

**TOWN OF BOONE
SPECIAL COMMUNITY APPEARANCE COMMISSION
MEETING MINUTES
TUESDAY, MARCH 31, 2021 6:00 P.M.**

COMMISSION MEMBERS PRESENT:	Chairperson Brian Williams and Vice-Chairperson Sarah Davis Cagle and Maggie Trumpower
TOWN COUNCIL LIASION MEMBERS PRESENT:	Sam Furguele, Dustin Hicks
STUDENT MEMBER:	Samuel Gass
STAFF MEMBERS PRESENT:	Jane Shook, Director of Planning and Inspections, Brian Johnson, Matt McGregor, P & I Dept. Intern and Marlene Crosby, Board Secretary
OTHERS PRESENT:	HPC Chairperson Eric Plaag

CALL TO ORDER

Chairperson Williams called to order the special meeting of the Boone Community Appearance Commission, held in the Planning and Inspections Department – Upstairs Conference Room located at 680 W. King Street on Tuesday, March 31, 2021 at 6:20 p.m.

ADOPTION OF AGENDA

Chairperson Williams made a motion, seconded by Vice-Chairperson Cagle to adopt the agenda as written.

Vote:

Aye – All

Nay – None

The motion passed.

Chairperson Williams made a role call for the following board members: Chairperson Williams, Vice-Chairperson Cagle, Member Trumpower and Samuel Gass.

APPROVAL OF MINUTES

Chairperson Williams made a motion, seconded by Vice-Chairperson Cagle to approve the September 22, 2020, November 24, 2020 and March 23, 2021 meeting minutes as written.

Vote:

Aye – All

Nay – None

The motion passed.

Chairperson Williams made a role call for the following board members: Chairperson Williams, Vice-Chairperson Cagle, Member Trumpower and Samuel Gass.

DOWNTOWN EXPANSION UPDATE

Ms. Jane Shook, Director of Planning & Inspections informed the board members that Council had scheduled a special joint meeting for April 20, 2021 at 6 p.m. with the Community Appearance Commission, Historic Preservation Commission and the Planning Commission and the Town Council. She said the Town Attorney has completed her final review of the Community Appearance Commission text amendment and has reviewed some other ordinance changes related to the Historic Preservation Commission documents. She noted that the Planning Staff has about 21 more items; they need to work on related to other ordinance changes and the Historic Preservation documents. She said that Historic Preservation Commission

Chairperson Eric Plaag is attending this meeting to help with information on the Historic Preservation documents and the Rooftop Additions agenda topic.

Ms. Shook talked about keeping the boards updated on the Town meeting discussions regarding the Downtown projects. She talked about asking the Chairpersons and Vice-Chairpersons of the boards to consider attending the Town meetings regarding the Downtown projects so there is additional continuity other than, the Planning Staff updates to the board members. She said that she would also ask the Historic Preservation Commission Chairperson and the Planning Commission Chairperson to do the same thing.

Chairperson Williams pointed out that Planning Commission Member Frank Veno was attending this meeting because he showed some interest in trying to get a little more up to date on discussions as they relate to the Downtown projects.

Ms. Shook talked about the Planning Staff having to modify the ordinance because of changes made by the State legislature over a year ago to combine the city and county Planning & Development regulations into one chapter. She explained that there is no 168 for cities and 153 A for counties. She said it is now 160-D and the municipalities have until July 1 to bring their ordinances up to date. She said while she was working on bringing the ordinance up to date with 160-D, she reformatted the CAC's proposed text. She said that each zoning district does not get its own article; but they got a section within a larger article. She further explained that the Planning Staff has combined Articles 14, a portion of Article 15, all of Article 16, 17, 18 and 27 into one Article 14. She explained to make things work in the ordinance to allow for these proposed changes the document had to be re-formatted. She said the text does not change just the formatting and numbers of the text change.

Ms. Shook reviewed the timeline for various topics. She noted that the deadline for 160-D to be adopted is July 1, 2021. She said the goal to present 160-D to Council is in April of 2021 and schedule the public hearings for it. She noted that 160-D would be presented to Council before the B-1 projects.

Ms. Shook asked the CAC if they would allow her to do the reformatting and make the proposed text changes, which include the ten proposed changes made by the Town Attorney. She said that the Planning Staff could present these proposed changes to everyone at the same time. She pointed out that the CAC had previously noted that they wanted to discuss the Rooftop Additions and making possible changes to them.

Discussion ensued on the Town Attorneys comments on the CAC's proposed text. Chairperson Williams asked about the proposed 21 changes that were made and if they were substantive changes to the proposed language. Ms. Shook said there were some suggestions to change some of the wording like defining project costs and proposed changes to non-conforming situations in Article 7, some recommendations for district name changes for all districts for example, take the word design out of the name.

Ms. Shook said if the CAC agreed to allow the CAC Chairperson and CAC Vice-Chairperson to at least be invited to attend the said meetings regarding the Downtown projects, she would recommend that the CAC make a motion and vote to approve it.

Motion and Vote:

Chairperson Williams made a motion, seconded by Vice-Chairperson Cagle for the Community Appearance Commission Chairperson or Vice-Chairperson to attend Historic Preservation Commission meetings or Planning Commission meetings as needed throughout the course of the Downtown Planning Projects.

Vote:

Aye – All

Nay – None
The motion passed.

Chairperson Williams made a role call for the following board members: Chairperson Williams, Vice-Chairperson Cagle, Member Trumpower and Samuel Gass.

Rooftop Additions

Chairperson Williams said that generally rooftop additions should not be more than one story in height and less than three stories and are more compatible on buildings that are adjacent to taller buildings or dense urban environments. He said because of the narrow street situation in Downtown Boone, it might be easier to meet the guidelines, if an addition was placed near the rear of the building and have the patio of the rooftop more near the front of the building. Ms. Shook pointed out that the ordinance does currently allow limited rooftop structures to enable the recreational use of open rooftops and they are exempt from the height requirements. She said there are two portions of the ordinance that the CAC should review.

Chairperson Williams said in the Downtown Core we are going to see less ability to allow rooftop additions because of the height restrictions outside of the CAC guidelines and in other current sections of the Unified Development Ordinance.

Chairperson Williams talked about considering rooftop additions in the Interface Area probably more because there is less height restriction. Ms. Shook said currently height in the Downtown area is not based upon the zoning district you are in; it is reviewed by location, with a set of standards for everything that is in an area where the core is. She said the Downtown B-1 Interface allows up to three stories and a parapet for a total of 33 feet, depending on the plan and engineering with a parapet for a total of 33 feet. Chairperson Williams confirmed that, a limited rooftop addition could be added as well.

Discussion ensued on Rooftop Additions and Interpreting The Secretary of the Interior's Standards for Rehabilitation. Chairperson Williams referred to page 46 in the meeting packet regarding Application II (Compatible Treatments). He explained that he thought the photo in the middle of said page would be a compatible treatment for a rooftop addition. Historic Preservation Commission Chairperson Plaag joined the meeting and noted that on a portion of a four-story building that is visible from the side of the building does not have any fenestration, no windows that is an important element of making the addition blend into the existing building. HPC Chairperson Plaag noted that these types of things are not appropriate for a historic building.

Chairperson Williams and HPC Chairperson Plaag talked about the rooftop addition on the Horton Hotel and Howard Street Station. HPC Chairperson Plaag noted the different colors of brick on the Horton Hotel and the fact that it looks like the building has a hat on top of it. HPC Chairperson Plaag agreed with Chairperson Williams regarding a rooftop addition should be set back from the front of the building and color, style and materials should be similar. HPC Chairperson Plaag said all of these things help keep from distracting from the significant historic components of a building that sits up. Ms., Shook pointed out that the current UDO requirements that limits the rooftop additions is what created the hat look on the Horton Hotel. She said that proposed changes could be made to the section of the UDO in the B-1 zoning district on height for rooftop additions.

Discussion ensued on the current UDO text on limited rooftop additions. Ms. Shook asked HPC Chairperson Plaag if the current limited rooftop addition text discourages compatibility. He said yes it does encourage things to be put in the front of the building like in the Horton Hotel rooftop addition. He said that rooftop addition could have been done better if they had taken advantage of the parapets on the front and sides of the building and bring the outdoor seating forward and put the elevator and bar area to the back of the

building would have made the Horton Building more compatible with its architecture. Ms. Shook said a section needs to be added for rooftop additions in the ordinance regarding the exceptions to the building height from those limited rooftop structures to help encourage compatible development.

Chairperson Williams agreed with HPC Chairperson Plaag and suggested adding specific text that states that the seating should be in the front and the elevators, bars or kitchens should be in the back of the building on the rooftop and not visible from the front of the building. Chairperson Williams said the additional text should also include that a compatible treatment of material and style and fenestration pattern has to be used to what is existing on the building.

Discussion ensued on the story map. Chairperson Williams said that he looked at the buildings in the Downtown Core and outside of the Downtown Core in story map. He noted that the HPC would be reviewing the proposed rooftop additions in the Downtown Core. HPC Chairperson Plaag talked about the Howard Street Station rooftop addition being an inappropriate rooftop addition from an architectural style and materials perspective that is noticeable, when viewed from the south side of the building.

Chairperson Williams felt like materials have been included in the general additions guidelines. He suggested adding text about matching fenestrations on rooftop additions.

Ms. Shook asked if rooftop additions get a different treatment than an addition to the side of the building. HPC Chairperson Plaag explained that he feels that there is more flexibility, when you are adding on horizontally as opposed to going up vertically. Ms. Shook suggested creating a section for text and regulations for vertical and horizontal additions. Ms. Shook said the additional text for limited rooftop structures and rooftop additions would have similar guidance as far as location and building materials. She said there would be a distinction between the Downtown Core and Interface Area.

Chairperson Williams explained that if a property is not historic, we are less concerned about what is done to the building. He said on the Earthfare building are we as concerned with the building materials and if an additional story is added on top of it. Mr. Brian Johnson, Urban Design Specialist talked about historic preservation manuals, ordinance and guidelines. He said these documents say that non-historic buildings should follow the main recommendations in the core area. He talked about where you would assess the visibility from below a building. He said that the visibility of the completely historic district should be taken into consideration and not just from the sidewalk from across the street of a building. Chairperson Williams said if a building is historic or not historic, the building materials should be compatible with the materials on the existing building.

Ms. Shook talked about the unintended consequences of not allowing someone who has a single-story structure do a rooftop addition. She said would this cause some property owners to want to tear down their buildings and build a two-story building. She said this would be difficult in the Historic District but not in the Interface Area. He said he thought it was possible to have incentives for a property owner to tear down a building because they cannot add on, particularly in the Interface Area where there is not protection from the ordinance and the HPC review.

Ms. Shook asked the CAC for direction on how the Planning Staff should draft the proposed text, she said the Planning Staff could prepare the text and have it ready for the April 2021 joint meeting.

Discussion ensued on the limited structures. Ms. Shook said in Article 16.08.08 a limited structure is to enable recreation uses of open rooftops. As used in this provision, "limited structure" does not include areas that are simply decking to be used for standing or sitting. She said that a bathroom, small kitchen areas for food service, mechanical room to support the limited structure. Ms. Shook read Article 16.08 regarding

limited structures. She said the CAC added the proposed text that reads, limited structures to enable recreation uses of open rooftops.

HPC Chairperson Plaag asked Ms. Shook if the HPC had discussed rooftop additions in the Historic District Design Standards for the Historic District. He said that this same text from the CAC could be helpful in addressing buildings in the Downtown core that are not in the proposed Historic District. Ms. Shook said that rooftop additions were included by the HPC and she read from Section 7.6.: rooftop additions to existing commercial block buildings, including that it is intended to accommodate elevator shafts or solar arrays are never appropriate if any portion of the addition is visible from the street level right of ways adjacent to the primary and secondary elevations. A particular concern is the addition of rooftop decks, bars and social areas, which not only will destroy the historical integrity of the building will also create numerous nuisances for adjacent property owners that would not have been associated with a building originally, including noise pollution, boiling trash, graffiti, and vandalism as a result of the increased ease of roof access. She pointed out that the text says that it has to be not be visible from the primary and secondary elevations. She noted that some of the buildings do not have the correct width to allow for a rooftop addition over the limited structure. HPC Chairperson Plaag said that this area could be discussed again to talk about placement and to help facilitate those types of rooftop additions while also meeting the guidance from the National Park Service.

Planning Commission Member Frank Veno talked about his concerns for rooftop additions. He was concerned with the requirements for rooftop access as it is related to handicap-accessibility, noise and light pollution. He noted that he has not had problems with noise or light pollution from the Horton Hotel from his Downtown residence. He showed concern for when there are possibly two or three rooftop additions and the possible noise pollution from them including the rooftop entertainment. Chairperson Williams noted that ADA regulations would be required for rooftop access. Ms. Shook noted that it was a requirement for the Horton Hotel to have an elevator and a staircase on the back of the building leading to the ground level. She also pointed out that the occupancy number is limited based on what they can provide as far as the type of egress they can provide. Planning Commission Member Veno also showed concern for rooftop space on new construction in the Downtown area and thought that there should be proposed text included to cover it.

Ms. Shook noted that the Planning and Inspections Department has noticed an interest in not necessarily rooftop additions but in outdoor dining and she thinks the desire for outdoor dining will continue to stay here. She said a lot of proposed projects Downtown are talking about incorporating some sort of outdoor element into their projects. She noted that in the Downtown area you are just limited to dining space because of the sideline-to-sideline construction.

Discussion ensued on recommendations for rooftop additions. Chairperson Williams recommended to mirror the compatible materials, fenestration in particular where you can view the tops of buildings from afar and setting the limited rooftop structures to the back of the building. He also talked about the secondary elevations that could really stop a rooftop addition from being added. He said he wondered if in the Interface Area if some of these requirements for having the rooftop additions not be visible maybe not necessarily in the limited structures but at least in the additions allow them to be more visible, particularly for non-historic properties. He noted that increased development could increase the population and the amount of people walking to places rather than driving to places for dining and entertainment.

Council Liaison Sam Furguele agreed that the aesthetic part of the Interface Area is not as critical as it is in the Downtown Core, although it is with some of the older buildings. He said he does not think you can necessarily define the standards and it seemed to him that you have to look to process for it. He agreed that the Interface Area is more of a problem than the Downtown Core because of potential impacts. He said that

you might have to have either transitional zones or just mandate, if you are going to do limited structures or rooftop additions. He added that the rooftop additions or limited structures have to be approved through a conditional district zoning process because there is a forum for the community to weigh in as well as the CAC and HPC on what can happen in an indoor or outdoor activity or space. He said he also thought that additionally, there has to be regulations to provide the guidance to lay out what we want to see aesthetically and historically and explain how the transitional zones are applied and how you look at the impacts and how the impacts are going to be mitigated.

Council Liaison Furguele pointed out that one of the impacts of the limited structure of the Horton Hotel is it hides the view of the mountains. He noted that we should make sure to maintain setbacks and a view of the mountains, when looking at rooftop structures.

Chairperson Williams asked Ms. Shook if rooftop additions or limited structure additions are listed in the Table of Permissible Uses as an accessory use. Ms. Shook said no they are not in the said table at this time. Council Liaison Furguele agreed with Chairperson Williams that if it is an accessory use, it would trigger the transitional zone process.

Discussion ensued on the COA and Conditional District Approval process. Ms. Shook explained that the COA approval is necessary before building and zoning permit approval. Then, she asked HPC Chairperson Plaag, if in the Downtown Core is it required to get a COA before the project goes to Council. HPC Chairperson Plaag said that they are two separate processes. He explained that the COA process is specifically related to the zoning overlay for the historic district and all of other zoning requirements have to be met even if something is being done to a historic property. He said if the property is located in the historic district both processes have to be followed for whatever underlying zoning requirements there are. He explained that there has not been a lot of discussion on this topic and he is not sure what the sequence is in that instance. He pointed out that the applicant might want to know that the zoning can be approved before they dealt with the COA process.

Ms. Shook talked about the possible conflict between the Council, Planning Commission and the Historic Preservation Commission regarding the review of a rooftop addition. She suggested that more discussion needs to occur on the process of the said topic with HPC Chairperson Plaag and the Town Attorney.

HPC Chairperson Plaag said when it becomes an accessory use; a way to perhaps handle the accessory use is to set an occupancy limit for rooftop use if there is going to be an occupancy limit beyond a certain point. He said then it would become an accessory use of the rooftop. He said this allows tenants of apartments who have access to the roof to go out onto the roof, which is different from a rooftop having a lot of people and loud music. He said there might be a way of having certain rooftop uses by right and others be more intensive to the CD process. Council Liaison Furguele said that he thought it made sense to have some type of demarcation for rooftops, which should include uses in the Historic District versus uses that are not in the Historic District. He also noted that if there is a rooftop use in the Historic District the HPC should have the final say on the review of it. He said the Council should first confirm the mitigation factors but anything the Council does is conditioned upon approval, accepted by the developer, and approved by the HPC. He said the final arbiter is Council with the opportunity for the HPC to weigh in on it. Ms. Shook noted that we would just say 50 years is the number. Ms. Shook pointed out that the Planning Staff would make sure that they have the authority to regulate occupancy before they draft text that addresses the process and the actual addition itself.

HPC Chairperson Plaag said he would be hesitant to adopt a standard that would box in existing buildings with rooftops that are in a good position to have a rooftop space and he referred to the Dancing Moon building rooftop, which has a parapet with windows that makes it a good example for a rooftop space. He

suggested creating a standard that includes some of the National Park Service language and tweak it as needed to get the compatibility of materials, color and design as opposed to saying, “no you cannot do a rooftop addition on any building under four stories”.

Ms. Shook said the Planning Staff would try to draft text based on the discussions at this meeting and have it ready to present at the April 20, 2021 joint meeting.

Discussion ensued on disseminating the project meeting notes to each of the boards involved in the Downtown Projects. Ms. Shook explained that she could email an update after each meeting to the CAC, HPC, Planning Commission and the Council after each meeting to help keep everyone up-to-date on the discussions in each meeting. Chairperson Williams said he could work with Ms. Shook on putting the meeting notes together. The CAC agreed to Chairperson Williams working with Ms. Shook on said topic. Ms. Shook told HPC Chairperson Plaag that at the April 13, 2021 HPC meeting, she would ask the HPC to approve HPC Chairperson Plaag to work with her on the Downtown Project communications. HPC Chairperson Plaag agreed with Ms. Shook.

Ms. Shook also told the CAC that HPC Chairperson Plaag is helping her with the Town website and working with the program Squarespace to be able to include public input on the Downtown Projects.

INFORMAL DISCUSSION/OTHER MATTERS

There were no other topics discussed at this meeting.

PUBLIC COMMENT

No individuals requested the opportunity to speak during public comment.

ADJOURNMENT

Chairperson Williams made a motion, seconded by Vice-Chairperson Cagle to adjourn the meeting at 7:53 p.m.

Vote:

Aye – All

Nay – None

The motion passed.

Chairperson Williams made a role call for the following board members: Chairperson Williams, Vice-Chairperson Cagle, Member Trumpower and Samuel Gass.

Brian Williams, Chairperson

Marlene Crosby, Board Secretary