

No, can you hear me? Yes, I can. I see you got it in I got it on my phone. Yep

Okay, well, we'll start the meeting here in a minute. Okay. We've got a fair number of people on

Okay, great

All right, it's six o'clock. I'll go ahead and get started. Good evening, everyone.

my name is Neil Gauch. I am a new face on this project, but I am an attorney

with the Morningstar Law Group, which has been representing MI Homes, the applicant

for the proposed annotation and rezoning of approximately 156 acres of land in

Southwestern County and adjacent Orange County, generally behind the New Hope Commons

Walmart shopping center. Also on the call with me tonight is Mr. Bob Zuma with BGE.

He's been working primarily on site design, those types of things. And also Erica

Latham with MI Homes is on the call as well. This is the second official

neighborhood meeting for the Mariah site. If you're with us on Zoom, when the time

comes, you can use the raise hand function to be recognized or you can type your

your comment or question in the Q & A section of the Zoom. I don't see any call-in

users, but just in case you're out there, if you press *9,

that should indicate that that should raise your hand and let me know that you'd

like to be acknowledged. Again, if you press *9 if you're on the phone, I can be

sure to recognize you if you have a question or comment. So the main purpose of

this meeting is to let you know where we're at in the process and to let you know

that there is a public hearing coming up. We have submitted our project to the city

and it's been reviewed by staff through multiple rounds. Currently it is scheduled to

go in front of the planning commission at their regularly scheduled meeting on

December 10th. That will be a public hearing held by the city, which you can attend

if you'd like.

So I'll give a kind of the basics of the project. We are requesting to annex 15

parcels into the city of Durham. 14 of those parcels are being requested to be

rezoned to PDR 7 .348. The 15th parcel is not part of the proposed development that

in my home is doing, but the owner requested that we add them to the annexation

request because that parcel is being annexed potentially into the city of Durham. We also had to apply to rezone it to a city of Durham zoning district, in this case, RS 20. So, including that parcel to the side, the requested rezoning would allow for the development of up to 1,000 residential units consisting of apartments, townhouses, and single-family detached homes. The requested rezoning also will allow for the development of up to 2,500 square feet of non-residential space. The use of this space would be limited to office uses and drive-through facilities would be prohibited. So, you know, some banks will have a drive-through. That wouldn't be the use that would be allowed here. The project also commits providing a minimum of 50 affordable housing units. We don't know yet specifically where or what those will be. They could end up being rental units or for sale units. They could be incorporated into any of the allowable housing types, but at a minimum there will be at least 50 affordable housing units in the project. Additionally, the project commits preserving all the land included in the application that is east of Mount Mariah Road with an exception provided for any required roadway or trail improvements in that area. The project also commits to not impacting the 100-year floodplain located on the west side of Mount Mariah with an exception for any required utility or road improvements. We also committed to using native species for at least half of the required plantings, and the site will be designed to detail in 100 years' time. Also, on the building front, we have committed to meeting certain green building standards for each potential housing type. So MIHOME has been very conscientious in this approach. They've tried to design the project in an environmentally friendly manner. We also have commitments related to open space trails, walkability, those types of things. For example, we will be providing a nature trail easement on the east side of Mount Moriah. We also are committing to providing a series of connected open space areas which will connect to the New Hope Creek corridor public lands. These connections will include walking and biking trails and we've also committed to providing a flashing pedestrian beacon signal and crosswalk at sunlight drive and the 10 foot multi-use path along both sides of our mountain ride

frontage. This equates to significant improvements to walkability and recreational opportunities in this region. I'm going to bring up the development plan which has been submitted to the city.

One second.

Erica, if you would let me know. Can you see that?

Yep, I can see it. Okay, perfect. So

I want to go through this document quickly and then I will open up the floor for questions and we can come back to this document if needed. But I just want to explain what the document is because ultimately this is the zoning we are requesting. So this is a two -page document and what we're looking at right now is the cover page which has a lot of site data and also very importantly our text and design commitments.

The text commitments verbally describe the limits of the rezoning, they're essentially our zoning condition. And then page two, this is what I would call the development plan page, there is a little bit more site data on this page, but the main thrust of this page is the graphic information. The first thing I want to point out are the access points. So you can see those that are indicated by these arrows. Those are the external access points that are being proposed. You also will see streams and stream crossings on this page. There are two stream crossings, one here and one here.

You can see little asterisks These, throughout the property, that actually represents the tree save area, and there's this heavily dashed line that goes through the property that indicates the proposed internal road alignment. You can also see various environmental designations like the floodway fringe, the wetlands, the floodway, the natural heritage area and you can also see this project does a good job of staying outside of those sensitive areas for the most part. So I think I've done a fair amount of talking and giving you guys an overview of the project. The bulk of this meeting is, you know, for you all to ask questions, share your comments, that type of thing. So I'd like to try to get to you all.

I'm going to stop sharing my screen for now, it's mostly because when I share my screen, I can't see what's going on the Zoom. But like I said, it's not a problem. I can come back to that document. If folks have specific questions, I'm happy to pull it back up. And also, you should be aware that this document and other documents related to this project should be available online at the Durham Reasoning Explorer website, So you can see it there too. So let's jump over to some questions or comments Right now. I see one hand raised from I think that's Joseph Herron. You should be able to unmute yourself

Joseph

you appear to be unmuted, but if you're speaking I cannot hear you.

Joseph, I don't know if your if your mic is working properly or not.

I cannot hear you. I'm going to move on to the next speaker. Feel free to type your question in the Q &A or if you get your mic working or whatever it is. Raise your hand again. I'm happy to recognize Happy to recognize you.

Rob Levinsky, you have your hand raised. You should be able to unmute yourself.

- Let's see. - Yes, I can hear you, Rob. - You hear me all right? - Great. - Can I

ask if other people listening in are able to hear also, or is it just you I'm

talking to? - Everyone on the call should be able to hear you. There are 25

attendees currently in the call in addition to myself Erica and Bob I believe they

all can hear you okay great I won't take a lot of your time I'll try to be brief

thank you for the presentation I'm part of care for Durham just as a point of

disclosure and I live reasonably close to the property just off of West Cornwallis

Road okay off of the corner of West Cornwallis and Erwin

You're making a nice presentation, you're a very pleasant fellow and they've picked someone good to do a good presentation, but you're giving completely disingenuous information to people. Here's the realities. Okay, first of all, you're talking about a massive project outside the urban growth boundary that will put an incredible amount of pressure and traffic and impact on all the communities in the area.

It's completely contrary to what our urban growth boundaries spent two years studying

and two years within the city of Durham working on plans for. Second of all, there's major impact on both the natural resources in the area that you were not mentioning. And as far as preserving the land, you're not preserving the land. You're simply saying it won't be developed now and it's part of a community that has no guarantees for the future, no assurances that the land is protected, don't be fooled folks. What this is a plan of a land grab by a PD developer who's hired nice young pleasant people to make a good presentation that is simply dishonest and does not meet the needs of the community. It is an absolutely utterly 100 % inappropriate development in every possible way.

Rob, were those your comments? Yeah, I mean what people should be doing is writing the planning board and then the city council and telling them to roll the plan out and telling them to come back and start again with a reasonable appropriate decent plan that makes sense, that's environmentally sensitive, that really provides for the needs of the community and that really does what you're claiming to do and what the plan does not. And I've studied it extensively by the way. All right. And thank you. And I'll just remind folks on the call that the Planning Commission hearing is scheduled for December 10th. I believe they started 5 .30.

So, and, you know, I think that's what Rob was talking about. That's your chance.

Thank you very much, William. That's your chance. That was the one honest thing you said, yes, thank you. Thank you.

Mark Heiser, you have your hand raised. I believe you should be able to unmute yourself. Can you hear me? Yes, I can. Thank you for joining us tonight. So I had a request if you could enable the chat, it's currently disabled. And then I did have a question.

I'm not going to lie to you. I don't know if I can enable the chat I can try

And then my question would be For the rest of us property owners that are outside the development

If this goes through

And I'm not opposed to additional housing. I think I'm a realtor. We definitely need

more housing in particularly in this area. But my question is, with all the impervious surface that's going to be taken up and infrastructure put in, will that, in the future, if the other landowners would want to develop, could that cause any negative impact to us? In other words, there is no more impervious surface. It's all been used up by this development, could this development impact other property owners in future development? I'm, uh, it's an interesting question and to be sure, to be honest with you, I'm not sure how to answer it. So the impervious limitations are generally on a per parcel basis, right? So development on these parcels can only be up to whatever the impervious limit is. But that doesn't have any bearing on what can be built under the code on some other parcel, right? That parcel has some other parcel has its own impervious allocation. Now it is possible for someone to buy the impervious allocation rights from a different parcel, which would then limit the ability for that parcel, which sold its impervious allocation, it would limit the ability for that parcel to be developed. But just like on its face, I think the answer to your question is, development on this parcel isn't going to affect the ability for one else to establish impervious on their own parcel. - No, no, can you hear me? - Yes, I can. - Yeah, this is Bob Zumwalt from BGE. We were the planners and engineers on the project. And the easy answer is no, in this watershed, the maximum allowed impervious in this watershed is 100 % of your site, believe it or not, but we're committing to a maximum of 55 percent of the site. So we're well below what would be allowed under the current zoning ordinance and so it nothing we do would affect another site. We're required to detain, treat, and release stormwater at or below the current levels of the site today. I can also confirm that NIL's description of what we're proposing is completely accurate, everything he mentioned about what we're offering is reflected on the plans. Thanks. - Thank you. - Did Mark did that answer your question? - Yeah, it does. - Okay, thank you. - Chat's still disabled though. - Yeah, and I'm sorry, but I will say the Q &A is not disabled. So I don't know who, can you all see the Q &A?

- Actually, yeah. And you can see what people have typed in there. I suppose that's a bug. Oh, okay, I'm-- - No, but that might work. - Okay.

- All right, well, thank you, Mark. And I'm sorry about the chat.

- No worries. - Christina Langley, you have your hand raised. You should be able to unmute yourself. - Hi, yes. Can you all hear me? - I can hear you.

Great. So two -part question. We have seen the destructive nature that development has caused to our waterways in other areas of Durham. And so what studies and what specifically will you do to mitigate the runoff that clearing the land will clearly do to the waterways? And so what will you do to mitigate that and also what studies have you done to look at the impact that your development will have on the waterways, specifically the New Hope Creek. And then second part question is, will there be blasting? The terrain is very rocky in this part of Durham. And so we know other areas there have been blasting techniques employed and then destruction and issues caused other houses around those areas that have had blasting. So yes or no, will there be blasting techniques employed if this actually does go through?

- Okay, thanks for the questions.

So I mentioned earlier, and I'll mention it again, one thing that we've committed to on this project is detaining the 100 -year storm. That may not mean a whole lot to everyone, but 102, in Durham,

under the Durham's Development Code, Durham has stormwater standards.

And I believe, and Bob, you can correct me if I'm wrong, that under typical development, the UDO, the code would require a new development to treat up to the 10 -year storm, if I remember correctly. So a 100 -year storm for those who may not know is a much bigger storm than a 10 -year storm, right? And so the way that they do this is when they engineer the site. So this is also in service of answering the second part of that question, which was, "Has a study been done?" No, but one will be done at the design phase. What they do is they study the terrain as it exists today and evaluate where currently water runs off of this site.

I would, you know, onto other property. I would call those discharge points, right?

And what they are required to do is make sure that the current rate of runoff volume and velocity is not increased with the new development at those discharge point or up to the 10 -year storm or in this case we're going to detain up to the 100 -year storm. And so the way they do that is we would develop a site or engineer the site in a way that we can contour, control where the water runs on the property. Generally they will engineer it so that it collects in stormwater ponds. The water will sit in that stormwater pond and be let out slowly at discharge point. That allows any sediment in it to settle out. It allows the water to be treated for specific, I guess I'll call them pollutants. I'm sure Bob can speak to it better than I can. And then that water gets let out so. So we are significantly increasing and putting a larger burden on ourselves to develop the site with stormwater centers on the second part of your question about blasting.

So at this stage, we don't know if there will be blasting. I will say-- well, I just want to speak on blasting a little bit. Like, blasting is, from a development standpoint, the kind of last thing-- it's the last option for you, right? When you're grading the site, if you hit rock, the first thing you try to do is figure out how big that rock is and whether it is ripable with like, you know, excavator, that type of machinery. If that's not possible, then you might look into jackhammering it, which is less expensive than blasting, and depending on the size of it or how hard it is, blasting is kind of a last resort option. So, you know, I can't tell you that there will or won't be blasting, but I can tell you that Erica is definitely going to try to avoid blasting if she can.

So I hope that answers both of your questions.

Okay. Yes, so all of that can be up to the, it's after the development is approved, basically of how that will, the standards that will be met or what will happen. So we really won't know free approval, what will happen.

- Well, we won't know the specific design of the stormwater elements because we won't design them if before the zoning or annotation are approved. But if those things are approved, they would go to site plan stage to design them, but what I can tell you is what the standard will be if it's approved, which is that we would be detaining the hundred -year storm. I don't, I couldn't tell you like how they're doing that, where they're doing that because that hasn't been designed yet. Okay. Thank you. Thank you.

See, I should start reading the names out loud because I Daniel, Daniel, you've got your hand raised. Daniel works perfectly fine. Thank you.

All right, cool. That works. Hi, all my name is Daniel Cushusco. I am a resident whose plot is visible on the proposal map just in the top northwest corner.

I am currently establishing a blueberry farm on the roundabout of Irwin and Mount Mariah. If there is anyone here thanks to a mailer that I slipped into their mailbox, thank you for attending.

I have in the past, actually I'll start out by thanking the gentlemen from Durham Cares who gave a perspective from the Durham side of the equation. I have been attending the Orange County land use plan meetings. So from the town slash Orange County end of it. The 30 year land use map for Chapel Hill that was adopted in 2020 and, you know, projects the town's wants up until 2050, has the entire ETJ decided as rural residential with one unit per acre, you know, whatever that may be probably the rural transition zoning that's there now. And it seems like four years later, after a highly engaging multi year process, Morningstar and MI seek to upturn that in one of the most intense ways possible, going from RT, which is essentially the same letter of law as the rural buffer just without the lasting protections, all the way up to the PDR 7 .348. And it seems disingenuous to me to the efforts of the town in the planning commission to then hand over control of that to Durham to then be developed into relatively high density residential area.

You did answer some of my questions, Attorney Ghosh, about the property off to the side. I was very confused as to why that was included in the annexation, so thank

you for that.

And I suppose that my main question, And as expressed in April by Town Council, and Mayor Heminger is, "What is Orange County getting out of the sanitation?" Because it didn't seem like much. I know that you've said you've committed to certain greenways and the lighter pedestrian crosswalk at sunlight, which is very useful along with the sidewalk frontage on Mount Mariah. I would love to hear you talk more about the greenways you've committed to, and I'm curious to know if they go beyond the boundaries of the plots that you are buying, as in if you are committed to providing an investment to Chapel Hill's mobility and greenways to help fulfill their vision as put forth in the future land use plan for specifically the New Hope and 15501 focus area. All right, I'm going to start with that question first.

First, we have not committed to providing off-site trails, greenways.

So, yeah, I think that answers that question. You were asking if we were going to be building it elsewhere.

And then I think the question you asked is, what is Orange County getting out of this?

And I'm not sure. I'm not sure I'm like qualified to answer it. The property that is currently in Orange County remains in Orange County. And I guess I would say if this is developed, one thing they get out of it is the increased tax base.

But the, you mentioned earlier about The long-term planning efforts and I forgive me. I don't I don't recall if you were coming out from Township Hill or from the county but the town of Chapel Hill had agreed to Allow this property to be annexed into the city of Durham So, you know, I think that that I think what you were suggesting is that decision runs counter to some of the long-range planning. I think that probably is true, but I couldn't tell you specifically all of the thinking that went into that.

Our firm, go ahead. Yeah, Bob. This is Bob. Maybe I could just put a couple of thoughts in. Sure. The main reason that it's such low density and in the Orange

County land use plan is there's no utilities to on the north side of I 40 none. So there was really no way for them to serve it with sewer the land on the Durham place type map for this project, which is a third of the site has got a mixed residential designation. And so, You know, to me, when you bring it in to the city of Durham, it's going to take on the land use of what the other third of the site is, which is mixed residential. And the mixed residential designation calls for a mix of apartments, condos, townhomes, senior residences, single -family homes, duplexes, accessory dwelling units, and tiny homes. So, you know, those uses is that the cities looking for don't really fall in line with one unit per acre. So I think the main reason it was that low was that the Orange County just had no way to serve it with sewer without trying to get across the freeway, which just wasn't going to happen. It's more of easily accessible for Durham utilities. So just wanted to add that.

Yeah, that all that does make perfect sense, you know, in terms of the reasoning, and I understand that it's an iterative process to go through that, because neither the gentleman from Durham cares can say much about it being beyond the urban growth boundary, because it was outside the county and not included in the plan, and the town of Chapel Hill couldn't have known that it would be able to be serviced by Durham.

And I understand that you are not necessarily in a place to describe the thought process behind Chapel Hill bucking their plan. But I suppose that would be an issue to bring up with them and or the planning commission on December 10th.

And yeah, understood. Thank you.

Lynn Ching,

You should be able to

Can you explain to me exactly how this whole process works so you guys are proposing this Development has the land annexation from Orange County already happened and like what are kind of the steps of? Well, okay You guys are having these meetings like if I have strong feelings one way or another or a lot of questions

about you know What this development? Would bring to this area like what are the process that it's going to go through how is it determined whether or not it's going to get approved and things like that like can you just explain the whole process to me I'm new to that. Sure yeah um and I probably should have done that anyway so I apologize.

So we have submitted an application to the city of Durham to request annexation of these properties into the City of Durham and rezoning.

That application has been reviewed through multiple rounds with the City of Durham staff. And we are at a point where they have deemed the application to be technically complete. And so we are now moving into the public hearing phase.

So the first public hearing will be in front of the city county, I should say Durham city county planning commission.

That is an advisory board and they hear every rezoning project in the city or county Durham and they ultimately will provide a recommendation to the city council their recommendation could be a recommendation for denial or it could be a recommendation for approval regardless of what they recommend the project would move forward to the next public hearing and I will state again they're an advisory board so The decision or recommendation is not binding upon the governing board.

In this case, that would be the city council. So, sometime after the planning commission public hearing, the project will then be heard again at another public hearing in front of the city council. The city council has the final say they get to vote the project up or down.

And So that is the process you asked whether the property that is in Orange County has already been annexed into the city of Durham No, none of this property has been annexed into the city of Durham yet. None of this property has been rezoned Yeah, that is the process that we currently are in

Orange County for you to annex the land for that agreement has not been I'm sorry could you I missed the first part could you say that again? I said has the agreement already occurred that Orange County is giving annexing the land to the city

of Durham or Orange County has not yet agreed to annex the land Okay, that's a little bit more so There has in the past there was some dispute between the town of Chapel Hill and the city of Durham with respect to who had jurisdiction over what properties. So there is a consent judgment that was issued by a judge, I believe in 1986, that is between the city of Durham and the town of Chapel Hill that establishes a line in this area, which if you're on one side of the line, you can be annexed into the city of Durham. And if you're on the other side of that line, I guess I would say you cannot be annexed into the city of Durham, right? That judgment has been amended once in I think 1994 and then it was amended again recently to include these properties on the Durham side of that line. Basically it amended where the line was. So that amendment to the consent judgment has already been approved by the town of Chapel Hill and issued by the judge. So these properties can be annexed into the city of Durham.

Okay.

All right, we're there. There's some other folks with hands up. I don't want to rush you off, but did you have other questions or comments at this time? No, - I'm just trying to understand the process a little bit better. Thank you so much.

- Okay, well hang with us and maybe more of this will come up. Thank you so much.

Arun Ganesh, we have your hand up. - Yeah, can you hear me now? - Yes,

I can. - Great, thanks so much for hosting and I had just for those other folks listening, I'd been communicating via email with Nell today, largely about kind of what he just said with the consent agreement. So I'm a resident Chapel Hill, live in a neighborhood near Woodfield and Irwin Road in the rural buffer. And so, and I don't know if you're gonna be able to answer this, but I thought if you can, that'll be great and it might be instructive for other folks that are listening. It kind of ties down to this amendment to the consent agreement. Can you direct us to the decision makers of that? because, you know, me and many of my neighbors are quite confused by, and I guess this sort of ties into Daniel's point of what Chapel Hill got out of this. I don't know why they agreed to amend the consent agreement

just for this land. And furthermore, what kind of precedent does this create? Because suddenly, if this goes through, I would imagine really any, you know, any residents in the rural buffer that are not getting OASA supplies, water or sewage treatments or sewage infrastructure may say, "Hey Durham, please annex us so we can get some of your services too." And I don't know if anyone from Durham Council or anyone in Durham leadership happens to be on this call, but that would be insightful for the many residents of us in the rural buffer to know if you do know. And if you don't know the decision makers of who decided to amend the consent agreement, I think it would be helpful to those of us in the rural buffer so we can understand the rationale for that decision, why it went through, and how they're going to navigate potentially sticky, potentially sticky precedent where I can envision again many people asking to be annexed.

And so thanks so much for your time. Yeah, and thank you for the question. So as you mentioned, you and I have been communicating today via email.

And so to just answer your first question, who are the decision makers?

Ultimately, that's the town of Chapel Hill Council, Mayor and Council is who adopted or I guess agreed to amend the consent judgment,

right? That's who did that. Why they did that? So I have learned. I was not

involved in this in all of these steps, right? I'm my law partner along with

probably I'm going to guest with Erica and Bob. They were involved with talking to

council members, explaining this project, explaining specifically that this property is

unable to be served in any, you know, foreseeable future by OWASA,

but is presently could be serviced by City of Durham utilities.

And Obviously the project includes some affordable housing, additional housing, which some people may feel is or isn't needed, but I think ultimately a decision was made based on the potential for this project, if that makes sense.

- Yeah, that's helpful. So could you tell us or maybe put it in the chat or the

queue or just maybe disseminate it to us, those names of those in Chapel,

because that's, I think, for those of us in the rural buffer, that's a big question

for us is what prompted them to do the amendment, because I know I for one, and I think a few others would like to reach out to them to sort of understand the rationale for that, for that decision, because again, none of us are currently supplied by OWASA, so why there would be a carve out for certain lands in the rural buffer, not others is peculiar.

And if it was, if the impetus was because they perceive this to be good by adding housing, well, again, where do you draw the line with that? If there are other folks that own lands in the rural buffer and they wanted to, you know, get a company like Morningstar, whatever the name of your building corporation is, I would imagine that would continue. And then furthermore, how is Durham going to navigate potentially increasing requests for annexation? Again, I don't know if you can answer that, but it sounds like there are people within Chapel Hill Governance that can. And so if you can just give us some explicit or specific names of folks we can contact, I think. I mean, it's the mayor and council who made the decision. The mayor. Okay. Mayor and council. - Okay, I don't know who the council members, I know who the mayors, who's the, do you know who the council? - Chapel Hill is not my, is not my, I don't do work in Chapel Hill. But I can tell you, they're on the town website, I mean, you can find them very easily.

- Okay, all right, thank you so much for your time, appreciate it. - Thank you.

Todd Atlas, you should be able to you yourself. Yeah, thank you. So I learned about this through the friendly neighbor mailbox slip, and I'm grateful for that, because I think there are a lot of people in the rule buffer who were kind of caught off guard by all that's happening. Everything from the town of Chapel Hill, you know, up to and through the fact that this is now a Durham decision, and I guess, you know, for those of us that, you know, Orange County residents pay Orange County taxes, move to the rural buffer for specific reasons, the annexation by Durham, which it based on, you know, what has been said on the skull sounds like a pretty now Durham owned unilateral decision. What, you What leverage resources abilities do we as Orange County residents,

what do we have to the extent that the ship has not sailed if we are not for or take it a step further vehemently opposed to extreme amounts of density going into an area that attracted us to the area for the opposite of that.

What are our options other than appearing in Durham as non -Durham residents opposing it, or is that the extent of it?

- I mean, I think the short answer to your question is that is the extent of it, though there's no requirement for you to be a Durham resident to come and speak at these meetings or anything like that.

So there, I mentioned earlier, there's two public hearings. You can also contact the planning commission members, you know, via email, their contact information is on the City of Durham website. You can contact the city council members if they're on the email or set meetings with them or, you know, that type of thing as well, to let them know your position and also at the public hearings.

I think that ultimately is the answer to your question.

- Yeah, it sounds like that's the answer to the question now. I just, I guess, yeah, I'm just trying to understand if a neighbor hadn't slipped this in my mailbox. And again, appreciate that they did tipping us off to this because I think it is very detrimental to my kind of use and enjoyment of my property in exchange for somebody getting more density and more dollars for theirs. I feel like the process by which ultimately I'm feeling harm and somebody else is potentially going to get gain isn't even remotely open or communicated in a way that it could be opposed and I do actually feel that this has moved now towards Durham whereby those of us with Orange County representation have like basically lost any sort of ability to do something about it. Yeah of course we're going to attend these meetings but I mean for all intents and purposes if Durham can increase the tax base annex this area have more density, solve a lot of their, you know, quote -unquote issues.

Why do we as the Orange County residents have anything that can be said at this point to do anything about it? And what kind of a process is this by which this can happen and the immediate neighbors don't really get notified about it,

I guess. I mean, anyway, I don't mean to be just whiny and complaining about the situation. But if a neighbor had slipped this in my mailbox, I would not have known about this. And I don't know what your address is. We did mailed notification to property owners within a thousand feet of the property, and to properties within a thousand feet of the property, if the owner's mailing address was different than the site address, Right? So we, we, I mean, we tried to advertise this meeting, right? Yeah, yeah, a thousand feet is compliant, right? That's, that's the. It's actually more than what is required. Okay, okay. But, but I mean, I'm more than a thousand feet away. So, okay, so then you wouldn't have gotten a notice from us. Correct. That's a fair statement. And then the other the other thing I would say is like I hear what you're saying and I just don't want to be like held responsible for what the process is right like I that is the process and I can't like I just I just want to be open and about what that is. I will say, you know, I do a lot of work in the city of Durham. I've done projects that are on or near the county line where residents from other jurisdictions have come to speak on the project. Our planning board, our elected officials are open to that, right? Like, I hear what you're saying. You don't vote for them. And I agree with all that, but I mean, genuinely, I would encourage you to come to the hearings. I think That is the process, and you should definitely be a participant in that if you have concerns. You mentioned or implied, I guess you didn't say directly, that you're vehemently opposed to it. And I didn't get a sense as to why that is. And I was wondering if you could, would you like, like to know, yeah, yeah, well, first of all, Like the rural buffer is more than just a density based argument or, you know, does the land perk, how much density we put in, we can bring sewer and of course increase density. For me, it's actually a setting. It's a traffic. It's how much traffic is there to the back door of, you know, Erwin Road to Durham. It's what kind of housing there is, not just from a density standpoint, but when you're set to a two acre minimum parcel size, one acre for that matter, it's gonna drive a certain kind of property as opposed to apartments and small

houses. Again, setting preference, which is why I bought and built and developed a little land myself here, adherent to the two-acre parcel expectation, I like that product, I like that product as an alternative, I like the fact that Durham Chapel Hill are not contiguous, and that the rural buffer serves that purpose. I think there's a lot of people that live in the buffer that the setting is really important to, and we know that the more density you can put on a given parcel, the more valuable the land is so anyone who has undeveloped land and has no intent of actually living here and it's gonna want density but those of us who don't who actually prefer that as a product as a result as a way to live and can do it in a centralized location you know would be opposed obviously to all the things that come with a lot greater density

>> I appreciate what you're saying and not to trivialize it. I mean, I think you're essentially saying, you moved away from the city and are opposed to the city now coming to you. That's essentially what's happening, and there are a multiplicity of reasons for that. But is that a fear? >> I would argue a slight oversimplification. >> Sure, But yeah, when you look at the zoning map and you see the area that you're in and you see that everything's rural buffer and that that has a certain meaning associated with it and you know that the land doesn't work for high density. And you look at the kind of developments that have happened in this area, and you look at the kind of lot sizes and the kind of size of homes at the quality of the homes, the value of those homes, and you know, We're investing in an area with a certain kind of concept in mind that the neighbors will adhere to that generalized approach. And then, lo and behold, Orange County gives Durham the right to annex it and put tiny homes and apartment buildings in this Orange County rule buffer area. It is pretty contrary to, you know, the overall viewpoint of what the rule buffer is. And as others had mentioned on the call, decades of long-term planning about this intent that have seemed to have gone by the wayside. So yeah, I mean, anyway, I don't want to run away train and just, you

know, run my mouth. So I can take a pause in my position. - I appreciate your response. And there are a number of other hands up. So I think It's appropriate to move on, but I appreciate your feedback. I think it's valuable. And just for what it's worth,

I've worked with Erica in my homes on several projects, and Bob Zoom off for that matter. This is a stretch for us. I mean, we're trying to put our best foot forward. And this is, by no means, a done deal.

Mark Heizer?

Did I hear from you earlier? You did. Quick comment, and then I do have-- Oh, that's fine. Go ahead. But just for other people's information, and why it's so important to attend city council meetings, they do listen. They will take to heart what you say. They don't always agree with you, however. And in two cases, If you look on Mount Mariah, the big cellular tower that's there, many of us went to the county commissioners and they unanimously voted it down, no cell tower. And about three months later, that tower went up.

And I called the city attorney, I said, "Well, what happened?" And they said, "Well, we got sued and the town, the Motorola agreed to put EMS stuff up there and so a judge okayed it and I said well but we went to the county commissioners it was voted down and you know where is our where's our recourse we you know the citizens they said no and they said well you voted for the judge so you were still heard in that case and then shortly after that flats 55 put in a zoning request.

And I did stand up at county commissioners and said, well, I'm not opposed to it.

At that time, our bridge on Mount Mariah was a one lane bridge, right? Literally, a car had to stop on one side to come across. And I said, I don't think putting that many apartments on a one lane bridge is appropriate. And I was asking the city to do something about it. And they said no, it wouldn't make the developer do it.

And it went through. Not more than three months later, we had a school bus accident on that bridge. A week later, the bridge was replaced. And that is why I think it's good to, if you come down Mount Mariah, we've got that really sharp bend right

there at the nursery, the landscaping, the farm. And I'm not sure how that's going to all work out, right? That's not being addressed, I don't think, with this development plan that's outside of it, but it's still a very sharp curve. I think somebody should probably mention that at a city council meeting. That is a city or county or state road that probably needs to be straightened out. If we're going to put this much density on there, those are things I think the city council or county commissioners will listen to. If you bring it up and we talk about it, even if they don't do anything it now, it's on the public record. So if something happens later we start having more accidents down there at least somebody brought it up and said this is a potential issue. That is how we got our new bridge is once we had a bus wreck. It wasn't until we had a bus wreck, a school bus wreck that we got the new bridge on that road. The apartments were already under construction. And then the question I had was from someone else was that there's pods. And would you be able to talk about what's in each pod.

If that make sense. Yeah, sure. In fact, it's on the plan. I'm going to share my screen.

Thank you all can see that. So you have pods one, two, and three.

Pod one, you can see the allowed uses here at the bottom Right under there, apartments, townhouses, non -residential. Pod two, the allowed uses would be apartments, townhouses, and single family. And in pod three, the allowed uses would be townhouses, single family, apartments, and non -residential.

- Okay.

- Thank you.

A net rice, you should be able to unmute yourself. And I have.

There you go. I can hear you. Excellent. I'm glad you can. I can hear you as well. I'm glad to see you're getting some exercise in while you're doing this double -tasking. I have a couple of questions for you, but I'll go ahead and start off with my probably one of my most high priority questions. I know that from what I've seen about the stream determinations, it's not necessarily something that's required by

the Durham UDO, at least at this point. We are very concerned that the existing streams, whether they are permanent or intermittent, may not actually end up being addressed appropriately, perhaps oversight. And so you all will most likely be planning on doing the actual stream determination after and if you receive the rezoning for these parcels, correct?

- Right, that is correct. - That's logical. In the meantime, to allay some of the fears and concerns of area residents, how can we get permission or do we have permission to go on site and do our own survey?

Well I certainly cannot give you that permission and I don't think,

I mean so in my homes does not own the property at this point so I'm not sure they could give you permission either. They have the property under contract.

So I, frankly, I don't know how to answer your question. I am the land use counsel working on this for in my homes. I don't know what their contracts with the owner say, we don't work on that side of it, but I imagine the limits of that would be contained there. - All right, related to the legal aspect of things then, you said that MI Homes has a contract on the purchase of the property.

I am assuming that that contract is one that is in a conditional status.

- I'm sure it is, yeah. They would not close on the property if their project was out of proof. I'm certain that's the case. - So for us to get permission to access any of the parcels of property where we believe there may be streams of whatever sort, we would need to then get permission from the actual property owners of each individual person. And I imagine their ability to give you that permission is limited in some way by the contract. In other words, everybody's hands are tied. I, in other words, I couldn't answer the question you at least not fully.

I mean, I'm not saying it's not possible. I'm saying I don't know how to do that.

Okay. Related to the water, I'm going to tack on to that. The Triangle Connectivity Collaborative clearly shows on both sides of the county line, Orange County and Durham County, that there is high priority wildlife TAT and high priority wildlife corridors in the area that you're talking about rezoning.

I realize that the UDO requirements are very, very limited within the identification of a wildlife corridor. I believe the required corridor width is something like 50 feet within the UDO. I don't remember the exact section of the UDO that it's covered in. Well, okay, the Chapel Hill resolution specifies that you need to maintain trails and wildlife habitat areas. So how does MI Homes plan to go about doing that and

Likewise Durham, because this package crosses the county lines, it gets very tricky regarding these sorts of things. Because it's going to be annexed into Durham, do you abide then by Durham's UDO?

- Yes. - Regarding the corridors and the habitat? - Yeah, if this property is annexed in the city of Durham, then the bulk of the development requirements are going to come directly from the city of Durham's development code.

The portion that remains in the county, I think, I'm sorry, the portion that remains in Orange County. Generally speaking, and I don't know specifically, but generally speaking, counties tend to deal with the temporary stormwater and erosion control measures. So that review, I'm guessing, is going to be subject to Orange County review for the portion of development in Orange County. And Bob, you might be able to speak more to that, but that's generally how I've seen it, and I don't know specifically about Orange County in this scenario. Yeah, that's right. For annex,

it'll be. We'll follow the Durham UDO. Okay, and that would also then logically follow that you would be following the wildlife corridor parameters set forth within the Durham UDO and disregarding any of the requirements for Orange County.

Well, I'm regarding the wildlife and the string So,

so the, my understanding is the resolution to town Chapel Hill pass, which is not Orange County, but town Chapel Hill, that also is a governing document and how the property can or must be used. It's part of the resolution we're, we're the, you know, they essentially consented to have this property. I guess, be able to be annexed into the City of Durham, subject to XYZ requirements.

Okay. In other words, there's really no solid answer until you possibly receive the

rezoning.

And the answer. I mean, the answer to your question is the development will be, if this dispute would be controlled by the City of Durham's UDF development code.

Thank you. Thank you.

Wanda Rodin

and Wanda, you should be able to unmute yourself. But let me also say this meeting was advertised till 7 o'clock. We're approaching 7 o'clock. I see that there are hands up. I know there are questions in the Q & A and I'm happy to stay on longer to try to get to as many people as possible. So one, yes, go ahead. Yeah, thank you. You brought up something tonight that put a question in my mind. I own one of the houses along Mount Moriah that is not included in this property, the property that you're speaking of surrounds my house and my neighbor. I'm at 53. Okay, I see it.

Mount Moriah. The question I have based on two things that that the previous speaker and then Todd Atlas said, one thing I have one thing I want to know is if I now am not, I refuse to be annexed into Durham. I am in Orange County.

Does that mean that Orange County has jurisdiction over what happens on my property?

Or will Durham, because I'll be completely surrounded by Durham City, except for--

- The Durham will not have control over what happens over your property. Annexation is a voluntary process. The local government's ability to involuntarily annex

properties was stripped from local governments years and years ago. So if you do not

want to be annexed into the city of Durham, city of Durham cannot annex you. I

will. This is a jurisdiction that that Chapel Hill gave to Durham to invade Orange

County for annexation. I believe your property...

How long does that go? Yeah, I believe your property... essentially it goes to the

limits of this development and I believe your property actually theoretically, if you

wanted to, could be annexed into the city of Durham. Why would I want to be in a

house that's surrounded by all this development? I don't want it. I don't want...

I have no choice in it. I have no choice. I have no options. I have no choice to

keep this house that I have lived in for 50 years in a rural setting, which I love and plan to live my life out. In this house, I have no options.

And I want to know what can be done to keep our neighborhood from completely being destroyed.

- Yeah, I mean, I think I've answered that question in another context earlier. We have to go through this public hearing process.

That is, you should participate in the public hearing process. - I absolutely will, thank you. - Yeah, thank you.

Elizabeth Miller,

You should be able to unmute yourself. - I did. Hi, Nell. Thanks for hosting this neighborhood meeting tonight. I have a couple of questions, I'm sure, which you might have seen in the chat. It was just a great way for me, or the Q &A, excuse me, it was a great way for me to capture my thoughts. - Okay. - Clarify, the town of Chapel Hill has never had plans to run water via a wasa to this E.T.J. property. - I think that's true. - And so I think somebody else had mentioned, if this were up to the town of Chapel Hill, this would remain ETG, Rural Transition, Rural RS20, correct?

- Most likely. - In the town of Chapel Hill, no, no, no. I mean, in the town of Chapel Hill, yes, that's correct. - Okay. One thing that I think we've kind of danced around tonight, um hasn't actually directly been addressed. You mentioned the consent decree by the town of Chapel Hill and Durham should have had an identical matching consent decree. I know initially they did not match and maybe they do now. One of the things that hasn't been mentioned is that the NC legislature actually passed a law. I'm not sure exactly when it was. I want to say two to three years ago and I believe that's what gave developers that are in properties bordering counties the ability to petition another county for annex section in order to access water and sewer. So my understanding and again you're the attorney not me is if Durham didn't or if Chapel Hill didn't amend their consent decree then am I homes could have sued Durham or I mean Chapel Hill excuse me to ask to have the consent

decree.

I'm not going sent degree amended in order to petition Durham for annexation? That is not my understanding. And I don't know to what law you're speaking specifically like a chain of law to you said two or three years ago, I will say that for since well before two or three years ago, there has been the legislature has allowed local governments to enter into things that are called interlocal agreements to deal with essentially border properties. Now, to my knowledge, there is no interlocal agreement involved here, and frankly, I wasn't alive in 1986. I don't know what occurred there, what the dispute was, but that's where the original consent judgment came out. And frankly, I don't know what the law was in 1986, whether interlocal agreements were allowed at that time. But that essentially, that consent judgment essentially acts as an interlocal agreement. Interlocal agreements can be amended by both parties that are subject to it, you know, and that so that can happen. And in this case, what happened recently, and it happened, I believe in 1994, was these parties worked it out amongst themselves and agreed to amend the consent judgment. That's what happened here. I do not believe that Township Hill was under any obligation to amend the consent judgment. It is, I mean, that's a judge's order.

- Okay, it's great to have it on this call.

We can, I can follow up with a town of Durham with that. I have a couple of questions about the affordable housing units that you mentioned. So you said there were plans to build 50 affordable housing units. And were those being funded federally or is MI Homes funding them themselves? - Well, so we don't have any federal funding. We certainly are looking into a low -income housing tax credit program, but we don't have any award of a tax credit. So it's possible that these would receive funding from the state or our federal government. And if not, the commitment is you know, if we are not able to get that type of funding, then MI homes would be, you know, essentially funding those without any subsidy. - Would MI homes be building

them themselves or would they be subbing that out to a subcontractor? - So MI homes has built affordable housing, but MI homes to my knowledge does not build multi-family. So if the affordable units are in the apartments, basically. I do not think in my homes will be building it.

- Is this development being built in stages? And if so, at which stage are the plans to build the affordable housing? - This development definitely will be built in phases. Our zoning conditions would require that the affordable units all be built or occupied before the 658th Certificate of Occupancy.

So a little bit more than halfway through the project, all of the affordable units will need to be established.

And will the affordable housing units be located in Durham County or Orange County?

And who gets to fill these affordable housing units based on is it based on the county they're located in? It is not based on the county located in is based on the income level of the individual of the individual who is applying for it.

We don't have a specific you know vetted layout but more than likely these units are going to end up in Orange County. But I mean, I think your question was, like, who gets to fill them?

It's-- I mean, under fair housing, it's, you know, these will be affordable units, first come, first served. If you qualify at the income level, you can rent it. OK, so who-- or will they be orange county citizens who get to apply for those affordable housing units, or will there be Durham county citizens who get to apply for those affordable housing units? You could move from Virginia and apply for this, anybody who qualifies. Okay.

I'm just to follow up on the question that somebody had asked about streams. I'm not as familiar with annexation and rezoning. So when this property is annexed into Durham County, it is then immediately rezoned, correct? So the annexation and rezoning boats will happen on the same night. So yes. And so what maps apply at that time when this is annexed and rezoned? Does Durham use Chapel Hills maps for this land?

Because I know Chapel Hill does have some documented streams on the property when you look at their GIS maps. And obviously when you go to Durham's website, it doesn't appear in Durham's GIS because it's currently outside of the county and city of Durham. So how does that work? Durham does not use the like town of Chapel Hill maps.

They use, Bob's probably better at answering this question now, but they use soils maps and FEMA maps. Bob? Yeah, soils maps and USGS maps and then we have a wetland biologist who will go out on the site and make his findings and then the city of Durham will have to review the findings meet on site and either concur with the findings or, you know, they could potentially ask us to buffer more of a stream or, or, you know, so that's the process and that's done at site plan stage, not zoning.

Thanks, - Thanks Bob. - So as you explained to the other woman who had asked the question, so the stream buffers and everything is done at a future stage. - That's right. - Well, yeah, that's correct. We are showing the streams that are identified on our development plan, those are streams that are identified on Derms map. - That's correct, yeah. - But 70 % of this development is in Chapel Hill currently. I understand.

So will that affect the, will that potentially affect the density that you're enabled to build on this land if once it is annexed by Durham and there are potentially additional streams and riparian buffers required? Yes. Yes. It could reduce the density. Okay,

I think that's all the questions I have for now. Thank you. Thank you. Kelly McGregor.

Yeah. So just to clarify on the affordable housing stuff, Erica, we actually met with her. I live next to Wanda, so we're in the properties are surrounded, and we were told at my homes actually does not do affordable housing. So I'm not sure she told us that. I'm not sure where the discrepancy is. You're saying that they do it. But Kelly, let me just jump in real quick.

Yeah, he knows, knows right. We have built in other jurisdictions, houses for Habitat and Habitat will fill them with affordable with qualifying owners. But we what we were talking about, We do not build multi-family or rental projects at all, period. So if the affordable units end up in an apartment building, we would not be building them. OK. My other question is, are you guys going to do any kind of an updated traffic study? I know that there has been one done at some point. I believe it was a year or two ago. And we live right there in the middle of where the development is going to be and I can attest to traffic has only gotten worse since we've lived in this house for a couple of years. Are there any plans to reassess how is this going to be affecting the roads because that's a very, very big concern?

One of the things that, can you hear me now? - Yeah, go ahead, Bob. - I'll just say this, Bob, with BGE. You know, one of the things that's done as part of the traffic study is they assume in the study background growth in the area.

So they account for all of the projects that are approved in the area, but not built, plus the site traffic, plus then they put a growth factor on top of it to accommodate or account for anything that might occur while the process is being reviewed by the city. So certainly, we believe that that growth factor would take into account things like other projects that have come on that we maybe didn't anticipate.

OK. Thank you. Thank you. Can you?

You should be able to unmute yourself. Yep, I can hear you. Yep.

I can look into that. I mean, I have not been involved in that

Request before so I don't I don't have any first-hand knowledge. I Can look into it. I'm not really sure how that process would work.

I'm not saying it isn't I'm just saying you ask when can it be done? I don't know

I think Bob mentioned earlier that could impact the ability for us to achieve the density that we talked about and might, you know, alter the way this property is

developed.

Yes, I'm not sure what you mean, but like the document that I showed earlier the development plan that outlines what the zoning is that we're asking for so it contains the commitments for formal housing, the open space and the connectivity, those are contained in that document. So, yes, that's what they're approving.

But if you're asking once they vote and if it's approved, can we just go pull the permit and start building? No, we still have to go through a site plan process.

Yeah, before you start building absolute.

That's right. That's when that's when yeah, we would do them I think the question you asked earlier was a little bit different and I can't answer that one

We'll certainly talk to Kimley Horn about it, but the way the traffic studies are done is they're scoped with the traffic consultant and the City of Durham

Transportation Department and the North Carolina Department into transportation and they all agree on the intersections that are studied and they all approve the distribution of the traffic. So we'll definitely talk to Earl O'well on our traffic engineer and see if we can get clarification.

And I'm not sure which document you reviewed.

I know oftentimes the TIA summary is put out typically, the full TIA does have a lot more information, and I don't know what you reviewed.

Well, I can assure you that the one that was performed or created, I guess, for this project was done by a licensed engineer and ultimately is consistent with the requirements for TIA. Okay,

NCDOT

did review the TIA, But I think Bob has already mentioned we'll talk to the traffic engineer on this and try to get to a more concrete answer on that, which I know I told you the same thing via email as well.

Thank you.

Hannah Zern?

Yes, Yes, hello. I'm actually not Hannah's earned. I'm just using a profile. So

Hannah does not have a deep voice

So

Pretty straightforward question As mentioned earlier a gentleman mentioned earlier about drum had got sued about the cell tower Do you have any plans on taking drum to chord if this does not go through at the hearing?

I do not.

Okay.

Okay. That was the question. That was pretty much it. I was just curious about that. Because it seems like Durham kind of bent over and agreed to the cell tower.

So I was curious if that was going to be the case this time. Yeah, I can't speak to the cell tower case. I don't understand.

But that, that was it. That was it. All right. Thank you. Thank you. Um,

Bill Agri -Singer, I hope I got that right. Harger -Singer, hi, can you hear me?

Yes, again, thank you. Thank you again for participating in this or hosting this.

I did not see the original map. So I'm, Because it's across two different counties and two different GIS systems, is it possible for you to just put on the screen so I can take a camera snap of the peripheral border of the entire proposal?

Sure, and I will just mention again that these documents are available online at Durham's Rezoning Explorer website but I'm happy to pull this up again.

I got it. Oh you got it. Alright one second let me blow it up. Let me zoom in on it a little bit. Yeah as much as you can making it full screen. Okay I feel like it's just that sort of swampy area behind Abrams property and the private that other big house on Irwin that has like, I don't know, 60, 70 acres.

Is that accurate?

- You can see what's on the screen, right? - I can, but it's only like half of mine because of the, oh, there we go. I can blow it up a little better. - Oh,

And this, this document is available.

I'm not sure the one Bob I'm not sure exactly what that one is because mine looks

different.

That's the development plan. So I'm trying to see. That's Mariah road.

Mariah or Mariah is here. Yep. and Irwin's over here. Where's the electrical thingy on Mount Mariah Road? Right there. Okay.

Okay, so this is largely... This is Dick's Sporting Goods right here.

Okay, so it's behind Dick's. All right, I think I understand.

And does this development, it looks like it has more involving the west side of Mount Mariah Road versus the east side. Is that accurate? Yeah, everything on the east is going to be preserved.

Okay. So it's just all the stuff behind dicks towards electrical wiring that is that the northern border like

the power the power lines I mean that's the southeastern corner of where it's okay that's all

right

and that's

So that the row the dash line is the proposed roads These are the major like major circulation You know the major circulation through there would be other roads in here, but this would be the major circulation, right? Yeah,

okay I'm just curious about the traffic stuff.

I mean, there's already traffic jams on Irwin Road heading north in the morning.

I live on Timberley behind the church.

And I don't know if it has to do with the new light that they just put in at the Duke School. Thank you for putting that up. But it's already a situation where at 7 /8 in the morning, there's, you know, instead of going all the way to 751, I'm going other directions to get to my dental office in near Durham hospital, near Duke hospital. So I was just curious, and what the constraints are with Irwin Road ever getting expanded? Is that something you guys are aware of or is part of the planning process that?

I could not speak intelligently to you know ultimately how or whether Irwin Road

could be expanded.

Anything to add or color that in Bob?

Yeah I don't have any specific knowledge I mean the biggest impediment to widening something like Irwin would probably be, I'm not sure how wide the bridge is over I-40. It tends to be where the big bucks have to come in to widen something like that. - Yeah, there's no capacity to widen right there. - Yeah.

Okay.

- All right, thank you, that's all I have. - Thank you.

Not Hannah's Irwin? - Yes, that is correct, thank you. So I got maybe two or three questions. - Okay. - Are you planning on incorporating the recommendations from the Triangle Connectivity Collaboration to safeguard the, how would you say, the Habitat Network? - Specifically, no, we're not, we're not,

cause I mean, I don't think we'll be able to do that the zoning stage based on the amount of information that we're going to have. However, we are, we have been in contact with PCC. And if I remember correctly, Eric, I think you're meeting with PCC in like mid December. So I mean, these are things we will consider, you know, at the site plan stage. And we're interested in hearing, you know, kind of what we can add that type of thing. So we're seeking more information from them.

- Gotcha, okay. Okay, and my second one is,

I understand that these are going to be stamped and approved drawings by the city and you need state power there, but how likely is it that anything may change after, you know, if this goes through, how likely is it that this layout would change? And if it does change, will it change drastically?

- So the limits that are shown on the development plan are going to be the zoning. So those aspects cannot change without again rezoning the property.

>> Okay.

All right. Yeah, that was pretty much all I had at the moment. >> Okay. >> Thank you. >> Thank you. I don't see any hands up at the moment. I do see we have a call-in user. So I just want to state that the call-in user would like to be

recognized. If you'll dial star nine, that should raise your hand and I'll be able to recognize you that way. There are a number of questions in the Q &A.

Oh, I'm sorry, there's another hand up. Okay, well, let me go to Melora McCall.

- Hi there. I had typed in my questions along the way through the Q &A, so if you're okay, I'll just go through them. - That's fine. - You know, it makes logical sense. Can you tell us how many people have attended the call today? - I mentioned earlier, there were 25 people on at the moment I answered earlier.

Currently there's 22. - Okay. Do you have any plans to add stormwater reuse systems?

- Not that I'm aware, Bob? No, okay. Okay.

Why is the third driveway on Mount Mariah not drawn in on your plans?

Like, can you clarify where that road's going to connect within the neighborhood?

Um, the... Oh, the one in the middle. Mm -hmm. Yeah, that's just showing where the access point will be. It just remains to be seen where the roads will be internal to there. If that ends up being a multi -family It may just access the multi -family. So The other roads are more circular

Circulators that will bring people into the project that will probably more likely just access pod one So is it possible that third driveway would go away if the multifamily is not located right there? No, it will be there. And it very well could have a public road coming off of it. It's just at this point, we don't know in that case. Okay. And then, Bob, earlier you were,

this is just a clarification, but you were referencing that a third of the project was in Durham, but there's only 30 acres. So it's less than 33%.

You know, the majority of this project is significantly in Orange County. And then the Durham land place type is recreation and open space and the mixed residential neighborhood. And so the majority of the east side of the Durham parcels there are predominantly the rural or excuse me, the open space and not developable.

Right, which is what we're showing. Yeah, it was just a clarification to what you were explaining to some of them. I didn't say anything about the 30%. I think one of the callers made that reference. Okay. And then I had asked at the first

neighborhood meeting about what kind of nearby neighbors or organizations you've contacted to engage in this process. And I just some feed, I think in hearing Um, the Orange County residents who were entirely unaware of this, um, that a wider audience of community engagement is necessary. Um, do you have plans to increase your notification distance for your future mailers and things like that, not just to people who've attended tonight's call? No, um, I, in fact, I don't know that We will be undertaking another mailer, the city of Durham will send out mailed notices for the public hearings. And, you know, I guess I would say, yeah, I mean, we have mentioned earlier, we are, we have been talking to you and have set up future meetings with TCC To try to get some more information, more understanding, we are, I will acknowledge that there is no such thing as too much community engagement. So, you know, I can understand what you're saying, but we were already over the mailing requirement in our mailing. And I understand you're saying, you feel like maybe that's not enough. >> No, I think we've heard from folks on the call tonight that it's not enough, considering the crossing of county lines. >> I mean, we notify people within a thousand feet in Orange County as well. And that's why I just asked if you'd be willing to increase that distance based on the feedback you've heard tonight. My next question was whether or not you've looked at the anticipated noise volume from I -40 for the future residents, since you'll be doing mass clear cutting.

I don't think we would be at that level of detail at this point, so no. No, we've volunteered a hundred foot buffer along the freeway, which is the same as any place or more in the city of Durham, even though it wouldn't be required. Do you know what the buffer is for Orange County?

I don't believe there is one in Orange County. But I don't know because we're not, we're not applying in Orange County.

Right. Are you making any monetary contributions to the Orange County schooling systems as well as Durham, since they're getting the bulk of your students? We have

not considered that. I think that's a fair point. I'll have to look into that.

I think kind of piggybacking on some of the comments and concerns tonight that both OpenSpace and TCC provided feedback about the east side of Mount Moriah needing to be in permanent protection and preservation and managed as a natural habitat which is different from being owned by an HOA or your text comment language of remaining undisturbed. Would you reconsider the language in your commitment to permanently conserve it and ensure that that. It's something we can look into. Yeah, I mean, it's something we can look into. I don't know that I understand the full nuance, but I mean, I'm not like, yeah, let's look into it. I don't know. Great. And some of their feedback was also about conveying the floodplains. This came directly from open space.

They own, Durham County owns portions of the floodplain along the New Hope Creek. That was feedback from them as well. I think that was an important management. Could you provide I'm not like, you're saying open space.

- Yeah, Celeste Burns specifically in their review feedback. - Oh, Durham County then. Okay, got it.

- Would you consider increasing the percent of native species in your replanting efforts to 100 % due to that surrounding habitats? Thank you, Elliot. - I think that is something that we can look into as well. - Great. What is the criteria in, it's regarding your tree preservation, you have two options, 8 .3 .1C41A, which would reduce it from the required 30 % to 20%.

What is it that you would be needing there to reduce it down?

- The ordinance just require, offers options. I'm not going to be able to quote chapter and verse, but if you if you provide multiple product types, and they meet certain percentages, or if you provide a certain level of affordable housing, it allows you to provide 20 % tree save.

If you don't do those things, or you end up grading more than the minimum allowed, the trade -off is the tree safe up to 30%. So at this point, since the project's not been designed, we're basically saying once we know what the

project looks like, we're going to comply with one or the other of those options at that time. So the 5 % you've committed now isn't enough to reduce it to the 20%, you would then also have to commit to

Like I said, I don't know. I don't know the chapter in verse this week. Yeah, I believe the affordable housing Requirements like 10 %

to get to the 20. Okay. Yeah, but there are other

One of them is you can provide three different product types One of them has to be apartments and no single product type, I think can occupy less than I want to say 20 % of the total units. It's kind of complex the way they've written it.

But that's the point. There's a couple options here. We're keeping both options open.

Okay.

This was somebody talked about the DRE and putting comments on there. I just wanted to mention that only the first submission that you guys made is posted on the GRE. So if anybody went to go look, they certainly wouldn't be able to see where your development plan is at today. I'm not sure if you can work with the planning department on having more updated information available. Sure.

I'm happy to reach out to them, let them know. We don't manage that.

I do know, like this issue has come up on another project as well. So I think they may be having some issues. I mean, it's a newer tool for them. So I don't know. Okay. My next question was about your tree protection areas.

Because this is generally, you know, an ecologically sensitive area with all that's going on even on the west side with the natural heritage lands below and the habitat patches distributed throughout. If the tree protection areas are just managed by your HOA, what's the ongoing maintenance for an HOA or the costs to keep track of those lands? Oh, I wouldn't be able answer that.

Oh, I mean, sure, those ultimately are the responsibility of the HOA, and the HOA has the ability to levy dues, and they use those dues to perform the appropriate maintenance. Okay. Yeah, I'll just jump in. Malora, this is Erica. Hi. HOA is all over the triangle,

all over the state, regularly manage these type of tree preservation areas. And they're subject to the same regulations from Durham as anyone else would be. And as Mel said, they're funded appropriately to make sure they're maintained as they're, or I guess in some cases not maintained, but they're protected the way they're supposed to be protected. Okay, so it's a regular occurrence to use natural heritage land or wildlife protected corridors as tree preservation?

- It is, I wouldn't say that's a regular occurrence. I mean, the natural heritage area is a non-regulatory, totally-developable piece of property, which we are showing our building and parking envelope outside of that area. But there is nothing in the UDO that prevents you from developing in the natural heritage area. So I don't know how typical it is to not develop in there, but yes, we are providing tree save areas in areas that we have set aside for not development, including the natural heritage area. That's correct.

Okay, and then we've talked about the traffic on Mount Moriah. Is there a specific group or is it NCDOT that looks at how that traffic is impacting the wildlife corridor?

- I don't know. - I mean, we've talked a lot about the pinch point of 15501 on that corridor along New Hope Creek. And if it's further threatened with traffic on Mount Moriah, I'm just wondering who are you evaluating that with?

- I honestly have no idea If the impact of traffic to wildlife is I Don't I have no idea who looks up Yeah, I'm Abedinus for 30 years and the roads there They're either going to cross it or go under it. I don't think anybody evaluates that that I know of

Okay, I'll follow up on that and we've asked for this previously, but would you reconsider creating a community advisory board to provide input on your site plans and your ongoing development proposal?

I can't. You said you asked for it previously. I'm not aware of that.

I am. I don't know the answer to this question either. But I am happy to talk with the site plan will conform with the development plan and it will follow all

the requirements of the UDO or it won't be approved. I understand that.

Okay, we can follow up after this meeting on that item as well. So, in looking at the development plan, is it. There's no sidewalks that will connect between the development towards Walmart? Is that, that's where the crosswalk will have to go across the street for a portion and then come back over? - That's right. - Yeah, that's right. - Okay. - That's right.

- Okay. - And the reason is because there's an existing sidewalk on the east side of Mount Mariah Road, building another sidewalk on the west side of Mount Railroad would require fill in the floodway and expanded right away across property we don't own.

- Okay, is that an unsafe walk environment for folks then? Would that be fenced off if it's floodway or? - Well, I think it's more of the case that we're not able to commit an off-site sidewalk that requires right-of-way potentially from on property we don't own and we're essentially utilizing the existing sidewalk infrastructure.

That's right.

Okay. I think the last question I had posted was, I'm not clear on, sorry, this question about incorporating the feedback from TCC. You've said you're not able to incorporate it at the zoning stage, I'm not clear on what that means. They've provided their feedback this summer. And most of the information and reports they're using are Durham generated reports and initiatives. - Yeah, so we don't have enough information or engineering level detail on the site to say whether we can do those things. - Like increase your buffers or preserve habitat patches, or? - I mean, I've looked at it.

I don't know what habitat patches they're referring to. - Oh, they provide that.

- I've seen, and the habitat patches are south of our problem. - No, they don't.

- Okay, I

I, this does not change my end. We do not have enough information where we feel comfortable making those commitments at the zoning stage.

- So it's, it's your planning information. It's not that TCC hasn't provided you with

enough. It's that you -- Oh yeah, no, no, no. I'm not, yeah, yeah, yeah, yeah.

This is us. We do not have engineering level detail feel comfortable making those commitments.

- Okay. - Okay, I think that was my laundry list, thank you now. - Thank you,

at the moment there are no other hands raised. It's 7 .45,

there are a number of questions and comments that have been put in the Q &A.

So I'm going to take a minute, I'm not going to read all of them because I imagine a lot of these have been answered. I'm going to try to go through them, and if I see one that hasn't been answered, I'm going to address it. If I skip your question, and you feel like it wasn't answered, by all means, raise your hand. But I'm just going to start scrolling through, and maybe a little bit of silence, but feel better with me. I do want to try to get these questions answered if I can.

Someone asked, is 5305 Mount Meriah Road included in the property, or not part of project. Bob, I'm going to let you look that address up. It was 5305 Mount Mariah and I'm going to keep going on the list.

Answered. Okay. Answered. Answered. Answered.

Someone asked what measures will you take to ensure protections of any wells and well water during construction?

I'm just going to make an assumption that this question doesn't say it, but that is primarily about blasting. And I will say there are procedures before blasting where you do pre -blasting and post -blasting inspections and provide notice.

So I think that's my short answer to that question, if there is blasting?

- Yeah, answered. - NL 3305, Mount Moriah Road is included in the zoning.

- Okay.

- We did that,

we answered that, answered that, answered that,

Okay, it's that right.

We discussed that discuss

that

Okay. Oh, these are, I think, Malora's questions, which we went through, into that, into that.

Oh, yeah, That was mentioned.

So someone asked, does this mean the apartments will be in Orange County? That's very possible.

Someone said Durham is currently functioning at a water deficit of approximately 1.1 million gallons per day. We anticipated water sewer billing of the proposed development and tax revenue from the 1000 units of Mariah Ridge make any debt in terms of exorbitant and ever increasing water costs. Durham projects water and projects water and sewer rate increases for the next five years. At various percentages, well, the approval amount of Mariah Ridge help alleviate future water rate increases once it is built, or simply add to water deficits. It seems counterintuitive to annex areas outside of the UGB and outside of Durham County when Durham is currently purchasing water. From sound carry to accommodate our deficit. So I will say that I can't answer this question specifically, but this is the type of thing that is reviewed by the city for every annexation request. They do a fiscal impact analysis and so that hasn't been done yet, but that is something that they will do if this project goes forward from the planning commission to the city council.

Yeah, what does it mean?

That's one more question.

This is the one that the one more question on traffic the road in the development forms a shortcut between Mount Mariah and Irwin What consideration has been made for external traffic that may use this shortcut from the existing apartments and the ones being built on 15501 I Can't answer that question, but that is something that we can try to get more information from our Traffic Um, so it's almost eight o'clock. I did roll the, so I rolled through all the question. Let me just give a minute. If anyone feels that they put a question in that wasn't answered by all means, feel free to raise your hand. I'm happy to try

to address it. Otherwise I want to thank everyone for coming tonight. Um, and, uh, I will just mention again that the first public hearing that is scheduled will be December 10th. That's the city County Planning Commission at City Hall in Durham, and I believe that means such a 530.

Thank you all, and have a great night.

I don't see any other hands raised, so.