

Minutes

PLANNING BOARD AND BOARD OF COMMISSIONERS

Joint public hearing

7 p.m. January 18, 2024

Town Hall Annex Board Meeting Room, 105 E. Corbin St.



Present

Town board: Mayor Mark Bell and commissioners Meaghun Darab, Kathleen Ferguson, Matt Hughes and Evelyn Lloyd

Planning Board: Chair Frank Casadonte, Vice Chair Hooper Schultz, and members Cassandra Chandler, John Giglia, Robert Iglesias, Sherra Lawrence, Saru Salvi and Christian Schmidt

Absent: Board of Commissioners: Robb English

Staff: Planning and Economic Development Manager Shannan Campbell, Planner Molly Boyle, Stormwater and Environmental Services Manager Terry Hackett and Town Attorney Bob Hornik

1. Call to order and confirmation of quorum

Mayor Mark Bell called the meeting to order at 7:00 p.m. and passed the gavel to board chair Frank Casadonte, who shared one agenda change: agenda changes and approval moved to item 2 and Planning Board appointments moved to item 3.

2. Agenda changes and approval

Motion: Commissioner Kathleen Ferguson moved to approve the agenda as amended. Member Cassandra Chandler seconded.

Vote: 12-0.

3. Planning Board appointments

Planner Molly Boyle explained that only Planning Board members would vote on the appointments and that members could vote on one motion to reappoint both members up for reappointment.

Reappointment of members Robert Iglesias and Hooper Schultz to three-year terms expiring January 31, 2027

Motion: Chandler moved to reappoint both members. Member John Giglia seconded.

Vote: 6-0 (Iglesias and Schultz did not vote since the motion dealt with their reappointments.)

4. Minutes review and approval

Draft minutes from June 15, 2023 (Regular Planning Board Meeting)

Motion: Chandler moved to approve the minutes as presented. Schultz seconded.

Vote: 8-0

5. Open the public hearing

Motion: Commissioner Matt Hughes moved to open the public hearing. Member Saru Salvi seconded.
Vote: 12-0

6. Text amendments to the Unified Development Ordinance

A. Text amendment to various UDO sections on riparian buffers and variance procedures (staff-initiated)

Stormwater and Environmental Services Manager Terry Hackett provided background on the proposed amendment. The town has delegated authority from the state to enforce the Neuse riparian buffer rules. In 2020 the state revised its buffer rules. Recently, two or three residents who have lots that would be substantially encumbered with stream buffers prompted staff to study the new state rules more closely. The proposed changes have mostly to do with the table of uses. The uses are largely the same but are more specific, which will make them more enforceable.

Member Christian Schmidt asked about differences between the new town requirements with the state requirements. Hackett said the town's rules were in some cases more stringent. He cited as an example the town's rule that the use of herbicides in removing vegetation requires written authorization, whereas the state rules do not.

Hughes asked how would the "kick in" provision work for an unmapped stream. Hackett explained that because the new state rules had dropped an earlier provision about identifying streams using field evidence, town staff added that provision because there are streams in the town that are unmapped, especially in the historic district. If planning staff see evidence of a stream on a topographical map, they will direct the applicant to contact stormwater staff to request a field determination.

Hackett also explained changes to the variance process. He said town staff determined that if a use is not on the table of uses, then it's prohibited and an applicant seeking a variance would have to appeal to the state. Hughes asked Town Attorney Bob Hornik if this is an area where the state allows a municipality to impose more stringent rules than the state. Hornik explained that when the issue arose a few years ago, the state at first said local governments could not, but then began issuing waivers, so he thought the town's stricter rules would be permitted.

Casadonte asked Hackett what the process is once the changes are passed. Hackett explained the town must next submit changes to the state. Once reviewed by the Department of Environmental Quality staff, the proposed changes will be sent to the Environmental Management Commission. He expects a decision by May. Hornik added that this amendment was the only one on the agenda that would need approval from the state.

B. Text amendment to UDO Section 6.21.3 Design Standards - Public Streets (applicant-initiated)

Boyle explained that the applicant originally sought a change to allow right of way (ROW) reductions for local streets if no on-street parking was proposed, with a minimum ROW width of 48 feet. Staff recommended some changes, not specific to local streets, and the applicant agreed with the revisions. The amendment allows ROW reduction if on-street parking is allowed but not proposed. Town review and approval would be required. The amendment includes ROW widths for multi-lane avenues pulled from the street manual, bringing it in line with the Unified Development Ordinance (UDO).

Applicant Oliver Kaija from Bohler Engineering in Raleigh said he was representing E. J. Shaw and the Shaw Family trust, which owns a parcel on Waterstone Dr. In researching the site development and dedication of public right of way (ROW), he found a discrepancy between the town's street design manual and the UDO for

allowed ROW widths. He said the amendment would allow more projects like his to bring streets into the public right of way.

Asked by Schmidt if a ROW includes sidewalk, Boyle said it normally does. Schmidt expressed concern that moving parking off the street might create opportunities for cars to pass over pedestrian pathways. Boyle said in instances when staff had concerns that a design would infringe on pedestrian safety, they wouldn't approve. She said the amendment simply aligns the UDO with the street manual, allowing flexibility, but doesn't rule out on-street parking.

Hughes noted that the town board has adopted a policy of not encouraging more private roads and expressed concern that shrinking the width of roads would negate that policy, adding he was wary of amending town-wide code for a particular project. Boyle explained this particular project had drawn town staff's attention to a discrepancy between the town code and its street manual. She said any proposal that didn't meet the requirements of solid waste or public works would be denied by staff. She added the width of a ROW would be reduced only when on-street parking is allowed but not proposed and would at most be reduced to 48 feet, which is the width of the local ROW minus the standard 9' depth of a parking space on both sides of the street. Hughes noted there had been issues in the past with allowance of on-street parking on private roads that later were converted to public roads and that he wanted to ensure roads are wide enough to accommodate school buses and provide sufficient parking.

Ferguson said the board had addressed issues with school bus clearance in past discussions. Boyle said staff could add language about meeting requirements for access by fire and other vehicles. Chandler said even without designated on-street parking, drivers still park along the street. Ferguson, noting safety issues with delivery and construction vehicles parking on the street, asked if reductions in ROWs would create a hazard. Planning and Economic Development Manager Campbell said many of these problems were the result of previously designated private streets being converted to public streets after construction. She said these requirements apply just to new public streets, where wide ROWs aren't necessary if the developer is not going to provide on-street parking. She said the town is no longer approving private streets for residential subdivisions over four lots.

Ferguson asked again if reducing widths of ROWs would create hazard, noting the rise in vehicles making home deliveries. Campbell said the town had added loading zones downtown because of drivers stopping in the middle of the road. Schultz noted that wider roads can create their own dangers, such as speeding and excess impervious surface. Ferguson and Chandler said many local streets are being impacted by the rise in home delivery services. Kaija said he recognized the challenges with residential collector streets, but said with his project, which is likely to be multifamily, with possible some office space, there would be dedicated curb cuts off the roads with their own parking. His client would be required by code to provide a loading zone for any building whose use requires it. He said that dedicating a 60' wide public ROW with on-street parking that won't be utilized makes the project untenable because of nearby stream buffers, adding that removing on-street parking would actually widen the lanes from 10 to 11.5 feet. He said his client wants to dedicate these as public ROW to create connectivity and that town staff would make sure they meet requirements for utilities and emergency vehicles.

Iglesias asked if the amendment would help mitigate problems with parking like those reported in the Collins Ridge development. Boyle said she wasn't sure and that illegal parking on the street was more of an enforcement issue. She noted wider ROWs and unnecessary impervious surfaces create their own problems, such as speed, and can encourage more parking on the street. Chandler asked how staff had landed on the 48-foot width. Boyle said that it was the absolute minimum ROW allowed for a residential local street if on-

street parking is eliminated on both sides; it wouldn't be a practical minimum for a collector street, which has a larger ROW.

Hornik pointed out that 48 feet is the minimum width staff might allow; staff must be satisfied a proposal meets safety standards and other requirements before approving that width. Schmidt asked how the amendment would provide incentives for developers to dedicate more public ROWs. Kaija explained that when on-street parking is required when it's not congruent with a development, it takes away 16 feet of developable, marketable land that could be used for private parking or other amenities. He added that while the amount of private land retained by the developer would be increased, its use would still be subject to staff review.

Asked by Schmidt if town staff could ask developers for extra pedestrian safety measures like cutouts for delivery, Boyle said yes, the town can negotiate. Member Saru Salvi asked how other towns handle the issue. Boyle said she didn't have data on hand, but that there are standard widths for drive aisles and these were consistent with the other jurisdictions where she had worked. Kaija said he thought the town's standards for widths of lanes, planting strips, and utilities were congruent with those of other municipalities. Board member John Giglia asked if the reduction of ROWs would impact future bike lanes. Boyle said if a proposal concerned an area where the town wanted to account for bike lanes, staff would consider that in reviewing a proposed reduction.

C. Text amendment to UDO Section 6.21.2 Streets - Applicability (staff-initiated)

Boyle explained this amendment clarifies that the section applies not just to new streets but also improved streets. Bell asked if the difference between new and improved had ever been an issue. Campbell said no, the distinction is a standard one that isn't currently codified in the UDO. She said an improved street might be one whose layout is changed when a property is redeveloped. Hornik added that some private streets in the Waterstone development that were turned over to the town would be classified as improved. Campbell added that an improved road is one that has been more than resurfaced, for instance a gravel road that was converted into a public paved road. She noted the town's standards for public roads are somewhat more stringent than those of the NC Department of Transportation (DOT).

D. Text amendment to various UDO sections on government maintenance yards (staff-initiated)

Boyle explained that town staff were recently surprised to discover that government maintenance yards were required to seek a special use permit in the light industrial district, unlike comparable uses in the district. The amendment would make these yards permitted by right in the light industrial district. She explained the amendment doesn't exempt a government maintenance yard from seeking applicable development permits, such as for building or land disturbance. Campbell clarified the amendment would not apply to the state's DOT, but only to the town and Orange County. Hughes asked if the change would apply to county school transportation yards. Campbell said most likely.

E. Text amendment to various UDO sections on off-street parking (staff-initiated)

Boyle explained that this amendment was intended to consolidate and clarify by putting all references to off-street parking in the UDO in one section. It applies to everything except 1- and 2-family units and keeps the current allowance of one row of parking and one drive aisle in front of the primary structure, with a maximum width of 44 feet. Additional parking must be behind or to the side of the primary building. It also corrects an issue with the parking reduction and additions formula that didn't work for less intensive land uses.

Schmidt asked if the formula would fit better in the administrative section. Boyle said she considered it but thought it best to wait until the upcoming UDO rewrite. Hughes asked how the amendment would factor into the UDO rewrite and how it relates to the recent proposal from Holy Family church for additional parking.

Campbell said the amendment doesn't affect the current minimum parking formula, adding that the change extends the standards to redeveloped as well as new properties. Campbell said she expected the town to revisit parking issues in the upcoming revision of the UDO.

Bell commended Boyle on running her first public hearing with the town.

7. Close the public hearing.

Motion: Ferguson moved to close the public hearing items. Schmidt seconded.

Vote: 12-0

8. Planning Board recommendation(s)

Boyle explained the board was not required to make recommendations but could recommend any amendments it was ready to recommend. Casadonte asked if there were any text amendments the board wanted to discuss further. Several members said the applicant-initiated public street amendment needed more discussion.

Motion: Schultz moved to recommend to approve text amendments in sections 6A, C, D, and E as written. Schmidt seconded.

Vote: 8-0. Motion passed.

Casadonte asked if the board wanted to workshop the amendment on public streets. Some members said they had trouble envisioning a 48' ROW. Campbell said staff could provide widths for sample streets and provide cross sections at the next meeting. Asked about developers' options for designating streets as private, Campbell said the town now allows private streets only in apartment complexes and commercial shopping centers. She explained that current design guidelines make on-street parking an option for public streets but don't allow the option to reduce ROW widths if it is not provided. Schmidt said that if the town is giving a developer square footage by removing on-street parking, the town should get something in exchange, for instance features that mitigate congestion by delivery vehicles. Casadonte summarized the next steps and said the board would work on the amendment in its February meeting.

9. Updates

A. Board of Adjustment

Iglesias reported there had not been a meeting. The next one is scheduled for February.

B. Parks and Recreation Board

Schultz reported the board, which met on the previous Tuesday, is exploring the possibility of adding basketball courts to the priorities list for the Cates Creek masterplan. Members also discussed the Ridgewalk and added board member Wendy Kuhn to the Orange County Climate Council.

C. Staff and Board Members

Campbell invited new board member Schmidt to introduce himself. Schmidt said he had moved to the area in July and is employed by an urban planning consulting firm in Chapel Hill that is working with Orange County to update its land use plan.

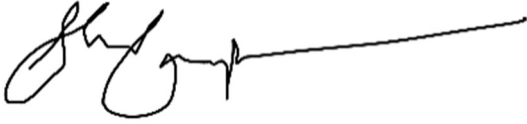
10. Adjournment

Motion: Chandler moved to adjourn the meeting. Schultz seconded.

Vote: 8-0.

Meeting adjourned at 8:33 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shannan Campbell', followed by a long horizontal line extending to the right.

Shannan Campbell
Planning and Economic Development Manager
Staff support to the Planning Board

Approved: March 21, 2024