

Agenda

PLANNING BOARD

Regular Meeting

6:30 p.m. March 21, 2024

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



1. **Call to order and confirmation of quorum**
2. **Agenda changes and approval**
3. **Approval of minutes**
 - A. December 21, 2023
 - B. January 18, 2024
 - C. February 15, 2024
4. **Organizational Meeting**
 - A. Chair and Vice-Chair elections
 - B. Committee appointments
 - C. Upcoming absences and vacancies
5. **Updates**
 - A. Board of Adjustment
 - B. Parks and Recreation Board
 - C. Staff and Board Members

6. Adjournment

Interpreter services or special sound equipment for compliance with the Americans with Disabilities Act is available on request. If you are disabled and need assistance with reasonable accommodations, call the Town Clerk's Office at 919-296-9443 a minimum of one business day in advance of the meeting.

Public Comment Instructions

For agenda items and items not on the agenda

Public Comment — Written

Members of the public may provide written public comment by submitting it via the Planning Board [contact form](#) by noon the day of the meeting.

When submitting the comment, include the following:

- Date of the meeting
- Agenda item you wish to comment on (Example: 5C)
- Your name, address, email, and phone number

Public Comment — Verbal

Members of the public can indicate they wish to speak during the meeting by contacting the Planning Board's staff support at 919-296-9473 or through the board [contact form](#) by noon the day of the meeting.

When submitting the request to speak, include the following:

- Date of the meeting
- Agenda item you wish to speak on (Example: 5C)
- Your name, address, email, and phone number

Members of the public can also attend the meeting and sign up to speak prior to the meeting starting. For concerns prior to the meeting related to speaking, contact staff support at 919-296-9473.

Minutes

PLANNING BOARD

Regular meeting

6:30 p.m. December 21, 2023

Human Resources Training Room, Town Hall Administration Building 101 E.
Orange Street



Present: Chair Frank Casadonte, Vice Chair Hooper Schultz, Cassandra Chandler, John Giglia, Robert Iglesias, and Sherra Lawrence

Absent: Saru Salvi, Christian Schmidt

Staff: Planning and Economic Development Manager Shannan Campbell, Planner II Molly Boyle, and Stormwater and Environmental Services Manager Terry Hackett

Jeanette Benjey, a potential new extraterritorial jurisdiction representative for the Planning Board, was also in attendance. Her appointment is pending approval from the Orange County Board of Commissioners.

1. Call to order and confirmation of quorum

Chair Frank Casadonte called the meeting to order at 6:32 p.m. Planning and Economic Development Manager Shannan Campbell confirmed the presence of a quorum.

2. Agenda changes and approval

Campbell proposed adding the introduction of new town planner Molly Boyle as item 3. She said Boyle will be staffing the Planning Board while Campbell works on the town parking study, revision of the United Development Ordinance (UDO), and an update of the land use plan in keeping with the town's comprehensive sustainability plan.

Motion: Vice Chair Hooper Schultz moved to amend the agenda as presented. Board member John Giglia seconded.

Vote: 6-0

3. Introduction of Planner Molly Boyle and incoming board member Jeanette

Campbell introduced planner Molly Boyle, who shared her background with the Board. Jeanette Benjey, a potential new extraterritorial jurisdiction board member, introduced herself. Board members in attendance introduced themselves to Boyle and Benjey.

4. Minutes review and approval

August 17, 2023, Joint Public Hearing.

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

Vote: 6-0

5. Adopt 2024 Planning Board meeting schedule

Casadonte explained that the 2024 schedule includes 11 meetings, 4 of them joint public hearings, with no meeting in July. Schultz asked if calendar invites could be sent to board members for the meeting dates. Boyle said they could.

Motion: Schultz moved to adopt the schedule as presented. Board member Robert Iglesias seconded.
Vote: 6-0

6. Discussion

A. UDO text amendment: Riparian buffers and variances

An amendment proposed by Stormwater and Environmental Services that updates sections on riparian buffers and associated variance procedures.

Stormwater and Environmental Services Manager Terry Hackett provided an overview of the proposed changes. He said the overall intent of the proposed amendment was to help staff enforce the new state riparian buffer rules. He said the amendment provides more flexibility to staff in enforcing rules by expanding uses which include more specific requirements and conditions; creates more specific impact thresholds, making rules more enforceable; updates “diffuse flow” of stormwater requirements to meet new state standards; provides parity between the town and private citizens and developers regarding allowed impacts; increases flexibility for development of infill lots that often have streams; and corrects factual and typographical errors.

He explained that the former arrangement whereby minor variance requests were heard by the town’s Board of Adjustments was onerous. Under the proposed amendment, variances can be sought only for a prohibited use and must be granted by the state. He also explained that the town has retained its “kick-in clause” that allows staff to determine if a stream exists even if it is not mapped. He said some streams depicted on maps no longer exist, while some existing streams were never mapped, partly due to changing rainfall patterns.

Casadonte asked board members to review the proposed changes. Boyle explained that variance requests will go the state Environmental Management Commission rather than the town’s Board of Adjustment. Iglesias asked if that board no longer had oversight on riparian buffer issues. Hackett said that was correct.

Iglesias asked where the 50-foot riparian buffer standard originated. Hackett explained 50 feet was the state minimum. He said some jurisdictions, like Orange County, have wider buffers, which may not provide more water quality protection but may provide better wildlife corridors and protection for sensitive aquatic species. He added that along the Eno River, flood plain rules supersede the 50’ riparian buffer. Boyle noted that under the new proposed table of permitted uses, certain uses are allowed within the outer zone (Zone 2) that are not permitted within the inner zone (Zone 1). Asked by Casadonte if “allowable on authorization” referred to state or town authority, Hackett said the phrase referred to the town.

Iglesias asked how fertilizer usage in riparian buffers was monitored. Hackett said by neighbors and town staff, who try to educate homeowners and developers on the topic.

Schultz asked about the provision for dewatering wells. Hackett explained that mines may pump out water if it is clean and noted that the state, not the town, has jurisdiction over mining operations. Schultz asked if the removal of nuisance vegetation using pesticides or herbicides should be deemed allowable since these treatments might go directly into the water. Hackett noted that the town’s Tree Board applies EPA-approved herbicides in a very spot-specific manner to remove invasive species. Schultz recommended the town have

oversight of all herbicide use in riparian buffers. Hackett said he was open to moving that use to the “allowable upon authorization” column.

Iglesias asked why the proposed amendments are an improvement. Hackett said they make the ordinances more enforceable by defining uses more specifically and what the limits are to certain uses. Campbell added they also give staff more flexibility in making judgement calls. Giglia asked what the procedure would be for an appeal. Hackett said there is no formal mechanism; parties appealing a decision would need to hire an attorney.

Motion: Iglesias moved to send the amendment to the town board with proposed changes. Schultz seconded, clarifying the proposed changes were to make “removal of nuisance vegetation” in item IX under section oo) Vegetation Management of the Permitted Uses table “allowable with authorization” instead of “deemed allowable and to add the word “herbicide” to the described use. Schultz seconded.

Vote: 6-0

Hackett asked how he should share with the boards any suggested changes to the proposed amendments made by the state. Campbell said they could be shared at the next public hearing.

B. UDO text amendment: Streets

An amendment clarifying requirements for streets in Hillsborough’s jurisdiction and when those requirements apply

Boyle explained that the proposed amendment was intended to clarify that the latest town standards apply not just to new, but also improved streets.

Motion: Schultz moved to send the amendment as-is to the town board. Chandler seconded.

Vote: 6-0

C. UDO text amendment: Government maintenance yards

Proposes to make government maintenance yards permitted by right in the Light Industrial (LI) district instead of requiring a special use permit (SUP)

Boyle explained that town staff had discovered that, under the current UDO, land uses more intensive than government maintenance yards were permitted by right in the light industrial zoning district (LI). The proposed change makes permitting requirements consistent throughout the LI district. Campbell added that the town’s maintenance yard on Hwy 86 N may be expanding and requiring a special use permit would be onerous.

Motion: Chandler moved to send the amendment as-is to the town board. Giglia seconded.

Vote: 6-0

D. UDO text amendment: Off-street parking

An amendment to clarify off-street parking regulations and consolidate them under Section 6.13 Parking, Loading, and Circulation

Boyle explained that off-street parking is regulated in several different places in the current UDO with some slight inconsistencies. The proposed amendment consolidates these references under Section 6.13 and

applies the same standard to all development, except one- and two-family detached homes, which are not subject to Section 6.13.

Schultz questioned the requirement of any off-street parking minimums, given the availability of public parking and the town's commitment to denser development. Boyle suggested staff might propose more revisions to off-street parking once the upcoming parking study was complete. Campbell agreed that the study would inform later revisions of the UDO.

Motion: Schultz moved to send the amendment to the town board, with a note suggesting the town move away from parking minimums. Iglesias seconded.

Vote: 6-0

E. UDO text amendment: Accessory dwelling units (ADUs) and home occupations

Proposes to allow larger ADUs and home occupations and also to establish minimum setback/location requirements for detached ADUs

Boyle explained the proposed amendment was meant to create more opportunities for reasonably sized ADUs and to avoid penalizing owners of small houses. Staff is proposing to increase the maximum size for ADUs to 50% of the gross floor area of the primary dwelling or 1,000 square feet, whichever is greater, but not larger than the primary dwelling. She described the proposed location requirements for ADUs. She said the amendment also increases the maximum size for home occupations, since it is common to propose home occupations in ADUs.

Chandler asked if there was a limit to the number of ADUs per lot. Boyle said the limit would still be one. Giglia asked if there was a minimum lot size. Boyle said no; applicants need only meet setback requirements. Chandler asked about potential problems with increased parking; Boyle said there is currently a limit of one parking space per bedroom. Giglia expressed concerns about ADUs making demands on a sewer and water system that is already at/near capacity. Campbell said ADU water usage was negligible and not a concern for the utilities director.

Casadonte asked about setback requirements. Campbell explained that under the current UDO, ADUs are subject to the same setback requirements as primary dwellings, which makes adding an ADU or converting an existing structure into an ADU impossible in many cases. As a result, some residents are calling their ADUs home offices to evade those requirements. Reducing the setback requirement will promote more transparency. She said the amendment changes rules for both home occupation and ADUs because many residents combine home occupations with ADUs. The Tourist Development Authority recently pointed out that the town treats short-term rentals of 1 to 2 bedrooms as home occupations, which currently have a space limit of 600 square feet. Most ADUs are larger than that. Staff is proposing to make maximum sizes for home occupations and ADUs the same. She noted the town has seen a growth in home occupations since the Covid pandemic, and the amendment will make it more likely people will apply for home occupation permits, allowing staff to have more oversight.

Schultz said the amendment would also promote more affordable housing by offering more rental alternatives. Boyle noted there has been much discussion in planning departments about relaxing ADU standards for this reason. Campbell added that many residents want to add an ADU but cannot under current restrictions. Iglesias pointed out the amendment will not increase home ownership, only rental options. Campbell said the revision of the town's UDO will likely promote home ownership by allowing more duplexes and triplexes.

Casadonte noted that short-term rentals were driving up home prices in some communities. Schultz said the town has restrictions on short-term rentals. Campbell explained the town allows short-term rentals of up to two-bedrooms, but not whole-house short-term rentals.

Casadonte asked if board members were ready to make a recommendation. Some board members felt the maximum size for ADUs should be 1,000 sf rather than 1,250 sf.

Motion: Schultz moved to send the amendment as-is to the town board. Lawrence seconded.

Vote: 5-1. Nays: Iglesias.

Iglesias said he didn't fully understand all the measurements and dimensions specified in the amendment. There was discussion of setbacks and other restraints on the construction of ADUs; Boyle said some language in the amendment might need editing for clarity. Campbell said staff could prepare diagrams to illustrate the proposed changes, and the board could postpone making a recommendation to the town board at the next public hearing and discuss the amendment further in its February meeting.

7. Updates

A. Board of Adjustments

Iglesias reported the board had not met recently.

B. Parks and Recreation Board

Schultz summarized proceedings of the last meeting in October. The board began planning for fiscal year 2025, including the construction of a \$300,000 skate park. Plans are underway to provide access to the Eno River in Gold Park using wood mulch. Planners for the \$16 million Ridgewalk have encountered obstacles navigating the right-of-way owned by the NC Railroad and the Churton St. bridge, which is owned by the NC Dept. of Transportation.

C. Staff and Board members

Campbell reported that plans for the new train station are moving forward, with site plans recently submitted. The project is expected to be completed in 2027.

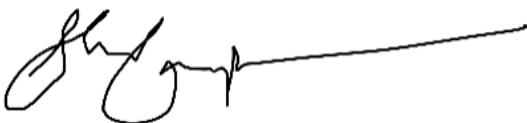
Giglia asked if new developments could be required to install solar panels on roofs. Boyle said it would be difficult to require their installation but said the town might explore ways to incentivize their adoption. Campbell added that the town had recently made it easier to install rooftop solar panels in the historic district.

8. Adjournment

Motion: Schultz moved to adjourn the meeting at 8:33 p.m. Chandler seconded.

Vote: 6-0

Respectfully submitted,



Shannan Campbell, Planning and Economic Development Manager

Staff support to the Planning Board

Approved: Month X, 202X

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.

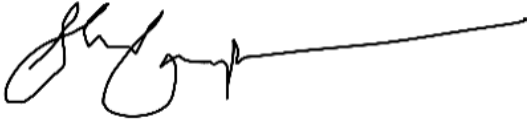
10. Adjournment

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', with a long horizontal line extending to the right.

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

Approved: Month X, 202X

DRAFT

Minutes

PLANNING BOARD

Regular meeting

6:30 p.m. February 15, 2024

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



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

Staff: Planner II Molly Boyle and Planning and Economic Development Manager Shannan Campbell

1. Call to order and confirmation of quorum

Chair Frank Casadonte called the meeting to order at 6:30 p.m. Planning and Economic Development Manager Shannan Campbell confirmed the presence of a quorum.

2. Agenda changes and approval

Motion: Vice Chair Hooper Schultz moved to approve the agenda as presented. Board member John Giglia seconded.

Vote: 8-0

3. Minutes review and approval

December 21, 2023, Regular Meeting and January 18, 2024, Joint Public Hearing

Motion: Board member Cassandra Chandler moved to approve both sets of minutes as presented. Schultz seconded.

Vote: (none)

4. Discussion

A. UDO text amendment: Section 6.21.3 Design Standards - Public Streets

Boyle noted board members' earlier concerns about a 48' foot right-of-way being too narrow, particularly for residential streets, and how sidewalk and planting strips might be impacted by the narrowing of a right-of-way. She said the revised proposal provides more detail and has removed residential streets, so that the amendment applies only to commercial local and collector streets. She noted that the town's street manual follows the NCDOT's complete streets guidelines and adheres to AASHTO's standards for lane widths for urban and suburban streets.

She projected images of commercial local and industrial streets from the town's street manual and shared illustrations of those streets with on-street parking eliminated and the rights-of-way reduced by the width of the removed parking spaces.

Oliver Kaija of Bohler Engineering spoke on behalf of his client, V.J. Shaw. He said the text amendment created flexibility. He explained his firm would still be held to the same design criteria, such as turning radiuses, lane widths, and other requirements. He shared a rendering for a proposed right-of-way section for his project to illustrate that parking requirements for respective uses would be met. He shared other

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examples of developments proposing to dedicate public rights-of-way where on-street parking doesn't serve the purposes of the buildings.

Chandler asked when on-street parking is removed if the number of parking spaces lost is figured into parking lots. Kaija said yes, the same minimum parking requirements would apply. Schultz asked what is the process by which a road is designated commercial industrial vs. residential. Boyle said that designation is determined by traffic volume, speed limit, and land uses, amongst other things. Schultz said he thought it was a mistake to make that distinction in the UDO if the town wants to promote mixed-used development. Boyle said there probably needs to be a change to the street manual, on which the UDO is dependent. Schmidt said he'd search the UDO and didn't find any reference to "commercial industrial street." Boyle explained that the UDO is older than the town's street manual, so it has few references to it. When the UDO is updated, it will have more references to the street manual.

Boyle added that development projects have to be vetted by the Technical Review Committee, which includes representatives from the fire marshal's office, utilities, planning, and solid waste. Some projects, like a rezoning for a mixed-use development, would also be reviewed by the Planning Board and the Board of Commissioners. Schultz said he thought the board should allow the right-of-way reduction for residential as well as commercial streets. Schmidt also supported the potential to narrow street widths in residential areas. Chandler said her earlier concerns about a minimum 48' right-of-way for residential streets had been alleviated. Boyle noted that the Planning Board could recommend adding reductions for residential streets back into the amendment if desired.

Schmidt asked how much discretion the text amendment would give town planners in making decisions on rights-of-way and if there were sufficient guidelines to direct their decision-making. Boyle noted that planners would consult with their technical partners on the Technical Review Committee, such as Public Works and the Fire Marshal; if those partners had issues, the right-of-way reduction would not be granted. Planners would not make the decision alone. Iglesias asked how the proposed amendment would benefit the entire town and if instead, staff might address the issue on a case-by-case basis. Boyle explained that currently, the UDO doesn't allow right-of-way reductions. The amendment would give staff the flexibility to make decisions on a case-by-case basis; currently, that flexibility does not exist. She noted there were other types of development where that flexibility would be helpful.

Casadonte noted that Boyle said that residential streets could be added back into the text amendment and that Chandler's concerns about the 48' minimum right-of-way width had been alleviated. Schultz proposed passing the amendment on to the Board of Commissioners with residential streets added back in because he thought, in the interest of long-term planning, it would be a mistake to take out an option for developers in the future. Salvi expressed concerns that the amendment leaves too much to the subjective judgment of a town official. Boyle said planners consult the entire UDO and are bound to what the UDO says. She said bigger deciding factors in this case would be concerns of police, fire, utilities, and public works, who have their own requirements to enforce for public roads. Schmidt asked Boyle if there was enough content in the amended ordinance for planners to make a decision at a level of interpretation she was comfortable with. Boyle said yes, but that the Planning Board could add more conditions or standards if desired.

Salvi and Iglesias expressed reservations about having the amendment apply to residential streets. Schultz then withdrew his motion to include residential streets. Casadonte said the goal of the text amendment was to create flexibility for staff, whose decisions still require multiple levels of review. He noted that the board hadn't talked about multi-use developments in its earlier discussion. Schultz acknowledged there is currently no multi-use designation for streets.

Motion: Schultz moved to recommend approval of the amendment as written. Salvi seconded.
 Vote: 7-1 (Nays: Schmidt)

Schultz and Schmidt asked if the board can explore further what is meant by commercial vs. residential streets. Campbell said those definitions would be addressed in the revision of the UDO. Schmidt said he thought that revision should allow for narrowing of residential streets.

B. UDO text amendment: Accessory dwelling units (ADUs), home occupations, and short-term rentals

Boyle explained that at its last meeting, the Tourism Development Authority had asked for three additions to the amendment: to allow ADUs to encroach into side and rear setbacks (the UDO allows accessory *buildings* to do this, but not accessory dwellings); to define a short-term rental; and to clarify that a short term-rental is allowed with a home occupation permit. Salvi asked about setbacks. Boyle explained that with the amendment, ADUs could be no closer than 5' to the side and rear property lines. Members asked if a resident needs the home occupation permit in order to run a short-term rental. Boyle said yes.

Boyle said currently the maximum size for an ADU is based on heated living area. Town staff is proposing to change that to gross floor area, which would make the ordinance easier to enforce; staff can measure a dwelling's gross floor area using GIS but not its heated living area. Schultz noted that a person has to live on the property to obtain a home occupation permit for that property. Boyle confirmed that the subject property has to be the owner's primary residence; this would prohibit non-residents from buying properties in Hillsborough and using them solely as short-term rentals.

Casadonte asked about the process for applying for a home occupation permit. Campbell said staff ask many questions about what the proposed home occupation entails and noted that several types of businesses are not allowed as home occupations, such as kennels, arms dealing, and automotive repairs. She explained that town staff has been permitting short-term rentals as home occupations, which is the closest approximation in the table of permitted uses. The Tourism Development Authority members didn't feel like that provision was clear enough and that the UDO doesn't help potential short-term rental owners find information. Their proposed changes are meant to clarify current practices. She said that because of current setback requirements, people are building ADUs but misrepresenting them as home offices or sheds – since those buildings currently have more lenient setback requirements compared to accessory dwelling units.

Schmidt asked for clarification about the language around free-standing structures. Members asked about the requirement that an ADU be located behind or to the side of the primary residence. Boyle said it's okay for an ADU to be close to the primary residence, but it should be located behind its front façade. Giglia asked in what parts of town would ADUs be allowed. Boyle said it would depend on the site, HOA restrictions, etc. Casadonte said the town has been trying to encourage short-term rentals, which allow passive income for residents on fixed incomes.

Motion: Schmidt moved to send the amendment forward to the public hearing in April. Schultz seconded.
 Vote: 8-0

5. Updates

A. Board of Adjustment

Iglesias said he wasn't able to attend the last meeting. Campbell said a special use permit for Collins Ridge Phase 2 was approved.

B. Parks and Recreation Board

Schultz said the board had not had a meeting since the last Planning Board meeting.

C. Staff and Board members

Boyle reported that Schultz and Iglesias had been officially reappointed to the Planning Board. She said the board's next meeting would be an organizational meeting.

Giglia asked if the board could explore incentivizing rooftop solar installations in new developments. Boyle said staff is looking into how text amendments might do that. Giglia said he was concerned that it will be hard to retrofit these new developments for solar installations once they're built.

6. Adjournment

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

Vote: 8-0

The meeting adjourned at 7:30 pm.

Respectfully submitted,



Molly Boyle
Planner II
Staff support to the Planning Board

Approved: [Insert date]