

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

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]