

Planning Commission Meeting Minutes

June 27, 2023

5:30pm

Roll call was taken by Chairman Paul Zimmerman. Members in attendance are Chairman Paul Zimmerman, Mr. Ken Hornowski, Mr. Michael Flynn, and Mr. Tony Saponaro. Mr. Jonathan Kanipe, Town Manager, Mr. Billy Clarke, Town Attorney, Mr. Tony Willaims, Town Planner, and Mr. Harry Buckner, Public Works Director were present.

Chairman Zimmerman started the meeting at 5:30pm.

Chairman Zimmerman said Consideration of Landscaping, Buffering, and Tree Ordinance Protection Ordinance Changes will be discussed.

Mr. Kanipe was asked to review the changes for the proposed Tree Preservation Ordinance (153.050) from last month.

1. The Tree of Preference notations in the tables were changed from having three asterisks to having a superscript “T” – this was done to better indicate a difference between the buffering requirements and the Tree of Preference requirements.

2. Exemptions were included for non-residential outdoor recreation activities, and a new definition was included within the Tree Protection Ordinance specifically related to these categories. The exemption would only apply to the “outside setback area” which is the interior of each lot.

3. Trees of Preference were designated as those trees with a trunk DBH of 24 inches or greater native to North Carolina as designated by the US Department of Agriculture Natural Resource Conservation Plants Database. Any tree with a trunk DBH of 36 inches or more is also designated a tree of preference.

There were no changes in 150.034.

A requirement for replacement for new construction was added in 153.060.

Mr. Saponaro spoke regarding the changes within the proposed ordinance, and noted this is trying to create a simple plan. The main change is these ordinances are now within the Zoning Ordinance. There is also separation of residential versus non-residential properties. Mr. Saponaro believes this ordinance recognizes non-residential needs, including Biltmore Forest Country Club, MAHEC, and Carolina Day School. The Commission did a lot of research in many different places and determined what the best practices are for the Town. There are not very many places that have private property tree ordinances and we are looking at reasonable and practical ways to implement this. This will help us make and defend good situations. Mr. Zimmerman and Mr. Saponaro discussed the tree replacement charts and went over 153.050.

Mr. Clarke suggested the Outdoor Recreation Areas definition needs to be reworded a bit.

Ms. Joyce Young questioned the recommended planting list and residential uses and the fact that single family homes are not all owner occupied and some are renters. This will be amended.

Mr. Kanipe clarified page 7 of the blue line/red line document to get the caliper clarified specifically. Under table 3, there is section d which states "See the above charts for the minimum replacement size for size for all deciduous trees. Evergreen trees that are planted as replacement trees shall be a minimum of eight (8) feet in height at the time of planting." In between "minimum" and "replacement" should say "caliper."

There was discussion between deciduous and evergreen trees on the tables listed.

Deciduous trees should be added to the tables. Ms. Diane Zimmerman asked about tree replacement and where it gets planted. Mr. Clarke said Mike Dale would make this decision since he is the Town Arborist, and that Mr. Kanipe can also make this decision.

The Board decided the charts need to be cleaned up a bit and asked staff to do this work.

Ms. Diane Zimmerman asked about plantings of trees and shrubbery on property lines.

153.060 was discussed. Mr. Kanipe said "buffering and landscape" was changed to "buffering and landscape requirements." There were also a few other minor changes.

153.034 was discussed and there were some changes made regarding Landscaping and Grading Plans.

Mr. Zimmerman expressed his concern over paragraph A (1) on land disturbance activity. He wondered if 20 percent is too much area before a landscaping plan is triggered. Mr. Kanipe indicated it is rare to find anything lower than 20 percent.

Mr. Saponaro made a motion the Board of Commissioners look at these changes for their approval on these three Ordinances and further stated this is consistent with the Town's Comprehensive Plan. Mr. Flynn seconded the motion. The motion was unanimously approved. Mr. Zimmerman thanked Mr. Michael Flynn for his service to the Planning Commission. Mr. Zimmerman thanked all other Board members for their input and help.

Mr. Jim Hyler thanked the Commission and Town for their work.

Chairman Zimmerman adjourned the meeting at 6:41 pm. The next meeting is scheduled for October.

Ms. Laura Jacobs, Town Clerk
Town Clerk

Mr. Paul Zimmerman,
Chair