

**ORANGE COUNTY PLANNING DEPARTMENT
131 W. MARGARET LANE, SUITE 201
HILLSBOROUGH, NORTH CAROLINA 27278**



**AGENDA
ORANGE COUNTY PLANNING BOARD**

NOTE MEETING LOCATION!!

**WEST CAMPUS OFFICE BUILDING
PLANNING DEPARTMENT CONFERENCE ROOM
131 W. MARGARET LANE, 2ND FLOOR
HILLSBOROUGH, NORTH CAROLINA 27278**

Wednesday, September 4, 2019

Regular Meeting – 7:00 pm

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
1.		CALL TO ORDER
2.	3 - 4	INFORMATIONAL ITEMS a. Planning Calendar for September and October
3.	5 - 9	APPROVAL OF MINUTES August 7, 2019 Regular Meeting
4.		CONSIDERATION OF ADDITIONS TO AGENDA
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 laws 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 residents 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 its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, County staff, and Board members. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
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The Planning Board asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

Please be kind to everyone.

6. CHAIR COMMENTS

7. ADJOURNMENT

IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR PERDITA HOLTZ (919-245-2578).

< August		September 2019					October >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
1	2	3	4	5	6	7	
	Holiday	Regular BOCC Meeting 7:00 pm Whitted Building	Planning Board Meeting 7:00 pm* WCOB 204				
8	9	10	11	12	13	14	
	Board of Adjustment (BOA) Meeting 7:00 pm Whitted Building	BOCC Special Public Hearing/ Regular Work Session 7:00 pm Southern Human Services					
15	16	17	18	19	20	21	
		Regular BOCC Meeting 7:00 pm Southern Human Services	OUTBoard Meeting 6:30 pm WCOB 204				
22	23	24	25	26	27	28	
				BOCC Joint Meeting with School Boards 7:00 pm Whitted Building			
29	30						
					Notes: * Planning Board Member Attendance Required or Expected WCOB = West Campus Office Building (131 W. Margaret Lane, Hillsborough)		

< September		October 2019					November >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
		1 Regular BOCC Meeting 7:00 pm Whitted Building	2 Planning Board Meeting 7:00 pm* WCOB 204	3 BOCC - Fire Departments Meeting / Regular Work Session 7:00 pm Whitted Building	4	5	
6	7 Board of Adjustment (BOA) Meeting 7:00 pm Whitted Building	8	9	10	11	12	
13	14	15 Regular BOCC Meeting 7:00 pm Southern Human Services	16 OUTBoard Meeting 6:30 pm WCOB 204	17	18	19	
20	21	22	23	24	25	26	
27	28	29	30	31	Notes: * Planning Board Member Attendance Required or Expected WCOB = West Campus Office Building (131 W. Margaret Lane, Hillsborough)		

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

86
87 David Blankfard: I think we're good.

88
89 Chad Huffine: Good evening; my name is Chad and I am a civil engineer with the project, with 505 E. Davis St. in
90 Burlington. We were contacted by Mr. Doby to look at the potential uses for his property and immediately noticed the
91 split zoning on his property. After several conversations with staff, and taking recommendations, we submitted a
92 rezoning application for the (GC-4), which is consistent with the land-use plan you have currently. I do want to
93 reiterate one thing that Pat said, we do not propose any changes to the transportation overlay. We do not have any
94 conditions associated with this rezoning request and we would appreciate your favorable consideration. If you have
95 any questions please feel free to contact me.

96
97 Hunter Spitzer: What is it that Mr. Doby wants to do with the property?

98
99 Chad Huffine: He's currently proposing the multiuse of landscaping and mini-storage use, but that is not what you're
100 considering tonight. What you are considering tonight is a rezoning without conditions.

101
102 Patrick Mallett: I'll add on to that briefly. This case is a general use case. In some jurisdictions they may have
103 conditional zoning category that could be applied, and you can restrict and eliminate some of the uses. This is a
104 general-use case. They can indicate what they intend on doing, but you have to consider all of the permitted uses
105 that are allowed in the (GC-4) district.

106
107 David Blankfard: Do we have any comments from the citizens?

108
109 Crystal Gvaldoni: My name is Crystal. I live at 6405 West Ten Rd., which is directly impacted by this change. I built
110 my home in 2010 from the ground up, and I know Mr. Doby personally. I am against what he's planning on doing to

111 the property by rezoning it as commercial and putting in a mini-storage facility. I feel like it's going to increase the
112 amount of crime that we have in our neighborhood. For his property, I pulled some 911 records and in the last
113 several years there have been robberies by someone I know who has been in jail. I think that putting a storage
114 facility directly behind my house is going to decline the property value of my house and will also affect curb appeal if I
115 choose to sell my home in the future. My biggest concern is the increase and amount of crime we are going to have
116 because everything is open. His business sits on the road front and there is no security. If you stick a mini-storage
117 my backyard, how is it going to be affected? I have children there, we love where we live, and we don't want to
118 move, and I may be forced to move if this happens.

119

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

124

125 David Blankfard: Does the board have any questions?

126

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

130

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

135

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

137

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

139

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

142

143 Chad Huffine: I took good notes on what I heard the neighbors say, and one thing I can indicate is that property
144 values increase when they are changed in zoning to commercial use. Property values may or may not change if they
145 are rezoned to different residential uses. As development increases around these proposed nodes of industrial and
146 commercial use, commercial properties create value. Adjacent commercial properties create the synergy between
147 those two commercial properties and the property values do seem to increase. Once the project moves forward to
148 site planning, security fencing, cameras, and driveway access is looked at specifically by staff. At this point, we're
149 just trying to grip the rezoning to start the process.

150

151 Patrick Mallett: What we went through in showing the future land-use elements is that this is a part of a bigger
152 strategy. A lot of time went into this plan and in taking a look at properties and what they should be and what they
153 should transition toward as time moves on. In this case, this area is specifically along that northern edge of West
154 Ten Rd. going towards Mebane which has always been envisioned for a commercial industrial transition, not
155 residential development. That was not part of the long-term vision which is the basis for our recommendation. If this
156 township were being zoned for the first time today, we would have followed the property line and zoned the entire
157 property commercial. This is the first part of the process that would theoretically include permits: stormwater permits
158 and environmental health permits and site plans. With this zoning, they are proposing that there would be 30-foot
159 land-use buffers along the frontage of the West Ten Rd. and then 100-foot buffer all around the perimeter. Mr. Doby
160 has indicated to me that he has a desire to retain the land, find some positive revenue streams to deal with the cost
161 of taxes, and that his vision is to seek for a storage facility in this field area. Mr. Doby also applied for an
162 improvement permit for an evaluation based on mini-storage with a schematic for that area which has been an
163 indicator of the intent.

164

165

166 Adam Beeman: Okay.

167

168 Carolyn Poteat: My name is Carolyn Swepson Poteat. We received a letter from the planning board stating that we
169 needed to come to the meeting tonight in reference to Clarence Doby rezoning. What do we need to do?

170

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

174

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

179

180 Chad Huffine: Yes. As part of the process with planning and the commissioners, a dimension or radius around the
181 property including adjacent properties, would be notified by mail, newspaper, and by signage. The property owners
182 can be located in the packet. They have been made aware as the commissioners meeting approaches in
183 September.

184

185 Carrie Fletcher: Can the folks in the back hear? I want to make sure they can understand.

186

187 Chad Huffine: They will be notified by the County prior to the public hearings. They will have another opportunity to
188 speak to the County commissioners at that time but also to hear about any developments of what is proposed.

189

190 Bal K Sharma: It sounds like some of the neighbors need to be educated about the good and the bad of this
191 proposal. I said commercial is good for several reasons, but at the same time, homeowners are outraged and they
192 need to be convinced why it is good for them. If everyone understands why it is good it will be a win-win for
193 everyone. Everyone needs to be educated on why it is important to the people and how it will also impact everyone.

194

195 Patrick Mallett: In North Carolina, most of the process is prescribed by state law on what you have to do. This type
196 of zoning process has to go to a planning board and it needs to make a recommendation. It then goes to an elected
197 body. With most jurisdictions in North Carolina, the notification requirements are far less than what we actually do.
198 Notices were sent out to every property owner that was on the tax rolls and owns property within a thousand feet.
199 We run legal ads, we post signs for both the planning board meeting and the board of commissioners meeting. We
200 also post all the information online so people can come and check our rezoning cases or what's new on the planning
201 portion of our website. If you have a question about this case or anything going on in the area, my door is always
202 open and you can contact me.

203

204 Adam Beeman: You said that the area has been intended to be commercial for some time. Do you have a date on
205 when that was set in stone for Orange County?

206

207 Craig Benedict: Good evening. Craig Benedict, Orange County Planning Director. This area was originally
208 designated in 1981 when zoning went into effect in this Township as Commercial Industrial Activity Node. They left
209 the existing zoning in place as (R-1) residential. You have also heard some of our discussions in the past about
210 leaving it for somebody to ask for a conversion consistent with the Commercial Industrial Activity Node if they wanted
211 to come in in the future. In 1994, the (CITAN) Commercial Industrial Activity Node was changed in land-use to
212 economic development while at the same time, they changed the zoning with the land-use, so the zoning is in place
213 just across Buckhorn Road. There are two different ways to do it. You will also notice that in these CITANs, the
214 commissioners have asked us if there are places that we are calling pre-zoned to fix to an area that's consistent with
215 that future land-use. In this case, the applicant was out in front of us. You may see some other conversions that are
216 even government initiated. The commissioners also noticed that in the 1990's there was housing in the area and
217 leaving the (R-1) designation on there allowed those houses to remain as a conforming use, so this was a way to
218 balance the program. This is in transition and may transition to more commercial industrial in the near future. By
219 2008, when the comprehensive plan was updated, we had additional outreach meetings to discuss the economic
220 development land-use and commercial industrial land use. The last opportunity was roughly in 2013 when we started

221 extending utilities into the area. We had no community meetings. The utilities for this area run from Gravelly Hill
222 Middle School over to Buckhorn Road with some properties on Buckhorn Road and then eventually tied in the Petro
223 Truck Stop with the sewer flowing back to Mebane. This was to support that future land-use such as commercial
224 industrial. When Patrick mentioned that this is part of the major transportation overlay, it's a recognition of its
225 proximity to the interstate and major interchanges.

226
227

228 **MOTION** by Randy Marshall to approve the rezoning. Seconded by Adam Beeman.

229 **VOTE:** Unanimous

230

231 Randy Marshall: In regard to the owner initiated amendment to the zoning atlas to rezone 16.45 acres consisting of
232 Rural Residential (R-1) and Neighborhood Commercial (NC-2) to all General Commercial (GC-4), the Planning Board
233 finds the requirements of section 2.8 of the (UDO) The Unified Development Ordinance have been deemed complete
234 and pursuant to section 1.1.5 and 1.1.7 of the (UDO) in Section 153(A)-341 of the North Carolina General Statutes.
235 The board finds consistent documentation within the record denoting that the amendment is consistent with the
236 adopted 2030 Comprehensive Plan. The amendment is consistent with applicable plans because it supports the
237 following 2030 Comprehensive Plans and goals and objectives. Objective, ED 1.5 identified barriers to development
238 to desired businesses and local businesses and (inaudible). Objective ED 2.5. Identify land suitable to accommodate
239 the expansion and growth of commercial industrial uses in the county. Land-use goal 1: Physically and
240 environmentally responsible (inaudible) growth consistent with the provision of adequate services and facilities and a
241 high quality of life. Land-use goal 4: Land development regulations guidelines techniques and/or incentives that
242 promote the integrative achievement of all comprehensive plan goals. The amendment reasonable and in the public
243 interest because it modifies existing non-residential zoning boundaries in an attempt to make existing operations
244 more conforming to local land-use regulations. Therefore, the Planning Board of Orange County hereby
245 recommends that the Board of County commissioners consider adoption of a proposed zoning atlas amendment.

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247 **AGENDA ITEM 8: ADJOURNMENT**

248

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

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Lydia N. Wegman, Chair