



Planning and Zoning Board June 10th, 2010 6:00pm

1. CALL TO ORDER AND INVOCATION

Board Members present for the meeting were:

Chairperson Peter Prichard
Vice-Chair Michael Roberts
Member Vinnie Goel

Member Wade Davis
Member Lydia Martin
Member Catherine Willis

Board Member absent from the meeting was:
Member Kris Gardner

Staff Members present for the meeting were:

Shannan Ference/Planning Technician
Tim Gauss/ Senior Director of Development
Services
Benjamin Hitchings/Planning Director

Courtney Tanner/ Planner II
Ashley Kaade/Planner I

Chairperson Peter Prichard called the meeting to order at 6:08pm.

Member Willis gave the invocation.

2. APPROVAL OF MINUTES May 13th, 2010

Chairperson Prichard asked for any changes to the minutes.

MOTION:

Member Roberts motioned to approve the minutes as written.

Member Goel seconded the motion, which passed unanimously.

3. CHANGES OR ADDITIONS TO AGENDA

Chairperson Prichard asked for any changes to the agenda.

Ben Hitchings, Planning Director stated that there were none.

4. TOWN CENTER DEVELOPMENT CODE (Courtney Tanner) a. Public Comment Session

Courtney Tanner, Planner II started the discussion by saying that back in the December the Planning and Zoning Board made a recommendation to the Town Council to approve the Town Center Code. She said that since then multiple changes were made to the code by Town Council and one major change to note was the creation of two new zoning districts. She said that the new districts were the Residential Neighborhood Preservation and Residential Transitional districts. She explained that the Town Council had decided that it would be best to zone all parcels adjacent to NC 54 as Corridor Commercial. She said that the 'Children's Park' site would remain as its current zoning. She said that the 'Ruritan Park' and the other park site would be included as Historic Crossroads Village. She said that some of the other changes were that the Town Center Overlay would now be a voluntary floating district rather than an imposed overlay. She explained that an additional benefit for affordable housing was added to the Conditional Rezoning process. She said that some of the allowable uses had also changed, including allowing for Community Gardens in all districts, allowing manufactured homes only in the Residential Neighborhood Preservation District, and allowing Multi-family development and Private Clubs/Lodges only by permission of Town Council in the Residential Transition District. She said another change to note was that any retail store greater than 50,000 square feet was not allowed in any district. She said that the current anticipated effective date of Town Center Code was July 13th, 2010.

Member Prichard thanked Ms. Tanner for her presentation and asked if they should go ahead and take questions.

Ms. Tanner said that it may be important for the board to also look at Attachment # 3. She said that this attachment involved new requirements for non-conforming structures. She said that some of the requirements in the current Zoning Ordinance did not encourage creative re-use of existing structures. She said also that Accessory Apartments were not going to count toward density calculations.

Member Prichard said that he thought it would be best for the board to first ask any questions to clarify the changes and then maybe comment toward the end. He reminded the board that it had been some time since this process had started.

Member Willis asked staff what an 'A' frame sign was. She also asked if all lots in a zoning district were required to be 70 feet wide, because she was concerned that many existing lots did not even come close to being that wide.

Ms. Tanner replied that an 'A' frame sign was like a sandwich menu board. She said that some lots may be non-conforming but that any lots subdivided since 2001 should comply. She said that if someone owns two lots next to each other and neither of them are wide enough than they will need to combine them before they can make any large improvements such as building a house there.

Mr. Hitchings said that existing structures would be grandfathered in.

Member Willis asked for some more explanation about the change in the Town Center Overlay.

Ms. Tanner explained that the overlay had not greatly changed, except for that now it is a voluntary option with some density bonuses associated with it.

Mr. Hitchings said that you would have to re-zone into the Overlay.

Member Prichard asked for more clarification on what 'Office Retail' was.

Ms. Tanner said that 'Office Retail' was basically an office building with retail uses on the ground floor up to 100,000 square feet large.

Member Prichard asked about the parking reduction of 10% for such uses.

Ms. Tanner said that some uses could have their parking minimums reduced by up to 10% by utilizing vertical parking space configuration.

Member Prichard said that he preferred a maximum number of allowed parking spaces over a minimum. He asked about the type of buffers for Corridor Commercial and TC Office and Institutional.

Ms. Tanner said that there were pros and cons to increased buffers. She said that Town Council asked staff to be creative and figure out a good buffer system. She said that there was the opportunity to pay a buffer-in-lieu at the rate of ten dollars per square foot. She said that it would not end up to be a great amount of money, but that the funds could go to parks and greenways.

Member Prichard asked what had happened to the parcels between Town Hall Drive and the Savannah Subdivision. He asked why they were retaining their existing zoning districts.

Ms. Tanner replied that the zoning in this area is a mixed bag and said that it will retain its current zoning at the direction of Town Council. She said that a developer could come in and apply for a rezoning option from the Town Center Code.

Member Willis asked what the current zoning for the planned 'Children's Park' on Carolina Street was.

Ms. Tanner said that currently is it zoned Residential-12. She said that currently if someone wanted to build a home there they could.

Member Vinnie Goel asked if some sort of a separate escrow account would be set up for the buffer-in-lieu payments collected.

Ms. Tanner said that the Town's finance department has not yet set up any accounts because the Town Center Code has not been approved by Council.

Member Goel asked if there was money paid for a certain purpose in general if it went into a certain account.

Ms. Tanner said yes, and explained that there is a line item created so if, for example, money is collected for a traffic signal then there is a traffic signal line item.

Member Michael Roberts asked why the park designation for these two lots was removed.

Ms. Tanner said that there were general concerns with the Town isolating certain parcels for the potential placement of a park.

Member Roberts said that *Ms. Tanner's* response was very vague and that he was looking for something more specific.

Mr. Hitchings said that there were some legal and political aspects to the decision.

Member Roberts said that he was not clear on why this area could not be designated for a park.

Mr. Hitchings said that there was an issue of consistency between these properties and ones around them.

Member Roberts said that he was unhappy with the Town potentially losing the opportunity to have the park at this location.

Mr. Hitchings said that there is more of an emphasis and importance placed on the acquisition of the properties. He said that the properties are still important. He said that after some careful review that the Town's legal counsel had some concerns about the park designation.

Ms. Tanner said that an attorney had helped construct the code, but that it wasn't until Town Council review that there were some legal problems identified.

Member Roberts said that it was frustrating.

Member Prichard asked to go ahead and open up the public comment.

a. Public Comment Session

Mr. Lou Yates of 600 Mason Place Raleigh, NC 27609

Mr. Yates said that he was speaking on behalf of his wife and her brothers of who own 'The Smith Property' adjacent to the 'Pugh House'. He said that the zoning has changed to Historic Crossroads Village and they support for that change. He said that the Town Center Overlay could have affected them, but now that it was voluntary it would be more flexible and could provide for more creative solutions. He said that he once again wanted to offer for purchase the land to the Town of Morrisville. He then thanked the board.

Ms. Laura Marsh of 123 Scoggins Avenue Morrisville, NC 27560

Ms. Marsh said that her property is currently planned to be rezoned to Main Street District. She said that she has some concerns about this because of the street lighting associated with many Main Street areas. She said that she sincerely hopes that if road improvements are made that the Town does not put her home into a bad drainage situation. She said that she is worried about living so close to a Main Street area because it can be very busy. She said that there should be noise provisions and buffers

to provide sound barriers for things such as restaurants with outdoor patios because those will get loud late-night.

Suvas Shah of 111 Canberra Court Cary, NC

Mr. Shah said that he had property interests on Sunset Avenue. He said previously on the east and west side of NC 54 that the area was Town Center Residential. He said that Town Center Residential on the west side was now split into Residential Transitional and Residential Neighborhood Preservation and he thought that it would be better if the residential area on the west side of NC 54 remained Town Center Residential instead of splitting it into the two new districts.

Member Prichard asked for more speakers and since there was none he closed the public comment session at 7:02pm.

Member Prichard said that he thought that the streetlights generally pointed down so as not to shine directly into people's windows.

Ms. Tanner said that there is safety lighting along the rear of the buildings that is required and it does go pretty much straight down, however the Mitchell Top-hat lights do diffuse some light out. She said that decorative lighting around the doors of businesses would diffuse a bit too, but would be minimal.

Member Prichard asked if the Stormwater Ordinance would protect homes from being positioned or roads from being built that direct water to homes and businesses.

Ms. Tanner said that storm water would never be purposely directed toward homes.

Mr. Hitchings said that the Engineering Department reviews plans to ensure responsible storm water practices.

Ms. Tanner said that, in regard to the noise issue, that noise can be fairly contained within a building, but it would be difficult to contain it if a restaurant had a rowdy crowd out on a patio.

Mr. Hitchings said that it is anticipated that many of the restaurants will be located on Main Street proper. He said that nothing is really definitive at this point.

Member Prichard said that the Town had a Noise Ordinance and this type of thing would probably be best addressed through that. He asked how density had changed between Town Center Residential and Residential Transition.

Ms. Tanner said that there were higher densities allowed in the Town Center Residential than Residential Transition.

Member Prichard said that these were some interesting changes. He said that when the Planning and Zoning Board was going through the Table of Permitted Uses that they were careful to be practical in their suggestions and he wondered if that had changed a lot.

Member Roberts said that a joint session between the board and Town Council may have been more beneficial than going through this return process.

Mr. Hitching said that it is a state requirement that the Planning and Zoning Board see the changes made to the Code as well as re-notify all of the property owners.

Member Willis said that she did not think that it was appropriate to keep the current zoning in the first section of Carolina Street that is bound by Scoggins Avenue and Church Street. She said that this is an entire section of the Main Street. She said that if the Town Center Overlay is not going to be used than that is fine, but she said that she did not like the idea of just leaving this area blank with its old zoning. She said that another concern that she had was with the Town Center Overlay being voluntary. She said that she did not think there was any purpose in doing it at all if it was going to be voluntary because she did not think anyone would bother utilizing it. She said that she was wondering if something like a green roof concept with grass and plants and things would be allowed. She said that this type of thing would be good in the Town Center. She also said that she would like to see solar energy uses in these areas. She asked if there were restrictions on solar panels right now. She said that she did not see anything, which indicated that it may or may not be allowed.

Ms. Tanner said that there are many provisions in the Town Center Code that allow for environmental and sustainable options.

Member Willis asked if it would be possible to include a really positive reinforcement statement that would encourage this. She asked if since it was not included specifically if it was therefore prohibited.

Ms. Tanner said that there are objectives that talk about green standards and opportunities to meet them.

Member Willis asked why the section for replacing manufactured homes in the R-12 district on the Table of Permitted Uses was removed.

Ms. Tanner said that was because previously manufactured homes were not allowed by right in the R-12 district and now they are.

Member Prichard asked the board if they were ready to motion.

MOTION:

Member Willis motioned to recommend approval of the Town Center Code with the suggestion to Town Council to not allow the area for the park at the end of Carolina Street to keep its current zoning.

Member Roberts commented that not zoning these planned parks for park preservation made the Town Center Code inconsistent with the Town Center Plan.

Member Willis re-stated her motion and said that she motioned to recommend approval of the Town Center Code however, the Planning and Zoning Board feels that the sections of parcels planned for parks that are retaining their old zoning districts are inconsistent with the Town

Center Plan, particularly with regard to the planned Children's Park and Civil War Battlefield Park.

Member Roberts seconded the motion, which passed unanimously.

Member Roberts commented that he did not feel like the Town Center Code was a joint effort on the part of the Planning and Zoning Board and the Town Council. He said that he thought that this process may have gone better if there was more teamwork between the two boards.

5. WAKE COUNTY TRANSIT PLAN AND INTER-LOCAL AGREEMENT (Ashley)

Ms. Ashley Kaade, Planner I said that the purpose of the presentation tonight was for the board to again consider the transit discussion and inter-local agreement. She said that Triangle Transit is holding public meetings/forums to discuss the alternatives analysis and that the list of those times and dates was provided on the Town's website. She said that Triangle Transit is hosting the meetings at various locations around the Triangle on different dates. She said that the meetings were also included in the boards' packets as attachment 13 and that staff was planning on attending many of the meetings. She reminded the board of the timeline for recommendations and the deadline for the signing of the inter-local agreement. She said that it was still anticipated that the issue may be on the ballot in 2011.

Ms. Kaade added that at the last meeting there was some concern expressed about public participation and she read a list of meetings held, public comments submitted, open houses provided, articles in the Morrisville Connection Newsletter, etc. She said that another issue that was discussed last meeting was the horns blowing when the trains went over the tracks near at-grade crossings and how much more frequently that would occur. She said that this region is part of the sealed corridor of the Southeast High Speed Rail (SEHSR) whose intent is to eliminate at-grade crossings. She also said that there is a means to create a 'quiet zone' from the horns. She said that some people were asking about fares, but that it is still far too early for anyone to be able to estimate fare schedules. She said that she did find out that it is anticipated that fares may be based on certain zones and travel from one zone to another.

Mr. Hitchings said that another discussion topic at the last meeting was the possible station locations and the impacts versus the benefits. He said that there are pros and cons to each location regarding noise, density, etc. He said that usually 20-30% of people choose to live in compact and walkable communities.

Ms. Kaade asked the board if they had any questions and reminded them that the purpose of these presentations were because the board was being asked to make a recommendation to Town Council on whether or not to sign the an inter-local agreement with Wake County to put a tax referendum to voters in 2011. She said that this tax referendum could mean expanded bus service as well as commuter and express rail for the Town. She said that staff is recommending another month on this item because the inter-local agreement has not yet been finalized.

Member Prichard asked the board for any comments and there were none.

Mr. Hitchings said that there would be another update on the item next month and that if the board thought of any questions to email them or bring them to the next meeting.

6. PLANNING BOARD TRAINING PART 3 (Ben)

Mr. Hitchings talked about the changes in the town's population and demographics in the last twenty years and explained how the Town has evolved from mainly an office area to residential and retail. He said that there are some opportunities for strategy in creating things that the town lacks such as a central gathering place. He explained how this could be accomplished through the Town Center Code, Main Street Projects, expanded Transit, and improving development standards through a Unified Development Ordinance.

Member Prichard said that it seemed like the location of a potential rail station was not the only thing that needed to be prioritized.

Member Willis said that she did not have a good sense of what direction the new Town Council was headed in.

Member Roberts said that if the board is starting to think about strategic planning than it might be a good idea to bring up having a joint session with Council. He said that it would be best for the two boards to work together to figure out how to keep the focus on Morrisville. He said that Morrisville has the opportunity to be a getaway spot. He said that one thing that he thought was very important was for the Town to have a senior center. He said that he thought that it was much more important to focus on our aging population than a community garden or anything like that. He said that he is worried that if the town does not focus then opportunities could be lost.

Member Willis said that she would like to find out more about what direction Town Council wants to go.

Member Prichard said that there have been some major changes in Council. He said that it is important to keep Morrisville relevant, for example, it would be great for Morrisville to have an electric car charging station as we become less oil dependant. He said that the Town Center will be a really great step for the Town.

Member Goel asked when Airport Boulevard would be connected over to Davis Drive.

Mr. Hitchings said that there is still land acquisition that needs to be done as well as a bridge over the railroad.

Member Goel said that he likes the idea of public-private partnerships that has been discussed previously. He said that the Town could offer land and then businesses could offer infill or a sculpture or something,

Member Prichard said that this idea sounded like something that Mayor Holcombe may be discussing during a summer meeting session.

Mr. Hitchings said that the Council did discuss coming together to discuss the next five years and prioritize initiatives.

Member Goel asked if road improvements had already been prioritized.

Mr. Hitchings replied that they have sort of been prioritized. He referred Member Goel to the Transportation Plan and a chart located on page 25 which had timelines. He explained that there are many factors that go into roads being built so it is hard to prioritize.

Member Prichard encouraged the board to be thinking about what they thought the top 5 strategic planning items were in the Town of Morrisville for discussion at the next meeting. He said that the board had the opportunity to be pro-active with the temporary slowdown in development. He said he would send out a reminder email about this.

Member Roberts said that was a good idea and that he was in support of expanded rail options. He said that while working in the D.C. area that he has really enjoyed being able to utilize their Metro system. He said he wanted to try to keep the location of a rail station in Morrisville as a positive thing.

7. REPORT FROM THE PLANNING DIRECTOR

Mr. Hitchings said that no major Planning Board recommended items had gone through Town Council at the last meeting. He said that the Town Council was briefed on the Chef's Academy project, which the Planning Board saw last meeting. He said that the Council is discussing an increase in the vehicle fee to \$10 dollars per vehicle, which is a \$5 dollar increase over the current vehicle fee.

Mr. Tim Gauss, Directorate of Development Services said that revenues from permits have been estimated conservatively for Fiscal Year 2011, but revenues will probably increase slightly over time. He said that hopefully some of the training and travel money for staff will be re-instated. He said that the Town is low on special projects and contract monies.

Ms. Shannan FERENCE, Planning Technician talked about the upcoming Yard of the Month program that the Community Appearance Committee does. She explained that anyone in the Town of Morrisville can nominate themselves or their neighbors.

8. BOARD MEMBER COMMENTS

Member Goel said that Yardnique was still pulling a ton of mud onto NC 54 from their site at the intersection of NC 54 and Morrisville-Carpenter Road. He suggested that maybe they consider putting in some kind of a gravel driveway.

Mr. Hitchings said that a number of Yardnique's code compliance issues were going to be worked out through their site plan and re-design of their site. He said that he would talk with John Barnard, Code Enforcement Officer about the issue.

Member Prichard said awhile ago he recalled a site plan being approved for the intersection of Davis Drive and McCrimmon Parkway and asked if there was anything going on with that.

Mr. Hitchings said that they had just gotten construction drawing approval and building permits and should have construction under way. He said that there will be a few restaurants, retail, and office.

Member Prichard said that he really did not agree with the increased speed on Davis Drive. He said that it was 55 miles per hour from Research Triangle Park into the Town of Cary. He said

that speed was too high and dangerous for such a busy area as Breckenridge to Morrisville-Carpenter Road.

Member Roberts said that he thought that Morrisville-Carpenter Road was supposed to be widened and asked what was going on with that project.

Mr. Hitchings said that there were multiple utility location problems that had arisen that slowed that. He addressed Member Prichard and said that he would have an update on the progress of staff on the speed limit issue.

Member Roberts said that he is frustrated with the payment-in-lieu process. He said that he feels like when that is posted that means that nothing will ever be done. He said that he is especially frustrated with the Manor Village at the intersection of Cary Parkway and NC 54. He said that he did not think that the trees that they planted were large enough and he was also upset that they damaged and removed additional mature trees in their tree protection area.

Mr. Hitchings said that there were many legitimate issues with utility easements on the site that caused them to have to remove some of the trees. He said that sometimes that happens and that the trees planted were the correct size.

Member Willis said that there was a large problem with construction traffic through her neighborhood of the Gardens at Town Hall Commons. She said that trucks are not obeying the speed limit, coming through noisy early in the morning, etc.

Mr. Hitchings said that he would check with the Town's Code Enforcement Officer on what could be done.

9. ADJOURNMENT

MOTION:

Member Willis motioned to adjourn the meeting at 9:18pm.

Member Roberts seconded the motion, which passed unanimously.

Chairperson Peter Prichard

Secretary to the Committee

Date

Date