

MINUTES
PLANNING BOARD, November 20, 2008
7:00 PM, Town Barn

MEMBERS PRESENT: Vice Chair Kathleen Faherty, Dan Barker, Tom Campanella, Dave Remington, Bryant Warren, Stephen Whitlow, and Elizabeth Woodman.
ABSENT: Chair Matthew Farrelly, Neil Jones and Barrie Wallace, absences excused.
STAFF: Planning Director Margaret Hauth.
GUESTS: Chad Abbott, Greg Wilson, and Felix Nwoko.

ITEM #1: Call to Order and Confirmation of a Quorum.
Ms Faherty called the meeting to order at approximately 7:01 p.m. and confirmed a quorum of the Planning Board.

ITEM #2: Additions to the Agenda and Agenda Adjustments.
There were no adjustments offered to the agenda. Mr. Campanella indicated he would provide a report on the Rail Committee during Committee reports.

ITEM #3: Approval of minutes from the September 18 and October 16, 2008 meetings.
MOTION: Mr. Remington moved to approve the minutes of the September 18 and October 16, 2008 meetings as presented.
SECOND: Mr. Warren.
VOTE: Unanimous.

ITEM #4: Committee reports and updates.

- **Board of Adjustment** – Mr. Remington stated the BOA at its last meeting had approved a Special Exception Permit for Barrie Wallace’s neighbor to build an addition to a house that was nonconforming due to setbacks. He stated there was an appeal and variance request from Todd Mercer related to an easement through a lot, a house that had been built too close to a road, and how setbacks were interpreted when there was a private road rather than a public road. Mr. Remington said the BOA decided that a private road right-of-way would be treated the same as a public road, so the appeal was denied, as well as the variance.

Ms. Hauth said for those who remembered the Chris Wachholz proposed subdivision on West Queen Street, staff had a couple of ideas of how that could be resolved and it depended on the timing as to how quickly that came forward for approval. She said one thing that had struck them for a number of years with private roads was that in many cases they did not have any hope or possibility of becoming public roads and therefore the required 50-foot right-of-way may seem extreme. Ms. Hauth said in the ordinance rewrite they were planning to suggest alternative right-of-way widths which could then resolve that right-of-way situation without impacting the property owner, depending on the timing in which he chooses to develop the property.

- **Parks and Recreation Board** – Mr. Warren stated at the last meeting no quorum was achieved so no official action was taken. He said that Gold Park was proceeding on schedule, noting the building was going up and the roof was now on

and pavement had been laid. Mr. Warren stated the soccer field had been planted and was already turning green, and they were still slated for opening in the spring.

Mr. Warren stated that Turnip Patch Park would have repairs made to the playground material as well as to the bridge. He said that the Mary Street park slide had been installed and inspected. Mr. Warren stated they had also discussed the Connectivity Plan as well as the Intergovernmental Parks Work Group list of topics for 2009.

- **Wayfinding Task Force** – Mr. Remington said they had put out a Request for Proposals for designing Wayfinding Signs, and had received three responses of which two were very strong. He said at the last meeting the Task Force had accepted the proposal from The Design Workshop.

Ms. Hauth stated a meeting had been held today with representatives of that firm and they had been given a tour of the Town in order to give them a feel of the concepts of what Hillsborough looked like. She said she believed the Task Force had chosen The Design Workshop because they believed they would not get a cookie-cutter type plan but one that would pick up the unique Hillsborough character.

- **Tourism Board** – Ms. Woodman said the Tourism Board had held a 4-hour retreat recently, and had examined some of their systems and processes for grant applications, as well looking at their mission and bylaws. She said they were also looking at more outreach to the community to make sure the community understood what the 1% meal tax funded. Ms. Woodman stated that Web site development was continuing, and the Web designer was working on a logo for the Web site and the Wayfinding signs, and they should see some rough drafts next month.
- **Rail Station Committee** – Mr. Campanella stated the Committee had held its first official meeting and outlined their challenges and tasks, elected a chair, and reviewed a preliminary selection of potential sites for future the Amtrak and commuter rail station. He stated the sites looked at so far, moving west to east, was a site along the straight stretch of track in west Hillsborough near Eno Street roughly between the two mills, the old depot site, an area off of Faribault Lane near the entry to Piedmont Minerals, the Collins parcel which the Town had recently purchased, a site between Home Depot and Wal-Mart, and the University Station area. Mr. Campanella stated they had also discussed a preliminary list of evaluation criteria to be used to select a site and developed a matrix to be used to rank the different sites, all of which would be provided to the public at an open house on January 22. Mr. Campanella stated they were also trying to figure out where the high speed rail may come, and it appeared that no one really knew that answer.

ITEM #5: Presentation and discussion regarding the Long Range Transportation Plan for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and the Local Priority List for the 2011-2017 TIP.
Delayed until MPO staff arrived.

ITEM #6: Recommendations to Town Board on text amendments from the October public hearing.

After a brief discussion, the Board agreed by consensus that at least one of the issues would need some discussion and believed the Board should discuss this item after consideration of Item #7.

ITEM #7: Recommendation to the Town Board regarding a Special Use Permit request from 2X2 Enterprises to develop 2.22 acres at 610 Hampton Pointe Boulevard as a Sonic drive-in restaurant with a drive thru window. The building is proposed at 1,728 square feet with 36 parking spaces (TMBL 4.45..4m).

Ms. Hauth indicated that Chad Abbott and the applicant, Greg Wilson, were both present this evening. She stated she had included the general standards and the findings of fact in the packet, noting that four waivers had been requested: the stormwater control, the landscaping requirement, and two relative to signs. Ms. Hauth stated there were a number of discussion items: driveway access to the site, the outdoor eating area, a striped area in the parking lot and whether it should be a landscape island; on-site traffic flows conflicting with traffic and pedestrians, and the main issue brought up at the public hearing which was the decorative arch on the building and the lighting proposed for it.

Mr. Warren asked the applicant how they would respond to the issues that had just been noted. Chad Abbott with Summit Consulting introduced Greg Wilson with 2X2 Enterprises, the developer and applicant. He stated that regarding the landscaped island versus the striped island next to the handicap space, the reason it was striped was because it was the required 5-foot handicap unloading area, although it was slightly more than five feet. Mr. Abbott stated there was no room there to put a landscaped island, and many times handicap spaces had striped areas on either side to allow unloading from either side of the vehicle.

Ms. Hauth stated staff had been concerned if it remained striped only that in busy times cars may try to park in that area. But, she said, if the striping was accurate to reflect that it was handicap access then that would help to deter others parking in that area. Ms. Hauth recommended that the striping be painted blue rather than yellow so that people would recognize it as special parking.

Ms. Faherty stated that staff had believed that it would pose a safety issue for pedestrians. Ms. Hauth said yes, and backing out into the drive aisle would be problematic, but she believed that changing the paint color would alleviate much of the concern, adding that she did not believe staff had looked at that area from a handicap access standpoint.

Mr. Abbott stated the requirement was for five feet free and clear on the side of a handicap spot to unload, and if the driver was handicapped it would allow the driver room to unload as we;. He stated the space would be signed for handicap parking only. It was suggested that the applicant place beside the drive-thru lane a curb painted bright yellow or some other color, since it was unlikely someone would want to drive over the curb and it would achieve accessibility. Mr. Abbott stated he believed blue striping and signage would work better because the curb could collect water and trash.

Ms. Hawth agreed that a sign and bollard, or post, would be the better solution than curbing. Mr. Abbott agreed.

Mr. Campanella stated regarding traffic flow through the site, had they calculated for a fairly steady flow from the Burger King. He stated when the Board had reviewed the site plan for the Burger King, one of the issues was what kind of access should be allowed to Hampton Pointe Boulevard, left or right, and the Board had decided not to allow a left turn. Mr. Campanella said as had been predicted, he had witnessed someone driving over the curb so he did not think that connection would be a highly signed or visible one. Mr. Abbott stated for him, he would prefer to go around the roundabout rather than having to travel through a parking lot and slow down for traffic. But, he said, if people decided to use the parking lot the drive aisles were wider than standard so it would not cause as much congestion and would be somewhat safer because you would have better visibility for people backing out.

Mr. Remington stated a lot of it would be people using the wrong driveway at night and not knowing exactly how to access the lot, and if there was a connection there they would use it.

Ms. Hawth stated she believed they had now moved on to whether all three driveways were desirable. Mr. Abbott stated that if a concern was safety and circulation then the driveway was necessary, otherwise you would force people to go all the way to the back of the store and go around to get in the drive-thru lane. He said when they leave the drive-thru they would have to circle the store again to get back to the exit versus their plan which would allow people to pull into the first drive and go around or go to the second drive and pull in and go around the store only once. Mr. Abbott stated the largest advantage was when people left the drive-thru they would exit the site more quickly and not cause further congestion.

Mr. Remington asked could it be flipped 180 degrees so that the drive-thru was on the other side, then it would be one counter-clockwise loop around the site. Mr. Abbott stated that would cause stacking out in front of the store, and the awning boards were required by ordinance to be in the back of the store. He stated with the type of use and people coming into the front of the store to place orders that would create even more a safety issue for pedestrians. Mr. Abbott stated the way it was proposed allowed people in large vehicles to use the back entrance without causing congestion by people trying to all funnel out of that one spot, and it would place the driveways too close together. He said the exact distance from the turning movement someone would make onto the private drive was typical of what would be placed on the corner of two streets.

Ms. Hawth stated staff had suggested eliminating the first drive, noting the back one was important for service by garbage vehicles. She stated the front drive would be a two-way drive to allow for exits. Mr. Abbott stated that was correct, noting that the traffic would also come from the other side so there would not be a bottleneck from three different directions.

Mr. Whitlow asked what the concern was at the public hearing from the first driveway. Ms. Hawth responded it had seemed that three driveways appeared excessive, and since the site would have a lot of pedestrian traffic because of wait staff coming out to serve parked cars, that eliminating some of that traffic might be positive.

Ms. Woodman stated she agreed that if the driveway was not there then if using the drive-thru you would have to circle the store twice, which seemed unnecessary. Ms. Hauth stated she had wanted to make sure the Board was aware of it and discussed it during review, adding that she did not feel strongly one way or another, and had raised the issue for discussion purposes and not to make a formal recommendation.

Mr. Abbott stated the preferred driveways for the applicant would be the two on the side, and the third one was required by the Town for cross access to keep traffic from the gas station off of Hampton Pointe Boulevard.

Mr. Whitlow asked if all parking spaces in the lot were served by wait staff. Ms. Hauth replied only the ones that ran the same way the building did, adding the four or five in front of the building were not.

Mr. Wilson stated with the way this store was situated, people would come into the back entrance, see the drive-thru, and go around in a counter-clockwise fashion and perform a U-turn to try to get into the line. He said they would be going against traffic flow and also doing a U-turn in a crowded area with cars and people in it. He said that was why, in terms of flowing traffic correctly, that the front driveway would be an appropriate choice.

Mr. Abbott said that with the front driveway, if someone wanted to park at the front and then leave out the back entrance then they would never make a full circle around the store. He said if you came in the other drive you would have to make that complete circle, and if you wanted to use the drive-thru you would have to make two circles around the store.

Mr. Whitlow said the assumption was that delivery and trash trucks would come in the first entrance and exit the rear. Mr. Abbott replied yes, and that was why heavy duty pavement was indicated in that area for large trucks. He stated if the front entrance was taken away, that if someone came through the drive-thru and decided they did not want to circle the store again, they may try to use the cross access to the Burger King site and jump the curb to eliminate having to turn and go around the roundabout. He said having the front entrance would allow people to simply move out to the roundabout. Mr. Abbott stated preferably if they were to lose an entrance they would probably want to lose the rear entrance, because it would still allow people to go around the store only once if they used the drive-thru. He stated they had provided the rear entrance for ease of congestion so that large vehicles would not have to use the drive aisles and encounter pedestrians and wait staff.

Mr. Whitlow asked what would happen if a large truck decided to use the back entrance and took a right into the property, going the wrong way. Mr. Abbott stated the site would be striped with arrows, noting the back entrance was one-way entry. Mr. Wilson added that because of the configuration, if a large truck were to turn in they would see the striping and realize they were going the wrong way, and due to the nature of the site and the fact the it was the last property on that road, there was plenty of room available to allow those large vehicles to safely back out.

Mr. Warren stated he did not believe a change was necessary on the driveways and should be left as is.

Ms. Faherty stated the next issue for discussion was the outdoor eating area, which was Discussion item #2 in the materials.

Mr. Barker stated he believed the idea of not having greenery there was to try to avoid insects. Mr. Abbott said he believed there was some confusion at the public hearing, stating that the reason the waiver was requested was that there was a requirement in the ordinance that adjacent to all buildings where there were parking spaces above the building that there must be a minimum three-foot wide landscaped area. He said that situation occurred only in the area of the handicap space discussed earlier. Mr. Abbott stated they were requesting not to provide that landscape area between the sidewalk and the building for two reasons. He stated the wait staff would be using that sidewalk and to have that landscaped area with bushes, shrubs and mulch would attract bugs and insects in warm weather who would then be attracted to the food being carried by the wait staff. Mr. Abbott said in colder months that leaves, mulch and other debris would likely be washed out onto the sidewalk and would create a hazard for the wait staff when on roller skates. Mr. Abbott stated the other reason was because no other business in Hampton Pointe had been required to provide that landscaped area, although there was one area at the Goodwill building.

Ms. Woodman asked about providing the landscaping on the west side. Mr. Abbott stated the ordinance only required it where parking abutted the building, and the west side was where the drive-thru was and it would push people away from the drive-thru. Ms. Woodman stated they were already pushed away by the paving shown on the plans. Mr. Wilson stated the area she was referring to was actually a sidewalk, and there was an entrance into the building there.

Mr. Remington stated the reasoning in terms of the wait staff and debris made sense to him, but the issue of attracting insects was spurious. He said in terms of access for customers that made more sense. Ms. Hauth stated that was the waiver request, and Discussion Item #2 in the materials spoke more to the quality of the outdoor eating experience which was specific to restaurants as outlined in the ordinance. She said the issue was whether the eating area met the standard to provide a pleasant experience for patrons as required by the ordinance, and whether the landscaping surrounding it and the canopy over it was sufficient in this Board's view.

Ms. Faherty stated then the question raised was a pleasant dining experience as was currently portrayed.

Ms. Woodman asked did patrons order at the tables. Mr. Wilson stated there was a freestanding menu board in that outdoor eating area and patrons would push the red button and place their orders, and the wait staff would skate it out to them. He stated that all orders were placed outside, and the entrance was provided for the wait staff to enter and exit.

Ms. Hauth stated there was no reason for customers to enter the building except to access the restrooms. Ms. Abbott stated that there was a sidewalk provided all the way around the building to allow access to the restrooms in the back.

Ms. Woodman stated then another important point was that you would not want patrons to have to step over bushes to access the restrooms. Mr. Abbott stated that was exactly right, adding that planters would be scattered throughout the site as well as landscaping in the circle at the front.

The Board briefly discussed the outdoor seating area, how it might be used and by whom, and acknowledged that it was not for long-term seating and some existing trees would remain to block lighting from the Home Depot and other areas.

Ms. Faherty stated the last Discussion Item was the arch. Comments were made that the Sonic in Mebane had the arch, but they did not want to see a large arch up in the sky such as at a McDonald's. Ms. Hauth stated the ordinance did say that there were not to be strings of light outline building roofs, and the applicant had actually made her aware of two violations in Town in that regard, which were the Eagles and the BP station, and she would be contacting them to have the lights removed from the edge of those buildings. Mr. Abbott stated that all the older Sonics were being retrofitted to have the arch, so it would be problematic not to have it on new ones. Ms. Hauth stated it was noted in the public hearing that it was lighted, and the application could be amended to include the lighting as a request.

The Board briefly discussed how the arch was lighted, and that it was a concern to have that lighting requested when they were preparing to remove the lighting from the two businesses Ms. Hauth had mentioned. Ms. Hauth stated the decorative arch was brought up at the public hearing and discussed, and the issue from her standpoint of ordinance compliance was the lighting of it, but the Board had had concerns about the arch itself. The Board determined that the lighting was prohibited by the ordinance and it would soon be enforced at two other businesses, so the arch should not be lit. However, the Board was okay with a yellow unlit arch. Ms. Hauth suggested the applicant could find a way to internally illuminate it or perhaps down-light it or side-light it, which would be allowed. The Board discussed the merits of such lighting, with Ms. Hauth commenting that if the Board did not find it to be a problem then she would not start an enforcement action against the two businesses identified.

Ms. Faherty asked if they had consensus on the arch. Ms. Hauth reiterated that lighting the arch was not allowed by the ordinance, but the applicant could request a waiver to allow the lights.

The Board agreed by consensus that the yellow arch was acceptable, that the applicant should find a way to internally illuminate the arch, and to let the staff and Town Board decide what they wanted to do about the two businesses identified. Mr. Abbott stated he would talk with the architectural engineer tomorrow to try to identify acceptable internal illumination for the arch. Ms. Hauth asked did that mean the Board wanted to see the application again or were they sending it forward to the Town Board without the exterior lighting, and if the applicant identified interior lighting that met the ordinance that this Board was okay with that. Ms. Faherty stated they would be sending it forward without the external illumination, and if appropriate interior illumination was identified the Board would have no problem with that.

Waivers:

Ms. Faherty suggested they consider waivers, beginning with stormwater control requirements.

Stormwater Control Requirements: Ms. Hauth stated the applicant was asking not to have to meet Phase 2 requirements. Mr. Abbott stated they were already allowed to use the Wal-Mart pond, so the question was whether or not further things had to be placed on site to treat the water before it reached the pond, adding that none of the other businesses had been required to do that.

Mr. Warren asked what the current regulations required. Ms. Hauth responded they would have to meet nitrogen loading requirements. Mr. Warren stated they had required Leland Little to meet those requirements. Ms. Hauth stated that was true, but that Mr. Little was buying his way out of that requirement with the State. Mr. Warren stated he believed they needed to adhere to that and require it, and that the applicant could deal with the State to buy their way out if they so chose.

Ms. Woodman agreed, noting this was an intensive vehicle use with vehicles likely running while sitting still causing considerable pollution. Mr. Abbott stated what drove the nitrogen requirements by the State had nothing to do with vehicles, noting it was based on impervious surface which could not absorb acid rainfall that contained nitrogen particles which polluted stormwater. So, he said, the more impervious surface you had the more nitrogen you were allowing to run off without soaking into the ground and turning the grass green through nitrification. Mr. Abbott stated that the Entranceway Special Use District limited you to 50% impervious and the covenants for the development had placed a lower limit than that, yet they were lower still. He said they had kept their impervious surface well below what was allowed even by the covenant standard, and they were asking to be treated as the rest of the businesses had been treated in that development. Mr. Abbott explained that the Wal-Mart pond had been built prior to Phase 2 requirements as a dry detention basin but did treat nitrogen to a degree, so the stormwater leaving their site would get nitrogen treatment but Orange County had indicated they could not quantify whether it met Phase 2 requirements.

Mr. Remington stated if there were not curbs to channel the water on the parking lot and the water ran off directly in a sheet, that in would at least be disbursed directly over the ground. He stated if things were graded correctly to allow that to happen then that would be help mitigate nitrogen, but he would not want to see something built in the area between the parking lot and the street to further channel that.

Mr. Abbott stated making a payment to the State was an option, noting the money went back into that watershed. He stated another thing that put a burden on the applicant was that when buying the land he was paying the cost that the developer incurred to put that pond in behind Wal-Mart, noting he was paying for stormwater already in the land purchase value. So, he said, the applicant was paying the same price that others in the development had paid, but now may have to incur further costs over what he had already paid for the existing stormwater feature.

Mr. Remington stated the applicant would have to pay a lot more if that stormwater pond was not there, reiterating that the pond was put in prior to Phase 2 requirements

which the Town now had to meet. He stated the Town wanted to see as little nitrogen as possible going into the Eno River.

Mr. Barker commented that the entire Town was dealing with that increased cost, and were having to develop a new sewer plant because of it.

Mr. Warren stated the Phase 2 requirements had gone into effect between the time the other buildings were built and this application, and he believed the County should be able to identify whether or not the applicant needed to provide any additional stormwater control. Ms. Hauth stated the property owners in the development needed to provide to the Town the data so that they or the County could analyze it, and did not know if they could parse it out given the size of the pond whether or not this site would meet the criteria. She said it was a shared pond and did not know if you could accurately and scientifically be certain that standing water in the pond was sufficient to address the nitrogen coming off this particular site.

Mr. Abbott stated Ms. Hauth was correct, that there would be no way to quantify or justify who was contributing what amount of nitrogen or how much was being treated in the pond.

Ms. Woodman stated she believed with an analysis of this particular property that it could be calculated whether it was meeting Phase 2. Mr. Abbott stated the site would not meet Phase 2 standing alone, and that was why they were requesting a waiver to be treated in the same manner as the rest of the development and to discharge into the existing pond.

Mr. Barker asked if anyone on the Board was in favor of granting this waiver. Mr. Warren commented he would not be in favor of it right now.

Mr. Whitlow asked was Sonic the first Phase 2 development in Hampton Pointe. Ms. Hauth replied yes. Mr. Whitlow said then no one else had been granted such a waiver. Ms. Hauth stated this was a matter of timing, in that Phase 2 had been effective on a date specific and everyone who had applied prior to that date did not have to meet the rules, which was everyone in Hampton Pointe except for the proposed Sonic.

Landscaping requirement between the parking and the building: The Board briefly discussed why the sidewalk needed to be located there rather than landscaping, including that no other business in the development had adhered to that part of the ordinance, as well as the fear of setting a precedent by not requiring adherence to that part of the ordinance. Mr. Whitlow stated he was not inclined to waive the ordinance just because a business decided to have wait staff on roller skates.

Ms. Faherty stated that safety was important and she was often bothered by landscaping around fast food restaurants which interfered with visibility. She said one thing of concern to her was that if they insisted on compliance to the ordinance that there was the issue of visibility unless you ensured that the lowest possible, no trim landscaping was provided. Ms. Faherty stated she believed there was good reason for the requirement in the ordinance, but also saw reason to waive that requirement in this case.

Mr. Warren asked about the wording in the ordinance. Ms. Hauth replied that the requirement was an aesthetic requirement to improve and soften the stark appearance of a building. Mr. Warren asked why the other businesses were not required to have it. Ms. Hauth responded because all the other business submitted plans under the Hampton Pointe Special Use Permit and those plans did not show that required landscaping, so they did not receive a waiver but just didn't include it in the plans so it was overlooked.

Mr. Warren stated the impervious surface on this site was very low. Ms. Hauth stated it was well below 36%. Mr. Warren stated the applicant already had a lot of area that was not paved, and believed that if providing the landscaping in that area would be a safety issue for the wait staff then he would say grant the waiver due to the low impervious surface and the safety issue.

Mr. Remington stated that if they were to bump everything out three feet so that they could have the landscaping and the sidewalk next to it, that it would create even more impervious surface. He stated he would rather not do that just to provide the landscaping.

Mr. Barker stated if they looked at the plans, the area that should be landscaped was approximately 3 feet by 30 feet. He suggested that they request the applicant to provide a 3 foot by 60 foot planted area somewhere else on the parcel, and asked if the Board believed that an appropriate balance.

Mr. Remington stated if a rain garden were placed between the parking and the street it would accomplish multiple benefits. Mr. Warren stated it would also help with the nitrogen issue as well.

Mr. Abbott stated many things would treat nitrogen, not just a rain garden. He said the applicant could possibly treat the amount of nitrogen produced on this site through a grass swale on the site or through a vegetative strip or filter. Mr. Abbott stated a rain garden would cost about \$10,000 for installation and would require maintenance over the years with underdrains and replacement of sand. He stated if a rain garden was not required by the ordinance to treat the nitrogen, then the nitrogen could be addressed in less costly ways.

Mr. Remington stated he was thinking more generically about what could be done to help ameliorate the nitrogen.

Mr. Barker asked how the applicant would feel about planting a 3 foot by 30 foot landscaped strip elsewhere. Mr. Abbott stated that would be easier to do than an expensive rain garden.

Ms. Faherty stated having a vegetated area to help satisfy the nitrogen requirement, even if it were a grass swale, would be helpful. Ms. Hauth stated she wanted to clarify whether they were trying to do something to address nitrogen or whether they were trying to get a strip of landscaping. She was what Mr. Barker was saying was to take what would have been planted in that three foot strip and put that same square footage somewhere else on the site. Or, she said, were they trying to meld that with an attempt to reduce the nitrogen.

Mr. Remington stated he believed that was more symbolic and was not sure he was interested in requiring that. He said he would like to stipulate that whatever was done that could satisfactorily meet the nitrogen mitigation he would consider as making up for not having that landscape strip. Ms. Hauth clarified that he was suggesting that he was not willing to ignore the Phase 2 stormwater requirements, but that in return for having the applicant meet those requirements he was willing not to require the landscaped area next to the building. Mr. Remington stated that was correct.

Mr. Whitlow stated he could live with that in the context that this was Hampton Pointe and it was what it was.

Ms. Faherty asked if the Board would support that wording as outlined by Ms. Hauth. The Board agreed by consensus not to grant the waiver on the stormwater requirement, but would grant the waiver on the landscaping.

Free-standing Sign Height and the Changeable Message Prohibition: Ms. Faherty stated the sign was proposed to be 6 inches above the 7-foot maximum.

Mr. Warren said he had asked at the public hearing why three lines were needed, and that it had been suggested that they eliminate one line to bring the sign down to size. He said the applicant had wanted to keep the three lines, but it was possible to reduce the size of the lettering in order to get three lines and to then reduce the sign height by 6 inches. Mr. Warren asked was that feasible. Mr. Wilson said as best as he could say now, that would be acceptable.

Ms. Woodman asked had the Board indicated whether it wanted to allow the changeable message at all. Mr. Warren stated that had been part of the discussion at the public hearing.

Mr. Barker stated he was not willing to grant either the taller sign or the changeable message sign.

Mr. Remington stated he did not want to grant exceptions to the new sign requirements. Ms. Hauth stated the height was in the new sign ordinance, but the changeable message she was not sure about, in that it might be specific to Hampton Pointe but she was not sure. Mr. Remington stated he did not want to approve anything that went against the new sign ordinance.

Mr. Warren stated the ordinance did not allow changeable signs. Ms. Hauth stated that was correct. Mr. Warren stated the changeable message sign had been proposed because they had no large windows to display posters in. Mr. Abbott stated that was correct, noting that with other fast foot restaurants perhaps 50% of their window space was used to display large signs. He said by the Sonic being off the road with little window space, the changeable message sign would serve the purpose as the large posters served for other such restaurants. Mr. Abbott stated that was the only way for Sonic to show people their promotions from the street; otherwise people would have to drive up to see the ads. He noted that the gas station next door had a large changeable message sign.

Ms. Hauth stated that was a difference noted in the ordinance, in that gas stations were allowed to have changeable messages regarding the price of their gas.

Mr. Warren reiterated that the ordinance did not allow changeable message signs.

Ms. Woodman stated she was not inclined to grant the waiver. Mr. Warren added that the sign would need to be reduced to a maximum of 7 feet as well.

Mr. Remington stated as had come up in discussions of the Churton Street Corridor, there were two purposes for signs. He stated one was to legitimately inform people of where a particular business was located, and the other was to lure them in. Mr. Remington stated in the Churton Street process they had resolved that Hillsborough was not about the "let's bring them in" type of signage. He stated that people knew that fast food restaurants had specials, and they would know that when they drove up to the menu board.

Ms. Faherty asked was there a consensus to not grant the waiver for a changeable message sign and the extra height. The Board agreed by consensus.

MOTION: Mr. Barker moved to forward this application to the Town Board and to recommend that Waiver 1 be denied, that Waiver 2 be granted, that Waiver 3 be denied, that the driveways remain as proposed, that blue striping or some other appropriate color be used on both sides of the handicap parking space and that bollards be installed to prevent parking in the striped area, and that alternative interior lighting been found for the proposed externally lit archways.

SECOND: Mr. Warren.

VOTE: Unanimous.

ITEM #5: **Presentation and discussion regarding the Long Range Transportation Plan for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and the Local Priority List for the 2011-2017 TIP.**

Felix Nwoko stated that this was the last phase of the LRTP which was scheduled to be approved in December. He called attention to the highway portion of the materials beginning on page 3-5, and stated what the MPO wanted was for the Town to tell them the projects that they believed should be the highest priority because there was not enough funding to do them all. Mr. Nwoko said on page 3-8, the MPO was considering dropping the Wilson bypass but the Town's recommendation would be very helpful.

Mr. Nwoko said beginning on page 3-5, #16, was the Elizabeth Brady Road extension project, that #43 was the I-40 project from 15-501 to NC 86 and from NC 86 to NC 85, and #48 was the I-85 widening project which was in the TIP and plans were moving forward.

The Board briefly discussed the projects and issues related to each. Mr. Nwoko stated with the I-85 widening, the most important thing was improvements to the interchanges, and the Board agreed that should be emphasized. Ms. Hauth said that project #80 was in front of Hampton Pointe, and #81 was the stretch north of Town from 70 Bypass up to NC 57 which was very congested during peak hours.

Mr. Nwoko stated #16.1 at Eno Mountain/Mayo was on the plan. A comment was made that if that area was chosen for a rail station it would become a main connector to Churton Street. Mr. Nwoko agreed that was important. He stated the last projects were on page 3-8, which was #89.3, the Orange Grove Road connector, and #117, #120, #121, which was the western bypass.

Ms. Hauth said that project #121 was from NC 86 to Strowd's Creek Road which was the access to Pathways Elementary School which provided a shortcut between NC 86 and NC 57. She said that very short piece of road was a much higher priority in her mind than the remainder of the western bypass because as the attendant zone for Pathways Elementary shifted and picked up people who lived in that quadrant of Orange County, that piece of road would allow them not to have to come almost into Town at NC 57 only to turn around and drive back out to get to the school of Strowd's Creek Road.

Mr. Nwoko said that the Elizabeth Brady Road extension project was the only project listed that was now moving forward with design and engineering work, and all the rest were theoretical at this point.

Ms. Hauth stated this Board and the Town Board had ranked the projects in order of priority, but the Town Board had shifted those priorities somewhat to pick up the projects that could be a substitute for Elizabeth Brady Road and placed them ahead of Elizabeth Brady Road. She said the Town Board would be taking this back up on Monday, so if the Planning Board wanted to confirm those projects were on the "chopping block" she would relay that information to the Town Board. Ms. Hauth said the question to be answered was basically if there was anything on the plan that the Board did not believe was necessary to build between now and 2035.

After some general discussion of the various projects, the Board agreed by consensus that the I-40 project be deleted, and that only the interchange improvements on I-85 were important as well as any other safety improvements that did not necessitate adding lanes, and the widening could be deleted. Ms. Hauth said it would be appropriate that this Board send forward to the Town Board that this Board felt strongly about those two projects, but if that did not reduce the list enough then the Town Board should refer to this Board's priority list previously submitted and cut from the bottom up. There was general agreement from the Board, and that projects that encouraged growth in the parts of Town identified by the Strategic Growth Plan should be a higher priority.

Mr. Nwoko stated because this was a long range plan the priorities would be more general in nature, unlike the TIP where specificity was more important. He stated the last two projects were on page 5-14, which were bicycle improvements. Mr. Nwoko said he would like to have an idea of the ranking of those improvements. Mr. Warren stated that the Parks and Recreation Board had just completed a Connectivity Plan which included bicycle connectivity, and that should be included here. Ms. Hauth said she believed that plan was listed on page 5-14.

Mr. Nwoko stated one the things they also looked at was regional equity of projects, and it was likely Hillsborough would see at some point progress on projects that affected the Town.

ITEM #6: Recommendations to the Town Board on text amendments from the October public hearing.

- **Remove the spacing limitation on family care homes**

Mr. Remington stated that given what family care homes were, he did not believe removing the spacing limitation would have any adverse effect. Ms. Faherty agreed it was unlikely, and if any effects were noticed the Town could step in and take action at that time.

MOTION: Mr. Barker moved to recommend approval to the Town Board of the text amendment to remove the spacing limitation on family care homes.

SECOND: Mr. Warren.

VOTE: Unanimous.

- **Create a Special Use Permit process for recreation facilities in the Neighborhood Business district**

Ms. Faherty reminded the Board that this was the issue of the proposal to put tennis courts in the Neighborhood Business district.

MOTION: Mr. Warren moved to recommend approval to the Town Board of the text amendment to create a Special Use Permit process for recreation facilities in the Neighborhood Business district.

SECOND: Mr. Remington.

VOTE: Unanimous.

- **Create a special use permit process for event centers within the Central Commercial zoning district**

MOTION: Mr. Barker moved to recommend approval to the Town Board of the text amendment to create a Special Use Permit process for event centers within the Central Commercial zoning district.

SECOND: Mr. Warren.

VOTE: Unanimous.

- **Add a new Section 21.6.4 to refer to the Historic District Commission Design Guidelines and indicate the Commission's role in project review**

Mr. Barker stated he was not impressed by the arguments against this. He stated there had been an interesting discussion, but the opposing side expressed more a fear of the unknown than any real facts. Mr. Remington said it was fairly standard to have guidelines that were officially approved to help interpret the standards; that they did not exactly become the standard but there was the implication that if you met the guidelines then it was highly likely you would meet the standards. He said if you did not meet the guidelines you would need a good justification for how the standards got met, and to have those officially recognized to him made sense. Ms. Woodman agreed. Mr. Warren said in talking with some of the people involved in that, they needed more guidelines to go by in any case, and this would help with that. He said it was a good idea to go ahead and send it to the Town Board with a recommendation for approval.

MOTION: Mr. Warren moved to recommend approval to the Town Board of the text amendment to add a new Section 21.6.4 to refer to the Historic District Commission Design Guidelines and indicate its role in project review.

SECOND: Mr. Remington.

VOTE: Unanimous.

ITEM #8: Update on ordinance re-write.

Ms. Hauth said that because the Town Board would be taking this up on Monday evening and it would appear in the newspaper, it was possible they were getting very close to beginning that rewrite. She said the Town Board wanted to talk seriously about density in general and residential density throughout the Town. Ms. Hauth said there had been some discussion by the Board members on how to do that and what it might look like, and that discussion would begin in earnest on Monday.

Ms. Hauth said her recommendation to the Town Board was to go ahead with that discussion, and that could serve as an excellent springboard for the rewrite because there were a number of big topics like that that needed discussion and some true policy guidance before the rewrite began. Ms. Hauth said that was a perfect opportunity for the Town Board to have an opinion about density, but to also say that they would appoint a committee to look at it in more detail and then look to things like green building and Design Guidelines for construction and other big topics while the consultants were diagnosing the ordinance. Ms. Hauth said those two things could go forward in parallel, noting that the local committee could be looking at the big picture items and be thinking about what to put in the ordinance.

Ms. Hauth said one of the things that would likely be discussed was did they want a form-based code and was it right for Hillsborough, and that was an area where some policy direction would be needed on the rewrite. She said those types of discussions needed to be played out. Ms. Hauth said the community had not yet had the discussion about what they might want, so they could not send the consultant out to draft the rewrite until all of those discussions took place and some policy decisions made.

ITEM #9: Adjourn

Upon a motion by Mr. Warren, seconded by Mr. Campanella, the Board moved to adjourn the meeting. The vote was unanimous. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Margaret A. Hauth, Secretary