PLANNING COMMISSION MEETING
MINUTES
MONDAY, MAY 9, 2016
6:00 P.M.

PLANNING COMMISSION MEMBERS:	Vice-Chairperson Greg Simmons, Jeff Templeton, Connor Boyle, Charlie Myers, Jon Tate, Susan McCracken, Michelle Dineen and Cameron Lippard
STAFF PRESENT:	Bill Bailey-Director of Planning and Inspections and Marlene Crosby-Board Secretary

Vice-Chairperson Simmons called the meeting to order at 6:09 P.M.

ADOPTION OF AGENDA

Member Lippard made a motion to accept the agenda as written, seconded by Member Boyle.

Vote:

Aye – All
Nay – None

The vote was unanimous.

APPROVAL OF MINUTES

Member Lippard made a motion, seconded by Member Templeton to approve the April 4, 2016 special public hearing minutes as written.

Vote:

Aye – All
Nay – None

The vote was unanimous.

Member Lippard made a motion, seconded by Member Tate to approve the April 11, 2016 Planning Commission minutes as written with one change made by Member Templeton to strike the following sentence on page four and in paragraph four, "*Member Templeton explained that the proposed building materials should be more in line with the B-1 zoning architectural standards".*

Vote:

Aye – All
Nay – None

The vote was unanimous.

CASE 20160058 MODERN AUTOMOTIVE: Mr. Jerry Hollifield with Modern Automotive Network has filed a General Use Zoning Map Amend Petition to rezone the R3 Multi-Family Residential portion of 185 and 225 Modern Drive to B3 General Business.

Mr. Bailey gave a brief summary of the applicant's request to extend the B-3 zoning district throughout the back of their property.

There were no questions or discussion on this case.

First Motion and Vote:
Member Lippard made the motion, seconded by Member Boyle that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because currently the combined parcel is split-zoned, and Staff recommends to unify general use zoning on existing split-zoned parcels where appropriate. On the parcel associated with this large project, B-3 uses are much more compatible with the existing use than those associated with the R-3 zone. The Corridor District reaches almost to the back of the area proposed for B-3 zoning.

Vote:

Aye – All
Nay – None

The vote was unanimous.

Second Motion and Vote:
Member Lippard made a motion, seconded by Member Boyle to recommend approval to the Town's zoning map and believe the approval is reasonable and in the public interest because the parcel is located in the Primary Growth Area as mentioned in the Comprehensive Plan 1.2. The town shall encourage a public service and regulatory environment conducive to business recruitment and expansion as mention in the Comprehensive Plan 2.1.1 (E). The Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property as mentioned in the Comprehensive Plan 2.1.1 (F), only when such consolidation and expansion does not encroach upon a viable residential area.

Vote:

Aye – All
Nay – None

The vote was unanimous.

CASE 20160027 PROTEST PETITION REMOVAL: Amend UDO Articles 1 and 9 to remove references to "Protest Petitions".

Mr. Bailey gave a brief summary of the reason for the change to this text amendment.

Vice-Chairperson Simmons talked about a question he asked at the quarterly public hearing regarding this case. He noted that the change in this proposed text amendment does not affect the Intervener status that is available at the Board of Adjustment meetings. Mr. Bailey said that is correct.

First Motion and Vote:
Member Lippard made a motion, seconded by Member Tate that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive plan and other applicable adopted plans of the town which relate to this application because as of August 1, 2015, the North Carolina General Assembly eliminated a municipality's ability to allow protest petitions in zoning ordinance amendments. Therefore, the UDO must be in compliance with the modified North Carolina General Statutes.

Vote:
Aye – All
Nay – None

The vote was unanimous.

Second Motion and Vote:
Member Lippard made a motion, seconded by Member Tate to recommend approval of the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because the Unified Development Ordinance must comply with North Carolina General Statutes.

Vote:
Aye – All
Nay – None

The vote was unanimous.

CASE 20160028 FIRE CODE COORDINATION: Amend UDO Article 23 to bring street and driveway standards into compliance with the NC Fire Code.

Mr. Bailey gave a brief summary of the reason for the change to this text amendment.

There were no questions or discussion on this case.

First Motion and Vote:
Vice-Chairperson Simmons made a motion, seconded by Member Lippard that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because it will align the Unified Development Ordinance with the North Carolina Fire code and eliminate confusion of the different standards for applicants. It aligns the Unified Development Ordinance with other elements of state law, and the proposed amendment has been approved by the Fire Marshal. It is also supported by Comprehensive Plan 2.1.1 E 1 and will continue to look for ways to make development regulations and permit procedures more predictable and timely.

Vote:

Aye – All
Nay – None

The vote was unanimous.

Second Motion and Vote:
Vice-Chairperson Simmons made a motion, seconded by Member Boyle that the Planning Commission recommend approval to the proposed amendment to the Town's zoning ordinance and believe that approval is reasonable and in the public interest because the existing language in the Unified Development Ordinance Subsections 23.03 and 23.04 are in conflict with the requirements of the North Carolina Fire Code regarding maximum grade for driveways and streets.

Vote:

Aye – All
Nay – None

The vote was unanimous.

CASE 20160178 PLANNED DEVELOPMENT MODIFICATION: Amend UDO Article 9 to modify who the applicant must invite to the neighborhood meeting and the place of the meeting.

Mr. Bailey went over the changes to this proposed text as it related to the feedback that he received from the public hearing on this case. Mr. Bailey said it was the consensus of the Council that they did not want Staff to attend the meetings, set up the meetings or take meeting minutes. Mr. Bailey said at the public hearing there was also a concern for the charrette-style meeting and he explained that this style of meeting is where the people come in and the applicant is available for questions and answers in the Council Chambers which is a centralized location. Mr. Bailey said the Staff created a window of time on a weekday to help the citizens be able to attend the meetings.

Mr. Bailey talked about any conditions on a case that are accepted by the petitioner are binding until there is a change which could be either state law or could be a rezoning.

Discussion ensued on the change of 150 feet to 300 feet. Mr. Bailey said there was a consensus of the Council to change it to 300 feet for the notification period. Also, to put the burden of the notification process on the petitioner and the Staff would provide the materials needed and supervise it. The petitioner would provide a certification that the notifications were actually sent out along with the up-to-date mailing list from the county's database.

Member Boyle noted that the intent of the neighborhood meeting was created to allow the developer to get an understanding of the potential concerns for a proposed project and to answer any questions regarding it.

Discussion ensued on the regulatory requirement for a neighborhood meeting to take place for a proposed project.

Discussion ensued on the administrator at the neighborhood meeting developing the meeting minutes. Mr. Bailey said if there is anything in the meeting minutes does not add up, it may be caught at the public hearing by someone who was present at the neighborhood meeting.

Vice-Chairperson Simmons pointed out that at the neighborhood meetings the meeting minutes have been prepared by the attorney for the applicant. Mr. Bailey noted that the developer at the neighborhood meetings does not have to be represented by legal counsel.

Discussion ensued on the proposed projects going through the Planned Development process.

Mr. Bailey talked about the appearance of fairness that is utilized anytime you have a meeting driven by regulation to keep topics open or above board. Mr. Bailey said that Staff has always suggested that Staff not be present at these types of meeting so not to sway the decisions of the people present.

Discussion ensued on possibly needing a secondary location to hold the neighborhood meetings, if the Council Chambers is not available.

Member McCracken joined the meeting at 6:26 p.m.

Chairperson Simmons talked about making recommendations and conditions and tying in the four findings for a case.

Mr. Bailey went over the changes outlined in red and blue in the staff report.

Chairperson Simmons pointed out a correction in A2.01, 5 B on page five of the Staff report to change to "the petition is not relying".

Member Boyle asked about 9.10.11 as it related to Subsection 14.05.01 (B). Mr. Bailey read about the four findings found in 14.05.01 (B), 1 (a-d). Mr. Bailey noted that Staff wanted to add extra focus on these findings for discussions on proposed projects.

Member Dineen asked about the neighborhood meeting minutes would be included in the Staff report for the Planning Commission be able to see them. Mr. Bailey said the Staff would incorporate the minutes as an attachment to the Staff report. Mr. Bailey talked about the check and balance for the meeting minutes taken at the neighborhood meeting. Mr. Bailey said that Staff has reviewed the minutes and there has not been a conflict with them that Staff is aware of. Chairperson Simmons noted that he was at two of the three meetings and he has read the minutes and they seemed to be accurate to him.

Member Templeton he said he liked the idea of addressing neighborhood concerns early in the process of a proposed project. He also said it is a problem if a proposed project gets kicked out because of only a couple of neighbor's concerns. He also noted that you cannot please everybody. Mr. Bailey noted that a developer would take a good set of meeting minutes that would include the concerns. Mr. Bailey said the developer would come prepared to explain what they believe they can do for a proposed project to address concerns.

Member Boyle said he would like to think that any developer would gage their likelihood of success and they usually have legal counsel to help them make decisions.

Vice-chairperson Simmons talked about what Chairperson Woolridge had said at the quarterly public hearing which was the challenge the Planning Commission has at public hearings is there is no room in the process for negotiation and we need to come back to the original intent of the Planned Development process. He noted that the neighborhood meeting is an informational process for the neighborhood and the developer.

Mr. Bailey explained that the Staff is working with the Town Attorney to alter the way the advertising is done: to have clear language regarding the public hearing stays open until the Council decided. Mr. Bailey said the Planning Commission and the Council will have the ability to defer a complex case to the next meeting. Mr. Bailey further explained the proposed public hearing process.

Vice-Chairperson Simmons asked if Council approves the 300 feet property owner notification is this the only notification. Mr. Bailey said it is posted under public meetings and the Staff posts it as well.

Mr. Bailey noted that the neighborhood meetings will be attended by the developer and the people that are directly affected by the proposed project.

Mr. Bailey said it was the consensus of the Council to modify the distance for the notification from 150 feet to 300 feet.

Mr. Bailey said the Staff left 150 feet in the proposed text because he did not have direction at that time except from one person which was not enough to warrant a sufficient change.

Vice-Chairperson Simmons said a stakeholder of a proposed project has an opportunity to voice their concerns at the neighborhood meeting, public hearing, Planning Commission meeting and the Council meeting. Mr. Bailey said the neighborhood concerns need to be filed with the clerk.

First Motion and Vote:
Member Lippard made a motion, seconded by Member Boyle that the proposed amendment to the Town's zoning map is consistent with the Towns comprehensive plan and other applicable plans of the Town which relate to this application because it provides increased clarification of the planning and use of neighborhood meetings concerning planned development. It also provides more citizen input into the planned development process.

Vote:

Aye – All
Nay – None

The vote was unanimous.

Second Motion and Vote:
Member Lippard made a motion, seconded by Member Boyle that the Planning commission recommend approval to the proposed amendment to the Town's zoning ordinance and believe that approval is reasonable and in the public interest because the it meets Comprehensive Plan Update 1.1 for Community Appearance and Community Character which blends the built environment with the natural, scenic, and historic character of a High Country small town, especially discouraging commercial strip development, cluttered signage, and "cheap" apartment buildings. The Planning Commission would like to recommend the following conditions for consideration:

1. Meeting notices will be handled by the petitioner.
2. Meeting notices will be sent out to property owners located within 150 feet of the proposed property up for development site.
3. Staff will not set up the room for the meetings, attend the meetings or take minutes for said meetings.
4. A petitioner can use a secondary location for their meeting, if the "Council Chambers" is unavailable.

Vote:

Aye – All
Nay – None

The vote was unanimous.

Member Tate added a friendly amendment to change the distance back to 150 feet from 300 feet per the Staff's recommendation. He explained that at 300 feet you can potentially bring people into the discussion who may not be impacted by a proposed development. Member Lippard and Member Boyle accepted this friendly amendment to the motion.

Member Boyle said he can see getting more people involved when there are impacts like increased traffic or traffic changes and other impacts. This is why he is favor of the 300 feet distance.

Member Tate said we are looking at making this process easier on everybody. He talked about being involved in a proposed project for many days over the complaints of a neighbor and after the project was completed, it was made known that the neighbor's involvement was unwarranted and it created a huge problem for everybody.

Member Lippard added that he understands the 150 feet and explained that there are public hearings that anyone outside of the 150 feet area could address any concerns they may have about a proposed development.

Mr. Bailey added that at a public hearing and once the petitioner has submitted an application, there will be signs posted on the property which is the state accepted method for notifying people that may be potentially impacted by for example the traffic impacts of a proposed project.

Member Boyle talked about 9.10.05, A, 2a, The Planning Department shall schedule a charrette-style neighborhood meeting at Council Chambers. He said he did not feel the Town should be scheduling this type of meeting. He said he did not feel like Staff should be a part of the meetings. Mr. Bailey said the Staff would provide the information about how to use the Council Chambers which includes contacting the Town Clerk who maintains the Town calendar.

Mr. Bailey reminded the Planning Commission about their thoughts on the secondary location of the meetings. It was the consensus of the Planning Commission to include a secondary location as a condition in the recommendations for this case.

CASE 20160222 UNLISTED USES: Amend UDO Articles 2 and 15 to add catch-all for uses not listed in the Table of Uses and provide for evaluation of unlisted uses; modify "Recreation" table title and add 12.13 Motor Vehicle Racing/Speedway to Table of Principal Uses as a prohibited use.

Mr. Bailey said the proposed language gives direction to Staff on making an interpretation of the text for unlisted uses. He said an unpublished court opinion upholds this in another jurisdiction and it uses the land-based classification system. He said it utilizes the definitions of the zoning district to look at similar uses in the Table and whether or not they are allowed.

Mr. Bailey talked further about the unpublished court opinion regarding a truck stop in the State of North Carolina. Vice-Chairperson Simmons asked Mr. Bailey for the written court opinion. Mr. Bailey said he would email it to him.

Mr. Bailey noted that if he is not able to make an interpretation on a use, he said it can be moved to the Council for their consideration.

Mr. Bailey said that his decisions can be appealed to the Board of Adjustment, if needed.

McCracken asked if the change in 2.06.02 Interpretations B and 3, if it would apply to any text change. Mr. Bailey clarified that the topic being discussed is a text interpretation. Mr. Bailey noted that in other parts of the UDO a request for an interpretation has to be in writing. Mr. Bailey said the proposed change in B.1 was to make it clearer and B.3 allows the Planning Director to consult with the Town Attorney, if needed.

Vice-Chairperson Simmons used the following example and said he has a one-half acre lot beside his house and he wants to put in a paint-ball course and this use is not allowed in the table, therefore, it would fall under this process to be evaluated. He talked about the intervener process that could be taken by the people that live around this one-half acre lot, if they wanted to.

Mr. Bailey read 15.02.04 and explained the appeal process. He said if a review is administrative, it is likely to lead to administrative approval unless a transitional zone is triggered and that must be factored in. He talked about the other uses and the permitting process outside of his control like through a special use permit process which would include the posting of the parcel.

Vice-Chairperson Simmons asked Mr. Bailey if he is happy with the way the notifications work with the current language. Mr. Bailey said yes.

Vice-Chairperson Simmons said he had heard one concern about the determination of the appeal process happens behind closed doors. He talked about the discussion of an appeal in the public eye. Mr. Bailey noted that an appeal has to be submitted in writing. Mr. Bailey said that he would review it and a determination on it based on other criteria. Mr. Bailey noted that once a written appeal is submitted; it becomes public record.

Member McCracken talked about a university issue several years ago where state government decided that university use was not government use for a B-3 zoning district. She asked if this would be the place to appeal and say this should include university use or is it only for those things that are not identified at all or are a difference of opinion. Mr. Bailey said for things that are not identified yet. Mr. Bailey said he is already working on the issue that Member McCracken raised at this meeting.

Discussion ensued on the university being listed in the Table of Permissible Uses but it is not populated except in the U-1 zoning district.

Discussion ensued on what parts of an interpretation of a use is public. Mr. Bailey said they are all public. Mr. Bailey explained that he would create a written decision that can be appealed by

the applicant, if they want to do so.

Vice-Chairperson Simmons noted that as a Planning Commissioner, he sees this proposed text change as putting a better process in place for the future. Member Lippard agreed and said it sets up the precedent of having a process to deal with unlisted uses. Mr. Bailey said the Staff is trying to create a methodology to get a consistent answer in the proposed text amendment change.

Discussion ensued on where the decisions on the uses is kept. Mr. Bailey explained that every written application gets an assigned number and a file is created that will reside in the office in perpetuity or it will be closed, if we actually adopt it and become a part of the adoption language and file.

Mr. Bailey talked about the second part of the proposed text amendment change. Mr. Bailey handed out several emails that came from the Town Clerks office. The emails were in support of this proposed text amendment change (permanently attached).

Mr. Bailey talked about including the racetrack in the Table but not populating it. Mr. Bailey said that by the nature of the adoption, it would be a prohibited use.

Member McCracken clarified that the Staff's recommendation is for the racetrack to be a prohibited use.

Member Lippard asked why is the handout attached to this particular proposed text amendment.

Member McCracken asked Mr. Bailey where the definition for recreation was found in the UDO. Mr. Bailey said it is found in Article 34.

Discussion ensued on the impact of lighting in residential areas at night.

Member McCracken asked if there has been a recent change to the particular recreational facility.

Mr. Bailey noted that the race track is an ongoing legal matter and he is not able to talk about it.

Member Templeton talked about the history of the race track.

Member Boyle talked about the possibility of the ETJ being removed from the Town's jurisdiction. Mr. Bailey said we have to deal with what is in the Town's jurisdiction today.

Mr. Bailey talked about the concern of a race track being built in the corporate limits like in the Downtown area or at the university which is why this type of use is being addressed.

Member McCracken asked about the monster truck rallies and could they not be held in the Holmes Convocation Center. Mr. Bailey said he would wait for this proposed text to be adopted

before he would answer this question. Mr. Bailey said the Town's zoning authority on existing buildings on the university property is limited. He said the Town has zoning authority on buildings being built. He said once the buildings are built, the Town has limited authority on the use of the building.

Member Lippard said as an ETJ Planning Commission member he has been contacted and asked why the Town does not have an Olive Garden and the racetrack. He said there are plenty of people on both sides of this discussion which have concerns. He said he understands why this language needs to be clearly written for unlisted uses. He said by just labeling a use on a Table of Permissible Uses does not fully address the issues with it.

Mr. Bailey suggested that the Planning Commission adopt the proposed language as they see fit with any changes that they want to propose for it within their recommendation.

Member McCracken clarified that if the Planning Commission makes a recommendation and they do not include the language about a use not being permitted, and assume the Planning Commission gives Mr. Bailey the authority and the Council supports it to put in place this process to determine unlisted uses. Mr. Bailey would bring back to the Planning Commission at another meeting and want to put a use in the ordinance because it might become a common use. She said she had rather deal with Mr. Bailey on a use and make the argument why a use should be populated in the Table based upon the authority the Planning Commission gives Mr. Bailey. Member Lippard agreed with Member McCracken.

Mr. Bailey suggested to include what Member McCracken has discussed with their recommendation on this proposed text.

Vice-Chairperson Simmons talked about the adding of a race track and would we want to ever allow another race track. He talked about issues like noise and traffic that are associated with a race track.

Discussion ensued on the possible locations for race tracks. Member Lippard noted that there is not a policy in place to deal with another race track.

Member Boyle asked if the Planning Commission actually adopts the definition of the race track.

Discussion ensued on the go-cart track on Hwy 105. Mr. Bailey noted that the go-cart track is an approved use.

Member McCracken clarified that the proposed text change is for future regulation. Mr. Bailey said that is correct.

Member Templeton said his issue with the race track is there are more people in the community that are in favor of it and there are neighbors that are against it. He said he was not saying that the issues were valid, he said he would like to find a way to allow motorized racing for those

people who enjoy it within our corporate limits under certain conditions and where we can co-exist.

Member Boyle said he did not think that we should proceed with this proposed text amendment but if it does go forward, he suggested that any internal combustion engines be prohibited.

Member Templeton said that he envisions a future where there will be a demand for this type of sport by some part of the public and it may have to have a buffer if it is possible and what conditions would they have to meet and may need to build a sound wall. He said he thinks that this is a legitimate use. Member Boyle agreed with Member Templeton that there is a lot of demand for the race track.

Member Lippard talked about the conversations by the Planning Commission when they were reviewing other various uses in previous meetings. He is in favor of asking Staff to review this proposed text change again and bring it back to the Planning Commission to review.

Vice-Chairperson Simmons talked about when the outdoor shooting range was discussed by the Planning Commission, he said this use is a great analog to go by when reviewing unlisted uses. He said he has completely divorced in his mind the Mountain View Speedway because that will not be up to the Planning Commission to decide.

Mr. Bailey talked about the Council hearing enough of the citizens say that they do not want the race track. Mr. Bailey said the topic of the race track was a vehicle to move the proposed text change forward to be reviewed rather than have a separate document. Mr. Bailey said that the Council did not want this type of use in the Town and he talked with the Town Attorney on it.

Discussion ensued on the two ways to handle the race track, one by listing the racetrack in the table but not populating it or to create an interpretation. Member McCracken said if the Planning Commission passes the proposed text amendment, it will give Mr. Bailey the authority to create an interpretation that this unlisted use is not a recurring or common event possible. She said that could be challenged. Mr. Bailey said given the history that most likely he would not make an interpretation, he would send it directly to Council. Member McCracken said she feels that the proposed text is too manipulative to be able to support it as it is.

Mr. Bailey noted that there is no place in the Town where a race track is acceptable.

Member McCracken noted that there is a third option which is to create a straight text amendment to the UDO that says this is not an allowable use not because it is not listed but because the community has a concern about it.

Discussion ensued on the Staff's interpretation of common and recurring uses and whether a use is allowed or not.

Discussion ensued on splitting the motion and vote. Member McCracken said one motion would

be to give the Staff the authority to define and make decisions on undefined uses and a separate motion that says that the Planning Commission wants to amend the Table of Permissible Uses. Member Tate and Member Lippard agreed with her on this. Member Lippard said he would like it to be recognized that Member McCracken is making the Planning Commission make a political decision versus a planning decision.

Vice-Chairperson Simmons said he separated the proposed text amendment change from the race track. He said he considered the Town's zoning map, when he was reviewing the race track use and he looked to see if there was a place that another race track could be placed.

Discussion ensued on how the Planning Commission would need to vote on the two questions regarding the permissible use and the process for interpretation.

Mr. Bailed noted that the courts are going to look at the ordinance and if something is not listed, they are going to look at the way we currently use the process to determine any unlisted uses and we do not have it. He said the court may make a determination because a use is not listed and there has been no legislative decision about it, then you have to allow the use. He noted this is a possibility in the current scenario.

Member Templeton said he was told that the Planning Commission was not supposed to be concerned with the way the courts would interpret it. Mr. Bailey explained that the Planning Commission is being asked to amend the Table to add the race track and to review the process to see if an unlisted use is allowed or not.

Member Templeton said he is alright with the proposed process for the unlisted uses but is the Planning Commission going to take it a step further and tackle a specific use that is currently being litigated by the Town.

Member McCracken asked Mr. Bailey about the criteria for 15.02.03 being selected for the director to use to make determinations. She asked if this language was similar for other Towns and is quality of life considered part of the rationale. Mr. Bailey said yes it is about health safety and welfare of the community. Mr. Bailey said the proposed language came from the Town of Cary, North Carolina.

Member Myers shared his thoughts on what the Planning Commission has been asked to do regarding the process of unlisted uses being allowed or not and the amending the Table of Permissible Uses.

Mr. Bailey pointed out that this topic of discussion is on race tracks in general.

Discussion ensued on how to create the motions and votes for this case.

First Motion and Vote:
Member Lippard made a motion, seconded by Member Boyle that the proposed amendment to

the Town's zoning ordinance is consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because the proposed amendment establishes a much needed process through which proposed unlisted uses can be evaluated objectively, consistently, and through a clearly defined manner articulated in the Unified Development Ordinance except, the Planning Commission recommends that 12.13 be removed from the Table of Principal Uses 15.07 and any corresponding definitions or statements associated with it.

Vote:

Aye – 7 (Boyle, Dineen, Lippard, McCracken, Myers, Simmons, Templeton)
Nay – 1 (Tate)

The motion passed.

Second Motion and Vote:
Member Lippard made a motion, seconded by Member McCracken to approve the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because it is supported by the Comprehensive Plan 2.1.1 (E), the Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources; and as mentioned in the Comprehensive Plan 2.1.1. (E1) it will continue to look for ways to make development regulations and permit procedures more predictable and timely, however, the inclusion of Use 12.13 should be further evaluated with the newly written text amendments herein.

Vote:

Aye – 7 (Boyle, Dineen, Lippard, McCracken, Myers, Simmons, Templeton)
Nay – 1 (Tate)

The motion passed.

Member Boyle said that he wanted in the record that he feels like the definition of the race track should be very clearly delineate between internal combustion loud polluting machines versus anything else that isn't.

CASE 20160224 TREE BOARD REMOVAL – UDO TEXT AMENDMENT
Amend UDO Article 2 to remove the "Tree Board" from the UDO and modify the powers and duties of the "Community Appearance Commission".

Mr. Bailey said the Town Manager with the Town Council reorganized the boards and one of the boards that was eliminated was the Tree Board. He said the Staff is proposing to remove it from the UDO. He explained the duties of the Tree Board were assigned to Community Appearance Commission which is a statutory commission. He further explained that the Urban Forest Protection Program was created and functions under the Tree City USA umbrella. The Town still meets the definition that was recently altered and the Town still qualifies for Tree City USA.

He said the Community Appearance Commission got the duties of the Tree Board and part of those duties was to manage the Urban Forest Protection Program and to develop educational materials which is another component of the Tree City USA.

First Motion and Vote:
Member Boyle made a motion, seconded by Member Tate that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because it will continue to conserve existing trees and plant new trees.

Vote:

Aye – All
Nay - None

The vote was unanimous.

Second Motion and Vote:
Member Boyle made a motion, seconded by Member Tate to move to approve the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because the previous duties of the Tree Board are now part of the Community Appearance Commission duties.

Vote:

Aye - All
Nay – None

The vote was unanimous.

CASE 20150149 PUBLIC HEARING PROCESS CHANGE: Modify UDO Article 9 with respect to the hearing, review and approval process for UDO text amendments and Zoning Map amendments (including PD and CD applications).

Mr. Bailey explained that this is the third time that the Staff has tried to get this proposed process approved. He said the goal is to move from quarterly public meetings to on demand meetings which is essentially once a month. He noted that developers have requested this type of scheduling all along. He noted that there are 12 hearings on average a year as he pointed out on the UDO Text Zoning Map Amendment Schedule (permanently attached).

Mr. Bailey explained the whole hearing and meeting schedule with the Planning Commission and answered any questions regarding it. He noted that this is the more complex schedule that the Staff uses. He noted that this proposed scheduled cuts 27 to 28 days off the process. He pointed out that if the meetings get held over, it can add as much as 30 days to the process. He said the average number of days is 82 to 112 depending on when an applicant gets into the cycle.

Mr. Bailey talked about the moving of the Planning Commission meeting from the first Monday to the fourth Monday to help the Staff to be able to put together the Planning Commission case recommendations and the meeting minutes and get them to Council. He noted that right now the Staff struggles to get all the information together. It was noted that the Staff put this schedule together to help to not miss the Council agenda deadline. He further explained that the Council packet cannot be published until they receive what the Staff needs to send them. He talked about 80 percent of the meetings being with the Council.

Discussion ensued on the days that will be saved with the proposed UDO Text Zoning Map amendment Schedule, if it is approved.

Vice-Chairperson Simmons talked about the possibility that the Planning Commission members will feel pressured to make a decision on complex cases right after the public hearing. Mr. Bailey said a case could be held over 30 days, if a decision is not made on case on the same night.

Mr. Bailey said it is a benefit for the Council to attend the same meeting as the Planning Commission so they can hear the same information at the same time.

Mr. Bailey said Staff would manage the agenda items for a meeting and if there are several complex cases, the Staff will work with the petitioner to move the case.

Mr. Bailey said Staff has not developed a methodology for having meetings around holidays. Mr. Bailey said the Planning Commission can talk about the scheduling of meetings around holidays and propose changes to the meeting schedule.

Mr. Bailey talked about special public hearings being disruptive to the Staff's work flow.

Vice-Chairperson Simmons suggested that the Planning Commission members be prepared to discuss the cases, when they need to make recommendations.

Discussion ensued on making it a condition to revisit this proposed text. Mr. Bailey said it does not need to be made a condition because the Staff will monitor it.

First Motion and Vote:
Member Boyle made a motion, seconded by Member McCracken that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because it is another way to make development regulations and permit procedures more predictable and timely.

Vote:

Aye – All
Nay – None

The vote was unanimous.

Second Motion and Vote:
Member Boyle made a motion, seconded by Member McCracken that the Planning Commission recommends approval for the following reasons: the proposed changes streamline the amendment process by providing for a monthly public hearing schedule, rather than quarterly, allowing development proposals and text amendments to be heard, discussed, and decided in a timely manner.

VOTE:

Aye-All
Nay-None

The vote was unanimous.

OTHER MATTERS FROM BOARD MEMBERS OR STAFF

Discussion on Electing a Planning Commission representative to attend the May 19, 2016 Special Public Hearing at the Council Meeting.

Member Tate made a motion, seconded by Member McCracken to have Chairperson Woolridge to attend May 19, 2016 Special Public Hearing at the Council meeting to represent the Planning Commission on the discussion of the proposed Rivers Walk Mixed Use Project.

VOTE:

Aye-All
Nay-None

The vote was unanimous.

ADJOURNMENT

Member Tate made a motion to adjourn the meeting at 8:54 p.m. seconded by Member Boyle.

VOTE:

Aye-All
Nay-None

The vote was unanimous.

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Vice-Chairperson Greg Simmons **Marlene Crosby, Board Secretary**