interstate and major interchanges.  
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258 **MOTION** by Randy Marshall to approve the rezoning. Seconded by Adam Beeman.

259 **VOTE:** Unanimous  
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261 Randy Marshall: In regard to the owner initiated amendment to the zoning atlas to rezone 16.45  
262 acres consisting of Rural Residential (R-1) and Neighborhood Commercial (NC-2) to all General  
263 Commercial (GC-4), the Planning Board finds the requirements of section 2.8 of the (UDO) The  
264 Unified Development Ordinance have been deemed complete and pursuant to section 1.1.5 and  
265 1.1.7 of the (UDO) in Section 153(A)-341 of the North Carolina General Statutes. The board  
266 finds consistent documentation within the record denoting that the amendment is consistent with  
267 the adopted 2030 Comprehensive Plan. The amendment is consistent with applicable plans  
268 because it supports the following 2030 Comprehensive Plans and goals and objectives.  
269 Objective, ED 1.5 identified barriers to development to desired businesses and local businesses  
270 and (inaudible). Objective ED 2.5. Identify land suitable to accommodate the expansion and  
271 growth of commercial industrial uses in the county. Land-use goal 1: Physically and  
272 environmentally responsible (inaudible) growth consistent with the provision of adequate  
273 services and facilities and a high quality of life. Land-use goal 4: Land development regulations  
274 guidelines techniques and/or incentives that promote the integrative achievement of all  
275 comprehensive plan goals. The amendment reasonable and in the public interest because it  
276 modifies existing non-residential zoning boundaries in an attempt to make existing operations  
277 more conforming to local land-use regulations. Therefore, the Planning Board of Orange County

APPROVED 9/4/19

278 hereby recommends that the Board of County commissioners consider adoption of a proposed  
279 zoning atlas amendment.

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281 **AGENDA ITEM 8: ADJOURNMENT**

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283 This meeting was adjourned at 7:38 p.m.

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Lydia N. Wegman, Chair