

**SUMMARY OF MAJOR QUESTIONS/RESPONSES
ON SETTLERS POINT
FROM NOVEMBER 14, 2017 PUBLIC HEARING**

1. What are the benefits of developing a project through the MPD-CZ process?

One of the primary benefits of the MPD-CZ process is that we are able to review/process the development of multiple parcels under a uniform set of development criteria where there are shared opportunities for infrastructure development (i.e. parking areas, preservation of existing landscaping, outdoor lighting, signage, etc.).

If these parcels were developed independently under existing zoning regulations, each individual parcel would be developed as its own entity with little to no opportunity for the County to compel coordination of development activities. Each parcel would have to have its own parking area, stormwater feature, landscape buffers, allowable building area (i.e. floor area ratio), individual outdoor lighting fixtures, etc. From staff's standpoint this translates into more development activity, more impervious surface area, and increased opportunities for impacts.

2. Why are the applicants not required to submit a site specific development plan?

Applicable provisions of the Unified Development Ordinance (UDO) do not require submittal of site specific development plans as part of the Master Plan Development Conditional Zoning (MPD-CZ) process.

As detailed in the abstracts for both the Planning Board and the BOCC, the MPD-CZ process involves the approval of a rezoning petition and a master development plan allowing for the proposed development of specific land use(s) on parcel(s) of property. Applications are processed in a legislative manner (i.e. does not require sworn testimony or evidence) and decisions are based on the BOCC's determination that the project is consistent with the purpose and intent of the Comprehensive Plan.

The County is, essentially, being asked to allow for the creation of a new zoning district establishing mandatory development criteria as well as a list of permitted land uses. If approved, the Zoning Atlas will be amended and the zoning designation of the property shall be changed to MPD-CZ.

Development would have to be consistent with the approved development proposal and all conditions imposed as part of the zoning atlas amendment process. Development of the property, specifically allowable land uses, will be in accordance with the newly created zoning district in accordance with the approved master plan and any imposed conditions.

Typically with a general use rezoning, the County cannot make specific requests for information on 'exactly' what land use(s) will be developed if a rezoning

petition is approved or impose conditions on development. If the rezoning petition is approved, the property can be developed for any land use permitted within the applicable district consistent with the standards/permit processes embodied within the UDO.

Through the MPD-CZ process, however, the County does have the opportunity to impose conditions on development activities to address potential impacts. Per Section 2.9.2 (F) (3) of the UDO, mutually agreed upon conditions can be imposed as part this process if they address:

1. The compatibility of the proposed development with surrounding property,
2. Proposed support facilities (i.e. roadways and access points, parking, pedestrian and vehicular circulation systems, screening and buffer areas, etc.) and/or
3. All other matters the County may find appropriate or the petitioner may propose.

Development of the various parcel(s) shall only be permitted through the review and approval of site plan application(s) in accordance within Section 2.5 of the UDO. This is so staff can verify all imposed conditions are adhered to and allow for final peer review by members of the Development Advisory Committee (DAC) as detailed within Section 1.9 of the UDO.

3. **What can the applicant do under current zoning regulations?**

As indicated during both the October 4, 2017 Planning Board and November 14, 2017 public hearing the properties associated with this rezoning are currently zoned to allow for non-residential land uses.

Specifically the parcels in District(s) 1 and 2 as proposed within the Settlers Point Master Plan Development Conditional Zoning (MPD-CZ) application are:

- a. Economic Development Hillsborough Limited Office (EDH-2), the purpose of which is defined within Section 3.7 of the UDO as:

'... to provide locations for low intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain limited commercial uses within employment centers or where vehicular access is provided internally to the development.'

- b. Economic Development Hillsborough Office/Retail (EDH-4), the purpose of which is defined within Section 3.7 of the UDO as:

'... to provide locations for high intensity office uses and supporting retail and service uses in the designated Hillsborough Economic Development District. The district is intended to be located on large areas as part of a cohesive development plan and may contain commercial uses within employment centers.'

- c. Economic Development Hillsborough Research and Manufacturing (EDH-5) the purpose of which is defined within Section 3.7 of the UDO as:

' ... to provide locations for a wide range of research, assembling, fabricating and light manufacturing activities, and such ancillary industrial activities as warehousing and distribution in the designated Hillsborough Economic Development District. Some commercial services are also permitted if they are part of a cohesive development plan that is predominantly comprised of permitted non-residential uses and provided all access is provided internally. The district is established to provide locations for research and industrial development which have little or no impact on adjoining properties'.

Existing allowable land uses within these districts, as detailed in Section 5.2.2 *Table of Permitted Uses – Economic Development Districts* include:

District	Uses Permitted By Right ¹	Uses Permitted with Class B Special Use Permit ²	Uses Permitted with Class A Special Use Permit ³
EDH-2	<ul style="list-style-type: none"> • Finance and Insurance (i.e. banks/credit unions, security/commodity brokers/exchanges, insurance, investment services, mortgage brokers, etc.) • Government offices, • Government protective services (i.e. police, fire, etc.), • Parks, • Accommodation and Food Service (i.e. hotel/motel, boarding houses, special food services – catering -, restaurant, etc.) • Administrative and Support Services (i.e. general management, personnel administration, clerical activities, cleaning activities, travel agents, packaging and labeling services, etc.) • Health Care/Social Assistance (i.e. physician/health care practitioners, dentist, mental health, outpatient care, medical/diagnostic labs, hospitals, nursing homes, retirement communities, child daycare, etc.) • Indoor theater, • Management of Companies/Enterprises • Professional/Scientific/Technical Services (i.e. lawyer, accounting/book keeping, architect/engineer, design services, computer system design, scientific research and development, advertising/public relations, etc.) 	None	None

¹ Reviewed and approved by planning staff with no board involvement (i.e. Board of Adjustment, Planning Board, BOCC).

² Reviewed and acted upon by the Board of Adjustment with no other board involvement (i.e. Planning Board or BOCC)

³ Recommendation made by Planning Board with final action taken by BOCC.

District	Uses Permitted By Right	Uses Permitted with Class B Special Use Permit	Uses Permitted with Class A Special Use Permit
EDH-4	<ul style="list-style-type: none"> • Finance and Insurance (i.e. banks/credit unions, security/commodity brokers/exchanges, insurance, investment services, mortgage brokers, etc.) • Government offices, • Government protective services (i.e. police, fire, etc.) • Parks • Information (i.e. publishing Industries, motion picture and sound recording industries, software publishers, radio and tv broadcasting, data processing/hosting, libraries, internet publishing/broadcasting/web search portals, etc.) • Accommodation and Food Service (i.e. hotel/motel, boarding houses, special food services – catering -, restaurant, etc.) • Administrative and Support Services (i.e. general management, personnel administration, clerical activities, cleaning activities, travel agents, packaging and labeling services, etc.) • Health Care/Social Assistance (i.e. physician/health care practitioners, dentist, mental health, outpatient care, medical/diagnostic labs, hospitals, nursing homes, retirement communities, child daycare, etc.) • Management of Companies/Enterprises • Professional/Scientific/Technical Services (i.e. lawyer, accounting/book keeping, architect/engineer, design services, computer system design, scientific research and development, advertising/public relations, etc.) 	None	None

District	Uses Permitted By Right	Uses Permitted with Class B Special Use Permit	Uses Permitted with Class A Special Use Permit
EDH-5	<ul style="list-style-type: none"> • Construction (i.e. building contractors, heavy/civil engineering contractors, specialty trade, etc.), • Government offices, • Government protective services (i.e. police, fire, etc.), • Parks, • Public Administration (includes government offices as well as: government space flight operation offices/launching facilities, national security land uses, etc.) • Transportation and Warehousing (i.e. air – cargo and passengers, rail/water/bus, freight trucking, transportation of petroleum products, general/refrigerated storage, etc.) • Wholesale Trade – Durable Goods (i.e. motor vehicles/parts, furniture, lumber, professional/commercial equipment, household appliances, paper/paper product, apparel/piece goods, food, chemical/allied products, etc.) • Elevated water storage tank, • Public utility substations, • Water/sanitary sewer pumping stations. 	None	None

In the summer of 2016 staff was directed to complete a review of allowable land uses within the Economic Development Hillsborough general use zoning districts (i.e. EDH 1 through 5).

BOCC members wanted to expand/modify allowable uses within these districts to ensure consistency with:

- a. Other Economic Development general use zoning districts, and
- b. To ensure allowable land uses coincided within the overall purpose and intent of the district as currently defined within the UDO.

These activities, which were reviewed and commented on by both the Planning Board and the BOCC, resulted in the following:

- i. Expand allowable research and manufacturing/light industrial land uses within the EDH-5 general use zoning district consistent with its existing intent and purpose.
- ii. Allow for retail land uses in the EDH-4 general use zoning district consistent with its existing intent and purpose.

If this project is not approved, the applicant will have to wait for the final modification(s) of the table of permitted land uses to be adopted by the BOCC to propose manufacturing/research/light industrial development activities within the EDH-5 general use zoning district as well as retail within the EDH-4 general use zoning district. As a reminder these modification(s) are consistent with the direction and suggestion of both the Planning Board and BOCC members.

Pertinent Links to materials associated with this topic include:

- July 6, 2016 Ordinance Review Committee Meeting Notes:
<http://www.orangecountync.gov/7.6.16%20ORC%20Notes.pdf>
- August 3, 2016 Planning Board Minutes:
<http://www.orangecountync.gov/8.3.16PlanningBoardMinutes.pdf>
- September 7, 2016 Planning Board Minutes:
<http://www.orangecountync.gov/090716PlanningBoardMinutes.pdf>
- September 12, 2016 Quarterly Public Hearing Agenda Materials:
<http://server3.co.orange.nc.us:8088/weblink8/0/doc/42565/Page1.aspx>
- September 12, 2016 Quarterly Public Hearing Minutes:
<http://server3.co.orange.nc.us:8088/weblink8/0/doc/43289/Page1.aspx>

It was ultimately decided to incorporate these efforts into the table of permitted use project, which has been reviewed at several Ordinance Review Committee (ORC) and Planning Board meetings, which can be accessed at:

[http://www.orangecountync.gov/departments/planning_and_inspections/orange_county_planning_board_\(pb\).php#](http://www.orangecountync.gov/departments/planning_and_inspections/orange_county_planning_board_(pb).php#).

4. What does the Unified Development Ordinance (UDO) allow as ‘permitted land uses’ within the Master Planned Development (MPD) Conditional Zoning District?

Per Section 5.2.3 *Table of Permitted Uses – Conditional Zoning Districts* of the UDO, the following land uses are considered to be ‘permitted’ within the MPD-CZ district⁴:

Use Types	Proposed for development within Settlers Point
Agricultural Uses	
Agricultural Processing Facility	No
Agricultural Services Uses	No
Cold Storage Facility	No
Community Farmers’ Market	No
Cooperative Farm Stand	No
Farm Supply Store	No
Feed Mill	No
Greenhouses with On Premises Sales	No
Stables, Commercial	No
Child Care & Educational Facilities	
Child Care Facilities	Yes
Libraries	Yes
Schools: Dance, Art & Music	Yes
Schools: Elementary, Middle & Secondary	No ⁵
Schools: Vocational	Yes
Universities, Colleges & Institutes	No
Commercial Uses	
Banks & Financial Institutions	Yes
Beauty & Barber Shops	Yes

⁴ Subject to the approval of an MPD-CZ application by the BOCC with the applicant specifically requesting said land use(s).

⁵ The applicant removed this land use from the project to allow staff to solicit additional input on the need for a school south of Interstate 40 from the Orange County School System.

Use Types	Proposed for development within Settlers Point
Commercial Uses (continued)	
Construction (offices)	Yes
Contractors, Building & Trade (offices)	Yes
Country Store	No
Finance & Insurance	Yes
Funeral Homes	No
Garden Center with On Premises Sales	No
Hotels & Motels	Yes
Insurance Carriers & Agents	Yes
Laundry & Dry Cleaning Services	No
Management of Companies & Enterprises	Yes
Massage, Business of	No
Microbrewery with Minor Events	No
Microbrewery with Major Events	No
Nightclubs, Bars, Pubs	No
Offices & Personal Services	Yes
Professional, Scientific & Technical Services	Yes
Real Estate Agents & Brokers	Yes
Repair Service Electronic & Appliance	No
Restaurants: Carry Out	Yes
Restaurants: Drive In	Yes
Restaurants: General	Yes
Retail	Yes
Rural Guest Establishment: Bed & Breakfast	No
Rural Guest Establishment: Bed & Breakfast Inn	No
Rural Guest Establishment: Country Inn	No
Storage of Goods, Outdoor	No
Storage or Warehousing: Inside Building	Yes
Studio (Art)	Yes
Theater, Indoor or Outdoor (including Drive-ins)	Yes ⁶
Wholesale Trade	Yes
Winery with Minor Events	No
Winery with Major Events	No

⁶ Applicant has proposed an indoor movie theater within the project.

Use Types	Proposed for development within Settlers Point
Government Uses	
Governmental Facilities & Office Buildings	Yes
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	Yes
MANUFACTURING, ASSEMBLY & PROCESSING	
Assembly and Packaging Operations Including Distribution and Mail Order Houses, But Excluding On-Premises Retail Outlets	Yes
Industrial, Heavy ⁷	Yes ⁸
Industrial, Light ⁹	Yes
Industrial, Medium ¹⁰	Yes
Manufacturing	Yes
Microbrewery, production only	Yes ¹¹
Pharmaceutical Products	Yes
Printing & Lithography	Yes
Winery, production only	Yes

⁷ Defined within Article 10 Definitions of the UDO as: *Manufacturing & processing operations with a greater potential to impact surrounding properties, where a majority or large component of the operation may occur in the open air. Such uses may include, but not be limited to, the following: asphalt mixing plants; cement manufacturing or processing; commercial food processing (packing and rendering) plants, including meat, poultry and fish; and, concrete mixing plants.*

⁸ The applicant has listed several manufacturing land uses as being allowable within District 1. These uses fall into the various 'industrial' categories as defined within the UDO.

⁹ Defined within Article 10 Definitions of the UDO as: *Manufacturing & processing operations that occur entirely indoors and have limited impacts on surrounding properties, including, but not limited to, production of the following: food products (i.e. commercial bakery, candy, and beverages, including bottling); surgical, medical and dental instruments; wood cabinets, furniture and upholstery; light machinery, including household appliances; toys, sporting and athletic equipment, excluding firearms and ammunition; and, paper products, such as bags, containers, and cardboard.*

¹⁰ Defined within Article 10 Definitions of the UDO as: *Manufacturing & processing operations that may occur indoors or outdoors and have limited impacts beyond the boundaries of the zoning district, including, but not limited to, the following: heavy household, commercial and industrial appliances; manufactured homes, recreational vehicles and related components; automotive, farm and construction machinery; and, commercial building components.*

¹¹ The applicant is proposing to allow for 'food and beverage product manufacturing and bottling' which would include a microbrewery and/or a winery as contained within this table.

Use Types	Proposed for development within Settlers Point
MEDICAL USES	
Health Services: Over 10,000 Sq. Ft.	Yes
Health Services: Under 10,000 Sq. Ft	Yes
Hospitals	No
Veterinary Clinic	No
Veterinary Clinic, mobile	No
RECREATIONAL USES	
Golf Driving and Practice Ranges	No
Parks, Public	Yes
Recreational Facilities	Yes ¹²
Golf Course	No
RESIDENTIAL USES	
Dwelling; Multiple Family	No
Dwelling; Single-Family	No
Dwelling; Two-Family	No
Group Care Facility	No
Rehabilitative Care Facility	No
TRANSPORTATION	
Bus Passenger Shelter	Yes
Bus Terminals & Garages	No
Motor Freight Terminals	No
Motor Vehicle Maintenance & Repair (Body Shop)	No
Motor Vehicle Repair Garage	No
Motor Vehicle Sales Rental (New & Used)	Yes ¹³
Motor Vehicle Services Stations ¹⁴	Yes

¹² The applicant is proposing to allow for indoor/outdoor swimming pool, arcades, and indoor gym/physical fitness center within the project.

¹³ This would fall under a 'retail' land use, which is proposed for location within the project.

¹⁴ This is the land use category currently utilized by the County to include a gas station.

Use Types	Proposed for development within Settlers Point
TRANSPORTATION (continued)	
Parking As Principal Use, Surface or Structure	Yes
Petroleum Products: Storage & Distribution	No
Postal & Parcel Delivery Services	No
UTILITIES	
Elevated Water Storage Tanks	Yes
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	Yes
Electric, Gas, and Liquid Fuel Transmission Lines	No
Water & Sanitary Sewer Pumping	Yes
Solar Array – Large Facility	No
Solar Array – Public Utility	No
MISCELLANEOUS	
Accessory Uses	Yes
Assembly Facility Greater Than 300 ¹⁵ Occupants	No
Assembly Facility Less Than 300 Occupants	No
Church	Yes
Clubs or Lodges; Social; Fraternal or Union Clubhouses	Yes
Community Center	No
Crematoria	No
Historic Sites Non-Residential/Mixed Use	No
Information	No
Research Facility	Yes
Research Lands & Installations, Non-profit	No
Rural Special Events	No

¹⁵ This facility is not specifically listed within the application package. There are, however, land uses proposed for location within Settlers Point that can be classified as an assembly operation.

Only those land uses proposed by the applicant, and approved by the BOCC as part of a MPD-CZ application, can be developed within the project consistent with all other applicable development standards.

As detailed herein, the applicant has proposed numerous land uses the BOCC has determined are appropriate for location within an MPD-CZ project.

5. What do current Comprehensive Plan designations allow for development on these properties?

As indicated during the October 4, 2017 Planning Board and November 14, 2017 public hearing, the properties associated with this rezoning are located within the Economic Development Transition Land Use category, as denoted on the Future Land Use Map (FLUM), defined as follows within the adopted Orange County Comprehensive Plan:

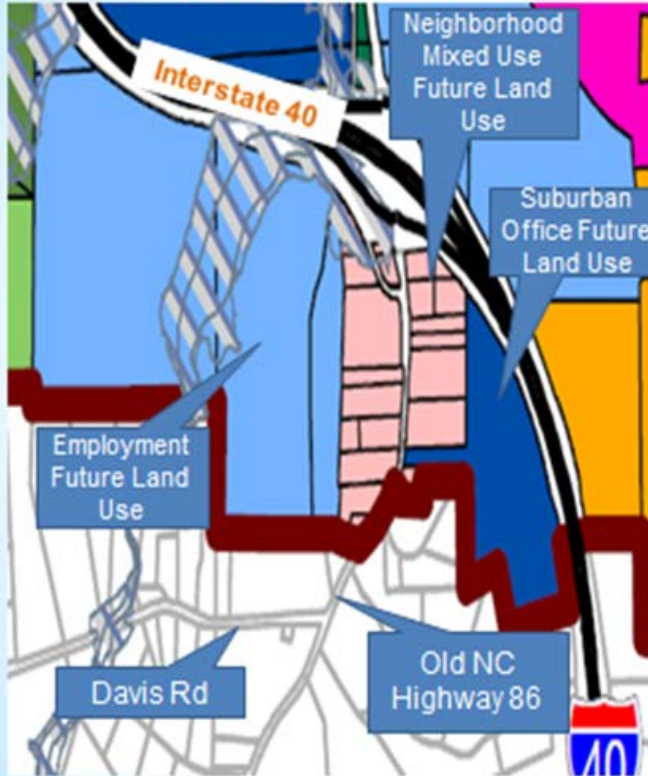
Land in areas of the County which has been specifically targeted for economic development activity consisting of light industrial, distribution, office, service/retail uses, and flex space (typically one-story buildings designed, constructed, and marketed as suitable for use as offices but able to accommodate other uses such as a warehouse, showroom, manufacturing assembly, or similar operations.) Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards.

The land uses proposed as part of the Settlers Point application for District(s) 1 and 2 are consistent with the purpose and intent of the Comprehensive Plan.

In addition, the Town of Hillsborough and Orange County have elected to engage in a joint planning effort in this area resulting in the adoption of a Joint Planning Land Use Plan and agreement further detailing anticipated development activities on these properties as envisioned by the Town and the County.

Staff provided this information as part of our presentation to the Planning Board at its October 4, 2017 regular meeting and to the BOCC at its November 14, 2017 public hearing. During the public hearing staff presented a power point presentation containing the following slide:

SETTLERS POINT PROJECT (continued):



Orange County / Town of Hillsborough Joint Planning Land Use Plan Designates the area:

- **Employment:** Light / general industrial, office, research/development, support services uses including restaurants, retail, etc.
- **Neighborhood:** Retail (goods and services), high density residential, etc.
- **Suburban Office:** Office / employment (do not necessarily rely on walk-in customers), etc.

ORANGE COUNTY
NORTH CAROLINA

The Joint Planning Land Use Plan defines the properties associated with this request as follows:

- District 1 of Settlers Point: Defined within the adopted Joint Planning Land Use Plan as follows:

Employment areas. These areas include a wide range of business, light industrial, office, research and development, along with related/support services uses including restaurants, small scale retail and convenience shopping/services. Buildings and uses will be sited to limit the visual impact of service and warehousing operations, while still providing convenience for business functionality. These areas are in prime locations with good access to major road networks (where capacity exists or is planned) and rail if needed and should be reserved for high return employment generating uses. **Zoning Districts:** High Intensity Commercial; Business Park; Economic Development District; Light Industrial, General Industrial; Entranceway Special Use; Special Design Special Use.

- ii. Portion of District 2 along Old NC Highway 86: defined within the adopted Joint Planning Land Use Plan as follows:

Neighborhood Mixed Use. *These areas provide opportunities for goods and services that residents of the district and surrounding neighborhoods need on a daily basis. Lots with this designation will front on an arterial or collector street and back up to single family neighborhoods. Buildings and uses will generally be in scale with the surrounding neighborhoods and be walkable as well as providing vehicular access. Sites may be single use or, mixed use, may incorporate residential uses or may be solely residential at a higher density than the adjacent neighborhood.* **Zoning Districts: R-10; Multi-family; Neighborhood Business; Neighborhood Business Special Use; Central Commercial; Central Commercial Special Use; Multi-Family Special Use; Residential Special Use.**

- iii. Portion of District 2 along Interstate 40: defined within the adopted Joint Planning Land Use Plan as follows:

Suburban Office Complex. *These areas provide opportunities to for office and employment enterprises which do not rely on walk-in customers or have a manufacturing component. Businesses may be large or small but will generally arrange themselves in a campus setting with limited walkability and supporting services. Developments of this type should be kept small in nature to limit the peak transportation impact and limited vitality.* **Zoning Districts: Limited Office; Office Institutional; Business Park; Economic Development District; Entranceway Special Use; Special Design Special Use.**

The Joint Planning Land Use Plan has identified acceptable levels of development activity, which would include retail in District 2 (i.e. *provide opportunities for goods and services that residents of the district and surrounding neighborhoods need on a daily basis*).

The project is consistent with anticipated land uses based on the existing County Comprehensive Plan as well as the Joint Planning Land Use Plan adopted by the County and the Town of Hillsborough.

6. When did the Town of Hillsborough indicate they were concerned about allowing retail in this project?

During the October 4, 2017 Planning Board meeting, staff identified correspondence contained within Attachment 4 of the meeting agenda packet from the Town of Hillsborough outlining their concerns over the project. This included concerns over District 3 (residential district) as well as allowing retail

within the project. The abstract presented to the Planning Board at its October 4, 2017 meeting references same.

Ms. Margaret Hauth was at the October 4, 2017 Planning Board meeting and offered comment(s) on the proposal reiterating many of the same points articulated in the aforementioned letter.

As indicated by Ms. Hauth, and reaffirmed by Mayor Tom Stevens at the November 14, 2017 public hearing, the Town is concerned retail development within this project will hinder marketing/redevelopment efforts within the Town, most notably in and around Daniel Boone Village.

While the County understands the concern, retail land uses are envisioned in this area based on existing land use plan designations as previously identified herein.

7. What happens if the Town annexes properties within either District 1 or 2? How will the properties be developed? Will conditions associated with this application still be enforceable?

If properties are annexed into the Town of Hillsborough corporate limits they will be zoned to an appropriate Town general use zoning designation in accordance with applicable land use plan guidelines.

The properties will, therefore, lose the MPD-CZ zoning designation and will not be subject to County site plan review/approval procedures or any applicable condition(s) established as part of this process.

Development will occur consistent with Town of Hillsborough guidelines and standards as embodied within its Unified Development Ordinance.

8. What erosion control and stormwater standards are being proposed for this development?

Per the application narrative and recommended conditions, development within Settlers Point shall comply with the provision(s) of Section(s) 6.14 *Stormwater Management* and Section 6.15 *Soil Erosion and Sedimentation Control* of the UDO as currently written.

9. Will the project have to comply with County floodplain management and floodplain buffer requirements?

Per the application narrative and recommended conditions, development within Settlers Point shall comply with all applicable floodplain management standards currently enforced within the County, including:

- a. Observance of floodplain buffers in accordance with Section 6.13 of the UDO;
- b. Prohibition of development/land disturbance activity within the floodplain.

STAFF COMMENT: Please note utility and roadway/driveway development is permitted to occur within identified floodplain area based on current regulations.

- c. Limitations on the use/depositing of fill material within the floodplain; and
- d. Prohibition on the storage of chemicals/hazardous materials within the floodplain.

The applicant is not seeking modification of existing development constraints associated with identified floodplain located within the project.

Further staff is not recommending allowances above or beyond currently enforceable standards.

10. What are the current allowances for clearing of the Major Transportation Corridor (MTC) Overlay District Buffer?

Per Section 4.7.2 of the UDO, the MTC Overlay District extends along all Interstate Highways within the County. In those instances where there is an interchange, the District extends 2,500 ft. on each side of the intersecting roadway.

In this specific instance the MTC Overlay District extends along Old NC Highway 86 from the Interstate 40 interchange for 2,500.ft (approximately half a mile) in each direction.

Section 6.6.4 (A) (5) allows for breaks for property located adjacent to an interstate. The section reads as follows:

Non-residential uses within Transition Areas, as designated by the Comprehensive Plan, may provide one break in the required buffer per lot adjacent to the interstate right-of-way in order to provide an on-site commercial sign and/or building visibility. The break shall constitute no more than 50% of the interstate highway frontage.

The applicant had proposed the following as part of this project:

- o *Allow for a 60% break in the MTC Buffer (i.e. versus 50%) if 50% of the disturbed area was re-established.*
- o *Allow for 50 ft. of the required MTC buffer to be disturbed, specifically the area 50 ft. from the Interstate, to facilitate development of access roads, parking lots, walkways, and stormwater facilities.*
- o *Where clearing occurs, the buffer shall be re-established to the specifications of a Type C Land Use Buffer as detailed in Section 6.8.7 of the UDO.*
- o *Buffer area shall be replanted to a minimum 50% of the disturbed buffer width except in those instances where utility services (i.e. power lines, stormwater facilities, water/sewer lines, etc.) prevent replanting.*

At the public hearing, BOCC members expressed a willingness to allow for breaks within the MTC buffer consistent with existing standards but were skeptical of making further allowances without additional detail(s).

The applicant was directed to submit schematic illustrating how the project will comply with the provisions of Section 6.6.4 (A) as well as how much

'encroachment' is being proposed, what would be allowed, and any proposal to re-vegetate the area to address buffer requirements for vehicular use areas (i.e. roadway and parking).

11. What outdoor lighting standards would this project have to comply with?

Per the application narrative and recommended conditions, development within Settlers Point shall comply with the provision(s) of Section(s) 6.11 of the UDO.

The overall purpose/intent of the County's light ordinance is articulated in Section 6.11.1 of the UDO, reading as follows:

The purpose of outdoor lighting standards is to balance the public safety need for outdoor lighting fixtures that are used to enhance lawful, permitted, nighttime use and enjoyment of property while at the same time promote nighttime vision, natural resource conservation, community values, and aesthetics by establishing standards for the designing, application, and use of outdoor lighting resources and fixtures.

Accordingly, the specific regulatory objectives of these standards are as follows:

- (A) Promote nighttime visibility by directing appropriate levels of illumination upon intended targets*
- (B) Permit and promote the reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce,*
- (C) Conserve energy and resources to the greatest extent possible,*
- (D) Minimize adverse offsite impacts generated by outdoor lighting including, but not limited to, light trespass and obtrusive lighting.*
- (E) Curtail and limit light pollution and preserve the nighttime environment by:*
 - (1) Restoring the natural cycles of light and dark to the indigenous natural environment, and*
 - (2) Darken the night sky by reducing unnecessary transmission of upward light both directly from an unshielded light source and indirectly from ground-level reflections of excess downward light.*

Some of the general condition(s) development will have to adhere to include:

- a. Per Section 6.11.4 mercury and/or sodium vapor lighting fixtures are prohibited;
- b. Formal lighting plans shall be required for all project as detailed in Section 6.11.5;

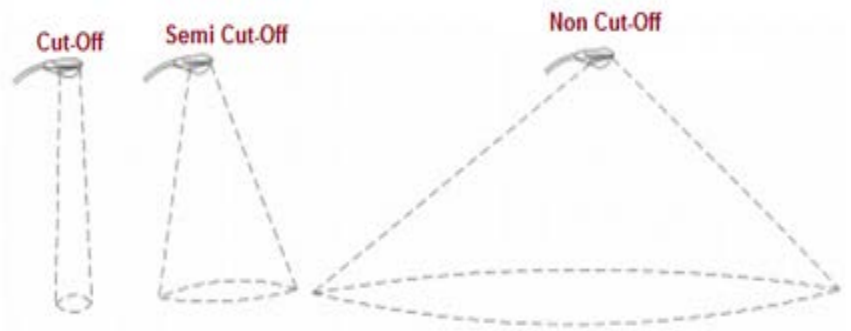
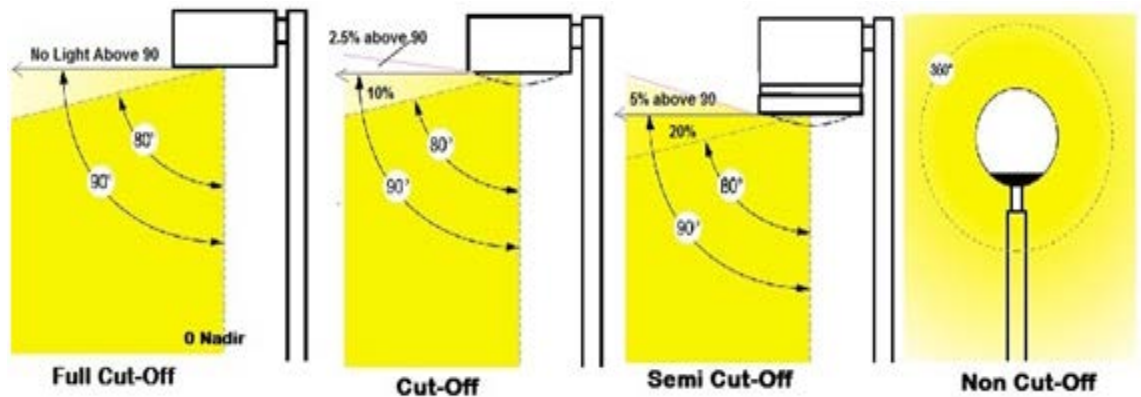
- c. The maximum light level permitted along common property lines shall be 0.5 foot-candles at any adjoining residential property line and/or 1.0 foot-candle at any adjoining non-residential property line as detailed in Section 6.11.6 (A); and
- d. All outdoor area and parking lot lights shall be full cut-off fixtures. Further no lamp surface may be visible from any residential area and/or roadway (public or private).

STAFF COMMENT: As defined within Article 10 *Definitions* of the UDO a full cut-off fixture is defined as:

A lighting fixture shielded or constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part.

Put simply it is a type of fixture where no light dispersion or direct glare shine above a 90-degree, horizontal plane from the base of the fixture.

A schematic has been provided detailing light dispersal from various fixtures to help illustrate the point.



12. Will these standards address concerns over potential 'glowing' emanating from the outdoor lights installed as part of this project?

Unfortunately there will more than likely be a visible 'glow' in the general area created from the erection of outdoor lights if the properties are developed, either under existing allowances or if the rezoning petition is approved.