

MINUTES
Planning Board, July 15, 2010
7:00 PM, Town Barn

MEMBERS PRESENT: Chair Bryant Warren, Dan Barker, John Bemis, Tom Campanella, Neil Jones, and Elizabeth Woodman.

STAFF: Margaret Hauth, Stephanie Trueblood, and Bob Hornik.

GUESTS: Erin Eckert, Jim Davis and Binnie Davis.

ITEM #1: Call to Order and Confirmation of a Quorum.

Mr. Warren called the meeting to order at 7:01 p.m. and confirmed a quorum of the Planning Board.

ITEM #2: Additions to the Agenda and Agenda Adjustments.

No additions or adjustments were made to the agenda.

ITEM #3: Interview of volunteer candidates.

Planning Director Margaret Hauth stated that Erin Eckert's application was included in the packet, noting her application was in addition to the 3 previously received. She noted that Ms. Eckert lived on Ram's Way, which was as reasonably close to the ETJ as the other candidates.

Erin Eckert provided the Board with information regarding her background and interests, noting that she was an emergency management consultant and had worked in that field since 2002. She said she worked with cities, counties, regions, federal and state government agencies, and the private sector in emergency preparedness. Ms. Eckert said she held a Masters in Public Administration with a focus on state and local government, and this was her first opportunity to be involved with local government as a volunteer.

Ms. Woodman asked how long had she been in the area. Ms. Eckert said she had lived in North Carolina since 2000, and had lived in Carrboro and the White Cross area until they had purchased their home on Ram's Way in 2006.

Mr. Barker asked what she liked about Hillsborough and how she would like to see it grow. Ms. Eckert said she was not an extrovert, so it took a lot to draw her away from home and out into the community. She said Hillsborough was a great place for that because she enjoyed walking down the street and seeing people she knew, noting that the Town was small and friendly. Ms. Eckert said she came to Hillsborough for services and to contribute to the economy, and she felt some strain because she wanted to shop and eat in Hillsborough but it was at times a challenge. She said she would like to see more services offered in Town that would bring people in from outside on a daily or weekly basis rather than just for special events.

Mr. Jones asked how she saw herself fitting with the Planning Board and its work. Ms. Eckert said she had a personal interest and a fascination with how government worked, and how it tried to balance the competing needs because there was never a simple answer. She said knowing that there was no profit or motivation and just trying to make a good decision was what she enjoyed, noting she liked to debate issues so that she could understand all

sides of an issue. Ms. Eckert said she had always had an interest in what made the most sense for the common good.

Mr. Campanella said from her experience, what she would say was the single largest challenge facing Hillsborough, in terms of growth and development. Ms. Eckert said one was intergovernmental relations, in that although they could control only what happened in Hillsborough they had to interact with different agencies and players, some of which were State, some County, and others local, regional, or private entities. She said the other challenge of growth was that it seemed that everyone wanted to be like Hillsborough and there was a big push for that in the Triangle and in the State. Ms. Eckert said people talked about Hillsborough's quaint downtown and its history, and the challenge was how to remain unique when others were beginning to catch up.

MOTION: **Ms. Woodman** moved to recommend to the Town Board that they forward a recommendation to the County Commissioners to appoint Erin Eckert to a seat on the Hillsborough Planning Board.

SECOND: **Mr. Campanella.**

VOTE: Unanimous.

ITEM #4: **Approval of minutes from the June 17, 2010 meeting.**

MOTION: **Mr. Barker** moved to approve the minutes of the June 17, 2010 meeting as submitted.

SECOND: **Mr. Campanella.**

VOTE: Unanimous.

ITEM #5: **Updates from and direction to staff on the following UDO topics.**

- **Signs:**

Ms. Hauth said a recent open house had been held to discuss potential changes to the sign section of the ordinance. She said the focus was on temporary signs and events signs as changes to other signs were not being contemplated, other than at some point they would revisit multi-tenant signs. Ms. Hauth said through research they had learned that the State did not permit signs within its right-of-way, although it was not enforced. She said that meant that even if the Town set up a process where people could get a sign permit, it was really a waste because they would be unable to get a permit from the State.

Ms. Hauth said at the meeting they had talked about loosening the definition for the types of people or groups that could take advantage of the 4 times a year postings of signs to cover a wide range of non-profit organizations, since they had been advised that more of their Merchant Association members were non-profit that they had originally thought. She said that might create some flexibility and opportunity for those organizations to obtain a permit so that the Town could be sure there were only 4 signs posted and be able to manage it better.

Ms. Hauth said the feedback from the Historic District Commission was that they supported the concept of sandwich board signs in the downtown because they believed it added vitality, but the HDC very much wanted to regulate those signs through HDC review. She said now, sandwich board signs were illegal so the HDC had no opportunity to review them. Ms. Hauth said there had also been discussion about limiting sandwich boards to only bars, nightclubs, and restaurants and whether other businesses should be allowed. She said the HDC's feedback included that they supported the concept of no

other types of signs in the public right-of-way, and that the public right-of-way should be reserved for landscaping and public improvements and not advertising.

Ms. Woodman asked if the sidewalks were public rights-of-way. Ms. Hauth responded yes. Ms. Woodman said then that was why the sandwich boards were illegal. She said they needed to be consistent, so they should either not allow any signs in the public right-of-way or allow everything. Ms. Woodman said she felt as if the HDC was asking for something that they could not grant by wanting to allow sandwich boards.

Planner Stephanie Trueblood said she had been talking with Elizabeth Read about the possibility of using the back of the Wayfinding kiosks when installed as an event panel. She said they could potentially use that space to advertise some of those types of non-profit events, and it would serve as a place where pedestrians could become aware of special events. Ms. Trueblood said that would give non-profit merchants another opportunity to advertise their annual events.

Ms. Trueblood said she wanted to make it clear that the HDC was not requesting sandwich boards be allowed; they were responding to what she believed was an effort on the part of the Alliance to show that sandwich boards should be allowed because they added to the vitality of the downtown. She said what the HDC was communicating was that if that were true, and if they determined that sandwich boards were necessary, then the HDC would be okay with sandwich boards remaining but only if they were regulated under HDC guidelines for things like materials and size.

Mr. Warren asked was Ms. Hauth suggesting that sandwich boards be allowed only for bars, nightclubs, and restaurants. Ms. Hauth responded that the way the draft was written it was meant for businesses that had some sort of changing message on a regular basis, such as menus or scheduled entertainment.

Mr. Campanella commented that as an urbanist he agreed with Ms. Read's view that the sandwich boards did add vitality to the streetscape, and he fully supported that they be allowed. He said perhaps they could approach it by allowing such signs anywhere that there was a co-present sidewalk so that they did not have merchants all up and down Churton Street putting them out in the verge. Mr. Campanella said in other words, if you had a business with a sidewalk in front then you could put a sandwich board out front, adding he did not believe they should be limited to just bars, nightclubs, and restaurants.

Mr. Barker said he would like to craft a rule that would apply Town-wide, and the sandwich boards Town-wide made some sense. He said they could require that the sidewalk had to be over 4-feet wide in order for a sandwich board to be placed. Mr. Barker said as well, he was in favor of allowing the sandwich boards to be in the public right-of-way only when the business it was advertising was open for business. He said one question was if a business, such as a restaurant, was only open in the evenings but staff was there at noon and could respond to questions, sell gift certificates and the like, would they be allowed to put out a sandwich board during those times. Ms. Hauth said that had specifically been asked by one restaurant owner, noting that although they served meals only in the evenings there was staff present during the day to respond to the public so they considered themselves to be open.

Ms. Trueblood said she had received complaints from people living in the historic district that walked the downtown sidewalks daily about the sheer number of sandwich board signs. She said they were not aligned so you had to constantly move around them, noting that especially businesses such as real estate offices and other services were using the fact that the Town was not removing sandwich board signs to create a free-standing sign which provided no information other than the name of the business. Ms. Trueblood said she was not saying that no sandwich boards should be allowed, but believed they should be used for what they were intended which was to convey additional information other than just a business name.

Ms. Woodman said she respectfully disagreed, because what added vitality also created an obstacle course for the pedestrian. She said there was one storefront that had 4 different signs out and they were often positioned so that pedestrians had to pass single-file through a labyrinth. Ms. Woodman said she believed such signs detracted from the downtown, noting that persons suffering from disabilities had a lot of trouble navigating past such signs.

Mr. Warren said that having to dodge such signs was an unpleasant aspect, but believed that if they regulated them, such as requiring that they be of wood rather than metal, of the same size, and were placed appropriately, then he believed they should be allowed for all businesses and not just bars, nightclubs, and restaurants. He said what was important was that everyone was held to the same guidelines and that the signs were removed when the business was closed. Ms. Trueblood said part of the issue was that some buildings in the downtown may have 4 tenants, so you could have one building façade but all 4 tenants were putting out sandwich boards.

Mr. Warren said they could consider requiring that one sandwich board would have to cover all tenants in the building rather than each having individual signs. He said that issue was related to the discussion about multi-tenant signs.

Mr. Barker said he would like to see the Planning Board support the ADA concept which was that you should have two-way clearance, with clearance being defined as 3-plus feet. He said that would mean that you would have to have 6 feet of clear sidewalk before you could have a sandwich board signs. Ms. Hauth said that would not be possible in the downtown. Ms. Trueblood said the ADA rule was to have 4 feet of complete clearance for sidewalks.

Ms. Hauth suggested they might want to consider limiting the use of sandwich boards to retail operations. Ms. Trueblood said that would exclude realtors, who used temporary signs extensively. Mr. Warren said he would consider banning any signs in the downtown other than sandwich board signs, noting if the realtors wanted to have temporary signs then they needed to be similar to other business signs in that they should be pleasing and easy to walk around. Ms. Trueblood said if they limited signs to one per parcel then multi-tenants in one building would have to share that sign space.

Town Attorney Bob Hornik said they had to be careful about distinguishing between retail and service, and even between restaurants and other retail uses. He said the law would allow you to regulate the time, place, and manner of speech but if you approached regulations that appeared to be based on the content of the message then you would begin

to run into First Amendment problems. Mr. Hornik said unless they could articulate a good reason that advanced the public safety or the public health somehow to distinguish between a doctor's office and a restaurant, then they would run into potential problems.

Ms. Hauth asked could they require that the information on the sandwich board had to provide additional information that was not already on their existing sign, in that the purpose of the sandwich board was to provide additional changing information. Mr. Hornik responded he believed they could do that. Ms. Hauth said it would cause the sandwich boards to have limited appeal.

Ms. Trueblood said it seemed that if you had to obtain a permit, you had to go before the HDC, you could have only one per parcel, and if the sandwich board could provide only additional information, then she did not believe they would end up with one in front of every single building.

Mr. Jones said if someone had to go through the HDC process to get a sign permit, where would the Planning Board fit into that process. Ms. Hauth said the Planning Board would be setting the basic standard, and then the HDC would apply their Design Guidelines. She said if the Planning Board said the signs had to be of wood or metal, then the HDC would determine the details of that proposed wood or metal sign and determine whether or not it was compatible with the character of the historic district. Ms. Hauth said if someone wanted to take 2 x 4's and put plywood on it and then staple paper to it, then that would meet the criteria of a wooden sign. But, she said, that would never gain approval from the HDC.

Mr. Barker said as far as what the HDC would apply, he believed that would work for the entire Town. Ms. Hauth said there could be some requirements included that the signs had to be professionally made. Mr. Barker said if a business hired a carpenter to construct a sign but it was poorly made, it would still have been professionally made. Ms. Hauth said perhaps, but they would still have to attempt to get a permit for that sign.

Ms. Woodman said they still had the fundamental problem of the signs being in the right-of-way. Ms. Hauth said the only thing she had been able to identify about that was that since NCDOT did nothing about maintaining a sidewalk once it was installed and the Town had to cover any maintenance that NCDOT really did not care about sidewalks. Ms. Trueblood said the only difference was that NCDOT wanted access to those areas for mowing the medians, but NCDOT never touched the sidewalks.

Mr. Campanella said it was ironic that they also had historic structure signs that were mounted in the right-of-way, so technically they were illegal as well. Ms. Hauth said that was true, noting the original signs were installed to facilitate historic home tours because they had to meet a certain criteria. She said because of the interest that other homeowners had in also identifying their homes in a similar way the Town had found a way to allow those signs on private property, similar but not the same, as the original historic markers. Ms. Trueblood noted that the newer historic signs being put up now were being placed on private property and were no longer allowed to be placed in the right-of-way.

- **Design Standards:**

Ms. Hauth said they did not have good clarity about where to go regarding design, so staff had tried to craft some basic overarching design standards that could apply everywhere knowing that there would be more elaborate ones that would come once they wrote the design districts. She said what they had received in the packets was her first attempt at some very basic design standards, and she had also put additional information at their seats tonight that Ms. Trueblood had prepared that was much more elaborate. Ms. Hauth said they did not believe they needed to discuss that in detail tonight.

Ms. Trueblood said she had thought to come up with 10 basic generic standards that could be applied everywhere that constituted good principles in architectural and site planning design. She said she ended up with 2 pages of standards, and explained that the very first standard they always discussed was moving parking to the sides and the rear. Ms. Trueblood said once you did that you had a building in your face and the idea was that that building not be hideous. She said in order to have a non-hideous building it took a lot of standards. Ms. Trueblood said she had reviewed a lot of information from other jurisdictions, from general planning best practices, and from informed form-based codes and tried to pull out what she believed were the most basic.

Ms. Trueblood said she was not necessarily recommending that the standards in her handout be applied Town-wide, but had wanted to provide a full view of what many jurisdictions were doing specifically for commercial buildings. She said the guidelines she had listed were the types of guidelines you would see for what was being classically called “redeveloping the strip.” Ms. Trueblood said when you wanted development that did not look like a strip mall those were the types of guidelines to follow. However, she said, they were much more extensive than what she and Ms. Hauth had hoped to put forward, in that they had wanted to whittle the number down to 10 or so basic standards.

Ms. Trueblood said some of those guidelines might be applied to particular districts only, but she had wanted to at least provide the full view. She said she would expect that when and how those guidelines got applied in the ordinance they would also be accompanied by graphics that explained such things as when a building was moved closer to a front property line what the massing would be and how the pedestrian streetscape would be created. Ms. Trueblood said that kind of detail had not been provided now, and any edits that came back should be based on whether or not to apply something Town-wide or content edits as opposed to language edits because it was not a final product.

Ms. Trueblood said she had included such things as fenestration and articulation and vertical elements, as well as trying to get away from horizontal banding, flat buildings, and low-pitched roofs to more pedestrian scaled materials. She said part of the problem staff ran into was that their real development potential for retail was basically going to fall on South Churton Street, NC 86 and US 70, and in those parts of Town they were likely to see very different types of development. Ms. Trueblood said coming up with a standard that would apply to one part along US 70 versus the huge tract of Daniel Boone would be difficult. She said they did not want to discourage small single parcels on US 70 from redeveloping by making the standards too hard to meet and uncharacteristic of the area.

Ms. Trueblood said it would be also very difficult to write standards that would apply Town-wide, but what they were looking for were basic standards. She said for the historic

district, they would establish standards that would address in more detail the character of the district.

Mr. Warren said there were several areas already built out and a lot of discussion had taken place when projects had come through the Planning Board. He said Hampton Point was an example, noting that when they had visualized that project they had no idea that the backs of the buildings and all the machinery would be out on the street which was very unsightly. Mr. Warren said when Oakdale Village had come forward it showed all the buildings in that area recessed down below the road surface with attractive landscaping, but what they had gotten was no front entrances.

Ms. Hauth said those were exactly the kinds of things they were trying to capture with the new standards, and suggested they think of the information provided tonight as the most basic step to get started in that process. Ms. Hauth said that Mr. Barker had emailed his comments regarding the draft standards, and that was included in the packet as well. She said she was not expecting a lot of feedback tonight, although they could discuss the general headings and perhaps identify things they really did not care about. Ms. Hauth said she would prefer to use the time tonight to discuss density.

Ms. Trueblood remarked that streetscaping and landscaping was not covered in those standards because that was addressed in various other sections of the ordinance.

Mr. Warren suggested that the members take home the information and spend some time looking over it, then place it on the agenda next month for discussion. Ms. Hauth said they could scan and email to the Board the document that the Board had used to get started that had the graphics, noting it would help them in understanding the new material.

Ms. Trueblood said they knew that South Churton Street would be a design district, and encouraged the Board to look at the standards as being applied in places other than South Churton Street. Ms. Woodman said she believed that all places in Town deserved standards that were very human scaled and attractive.

Ms. Hauth said one thing that she believed the market had not yet accepted was the two front door concept for businesses, and they needed to figure out a way to make that palatable to lessen resistance. She said if they really wanted front doors where they wanted them and to move parking lots to the back, they needed to find a way to work that out within the market.

Ms. Trueblood said those kinds of standards would likely be written to provide staff some flexibility to look at a better way to accomplish what they were trying to accomplish. For example, she said, imagine Weaver Street Market with blank side wall spaces, noting if you did not have those doors the buildings were appear unfriendly. So, she said, having those doors, whether used or not, was better than not having them at all. Ms. Trueblood said that might be the sort of thing that staff when looking at individual situations could determine whether or not those features were warranted so that the building could have a feeling of being open even if the doors were kept locked. She said in the case of Weaver Street Market, even though the side doors were locked the doors added to the character of the building.

Mr. Barker said that an extra door was a fairly significant staffing change for a small business, and you would have to be wary of requiring a feature that would force a small business to have to double its staff. Ms. Trueblood said she personally did not care if such a door was ever used, only that it could be opened if it ever became warranted. Ms. Hauth agreed.

Mr. Warren said that had been discussed when the Board had considered Oakdale Village, as far as whether doors should be in front and in back and the security concerns associated with that. Mr. Hornik said that project had created a lot of discussion about how the building would be placed on the site. Mr. Warren agreed, noting that it would have been recessed down and you would see only rooftops. Mr. Barker asked what the current plan was. Ms. Hauth said that property had not yet been developed. She said if they built the pharmacy as proposed then the plan was still in place, but if something else was built the owner would have to come back with a modified proposal.

ITEM #6: Discussion and direction to staff about density and any tools to pursue.

Ms. Hauth said she wanted to get direction from the Board as to what kinds of tools they might want staff to investigate. She said at last month's meeting she had provided an email from Melissa McCullough suggesting that if a building lot was allowed a 4,000 square foot house, why you couldn't repurpose that 4,000 square feet into 2 or 3 dwelling units and call it even. Ms. Hauth said in her mind that was not how zoning worked, and there were unintended consequences that came with multiple dwelling units such as extra vehicles, roll-out cans, recycling bins and mailboxes. She said all of those things increased the intensity beyond that 4,000 square foot house.

Ms. Hauth said the Internet survey responses had been included in the table in the packet in terms of the types of tools the public believed the Town should pursue, most of which would require retrofitting. She said to sum it up, the public wanted to see living units built above commercial/office space. Ms. Hauth said there were ways that could be accommodated, but requiring that would be very different.

Ms. Hauth said the survey had asked where people believed increased density might be allowed, and there was apparent public support for increased density downtown and in the historic district although she believed they had all agreed that that was not where increased density should go because it damaged the character.

Mr. Campanella asked how it had come about that there was agreement that the historic district was not the right place for added density. Ms. Hauth said that had not come from the survey, but from the Town Board and the Historic District Commission in that it was their preference to hold the line on density in the historic district. Mr. Campanella said he believed there was opportunity, noting that infill was infill in that you infilled built places, so the historic district could be a prime candidate for increased density if it was done right.

Mr. Hornik said the question in the historic district was more of what the nature of the infill would be, in that would it be largely single-family residential like the rest of the residential portions of the historic district or would it be multi-family condos or something similar that had 5 or 6 units per acre rather than 1 or 2 units per acre which was the norm.

Ms. Trueblood said they had increasing density in the historic district now, but it was invisible to the public because of the way it was done. She said as an example, Jim and Binnie Davis had just built a new home and there was a full-sized accessory apartment in the house that could be rented out to a secondary family. Ms. Trueblood said the way the driveway and landscaping was done was very much in keeping with the character of the district, and you would never know walking or driving by that that structure could be a multi-family dwelling. She said the HDC's position had been that they would like to see density as long as they were also maintaining the character of the district, and that would mean small accessory apartments above garages, on second stories, or in basements as opposed to buildings that could house 2, 3, or more families that would result in 6 vehicles, 3 roll-outs and mailboxes, and the like.

Mr. Campanella asked what about the possibility of subdividing an existing large home into condos, noting that would increase density with no change to the apparent architectural quality of the building. Ms. Hauth said the current ordinance would not allow that, noting that the ordinance now referred to a per acre density or to units per acre, so it was based on the size of the lot. She said in the historic district the minimum lot size was one-half acre, so you would have to have a full acre to get a second unit. Ms. Hauth said there was a provision in the ordinance, which was the one used by the Davis's, which allowed that every dwelling unit in Town could have a efficiency apartment that was not more than 25% of the total floor area. She said it was a tool that was available but rarely used.

Ms. Trueblood said when they got infill in the historic district, that provision was usually how it was achieved. She said there were examples of that happening, but it was usually accomplished quietly and was not noticeable to the public. Ms. Trueblood remarked that there were very few houses in the historic district that could be subdivided because of the minimum lot size. Mr. Campanella said if you visited, for instance, Marblehead, Massachusetts, you could not tell which of the grand old Colonial houses had been subdivided into 3 units or if they were still one large home.

Ms. Hauth said staff wanted feedback on what kinds of tools the Board would like to see, noting they had talked in the past about the residential special use district which if proposed would require at least an acre and a half. She said those vacant infill properties were noted in green on the map provided, noting they had not included churches, schools, or anything government-owned. Ms. Hauth said all of those lots had an active tax status with a building count of zero or a building value of \$10,000 or less. She said you could see from the map that the pool of available property was limited, so anything that they created would have a mostly limited impact.

Ms. Woodman said she saw acreage addressed but not height, and she believed it would look odd to have 3 stories on a small lot. She wondered if there were some opportunities for that, noting that there were 2 lots for sale on Margaret Lane. Ms. Woodman said they certainly were not an acre and a half or even an acre, but wondered if there could be some multi-unit housing put there. She said there were some properties where it might be more suitable to build up and have condos or apartments. Mr. Barker said what prevented that happening now was the economy. Ms. Trueblood said if you were only doing multi-family that was prevented, but if you were doing it as Central Commercial zoning with stores below and apartments above, that was allowed if you got a rezoning.

Ms. Hauth said for the special residential district they had talked briefly about the concept of creating a floating zone, which would be a zone that anyone who owned an acre and a half or more could apply for as a special use district and anything could be proposed for that acreage. She said if the owner could convince the Town and the neighborhood that what they wanted was not a bad idea, then they could move forward. Ms. Hauth said for instance, if someone had 2½ acres on West Hill Avenue near King Street and wanted to propose a row of townhomes, and if the Town and the neighborhoods could be convinced it was a good thing then it would be allowed. She said density would not be set in such a district so most anything could be proposed, but whether that would work in those areas on the map would have to be determined. But, she said, that was one tool that they could consider.

Ms. Hauth said the only thing she had found in the current draft ordinance other than the one related to accessory units was the proposal that when calculating the gross density for a vacant parcel coming forward for development, you would take the minimum lot size and divide it out over the size of the gross acreage. She said if you needed 40,000 square feet for every house, and you had 100,000 square feet, then that would determine that only 2 units could be placed on the parcel.

Ms. Hauth said what the consultant had proposed was considering whether to allow that number to be rounded up, so that when doing the calculation if you came up with 2.6 units then 3 would be allowed. She said her only concern was that if that math was applied to lots that wanted to be subdivided then they would be creating nonconforming lots unless they shifted to a mechanism using density rather than a minimum lot size. Ms. Hauth said that would work for anything that was multi-family that was set at a certain number of units per acre, and since there was no division of land you would never create a nonconforming lot and there was no zoning implication. But, she said, if that applied to a subdivision and you had 10 acres and wanted to put 10 houses on it, or if you had 10½ acres and wanted to put 11 houses on it but each lot was supposed to be an acre, then how would you get that 11th house that was allowed under that map. Ms. Hauth said they would have to come up with a solution if they wanted to pursue that. She said that language was in the draft ordinance but they did not have to let it remain, and it was in there as a very soft and gentle way to slowly allow density to increase in certain places. Ms. Hauth asked the Board to think about that as they moved forward.

Mr. Warren said for the special residential district, rather than having to do that math he would rather have the capability of reviewing anything that was proposed to determine if it fit and if it was acceptable to the neighborhood. Ms. Hauth said to remember that it would be set up as a special use permit, which meant that if someone wanted to pursue it and it was a project that the Board liked, that the special use permit process was daunting and expensive. She said they had said all along that part of what they wanted to accomplish with the new ordinance was to smooth the way for what they liked and make it more difficult for the things that they did not like. Ms. Hauth said she was not advocating one way or the other, but wanted to make sure that the Board was thinking about all of the consequences, both intended and unintended.

Mr. Warren said one of the discussions they had had in the past was to make things more straightforward, but in some ways he continued to favor special use. Ms. Hauth said there were many tools they that could use to allow increased density in different manners, and

what she wanted tonight was what sorts of tools and projects did the Board want to see staff facilitate. She said for instance, did they want to make it easy for people to put dwellings above commercial businesses or even to mandate it. Mr. Warren said he had no problem with that, but he would not want to see anything done to historic buildings in the downtown that would change the appearance of the building. Ms. Hauth said that the HDC guidelines would take care of that.

Ms. Woodman said she believed that if changes like that could be done seamlessly then why not allow it. She said she believed that for bigger homes in years to come it would become more difficult to find people who could afford them and wanted to keep them up, noting those living in them now would be aging and likely trying to sell them. Mr. Barker said at that point you would be applying new standards such as parking in the back and that garbage collection must be commercial as opposed to curbside. Ms. Woodman said she was talking about 2 or 3 units, noting that parking would be the only big issue and they could figure out the garbage collection. Ms. Trueblood noted that roll-out carts had been a huge issue. Ms. Woodman said if there were 2 units then would 2 roll-out carts be of concern? Mr. Barker replied yes, unless they were hidden somehow. Ms. Hauth noted that there were a handful of houses in Town that paid an extra fee for a second cart. She said but if there was a household with 3, then she was sure that would be an issue, just as it was an issue when residents did not remove their carts from the street once they were emptied.

Ms. Trueblood said she believed there was a provision in the current ordinance that called for a visitor pull-off space, so that the driveway had to provide for the people who lived there plus one visitor pull-off for each unit. Ms. Hauth replied that after 5 units you would need a visitor's space. Ms. Trueblood said that had been an issue for larger developments because you would be looking at expansive driveways and internal street systems because that was an auto-oriented way of developing infill as opposed to limiting the area to be developed. Mr. Barker said assuming one vehicle per dwelling was no longer the norm.

Mr. Jones asked was the intent to make the process move along quicker or was the intent that it be a filtering process, or a combination of both. Ms. Hauth said the map provision was automatic and was very much an encouragement. She said where the special use permit process might be an impediment this process would be the carrot.

Mr. Barker said to him that map process needed to go away, because the assumption was that a property owner could divide the property in the future. Ms. Hauth said it was only for subdivisions and not the division of land. Mr. Barker said being able to get to 3 units from 2.01 was an interesting exercise. Ms. Hauth said the rounding would be at .6 or above, so at 2.01 the units would remain at 2. Mr. Barker said then that was not as concerning. Ms. Trueblood said as an example, the Webb Grove project had 11 units as per the density bonus with 5 by right. She said using that math that project could have 6 units, and the proposal was for those 6 units to be duplexes. Ms. Woodman said that property would have looked out of place with 6 duplexes, in that it would have looked suburban.

Ms. Hauth asked was there anything in the table that the Board absolutely did not want to pursue. She asked did it matter to anyone if the dwelling units were created for sale or for rent, noting that the current ordinance did not deal well with such things as townhouses and condos and divisions of land that were not your standard separate plat. Ms. Hauth

asked was it important to the Board from its various perspectives that those units must be available for sale, that they could not be made available for sale, or did it even matter.

Mr. Warren said he did not believe it mattered at all, noting that if someone wanted to live in one side and rent out the other, he did not see the issue. Ms. Hauth asked was it important that they make it a requirement that one of the units must be owner-occupied, or did they just not care. Mr. Warren said he believed they were better off not caring. Mr. Barker said there was some value in owner-occupied. Mr. Warren said you assumed that it would be better taken care of, but there were ordinances in place to address problems if a property was not being maintained.

Ms. Woodman said she was not sure how prescriptive they would want to be. Ms. Hauth said in the past that had been very important, in that the difference that something was available for sale was important versus expanding the pool of rental properties. She said she had wanted to test if perceptions had changed.

Mr. Barker said he believed that nice condos would be preferable. Mr. Hornik said they needed to be careful about defining the circumstances under which they regulated the occupancy of property, noting that zoning was not supposed to regulate that. Ms. Hauth said she would prefer not to, but had wanted to make sure that there was not an assumption that the issue was ignored. Mr. Campanella said that had to do with the overall property values as well, noting that on certain streets the property values would be so high that the owners would be more likely to sell they homes rather than rent them. But, he said, they should be allowed to rent them if they wanted to do so.

Erin Eckert said that height had been a big issue recently in Carrboro and Chapel Hill, in that it had sounded like a good idea but when they saw the result they had realized that was not what they wanted. She said they needed to be careful that they not allow height to become something that no one was happy with. Ms. Woodman said it was usually understood that 3 to 4 stories was sort of the human scale, and Chapel Hill had allowed it to go beyond that. Mr. Campanella said a lot of it had to do with the scale of the adjacent use, because if you were going from a cottage to a 5-story building, the visual impact was jarring.

Ms. Trueblood said the edge properties in the Central Commercial district was backing up against 2-story buildings, and you would think that those properties could support 2 or 3 stories. But, she said, on the other side of that edge was a single-family 1-story residential unit so that property would be overpowered. Mr. Warren said he believed that the downtown historic district had a height limit. Ms. Trueblood replied it was 45 feet.

Mr. Campanella pointed out that height did not necessarily have to be a nightmare. He said an example would be the new library on Margaret Lane and the house next door, noting they had somehow worked together during that process. Ms. Trueblood said the problem with height was that it was hard to visualize what the impact would be until construction began, and the neighbors on Margaret Lane were very much behind the idea of keeping the library and the offices downtown until construction began and they saw that the scale was so great. Mr. Campanella said he believed that adjacency was not bad, in that the architectural treatment of the library and the façade on that side was done in a way that almost spoke to that smaller building next door. Mr. Barker said that begged the

question of how to zone for that, and was that where 2 stories would be built but in 10 years you added 2 more.

Ms. Eckert said some of the buildings in the historic district faced in odd ways in that they did not all face front, so what was the impact of that when you had structures going in next door and you had an adjacent house that faced sideways and was now looking at the back side of a condo. She said that had to be reviewed one project at a time and it would be impossible to come up with an ordinance that applied in all situations. Mr. Warren said one issue brought up at a past public hearing was that the majority of people wanted to keep height in the downtown, with a very few against that.

Ms. Woodman remarked that the Collins property would be an ideal place for more density and more height. Ms. Hawth said the current discussion was for 4 stories but possibly allowing 6 stories.

ITEM #7: Committee reports and updates:

- **Board of Adjustment** – Mr. Hornik said the BOA had not met in July, but at the June meeting they had approved the Final Order for the Justice Center which was a denial of the County's alternative parking plan. He said that had now been appealed in Superior Court.
- **Parks and Recreation Board** – Mr. Warren said the Parks and Recreation Board had not meet this month, but at the previous meeting they had elected to keep him as Chair and had elected Robb English as Vice Chair.
- **Rail Station Task Force** – Ms. Hawth said the Town Board would hold a special public hearing on the Task Force's report at its July 26 meeting, and she was sure the Town Board would be happy to receive a recommendation on that report from the Planning Board. She said the plan was very conceptual at this point, adding that the report was posted on the Town's Website.
- **Tourism Board** – Ms. Woodman said they had not met in July but at its June meeting they had distributed \$95,000 from the funds provided through the meals tax. She said those funds had been distributed to 20 different groups.
- **Water and Sewer Advisory Board** – Mr. Barker said they had not met in July but at its June meeting they had handled only routine business. He said at that point they had 376 days supply if it did not rain.

ITEM #8: Adjourn.

Upon a motion by **Ms. Woodman**, seconded by **Mr. Barker**, the Board moved to adjourn the meeting. The vote was unanimous. The meeting was adjourned at 8:37 p.m.

Respectfully submitted,



Margaret A. Hawth, Secretary