

PUBLIC HEARING MINUTES
MONDAY, FEBRUARY 27, 2017 AT 5:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Rennie Brantz, Mayor Pro-Tem Lynne Mason, Loretta Clawson and Jeannine Underdown Collins

PLANNING COMMISSION MEMBERS PRESENT: Chairperson Connor Boyle, Adrian Thompson, Elizabeth Shay and Kate Hayes

STAFF PRESENT: Jane Shook, Director of Planning and Inspections, Christy Turner, Senior Planner and Marlene Crosby, Board Secretary

OTHERS PRESENT: Jim Byrne, Assistant Town Manager and Allison Meade, Town Attorney

CALL TO ORDER

Mayor Brantz called the Council to order at 5:31 p.m.

Chairperson Boyle called the Planning Commission to order at 5:32 p.m.

Discussion ensued on choosing a specific meeting date for a Special Planning Commission meeting to be held before the March 2017 Council meeting. It was the consensus of the Council and the Planning Commission to have the meeting on Monday, March 6, 2017 with a backup date of Tuesday, March 7, 2017 at 5:30 p.m. depending on the availability of the Council Chambers. Ms. Jane Shook, Director of Planning and Inspections said that the Staff would check the availability of the Council Chambers and schedule the meeting accordingly and notify the Council and Planning Commission of the meeting date.

APPROVAL OF MINUTES

Council Member Collins made a motion, seconded by Mayor Pro-Tem Mason to approve the November 28, 2016 Public Hearing minutes and the January 23, 2017 Public Hearing minutes as written.

Vote:

Aye – All

Nay – None

The motion passed.

CASE PL00264-021317 SHOPPING CENTER REVISIONS – UDO TEXT AMENDMENT: The Town of Boone has initiated a text amendment to modify the UDO to remove or alter regulations related

to “shopping centers”. The “shopping center” concept was identified as needing more work before implementation of the revised UDO which became effective January 1, 2014 and was inadvertently left in the draft.

Ms. Shook said the request is to temporarily remove “shopping centers” from the Table of Permissible Uses and from the supplemental use requirements.

Ms. Shook said this topic had been discussed before the UDO major revision in 2013 and it was noted that the shopping center use still needed more work and that the text was inadvertently left in the final draft.

Ms. Shook said the goal of the Staff has been to create a use category for shopping centers. She further explained that the category would outline how a variety of uses would be managed.

Mayor Pro-Tem Mason asked Ms. Shook, if the shopping center category is removed, how the Planning Department will proceed on making decisions on permits. Ms. Shook explained that the Staff will look at the use of each permit to determine if a special use permit is needed or if the request is triggering any transitional zones.

Mayor Brantz asked if the request to remove this text temporarily is streamlining the UDO. Ms. Allison Meade, Town Attorney said this request does not change any current practice.

There were no public speakers on this case.

Mayor Brantz closed the public comment on this case.

CASE 20160438 CAC REVISIONS – UDO TEXT AMENDMENT: Revisions to UDO Articles 2, 6, 15 and 25 to align the duties and responsibilities of the Community Appearance Commission with state law. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook explained that in 2016 the Staff and Town Attorney began to review the responsibilities of the Community Appearance Commission and how they are aligned with the General Statutes. Ms. Shook said in their review of the responsibilities, they found that the existing UDO language gave powers to the CAC regarding deviations that needed to be changed. Ms. Shook said the proposed change brings the UDO language for the CAC responsibilities in alignment with the general statutes.

Mayor Brantz asked if this affects the Historic Preservation Commission. Ms. Meade said it does not affect the Historic Preservation Commission. She explained that CAC should not be making

decisions that should be appealed. She further explained that the UDO was allowing the CAC to review and make recommendations on zoning permit cases. She said the Administrator should be reviewing these cases and these cases should be appealed to the Board of Adjustment for their review and decision.

There were no public speakers on this case.

Mayor Brantz closed the public comment on this case.

CASE PL00258-020917 ARTICLE 24 PARKING REVISIONS – UDO TEXT AMENDMENT: Revisions to UDO Article 4 Parking. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook noted that the Council has approved some of the amendments to UDO Article 24 Parking. She explained that this is the remainder of Article 24 with some revised changes that are outlined in the staff report.

Ms. Shook said that Article 24 is being presented at this public hearing to begin discussion on this topic to see if the Council and Planning Commission are comfortable with the proposed parking standards.

Ms. Meade explained that in the fall of 2016 the issue of minimum parking was drawn to the Staff's attention. She said the issue was that minimum parking was not sufficient. Ms. Meade said that Mr. Bill Bailey, former Director of Planning and Inspections began working on this issue and she took over and made some sufficient changes which resulted in a re-write of the article.

Ms. Meade said while she was revising Article 24, she addressed the two changes directed by Council for multi-family parking. She noted that it would be helpful, if Article 24 was reviewed for changes along with Article 15 and 16, especially with respect to parking structures.

Ms. Meade noted that the proposed changes raise some significant issues.

Discussion ensued on these significant issues. Ms. Meade asked for direction on parking as it relates to redevelopment and the percentage of parking needed for re-development of an existing building. She said as she reviewed the UDO's of other Towns, she saw where different Towns approach parking in different ways. She said some Towns have ten percent margin and the Town of Raleigh, North Carolina as a 25 percent margin. She noted this topic needs more discussion.

Ms. Meade gave another example of potentially allowing fee-in-lieu for parking in the Downtown district.

Mayor Pro-Tem Mason asked Ms. Shook to outline the parking requirements for the Downtown district. Ms. Shook referred to page 79 of the online meeting packet. Ms. Shook noted that the

new addition to the text are some revisions in the B-1 zoning district. Ms. Shook said that currently parking in the B-1 is the same as it is in throughout the entire jurisdiction. Ms. Shook said currently it allows for the exceptions for the existing buildings to a certain point and it adds the payment in lieu. Mayor Pro-Tem Mason asked if the Staff knew what the payment in lieu would be. Ms. Shook said the Staff does not yet know what that will be. Ms. Shook noted that it would be a substantial payment.

Discussion ensued regarding the need for different residential and commercial parking standards in the B-1 zoning district. Mayor Pro-Tem Mason noted that the Town does have public parking and potential parking decks that will absorb most of the commercial parking that do not park to stay in Town, they are coming and going throughout the day.

Mayor Pro-Tem Mason talked about the provision of more than ten motor vehicles. Ms. Meade said that the proposed language has to go hand in hand with the minimum and maximum parking table. Ms. Meade further explained that the existing parking language was drafted, when the thought was to have minimums for all uses.

Mayor Brantz asked about the commercial unloading zones in the Downtown area. He said that the proposed language does not address this topic. He also noted that he has heard complaints about large trucks obstructing the traffic lanes in the Downtown area.

Discussion ensued on the unloading zones in the Downtown area. Ms. Shook talked about the requirements for unloading zones. She noted that loading zones in a Downtown should be handled differently due to the permissible lot line to lot line construction. She further explained there are ways to manage unloading zones through Town Code requirements, such as restricting deliveries to a certain time of day.

Mr. Jim Byrne, Assistant Town Manager noted that in the new proposed design for Howard Street incorporates a whole new way of looking at loading zones. He said that Mr. John Ward, Town Manager has been working with Davenport Engineering on this issue. Mr. Byrne said the new proposed design will be carried out throughout the Downtown. Mr. Byrne said the new proposed design does not impose on the residential use, it is only for delivery trucks. Ms. Meade noted enforcement of these areas may be needed.

Mayor Pro-Tem Mason said she has noticed that delivery trucks in the Downtown area are not using the current delivery zones. Ms. Shook said that the Staff may need to review the size of the loading zones to accommodate the larger trucks.

Mr. Byrne said that the proposed design will include the education for the use of the loading zones. He said that they will see how the new design works on Howard Street first before they apply it throughout the rest of the Town.

Mayor Pro-Tem Mason asked Ms. Shook to review the minimum standards for residential parking. Ms. Shook explained the two changes adopted by Council. The changes allow for a

residential parking percentage of .7 percent for number of bedrooms and that a licensed engineer can submit a parking analysis or other research can be submitted to show how they are deviating from the parking minimum or maximum requirements.

Mayor Pro-tem Mason asked Ms. Shook about the Retirement Community in the current table and she referred to page 77 of the electronic meeting packet. Mayor Pro-Tem Mason pointed out that the table reads that there is one space per unit, plus one visitor's parking space and the table also says "dwelling units". Mayor Pro-Tem Mason asked if there is a difference between unit and dwelling unit. Ms. Shook said there is no difference but the language needs to be consistent.

Ms. Shook requested from the Council and Planning Commission that they email either herself or Ms. Meade with any questions or comments on the proposed revisions for their review.

Mayor Pro-Tem Mason asked Ms. Shook if she knows of other possible problem areas regarding parking that the Council needs to be made aware of.

Ms. Shook talked about another potential issue where Staff has no way to evaluate the parking for a development to see if they are providing sufficient parking for the businesses. She further explained that the parking can be reviewed and enforcement steps can be taken after a permit has been issued. Ms. Shook confirmed that if the developer is not going over the maximum parking requirement, they are in compliance.

Mayor Pro-Tem Mason asked Ms. Shook, if the other parking requirements in the table have been working except for residential. Ms. Shook noted that the Staff has concluded that the B-1 zoning district needs to be reviewed for changes to its parking standards that need to be different than what is required for any other place in Town. Ms. Shook there are occasional times, when a commercial property will need to go over the maximum for parking for their development.

Planning Commission Chairperson Boyle talked about adequate parking for residential areas. He said if parking requirements are not considered, there will be parking all over the area. He said we do not want anyone to have twice as much parking as what they need because of the additional asphalt, etc. He said he feels that the developer's business plan should be a part of the parking requirements. Ms. Shook noted that there are maximums parking requirements to prevent too much parking at a development.

Ms. Meade noted that the parking analysis and other research is only needed, when there is a deviation from the existing parking requirements.

Mayor Pro-Tem Mason talked about getting input from the Planning Commission and the Council regarding new residential units, she said she feels that parking spaces should be included in the developments because the Downtown area is not able to absorb this type of parking right now. She said this topic could be re-evaluated after the Town gets more parking garages. She also noted that the parking spaces need to be convenient to the Downtown area.

The only speaker for this case was Mr. Rob Holton from Holton Mountain Rentals. Mr. Holton said the .7 percentage for parking will work being close to the university campus. He said he felt that the parking should be more than one to one further away from the university campus. He noted that a lot of the university students that have a vehicle do ride the Applacart to campus.

ADJOURNMENT

At 6:06 p.m. Mayor Brantz adjourned the Council from the public hearing.

At 6:07 p.m. Commission Member Shay made a motion to adjourn the Planning Commission meeting to Monday, March 6, 2017 at 5:30 p.m., seconded by Commission Member Thompson.

VOTE:

Aye – All

Nay – None

The motion passed.

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary

Connor Boyle, Planning Commission Chairperson