

Minutes

PLANNING BOARD

Joint public hearing

7 p.m. Jan. 19, 2023

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



Present

Town board: Mayor Jenn Weaver, Mayor Pro Tem Matt Hughes and commissioners Mark Bell, Robb English, Kathleen Ferguson and Evelyn Lloyd

Planning Board: Chair Chris Johnston, Vice Chair Frank Casadonte and members John Giglia, Robert Iglesias, Sherra Lawrence, Alyse Polly, Saru Salvi and Hooper Schultz

Absent: Planning Board Member Cassandra Chandler

Staff: Planning and Economic Development Manager Shannan Campbell, Planner Joseph Hoffheimer and Town Attorney Bob Hornik

1. Call to order and confirmation of quorum

Mayor Jenn Weaver called the meeting to order at 7 p.m. and confirmed a quorum.

2. Agenda changes and approval

Weaver asked for any changes to the agenda and called for a motion upon hearing none.

Motion: Commissioner Kathleen Ferguson moved to approve the agenda as presented. Commissioner Mark Bell seconded.

Vote: 12-0. (Mayor Pro Tem Matt Hughes and Commissioner Evelyn Lloyd arrived after the vote.)

3. Minutes review and approval

Minutes from regular Planning Board meeting on Sept. 15, 2022

The mayor turned the meeting over to Planning Board Chair Chris Johnston. Johnston called for a motion to approve the minutes if there were no changes.

Motion: Planning Board Member Hooper Schultz moved to approve the minutes as presented. Planning Board Member John Giglia seconded.

Vote: 8-0. (Only Planning Board members vote to approve the Planning Board minutes.)

4. Open the public hearing

Johnston called for a motion to open the public hearing.

Motion: Ferguson moved to open the public hearing. Giglia seconded.

Vote: 12-0. (Hughes and Lloyd arrived after the vote.)

5. Discussion

A. General use rezoning: 1509 Orange Grove Road (PIN 9864924639); R-10 (residential) to multifamily

Planning and Economic Development Manager Shannan Campbell polled the audience to ensure anyone who wished to speak during the public hearing was signed in.

Campbell reviewed the item before the boards. She said the project does not require a land use plan amendment or annexation request. Campbell shared comments from the Utilities Department that did not make it into the staff report. She said water is available to serve the project, but sewer is constrained in this basin. The Utilities Department is not sure the town can serve the site with sewer and is not currently in favor of rezoning due to that uncertainty. Campbell said it may be possible to serve the project with septic, but that option has not been explored since the rezoning has not yet been approved. She explained that the applicant will identify viable water and sewer options if the rezoning is approved.

Hughes arrived during Campbell's comments at 7:02 p.m.

Johnston reminded the board that if the property were to be rezoned, any use allowed in that district could be developed. He then asked if the applicants would like to speak.

Applicant Michelle Robinson said she and her husband bought the property to develop, stating he is a general contractor. She then invited her husband to speak.

Lloyd arrived during Michelle Robinson's comments at 7:04 p.m.

Applicant Nathan Robinson gave an overview of the proposed project and showed a map of neighboring uses, pointing out that no adjacent parcels are zoned residential and most are zoned commercial. He also showed a map of the future land use plan. Robinson said they bought the property because they liked the walkable community in Hillsborough and envisioned a residential use for this parcel adjacent to commercial areas and near Exchange Park. He showed conceptual images to demonstrate plans for five townhouse-style duplexes.

Nathan Robinson said he contacted the planning staff prior to purchasing the property and said all feedback was positive. He said he was notified about the sewer issues by Utilities Director Marie Strandwitz two hours before closing and was surprised to learn from Campbell's earlier comments that the Utilities Department is not in favor of the rezoning. He referred to an email he had received in August saying that a standard septic system would be acceptable as an option.

Nathan Robinson said a step he is taking to advance the project is to have the property rezoned before engaging an engineer. He said significant expense would be involved so they want to pursue the rezoning first.

He said he discussed phased development with Strandwitz and that she suggested building three of the five homes on a septic system in the first phase and that there may be more sewer capacity by 2024 to serve the other two homes in a second phase.

There was discussion by the members during which Campbell and Nathan Robinson were engaged to allow members to orient themselves more fully with the location of the property. Members considered other factors, such as traffic, density, and access. Some members continued to ask questions about how the sewer and septic needs would be addressed. Nathan Robinson reiterated that he viewed getting rezoning approved as the first step.

Johnston reminded that this meeting was a public hearing only and no decisions would be made. He said he wanted to make sure any staff comments were on the record. Campbell reiterated the concerns shared with

her by the Utilities Department that the applicant not perceive a rezoning approval as an entitlement for having the project served by sewer if such service is not possible. Nathan Robinson said he understands that.

The mayor asked Town Attorney Bob Hornik if rezoning would cause a problem for the project's future development. Hornik explained that the project could only be developed to the extent that future permitting would allow the development of water and sewer service regardless of the rezoning. Nathan Robinson gave the example that the properties in the area already zoned for commercial use could not be commercially developed if the sewer constraints prevented it.

Planning Board Member Sherra Lawrence asked why the rezoning was necessary since the requested use is residential and residential is already a permitted use under the current zoning. Campbell explained it is a density issue. She explained that multifamily is the only zoning district where this density can be achieved.

Planning Board Vice Chair Frank Casadonte asked if a single-family residence would be permitted to connect to the sewer. Campbell said the sewer usage of that land-use type is relatively low and the Utilities Department has been allowing single-family construction in this basin.

Planning Board Member Saru Salvi asked if the email that had been referenced from the Utilities Department could be shared with the members. Campbell displayed it on the screen and read it aloud.

Hughes said it is a simple rezoning and could be otherwise rezoned in the future if necessary.

Johnston asked if there were any public comments. Oliver Fowler said he is a big fan of mixed use and thinks multifamily use is better than single-family.

Nathan Robinson said he recognizes the utility constraints but does not want to spend tens of thousands of dollars to determine the sewer needs if he cannot get it rezoned.

Exchange Club President Debra Butler said she was there to represent the interests of the park. She said a sewage smell is already at the park at times, so she attended the meeting to see what type of development is being proposed. She said she hopes the existing sewer capacity issues in the area will be addressed because the smell has a negative impact on the park.

Johnston thanked members of the public.

B. Unified Development Ordinance text amendment — Section 6.7.10 roof pitch

Campbell introduced the item and showed a slide with examples of various roof pitch angles. She said flat roofs are becoming more popular and allow more options for sustainability.

The proposed change to the text was presented.

Ferguson asked if any part of the ordinance prohibits roof gardens or green roofs. Campbell said no. Planning Board Member Alyse Polly said she liked the opportunity for flat roofs and said the examples look good. Giglia asked about solar. Campbell said it is allowed.

There were no public comments on this item.

C. Unified Development Ordinance text amendment — Adding brewery and microbrewery as land uses

Section 5.1.8 table of permitted uses; Section 6.13.3.4 minimum number of parking spaces required; Section 9.2 definitions

Campbell introduced the item and explained staff have had to fit these uses into existing uses such as manufacturing or bar and restaurant, which does not address the land uses well. She said that the Planning Board reviewed the proposed amendment in December and that the language defining the difference between breweries and microbreweries is shared from the state's definition. She thanked a Planning Board member who noted the wording was confusing in the first draft.

The mayor asked Campbell to clarify previous changes that she recalled had been made to the ordinance about parking requirements. Campbell said there are minimums and maximums, but a 5% flexibility has been included in either direction. Other members asked similar clarifying questions of Campbell about abbreviations in the table of uses and staff procedures in determining how many parking spaces to require for various uses.

During the public comments, Fowler asked why live entertainment was not included. Campbell said this use is implied with the public tasting room, but she is concerned that including it could lead it to a different use, such as an event venue.

6. Close the public hearing

Johnston called for a motion to close the public hearing.

Motion: Bell moved to close the public hearing at 7:54 p.m. Planning Board member Hooper Schultz seconded.

Vote: 14-0

7. Updates

A. Board of Adjustment

This board did not meet since the last meeting.

B. Parks and Recreation Board

Polly updated that there is continued discussion about the Gold Park master plan. Other discussion is about dividing the field for other uses, such as basketball courts; permitting use on the Eno River for water play; and adding opportunities for public art, seating areas, and Wi-Fi. Commissioner Robb English added that a community event for a proposed skate spot had been very successful, with engagement from all ages.

C. Staff and Board Members

Campbell said staff is working on a draft of the comprehensive sustainability plan, and she hopes to have that before the Planning Board in March and before this group at the April public hearing. She said the work on this plan has highlighted the need for an updated comprehensive land use plan and unified development ordinance, so she is working on having these included in the town's draft budget.

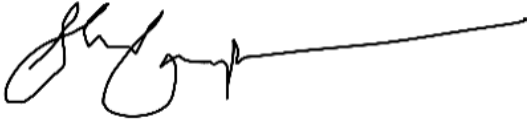
Campbell said a downtown parking study that had been funded by the town board and tourism program before the pandemic is expected to resume in Fiscal Year 2024.

Weaver said that she spent the previous two days at the North Carolina Department of Transportation Summit. She referenced comments by Carrboro's mayor about the importance of good land use in reducing vehicle miles traveled and how critical that is in reducing pollution and the like. This segued into her thanking the planning staff and board for the important work they do.

8. Adjournment

Ferguson moved to adjourn the meeting at 8:01 p.m. Johnston adjourned, citing no need for a second or vote to adjourn.

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 by Planning Board: Month X, 202X

Approved by Town Board: Month X, 202X