

Minutes
PLANNING BOARD
November 7, 2006

MEMBERS PRESENT: Chair Matthew Farrelly, Jim Boericke, Edna Ellis, Neil Jones, Paul Newton, Eric Oliver, Dave Remington, Toby Vandemark, and Barrie Wallace

TOWN BOARD PRESENT: Frances Dancy, Eric Hallman, Brian Lowen, and Evelyn Lloyd.

ABSENT: Tom Campanella.

STAFF: Margaret Hauth, Bob Hornik.

ITEM #1: Call to order and confirmation of a quorum.

Mr. Farrelly called the meeting to order at approximately 7:03 and confirmed a quorum of the Planning Board. It was noted that no quorum of the Town Board was present as yet, so discussion of Items #2 and 3 would be delayed until later in the meeting.

ITEM #4: Adoption of minutes from September 5, 2006 meeting.

Ms. Ellis noted she had referred to Old 86 Commons and said she had talked with Mr. Ivens with Erosion Control, noting the work on the drainageway had been done two days after her contacting him, and wanted the minutes to reflect that her conversation with him.

MOTION: Mr. Oliver moved to adopt the minutes as amended.

SECOND: Mr. Boericke.

VOTE: Unanimously approved.

ITEM #5: Additions to the agenda and agenda adjustments.

Ms. Hauth announced that next Monday night an open house would be held at the Big Barn for the Boone/Collins property. She said from 6:30 to 9:30 p.m. people could come by and ask questions, or stay and participate with the designers.

ITEM #6: Committee reports and updates.

Board of Adjustment. The Board of Adjustment had not met.

Parks and Recreation Board. Mr. Jones said that on October 21 Turnip Patch Park was dedicated to the Town. He said the Board continued its work on the Master Plan.

Strategic Growth Plan Committee. Mr. Newton noted that Committee was beginning to wind down, and at the last meeting had used the time to go over the draft document.

US 70/Cornelius Street Task Force. Ms. Vandemark stated they had last met on October 18, with guest speaker from Chapel Hill regarding their main street program. She said the Task Force had looked at the revised ring analysis and its demographics. Ms. Vandemark said they had discussed how the road might be redone, as well as greenways, lighting, and the types of businesses that might be desired.

ITEM #7: Interviews of candidates for in-Town vacancy.

Mr. Farrelly noted that none of the candidates were present this evening, so interviews would be delayed.

ITEM #8: Recommendations to Town Board of rezonings from October public hearing.

A. Queen Street Partners. Ms. Hauth stated that the Queen Street Partners request is the 2.74 acres adjacent to the current Queen Street Partners site on 86 North that was under development. She said it was a landlocked parcel that had no legal road

frontage, and it was planned it use the parcel for parking. She noted that parcels zoned Light Industrial were normally not adjacent to residential uses, so that was a concern.

Mr. Oliver commented that this parcel did not meet dimensional requirements for this zoning. Ms. Hauth said the parcel would be combined with the adjacent property, so that requirement was met. Mr. Remington asked if there was some visual screen between this parcel and the residences to the west. Ms. Hauth responded yes, noting it would have to be maintained in some fashion.

Mr. Farrelly asked if there was any Light Industrial adjacent to R-10 or R-15 anywhere else in Town. Ms. Hauth said she knew of none. Responding to a question regarding setbacks, Ms. Hauth stated that the setback from the property line was 20 feet. She said the buffer was a performance standard and not a physical size or depth requirement, although the setback was fixed.

Mr. Remington said if approved, the Partners could later build on that parcel if they could get approval. Ms. Hauth said that was correct. She said since there was a creek on the parcel any grading or use of the site would be significantly north of that creek.

Ms. Wallace said what might be later built on the parcel was of concern to her. Mr. Farrelly said if the Partners were to change the nature of their current business, then that might have an impact on this parcel as well. Mr. Oliver noted he thought that area was zoned R-40 to keep other uses away. Ms. Wallace said she was not comfortable with this rezoning, noting that there were no neighbors present to offer comments.

Ms. Vandemark said there was no much that could be done with this parcel, so she was not sure how much concern the neighbors might have. She said she would not want to have Light Industrial adjacent to her backyard.

Ms. Ellis asked if there were environmental concerns, and if Erosion Control staff should be contacted. She asked where runoff was routed. Ms. Hauth said eventually to Stroud's Creek. Ms. Ellis said then it was an environmental issue.

MOTION:

Mr. Remington moved to make a recommendation to the Town Board to not grant the rezoning request due to the fact that it did not meet the adjacency standards for Light Industrial.

SECOND:

Mr. Jones.

VOTE:

Unanimously approved.

At 7:28 p.m. it was noted that a quorum of the Town Board was now present with the arrival of Commission Hallman. Commissioner Dancy called the public hearing to order and noted that the Boards would discuss items 1 and 2 before continuing with item 8. She then turned the meeting back over to Mr. Farrelly.

ITEM #2:

Continued Public Hearing for Rezoning and Special Use Permit regarding Courtyard project in 500 block of North Churton Street.

Ms. Hauth noted that the applicant had sent the Board a letter asking that the hearing be continued until January. She said at the previous public hearing Commission Gering had asked for additional information regarding her analysis of the appropriateness of applying entranceway special use somewhere closer to the heart of Town.

Vickie Wilson, who had been previously sworn, said her and her neighbors' concerns were documented at the October 24 public hearing. She said their main concern was with the entranceway special use permit, and its seeming ability to be applied anywhere. Ms. Wilson said they were concerned that developers would use this zoning application as a vehicle to place high impact projects on historically and environmentally sensitive lots. She asked that the use of this process be examined to avoid pain and expense for property owners, developers, and the Town staff in dealing with inappropriate applications.

Allen Knight, the applicant and previously sworn, said his understanding of the entranceway special use zoning was that his project did meet the requirements, and asked that this item be continued to the January public hearing to allow him to examine the issues raised at the October 24 public hearing.

Mr. Oliver said if this issue were to be continued to January, he would prefer that Ms. Hauth provided additional information at that time so the information would be fresh

Ms. Ellis asked that Ms. Hauth read the Neighborhood Business District regulations as well as the regulations for special use districts, noting she questions where this application actually met the requirements as outlined in the ordinance. Ms. Hauth said it was not up to her as staff to determine if an applicant met the intent as written in the zoning ordinance. She said that was the purpose of appearing before these two Boards. Ms. Ellis said she would like to have the requirements read so that the public could hear exactly what the ordinance contained.

Mr. Farrelly said the issue was whether or not to continue the hearing to January. Mr. Remington said he believed it would be useful to have an evaluation of the number of parking spaces per unit that other jurisdictions found appropriate for similar developments. Mr. Boericke recommended that at the next Planning Board meeting that the Board discuss the applicability of the entranceway special use to situations such as this, noting he shared the concern expressed by others.

Mr. Newton asked that the applicant disclose who he shared information with regarding this project, whether it be mailings or personal meetings. He said he would like to know which Town officials he had met with or mailed information to, so that all of that information could be entered into the record.

Ms. Ellis said she was in disagreement with the application, and read an excerpt from the zoning ordinance, Section 2.17.A, Entranceway Special Use District. "There is hereby established an Entrance Special Use (ESU) district. The purpose of this district is to provide for the development of well planned and fully integrated projects containing a diverse mixture of commercial, office, and employment uses along the primary entrances to the Town of Hillsborough." Ms. Ellis said she could find nowhere where residential was included in that district.

MOTION:

Mr. Oliver moved that the public hearing be continued to the public hearing scheduled for January.

SECOND:

Mr. Newton.

VOTE:

Unanimously approved.

ITEM #3: Continued Public Hearing for Master Plan amendments to Waterstone.

Ms. Hauth said the new information contained in the packet was a comparison of information regarding impervious surfaces and open spaces, the County's courtesy review comments, as well as relevant sections of the traffic analysis.

Jack Smyre, who was previously sworn and was representing the Marin's, entered into the record continuing correspondence between the two parties regarding the Master Plan amendments. He said the Marin's counsel had written Waterstone expressing complete willingness to uphold our end of the agreement, and the reply was contained in the Board's packet of materials. Mr. Smyre said that was an indication of who was being cooperative and who was not on this matter. He said also submitted at the previous public hearing was the traffic impact analysis which he had reviewed. Mr. Smyre said there had been assertions that Waterstone Drive would actually handle the entire traffic from Waterstone, that is, if the connection were not opened up to Beckett's Ridge Drive and to Millstone. However, he said, he pointed out that within this analysis that connection was assumed to be opened and in fact, 60% of the residential traffic was routed out through that street in the assumptions that were made. Mr. Smyre said it was important to understand what was being analyzed.

Mr. Smyre also noted that in the analysis, it said that if Lafayette Drive was not upgraded to include a traffic signal and even if Waterstone were never built it would continue to deteriorate to letter grade E or below, and with Waterstone traffic added in future years Lafayette Drive would deteriorate to an almost immeasurable F. Mr. Smyre said these and others were very good reasons why the Master Plan was approved the way it was and why it should remain that way, and there were no barriers from the Marin's as to why it could not remain that way.

Mr. Hornik asked if the owners had now agreed to the slope easements and to the initial right-of-way area on Old 86. Mr. Smyre said they had never disagreed with it. Mr. Denison said he wanted to make sure it was on the record.

Responding to a remark by Ms. Ellis, Mr. Smyre stated that it had been previously pointed out that the analysis run on the Waterstone Drive/Old 86 intersection did not have any future traffic coming from any other source, so future conditions had not been analyzed where that was a loaded four-way intersection. He said the original Master Plan was for the dispersion of traffic out three major ways to avoid that sort of concentration at that intersection.

Dave Denison, the applicant and previously sworn, responded to questions that had been posed at the previous hearing. He said one was to increase the amount of square footage allowed on retail parcels 13 and 22. Mr. Denison said parcel 13 had now approval for 70,000 square feet, and they had requested an increase to 90,000 square feet. He said they were now approved for 380,000 square feet of building space on parcel 22, and were requesting that it be increased by 70,000 square feet to a total of 450,000 square feet.

Mr. Denison said on parcel 22 there was a total of 57.14 acres, and was proposing 450,000 square feet of building space, resulting in a coverage of 17.8% of building

space to land area. He said the total impervious acreage would be 35.7 acres, or 62.5%, and open space would be 21.44 acres or 33.9%. Mr. Denison said in parcel 13, the coverage and open space percentages were very similar to that on parcel 22. He said these percentages were very similar to shopping areas in other communities.

Ms. Ellis asked regarding the percentages, what was he basing his percentages on? She asked if he had tenants that wanted to much square footage, noting she did not want him to building something that big when no one needed that much space. Mr. Denison said they were currently talking with three different retail entities interested in this development. He said they believed the property was underutilized with the current zoning and had seen an opportunity to better utilize the property but still keep the coverage low and the open space percentage high. Mr. Denison said once they were ready to get the project financed and build it, then they would have to develop a market study to determine if they should build to that square footage. He said in his opinion the market would be there.

Ms. Ellis said she remembered that Mr. Denison had said someone would provide to the Board examples of why they needed this much square footage. She asked if there was any indication now that this amount of square footage was needed. Mr. Denison said that Barbara Todd of ETD, their land planner, had prepared the concept plan to show how 450,000 and 90,000 square feet would work on these two parcels. Ms. Ellis said she had been expecting an update from Ms. Todd regarding the need for the additional square footage. Mr. Denison said they were conducting talks with different retailers, but no commitments had yet been made.

Mr. Hornik asked what was the difference between coverage and total impervious area. Mr. Denison said generally the total impervious area would be approximately the same as the open space, such as landscaped areas or detention ponds versus rooftops and parking lots. Mr. Hornik asked if coverage was basically the percentage of retail square footage to total acreage. Mr. Denison responded that was correct. He said the coverage was the building space, and impervious area was building space plus parking areas.

Mr. Oliver said the examples Mr. Denison had provided regarding other developments was not helpful, since things were done differently in Texas than here. He said in the packet was the Orange County courtesy review of this project, noting there were several questions addressing parcels 13 and 22. Mr. Oliver asked if Mr. Denison had received and read that courtesy review, and had he made responses to those questions. Mr. Denison said he had read it but had not yet responded to it.

Ms. Hauth noted that the County had made its comments prior to receive the traffic impact statements. Mr. Oliver said some of the County's questions were transportation related, but some were environmental. He said the questions raised were valuable, and he would like to see them answered. Mr. Denison said regarding the road system, he wanted to have their traffic engineer, Earl Lewellyn, respond to that.

Mr. Lewellyn, who was previously sworn, pointed out a map that indicated the improvements being proposed at the Waterstone Drive/Churton Street intersection, and the realignment with Rippy Lane. He said they were providing for dual left turn lanes

coming out of Waterstone Drive, providing for dual left turns coming southbound and turning onto Waterstone Drive, and providing two lanes northbound on Churton Street up to and beyond the intersection and then tapering back.

Mr. Lewellyn said at the previous hearing there were questions about level of service. He provided two tables from the Highway Capacity Manual that spoke to and defined what levels of service were for both signalized intersections and unsignalized two-way stops. Mr. Lewellyn said the controlled delay in seconds per vehicle were shown in those tables, noting that typically level of service D was an acceptable standard. He said for unsignalized intersections there was no overall level of service grade, rather what was reported was the worst level of service approach at that intersection. As a result, he said, what you would find was that number listed in the traffic study.

Mr. Lewellyn provided an overview of the levels of service in the immediate study area, including the signalized and unsignalized intersections. Regarding the projected cues for those streets, he said they had found that the software for unsignalized intersections that the methodology was not able to accurately calculate what the delays would be. Mr. Lewellyn said to compensate, they take that number and look at other factors to determine if the number was high or low. He said in this case, there was a nearby signalized intersection that would help provide gaps to allow for left turns to move. Mr. Lewellyn said it was important to note that regardless of the access scenario that intersection side street service would remain at a level of service F. He said in fact, traffic would have the opportunity to travel to a signalized intersection to make a left turn, so even through the level of service is noted a F they would expect much better service than that.

Mr. Lewellyn said to follow up on that, they had looked at whether the volumes of traffic warranted a traffic signal. He said the answer was that it did not come close to warranting a signal, and it would not be appropriate to have a signal that close to the one at Oakdale.

Mr. Lewellyn said in summary they were looking at very good levels of service overall throughout the network. He said it was true that at the intersection of Waterstone Drive and Churton Street level of service D would occur during the p.m. peak area after full buildout. Mr. Lewellyn said they had included traffic associated with the Oakdale Village traffic study, the remaining buildout of Hampton Point project, as well as a growth rate. He said that double-counted some trips, because people from the commercial and residential elements of Waterstone would travel to Hampton Point and some to Oakdale Village, and to be conservative they had made no adjustment for that. Mr. Lewellyn said in summary, the numbers were the worst case scenario, and they expected the numbers to be much better than that in reality with the improvements proposed.

Mr. Lewellyn said at the last hearing an assumption was made that the connection to the north to Beckett's Ridge Drive was not available, but that connection had already been built. He said there was also a comment made that because of the lack of the ability to make that connection that emergency vehicles would be impeded in response time by about two minutes. Mr. Lewellyn said obviously that would not be the case. He said what would be the case was that instead of a difference of about two minutes,

there would be a deviation of about 27 seconds based on the access at either Millstone or Oakdale versus Cates Creek Parkway.

Mr. Oliver said there was a significant intersection missing from the chart, and that was Lafayette and Churton Street, which he believed would have an impact. Mr. Lewellyn said it was not included because this development would not be adding any traffic to or from that area, noting that expected traffic from that area to use the retail component of Waterstone, but it would not increase the trips. Mr. Oliver said it would impact the use of Churton Street, and asked why it was not included. Mr. Lewellyn said they did not feel it was relevant because they were comparing the two access options, but noted it was in the traffic study and the results were that it would operate at a side street level of service F and it would not meet signal warrants under either scenario. Mr. Oliver said he believed this was another case of withholding information. Mr. Lewellyn said it was not withheld, repeating that it was contained in the traffic study submitted to the Town.

Ms. Ellis asked if the original Master Plan had an intersection at Lafayette and Cate's Creek Parkway, and if so why were we not sticking to the Master Plan. Mr. Lewellyn said that was what we were here to decide. Ms. Ellis said it was a dangerous intersection because of limited visibility. She said it needed a signal light.

Mr. Remington commented that the comments about Lafayette ignored the fact that the original plans would have Cate's Creek Parkway intersecting opposite Lafayette, and for that reason there would be a light there to improve traffic for Cornwallis Hills, but that would not be there anymore under this proposal. Mr. Lewellyn said it was not a part of their proposal, but there was nothing precluding there being a signal there if it met the warrants on its own. He said it was something NCDOT could do regardless of this project. Mr. Remington said it would meet the warrants if we were using the original plan. Mr. Lewellyn said he was not sure if that had been determined, although it was likely it would at full buildout. He said NCDOT had not agreed that it would ever be signalized.

Ms. Ellis said she had a letter from Mr. Chuck Edwards of NCDOT dated October 24, 2005 that spoke to its review of the Waterstone development, and it said that the developer would be required to design and construct traffic signals at the intersections listed below if deemed to be warranted, and it included Old 86 and I-40 eastbound and westbound ramped intersections, Old 86 and the proposed Waterstone Drive intersections, NC 86 and the proposed Waterstone Drive. Ms. Ellis said it seemed that Mr. Edwards would conduct an analysis of that before we made a decision. She said that Oakdale Village would contribute almost nothing, and wondered why it was listed as a comparison.

Mr. Denison said they would attempt to address the questions and issues that were brought up by the County's review regarding the land use of parcels 13 and 22. He said regarding parcel 6, they had that under contract to close with an apartment builder at the end of this month and that builder would be coming forward at the end of this month with his SUP application. Mr. Denison said they needed to get the situation with the roadway resolved as quickly as possible so they could move forward with that part of the request.

Mr. Newton said we had a situation where we had a developer saying one thing and the property owner saying another, and now they were making their problems our problems by pressuring us to make a decision because of a deadline. He asked staff if they would provide information on the possibility of eminent domain. Mr. Newton said there was a strip of land annexed that was clearly intended to be a road for Cate's Creek Parkway, and asked if the Town could use eminent domain as a realistic option. Mr. Hornik said legally it was an option, but he could not answer if it was viable politically or financially. He said taking property to build a road was public purpose, so it was an option. Mr. Newton asked staff to determine what the cost might be to do that. Ms. Hauth said they would estimate the value of the land based on tax value, but that would not tell you what a court might award. Mr. Newton said that information would be helpful in the decision-making process. He said we had been through this four years ago and come to decisions, and now were being forced to go through it again.

Mr. Oliver applauded the applicant for settling the problems regarding parcel 6 and its use for apartments, and was happy to see that the applicant had developed an alternative plan to move things along. But, he said, at this point he did not have enough information to be in favor of either of the changes for parcel 13 and 22, or the transportation changes. So, he said, if the public hearing were closed, he would not be in support of the application.

Mr. Remington said if more information was going to be presented to address the County's courtesy review then the hearing should be kept open on the two parcels, and perhaps on the transportation part as well. Mr. Hornik said one option available to the Board would be to close the hearing on the road issue and continue it on parcels 13 and 22 if they believed it was appropriate.

Mr. Newton said on one hand we had a request to change the road orientation, and on the other to increase the square footage to make larger retail areas, which in theory meant more traffic, so he saw both of those as being related. He said he was not opposed to the increase in retail, but if it came at the expense of the original road plan not being built, then forget it. Mr. Oliver said the road issues needed to be resolved before we could go forward with increasing the retail space. He said if we were to decide to hold the hearing open, then the entire hearing should be held open.

Charles Nichols, the attorney representing the applicant and after having been sworn, spoke on the issue of splitting the public hearing topics. He said when the hearing was opened the question was raised as to whether the issues were linked or separate, and the applicant made it clear they were separate issues. Mr. Nichols said it was very important to the applicant to have some resolution on the roadway issue. He said if that issue did indeed impact how this Board wanted to deal with parcels 13 and 22, then it appeared to be logical to go ahead and resolve the road situation and continue the other issue. Mr. Nichols said they had tried to resolve the right-of-way issues with the Marin's for more than six months, and it was because of the various issues regarding the right-of-way and the slope easements that they had begun to look at alternatives. He asked that they not be held up any longer, but to give them an answer

so that they could move forward with the project. He asked that the Board close the hearing on the roadway issue so that they could proceed.

Ms. Wallace asked what would happen if the Boards decide to make them stick to the original Master Plan. Mr. Nichols said they believed they had developed a better proposal, but if necessary to move forward then they would do so under the original Master Plan. Ms. Wallace said she did not believe it was necessarily a better proposal, but just an alternative because there were no other choices.

Mr. Newton asked Mr. Oliver if he believed he had enough information to vote. Mr. Oliver said he would have to vote no at this point. Mr. Newton said then perhaps we should vote, noting he believed there were several good reasons to do so.

Mr. Smyre said there was no need for the Town to even contemplate resorting to condemnation in order to obtain this corridor, noting it had been the result of an agreement signed years ago between the Morens and the Trumps. He said they were simply trying to get the other party to live up to their agreement. Mr. Smyre said they had been urging the other party to identify the slope easements and right-of-ways needed, noting the corridor was there and it should be built. He said there was no reason that the Town needed to consider imminent domain, but instead should get what was promised to it.

Mr. Smyre said on behalf of and with the authority to speak for Mr. Moren, they were presented a plat that outlined the slope easements and rights-of-way needed including that needed on Old 86, and they agreed to everything except who would sign the plat because there is a question as to whether Dave Denison is an officer of the company and could sign for the Stratford Group.

Mr. Hornik said one way or the other someone would be held accountable, and he wanted to make sure that we had absolute and complete agreement. Mr. Smyre said we already had an agreement, and only wanted them to act on that agreement.

Commissioner Lloyd said they had dealt with this project long enough, and she wanted this to get done. She reminded Mr. Smyre that it was the Town Board who would decide this, not the Planning Board. Mr. Smyre responded the agreement was signed long ago, and they were only questioning whether or not Mr. Denison could sign the plat. Mr. Hornik said it was similar to his question regarding whether or not Mr. Smyre could speak for Mr. Marin.

Mr. Farrelly said he wanted it clear in the record that these agreements had been made so there was no question later on.

MOTION:

Ms. Vandemark moved that the public hearing regard the Cates Creek roadway be closed and that the issue regarding the square footage increase for parcels 13 and 22 be left open to the January public hearing.

SECOND:

Ms. Wallace.

VOTE:

Unanimously approved.

MOTION:

Commissioner Dancy moved to close the public hearing section of tonight's meeting.

SECOND:

Ms. Wallace.

VOTE:

Unanimously approved.

MOTION: Mr. Remington moved that the proposal to move the access and eliminate the Cates Creek Parkway connection be denied because: 1) it was unsound development to have so few access roads to this major development; 2) the unsound design would impact traffic and public safety in Beckett's Ridge and Millstone business park; and 3) it would delay resolving increasing problems for access from Lafayette Drive and Old 86.

SECOND: Mr. Jones.

VOTE: Unanimously approved.

The Board then moved back to the regular order of the agenda.

**RETURN TO
ITEM #8:**

Recommendations to Town Board of rezonings from October public hearing.

B. AMBA Ventures. Ms. Hauth reminded the Board that this was the 3.12 acres that fronted on NC 86 at the intersection with Highway 70A. She said it was down zoned when the Town undertook a moratorium in 2000 to set up the Entranceway zoning district. Ms. Hauth said properties in that vicinity were zoned Limited Office in the hopes that people would come in and seek an Entranceway Special Use permit. She said the site was already developed for storage use, and the zoning provided options for Light Industrial or General Industrial development, as well as Commercial. She said this project wanted to make use of the Light Industrial option.

MOTION: Mr. Newton moved that the Board recommend approval to the Town Board for this rezoning. He said it was consistent with the Master land Use Plan and met adjacency standards.

SECOND: Mr. Remington.

DISCUSSION: Mr. Oliver asked what was the current zoning. Ms. Hauth said Limited Office. Mr. Oliver asked if there was a difference in setback between Light Industrial and HIC. He said he wondered how close the buildings were to the property line, and if setbacks might cause a problem. Ms. Hauth said she did not believe it would be any worse than what it is under Limited Office. She said that adjacent to HIC would be zero, and adjacent to Light Industrial would be zero, but Light Industrial adjacent to HIC would be 30 feet.

Mr. Oliver said where it was zero before, we would be changing it to 30 feet. Mr. Oliver asked about the proposed expansion. Ms. Hauth responded the applicant was proposing to build over existing parking spaces that were no longer needed, so it would not impact the setback to the HIC property.

Responding to a comment from Ms. Ellis, Mr. Hauth stated that the impervious surface area would not increase, because the area he wanted build on was already paved.

VOTE: Approved 8-1, with Ms Ellis voting no.

C. Weaver Community LLC. Ms. Hauth said this was a request to rezone the back half of the property from Residential to match the zoning on the front portion of the property, which was Central Commercial.

Mr. Boericke noted he wanted to recuse himself from the discussion because he was an adjoining property owner.

- MOTION:** Ms. Vandemark moved to recuse Mr. Boericke from this discussion and vote due to his being an adjoining property owner.
- SECOND:** Ms. Wallace.
- VOTE:** Unanimously approved.

Speaking as a citizen, Mr. Boericke said his property abutted this property at the rear where it was zoned R-20. He said in anticipation of something changing with this piece of property, they had planted significant buffer so they were reasonably well protected. Mr. Boericke said they had been in discussion with Mr. Horton regarding how to protect that planting as well as protect some of the trees on his property so that it would continue to contribute to the buffer area. He said given the proposal as to how this property would be developed, he was enthusiastic about it and the neighbors had provided favorable responses as well.

Mr. Boericke said given the specific request for rezoning, regardless of what would be developed there they were prepared to accept whatever Central Commercial had to offer. In light of what was proposed, they were delighted.

Responding to a question regarding Gateway, Ms. Hauth stated that N and K Street would not pass this property, noting it would end at the point where the Gateway property ended. Mr. Boericke said there was a sewer easement that ran right through where you would put the road, noting it was in the floodplain. Ms. Hauth said the right-of-way did not run any further west than the west line of this property.

- MOTION:** Mr. Oliver moved that the Board recommend to the Town Board approval of the rezoning request, as it met the Vision 2010 Plan, abided by the Zoning Ordinance, and the parcel met the general criteria for Central Commercial.
- SECOND:** Ms. Wallace.
- VOTE:** Unanimously approved.

ITEM #9: Discussion of Draft Strategic Growth Plan document.

Ms. Hauth said the draft provided was not the final document, so there were places in the document where there were choices that would soon be limited to only one. She said the Land Use section was not yet ready and required some additional work with the consultant. Ms. Hauth said the County would hold a public hearing on November 20, the Town will hold a public hearing on November 27, and invited the Board to join in that discussion to be held in the Gordon Battle courtroom at 7:30. She said a revised document would be prepared in advance of that public hearing.

Ms. Hauth said the map of most interest was on page 20, noting that the Interlocal Agreement Version A was what was recommended. She said immediately upon adoption of this plan, there would be additional processes to go through to extend the ETJ, with public hearings to determine the zonings in those areas and lots of notices to the public.

Mr. Oliver asked was it possible to revert back to the Pou family property and drop Ashton off. Ms. Hauth said yes.

Mr. Newton commented that there had been characterizations by many on what the Strategic Growth Plan would accomplish or not accomplish. He said the emphasis of this Plan was mostly on the edges of Hillsborough and it did not focus on anything currently within Hillsborough. Mr. Newton said it was brought out at the last hearing that another task force committee comprised of just Hillsborough citizens would probably have to be established to really hone in on the land use pattern, which was why there were questions about the land use map element.

Mr. Newton said the Strategic Growth Plan was not a silver bullet that would solve all of our problems. He said it would interface the Town's land use and water use and the ETJ with Orange County.

Ms. Ellis said regarding Ashton Hall, was the ETJ area much more desirable to build on. She said we needed to take a close look at that. Ms. Hauth said Ashton Hall was there only to draw the jurisdictions so that that property was truly in the Town's jurisdiction and not an area for joint decision with Orange County.

ITEM #10: Discussion of potential schedule changes.

Ms. Hauth said they had discussed the difficulties when there was a public hearing one week, the Planning Board met the next week and the Town Board met the following week. She said the Town Board wanted full sets of minutes from Planning Board deliberations, and the present schedule did not allow time for that. Ms. Hauth said in light of that, she suggested a significant scheduling change that would remove the quarterly hearing process and schedule it on the same night that the Board selected for the Planning Board meeting. She also suggested shifting the Planning Board meeting to later in the month. Ms. Hauth said that would result in holding public hearing one month, not meet to make the recommendation until the next month when there were minutes available, and then it would go to the Town Board two to three weeks later so that the draft minutes from this Board would be ready for the Town Board to read. Ms. Hauth suggested that the third Tuesday would be appropriate for Planning Board meetings.

Ms. Ellis said it had been suggested in the past that the Board meeting on the Tuesday after the Town Board met on Monday, which would allow a full month to get the minutes prepared and submitted to the Town Board for their next meeting. Ms. Hauth agreed that was a viable option.

Mr. Newton suggested providing the recordings of the meetings on the web site. Ms. Hauth replied that the files were too large to do that. Mr. Newton stated that their meeting place needed to be much bigger as well, and suggested the Gordon Battle courtroom. He said he would like that to be considered along with these schedule changes. Ms. Hauth said any changes did not have to be implemented immediately, noting the January hearing might be the appropriate time in order to allow deadlines to be adjusted. Ms. Hauth said it would carry more emphasis if the Planning Board adopted a motion to say that the current meeting space was no longer adequate for public hearings and a new meeting facility should be identified.

MOTION: Mr. Newton moved that the Town Barn facility was no longer adequate to hold public hearings, and that other facilities should be researched and obtained to hold public hearings in the future.

SECOND: Ms. Vandemark.

VOTE: Unanimously approved.

Ms. Hauth suggested that the Board discuss amending the quarterly meeting schedule as well. She said there had been an interest by the Town Board not to meet in July, so the schedule could be altered to meet February, May, August, and November, or December, March, June, and September. She said she believed the February, May, August and November schedule was better, noting December was not a good time to meet.

MOTION: Mr. Newton moved to endorse the quarterly hearing schedule be amended to February, May, August, and November.

SECOND: Ms. Remington

VOTE: Unanimously approved.

ITEM #11: Follow-up discussion from September 25 training.

Ms. Hauth asked if there were any issues from that session that the Board desired to discuss. She said she could make the videotape available to anyone who wanted it. Ms. Hauth said it could also be used as orientation for new members to the Board. A short discussion ensued regarding the training and its benefits.

ITEM #12: Adjourn.

Upon a motion by Mr. Boericke, seconded by Ms. Wallace, the meeting was adjourned the meeting at 9:16 p.m.