

**PLANNING COMMISSION MEETING MINUTES
MONDAY, FEBRUARY 25, 2018 AT 6:00 P.M.
IN TOWN COUNCIL CHAMBERS**

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chairperson, Chris Behrend, James Hedrick, Kennedy Kavanaugh, Michael Sanchez, and Frank Veno

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections

CALL TO ORDER

Chairperson Shay called the meeting to order at 6:00 p.m.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES

Commission Member Hedrick made a motion, seconded by Commission Member Veno to approve the January 28, 2019 Planning Commission meeting minutes as written.

Vote: Aye – All
Nay – None
The motion passed.

CASE PL01817-082318

In August 2018, Town Council directed Staff to draft text to amend UDO Section 15.11 to require multi-family in mixed use developments to follow the same bedroom/unit requirements as set forth in UDO Section 15.10 and to make revisions as to when parking can be counted as part of the required commercial area.

Ms. Shook noted the case had been heard at the January 28, 2019 Public Hearing and reviewed the revised text for the Planning Commission.

Commission Member Hedrick asked if the revised text on parking meant that the bottom floor of the development could not contain parking. Ms. Shook noted that the bottom floor could contain parking but the street level would have to contain the required commercial use and the parking area could not contain residential below or above the parking area.

Commission Chair Shay asked if the text addressed a situation when a development that had a residential component where they didn't need to park cars. Ms. Shook noted that the ordinance does not address it directly and that it had never happened and the likelihood of that happening is very slim. Ms. Shook noted that the ordinance requires each development to provide sufficient parking and that it would be up to the applicant to demonstrate to the permit issuing authority that no parking was needed.

Commission Chair Shay asked how the mixture of residential parking and commercial parking worked. Ms. Shook noted that the applicant had demonstrate a set number of spaces for each according to the ordinance, noting that shared parking spaces would not work for between residential and commercial tenants in the same development.

Discussion ensued on the formatting of the text. Commission Chair Shay asked if the Planning Commission would be able to comment on any of the existing text that was consolidated to the front of Section 15.11. Ms. Shook noted that the Planning Commission could make comments on any of the text but noted that no changes had been proposed to these sections, they had just been consolidated to clean up the text in Section 15.11.

Ms. Shook went over the text to note UDO Sections 15.11.01(D) and (E) was existing text that had been

and that UDO Sections 15.11.01(E), (F), (G) and (H) contained new text brought over from Section 15.10.

Commission Chair Shay asked Ms. Shook to explain the merits of the window and awning requirements. Ms. Shook noted that the mixed-use development are intended to go into commercial districts and noted that it is important for the street level to be pedestrian oriented and noted the fenestration requirements are already part of the community appearance standards for the Town. She also noted the awning requirement was soft language encouraging awnings and noted applicants would always be required to obtain proper encroachment agreements even if the language wasn't in the text.

Discussion ensued regarding the unit and bedroom requirements. Ms. Shook noted that the intent is to create a variety of housing options for a variety of people. She noted that in developments in the past, that have been student oriented, that developers have used a four bedroom, four bathroom or three bedroom, three bathroom unit type where the bathrooms are accessed through a bedroom with little common area such as a living room. She noted that the arrangement may work well for students but is not conducive for families.

Commission Chair Shay asked for the Planning Commission Members opinions on the proposed text. Commission Member Behrend noted that she liked that the text is being consistent across the board for all types of housing and that she supported the text change. Commission Member Kennedy expressed concerns with UDO Section 15.11.01(H) which required a designated master bedroom 25% larger in units with two or more bedrooms. She noted she understood the intent but noted her concern was that developer would then charge more if they could say the unit had a master bedroom which she felt would limit affordability for any type of renter. Ms. Shook noted to the Commission that the ordinance does not regulate, nor could it regulate, who the tenant was.

Discussion ensued regarding the differences between student oriented and market rate residential developments. Commission Member Hedrick noted that while a four bedroom four bathroom was conducive to students it wasn't conducive to a family but in reverse an apartment with a master bedroom and two smaller bedrooms would be attractive to all.

Discussion ensued regarding what could be discussed at the Public Hearing. Ms. Shook noted that the Commission was free to deliberate amongst themselves but she would caution them from asking for additional testimony that was not heard at the public hearing. She noted that Council had expressed concerns about the Commission reopening the public hearing to hear additional testimony that they did not have the benefit of hearing or questioning. Ms. Shook noted that she would have to seek more guidance as to the limits Staff has when providing additional answers to questions not discussed at the original hearing.

Commission Chair Shay noted that she had concerns with the text regulating something that the market should be able to handle. She noted a concern that it may make units with a master bedroom larger at a time when people are trying to live smaller. She noted that she had concerns that the text could contribute to higher costs and less efficiency and the market should be able to handle these issues. Commission Chair Shay noted that part of the problem is that aren't enough dorms on campus.

Commission Member Behrend noted that she didn't think the market was handling it because all of the new development was student oriented and not for the community as a whole.

Commission Chair Shay referenced the 2013 housing study, which she has heard differing opinions on, as noting that students would be moving into the newer building with newer amenities and noted the older housing was not easily converted based upon the way it was constructed and fragmented ownership. She noted she understood the strategy proposed in the text but felt that it was overly involved. She noted that she had a hard time finding housing that fit their needs because everything seemed over built for their tastes and that she is concerned about putting in specifications that then get codified in a UDO and

then when tastes change in 10-15 years the community is sort of stuck with it.

Discussion ensued on the construction of new buildings but what appears to be lack of renovation in older developments.

Commission Member Kavanaugh noted that her concern still was focused on the master bedroom, noting that she's noticed that apartments with a master bedroom are more expensive and wondered if families choosing to live in apartments cared whether there was a master bedroom or not due to the costs which in turn may make the housing inaccessible to a larger amount of people. She noted that she was comfortable with rest of the text as presented.

Discussion ensued on UDO Subsection 15.11.01(F). Ms. Shook noted that it would require a developer to provide a mixture of unit types based upon bedroom, for example it would prohibit a development from having a development made up of all one bedroom apartments. Ms. Shook noted that of the most recent developments, some had a mixture of unit types and some did not.

Discussion ensued on UDO Subsection 15.11.01(G). Commission Member Hedrick noted that he thought the regulations for the bedroom and bathroom mix would help resolve the four bedroom four bathroom issue discussed, though the master bedroom requirement in (H) might be resolved through the market as it could discourage lower income families as the top item on their list may not be having a master bedroom. He noted that a compromise for (H) might be that not all units with two or more bedroom have to have a master bedroom but perhaps it should be a percentage of those units. He noted (H) was a good idea but is concerned that every unit that has two or more bedroom is required to have a master bedroom. Commission Member Behrend noted she liked the idea of only a percentage of the units would be required to have a master bedroom.

Commission Chair Shay noted she had concern with UDO Subsection 15.11.01(G) because the text seems to be trying to open up the housing market with design specifications when the forces at play seem to be supply and demand. She noted that until demand for student housing is satisfied and the demand for faculty, staff and Town housing is dealt with it, the text gets tangled up with market forces, when students are going to live where students are going to live because they are coming here to go to school and the need places to live. Commission Member Behrend asked Commission Chair Shay if she wanted to see an excess of building of student oriented developments. Commission Member Shay indicated that she did not. Commission Member Behrend noted the proposed text would help limit that. Commission Chair Shay replied that she understood it was the intent but didn't know if it will because supply and demand controls. Commission Chair Shay noted that she felt this was a deeper issue with University and Town relations and whether the University will ever get to the point of supplying more on campus housing, of which she understands also has to be addressed at the state level.

Commission Chair Shay noted she understood what the text was designed to do and noted the goal has merit but she wasn't comfortable with some of the provisions of the text. She suggested that maybe there were other ways to help solve the issue such as incentives the Town could provide to the older developments for redevelopment rather than just try and control the new construction. She noted that these were just her thoughts and she knew it was a much bigger issue.

Commission Members Behrend and Veno noted they found the proposed text acceptable.

Commission Member Kennedy asked about the definition of mixed-use. Ms. Shook reviewed the standards set forth in the Staff Report under UDO Section 15.11 with a brief description of how the text was broken up into different standards for the B1, B2 and B3 zoning districts.

There being no other discussion, Commission Chair asked if anyone was ready to make a motion.

First Motion and Vote: Commission Member Behrend made a motion, seconded by Commission Member Kavanaugh, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed text is consistent with the overall objectives of the Comprehensive Plan listed in section 1.1 in addition to Comprehensive Plan Policy 2.1.1(A) which states the Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy as the proposed text helps keep the regulations consistent.

Vote: Aye – 4 (Behrend, Hedrick, Kavanaugh, and Veno)

Nay – 1 (Shay)

The motion passed.

Second Motion and Vote: Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend, that the Planning Commission recommends approval of the proposed amendment to the Town's zoning ordinance and believes approval is reasonable and in the public interest because the Planning Commission these regulations help build community character, they provide a diversity of housing within town limits and they encourage new and different residential developments.

Vote: Aye – 4 (Behrend, Hedrick, Kavanaugh, and Veno)

Nay – 1 (Shay)

The motion passed.

Commission Chair Shay noted that she was tempted to vote to move forward for the sake of consistency and then come up with some other recommendation for the Town to revisit the text at a later date but realized that would be too complicated. She noted that she was still uncomfortable with some of the language and realized the vote of others would move the text forward to clean up the text but for herself she wasn't sure on how she wanted to proceed.

OTHER MATTERS

Ms. Shook encouraged the Planning Commission to feel comfortable to ask questions about cases at the Public Hearing because that is the intent of the Public Hearing. She noted that the Planning Commission should not make it a habit to reopen a public hearing after it is closed because the purpose of the hearing is so that the Planning Commission and Town Council hear the same information and can discuss the information together. Ms. Shook noted that the Town Council valued the Planning Commission's participation and so she encouraged them to ask any questions that may come up.

ADJOURNMENT

Commission Member Behrend made a motion, seconded by Commission Member Kavanaugh to adjourn the meeting at 6:52 p.m.

Vote: Aye – All

Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Jane Shook, Acting Board Secretary