

**PUBLIC HEARING MINUTES
MONDAY, APRIL 23, 2018 AT 6:00 P.M.**

COUNCIL MEMBERS: Mayor Rennie Brantz, Mayor Pro-Tem Loretta Clawson, Marshall Ashcraft, Sam Furgiuele, Lynne Mason, and Connie Ulmer

PLANNING COMMISSION MEMBERS: Elizabeth Shay, Abie Bonevac, and Becky Gosky

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Brian Johnson-Urban Design Specialist, Marty Little-Planner, and Brenda Henson-Board Secretary

OTHERS PRESENT: John Ward-Town Manager, Allison Meade-Town Attorney, and Brittney Clark

CALL TO ORDER

Mayor Brantz called the Town Council to order at 6:03 p.m.

Commission Member Shay called the Planning Commission to order at 6:03 p.m.

APPROVAL OF MINUTES

Council Member Mason made a motion, seconded by Council Member Ashcraft, for Town Council to approve the March 26, 2018 Public Hearing minutes as written.

Vote: Aye – All
Nay – None
The motion passed.

Commission Member Bonevac made a motion, seconded by Commission Member Gosky, to approve the March 26, 2018 Public Hearing minutes as written.

Vote: Aye – All
Nay – None
The motion passed.

CASE PL01388-032818 RESTAURANT USES IN M1 MANUFACTURING - UDO TEXT AMENDMENT

At the March 2018 Council Meeting, Council requested modifications to allow additional restaurant uses and outdoor dining in the M1 Manufacturing District subject to transitional zones. Additionally, it was requested that the brewpub definition be modified for those manufacturing businesses located in the M1 Manufacturing District.

Ms. Shook presented the request as it was outlined in the packet, explaining that this text would allow restaurants less than 3,500 square feet and open to the public between 10 p.m. and 6 a.m. to be located in M1 zoning districts, as well as allowing outdoor dining, all subject to a 300' transitional zone. Ms. Shook noted numerous numbering changes caused by the new text. She also stated this text amendment would exclude microbreweries located in an M1 district from the brewpub definition and instead have the microbrewery and restaurant uses be classified as a combination use as regulated in UDO Section 15.05. Ms. Shook stated this text amendment came about because of a request from a microbrewery entering

into the Industrial Park who felt that there was a need for restaurant uses other than the ones that had been previously approved.

Council Member Mason asked for clarification where restaurants under 3,500 square feet would be allowed. Ms. Shook replied that this text amendment would only allow them in M1 zoning districts.

Mayor Brantz asked for clarification of the statement “open to the public during 10 pm-6 am”. Ms. Shook explained that this timeframe covered uses that would be open later than 10 pm or earlier than 6 am.

Commission Member Shay questioned the change from the current allowance of less than 2,500 square feet to a 3,500 square foot allowance. Ms. Shook stated that 2,500 square feet seemed too small in an M1 district.

Council Member Mason asked where the definition of brewpub came from and Ms. Shook stated she was unsure where the initial definition came from noting that Staff could find no definition in State law or any organized groups. Council Member Mason stated the Council may need to look at this regulation Town-wide and not just in the M1. Ms. Shook believed that would be a future topic of discussion for Town Council.

At 6:12 p.m. Mayor Brantz opened the floor for public comment.

Andrew Mason, owner of Lost Province Brewing Company located in Downtown Boone, began by stating his remarks would be his own and were not to be attributed to anyone else. Mr. Mason stated he appeared before Town Council last Thursday and gave public comment and would basically be giving the same comments tonight. He expressed concern with the definition of brewpub and felt the requirement of 50% on-site sales was an unworkable standard and places a cap on what business can be done making it impossible to grow a business. Mr. Mason suggested that the definition of brewpub be removed and combine breweries with restaurant uses. Mr. Mason felt this text amendment was a good proposal for M1 districts and would like to have this as well as other uses that are allowed only in the M1 be allowed in other zoning districts.

The next speaker was Carson Coatney, a partner in Booneshine Brewing Company. Mr. Coatney stated his business initiated the request and were planning to locate in the Industrial Park where they wanted to expand their brewing company, have a tasting room, and a restaurant on-site. He explained that the building was set up in two different sections and the section of the building that would become the restaurant and tasting room area is 3,500 square feet and the brewing area is about 4,500 square feet plus some office space. Mr. Coatney explained that the limitation of 2,500 square feet would cause them to have to make an unnatural separation in their building. He noted the building was located on a 3 acre lot and they would like to have outdoor dining. Mr. Coatney felt the impact to adjoining areas would be minimal and the additional 1,000 square feet would not have any adverse effects.

The next speaker was Tim Herdklotz, a partner in Booneshine Brewing Company. Mr. Herdklotz echoed what Mr. Mason and Mr. Coatney had stated and noted that this amendment would be positive for business and growth for Boone.

Commission Member Bonevac noted that the definition of brewpub did not include the provision for outdoor dining. Ms. Shook explained that outdoor dining was separate from the components for a

microbrewery noting that outdoor dining was specifically allowed in the accessory use table subject to the 300' transitional zone.

Commission Member Shay asked where the 3,500 square feet came from and questioned in another threshold might be presented to them in the future. Ms. Shook stated she could not answer the question of a request for another threshold but explained that the 3,500 square feet was a compromise to allow larger restaurant uses but not overly large restaurants. Ms. Meade noted that 2,500 square feet threshold came from the average size of fast food restaurants.

Council Member Mason asked why the proposal was not to allow restaurants greater than 2,500 square feet. Ms. Shook replied that Town Council's direction was to limit the size so that it was more of an accessory use instead of a large-scale restaurant.

Council Member Furguele asked if it was correct that M1 districts were not just at the Industrial Park and Ms. Shook replied that was correct. Council Member Furguele stated there were M1 properties scattered around town and some of them were very close to low density residential neighborhoods. Ms. Shook stated that was correct. Council Member Furguele noted that the transitional zone probably did not have much application for the Industrial Park but would have more application for other M1 zoned areas. Ms. Shook stated that was correct and noted that properties within the Industrial Park were not subject to transitional zone requirements.

Commission Member Bonevac asked Mr. Coatney for his projected annual production of beer barrels. Mr. Coatney replied that Booneshine Brewing currently produces about 1,200 barrels annually at their current location and the new facility, based on the square footage and the equipment they will be installing, would allow them to produce 5,000 barrels annually, which would only be 1/3 of the allowed production for a microbrewery.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:22 p.m.

CASE PL01389-032818 BUILDING HEIGHTS IN B1 CENTRAL BUSINESS DISTRICT - UDO TEXT AMENDMENT

At the January 8, 2018 Planning Retreat, Council requested Planning Staff to prepare a height analysis of the B1 Central Business District. Staff presented the B1 Central Business Zoning District Height Analysis to the Town Council on March 22, 2018 (See Exhibit 1 contained in the board packet). After the presentation and discussion on the report, Town Council requested Staff to prepare modification of the UDO as follows:

1. Maximum building height of 30' for buildings, including parapets, on portions of King Street using the proposed Historic Core as a boundary.
2. Maximum building height of 33' for all other buildings in the B1, excluding parapets which are not to exceed 4' in height past the maximum building height of 33'.
3. Provide for additional guidance on building height exemptions: location, percentage of coverage etc.
4. Provide additional building heights limitations, such as used by Blowing Rock, so that building height is limited to no more than a 25% increase above the average height of adjacent buildings.

Ms. Shook presented the request as it was outlined in the packet. Ms. Shook provided Board members a map outlining the Historic Preservation Commission's proposed boundaries for the Downtown historic

core. Ms. Shook stated that the Historic Preservation Commission and the Community Appearance Commission continue to work on the Design Guidelines and hope to have them completed in the Fall of 2018. Ms. Shook referred to the height study shown in Exhibit 1 in the packet, noting that the height study includes links to a story map that shows pictures of the buildings in the B1. Ms. Shook provided Board members with copies of the pictures from the story map. Ms. Shook stated that the study found the building heights to be lower than what most people had anticipated and ranged from 20'-33' in height.

Council Member Mason noted the allowance of a 5' parapet in Section 16.08.08(C). Ms. Shook explained that Section 16.08.08 applied across other zoning jurisdictions and noted that 16.08.08(C) listed an exception to the 5' parapet that referred back to 16.08.04(B)(2) which outlined the 4' parapet allowance in the B1.

Council Member Furgiuele asked for the height of the Appalachian Theater. Mr. Little replied that it was 30' tall. Council Member Furgiuele asked if that building could continue at 30' or would it have to descend. Ms. Shook stated that the 30' building height on King Street height could continue for 75% of the lot depth but would then have to make any height adjustments to meet height requirements for Howard Street. Council Member Furgiuele asked if the B1 currently allowed 3 stories and 45' building height with no setback. Ms. Shook replied that was correct. Council Member Furgiuele asked if Howard Street and other streets in the B1 were currently allowed 4 stories and 55' building height with no setback. Ms. Shook stated that was correct. Council Member Furgiuele pointed out that the primary height limitation in the B3 was 45' with a 20' setback. Ms. Shook stated that was correct. Council Member Furgiuele felt this allowed taller buildings under the current UDO to crowd King Street and the Downtown district than is allowed in the B3. Ms. Shook stated the same height was allowed in B3 as was allowed on King Street but there was no allowance for zero setbacks in the B3. Council Member Furgiuele asked for the height of The Standard. Ms. Shook replied that they were granted a Variance to allow them to go up to the secondary building height of 67' and 5 stories.

Council Member Mason stated that the picture of the Appalachian Theater has the frontage at 30' but the side diagram depicts it as 41' tall. Ms. Shook explained that the Ordinance allows you to continue the building height horizontally even though the topography falls.

Council Member Furgiuele asked if it was true that most of the buildings that exceed the proposed height limitations in the B1 are residential or governmental. Ms. Shook replied that was correct.

Mayor Brantz asked if this amendment applied to all new construction in the B1. Ms. Shook stated this would apply to new construction as well as modifications.

Council Member Mason asked how this would impact being able to construct a parking garage. Ms. Shook stated the Town could either meet the requirements or modify the Ordinance if the project exceeded height requirements.

Council Member Furgiuele asked if there were any plans or applications that had been submitted for a parking garage. Ms. Shook replied that there were none. Council Member Mason stated she was thinking about what might happen if the Town undertook building a parking garage, which has been discussed. Ms. Shook stated that it was briefly discussed at a Town Council meeting the possibility of exempting government structures but that did not make it into this proposed text amendment.

Council Member Furguele asked if buildings could have a subterranean area depending on the location and geological features which could allow for a parking garage with underground stories that could still meet the height requirement. Ms. Shook stated that was correct and explained that height was measured from the elevation at the sidewalk on King Street so underground stories would not count in the height.

Mr. Ward stated that the only conceptual design for a parking structure that has been looked at next to Town Hall shows coming off of King Street into a second level and it would be up to Town Council to determine how many levels to go above that and how close to Howard Street.

Mayor Brantz asked if this amendment would affect ASU and Ms. Shook replied it would only affect them if they owned property in the B1.

At 6:48 p.m. Mayor Brantz opened the floor for public comment.

Eric Plaag was the first speaker. He stated he was the Chairman of the Historic Preservation Commission but was speaking tonight as a concerned resident of the Town of Boone. Mr. Plaag read a prepared statement (**attached**) that incorporated his approval of the proposed height, appearance, and setback standards for the B1.

Pam Williamson was the next speaker. She stated she had been a resident of Boone since 1983. Ms. Williamson echoed Mr. Plaag's sentiment and offered kudos to the Planning Staff for their work on this proposed text amendment. Ms. Williamson stated she would like to have Howard Street be a more vital part of Downtown. She noted that there were 51 properties in the height study that were under 30', seven properties between 31' and 39', and only a handful that were 40' and over. Ms. Williamson felt the current height limitation of 45' was pretty tall and could dramatically change what Downtown Boone looks and feels like. She offered strong support of the proposed amendment and urged Council to adopt the changes in order to protect the historic feel of Downtown Boone.

Council Member Furguele asked if it was correct that parapets would be included in the 30' height restriction on King Street and would be in addition everywhere else. Ms. Shook replied that was correct. Council Member Furguele asked how many applications had been filed that would exceed the proposed height limitations. Ms. Shook stated there were currently two projects (MarketPlace and Rivers Walk) that would exceed the proposed height and one (the old bail bondsman building) that will increase in height but still meet the height requirement.

Council Member Mason felt that requiring a Conditional District approval provided a safety net. Mr. Ward replied that Planning Commission would be making recommendations on that later in the evening and consideration would then be made by Town Council at their meeting on Thursday. Council Member Mason stated she did not want to see a monolithic Downtown.

With no further questions or comments, Mayor Brantz closed the public hearing on this case at 7:08 p.m.

CASE PL01390-032818 APPEARANCE STANDARDS IN B1 CENTRAL BUSINESS DISTRICT - UDO TEXT AMENDMENT

The Community Appearance Commission (CAC) has been authorized by Council since July 2010 to work on Community Appearance Standards. In August 2010, the CAC recommended separate downtown design standards. The CAC met with Council in October 2016 and presented and were granted permission to proceed with the idea of creating two areas, a "Historic Core" and an "Interface Area" which would

contain differing design guidelines (appearance standards). Subsequent to this direction, Town Council, CAC and HPC met in December 2017 where a third district, the “Warehouse District” in the Howard Street area was proposed and accepted (See Exhibit 2 for map of boundaries). In summary, the Historic Core, would aim to preserve the historic nature (building design & built environment) of the downtown areas, the Warehouse District would aim to preserve the historic nature (building design and built environment) of the Howard Street area and the Interface Area would be similar to the Historic Core and the Warehouse District but would allow more contemporary features and materials to compliment the other districts. The CAC anticipates completing their recommendations to Council by Fall 2018.

The Historic Preservation Commission (HPC) has also been authorized by Council in July 2015 to undertake a historic survey of the Municipal Service District (MSD), downtown, along with some additional properties outside of the MSD. According to the HPC Chair, Eric Plaag the survey is close to being completed. HPC Chair Plaag has indicated there may be enough evidence to create a local Historic District. The HPC anticipates completing their recommendations by Fall 2018.

During the last joint meeting with Council, the Community Appearance Commission, and the Historic Preservation Commission in March 2018, it was agreed upon that Staff would draft new appearance guidelines that would serve as a further “stop-gap” for development in the B1 Central Business District that would prevent building development which would take away from the historic nature of the downtown area. The stop-gap language is expected to be superseded by the final recommendations of the CAC and HPC in Fall 2018.

At the March meeting, it was suggested Staff use the Secretary of Interior Design Guidelines for historic properties as a basis for the stop-gap. After research, including conversations with the State Historic Preservation Office, Staff has used the guidelines for the rehabilitation for the basis of the stop-gap language.

Also agreed upon, was to move all B1 Central Business Standards to their own Article in the UDO. The newly draft appearance standards are the first step to making this happen.

Ms. Shook presented this request as it was outlined in the packet. She explained that the Secretary of Interior Design Guidelines contains 252 pages and felt it was too large to use the entire document. Ms. Shook stated there were 10 standards in the rehabilitation section of the Secretary of Interior Design Guidelines and noted some of them were related to use and could not be used. She then read the 10 standards as follows:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Ms. Shook suggested these standards be used, to the extent possible, as the stop-gap measure until Article 18 can be completed in the Fall of 2018. Ms. Shook noted that these measures would apply to all buildings in the B1 and would help maintain the historic character of the B1 district, whether the building is designated as historic or not. Ms. Shook stated that mass and scale were not currently described in the UDO and the proposed stop-gap measures would address that issue.

Council Member Mason asked if there was a cinderblock building in the B1, would it need to remain a cinderblock building if renovated. Mr. Johnson stated that was addressed in the proposed language in 18.02.02(B)(1)(a) and 18.02.02(C)(2)(c).

Mayor Brantz asked if this would work as a stop-gap measure. Mr. Brian Johnson replied that he felt these standards would be effective as a stop-gap measure and would result in better buildings.

Council Member Furguele referred to Section 18.02.02(C)(2)(c) Exceptions for prohibited materials and asked if the determination of whether or not the applicant demonstrated the same material was a historic material used for the existing building would be made by an Administrator, such as the Board of Adjustment, or Staff, if a project is not required to go before a board. Mr. Johnson replied that was correct. Council Member Furguele asked if the proposed language for appearance would be in conflict with the height proposal. Ms. Shook felt there would be no conflict.

Council Member Mason asked if the standards would create any issues or conflicts with the building code when redeveloping. Ms. Shook stated they would not.

Council Member Mason questioned solar panels on roofs. Ms. Shook explained that solar panels could be exempt, but cannot exceed 1/3 of the roof area. Council Member Furguele asked if that be enough for electricity for an individual building. Ms. Shook replied that staff did not have a lot of experience with solar panels and did not know if solar panels provided 100% recovery. Council Member Furguele stated that solar panels were changing and becoming more efficient and suggested referring this topic to the Sustainability Committee for their recommendation. Ms. Shook noted this topic was on Town Council's agenda for Thursday night's meeting for presentation only and, because the presentation was just made here, she asked that the presentation of this case be dropped from Council's agenda for Thursday. Council

Member Furgiuele stated he would like to move forward as quickly as possible, if a recommendation is made by Planning Commission, to consider all of these Public Hearing items for action on Thursday.

With no more questions or comments, Mayor Brantz closed the public hearing on this case at 7:38 p.m.

Mayor Pro-Tem Clawson stated that the Planning Department did a wonderful job getting all of this information together. Council Member Mason stated that it was a lot of information to process. Council Member Furgiuele stated this was some of the best information he had seen prepared for something so complex felt the materials were terrific. Mr. Ward noted that all of the work was done in-house and was very complimentary to staff.

ADJOURNMENT OF TOWN COUNCIL

Council Member Furgiuele made a motion to adjourn Town Council at 7:39 p.m. The motion was seconded by Mayor Pro-Tem Clawson.

Vote: Aye – All
Nay – None
The motion passed.

Mayor Rennie Brantz

Board Secretary Brenda Henson

Planning Commission Member Shay

Commission Member Shay recessed the Planning Commission meeting at 7:39 p.m. At 7:50 p.m. Commission Member Gosky made a motion to reconvene the meeting. The motion was seconded by Commission Member Bonevac.

Vote: Aye – All
Nay – None
The motion passed.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES

Commission Member Bonevac made a motion, seconded by Commission Member Gosky, to approve the March 26, 2018 Planning Commission meeting minutes as written.

Vote: Aye – All
Nay – None
The motion passed.

CASE PL01340-022718 SETBACK & HEIGHT MODIFICATIONS – UDO TEXT AMENDMENT

At the January 8, 2018 Planning Retreat, Council requested modification of UDO Articles 15, 16 and 34 to address the following:

1. Remove setback exemptions for mixed-use in UDO Section 15.11
2. Clarify how a building must be “setback” in its entirety to meet secondary height allowances
3. Prohibit replacement of buildings in the B1 with a building of higher height without conditional district rezoning including amending Section 15.11.02(D) to only apply to vacant land as of date of adoption of regulation.

Staff presented draft text to Council in February, which was then sent on to the March 2018 public hearing. Council requested Staff modify the text as follows:

1. Modify the mixed-use regulations in order to encourage applicants to preserve existing significant or historic trees, provide landscaped courtyards, landscaped greenspace, plazas or pocket parks and other pedestrian oriented amenities between the primary façade and the street.
2. To remove the interior setback exemptions for mixed-use developments, with the possibility that this may be retained after discussion.

Ms. Shook noted that Planning Commission tabled this amendment at the March 27, 2018 meeting in order to give members more time to study the text. Ms. Shook outlined the text changes shown in the staff report and provided a description of the changes. Commission Member Shay referred to 15.11.02(D) and asked if the language meant that new buildings built on vacant lots would have to be at least two stories tall. Ms. Shook stated that was correct for property located in the B1 Central Business District.

Ms. Shook explained that mixed-use developments located in the B2 and B3 zoning districts were allowed a 0’ setback and this had caused some concern that projects of higher heights do not need a 0’ setback and should meet the underlying zoning districts setback requirements. Ms. Shook pointed out that the 0’ setback exemption only applies to mixed-use development and any other type of development would have to meet the setback requirements of the zoning district. She stated that the proposed amendment would remove the setback exemption from mixed-use projects and require them to meet the underlying zoning districts setbacks and encourage them to provide landscaping and amenities in between the street and the building.

Ms. Shook noted that the word “entire” was added to 16.08.03 in order to clarify that the entire structure must be setback in order to take advantage of secondary height requirements.

16.08.04 Height in the B1 Central Business District has the addition of (B) An existing building may not be demolished and replaced with a building of greater height unless approved under the Conditional District Zoning Map Amendment set forth in Article 9 herein and (C) The height of existing buildings may not be increased unless approved under the Conditional District Zoning Map Amendment process set forth in Article 9 herein. Ms. Shook stated Section C did provide an exemption for items such as HVAC units that would not trigger a Conditional District approval.

Ms. Shook stated that 16.08.08(D) would not be included, as discussed at the March Public Hearing and noted that, even if the language was not removed from this amendment, it would be modified by the language in the height text presented in Case PL01389-032818.

Ms. Shook reminded Commission members that their votes would need to tie in with the Comprehensive Plan policies they felt were relevant to the request.

Commission Member Shay stated she was having a difficult time digesting the 0' setback exemption being stricken from the text. She felt there were times when a 0' setback could be useful and in keeping with the character of the surrounding area. Commission Member Shay asked if there was a danger in having the setback waiver included. Ms. Shook replied that the projects that have taken advantage of the interior setback have generated discussion within the community and unhappiness with projects such as The Standard who built a 67' tall building right next to the sidewalk. Ms. Shook stated there were feelings that such tall buildings would be more appropriate if they were setback. She noted that the B1 was where there was more of that type of development and it may not be quite as appropriate in that area. Ms. Shook reminded Commission members that this applied only to mixed-use developments and stated there could be a mixed-use development with no setback beside a commercial development of the same size that has to be setback. Commission Member Shay asked if this was a concern because of the unevenness of the streetscape. Ms. Shook felt that was a concern as well as lot size and height and the effect it creates along the street. Ms. Shook went on to say that the interior setback requirement has not been as much of an issue as street setbacks.

Commission Member Shay asked Ms. Shook if Planning Commission needed to make a recommendation tonight. Ms. Shook explained that this was Planning Commission's second attempt at making recommendations on this case and if no action was taken tonight, Town Council could take action without Planning Commission making any recommendations because it has been more than 30 days since the Commission heard this case at the Public Hearing.

Commission Member Bonevac stated she was not really comfortable with the language in 16.08.04(B) regarding the demolition and replacement of buildings in the B1, noting there were some smaller buildings that should be able to expand if they wanted to and this language would not allow that. Commission Member Bonevac stated she liked Blowing Rock's approach with the 25% of adjacent buildings. Ms. Shook stated that the 25% would be hard to administer and seemed to be a stand alone standard instead of being used in conjunction with building heights. Ms. Shook noted that Town Council was comfortable removing this standard if the proposed height amendment was approved.

Commission Member Shay stated she was also uncomfortable with 16.08.04(B) because she felt it was too constraining, while on the other hand, language in 16.08.04(A) allows up to 45' building height. Ms. Shook pointed out that the language in (B) and (C) do not prohibit taller buildings but does require a Conditional District Zoning Map Amendment in order to allow them. Commission Member Shay stated the Blowing Rock approach of allowing some variation is appealing because you get interesting skylines. She stated she realized it would be hard to administer because you would have buildings on either side and the formula becomes complex.

Commission Member Bonevac stated she would be intrigued to recommend that Planning Commission not approve this case and focus on the height amendment case heard earlier during the Public Hearing. Commission Member Gosky stated she would be okay with that.

Ms. Shook stated there were things contained in this text that were not related to height, such as the setback standards in 15.11 or the clarification in 16.08 requiring the entire building to be setback.

Commission Member Bonevac asked if they could split the text. Ms. Shook stated they could make recommendations with exceptions if they chose.

Commission Member Shay stated she would also be inclined to let this case pass because she felt some of the text was not in keeping with the goals of compactness and density.

Commission Member Bonevac stated she was comfortable to recommend approval of the amendment with conditions. Commission Member Gosky stated she was okay with that. Commission Member Bonevac asked Commission Member Shay if she would be okay to recommend approval of the text for setbacks. Commission Member Shay indicated she would be in agreement with approval with conditions.

First Motion and Vote: Commission Member Bonevac made a motion that the proposed amendment to the Town's zoning ordinance is consistent, with conditions, with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the setbacks are consistent with the Town's Comprehensive Plan and other plans because of 1.1, specifically the Comprehensive Plan Update with Overall Objectives for Boone however, the Planning Commission recommends denial of the text found in 16.08.04(B) and (C) Height in the B1 Central Business District based on Comprehensive Plan policy 2.1.1 and 2.3 in the Comprehensive Plan policies. The motion was seconded by Commission Member Gosky.

Vote: Aye – All
Nay – None
The motion passed.

Second Motion and Vote: Commission Member Bonevac made a motion that the Planning Commission recommends approval, with conditions, of the proposed amendment to the Town's Zoning ordinance and believes approval, with conditions, is reasonable and in the public interest because of the character of the area, applicable plans in the future, as well as the balance of benefits and detriments to the Downtown area. The motion was seconded by Commission Member Gosky.

Vote: Aye – All
Nay – None
The motion passed.

CASE PL01388-032818 RESTAURANT USES IN M1 MANUFACTURING - UDO TEXT AMENDMENT

Commission Member Bonevac stated she thought the restaurant idea was great. She felt it was a little confusing with the brewpub language but thought that was clarified very well. Commission Member Gosky was in agreement.

Commission Member Shay stated she understood the clarification of allowing up to 3,500 square feet but was confused about the rule about having to sell at least 50% of your product on site and whether that is part of this modification. Ms. Shook replied that modification to that standard was not part of this text. Ms. Shook stated this was discussed at the Town Council meeting and would be discussed further by Town Council. Commission Member Bonevac stated her impression was that Mr. Mason was discussing 15,000 beers and not the 50%. Ms. Shook clarified that Mr. Mason was talking about having to serve, on-site, 50% of the production which equates to a lot of pints of beer per barrel.

Commission Member Gosky felt the text was pretty straightforward.

Commission Member Shay stated she liked to idea of having a little more space and with more uses moving to the Industrial Park the character and feel would be changing a little and more interior space seemed appropriate.

First Motion and Vote: Commission Member Shay made a motion that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because it is consistent with Comprehensive Plan policy 2.1.1(A) New and expanding industries and businesses shall be encouraged which: 1) diversity the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes. The motion was seconded by Commission Member Gosky.

Vote: Aye – All
Nay – None
The motion passed.

Second Motion and Vote: Commission Member Shay made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because of the reasons provided in the first motion. The motion was seconded by Commission Member Gosky.

Vote: Aye – All
Nay – None
The motion passed.

CASE PL01389-032818 BUILDING HEIGHTS IN B1 CENTRAL BUSINESS DISTRICT - UDO TEXT AMENDMENT
Commission Member Bonevac felt the language was much more conducive to developments built in the area.

Commission Member Shay questioned the 25% height increase in 16.08.04(B)(1). Ms. Shook explained that this was discussed by Town Council and staff feels the 25% standard would be more of a stand-alone standard and would not work in conjunction with the proposed maximum building heights. Ms. Shook explained that 25% in some areas would only give some property owners about a 5' allowance for height. Ms. Shook pointed out that the 25% standard was taken from Blowing Rock and they have used it one time and not consistent with the text. Commission Member Shay stated it was an awkward fit and a lot to absorb all at once. Commission Member Shay asked if there was a minimum height and Ms. Shook stated there was no minimum height requirement. Commission Member Shay felt the 25% standard was problematic but the fact that the text requires two stories suggests justification and keeping a fairly consistent style.

Commission Member Gosky stated she liked the way the text was written and she would recommend approval excluding the 25% standard in 16.08.04(B)(1).

Commission Member Shay stated she was comfortable with everything except 16.08.04(B)(1) because, even though she was intrigued by it, she felt it was impractical. Ms. Shook asked Commission Member Shay if she was intrigued by it because of the varying building heights. Commission Member Shay stated that was correct.

First Motion and Vote: Commission Member Bonevac made a motion that the proposed amendment to the Town's zoning ordinance is consistent, with the exception of 16.08.04(B)(1), with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the Comprehensive Plan Section 1.1 Community Appearance and Downtown but Planning Commission does like the goals of (B)(1) and would encourage more thought process and goals like (B)(1) in the future. The motion was seconded by Commission Member Gosky. Commission Member Bonevac clarified that Planning Commission was not recommending approval of 16.08.04(B)(1) but liked the goal the standard was meant to achieve of providing a varying roof line.

Vote: Aye – All
Nay – None
The motion passed.

Second Motion and Vote: Commission Member Bonevac made a motion that the Planning Commission recommends approval, with the exception of 16.08.04(B)(1), of the proposed amendment to the Town's Zoning ordinance and believes approval, with conditions, is reasonable and in the public interest because of the character of the area and keeping our Downtown beautiful and the text balances the benefits and the detriments. The motion was seconded by Commission Member Gosky.

Vote: Aye – All
Nay – None
The motion passed.

CASE PL01390-032818 APPEARANCE STANDARDS IN B1 CENTRAL BUSINESS DISTRICT - UDO TEXT AMENDMENT

Commission Member Bonevac stated she really liked the text.

Commission Member Shay stated she liked it as well but may not have truly absorbed it all because there was so much of it.

Commission Member Gosky stated she would like to go ahead and act on this case if the other Commission members felt like they could proceed.

Commission Member Shay stated she liked the discussion of the materials.

Commission Member Bonevac stated she liked the idea of preserving and keeping Downtown. Commission Member Gosky agreed.

Commission Member Shay stated this text also addressed varying the surface planes of large buildings to make them structurally more consistent.

Commission Member Bonevac also liked the inclusion of prohibited building materials and not allowing mirrored glass is a good decision.

Commission Member Shay expressed some concern that she had no expertise in this area. She referred to 18.02.02(C)(2)(a)(iii) that requires only real stone and questioned additional cost for requiring real stone. Ms. Shook stated that was already a requirement for the primary façade in B1. Commission

Member Bonevac asked if stacked stone could be used. Ms. Shook replied that stacked stone could only be used if it was proven to be historic to the building.

Commission Member Shay asked how these requirements might change over time as materials and technology changes stating she was thinking of costs to developers. Ms. Shook explained that this was a stop-gap text and does not cover every single thing that will be covered under the final text. Mr. Johnson added that, even when the new Design Guideline text is completed, there will still be deference to historic value or significance. Ms. Shook stated that there will be much tighter controls if a historic district is created.

Commission Member Gosky felt this text provided a good protection until the final text could be completed.

First Motion and Vote: Commission Member Gosky made a motion that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the Comprehensive Plan Section 2.3.2 Community Character, specifically points (C), (D), and (E). The motion was seconded by Commission Member Bonevac.

Vote: Aye – All
Nay – None
The motion passed.

Second Motion and Vote: Commission Member Gosky made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because of the Comprehensive Plan Section 2.3.2 Community Character, specifically points (C), (D), and (E), which are wise development, redevelopment, and new development. The motion was seconded by Commission Member Bonevac.

Vote: Aye – All
Nay – None
The motion passed.

OTHER MATTERS

Election of Officers

Although the Planning Commission only consists of three members currently, those Commission members decided to go ahead and elect officers until the membership changed.

Commission Member Bonevac made a motion to elect Elizabeth Shay as Chairperson of the Planning Commission. The motion was seconded by Commission Member Gosky.

Vote: Aye – All
Nay – None
The motion passed.

Chairperson Shay made a motion to elect Abie Bonevac as Vice Chairperson of the Planning Commission. The motion was seconded by Commission Member Gosky.

Vote: Aye – All
Nay – None
The motion passed.

ADJOURNMENT OF PLANNING COMMISSION

Chairperson Shay made a motion to adjourn the meeting at 8:57 p.m. The motion was seconded by Commission Member Gosky.

Vote: Aye – All
Nay – None
The motion passed.

Planning Commission Chairperson Elizabeth Shay

Board Secretary Brenda Henson