

Minutes
Land Development Standards Committee
January 6, 2010

Members Present: David Blevins, Patrick Bradshaw, Daniel Hyatt, Steve Kaufman, Ron Leatherwood, Patrick McDowell, Joe Taylor

Members Absent: Mike Erwin, Ken Wilson

Staff present: Fred Baker, Paul Benson, Alison Melnikova

The meeting came to order at 7:30 a.m. Following some general discussion of the status of the process the Committee discussed Chapter 14, Administrative Agencies.

Mr. Benson pointed out that a major issue in this Chapter would be whether the Board of Aldermen or the Board of Adjustment (as is currently the case) would review and have final approval of Special (Conditional) Use Permits (14.2.1 C. and 14.4.1 G.) After discussion of the quasi-judicial process the consensus of the Committee was for the Board of Adjustment to continue in this role. The Board of Aldermen will get a new responsibility for Conditional Use Zoning Districts and this may be all the additional responsibility the Aldermen would want. This issue should be revisited some time after adoption of the revised ordinance to see if a change would be desirable at that point. Mr. Benson pointed out that the terms "special" and "conditional" appear to have been used for the same process, and that to avoid confusion the term "special" use permit should be used to distinguish this process from a conditional use zoning which will also involve site plan review and approval.

Mr. Blevins asked whether administration of the sedimentation and control ordinance should be delegated to Haywood County (14.1.1 F.). Mr. Benson replied that this issue had been discussed and the Town is open to the idea. However, County staff had expressed reservations about taking on the additional workload. Mr. Leatherwood offered to discuss this idea further with County staff. Mr. Baker noted that the County ordinance may have different regulatory thresholds.

Mr. Bradshaw questioned the appeal of minor subdivision plats from the Planning Board to the Board of Adjustment (14.4.1 D.), since the Planning Board has not been approving minor subdivision plats. The Committee agreed that the

appeal of minor subdivision plats should be from Town staff not the Planning Board.

Mr. Benson noted that 14.5.1 H. called for the Community Appearance Commission to approve subdivision plats. As per earlier Committee discussion the draft ordinance needs to be changed to eliminate CAC subdivision plat review.

Committee members questioned the requirement for a County Commissioners appointment to the CAC (14.5.2 B.) and for all Town appointments to reside in the town limits. The Committee felt that this would be too limiting and that Town appointees should be able to reside anywhere in the Town's planning jurisdiction. Mr. Benson stated that he felt that the enabling legislation did not require county appointments or specific ETJ representation, but that he would check with Mr. Lewis on this point.

Mr. Benson recommend that Historic Preservation Commission membership be reduced from 9 to 7, since it has been hard to fill 9 positions, and since the dais at the new Town Hall will only seat 7 members.

Mr. Leatherwood raised the issue of street tree planting requirements in relation to road shading and icing issues. Mr. Benson stated that street tree planting requirements would be examined when the landscaping chapter is reviewed.

The Committee agreed to review Chapter 11- Signs at the next meeting.

The meeting adjourned at 9:00 a.m.

Paul Benson, Planning Director