

# Minutes

## PLANNING BOARD AND BOARD OF COMMISSIONERS

Joint public hearing

7 p.m. August 17, 2023

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



### Present

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

Planning Board: Chair Frank Casadonte, Vice Chair Hooper Schultz, Robert Iglesias, Sherra Lawrence and Saru Salvi

Absent: Board of Commissioners: Robb English; Planning Board: Cassandra Chandler, John Giglia

Staff: Senior Planner Tom King

### 1. Call to order and confirmation of quorum

Mayor Jenn Weaver called the meeting to order at 7:01 p.m. and confirmed a quorum for the Board of Commissioners. Planning Board Chair Frank Casadonte confirmed a quorum of the Planning Board. Weaver turned the meeting over to Casadonte.

### 2. Agenda changes and approval

Motion: Commissioner Matt Hughes moved to approve the agenda as presented. Commissioner Kathleen Ferguson seconded.

Vote: 10-0.

### 3. Minutes review and approval

Minutes from the joint public hearing on April 20, 2023

Motion: Hughes moved to approve the minutes as presented. Planning Board Vice Chair Hooper Schultz seconded.

Votes: 10-0.

Senior Planner Tom King explained that minutes for the June meeting were not available yet.

Minutes from the regular Planning Board meeting on May 18, 2023

Motion: Schultz moved to approve the minutes as presented. Planning Board member Robert Iglesias seconded.

Vote: 5-0.

### 4. Open the public hearing

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

Vote: 10-0.

## 5. Text amendments to the Unified Development Ordinance

### A. Unified Development Ordinance text amendment- Section 6.13.3.4, Minimum Number of Parking Spaces Required- Places of Worship (Applicant Initiated)

Tom King explained that the proposed text amendment to the Unified Development Ordinance (UDO) would change the current minimum and maximum of one space per eight seats to a minimum of one space per five seats with a maximum of one space per two seats. He noted the staff report included background on this request, the contents of the old zoning ordinance and the current UDO, and what changes the amendment would make. He reminded the boards that the current UDO already has a provision, based on the number of parking spaces, that allows a few less or a few more spaces than the standard stipulates. When asked where the church was located, King projected a map showing its location on Governor Burke Rd.

Greg Payne, a member of the Holy Family Catholic Church, said the church's membership had grown 33% in the past five years and the church was planning a new sanctuary on the eight-acre property. The architect for the new building discovered that the current parking standard allowed only one space per eight seats of sanctuary and that outside of the central commercial district, that standard was both the minimum and maximum. Payne said that standard was unworkable for his church and probably any church outside of the town center. He said on-site parking at the church was the only safe option because Governor Burke Rd has no shoulder, making it dangerous to park there. He added there are no public lots, parking decks, or shared parking nearby. He said nearby municipalities have lower ratios and allow more flexibility. For instance, outside the town center, Chapel Hill has a minimum of one space for five seats and a maximum of one space for two seats. Durham allows 75% more space for parking in suburban neighborhoods than in the town center. Both Carrboro and Mebane allow more flexibility in applying their standards than does Hillsborough. He added that the church schedules activities every day of the week and four services each weekend to relieve parking pressure.

Weaver asked if the church's parking lots were full for every service. Father Ryan, pastor of Holy Family, said the church currently has 110 parking spaces and average attendance for services ranges from 200 to 380. He said fourteen services were offered over the course of a week. While a mid-week service may draw only 20 people, for evening services, held at the same time as youth education programs, the parking lot is functionally full. Schultz said he understood the request to raise the maximum and asked why the church wanted to raise minimum. Payne said because a higher standard seemed to be the norm in nearby municipalities.

Planning Board member Saru Salvi said it was difficult to judge the proposal because the board hadn't seen any plans for the expansion. Schultz explained the church couldn't add parking under the current UDO parking standard. King noted the board should consider any amendment as a town-wide change effecting any current or future church in town.

Planning Board member Robert Iglesias noted that staff comments, included in the agenda packet, seemed to support the change and asked if there was any potential negative impact to amending the ordinance. Schultz suggested raising the minimum would force a church that wanted to promote walking and biking to build more parking. Commissioner Mark Bell noted the amendment could potentially quadruple the density of parking spaces and asked if the town would still require a site review for stormwater runoff and retention. King said yes.

Hughes said he'd like to see the town's land use policy orient towards parking maximums rather than minimums, adding it would be difficult for churches in town to expand parking. He said the town's UDO is overly prescriptive, which is why people often come to the boards with requests, and that there should be

more delineation in the UDO parking standards between in-town and the periphery of town. Casadonte, noting that the UDO covers all places of worship in town and that one space per eight seats seemed insufficient for many churches, asked if allowing a maximum of one space per two seats would meet the needs of all churches. Weaver pointed out that many in-town churches use on-street parking and that raising the maximum to one space per two seats might encourage churches to substantially expand parking lots. She asked if raising the minimum to one space per five seats would require existing churches to increase their parking. King said that change wouldn't require existing churches to comply to a new minimum. He noted that in some circumstances increased parking may require more room for stormwater infrastructure. Ferguson asked about the possibility of installing pervious surfaces. It's permitted, King said, but town stormwater staff have told him the local soils are not suited to pervious surfaces. Iglesias asked if keeping the minimum at one space per eight seat and increasing the maximum to one space per two seats would provide a solution for the Holy Family Church. King said it would.

There was some discussion of the needs of churches on the periphery of town compared to those in town. Bell noted there were three churches near his home, all with very different parking capacities, and said, given these variables, it was probably not a good idea to create one standard for all churches. Casadonte asked if it was possible to amend the ordinance to set separate standards for churches in town and those in the extraterritorial jurisdiction (ETJ). King said the UDO recognizes a minimum number of parking spaces within the central commercial district, based on the square footage of the gross floor area of a property. Casadonte said the board could alter the amendment without impacting the central commercial district. Bell asked what the options were for churches asking for a variance. King said only if a hardship resulted from conditions peculiar to the property, such as location, size, or topography, could an applicant make a case for a variance; if an applicant was causing the need for the variance, the Board of Adjustments would likely deny the request.

Weaver noted that the boards had moved into deliberation and, since this was a public hearing, should move to the next agenda item. Casadonte asked if there were other comments or questions for either the applicant or King. Salvi said she lives in the ETJ and would hate to see a large increase in space devoted to parking. Casadonte said there seem to be two separate standards needed, one for the central commercial district and another for the ETJ and asked if an amendment would apply to the entire ETJ. King said any amendment would apply town wide, noting that he wasn't sure if there were any churches in the central commercial district. King said he was not sure if there was a way to accommodate different parking needs for churches in the ETJ and those in town. He noted that because the public hearing had been postponed a month, Planning and Economic Development Manager Shannan Campbell had said the board was being asked to make a recommendation at this meeting if they were comfortable doing so. Casadonte said the boards would need to close the public hearing to go into deliberation before making a recommendation.

#### B. Unified Development Ordinance text amendment- Section 6.17, Sidewalks (Staff Initiated)

King said no member of the public had signed up to speak on this topic. He explained that town staff are running into issues such as challenging topography or lack of connectivity to other sidewalks. The current UDO still refers to the former community connectivity map, but staff is now referencing the new comprehensive sustainability plan, with the intent of pursuing its goals and strategies. He pointed to the proposed new section on exceptions to applicability. He said there were situations where it doesn't make sense to require sidewalks. He displayed a map of a subdivision with a cul-de-sac and eight lots and identified two areas where building a sidewalk wouldn't be feasible, one because of steep slopes and a stream with a riparian buffer of 100' and another segment where there was no connectivity. Weaver asked if it was impossible or just too expensive to build a sidewalk because of topography, noting the town wants residents to be able to move around outside of their street. King said whenever a stream buffer is involved, stormwater staff doesn't want

to see the buffer impacted by a sidewalk. He said he had seen one ordinance that does require to build sidewalk over a gully, no matter how difficult. Schultz said if a road can be built there, it seems like a sidewalk could be built as well. King said a buffer authorization would be needed from stormwater staff, who would rather not see sidewalks built in stream buffers. Salvi said a sidewalk might be feasible, but might be expensive, which could be the real reason a developer requests a payment in lieu. Ferguson noted the town has lots of hills and must deal with topography issues, adding that the absence of sidewalks leaves steep shoulders, which can be dangerous. She added she didn't want to give developers an easy out through payment in lieu. Hughes said it was not just developers who are required to make impractical sidewalks. He cited a resident who had removed a mobile home and built a house and was required to put in a sidewalk in an inhospitable location with no curb or gutter and no connectivity to other sidewalks. In this case, he said, payment in lieu would have been a better option. Ferguson said that while there might be sidewalks to nowhere in the short term, in the long view these sidewalks might eventually have connectivity.

Salvi asked how the town would make sure the payment in lieu was sufficient to cover costs. Casadonte noted the board had discussed that question in its last meeting and had agreed to require a payment in lieu equal to 150% of the estimated cost. King said there was no timeline on using a payment in lieu, but the amendment stipulates that it be used on a sidewalk within 1000 feet. Ferguson said that requirement seemed too restrictive and didn't leave the town much flexibility in planning for the future and using the money where it's most needed. King said he believed any payment in lieu had to be spent on sidewalk construction in a nearby area. Weaver asked if that restriction was based on best practices or current law. King said he thought it might be a legal requirement. Ferguson said to the extent the law allows, the town should be strategic in using payments in lieu. King said he would check about laws concerning payment in lieu. He then summarized other changes included in the amendment and explained the rationale behind them.

## 6. Close the public hearing

Motion: Schultz moved to close the public hearing. Ferguson seconded.

Vote: 10-0.

Casadonte suggested the planning board take a short break and then reconvene.

## 7. Planning Board recommendations

### A. Section 6.13.3.4, Parking

Casadonte asked King if the board needed to make recommendations on both agenda items. King said yes, if the board was ready to make them. Schultz suggested the board amend the request to keep the minimum of one space per eight seats and raise the maximum to one space per four seats. Iglesias agreed the current minimum should remain the same. Casadonte noted a maximum of one space per two seats wouldn't mean churches always have permission to build that many spaces, since they may be limited by stormwater and topography issues. King reminded the board that the applicant wants to increase its parking spaces from 110 to 200 and is planning a sanctuary that seats 500 people. Schultz said the current standard of one space per eight seats was untenable, so the board should change that standard regardless of how it felt about this church. Salvi suggested the board should require the applicant to plant more trees and shrubs around the parking. King said the church would be required to plant trees inside the lot as part of the expansion. Casadonte noted that if the new sanctuary will have a seating capacity of 500 and the board sets a new maximum of one space per four seats, that will limit the church to 125 spaces, which is not much more than its current 110 spaces. Schultz said the congregation is mostly families, so most members would not be

arriving in a car with two passengers and the town shouldn't be encouraging that. Casadonte noted that it was unlikely 500 members would ever use the church at one time.

Motion: Schultz moved to modify the requested amendment to the UDO and retain the current parking minimum requirement of one space per eight seats and set the maximum parking requirement at one space per four seats. Salvi seconded.

Vote: 5-0.

#### B. Section 6.17, Sidewalks

Casadonte turned the board's attention to the sidewalk payment in lieu. Several members noted that the board had discussed the proposed changes in its June meeting. King noted that the current ordinance refers to a map and a plan that the town no longer uses and contains confusing language. The changes proposed by staff are intended to eliminate confusion, allow payments in lieu for situations where sidewalks aren't feasible, clarify design and construction standards, clean up language about sidewalk shade trees, and build in flexibility for staff to deal with certain issues.

Schultz said he was comfortable approving the amendments, but asked if town management decided whether construction of a sidewalk is impractical. King explained that the decision would be made by the permit issuing authority, which would generally be the staff reviewing the plans. He added that he'd would like to make one more amendment to the section on exceptions for the scenario when a business changes ownership without any site improvements. Iglesias asked if the board needed to wait for the revised amendment before it made a recommendation. King said that revision would be addressed by the Board of Commissioners, so the planning board could make a recommendation. Asked by Salvi if the town might still require a sidewalk when property changes ownership without any site improvements, King explained there were legal barriers to doing so.

Motion: Salvi moved to recommend approval of the amendment to the UDO with one addition to the exceptions to applicability suggested by staff as discussed during the hearing. Schultz seconded.

Vote: 5-0.

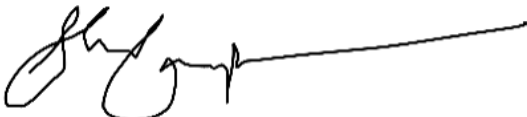
### 8. Updates

- A. Board of Adjustment. There was no meeting in July. King noted there may be see some requests in the fall or winter.
- B. Parks and Recreation Board. There was no meeting in July.
- C. Staff and board members. King noted there were three vacancies on the Planning Board, two ETJ and one town position. He noted ETJ positions were becoming harder to fill. Casadonte added there was a vacant seat on the Board of Commissioners

### 9. Adjournment

Motion: Salvi moved to adjourn the joint public hearing at 9:08 p.m.

Vote: 5-0.



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

Approved: Month X, 202X