

MINUTES
PLANNING BOARD
April 4, 2006

MEMBERS Present: Jim Boericke, Eric Oliver, Edna Ellis, Toby Vandemark, Matthew Farrelly, Barrie Wallace, Paul Newton, Tom Campanella, Dave Remington, Neil Jones

STAFF: Margaret Hauth

PUBLIC: Alan Pytcher, Jim Parker, Karen McKinnon

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

Mr. Boericke called the meeting to order at 7:05 p.m. and confirmed the quorum.

ITEM #2: Election of officers and appointments to other boards.

Ms. Hauth assumed the chair for the purpose of administering the election of the **Chair** and opened the floor for nominations for the Chair by board members. She noted that only people present could be nominated.

Mr. Boericke nominated Matthew Farrelly, current vice-chair and experienced board member. The nomination was seconded by Mr. Oliver. Ms. Hauth noted that no second was required and asked for any other nominations. There being none, Ms. Hauth inquired of Mr. Farrelly if he would accept the nomination. Mr. Farrelly asked Ms. Hauth about information regarding attending other meetings and was told that the Town Board had expressed interest in setting up some routine communication between the chairs of the advisory boards and themselves, so they will probably start a once-a-year or twice-a-year meeting with the board chairs. The first would be on the 24th of April. Mr. Farrelly accepted the nomination. Ms. Hauth then asked for a motion to close the floor for nominations.

MOTION: Mr. Remington moved to close the floor for nominations.

SECOND: Mr. Boericke.

VOTE: Unanimously approved.

Roll call vote for election of Matthew Farrelly for Chairman: Unanimously approved.

Mr. Farrelly assumed the chair and opened the floor for nominations for **Vice Chairman**.

Ms. Boericke nominated Toby Vandemark for Vice Chair as someone who had expressed an interest and would do a good job in preparation for future assignments.

Mr. Campanella nominated Eric Oliver for Vice Chair. Mr. Oliver declined the nomination due to work obligations for travelling.

There being no further nominations, Mr. Farrelly asked for a motion to close the nominations for Vice Chair.

MOTION: Mr. Boericke moved to close the floor for nominations.

SECOND: Mr. Remington.

VOTE: Unanimously approved.

Roll call vote for election of Toby Vandemark for Vice Chairman:

Unanimously approved.

Mr. Farrelly called for volunteers to serve as representative to the **Board of Adjustment**. Mr. Newton and Ms. Wallace volunteered.

Roll call vote for election of representative to the Board of Adjustment:

Mr. Boericke -	Ms. Wallace	Mr. Newton -	Mr. Newton
Mr. Campanella -	Ms. Wallace	Ms. Vandemark -	Ms. Wallace
Ms. Ellis -	Mr. Newton	Mr. Remington -	Ms. Wallace
Mr. Oliver -	Mr. Newton	Ms. Wallace -	Ms. Wallace
Mr. Farrelly -	Ms. Wallace		

Ms. Hawth tallied the votes at 6 for Ms. Wallace and 3 for Mr. Newton. Ms. Wallace will be the representative to the Board of Adjustment.

Ms. Hawth stated the **Parks and Recreation Board** meets on the third Tuesday of each month and asked for volunteers to be the representative to that board. She noted that Mr. Remington could not serve as his wife is on the P&R Board and spouses may not serve together. Mr. Oliver commented that it's a great job and a fantastic assignment.

Mr. Jones arrived at the meeting.

Mr. Oliver stated that he would not have time to continue as the representative to the P&R Board. Ms. Wallace asked Mr. Jones if he would volunteer, and Mr. Jones agreed.

Mr. Farrelly inquired if a vote was necessary since there was only one volunteer, and Ms. Hawth asked if it could be taken as consensus. The Board agreed, and Mr. Jones was confirmed as the representative to the Parks and Recreation Board.

Mr. Farrelly called for volunteers to serve on the **Churton Street Corridor Committee**. Mr. Remington volunteered to continue. Ms. Ellis volunteered to serve as she had a lot to say about the project.

Roll call vote for election of representative to the Churton Street Corridor Committee:

Mr. Boericke -	Mr. Remington	Mr. Newton -	Mr. Remington
Mr. Campanella -	Mr. Remington	Ms. Vandemark -	Mr. Remington
Ms. Ellis -	Ms. Ellis	Mr. Remington -	Mr. Remington
Mr. Oliver -	Mr. Remington	Ms. Wallace -	Mr. Remington
Mr. Farrelly -	Mr. Remington	Mr. Jones -	Mr. Remington

Ms. Hawth tallied the votes at 9 for Mr. Remington and 1 for Ms. Ellis. Mr. Remington will continue as representative to the Churton Street Corridor Committee.

Mr. Farrelly asked if the **Strategic Growth Plan Committee** had a regular meeting time. Ms. Hawth stated that it is alternating between the fourth Wednesday and Thursday and usually meets at 6:00.

Mr. Newton expressed interest in continuing to serve on that committee. Mr. Remington stated that he

had been serving as the alternate and was willing to continue in that capacity.

Mr. Farrelly asked if the Board wished to appoint Mr. Newton by consensus, and the Board agreed.

ITEM #3: Adoption of minutes from March 7 meeting.

MOTION: Mr. Boericke moved to approve the minutes.

SECOND: Ms. Vandemark.

VOTE: Unanimously approved.

ITEM #4: Additions to the agenda & agenda adjustment.

Ms. Hauth suggested that at their discretion the Board might want to move Items 6 and 7 up and do the committee reports at the end since there were people present for Items 6 and 7. The board agreed.

ITEM #6: Preliminary Subdivision Plan for Riverbend Phase 2 to create 12 lots on 7.85 acres with access to Tuscarora Dr. and US 70 A. (TMBL 4.37.C.2, 2a, 11c)

Mr. Farrelly introduced the Item and noted Ms. Hauth's clarification regarding the needed specification for the clarification of the road right-of-way. Ms. Hauth continued by explaining that the drawings from the March meeting when scaled indicated a 60' right-of-way rather than a 50' as noted. The 60' was not consistent with some of the testimony heard by the Board, and she felt it was necessary to bring the item back to the Planning Board so clarification. She had asked the presenters to clarify the drawing, and it now shows a 50' right-of-way with 10' easements on both sides for some of the extra utilities and for the sidewalks as the project is proposed to be in the ETJ, so the sidewalks cannot be within the public right-of-way. If it is annexed, that would change. The town engineer has looked at it, and with the way it is being done, he is comfortable with the reduced right-of-way. One of the roads is a cul de sac which can have a 50' right-of-way. It would be the board's discretion on whether it wanted to provide some flexibility for the different road right-of-way. If the property is not annexed, it will remain as a DOT road rather than a town road.

Ms. Ellis commented that the first Riverbend had 50' because that was the requirement for DOT, and there is a letter in the file to that effect in case DOT ever wants to take it over or should take it over at the request of the property owners. Ms. Hauth explained that the proposal was for at least 50' and it was just a question of whether it would be 50' or 60'. The current plans are internally consistent and really don't change the road layout or anything that had been seen, but she wanted to be certain that the desire of the board was clearly understood as it had not been specified in the motion.

Mr. Newton asked if a new motion was needed or just affirmation from the Board, and Ms. Hauth stated that she would prefer a motion that specified that the plan is acceptable at 50' or that it needs to be different.

Mr. Remington commented that he had noticed that some of the lot sizes had changed some and asked if that were due to the change in right-of-way. Mr. Pytcher asked which lots were in question and Mr. Remington pointed out lots 2, 3, and 4. Mr. Pytcher responded that some of the lot widths had changed but not because of the depth change of the right-of-way. He added that if the open space were looked at, the number did not change and the overall square footage did not change.

Ms. Ellis expressed her opinion that the town should ask for annexation and then it would need 60' as

that's the town requirement. Ms. Hauth responded that the sidewalk then could be included in the right-of-way, and that could be taken up with the applicant if that was something the Board wished to include in its motion. Ms. Ellis said that she had said that at the last meeting, and Ms. Hauth agreed that Ms. Ellis had made the statement but that it had not been included in the motion. Ms. Hauth added that the comment on annexation will go forward to the Town Board. Ms. Wallace added that the wording would change if the property was annexed by the town, but the meaning would be the same.

Mr. Oliver spoke regarding those who had opposed the motion at the last meeting and were still opposed and did not want to be seen as voting in favor of it at the current meeting. Ms. Hauth advised that they were just looking for clarification on the roadway right-of-way, so the motion could be another recommendation to approve consistent with the plan that was in front of the Board that showed a 50' right-of-way and then include that if it is annexed, the right-of-way would go to 60', and that would still leave the question exactly where it was before and allow him to vote as he had before. Or the Board could just simply vote on the question of should the right-of-way be 60 or 50 feet. Ms. Wallace stated that the latter would make more sense.

MOTION: Mr. Newton made the motion to clarify the motion that was made in March to match what had been presented on the current plan. Ms. Hauth added that the plan embodies what was voted on in March.

SECOND: Ms. Wallace.

DISCUSSION: Mr. Oliver stated that he still was unsure of whether if he voted in favor of the motion he would be voting in favor of the subdivision. Mr. Farrelly responded that he would not be as it was stated as a clarification.

VOTE: Unanimously approved.

ITEM #7: **Status report on "in progress" projects.**

Prevention of Demolition by Neglect amendments

Ms. Hauth recalled the Board's attention to the fact that the project had been brought up as a project of high priority. There had not been any forward movement on it to get amendments prepared for the Public Hearing. She did not want anyone to think that it would appear on the Public Hearing agenda without the Board seeing it. Staff is still working to have it ready for July. Mr. Newton asked for confirmation that the Board would see a copy of it before it goes to a Public Hearing, and Ms. Hauth assured him that that would occur because a vote from the Board was necessary to place the item on the hearing agenda.

Event Center amendment

Ms. Hauth stated that Mr. Boericke has done a great job in contacting a lot of different planning jurisdictions to try and find out what exactly or how exactly these types of event centers or retreat centers happen in other jurisdictions. Staff has not received a lot of information back other than the Horace Williams house is apparently a nonconforming use in Chapel Hill.

Mr. Newton asked about the current zoning of the Colonial Inn, and Ms. Hauth responded that it is Residential 20. Mr. Newton continued that if the Colonial were to open up as some kind of business, there would need to be some kind of provision in the ordinance to have that particular use in that particular zoning or they would have to ask for a rezoning. Ms. Hauth responded that they could ask for a rezoning. They could ask for some conditional use permit that already exists, like a bed and breakfast, if they wanted to do something like that. If the event center amendment was adopted, they could apply for that. There also is a very narrowly defined conditional use permit application process for non-residential uses in historic houses in the R20 district that is limited to those lots that share 50

percent of their boundary with something that's already commercially zoned and is on King or Churton Street. When that ordinance was crafted, there were about 7 properties that qualified, and there are still only about 7 properties that qualify. The Colonial Inn is one of them because the small former antiques store was zoned central commercial and therefore shared a boundary with the Colonial Inn. The main reason the ordinance was put in was to forestall some of the commercial rezonings that were being seen in the residential houses near downtown. Because it requires a preservation easement on the exterior of the building, it essentially got a property owner commercial rezoning without endangering the property to nefarious circumstances.

Mr. Newton asked for a reminder of how the issue came about, asking if a realtor had sold the vacant lot on the corner of King and Hassel. Ms. Hauth added that it is currently under contract. Mr. Newton and Ms. Ellis stated that the deal was already closed. Mr. Newton continued that the new owners had an idea of something they wanted to do there and thought it would be better for the Board to amend the ordinance versus seeking a rezoning, and Ms. Hauth concurred. Mr. Newton stated that there was nothing preventing the new owners from asking for a rezoning, and Ms. Hauth concurred except that the use that they want to do is not really defined in the ordinance unless they pick the zoning category that allows something like a hotel because the types of events that they want to hold are an accessory use to a hotel. Mr. Newton concluded that the concern was that if it were rezoned to something else, the floodgates would be opened something undesirable.

Ms. Hauth reminded the members that the Board had decided to take the project on and work on it on its own schedule rather than encouraging the owner to move forward with the text as they had written it. Mr. Newton asked who was working on the text. Ms. Hauth answered that she was working with Mr. Boericke, Ms Vandemark, and Mr. Oliver. Mr. Newton made a suggestion that maybe it should come out as a special use permit as opposed to a conditional use. Mr. Boericke added that that was certainly one of the options and that what the focus of what the Board needed to do was to find out what an event center is so it can find where it fits within the structure of the zoning ordinance. Mr. Oliver noted that he had done some research but could not find anything as small as the applicant property that only hosted events. Anything that small always had some other purpose. He suggested that that could have some impact on what is done.

Ms. Ellis commented that they would have to look at that lot because it was one lot where the house is which had been broken down into three other small lots. Also they were bringing a house from somewhere else to put on there. It's not the house that's already there. She also asked where people were going to park. She expressed concern about the creek on the property that runs down to the Eno which would also affect the event center. There were many factors to be considered. Mr. Boericke responded to Ms. Ellis that her points were important, but what needed to be considered first was how the town was to deal with event centers as an event center, as the proposed would allow an event center anywhere in R20 with a conditional use permit. He felt that from the Board's perspective it was necessary to decide how to deal with the issue in the whole zoning structure, and then, depending upon what is determined, the proposal would be looked at in specific.

Mr. Newton asked about the zoning on the Hillsborough House. Ms. Hauth said that it was R20. Mr. Newton stated that it was a bed and breakfast and also held events and asked how that was allowed. Ms. Hauth answered that in their conditional use permit to run a bed and breakfast, they specifically stated that they also wanted to have special events, and the Board of Adjustment at that point approved without any further detail about what the special events might be, the request for a use as a tourist

home. The current applicants had asked to do the same, and Ms. Hauth had told them that if the Board of Adjustment looks at the definition of tourist home, technically that is not a reasonable accessory use, and they could kick out the application as being non-compliant with the ordinance.

Mr. Campanella stated that he was fairly familiar with the Horace Willams House and that it was the most comparable thing he could think of. It's not a bed and breakfast, there's no lodging, and they have events there about two or three times a month, and then once a month they have a wedding, especially in warm weather. It's in a very high-end residential neighborhood, but they have off-street parking. The key as far as comparing that to here is that they have sufficient off-street parking, probably enough for about 80 cars. Ms. Hauth said that perhaps she could contact the folks that run the Horace Williams House and get a site plan and get an idea of that--how large is the lot, how large is the house, what their rules on having events are, and maybe it could be used as a model. Ms. Wallace commented that one of the reasons it works is that one doesn't know the lot is there, and Mr. Campanella concurred and said that it's also a very historic house and real amenity to that area, so the tolerance of uses is high.

Mr. Farrelly invited comments from the audience. Ms McKinnon stated that she felt the Board was aware that there are many people who are getting petitions together who live in the neighborhood who would like to see it remain residential and who don't want to see the neighborhood change like other neighborhood where things are put in that are not supported and it becomes a shell. Secondly she stated that there are many people who spend a lot of time getting their homes together and working very hard for the Spring and Christmas tours as a personal gift to the town.

Upper Neuse River Basin Plan

Ms. Hauth advised that the Board previously had discussed some of the performance standards in the plan for new development, and the Town Board also expressed that as a priority. They also wanted more research to be done to determine what the impact would be on development and town functions. Ms. Hauth reported that she had been in contact with the firm that helped the association write the plan to have them do a detailed analysis of the impact to Hillsborough in terms of how it would change what development looks like or what the cost of doing development in the jurisdiction would be and that she had a budget proposal in for the analysis. She said it was not a cheap analysis, but she felt it was worthwhile. It would be about \$20,000 to \$25,000 for a very detailed analysis of what it would mean to sign on fully with the plan and set some standards for both nitrogen and phosphorus.

Ms. Hauth also pointed out that in the agenda the Board members had the outlet sales as an issue. She reminded the Board that at its last meeting they had voted to send that to the Public Hearing, so it will be appearing on that agenda.

Ms. Hauth further reported that she had had word from the County and believes that a text amendment will be coming from them to accommodate additional height on the courthouse addition. The proposal is for a sizable addition to the courthouse that will front Margaret Lane. In trying to design a building that is sized to meet their size requirements and compatible with the existing courthouse, because the existing courthouse is significantly taller than is allowed in the office and institutional zoning district, they will be proposing an amendment, not to amend the height in the district, but work further on the text that already exists in the district for special exceptions for heights on buildings. She felt the approach would be from the standpoint of, if it's a building that existed at a certain point in time and is taller than the district allowed, then you can build an addition to it that is also taller. The County is going to sponsor that themselves and pay the fee, and it will be on the April agenda.

Mr. Campanella asked if there had been any response to Mr. Newton's letter. Ms. Hauth stated that she thought the County was crafting a response. Mr. Newton asked about requesting a variance instead of the route taken by George Horton, and Ms. Hauth responded that Mr. Horton had done the special exception format, not the variance. Mr. Newton continued that the previous had been just a Board of Adjustment review, and Ms. Hauth said that what was done would also be a Board of Adjustment review, but since it's not just a design element that will exceed the height but the whole building, there needs to be some adjustment to that section of the ordinance.

Mr. Farrelly asked about the status of the court case regarding the Gateway Center. Ms. Hauth advised that there is a settlement so that a court case was avoided. The BOA approved the site plan as ordered by the judge, and the developer can proceed. When the building is approximately two-thirds leased, he would actually start construction.

ITEM #5: Committee reports and updates.

Board of Adjustment

Mr. Newton reported that the Board of Adjustment had met in March and approved the site plan modifications for the Gateway Center as ordered by the judge. Ms. Hauth added that there had been a consult with the United Methodist Church. Mr. Newton added that the consult had been about the church's plans that were not quite formulated about building a parking lot on some newly acquired property. The BOA also had discussed their Rules of Procedure and finished and approved those. Mr. Newton responded to a question from Mr. Boericke that the UMC would be returning as they had come in an exploratory effort to get feedback from the BOA regarding their plans.

Parks and Recreation Board

Mr. Oliver reported that the P&R Board had had a presentation by Waterstone on the community park and got a first drawing and had a lengthy discussion with them about the park and its development before the park is turned over to the town. It is looking like it is going to be a large field, large enough to play adult soccer, but there are other things the Board is looking at. Just developing the field and the parking area for the park will take up almost all the money that is available. The Board also asked about putting in the infrastructure to support restroom facilities.

The P&R Board had also been asked to work on the Fairview public campus master plan. Ms. Hauth reported that she had had two comments on that item and felt it would be delayed to the May meeting. Mr. Oliver further updated the Board that the grant meeting for Gold Park would be on May 11th and they had gotten prices on Hillsborough Heights.

Ms. Hauth added that there would be an Easter Egg Hunt in Hillsborough as Carolina Assisted Living had offered to co-sponsor an Easter egg hunt at their facility at their expense with the town. It will be on the afternoon of the 15th from 1:00 to 3:00. Mr. Campanella asked about any movement on the Turnip Patch Park, and Ms. Hauth responded that she thought they were trying to raise funds to get the resilient plastic surface for under the playground equipment, but it's expensive. They want to try to reach that goal before they start.

Churton Street Corridor

Mr. Remington reported that the Churton Street Corridor committee had met on March 20th and had the open house that the advisory boards and Town board had been invited to. There was a small turn

out but they had had good input from people. The consultant on the project had made a PowerPoint presentation giving the history of the project and outlining the various components of the plan--the streetscapes, signage proposals, and the mapping of potential redevelopment areas. He thanked Mr. Jones and Ms. Wallace for attending and invited them to comment on the meeting.

Ms. Wallace said that it was very exciting to think that the Corridor could be brought under control and made to look more beautiful. The plans were exciting that you could put sidewalks and trees in and get the signage down to more tasteful levels. She also thought the roundabouts were an interesting idea. Mr. Jones said that he wanted to echo what Ms. Wallace had said and was glad he had attended the meeting because it gave him a different view of the Churton Street Corridor project. He was impressed with the plan and would like to see everyone get on board with it. He hoped that the merchants and everyone else would make a commitment to the plan. Ms. Wallace added that they had been told that there are certain techniques you can use to get people to do their signage a more tasteful way which can result in a fairly quick change.

Mr. Remington commented that the thing that was going to be important was that the Planning Board and other stakeholders get their input on the project. What comes out of it will be the Town's official recommendations as it involves some major changes and thinking outside the box, especially with the roundabouts and also the median strips that are being proposed. He noted that that would not be downtown as there is not much room for that to change. He added that the one thing that still needs the most work is the property design and development guidelines. The idea is for it to be an overlay district, and development would have to meet certain requirements, and there would be guidelines to back up those requirements. He also emphasized the redevelopment portion of the plan which involves going half way east to 86. He said Ms. Morris was willing to come to a Planning Board meeting to go through her slides or make them available whenever it works out.

(Mr. Oliver left the meeting for another obligation.)

Mr. Remington continued that there would be a couple of other opportunities for people to be involved and to see what's going on. The last Friday in May there will be a display set up. Also there is some talk about having the project is part of the theme of Walkable Hillsborough Day.

Ms. Ellis asked if the DOT had been consulted about exactly what it plans to do as this is a state highway. Mr. Remington answered that that would be a big part of the project. Ms. Hauth advised that the corridor plan between 85 and 40 is recommending what the town has asked DOT to do in terms of widening to four lanes and a planted median. It's the section between 85 and the railroad that still needs to be discussed with DOT, but at least the southern portion matches up. Ms. Ellis commented that she thought that was put on the 1987 DOT report of the study that they did then. Ms. Hauth responded that there was no funding for that project yet, and as the town has continued to be supported in the TIP. Some of the expectations have been modified and the scope of the project has been changed, and DOT has been willing to work with the town on that and is accepting the four-lane with a planted median and bikeways and sidewalks in the southern corridor. It is the middle piece that still needs some discussion.

Ms. Vandemark asked about the time frame for the project. Mr. Remington answered that he didn't know if there was really a fixed time frame. Once the plan is done, the things that would be prescriptive in some sense would have to be adopted by the Town Board and that could happen fairly quickly. He felt a lot of it would spread out over how long it takes to get funding for DOT projects.

The redevelopment will occur as property changes uses and the town approves how it will be done. It probably will be over a long term. Ms. Hauth added that she was also hopeful that with the timing of completion of the final plan, the town should easily be able to wrap it into the Strategic Growth Plan. The reinforcement of it being in one document and then being in another one makes it that much closer to getting in the ordinance and limits its ability to sit on the shelf and gather dust. She felt the timing would work out well so that some of the changes would be coming along from the ordinance standpoint relatively quickly.

Mr. Remington continued that there has been some discussion that there is a need to coordinate the issue with the Strategic Growth Plan. He felt that Ms. Morris and others on the Committee would be interested in taking part in the Strategic Growth Plan agenda to present what's coming out of the task force.

Strategic Growth Plan

Mr. Newton reported that the committee met on March 22nd and the focus of the meeting was to go over growth scenarios that they could use to put together an overall analysis. The three scenarios that were discussed to be analyzed were--

1. Status quo - to continue with things in place as they are, no changes;
2. Changes are put in place that represent a planner's dream in accordance with current planning practices;
3. Reality - what can realistically be accomplished based on the market.

There was discussion about what should be taken into consideration under each of the scenarios. There was an introduction of what the April meeting would be about, transportation analysis, and would be held on April 27th. Mr. Remington will be attending that meeting. Mr. Campanella asked about the time of the meeting and was told it would be at 6:00 p.m. in The Barn. Mr. Newton explained that he would be on vacation the entire week and also would not be attending the Public Hearing.

ITEM #8: **Adjourn**
MOTION: Mr. Remington moved to adjourn the meeting.
SECOND: Ms. Vandemark.
VOTE: Unanimously approved.
 Mr. Farrelly adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Margaret Hauth, Secretary