

**PLANNING COMMISSION MEETING MINUTES
FRIDAY, MARCH 12, 2021, 5:00 P.M.
VIA WEBEX SOFTWARE**

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

HISTORIC PRESERVATION COMMISSION MEMBERS PRESENT: Phoebe Pollitt

COMMUNITY APPEARANCE COMMISSION MEMBERS PRESENT: Sarah Davis Cagle, and Brian Williams

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

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: John Ward-Town Manager and Lane Moody-DBDA Director

Call to Order

Chair Shay called the special Planning Commission meeting, held via WebEx, to order at 5:01 p.m.

Public Comment

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

Downtown Planning Projects

Ms. Shook stated that Planning Commission members had only had a couple of weeks to look over the material and that was really not a sufficient amount of time for them to give an in depth, detailed response but asked if anyone had noticed any major concerns or fundamental issues with the material. Ms. Shook stated she had spoken with Commission Member Behrend and she gave an indication that she endorsed the concept but needed more time to conduct a more in depth review.

Commission Member Veno stated he was overwhelmingly impressed with the amount of work that went into these documents. He noted that he read the Historic Preservation handbook and it was scholarly in its scope was a very well researched project. Commission Member Veno state he had the biggest problem reading through the text changes because it was difficult to separate the blue from the red from the green and it started to get a little mind boggling, although he felt the projects needed to move forward. Commission Member Veno asked if Planning Commission had to make a recommendation tonight.

Vice Chair Plaag stated there was an enormous amount of content that had been provided to the Planning Commission. He noted that, on the Historic Preservation Commission side, there were really three documents, the survey report, the designation report, and a set of draft design guidelines. Vice Chair Plaag explained that the Secretary of Interior's standards would be used until the Town had designated the district and then design standards specific for that district would be developed. He stated that the survey report contained descriptions of the history and architecture of the buildings Downtown, including buildings outside the boundaries of the district that had been proposed. Vice Chair Plaag stated the survey report was a report that provided an inventory of the buildings and their history and that information would not be altered by any decisions that the Planning Commission made. He pointed out that there was an essay that appeared at the front of both the survey report and the designation report that gave an overview of Boone's history, some of the more significant properties, and what they represent, either historically or architecturally, in the development of Boone. Vice Chairman Plaag felt that was the part that Planning Commission members should read. He also suggested reading the recommendations pages in the designation report that contained information about why a property was proposed, the period of

significance involved, etc. Vice Chairman Plaa hoped these suggestions would help Commission members to feel less overwhelmed when sifting through the HPC documents. He felt the harder part was on the CAC side where changes would be made to the UDO.

Ms. Shook noted that two of the HPC documents had already been approved by Town Council and Planning Commission did not technically have to review and approve those. She noted that the district design guidelines were purely a draft waiting for public input. Ms. Shook suggested that it might be easier for Commission members to comprehend the UDO text if it was a clean copy of the proposed text instead of showing all of the mark throughs and changes. Ms. Shook noted that the Town was getting ready to revise the entire UDO due to State law changes and would go ahead and do the formatting changes they were planning to do under the B1 expansion project with each zoning district getting its own section. Ms. Shook felt she should be able to get the proposed clean text to Commission members to review by the end of next week.

Ms. Shook noted she would be updating Town Council at their meeting next week regarding this evening's Planning Commission. Chair Shay asked if there was a motion that they were supposed to be voting on today before Council met. Ms. Shook replied that Council met next week and this topic was on their agenda for an update. She noted that Council could make a decision to move forward with public input without a recommendation from the Planning Commission because they were not in the public hearing process yet.

Commission Member Tippet stated he was also very impressed with the amount of work that was involved. He noted that he had read all of the documents and was fascinated by the history of the buildings. Commission Member Tippet stated, overall, he supported the creation of the Downtown Core and the Interface district and the way that the UDO standards were structured. He noted that he had two or three questions about permitted uses and knew Commission Member Veno questions as well.

Commission Member Behrend stated she was very much impressed with the whole thing and really liked the whole project. She felt it was well thought through and looked really good. Commission Member Behrend stated she was curious as to how some of the details would affect property owners but, overall, her view was very positive.

Commission Member Zebzda stated he agreed with everyone else's sentiment and was supportive of the concept and the broad project but felt he needed a little bit more time to digest the material.

Chair Shay stated she found the overall structure sound and exciting and was supportive of the overall project.

Ms. Shook suggested the idea of going out to public input at the same time Planning Commission did a more thorough review.

Commission Member Veno stated he put a lot of weight on what the public thought and felt he would have a lot more confidence in going forward if he could hear more from the public.

Ms. Shook noted this was not like most cases that came before Planning Commission where an application was submitted, staff prepared a staff report, the case went to public hearing, Planning Commission made a recommendation, and Council voted on it. She stated, at this point, they were not to the public hearing process but were seeking Planning Commission's and public input ahead of the finalization of the proposed documents. Ms. Shook stated getting public comment during this unprecedented time would not be the typical meetings at Council Chambers where people could come in and look at maps and ask questions and hear a presentation. She stated that Council would be deciding what this public input would look like, noting it could be things such as hosting a web page that contained a narrative for the project's links to the maps and links to other documentation for people to review. Ms. Shook stated that, while some people might be satisfied with just looking online and reviewing content, others may want to speak with staff. She suggested working with the DBDA to make presentations at their meetings.

Mr. Ward encouraged the Planning Commission to go ahead and review the documents in parallel with public input because there was an item that had been placed on Council's agenda that could put some additional pressure on both the Historic District and the B1 expansion. He stated he had been able to obtain financing for the Howard Street project and there were several projects that had been waiting on that public investment that would then spur private investment, such as the Winkler project at the corner of Howard and Burrell Street, the gravel lot behind the barbecue restaurant, and the potential parking deck in conjunction with ASU on Howard Street. Mr. Ward stated he would like to keep the Downtown projects moving forward by getting public input and making sure that the Town ended up with proper development along that corridor.

Ms. Shook stated she would like to hear from the board chairs and staff on the topic of reviewing in parallel to see if they had any concerns.

CAC Chair Williams stated he was definitely for doing them in conjunction because the sooner the Downtown projects got rolling, the better. He felt that there would be time for the different Commission's, as well as Planning Commission, to hear and digest the public input prior to the public hearing process.

HPC Chair Plaag stated he was in agreement with CAC Chair Williams to move forward with all speed to collect public input while Planning Commission and the Town attorney reviewed the documents in detail. He stated that Mr. Ward's point only emphasized how important it was that they be timely with this project because there was constant pressure Downtown for new and often inappropriate development and he would like to save the Downtown sooner rather than later.

Ms. Shook stated she had proposed an aggressive time line and, while all of the dates may not be hit, she hoped they would not be too far off from them. She noted that, when Council met next week, if they agreed to move forward with public input she would be looking for them to specify how they would like to do that public input, whether it was scheduling virtual meetings where people could log in and ask questions or having one on one conversations with people. Ms. Shook stated they wanted to make sure that were being as transparent as possible with all of the property owners.

Chair Shay asked if there was anything else on their agenda for their meeting in 10 days. Ms. Shook replied that there was a pretty significant text amendment that she anticipated would take the majority of the time. She noted there was also another topic on the agenda that Council had assigned to the Planning Commission that would be more of an introduction to the issue.

Chair Shay stated she understood that it would be good for each Commission member to have reviewed the material before they heard from the public and stated she was willing to commit to finishing her review before they met in 10 days.

Ms. Shook stated there was at least one Commission member who really needed a clean copy of the proposed text to be able to do a review and she asked if there were others who would like a clean copy as well. All of the Planning Commission members indicated they would like a clean copy for review. Ms. Shook stated she would also get a copy to the chairs and vice chairs of CAC and HPC and noted this would be a digital copy.

Ms. Shook then asked if anyone had any mapping concerns.

Commission Member Veno stated he tried to access the maps on the GIS viewer but he could not get them to work. Vice Chair Plaag asked Ms. Shook if she could email out the PDF's individually to Planning Commission members. Ms. Shook replied that she would send them out in a group of emails. Vice Chair Plaag felt that would give everybody an opportunity to individually download them.

Commission Member Veno stated he was kind of confused about the standalone articles for the districts. Ms. Shook explained that the UDO would be revised so that each zoning district would have its own section so everything related to that zoning district would be in one location.

Commission Member Tippettt referenced the removal of “and shall apply to all development other than single family dwellings along the thoroughfare” from the Corridor District requirements and asked about the anticipated impacts to single family dwellings. Ms. Shook replied that single family dwellings were exempt from Corridor District requirements.

Commission Member Tippettt noted that the proposed text did not allow hotels Downtown and asked how that would impact the Horton Hotel. Ms. Shook replied that there had been conversation in the past about whether or not there needed to be different classifications of hotels noting there was concern that people would take out existing buildings to build larger hotels. She stated the idea was that perhaps they needed something like a boutique hotel which would be a smaller hotel, a regular hotel and a long-term stay hotel classification. So the idea wasn’t to exclude hotels but to expand the hotel section prior to adoption. A brief discussion occurred on uses made non-conforming because of the changes.

Commission Member Tippettt noted that a produce stand was not allowed in either of the two B1 districts but an open air market as an accessory use was allowed in both with limitations and asked for some clarification. Ms. Shook replied that Commission Member Tippettt brought up a good point and, while these were these exact same uses that were currently in the UDO, she would have to look into that situation. Commission Member Tippettt stated it might be something that just needed a clear definition. Ms. Shook stated that Planning staff experienced struggles with itinerant merchant type uses and felt this could be an opportunity to address some of the issues they had with itinerant merchants.

Vice Chair Plaag referred to the 25’ minimum lot width in the B2 Core and stated there were two buildings that he could think of that did not meet that requirement. He asked what kind of change would trigger a property owner to have to conform to this requirement when previously it was not conforming. Ms. Shook replied that there were standards that had to be met to bring a development into compliance and those standards were structured in a tier format. She stated that the standards in tiers one, two, and three were required to the extent practical and the standards in tier four were required unless it was impossible to accomplish. Ms. Shook explained that, in all tiers, adding land to a development, especially Downtown, was not only impractical, but would be considered impossible. New construction projects would have to meet the requirements of the UDO for the particular use they wanted to build. Vice Chair Plaag stated he did not want to see a property owner who, for example, might be gutting the interior of a building or there has been a fire and the interior of a building has been completely destroyed, find that they cannot rebuild because they cannot meet UDO requirements. Ms. Shook replied that there should not be any issues with that. She stated that every time the Ordinance was amended and standards were changed, a nonconformity was created somewhere and that scenario would likely create a nonconformity for that for that particular property.

Vice Chair Plaag noted that the HPC and CAC had discussed the problem of rooftop additions and asked if that language had been revised. Ms. Shook replied that the language had not been revised. Vice Chair Plaag asked Ms. Shook if she got the guidance he sent from the State Historic Preservation Office. Ms. Shook stated that she did receive the email. Vice Chair Plaag felt it might be useful to share that guidance from the National Park Service on what the appropriate way of doing rooftop additions was in historic districts since it could have some role in shaping what ordinance the Town adopts.

CAC Chair Williams stated he did not recall seeing that email but would love to have a look at it. Ms. Shook noted that the topic of rooftop additions scheduled to be discussed at the next CAC meeting. Vice Chair Plaag asked if it would be okay to share the NPS information with Planning Commission members so they could ponder the NPS’s guidance in relationship to what the Town was considering for the UDO. Ms. Shook replied that she did not mind Vice Chair Plaag sharing the information but expressed concern

Planning Commission members could get overwhelmed with information. She stated that the Ordinance currently allowed rooftop decks and noted that the Town Manager had indicated he received a lot of comments regarding the desire for rooftop amenities. Ms. Shook felt this would be a topic of much discussion and asked that Planning Commission members read carefully through the NPS guidance. She stated she would send it out and tell everyone where in the Ordinance rooftop amenities were currently allowed so they could see the existing language.

Commission Member Behrend stated she was feeling pretty good about the information she had gone through so far.

Commission Member Zebzda stated he did not have any specific questions at this time but, like Commission Member Behrend, was good with the information so far.

Chair Shay stated she would like to hold off on any questions until she did more thoughtful read with the clean copy.

Ms. Shook stated she would try to get a clean copy of the text out by Thursday afternoon or Friday morning. However, she did not think that would be enough time for Planning Commission to actually have any kind of meaningful discussion at the March 22 Planning Commission meeting. Ms. Shook stated she thought the March 22 meeting would be full between talking about a proposed text amendment and the introduction of a new topic that Town Council would like for Planning Commission to work on.

Ms. Shook stated it was not often that Planning Commission had the opportunity to work on what she felt was an exciting planning project and she was not averse to having additional meetings to work on the Downtown projects. She asked Planning Commission members to be thinking about the possibility of scheduling some special meetings in addition to their regular meetings.

Commission Member Veno stated he was willing to attend special meetings.

Chair Shay stated she had heard general expressions of support for the concept and the work along with a desire to get deeper into the details while taking into account any public input. She asked Ms. Shook if a resolution of general support was useful or appropriate to report back to Town Council at this time. Ms. Shook replied that she would report to Council that the Planning Commission expressed a general support for the concepts for both projects and wished to continue doing a more thorough review while, at the same time, beginning the public input process.

Ms. Shook provided a recap of this evenings meeting. She stated she would report back to Council that there was a consensus for support for the project overall and there was consensus for Planning Commission to continue their review in concurrence with public input. Ms. Shook stated she would send clean copies of the revised UDO text to everyone by next Friday and everyone would be emailed PDF's of the maps as well as the National Parks Service guidance on rooftop additions.

Adjournment

Vice Chair Plaag made a motion to adjourn the meeting at 6:19 p.m. The motion was seconded by Commission Member Tippet.

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

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary