

**Planning Board Meeting –  
October 21, 2013  
Minutes**

**Members Present:** Bob Mancuso, Betsy Rountree, Joseph Sparacia, Ruth Van Der Grinten, John Underhill, Judy Silver, Charles Kramer, Larry Vaughan

**Members Absent:** Errol Briggerman

**Others Present:** Commissioner Virginia Gray, Commissioner Sam Laughery

**Staff Present:** Planner David Bergmark

**1. Meeting Called to Order**

Mr. Underhill called the meeting to order.

**2. Welcome and Recognition of Guests**

Mr. Underhill welcomed all guests.

**3. Chairman and Board Members' Comments**

None.

**4. Adjustment and Approval of Agenda.**

Mr. Mancuso made a motion to adjust the agenda to include '7B – Approval of the Planning Board Schedule'. Mr. Kramer seconded the motion. The motion passed unanimously.

**5. Public Comments**

Commissioner Laughery said he was here tonight to speak about the parking situation. He said he wanted to thank the Planning Board for the efforts they had made on behalf of the Town. He said he thought the Planning Board came up with a very good solution at its last meeting for what he saw as a specific competition problem. He said he thought the Planning Board agreed that the current 25 percent standard would not work for everybody. He said the recommendation made at the last meeting would give business owners an option to spend some more money if they needed additional parking in the front yard. He said he looked forward to seeing what the Planning Board came up with at tonight's meeting.

## **6. Approval of Minutes**

Mr. Sparacia made a motion to approve the minutes. Ms. Rountree seconded the motion. The motion passed unanimously.

## **7. Discussion, Consideration, and Action on the Following Items:**

### ***Item 7A: Discussion and Action on Parking Standards in the Gateway Overlay (GO) District.***

Mr. Bergmark said the Planning Board was being asked to evaluate the town's current standards and determine what, if any, changes were needed to the Town's parking standards in the Gateway Overlay district in order to be competitive.

Mr. Bergmark said that currently up to 25 percent of the required parking may be located within the front yard within the Gateway Overlay district, per section 2.17,D,4,b,i of the UDO. He said that the remainder of the parking may be located in the side and rear only. Mr. Bergmark said that the underlying zoning district standards may include additional limitations.

Mr. Bergmark said at the September 16, 2013 meeting that the Planning Board asked staff to develop a proposal, which would increase the amount of parking allowed in the front yard in the Gateway Overlay district from 25 to 40 percent, and which would allow developers who installed specified site improvements to increase the amount of front-yard parking allowed up to 70 percent. He said site improvement ideas contained in Mr. Vaughan's motion included:

- Additional landscaping
- Landscaping islands
- Landscaping berms
- Bicycle Parking
- Pedestrian walking paths
- Topographic Changes

Mr. Bergmark said pedestrian walking paths were already required in the form of 'sidewalk corridors', as specified in section 10.3D of the UDO. He said this section stated that "sidewalk corridors shall be provided within the parking area and/or along the perimeter to provide safe building access for pedestrians."

Mr. Bergmark said bicycle parking was already required for all uses except secondary dwellings. He said the predominant standard was that developers must provide 1 bicycle parking space per 20 auto spaces. He said that one could create an incentive to increase the amount of bicycle parking provided on site, but requiring more bicycling parking would not address the aesthetic or

accessibility concerns related to allowing more parking in the front yard. He said he did not think there would be problem of all the bicycle parking spots being taken.

Mr. Bergmark said another item that he wanted to touch on that he had included as a condition within the proposed text amendment dealt with berms. He said the height and location of any berm along a commercial lot would need to be carefully chosen. Mr. Bergmark said berms were generally more appropriate for subdivisions which back up to streets. He said for subdivisions, the objective was to reduce visibility as much as possible. Mr. Bergmark said this was not true of commercial property. He said he did not think most commercial business owners would even want a berm. Mr. Bergmark said berms must be positioned so as to not block site visibility at intersections, or along entrance drives. He said he did include language for berms within the proposed text amendment, but he limited it somewhat and included language that would have planning staff review the proposal.

Mr. Bergmark said that the language staff created allowed more parking in the front yard when the developer increased street yard plantings, increased parking lot plantings, installed a berm, or had a building with a floor elevation ten feet or more below street grade. He said the last standard was taken from another municipality.

Mr. Bergmark read the following text amendment proposal:

- To Amend Section 2.17,D,4,b. as follows:

**b. Location:**

- i. Up to 40 percent of the required parking area may be located in the front of the building on Gateway streets, unless one or more of the following conditions are met. For each of the following conditions which are met, the developer may increase the amount of parking allowed in the front yard by 10 percent, to a maximum of 70 percent. The remainder of the parking may be located in the side and rear only.
  - (a) Street yard plantings are installed at a rate of 3 canopy trees or 6 understory trees and 12 shrubs per 100 linear feet. *(Rather than 2 canopy trees or 4 understory trees and eight shrubs per 100 linear feet)*
  - (b) Parking lot landscaping is installed at the rate of one canopy tree and four shrubs per eight parking spaces. *(Rather than per 12 parking spaces)*
  - (c) Street yard plantings are installed on a berm, rather than at grade. Berms shall be installed at a height of 3 feet above the grade of the adjacent roadway, unless otherwise determined by the administrator.

- (d) The building floor elevation is ten feet or more below the grade of the adjacent roadway.

Mr. Bergmark said Planning Staff was not recommending approval of the proposed text amendment. He said the proposed text amendment would allow nearly three times as much parking in the front yard as was currently allowed. Mr. Bergmark said much of the language of the UDO was designed to create more pedestrian friendly and pedestrian oriented development. He said this language, which would allow up to 70 percent of parking to be located in the front yard, would not be in line with this objective.

Mr. Bergmark said if the Planning Board did recommend making a change to this section of the UDO, there was one other item that Planning Department staff recommended be included in their recommendation. He said Planning staff recommended a minor change be made to 2.17,D,3. Mr. Bergmark said he had passed out copies of the UDO page which included this section. He said this section talks about 'Planting Yards'. Mr. Bergmark said the UDO should really say 'Street Yard' rather than Planting Yard. He said everywhere else in the ordinance it is described as a Street Yard. He said Planning Staff also recommended that an exception to the planting yard width along Wendell Boulevard be added for the NC and DMX districts, due to their smaller building setback standards.

Mr. Bergmark said the Planning Board did not have to make these changes, but he thought it was a good idea if the Planning Board was going to make a change to this general section anyway to go ahead and clean up this section dealing with 'Planting Yards'.

Mr. Bergmark asked if there were any questions of staff.

Mr. Kramer asked how the Planning Board recommendation was created and who specifically was considered "staff" when it came to the staff recommendation.

Mr. Bergmark said 'staff recommendation' referred to the Planning Department. He said typically the lead staff member on a project would put together a report that would be sent out to the Planning Director and Town Manager. He said those people would then discuss the issue and develop a recommendation. He said the 'staff recommendation' did not necessarily mean 'his recommendation' just because he was the one who was presenting the report.

Mr. Kramer asked if all those people making the recommendation had a background in planning. Mr. Bergmark said everyone typically involved was in the Planning Department, except the Town Manager, who used to be the Town Planning Director. He said staff members from other departments did not weigh in on the staff recommendation.

Mr. Underhill asked if each of the conditions proposed in the text amendment allowed the applicant to gain an additional 10 percent of parking in the front. Mr. Bergmark said that was

correct. He said the applicant would not be able to get credit for all four conditions, as that would surpass the seventy percent maximum set in the proposal.

Mr. Mancuso said he had done some math on the recommendation. He said if the base was 40 percent, and the town gave credits to the developer to get it up to 70 percent, the town would have to give the developer eight credits of 4 percent each in order to get to the 70 percent. He said that was a lot of credits. He said each credit would be 4, of the 40 percent base.

Mr. Underhill said in order to use those mechanics, the Planning Board or Town staff would have to create additional items to give the developer credit in order to reach 70 percent.

Mr. Bergmark said Mr. Mancuso's credit structure was not the way the current language was written. Mr. Underhill said he did not think that was the intent of the proposal made by Mr. Vaughan at the last meeting. Mr. Bergmark said the intent of the language he created at the request of the Planning Board was to provide an additional 10 percent of the total 100 percent of parking allowed on site per condition met.

Ms. Van Der Grinten asked if the Planning Board could discuss changing the 70 percent limit on parking allowed in the front yard to either 50 or 60 percent. Ms. Van Der Grinten said she thought 70 percent was too much in the gateway. She said she agreed that 25 percent was too small.

Mr. Underhill asked if Planning Staff thought the proposed landscaping conditions were worth giving 30 percent of additional parking in the front yard to developers. He said there had to be a reason that staff recommended against the proposal.

Mr. Bergmark said it was always good to get more landscaping, but the text amendment proposal still did not address making the development pedestrian oriented. He said even if you created a safe way to get to the building, it was still geared to the automobile.

Mr. Sparacia asked if accepting 70 percent of parking in the front yard did not already deter pedestrian traffic. He said 70 percent was a pretty large number to have in the front yard. He said he did not think any of the recommendations as they were written facilitated a way to use the maximum parking spacing in the front yard to encourage more pedestrian use. He said he did not see anything pedestrian friendly about the proposal.

Mr. Bergmark said he agreed that the text amendment proposal would not make the lots more pedestrian friendly.

Mr. Vaughan said he wanted to propose a change to what was discussed at the last meeting. Mr. Vaughan proposed the following text amendment:

“Up to 40 percent of the required parking area may be located in the front of the building on Gateway streets, which can be increased to 50 percent where the developer will install a continuous concrete, brick, or imprinted concrete paved 5 foot walk from the street sidewalk to the entrance of the building closest to the street. The paved walk may be located on planter islands but must connect across all crossing asphalt parking areas and be built to traffic type standards across drives. Paved walks must have grades that transition smoothly and continuously across drive areas with asphalt paving brought up to level with paved walks. For each of the following additional conditions which are met, the developer may increase the amount of parking allowed in the front yard by 10 percent to a maximum of 70 percent. The remainder of the parking may be located in the side and rear only.”

(a) Street yard plantings are installed at a rate of 3 canopy trees or 6 understory trees and 12 shrubs per 100 linear feet. (Rather than 2 canopy trees or 4 understory trees and eight shrubs per 100 linear feet)

(b) Parking lot landscaping is installed at the rate of one canopy tree and four shrubs per eight parking spaces. (Rather than per 12 parking spaces)

(c) Street yard plantings are installed on a berm, rather than at grade. Berms shall be installed at a height of 3 feet above the grade of the adjacent roadway, unless otherwise determined by the administrator.

(d) The building floor elevation and the parking area elevation closest to the adjacent roadway are six feet or more below the grade of the adjacent roadway.

Mr. Vaughan said he thought the proposed change to (d) would better address the effect topography has on parking.

Mr. Vaughan said he proposed the following Statement of Plan Consistency and Reasonableness to accompany his proposed language:

“The proposed change is consistent with the comprehensive plan and is reasonable in nature in that it builds into the UDO flexibilities to solve site and parking requirements while increasing attractiveness through enhanced landscaping, when choices must be made by a developer to increase front yard parking. The inclusion of a true walkway instead of a patchwork of paved walks and painted lines on asphalt creates a far more inviting and walkable situation.”

Mr. Vaughan said he would like to get in a workshop situation. He asked what the Planning Board thought of his proposal.

Mr. Sparacia said if he understood the proposal correctly, Mr. Vaughan was proposing to create a well-defined area of crossable streets. Mr. Vaughan said there would be a continuous paved pathway, rather than disjointed paved areas connected by painted lines. Mr. Sparacia said he saw this proposal as a better defined and aesthetically pleasing solution.

Mr. Sparacia said perhaps a sub-committee was needed to discuss this proposal further. He said he saw this as a piece of a solution to make the parking area more attractive for pedestrians and business. He said otherwise, the Planning Board could accept the language proposed by Mr. Vaughan as another condition to what was created by staff.

Mr. Vaughan said he was still concerned about the costs associated with the conditions that the Planning Board might recommend. He said that was part of the reason he wanted to study this.

Mr. Mancuso asked if the walkway was a walkway leading to the front door. Mr. Vaughan said this would be the connection from the roadway sidewalk to the building. He said most of the time there was no separate emphasis for the pathway leading to the building entrance. Mr. Vaughan said the walkway would take precedence over any asphalt drives.

Mr. Bergmark said currently the Town had a requirement for a pedestrian corridor leading from the roadway adjacent sidewalk, if it were present, to the building entrance. He said what this proposal would do is change the current regulation so that developers could not simply use painted lines when crossing asphalt drives. He said the proposed language would require a continuous and well defined paved walkway to cross those asphalt drives.

Mr. Bergmark asked if Mr. Vaughan's proposal required the pedestrian walkway as a first step to get from 40 to 50 percent of parking allowed in the front yard, before any other conditions could be met to get additional parking in the front yard.

Mr. Vaughan said that is what he would like to see happen. He said you would need to increase the amount of walkway put in as you put additional parking in the front yard.

Mr. Sparacia said he thought the addition of the walkway should be the first step.

Mr. Vaughan said requiring the walkway first would put the emphasis on the walkability.

Mr. Mancuso said he still had a problem with the mechanics of getting up to 70 percent. Mr. Underhill asked if Mr. Mancuso thought allowing up to 70 of parking in the front yard was too high a number. Mr. Mancuso said his problem was the mechanics of how to get to that 70 percent.

Mr. Sparacia asked if Mr. Mancuso would like to see a clearer definition of how the developer would go from 40 percent parking allowed in the front yard to 70 percent. Mr. Mancuso said yes.

Mr. Bergmark said Mr. Mancuso was discussing using 10 percent of the 40 percent base, rather than 10 percent of the full 100 percent of parking allowed on site. Mr. Bergmark said this was just a matter of wording it correctly.

Mr. Underhill said it was his understanding that the language provided by staff gave an additional 10 percent of parking in the front yard for each condition met by the developer. He said the 10 percent would be going from the 40 percent allowed to 50, 60, etc.; up to 70 percent.

Mr. Bergmark stated staff could put in parenthesis “of the total 100 percent of parking allowed on site” next to the 10 percent reference just to make sure no one misunderstood how the credits worked.

Mr. Mancuso said he was involved in the St. Eugene church project. He said the church had to install trees along the line of existing trees in the back yard. He said that cost the church a lot of money. He said that cost the church \$42,000. Mr. Bergmark said the only reason he could think why that would occur was if the tree line was located on the property behind the church’s property.

Mr. Kramer asked if the developer had to put in a continuous paved walkway to get from 40 percent to 50 percent of parking allowed in the front yard, before he could get credit to raise the parking in the front yard beyond that 50 percent. Mr. Vaughan said that was how he had typed up his proposal, but it may be that the walkway should be required to even get to the 40 percent parking allowed in the front yard.

Mr. Kramer asked how he could increase his parking if he hadn’t planned on doing the work before this stage. Mr. Kramer asked if the developer had to plan the parking and landscaping all out ahead of time. Mr. Bergmark said parking, landscaping, and a host of other site conditions would all be designed as part of the site plan before it gets approved by the Technical Review Committee (TRC).

Mr. Underhill asked what it would take for the Planning Board to make a recommendation that the Planning Department would be comfortable with. Mr. Bergmark said he did not decide the staff recommendation by himself. Mr. Bergmark said he did not think there could be any language or conditions set forth which would cause the Planning Department to recommend approval of an amendment which would allow 70 percent of parking to be allowed in the front yard of the Gateway Overlay district.

Mr. Vaughan said staff’s position was that if the building was not closer to the road, you did not have a walkable environment. He said it could be that the Planning Board may not be able to satisfy staff’s position.



Mr. Vaughan said he was hoping to get in a workshop situation where the public and members of the Town Board could attend to work on this issue. Mr. Underhill said the Planning Board was here tonight to work through the issue. He said he did not see the point of having another meeting to talk about something the Planning Board had already talked about three times in the past.

Mr. Vaughan said he was still concerned about the impact of the cost to the developer of what he was proposing. Mr. Sparacia said as a business owner, he could see the changes as having a positive effect on his business and his community image. Mr. Sparacia said the entranceway of a business is one of the most important aspects of a business. He said Frank Lloyd Wright's architectural design reflected the importance of entranceways and the use of contrast. He said he applied this same concept to his wine bottle designs. He said he hated going to Best Buy because there was no experience as you go through the parking lot. He said he thought the proposed language created the experience that many parking lots were lacking. He said he thought the proposed walkway design concept should be a rule for development. Mr. Sparacia said he thought the proposed language would soften the impact of having 70 percent of parking in the front yard.

Mr. Mancuso asked if the Town had Computer Aided Design (CAD) software that could be used if this item was taken to a committee in order to help visualize the changes in landscaping, parking lot layout, and topography being described. Mr. Underhill said it would be difficult to create a design to visualize the changes, since the changes would vary so much from one site to another.

Mr. Sparacia said he made a motion that the Planning Board accept Larry Vaughan's addendum into the language proposed by staff and that the Planning Department develop a well-defined formula of how the developer gets to the level of 70 percent of parking allowed in the front yard. Mr. Vaughan seconded the motion. Mr. Underhill asked if there was any discussion on the motion.

Ms. Van Der Grinten said she still thought 70 percent was too high for the gateway overlay district. She said she understood the desire for more parking in the front yard. She said she thought 60 percent of parking allowed in the front yard was high enough. Mr. Sparacia said he would amend his motion to set the maximum amount of parking allowed in the front yard to 60 percent, rather than 70 percent. Mr. Vaughan said he was fine with that change, so he seconded the amendment.

Mr. Bergmark asked if the Planning Board thought allowing 10 percent more parking (of the total 100 percent of parking allowed on site) was too much of an increase per item, or was it just that the Planning Board wanted to see the text worded differently so it was clear that the 10

percent increase in parking was not 10 percent of the 40 percent base. He said he wanted to be clear on what the Planning Board's concern was in terms of the 'formula' being referenced.

Mr. Mancuso said the current language would allow the developer to get 10 percent more parking in the front yard for only installing one more canopy tree and four more shrubs. Mr. Mancuso said you were giving the developer 10 percent more parking for something the developer should always be doing. Mr. Bergmark said the 10 percent increase would be granted when the developer installed more plantings than was required under the ordinance typically. He said the amount of additional landscaping represented a 50 percent increase over the current standard and the number of plantings would be based on the width of the lot. Mr. Mancuso said he did not think you should give the developer a whole 10 percent more parking in the front yard for such a small change.

Mr. Bergmark said he could not state exactly what the cost would be to the developer to meet the conditions laid out in the draft language. He said he was not as concerned about that factor though, since the additional standards to get more parking in the front yard were optional.

Mr. Mancuso asked what two trees and a few shrubs cost. Mr. Sparacia asked how Mr. Mancuso would prefer to reward the developer for making improvements.

Mr. Bergmark said if Mr. Mancuso thought there needed to be more plantings required to get 10 percent more parking in the front yard, the Planning Board could change the number of plantings stated in the draft language to something higher, or they could decrease the amount of additional parking granted to a smaller number.

Mr. Underhill said the Planning Board could give the developer 5 percent of additional parking in the front yard for each condition met, including the continuous walkway proposed by Mr. Vaughan, up to a maximum of 60 percent.

Mr. Underhill said the Planning Board had a motion on the floor, which had been seconded. He asked if there was any further discussion. Mr. Sparacia said the motion was to include Larry's proposal in the language created by staff and to have staff develop a more distinct formula for increasing the percentages of parking allowed in the front yard up to 60 percent.

Mr. Vaughan said the amount of parking allowed in the front yard would start at 40 percent and the Planning Board would incorporate the continuous pedestrian walkway as a requirement to get to that 40 percent. Mr. Sparacia said that was correct. Mr. Sparacia said the inclusion of the continuous walkway would be a basic requirement to get up to 40 percent of parking allowed in the front yard.

Mr. Underhill asked what would happen if the developer did not want to do the walkway. Mr. Bergmark said he wanted to be clear what the baseline was and what amount of parking would be allowed in the front yard if the developer did not meet any of conditions proposed.

Mr. Kramer asked if the pedestrian walkway was required to get to 40 percent, rather than to get from 40 percent to 50 percent. Mr. Vaughan said that was correct. Mr. Vaughan said that was not how he had originally written his proposal, but that is now his intent. Mr. Sparacia said that was his understanding. Mr. Sparacia said the developer would have to put in the pedestrian walkway to get any parking in the front yard, per his motion. He said there was no longer a 25 percent baseline.

Mr. Mancuso said he would prefer to just change the baseline to 40 percent from the current standard of 25 percent.

Mr. Vaughan said he thought requiring the pedestrian walkway was a reasonable request.

Mr. Underhill said there was a motion on the floor. He said the Planning Board needed to vote on the motion. He asked Mr. Sparacia to restate the motion.

Mr. Sparacia said his motion was to replace the current 25 percent standard with the language created by Mr. Vaughan. He said Mr. Vaughan's language included the conditions created by staff with minor changes to the language for 'd', which referred to changes in topography. Mr. Vaughan said the motion would read as follows:

- To Amend Section 2.17,D,4,b. as follows:

**b. Location:**

- a. Up to 40 percent of the required parking area may be located in the front of the building on Gateway streets where the developer will install a continuous concrete, brick, or imprinted concrete paved 5 foot walk from the street sidewalk to the entrance of the building closest to the street. The paved walk may be located on planter islands but must connect across all crossing asphalt parking areas and be built to traffic type standards across drives. Paved walks must have grades that transition smoothly and continuously across drive areas with asphalt paving brought up to level with paved walks. For each of the following additional conditions which are met, the developer may increase the amount of parking allowed in the front yard by 10 percent to a maximum of 60 percent. The remainder of the parking may be located in the side and rear only.
  - i. Street yard plantings are installed at a rate of 3 canopy trees or 6 understory trees and 12 shrubs per 100 linear feet. *(Rather than 2 canopy trees or 4 understory trees and eight shrubs per 100 linear feet)*

- ii. Parking lot landscaping is installed at the rate of one canopy tree and four shrubs per eight parking spaces. *(Rather than per 12 parking spaces)*
- iii. Street yard plantings are installed on a berm, rather than at grade. Berms shall be installed at a height of 3 feet above the grade of the adjacent roadway, unless otherwise determined by the administrator.
- iv. The building floor elevation and the parking area elevation closest to the adjacent roadway are six feet or more below the grade of the adjacent roadway.

Mr. Sparacia said he agreed with that language. He said that was the language he proposed as his motion. The motion passed with a vote of 5 to 3.

Voting in Favor: Chairman John Underhill, Vice Chairperson Ruth Van der Grinten, Larry Vaughan, Joe Sparacia, and Judy Silver.

Voting Against: Robert Mancuso, Charles Kramer, and Betsy Rountree

***Item 7B: Approval of the Planning Board Schedule***

Mr. Underhill said the Planning Board was being asked to review and approve the Planning Board meeting schedule for the upcoming year.

Ms. Rountree made a motion to adopt the proposed Planning Board meeting schedule. Ms. Van Der Grinten seconded the motion. The motion passed unanimously.

**8. Adjourn to Next Regularly Scheduled Meeting**

Mr. Mancuso made a motion to adjourn. Ms. Van Der Grinten seconded the motion. The vote was unanimous.