

February 21, 2008

Board of Director Minutes
Wilmington Regional Association of REALTORS®
1444 S. 17th Street

Attending	R. J. Alexoudis	Jonathan Barfield	Melanie Bertrand	Bryan Greene
	Dan Kibler	Susan Lacy	Sharon Laney	Mary Martin
	Russ May	April McDavid	Bob McKoy	Karen Parkin
Absent:	Bob Jamieson	Vance Young		
Staff:	Jerry Panz			

President Susan Lacy called the meeting to order at 10:44 AM. All members of the Board of Directors received notice of the meeting. Bryan Greene, RCA President reported on the activities of the REALTORS® Commercial Alliance of Southeastern North Carolina.

By Consent the following was approved:

- 1) The Consent Agenda (attached)
- 2) Hiring Secure Net as the Web Vendor
- 3) Regarding the issues in the attached Governmental Affairs Report, the Board asked the staff to continue working with volunteers and Wilmington City staff to resolve or find acceptable compromises to the proposed language by
 - a) Continuing to express concerns over the change in language and its impact to the real estate economy;
 - b) Expressing the Board's opposition to the addition of conifers as significant trees;
 - c) Expressing the Board's opposition to the square footage limitation on garage apartments;
 - d) Expressing the Board's opposition to the limitation of parking over the maximum and the additional requirements for parking over the minimum.
- 4) Appointing Bob McKoy as the Board's representative on the Candidate Interview Task Force; Don Harris as FYI Representative; Patrice Willetts from RPAC Committee; Wendy Shorter-Bridges (if not available, Nichole Ferguson) and Tommy Tucker as At-Large; Mike Farris (if not available, then Eva Elmore or Keith Beatty), Sharon Laney, Joyce Barnwell, Carlos Braxton, Jody Wainio, Chuck Demers and Garry Silivanach as Regional Representatives.

There being no further business the meeting adjourned at 11:14 AM.

Submitted,



Jerry S. Panz, CAE, e-PRO, RCE
Secretary

CONSENT AGENDA

February 21, 2008

Acknowledgement of:

1. Financial Statements for January 2008
2. Membership Reports
3. Staff overtime hours January 1-February 15

Action Items

1. Revising the 2008 budget as follows:
 - a. Eliminating the State Wide Agency Seminar-Total Expense \$10,000, 60 staff hours. Staff recommends delaying the State-Wide Agency Seminar and talking about it during the Strategic Planning meetings in March. If you approve the recommendation, the State Wide Agency Seminar dollars will be place in contingency. 58 of the 60 hours are Jerry's and 2 hours are Lois' (meeting arrangements/travel/speakers).
 - b. Semi Annual Staff Meetings (all staff)—Total Expense \$200 Eliminate it and roll it into the new website using Flash technology. Can cover cost in current website redesign budget. Will lower staff time for WRAR and our members. Will develop a digital "Welcome Kit" for them. 2008 hours will still be needed to accomplish the Welcome Kit.

**WRAR Financial Narrative
Month Ending January 2008**

Account Name	Monthly Narrative
Assets	
All Asset Accounts	In balance
Liability	
Due to Foundation	Thalian Hall donations
NAR & NCAR Dues	Members joined end of January. Paid in February
Income	
Dues (Allied & REALTOR®)	Statement reflects the 2008 dues as of January 31 st that were collected in 2007 and January 2008. Exceeded budget expectations.
REALTOR® Initiation Fees	Exceeded budgeted amount. 30 new members in January.
Expenses	
Accounting & Consulting-CPA	½ of 2007 review & tax preparation
Postage & Shipping	Annual payment to MLS
Committee-Member Services	Annual payment from MLS for Installation Bq (\$2500) & Orientation (\$5000). Income of \$2090 from Banquet & Orientation Sponsorship. Banquet & Orientation expense deducted from Income.
Maintenance-Building Grounds	Over budget dues to paying landscaper for 2 months. They were not paid in December.
Taxes-FUTA	Underpaid 4 cents in 2007. Pennies were mailed with tax return. 4 cents will be deducted from quarterly payment to MLS to offset expense.

Wilmington Regional Association of REALTORS®		
Balance Sheet as of January 31, 2008 Without Audit or Review by CPA		
ASSETS		
Current Assets		
Petty Cash	41.88	
Operating Account	75,724.77	
RPAC Transmittal Account	100.00	
Merrill Lynch Cash/Money Accts	659,569.54	
Merrill Lynch Mutual Funds	184,980.52	
Accounts Receivable	25,947.70	
Total Current Assets		946,364.41
Other Current Assets		
Investment in MLS	936,863.67	
Total Other Assets		936,863.67
Designated Assets		
Building Rsrv[2007] (207,696)	203,560.00	
Equip Rsrv[2007] (9,523.00)	9,523.00	
Furnt/Fixt Rsv[2007](5,208.00)	5,208.00	
Oper Rsrv[2007] (207,943.29)	208,246.43	
Total Designated Assets		426,537.43
Property and Equipment		
Land	917,456.34	
Land Improvements	10,248.25	
Office Furniture & Equipment	50,949.33	
Carpet & Drapes	6,929.13	
Computer Equipment	51,883.31	
Buildings	360,036.35	
Building Improvements	5,007.50	
Accumulated Depreciation	-284,400.34	
Accum. Depreciation-Buildings	-10,775.00	
Accum. Depreciation-Bldg Imp	-6,780.00	
Total Property and Equipment		1,100,554.87
Total Assets		3,410,320.38
LIABILITIES AND CAPITAL		
Current Liabilities		
Due to Foundation	1,463.00	
NAR & NCAR Dues Payable	1,795.00	
Total Current Liabilities		3,258.00
Total Liabilities		3,258.00
Capital		
Members Equity	2,968,127.38	
Net Income	438,935.00	
Total Capital		3,407,062.38
Total Liabilities & Capital		3,410,320.38

Wilmington Regional Association of REALTORS					
Income Statement as of January 31, 2008 Without Review or Audit by CPA					
	Current Month Actual	Current Month Budget	Year to Date	Annual/Mo. Budget	Variance YTD
Revenues					
Allied Dues	14,800.00	14,795.63	14,800.00	14,795.63	4.37
Allied Initiation Fee	250.00	1,625.00	250.00	1,625.00	(1,375.00)
Education Fees(CE-Net)	15,626.98	51,712.75	15,626.98	51,712.75	(36,085.77)
Investment Income	3,607.97	4,597.07	3,607.97	4,597.07	(989.10)
Investment Value ML Funds	4,651.23	0.00	4,651.23	0.00	4,651.23
Lease Income	4,584.29	4,584.29	4,584.29	4,584.29	0.00
Miscellaneous Income	120.00	1,000.00	120.00	1,000.00	(880.00)
Newsletter Income	250.00	1,000.00	250.00	1,000.00	(750.00)
NSF Fees	50.00	0.00	50.00	0.00	50.00
REALTOR Dues	400,370.17	379,015.65	400,370.17	379,015.65	21,354.52
REALTOR Initiation Fees	12,485.00	9,060.83	12,485.00	9,060.83	3,424.17
Reinstatement Fees	2,720.00	323.75	2,720.00	323.75	2,396.25
Transfer Fees	1,595.00	715.00	1,595.00	715.00	880.00
Total Revenues	461,110.64	468,429.97	461,110.64	468,429.97	(7,319.33)
Expenses					
Accounting & Consulting-CPA	3,250.00	6,000.00	3,250.00	6,000.00	(2,750.00)
Advertising	0.00	500.00	0.00	500.00	(500.00)
Bank Service Charges	1,228.83	1,598.25	1,228.83	1,598.25	(369.42)
Committee-Affordable Housing	0.00	500.00	0.00	500.00	(500.00)
Committee-Appraisal Council	0.00	1,450.00	0.00	1,450.00	(1,450.00)
Committee-Diversity	0.00	3,200.00	0.00	3,200.00	(3,200.00)
Committee-Executive Roundtable	0.00	7,800.00	0.00	7,800.00	(7,800.00)
Committee-Member Services	9,197.60	35,487.00	9,197.60	35,487.00	(26,289.40)
Committee-Prof Develop	1,067.60	19,550.00	1,067.60	19,550.00	(18,482.40)
Committee-Property Management	0.00	2,325.00	0.00	2,325.00	(2,325.00)
Committee-Small Broker Council	0.00	2,700.00	0.00	2,700.00	(2,700.00)
Contingency	0.00	18,000.00	0.00	18,000.00	(18,000.00)
Depreciation Building	1,145.33	1,145.33	1,145.33	1,145.33	0.00
Directors Meetings	0.00	800.00	0.00	800.00	(800.00)
Dues and Subscriptions	100.00	700.00	100.00	700.00	(600.00)
Entertainment	48.43	1,500.00	48.43	1,500.00	(1,451.57)
Flowers & Remembrances	0.00	2,500.00	0.00	2,500.00	(2,500.00)
Goal 1 Prof. Conduct/Ethics	0.00	3,335.00	0.00	3,335.00	(3,335.00)
Goal 2 Prof Development	0.00	10,200.00	0.00	10,200.00	(10,200.00)
Goal 5 Markt/Comm. Pub Image	949.00	10,156.00	949.00	10,156.00	(9,207.00)
Goal 6 Association Operations	0.00	12,500.00	0.00	12,500.00	(12,500.00)
Goal 8 Community Involvement	0.00	17,650.00	0.00	17,650.00	(17,650.00)
Goal 9 Market Ownership	0.00	59,510.00	0.00	59,510.00	(59,510.00)
Insurance: D&O/E&O Excess	0.00	3,050.00	0.00	3,050.00	(3,050.00)
Insurance-Property/Liability	0.00	6,500.00	0.00	6,500.00	(6,500.00)

	Current Month Actual	Current Month Budget	Year to Date	Annual/Mo. Budget	Variance YTD
Insurance-Workman's Comp.	0.00	994.27	0.00	994.27	(994.27)
Janitorial Services	0.00	666.67	0.00	666.67	(666.67)
Legal Fees	0.00	2,500.00	0.00	2,500.00	(2,500.00)
Library	0.00	300.00	0.00	300.00	(300.00)
Maintenance-Building Grounds	1,396.00	1,351.58	1,396.00	1,351.58	44.42
Miscellaneous Expenses	4.79	300.00	4.79	300.00	(295.21)
NAR Travel-Officers	0.00	23,599.00	0.00	23,599.00	(23,599.00)
NCAR Convention Expense	0.00	500.00	0.00	500.00	(500.00)
NCAR Directors Travel	461.60	17,265.00	461.60	17,265.00	(16,803.40)
Office Supplies	188.00	5,200.00	188.00	5,200.00	(5,012.00)
Pins & Plaques	72.09	2,700.00	72.09	2,700.00	(2,627.91)
Postage & Shipping	2,100.00	2,100.00	2,100.00	2,100.00	0.00
REALTORS Helping REALTORS	0.00	750.00	0.00	750.00	(750.00)
Strategic Planning	0.00	2,000.00	0.00	2,000.00	(2,000.00)
Taxes-Property	0.00	11,808.00	0.00	11,808.00	(11,808.00)
Taxes - FUTA	0.04	0.00	0.04	0.00	0.04
Travel & Educ.-EVP	0.00	7,000.00	0.00	7,000.00	(7,000.00)
Travel & Educ.-Staff	238.13	11,754.00	238.13	11,754.00	(11,515.87)
Utilities	728.20	833.33	728.20	833.33	(105.13)
Total Expenses	22,175.64	320,278.43	22,175.64	320,278.43	(298,102.79)
Net Income	438,935.00	148,151.54	438,935.00	148,151.548	290,783.46

January 1- February 21, 2008 Board of Directors (BOD)

DESIGNATED REALTORS®

Gregory D. Anderson, Anderson Appraisal
Alison F. Bernhart, Landfall Realty, LLC
Sylvia S. Brown, Prime Coast Real Estate Group
Crystal D. Caison, Danford Properties, Inc.
Charles J. Cipolla, Anchor Realty, Inc
Donald Clive, American Coastal Properties
Carol P. Hobbs, Waterford Realty, Inc.
Jewell M. Hobbs, Jewell Hobbs, Inc.
Michael M. Kloian, Advantage Realty Group
Hilary M. Nixon, Weichert, Realtors - Coastal C
Amanda Oates, Prudential Burroughs and Chapin
Michael D. Patterson, Town & Country Property Management
Doug Ramsey, Envirian of Wilmington
Stephen C. Ratley, ARK Appraisal Service
Tracie N. Reaves, The Manning Companies
William L. Robertson, Southeastern Appraisal Group
Cindy Y. Turner, Turner Group
Sharon C. Ward, ERK, Inc.

ALLIED MEMBERS

Hubert G. Lowe, Hubert Lowe Home Inspections

NEW REALTOR® MEMBERS

Latifa Ajani, Wilkinson & Associates
Charles F. Alexander III, Network Real Estate
Bailey Allman, Sinnen-Green and Associates, I
Amber N. Andersen, Weichert, Realtors - Coastal Choice
Kaye D. Baggett, Port City Properties, Inc
Edwin J. Barry, Coldwell Banker Sea Coast Realty
Sheryl S. Bergmann, Coldwell Banker Sea Coast Rlty
Cathy B. Blake, A Beach Place Realty LLC
John D. Bright, Coldwell Banker Sea Coast Rlty
Cathy J. Camac, Prudential Burroughs & Chapin Realty, Inc
Randy G. Crouch, Commonwealth Commercial Proper
Jamaye R. Despaigne, Fusion Real Estate
Pamela W. Faison, Johnson Realty
Summer Gilmore, Weichert, Realtors - Coastal
Michael J. Hanifan, Intracoastal Realty Corp
Diane Hanzen, Century 21 Sweyer & Associates
Brian Hudspeth, Exit Homeplace Realty
Cynthia Heunemann, Weichert, Realtors - Coastal
Clarence K. Humphrey, Laney Real Estate Co.
Robin A. Jenkins, Intracoastal Realty-New Homes
Brandy Landrie, Cape Fear Real Estate Solution

Shannon M. Lee, Coldwell Banker Sea Coast Rlty
Tricia Logeman, Jack Stone Investment Properti
Wanda Sue Marsh, Wilmington Realty
William C. Mebane IV, Atlantic Shores Real Estate
Jessica M. Newlin, Coldwell Banker Sea Coast Rlty
Hilary M. Nixon, Weichert, Realtors - Coastal Choice
Michelle M. Perillo, Century 21 Sweyer & Associates
Jeremy D. Phillips, Maus, Warwick, Matthews & Co.
Thomas L. Plaskett, Phil Kraus & Associates
Rita D. Reynolds, RE/MAX Coastal Properties
Deelucie L. Roe, New Homes Realty
Elizabeth B. Soffera, Keller Williams Realty
Nichole E. Speaks, Sailfish Realty, LLC
Katherine B. Spencer, Weichert, Realtors - Coastal Choice
Amy L. Sweyer, Century 21 Sweyer & Associates
Jeremy E. Tomlinson, Port City Properties, Inc
Cindy Y. Turner, Turner Group
Teresa L. Victor, Weichert, Realtors - Coastal
Roedell J. Walker, Port City Properties, Inc.
Thomas J. Wallace, Laney Real Estate Co.
Brian C. Walsh, Century 21 Sweyer & Associates
Peter N. Weppler, Cape Fear Real Estate Solution
Ernest D. Wilkinson III, Realty World-Cape Fear
Ann M. Young, Exit Homeplace Realty

RESIGNATIONS

Lucille W. Allen, Prudential Burroughs & Chapin
Paulina Balduyck, Prudential Burroughs & Chapin
Rebecca H. Coley, Century 21 Sweyer & Associates
Jackie S. Davis, Coldwell Banker Sea Coast Realty
Elizabeth A. DuBose, Intracoastal Realty Corp.
Ashleigh B. Gardner, Century 21 Sweyer & Associates
Briana Horne, Concept 2001 & Associates
Pamela O. Kirk, SeaShore Realty Group, Inc.
Brockett T. Okine, Palm Street Real Estate Management, Inc.
Purnima Patel, Weichert, Realtors Coastal Choice
Clara Richichi, Prudential Burroughs & Chapin
Erin Speer, Keller Williams Realty
Amanda D. Wilson-Blalock, Generation Realty, Inc.

NEW OFFICES

Advantage Realty Group
Anderson Appraisal
ERK, Inc.
Jewell Hobbs, Inc.
Southeastern Appraisal Group
The Manning Companies

Town & Country Property Management

TRANSFERS

Elizabeth Crowley to Coastwalk Real Estate
John D. Crumley to World Properties International, Gatefield Realty
Janice E. DeVos to Exit Homeplace Realty
Ellis R. Forest III to Prudential CRES Commercial Real Estate
Oscar Ernesto Garcia to Exit Homeplace Realty
Erin E. Gora to Intracoastal Realty Corp
Andrew T. Harrison to RE/MAX Coastal Properties
Angela Barnhill Henry to ProServe Realty
Kimberly Brooke Hobbs to Jewell Hobbs, Inc.
Jason E. Mann to Wilkinson & Associates
Jennifer Marilyn McGhie to Coldwell Banker Sea Coast Realty
Ann T. Mayberry to World Properties Int'l
Jim McBee to Wilkinson & Associates
Heather Hobbs Noe to Jewell Hobbs, Inc.
Mary Elizabeth Roberts to Prudential Burroughs & Chapin Realty, Inc
Karen S. Schwartz to Coldwell Banker Sea Coast Realty
Tonya A. Shade to Oleander Realty
Sally C. Turbeville to Laney Real Estate Co.
Barbara Weetman to Envirian of Wilmington

REINSTATEMENTS

Geoffrey S. Hanson, Mane Real Estate Group
Gavin Howe, Worsley Real Estate
Laurie W. Rogers, Coldwell Banker Sea Coast Realty
Debra L. White, Century 21 Sweyer & Associates

Member Totals As of February 17, 2008	
Designated REALTORS®	472
Pending	2
REALTORS®	1,678
Subtotal	2,152
Non REALTOR® Licensees	35
Secondary REALTORS®	121
Allied	104
Total	2,412



GOVERNMENTAL AFFAIRS OF WRAR® AND RCASENC

February 13, 2008

Land Development Code Clean Up

After last discussing this item with the WRAR BOD, I submitted a letter to Wilmington staff outlining items that were of concern or needed clarification in the Land Development Code (LDC). In this 24th letter, I also asked for time to appropriately address these items. As a result, the review of the LDC was rescheduled from February to March, and some of the initial items have since been resolved.

On January 31st, I had the opportunity to meet with Mayor Saffo, Councilman Quinn and Wilmington Planning Department Director Kaye Graybeal to discuss items remaining as unresolved; another meeting is scheduled with Wilmington on February 18th to further discuss these items. I will also be reviewing the LDC with the RCASENC Board during their scheduled meeting on February 19th.

Below are those items that remain of concern or are unresolved. I have included the responses thus far received from City staff, and those responses received thus far from WRAR members. WRAR Board direction is requested and is included in each section. Please provide additional comment if desired.

To review the proposed language for each section, click on the section title. Otherwise, to review the entire document on the City of Wilmington web page, [click here](#).

- These items have been ADDRESSED but remain a significant cause for concern.

1. **Sec 18-456 Tree Preservation Protected Trees**

Synopsis: The addition of 24" DBH conifers (pines) as "significant" trees to be mitigated when removed.

Concern: The cost associated with mitigating the removal of Loblolly Pine in Wilmington.

Background:

- **We asked this question and it is being addressed:** Could you provide some information regarding credits given for spaded trees and the potential for entering into an arrangement with the City when searching for a place for tree relocation? This could reduce the impact of mitigation.
- **Additional REALTOR® member feedback has been:** "It appears to me that the Land Development Code proposed revisions are considerably more than a minor cleanup. In addition to many of the issues regarding development, particularly downtown development, I was concerned with the changes in significant and regulated trees. As part of the UDO, I know that

we debated tree issues for at least a year and believed that we ended up in a relatively good place. I would suggest that the inclusion of all conifers as protected and/or significant trees would create a difficult and unacceptable challenge to the proper continued development of the City.

- **City staff response:** We will look further into the issue of tree maintenance when spayed trees are located on City property. Pines (conifers) have a special place in North Carolina’s history. When the LDC was adopted, conifers were taken off the list to reduce mitigation requirements and because participants in the UDO process placed no value on pines relative to hardwoods. The hurricane justification has little merit according to the city’s urban forester, especially for larger pines. A large pine is no more likely to be toppled in a hurricane than a comparably sized tree of many other species that are protected. Additionally, leaving clusters of trees can provide more protection than risk to structures. A survey of other hurricane prone jurisdictions revealed that many other cities protect pines, and often do not separate them from other types of trees. Cities that protect conifers less than or equal to 24 inches dbh include Charlotte, Raleigh, Conway, SC, Georgetown, South Carolina, and Jacksonville and Tallahassee, Florida.
 - **Does the WRAR BOD oppose the addition of conifers as mitigated trees?** Yes No
 - **Does the WRAR BOD support tree relocation credit to reduce mitigation?** Yes No

2. **Sec 18-303 Shopping Center and Sec 18-528 Off Street parking space schedule**

Synopsis: Parking was previously allowed to exceed the maximum if pervious materials or BMPs were used. It is now proposed that parking over ‘essential site improvements but not exceeding the maximum’ use pervious materials or BMPs.

Concern: This could add significant time and cost to a project. There should also be some consideration of the moratorium when considering a snapshot of total projects and impact in 07.

Background:

- **We asked this question and it was not completely resolved:** Assuming that a building is on piers and there is under-building parking, would that be defined as a parking deck? Wasn't there some discussion initially about eliminating the minimum parking requirements all together? If applicants could show they do not require the parking, wouldn't it be beneficial to allow for less hardened surfaces by eliminating these minimum parking requirements?
- **City staff response:** The 2004 increase in parking minimum and maximum was done without consideration to the impacts from increased impervious surface. These proposed changes mitigate the increase in allowed parking surface area. Requiring the stormwater best management practices (BMPs) will compensate for the increase of impervious surface as a result of having earlier increased the minimum and maximum parking requirements. The up-front cost differential in some instances may be offset by reduced pond size and reduced piping. A review of new development proposals over the last year included more than 60 projects for a total of 5,639 parking spaces requested. Of those 60 projects, only 3 were proposed over the maximum by only 1.13%. The remaining 53 projects were proposed on average at a rate of 80 percent of the total maximum allowed and only 20 percent above the minimum required.
 - **Does the WRAR BOD oppose requiring pervious as proposed?** Yes No
 - **Does the WRAR BOD support the elimination of parking minimums?** Yes No

● **These items may require additional INFO or may still present concern**

1. Sec 18-247 Supplemental Development Regulations Accessory Apartments Attached and Sec 18-248 Supplemental Development Regulations Accessory Apartments Detached

Synopsis: Used to say that detached accessory apartments (garage apts) could be 75% of the gross total square footage of the primary home. Now proposes they be no more than 35% or 800 square feet whichever is less. Previously required an additional 5,000 sq ft beyond minimum lot space, now proposes that the lot area is to exceed the minimum lot area of the district by 50% or more. This language also addresses accessory apartment attached (meaning inside the primary structure).

Concern: Housing affordability and availability impact; and financial impact to existing units that are larger than 50% or 800 square feet.

Background:

- **We asked this question and it was resolved:** How will this provision impact the rebuilding of a non-conforming use under an existing roof or on an existing pad, say for example if a garage apartment burned down or an in-laws suite was destroyed beyond 50%? How will this provision impact affordability and density?
- **Additional REALTOR® member feedback has been:** “The off street parking seems excessive”. And “I think the proposed restrictions on accessory apartments are too strict. I would hope that they could be at least 50% of the primary structure or 1,000 sq. ft., whichever is less”. “The removal of the garage requirement will facilitate ADA and increase much needed inventory of universally designed rental units.”
- **We asked this question and it was not completely resolved:** Can Wilmington interpret into easily understood language that I may distribute to our REALTOR® members, who in the future may be representing these non-conforming properties?
- **City staff response:** Accessory dwelling units are currently allowed to exceed the height of the principal structure and are allowed to be up to 75% of the square footage of the principal structure. This creates an environment where the accessory structure is no longer truly accessory to the principal structure. The proposed language makes the attached and detached regulations consistent, eliminates the complicated formula currently used to determine the permitted size of a detached accessory structure, and clarifies that these units are actually accessory uses.

The current requirement of an additional 5,000 square feet is significantly more burdensome to small lots. For example, a lot located in the R-3 zoning district is currently required to have 8,000 square feet (3,000 + 5,000) to be eligible for a garage apartment. This requires 167% additional lot area. An R-20 lot is only required to have 25,000 (20,000 + 5,000), which is only an additional 25%. The proposed 50% requirement is more equitable across all zoning districts because it is proportionate to minimum required lot size in each respective zoning district.

Staff notes that approximately 65% of all the R-20 parcels city-wide are within Landfall, where accessory apartments are limited by the property owners’ associations, even where lots meet the city’s requirements for accessory structures. Of the remaining lots zoned R-20, approximately 44% are equal to or greater than 30,000 square feet in area.

The issue is non-conforming uses, which is addressed in Article 4 of the code. Any nonconforming use, including an accessory apartment, could be reconstructed provided that the rebuilt structure is not more nonconforming. The full text of the regulations can be found in Article 4, Sec. 18-142. *Extension or enlargement of nonconforming situations.*

➤ **Does the WRAR BOD support the limitation of 35% / 800 sq ft?** Yes No

2. **Sec 18-257 Commercial District mixed Use**

Synopsis: Introduces the prohibition of residential uses on ground floor in single building development in the CDMU. For more than one building, 50% or more of the buildings is to contain nonresidential on the first floor.

Consideration: Lack of language allowing the mixing of commercial street side and residential rear.

Background:

- **We asked this question and it was resolved:** Can language be modified to clearly allow ground floor residential on multi-building development?
- **We asked this question and it was not completely resolved:** Has there been any discussion to mix residential and commercial units on the first floor of a building, for example to put commercial on the street side and residential in the rear yard?
- **City staff response:** CDMU is an *option* for allowing *multi-family residential uses* within certain *commercial zoning* districts to create a *mix* of uses. CMDU is *not* an opportunity for the residential development of a commercial zoning district. Staff agrees to add the underlined clarification to the code language below:

For CDMU developments containing multiple buildings, at least fifty (50) percent of buildings shall contain only nonresidential uses on the ground floor. If an odd number of buildings exist in a development, the majority of the buildings must contain nonresidential uses on the first floor (if five buildings are in a development, three shall contain nonresidential uses on the first floor and two may contain only residential uses).

➤ **Does the WRAR BOD support the language as amended?** Yes No

3. **Sec 18-481 Parking Lot Landscaping**

Synopsis: Introduces the concept of creating canopy and shading rather than requiring a specific 'quantity' of trees.

Concern: From WRAR member, "The shade requirement on the parking regs seems excessive; could severely limit parking density".

Background:

- **We asked this question and it was not completely resolved:** Has there been an opportunity to meet collectively with landscape architects and discuss this provision; provide them an illustration of how the permitting and application has changed / improved? (a roundtable discussion with those impacted)
- **City staff response:** Calculating landscaped area by way of canopy coverage as opposed to ground area landscaped is a growing trend among municipalities. Staff evaluation indicates the

effect will be a change in the species of vegetation planted and not more plantings or more space consumed by landscaped areas. Therefore, the cost to the developer should not necessarily increase. The change will not likely decrease the number of parking spaces a site can accommodate nor lengthen the application process. On several occasions, staff has provided WRAR representatives with illustrated examples of how the new regulations will be calculated.

- **Does the WRAR BOD oppose adding shading requirements?** Yes No

Carey Disney Ricks
Governmental Affairs Director