

GROWTH AND NATURAL RESOURCES COMMITTEE

The Growth and Natural Resources (GNR) Committee of the City of Raleigh met in regular session on Wednesday, April 26, 2017, at 4:00 p.m. in the City Council Chamber, Room 201, Raleigh Municipal Building, 222 West Hargett Street, Avery C. Upchurch Government Complex, Raleigh, North Carolina, with the following present:

Committee

Chairperson Kay C. Crowder, Presiding
Councilor Bonner Gaylord
Councilor Dickie Thompson
Councilor Russ Stephenson

Staff

City Attorney Tom McCormick
Assistant City Manager James S. Greene
Assistant Planning Director Travis Crane
Planner II Jason Hardin
Planning & Zoning Administrator Gary Mitchell

These are summary minutes unless otherwise indicated.

Chairperson Crowder called the meeting to order at 4:06 p.m. She noted that the GNR Committee meeting scheduled for May 10, 2017 would be rescheduled to May 31, 2017 at 4:00 p.m.

She additionally noted that Item 15-22 – Z-32-16 – Hillsborough Street Conditional Use District should remain on the Committee agenda but reported out to City Council with a suggested public hearing date of June 20, 2017. This action is being taken to meet the requirements that public hearings must be continued to a certain date.

Item 15-17 – TC-11-16 Pre UDO NCOD Building Height

This item was referred to the GNR Committee during the October 4, 2016 City Council Meeting. The following information was contained in the agenda packet:

DESCRIPTION/SUMMARY: This item was last discussed by the committee on November 9, 2016 when they requested additional information about building heights in two Neighborhood Conservation Overlay Districts (NCODs): South Park and Oberlin Village.

RECOMMENDATIONS:

- **Revert to the midpoint method of measuring heights in the South Park and Oberlin Village NCODs.** These NCODs were established before the adoption of the Unified Development Ordinance (UDO) and the change would have the effect of returning to the original height limit in affected areas. This approach could create confusion by creating two different methods of measurement, with the midpoint method in use in two relatively small areas of the city. It also would remove the predictability created by the method of measuring to the midpoint.

- **Retain the current (peak) method of measurement, while adjusting height limits in the Oberlin Village and South Park NCODs.** This action would have the benefit of avoiding the creation of different measurement systems while still allowing heights that reflected the original regulation of the NCODs.

A review of typical roofs in the neighborhoods can assist in determining an appropriate height adjustment. Primary rooflines in the two neighborhoods tend to be between 28 feet and 40 feet wide. While roof pitches vary, most are not particularly steep, with 4:12 and 6:12 being common ratios of rise and run. This equates to roof heights ranging from 4.6 feet (for a 4:12 pitch on a 28-foot-wide roof) to 10 feet (for a 6:12 pitch on a 40-foot-wide roof). Taking the midpoints of those figures and adding them to the 25 foot limit would equate to the following potential limits:

- Low end: 27.3 feet
- Middle: 28.7 feet
- High end: 30 feet

- **No action.** A third possibility is to make no changes to height or measurement. This would have the effect of creating slightly reduced heights for future buildings in the South Park and Oberlin Village NCODs relative to the original regulation at the time of their creation.

Planner II Jason Hardin presented this item with the assistance of a PowerPoint presentation. Sides during this part of the presentation included the following information that was explained further.

Issue

- Adoption of UDO changed method of measuring building height.
- Height now measured to peak of roof, which provides predictability compared to previous method of measuring to midpoint.
- However, height limits in NCODs created before the UDO were based on the midpoint method.

Additional considerations

- TC-11-16 would change measurement in all NCODs.
- May not be relevant to all NCODs due to varying height limits.
- Two NCODs chosen for further study.

Maps: Oberlin Village and South Park

- Two NCODs, Oberlin Village and South Park, selected for additional study (both have 25 foot limits).
- Staff measured height of all principal buildings within those areas.

Results: South Park

	Pre-NCOD Only	Post-NCOD Only	All Values
No. of buildings measured:	405	20	425
Lowest height measured:	11.8	17.8	11.8
Tallest height measured:	35	30.6	35
Average height:	19.9	22.5	20.1
Median height:	18.8	20.5	18.8
75 th percent height:	23.0	26.3	23.3

Key Findings

- Heights increased slightly over time.
- Change in measurement may have affected heights in recent years.
- The average height (to peak) of the last five buildings built before adoption of the UDO is 23.8 feet.
- That included two buildings taller (29 feet and 31 feet) than any post-UDO, none of which are above 27 feet.
- The average height (to peak) of the 15 buildings constructed after the adoption of the UDO is 22.1 feet.

Councilor Thompson asked how measurements were taken. Planner Hardin responded that measurements were taken from the average elevation at ground level, from the ground to the peak of the roof. Councilor Thompson pointed out that the levels can vary greatly. Planner Hardin agreed, clarifying that staff used approximations for several measurements.

Chart: Building Heights in the South Park NCOD

Results: Oberlin Village

	Pre-NCOD Only	Post-NCOD Only	All Values
No. of buildings measured:	250	61	311
Lowest height measured:	8.5	23.8	8.5
Tallest height measured:	36.5	41	41
Average height:	18.5	30.1	20.8
Median height:	17.5	29.6	18.8

75 th percent height:	20.2	32.2	26.0
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Key Findings

- Heights have increased much more rapidly than in South Park.
- Differing height wording likely led to different results (South Park is 25 feet; Oberlin Village was 25 feet *or* two stories until a change in 2016 to 25 feet *and* two stories).
- The “and,” along with the measurement to peak reduces height below what had been allowed when NCOD was created.

Chart: Building Heights in the Oberlin Village NCOD

Conclusions

- Both neighborhoods have seen increased height in recent decades.
- The use of “or” rather than “and” in Oberlin Village allowed increased height in comparison to South Park.
- The UDO appears to have affected heights in South Park.
- No effect has been observed in Oberlin Village, due to the “or,” but a significant effect is expected moving forward.

Possible Actions: Height adjustment

- Translating midpoint height to peak equivalent.
 - Reviewed typical widths of roof.
 - Reviewed typical roof pitches.
 - Typical range of roof widths: 28 to 40 feet (a few are narrower or wider).
 - Typical range of roof pitches: 4:12 to 6:12 (again, some outliers exist).
 - Low end roof height (28-foot width, 4:12 pitch) = 4.6 feet.
 - High end height (40-foot width, 6:12 pitch) = 10 feet.
 - Peak roof height of 25-foot building measured at midpoint with low end roof = 27.3 feet.
 - Peak roof height of 25-foot building measured at midpoint with high end roof = 30 feet.
- **Revert to the midpoint method of measuring heights in Oberlin Village and South Park NCODs.**
 - Would return to the height limit under previous measurement.
 - Use of two methods of measurement could create confusion; use of midpoint means less predictability.
- **Retain peak method; adjust height limits in Oberlin Village and South Park.**
 - Would return to height limit under previous measurement while avoiding use of two methods.
 - Staff analysis of typical roof pitches suggests a potential increase to between 27 feet (low end) to 30 feet (higher end).
- **No action.**
- Would mean reduced heights in NCODs compared to previous measurement.

Councilor Gaylord cautioned that leaving the height maximum as is may result in flat roofs, which would change the character of the neighborhood. Chairperson Crowder noted that the height limit should reflect the original intent of preservation of values in a historic neighborhood. She expressed concern with the steepness of a 4:12 roof pitch; however, Councilor Stephenson and Councilor Thompson commented that most roofs are at a 4:12 pitch, as most residential manufacturers use the pitch as a minimum. Councilor Gaylord noted that there are lesser pitches using other means.

Chairperson Crowder asked about an appropriate height maximum in order to allow for two-story houses that still meet the intent of the NCOD. Planner Hardin responded that a maximum between 27 to 30 feet would restore the original intent established by the NCOD, which would also account for some variation in roof pitch. Councilor Gaylord mentioned that 27 feet would allow for a 4:12 pitch, while 30 feet would allow for variability in roof structures. He added that in a way, this decision would be determining architectural components. Chairperson Crowder responded that her intent is not to dictate architectural styles, but rather stay within the original intent of the NCOD's core mission.

Councilor Stephenson repeated the intent, which is to maintain a range of built character from the time period the majority of the houses were built. He added that should the market force drive architectural components outside of what is historically accurate, roof pitch may need to be regulated.

Chairperson Crowder provided an opportunity for citizens to speak. She asked them to keep their comments to three minutes each.

Philip Poe, 620 Devereux Street, pointed out that Oberlin Village representatives were not aware of the meeting.

Jennifer Hollar, 2313 Bedford Avenue, expressed concern that pre-NCOD measurements were considered in the statistics, which would skew the numbers upward. It was her understanding that staff was directed not to include these pre-NCOD homes in the study. She stated that median heights are more important than average heights due to similarity between homes. Ms. Hollar added that she was in agreement with raising the maximum to 27 feet, but not higher since she thinks the lack of accurate numbers will not allow for a scientific conclusion. Chairperson Crowder pointed out that the information presented at the meeting did include pre- and post-NCOD numbers. Ms. Hollar argued that before the UDO, there was no enforcement of the height maximum. It was her understanding that homes were not to be included in the study that did not have height enforcement.

Donna Bailey, 2506 Mayview Road, stated that the recommendations presented by staff are adequate and provide a lot of workability. She further expressed her support, stating that the recommendations would restore the intent of the original NCOD.

Barry Engber, 4232 Arbutus Drive, confirmed that the proposed text change would only affect height maximums for Oberlin Village and South Park NCODs, while the

measurement method would remain unchanged. Chairperson Crowder added that the other NCODs have not been forgotten; however, are not included in this particular conversation about height. Assistant Planning Director (APD) Travis Crane clarified that the text change was presented to the full City Council for all NCODs. At that point, the Council asked staff to complete more fine grain research and look at specific NCODs. He noted that the text change for the other NCODs is still active and could still be addressed.

Mr. Engber stated that reverting to the midpoint measurement in the majority of overlays is not a good solution to the problem, noting that it would create large houses that are out of character. Mr. Engber discussed the relationship of NCOD regulations and residential infill compatibility regulations with the Committee. APD Crane pointed out that this item is currently with the Planning Commission, per the Committee's direction.

Sarah Roholt, 1224 Mordecai Drive, reiterated Mr. Engber's concerns. She further expressed concern that the two NCODs in question, Oberlin Village and South Park, would be measured differently than other NCODs moving forward. Chairperson Crowder clarified that the text change would make all measurements, regardless of NCOD, measured to the peak.

The Committee discussed the impact that the height options would have on roof pitch. Councilor Gaylord pointed out that the height maximum will have implications on character. Ms. Hollar argued that lots in Oberlin Village are not wide enough to accommodate certain heights.

Councilor Thompson pointed out that staff recommended a maximum height of between 27 and 30 feet and suggested splitting it down the middle at 28.7 feet.

Councilor Stephenson moved to adopt 28.7 feet as the new maximum building height in Oberlin Village and South Park NCODs, while not altering the current method of measuring height, which is to the peak. The motion was seconded by Councilor Gaylord and carried by a vote of 3-1 (Chairperson Crowder voted in the negative).

Item 15-20 – TC-20-16 – Construction Safety Barrier Fences

This item was held for further discussion during the March 29, 2017 GNR Committee. The following information was contained in the agenda packet:

DESCRIPTION/SUMMARY: To require construction safety barrier fencing to be erected along the boundaries of previously developed residential properties to prevent impacts from the construction activity on adjacent lots. This text amendment had been referred to the Planning Commission who added one provision (item 1 under part B). The Planning Commission sent this back to City Council with a favorable recommendation. City Council referred this amendment back to Growth and Natural Resources for further review. After the last GNR Committee meeting the issue of when this requirement would be applicable was

identified. Staff added an applicable section to the ordinance and established thresholds of when the fencing would be required. The exact placement of the fence 10 feet or 20 feet based upon lot width is to be determined in our upcoming meeting. There are graphics showing these locations and the impact on the subject property.

RECOMMENDATION: Forward to City Council to set public hearing.

Planning and Zoning Administrator (PZA) Gary Mitchell presented this item with the assistance of a PowerPoint presentation. Sides during this part of the presentation included the following information that he explained further.

Discussion Items

- Thresholds requiring construction safety fencing.
- Relationship between infill and new development.

Current Proposal

- Currently this text amendment requires construction safety fencing along property lines to protect previously developed properties from being adversely impacted by the new development across the City.

Threshold – Applicability

- Based on our previous meeting staff developed thresholds when construction safety fencing is required by adding an Applicability Section to be consistent with the format of the UDO.
- Construction safety barrier fencing is required when the proposed new construction activity is within 20-feet of a property line of an adjoining pre-existing residentially zoned and developed property.
- Construction safety fencing is required when infill development or re-development is proposed on an adjacent residentially developed and zoned property where the land disturbance is greater than 12,000 square feet.

Setback from Property Lines

- The specific setback distance from property lines is a matter for further discussion.
- The following slide provides a series of possibilities based upon lot width.

Graphic: Impact of 10- and 20-foot Setbacks on a 50-foot Wide Lot

- This graphic shows the impact of a 10-foot and 20-foot setback (red line) for the location of the construction safety fence on a lot that is 50 feet in width.
- In this case the 20-foot setback would require construction fence for almost any construction activity.

Graphic: Impact of 10- and 20-foot Setbacks on a 75-foot Wide Lot

- This graphic shows the impact of a 10-foot and 20-foot setback for the location of the construction safety fence on a lot that is 75 feet in width.

- Obviously in this case the 20-foot setback (red line) would require construction fence for many construction activities, such as sheds and other detached structures.
- However, small additions (like decks, porches, etc.) attached to the house may avoid this requirement dependent on their respective size.

Graphic: Impact of 10- and 20-foot Setbacks on a 100-foot Wide Lot

- This graphic shows the impact of a 10-foot and 20-foot setback for the location of the construction safety fence on a lot that is 100 feet in width.
- In this case the 20-foot setback (red line) would require construction fence for some construction activities.
- However, many accessory structures and some additions may avoid the fence requirement since the lot is larger.

Chairperson Crowder expressed confusion regarding the 10- and 20-foot setbacks. PZA Mitchell explained that the setback numbers are simply for illustration purposes and the Committee would determine the specific distance. Councilor Gaylord reiterated the goal of the Committee, which is to keep construction sites defined in order to avoid unwelcomed land disturbance.

The Committee further discussed confusion with the proposed text change language, noting that the language should be consistent throughout. They requested clarification on proposed setback and construction lot size requirements.

Carol Majors, 2706 Cooleemee Drive, expressed her appreciation to staff and the Committee for their work on refining the text change. She stated that she was confused about where these regulations would apply. Councilor Gaylord clarified, adding that newly developed parcels should be required to use barrier fencing if they are near residential structures. City Attorney Tom McCormick added that if a structure has not been present previously, it would be classified as development rather than redevelopment. Councilor Gaylord reiterated that even newly developed land should use fencing if there would be an impact to existing residential development. He suggested consistent language throughout. Ms. Majors pointed out that she wants to avoid burdening small businesses that may be completing minor construction such as adding porches or decks. Councilor Gaylord responded that these small businesses would still need delineation from their neighbors, and it is a small expense to add a construction fence for the length of the property.

Councilor Thompson clarified that fencing should not be required around the entire perimeter of the property. Ms. Majors requested for the language in threshold one and two to be consistent throughout in order to avoid confusion. Chairperson Crowder confirmed with Attorney McCormick that the language could be altered to clarify that fencing is only required on the side of which the disturbance is happening. Chairperson Crowder added that the language needed additional work before the Committee sends the item to Council

Assistant City Manager Jim Greene stated that staff would take the Committee's questions and comments and work with Attorney McCormick. A clearer and more precise version of the text

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change would be brought back at the next meeting. Councilor Stephenson added that staff should determine how far along the property line fencing should be required.

Chairperson Crowder reminded the Committee that their next meeting would take place on May 31, 2017 at 4:00 p.m.

Adjournment. There being no further business Chairperson Crowder announced the meeting adjourned at 5:13 p.m.

Cassidy R. Pritchard
Assistant Deputy Clerk