

Hillsborough Planning Board Agenda

7 p.m. November 17, 2016

Town Barn, 101 E. Orange St.

- ITEM #1: Call to order and confirmation of a quorum
- ITEM #2: Consideration of additions or changes to the agenda
- ITEM #3: Approval of minutes from September meeting and October public hearing
- ITEM #4: Approval of 2017 meeting calendar
- ITEM #5: Recommendation to Town Board regarding request from Vouthaus, LLC to **Rezone** 9.75 acres at 505 Eno Street from General Industrial to Adaptive Re-Use so the building can house a wider variety of uses that are not industrial (OC PIN 9864-65-3492).
- ITEM #6: Recommendation to Town Board regarding request from the Little School Development LLC to **Modify their approved Special Use Permit** to create additional on-site parking and remove the enrollment limitation (OC PIN 9873-25-6187).
- ITEM #7: Recommendation to Town Board regarding Text Amendments to Unified Development Ordinance:
- Amend Section 6.20, Stormwater, to match state minimum requirements and meet the mandate for local regulations to not be more stringent than the state.
 - Amend Section 7.3, Nonconforming Characteristics of Use, to provide guidance on when a site is required to correct existing non-conforming characteristics.
 - Amend Section 3.8.5.1.a to modify cultural resource documentation requirement for special use permit applicants.
 - Amend Section 3.13.3.d to make reference to the traffic impact study requirements in the street standards document.
 - Delete reference to the Design Standards manual in Section 6.2 and list this section as “reserved for future codification”
 - Amend Section 6.11.7.3 to remove the sentence requiring site lighting to be extinguished when a business is closed.
 - Amend Section 7.5.2.1 to clarify that non-conforming residential lots are buildable.
- ITEM #8: Adjourn

Please call the Planning Department if you cannot attend.

MINUTES
HILLSBOROUGH TOWN BOARD
Thursday, September 15, 2016
7:00 PM, Town Barn

PRESENT: Chair Dan Barker, James Czar, Erin Eckert, Lisa Frazier, Janie Morris, Doug Peterson, Jenn Sykes,
STAFF: Planning Director Margaret Hauth, Eddie Sain

ITEM #1: Call to order and confirmation of a quorum
Chair Barker called the meeting to order and Ms. Hauth confirmed the presence of a quorum.

ITEM #2: Consideration of additions or changes to the agenda
There were none.

ITEM #3: Approval of minutes from August meeting
Ms. Eckert suggested a language clarification in the motion made on the townhome development. Ms. Hauth reported that Monday night the Town Board approved the project with the condition reworded by Town Attorney Bob Hornik. Ms. Hauth suggested an edit to make the motion clearer in the minutes.

MOTION: Ms. Morris made a motion to approve the minutes as corrected. Ms. Eckert seconded.
VOTE: Unanimous

ITEM #4: Discussion of package of text amendments needed to make ordinance compliant with state law regarding stormwater.
Ms. Hauth explained recent state law stipulates that municipalities cannot be more strict than the state is. These amendments reflect that. Ms. Hauth said she doesn't know that these changes will impact water quality but they are changes that cannot be considered editorial. She clarified that the state law hasn't changed, the law just stipulates that local laws can't be more strict than state law.
MOTION: Mr. Czar moved to send these to public hearing. Ms. Frazier seconded.
VOTE: Unanimous

ITEM #5: Discussion of potential text amendments regarding non-conformities
Ms. Hauth explained there's a provision in the ordinance that basically says non-conformities are bad and you can't make things worse. If you are expanding and non-conforming, you really need to try to come into compliance. It's not a hard and fast rule. She gave two examples.

One is a house on Cornelius Street, the Barber Shop next to former Lunsford store. The house was zoned commercial years ago. A barber comes in and doesn't need to do anything but put gravel down for parking. The planning staff debated whether the business owner needed to put in landscaping, a buffer in back, and pave the parking. Planning staff decided not to insist on those improvements.

Her second example is the Music Makers building, which had been developed commercially long before Hillsborough had zoning and it's across from a cemetery and across from houses. There are no buffers, no setbacks. Music Makers wanted to build an addition. Planning staff has cautioned Music Makers that the addition could trigger having to come into compliance. Music Makers is holding off.

Ms. Hauth said she understands we do want businesses to meet the new ordinances because we are trying to set up a higher standard, but she is asking this board to consider whether there is a range of conditions under which it's better to let the business occupy the building and not fully enforce

the ordinance until somebody wants to make a bigger investment in the building. She tried to list out a range of circumstances.

Ms. Hawth said she tried to put in something about when the property is redeveloped versus rezoned, but she wasn't as comfortable with that. She added there are a range of other examples and that she could have just as easily talked about the car dealerships on South Churton Street.

Chair Barker said what came to his mind is the UNC ADA compliance calculation when upgrading. That rule is upgrading for ADA compliance should not exceed 10 percent of the calculated costs. Mr. Czar acknowledged among Ms. Hawth's suggestions was a similar calculation (number 7 under 7.3.2).

Ms. Eckert said this is assuming neighboring properties aren't bothered by the business. If someone else comes in to the building and neighbors have been complaining about nonconforming lighting, then it would have to be addressed. Ms. Hawth said it's fairly uncommon to get those kinds of complaints. Ms. Hawth suggested we could say if the file contains verifiable complaints, Chair Barker added then those are the prioritized things to resolve. Mr. Peterson wondered how does one determine the cost of upfitting a building. Mr. Czar said anything with a permit has an estimated cost. He suggested replacement cost should perhaps be assessed tax value instead. Ms. Hawth agreed.

Ms. Hawth said perhaps she can apply this to a couple of circumstances and circle it through staff and Mr. Hornik. Ms. Eckert is thinking if someone buys property next to a nonconformity with the assumption that when the use changes, the property will get improved, that person could be frustrated/disappointed if the town says the new business doesn't have to come into compliance. Ms. Hawth clarified we're talking about nonconforming characteristics. It's not a nonconforming use. It's the lighting, the amount of parking, the dumpster location, the landscaping.

MOTION: Mr. Peterson moved to send this to public hearing. Mr. Czar seconded.
VOTE: Unanimous

ITEM #6: Review of non-residential permitted use table.

Ms. Hawth said we made a handful of things Conditional Use Permits and those involved people or pets staying in a facility for an extended period of time. She wonders if we're looking at that wrong because we ask these things to be Conditional Uses because we were concerned some of the land surrounding might not be conducive. That begs the question does that use belong in that zoning district.

As it stands, if a business comes in and says we're this and the Planning Department says you're not, the applicant can appeal to the Board of Adjustment.

The board agreed to place this on a future agenda. Ms. Eckert suggested the board determine whether members are to think of where a business does belong or think of restricting where a business doesn't belong.

ITEM #7: Adjourn

MOTION: Mr. Czar made a motion to adjourn the meeting at 7:47 p.m. Ms. Eckert seconded.
VOTE: Unanimous

Respectfully submitted,

Margaret A. Hawth
Secretary

MINUTES
JOINT PUBLIC HEARING
HILLSBOROUGH TOWN BOARD and
PLANNING BOARD
Thursday, October 20, 2016
7:00 PM, Town Barn

PRESENT: Mayor Tom Stevens, and Commissioners Jenn Weaver, Brian Lowen, Kathleen Ferguson, and Mark Bell, Planning Board Chair Dan Barker, Rick Brewer, James Czar, Lisa Frazier, Carolyn Helfrich, Janie Morris, Doug Peterson, Toby Vandemark, Jenn Sykes, Chris Wehrman
STAFF: Planning Director Margaret Hauth, Town Attorney Bob Hornik

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

Mayor Stevens called the meeting to order at 7 p.m. and welcomed new planning board member Carolyn Helfrich.

ITEM #2: Consideration of additions or changes to the agenda

There were none. Mayor Stevens passed the gavel to Planning Board Chair Dan Barker.

ITEM #3: Open Joint Public Hearing

Chair Barker opened the public hearing.

ITEM #4: Request from Vouthaus, LLC to Rezone 9.75 acres at 505 Eno Street from General Industrial to Adaptive Re-Use so the building can house a wider variety of uses that are not industrial (OC PIN 9864-65-3492)

Ms. Hauth reviewed this is the former Southern Season Warehouse, formerly on Flint Fabrics property and now on its own separate parcel. The Adaptive Re-Use zoning was created a few years ago to assist owners of buildings built for one purpose who now would like to house businesses of different purposes. The criteria for this zoning includes that the parcel has to be at least three acres, the building must be at least 10,000 SF, and the owner must desire at least three different uses in the building. This application meets the criteria. If the Town Board approves this rezoning, it permits everything on the list.

Scott Jennings, who owns a home at Knight and Holt Streets, said he came to hear more about the plans. He expressed concern about drawing more people to an area that has some pedestrian-traffic concerns. He cited problems with pedestrians crossing Nash Street near Hillsborough BBQ but not at the crosswalk and concern about a new wooded trail that would could cause additional pedestrian-car conflict.

Ms. Hauth explained that the town has plans to address the pedestrian traffic on Nash Street through a state project called the Congestion Mitigation & Air Quality (CMAQ) sidewalks project. That project should go out to bid soon and entails widening the sidewalks on the Hillsborough BBQ side of Nash Street, removing on-street parking, and creating a three-way stop at Nash and Eno Streets. There will be control on the parking lot side (either fence or landscaping) to encourage pedestrians to cross Nash Street at the crosswalks. As for parking in the mill village neighborhood, she said that if those three streets not already designed for no on-street parking, residents can request that. She added that the path is being constructed by the developers of the Bellevue Mill.

Ms. Hauth summarized the process regarding this application. The boards can vote to close the public hearing this night. Then the Planning Board reviews the application in November and makes a recommendation. The Town Board considers approval at its December meeting.

Ms. Hauth briefly reviewed the differences between the current list of permitted uses under current zoning and this new zoning; the General Industrial list allows industrial uses and specialty schools that need big buildings. It allows manufacturing and processing operations that might have an air quality or water quality impact. A concrete plant and a distribution warehouse are both permitted. The Adaptive Re-Use zoning allows some light industrial uses but it's also a very broad district.

MOTION: Mr. Peterson moved to close the public hearing. Commissioner Ferguson seconded.

VOTE: Unanimous

ITEM #5: Request from The Little School Development LLC to modify their approved Special Use Permit to create additional on-site parking and remove the enrollment limitation (OC PIN 9873-25-6187)

Ms. Hauth reminded everyone that for this item, speakers need to be sworn in before they speak. Ms. Hauth was sworn in.

She reviewed that The Little School had an enrollment cap established at 196 students. The school has exceeded the cap and Ms. Hauth noted that some of the management has changed at the school so the situation is more likely an inadvertent violation than a blatant one. Part of this application is to alleviate the nonconformity and bring the school back into compliance regarding the enrollment cap. The proposal to expand the parking isn't so much to address a nonconformity as it is to address operations. The site is highly constrained in a very narrow part of the Waterstone Development. Adjoining properties are not in the city limits. The school is requesting to reduce the buffer to accommodate additional parking. The master plan required 100 feet. They are proposing having 75 feet. The fire marshal didn't have concerns with the parking proposal.

Tony Whitaker, a civil engineer with Civil Consultants representing The Little School, was sworn in. He introduced Jennifer Dock from The Little School.

Mr. Whitaker acknowledged that on a daily basis, The Little School (TLS) experiences traffic congestion at morning drop off and afternoon pick up. That is normal for this type of facility. This property has an insufficient number of parking spaces. Cars stack up onto College Park Drive. It's not particularly unsafe but it's potentially unsafe.

The school proposes to go from 62 to 92 parking spaces, but some people are parking in non-designated spaces now. Probably 20 of the 30 are new spaces. The school has already taken several measures to alleviate parking congestion, Mr. Whitaker said. It has incentivized teachers and staff to carpool and park at the nearby Durham Tech park and ride lot. It happens to some degree but not a great degree. Teachers arrive and depart in shifts. They've asked parents to pick up and drop off quickly. A staff person is designated in the afternoons to help communicate to those trying to park.

Mr. Whitaker reviewed that the school is requesting several waivers but the one regarding excess parking is no longer needed. Ms. Hauth explained that at the last quarterly hearing, child care centers parking standard was changed and the application reflects that change. The other things are modifications to the Special Use Permit. One is to add more parking, to modify a buffer on eastern edge from 100 feet to 74 feet. This impacts neighboring property owner Albert Kittrel. They've met several times, Mr. Whitaker said. He was a great advocate after we suggested removing trees and then planting a double row of evergreens. His house is far from the property line and he has good screening. Mr. Whitaker said the school is also asking to remove the cap of 196 students because this facility is licensed by the state. The school is already maximized as far as building floor area and playground. To maintain a 5 star program, TLS will not be able to exceed the cap they currently have by the state and will always be regulated by the state.

Mr. Whitaker said the capacity was reached about a year after opening. The current enrollment is 239. Mr. Peterson asked if it went from a 5-star to a 4-star facility, would it change the number of students? Mr. Whitaker said not immediately but a higher number of students could be permitted under the 4-star

rating. The licensing limit right now is around 296. Mr. Peterson said so if we lift the cap, it could go to 296. Mr. Peterson wondered why the school doesn't create a drive through drop-off/pick-up.

Wendy Vavrousek, one of the school owners, was sworn in. She said the school has contemplated that and the difficulty is staffing. Also, last year they tried having parents pick up older children at the Durham Tech campus on early dismissal days, but that was inconvenient for parents who also needed to pick up a younger child. Mr. Peterson suggested identifying the peak hour of drop-off and only staffing a drive through drop-off then. Right now you're having trouble at 239. What happens when its 250 and 260 and 290, he asked? Ms. Vavrousek said based on our square footage we could have 294. But based on our model of 9 infants, 12 1-year-olds, 15 two-year-olds, we couldn't have that many. Mr. Peterson asked what's the maximum for this model. The answer was the school is full. There is a waiting list. Chair Barker asked what is the process to change that model. Chair Barker asked could you change tomorrow to allow one more child per classroom. Ms. Vavrousek said we haven't done it in 10 years. That isn't something to be expected from us at all.

Commissioner Weaver said her two kids went to TLS and it's hard to imagine dropping off tiny kids without parents walking them in. She asked Ms. Hauth if they one day decided to close and a new school opened up with a different standard that wanted to go to the 290, what could be done. Ms. Hauth said we apply our ordinance, 1 parking spot per employee and 1 spot for 8 students. Ms. Vandemark asked if they could make the new cap the current enrollment and Ms. Hauth confirmed.

Ms. Sykes asked how the number of infants per classroom changed during the school year. Ms. Vavrousek answered the only fluctuation is they start out younger.

Jessica Larsin, school director, was sworn in. Ms. Larsin said she has done enrollment for many years. We cannot put another child in another space. We have maximized the potential. There are sixteen classrooms, three infants, three one-year olds, three two-year old. She compared math with Ms. Sykes who had figured their cap under this model was 252. Ms. Larsin said there's a classroom that can only have 6. The size of the classrooms contributes to the caps.

Chair Barker asked about Wayne Pollard, another close neighbor. Ms. Hauth indicated she had discussed the plans with Mr. Pollard, but he had not come by the office to review them in detail and did not express concern. Jennifer Adams was sworn in. Ms. Adams said this parking is not expanding toward him. We stay away from his deer blind. Chair Barker said there are piles of toys marked TLS on different areas including at the traffic circle, a tent down at the creek bed. Mr. Brewer said does this have anything to do with the application. Chair Barker said it does if it's indicative of how they conduct business. Chair Barker said there's a pile of toys with your school name now down by the hospital. Ms. Adams said they were bringing chalk to the new Cates Creek Park and as soon as Ms. Hauth asked them to stop, they did. Ms. Adams said they value the transfer of children from parent to teacher. It's a valuable few moments. We need parents to come in and be with us.

MOTION: Commissioner Ferguson moved to close the public hearing on this item. Commissioner Weaver seconded.

Chair Barker asked whether the public hearing needed to stay open for additional information regarding enrollment. Ms. Sykes said she'd concluded it was 243 under the current model and was satisfied.

VOTE: Unanimous

ITEM #6: Text Amendments to Unified Development Ordinance

- a. Amend Section 6.20, Stormwater, to match state minimum requirements and meet the mandate for local regulations to not be more stringent than the state.

Ms. Hauth said the long and short of it is that these are state mandated. No option. Commissioner Ferguson asked can we say something like if the state removes those restrictions, we can revert back. Ms. Hauth answered we can go back through the process again.

- b. Amend Section 7.3, Nonconforming Characteristics of Use, to provide guidance on when a site is required to correct existing non-conforming characteristics.

In answering a question, Ms. Hauth explained nonconforming characteristics are not usually based on use. We end up with tension between wanting development to conform to the ordinance and wanting existing buildings occupied and productive. A new business owner can potentially live with the existing conditions (maybe it doesn't look the way we want it to). The question is, can we really issue that permit when it has these nonconforming characteristics. We're trying to make it easier for staff to determine. The language we're proposing here sets a higher threshold that the applicant must want to do something to the property of a certain size or value in order to be required to fix the other nonconformities. The Planning Board hasn't had a lot of time to talk about it. She encouraged the Planning Board and Town Board to take this opportunity to talk about scenarios. Commissioner Ferguson suggested a 25 percent value threshold. Ms. Hauth said it could be one-quarter. She thinks someone on the board had suggested 10 percent. Mr. Czar said the wrinkle is that it's of assessed tax value. Commissioner Ferguson said she's ok with that and that's why she was thinking one-quarter and not 10 percent. Mr. Hornik said we're lowering the threshold if we go from one-third to one-quarter....just making sure people understand that.

Ms. Hauth reiterated the example of the barber shop on 70. Two loads of gravel for the parking and the new owner was ready to open. Commissioner Weaver said I'd like for things to look nice but I like for people to start small businesses and therefore likes the one-third threshold. Or one-quarter. Commissioner Ferguson said I agree I want people to do stuff. It's always easier to be more strict at first. We want to see what's coming forth. It would be easier to loosen up. There is that line of what's character versus what's desirable.

Mr. Peterson said we went to tax value which is a tangible number to get. And the Planning Board went with one-third. Commissioner Bell said there are hidden costs to opening a business that you would never see. Mr. Czar said that just speaks to the arbitrary nature of any certain number. Ms. Vandemark asked why it includes interior. Ms. Hauth said some businesses do a lot more interior. Dental practices have a high cost of internal upfit. Probably restaurants and doctor's offices have similar interior costs. Ms. Vandemark said but nonconforming characteristics pertains to the outside. If they are fixing up the inside, why would that affect the calculation for changing the outside? Ms. Hauth answered we've adopted an ordinance that says this is how we want it. Chair Barker said the connection is the interior is tied to what their total budget is. Mr. Brewer asked if bringing into compliance is cost prohibitive for a new business owner, what's their recourse. Ms. Hauth said an appeal to the Board of Adjustment, but generally they just go find another site.

- c. Amend Section 7.5.2.1 to clarify that non-conforming residential lots are buildable.

Ms. Hauth explained if you own two properties side by side and are nonconforming for size, we order you to combine to get a conforming lot. But the ordinance has never said if you have two lots, put them together and still have a nonconforming lot, you can build anyway. This usually applies to residential. The division has to comply with the ordinance.

- d. Amend Section 3.8.5.1.a to modify cultural resource documentation requirement for special use permit applicants.

Ms. Hauth explained when someone submits a SUP, they have to talk about cultural resources. We have learned from the state office that if it's on the list, phase 1 has already been done so there is no need to require that. The amendment is to change the text to say if phase 1 has been done, you have to document how to protect the resource.

- e. Amend Section 3.13.3.d to make reference to the traffic impact study requirements in the street standards document.

Commissioner Ferguson asked to eliminate acronyms from the town's written documents. She thinks that would help citizens digest the information and it's important for transparency. Commissioner Bell said he understands but thinks it would need to be organization wide and pertain to the Website, too. Ms. Sykes suggested repeating the spelled out form at the start of each new section.

Ms. Hauth asked Mr. Hornik if an amendment to remove all acronyms from the ordinance would count as scrivener's error. Mr. Hornik indicated it would, since it wouldn't be changing the meaning. He added that at this level of detail, it's a professional looking at document. It's the lingo. A traffic engineer knows what TIA is. Commissioner Ferguson said let's keep it in mind and be watchful. Members suggested just fixing as we go along.

- f. Delete reference to the Design Standards manual in Section 6.2 and list this section as "reserved for future codification"

There was no discussion.

- g. Amend Section 6.11.7.3 to remove the sentence requiring site lighting to be extinguished when a business is closed.

Ms. Hauth explained Duke Power only issues contracts for site lighting that is on all night. There are no timers. The ordinance sets a standard that is impossible to meet. We would have fewer waiver requests until such time as Duke changes their processes. Chair Barker said it's a shame but reality.

MOTION: Commissioner Lowen moved to close the public hearing on the text amendments. Commissioner Ferguson seconded.

VOTE: Unanimous

ITEM #7: Adjourn

MOTION: Commissioner Lowen moved to adjourn at 8:35 p.m. Mr. Brewer seconded.

VOTE: Unanimous

Respectfully submitted,

Margaret A. Hauth
Secretary

Planning Board Meeting Schedule — 2017

All meetings start at 7 p.m. and are in the Town Barn, located at 101 E. Orange St. on the Town Hall Campus, unless otherwise noted. Times, dates and locations are subject to change.

January 19, 2017	Joint public hearing with town board
February 16, 2017	Regular meeting
March 16, 2017	Regular meeting
April 20, 2017	Joint public hearing with town board
May 18, 2017	Regular meeting
June 15, 2017	Regular meeting
July 20, 2017	Joint public hearing with town board
August 17, 2017	Regular meeting
September 21, 2017	Regular meeting
October 19, 2017	Joint public hearing with town board
November 16, 2017	Regular meeting
December 21, 2017	Regular meeting

**November 2016 Planning Board meeting
Item Cover Sheet/Staff Report**

Agenda Item #: 5

ATTACHMENTS:

- 1 –Application
- 2 – Map
- 3 – Adaptive Re-Use district intent and use list

GENERAL INFORMATION:

Request: Rezone 9.75 acres from General Industrial to Adaptive Re-Use

Purpose: redevelopment of existing building to mixed use

Ordinance criteria:

To qualify for rezoning to a redevelopment district, the area to be rezoned must meet the following criteria:

- a) The site is improved at the time the rezoning is sought with a building of at least 10,000 sf originally constructed for retail, institutional or industrial purposes. ✓
- b) The parcel has access to at least one public street classified as a collector or greater ✓
- c) The owner intends to locate two or more uses from the permitted use list in the structure. ✓
- d) The parcel consists of at least 3 acres of land. ✓

Background:

The applicant property is the “modern” warehouse most recently occupied by A Southern Season as their distribution and gift basket assembly site. The applicant is in the process of occupying the property to house their office and warehouse operations. They have additional building space that they would like to put to other uses not permitted in General Industrial and have requested the Adaptive Re-Use district.

Public Hearing

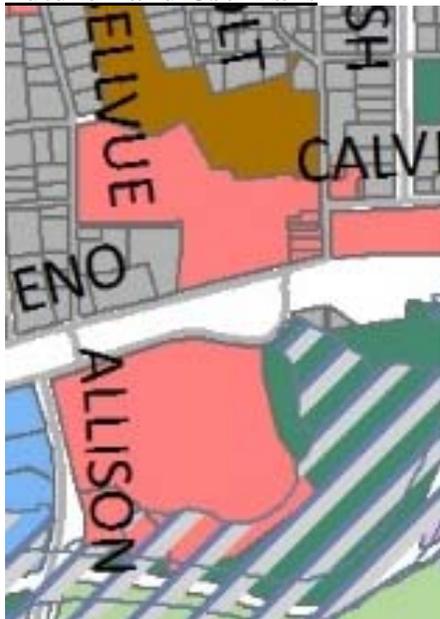
The applicant did not appear at the public hearing. A neighbor had questions that were not directly related to the applicant’s request.

Zoning Map:



- Purple – General Industrial
- Aqua – Adaptive ReUse
- Gold – R-10
- Yellow – R-15
- Pink – Central Commercial
- Cream/hatch – R-20/historic
- Blue – Office Institutional

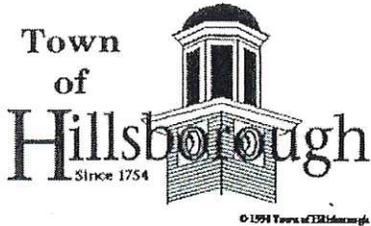
Future Land Use Plan:



- Gray – Urban Neighborhood
- Brown – Attached residential
- Pink – Neighborhood Mixed Use
- Green – protected open space

Neighborhood Mixed Use. These areas provide opportunities for goods and services that residents of the district and surrounding neighborhoods need on a daily basis. Lots with this designation will front on an arterial or collector street and back up to single family neighborhoods. Buildings and uses will generally

be in scale with the surrounding neighborhoods and be walkable as well as providing vehicular access. Sites may be single use or, mixed use, may incorporate residential uses or may be solely residential at a higher density than the adjacent neighborhood. **Zoning Districts: Adaptive Re-Use; R-10; Multi-family; Neighborhood Business; Neighborhood Business Special Use; Central Commercial; Central Commercial Special Use; Multi-Family Special Use; Residential Special Use**



APPLICATION FOR
Zoning Map Amendment (Rezoning) Request
Future Land Use Plan Amendment Request

Planning Department
101 E. Orange Street / P.O. Box 429
Hillsborough, NC 27278

Phone: (919) 732-1270, Ext. 86, Fax: (919) 644-2390

Website: www.ci.hillsborough.nc.us

Amendment Type: Zoning Map Amendment Future Land Use Plan Amendment

Property Address: 505 ENO ST. Hillsborough PIN #: 9864-65-3492

Applicant Name: ~~Redeye, Inc.~~ VOUTHANUS, LLC

Mailing Address: 505 ENO STREET Phone: 336-578-7300 x215

City, State, Zip: Hillsborough, NC 27278 E-mail: aaron@redeye.worldwide.com

Property Owner Name: VOUTHANUS, LLC

Mailing Address: 505 ENO STREET Phone: 336-578-7300 x 205

City, State, Zip: HILLSBOROUGH, NC 27278 E-mail: glenn@redeyeworldwide.com

Location/Streets Accessed: 505 ENO STREET, HILLSBOROUGH, NC / ENO ST / NASH ST.

Current Zoning: GI Proposed Zoning: ARU

Acreage: 9.75 Lot Dimensions: ?

Water Service: Public Water Well Sewer Service: Public Sewer Septic Tank

Existing Structures: One building, approximately 90,000 sq. ft.

Critical Areas:
 Flood Drainage / Stream Pond Sleep Slopes Cemetery
 Easements Historic

See next page

Fee paid
9/28/2014
Tom King

Reasons for requesting the change

Error:

N/A

Changing Conditions:

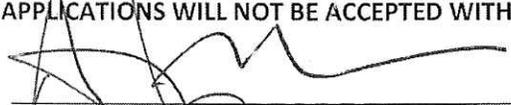
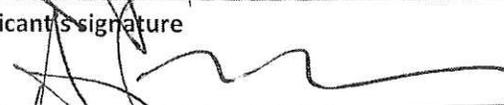
N/A

Other:

see attached narrative.

I/We certify that all of the information presented by me/us in this application is accurate to the best of my/our knowledge, information, and belief.

APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF PROPERTY OWNER.

	9/14/16
Applicant's signature	date
	9/14/16
Property Owner's Signature	date

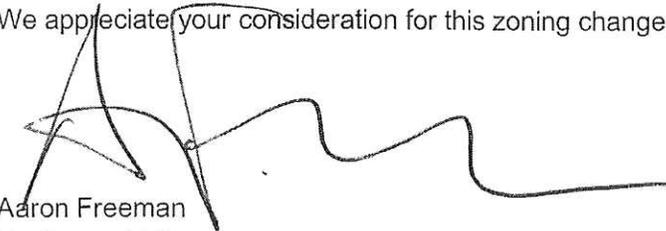
505 Eno Street Zoning Map Request Narrative

Property owner Vouthaus, LLC. is requesting a zoning change for the building located at 505 Eno Street, Hillsborough, NC 27278.

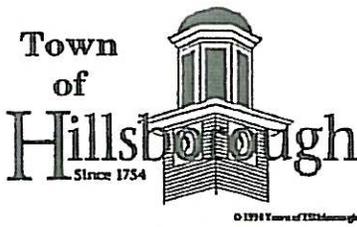
The current zoning is GI and we are requesting is be changed to ARU. At this point, the site has been improved by ongoing renovations. This zoning request is being sought for a building that is approximately 90,000 sq ft and was originally constructed for industrial purposes. In the future, we plan to use the building for three main uses - warehouse, office, and performance facility.

The parcel currently has access to Nash Street which is classified as a collector. This parcel consists of approximately 9.75 acres of land, which includes the building, parking lot, and surrounding area.

We appreciate your consideration for this zoning change.



Aaron Freeman
Vouthaus, LLC



APPLICATION FOR
Special Use or Conditional Use Permit Modification

Planning Department
101 E. Orange Street / P.O. Box 429
Hillsborough, NC 27278

Phone: (919) 732-1270, Ext. 73, 86, Fax: (919) 644-2390
Website: www.ci.hillsborough.nc.us

Project Title: The Little School Permit Type: SUP CUP
Address: 301 College Park Rd. Hillsborough, NC PIN #: 9873256187^{Mod.}

Applicant Name: Civil Consultants, Inc.
Mailing Address: 3708 Lyekan Pkwy. Suite 201 Phone: 919-490-1645
City, State, Zip: Durham, NC 27707 E-mail: tony.whitaker@civil-consultants.com

Property Owner Name: Little School Development Group, LLC
Mailing Address: 301 College Park Rd. Phone: 919-644-1818
City, State, Zip: Hillsborough, NC 27278 E-mail: jenniferdocke@gmail.com

Minor Change Requested: In the space provided below, or on a separate sheet of paper, explain the details of the proposed change(s) requested. Be as specific as possible. Also, attach a site plan indicating all proposed changes.

see attached narrative

I, the applicant, hereby certify that the forgoing application is complete and accurate. I understand that I am bound to comply at all times with the rules and regulations of the Issued Special or Conditional Use Permit issued for the property identified in this application, as well as all applicable requirements of the Town of Hillsborough Zoning Ordinance. APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF LEGAL OWNER OR OFFICIAL AGENT.

[Signature] 8-16-16
Applicant's signature date
[Signature] 8-16-16
Property Owner's signature date

DEPARTMENT USE ONLY	Date Received: _____	SUP/CUP #: _____
Fee: \$ _____ .00	Receipt #: _____	Staff: _____

Special Use Permit Modification

The Little School

Hillsborough, NC

The Little School requests a modification of its Special Use Permit to increase the number of vehicle parking spaces on the property, in order to improve traffic and safety conditions during morning drop-off and afternoon pick-up activities. Due to the ages of children being served by the School, it is necessary for arriving vehicles to be temporarily parked while the accompanying adult escorts each child to and from the building and signs the child into or out of the School's temporary care. When these conditions are added to the baseline parking demand for staff and volunteers, the School's parking needs are larger than the available number of spaces onsite.

The School has already implemented some non-structural measures such as encouraging staff and parents to use efficient and safe parking behaviors, staggering drop-off and pick-up times, and incentivizing carpooling and offsite parking. School staff regularly monitors traffic during peak periods and works to keep vehicles moving as efficiently and safely as practical. However, more parking spaces are needed to improve capacity, reduce frustration, and ensure that fire lanes remain passable.

Secondly, the School requests a modification of the perimeter buffer width along the eastern property boundary, and modification of internal parking area landscape standards, in order to properly accommodate the additional parking spaces. After thorough coordination with the adjoining property owner, an alternate perimeter buffer design has been cooperatively developed to provide a sufficient vegetative screen.

Lastly, the School requests removal of the SUP condition which limits the number of children that the School may serve on the property. The number of students is already limited by practical constraints and by State regulations related to building area and playground size. These facilities are already maximized on the property.

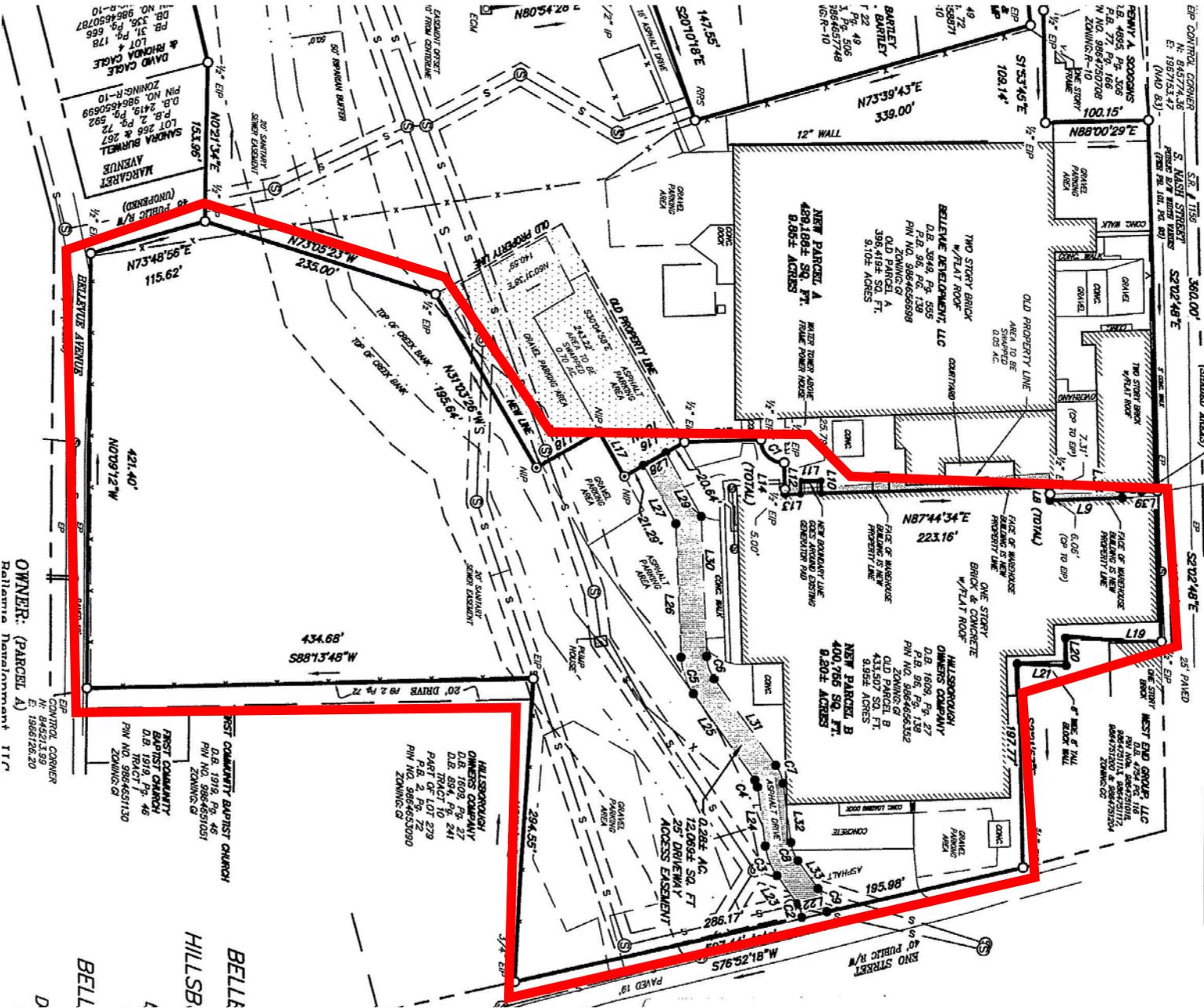
LEGEND

- EXISTING IRON PIPE ○
- NEW IRON PIPE ●
- MONUMENT ●
- COMPUTED POINT ○
- SMALLER MANHOLE
- TY EASMENT
- TY LINE
- SURFETED
- ROAD TRACKS
- T OF WAY
- GRAVEL
- TARY SEWER LINE
- IS SWAPPED

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Distance
C1	35.60	22.00	N45°S33'W	31.84
C2	14.02	22.50	N18°22'17"W	13.79
C3	31.42	65.00	N22°22'02"W	31.12
C4	7.20	15.00	N22°16'40"W	7.14
C5	37.86	65.00	N19°20'57"W	37.33
C6	23.30	40.00	S19°20'57"E	22.97
C7	19.21	40.00	S22°16'40"E	19.03
C8	19.34	40.00	S22°22'02"E	19.15
C9	24.06	47.50	S21°42'23"E	23.80

BOUNDARY DIMENSIONS
SEE SHEET 2 OF 2
(EXCLUDED AREAS)

Line Table			
Line #	Direction	Length	
L31	S36°02'14"E	102.93	
L32	S8°31'06"E	57.75	
L33	S36°12'59"E	33.62	
L34	N2°17'22"W	8.07	
L35	N87°57'17"E	11.00	
L36	N2°02'43"W	1.24	
L37	N87°55'57"E	8.01	
L38	S1°26'34"E	3.52	
L39	N87°56'57"E	15.41	
L40	S2°38'47"E	12.72	



OWNER: (PARCEL A)
Rallamie Development LLC
N. 44521339
E. 1968126220

HILLSBOROUGH OWNERS COMPANY
D.B. 1909 Pg. 27
D.E. TRACT 10
PART OF LOT 279
P.B. 2 Pg. 72
PIN NO. 9864653090
ZONING C1

FIRST COMMUNITY BAPTIST CHURCH
D.B. 1919 Pg. 46
PIN NO. 9864651330
ZONING C1

BELL
HILLSB.

BELL

D

ADAPTIVE RE-USE DISTRICT (ARU) The purpose of the redevelopment district is to accommodate proposals to redevelop existing developed and improved sites for which the owner/developer proposes a mixture of small-scale retail, residential, and light industrial uses (or a combination of such uses) to occupy structures originally constructed for other purposes.

By-right:

Artisan Studio
Bar
Botanical Garden & Arboretum
Child Day Care
Church, Place of worship
Dwelling: Attached
Event Center
Flex Space
Food Preparation Business
Gallery/Museum
Health Care Facility
Health/Fitness Club
Hotels & Motels
Mail Order Houses
Manufacturing Complex
Meeting Facility
Office operations
Offices and professional services
Outlet sales
Park and Ride Facility
Performance Facility
Personal service business
Personal Vehicle Sales

Postal and Parcel Delivery Services
Public Safety Services
Recreational Facilities
Recycling Materials Collections Center
Research Facility
Restaurant
Retail sales/rentals of goods
School: Art & Music
School: Dance, Martial Arts
School: Elementary, Middle & Secondary
School: Higher Education
School: Vocational
Storage & Warehousing: Inside building,
excluding explosives & hazardous wastes
Wholesale sales, indoor

Conditional Use Permit:

Telecommunication Tower, less than 200'
tall

Special Use Permit:

Public Utilities
Telecommunication Tower, 200' or taller
Transmission Lines

**November 2016 Planning Board meeting
Item Cover Sheet/Staff Report**

Agenda Item #: 6

ATTACHMENTS:

- 1 –Application
- 2 – Waiver list
- 3 – neighbor email
- 4 - Plan set

GENERAL INFORMATION:

Request: Modify Special Use Permit for the Little School – involves removing enrollment cap, expanding parking, and granting of new waivers

Purpose: Correct zoning violation caused by current enrollment exceeding the cap set with initial approval and address parking congestion

Background:

In October 2008, the town board granted the original Special Use Permit for the Little School to develop. That approval included an enrollment cap of 196 “students”. Modifications were approved by the town board in March 2009 before the site got under construction. The town preferred that the site have circular access through their parking lot which would have required the development of a platted right of way adjacent to the north side of the site. The applicants asked to not make this connection during their initial approval for fear of cut through and higher speed traffic in their parking area. The town agreed and the connection was not required. The school no longer owns this platted right of way. The proposed layout would accommodate a connection if they were ever given permission to connect.

The site has the required number of parking spaces shown on the approved special use permit plans, which met the requirements in the Zoning Ordinance. The requirement was actually reduced when the UDO was adopted in 2011, but it has recently be amended to establish a standard based on employees and students.

The School acknowledges that it requires more parking that the ordinance would mandate as many of their parents participate in a portion of their child’s day at the center and the center has a very low student/teacher ratio, generating more parking demand for staff.

The site is highly constrained with environmental features. The requested waivers are all necessary to create additional on-site spaces and address congestion and parking concerns on the property. A memo from the impacted neighbor is attached. It is not meant to replace any testimony given at public hearing, just to provide clarification that he is aware of the application.



**The Little School
Hillsborough, NC
Special Use Permit Modification
Requested Waivers from UDO Provisions**

General

The Little School requires additional parking spaces on its property located at 301 College Park Road, in order to improve traffic and safety conditions on the property and along its roadway frontage. The number of parking spaces currently on the site complied with Town of Hillsborough zoning criteria at the time of initial development, prior to implementation of the UDO. However, in order to provide the additional parking spaces, the School requests waiver of several provisions of the current UDO. The waivers are justified by (1) the need to provide increased safety on the property for students, staff, volunteers, parents, and others; (2) unusual physical conditions that exist on the property, and (3) alternate design approaches that will result in equal or better conditions as compared to strict conformance with UDO requirements.

Specifically, creating more parking spaces on the site will provide more efficient vehicle operations, reducing wait-time for parking spaces during peak usage and thereby reducing the potential for vehicles to park improperly. Increasing the number of “staff” parking spaces in the rear portion of the site will allow the main parking lot to be used more efficiently for student drop-off and pick-up. Converting the landscape islands to parking spaces in the main parking lot will result in less congestion and turn-around movements in the rear portion of the site.

Approval of the following waivers will provide the necessary zoning conditions for the proposed parking improvements to be accomplished. In addition to the general justification described above, additional justification for each request is addressed below in *italics*:

Waiver Request #1

UDO 6.10.3.2: “Trees shall be evenly distributed throughout the parking areas and parking perimeter at the required ratio.”

The proposed design provides trees in perimeter areas of the parking lot, and preserves a wooded buffer containing mature trees east of the new parking area. The site is currently heavily landscaped with planted materials. A large evergreen screen exists along the southern edge of the main parking area, and the playground and other areas north of the main parking lot are landscaped more intensely than conditions typically encountered on commercial sites. All existing shade trees proposed to be removed from landscape islands will be transplanted to adjacent perimeter areas. The resulting landscaped condition of the site and its parking areas will be as good as, or better than, that which is achievable by strict compliance with the UDO requirement.

Waiver Request #2

UDO 6.10.3.3: “No more than 14 continuous parking spaces shall be allowed without a minimum of one landscape island containing a shade tree.”

As described above, the area around the main parking lot is already planted in an intensive manner, and will remain so. For the new parking spaces in the rear of the site, a planted buffer is proposed along the eastern side, to supplement the mature trees that will remain in the undisturbed portion of the buffer. This vegetation will collectively provide moderate shading for the new parking spaces.

Waiver Request #3

UDO 6.13.7 (Off-street Parking Setback and Location), Sub-paragraph 6.13.7.1: “Parking spaces are considered structures for the purpose of determining setback requirements as described in Section 6.3, General Dimensional Standards.”

The horizontal distance between the nearest parking space and the property line at the northern edge of the new parking lot is ten feet, rather than 20 feet as prescribed under UDO requirements for setbacks. However, this area will be planted with shrubbery in order to meet the requirements of UDO 6.10.3.8. The adjoining property is not developed, nor is it likely to be developed in any other manner than as a driveway to serve a proposed affordable housing development further to the north. No harm to adjacent property will result from granting this requested waiver.

Waiver Request #4

UDO 6.13.8 (Off-street Parking Geometric Requirements), Sub-paragraph 6.13.8 (Table: Off-street Standard Parking Geometric Requirements) indicates that the travel aisle width for one- and two- way in parking lots with 90° parking is 25 feet.

In order to maximize the buffer width along the eastern edge of the property, the width of a short portion of the rear driveway aisle is proposed to be less than the prescribed 25 feet. The proposed width at all locations exceeds the minimum width for a “fire apparatus access road” as prescribed by NC Fire Prevention Code. In addition, the driveway and parking design has been reviewed and deemed acceptable by the Town of Hillsborough Fire Marshal.

Waiver Request #5

UDO 6.13.9 (Off-street Parking Design Requirements), Sub-paragraph 6.13.9.4: “Parking areas shall be broken up into groups of no more than 14 contiguous spaces separated by landscaped areas. Parking areas shall be divided into a series of lots that are interconnected but separated by planted areas.”

See discussion under Waiver Request #2 above.

Waiver Request #6

UDO 6.13.9 (Off-street Parking Design Requirements), Sub-paragraph 6.13.9.10: “If an applicant proposes to construct parking spaces in excess of the number required by this ordinance, a pervious paving material must be used to create the excess parking spaces.”

The existing parking spaces that exceed the minimum amount prescribed in the UDO are already in place and would have to be demolished and re-constructed in order to comply with this requirement. The proposed new spaces are designed as conventional impervious spaces because this is a more appropriate design for the proposed use and scale of this project. Permeable paving requires specialized construction and maintenance activities that are best carried out on larger scale parking lots.

Waiver Request #7

UDO 6.22 (Tree Protection Standards), Paragraph 6.22.4 (Standards), Sub-paragraph 6.22.4.2, Item (b) states: “For sites with existing, pre-development tree coverage area that covers more than 25% but less than 50% of the site, maintenance of the tree coverage area is required.”

The proposed parking improvements will result in a slight reduction in tree coverage, from 34% to 32%, on the subject property, although there will be no impacts to canopy trees (as defined) nor impacts in stream buffer or low-lying areas. A substantial number of landscape plantings will be installed in the area of tree removal, and approximately half of these plantings will have a mature height of 10 feet or more. The necessary tree removal is located in an area of fairly sparse and mostly-deciduous woods, and the replacement evergreen buffer plantings will be installed much more densely than existing vegetation.

Margaret Hawth

From: ak <atkitt@earthlink.net>
Sent: Friday, September 09, 2016 9:20 AM
To: Margaret Hawth
Subject: Re: Little School request

Margaret Hawth

I have reviewed the Special Use Permit narrative and actual plans completed by Civil Consultants. I would have preferred no modification to the buffer between my property and The Little School. After talking with the owners of The Little School and on-site discussions with Civil Consultants, the final plans address the concerns I have expressed as The Little School tries to improve their parking. If there are changes to the plans I reviewed in mid August, please inform me.

Albert Kittrell

-----Original Message-----
From: Margaret Hawth
Sent: Aug 29, 2016 3:01 PM
To: "atkitt@earthlink.net"
Subject: Little School request

Albert,

Attached is the application and drawings Tony Whitaker submitted on behalf of the Little School.

The Town Board will discuss these at their meeting on September 12. That meeting will be in the Town Barn on East Corbin Street at 7 pm.

The Town Board will review the request and determine whether a public hearing is needed for this modification. If a hearing is called it would take place in October and you would receive a written notice.

Margaret A. Hawth, AICP
Planning Director/Assistant Town Manager
P.O.Box 429
101 E Orange Street
Hillsborough, NC 27278
919.732.1270 ext 86
919.644-2390
www.hillsboroughnc.gov

Pursuant to NCGS Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it *may* be considered public record and as such are subject to request and review by anyone at anytime.

CLEARING, GRADING, AND STORM DRAINAGE SPECIFICATIONS

EXISTING CONDITIONS

• INFORMATION ABOUT EXISTING UNDERGROUND FACILITIES AND SUBSURFACE CONDITIONS INDICATED ON THESE DRAWINGS IS NOT BASED ON AN EXHAUSTIVE INVESTIGATION OF SUCH FACILITIES OR CONDITIONS, AND THE ENGINEER MAKES NO WARRANTY TO ANY PARTY REGARDING THEM. EXISTING UTILITY LINE LOCATIONS SHOWN SHOULD BE CONSIDERED APPROXIMATE, AND ACTUAL UTILITIES AND CONDITIONS MAY DIFFER FROM THOSE INDICATED. IF DIFFERING UTILITIES OR CONDITIONS EXIST, THEY MAY BE ENCOUNTERED DURING THE COURSE OF THE PROJECT WORK, AND MAY IMPACT THE PROJECT SCOPE AND TIME REQUIREMENTS.

PROTECTION AND SAFETY

• PRIOR TO BEGINNING WORK, AND AS NEEDED DURING THE COURSE OF PROJECT WORK, CONTRACTOR SHALL NOTIFY ALL APPLICABLE UTILITY LOCATION SERVICES AND UTILITY PROVIDERS TO REASONABLY VERIFY THE LOCATION OF ALL KNOWN OR SUSPECTED UTILITIES, IN ACCORDANCE WITH STATE REGULATIONS. CONTRACTOR IS ADVISED THAT SOME UTILITY PROVIDERS DO NOT SUBSCRIBE TO ONE-CALL SERVICES, AND MUST BE CONTACTED SEPARATELY FOR UTILITY LOCATION.
 • CONTRACTOR SHALL PROVIDE ADEQUATE MEANS AND METHODS FOR PROTECTION OF ALL EXISTING UTILITIES AND SITE FEATURES WHICH ARE INTENDED TO REMAIN IN SERVICE OR IN PLACE.
 • CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL AND SITE SAFETY MEASURES DURING THE COURSE OF PROJECT WORK.
 • CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR SAFETY PROGRAMS AND MEASURES ON THE PROJECT SITE OR OTHERWISE RELATING TO THE PROJECT WORK, AND SHALL COMPLY WITH ALL SAFETY CODES AND REGULATIONS APPLICABLE THERETO, FOR THE PROTECTION OF WORKERS, VISITORS, AND THE GENERAL PUBLIC.

COMPLIANCE

• IN ADDITION TO COMPLYING WITH REQUIREMENTS OF THESE DRAWINGS AND OTHER PROJECT DOCUMENTS, ALL PROJECT CLEARING, GRADING AND EROSION CONTROL SHALL BE IN ACCORDANCE WITH APPLICABLE STANDARDS AND REQUIREMENTS OF NCDOT, THE TOWN OF HILLSBOROUGH, THE ORANGE COUNTY SEDIMENTATION AND EROSION CONTROL OFFICE, AND THE NC BUILDING CODE.

NOTIFICATIONS

• NOTIFY THE ENGINEER AT LEAST TWO BUSINESS DAYS PRIOR TO BEGINNING OR RESUMING ANY CLEARING, GRADING OR PAVING WORK.
 • NOTIFY ALL APPLICABLE REGULATORY AUTHORITIES IN ACCORDANCE WITH THEIR REQUIREMENTS PRIOR TO BEGINNING PROJECT WORK.

QUALITY CONTROL

• ALL EARTHWORK OPERATIONS, INCLUDING TOPSOIL STRIPPING, STOCKPILING, EXCAVATION, FILLING, COMPACTING, TRENCHING, BACKFILLING, RETAINING WALLS, AND FINE-GRADING, SHALL BE PERFORMED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE PROJECT ENGINEER, WHO SHALL VERIFY THE SUITABILITY OF SOIL MATERIALS, MONITOR THE WORK AND OBSERVE PROOFROLLING.
 • NO SOIL SHALL BE PLACED IN A PERMANENT LOCATION UNLESS IT HAS BEEN APPROVED BY THE ENGINEER FOR THE INTENDED USE AND LOCATION.
 • PRIOR TO PLACEMENT OF ANY FILL, THE SUBGRADE OR PREVIOUS LIFT OF FILL SHALL BE SUCCESSFULLY PROOFROLLED OR OTHERWISE APPROVED, AND DETERMINED TO BE READY FOR SUBSEQUENT WORK.
 • PRIOR TO PLACEMENT OF ANY AGGREGATE, PAVING, SLABS, PIPING, OR OTHER WORK, SUBGRADES AND OTHER BEARING SURFACES SHALL BE SUCCESSFULLY TESTED OR OTHERWISE APPROVED, AND DETERMINED TO BE READY FOR SUBSEQUENT WORK.
 • CONTRACTOR SHALL ALLOW AND PARTICIPATE IN SOIL TESTING ACTIVITIES, INCLUDING ACTIVE COORDINATION WITH THE ENGINEER AND FURNISHING PROOFROLLING EQUIPMENT, MATERIALS, AND MANPOWER AS NEEDED.

CLEARING, GRUBBING, STRIPPING, AND SUBGRADE PREPARATION

• IN AREAS OF NEW CONSTRUCTION, REMOVE ALL VEGETATION, ROOTMATS, ORGANIC SOIL, PAVEMENT, AND GRAVEL SURFACING UNLESS OTHERWISE INDICATED.
 • REMOVE ALL VEGETATIVE MATERIAL DISLOCATED BY CLEARING AND GRUBBING ACTIVITIES FROM THE PROJECT SITE. DO NOT BURN CLEARING WASTE ON THE PROJECT SITE.
 • REMOVE FROM THE SITE ALL PAVEMENT, CURBS, PIPE, STRUCTURES AND OTHER PHYSICAL SITE FEATURES THAT ARE INDICATED OR REQUIRED TO BE REMOVED.
 • STOCKPILE ORGANIC SOIL THAT IS DETERMINED TO BE SUITABLE FOR LATER USE, IN LOCATIONS SHOWN OR AS APPROVED.
 • AFTER SOIL SUBGRADES ARE EXPOSED, REQUEST EVALUATION BY THE ENGINEER. PROOFROLL SUBGRADES USING A LOADED DUMP TRUCK HAVING A SINGLE AXLE WEIGHT OF AT LEAST TEN TONS, OR AS OTHERWISE RECOMMENDED BY THE ENGINEER.
 • PROVIDE ANY SUBGRADE REMEDIATION OR TREATMENT AS NEEDED PER THE ENGINEER'S DETERMINATION AND RECOMMENDATIONS.

GRADING

• STRUCTURAL FILL IS DEFINED AS SOIL CLASSIFIED AS SM, SC, ML, OR CL; FREE OF ORGANIC MATERIAL, DEBRIS, ROCKS LARGER THAN 3 INCHES IN ANY DIMENSION, ICE, EXCESS WATER, AND OTHER UNSUITABLE MATTER; HAVING A LIQUID LIMIT LESS THAN 50 AND A PLASTICITY INDEX LESS THAN 20, CAPABLE OF BEING COMPACTED TO THE REQUIRED DENSITY, AND WHICH HAS BEEN APPROVED FOR USE BY THE ENGINEER.
 • OTHER SOIL NOT MEETING THE DEFINITION FOR STRUCTURAL FILL MAY BE APPROVED BY THE ENGINEER FOR USE UNDER LIMITED CONDITIONS OR IN LIMITED AREAS.
 • STRUCTURAL ZONES SHALL INCLUDE ALL AREAS SUBJECT TO DIRECT BEARING PRESSURE PLUS 5 FEET HORIZONTAL PLUS THE AREA BELOW A 1:1 DOWNWARD & OUTWARD SLOPE IN ANY AREAS OF FILL.
 • NO SOIL SHALL BE PLACED ON A SUBGRADE SURFACE IN A STRUCTURAL ZONE OR A FILL SLOPE AREA UNLESS THE SURFACE HAS BEEN APPROVED TO RECEIVE ADDITIONAL FILL BY THE ENGINEER, OR IF THE SUBGRADE CONTAINS POINDED WATER, OR IF THE SUBGRADE OR FILL SOIL IS FROZEN OR CONTAINS ICE.
 • STRUCTURAL FILL SHALL BE PLACED AND COMPACTED WHEN THE SOIL'S MOISTURE CONTENT IS WITHIN 3 PERCENTAGE POINTS OF THE SOIL'S OPTIMUM MOISTURE CONTENT. IN LIFTS NOT TO EXCEED 8 INCHES LOOSE THICKNESS, THE IN-PLACE COMPACTED DENSITY SHALL BE AT LEAST 90 POUNDS PER CUBIC FOOT. TIGHTER SPECIFICATIONS MAY BE REQUIRED FOR SPECIFIC AREAS, MARGINAL SOIL CHARACTERISTICS, OR NON-STANDARD PLACEMENT OR COMPACTION METHODS.
 • ALL SOIL UNDER PAVEMENTS AND WALKWAYS, OR IN STRUCTURAL ZONES ASSOCIATED WITH THESE AREAS SHALL BE APPROVED IN-SITU SOIL OR APPROVED STRUCTURAL FILL COMPACTED TO AT LEAST 95% OF THE SOIL'S MAXIMUM DRY DENSITY (MDD) PER ASTM D-698.

SURFACE DRAINAGE

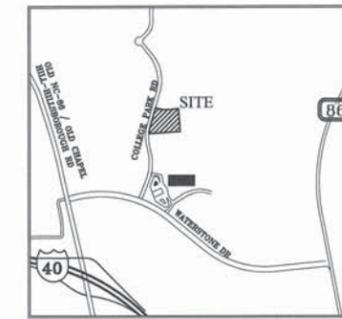
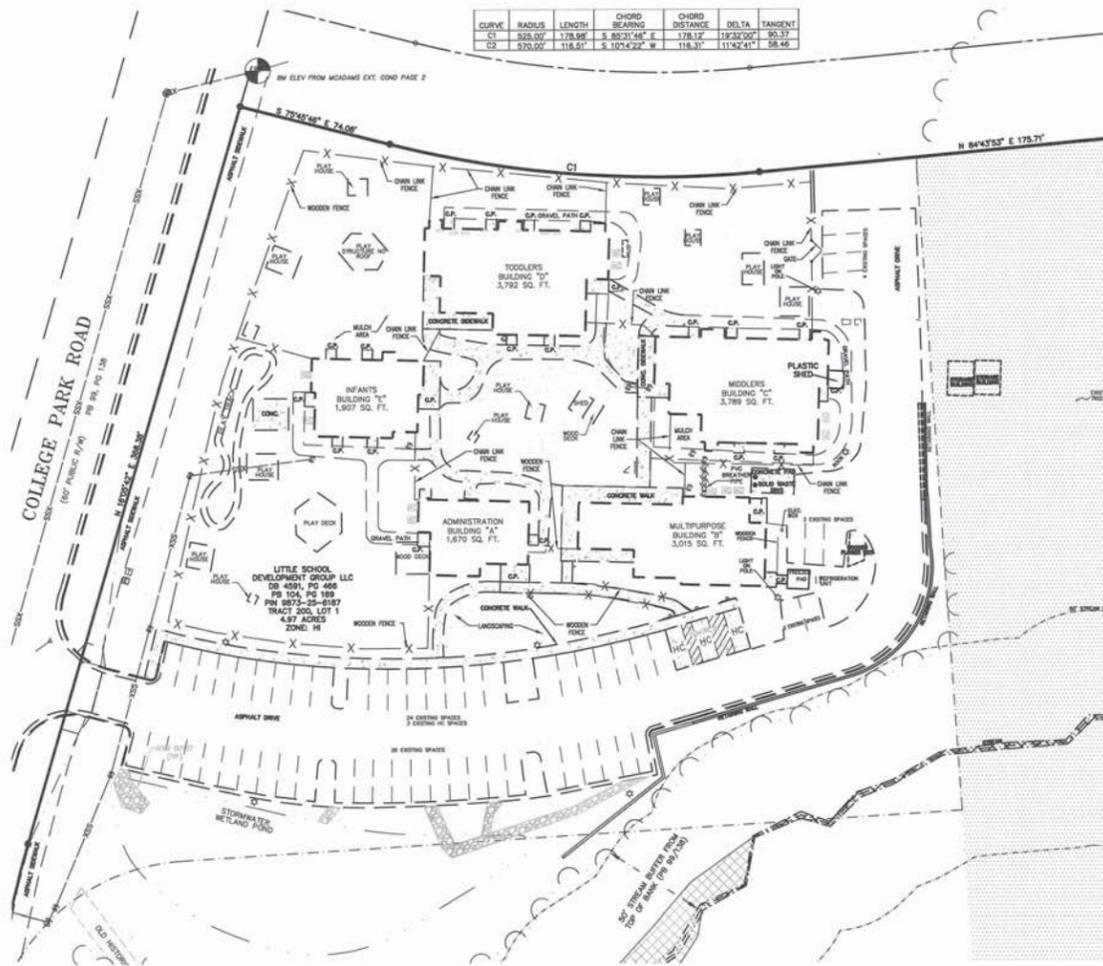
• ALL SPOT ELEVATIONS SHOWN ARE FINISHED SURFACE ELEVATIONS. SPOT ELEVATIONS SHALL TAKE PRECEDENCE OVER ELEVATION CONTOURS. ALL ELEVATIONS SHOWN ON CURBS AND GUTTERS REFER TO TOP OF CURB, UNLESS OTHERWISE INDICATED.
 • ALL FINISHED PAVEMENT AND WALKWAY SURFACES SHALL BE FINISHED AND FINISHED TO HAVE POSITIVE SURFACE DRAINAGE TO A FREE-FLOWING DRAINAGE OUTLET, WITH NO IRREGULARITIES OR DEPRESSIONS THAT WOULD CAUSE UNINTENDED WATER PONDING.
 • PROVIDE POSITIVE DRAINAGE ALONG AND FROM ALL GUTTERS.
 • TIE-INS TO EXISTING PAVEMENT, CURBS, WALKS, ETC. SHALL BE MADE WITH NEAT EDGES AND SMOOTH, GRADUAL TRANSITIONS THAT ARE SAFE, FUNCTIONAL, DURABLE, AND VISUALLY ACCEPTABLE TO THE OWNER AND REVIEW AUTHORITIES.

ACCESSIBILITY

• SIDEWALKS, CROSSWALKS, AND OTHER WALKWAYS SHALL NOT EXCEED 2.0% CROSS-SLOPE.
 • NO PORTION OF ANY HANDICAP ACCESSIBLE ROUTE SHALL EXCEED 2.0% CROSS-SLOPE OR 5.0% LONGITUDINAL SLOPE.
 • NO PORTION OF ANY HANDICAP PARKING SPACE OR ADJOINING ACCESS AISLE SHALL EXCEED 2.0% SLOPE IN ANY DIRECTION.

LEGEND

	NEW	EXISTING
DRAINAGE STRUCTURE	□	□
SANITARY SEWER MANHOLE	⊙	⊙
SANITARY SEWER CLEANOUT	⊙	⊙
WATER VALVE	⊙	⊙
FIRE HYDRANT	⊙	⊙
OVERHEAD UTILITY LINE	OH	OH
UNDERGROUND ELECTRIC LINE	E	E
UNDERGROUND TELECOM/DATA LINE	TD	TD
FIBER OPTIC CABLE	FO	FO
GAS LINE	G	G
STORM DRAINAGE PIPE	SD	SD
SANITARY SEWER LINE	SS	SS
WATER LINE	W	W
SURFACE ELEVATION CONTOUR	400	400
SURFACE SPOT ELEVATION	356.44	x 356.44
CLEARING LIMIT/TREE LINE	---	---
LIMIT OF DISTURBANCE	---	---
TEMPORARY SILT FENCE	---	---
TREE PROTECTION FENCE	---	---
ELECTRICAL TRANSFORMER PAD	T	T
TYPICAL KEYED NOTE LABEL	1	1
TYPICAL TOP/BOTTOM OF WALL LABEL (NOTE: WALL HEIGHT SHOWN IS EXPOSED WALL FACE AND DOES NOT INCLUDE BURIED DEPTHS.)	TH=849.91 BFF=842.27 (7' WALL)	
TEMPORARY SILT FENCE OUTLET	SFO	
TREES/SHRUBS	⊙	⊙
EXISTING TREE TO BE REMOVED	⊙	⊙



VICINITY MAP
NTS

DRAWING INDEX:

- C1 COVER SHEET
- C2 EXISTING CONDITIONS & DEMOLITION PLAN
- C3 PARKING LAYOUT AND LANDSCAPING PLAN
- C4 GRADING & EROSION CONTROL PLAN
- LS1 LANDSCAPE BUFFER PLAN
- D1 DETAILS

REQUESTED WAIVERS:

1. UDO SUB-PARAGRAPH 6.10.3.2: "TREES SHALL BE EVENLY DISTRIBUTED THROUGHOUT THE PARKING AREAS AND PARKING PERIMETER AT THE REQUIRED RATIO."
2. UDO SUB-PARAGRAPH 6.10.3.3: "NO MORE THAN 14 CONTIGUOUS PARKING SPACES SHALL BE ALLOWED WITHOUT A MINIMUM OF 1 LANDSCAPE ISLAND CONTAINING A SHADE TREE."
3. UDO SUBSECTION 6.3 (GENERAL DIMENSIONAL STANDARDS), PARAGRAPH 6.3.2 (TABLE: DIMENSIONAL REQUIREMENTS: NON-RESIDENTIAL) INDICATES THAT THE SIDE SETBACK OF THE ESU (ENTRANCEWAY SPECIAL USE) DISTRICT IS 20 FEET.
4. UDO PARAGRAPH 6.13.8 (OFF-STREET PARKING GEOMETRIC REQUIREMENTS), SUB-PARAGRAPH 6.13.8 (TABLE: OFF-STREET STANDARD PARKING GEOMETRIC REQUIREMENTS) INDICATES THAT THE TRAVEL AISLE WIDTH FOR ONE- AND TWO-WAY IN PARKING LOTS WITH 90-DEGREE PARKING IS 25 FEET.
5. UDO PARAGRAPH 6.13.9 (OFF-STREET PARKING DESIGN REQUIREMENTS), SUB-PARAGRAPH 6.13.9.4: "PARKING AREAS SHALL BE BROKEN UP INTO GROUPS OF NO MORE THAN 14 CONTIGUOUS SPACES SEPARATED BY LANDSCAPED AREAS. PARKING AREAS SHALL BE DIVIDED INTO A SERIES OF LOTS THAT ARE INTERCONNECTED BUT SEPARATED BY PLANTED AREAS."
6. UDO PARAGRAPH 6.13.9 (OFF-STREET PARKING DESIGN REQUIREMENTS), SUB-PARAGRAPH 6.13.9.10: "IF AN APPLICANT PROPOSES TO CONSTRUCT PARKING SPACES IN EXCESS OF THE NUMBER REQUIRED BY THIS ORDINANCE, A PERVIOUS PAVING MATERIAL MUST BE USED TO CREATE THE EXCESS PARKING SPACES."
7. UDO SECTION 6.22 (TREE PROTECTION STANDARDS), PARAGRAPH 6.22.4 (STANDARDS), SUB-PARAGRAPH 6.22.4.2, ITEM (B) STATES: "FOR SITES WITH EXISTING, PRE-DEVELOPMENT TREE COVERAGE AREA THAT COVERS MORE THAN 25% BUT LESS THAN 50% OF THE SITE, MAINTENANCE OF THE TREE COVERAGE AREA IS REQUIRED."

MODIFICATIONS TO SPECIAL USE PERMIT

1. INCREASE THE NUMBER OF VEHICLE PARKING SPACES ON THE PROPERTY, USING VARIOUS WAIVERS AND ALTERNATE COMPLIANCE MEASURES TO PROVIDE EQUAL OR BETTER PERFORMANCE.
2. REDUCE THE PERIMETER BUFFER WIDTH ALONG THE EASTERN PROPERTY BOUNDARY.
3. REMOVE THE SUP LIMITATION ON STUDENT ENROLLMENT, ALLOWING PHYSICAL CONSTRAINTS AND STATE REGULATIONS TO GOVERN THIS MATTER.
4. INCLUDE EXISTING STRUCTURES AND PLAY EQUIPMENT ON THE PROPERTY WHICH DID NOT HAVE PREVIOUS SUP COVERAGE.
5. ESTABLISH LOCATION OF NEW IDENTIFICATION SIGN ALONG COLLEGE PARK ROAD.

TOWN OF HILLSBOROUGH GENERAL NOTES:

1. ALL WATER AND SEWER PROCEDURES OF THE TOWN OF HILLSBOROUGH WILL BE FOLLOWED.
2. SOIL AND EROSION CONTROL PLAN (FROM ORANGE COUNTY) WILL BE OBTAINED PRIOR TO ISSUANCE OF A ZONING PERMIT.
3. THE HILLSBOROUGH FIRE CHIEF RECOMMENDATIONS WILL BE FOLLOWED.
4. THE STORMWATER CONTROL AND GRADING PLAN WILL BE REVIEWED AND APPROVED BY THE TOWN STORMWATER PROGRAM MANAGER, AT THE DEVELOPER'S EXPENSE, BEFORE THE ISSUANCE OF A ZONING PERMIT. THE PLAN WILL BE FOLLOWED.
5. ALL NEW UTILITIES WILL BE UNDERGROUND.
6. STREAM BUFFER REQUIREMENTS OF SECTION 6.20 OF THE UNIFIED DEVELOPMENT ORDINANCE WILL BE FOLLOWED.
7. THE ZONING OFFICER WILL INSPECT THE SITE BEFORE A CERTIFICATE OF OCCUPANCY IS ISSUED.
8. OUTSIDE STORAGE IS PROHIBITED.
9. TREES TO REMAIN UNDISTURBED DURING CONSTRUCTION WILL BE FLAGGED TO THE OUTSIDE OF THE CROWN OF THE TREES TO REMAIN AND WILL BE INSPECTED BEFORE THE ZONING PERMIT IS ISSUED.
10. PLANT MATERIAL WILL BE INSTALLED PER SECTION 6 OF THE UNIFIED DEVELOPMENT ORDINANCE. THE ZONING OFFICER WILL INSPECT PLANT MATERIAL DURING THE SECOND GROWING SEASON AND SUBSTANDARD MATERIAL WILL BE REPLACED BY THE OWNER/DEVELOPER.
11. THE OWNER OR RECIPIENT OF THE ZONING PERMIT SHALL PROPERLY MAINTAIN THE PARKING, LANDSCAPING, LIGHTING AND DUMPSTERS.
12. THE PLAN, IF APPROVED, WILL EXPIRE IF SIGNIFICANT MEANINGFUL CONSTRUCTION HAS NOT BEGUN BY _____

THE LITTLE SCHOOL - PARKING ADDITION SPECIAL USE PERMIT MODIFICATION

301 COLLEGE PARK ROAD HILLSBOROUGH, NORTH CAROLINA

SITE DATA:

OWNER/DEVELOPER:	LITTLE SCHOOL DEVELOPMENT GROUP, LLC 301 COLLEGE PARK ROAD HILLSBOROUGH, NC 27278 PHONE: (919)644-1818 CONTACT: JENNIFER DOCK
PROJECT DESCRIPTION:	PARKING AREA EXPANSION
PIN:	9873-25-6187
PARCEL ACREAGE:	4.97 ACRES
CURRENT ZONING:	ESU
OVERLAY ZONING:	NONE
RIVER BASIN:	NEUSE
PARKING SPACES REQUIRED:	1 SPACES PER 375 SF BUILDING FLOOR AREA 14,173 SF / 375 = 38 REQUIRED SPACES
EXISTING PARKING SPACES:	62 SPACES (INCLUDING 3 HC SPACES)
NEW PARKING SPACES:	30 SPACES (INCLUDING 1 HC SPACE)
TOTAL PARKING SPACES:	92 SPACES (INCLUDING 4 HC SPACES)
PROPOSED DISTURBED AREA:	9,868 SF < 10,000 SF (0.22 ACRES)
PROPOSED UNDISTURBED AREA:	206,625 SF (4.75 ACRES)
MAXIMUM IMPERVIOUS ALLOWED:	50%
EXISTING IMPERVIOUS SURFACE:	54,566 SF OR 1.25 ACRES OR 25%
NET NEW IMPERVIOUS SURFACE:	6,098 SF OR 0.14 ACRES
TOTAL IMPERVIOUS SURFACE:	60,664 SF OR 1.39 ACRES OR 28%



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THE LITTLE SCHOOL
PARKING ADDITION
SPECIAL USE PERMIT MODIFICATION
HILLSBOROUGH, NORTH CAROLINA
COVER SHEET

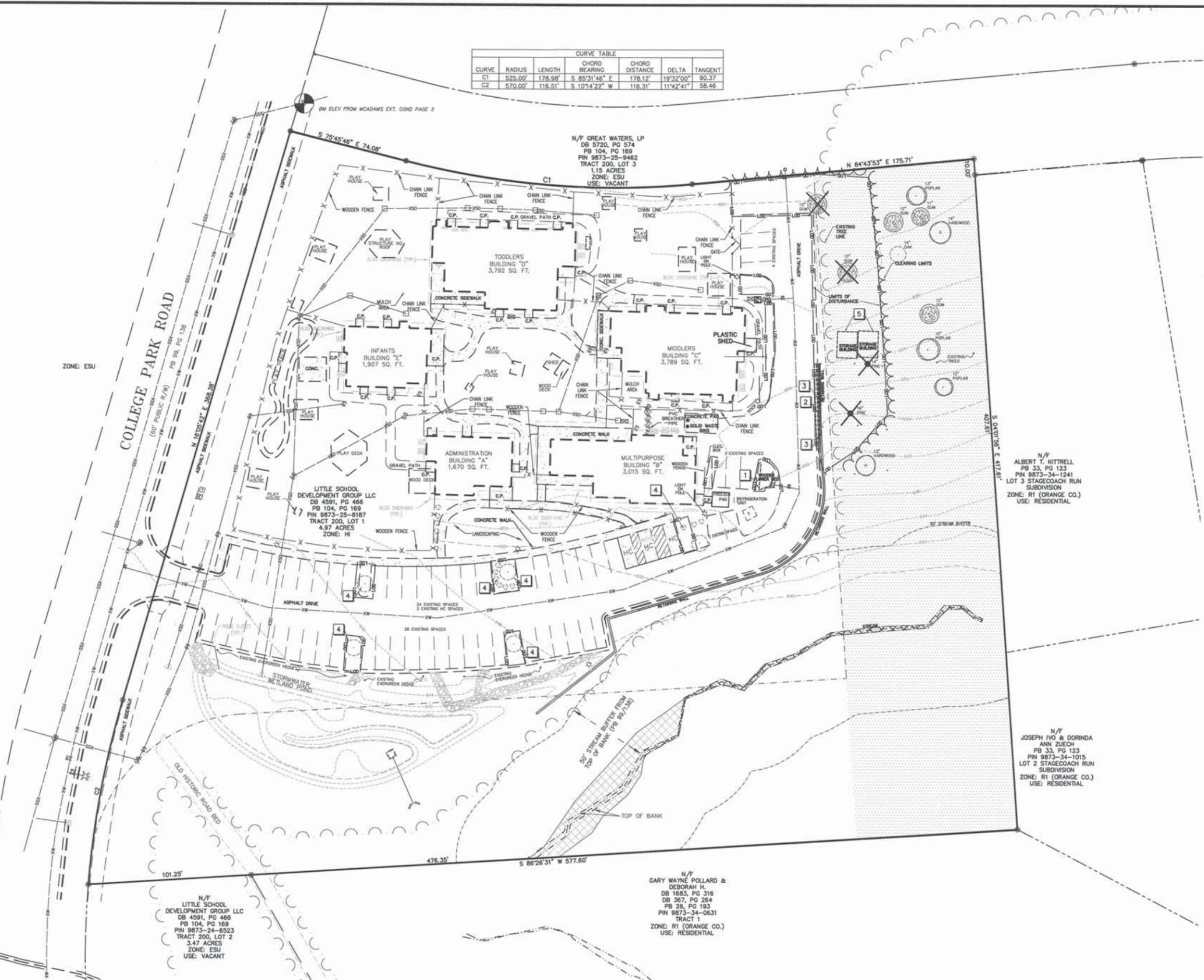
REV.	DATE	DESCRIPTION
1	09-30-16	TIC COMMENTS #1
2	10-05-16	TIC COMMENTS #2

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SHEET NO.
C1



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE	DELTA
C1	525.00'	178.98'	S 85°31'46" E	178.12'	19°32'00"
C2	570.00'	116.51'	S 107°4'22" W	116.31'	11°42'41"



- KEY** **KEYED NOTES – DEMOLITION**
- 1 REMOVE EXISTING WOODEN TIMBERS AND FLOWER BED.
 - 2 REMOVE PORTION OF EXISTING SEGMENTAL BLOCK WALL AND FENCE AS SHOWN. LEAVE EXPOSED EDGE IN A PROPERLY FINISHED CONDITION IN ACCORDANCE WITH WALL UNIT MANUFACTURER'S TYPICAL STANDARDS.
 - 3 SAWCUT AND REMOVE SECTION OF CURB AND GUTTER AS NEEDED.
 - 4 RELOCATE EXISTING TREES/SHRUBS PER DRAWING SHEET C3.
 - 5 RELOCATE ACCESSORY BUILDINGS. COORDINATE WITH OWNER FOR SCOPE OF RELATED WORK.

- DEMOLITION NOTES**
1. PROPERTY BOUNDARY AND EXISTING CONDITIONS INFORMATION TAKEN FROM AN AS-BUILT SURVEY BY MCDAMAS ENTITLED THE LITTLE SCHOOL (WATERSTONE LOT 7), DATED 01/12/2010.
 2. THE FIELD SURVEY INFORMATION DESCRIBED ABOVE HAS BEEN SUPPLEMENTED WITH FIELD SURVEY BY CALLEMYN SURVEYING.
 3. PRIOR TO BEGINNING WORK, AND AS NEEDED DURING THE COURSE OF PROJECT WORK, CONTRACTOR SHALL NOTIFY ALL APPLICABLE UTILITY LOCATION SERVICES AND UTILITY PROVIDERS TO VERIFY THE LOCATION OF ALL KNOWN OR SUSPECTED UTILITIES, IN ACCORDANCE WITH STATE REGULATIONS. CONTRACTOR IS ADVISED THAT SOME UTILITY PROVIDERS DO NOT SUBSCRIBE TO ONE-CALL SERVICES, AND MUST BE CONTACTED SEPARATELY FOR UTILITY LOCATION.
 4. CONTRACTOR SHALL PROVIDE ADEQUATE MEANS AND METHODS FOR PROTECTION OF ALL EXISTING UTILITIES AND SITE FEATURES WHICH ARE INTENDED TO REMAIN IN SERVICE OR IN PLACE.
 5. CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL MEASURES DURING THE COURSE OF PROJECT WORK.
 6. INFORMATION ABOUT EXISTING UNDERGROUND FACILITIES AND SUBSURFACE CONDITIONS INDICATED ON THESE DRAWINGS IS NOT BASED ON AN EXHAUSTIVE INVESTIGATION OF SUCH FACILITIES OR CONDITIONS, AND THE ENGINEER MAKES NO WARRANTY TO ANY PARTY REGARDING THEM. EXISTING UTILITY LINE LOCATIONS SHOWN ARE APPROXIMATE AND ACTUAL UTILITIES AND CONDITIONS MAY DIFFER FROM THOSE INDICATED. IF DIFFERING UTILITIES OR CONDITIONS EXIST, THEY MAY BE ENCOUNTERED DURING THE COURSE OF THE PROJECT WORK, AND MAY IMPACT THE PROJECT SCOPE AND TIME REQUIREMENTS.
 7. ALL VEGETATIVE MATERIAL GENERATED BY CLEARING AND GRUBBING ACTIVITIES SHALL BE COMPLETELY REMOVED FROM THE PROJECT SITE AND DISPOSED LEGALLY. NO ONSITE BURNING OF CLEARED MATERIAL SHALL OCCUR.
 8. ALL PAVEMENT, CURB, PIPE, STRUCTURES AND OTHER PHYSICAL SITE FEATURES THAT ARE INDICATED OR REQUIRED TO BE REMOVED SHALL BE DISPOSED LEGALLY IN AN OFFSITE LOCATION.
 9. CONTRACTOR SHALL COMPLY WITH OWNER'S REQUIREMENTS FOR WORK DAY AND TIME RESTRICTIONS AND OWNER'S NOTIFICATION AND SCHEDULING REQUIREMENTS.
 10. CONTRACTOR SHALL IMPLEMENT A SAFETY PROGRAM THAT IS APPROPRIATE FOR A CHILD CARE ENVIRONMENT AND REFLECTS SITE-SPECIFIC CONDITIONS.

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THE LITTLE SCHOOL
 SPECIAL USE PERMIT MODIFICATION
 HILLSBOROUGH, NORTH CAROLINA
 EXISTING CONDITIONS &
 DEMOLITION PLAN

REV.	DATE	DESCRIPTION
1	09-30-16	TRC COMMENTS #1

DATE: AUGUST 17, 2016

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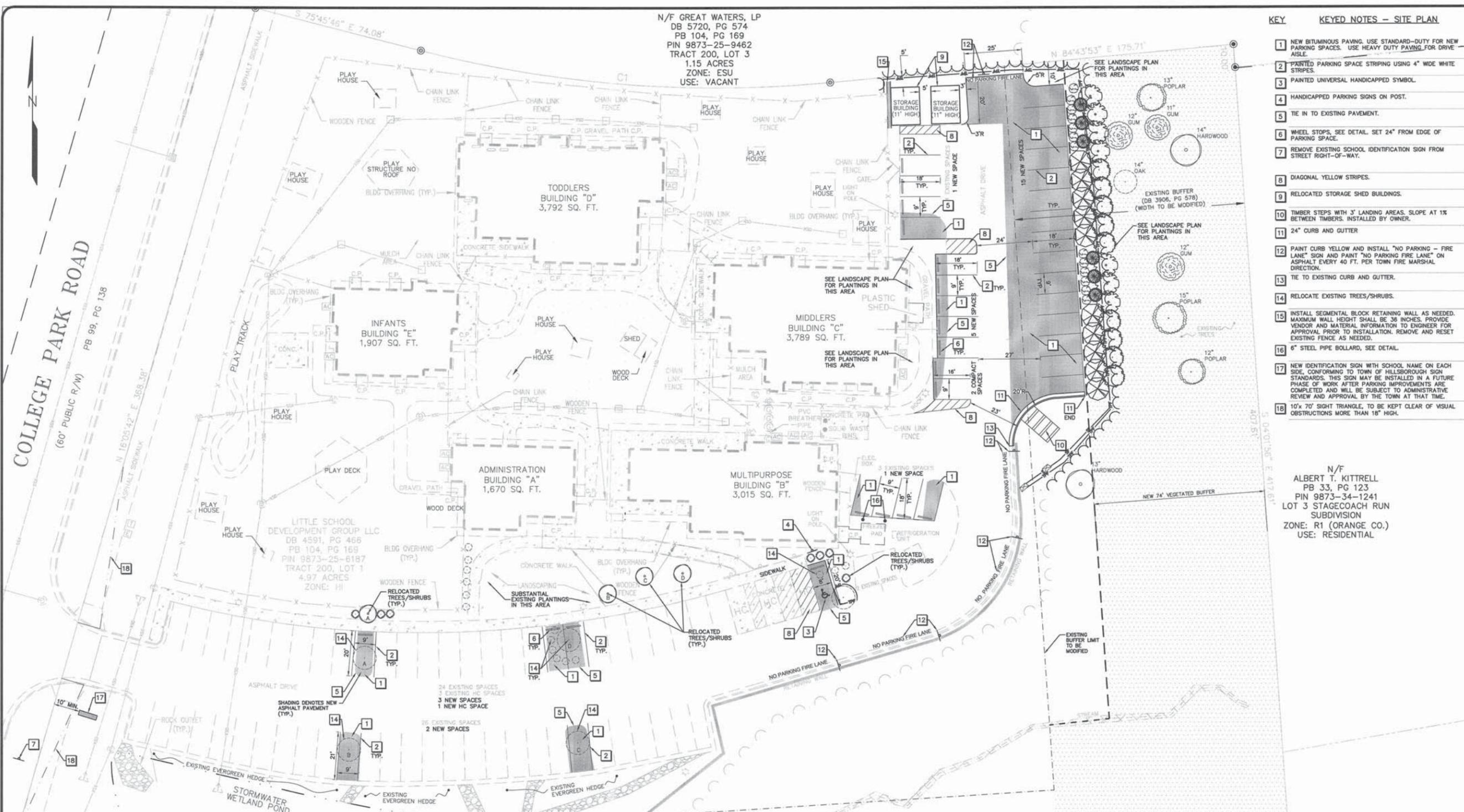
CANOPY TREE TABLE

NUMBER OF CANOPY TREES TO BE REMOVED	0
ESTIMATE OF THE NUMBER OF CANOPY TREES BEING RETAINED	10
NUMBER OF TREES 24-INCHES OR GREATER DBH TO BE REMOVED	0
PERCENTAGE OF TREE COVER AREA BEFORE DEVELOPMENT	34%
PERCENTAGE OF TREE COVER AREA AFTER DEVELOPMENT	32%
METHOD USED TO CALCULATE THE TREE COVERAGE AREA	AREA

CANOPY NOTE:
 NO CANOPY TREES OF 24" SIZE WILL BE REMOVED OR IMPACTED BY THE PROPOSED WORK.

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GRAPHIC SCALE
 0 15 30 60
 (IN FEET)
 1 inch = 30 ft.



N/F GREAT WATERS, LP
 DB 5720, PG 574
 PB 104, PG 169
 PIN 9873-25-9462
 TRACT 200, LOT 3
 1.15 ACRES
 ZONE: ESU
 USE: VACANT

KEY **KEYED NOTES – SITE PLAN**

- 1 NEW BITUMINOUS PAVING. USE STANDARD-DUTY FOR NEW PARKING SPACES. USE HEAVY DUTY PAVING FOR DRIVE AISLE.
- 2 PARTED PARKING SPACE STRIPING USING 4" WIDE WHITE STRIPES.
- 3 PAINTED UNIVERSAL HANDICAPPED SYMBOL.
- 4 HANDICAPPED PARKING SIGNS ON POST.
- 5 TIE IN TO EXISTING PAVEMENT.
- 6 WHEEL STOPS, SEE DETAIL. SET 24" FROM EDGE OF PARKING SPACE.
- 7 REMOVE EXISTING SCHOOL IDENTIFICATION SIGN FROM STREET RIGHT-OF-WAY.
- 8 DIAGONAL YELLOW STRIPES.
- 9 RELOCATED STORAGE SHED BUILDINGS.
- 10 TIMBER STEPS WITH 3" LANDING AREAS. SLOPE AT 1% BETWEEN TIMBERS. INSTALLED BY OWNER.
- 11 24" CURB AND GUTTER.
- 12 PAINT CURB YELLOW AND INSTALL "NO PARKING - FIRE LANE" SIGN AND PAINT "NO PARKING FIRE LANE" ON ASPHALT EVERY 40 FT. PER TOWN FIRE MARSHAL DIRECTION.
- 13 TIE TO EXISTING CURB AND GUTTER.
- 14 RELOCATE EXISTING TREES/SHRUBS.
- 15 INSTALL SEGMENTAL BLOCK RETAINING WALL AS NEEDED. MAXIMUM WALL HEIGHT SHALL BE 36 INCHES. PROVIDE VENDOR AND MATERIAL INFORMATION TO ENGINEER FOR APPROVAL PRIOR TO INSTALLATION. REMOVE AND RESET EXISTING FENCE AS NEEDED.
- 16 6" STEEL PIPE BOLLARD, SEE DETAIL.
- 17 NEW IDENTIFICATION SIGN WITH SCHOOL NAME ON EACH SIDE, CONFORMING TO TOWN OF HILLSBOROUGH SIGN STANDARDS. THIS SIGN MAY BE INSTALLED IN A FUTURE PHASE OF WORK AFTER PARKING IMPROVEMENTS ARE COMPLETED AND WILL BE SUBJECT TO ADMINISTRATIVE REVIEW AND APPROVAL BY THE TOWN AT THAT TIME.
- 18 10'x 70' SIGHT TRIANGLE, TO BE KEPT CLEAR OF VISUAL OBSTRUCTIONS MORE THAN 18" HIGH.

N/F
 ALBERT T. KITTRELL
 PB 33, PG 123
 PIN 9873-34-1241
 LOT 3 STAGECOACH RUN
 SUBDIVISION
 ZONE: R1 (ORANGE CO.)
 USE: RESIDENTIAL

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THE LITTLE SCHOOL
 PARKING ADDITION
 SPECIAL USE PERMIT MODIFICATION
 HILLSBOROUGH, NORTH CAROLINA
 PARKING LAYOUT &
 LANDSCAPING PLAN

SITE NOTES

1. PROPERTY BOUNDARY AND EXISTING CONDITIONS INFORMATION TAKEN FROM A AS-BUILT SURVEY BY MCDONALD'S ENTITLED THE LITTLE SCHOOL (WATERSTONE LOT 7), DATED 01/12/2010.
2. THE FIELD SURVEY INFORMATION DESCRIBED ABOVE HAS BEEN SUPPLEMENTED WITH FIELD SURVEY BY CALLEMYN SURVEYING.
3. PROVIDE POSITIVE DRAINAGE ALONG AND FROM ALL GUTTERS.
4. ALL SITE CONCRETE SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 3000 PSI UNLESS OTHERWISE INDICATED.
5. ALL AGGREGATE BASE AND PAVING WORK SHALL COMPLY WITH NCDOT STANDARDS. SPECIFIED PAVEMENT THICKNESS REFERS TO COMPACTED THICKNESS.
6. INSTALL ALL PAVEMENT WITH POSITIVE SURFACE DRAINAGE.
7. UNLESS OTHERWISE SPECIFIED, ALL PAVEMENT MARKINGS SHALL BE MADE WITH PAINT CONFORMING TO NCDOT "STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES", LATEST EDITION, AND SHALL HAVE A MINIMUM DRY FILM THICKNESS OF 10 MILS. ALL MARKINGS SHALL BE WHITE UNLESS OTHERWISE SPECIFIED OR REQUIRED BY GOVERNING AUTHORITIES.

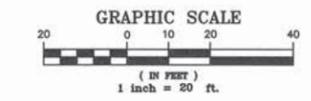
8. ALL ACCESSIBLE PARKING SPACES, AISLES, RAMPS, SIGNAGE, PAVEMENT MARKINGS, CROSSWALKS, AND ROUTES SHALL MEET APPLICABLE REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE, ICC A117.1, NC GENERAL STATUTES 20-37.6 AND 136-30, AND LOCAL REGULATIONS AND POLICIES.
9. TIE-INS TO EXISTING PAVEMENT, CURBS, WALKS, ETC. SHALL BE MADE WITH NEAT EDGES AND SMOOTH, GRADUAL TRANSITIONS THAT ARE SAFE, FUNCTIONAL, DURABLE, AND VISUALLY ACCEPTABLE TO THE OWNER AND REGULATORY AUTHORITIES.
10. EASEMENTS SHOWN HEREON SHALL NOT BE USED AS A BASIS FOR A LEGAL DESCRIPTION OR AS AN ATTACHMENT TO A DEED OF EASEMENT.

LANDSCAPE NOTES

1. CONTRACTOR TO VERIFY ALL PLANT QUANTITIES AS SHOWN ON PLANS.
2. ALL LANDSCAPED AREAS SHOULD BE MULCHED.
3. NO FINE STRAW MULCH SHALL BE PLACED WITHIN 10 FEET OF ANY BUILDING FOUNDATIONS.
4. ALL MULCH SHALL BE ORGANIC, 3" DEEP AND SHALL BE PLACED 3" AWAY FROM THE TRUNK OF ANY TREE.
5. AVOID STAKING OF TREES UNLESS THEY BECOME UNSTABLE AFTER PLANTING AND DURING THE WARRANTY PERIOD. REMOVE ALL STAKING MATERIAL AS SOON AS THE TREE IS STABILIZED AND NO LATER THAN 1 YEAR AFTER PLANTING.
6. ALL PLANT MATERIAL SHALL CONFORM TO THE STANDARDS OF THE AMERICAN NATIONAL STANDARD FOR NURSERY STOCK, ANSI Z60.1 AMERICAN NURSERY AND LANDSCAPE ASSOCIATION, 1250 EYE STREET, NW, SUITE 500, WASHINGTON, DC 20005.



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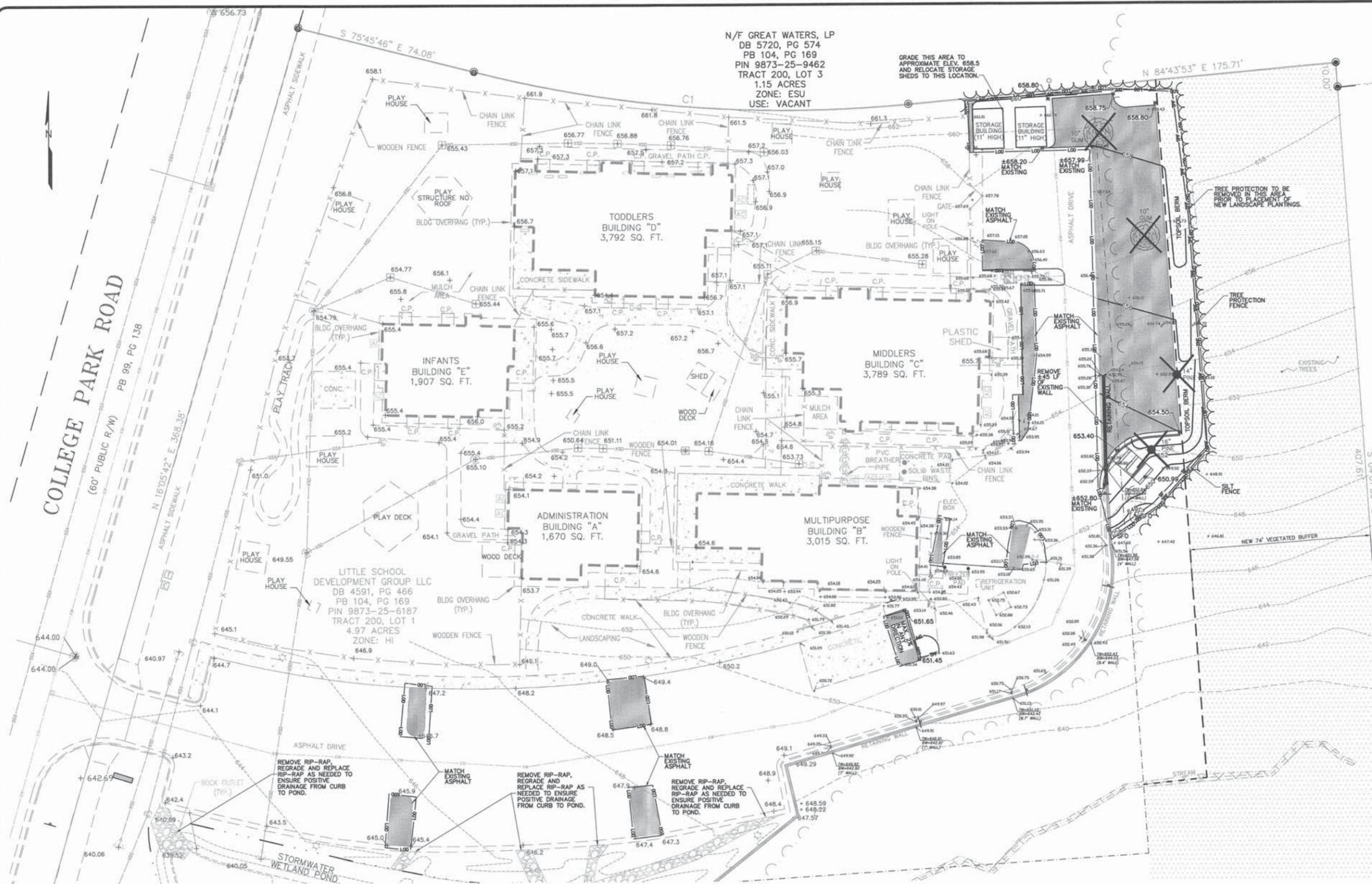


REV.	DATE	DESCRIPTION
1	09-30-16	TFC COMMENTS #1
2	10-05-16	TFC COMMENTS #2

DATE: AUGUST 17, 2016

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C3
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N/F GREAT WATERS, LP
 DB 5720, PG 574
 PB 104, PG 169
 PIN 9873-25-9462
 TRACT 200, LOT 3
 1.15 ACRES
 ZONE: ESU
 USE: VACANT

LITTLE SCHOOL
 DEVELOPMENT GROUP LLC
 DB 4591, PG 466
 PB 104, PG 169
 PIN 9873-25-6187
 TRACT 200, LOT 1
 4.97 ACRES
 ZONE: HI

ADMINISTRATION
 BUILDING "A"
 1,670 SQ. FT.

MULTIPURPOSE
 BUILDING "B"
 3,015 SQ. FT.

MIDDLERS
 BUILDING "C"
 3,789 SQ. FT.

TODDLERS
 BUILDING "D"
 3,792 SQ. FT.

INFANTS
 BUILDING "E"
 1,907 SQ. FT.

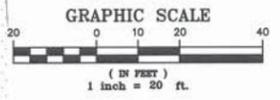
TOTAL AREA BEING GRADED	9,868 SF
PERCENTAGE OF PROPERTY WITH SLOPES BETWEEN 15% AND 25% BEING DISTURBED	0
PERCENTAGE OF PROPERTY WITH SLOPES 25% AND GREATER BEING DISTURBED	0

NOTES:

- NO STEEP SLOPE AREAS (AS DEFINED) ARE LOCATED IN OR NEAR THE AREA OF PROPOSED WORK ON THE SITE.
- THE SCOPE OF PROPOSED WORK INCLUDES NO GRADE CHANGES OF 10 FEET OR MORE.



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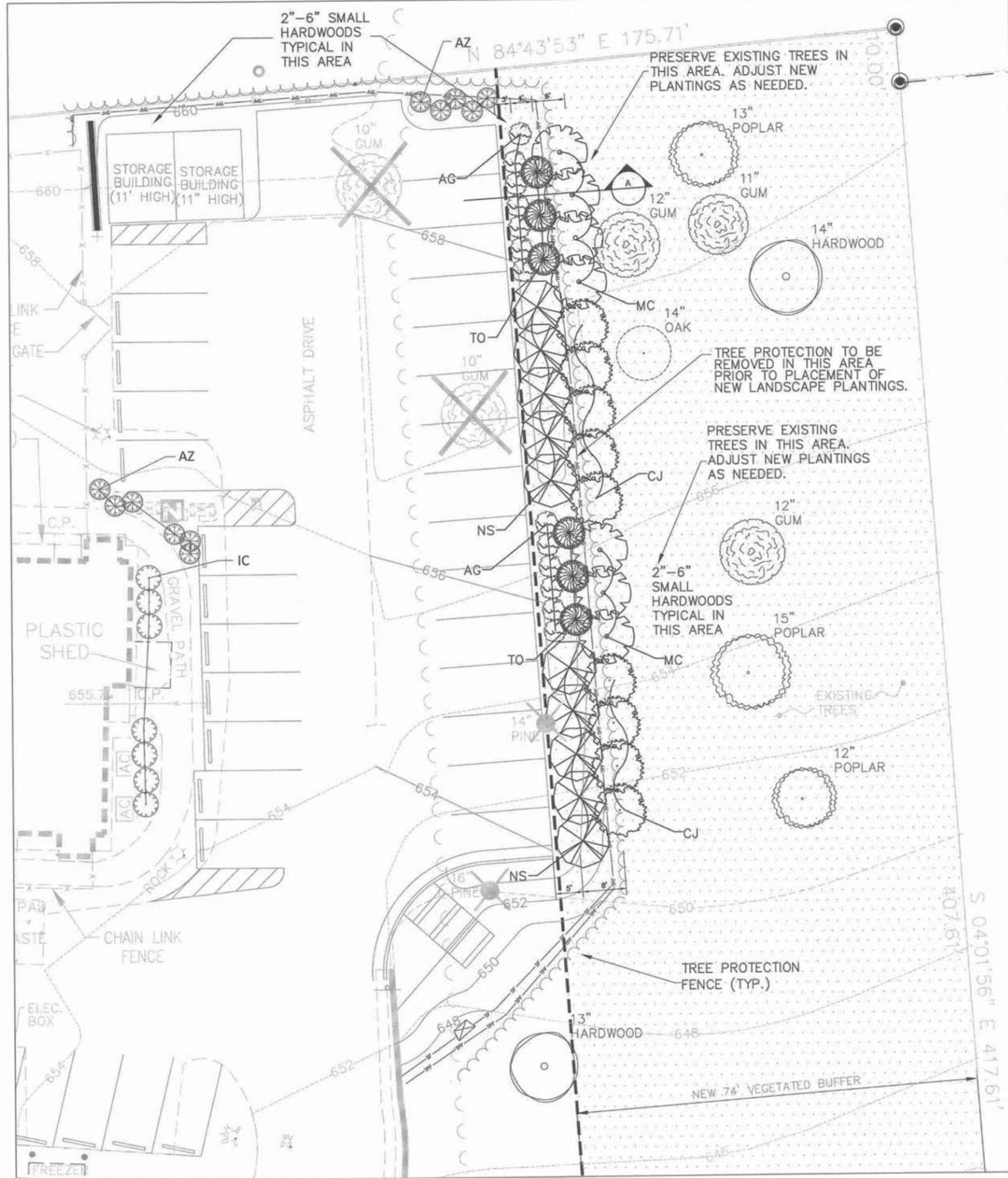
THE LITTLE SCHOOL
 PARKING ADDITION
 SPECIAL USE PERMIT MODIFICATION
 HILLSBOROUGH, NORTH CAROLINA
 GRADING & EROSION
 CONTROL PLAN

REV.	DATE	DESCRIPTION
1	09-30-16	TRC COMMENTS #1
2	10-05-16	TRC COMMENTS #2

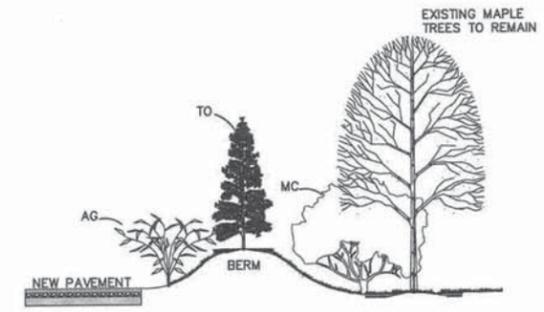
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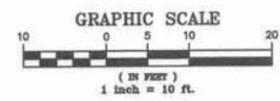
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 SHEET NO.
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PLANT LIST							
SYMBOL	BOTANICAL NAME	COMMON NAME	SPACING	QTY.	SIZE	ROOT	MATURE HEIGHT
BUFFER PLANTINGS							
AG	Abelia x grandiflora	Glossy Abelia	4' o.c.	13	1.25' hl.	Container	4-6' TALL
TO	Thuja occidentalis 'Emerald Green'	Emerald Green Arborvitae	8' o.c.	6	4' hl.	Container	8-15' TALL
NS	Ilex x 'Nellie Stevens'	Nellie Stevens Holly	8' o.c.	10	3' hl.	Container	15'-20' TALL
CJ	Cleyera Japonica	Cleyera	8' o.c.	9	3' hl.	Container	10'-12' TALL
MC	Myrica cerifera	Wax Myrtle	8' o.c.	7	1.5' hl.	Container	12' TALL
PARKING LOT PLANTINGS							
IC	Ilex cornuta 'Carissa'	Carissa Holly	4' o.c.	7	1.25' hl.	Container	3'-5' TALL
AZ	Rhododendron 'Autumn Coral'	Autumn Coral Azalea	4' o.c.	11	1.25' hl.	Container	2.5' TALL



SECTION A



811

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THE LITTLE SCHOOL
PARKING ADDITION
SPECIAL USE PERMIT MODIFICATION
HILLSBOROUGH, NORTH CAROLINA
LANDSCAPE BUFFER
PLAN

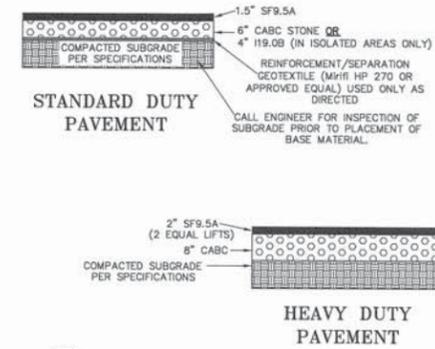
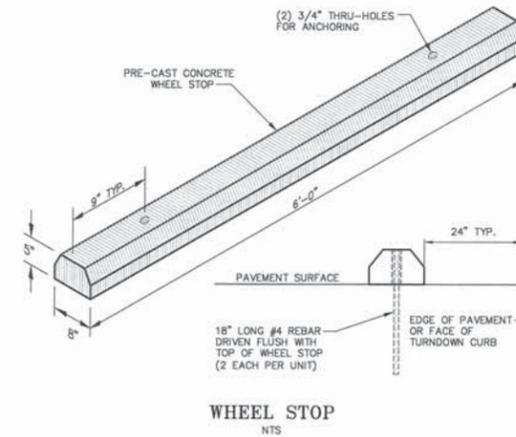
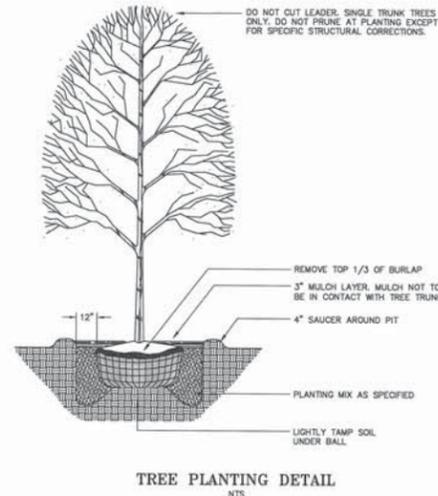
REV.	DATE	DESCRIPTION
1	09-23-16	TRC COMMENTS #1

DATE: AUGUST 17, 2016

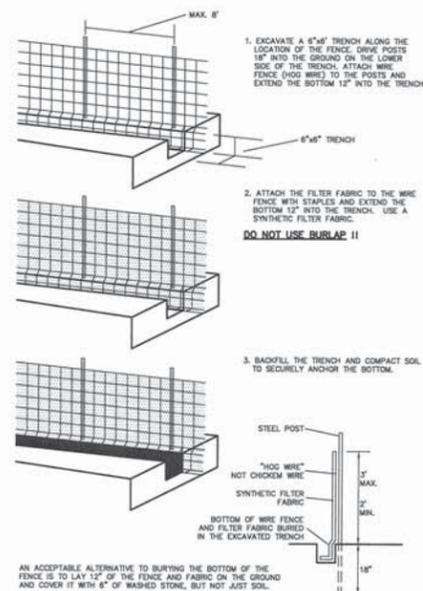
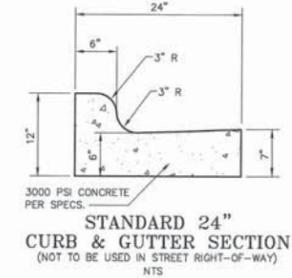
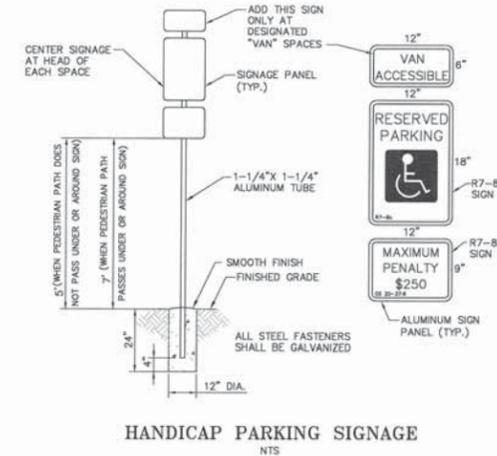
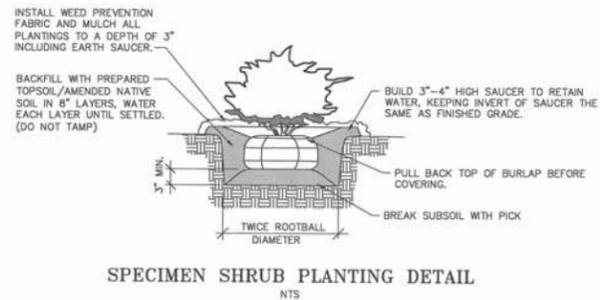
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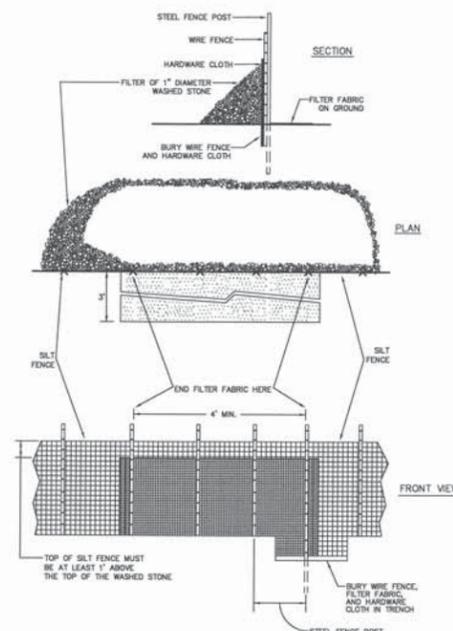


NOTES
 1. CONSTRUCTION PROCEDURES, MIX RATIOS, AGGREGATE SIZES, AND COMPACTED DENSITIES SHALL BE IN ACCORDANCE WITH NC DOT STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES LATEST EDITION.
 2. INDICATED THICKNESS REFLECTS COMPACTED THICKNESS, WITH TOLERANCES AS ALLOWED BY NC DOT STANDARDS.

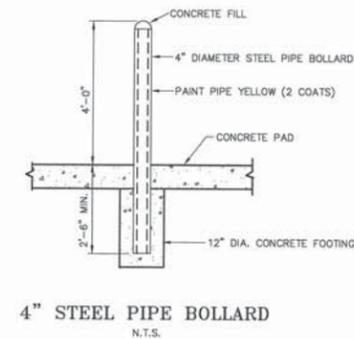


INSTRUCTIONS FOR SILT FENCE
 1. REFER TO THE PLANS FOR LOCATION, EXTENT, AND SPECIFICATIONS. IF THERE ARE QUESTIONS OR PROBLEMS WITH THE LOCATION, EXTENT, OR METHODS OF INSTALLATION, CONTACT THE ENGINEER, ARCHITECT, OR RESPONSIBLE PERSONNEL ON THE SITE FOR ASSISTANCE. EROSION CONTROL PERSONNEL HAVE COPIES OF INSTRUCTIONS AND MAY HAVE PHOTOGRAPHS OF PROPERLY INSTALLED SILT FENCES AS AN AID TO INSTALLATION.
 IF THE SILT FENCE IS NOT INSTALLED CORRECTLY THE FIRST TIME, IT WILL HAVE TO BE REBUILT.
 2. DETERMINE THE LOCATION ON THE GROUND TAKING INTO CONSIDERATION:
 * A SILT BARRIER (PREFABRICATED SILT FENCE) CANNOT BE SUBSTITUTED. THE SILT FENCE MUST BE CONSTRUCTED AS DESCRIBED IN THESE INSTRUCTIONS.
 * ALLOW SUFFICIENT SPACE FOR MAINTENANCE, GRADING, FILLING, AND OTHER CONSTRUCTION ACTIVITY BETWEEN THE SILT FENCE AND THE CONSTRUCTION SITE. IF NECESSARY, HAVE SLOPE STAKES, BUILDING CORNERS, STORM DRAINS, ETC., SURVEYED BEFORE CLEARING TO GUIDE INSTALLATION. KNOW WHERE THE TOE OF FILL SLOPES WILL EXTEND SO THAT SUFFICIENT ROOM IS LEFT BETWEEN THE TOE AND SILT FENCE FOR MAINTENANCE, REPAIR, AND REMOVAL.

SILT FENCE
 NTS



SILT FENCE OUTLET
 NTS



4" STEEL PIPE BOLLARD
 N.T.S.



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SHEET NO.

D1

November 2016 Planning Board meeting
Item Cover Sheet/Staff Report

Agenda Item #: 7

ATTACHMENTS: Marked up section 6.20 - Stormwater

6A: Stormwater

The following pages show the needed amendments to our stormwater provisions to meet the state enabling legislation. The state recently ruled that town cannot be more restrictive than the state when regulating water quality. The state did not amend their regulations to be less restrictive, but is requiring the town to not be more restrictive.

Action Requested: Consider the amendments shown on the attached section. ~~Strikethrough~~ text is proposed to be removed. Red text is proposed to be added.

6B: Correcting non-conforming characteristics

The UDO has two different types of standards that property owners must meet when they look to develop or occupy a site. For the purposes of this discussion, I'd like to focus the discussion on occupying a site that is already developed to some degree.

Type 1 - There are standards in Section 5 that are unique to the use. For example, if I want to operate a junkyard, I cannot use outdoor equipment between 7 PM and 7 AM to limit noise complaints.

Type 2 - Then there are standards that apply more evenly across all parcels in a zoning district (and to some degree all parcels developed non-residentially) and are in Section 6 of the UDO. For example, parking lots and landscaping and lighting requirements.

Section 7 of the UDO allows that sites with non-conforming characteristics (of either type) should be corrected when the site comes in for redevelopment. It further allows some discretion to determine if compliance is not "reasonably possible," in which case compliance is not required. This creates some flexibility, but does not specifically address all circumstances because the trigger for compliance forgiveness is "site plan review".

Say there is an existing commercial building which was previously used as a retail store and someone wants to convert it to a barber shop. This would not require a zoning change. It's highly likely that a tenant or owner could occupy the building without the need for an addition, so no site plan review either. That then begs the question of whether the change of use permit to go from retail to a personal service business requires the site to come into full compliance with requirements in Section 6.

Two examples:

There is a house on Cornelius Street just east of the convenience store at the Faucette Mill Road intersection. The house was zoned commercial many years ago, but never redevelopment. A few years ago it became a barber shop. The applicant only wanted to install additional gravel in front of the building to accommodate his clientele. We have had a long standing debate in the office as to whether this site is in violation of the ordinance.

The site on West Corbin Street occupied by Music Makers Relief foundation. The owners inquired about building a small addition. We realized that the building was in the required buffers since the properties across both streets are residentially zoned. The site has been lightly commercial used for years without meeting the ordinance requirements for buffers. The owner decided to not pursue the addition because it seemed the buffer would be required.

Action Requested: Consider the amendment - red text is proposed to be added.

The intent is to propose text amendments that would allow existing buildings to be used without addressing all the lingering site non-conformities, but still set a reasonable threshold for bringing a site into compliance. This is written to require that all 7 criteria have to be met in hopes of limiting the applicability of this language to the truly small projects. This is a new section to be added and subsequent sections will be renumbered.

7.3.3 An applicant seeking a Zoning Compliance Permit for a change of use will not be required to correct identified non-conforming characteristics when all of the following are met:

- 1) The non-conformities are related to non-compliance with provisions of Section 6 (excluding section 6.20).
- 2) The use is permitted by right in the district and does not require a modification to a Conditional Use or Special Use Permit to occupy the location in question.
- 3) The applicant either does not need a site plan or meets the site plan threshold for Planning Director only review.
- 4) The non-conforming characteristics are not being expanded or made more non-conforming in any way
- 5) No new non-conformity is being established
- 6) The site complies with requirements in Section 5.2 for the requested use (if applicable)
- 7) The renovation proposed by the applicant to occupy the building (including interior upfit) does not exceed one-third of the existing structure's value listed for tax purposes.

6C. Non-conforming lots

The ordinance has always required adjoin non-conforming lots in single ownership to be combined in an effort to eliminate non-conformities. The combination does not always yield a conforming lot. Adding the sentence in italics codifies a long standing practice.

Action Requested: Consider the amendment - red text is proposed to be added.

7.5.2.1 Where two (2) or more undeveloped nonconforming lots in single ownership adjoin and have continuous road frontage, such lots shall be combined to create less nonconforming lots with respect to minimum lot size, road frontage, and setback requirements. **If the resultant lot is still non-conforming, it may be developed as if it was a non-conforming lot of record.**

6D. Cultural Resource information for SUP

Section 3.8.5.1.a requires applicants to consult with the State Historic Preservation Office to see if they have record of potential archeological resources in the vicinity of their project & in so, the applicant then prepares a Phase 1 evaluation. Based on my discussion with SHPO staff, Phase 1 evaluations are the source of the SHPO's resource list, so our requirements seems to require an applicant to redo work that has already been done.

Action Requested: Consider the amendment. ~~Strikethrough~~ text is proposed to be removed. **Red text** is proposed to be added.

3.8.5.1.a Applicants shall consult with the State Department of Cultural Resources to determine if there are known archeological resources in the vicinity of their site. If resources are expected based on the known database, applicants shall ~~complete a Phase 1 analysis as part of their SUP submittal~~ **indicate how those resources will be protected or documented if protections is not practicable as part of their development plan.**

6E. Traffic Impact Study reference

TIAs are required in a roundabout sort of way for Special use Permits and Conditional Use permits in that the ordinance allows the planning director to establish the application requirements and forms. The same if true for site plans (which are staff reviewed), but there is a reference in the approval standards to what the outcome of the TIA has to be if one is required. It is in that location that I want to add a reference to the street standards document where we established thresholds for the preparation of TIAs based on expected traffic.

Action Requested: Consider the amendment - **red text** is proposed to be added.

3.13.3.d A traffic impact analysis (TIA), **if required by Section 3.1 of the Street Design Standards**, demonstrates that the proposed site development will not cause a reduction in the Level of Service (LOS) at any intersection studied in the TIA, or that any measurable reduction in LOS has been or will be mitigated by site plan design features.

6F. Design manual reference

When we wrote the UDO, we were anticipating a design standards manual that has not become necessary as the design criteria were written into the ordinance. This manual is referenced in Section 6.2. Rather than delete this section (and have to renumber & check lots of cross references throughout the ordinance), I'd like to designate this section as "reserved for future codification" and delete reference to the design manual. The only other ordinance references to the design manual are in the description of the overlay districts that the manual was meant to apply to.

Action Requested: Consider the amendment - ~~Strikethrough~~ text is proposed to be removed. **Red text** is proposed to be added.

6.2 ~~DESIGN STANDARDS MANUAL~~ Reserved for future codification

~~The Town of Hillsborough's *Design Manual* provides design standards additional to the requirements of this Ordinance and tailored specific to overlay districts. This Manual is intended to supplement, and not as a substitute for, this Ordinance.~~

6G. Lighting

In writing the UDO we thought this would be a wise requirement to help with dark sky interests and preventing unnecessary electrical use. However, we have learned that nearly every property owner (including the town and county) contract with Duke Energy for parking lot lighting and do not own the poles. Duke only has a dusk-til-dawn option for lighting contracts. Having this requirement in the ordinance presents an unattainable requirement.

Action Requested: Consider the amendment - ~~Strikethrough~~ text is proposed to be removed.

6.11.7 CONTROL OF NUISANCE AND DISABLING GLARE

6.11.7.3 ~~Non-security lighting shall be extinguished when the operation is closed or not in use.~~ In reviewing lighting plans, the permit issuing authority may consider the impact of lighting on neighboring properties based on stated hours of operation, topographical differences across sites, and other considerations.

6.20.15 MAINTENANCE EASEMENT

Every engineered stormwater control installed pursuant to this ordinance shall be made accessible for adequate maintenance and repair by a maintenance easement. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes.

6.20.16 IMPERVIOUS SURFACE

6.20.16.1 Applicability

Impervious surface limitations apply in all non-residential zoning districts.

6.20.16.2 Standards and Requirements

6.20.16.2.a In GI, LI, OI, and HIC districts, a maximum of seventy (70) percent of the gross lot area can be covered with impervious surfaces, including paving and buildings.

6.20.16.2.b In GC districts, a maximum of sixty (60) percent of the gross lot area can be covered with impervious surfaces, including paving and buildings.

6.20.16.2.c In LO, BP, and all special use districts, the presumptive impervious surface limit is 50 percent of the gross lot area

6.20.16.2.d Refer to *Section 4.5, Other Zoning Districts*, for impervious surface limits in the protected watershed districts.

6.20.17 RIPARIAN BUFFERS

6.20.17.1 Purpose and Intent

In order to minimize sedimentation and pollution of surface waters within the planning jurisdiction, riparian buffers shall be provided along all surface waters identified in *Section 6.20.17.3, Applicability*. Undisturbed natural areas along surface waters act as a filter for sedimentation control and as a stabilizing agent for the banks of surface waters. In addition, these areas filter storm water run-off which may carry significant amounts of bacteria, excess nutrients and heavy metals into surface waters. The buffer areas, along with controls on impervious surfaces, provide a good measure of water quality protection for the Eno River.

The Neuse River Basin Nutrient Sensitive Waters Management Strategy riparian buffer protection rules (Neuse Rules) of 15A NCAC 028 .0233 and .0241, apply to all lands within the Town of Hillsborough's planning jurisdiction. ~~Wherever standards of the Neuse Rules and the standards listed in this ordinance differ, the more restrictive provisions shall apply.~~

6.20.17.2 Delegated Authority

The North Carolina Environmental Management Commission has jurisdiction to the exclusion of the Planning Director or designee to implement the requirements of the State's program for the following types of activities:

- (a) Activities undertaken by the State;
- (b) Activities undertaken by the United States;
- (c) Activities undertaken by multiple jurisdictions;

- (d) Activities undertaken by local units of government; and
- (e) Forestry Operations

6.20.17.3 Applicability

A riparian buffer shall be established directly adjacent to surface waters (i.e. intermittent streams, perennial streams, lakes and ponds) identified by any of the following means:

- (a) Surface water **approximately** shown **on the most recent version of the 1:24,000 scale (7.5 minute) quadrangle maps prepared by USGS;** ~~as solid blue or purple lines or as broken blue or purple lines on the most recent version of USGS Quadrangle maps;~~
- (b) Surface water **approximately** shown in the most recent **published** version of the Orange County Soil Survey **prepared by the NRCS.**

~~or~~
- ~~(c) A surface water identified in a field determination made by staff trained in surface water identification through the North Carolina Division of Water Quality (NCDWQ). Disputes pertaining to water feature decisions by staff shall be filed directly to the Director of NCDWQ.~~

6.20.17.4 Exemption Based upon an On-site Determination

When a landowner or other affected party including the Division believes that the maps inaccurately depict surface waters, they may request an On-site determination conducted by staff who has successfully completed the Division's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division. Any disputes over on-site determinations shall be referred to the Director of the Division of Water Resources in writing. A determination of the Director of the Division of Water Resources as to the accuracy or application of the maps is subject to review as provided in articles 3 and 4 of G.S. 150B. Surface waters that appear on the maps shall not be subject to this Rule if a site evaluation reveals any of the following cases:

- (a) Man-made ponds and lakes that are not part of a natural drainage way that is classified in accordance with 15A NCAC 02B .0110, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.
- (b) Ephemeral streams.
- (c) The absence on the ground of a corresponding intermittent or perennial stream, lake, reservoir, or pond.
- (d) Ditches or other man-made water conveyances, other than modified natural streams.

6.20.17.5 Exemption when Existing Uses are Present and Ongoing

Section 6.20.17, Riparian Buffers does not apply to portions of the riparian buffer where a use is considered existing and ongoing according in accordance with 15A NCAC 028

.0233 (3). A use is considered existing if it was present within the riparian buffer as of July 22, 1997. Existing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems. Only the portion of the riparian buffer that contains the footprint of the existing use is exempt from this Rule.

6.20.17.6 **Calculations for Width and Zones of Riparian Buffers**

~~The width of the buffer along the Eno River shall be the floodway as shown on the Floodway Map from the National Flood Insurance Program, plus fifty (50) feet. However, in no case, shall the riparian buffer exceed the outer line of the floodplain as shown on the Flood Insurance Rate Map (FIRM) of the National Flood Insurance Program. For streams within the PW and PWCA zoning districts (see Section 4.5, Other Zoning Districts), the width of the stream is calculated as outlined in Section 4.5.3.8.d, Calculating Width of Riparian Buffer.~~

A **riparian** buffer of fifty (50) feet in width measured from the most landward limit of the top of bank, normal water level or rooted herbaceous vegetation of surface waters identified in Section 6.20.17.3, *Applicability* is **required**. **The protected riparian buffer shall consist of two have two zones as follows:**

- (a) **Zone 1 shall consist of a vegetated area that is undisturbed except for activities and uses provided for in Section 6.20.17.7, Permitted Uses within Riparian Buffers. The location of Zone 1 shall be as follows:**
 - (i) **For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to the surface water.**
 - (ii) **For ponds, lakes and reservoirs located within a natural drainage way, Zone 1 shall begin at the most landward limit of the normal water level or the rooted herbaceous vegetation and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.**
- (b) **Zone 2 shall consist of a stable, vegetated area that is undisturbed except for except for activities and uses provided for in Section 6.20.17.7, Permitted Uses within Riparian Buffers. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water.**

6.20.17.7 **Permitted Uses Within Riparian Buffers**

It is the intent of this section to restrict the use of land adjacent to streams, ponds, lakes and reservoirs in order to reduce sedimentation and pollution. The following uses are permitted within a designated riparian buffer. All other land uses are prohibited. Requirements of each category are listed at the end of the table.

Table 6.20.17.7 Permitted Uses within Riparian Buffer				
Riparian Buffer Use		Exempt	Upon Authorization	
			Allowable	Allowable w/Mitigation
Fences	Fences provided that disturbance is minimized and installation does not result in the removal of forest vegetation	X		
Mining Activities	Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of <i>Sections 6.20.17.6 and 6.20.17.9</i> are established adjacent to the relocated channels		X	
	Mining activities that are not covered by the Mining Act OR where new riparian buffers that DO NOT meet the requirements of <i>Sections 6.20.17.6 and 6.20.17.9</i> are established adjacent to the relocated channels			X
	Wastewater or mining dewatering wells with approved NPDES permit	X		
Recreation & Scientific Study	Playground equipment on single family lots provided that installation and use does not result in removal of vegetation	X		
	Playground equipment installed on lands other than single-family lots or that requires removal of vegetation		X	
	Greenway/hiking trails		X	
	Scientific studies and stream gauging	X		
	Archaeological Activities	X		
	Historic preservation	X		
Restoration	Stream restoration	X		
	Streambank stabilization		X	
	Wetland restoration	X		
	Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored	X		
Sediment & Erosion	Temporary sediment and erosion control devices in Zone 2 only provided that the vegetation in Zone 1 is not compromised and that discharge is released as diffuse flow in accordance <i>Section 6.20.17.9</i> .	X		

Table 6.20.17.7 Permitted Uses within Riparian Buffer

Riparian Buffer Use		Exempt	Upon Authorization	
			Allowable	Allowable w/Mitigation
	Temporary sediment and erosion control devices in Zones 1 and 2 to control impacts associated with uses approved by the Town of Hillsborough or that have received a variance provided that sediment and erosion control for upland areas is addressed to the maximum extent practical outside the buffer		X	
	In-stream temporary erosion and sediment control measures for work within a stream channel	X		
Stormwater Management	Existing drainage ditches, roadside ditches, and stormwater outfalls provided that they are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies	X		
	New drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nitrogen and attenuate flow before the conveyance discharges through the riparian buffer		X	
	New stormwater control measures (SCMs) provided that a riparian buffer that meets the requirements of <i>Section 6.20.17.6</i> is established adjacent to the pond		X	
	New SCMs where a riparian buffer that meets the requirements of <i>Section 6.20.17.6</i> is NOT established adjacent to the pond			X
Transportation	Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
	Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
	Bridges		X	
	Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer	X		
	Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer		X	
	Driveway crossings in a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
	Driveway crossings in a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer			X

Table 6.20.17.7 Permitted Uses within Riparian Buffer

Riparian Buffer Use		Exempt	Upon Authorization	
			Allowable	Allowable w/Mitigation
	Railroad impacts other than crossings of streams and other surface waters subject to this section			X
	Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer	X		
	Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
	Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
	Road and street impacts other than crossings of streams and other surface waters subject to this section			X
	Road and street crossings that impact equal to or less than 40 linear feet of riparian buffer	X		
	Road and street crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
	Road and street crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
	Temporary roads that disturb less than or equal to 2,500 square feet provided that vegetation is restored within six months of initial disturbance	X		
	Temporary roads that disturb greater than 2,500 square feet provided that vegetation is restored within six months of initial disturbance		X	
	Temporary roads used for bridge construction or replacement provided that restoration activities, such as soil stabilization and revegetation, are conducted immediately after construction		X	
Utilities* (see notes at end of table)	Non-electric utility line impacts other than perpendicular crossings in Zone 2 only		X	
	Non-electric utility line impacts other than perpendicular crossings in Zone 1			X
	Non-electric utility line perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width	X		

Table 6.20.17.7 Permitted Uses within Riparian Buffer

Riparian Buffer Use		Exempt	Upon Authorization	
			Allowable	Allowable w/Mitigation
	Non-electric utility line perpendicular crossings that disturb greater than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width		X	
	Non-electric utility line perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width		X	
	Non-electric utility line perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width			X
	Non-electric utility line perpendicular crossings that disturb greater than 150 linear feet of riparian buffer			X
	Overhead electric utility line impacts other than perpendicular crossings in Zone 2 only	X		
	Overhead electric utility line impacts other than perpendicular crossings in Zone 1	X		
	Overhead electric utility line perpendicular crossings that disturb equal to or less than 150 linear feet of riparian buffer	X		
	Overhead electric utility line perpendicular crossings that disturb greater than 150 linear feet of riparian buffer		X	
	Underground electric utility line impacts other than perpendicular crossings in Zone 2	X		
	Underground electric utility line impacts other than perpendicular crossings in Zone 1	X		
	Underground electric utility line perpendicular crossings of streams and other surface waters that disturb less than or equal to 40 linear feet of riparian buffer	X		
	Underground electric utility line perpendicular crossings of streams and other surface waters that disturb greater than 40 linear feet of riparian buffer		X	
Vegetation Management	Emergency fire control measures provided that topography is restored	X		
	Grading and revegetation in Zone 2 only provided that diffuse flow and the health of existing vegetation in Zone 1 is not compromised and disturbed areas area stabilized	X		

Table 6.20.17.7 Permitted Uses within Riparian Buffer

Riparian Buffer Use		Exempt	Upon Authorization	
			Allowable	Allowable w/Mitigation
	One-time fertilizer application to establish replanted vegetation	X		
	Periodic mowing and harvesting of plant products in Zone 2 only	X		
	Planting vegetation to enhance the riparian buffer	X		
	Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	X		
	Removal of individual trees which are in danger of causing damage to dwellings, other structures or human life	X		
	Removal of poison ivy	X		
	Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 1998. Exotic Plant Guidelines. Department of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30	X		
Water Resources	Dam Maintenance Activities	X		
	New ponds constructed specifically for agricultural use as defined in G.S. 106-581.1 do not require a protected riparian buffer unless the pond is changed to a non-agricultural use	X		
	New ponds provided that requirements of <i>Section 6.20.17.9</i> , diffuse flow, are met and a riparian buffer that meets the requirements of <i>Section 6.20.17.6</i> is established adjacent to the pond.		X	
	New ponds provided that requirements of <i>Section 6.20.17.9</i> , diffuse flow, are met and where a riparian buffer that meets the requirements of <i>Section 6.20.17.6</i> is NOT established adjacent to the pond.			X
	Periodic maintenance of modified natural streams such as canals and a grassed travelway on one side of the surface water when alternative forms of maintenance access are not practical		X	
	Protection of existing structures, facilities and streambanks when this requires additional disturbance of the riparian buffer or the stream channel		X	
	Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of <i>Section 6.20.17.6</i> is established adjacent the new channel.	X		

Table 6.20.17.7 Permitted Uses within Riparian Buffer				
Riparian Buffer Use		Exempt	Upon Authorization	
			Allowable	Allowable w/Mitigation
	Water dependent structures as defined in 15A NCAC 02B .0202		X	
	New water supply reservoirs provided that a riparian buffer that meets the requirements of <i>Sections 6.20.17.6 and 6.20.17.9</i> is established adjacent to the reservoir		X	
	New water supply reservoirs where a riparian buffer that meets the requirements of <i>Sections 6.20.17.6 and 6.20.17.0</i> is NOT established adjacent to the reservoir			X
	Water wells	X		

**Table 6.20.17.7 Notes*

- For overhead utility lines in Zone 1 all of the following best management practices (BMPs) must be used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternatives evaluation.
 - A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
 - Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
 - Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
 - Rip rap shall not be used unless it is necessary to stabilize a tower.
 - No fertilizer shall be used other than a one-time application to re-establish vegetation.
 - Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
 - Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
 - In wetlands, mats shall be utilized to minimize soil disturbance.
 - poles or towers shall not be installed within 10 feet of a water body unless
- For underground utility lines in Zone 1, all of the following BMPs must be used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternatives evaluation.
 - Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
 - Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench, where trees are cut.
 - Underground cables shall be installed by vibratory plow or trenching.
 - The trench shall be backfilled with the excavated soil material immediately following cable installation.
 - No fertilizer shall be used other than a one-time application to re-establish vegetation.
 - Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
 - Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
 - In wetlands, mats shall be utilized to minimize soil disturbance.
- Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

4. Requirements for Categories of Uses. Uses designated as exempt, allowable, allowable with mitigation and prohibited in Table 6.20.17.7 have the following requirements:
- (a) EXEMPT. Uses designated as exempt are allowed within the riparian buffer. Exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable. In addition, exempt uses shall meet requirements listed Table 6.20.17.7 for the specific use.
 - (b) ALLOWABLE. Uses designated as allowable may proceed within the riparian buffer provided that there are no practical alternatives to the requested use pursuant *Section 6.20.17.8*. These uses require written authorization from the Town of Hillsborough.
 - (c) ALLOWABLE WITH MITIGATION. Uses designated as allowable with mitigation may proceed within the riparian buffer provided that there are no practical alternatives to the requested use pursuant to *Section 6.20.17.8* and an appropriate mitigation strategy has been approved pursuant *Section 6.20.17.10*. These uses require written authorization from the Town of Hillsborough.
 - (d) PROHIBITED. Uses designated as prohibited may not proceed within the riparian buffer unless a variance is granted pursuant to *Section 3.10* of this ordinance. Mitigation may be required as one condition of a variance approval.
5. It should be noted that where application of the riparian buffer requirements would preclude construction of a single-family residence and necessary infrastructure, such as an on-site wastewater system, the single-family residence may encroach on the buffer if all of the following conditions are met:
- (a) Applies only to single-family residence lots of two acres in size or less that was platted and recorded with the Orange County Register of Deeds prior to August 1, 2000.
 - (b) The residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot and designed to minimize encroachment into the riparian buffer.
 - (c) The residence is set back a minimum of 30 feet landward of the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable.
 - (d) Stormwater generated by new impervious surface within the riparian buffer is treated and diffuse flow of stormwater is maintained through the buffer.
 - (e) If the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer. The method for measuring the setbacks required under subdivisions (1) and (2) of this section shall be consistent with the method for measuring the applicable buffer as provided in 15A NCAC 02B .0233(4) and 15A NCAC 02B .0259(4).

Table 6.20.17.7 Permitted Uses within Riparian Buffers		
Riparian Buffer Use	Allowable	Allowable-w/Mitigation
Perpendicular crossings of above ground and buried utility lines for local distribution of electricity, telephone, and cable television service, plus accessory and appurtenant apparatus such as poles, guy wires, transformers, and switching boxes, with a construction width of less than or equal to 40 feet and a 10-foot maintenance corridor.	×	

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D	Perpendicular utility crossings that exceed 40 feet of construction width and/or require more than a 10-foot maintenance corridor through the riparian buffer.		X
	Non-perpendicular riparian buffer impacts for utilities.		X
Water and Sewer	Perpendicular crossings of water and sewage distribution, collection, and treatment facilities, but not private in-ground sewage disposal facilities, with a construction width of less than or equal to 40 feet and a 10-foot maintenance corridor.	X	
	Perpendicular water and sewage crossings that exceed 40 feet of construction width and/or require more than a 10-foot maintenance corridor through the riparian buffer.		X
	Non-perpendicular riparian buffer impacts for public water and sewage distribution.		X
	Water wells	X	
Streets and Bridges	Perpendicular crossings of streets, bridges, and railroad rights of way impacting less than 150 feet of riparian buffer.	X	
	Perpendicular crossings of streets, bridges, and railroad rights of way that exceed 150 feet of riparian buffer impact.		X
	Temporary access roads disturbing less than 2,500 square feet of riparian buffer provided vegetation is restored within six months of initial disturbance.	X	
	Temporary roads disturbing more than 2,500 square feet of riparian buffer.		X
	Non-perpendicular riparian buffer impacts of streets and railroad rights of way		X
Restoration	Stream restoration and/or stream bank stabilization.	X	
	Wetland restoration, in accordance with all applicable local, State and Federal regulations.	X	
	Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored.	X	
Stormwater	Maintenance of existing stormwater outfalls provided they are managed to minimize the sediment, nutrients, and other pollution they convey to waterbodies.	X	
	New drainage outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges into the riparian buffer.		X

	Engineered stormwater ponds, bioretention and wetlands provided that a riparian buffer meeting the requirements of Section 6.20.16.3 is established.	✗	
	Engineered stormwater ponds, bioretention and wetlands where a riparian buffer cannot be established in accordance with Section 6.20.16.3.		✗
Maintenance	Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Section 6.20.16.6 is established adjacent the new channel.	✗	
	Maintenance activities of existing dams	✗	
	Periodic maintenance of modified natural streams	✗	
	Protection of existing structures, facilities and streambanks when this requires additional disturbance of the riparian buffer or the stream channel	✗	
Miscellaneous	Greenways	✗	
	Archeological research and excavation	✗	
	Scientific studies and stream gauging	✗	
	Fences provided that disturbance is minimized and existing trees and woody vegetation is not disturbed during installation and maintenance	✗	
	Ponds in natural drainage ways (excluding dry ponds) provided that a riparian buffer meeting the requirements of Section 6.20.16.3 is established	✗	
	Ponds in natural drainage ways (excluding dry ponds) where a riparian buffer cannot be established in accordance with Section 6.20.16.3		✗
	Water dependent structures as defined in 15A NCAC 2B .0202	✗	

6.20.17.8 Written Authorization Required

Proposed impacts from permitted uses to the riparian buffer may not commence until written authorization is provided by the Planning Director or designee. Use authorization may include conditions specific to the proposed activity. Unauthorized impacts to riparian buffers are subject to enforcement penalties as outlined in *Section 8, Enforcement*.

In order for a permitted use to be authorized, the applicant must demonstrate “no practical alternatives.” The determination of “no practical alternatives” will be made by the Planning Director or designee based upon the following:

- (a) The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- (b) The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and

protect water quality.

- (c) Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

Prior to any land disturbing activity within a designated riparian buffer, the property owner shall provide written notification of the location and nature of the proposed use to the Planning Director or designee for review. Written notification must include the following:

- (a) The name, address and phone number of the applicant;
- (b) The nature of the activity to be conducted by the applicant;
- (c) The location of the activity;
- (d) A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in the riparian buffers associated with the activity, and the extent of the riparian buffers on the land; and (e) An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality.
- (f) Plans for any best management practices proposed to be used to control the impacts associated with the activity.

6.20.17.9 Diffuse Flow Requirement

- (a) Diffuse flow or runoff shall be maintained in the riparian buffer by dispersing concentrated flow and re-establishing vegetation.
- (b) Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow before the runoff enters the riparian buffer.
- (c) Periodic corrective action to restore diffuse flow shall be taken if necessary to impede the formation of erosion gullies.

6.20.17.10 Mitigation

Where mitigation is required pursuant to the permitted uses listed in *Section 6.20.17.7, Permitted Uses Within Riparian Buffers*, mitigation shall follow the standards set out in the state's consolidated Riparian Buffer Mitigation Rule, 15A NCAC 02B .0295.

6.20.17.11 Riparian Buffer and Minimum Lot Requirements and Recorded Plats

The riparian buffer may be used in meeting the required minimum lot areas set forth in the Ordinance. **The riparian buffer must be shown on all recorded plats as detailed in the Administrative Manual.**

6.20.17.12 Existing Vegetation and New Vegetation in Riparian buffers

Existing vegetation shall not be disturbed within a riparian buffer without prior approval of the Planning Director or designee. Existing vegetation may be augmented within the buffer and invasive vegetation may be removed if the Planning Director or designee approves the plans in advance. Any work done in the riparian buffer must be designed and intended to increase the infiltration capability of the buffer and reduce

the velocity of storm water run-off.

In the situation where the required buffer experiences erosion problems due to topography or other existing conditions of the land, the Planning Director or designee shall require that the buffer be planted so that it will function as a sediment and pollutant trap. Such planting shall be completed prior to the issuance of a Certificate of Occupancy.

The use of pesticides, herbicides, or chemicals is not allowed in the riparian buffer except with the prior approval of the Planning Director or designee, and only allowed as described within the Neuse Buffer Rules.