

**TOWN OF BOONE
WELLNESS DISTRICT WORKSHOP
MONDAY, SEPTEMBER 19, 2016
5:30 P.M.**

COUNCIL MEMBERS PRESENT: Mayor Rennie Brantz, Mayor Pro-Tem Lynne Mason, Charlotte Mizelle, Jeannine Underdown Collins, Jennifer Teague, Loretta Clawson

PLANNING COMMISSION MEMBERS: Connor Boyle and Matthew Vincent

STAFF PRESENT: Bill Bailey-Director of Planning and Inspections, Jane Shook-Planning Supervisor, Brian Johnson-Urban Design Specialist and Marlene Crosby-Board Secretary

OTHERS PRESENT: Jim Byrne, Assistant Town Manager

CALL TO ORDER

Mayor Rennie Brantz welcomed everyone to the workshop at 5:33 p.m. and turned the workshop over to Mr. Bill Bailey, Director of the Planning and Inspections Department.

WELLNESS DISTRICT – DEVELOPMENT STANDARDS

Mr. Bailey noted that he would briefly review Article 17, Wellness District Standards draft standards (permanently attached) and answer questions on it. Mr. Bailey noted that if the Council would like to see a change to the draft standards a consensus vote of the Council would be satisfactory for the Staff to make the change.

Mr. Bailey noted that since this is a change to the ordinance, the review of the draft changes would be on the November 2016 public hearing agenda. Mr. Bailey said that Article 17 is adopted and it is being discussed at this workshop for possible amendments to it.

Mr. Bailey said that the original Article 17 is on the Town website but the proposed amendments to it will be put on the Town website in the morning after this workshop.

Mr. Bailey said that property owner letters had been sent out for everyone who owns property within the Wellness District. He noted that many of the property owners were at this workshop and he thanked all of them for attending.

Mr. Bailey explained that the changes that were made were to improve the language and make it in more alignment with the definitions in the code. He said he would elaborate on those changes during his presentation.

Mr. Bailey said the first change is in Article 17.02.03 District Use Requirements was to add “by right”. He noted that this change helps clarify the permitted uses in the medical district.

Mr. Bailey explained the changes to Article 17.04.02(1) Building Siting - Setbacks. He said the “public realm or public space” was removed. He explained that the “amenity zone or pedestrian zone whichever is the most restrictive” was added. Council Member Teague asked if the buildings would be on top of each other with this proposed change. Ms. Jane Shook, Planning Supervisor explained that there will be a requirement for a streetscape in the landscape section of the UDO. Mr. Bailey explained where the landscape buffer, sidewalk and pedestrian areas are located. Council Member Teague asked if, zero feet could put the building at the back of the sidewalk. Mr. Bailey said that the Staff would need direction on this at tonight’s workshop because the zero feet could put the building at the back of the sidewalk.

Mr. Bailey explained the change to Article 17.04.02(1) Building Siting - Setbacks, he said the change from walkway to sidewalk or similar public pathway was made for clarification purposes.

Mr. Bailey talked about the change to Article 17.04.03 (C1) Building Height, he explained that because there is more than equipment to consider, the language was changed to “mechanical equipment, elevators, stairs and building parapets are exempt from the height measurements”. He further explained that the building height is being described in stories.

Discussion ensued on possibly changing the number of stories. Mr. Bailey explained that the way the stories are limited is only four floors can be fronting the street. He said if the stories go higher they have to be stepped back from the front of the building to develop scale and a better pedestrian environment.

Council Member Clawson asked if the six stories can be built in the medical district. He added that in the future in terms of scale this text could be modified. He said all of the stories could be pushed back 50 percent away from the street.

Council Member Mizelle asked how tall the parapet can be that covers the elevators. Mr. Bailey said from three to five feet. Mr. Bailey clarified that the parapet is exempt from the building height measurements in the medical district only.

Mr. Bailey said the word "shall" was added for clarification to Article 17.05.01(B) Facades.

Mr. Bailey talked about the change to Article 17.05.01(C) Architectural Standards-Building Materials. He said they added "any façade" because we do not really have a major façade. He explained that a primary façade faces the main street and the secondary façade faces any street not facing the main street. He said from a maintenance perspective, they wanted to limit the use of wood as a decorative feature and keep with the feel of more substantial structures.

Ms. Shook said there should be discussion on the percentage required for the amount of rock, brick or stone that can be used as a building material. She noted that there was not a consensus of what this percentage should be. She said the percentage had been removed from the existing standards because there was not an agreement previously on what that standard should be. She said a percentage would need to be added back.

Mayor Pro-Tem Mason asked if the percentage would include timber frame work for a covered entry way. Mr. Bailey said yes.

Discussion ensued on defining a ratio for a building trim material requirement.

Mr. Bailey noted that ten percent is a low number for a percentage which is usually limited to things like corbels or eave overhangs. He noted that wood is not a green building material.

It was the consensus of the Council members to use 20 percent as a building trim material requirement.

A property owner in the Wellness District asked Mr. Bailey to give an example of how the 20 percent building trim material requirement will affect her building. Mr. Bailey said this is for new construction and substantial remodels. He said it does not require that anything be torn down and rebuilt to this standard. He further explained that if a property owner chooses to tear down their structure, they will be required to rebuild with the new standard.

Mr. Bailey confirmed that if an older building is upgraded by 50 percent of the full development cost, they would have to comply with the new standard. He noted that now the full development cost is the total value of the building and the land which makes it a harder burden to achieve. Mr. Shook noted that the repair and maintenance costs are not counted in this total.

Mr. Bailey read the four-tier system from the UDO and explained the requirements in each tier.

Mr. Tim Wilson asked about the setbacks for the small lots in the Wellness District. Ms. Shook said the interior setback is only to the degree of the building code for the fire separation. There is no traditional setback as in all the other districts. Mr. Bailey noted that because the lots are small, a developer may envision putting ten lots together. Mr. Bailey noted that the idea is to get as many medical buildings as close together as possible like a pod setup.

Mr. Wilson asked if there was a sidewalk plan for the medical district. Ms. Shook said this area is listed on the sidewalk priority list.

Ms. Shook noted that the majority of these properties that currently have offices on them are zoned O-I which have a max floor ratio of .34 but the Wellness District does not have a floor area ratio. She said there is a height limitation and other internal factors with the landscaping which includes 20 percent green on the site. She noted that this is a large deviation from development that would occur today.

A property owner in the audience said that for the owners that do not see the same vision of being in one building and they want to own their own space are given no choice but to leave the Wellness district. He further explained that if you want to build your own new space for a single practitioner where you can pull up to the front door of the building it is not allowed. Mr. Bailey said that he disagreed. Mr. Bailey said that he just explained that this can be done and there is nothing that prohibits it and that he only noted the limitations which are no more than six stories and building on 80 percent of the lot. Mr. Bailey also noted that several lots can be put together and one building built to handle several offices. Mr. Bailey said a building can be shrunk down and built on a smaller lot. Council Member Teague noted that the building must be two stories in the Wellness district.

Discussion ensued on adding the residential use back into the table. Mr. Bailey said that residential uses were taken out of the table in a compromise to get the standards adopted to allow the College of Health and Sciences project to be built with a caveat for all commercial uses to be on the ground floor.

Council Member Mizelle asked if someone can build a residential home in the Wellness District. Mr. Bailey said no the residential use was eliminated in 2014. It was noted that a building that looks like a house can be built as long as it meets the standards.

Council Member Clawson asked can you rent by the bedroom in the Wellness District. Mr. Bailey said in theory yes.

One of the doctors at this workshop asked if there were any estimated costs to live above the businesses. Mr. Bailey said there are too many variables for him to answer this question.

Mr. Rob Holton from Holton Management said he could see the Wellness district being more orientated toward the elderly.

Mr. Holton said he feels that you need the residential to drive the medical use on the first floor to make the numbers feasible to get the space that is wanted on the first floor. He said without the residential use it will not work in the same timeframe. Mr. Bailey agreed with Mr. Holton. Mr. Bailey said it was also a way to add in 24-hour security without additional police presence.

Mr. Bailey said the Staff have recommendations regarding adding the residential component back into the table.

Mr. Holton noted that the close proximity to the Greenway Trail increases walkability.

Council Member Mizelle asked Mr. Dayton Cole, Attorney for Appalachian State University asked how many students will be at the College of Health Sciences. Mr. Cole said he did not know and he added that the enrollment of the College of Health and Sciences has been the fastest growing. Council Member Mizelle said it might drive the number of beds.

Mr. Bailey said the residential component offers an opportunity for the people that work at the hospital to have a place to live while working there.

Council Member Mizelle said that she can see a potential for all types of housing in the Wellness district which include housing for the elderly and renting by the bed.

It was noted that the Wellness district is a major draw from other counties because of the medical services being offered there.

Ms. Shook said that for the property owners that are curious about their properties that they could call the Planning and Inspections Department and talk with the Staff regarding their specific properties and let the Staff explain how these standards could affect their properties.

A lady in the audience asked if the cost of medical or dental equipment is included with the cost of upgrading their building. Ms. Shook said usually equipment that is permanently affixed to the building is included in the cost but not equipment that is moved in and out of the building.

A doctor in the audience asked if x-ray equipment was included in the cost, he said his x-ray equipment is bolted to the floor and his flood insurance is tied to what he can move and what he cannot move. Ms. Shook said that property improvements that are located in a special flood hazard area are tracked completely differently to comply with FEMA requirements.

Mr. Bailey said when your property is located in a special flood hazard area, the property owner is subject to two sets of regulations and they both apply.

A doctor in the audience said he has two concerns with the proposed standards. He said that he does not see where his building will fit into the proposed standards regarding the parking in front with the building in the back, if he is forced into compliance with the renovating of this building. His other concern is if he was to sell one of his buildings would there be a grandfather clause for the buyer of the building.

Ms. Shook said in the first three tiers, the requirements are to the extent possible. She said it is not practical to say you have to pick up your building and move it to the street and put your parking behind your building. She said the status of the property goes with the property and not the property owner.

A lady in the audience asked about the painting of the buildings in the Wellness district. Ms. Shook explained that even today, if a building is repainted, it has to meet the color requirements of the ordinance.

Mr. Holton pointed out in Article 25 in the color section that the word "new" needs to be changed because it could lead a developer to think it means new construction. Mr. Bailey pointed out that this article is currently being reviewed for changes by the Community Appearance Commission and that word has already been corrected.

Mr. Johnson reviewed the field colors and noted that these colors will be somewhat affected by the decision that is made on the percentage that is tied to stone and brick.

Mr. Johnson said the Staff is proposing the use of neutral or subtle colors. He referred to a color chart in the handout (permanently attached) that included designer classic and permissible accent colors. He said a different color palette was selected for the accent colors and the accent colors are limited to ten percent. Ms. Shook pointed out that as originally adopted the colors that have the orange tab on them are the ones that perhaps should not be included in this series. She said upon review of the larger swatches, the Staff was not as confident that they should be

removed. She said the Staff would like direction on whether or not they should allow the colors as presented. She said if approved the slash marks can be removed from those particular colors.

Mr. Johnson said in Article 17.05(D) Architectural Standards – Building Color, they originally had a Sherwin Williams color palette that would be limited to ten percent. He said this does not include the corporate logos or signs. Mr. Johnson handed out a color chart containing Designer Classics Permissible Accent colors (permanently attached).

Mayor Pro-Tem Mason clarified that the colors do not have to be of this brand name. Ms. Shook agreed. It was noted that the paint colors can be purchased by other name brands, the Staff just needs to know the name of the color to review it.

It was the consensus of the Council members to use all colors.

Discussion ensued on that currently percentage of windows that will be required in the Wellness district. It was noted that there is a concern for windows in office buildings and patient privacy.

Mr. Bailey noted that currently the percentage of glass is 60 to 90 percent in a mixed use building. Mr. Bailey further explained that in a mixed-use environment the windows are to create a safe feeling for the pedestrian. He said it has been proven that a pedestrian feels safer if there are a lot of windows in the buildings.

Discussion ensued on the number of windows facing a primary façade or what could be seen as driving down the road. Mr. Bailey said by definition a primary façade faces a road. Council Member Teague said if the parking is on the back of the building this is where the entrance is going to be. She noted there will be patient rooms on the sidewalk on the front of the building. Ms. Shook asked Council Member Teague what percentage of windows the Council would be comfortable with on the building. Council Member Teague talked about her concern for patients being exposed to the sidewalk and the possibility of the public seeing drugs and other items through the windows.

Dr. Blair Warren, Dentist said the dental field needs natural light for color selection of teeth, therefore, the exam rooms should not be placed on the interior of the building. She asked about the restrictions for privacy glass. Ms. Shook said if there was a two-story building the spangled glass could be used to cover the transition from the first to second floor. Mr. Johnson said it is acceptable for the office windows to tint up to 30 percent.

Mr. Bailey read the building materials section of the ordinance regarding the percentage of windows that is acceptable.

Mr. Holton said to allow 40 percent would give some flexibility to the placement of the dental chair and equipment.

Council Member Teague said that 60 percent would be exposing the patient in the dental chair.

A doctor in the audience talked about the difference between a dental office and a medical office, he said his medical patients have to undress to have their hip or knee examined. He noted that the HIPPA laws require the privacy of patients.

It was the consensus of the Council members to use 40 percent to 90 percent for the amount of the windows.

Discussion ensued on the tinting of the windows. It was noted that the current standard is 30 percent. It was noted that different doctors have different requirements for windows. Mr. Holton pointed out that you can design around the use. Mr. Johnson said the windows have to be taken into account for any future unfits to prevent possible issues with tenants depending on their business.

Mr. Bailey read from Article 25.02.04 (C) of the UDO. He said there is no difference from the current standard to what is being proposed in this text regarding the window tinting.

Discussion ensued on the use of blinds over windows and the tinting of windows in the primary façade on the ground floor.

Ms. Shook said if a change was made to the percentage of tinting, the change would have to be made in the tint section and in Article 17.05.01 (E1). She noted that the language would have to be more clearly described in the tinting section.

Ms. Shook asked the Council what is the percentage that they would like to see for the window tinting on all of the facades. Council Member Teague said do you want all the windows tinted or not tinted. Council Member Teague suggested allowing tinted windows without mirrorization.

The medical doctor said that if he was building a new building the percentage of window tinting would not be as important to him as the percentage of glass he would have to use. He also said that he thought it would be a little unnerving to have mirrored glass on the primary facade.

Discussion ensued on the appropriate level of window tinting in the Wellness district.

It was the consensus of the Council to ask the Staff to research potential percentages and present those percentages at the November 2016 public hearing.

Mr. Bailey talked about the change in Article 17.05.01(H5) Architectural Standards - Facades that meter boxes shall not be located along the primary façade. He said if the meter boxes are located on a secondary façade screening is required.

Mr. Bailey talked about the change in Article 17.05.01(H7) Architectural Standards – Mechanical/Service Equipment & Solid Waste Enclosure Screening that all rooftop mechanical equipment should be screened from view from adjacent properties and adjacent right-of-way by use of parapet walls architecturally compatible and predominantly of the same material as the building. Mr. Bailey referred to the past discussion on the mechanical shed on top of the College of Health Sciences building and he said there was a building material change made to be architecturally compatible and predominantly of the same material as the building.

Mr. Bailey said the zero to ten feet buffer would prevent construction on top of the sidewalk.

Ms. Shook asked if the Council felt comfortable with seven and a half-foot or a ten feet buffer.

Council Member Mizelle asked if it would help to have a range of seven and one half feet to ten feet. Ms. Shook said the number would be the same in the whole district.

Ms. Shook said a sidewalk is required no matter the lot size.

Ms. Shook said that Article 17.06.03(D) Landscape Standard – Streetscape Standards is no longer needed with the changes made to the streetscape. She explained there are no landscape buffers or real requirements anymore for landscaping. She said there are minimum requirements for landscaping but your goal is to meet the 20 percent green on the lot.

It was the consensus of the Council to keep the seven and one half landscape area parallel to the sidewalk as proposed.

Mr. Bailey talked about the changes to Article 17.09.02 Signs, he said all signs must be presented in a comprehensive sign package and approved on a master plan for each development. Ms. Shook said if the signs need to be changed for a tenant, there is a requirement to modify the master plan. Mr. Bailey said this is especially important with multi-tenant buildings.

Council Member Teague asked Mr. Bailey about a recent Supreme Court decision regarding signage. Mr. Bailey said the decision deals with how we handle content. He said it stems from a case where a church had a temporary sign and they would keep moving it and leave it out longer than they were allowed. He said the jurisdiction that the sign was in had a set of regulations for churches and for real estate and for non-churches and the Supreme Court said this was illegal.

Mr. Bailey said that now the Staff is in the process of modifying the sign ordinance. He explained that several churches do not have a home location and they keep moving around and the Staff is trying to find a solution to this issue that works for everybody.

Mr. Johnson talked about a change to Article 17.10.01 Lighting. He said the ordinance still requires full cut-off fixtures. He said there are some questions on a cohesive design. He said the Community Appearance Commission recommends limiting the color of the fixture within the district to either black or silver for site lighting.

Mr. Johnson said that New River Light and Power has installed stock LED lights to meet the requirements of the ordinance and there is a small monthly fee that is charged to the property owners.

It was the consensus of the Council for the color black.

Discussion ensued on the mixed-use and the residential component.

Ms. Shook said the Staff would like to request a decision on the mixed use. She noted that the requirements are that the first floor have to be commercial, if a residential component is wanted.

Mr. Bailey explained that his research stated that there are appropriate places for the location of mixed use buildings and there are not so appropriate locations for mixed use buildings. Mr. Bailey said he found this to be true. He said it would not be beneficial to have residential on the street level in the Downtown area. He said it would be beneficial on the second floor in the Downtown area.

Ms. Shook said that Staff has pointed out that there are a lot of commercial projects that double dip on the commercial by using the first floor for their amenities that may be open to the public.

Ms. Shook noted that there is a separate category for retirement communities.

Discussion ensued on the residential areas located in the Wellness district. It was noted that the Birch Tree Apartments are located with the Wellness district.

Council Member Teague said it would be good to be able to redevelop some of the apartment complexes in the Wellness district for senior living.

Mr. Bailey said the Staff would prepare the draft language for discussion at a public hearing on mixed use.

Council Member Teague asked about the Parking standards in the Wellness district. Ms. Shook said that none of the standards were changed that were previously adopted.

Mr. Shook referred to Article 24 Parking. She said there are reductions for parking in these draft standards that are not in other parts of the ordinance. She noted that the reductions are located in Article 24 Parking and can be reviewed, if the Council was uncomfortable with them.

Mr. Bailey referred to Article 17.07.02 Vehicular Parking. He said there are exceptions and reductions in this section of the draft standards. He noted that there is a section laid out specifically for the university. He said the focus should be on the reductions. He said there is a section for parking structures.

Council Member Mizelle said she thinks that patients want the parking as close to their doctors' offices as much as possible more so than shopping Downtown or going out to eat. Mr. Bailey said that the proposed regulations allows parking around the building with the bulk of the parking being at the side or rear of the building.

Mr. Bailey said that the Staff talked extensively with a consultant from the hospital regarding parking. He made a good case for having parking around the building. He explained how a patient going to an outpatient surgery goes in the front door and leaves through back door or side. He further explained the circulation of patient flow at a medical building.

Council Member Teague asked if five spaces per 1,000 square feet is enough parking. Mr. Bailey noted that this is standard practice which is the maximum.

Mr. Shook said that the parking used to be three spaces per 1,000 square feet before we moved to maximums.

Council Member Teague said she understood why you would not require so many parking spaces on King Street because there is not a lot of public parking. She noted that in the Wellness district there is no parking. She questioned the parking standards and said does the parking need to be different in the Wellness district than the rest of the Town, when there is literally no public parking anywhere in the Wellness district.

Council Member Mizelle asked if the hospital parking deck can go any higher. Mr. Bailey said it is designed to go up one more floor which will accommodate the parking needs of the hospital and no one else.

Ms. Shook said that there might be proposed changes for Article 24 Parking at the next public hearing. She noted that the Council may want to review the allowable parking reductions. She also noted that there could be a parking reduction up to 40 percent. Mayor Pro-Tem Mason said we might want to limit the number of parking reductions. Mr. Bailey said there is a 20 percent maximum reduction in the current code.

Discussion ensued on switching from maximum to minimum parking in the Wellness district. Council Member Teague said we might want to consider specific parking standards for the Wellness district. Council Member Mizelle said we might want to limit the parking to one reduction since there is no on street parking in the Wellness district. Council Member Teague said to either limit it or increase the minimum parking or switch from maximum to minimum parking. Council Member Teague said the Wellness district should have its own parking standard. Council Member Mizelle said she thought we might want the parking reductions to not exceed ten percent or 15 percent total since there is no on street parking. Mr. Bailey reminded the Council members that the current maximum is 40 percent. Mr. Bailey told the Council members that they can build in a mechanism to require a parking study for the Wellness district. Council Member Teague said if we are just talking about the Wellness district that she would trust the medical doctors to build enough parking for their patients.

Discussion ensued on including the parking needs with the adding of the residential into the standards. Mr. Bailey explained that a developer may take into account that there will be residential on certain floors but he may not take into account outpatient services that treats patients in an assembly line fashion.

Ms. Shook asked about reviewing Article 24 Parking to see what possible revisions need to be made while the Council reviews potential parking reductions or if there would be different language needed to tighten up the parking standards.

Council Member Mizelle said that she knows there are separate parking regulations for senior developments. She noted that most of them would have at least one car. She asked if they have different parking regulations. Mr. Bailey said they have one space per unit and one space per unit for visitor parking. He said overall there are two spaces per unit allowed. Ms. Shook noted that this is the minimum standard.

Ms. Shook said the Staff would like to request a decision on the percentage of stone or brick. Mr. Johnson said the current percentage is 25 percent for stone or brick. It was the consensus of the Council to allow 35 percent for the primary façade and 25 percent for the secondary facade.

Council Member Mizelle asked if we might want to allow a different percentage for buildings that are on a rise above the road like the Modern Subaru business.

Mr. Bailey pointed out that the developer of Five Guys went vertical by bringing the stone up with the building which meets the requirements of the ordinance.

Mr. Bailey said in the Planning Retreat the Staff will be presenting the design guidelines that were proposed by the Community Appearance Commission. He said the Staff is tying in the scale and masking with the design guidelines and the information from the Boone 2030 Master Plan into the ordinance. Mr. Bailey said this will give a better picture of how we want things to look. He said the Staff will present different pictures for discussion. Mr. Bailey said that after all of this is presented everyone will actually be able to see and understand what they are going to get.

Council Member Mizelle said you will know, when you enter and leave the Wellness district.

Mayor Brantz asked Ms. Shook if there were other topics for discussion. Ms. Shook said the Staff would make the changes made at this workshop and submit them to Council at the next public hearing.

Ms. Shook asked the Council if they preferred to adopt the standards in one meeting and address the rezoning of areas of the Wellness district in another meeting or do it all in one meeting.

Council Member Teague noted that if they discuss both topics in one hearing that the community would only have to attend one hearing and not two hearings.

Council Member Clawson asked about the timeframe of these cases to be heard at a public hearing. Mr. Bailey said it would be on the Council's next agenda as requesting the cases to be

heard at the November 2016 public hearing. Mr. Bailey noted that the Staff would provide the Council with the amended text in a Staff report for their review, if they choose to do so.

Ms. Shook said that the Council can vote tonight to place the Article 17 Wellness District Standards as an agenda item on the November, 2016 public hearing.

Motion and Vote:

Mayor Pro-Tem Mason made a motion, seconded by Council Member Collins to move forward Article 17 Wellness District Standards as amended at this workshop to the November 2016 public hearing.

Vote:

Aye – All

Nay – None

The vote was unanimous.

Mr. Bailey noted that the request to send Article 17 Wellness District Standards to the November 2016 public hearing for discussion will not be on the next Council agenda since it was voted upon at this workshop.

Mr. Bailey explained the process of notifying the property owners because of the rezoning of the properties.

Mr. Bailey noted that Article 17 Wellness District Standards will not affect the university property owners but it will affect all the other property owners in the Wellness District.

Mr. Bailey also noted that because the College of Health Sciences is built, unless they expand their footprint the Town has no other authority with the university except use.

Ms. Shook indicated that the property owners can make an appointment with the Staff to discuss how the regulations will specifically affect their properties.

Mayor Brantz thanked the Staff for putting the workshop together for this evening. He also thanked the Council members and the members of the community for attending the workshop.

Adjournment

Mayor Brantz adjourned the workshop at 8:02 p.m.

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary

