PUBLIC HEARING MINUTES
MONDAY, MAY 24, 2021, 6:00 P.M.
VIA WEBEX SOFTWARE

COUNCIL MEMBERS: Rennie Brantz-Mayor, Sam Furgiuele, Virginia Roseman, and Dustin Hicks (joined at 6:30 p.m.)

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice Chair, Chris Behrend, John Tippett, Amanda Halbert, Adam Zebzda, and Frank Veno

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

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Brian Williams

Call to Order

Mayor Brantz called the Town Council to order at 6:05 p.m. and Chair Shay called the Planning Commission to order at 6:05 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Approval of Meeting Minutes

Council Member LaPlaca made a motion to approve the March 22, 2021 Public Hearing minutes. The motion was seconded by Council Member Roseman.

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

Vice Chair Plaag made a motion to approve the March 22, 2021 Public Hearing minutes with a correction to the last sentence on page 2 of the minutes so that it should read *He stated he did not see how Staff could say that an application was complete until they had everything they needed to determine that the application complied with all aspects of the UDO unless the definition was changed as to what constituted a complete application in the prior section.* The motion was seconded by Commission Member Behrend.

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

Ms. Shook reviewed the general guidelines for each case presented at the Public Hearing.

Case PL04630-040921 Blue Ridge Tourist Court - Conditional District Zoning Map Amendment

Blue Ridge Tourist Court LLC has requested a Conditional District Zoning Map Amendment to rezone 574 Old East King Street (Watauga County PIN: 2910-89-5295-000) from B2 Neighborhood Business to Conditional District B3 General Business with a site-specific development plan for Use 3.07 Motel.

Vice Chair Plaag recused himself from this case because he was the historic preservation consultant for the project and had assisted Brian Williams in preparing some of the materials before the boards.

Mr. Williams presented his request for a Conditional District rezoning for the property at 574 Old East King Street. He referred to a survey from 1985 of the entire site and noted that a portion of the property was split out before he was able to acquire it. Mr. Williams stated that the Tourist Court building had seven rooms in it and an office that was constructed in 1950. Shortly thereafter, the annex building was constructed and then the garage apartment was constructed in 1951 or 1952. In 1953, the motel building, which had an additional 10 rooms in it, was constructed. Mr. Williams explained that the original Blue Ridge Tourist Court was used for tourists who were coming to town to see the Horn in the West and the Blue Ridge Parkway. After the original owned sold the property it changed hands a number of times and had quite a few different names such as the Blue Ridge Tourist Court, the Blue Ridge Motor Court, and the Perkins Park. Mr. Williams stated that, most recently, the property had turned into an apartment complex called the Phoenix Complex. He stated that the property had fallen into a state of disrepair and had been condemned by the Town. Mr. Williams stated that the site was quite connected when it was built. He noted that the driveway went from 421 through the property up to what was Park Street where there was actually a park to the west of the site. He stated the park was still in a wooded state. Mr. Williams showed pictures of the site from the 1950's and as it sits currently. He stated that the windows have been boarded up at the request of the town, noting that the condemnation requested that the site be secured or it would need to be demolished because the building was a safety hazard. Mr. Williams stated that the Tourist Court office was made of native stone and was quite beautiful on the outside. He reminded everyone that he was seeking Conditional District rezoning for the parcel that housed the Tourist Court building, the annex, and the office. Mr. Williams stated that the proposed site plans were very similar to what was historically there with a few minor changes to accommodate modern requirements of the UDO with things like trash facilities, handicap parking, and more controlled access to the site. He explained that, to reduce the number of driveways onto the site, the sidewalk would be brought in front of the old driveway and some planters would be placed there to block the driveway from being used by vehicles but still maintain the integrity of the site. Mr. Williams stated he would also be pursuing having the site listed on the National Register of Historic Places. He noted that the National Register was having a really big push for roadside attractions and this site was really in their wheelhouse right now for what they were pursuing. Mr. Williams stated, in seeking that designation, he would have to try to maintain the site's historic fabric as best he could. He noted that drastic changes to the site were really frowned upon by the National Register.

Mr. Williams stated that the reason he was requesting a Conditional District rezoning rather than requesting a straight rezoning was because of the 300-foot transitional zone that came along with the motel use. He explained that there was low density residential property 270 feet away that was zoned RA that triggered the need to request the Conditional District rezoning. Mr. Williams stated that the site sat to the south of the protected property. He stated that the topography really sloped up behind the motel and the house sat back behind a wooded tree line along the front of the road. Mr. Williams felt that the topography of the land, as well as the direction that the building faced, would direct noise in the opposite direction from the protected parcel. Mr. Williams stated he did get a chance to meet the people that live at that house and they were very excited that someone was doing something to these properties. He felt he had met all the requirements of the UDO in terms of density and parking. Mr. Williams stated he would provide six short term bicycle parking spaces, which was beyond the two short term bicycle spaces that were required. He noted that he was required to provide two long term bicycle spaces and he would be providing four and they would be within the units. Mr. Williams stated that the motel would have a total of seven units in the two buildings, three of which would be quite small and really would not lend themselves to housing internal bicycle storage. He felt that one of the great things about the site was its proximity to the greenways and he hoped that would be an amenity to the property. Mr. Williams stated he did not expect an increase in traffic in front of the protected residential property because most people would approach from Old East King Street. He hoped there would be an increase in bicycle traffic in front of their parcel because he hoped people would make use of the Greenway.

Council Member Furgiuele asked if there were any neighborhood businesses that the property had ever been used for and Mr. Williams replied that there were not.

Council Member Furgiuele asked how long the property had been zoned B2. Ms. Shook stated she was unsure but felt it had been more than 20 years. Council Member Furgiuele asked if it was correct that the property across East King Street was zoned B3 and Ms. Shook replied that was correct.

Council Member LaPlaca asked, given that Mr. Williams was seeking historic designation and had to preserve the buildings as much as possible, how the buildings would change and would they be energy efficient. Mr. Williams replied that interior changes could be made to services like heating and cooling and noted he was working with Landon Pennington to explore a solar option. Council Member LaPlaca asked about the soundness of the structure. Mr. Williams replied that the building was condemned not because of structural concerns and noted that the underlying structure was in good shape. He stated that a lot of the historic elements were still in place like the steel case windows and he planned to restore those and replace the windows that were missing. Mr. Williams noted that he would not be adding square footage because that would be sort of antithetical to the preservation process. He stated that he did plan, in the future, to remove the portion of roof that was added for height on one side of the building. He stated he was exploring adding back the old chimney to the main building that was there originally but had been removed at some point. Mr. Williams believed that chimney provided the steam heat for the whole complex originally. He noted that the structure was built on a slab, except there was a small basement under a single room where the utilities were located.

Mayor Brantz asked Mr. Williams if the Tourist Court would be operated year-round and he replied that it would.

Council Member Roseman referred to the Type A buffer and asked Mr. Williams what he was planning to do to protect the residential district. Mr. Williams replied that he would be required to install a 10-foot Type A buffer behind the structure and, because he had a fair amount of square footage there, in addition to that 10 feet he planned to provide additional landscaping behind the building mostly in the form of evergreen landscaping to cut down on noise as best as possible. Council Member Roseman asked Mr. Williams if he had received any type of written support from the neighbors for his project. Mr. Williams replied that he had not received written support but he had not received any negative complaints either. He stated that everyone that had walked by had been fairly happy that something was going to be going on with the site other than what had been going on for the past 20 years.

Council Member Roseman asked Ms. Shook if the neighbor in the protected district had been notified of this meeting so they could attend if they wanted to. Ms. Shook replied that this project triggered a 300-foot transitional zone so all neighbors within 300 feet were notified. Council Member Roseman asked if it was correct that the property was within 270 feet and so they would have been notified. Ms. Shook stated that was correct.

Commission Member Zebada asked Mr. Williams to elaborate on how he planned to address the staff concerns regarding the existing retaining wall's stability and/or actions to stabilize it, as well as his plans to repave the existing parking lot and maintain stormwater drainage. Mr. Williams replied that he had already had a couple of contractors come out and give him quotes for repairing the retaining wall located just south of the main Tourist Court building. He stated that the wall was fairly tall and was failing and he was looking to replace it with another concrete block retaining wall, which was what it was now. Mr. Williams stated he had spoken with people about repaving the parking lot. He noted that he actually planned to reduce the square footage of the parking lot slightly so there would be less impervious surface. Mr. Williams stated that the new 10-foot buffer on the western side would reduce the impervious area by a fair amount of square footage and there would also be another reduction on the eastern side of the property.

Mayor Brantz asked Mr. Williams if he had explored connections with ASU in terms of housing and he replied that he had not.

Council Member Hicks joined the meeting.

Mr. Williams stated that he planned on operating the Tourist Court as sort of short term rental style motel so there would not be someone in the office but would be sort of a no touch concept where you would come to the property, put in your key code, and enter. He stated that the original office building would house a coin-op laundry machine and an icemaker and it would be controlled access through the same system. Mr. Williams hoped he could get some folks coming to ASU events or high school events but he had not discussed this directly with any of those parties. He stated he had discussed his plan with a handful of business owners in the East Boone area just to let them know what he was doing and to try and build some excitement around the area.

Commission Member Veno asked Mr. Williams if he owned the house that was above the motel. Mr. Williams replied that he did not own the house. He stated that he owned the property to the north of the house as well as the property to the southeast of the house but he was not able to finalize plans for the portion of the property containing the house prior to putting in the application for the Conditional District rezoning so he would be back fairly soon for rezoning of the other parcel.

Commission Member Tippett asked Mr. Williams what name he would be operating under. Mr. Williams replied that he would be operating as Blue Ridge Tourist Court. He noted that the original sign was a six-inch thick metal sign similar to most of the signage that was in Downtown around that same time but then they got a new sign with slightly different graphics with neon on it. Mr. Williams stated he would like to recreate the original sign but was unsure if it would meet current signage requirements for the Town.

Council Member Roseman asked Mr. Williams if he had been made aware that the Council was discussing Airbnb's and restrictions.

Ms. Meade wished to clarify that while Mr. Williams used the term Airbnb in terms of his operating model, Airbnb concerns were about the use of private residential structures such as houses and maybe apartments. Ms. Meade stated that this was a motel so in the event that restrictions were placed for Airbnb's in rental residential property, it would not have an effect on this property.

Council Member Roseman asked if there would be on-site management. Mr. Williams replied that he had been in contact with three or four different management companies about future management but for the first year he would be doing most of the managing so that he could understand a little bit more about the operation.

Commission Member Halbert stated there was an AppalCART stop right in front of the property and asked Mr. Williams if he was planning to have the stop renamed or if it would keep the same name. Mr. Williams replied that he spoke with AppalCART a couple of weeks back, not about renaming the stop, but to ask if they had any plans to get rid of the AppalCART stop and was told that the Board of Directors had not slated it for removal. Mr. Williams stated he had not considered changing the name of the stop but thought it was a great idea.

Ms. Shook stated she did not receive any requests for participation in public input.

Mr. James stated he had received several calls from homeowners who received notification letters but no one indicated they would be attending the meeting.

Commission Member Zebzda asked what about the general substance of the calls made by those residents. Mr. James replied that there were a few questions about what was going on and some comments about the property being in disrepair and not very nice to look at. He stated that most everybody was somewhere between neutral and excited about the potential of the project and the fact that the property would be cleaned up. Mr. James stated that some stated they did not want the buildings to be torn down and have a new apartment building in its place.

With nothing further, Mayor Brantz closed the public hearing on this case at 6:50 p.m.

Vice Chair Plaag rejoined the meeting.

Case PL04727-050721 160D and Other Clarifications - UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise the UDO as follows: revise entire UDO to comply with NC General Statue 160D; merge all or portions of UDO Articles 14, 15, 16, 17, 18 and 27; modify the following in new Article 14: B1 setbacks, building spacing, add additional hotel uses, B2 and B3 zoning district descriptions; standards related to corridor and viewshed district overlays; provide definitions for existing text; modify application process in Article 4, revise Article 7 Nonconformities to provide additional clarification; revision of existing Appendix B Guide for Landscaping to Appendix B Comparative tables and creation of new Appendix C Details and Specifications Manual. Other non-substantive changes are being offered and amendments may also be made to other Articles to conform them to the changes being proposed.

Ms. Shook noted that the staff report was inadvertently omitted from the meeting packet and was emailed to members prior to the meeting. She then presented the request as it was outlined in the staff report, noting this was a very large change that was basically an amendment to the entire UDO.

Vice Chair Plaag referred to Section 6.01 on packet page 118. He noted this was the section that was previously called Board of Adjustment and he understood that the intention here was to change it to include HPC in quasi-judicial hearings, but at the beginning of that section there was a reference to all hearings of the Board and all quasi-judicial hearings of the Historic Preservation Commission. Vice Chair Plaag pointed out that there was no Board defined at that point because the section had changed from being Board of Adjustment to quasi-judicial hearings. He felt the term Board needed clarification. He also noted that, throughout the section, the word board was sometimes capitalized and sometimes not. He noted there was a minor typo in 6.01.01(J). Vice Chair Plaag then referred to Section 6.01.02 on packet page 119 that stated it was now necessary for the board to take official action on any application or appeal but noted that there was no definition of what that quorum was.

Ms. Meade replied that the intent was to allow later, more specific provisions for each board to stand for itself. She explained that the Board of Adjustment and Historic Preservation Commission's quasi-judicial procedures were combined because they related to the same statute that stated this section would apply to all quasi-judicial decisions of the HPC, as well as the Board of Adjustment. Ms. Meade stated that the quorum varied for each board. She noted there was a concern, at least on staff's part, about the HPC being able to meet a quorum given the current size of the board and suggested a possible reduction of members on that board.

Ms. Shook stated the size of the board was discussed previously and the membership was slated to be reduced from 7 to 5 but because there was a full Board and others interested in sitting on the Board, a recommendation was made for the Board to remain at 7. As of the end of June there will only be 2 members on the HPC. Vice Chair Plaag stated there was someone applying to be considered at the June Town Council meeting so potentially there would be 3. He stated he was encouraging both of the members who were rotating off in June to at least hang around until their seats were filled. Ms. Meade stated that the statute allowed a board as small as three members.

Vice Chair Plaag referred to Sections 8.03 and 8.04 on packet pages 149 and 150 regarding the COA process and stated that language might need to be altered to change the COA for minor work to a Statement of Conformity. Ms. Meade replied that staff tried to follow his direction on that wording but she changed it because that language did not match up with the statute. She noted that the statute just recognized the COA, either for major work or administratively approved work so she felt it was best to stick with the statutory language but was happy to work with Vice Chair Plaag to come up with a solution. Vice Chair Plaag explained that staff had called him because they were having trouble with the COA as it related to minor work and asked if there was a better term that could be used and they came up with the term Statement of Conformity.

Ms. Shook explained that she did not want people to use the term Certificate of Appropriateness for minor work that did not go through the quasi-judicial process. She noted that a lot of other jurisdictions did not call for a Certificate of Appropriateness for minor work because it was administrative so the suggestion of Statement of Conformity seemed reasonable.

Vice Chair Plaag referred to Section 9.04 on packet page 164 that stated if any resident or landowner in town submits a written statement, etc. and asked if it was the intent to exclude a business owner who was not a land owner or a resident from submitting an amendment to the UDO or filing a Conditional District application. Ms. Meade replied that this was only for citizen comment and the change was not intended to be substantive. She explained that references to the term property owner were changed to landowner because that was what the new statute most often used. Ms. Meade stated that the statute appeared to inconsistently use both terms for no good reason.

Ms. Shook noted that the citizen comment was taken directly from the statute and asked Ms. Meade if they would be allowed to change that. Ms. Meade felt that if the Planning Commission recommended a broader definition that Council agreed to, there should be no problem with a more inclusive provision.

Vice Chair Plaag suggested the language to include people who own property, people who live here whether or not they own property, people who run a business here, and possibly people who work here. Ms. Meade stated the suggestion seemed reasonable to her.

Vice Chair Plaag asked if a business owner would be considered a property owner versus a landowner. Ms. Meade replied that it was a distinction and it should be added if that was the intent.

Commission Member Zebzda referred to Section 4.12.01(C) on packet page 101 that stated performance guarantees shall be in an amount of not less than 125% of the estimated cost of completion. He stated he thought, historically, that the 120 or 125% statistic was a point of conflict or disagreement between some developers and the Town. Commission Member Zebzda asked if there was any way to reword that section to still provide an adequate financial guarantee for project completion while opening it up to some more negotiations between a private developer and Town Council to find a more mutually agreeable agreement. Ms. Meade explained that this was a limitation imposed by state law.

Ms. Meade referred to Section 7.05.02(B) on packet page 146 and 147 and noted there was a suggestion of changing the deadlines for reconstruction of structures that were destroyed by an act of God, like fire or flood. She stated that this had recently happened to someone in Town and it became clear that the deadline of six months to get the building permit and a year to occupy the structure appeared to be really unreasonably tight. Ms. Meade stated it could take time to work on insurance payments so there was money to hire people to submit plans or to figure out what could be rebuilt and then getting a house built in 12 months almost never happened.

Ms. Shook stated that three categories for hotel small, large, and extended stay, were included in this amendment. She explained that, in the B1, the only hotel allowed would be a small, and that would be proposed to be allowed by right. Ms. Shook stated that, in the B3, all three would be allowed, with the small being allowed by right, the large allowed with a 200-foot transitional zone, and the extended stay with a 300 foot transitional zone. The Wellness District would allow a small hotel by right. Ms. Shook referred to packet page 550 that contained definitions for the hotel categories. She noted that the small hotel would be up to 20 guestrooms, the large would be 21 or more, and the extended stay would be any number of rooms that puts rates on a weekly or monthly basis and regularly rents guest rooms for stays of one week or more.

Ms. Shook noted that a revised definition for land disturbing activity had been added as it related to speculative grading.

Council Member Furgiuele referred to Section 4.01.01(A)(1) and asked if there was supposed to be the word approval after development in the second line. Ms. Shook replied that it should be a development approval.

Council Member Furgiuele stated that he noticed in the powers over the Community Appearance Commission, the paragraph that allowed the Council to assign things to Community Appearance had been struck. Ms. Shook replied that she inadvertently removed that and it would be added back in.

Board Member Roseman applaud staff for removing the gender specific identification throughout the text.

Commission Member Veno stated he was wondering why the word board was capitalized throughout and was a little confused on the quasi-judicial quorum. Mr. Shook replied that quorum for each board was set forth in Article 2. She added that the overall issue of board membership for the HPC was not necessarily the number available for quorum but that there would potentially be four open seats on the Historic Preservation Commission.

Commission Member Roseman expressed concern that having one person missing from a three person board could cause issues. Ms. Meade replied that the statute allowed the Board to be as small as three. She stated that the COA decision making process was considered to be specialized and sometimes there needed to be small and pretty expert boards to handle those. Ms. Meade stated that having a board of five with a quorum of three or four was what they were suggesting.

Ms. Meade noted that the lowercase word board in 6.01 was there to define references that refer to both the Board of Adjustment and HPC.

Ms. Shook stated she had not been contacted by anybody who wanted to participate in the public comment portion of this hearing.

Vice Chair Plaag asked if it would be appropriate in the quasi-judicial section to just have the references to where quorum was defined for each board later on so that way there would be no confusion about what the intent was. Ms. Meade suggested they could just strike the sentence altogether because it really carried no water.

Adjournment of Town Council

With nothing further, Council Member LaPlaca made a motion to adjourn the Town Council at 7:34 p.m. The motion was seconded by Council Member Roseman.

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

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Rennie Brantz, Mayor **Brenda Henson, Board Secretary**

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Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called for a break from 7:34 p.m. until 7:43 p.m.

Public Comment

Ms. Shook stated that no one had signed up for public comment.

Approval of Meeting Minutes

Vice Chair Plaag made a motion to approve the March 22, 2021 Planning Commission meeting minutes. The motion was seconded by Commission Member Tippett.

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

Vice Chair Plaag recused himself from the case involving Blue Ridge Tourist Court.

Case PL04630-040921 Blue Ridge Tourist Court - Conditional District Zoning Map Amendment

Blue Ridge Tourist Court LLC has requested a Conditional District Zoning Map Amendment to rezone 574 Old East King Street (Watauga County PIN: 2910-89-5295-000) from B2 Neighborhood Business to Conditional District B3 General Business with a site-specific development plan for Use 3.07 Motel.

Chair Shay stated it was nice to see this property being brought back to life and she thought the plan sounded really interesting. She stated she always had questions about pedestrian connections but did not think there were any pedestrian facilities nearby in that part of town.

Ms. Shook noted that the applicant was proposing to install sidewalks along the front of the property as required by the Ordinance. Chair Shay asked if it was correct that the sidewalks would not connect to anything because there were no other sidewalks there. Ms. Shook stated that was correct but explained that the UDO now required sidewalks whether or not there was connectivity or not.

Commission Member Veno stated he did not remember anything being mentioned about traffic but added that he did not see how traffic could be any kind of an issue with this project. Ms. Shook replied that neither Mr. James, the senior planner who did the review of the project, nor Public Works had any concerns regarding traffic at the site. Mr. James added that there was only minimal concern about traffic considering there would only be about seven rooms and 11 parking spaces. He stated that this project did not trigger the need for a traffic study.

Commission Member Veno referred to the office building with its natural stone work and felt it was still very notable and it would be a shame to lose that. He stated there was a trend across the country of people buying up old hotels or motels and refurbishing them.

Commission Member Zebzda stated he thought it was a very cool project. He noted that it was very enjoyable to read through and see all the plans and the proposed use. Commission Member Zebzda stated that, coming into the meeting, he had a few concerns pertaining to the retaining wall, the parking lot, and bicycle parking but the applicant did an amazing job clearing everything up and addressing those concerns.

Commission Member Behrend stated that Mr. Williams gave a wonderful presentation of the project and she appreciated how he went through each step.

Commission Member Tippett stated he supported the project based on what he had heard. He stated he was usually concerned about impacts on neighborhoods and residential properties but noted he was not concerned with just seven rooms. Commission Member Tippett stated that the topography and landscaping would help with impacts to the neighbor.

Chair Shay stated that the Town's stormwater management guidelines and requirements had changed since the hotel was last active and asked if that was reflected in planned changes for the property. Ms. Shook replied that the State actually tied their hands a little bit as far as when the Town could require new stormwater management systems. She stated that a property owner could volunteer, but the Town could only require an applicant to make stormwater improvements when there was a new impervious surface. Ms. Shook stated that when Mr. Williams repaved the lot they would make sure there were not new issues created with the direction of the stormwater. Chair Shay stated she thought there was reference to a reduction in impervious surface. Mr. James stated that there would be a slight decrease in impervious area and that should have negligible impacts. He noted that the applicant was not required to repave the parking lot, but he had indicated that he would like to do so towards the end of construction.

Ms. Shook stated that normally during the public hearing conditions of approval were discussed and agreed to by the applicant however, that did not happen. She stated she did not recall any specific conditions being agreed but noted the staff recommended conditions on packet page 36 and 37. Ms. Shook asked Mr. Williams if he would agree to those conditions and he replied that he would agree to those conditions.

First Motion and Vote: Commission Member Tippett made a motion that the proposed amendment to the Town's zoning map from B2 to B3 General Business Conditional District zoning is consistent with the town's comprehensive plan and any other adopted plans of the town that are applicable because it complies with:

Comprehensive Plan Policy 2.1.1 Economic Development

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

Comprehensive Plan Policy 2.1.2 Commercial Development

G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.

Comprehensive Plan Policy 2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

The motion was seconded by Commission Member Behrend.

Commission Member Zebzda wished to amend the motion to add:

Comprehensive Plan Policy 2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

Commission Members Tippett and Behrend accepted the amendment.

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

Second Motion and Vote: Commission Member Tippett made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because this scale of use is no greater than previous commercial use, and historic preservation projects should be encouraged as well as appropriate tourism development projects. The motion was seconded by Commission Member Veno.

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

Commission Member Tippett then made a motion that the 3 recommended staff conditions be attached to the original motions. The motion was seconded by Commission Member Behrend.

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

Vice Chair Plaag rejoined the meeting.

Mr. Williams thanked everyone for their recommendation and stated that he appreciated everyone's enthusiasm about the project.

Case PL04727-050721 160D and Other Clarifications - UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise the UDO as follows: revise entire UDO to comply with NC General Statue 160D; merge all or portions of UDO Articles 14, 15, 16, 17, 18 and 27; modify the following in new Article 14: B1 setbacks, building spacing, add additional hotel uses, B2 and B3 zoning district descriptions; standards related to corridor and viewshed district overlays; provide definitions for existing text; modify application process in Article 4, revise Article 7 Nonconformities to provide additional clarification; revision of existing Appendix B Guide for Landscaping to Appendix B Comparative tables and creation of new Appendix C Details and Specifications Manual. Other non-substantive changes are being offered and amendments may also be made to other Articles to conform them to the changes being proposed.

Ms. Shook noted the following changes that were proposed during the public hearing:

6.01.01(A) Change the section to be about quasi-judicial procedures for both the Historic Preservation Commission and the Board of Adjustment. Change the first board to Board of Adjustment just to clarify.

6.01.01(J) Fix the typo.

Correct inconsistent capitalization of the word board throughout Section 6.01.

6.01.02 Either reference each board's quorum or strike that subsection altogether.

8.03 and 8.04 Review General Statutes regarding minor work and see if the terminology Statement of Conformity should be used or Certificate of Appropriateness.

9.04 Make it broader. Take away the term landowner and refer to property owner. Possibly add the term business owner.

4.01 Add the term approval after development.

2.03.04 Add the assignment of other duties by Town Council to Community Appearance Commission.

Check quorum for all boards for consistency.

Ms. Shook referred to Section 9.09.02 on packet page 168 regarding neighborhood meetings. She noted that language was added to provide another layer of participation and awareness to Conditional District Map Amendments.

Commission Member Zebzda stated that the updated language took the whole spirit of the Comprehensive Plan and made it applicable. He felt Comprehensive Plan Policy 2.3.4 Public Involvement would be appropriate to cite in the motion for approval. Commission Member Zebzda stated he personally saw what was being considered as a specific implementation tool to bring the UDO into compliance with State law.

Vice Chair Plaag stated his experience with neighborhood meetings that were held under the old Planned Development process was that the summary that was provided by the applicant often did not fully encompass the tenor and breadth and depth of the concerns expressed by participants in the neighborhood meeting. He suggested that a staff member be present to take minutes of the neighborhood meeting process so that an objective person, who was not the applicant, summarized what took place. Ms. Shook replied that would be a great commitment from a small staff to attend all neighborhood meetings to take minutes. She also expressed concern that staff would be pulled into the meeting for questions. Ms. Shook asked if it would help to include the phrase "all concerns" rather than "any concerns" in the language. Vice Chair Plaag felt that would help but would still like to suggest to Council that staff be present at neighborhood meetings to take minutes. He stated he did not see a way in which there was a clear expectation that an applicant would be truthful in relaying information.

Commission Member Zebzda suggested adding that if an applicant misrepresented, failed to provide, or purposely omitted any concern made by a neighbor in one of the neighborhood meetings that they could have a civil penalty or some sort of fine. Ms. Shook replied that the Town could only penalize people for things that were authorized under State law and she did not believe that was something that the Town could penalize.

Commission Member Veno felt that requiring staff to attend neighborhood meetings would be an undue burden on staff. He stated that the process the Town used kind of covered everything and he was comfortable with things the way they were. Commission Member Veno noted that neighbors who had concerns could make those known at the public hearing.

Chair Shay stated she liked the notion of multiple, smaller meetings because big meetings could drown out all but a few voices but she also recognized that it would require more staff time.

Vice Chair Plaag wished to clarify his concern, noting that the way the language read, it left things entirely in the hands of the applicant to report to the Administrator what was or was not said at the neighborhood meeting. He added that, at the neighborhood meeting, there would not be a staff member or a Council member or a Planning Commission member present so everyone would be relying entirely on the assertions of the applicant. Vice Chair Plaag stated his concern was whether it was feasible and realistic to have a staff member present for the neighborhood meeting and stated, from Ms. Shook's feedback, it would place a burden on staff. He stated he did like Ms. Shook's suggestion of changing 9.09.02(E) so that it read that essentially, the summary report would detail the meeting, including all concerns expressed by attendees and any comments made by the petitioner or by the applicant.

First Motion and Vote: Commission Member Veno 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 the proposed amendments are consistent with all of the Comprehensive Plan objectives. The motion was seconded by Vice Chair Plaag who wished to amend to motion to include the proposed changes previously enumerated by Ms. Shook, including changing *any* to *all* feedback or comments as it relates to neighborhood meetings.

1. Revise Subsection 2.03.04 to not delete "Perform any other duty assigned by the Council that is authorized pursuant to N.C. Gen. Stat. § 160A-452."
2. Revise Subsection 4.01.01(A)(1) to add term "approval" after "development".
3. Subsection 6.01.01(A): clarify "Board of Adjustment" in first sentence.
4. Subsection 6.01.01(J): correct type of word "and".
5. Subsection 6.01.02: either strike this subsection or add clarification language to the other Sections on quorum for the BOA and HPC. STRIKE
6. Review Section 6.01 to see whether the term "board" needs to be capitalized or lower case. Lower case all except references to Board of Adjustment; lowercase "board packet"
7. Review other sections of UDO to ensure that quorum is used appropriately (see UDO Articles 2, 6 and 8). Other sections are adequate
8. Review Sections 8.03 and 8.04 with consistency with General Statutes and Minor Work (Statement of Conformity language). I remain concerned about inconsistency with the statute (attached). Could you send me just the COA portion of the UDO in Word (i) as currently drafted and (ii) as staff/Eric had proposed and let me work on it a little bit?
9. Revise Section 9.04 to include text in yellow : "If any resident, property owner, business owner or other citizen who works within the Town submits a written statement regarding a proposed amendment..."
10. Note: to recommend approval to include the requirement for a neighborhood meeting for a CD Zoning Map Amendment process. Additionally, recommends Subsection 9.09.02(E) be revised from "any concerns" to "all concerns".

Vice Chair Plaag also wished to amend the motion to include:

Comprehensive Plan Policy 2.3.4 Public Involvement

C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

Commission Member Veno accepted the amendments.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Veno 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 it meets the spirit and intent of the objectives in the Comprehensive Plan. Vice Chair Plaag wished to amend the motion to add that the proposed amendment brings the Town's UDO into compliance with recent statutory changes at the state level. Commission Member Veno accepted the amendment. Chair Shay wish to amend the motion to add that the amendment makes it easier to implement the Comprehensive Plan because it is a cleaner, stronger structure. Commission Member Veno accepted the amendment. Vice Chair Plaag seconded the motion, as amended.

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

<u>Other Matters</u>

Ms. Shook reminded everyone that the last public input session would be this Thursday at 6 p.m. Then on June 9 there will be another joint meeting of the CAC, HPC, and Town Council to go over all the public input obtained through the month of May on the Downtown Planning Projects.

Commission Member Veno asked if mailers were being sent out regarding the Downtown Projects. Ms. Shook replied that staff sent out almost 500 postcards around the first of May. In addition, and one of the building inspectors did a lot of hard work and he walked to every business who may not have received a mailer because they may not be property owners and distributed to all open businesses in the Downtown area. She stated that mailers were sent to the Chamber and it was sent to the DBA.

Commission Member Zebzda stated he was planning to graduate in May, 2022 and would be staying in Boone longer term to pursue a Master's degree in Public Administration. He stated he felt it would be in the best interest of not only himself, but also the student body, and the Commission for him not to seek reappointment as a student representative when his term expired June 30. Commission Member Zebzda stated he would be seeking an appointment as an alternate member on the Board of Adjustment. He noted there had been a lot of interest from the student body to join the Planning Commission and he expected one or more applications to be considered by Town Council.

Commission Members thanked Commission Member Zebzda for his service on the Planning Commission.

Vice Chair Plaag added that there was a student position on the Historic Preservation Commission that he would like to see filled.

<u>Adjournment of Planning Commission</u>

Vice Chair Plaag made a motion to adjourn the meeting at 8:49 p.m. The motion was seconded by Commission Member Tippett.

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

____________________________________ ____________________________________

Elizabeth Shay, Planning Commission Chair **Brenda Henson, Board Secretary**