



UDO PLANNING BOARD SUBCOMMITTEE MINUTES
Thursday, September 28, 2023, at 6:30pm
GoTo Webinar Pittsboro, NC

Attendance: Subcommittee Members: Jon Spoon, Eric Andrews, Clyde Frazier, Mary Roodkowsky, and Elizabeth Haddix.

Ex-officio: John Graybeal, Alicia Koblansky (Climate Change Advisory Committee), John Foley, Mary Gillogly, and Gail Friedman (Affordable Housing Committee)

Planning Staff: Jason Sullivan, Chance Mullis Angie Plummer, Hunter Glenn, and Dan Garrett.

Public Attendance: Jack Watson and William Bell

I. CALL TO ORDER

Chair Spoon called the meeting to order at 6:34pm and asked Mr. Mullis to go over the virtual meeting guidelines.

II. APPOINTING NEW MEMBERS:

Chair Spoon stated there are two new Planning Board members joining the UDO subcommittee, Ms. Mary Roodkowsky and Ms. Elizabeth Haddix and three new ex-officio members to consider, Mr. John Foley, Ms. Mary Gillogly, and Ms. Gail Friedman who are all currently serving on the Affordable Housing Committee. Mr. Andrews made a motion to elect the Planning Board members and the ex-officio members to the UDO subcommittee, second by Mr. Frazier. The two Planning Board members and three new ex-officio members were approved by a vote of 3-0, unanimously.

III. APPROVAL OF MINUTES

Consideration to approve the February 25, 2023, minutes. No corrections were required, the motion made by Mr. Andrews to approve, second by Ms. Haddix the minutes were approved 5-0, unanimously.

IV. UDO DRAFTS REVIEW

- Chair Spoon stated the documents we will be reviewing are the Chapter 4 Development & Design Standards subchapters, 4.4 Landscaping & Screening, 4.5 Exterior Lighting, and 4.6 Parking & Loading.

Subchapter 4.4 Landscaping & Screening:

- Chair Spoon asked where the base standards and measurements came from for all three of these subchapters. As we know the consultants work with a lot of jurisdictions and it would be interesting to know where they gathered this information from as a baseline. Also, has the Appearance Commission (CCAC) reviewed these subchapters? Mr. Mullis stated the CCAC has not reviewed the Landscaping and Screening subchapter yet, but as the consultants were drafting these subchapters, they raised questions to the Appearance Commission for input. The CCAC has recently drafted their own design guidelines and some of the base standards and measurements were pulled directly from that document as well as other jurisdictions. Mr. Mullis stated getting their input is critical and we should have them review these subchapters. Ms. Plummer stated the CCAC created a whole new design guideline at the same time the county went forward with the UDO, so they are delaying the approval from the BOC so they can be incorporated into the UDO standards.

- Ms. Haddix stated there is a lot of vague language of implied requirements or recommendations of how we enforce, and we need to review the draft for that language to be more direct.
- Mr. Andrews stated on page 4.4 Section 4.1.2 A. 2. – “expansion increases the building's floor area by 10% or more” this seems to be a low threshold for an existing business or situation and could be a burden to deal with, could there be more flexibility?
- Ms. Haddix stated there is a lot of detail within this document, who is the targeted audience for this subchapter, and will there be an overview or summarized version available to access because this is challenging to navigate. Chair Spoon stated this subchapter is focused more towards developers, landscape architects, and civil engineers who will be working on the design plans for these projects, so they are familiar with the technical nature of this subchapter. This is not a document that would necessarily apply to every citizen in Chatham County. It might be a good idea to have an abstract or an executive summary for this subchapter to aid in understanding.
- Chair Spoon stated on page 4.5 list of plant species, could we have variability to navigate supply shortages of native species? We need to have market realities and ensure the plants are obtainable. Ms. Plummer stated the CCAC members have worked to have a more evolved plant list to create a wide variety of native plants, so there are a lot of options to choose from. Chair Spoon mentioned on page 4.5 F. there are administrative decisions made by a “Director” and there are many times within these subchapters this director has administrative authority, who is this director? Mr. Sullivan stated it is the Zoning Administrator or the Panning Director.
- Mr. Andrews stated on page 4.5 E. “Provide information about plans for irrigation and maintenance of the landscaping” this seems very broad; we need to be more specific regarding the details of what the developer is required to do in this maintenance plan.
- Mr. Andrews said on page 4.7 with the table for minimum plant size, the cost of these size trees can be burdensome to developers and has concerns about the expenses expressed here. We should look at a couple examples to see what these numbers would be for a typical project.
- Chair Spoon stated on page 4.9 we seem to be getting prescriptive such as, “Groundcovers shall be regularly weeded until they are sufficiently established to provide natural weed control” who is going to be the enforcement agency for regulations like this. Ms. Haddix stated the words used like “should” or “recommended” are open to interpretation and can be objective.
- Chair Spoon stated on page 4.10 under “irrigation”, is irrigation going to be required for every planting? Plant life is important, but we also need to be realistic about the costs associated with these techniques. Ms. Plummer said irrigation is not required, it is up to the developer to take care of and keep the plants alive. Mr. Sullivan stated CCAC has a strong preference to not see irrigation, but if we see it then it needs to be regulated.
- Mr. Andrews asked on page 4.10 “F. Credit for Existing Vegetation” how does that coincide with required buffers, and we probably want to save existing vegetation, is there a credit for leaving existing vegetation? When does it qualify as an existing vegetation? We do not want this to be used as a developer loophole. Ms. Plummer stated this is our attempt to preserve natural preservation, this language is for that reason.
- Chair Spoon asked for an explanation to sight triangles on page 4.11. Ms. Plummer stated NCDOT has a requirement at the end of most roads where a 10’ by 70’ area has to be cleared of any visual impacts, so that is the area that needs to be avoided.
- Mr. Frazier stated on page 4.12 C. “75% of the building foundation shall consist of native plants” do we really need to mandate this? Ms. Roodkowsky asked why does it require 75% in some districts and only

50% in other districts? Mr. Mullis said in the footnotes it states that was brought over from the revised design guidelines and it is applied in particular districts of the county, such as urban and rural.

- Mr. Andrews stated on page 4.13 D. “parking lot screening” has concerns about an unintended safety issue along the perimeter. This screening around the perimeter can really cause a safety issue so this should be reviewed for that. Chair Spoon stated on page 4.13 D. 3. “berm maintenance” we need to have standards to ensure they do not get overgrown and is this the section we want that to be addressed. Chair Spoon also asked about “solar canopies” under E.1. at what stage in a tree’s life are we able to measure the solar canopy? We need to dive into this in more detail.
- Mr. Frazier asked is an eight feet buffer too much for six spaces or do we need to change the number of parking spaces? Let us evaluate this threshold under page 4.13 D.1. “parking lot screening”.
- Chair Spoon asked on page 4.17 “buffer options” on option 2, are we packing too many trees in one space that we are going to impact the other trees survivability? If CCAC recommends it, then we could be comfortable but maybe we want to double check.
- Chair Spoon said on page 4.19, the definitions that appear on this page should be on the same page as the table on page 4.20. Having the table and definitions on the same page to not have to flip back and forth would be helpful.
- Mr. Frazier asked about the table on page 4.20 and if a single-family residence is responsible to provide screening if they adjoin anything other than another single-family residence? Ms. Plummer stated this is for commercial use and it would be the commercial applicant’s responsibility to provide the screening if they are abutting a single-family residence.
- Ms. Haddix stated the language on page 4.21 “alternative perimeter buffer” seems a bit too subjective and needs to be evaluated as well if it is administrative approval. Chair Spoon said If we are receiving a lot of applications for this, then we need to be sure the standards are in place to make the right decisions.
- Chair Spoon said on page 4.24 number 5, “ground mounted satellite dish antenna” we need to be sure this compatible for things like Starlink and does not impact the function of the device. Mr. Andrews said ground transformers are not pleasing to the eye but we do not want to encumber the access and maintenance to them.
- Chair Spoon asked about invasive species maintenance, we are doing a lot of work to encourage big, beautiful buffers, but if they are covered in Wisteria or kudzu, it is not pleasing to the eye and not good for biodiversity. Is this the subchapter we want to add or encourage invasive species maintenance in the buffering? It is nice to see we have a plan where developers can not just plant the vegetation and then let it die, they are required to keep it alive, but lawyers do not like laws that go into perpetuity and is curious about the legality of the regulations. Chair Spoon stated these regulations will do a lot to keep Chatham County green. Ms. Haddix stated the language seems to be too vague and may need to be tightened up.

Subchapter 4.5 Exterior Lighting:

- Chair Spoon asked to what extent are we going to be bound by Duke Energy's bad decisions, for example the purple streetlights or will we be able to work with them to have lights that are more aesthetically pleasing.
- Chair Spoon said on page 4.4 under “applicability” are we going to have anything in our ordinance dealing with nuisance lighting in residential areas? Ms. Plummer stated in the intent standards section it

talks about direct glare onto adjacent properties, so there is an enforcement mechanism for that concern even residential to residential. Chair Spoon also has concern about internal lighting that has external impacts such as bright LED lights in business windows. Is that something we might want to address with this subchapter?

- Mr. Andrews stated on page 4.10 “outdoor sports fields” make sure public schools can be in compliance and will not have issues for their athletic games.
- Mr. Frazier stated on page 4.11 on the lighting zone table, how can we make the table more understandable? The graphic below is an aid but does not necessarily make it clear.
- Chair Spoon said on page 4.14 should another section be public art lighting? For example, sculpture lighting and ensure it is not nuisance lighting.
- Mr. Frazier said on page 4.16 “holiday/festive lighting” should we be specific with a limit? Ms. Plummer said staff brought this up to the consultants to be reworded because of outdoor lighting for commercial spaces like restaurants. Ms. Haddix said she is unsure about this; we may have a real problem with it legally. What is the harm we are trying to prevent? If it remains, can we avoid it being an issue with first amendment expression. Mr. Andrews said the southwestern part of the county has religious symbols lit year around.
- Mr. Andrews stated currently in the western parts of the country there are internally lit neighborhood signs and I want to make sure we do not have that here in Chatham. Ms. Plummer stated we will not allow internally lit neighborhood signs.

Subchapter 4.6 Parking & Loading:

- Chair Spoon stated the subchapter number is currently 4.5 and needs to be changed to 4.6.
- Chair Spoon stated on page 4.5 footnote 5 seems like we are trusting parking to market forces which the consultants are working in leading jurisdictions and that is the way places are going now rather than being prescriptive.
- Ms. Roodkowsky mentioned the spacing between spaces and access to ensure kids are not exposed to moving cars in a pickup line. Check with consultant team regarding the going standard. Chair Spoon mentioned the daycare center text amendment change, this change and this regulation would limit them. We should reconcile the text amendment and standards.
- Mr. Frazier said on page 4.7 table, townhouses have less parking than apartments or others. Why is this? Also, under “vehicle related principal uses,” automobile dealerships are not required to have any areas dedicated to sales, why was that eliminated?
- Mr. Andrews said on page 4.8 referencing 4.4.6 parking lot landscaping, reiterating safety concern about the perimeter buffer.
- Chair Spoon said on page 4.9 number 2, check the number for this and its threshold between location of the parking.
- Ms. Haddix said on page 4.10 B. about semi-pervious parking lots, review this in relation to is it mandatory, how are the environmental impacts considered? Chair Spoon stated a good example, White Pines Preserve. They have a gravel road and gravel parking lot, if it gets to a point to require a more expensive option then it is going to force people beyond their financial means potentially. We need to provide avenues for compliance in this without the financial burden of an expensive parking lot, especially if it benefits the community.

- Chair Spoon said we do not have anything for parking decks, do we need to anticipate them? Should we add additional section for a parking deck requirement? We may see these in the nodes like in Moncure to allow for parking decks. Mr. Frazier would prefer shaded parking among the cars rather than a shaded walkway. The shaded path would make the parking lots bigger versus just including the shade within the parking area.
- Ms. Roodkowsky said should we have a requirement for level 3. Level 2 chargers are not expensive, and it seems like a low requirement. We could consider encouraging more people to charge their cars at level 2 stations at apartment complexes. Chair Spoon said he is concerned about state preemption in this section but let us be mindful of that. Ms. Koblansky said she is very excited to see this language in the UDO. Level 2 charging stations are not difficult to put in. If the developer could go ahead and build the infrastructure for the station in case the state approves it later so that way, we would be ready.
- Ms. Haddix said on page 4.15 for “off-site parking,” why these standards? What is the objective here? It seems like an unanticipated outcome of this of being covered with too many parking spaces. Chair Spoon said is their going to be any variability for places that plan around public transportation rather than more parking spaces. Ms. Plummer stated this is because of the issue of Briar Chapel parking issue over the years. As we receive more subdivisions, we need to be mindful of the health and safety issues of the residents if we are going to have them.
- Chair Spoon stated on page 4.17 “unavailability of shared parking,” want to make sure it is legal for us to enforce this. We want to be sure we are able to do this because it is a good idea.
- Chair Spoon said on page 4.18 “daycare centers” again the daycare questions regarding any size and the changes being made with the text amendment.
- Chair Spoon said on page 4.19 “food and beverages drive-thru” there are safety concerns when the line of cars impacts the street, but it looks like the footnote addresses this concern and the director can make adjustments if needed.

V. NEXT MEETING & DISCUSSION TOPICS

- Chair Spoon stated we would like to hold our meeting on the fourth Thursday of the month depending on material to review. Tentatively our next meeting will be held on October 26th.

VI. ADJOURNMENT

The UDO subcommittee was adjourned at 7:59pm.