

**MINUTES**  
**PLANNING BOARD**  
**August 16, 2007, 7:00 p.m.**

**MEMBERS PRESENT:** Chair Matthew Farrelly, Tom Campanella, Edna Ellis, Kathleen Faherty, Neil Jones, Paul Newton, Eric Oliver, and Dave Remington.

**ABSENT:** Toby Vandemark and Barrie Wallace.

**STAFF:** Margaret Hauth, Tom King.

**ITEM #1: Call to Order and Confirmation of a Quorum.**

Mr. Farrelly called the meeting to order at approximately 7:02 and confirmed a quorum of the Planning Board.

**ITEM #2: Adoption of Minutes from the June 21, 2007 regular meeting and the July 19, 2007 public hearing.**

Mr. Remington said on page 3, 3<sup>rd</sup> paragraph, last sentence of the June 21 minutes, he clarified that he had not suggested having businesses back up to the road as they did at Hampton Pointe, but was expressing concern and not advocating for that.

**MOTION:** Mr. Remington moved to approve the minutes as amended.

**SECOND:** Ms. Faherty.

**VOTE:** Unanimously approved.

**ITEM #3: Additions to the Agenda and Agenda Adjustments.**

Ms. Hauth introduced Tom King, the Town's new Senior Planner who began work on August 1. There were no additions or adjustments to the agenda.

**ITEM #4: Committee reports and updates.**

**Board of Adjustment:** Mr. Remington stated the BOA had held four meetings since the last update, which included two special meetings to deal with the asphalt plant application. He said on August 7 the BOA had unanimously denied that application. Mr. Remington said the BOA had recently approved an application for outdoor seating and rear parking at the Rooster's Nest; approved a site plan for Dickerson's Chapel to build a fellowship hall; approved a site plan for Hillsborough Plumbing to build a contracting office; approved a CUP for Ray Atwater to build a duplex on North Nash Street; approved a CUP for Orange County to install a communications tower on Meadowland Drive at its new Emergency Management offices; approved two Special Exception permits for additions to two non-conforming houses in the historic district; approved a modification to a site plan for Thalle Construction for a building with gravel parking/storage for an equipment rental operation at 890 NC 86 North; and, conducted hearings for proposed office buildings on Meadowland Drive, for the Krishna Temple to build 2-story temple on Dimmocks Mill Road, and for proposed duplexes on King and Hassell Street, all three of which were held open.

**Parks and Recreation Board:** Ms. Hauth said in June the Master Parks and Recreation Plan had been reviewed, and a public forum would be held next Wednesday evening with the various entities that could be impacted by that Master Plan.

**ITEM 5: Discuss citizen's request to amend Day Care Requirements for outside play area.**

Ms. Hauth said that Ms. Laverne Pratt-Walker and Mr. John Wright, who had property on Cornelius Street that was zoned Commercial, were interested in operating a day care

center from that property. She stated there was a significant difference between the State's requirements and the Town's requirements for outside play areas for day care centers. Ms. Hauth said the State's requirement was 75 square feet per child, and the Town's requirement was 200 square feet per child. She said she had understood that the Board did not want to consider text amendments during the ordinance rewrite period, but wanted to bring this to the Board's attention to determine the interest in addressing it now or waiting until later.

Mr. Farrelly said he wondered how nearby jurisdictions addressed outside play areas in particular zoning districts. Ms. Hauth said she had not researched it, but assumed it would be close to the State's requirement. She said it was clear that Hillsborough's ordinance was not in alignment with State requirements in several areas.

Mr. Remington said the State's regulation stated that in no event shall the minimum required exceed 75 square feet per child, and it appeared the Town was in conflict with that since they exceeded that requirement. Mr. Oliver agreed with that interpretation. Mr. Farrelly stated it was strange to place a cap on space since you would want as much space as possible for children to play. Ms. Hauth agreed.

Mr. Remington said it appeared that perhaps an error was made in the language adopted by the State, in that it should state that the minimum required shall not be less than 75 square feet rather than shall not exceed 75 feet. Ms. Faherty said she believed it alluded to the ability to supervise a group of children in a large space. Mr. Remington said he did not consider the Town's requirement of 200 square feet per child to be excessive.

Ms. Ellis asked if current day care centers were meeting the Town's ordinance requirements, noting there was one on Nash Street and one on Corbin Street. Ms. Hauth said they were meeting the ordinance, noting the one on Corbin Street had its entire backyard fenced in, and the one on Nash Street had come before the Board of Adjustment for approval. She said there was one on Lawndale that had done the same.

Mr. Farrelly stated it was important to remember the Town's ordinance was from a planning point of view, and had nothing to do with licensing which was the point of view of the State.

Ms. Pratt-Walker said her purpose for being present this evening was to ask the Planning Board if some reasonable range could be found to the Town's requirement, since the State required 75 square feet per child and the Town required 200 square feet per child. She said the property on Cornelius Street would not allow 200 square feet per child.

Mr. Farrelly asked how many children she planned to serve at the day care center and how much space would that require versus what was available. Ms. Pratt-Walker said the available space would allow for only 25 children, if the 200 square foot requirement was applied. She said that would also prohibit any future expansion.

Mr. Oliver said he had conducted some research on this topic and the standard did appear to be 75 square feet per child, which was the national standard. He said one

way to get around that would be to not allow all the children outside at one time, meaning less overall space would be required. Ms. Pratt-Walker said they had planned to stagger play times. Mr. Oliver said language addressing that should be considered during the ordinance rewrite.

Mr. Remington said from a site plan approval process that would be difficult to do in the context of the Zoning Ordinance, because they would not be looking at an operational plan.

Mr. Oliver asked how many children Ms. Pratt-Walker planned to serve. Ms. Pratt-Walker responded up to 40 when they fully expanded, but would begin with much fewer. She said the building would be planned to house up to 40. Mr. Oliver asked Ms. Hauth how long it would be before the ordinance rewrite was completed. Ms. Hauth responded about 18 months, which was why Ms. Pratt-Walker was asking for consideration now so that she would not have to wait to begin her project.

Mr. Farrelly asked Ms. Hauth to verify Mr. Oliver's research. Ms. Hauth said she would check with four or five neighboring jurisdictions to see what they required.

**ITEM 6: Formulate recommendations to the Town Board regarding July public hearing items:**

**a. Zoning Request from State Employees Credit Union to annex 3.26 acres at 2313 Old NC 86 and have it zoned Economic Development District (TMBL 4.44.B.22 and 24).**

Ms. Hauth provided a few brief comments describing the annexation and rezoning request. Mr. Newton said he did not see in the site plan how people parking in the parking lot would be able to walk to the building. He asked if a pedestrian would have to walk through the lot and across the driveway to get to the building. Ms. Hauth said that was how the plan was currently, but a vote on this tonight was for the rezoning only, not the plan itself. Mr. Oliver asked why the parking lot was needed. Ms. Hauth said because the plan was to expand the building which would include staff expansion as well.

**MOTION:** Mr. Newton moved to recommended to the Town Board approval of the zoning request from the State Employees Credit Union.

**SECOND:** Mr. Remington.

**VOTE:** Unanimous.

**b. Rezoning Request from the Town of Hillsborough to zone the 24 acres known as Gold Park from Agricultural Residential to Office Institutional (TMBL 4.38.B.34).**

Ms. Hauth described the current zoning, which had been placed on the property prior to the Town identifying a plan for the property. She said zoning the property to Office Institutional was much more comparable to community-scale parks and allowed them to reduce the setbacks slightly on the north side and bring the building further out of the floodplain.

**MOTION:** Mr. Oliver moved to recommended to the Town Board approval of the rezoning request from the Town of Hillsborough for Gold Park.

**SECOND:** Mr. Newton.

**VOTE:** Unanimous.

**c. Special Use Permit modification for Eagle Enterprises to replace the approved Huddle House restaurant with a Burger King with a drive through, reduce the carwash to one bay and reduce the hours of operation at 620 Hampton Pointe Boulevard (TMBL 4.45.4c).**

Ms. Hauth stated she had received an email today from the Chair asking about the setbacks and exactly how that would work, noting the plan showed 50-foot setbacks and 30-foot setbacks, in addition to a 20-foot pedestrian easement. She reminded the Board that the Master Plan placed setbacks for the outparcels to be smaller than those for the Entranceway Special Use District. Ms. Hauth said the Entranceway Special Use District required 50-foot setbacks, but the Master Plan for Hampton Pointe specified 20-foot and 15-foot setbacks for those outparcels. She noted that although it was not specified in the ordinance, it was traditional that drive aisles were not considered as structures.

Ms. Hauth noted that the applicant was requesting that the hours of operation for the entire site be set at 5 a.m. to midnight. Mr. Farrelly stated that the carwash would operate 6 a.m. to 10 p.m. Ms. Hauth said the applicant had requested that amendment at the public hearing.

Mr. Remington said another issue at the public hearing was the right in/right out and the removal of the formal driveway connection to the adjacent lot. He said there was some discussion of making a provision for that in the approval without specifying where it had to be located.

Mr. Oliver said regarding the right in/right out, he was in favor of the right out only. But, he said, the right in only was of concern because the street was wide enough to have a left turn lane as you exit. He asked why it was restricted when the SUP was approved. Ms. Hauth said because at peak hours the left turns traveling north on NC 86 would back up across the intersection, make a left turn into this site not possible, and put it in conflict with vehicles turning left into the Home Depot. Mr. Oliver said that made no sense as far as traffic patterns, because you had a left turn into Home Depot which would protect the left turn into this property. He said if there was a back up it would be past Home Depot to the roundabout.

Mr. Campanella said Mr. Oliver made a good point, noting that the way it was configured it would be used only by vehicles coming in off of NC 86. He said it would cause people leaving Wal-Mart and wanting to visit the Burger King or get gas to go back out to NC 86 and make a U-turn. Ms. Faherty agreed, noting the configuration would cause even more of a traffic snarl.

Mr. Newton asked Mr. Oliver if his concern was a left turn coming out of this property. Mr. Oliver said no, he was advocating for a right out only, but a left in as you came around the roundabout. Mr. Newton said he believed that was a good idea. He said regarding connectivity to the adjacent parcel, such connectivity had been required in the past and wondered why it had not been required here.

Ms. Ellis said the adjacent parcel's entranceway would be right in front of the roundabout, and she had previously pointed out the real traffic problem that existed in

front of the Home Depot. She also pointed out that the applicant had indicated that 70% of their traffic would be drive-through traffic, which would exacerbate the traffic problems in the area. Ms. Ellis noted they must be cautious about what was approved.

Mr. Remington remarked that the applicant had clarified that they were not reluctant to have the connectivity to the adjacent parcel, but having to specify where that connection might be before knowing what the use was of the adjacent property would be difficult. He said the applicant had wanted to wait until there was a use on that lot and then determine where the connectivity should be placed. Mr. Farrelly agreed, noting the applicant was open to providing it but did not know where to put it. He said there was also some question of the width that connectivity needed to be, so if approval was recommended to the Town Board then some width needed to be specified.

Mr. Newton said he would ask the Town and the applicant to look at the plans for the Goodwill Community Foundation who had done that exact thing, and have this applicant do something similar to what was done there. He said based on the current configuration, they likely needed to put the driveway somewhere along the western lot line.

Mr. Campanella asked if the origin of this particular entry configuration was a design that the applicant came up with or was reflecting certain DOT regulations. Ms. Hauth said the right in/right out was previously required by the Town.

Mr. Newton said Burger King would be a big draw, but because of the additional traffic he questioned the right in/right out. He said people would find a way to make a left turn. Mr. Remington disagreed, noting that with the appropriate barriers it would make it more difficult for left turns to be accomplished. He said it was a good idea to have right ins and right outs in certain places, but believed if there was room for a left turn lane into the site then he was in favor of allowing that. Mr. Jones asked if the onus was on this Board to change that, since they had previously required a right in/right out. Ms. Hauth said the Board could let the applicant know they would entertain something different, and believed the applicant would speak to that tonight. She added the question of who would pay for that would need to be considered since it may not be entirely the applicant's responsibility. Ms. Hauth said the Board had previously discussed the Town having to restripe the pavement markings for safety.

Mr. Farrelly wondered how far traffic would back up, noting that the applicant had stated the average time in the Burger King drive through was 2 minutes so it likely would not back up too far. But, he said, you had to make a sharp turn to get into the car wash.

Bob Brantley, the general contractor on the project and speaking for the owner/applicant, Mr. Gandhi, stated that the right in/right out had been required by the Town. He said they had not wanted to do it because in general such a configuration did not work, particularly on the "in" lane. Mr. Brantley said NCDOT recognized that, and frequently required that full access in and out be provided on State-maintained roads, but come out with a steeper, more exaggerated right push. He said they would welcome the opportunity to change the access to a two-way in, noting it would cause less confusion for vehicles leaving the shopping center.

Mr. Brantley noted the connection to the lot to the west had been removed so that parking could be provided there. He said they had no idea what would be built on that lot or how it would be configured, but would welcome a condition that would mandate that when that lot had a plan for development that it show a connector that would be mutually agreed upon with Mr. Gandhi. He said such a connection may require that they give up three parking spaces, but they were willing to do that. Mr. Brantley said they were also willing to put such a connection back into their plans now.

Mr. Newton said his preference would be to show that connectivity now rather than working it out later. He said that would mean the removal of the three parking spaces on the west side closest to the road. Mr. Brantley said they would agree to that.

Mr. Farrelly said the water projections were 69.5 gallons per day, which was under the allotted water use. He asked Ms. Hauth how that allotment was arrived at. Ms. Hauth said from the estimate determined by the Town in its projections of water commitments, and was used as a “rule of thumb” and was not binding.

Mr. Farrelly asked where the estimate of 42 cars per day came from, where the 70 gallons per car came from, and the 70% reclaimed water came from. Mr. Brantley explained the applicant would be using the Coleman recycling system, which from personal experience he knew to be a very successful system. He stated in his Goldsboro facility his water usage had dropped by 80% after installing a Coleman system, but he had used the 70% figure as a conservative estimate.

Mr. Brantley said a typical automatic car wash would service at maximum of 70 cars per day, and again they had used a conservative estimate of 42 cars per day because they did not expect this to be a high use car wash. Mr. Farrelly asked if it would use 70 gallons of water per car. Mr. Brantley responded yes, noting it was a laser wash.

Mr. Oliver stated that crosswalks were needed across the entry drives. Mr. Brantley said that would be done.

Ms. Ellis asked if a traffic count had been done for traffic coming in off of NC 86. Ms. Hauth responded that was a Town street, so the Town could produce that information. The Board agreed by consensus to have that information provided.

Mr. Farrelly asked if there were any concerns about the location of the drive aisle. Mr. Oliver said the Board of Adjustment’s policy was that no structures were allowed within a setback. Mr. Remington said a structure would be a parking space, but not a driveway. Mr. Newton said he had no problems with the location, noting he liked the fact that it was a long driveway to allow for traffic backups.

Ms. Faherty agreed, noting it was tucked back. She said one concern was that people were driving across the pedestrian route, and that it appeared to be awkward to have people turn in and go around a car wash to get in the drive through lane. Ms. Faherty asked why the drive through was located there. Mr. Brantley stated that food was the primary destination, with the need for fuel being an impulse.

Mr. Farrelly suggested that the gas pumps should be shifted away from the car wash. Mr. Newton agreed. Mr. Brantley said there was room to do that, although room had to remain for fuel deliveries as well as other delivery trucks. Mr. Farrelly said he had suggested moving it so that it would line up with the edge of the building. Ms. Hauth said she believed the Board was suggesting moving the loading area so that the awning could be pushed even further to allow for better maneuvering into the drive through.

Mr. Newton said a possible solution was to move the car wash a little further into the corner rather than moving the awning. Mr. Brantley stated he could not do that because there was a restriction on the amount of paving that could be put on the lot, and if he pushed the car wash over he would exceed that impervious surface threshold.

Mr. Farrelly asked how many parking spaces over the required number were being proposed. Ms. Hauth said they had 39 regular spaces and two handicap spaces, and the ordinance required 25. Mr. Farrelly said then a possibility was to reduce the number of parking spaces to bring the impervious surface total into line.

Mr. Newton said because this was an SUP and the Board was allowed some flexibility, in order to address the pedestrian concerns was it possible and was the Board willing to consider forgiving a certain amount of impervious surface. Ms. Hauth stated it was a restrictive covenant carried by Hampton Pointe, not a Town ordinance requirement, so the Town had no wiggle room. Mr. Brantley said they could slide the awning over to the left to open up the right side, and that may result in more reasonable travel areas within the lot. Mr. Farrelly agreed.

Mr. Newton asked why a Burger King would be successful here when the one on Churton Street had been forced to shut down. Mrs. Ford, representing Burger King franchisee, noted that Ameriking, one of the largest franchisees, had gone bankrupt. She said this location was considered to be prime. Ms. Faherty asked how they intended to pull in traffic from the interstate. Mr. Ford, also representing Burger King, stated a blue interstate sign would be erected.

Mr. Oliver summarized what he believed the Board would want to recommend to the Town Board: that when the Town Board rethought that intersection that they think about a left in going towards NC 86; that the applicant be asked to install a connecting drive with the adjacent lot; that the applicant be asked to move the pump area to the west; that pedestrian crosswalks be added at the driveways; and, that there was no preference on operating hours for the car wash. Mr. Newton agreed with most of Mr. Oliver's statement, but said he would prefer to see a left in. He said the right in/right out was great planning in theory, but believed it would fail in practice at this location. Mr. Newton said he would like to see some optimal solution for this type of business that allowed for full access.

After some discussion regarding the right in/right out and other possible traffic patterns, the Board agreed that this location was not appropriate for a right in/right out, and that some other solution needed to be identified that included a left turn in.

Mr. Oliver said the Town would have to address the issue regarding the intersection, but the other three issues he had noted could be addressed by updating the site plan.

He suggested that the site plan be updated and brought back to the September 20<sup>th</sup> meeting. The Board agreed by consensus.

**d. Zoning Ordinance text amendment to remove the provision for a density increase with a Conditional Use Permit from Section 5.4.d.**

Ms. Hauth stated the text proposed to be removed was indicated by strikethroughs, noting that removal of that language would mean that the Board of Adjustment would no longer be able to grant the density bonus for lots that were equal or larger than the zoning ordinance minimum.

Mr. Oliver stated that it was the wrong approach to strike this entirely; its use should be restricted as to where it could be applied. For instance, he said, the ordinance could state it could not be used in the historic district overlay zone or other districts where they may want to overlay zoning. Mr. Farrelly said if that was changed now, it would require going back to public hearing. Ms. Hauth stated it could be considered during the ordinance rewrite in the next 18 months.

Mr. Newton said he was perplexed by this, noting the Strategic Growth Plan encouraged density and here it appeared they were attempting to restrict it. He said this appeared to be a reaction to something else. Mr. Farrelly said this was a result of several projects proposed in the historic district, and it was a problem for the Historic District Commission to deal with proposed large projects that may or may not be compatible with the neighborhood.

Mr. Campanella said one issue was that there were clearly areas within the historic district that could sustain greater density and in fact could have very high density, such as in the Town Center and downtown. He said the HDC treated the entire area as equal, when there were places that were very different. Mr. Campanella said there were places where such density was inappropriate or perceived as such, and therein was the problem. He said that density was not necessarily a bad thing, and it had appeared that density had been demonized recently.

Mr. Newton said he believed they had received mixed messages from the Town Board, noting the Town Board had recently voted in favor of the Alan Knight condos, although no supermajority was achieved so it had failed. He added that the Planning Board had approved those condos as well, so obviously one could argue that that would be an appropriate place for higher density. Mr. Newton said he did not know what the goal was nor did he understand the whole density issue, adding it appeared to be fluid and depended on who was complaining at a given time. He said it was difficult to rewrite zoning ordinances and do strategic planning when mixed messages were being received.

Mr. Farrelly said with some of the issues that had come up, there did not appear to be an easy way to come to some resolution. He said this text amendment would wipe out the opportunity for some mixed density where it made sense to have it.

Ms. Ellis said she had voted against the Alan Knight condos because he had not wanted to provide the required parking for that neighborhood business but instead wanted to include it in with the parking for the apartments.

Mr. Newton said rather than taking any action on this, he proposed that they leave things as they were and let the zoning ordinance rewrite address it. He said density was an important goal for the Town and was something that should be addressed in greater detail.

Mr. Oliver asked how often the density bonus had been used or brought before the Board of Adjustment. Ms. Hauth said twice, in July and in August. Mr. Oliver asked if there was a lot of opportunity to use the density bonus within the historic district. Ms. Hauth responded no, but noted that both of the times it had been proposed it was proposed for the historic district.

Mr. Campanella agreed with Mr. Newton, noting that some time should be allowed to let the issue breathe. He said to make a decision on it now was reactionary and colored by recent events. Ms. Faherty agreed, noting it was unfair to take away the opportunity for public hearings or opportunities for exceptions to be made where it made sense to have greater density.

Mr. Farrelly said he generally agreed, noting that across the street from his home was one place where a developer was asking for the density bonus. He said if granted, it would allow for 10 condo units in the middle of a neighborhood that was all single-family homes. Mr. Farrelly said the Board of Adjustment had to decide if that was acceptable based on its criteria, and if approved it went to the Historic District Commission, who could not address density but had to decide its compatibility with the single-family homes. He said whatever your beliefs, this issue was putting two boards in an awkward if not oppositional position. Mr. Farrelly said he agreed that changing the ordinance now was reactionary, noting it did not allow for the most deliberation or public input.

Mr. Remington wondered if one option would be for it to require a Special Use Permit, which would give more latitude in looking at a project other than from a narrow set of criteria.

**MOTION:** Mr. Remington moved to recommended to the Town Board that the proposed changes to Section 5.4.d of the Zoning Ordinance be deferred and considered during the rewrite of the Zoning Ordinance, due to the fact that greater density may be desirable in some areas and should be dealt with on a case-by-case basis.

**SECOND:** Mr. Newton.

**VOTE:** Unanimous.

Mr. Remington suggested that in future, motions made by this Board should include specific reasons to provide better understanding to the Town Board and the public. Ms. Hauth said she relayed such information to the Town Board, and the Town Board received copies of this Board's minutes.

**e. Zoning Ordinance text amendments to establish stormwater control regulations to comply with the Town's NPDES Phase II stormwater permit.**

Ms. Hauth stated that these were the amendments to the stormwater control section of the ordinance. She said they were making one minor adjustment in Section 5.20.2, which referred to the Orange County ordinance, changing the "dash" to the word "through" to make it clear that it referred to all the sections between 5 and 22. Ms.

Hauth said she had also included three additional definitions taken from the model ordinance. She said the last remaining question was did they want to keep the existing language regarding when a site disturbed one acre. Ms. Hauth said leaving in the current language in addition to the new language would ensure that everyone had to address stormwater at some point.

Mr. Oliver asked if other jurisdictions in Orange County had adopted their own stormwater ordinances or had they adopted the County's ordinance. Ms. Hauth said she believed that Chapel Hill and Carrboro both had their own ordinance. Terry Hackett, with Orange County, stated that was correct, noting that Chapel Hill actually had a stormwater utility that assessed residents. He said neither of those municipalities was in a nutrient sensitive watershed, so nitrogen reduction did not have to be addressed.

Mr. Remington asked was there a reason why this would be limited to properties or developments greater than one acre. He asked why it could not be applied to everything, regardless of size. Mr. Hackett responded that the one-acre limit was a State mandate, but you could be more restrictive. He said developers could get creative by coming in with plans for projects on .99 acres in order to bypass the regulations, but in some instances lots less than one acre needed to have stormwater addressed. Mr. Hackett said it was a policy question, noting the intent was to protect local creeks, streams and rivers, and the recently approved stream buffer ordinance would provide protection on smaller sites.

Mr. Oliver wondered how this ordinance change made affect the proposed asphalt plant. Mr. Hackett said it would potentially affect it, since they would likely require a larger detention area such as a stormwater pond or water-quality wetland to capture what ran off from the plant. He said it could require the applicant to be innovative in how the plant was designed. Mr. Hackett said if the plant were approved, it would require a separate stormwater permit which would address such things a material storage and good housekeeping on the site. He said this ordinance would require that the plant address bioretention or stormwater quality in some form.

Mr. Remington said it appeared from the testimony regarding the asphalt plant that the question was not whether there would be an impact but how great the impact would be. Mr. Newton moved to recommended to the Town Board approval of the new stormwater control regulations, and to replace language as discussed including the three new definitions.

**MOTION:**

Mr. Oliver.

**SECOND:**

**VOTE:**

The vote was 4-4, with \_\_\_\_\_, voting Aye, and \_\_\_\_\_ voting Nay.

Ms. Hauth noted that because of the tied vote, no recommendation would go forward to the Town Board, but she would explain to the Town Board that the Nays were due to the desire to keep the existing language for the smaller lots.

**ITEM 7:**

**Review Draft existing and future land use maps with Clarion Associates and discuss workshop meeting to work on future land use in detail.**

Mr. Farrelly suggested that since a full workshop meeting would be spent on this issue, that tonight the Board ask the consultant to cover any issues the Board needed to think about and to save discussion until the workshop. Ms. Hauth noted that the maps were

color-coded, but those colors could change based on future discussion. She said there had been some discussion of inviting those people who had participated on the Strategic Planning Committee to attend the workshop and perhaps open it up for public comment as well. Ms. Hauth asked the Board to think about what process they would prefer and under what timeframe.

Roger Waldon, with Clarion Associates, provided a brief presentation on the materials provided to the Board. He reminded the Board that this Land Use Plan would be a component of the Town's Comprehensive Plan, and the Land Use designations that appeared would not have the same force of law as zoning carried. But, he said, there was a State law that stated whenever you made a zoning change it had to be consistent with the jurisdiction's Comprehensive Plan. Mr. Waldon said the Land Use Plan should be viewed as a blueprint, a guide, and a policy document. He stated that this one appeared to be parcel specific, and asked the Board to decide if that was how they wanted to proceed.

Mr. Waldon pointed out a line on the map which was a result of the Strategic Growth Plan with the County, which would be the Hillsborough of the future. He said the black line was currently the water/sewer boundary line, which was considered Hillsborough's potential growth area. Mr. Waldon said there had been some need to pull in the boundaries of Hillsborough's potential growth area, noted in brown, because of the scarcity of water and other issues. He said there were some jurisdictional areas that needed to be worked out with the County, because a portion of the brown area on the map was within the County's jurisdiction. Mr. Waldon said there had been talk about expanding Hillsborough's extraterritorial jurisdiction and that there may be some areas of joint review with the County. He said in any case, the area noted in brown was an area indicated in the Growth Management Plan as an area for which Hillsborough ought to have the right to determine the land use.

Mr. Waldon said they had looked at existing land use, and then looked at the Town's policy documents as well as the Strategic Growth Plan which said that Hillsborough wanted to minimize residential growth to the north because it would increase traffic on Churton Street. He said there were also reasons to look to the south for such development because of infrastructure and available employment. Mr. Waldon said another policy issue was the desire for mixed use, so it made sense to have a Land Use Plan that designated mixed use. He said attention also needed to be paid to key market areas, such as interstate interchanges.

Mr. Waldon said the materials before the Board tonight took all of those issues into consideration to project what the future land use should be. He said there were key parcels already locked in to institutional use or for conservation, and those were noted as well. Mr. Waldon said they had designated the areas to be focused on by coloring them white. He said he would encourage the Board to begin the workshop discussion on those white areas.

Mr. Waldon said Ms. Hauth had already identified two mistakes on the map which would be corrected prior to the workshop, and encouraged the Board to point out any others they might find. He also suggested that after the Board had its discussion on the map at the workshop, that some public comment be invited.

Mr. Farrelly said if possible, at the workshop he would like to have a map that showed interconnections, such as an aerial map. Mr. Waldon agreed that would be helpful and agreed to provide that. Mr. Farrelly said that Google Earth could provide an aerial map of what was on the ground today. Mr. Waldon agreed.

Mr. Oliver said there seemed to be one area that did not follow lot lines, in the northwest corner of the map. Mr. Waldon said that was a ridge line area. Ms. Hauth said they would verify that.

Mr. Remington said a part of the Cameron Estates subdivision appeared to be in the white area, which was a mistake. Ms. Hauth stated he was correct, and that would be corrected. Mr. Remington asked about if they wanted to say that the Latta Farm was ultimately residential, or was there some permanent agricultural category that could be applied. Mr. Waldon said that was an area where a substantive discussion was needed. Mr. Remington said there were some areas where it appeared that the owners wanted to keep their current uses. Ms. Hauth said prior to the workshop they may be able to identify such parcels and flag them so that they did not inadvertently apply a zoning that was not wanted.

A brief discussion ensued regarding some other areas of the map that may need to be corrected and/or addressed during the workshop. Mr. Waldon noted that following the Town's adoption of the Land Use Plan, the next step would be to begin discussions with the County to work out the jurisdictional issues.

The Board discussed possible dates for the workshop, ultimately deciding on September 4<sup>th</sup> at 7 p.m. Ms. Hauth asked if the Board wanted to extend an invitation to members of the Strategic Planning Committee. Mr. Farrelly suggested having this Board's discussion at the initial workshop. He also recommended that the workshop extend no later than 9:30 or 10 p.m. There was no objection from the Board.

**ITEM #8: Adjourn.**

Upon a motion by Mr. Newton, seconded by Mr. Remington, the Board moved to adjourn the hearing. The vote was unanimous. The meeting was adjourned at 9:36 p.m.

Respectfully submitted,

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Margaret A. Hauth, secretary