

PLANNING COMMISSION MEETING MINUTES
MONDAY AUGUST 22, 2016
(Immediately following Public Hearing)

Commission Members: Connor Boyle, Caroline Catoe, Kate Hayes, Cameron Lippard, Susan McCracken, Jeff Templeton and Adrian Thompson

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

Others: John Ward, Town Manager

Acting Chair Boyle called the meeting to order at 9:37 P.M. He welcomed new Planning Commission Members Kate Hayes and Adrian Thompson to the Commission.

Discussion ensued on which cases to discuss at this meeting and which cases to possibly table until a future meeting.

Mr. Bill Bailey reviewed the process for discussion and recommendations on each case discussed at this meeting and the scheduling of a special meeting or deferring the case to the next meeting.

Member Lippard noted that he preferred to discuss the Rivers Walk PD Zoning Map Amendment case at a future meeting. He pointed out that the Planning Commission has already discussed this topic one time and now this case is back before the Planning Commission with new information to be reviewed and discussed. Mr. Bailey also noted that this case is starting over with a conditional district approval. Mr. Bailey said the changes for the PD process are outlined in the Staff report for this case from the conditional district approval. Mr. Bailey said any other information would be decided on by the Planning Commission, if it is relevant or not to the case and craft either a set of conditions for the applicants to accept or reject and craft a recommendation to Council for this case.

Member McCracken noted that she preferred to discuss the Rivers Walk PD Zoning Map Amendment case at a future meeting because she would like the opportunity to do her due diligence and not have to rush through the recommendation process due to the late hour of this meeting and because the Planning Commission's recommendations set precedence for future development.

Mr. Ward told the Commission members that they can always recommend a Special Planning Commission meeting to discuss a case. Mr. Bailey talked about having manageable agenda items for each meeting. He said that by moving Case 20160136 Rivers Walk and Case 20160377 Parking Structures to a future meeting, the other items on the agenda would be more manageable for this meeting. He noted that removal of the Parking Structures case from the agenda was agreed upon by the Council.

Motion and Vote: Member Lippard made a motion seconded by Member McCracken to recommend that the Planning Commission table the Case 20160136 Rivers Walk PD Zoning Map Amendment to a Special

Planning Commission meeting on the Planning Commission's former regular meeting time of Monday, September 12, 2016 at 6 p.m. to discuss and make recommendations on this case.

Vote: Aye – All
Nay – None

The motion passes.

It was the consensus of the Planning Commission members to discuss at this meeting the following cases: Case 20160419 Welsh CD Zoning Map Amendment, Case 20160423 Appalachian State University GU Zoning Map Amendment and Case 20160501 Projecting Theater Marquee-Lighting.

ADOPTION OF AGENDA

Member Lippard made a motion, seconded by Member Catoe to adopt the agenda as amended.

Vote: Aye – All
Nay – None

The motion passes.

APPROVAL OF MINUTES

Member Lippard made a motion, seconded by Member Catoe to approve the June 6, 2016 Special Public Hearing minutes as written.

Vote: Aye – All
Nay – None

The motion passes.

Member Templeton made a motion, seconded by Member Catoe to approve the June 13, 2016 Planning Commission meeting minutes as written.

Vote: Aye – All
Nay – None

The motion passes.

ELECTION OF VICE- CHAIRPERSON

Member Templeton nominated Member Connor Boyle for the position of Vice-Chairperson of the Planning Commission, seconded by Member McCracken. Member Boyle accepted the position of Vice-Acting Chairperson

Vote: Aye – All
Nay – None

The motion passes.

CASE 20160419 WELSH CD ZONING MAP AMENDMENT: David Welsh has filed a Planning Permit Application for a Conditional District Zoning Map Amendment to rezone 342 Old Bristol Road from R2 Two-Family Residential to Conditional District B2 Neighborhood Business with a site specific development plan for use 11.13 Other Personal Service Establishments. The applicant has indicated on the application that the use is for an "art studio".

Mr. Bailey presented this case as outlined in the meeting packet. Mr. Bailey said the property is currently being used for student housing which was a chief complaint from the public hearing for this case. Mr. Bailey noted the requested change for the property would eliminate the student housing complaint.

Member Lippard asked about the Staff comments for this case. Mr. Bailey explained that the Staff comments were in the Staff report. Mr. Bailey talked about the change in intensity with the proposed zoning change. Mr. Bailey noted that this property was student housing but he thought it is now vacant. Mr. Bailey pointed out that this was a chief complaint of this property at the public hearing on this case. Acting Chair Boyle asked if there would be currently up to four cars at this property. Mr. Bailey said the Staff looked at this as a controlled environment as opposed to an uncontrolled environment. Mr. Bailey pointed out that the proposed change would eliminate the student housing complaints.

Member Templeton confirmed that this is a R-2 zoning district. Mr. Bailey said the request is for a conditional B-2 zoning district.

Member Templeton asked if the student housing was grandfathered in by right. Mr. Bailey said yes and up to two unrelated.

Member McCracken asked the maximum number of cars that can currently be parked at this property. Mr. Bailey said technically up to four cars. Mr. Bailey noted the restriction is on unrelated persons living there.

Mr. Bailey reviewed the impact analysis on the parking and landscape buffer impacts and the requirements for them. Mr. Bailey said the applicant staggered the parking so parking would not be a burden on the street.

Mr. Bailey reviewed the impact analysis on the parking and landscape buffer impacts located within the Staff report.

Member Thompson asked if he could ask a question on this case. Mr. Bailey said only if it is related to condition on the case.

Member Thompson asked if there was a condition regarding fixing the water issue on the property. It was the consensus of the Planning Commission that no one had knowledge enough to speak on this topic.

Discussion ensued on re-opening public comment for this case.

It was the consensus of the Planning Commission members to open the public hearing to hear more information for this case.

Mr. David Welsh the applicant for this case came to the podium. He said there is an issue with an underground spring. He said that Mr. David Little, Building Inspector suggested for him to use hydraulic cement to remedy the underground spring problem. Mr. Welsh said he thought the cement remedied the water problem.

Mr. Welsh said the Town asked him to put in a dry well which is a large hole with gravel in case any of the spring water comes from the basement and from what he has seen in the last 60 days there is not enough water for the pump to turn on.

Mr. Welsh said currently four cars can park on the property and he wants to add one more space so his wife can have a parking spot by the door for safety reasons. He said he is adding more gravel and he has submitted a drawing to the Town showing where he wants to put the gravel. He said they will have a pick-up and drop-off system for the students.

Member Hayes asked Mr. Welsh to elaborate on the pick-up and drop-off system. He said the pick-up and drop-off system will be staggered. He said the number of students in the classes will be eight or smaller. He said four students will be dropped off and then a pause in traffic for about ten minutes until

the next group is allowed to drop-off or pick-up students. He said the parents are not allowed to get out of their car while dropping-off or picking up.

Member McCracken asked Mr. Bailey about the section of the Staff report that says, the parking concerns could be effectively managed through different parking management techniques and use management including limiting class or event sizes. She asked if this means the Planning Commission should limit the size of the classes. Mr. Bailey said that Mr. Welsh has described a technique that addresses the concern in the impact analysis that the Staff had on the class size. Mr. Bailey said, if the technique that Mr. Welsh described is sufficient, then, he would suggest adopting it as a condition for the recommendation of approval or denial.

Member Templeton asked the neighbor, Ms. Sally Reynolds which of the two choices would she prefer this property to become; an art studio or stay as student housing. She said, if it is a true "art studio" where artist creates works of art, she said this would be fine as a personal use. She noted that an art gallery is different from an art school. She said her understanding of the proposed project is an "art school". She said she would prefer her first choice to be a dwelling unit for student housing, if the property owner maintained the property.

Ms. Reynolds said the problem in her neighborhood, especially on Green Street now is absentee landlords who rent to students without maintaining the homes. She said if the landlord and students respected the homes, they would be fine with students renting in this neighborhood. Member Templeton said in his opinion if this property is used for an "art school", they would take pride in the building and this might be a more preferred neighborhood. She said it would all depend on the students abiding by the rules and landlords that abide by the Town rules.

Ms. Reynolds said for the applicant to recommend the traffic come and go through the west end of the street is a great recommendation but it does not mean the traffic will flow that way. Member Templeton said if he was a parent with a child attend this "art school", he would drive up W. King Street and made a right onto Old Bristol Road to get to drop-off his child. He said, he would not have any reason to go down Green Street. Ms. Reynolds maybe or maybe not. She said she lives at that end of Greens Street where the "art studio" is located and she goes home different ways depending on her mood.

Mr. Reynolds said that her neighbor Ms. Diane Blanks said this is a trend that can morph into something else.

Mr. Bailey pointed out that this case is a site specific development plan approval and it cannot morph into something else that is allowed in the B-2 zoning district unless it comes back through the public hearing process.

Member Lippard said the neighborhood concerns that he heard about were not from the businesses from across the street but from the abuse of the rules of the residential rentals or student housing issues. Member Lippard told her that she should notify the Town of the abuse of the rules. Ms. Reynolds said she is working on this.

Member Lippard said where in the proposed request is it increasing the traffic flow other than adding a one-car parking space making a total of five cars with the proposed change. He noted that the occupancy issue at the said location is not the problem of this particular property owner. Ms. Reynolds said the neighbors do complain about the neighborhood occupancy issues.

Member Lippard pointed out that the neighbors are in a position to have a business suited for their neighborhood with the proposed zoning change. Member Lippard talked about the proposed "art school" granting an opportunity for the children in the neighborhood to learn about art, if they wanted to.

Member Lippard talked about the neighborhood wanting a park that would bring more traffic and children to their neighborhood.

It was the consensus of the Planning Commission members to close public comment at this time.

Member McCracken asked if the applicant would commit to restricting the use of said property to art classes not to exceed ten students at any given time. Mr. Welsh said he would agree to that condition.

Member McCracken asked if the applicant would adopt in writing the staggered drop-off method for the clientele using the “art studio”. Mr. Welsh said he would agree to that condition.

Vice-Chair Boyle asked if the applicant would commit to strongly urging the clientele to enter the said property from the west. Mr. Welsh said he is going to observe the entering of the clientele into the said property and make any corrections, if needed. Mr. Welsh also noted that the directions to said property will be on their website and included into an email to the clientele.

First Motion and Vote: Member McCracken made a motion, seconded by Member Lippard that the proposed amendment to the Town’s zoning map is consistent with the Town’s Comprehensive plan and other applicable adopted plans of the Town which relate to this application because it promotes economic development that will revitalize an underutilized structure. The Town encourages small business start-ups. It is residentially scaled and designed as a neighborhood business. Full service neighborhoods that offer opportunities for living, working, shopping and gathering should be encouraged.

Vote: Aye – All
Nay – None

The motion passes.

Second Motion and Vote: Member Catoe made a motion, seconded by Member Lippard that the Planning Commission recommends approval of the amendment because the proposed request is in alignment with the B-2 neighborhood business district and provides a smooth transition to a family district, it creates a healthy aesthetic environment for its intended use, it provides a smooth transition from the west and south B-2 business district to the east and north R-2 residential district with the following conditions:

1. The applicant would restrict the use of said property to art classes not to exceed ten students at any given time.
2. The applicant to adopt in writing the staggered drop-off method for the clientele using the “art studio” as publicly communicated to use the west facing entrance.
3. Where there is a conflict between the application information and the plans (site plans bearing a received date of July 19, 2016) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
4. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
5. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
6. The applicant comply with the requirements of UDO Section 7.05.
7. If the landscaping requirements in Subsection 7.05.02, are not triggered by the new use, the applicant shall install an opaque evergreen buffer along the eastern property line.

Vote: Aye – All
Nay – None

The motion passes.

Mr. Welsh did agree to the Staff conditions listed in the Staff report.

Mr. Ward left the meeting.

CASE 20160423 APPALACHIAN STATE UNIVERSITY GU ZONING MAP AMENDMENT – Dr. Timothy Burwell with ASU has filed a Planning Permit Application for a General Use Zoning Map Amendment to rezone 663 Howard Street from R3 Multiple-Family Residential to U1 University.

Mr. Bailey presented this case as outlined in the meeting packet.

There were no questions on this case.

First Motion and Vote: Member Lippard made a motion, seconded by Member McCracken that the proposed amendment to the Town’s zoning ordinance is consistent with the Town’s comprehensive plan and other applicable adopted plan of the Town which relate to this application because it is consistent with the property ownership and the proposed development.

Vote: Aye – All
Nay – None

The motion passes.

Second Motion and Vote: Member Lippard made a motion, seconded by Member McCracken to approve the proposed amendment to the Town’s zoning map and believe that approval is reasonable and in the public interest because it continues good relations between the Town of Boone and Appalachian State University.

Vote: Aye – All
Nay – None

The motion passes.

CASE 20160501 PROJECTING THEATER MARQUEE-LIGHTING – Amend the UDO in regards to projecting theater marquee in the B1 Central Business zoning district including to allow them to use flashing, blinking, scrolling or intermittent lights.

Mr. Bailey presented this case as outlined in this meeting packet. Mr. Bailey noted that in the Staff report it says, there is no evidence of a scrolling light marquee. Mr. Bailey said at the public hearing earlier on August 22, 2016, there was some evidence presented of a scrolling light marquee at the theatre.

Mr. Bailey talked about the lighting affecting adjacent properties. He told the Planning Commission members that they may or may not want to consider this as a condition. He pointed out that there are Town regulations for it.

Vice-Chair Boyle asked if the applicant would be willing to control the lighting so it does not scroll or chase and to investigate an appropriate illuminating color rendering. Member Templeton asked Vice-Chair Boyle if he had any knowledge of lighting illuminations and noted that there is a lot of variety of lighting to choose for the theatre.

Member McCracken noted that she is a liaison to the university on the Appalachian Theater and she has no monetary benefit from the theatre. She supported having more light on W. King Street at night for safety reasons. She said the lights the theatre is proposing are not going to be on 24/7 and they are not brighter than the university stadium lights which are on 24/7.

Mr. Bailey talked about the Council directing the Staff to revise the text and the Staff revised the text based on a photograph that was taken while the theatre was in operation.

Mr. Bailey talked about the hours of operation of the theater. He said the lights would be on only while the theatre is open and prohibited between the hours of 11 p.m. to 7 a.m. Ms. Shook pointed out that the request is to allow the theatre to have the lights on during the hours of operation. Ms. Shook said the Staff drafted standards based off of a photograph of the original marquee.

Mr. Brian Johnson, Urban Design Specialist talked about the use of LED lights versus the old metal halides and how they measure in a similar fashion, but the LED light will be ten times brighter to the eye because it is a cleaner light. He added that there are a lot of options in lighting to help bring down the brightness.

Discussion ensued on possible complaints made to the Town regarding the lights, if they install bright chasing lights. Mr. Johnson talked the Town requirements for full cutoff fixtures and applying these requirements to the theatre lighting.

Member McCracken talked about the architectural standards being directed by the Town and the Appalachian Theater wanting to be restored to the original status.

First Motion and Vote: Member McCracken made a motion, seconded by Member Thompson, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to the application because it supports and enhances the cultural and significant and historic significance of Downtown Boone and affirms its appealing orientation and it acknowledges the areas assets as such for economic development, jobs creation and supports the arts.

Vote: Aye – All
Nay – None

The motion passes.

Second Motion and Vote: Member McCracken made a motion, seconded by Member Lippard that the Planning Commission recommends approval because it supports one of the economic parties of the Town to increase our arts and facilities and maintain the historic feel of Downtown.

Vote: Aye – All
Nay – None

The motion passes.

OTHER MATTERS FROM BOARD MEMBERS OR STAFF

Discussion of November and December meeting dates. Mr. Bailey asked the Planning Commission members if they wanted to reschedule the meeting dates for the months listed above because the dates fall on or near holidays.

Ms. Shook explained it is helpful to know the meeting dates, when the Staff is explaining the hearing process to the applicants. Ms. Shook suggested at least rescheduling the December 2016 Planning Commission meeting.

Member Templeton suggested cancelling the December 2016 Public Hearing and Planning Commission meeting because there is a good chance there we will not be able to obtain a meeting quorum. Vice-Chair Boyle agreed with Member Templeton.

Member Catoe suggested rescheduling the December meeting to the third Monday in December.

Ms. Shook said the Staff will email the Planning Commission members regarding the November and December 2016 meeting dates to ask for their feedback on rescheduling the meetings.

Member McCracken asked the Staff to email the 2015 Planning Commission meeting minutes that the Rivers Walk case was originally discussed by the Planning Commission.

Mr. Bailey told the Planning Commission meeting members that at this meeting the Staff handed out Unified Development Ordinance updates. He also noted that the Town would be handing out new UDO's to the Planning Commission members.

ADJOURNMENT

Member Templeton made a motion to adjourn the meeting at 10:33 p.m., seconded by Member Lippard.

Vote: Aye – All
Nay – None

The motion passes.

Connor Boyle, Acting Chairperson

Marlene Crosby, Board Secretary