

MINUTES
PLANNING BOARD
September 20, 2007, 7:00 p.m.

MEMBERS PRESENT: Tom Campanella, Edna Ellis, Kathleen Faherty, Neil Jones, Paul Newton, Dave Remington, and Toby Vandemark.

ABSENT: Matthew Farrelly and Barrie Wallace.

STAFF: Margaret Hauth, Tom King.

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

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

ITEM #2: Adoption of Minutes from the August 16, 2007 meeting.

Mr. Remington said there were blanks on page 10 regarding votes on the stormwater that needed to be filled in. Ms. Hauth responded she had not taken notes on the vote, and asked who had voted in favor of adopting it as replacement language and who had voted in favor of including the existing language as well.

Ms. Hauth said since Mr. Newton and Mr. Oliver had made the motion to make the change, they were at least two of the positive votes. Ms. Faherty said she had voted yes. Mr. Remington said he had voted no. Ms. Ellis said she believed Mr. Farrelly had voted no as well.

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.

There were no additions or adjustments to the agenda.

ITEM #4: Committee reports and updates.

Board of Adjustment: Mr. Remington said the Board had met on September 12 and provided a brief overview of that meeting:

- Voted to approve a modified site plan for Thalle Construction to reduce the square footage to be built
- Reviewed a site plan for TICON Properties to build some office buildings in Meadowlands, which was approved.
- Continued the hearing for Krishna Temple to allow them time to obtain a stormwater permit from the State.
- Denied the Conditional Use Permit Webb Grove Condominiums.
- Upheld the approval of a modified site plan for the Rooster's Nest Restaurant on East King Street which carried a condition that the neighbor and the applicant would have to come to some agreement regarding the fence between the adjacent properties.
- Continued the hearing on Gold Park because one permit had yet to be received.
- Verified the written findings of fact related to the proposed asphalt plant.

Ms. Hawth noted that the verification of the written findings of fact related to the proposed asphalt plant started the time clock ticking for the appeal process, so the applicants had 30 days from last Friday to appeal that decision.

Parks and Recreation Board: Ms. Hawth said now that the Master Plan was completed and ready for public hearing next month, the next project was to start on a connectivity plan, which was more than a bike and pedestrian plan because it looked at where some of those important connections were. She said they had approved a Scope of Work and a mission and vision on how they would move through that process, especially in light of the fact that they were asked to take a hiatus for the months of November and December to allow for the maternity leave of their staff liaison, Stephanie Trueblood. Ms. Hawth said the Board would begin its work in January, and Ms. Trueblood was expected back in March.

Ms. Hawth stated that Tom Campanella had provided some resource materials for each member for their use. She announced that Eric Oliver had submitted his resignation from this Board, noting his work load had become too much. She said Mr. Oliver would continue his membership on the Board of Adjustment. Ms. Hawth said would likely consider applicants for the vacancy at the next meeting.

ITEM #5: Discuss citizen's request to amend outside play area requirements for daycare centers.

Ms. Hawth said this was a discussion begun at the last meeting and was from a resident of Cornelius Street. She said since it involved consideration of a text amendment, it could be discussed with the other potential text amendments as noted in Item #8. She said that applicant was not present this evening. The Board agreed by consensus.

ITEM #6: Formulate recommendations to the Town Board regarding 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. Hawth said last month the Board had asked that some analysis be conducted on what could be done at Hampton Pointe to make it somewhat safer and to allow the left hand turn into the site. She said she had met with Jim Parker, the Town's consulting engineer and applicants to come up with some alternatives, and those were provided in the plans.

Mr. Watson stated there were two plans provided to the Board, the first one labeled Pavement Striking Plan. He said in meeting with Tracy Parrot with Summit Engineering they had recommended a raised concrete "z" island that would extend across the intersection, allow left turns into both properties, but because there would be a two-foot wide concrete island it would prohibit or severely limit people driving over the island unless they wanted to damage their vehicles. Mr. Watson said after talking with Tracy Parrot his only comment was that the islands noted on the plans should point the other way, and that all other aspects of the plan were acceptable.

Mr. Watson said the other items requested by the Board were to add the crosswalk with handicap ramps, which had been done, and to add interconnectivity with the adjoining property. He said they had extended the driveway to the property line and shifted the

canopy over to align it with the other area. Mr. Watson said when meeting with Ms. Hauth and the Town Engineer, they had discussed that it made more sense for a single contractor to do all of this work once the costs were worked out.

Mr. Watson noted that the second plan provided was the site plan itself. He said the main discussion point was the intersection itself, and called attention to that on the plan.

Mr. Newton stated he was pleased with what had been submitted, noting it was a far superior solution that what they had seen previously. He said it was good not only for this parcel but good overall for the shopping center. Mr. Newton said the concrete “z” island answered his concerns about people who refused to take that right hand out.

Ms. Faherty, Mr. Remington, and Mr. Jones all agreed with Mr. Newton.

MOTION:

Mr. Newton moved to recommend to the Town Board approve of the Special Use Permit modification for Eagle Enterprises as represented in the plans submitted this evening.

SECOND:

Ms. Faherty.

VOTE:

The vote was 7-1, with Ms. Ellis voting Nay.

Ms. Ellis stated her concerns were that 70% of the Burger King customers would be drive through. She said when the community college was opened there would be many students on the highway. She also said the traffic flow pattern on Cornwallis was of concern for her, noting people coming out of the car wash and the drive through would be an issue. Ms. Ellis said also of concern was the location of the tanks and the delivery of gasoline. She said she did not understand how the traffic counts were done, noting it did not show the hours of the day but only the peak numbers. Ms. Ellis said she believed there were more peak hours of traffic than the traffic count indicated.

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.

Roger Waldon, the Town’s consultant with Clarion Associates, introduced his colleague, Dorothy Aerial. He said their task was to try to craft a recommendation to the Board of County Commissioners regarding adoption of a Land Use Map for Hillsborough and its surrounding area. Mr. Waldon said they had been through the discussions with Orange County as part of the Strategic Growth Plan to agree on an area that should be ultimately Hillsborough and its expected urban growth. He said there had been acceptance with the Town and the County on a line that presented the area Hillsborough should plan for, and the task now became producing a map to put in front of the Town Board that they could adopt as Hillsborough’s Land Use Plan.

Mr. Waldon stated the map presented on September 4 started out with existing land use and took into account the existing zoning designations, and showed future land use that acknowledged what was happening today in and around Hillsborough. He said there were a number of areas where some decisions could be made about what was the most desirable future land use, and those areas had been left uncolored on the map. Mr. Waldon said at the work session they had come up with recommendations for each of those 29 areas regarding what the designation for future land use might be.

Mr. Waldon asked to keep in mind that tonight the Planning Board could make a recommendation to the County Board of Commissioners regarding this map, but may choose to decide that you need more discussion at additional meetings. He said one target to shoot for would be an October public hearing, which would require this Board's recommendation.

Mr. Waldon said his suggestion would be to do what they could to help move this process along. He said there were several planning initiatives in the works: the Strategic Growth Plan which had been completed; Hillsborough's adoption of some land use designations; then some discussions with the County since a lot of the area they were talking about tonight was currently in the County's jurisdiction; and then there needed to be discussions with the County and agreements about how those areas should be managed and planned for and then mechanisms put in place.

Ms. Ellis said at the previous meeting they had discussed properties that were agricultural but not been changed. She asked if the property owners would be notified if those zoning designations were changed on this map. Ms. Hauth said that was something that would have to happen if and when this went to public hearing. She said changing the designation would not rezone their property, but would change the designation in the Land Use Plan which would facilitate them requesting a rezoning if they wanted to pursue it.

Mr. Waldon described the workshop on September 4 and the recommendations made at that time. He said the map was a series of suggestions of how land use designations might be assigned. He pointed out the Town limits and the area designated for future Hillsborough through the Strategic Growth Plan process.

Mr. Waldon said at the work session they had prepared a set of land use classifications, and one of the things agreed upon at the work session was that a few more classifications were needed, particularly with respect to the rural and low and residential categories. He said a category was created called Mill Village, a Neighborhood Commercial Corridor designation, as well as several others.

Mr. Waldon called attention to Attachment B, Draft Future Land Use Designation, and noted with those designations they were attempting to stay consistent with what was happening at the regional level. He said that TJCOG had been working with local government planners to create a land use classification system that was fairly consistent across the region.

Mr. Waldon, using the map from the work session, described the recommendations and explained the designations. He also reviewed what had been agreed upon by consensus on September 4. Mr. Waldon stated those recommendations began with a spot on the map and then moved clockwise, as follows:

- | | | |
|---|-------------------------------|--|
| 1 | Ashton Hall | Low Density Residential |
| 2 | Lawrence Park | Low Density Residential |
| 3 | Strayhorn Hills area (Old 10) | Low Density Residential |
| 4 | NC 86 S | Neighborhood Commercial Corridor (new designation) |

| | | |
|--|------------------------------|---|
| 5 | Woodsedge MHP area | Mixed Use Residential |
| 6 | EDD S of 40 | Mixed Use Employment |
| 7 | EDD S of 40 | Mixed Use Residential (area west of MUE – limited access) |
| 8 | Oakdale/Orange Grove Rd | Mixed Use Residential |
| 9 | Patriots Pointe Triangle | Mixed Use Residential |
| 10 | Credit Union area | Mixed Use Employment |
| 11 | Eno Mountain Rd | Low Density Residential |
| 12 | Mayo/Orange Grove | |
| 13 | Dimmocks Mill Rd | Low Density Residential |
| 14 | West Hillsborough | Mill Village - include gravel State lot in this designation |
| New Neighborhood Commercial corridor along West King/West Hill Ave, North & South Nash | | |
| 15 | Hills Heights/Fairview S | Low Density Residential |
| 16 | US 70/Gatewood | Mixed Use Employment |
| 17 | Corbett/NC 86/US 70 | Low Density Residential |
| 18 | Rencher | Low Density Residential |
| 19 | 86/57 Triangle S of Rocky Ln | Low Density Residential |
| 20 | Wrap around Wilkerson | Mixed Use Employment |
| 21 | Major Business Forms | Mixed Use Employment |
| 22 | Faucette Mill Rd | Rural Residential/Ag |
| 23 | Latta Farm (Gov Burke Rd) | Agricultural |
| 24 | Latta Rd/NS US 70 | Low Density Residential |
| 25 | Hines | |
| 26 | Grant | |
| 27 | Collins property S of 85 | Permanent Open Space |
| 28 | St Marys Use Value areas | Low Density Residential |
| 29 | Walters/St Marys | Change one Commercial square to Low Density Residential |
| 30 | Historic District | Designate entire HD as Historic Residential |
| (Tryon/Wake/Cameron/River) Designate commercial core as Historic Commercial Core | | |

A brief discussion ensued regarding the designation of the historic district and then a separate designation of the historic downtown, or commercial core. Ms. Hauth noted the only thing not reflected in that area was the County complex south of King Street on the east side of Churton, which was now colored blue on the map because it was almost all County uses. She asked did they want to pull that area into the Historic Commercial Core as a designation rather than Office-Institutional, adding that area did contain the two courthouses, the Visitor’s Center and a few others. Or, she said, was the office use overwhelming to the Historic Commercial Core designation.

Mr. Waldon said a very strong argument could be made that that was part of the Historic Commercial Core.

A question was asked about the Rural Residential area to the west of the Mill Village, just above Area A on the map. Ms. Hauth said that area was almost all horse farms. Mr. Waldon said because of that, the consensus was that area should be Rural Residential rather than Low Density Residential. He said, however, that an argument could be made that they should be Agricultural.

Mr. Waldon noted that so far, the Board had agreed to make Area 22 Agricultural, and that the downtown would be split to separate the commercial core and the historic residential core. He also suggested that the whole area west of the Mill Village, which looked quite rural, should be Rural Residential. There was general agreement from the Board. It was suggested that the brown area on the map, denoting the historic district, should move out somewhat from the brown area to match the historic district lines. There was general agreement.

Mr. Waldon asked Ms. Hauth to walk through the process when a recommendation came from the Planning Board and then went to public hearing. Ms. Hauth stated if public input was wanted, it may be better to call a special public hearing where this was the only item on the agenda, and then to also schedule one or two open houses a week or two before the special public hearing to provide information. She said they should also consider placing large ads in the newspaper to get the word out to as many citizens as possible. Ms. Hauth said they would have to be very clear that the areas not in the Town's jurisdiction at this time were not bound by this plan because they were not yet in the Town's jurisdiction. She asked Mr. Waldon did it make sense to take forward a Land Use Plan that only covered the current Town jurisdiction, and then have the other one when the Town and County were more in agreement.

Mr. Waldon said he believed that was a good idea. Ms. Hauth suggested then the point could be made that only the area within the Town's limits would be affected at this point, with the outlying areas to be considered at some later time.

Mr. Waldon suggested making a recommendation to the Town Board to do two things: that they adopt the Land Use Plan for which they had jurisdiction; and, that they agree on a set of preliminary land use designations for discussion with the County. He said that second action would not be binding, but it would give the County Commissioners an idea of what Hillsborough wanted to talk about with them.

Mr. Waldon suggested providing the entire map, but designating the areas in Hillsborough's jurisdiction with a vivid color so it would be obvious what was up for discussion, then perhaps using an opaque color on the rest of the map. There was general agreement from the Board.

After some discussion, the Board agreed that recommending a special public hearing was preferable.

MOTION: Mr. Remington moved to recommend that the Town Board schedule a Special Public Hearing to discuss the draft land use map on Thursday, November 8 at the Courthouse.
SECOND: Ms. Faherty.
VOTE: Unanimous.

Ms. Hauth said she would schedule some open house times for viewing of the map, and would alert the Board when those would be.

ITEM #8: Discussion of potential text amendments for public hearing in October or January.
Ms. Vandemark reminded the Board that Item #5 would be included in this discussion.

- Deletion of Planned Unit Development District – Ms. Hauth said when looking at the standards in the ordinance, she did not believe they would want anyone to try to use that, because it would not generate the type of development that the Town was interested in. She suggested that it be deleted, adding it had never been used.
- Deletion of Entranceway Overlay District – Ms. Hauth said the same was true with this, in that it encouraged developments with service roads, and suggested deletion of this one as well.
- Deletion of “barbershop, beauty parlor” as a use – Ms. Hauth said they had discovered a conflict in the ordinance where barbershops and beauty parlors were listed in the Permitted Use Table individually, but were also specifically listed in the definition of what a personal service was. She said that personal services were not permitted in the same district. Ms. Hauth said given the wide range of services now offered at such businesses, she suggested that the use be eliminated and that it be treated as personal services.
- Site Plan review process – Ms. Hauth said this could wait until January, noting staff would like to go ahead and make draft revisions to the process and then have a staff level review.
- Parking clarification – Ms. Hauth said when looking at that section more closely when reviewing site plans, there were some real organizational issues there as well as some requirements that seemed odd. She said she did not propose to bring up how many spaces would be required for different types of uses, because that would be address in the ordinance rewrite. Ms. Hauth said there was some “housecleaning” needed, but it was not critical.
- Attached dwelling clarifications – Ms. Hauth said she had not sent this to the Town Board as yet, because she wanted to give the Town Board the benefit of the minutes from the Planning Board’s last meeting before they made a decision. She said that section was clearly “broken” and they needed to consider some amendments.

Ms. Hauth said several months ago the Board had talked about signs and getting some of the main recommendations from the Churton Street Plan in, but the discussion had ended when they encountered some conflicts. She said at a minimum, they may want to consider lowering the height requirement for free-standing signs so they did not get any more requests for 25-foot tall signs when they really only wanted them to be 6 or 7 feet.

Ms. Hauth said one of the recommendations from the Cornelius Street Plan was small scale mixed use development. She said that might be more than they wanted to tackle, noting it would depend on how much this Board wanted to jump-start that Cornelius Street Plan or address a small scale mixed use district. Ms. Hauth said if they found they were all of a like mind, then it could be done, but if they were not of a like mind then perhaps it needed to wait.

Ms. Hauth said she would like to move forward with the first three items at the October public hearing, but let the others wait until the January public hearing.

Ms. Ellis said she was concerned about removing the possibility for service roads, noting she believed it lessened the amount of traffic. Ms. Hauth said in recent history this Board had not supported the concept of service roads in lieu of more access management. She

said it put too much road on the ground that could be accommodated with interconnectivity and access management. And, she said, no one had applied for one in some time.

Regarding a remark about the Planned Unit Development District, Ms. Hauth said that same type of development could be achieved using the Entranceway Overlay, but that district was set up to force the concept of mixed uses.

Ms. Faherty stated that when Ms. Hauth had said “it would not generate the type of development that the Town was interested in,” what did that mean. Ms. Hauth said it felt forced in terms of the requirements, while not necessarily encouraging integration of uses. She said what an applicant would really mix may be multi-family and manufacturing, and asked was manufacturing even a use they would want to encourage at this point. Ms. Hauth said the Town had many distribution uses but little manufacturing. She said at the time that was written there was interest in encouraging a non-residential base.

Ms. Hauth said at the present time the Town was much more interested in redevelopment and not green field. She said the Boone-Collins development could have applied under the PUD designation, but they likely would not have met the required percentages.

MOTION:

Mr. Remington moved to forward the following items to the October public hearing: deletion of the Planned Unit Development District, deletion of the Entranceway Overlay District, and deletion of barbershops and beauty parlors as a use.

SECOND:

Mr. Newton.

VOTE:

Unanimous.

Mr. Remington said he definitely wanted to have the sign issue put on the January schedule so it could be tightened up.

Ms. Hauth said regarding the daycare outside play area requirements, Mr. King had done some research on what nearby municipalities had, and also confirmed with the State that the 75 square feet per child was a minimum, not a maximum. She said the citizen’s request was to consider modifying the Town’s requirement of 200 square feet of outside play area per child for daycare centers.

Ms. Ellis said whatever the State required should be the Town’s requirement as well. She said the Town did not inspect those businesses nor issue them licenses, the State did that. So, she said, daycare centers should abide by State regulations.

Ms. Faherty stated she believed that inspections were frequent and very particular, and the State did a good job of protecting that environment for children. She agreed that recommending the minimum of 75 feet as required by the State seemed reasonable to her.

Mr. Remington said requiring daycare centers to meet the State requirements was sufficient for him.

MOTION:

Mr. Newton moved to forward this item to public hearing with the text amendment reflecting changes to make it reflect the State requirements for daycare centers.

SECOND:

Ms. Faherty.

DISCUSSION: Mr. Remington suggested that parts of the State requirements be specifically referenced in the ordinance so that when other boards were reviewing site plans they would have some reference. He said, for instance, the requirements for outdoor play space should be noted.

VOTE: Unanimous.

ITEM #9: Adjourn.
Upon a motion by Mr. Newton, seconded by Mr. Campanella, the Board moved to adjourn the hearing. The vote was unanimous. The meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Margaret A. Hauth, Secretary