

# Draft Joint Public Hearing Minutes (Excerpt)

Joint public hearing

7 p.m. January 18, 2024

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

## 6. Text amendments to the Unified Development Ordinance

### 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.

# Draft Planning Board Minutes (Excerpt)

Regular meeting

6:30 p.m. February 15, 2024

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

## 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.