

MINUTES  
JOINT PUBLIC HEARING  
HILLSBOROUGH TOWN BOARD and PLANNING BOARD  
Thursday, April 19, 2007

7:00 PM, Gordon Battle Courtroom, New Orange County Courthouse

**BOARD OF COMMISSIONERS PRESENT:** Mayor Tom Stevens, Commissioners Frances Dancy, Evelyn Lloyd, Mike Gering, L. Eric Hallman, and Brian Lowen.

**PLANNING BOARD MEMBERS PRESENT:** Chair Matthew Farrelly, Tom Campanella, Edna Ellis, Kathleen Faherty, Neil Jones, Dave Remington, Toby Vandemark, and Barrie Wallace.

**STAFF PRESENT:** Town Manager Eric Peterson, Assistant Town Manager/Public Works Director Demetric Potts, Planning Director Margaret Hauth, and Town Attorney Bob Hornik.

**ITEM #1: Call public hearing to order.**

Mayor Stevens called the Joint Public Hearing to order at 7:05 p.m.

**ITEM #2: Continued hearing to amend Flood Damage Prevention Ordinance to prohibit new development in the floodplain with exceptions for streets, utilities, and recreation facilities.**

Planning Director Margaret Hauth stated that at the previous hearing new maps were being considered, which had been adopted. She said also under consideration at that time was an ordinance that would prevent any further development within the 100-year floodplain. Ms. Hauth explained that the 100-year floodplain was the area between the body of water and the line that was marked as the 100-year floodplain that was regulated.

Ms. Hauth said the ordinance allowed for renovation of an existing structure that was in the floodplain, and also allowed for additions to be constructed if the additions were on the side of the property that was not in the floodplain. She said there were also exemptions for such things as road crossings and recreational facilities and others. Ms. Hauth said this ordinance would go beyond the required minimum, adding it was not uncommon for jurisdictions to put such an ordinance in place.

Doug Robins asked if an area could be raised to lift it above the floodplain level. Ms. Hauth said that could be done only with a "No Rise" certificate, which was an engineer's statement that the land had been reformed but it had not increased the floodplain flooding either upstream or downstream from the site.

Charlene Campbell said she was directly impacted by the proposed ordinance, stating that she did not understand the restriction in her area although she did understand the need for insurance. She said they had not had a flood in 40 years along the Exchange Park Lane properties. Ms. Campbell said these measures should only be applicable to certain areas, and restrictions should be based on more localized information.

Mr. Robins asked was there time to meet with Ms. Hauth to gain a better understanding of the ordinance. Mayor Stevens stated they would not be making a decision tonight, so there was time to visit the Planning Office. Mr. Robins said he was concerned that the ordinance would in effect condemn some properties or portions of properties.

Upon a motion by Commissioner Hallman, seconded by Commissioner Gering, the Boards moved to close the public hearing on the Flood Damage Prevention Ordinance by a vote of 13-0. The motion was declared passed.

**ITEM #3: Zoning Ordinance Text Amendments affecting parking requirements for retail and government uses.**

Ms. Hauth said presently government facilities and offices were included with other office uses as well as financial institutions. She said the ordinance currently required one parking space for an employee plus one space per each 200 square feet of gross floor area of a building. Ms. Hauth said a group of citizens were requesting that government facilities and offices be removed from that group and parking requirements set at one space per 200 square feet of floor area used by the public, plus one space per 600 square feet of floor area not used by the public.

Ms. Hauth said for retail space, the ordinance currently called for one space per employee plus one space for each 200 square feet of gross floor area. She said the citizens group was asking that the one space for each employee requirement be removed, so that retail was required only to provide one space for every 200 square feet.

Jim Boericke stated he believed it was unfair to retail and future government expansion to require so much parking. He suggested that the ordinance be modeled after Burlington and Chapel Hill to provide adequate parking and to reduce the concern that Hillsborough could be dominated by parking lots, decks, and paved surfaces.

Joe Phelps remarked he was concerned about the speed at which this ordinance was being considered. He said he did not know whether the current Mayor received complaints about ample parking from citizens and businesses, but said he certainly had during his four years as Mayor. Mr. Phelps said businesses had said they could not survive because there was not sufficient parking. He added that other jurisdictions were not comparable to Hillsborough for various reasons, including the lack of mass transit. Mr. Phelps said the Town was encouraging tourism, and had previously considered spending significant funds to provide parking. He asked that the Boards seriously look at this before deciding.

Upon a motion by Commissioner Hallman, seconded by Commissioner Dancy, the Boards moved to close the public hearing on this item by a vote of 13-0. The motion was declared passed.

**ITEM #4: Zoning Ordinance Text Amendments to establish buffer requirements for intermittent streams and allow for staff stream determination.**

Ms. Hauth noted these were a series of text amendments suggested by the Planning Board to have the Town's ordinance more closely aligned with Orange County's in terms of stream buffer requirements and the ability for appropriately trained staff to make determinations regarding streams. She said determinations would involve the use of a detailed checklist.

Ms. Hauth said the text amendments would strengthen the Town's ordinance, allow staff to make field determinations on whether a body was really a body of water, and should generally work towards improving the water quality and reducing the amount of runoff by allowing the buffers to take some of the pollutants out of the runoff water before it entered a body of water.

Commissioner Lloyd asked if the County offered that same service to the Town, or did they have to have someone trained on the Town's staff to do that. Ms. Hauth said the County had indicated that their staff was willing to undertake that on the Town's behalf at no charge.

Commissioner Lowen asked if the text amendments were adopted, would they supercede those streams already protected by the Upper Neuse River buffer rules. Ms. Hauth said yes, because the new ordinance would be more protective.

Mayor Stevens asked what would be the impact on people who had gardens or natural areas that were overgrown and needed clearing out. Ms. Hauth said the dirt in the buffers should not be disturbed unless they were reseeded in some way that was quick acting. She said the County's Soil Erosion and Control staff would make that determination.

Mr. Campanella asked what would happen if a previously underground stream or culvert was suddenly daylighted due to a collapse or some other event, Ms. Hauth stated she would have to obtain that information and get back to the Board.

Upon a motion by Commissioner Gering, seconded by Commissioner Lowen, the Boards moved to close the public hearing on this item by a vote of 13-0. The motion was declared passed.

**ITEM #5: Rezoning Request from Fuqua Limited Family Partnership to correct zoning map error at 420 Calvin Street to rezone it from Residential-20 to Neighborhood Business (4.35.H.8 & 9)**

Ms. Hauth provided a brief introduction to this item, and read a letter from Scott Dorsett, a real estate appraiser and consultant, which stated that the building in question had never been used as a residence and should have never been zoned residential. She indicated that the rezoning request was for the building at 420 Calvin Street as well as the adjacent gravel parking lot used by a church.

Ms. Hauth read an email from Mark Rhoades who stated his concern that if rezoned, the building could in future be used for more disruptive commercial uses to the neighborhood. His email stated that the current use and appearance of the building gave the impression that the property was residential. His email said commercial use of the building would not be appropriate, and suggested that a Conditional Use Permit be placed on the property and when its current use ceased the property would revert back to residential status.

Ms. Hauth read an email from Loren Hodge that expressed his belief that the property was residential in appearance. The email went on to say that the neighborhood had not been aware that the property was used commercially until the current application was filed. The email asked that the owners of the property be given a Conditional Use Permit and when 420 Calvin Street was no longer used as commercial space that it revert back to residential status.

Commissioner Lloyd said in her memory the building had always been used as commercial space.

Ms. Ellis said in the 1950's the building was a savings and loan and later an insurance agency. She agreed with Commissioner Lloyd that the building was a commercial establishment and had never been used as a residence. Ms. Ellis added that the County had the property zoned for business use. She asked how it had happened that the property was zoned residential. Ms Hauth said the current zoning ordinance adopted in 1986 showed the property as residential, and did not know why. She added that the County was perhaps taxing the property as commercial, but did not have it zoned since it was within the Town's jurisdiction.

Len Fuqua, the owner, provided some history of the property, noting it was built in 1950 by a savings and loan. He said in the 1960's it was used as a barber shop for approximately 14 years, and his father purchased the property in 1974 and used it for his insurance company. Mr. Fuqua said it was used by a

heating and air conditioning company for a time, and had been used for the last 15 to 16 years they had used it for their rental property office and for storage. He said they had no plans to change the use from low impact, and just wanted to correct the wrong on the zoning maps.

Evelyn Poole-Kober stated she lived at 108 S. Occoneechee Street, and had bought her house in 1980. She said neighbors had alerted her of the rezoning request and she wanted to speak in support of it. Ms. Poole-Kober stated that the property had always been a business.

Pip Merrick, a resident of S. Occoneechee Street, said she had not even been aware that it was a business, noting it was a “wonderful” one. She said the current zoning may have been a mistake, but the building was located in a residential area. Ms. Merrick asked that the use of the property be allowed to stay the same, but that the zoning remain. She said she was concerned that if the zoning was changed it would set a precedent in other neighborhoods.

Upon a motion by Commissioner Hallman, seconded by Commissioner Dancy, the Boards moved to close the public hearing on this item by a vote of 13-0. The motion was declared passed.

**ITEM #6: Special Use Permit for Corbin Creek, a cluster subdivision of 20 lots on 12.24 acres between East Corbin Street and US 70 Bypass with access from East Corbin Street (TMBL 4.37.A.2)**

Margaret Hauth was sworn in. She provided some background on the SUP request, noting that the applicant was asking for some flexibility on the buffers around the perimeter of this unusual shaped lot. She said this property wrapped around an existing developed lot that was not a part of this subdivision. Ms. Hauth described the specific requests, including that the buffer on the US 70 Bypass be used as recreation area, and that on the south side of the wooded lot that wrapped around the subdivision that a “no buffer” requirement be accepted to accommodate the street right-of-way and the sidewalk.

Ms. Hauth noted the applicant was requesting that on the east and south sides adjacent to the Shaw and Haithcock properties that the Type C, 40-foot buffer be reduced to a Type A, 20 foot buffer in order to make the individual lots larger. She said they were also requesting that a large portion of the buffer be on individual lots rather than in a parcel owned by a homeowners’ association. Ms. Hauth added that buffers on individual lots would not count towards the open space requirement.

Commissioner Hallman asked if the right-of-way was sufficient for the future widening of the US 70 Bypass. Ms. Hauth stated that it was.

Jim Parker, speaking for the applicant, was sworn in. He said that Ms. Hauth had captured the highlights of the application quite well, adding that there was some severe topography on the property which was being proposed as the open space. Mr. Parker stated the transportation impact analysis performed had indicated no significant impact to Corbin Street. He added that the streets would be State roads since the property was located in the Town’s ETJ.

Ms. Ellis said regarding the cemetery, she did not believe there was enough buffer located there. She suggested a brick wall to reduce the noise impact. Mr. Parker said the 30-foot buffer met the requirements of the ordinance. Ms. Ellis said she would like to see a brick wall to reduce noise and provide privacy for graveside services.

Ms. Ellis said regarding the recreation area, she questioned whether it should be near US 70 Bypass. She said it was not centrally located nor was it handicap accessible. Mr. Parker responded that two recreation areas were being provided, one being near the street on the eastern side of the property that

was handicap accessible. Ms. Ellis said she did not believe next to a highway was a good location for a recreation area.

Ms. Ellis stated that underground storage was proposed in the recreation area at both recreation sites. Mr. Parker responded that the underground storage of stormwater was not a visible pipe. He said it was similar to what would be seen at Gateway, noting the stormwater would be discharged slowly over time.

Ms. Ellis said the applicant was requesting the use of the name Mitchell Street, and wondered if that was acceptable. She also stated that if the property were annexed it would require a 50-foot right-of-way. Mr. Parker responded they were providing a 50-foot right-of-way and a 10-foot utility easement on each side.

Ms. Ellis said this parcel had not been recorded as shown, noting that it involved additional property. Mr. Parker said when recorded it would be a recombination survey. Ms. Ellis asked if a power line ran through the recreation site. Mr. Parker responded no. Ms. Ellis asked where the water coming from the discharge pipe would go. Mr. Parker said it was a controlled-released stormwater system so there was not a normal discharge pipe that you might have under a street or a parking lot. He said it was not the same as a culvert.

Ms. Ellis asked how the runoff water got to those pipes. Mr. Parker said that would be addressed when construction plans were developed, noting they had not yet reached that point.

Ms. Ellis said a variance was being requested for the cul-de-sac on the east side, and they did not want to provide a buffer between the street and the Wolf property. She said that was a problem for her, noting that the Wolf property had been developed for years and it deserved a buffer. Mr. Parker noted that the Wolfs had attended the neighborhood meeting and had seen the plans, and offered no objections. Ms. Ellis said she would like to have that in writing from the Wolfs.

Mr. Farrelly noted that Marianne Wolf and Richard Shaw were both signed up to speak this evening.

Ms. Ellis said the traffic count conducted was on Mitchell Street, which was a dead end street. She said Cameron Street got more traffic, and asked why traffic was not counted on Cameron instead of Mitchell. Mr. Parker said the traffic count had been conducted based on Town guidelines.

Ms. Ellis asked about the radius of the cul-de-sacs, noting a concern for emergency vehicles. Mr. Parker said the cul-de-sacs would conform to NCDOT design standards.

Ms. Ellis asked if the developer was planning to build houses or only develop the lots. Mr. Parker said the owner/developer would furnish finished lots.

Ms. Ellis asked if they had considered providing an entranceway onto US 70 Bypass. She said the property appeared to align with Orange High Road. Mr. Parker said it did not fully align, and they had not pursued a connection. He said they did not believe it was the best plan for the Town or the subdivision, and did not want to provide a cut-through. Ms. Ellis said it would be more convenient, and stated that two entrances were needed. Mr. Parker said they would provide a stub out for future development.

Ms. Ellis asked if the applicant could increase the number of lots later. Ms. Hauth responded no, the applicant could not deviate from what was approved.

Mayor Stevens asked if the developer was seeking annexation. Mr. Parker responded not at this time. Commissioner Lowen asked would it be considered in the future. Mr. Parker responded yes. Commissioner Hallman said he would prefer that annexation be done now so they would not have to deal with involuntary annexation later.

Bryant Warren was sworn in. He said it was noted at the Parks and Recreation Board meeting recently that this would be one of the first major developments connecting US 70 and the Town. He asked the Boards to consider walking and pedestrian routes to the high school.

Marianne Wolf was sworn in. She noted that their property would be affected on three sides by this project. She said after the initial shock and attendance at the neighborhood meeting, they had looked at the proposal and considered its merits. Ms. Wolf said of all the possible development that could happen, this was the one they could agree with. She said they knew something would eventually be built there, and this development was the most advantageous. Ms. Wolf said they liked the cluster idea because it would provide open space. She said they had no objection to the development, adding they preferred having local people developing this. Ms. Wolf said they agreed with the projects general concept.

Richard Shaw was sworn in. He said he was listed on the deed for 224 E. Corbin, noting that he did not live there but his mother did. Mr. Shaw said he would prefer the land remain unchanged, but understood that it would change. He said he was glad the applicant was local. Mr. Shaw said there were five house lots adjacent to his mother's properties, and would prefer 20 to 40-foot buffers. He said it that was not possible he would like to see a vegetative screen. Mr. Shaw said he also liked the pedestrian connections to US 70.

Commissioner Hallman asked about the feasibility of annexation of the property. Ms. Hauth responded that the property was contiguous and could be annexed, but staff had not done an analysis of the financial impact. Commissioner Hallman said before the public hearing was closed, he would like to ask the applicant to consider voluntary annexation. Mr. Parker said they were agreeable, and would like to request annexation.

Commissioner Lowen moved to close the public hearing on this item. He asked if a separate hearing would be required for the annexation. Town Attorney Bob Hornik said a hearing would have to be held on the annexation request. He said in theory this hearing could be held open, the applicant could file for voluntary annexation, and then it could be considered concurrently with the continuation of the hearing. Mr. Hornik said this hearing could be closed and a separate hearing take place for the annexation request.

Mr. Farrelly asked if voluntary annexation would change any aspects of the development. Mr. Hornik reminded the Boards that the issues of annexation and the SUP were legally separate considerations.

Commissioner Gering asked if the applicant's verbal offer tonight binding. Mr. Hornik said the law required a written petition signed by all owners of the property, which would formally start the process for a voluntary annexation. Commissioner Gering asked if voluntary annexation could be an acceptable condition for approval of the application. Mr. Hornik responded yes.

The motion was seconded by Commissioner Hallman. The vote was 13-0, and the motion was declared passed.

**ITEM #7: Special Use Permit for Waterstone Community Park on a 22.05 acre site. Developer improvements include soccer field, playground, and parking; Phase 2 plans include restroom facility, trails, and picnic locations (TMBL 4.45..2K)**

Ms. Hauth provided a brief description of the application, noting the plans required that the park include in Phase 1 a soccer field and playground area, and that the applicant spend at least \$325,000 for planning, design, and implementation of that plan. She said that Phase 2 would be part of the development that would be undertaken by the Town.

David Swanson, the landscape architect, was sworn in. He provided a brief overview of Phase I of the project, as well as the general lot layout and existing conditions. Mr. Swanson took the Boards through the design elements, describing the parking area and location of the soccer field and playground. He provided some general details regarding the playground, noting it would be ADA accessible.

Mr. Farrelly said he understood that the playground would appeal to ages 5 – 12, and that seemed limited. He said at least one structure should appeal to those children under 5 to make the playground more inclusive. Mr. Swanson said children 2 -5 generally used the Tot Lot, but they would be happy to provide a structure for the younger age group. He said they would be discussing that with the Parks and Recreation Board.

Tim Michael, with John R. McAdams Company, was sworn in. He provided a handout that included the engineer's estimate of the mandated \$325,000 expenditure, with Phase 1 work noted in red.

Commissioner Gering asked if there was a 10% contingency on construction and 5% for design. Mr. Michael responded yes. Commissioner Gering said they had seen recent estimates that recommended more like 30%. If costs escalate, he asked, would they cut back on the plan or absorb the additional costs and build it as planned? Mr. Michael replied that those escalations were based on material costs common to plants. He said the relation to this project was limited, and he was not prepared to speak to any overruns.

Mr. Michael said the costs were broken out into 4 categories, with the first being what must be spent to get the site cleared, graded, treated for erosion control, and seeded. The next category, he said, was engineering and design costs. Mr. Michael said the third category was landscaping and site development costs, with the fourth being optional costs. He said that last category was what might be done should the project come in under budget.

Mr. Hornik commented that the \$325,000 expenditure was a floor, not a ceiling. He said the condition was that at least \$325,000 be spent, and that the applicant must construct one soccer field and a children's playground. Mr. Hornik said one of the things the Town Board was concerned about was ensuring that the Town got a quality park, which was why the minimum expenditure was imposed.

Commissioner Gering said if the plan was approved, was the applicant committed to building the items on the plan. Mr. Hornik responded yes.

Mr. Swanson elaborated than the drawings illustrated how they were prioritizing the elements within the budget. He said when they showed the parking lot with 41 spaces, they actually were required to provide only 26, but were showing on the plan additional grading area so that more might be accommodated. Mr. Swanson noted that there were several ways to build a soccer field, and they were proposing to build at the "medium" level.

Mr. Farrelly asked about the parking formula, noting that 26 were required but 41 were shown on the plan, with 11 shown for the soccer field on the side. He said with children at the playground and soccer games going on, he wondered if that was realistic. Mr. Farrelly asked about what type of water flow might go through there, noting he had concerns about the topography in terms of drainage through a "medium level" field. He asked who would have long term maintenance. Mr. Swanson said the park was located on a ridge, so no water would come above the site and travel to the soccer field. He said the field itself was on a plateau, adding that the Town would maintain the park once the warranty expired.

Commissioner Hallman said if the soccer field was of mid-level quality, was there data available on the use that would support. Mr. Swanson said they would plant Bermuda grass, which was very durable. He added that would be most important for traffic maintenance.

Mr. Hornik asked would the field be crowned in the center to prevent water from ponding. Mr. Swanson responded yes.

Commissioner Lloyd thanked the applicant for the work thus far, noting everything the Town Board had requested had been provided. She said she was pleased with the proposal.

Mr. Farrelly asked that the applicant give consideration to a wider range of children's play equipment, and to add swings to the equipment provided. Mr. Swanson said swings were not a large expenditure, but would require that a larger area be provided for that use. He said they had to be somewhat site sensitive, because the site dropped off in areas, but they would make it work.

Bryant Warren commented he was pleased that the mandated \$325,000 was a floor, not a ceiling. He encouraged the Boards to get everything possible from the applicant to make the park an exceptional one.

Upon a motion by Commissioner Hallman, seconded by Commissioner Gering, the Boards moved to close the public hearing on this item by a vote of 13-0. The motion was declared passed. The Boards took a brief break

**ITEM #8: Continue hearing on Annexation, Zoning, and Master Plan application from American Asset Corporation for the development of the Collins property and redevelopment of the Daniel Boone Village and Partin properties.**

Ms. Hauth provided a brief overview of the application. She said in the agenda packet was a list of Planning Board and Town Board questions gathered from the previous hearing, and staff had attempted to pull out the responses received thus far and had noted them in italics. Ms. Hauth said revised pages had also been provided by the applicant, as well as a revised fiscal impact analysis from the Town Manager and comments from the Strategic Growth Plan Task Force. She said she had received a map and a letter from HYAA that detailed their requests, and colored sheets were provided containing comments from Orange County.

All speakers currently signed up to speak on this item were sworn in at this time.

Joe Dye, speaking as the applicant, provided a brief background of the American Asset Corporation, noting their focus was on developing new projects. He said they had much experience and a good record of success in bringing forward quality developments.

Beth Trahos, with Smith Moore, provided an overview of the process and elements of the plan. She said they were requesting annexation as well as rezoning to Entranceway Special Use with a Master Plan. Ms. Trahos said the Master Plan contained 30 pages of commitments that would be used to review and ensure adherence to the elements of the Master Plan. She said they had been working hard on responding to the list of issues and concerns received after the last hearing.

Cara Lacey, a land planner with John R McAdams Company, said after receiving the list of questions and comments they had taken a step back to determine what was the most important to the Town. She said they wanted to answer the one question that was most important, which was how did the proposed project provide a unique opportunity for Hillsborough. Ms. Lacey said they had researched many different resources to answer that question, and their response was that the Boone/Collins proposal provided a unique opportunity for the Town by encouraging the creation of a mixed-use, sustainable community that embraced Smart Growth strategies and principles.

Ms. Lacey said in order to create that mixed-use, sustainable community they would encompass the concepts, concerns, and emerging issues during the planning stages to develop the framework for the project. She provided some brief details of different elements of the proposed plan and design guidelines unique to the Town. Ms. Lacey said every effort had gone in to making this project consistent with the Town's goals and plans.

Ms. Trahos noted that for the record, Ms. Lacy was an expert in land planning.

Ms. Trahos said regarding affordable housing, they had met with Robert Dowling of Orange Community Housing and Land Trust. She said based on their discussions with Mr. Dowling and their research, they were willing to commit to providing 20 single-family affordable homes plus a contribution of \$75,000 per year for 5 years for a total of \$375,000 for the administration of affordable housing within Hillsborough. Ms. Trahos said because of concerns of current residents and their interest in affordable housing, they were willing to collect contact information from those residents to provide them information on affordable housing opportunities.

Mr. Dye said contact information for residents would be provided to Town staff to make sure the information was put in the right hands. He said they wanted to make sure those residents knew of programs and other areas of service available to them.

Robert Dowling, Executive Director of Orange Community Housing and Land Trust, stated he was not a consultant to the developer, but a consultant to the Town and larger community. He said he was present to talk about the affordable housing component only. He said after talking with the developers, he had recommended changes to the applicant's initial proposal. Mr. Dowling said the new proposal was stronger, stronger than the Waterstone proposal, and he could stand behind it. He added that the affordable units would be marketed to persons between 60-80% of median income.

Commissioner Lloyd asked what would be the price for one affordable unit. Mr. Dowling estimated they would be no less than \$100,000 and no more than \$125,000.

Ms. Trahos said regarding the existing businesses, their hope was that those businesses would consider staying. She said that no existing business would be displaced by construction activity within 12 months of the approval of the rezoning. Ms. Trahos said regarding opportunities for useable land, they had increased the size of Parcel D from 6.5 acres to 12 acres with a commitment to preserve or dedicate it for use as community, civic, or school purposes. She said in addition, Parcel H consisting of 12.5 acres would be dedicated to the Town as open space.

Ms. Trahos said comments were made concerning sustainable construction techniques, and they were committed to the LEED core and shell program for commercial development, and had committed to providing Energy Star appliances in apartment units as well as making them available for all owner-occupied units. Ms. Trahos said they were also committed to water conservation at the SUP stage. She stated they had received on Monday the Town's financial impact statement, and were still reviewing and analyzing that.

Ms. Lacey said regarding natural and environmental resources, she quoted many smart growth planning policies. She then walked through commitments in the Intent, Summary and Design Guidelines sections of the Master Plan, and provided commitment details for each parcel. In response to questions and concerns raised earlier, Ms. Lacey summarized plans for open space, the linear trail along the railroad and power easements, landscape areas and buffers.

Mr. Farrelly asked that as Ms. Lacey went through her presentation, that she provide examples as comparisons. He said for example, much of the open space was on the outskirts and separated. Mr. Farrelly said obviously they would want such space peppered throughout the development, and it was difficult to tell if the spaces were small patches or something more substantial. Ms. Lacey said they had committed to providing open space in each parcel. She said for example, the open space in Parcel A would be made up a centralized plaza that could focus on children or a gathering space. Ms. Lacey said such a space could also be an open green area that could possibly be connected to the greenway in some way, or just be a landscape element. She said that sort of space would be designated in each of the parcels. Ms. Lacey said other open space could be a trail or a corridor, such as the linear trail along the railroad.

Ms. Lacey said there had been a question regarding the width of the buffer and its proximity to the single-family homes. She said in response, they had measured the distance from I-85 to a single-family home, taking into consideration the right-of-way, and had proposed and were committed to a 100-foot perimeter buffer.

Ms. Lacey said they had been asked to conduct a noise studied, and one was currently being analyzed. She said that information would soon be provided.

Mr. Remington asked about the proposed widening to I-85 and how that would affect the project. Earl Lewellyn, head of the Traffic Engineering Group with the John R. McAdams Company, stated they could not provide a definitive answer at this time. He noted that they did not know formally where the widening would be, that is, in the center or the outside, but intuition said to the inside. Mr. Lewellyn said he had not yet seen any preliminary designs that would confirm that.

Ms. Lacey spoke about pedestrian-friendly design, including walkability and integrated uses that could be accessed with a 15 minute walk. She pointed out on the plan what she called the pedestrian shed, roughly ¼ mile or a 5 minute walk. Ms. Lacey noted that research had shown that flexibility was advisable and it recommended a 10 to 15 minute walk in order to engage a larger number of users as well as transit stops. She said that a 5 to 15 minute walk to access housing, retail or green space were elements of the plan.

Mr. Farrelly said it appeared that the distances were much more than a 15-minute walk in some parcels. Mr. Campanella remarked that the plan was conceptual at this stage, not literal. Ms. Lacey said it was a fairly compact neighborhood and uses were within walking distance of retail. She said in order to achieve those walking times the developer was committed to providing sidewalks on both

sides of the road. Ms. Lacey said they would stress a pedestrian environment, including an interconnected sidewalk system and crosswalks that were specially paved or painted.

Ms. Lacey said in response to some density/intensity issues that had been brought forward they were providing 1,100 units on the site. She said in order to support transit on the site the density required was no less than 6-7 units per acre. Ms. Lacey said this site averaged 8 units per acre, which was not to support transit but was an effort to lower the density as requested. She said the 1,300 units originally proposed had been lowered to the currently proposed 1,100 units.

Ms. Lacey said that density on Parcels B, C, E, and F provided the high concentration of density close to the transit areas and helped to support the civic and commercial areas. She said the intensity and density of those parcels would support possible live/work and transit opportunities. Ms. Lacey spent some time describing the street sections throughout the site as well as signage.

Mr. Lewellyn spoke about transportation engineering-related issues brought forward at the previous public hearing. He discussed impacts to intersections on the north and south end of the project, some of which required new counts and additional analysis. Mr. Lewellyn walked through the traffic study and discussed the levels of service currently and what could be expected with future growth, with and without redevelopment of this site.

Mr. Hornik asked for an update on progress with the railroad to acquire access for crossing. Mr. Lewellyn said their model did assume that the road crossing was in place. He said that access was still being investigated. Mr. Hornik asked if they had figures for levels of service if that access was not obtained. Mr. Lewellyn said not at this time, but it would be contained in the new traffic study when submitted.

Mr. Lewellyn said the Churton Street Corridor Plan called for roundabouts, and they had informed NCDOT that they were considering that. He said in coordinating with Jim Dunlop at NCDOT, Mr. Dunlop had indicated that he had studied roundabouts at the interchanges. However, Mr. Dunlop had not yet forwarded his comments regarding that, he said. Mr. Lewellyn said in the interim they had prepared their own analysis, using a two-lane roundabout at the intersection of northbound I-85 and Churton Street. He said typically you would not want to see a volume to capacity, or v/c, ratio greater than 0.85, which was the point at which the roundabout started to break down. Mr. Lewellyn said with that ratio, they had not felt that a roundabout was a viable option. He noted that NCDOT used the same criteria. Mr. Lewellyn described other intersections that exhibited the same or similar conditions.

Mr. Lewellyn displayed a graphic that indicated where they would be widening the road to provide for a left-turn lane and the storage needed in that lane to accommodate the potential for delay when a train was crossing and the gates were down. He said they were considering a right-turn lane from the opposite direction, but a concern was that once you widened for the left-turn lane it would be difficult to get the grades acceptable to provide a right-turn lane within the right-of-way. Mr. Lewellyn stated they would also provide emergency response timing with and without such access.

Mr. Dye noted they had done some preliminary deed research on the railroad access to determine if it was an easement right or through a fee simple ownership, which would affect the rights of how that crossing operated. He said they had asked Mr. Lewellyn to identify how it would work if the railroad did not agree to the crossing. Mr. Dye said progress had been slow in that regard.

Mr. Lewellyn said it had been suggested to remove the driveway between the Shell Station and Wendy's restaurant for access management. He said they would be constructing a median without

Churton Street which would limit movements in and out of that driveway to right turns only. Mr. Lewellyn said removing the drive would negatively impact the intersection to the north at Mayo Street. He said the timing of road improvements would be phased with development of the site. Mr. Lewellyn said they were considering providing a railroad underpass at two potential areas, and in their discussions with the NC Rail Division they had explained the cost was estimated at \$6 to \$9 million. In addition, he said, because of the proximity of US 70 they would not be able to meet design standards, so that solution was not deemed practical. Similarly, Mr. Lewellyn said, the grades of the railroad, their property and Valley Forge Road would not allow them to go under or over to provide for a rail crossing.

Mr. Lewellyn said there had been a question regarding the safety of the current rail crossing. He said the crossing was currently gated and signalized, which was the safest condition he knew of for that type of crossing, with the exception of having audible horns which was not well accepted in residential areas. Mr. Lewellyn then looked at the improvements necessary if the connection to US 70 was obtained. If not obtained, he said, improvements would be necessary along the Churton Street corridor and on side streets, and then provided some detail on those improvements.

Ms. Trahos requested that Mr. Lewellyn be noted as an expert in traffic engineering for the record.

Ms. Trahos said they had hired Ellen Turco to assist them in evaluating historic features of the site, but she had been unable to attend tonight's meeting. She said that Brian Purdy, a land planner with the John R. McAdams Company, would provide Ms. Turco's results.

Mr. Purdy said a site visit had been conducted a week ago, and participants were Ellen Turco, Tom Magnuson, Joe Dye, Brandon Pluckett and himself. He said they had walked the wooded area east of the Daniel Boone Village to search for old road cuts possibly associated with 19<sup>th</sup> century travel. Mr. Purdy said they had found segmented stretches of the road bed of undetermined age or use. He said the road bed bisected the property primarily in Parcels A and B in a north/south fashion. Mr. Purdy said no foundations were noted, but had found evidence of dumping of construction debris.

Mr. Purdy said they had found records of two previous archeological studies, one dating back to 1978, which had found no archeological resources within these areas. He said they had not found any archeological resources during their site visit, as well. Mr. Purdy said Ms. Turco would be submitting a report once it was completed. He said they proposed to preserve a portion of the old road bed in its current state and would provide more information on that during the SUP process.

Chris Wachholz, with Cottages, Cabins, and Bungalows, said this site could possibly be the largest demolition and disposal of materials in Hillsborough's history. He said his company reclaimed building materials for reuse through systematic dismantling of buildings to maximize their potential for reuse and to keep as much debris as possible out of a landfill. Mr. Wachholz said his research had shown that many of the buildings could be moved which could result in storage structures or garages for others.

David Bennett, a board member of the Building Materials Reuse Association, provided a presentation on the potential for core materials reuse at this site and deconstruction in general, as well as structures that might be preserved.

Ms. Trahos requested that all documents provided tonight as well as the PowerPoint presentations be accepted into evidence.

Mayor Stevens said he realized there were many additions and corrections in the new plan, but asked had anything been removed as compared to the previous document. Ms. Lacey said most of the changes were additions, noting she could not think of any deletions.

Mr. Dye said the east/west road coming through the commercial area was more curved due to the topography of the site.

Bryant Warren asked that the Boards remember that recreation and open space are different. He said that there had been some discussion about preserving the old road bed, and was pleased to see that would be done. Mr. Warren asked that as they moved forward, that attention be paid to interconnectivity.

Ms. Wallace asked what Mr. Warren's thoughts were about the severed parcel south of I-85. Mr. Warren said it was okay for open space and would tie into the Cates Creek greenway. Ms. Wallace asked if you could build on it. Ms. Warren said that could be looked into, noting it still had to come before the Parks and Recreation Board. He said this project would change the life of Hillsborough, and it would take some time to work through all issues.

Commissioner Hallman noted for the record that Bryant Warren was the Chair of the Town's Parks and Recreation Board.

Terry Schneider, after having been sworn, said he had only one question/concern. He asked was this what they wanted Hillsborough to be. Mr. Schneider said this would change the Town completely, and suggested that the development be reduced by 20% to reduce the population increase. He noted that the plan was very confusing to him, and believed a better plan was needed.

Gwen Reid, after having been sworn, agreed that 1,100 units were too many. She said she hoped that this would not be a sprawling urban development where people must use cars to accomplish everyday tasks. Ms. Reid said she wanted to see good, responsible development using the best design standards and energy efficiency standards possible, as well as landscape development standards.

Commissioner Hallman said as they prepared a response to the Manager's financial impact analysis, he asked the developers to keep in mind that the Town was facing a wastewater treatment plant upgrade of \$44 million, which this project would make even more necessary. He asked that the developers look into how to help the Town bridge those financial deficits, noting the Town would expect some financial contribution to offset the impact of this development to that plant upgrade.

Commissioner Hallman said he was not satisfied with the uses noted on Parcel D, because it generally noted it as a municipal space, sports fields, or a school site. He said he did not want to be the one to tell HYAA they could not have a ball field because it had to be used for municipal space. Commissioner Hallman said they needed the option to have both uses on this property, as well as a school site. Mr. Dye said they had just received that report, and were willing to sit down and discuss report, determine where the deficits were and determine how they could address them. He said he would provide more information at a later time.

Commissioner Lloyd said she expected the same response from this development as they had received from Waterstone, noting it was a larger development with more houses.

Mayor Stevens that it appeared that much more information would be forthcoming. He asked Mr. Hornik if the public hearing needed to be held open. Mr. Hornik said if a date certain was not set, then notice would have to be republished.

Ms. Trahos asked if they could continue to provide information through the meeting with the Planning Board. Mr. Hornik said they would need to hold the hearing open in order to receive new information.

Commissioner Hallman said he would advocate to not set a date certain.

Mayor Stevens remarked they appreciated the thoroughness with which the developers had responded to questions and comments. He agreed that the public hearing should be held open. Mr. Dye asked that it be clarified exactly what they were being asked to do. He said much of what they were providing had been addressed this evening. Mr. Dye said they had received tonight further comments from Orange County and wanted to review those, as well as the Town's fiscal impact statement. He asked was there anything else. Mayor Stevens said the impact on the Town's wastewater treatment needed to be taken into consideration. Mr. Hornik said the four areas of response he had noted were on the report from Ellen Turco, from Mr. Lewellyn on traffic, to the fiscal impact analysis, and Orange County's comments.

Commissioner Hallman remarked the railroad legal issue still needed to be resolved. Mr. Hornik said they may need to look at other options to address that.

Mr. Farrelly said the County also had additional comments to make that would need to be addressed.

Upon a motion by Commissioner Gering, seconded by Commissioner Lowen, the Boards moved to adjourn the public hearing on this item by a vote of 13-0. The motion was declared passed.

**ITEM #9: Close public hearings.**

Upon a motion by Commissioner Gering, seconded by Commissioner Dancy, the Board moved to close the Joint Public Hearings by a vote of 13-0. The motion was declared passed.

**ITEM #10: Convene regular Planning Board meeting and conduct election of officers/appointments.**

Mr. Farrelly adjourned the joint public hearing and excused the Town Board. He called the Planning Board meeting to order at 11:11 p.m.

A short discussion ensued as to whether or not to elect a chair and vice chair at this time. Ms. Hauth said they could be delayed, but a representative to the Parks and Recreation Board and the Board of Adjustment needed to be appointed.

**MOTION:** Mr. Campanella moved to nominate Matthew Farrelly as Chair.

**SECOND:** Mr. Jones.

**VOTE:** Unanimous.

**MOTION:** Mr. Jones moved to nominate Toby Vandemark as Vice Chair.

**SECOND:** Mr. Campanella.

**VOTE:** Unanimous.

**MOTION:** Ms. Vandemark moved to nominate Dave Remington to serve as the Board's representative to the Board of Adjustment.

**SECOND:** Mr. Campanella.  
**VOTE:** Unanimous.

**MOTION:** Mr. Campanella moved to nominate Barrie Wallace as the Board's representative to the Parks and Recreation Board.

**SECOND:** Mr. Jones.  
**VOTE:** Unanimous.

**ITEM #11:** **Consideration of minutes from March 15 and March 22, 2007 meetings.**  
Mr. Campanella provided some corrections to minor typographical errors.

**MOTION:** Ms. Vandemark moved to approve the minutes as amended.

**SECOND:** Mr. Campanella.  
**VOTE:** Unanimous.

**ITEM #12:** **ADJOURN:**

Ms. Vandemark moved to adjourn the meeting, seconded by Mr. Campanella. The motion was adopted unanimously (8-0). The meeting was adjourned at 11:17 p.m.

Respectfully submitted,

Margaret Hauth, Secretary