MINUTES
JOINT PUBLIC HEARING
HILLSBOROUGH TOWN BOARD and PLANNING BOARD
Thursday, July 17, 2008
7:00 PM, Gordon Battle Courtroom, Orange County Courthouse

BOARD OF COMMISSIONERS PRESENT: Commissioners Frances Dancy, Brian Lowen, Mike Gering, and Evelyn Lloyd.
ABSENT: Mayor Tom Stevens, absence excused; Commissioner Eric Hallman, absence excused.

PLANNING BOARD MEMBERS PRESENT: Chair Matthew Farrelly, Dan Barker, Kate Flaherty, Dave Remington, Barrie Wallace, Bryant Warren, Stephen Whitlow, and Elizabeth Woodman.

STAFF PRESENT: Planning Director Margaret Hauth, Town Attorney Bob Hornik, and Assistant Town Manager Nicole Ard.

ITEM #1: Call to order.
Commissioner Mike Gering called the public hearing to order at 7:02 p.m. He then turned the gavel over to Planning Board Chair Mathew Farrelly.

ITEM #2: Annexation request from Wesley and Patricia Cook for 7.85 acres with access to Tuscarora Drive and US 70 A East which is currently zoned R-20 and approved for development at Riverbend II subdivision (TMBL 4.37.C,2a, AND 11c).
Ms. Hauth outlined the request from Wesley and Patricia Cook to annex 7.85 acres, which are adjacent to the current city limits, to the Town of Hillsborough. This lot had been approved for development at Riverbend II subdivision and was currently zone R-20, she said. Ms. Hauth noted there was no intent to change the zoning at this time, and that the request was only to annex the property to the Town in keeping with one of the conditions of the preliminary plan. She explained that Town water and sewer would be provided to the Riverbend II subdivision at the developer's expense.

Mr. Farrelly indicated that no one had signed up to speak on this item.

Upon a motion by Commissioner Gering, seconded by Commissioner Lowen, the Board moved to close the public hearing on this issue. The motion was adopted unanimously.

ITEM #3: Rezoning request from Nathan Parker to rezone .59 acres at 516 Revere Road from R-20 to General Commercial (TMBL 4.13.A.15).
Ms. Hauth explained that this and the property to its east of it were zoned R-20, while the properties to the north and west were zoned Commercial. The area was planned to be designated for non-residential development, she said. Ms. Hauth noted that the one neighbor who had signed a protest petition did not live within the 100 feet required to impact the Board's vote on this request.

Nathan Parker, owner, explained that he wanted his property zoned Commercial in keeping with plans for the US 70 corridor that he and others on the task force had agreed upon in 2007.

Lennis Carrier, a Revere Road resident, told Board members that she would have signed a protest petition if she had known one existed. She expressed concerns about the type of commercial development that might be put on the property and said that she already was bothered by noise, trash, speeding cars and the other impacts of commercial development. Ms. Carrier asked for more

information about the type of commercial development this would be. Where would the entrances and exits be, and how many people would frequent the establishment, she asked. Ms. Carrier requested answers to these kinds of questions.

Commissioner Lloyd ascertained that Ms. Carrier's full address was 505 Revere Road. Ms. Woodman established the physical relationship between Ms. Carrier's and Mr. Parker's properties.

Edna Ellis, a Revere Road resident, showed pictures of the area and expressed concern about an increase in traffic after the rezoning. She pointed out that there were two elementary schools in the area, and said that school bus and other traffic already was intense on Nash Street. Ms. Ellis distributed a map and noted that the area had always been residential. She asked the Town to confine the commercial development to Cornelius and keep it away from the old neighborhoods. Ms. Ellis told the Board that a child had been killed while running out from Lunsford's into the traffic. This was her main concern, she said.

Mr. Farrelly pointed out that no one else had signed up to speak.

Upon a motion by Commissioner Gering, seconded by Commissioner Dancy, the Board moved to close the public hearing on this issue.

Mr. Whitlow asked Ms. Hauth if one person, having bought all of the properties, could claim it as one commercial parcel. Or, would the Town have an opportunity to intervene, he asked.

Ms. Hauth explained that there would not be a step where the Town would approve combining the properties, per se. The developer would submit an application to develop all of the parcels and erase the property lines in a recombination plat, and that would likely trigger a conditional use permit, which would be reviewed and approved by the Board of Adjustment, she said. Ms. Hauth explained that the Board of Adjustment would look at lighting, parking, traffic, and so forth. Such a project was unlikely to come to the Town as something that would require a Special Use Permit (SUP) and review by these two Boards, she said.

Ms. Woodman noted that the Town's future land use map had designated this area as Mixed-Use Residential. Ms. Hauth explained that the designation means that non-residential uses and residential uses would coincide. It was currently zoned as only Residential, she said, noting that Mixed Use Residential includes a range of zoning districts that allow commercial, office, residential, or all three.

The motion was adopted unanimously.

ITEM #4: Special Use Permit request from North Chatham Investment, LLC to develop the Little School on College Parke Road (Lot 7 (4.97 acres) in Waterstone) as a daycare for 196 students with parking and outdoor play and instructional areas (part of TMBL 4.45..45).

Ms. Hauth pointed out that everyone who wanted to give testimony tonight would need to be sworn in. She outlined the proposal to develop Lot 7, and noted that it had been specifically designated on the master plan as a daycare center. According to the conditions for Waterstone, the development could contain up to 14,000 square feet of floor area and must not exceed 65% impervious surface, she said.

Ms. Hauth noted the cursory review comments from Orange County and others, and said that there were a number of special conditions that the applicant had requested. During the SUP application

process, an applicant may request waivers to nearly any ordinance or master plan condition, she said, adding that the applicant must show good cause to the Board. Ms. Hauth drew Board members attention to the "general findings of fact" that they would have to make before approving the SUP. She noted that a detailed proposal from the applicant was in the packet.

Mr. Farrelly explained that he would need to leave the meeting early and would pass the gavel back to commissioner Gering.

Cara Lacey, Kevin Hamak, Travis Blake, Jennifer Diaz, Kenneth Ritchie and David Clinton were sworn in.

Travis Blake, the applicant, presented the SUP request and reviewed the project's background. He said that families had been turned away in the past due to lack of daycare space. Mr. Blake said that his goal was to provide a facility that had the necessary space and educational ambiance, and also had the environmental and social characteristics of other projects with which he had been involved. Blake and Associates had organized a design team that can meet these criteria, he said, adding that David Clinton of MHA Works, had designed a building that also meets the Triangle J's criteria for high performance buildings.

Mr. Blake said that Cara Lacey and Kevin Hamak, of John R McAdams Co., had worked hard to design a site plan that incorporates state-of-the-art stormwater retention controls. The eventual landscape plan would provide for the educational goals of the Little School, he said. Mr. Blake described the daycare center as a community-sensitive facility and said that he hoped it would become the standard for future private and governmental facilities.

Mr. Farrelly clarified that the Little School had been in its current location since 2005.

Cara Lacey pointed out that the Little School had been designated on Lot 7 of the Hillsborough master plan. She gave the project's general orientation, described the surrounding area, and read the master plan's conditions for that lot. Ms. Lacy noted that the applicant was requesting an increase to 20,000 square feet for possible future expansion. The impervious surface of 25% takes that future expansion into consideration, she said. Ms. Lacey pointed out that the stormwater runoff and size of the bioretention area takes that into consideration as well.

Ms. Lacey reviewed the site analysis, including the hydrology, topography, slopes, and vegetation on the parcel. She said that many of the trees were new growth since the site had been logged 6-10 years ago. An historic road in the southwest corner of the site would be preserved through a conservation easement, Ms. Lacey said.

With regard to the site plan, Ms. Lacey explained that the team had specifically designed the building, parking, stormwater treatment, and open spaces in response to the environmental features of the site. Sustainability had been an overriding theme, she said, adding that this was an exciting project that they were proud to bring forward.

Ms. Lacy pointed out that the building was oriented to make the best use of solar energy and to provide daylight. It is designed to respond to the site's topography, she said, pointing out a series of open and functional outdoor spaces, both natural and formed, that had been designed for passive and active outdoor recreational areas and interaction with nature. Ms. Lacey showed slides of the entry garden, courtyard, and play spaces.

Ms. Lacey provided specifics regarding the site's size and setbacks, and she noted the applicant's request to modify a buffer requirement to 45 feet, 35 of which would remain undisturbed. This modification would be in order to have a bioretention facility on the site rather than the conventional stormwater controls, she explained. Ms. Lacey showed illustrative drawings of the undisturbed 100-foot buffer to the east, a large buffer to the south, the bioretention area, additional screening on the southern portion of the property, and the interactive play areas. She also showed slides of bioretention areas and commented that they look much better than standard stormwater ponds.

Ms Lacey reviewed the waiver requests. With regard to the increase in floor area, she noted that the applicant would come before the Board again before carrying out any expansion. She mentioned a reduction in the 50-foot setback to 30 feet along College Park Road, and said that signage would conform to zone requirements. Ms. Lacey pointed out that the applicant had made additional commitments to this project--such as screening, preservation of open space, green building design--and these were outlined in the packet. The applicant had received comments from staff and would comply with those comments and revise the plans at the construction drawing phase, she said.

Mr. Farrelly passed the gavel to Commissioner Gering to chair the remainder of the meeting. Mr. Farrelly and Commissioner Lloyd left the meeting, but were not excused.

Dave Clinton, an architect with MHA Works, said it was very important to his team to do all they could environmentally, and they were striving to incorporate as many LEAD features as possible. It was fortunate that the site sloped down to the south, he said, because that allowed them to orient the building in a way that would maintain passive solar control and have nearly all of the windows facing north and south. Mr. Clinton said that this would permit natural lighting so that the children would not be under florescent lights all day.

Mr. Clinton said that they had striven to create a building that would be safe and appropriately scaled for children. This had lead to the cluster of smaller connected buildings, the courtyard, and the fenced-in play areas, he said, showing renderings of those areas. Mr. Clinton pointed out the muted tones of the internal spaces and the "arts and crafts" building style, which creates home-like spaces with natural tones, he said. He noted the metal roofs, and said that this would allow photovoltaic energy in the future.

Mr. Whitlow inquired about the small, low windows on the west side of the building. Mr. Clinton explained that those would be in the kindergarten area and were scaled down to child size. He indicated where small sheds with "kid-scale" windows would be as well, noting that it would be like having a clubhouse as part of the classroom.

Ms. Woodman verified that there would be sidewalks along the street. She asked about the relationship between the daycare center and the main street. Mr. Clinton replied that the building was up the hill from the main road and set back about 50 feet. It would hardly be seen from the main street due to existing and planted vegetation and five-foot fences that are required for the children's security, he said. Passersby would be able to see the gables but the buildings themselves would have as little impact on the environment as possible, Mr. Clinton said.

Kevin Hamak, a landscape architect with John R. McAdams, discussed the applicant's vision for natural play areas, as opposed to standard play areas with manufactured playground equipment in a big, mulched space. Natural play areas have many of the same elements as standard play areas, but

natural areas are made of natural materials and plants and recycled materials, such as trees, he said. Mr. Hamak pointed out that natural materials encourage children to engage with their surroundings through discovery, observation, creativity, and imagination.

Mr. Hamak noted some of the benefits of natural play areas to the community as a whole. These included sustainability, education, creativity and health, he said. He told Board members about an experience he's had watching children prefer to play on a natural log rather than on a manufactured piece of play equipment that was nearby.

Mr. Hamak showed slides of recycled materials being used in a natural play system. When programming these areas, he said, they would choose a variety of plant materials, colors, smells, and textures that would engage the children in the creative aspect and connect them with nature. Mr. Hamak pointed out that spending more time outdoors would lead to a more mentally and physically active child and stimulate children's curiosity at an early age.

With regard to Ms. Woodman's question about sidewalks, Ms. Hauth explained that a required asphalt trail and greenway along College Park Road was already in place. She noted that the Town had not discussed whether or not this site would connect to the townhome site via the driveway. There was a possible connection, which had not been proposed by the applicant but could be discussed if it interests the boards, said Ms. Hauth.

In response to a question from Mr. Barker, Ms. Hauth explained that the Town Board had, at its Monday night meeting, approved an SUP extension for the townhomes. Construction would begin by July 1, 2009, she said. Ms. Hauth proposed that the Boards discuss the concept of whether a connection should be created.

Commissioner Lowen said he thought there should be a connection between the two properties.

Mr. Remington asked where the possible expansion would go. Ms. Hauth indicated small pocket areas on various wings of the building. She noted that the ordinance allows square footage changes, of up to 10 percent for projects that do not exceed 100,000 square feet, to be approved by staff without a formal board review. Ms. Hauth also said that the applicant would conform to whatever sign ordinance was in place when the build is constructed.

With regard to connectivity, Ms. Lacey pointed out that the applicant would provide a sidewalk to College Park Road. However, there typically were few people with small children in townhomes, she said, so the applicant's main concern was safety. Making a connection to the townhomes did not seem plausible at the time they considered it, Ms. Lacey said.

Mr. Clinton added that, from the standpoint of safety and security of children, it is easier to control a road that is one way, in and out. He said that there would be additional access for fire vehicles and other emergency vehicles, but the applicant did not want to provide a shortcut through which curious people could approach the center. With regard to the additions, Mr. Clinton said, each of the three buildings would be able to expand one classroom. Probably no one would be able to tell the difference when driving by after the additions, he said.

Mr. Whitlow ascertained that emergency vehicles would pass through while other vehicles would be kept out by bollards and other devices.

Mr. Remington asked if there were detailed plans on how a retaining wall separating the parking lot from a six-foot drop-off would be constructed. Mr. Hamak replied that a plan would be submitted with the construction drawings. Mr. Remington expressed concerns about the wall's proximity to buffers and clearing limits. Mr. Blake said that the wall would be built to code and would have railings.

Wendy Vavrousek, parent of a former Little School student, was sworn, and praised the nurturing environment at the school, as well as its quality of childcare and philosophical approach toward the environment. She said that the site, as is, does not accommodate the number of children who want to be admitted. When the new center opens, there probably will still be a waiting list, Ms Vavrousek said. She remarked that there were not enough quality childcare facilities in the area, and she urged the Board to approve the SUP.

Dan Shatz, a Stagecoach subdivision resident whose three year-old son is enrolled at the Little School, was sworn, and praised the care that his son receives. He said that the proposed center would fit in well with plans for the area. Mr. Shatz said he could not imagine anyone better suited to running the daycare center than the Little School. He noted that all was being worked out with Waterstone, and he urged the Board to approve the SUP.

Little School Owner Krista Niven, was sworn, and explained that they'd had a dream for a school three years ago when they went though the SUP application process. This plan was what they had always hoped for, she said. Ms. Niven told the Board that the Little School has and extraordinary waiting list. She said it had become difficult to turn families away, especially since they are committed to having children with special needs as part of their population. Ms. Niven said that the proposed project was not only supportive of typically developing children but also of those with special needs, and she asked the Board to approve the SUP.

Mr. Barker inquired about lighting. Ms. Lacey replied that the Cobra lighting was "full cut-off" and would not glare into the residential properties to the east and south. This was the most aesthetically pleasing lighting system that they could choose from Duke Energy, she said.

Ms. Faherty verified that the center's hours of operation would be 7:30 a.m. to 5:45 p.m. Ms. Lacey said that the Little School had agreed in writing to turn the parking lot lights off at 7:00 p.m.

Commissioner Gering asked Ms. Hauth if she had any questions or concerns about the lighting plan. Ms. Hauth replied that there might be a minor tweak on the lighting intensity on the north side, which could mean slightly relocating one light pole. However, it is a compliant plan, and the development is so interior to the site that it meets the ordinance requirements and does not spill over by more than a half-foot candle, she said

Mr. Whitlow asked if there had been a specific reason for the 14,000-foot maximum requirement in the first place. What was the justification for going beyond that, he asked. Ms. Hauth replied that the applicants had proposed what they thought was reasonable square footage on each of the parcels. The Board had agreed that it was reasonable, given what the impervious surface proposal was, she said. Ms. Hauth noted that there had been no detailed plan analysis.

Mr. Blake explained that the 14,000 square feet had been based on the impervious surface capability of a 4-5 acre lot. They were asking for a little more now so that they would not have to come back again if they want to expand, he said. Mr. Blake noted that the plan still meets the impervious surface requirements. Ms. Niven commented that the daycare center would like to expand its special services

in the future. They would like to have additional space for therapeutic spaces as well, she said. Mr. Remington remarked that he had been encouraging the construction of a 10,000 square-foot daycare at Waterstone. He had wondered why it could not be bigger, he said, noting that the Town needs as large a daycare as possible anywhere it can build one without causing environmental concerns.

Ms. Woodman praised the bioretention area and asked if rain would be harvested for irrigation. Mr. Clinton replied that irrigation would not be necessary on this site. However, it could perhaps be done as an educational tool, he said.

Commissioner Gering determined that there were no further questions or comments.

ITEM #5: Close public hearing and convene joint work session.
Upon a motion by Commissioner Lowen, seconded by Commissioner Dancy, the Board moved to close the public hearing. The motion was adopted unanimously.

ITEM #6: Presentation and discussion regarding the Long Range Transportation Plan for Durham-Chapel Hill-Carrboro Metropolitan Planning Organization.
This item was not discussed as the data needed for the discussion was not available.

Upon a motion by Commissioner Gering, seconded by Commissioner Dancy, the Board moved to adjourn the joint public hearing at 8:16 p.m. The motion was adopted unanimously.

Respectfully submitted,

Margaret Hauth

Margaret A. Hauth, Secretary