

DRAFT SPECIAL PLANNING COMMISSION MEETING MINUTES
MONDAY, MARCH 6, 2017, 5:30 P.M.

COMMISSION MEMBERS: Chairperson Connor Boyle, Kate Hayes, Adrian Thompson, Elizabeth Shay and Eric Woolridge

STAFF MEMBERS: Jane Shook, Director of Planning & Inspections, Brian Johnson, Urban Design Specialist and Marlene Crosby, Board Secretary

OTHERS: Allison Meade, Town Attorney

CALL TO ORDER

Chairperson Boyle called the meeting to order at 5:33 p.m.

ADOPTION OF AGENDA

Member Woolridge made a motion, seconded by Member Thompson to approve the agenda after moving agenda item seven to agenda item four and to add to the end of the agenda the recommendation for a Planning Commission member to be appointed to the Affordable Housing Task Force.

Vote: Aye - All

Nay – None

The motion passes.

APPROVAL OF MINUTES

Ms. Jane Shook, Director of Planning and Inspections explained to the Planning Commission members that the Council has already approved the November 28, 2016 and the January 23, 2017 public hearing minutes and in the future they will need to be approved at the same time.

Member Woolridge made a motion, seconded by Member Shay to approve the November 28, 2016 Public Hearing and Planning Commission meeting minutes as written and the January 23, 2017 Public Hearing minutes as written and the January 23, 2017 Planning Commission meeting minutes with three changes made on page seven in paragraph three and sentence one and three. In sentence one, remove the word “every” and “system”. In sentence three add the word “managing” to “He thinks managing the stormwater is doable...”

Vote: Aye – All

Nay – None

The motion passes.

CASE 20160751 MODIFICATION TO UDO ARTICLES 15 & 16

At the November 15, 2016 Planning Retreat, Council directed that modifications to the UDO be made in regards to intensity and use within UDO Article 15 District Uses and UDO Article 16 District Standards. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook presented this case. She noted that this case was first brought before them at the November 2016 public hearing and it has been carried forward to this meeting. She noted that there has been no Staff changes to the proposed text since November 2016. She noted that Ms. Allison Meade, Town Attorney was present to answer questions on the proposed changes to these Articles.

Chairperson Boyle asked for an overview of the proposed changes to these Articles. Ms. Meade referred to a memorandum dated November 18, 2016 regarding the proposed changes to UDO Article 15 (found on page 63 of the electronic meeting packet).

Ms. Meade said that the recreation space was moved to Article 15 because it related only to manufactured homes and multi-family and thus helped clean up Article 16. She said the proposed text requires five percent for those uses. She also noted that the height limitations were changed to call out a specific number of stories. She said that maximum heights in the B-1 zoning district were changed to allow parapet walls to come within the height limitation.

Ms. Shook said in the current code the highest part of the building counted parapets. She explained that in the B-1 zoning district there had been issues with building heights depending on the construction of the building. She the proposed change the building height on King Street from Water Street to College Street and on Depot Street from King Street to Howard Street to allow three stories with a 45' building height and which would allow a five-foot increase for parapets for those buildings facing those streets. Ms. Shook said frequently the proposed buildings were 40 feet before allowing for the parapets.

Ms. Shook noted that a new height limitation was created for the remainder of the B-1 zoning district which would be the five stories and the fifty-five feet height limitation. She said there are additional exemptions from the building height that was not in the text for things like elevators and mechanical penthouses.

Ms. Meade also noted that the exemption allow for rooftop amenities. Ms. Meade said that the mechanical equipment on rooftops do need to be adequately screened. She said the idea is to allow the rooftops to be used in the B-1 zoning district and other districts.

Ms. Shook said that some of the proposed changes to the text are from the 2009 Density Subcommittee meetings.

Member Woolridge asked about the density subcommittee recommendations on recreation space for multi-family buildings in the B-3 zoning district. She said she does recall one recommendation from the subcommittee to increase the setback areas. Ms. Shook said she thought the subcommittee may have recommended removing this requirement because it is not shown in the table. Ms. Meade noted that the five-percent standard is maintained in the November 18, 2016 memo.

Member Woolridge talked about his concern for the setbacks regarding multi-family buildings in the B-3 zoning district.

Member Woolridge asked for clarification on the proposed change to increase the minimum setback and allowing parking in the front of the buildings. Ms. Shook said the modifications were based upon direction from Council. Member Woolridge said that he does not support this proposed change and voting to recommend it to Council. He said this is not recommended in the Boone 2030 Plan. He said that he thought the Town was trying to move away from that type of development. He read the third sentence under Item 2, Setbacks for multi-use multi-family buildings in the B-3: This reflects the consensus of the Council members that the “hulking effect of large buildings immediately of the sidewalk such as The Standard at Boone is not appropriate for the B-3 district. For essentially the same reason, the prior prohibition on parking in front of such buildings has been deleted.”

Member Woolridge noted Council’s direction means that a part of the 20 foot setback can be used for parking. He said that he agrees with the “hulking effect” is an issue and larger building need a greater setback with the area made into more of a public space. He said the other issue with this proposed text is he thought the setback should not be used for parking. He said The Standard at Boone needs a greater public space in the front of the building. He said it should be a zero setback up to the landscaping or hardscaping. He said this space should not be utilized for parking.

Ms. Meade noted that the lack of the 20 foot minimum setback applies only to multi-family buildings in the B-3 district. She said all other uses around the B-3 district get the setback and do have parking in the front creating an inconsistent standard.

Member Woolridge explained that the idea is to try create a more urban form as opposed to a corridor form for multi-family buildings with mixed commercial uses.

Member Woolridge noted that the issue with the “hulking effect” is valid, he said the mechanism of which the Town is trying to deal with this issue is what he has an issue with. Ms. Meade said this is the kind of feedback that should go back to the Council. Ms. Meade clarified that the Planning Commission would be alright with the proposed setback as long as it had a hardscape area. Member Woolridge said he thinks there should be a zero foot setback and outline sidewalk width and other things being proposed for a project which will dictate what the setback is. He noted that the proposed text is saying a zero foot setback but it is not because of the incorporation of the landscaping and sidewalks. He gave an example of the recent King and College mixed-use project. He said a seven-foot wide sidewalk is not wide enough for the building height.

Member Woolridge said the problem is the minimum standards for setbacks are insufficient.

Ms. Shook said that in the interim that Council wants to prevent another proposed project coming in like The Standard at Boone. She further explained that Council’s direction is to make these changes in the interim and for Staff to review Article 15.11 completely to see if it is actually working. She said the Staff will be working on totally revamping Article 15.11 and mixed-use. She said this will give the opportunity to look at adding amenity areas and building height to other zoning districts.

Member Hayes asked if there were other projects that have these types of issues. Ms. Shook noted that other mixed-use development had been discussed.

Discussion ensued on the location of parking at developments. Ms. Meade said the Council does

not feel that parking in the back of buildings is conducive to businesses or customers. She said that at least some parking in the front of buildings should be considered.

Ms. Meade asked as an example if the parking at the Hungry Howies building in the old Frogurt location should be behind the building. Member Woolridge said the parking would need to be either on the side or the rear of the building.

Another example of a building pulled up to the street right-of-way, Five Guys, was also discussed. Member Woolridge noted that were other issues with this building due to the pedestrian triangle, the relationship of the building to the sidewalk and the architecture.

Another example of a mixed-use building and its relationship to the street was the Winkler Square building. Member Woolridge said he cannot be convinced that moving the Winkler Square building back and putting the parking lot in front will help the look of this building because of architectural issues. Discussion ensued on the 20 foot setback. Ms. Meade suggested making a 20-foot setback a maximum requirement with parking in the front rather than a zero-foot setback. She explained it would allow for additional space and the setback would not be allowed to go further back.

Member Woolridge said there is a location issue. He said the goal is to try to create for multi-family buildings a pedestrian environment. Ms. Meade said the goal is limited to the Downtown core area.

Ms. Shook noted that Council has directed Staff to review for modifications for Section 15.11 to see if there is a place for multi-family and mixed-use. She said there needs to be a distinction between the two uses.

Member Woolridge asked what triggered The Standard at Boone into a conditional-district rezoning category. Ms. Shook said the applicant preferred to go through that process rather than the Board of Adjustment process. Ms. Shook noted that the standards that have to be met for the Board of Adjustment are different than the standards that have to be met for a conditional-district rezoning. She noted at that time there was not a Planned Development process in place and the project had to go before the Board of Adjustment for their eight variances. It was noted that the whole project could have been approved through the Board of Adjustment process.

Discussion ensued on reducing the “hulking effect”. Chairperson Boyle suggested proposing what was done in the Wellness District standards regarding the higher stories being set back from the street.

Ms. Meade encouraged the Planning Commission members to voice their ideas on their issues of these proposed changes for Council to consider.

Member Woolridge said the Boone 2030 Plan was created to prevent urban sprawl and parking in the front of buildings. Ms. Meade said that everyone agrees that in general this is not a good idea and we can take this information to Council. She suggested adding proposed text that requires public space in the front of the building.

Chairperson Boyle noted that no one from the Planning Commission being at the November 2016 Planning Retreat. Ms. Shook explained that this retreat was Council’s time to give direction to the Planning Staff for the next six to twelve months. Chairperson Boyle and Member Thompson thought it would be a great idea to meet with Council on these topics rather than try to

communicate to Council through meeting minutes.

Ms. Shook asked the Planning Commission if there were any other parts of the proposed revised text that were an issue. She noted that there are projects in the Downtown area that are waiting on the outcome of these proposed text changes for their projects. She suggested that the Planning Commission make a recommendation on the things they are comfortable with.

Member Woolridge said we are trying to protect the residential areas from being taken over by apartment buildings.

Ms. Shook talked about the large chain stores and how they like to have their parking lots located near the front door. . She said when Staff reviews Section 15.11 the Staff will look at everything applicable including location and parking.

Chairperson Boyle asked each Member to voice their concerns on the proposed changes in the memorandums.

Member Thompson said he felt that the “hulking effect” is an issue, the minimum setback standards are better than maximum setback standards, he thinks that what goes in the setback should be defined, he liked the suggestion of having the upper stories set back the higher the building is like the Wellness District standards and he likes the idea of having a meeting with Council to discuss these issues.

Mr. Brian Johnson, Urban Design Specialist noted that the proposed height in the B-3 zoning district three stories are the primary and the 67 feet is the secondary.

Member Woolridge said he felt that he would like to hear more from the Council on their thoughts and goals for future development. He said the issues are more than building height and parking and suggested looking at public space with its relationship to architecture.

Member Thompson asked about the proposed change of 35 feet for three stories. Ms. Shook this is to allow flexibility with building construction and roof types.

Discussion ensued on proposed changes to Article 16. Ms. Meade reviewed the change to the intensity table. She noted that it is simply to remove the requirements related to Floor Area Ratio and Open Space and focus on Livability Space. She said the point is to give flexibility and focus on what provides the most public value.

Ms. Shook said some of the changes to the intensity table also incorporates the issues brought up by Alan Crees regarding parking structures in that the current form with maximum floor area and open space does not account for parking located in structures rather focuses on parking lots .

Member Shay talked about Article 15. She showed some concern for going to a 20-foot minimum setback. She prefers the maximum setback because we are moving to parking maximums. She said that she was not sure that people would find The Standard at Boone had such a “hulking effect” five or ten years from now. Member Shay talked about Article 16. She liked the focus given to livability space in the proposed text.

Member Hayes talked about Article 15. She said she supports more livability space. She said she felt it is important to specify commercial space because of the empty space commercial

spaces in the Town. Member Hayes talked about Article 16. She said she supports having flexibility and asked would we want to extend it to the university also as it relates to close proximity to a certain zoning district. Ms. Shook said the Staff has not been given direction to make any changes that relate to the U1 zoning district.

Ms. Shook asked the Commission how they felt about the modification in Section 15.11 which clarifies commercial use. She said she feels this is important clarification because it will help prevent the double-dip where recreation space is used as commercial space. Member Hayes asked if this change is made will there be more projects with a commercial business already slated for a building like the King and College project. Ms. Shook said not necessarily. Ms. Shook said according to developers she has met with the commercial on the bottom floor does not drive the project. It is the multi-family projects that the banks are financing.

Member Woolridge talked about the density from the housing driving the retail use. He said retail spaces are used because there are more people being located around the businesses. He noted that they may not be filled now but that the spaces would be preserved and that with the creation of more residential in the area would become filled. Chairperson Boyle agreed with Member Woolridge on this topic.

Member Woolridge talked about the setbacks for commercial use on some of the corridors. He said with the Highland Crossing project, the Planning Commission recommended that they build the commercial building at the same time of the residential buildings. Ms. Shook said there are options under Section 15.10 such as letter of credit that connects with Section 15.11 for single-use buildings.

Discussion ensued on making recommendations on portions of Article 15 and all of Article 16. Chairperson Boyle said that he is alright with making recommendations on part of these Articles.

First Motion and Vote:

Member Thompson made a motion, seconded by Member Shay, that the proposed amendment excluding Section 15.03 and 15.04 (with the exception of keeping 15.11.04(D)) 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 this application because it is keeping in line with the community appearance and community character section of the Comprehensive Plan update by blending the built environment with the natural scenic and historic character of the high country of a small town, especially discouraging commercial strip development, cluttered signage and cheap apartment buildings.

Vote: Aye – All

Nay – None

The motion passes.

Second Motion and Vote:

Member Thompson made a motion, seconded by Chairperson Boyle, to recommend approval for all of the proposed amendment excluding Section 15.03 and 15.04 (with the exception of keeping 15.11.04(D)) to the Town's zoning ordinance and believe approval is reasonable and in the public interest because it is consistent with the Comprehensive update, community appearance and community character by blending the building environment with the natural scenic and historic

character of the high country of a small town, it especially discourages commercial strip development, cluttered signage and cheap apartment buildings.

Member Hayes asked for a friendly amendment to include that the amendment also prevents commercial developers from double-dipping recreation in the commercial space.

This friendly amendment was accepted by both Member Thompson and Chair Boyle.

Vote: Aye – All

Nay – None

The motion passes.

Additional Motion and Vote:

Chairperson Boyle made a motion, seconded by Member Shay, that the exclusions from the proposed amendment are not consistent with the Town's Comprehensive Plan and other adopted plans of the Town which relate to this application because it is a deterrent to walkability and the creation of a more viable usable space. The Planning Commission suggests other alternatives such as possible height setbacks, space between the right-of-way and setback and take a closer look at the minimum setbacks.

Vote: Aye – All

Nay – None

The motion passes.

CASE PL00258-020917 ARTICLE 24 PARKING REVISIONS

The Town of Boone has initiated a text amendment to modify the UDO regulations related to Article 24 Parking. Amendments may also be made to other Articles to conform them to changes made in Article 24 Parking.

Ms. Shook noted that this text was presented at the public hearing and was not for action but for discussion. She noted that as discussed at the public hearing the exceptions in the B-1 zoning district may not be necessary, due to the maximum parking requirements. She said they would only be used, if there were minimum parking requirements. Ms. Meade said the exceptions in Section 24.01 Parking Spaces Required in the Downtown will not apply. She said there would be an issue if new minimums has been applied to commercial parking. She said maximums for parking still apply Ms. Meade referred to page 133 in the electronic packet under Section 24.01.03(B) Additions and Renovations. She said there was some thought to give a safe harbor to renovations where a use called for additional parking. She said the idea is to make it easier to renovate older buildings. She said the City of Raleigh does not have to change their parking until you have a 25 percent in floor area ratio for an approved site.

Ms. Shook said sometimes the Staff finds it difficult to tell if they are not providing enough their parking spaces at business.

Discussion ensued on businesses having inadequate parking. Ms. Shook said it does not happen often but can occur.

Chairperson Boyle noted he likes the maximum parking requirements.

Member Woolridge asked if the Mellow Mushroom would have been able to go in today with the current parking requirements. Ms. Shook said that Mellow Mushroom had to provide offsite parking agreements. She discussed what happens when satellite parking standards are not maintained. She said today on a change of use the Staff reviews the tiered system to set the parking unless the use requires additional parking. She said the tiers one through three are to the extent practical. She said at the fourth tier which is work of 75% total development value states unless impossible. She said that Article 24 guides the Staff. She noted that the parking requirements for restaurants is higher than for retail uses. She noted that this is where parking becomes difficult with existing structures to know that you are providing sufficient parking for that use.

Ms. Shook said right now the language is not clear what the applicant needs to provide for sufficient parking. She also noted that parking in the Downtown area should be treated differently than in any other place in Town.

Discussion ensued on times when a business did not provide enough parking.

Ms. Shook said that the Planning Commission can email either Ms. Meade or herself with their thoughts and comments on parking. Chairperson Boyle said he would study some more on this topic.

Member Hayes asked if there is an issue with the loading zones. Ms. Shook said those regulations have not changed. Ms. Shook noted that in the downtown area that you do not want to encourage every business to have their own unloading zone due to the dense development. Ms. Shook did say that the unloading zone issue is being looked at separately for Howard Street and for ways for this to be enforced through the Town Code.

CASE PL00264-021317 SHOPPING CENTER REVISIONS

The Town of Boone has initiated a text amendment to modify the UDO to remove or alter regulations related to “shopping centers”. The “shopping center” concept was identified as needing more work before implementation of the revised UDO which became effective January 1, 2014 and was inadvertently left in the draft.

Ms. Shook said this change to the proposed amendment is to remove it from the UDO. She explained that the text was inadvertently left in the draft of the ordinance. She said the proposed change cleans up a mistake in the text.

First Motion and Vote:

Chairperson Boyle 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 this application because it is in agreement with the 2.1.1(E.1) Economic Development which states that we should continue to

look for ways to make development regulations and permit procedures more predictable and timely.

Vote: Aye – All

Nay – None

The motion passes.

Second Motion and Vote:

Member Woolridge made a motion, seconded by Member Thompson, to approve the proposed amendment to the Town's zoning ordinance and believe that approval is reasonable and in the public interest because it removes an existing conflict in the ordinance and creates a more efficient permitting process.

Vote: Aye – All

Nay – None

The motion passes.

CASE 20160438 CAC REVISIONS

The Town of Boone has initiated a text amendment to modify the UDO regulations related to the Community Appearance Commission to bring the UDO into alignment with North Carolina General Statute 160A-452.

Ms. Shook pointed out that the proposed change is to revise the powers of the CAC. The CAC will be a recommending body but will not be allowed to do plan review or to allow deviations on proposed projects. She said these former powers have been given to the Administrator.

Mr. Johnson referred to packet page 122 and reviewed Section 25.03.04, 25.03.07 and page 125, Section 25.05.04. He said these sections would be changed so the authority would be given to the Administrator instead of the CAC. He noted that appeals of the decisions would go to the Board of Adjustment.

It was noted that the proposed change will cause more efficient permitting and correct the ordinance to meet the state statute.

First Motion and Vote:

Member Woolridge made a motion, seconded by Chairperson Boyle, 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 this application because it creates a more efficient planning permit process and removes a conflict in the ordinance with current state law.

Vote: Aye – All

Nay – None

The motion passes.

Second Motion and Vote:

Member Woolridge made a motion, seconded by Chairperson Boyle to approve the proposed amendment to the Town's zoning ordinance and believe that approval is reasonable and in the public interest for the same reasons as stated in the first motion.

Vote: Aye – All
Nay – None

The motion passes.

OTHER MATTERS FROM BOARD MEMBERS OR STAFF

Discussion ensued on a Planning Commission member being recommended to the Affordable Housing Task Force. Ms. Shook said the task force currently meets at 5:30 p.m. on the second Wednesday of the month. She noted that the number of Planning Commission representatives on the Affordable Housing Task Force was being recommended to be changed from two members to one member because of the reduction in the Planning Commission size. No other Member than Member Woolridge noted that they could commit to attending the meeting. Member Woolridge noted that he could be a member of the task force until his term expires in June of 2017. It was the consensus of the Planning Commission to recommend Member Eric Woolridge to be a member of the task force.

ADJOURNMENT

Chairperson Boyle made a motion, seconded by Member Thompson to adjourn the meeting at 7:30 p.m.

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

Connor Boyle, Chairperson

Marlene Crosby, Board Secretary