

**PLANNING COMMISSION MEETING MINUTES
MONDAY, APRIL 5, 2021, 6:00 P.M.
VIA WEBEX SOFTWARE**

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

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: Lane Moody-DBDA Director

Call to Order

Chair Shay called the special Planning Commission meeting, held via WebEx, to order at 6:01 p.m.

Approval of Meeting Minutes

Commission Member Behrend made a motion to approve the March 12, 2021 special Planning Commission meeting minutes. The motion was seconded by Vice Chair Plaag.

Vote: Aye – All
Nay – None

The motion passed.

Amanda Halbert was recognized as a new Planning Commission member and introductions were made.

Downtown Planning Projects

Ms. Shook stated that the goal today was to go through the proposed text. She noted that she had sent out an email earlier today with the intention of keeping all four boards involved in this process up to date on where things stand with each board meeting. Ms. Shook stated that the CAC met last week and some general recommendations were made for staff to draft some text regarding rooftop additions. She stated that the Community Appearance Commission did approve to allow the chair and vice chair of the Commission to attend any future meetings of the Planning Commission, Historic Preservation Commission, or Town Council as needed while moving through this process. Ms. Shook stated she would like for the Planning Commission to consider the same option of allowing the chair and vice chair to attend other meetings. She felt this would help with continuity between the boards. Ms. Shook noted there was a joint meeting scheduled on April 20 where everyone would be more fully updated. She stated she was working on reformatting the text that Planning Commission would be discussing tonight but noted the text would remain the same.

Chair Shay asked if the Core and the Interface were seen as static or if over time the Core would transition to the outer areas or the Interface might join the Core. Ms. Shook replied that it was expected that some properties could transition from Interface to Core over time, although there were different standards for each district. She felt the only zoning district in this process that would be static, without major changes, would be the overlay for the Historic District.

Vice Chair Plaag explain that, for the historic districts, there was a very specific period of significance associated with that proposed district, and a very specific statement of significance. He stated, because of the way the Downtown Historic District was framed, it would be unusual for it to expand.

Commission Member Tippet stated he was very comfortable with the proposed boundaries of the Downtown Core and the Interface as well as the Historic District.

Commission Member Venio stated he felt comfortable with the boundaries. He stated he read through Vice Chair Plaag's essay on historic districts and the designation report and it gave him a better understanding of why the boundaries came to be joined like they were. Commission Member Venio expressed some concern with the Interface and what could happen there. He stated there were a lot of properties there and he did not know how the owners of those properties were going to react to being pulled into the Interface area.

Commission Member Venio referred to page 6 of the historic preservation report under the heading "The difference between Local Designation and National Register Listing". He noted that the last sentence of that section indicated that a historic property or district may qualify for both local designation and National Register listing but these were separate processes with different consequences. Commission Member Venio asked for some explanation of those processes.

Vice Chair Plaag stated that oftentimes when someone was interested in getting their house on the National Register of Historic Places, which was essentially managed by the National Park Service, they would ask what the consequences would if they tore the house down. Vice Chair Plaag stated that there was no National Register police and no one would come to look at the house or say anything about any changes that might have been made. He explained that a National Register designation was an honorary designation unless the project was federally funded or there had been rehabilitation tax credits. Vice Chair Plaag explained that Local Historic Landmark listings or District listings were essentially reviewed by the State Historic Preservation Office. However, the local municipality, through the state code, had the ability to regulate changes, either for that landmark or within that district, regarding any properties contributing or not, that were located within the boundaries in order to preserve the integrity of the district. He noted that the state code language had been in effect for decades and it was a tool that many local municipalities used to ensure that their downtown's did not disappear.

Vice Chair Plaag stated that just because a building was designated as historic did not mean that the building could not be torn down. He noted there was a one year waiting period in North Carolina for demolition and after that waiting period the property owner could go ahead and tear the building down. Vice Chair Plaag stated the reason for the waiting period was that it allowed time for the municipality and the owner to have a conversation about whether or not destruction was best for the property or if there was something that could be done to save the historic property.

Ms. Shook stated she addressed hotels with the 160D text and noted that the hotel category would be populated for both the Interface and the Downtown Core. She stated there would be three classifications of hotels; small, large and extended stay, with the small hotel (20 rooms or less) being proposed to be allowed in the Downtown Interface.

Commission Member Venio questioned the tiered system. Ms. Shook explained that the tiered system looked at two things; the total development value, which was the building and the land together, and the project cost, which did not include the cost of the land or any improvements that were required to bring the property into compliance under the tiered system or furniture and inventory. Ms. Shook stated that you looked at the total project cost, subtracted any maintenance and repair that had to be done and then subtracted the cost of the land. If the total was over 10% tier one was triggered, if it was over 25% tier 2 was triggered, over 50% percent would trigger tier 3, and over 75% would trigger tier 4. Vice Chair Plaag asked if development value was determined by what the assessed value of the property was or what the market value was. Ms. Shook replied that Article 1 of the UDO indicated the County's tax value would be used or the applicant could submit an appraisal of an as-is condition if the appraisal had been done within the last two years, or they could submit a sales price if the sale was in the last two years. Documentation would have to be submitted to prove the value.

Chair Shay referred to rooftop uses and asked if there were specific places of future concern. Ms. Shook replied that it was hard to say since the standards have not yet been written. She stated that rooftop additions would impact at least two different parts of the existing Ordinance. Ms. Shook noted that adding another story on top of a building would be of rooftop addition. She stated there was a part in the Ordinance under the height exemption that allowed limited rooftop structures to facilitate the open use or recreational use of open rooftops and that structure was exempt. Ms. Shook stated that Horton Hotel constructed under that exemption. She noted that Article 18, as it currently exists, was drafted largely in part from the National Park Service and State Secretary of Interior Standards of Rehabilitation and were very general but unfortunately the town did not clearly address rooftop additions and that would need to be revised. Ms. Shook explained that the revisions would not disallow rooftop additions but certain standards would have to be met because some of the open use rooftops could have impacts on neighbors.

Vice Chair Plaag stated that if there had been an historic district in place, what occurred at the Horton Hotel was what the National Park Service would describe as an inappropriate rooftop addition because it was too far forward and the brick that was used does not resemble the type of brick that was used below. He noted that you could see the addition from the street and that could have been avoided by not having the seating platform as elevated. Vice Chair Plaag stated that when rooftop additions are done the goal would be to minimize distractions from the architecture of the main building and have what was visible be sympathetic to the building.

Chair Shay asked about exterior doors. Ms. Shook replied that some door materials and styles were not acceptable Downtown. Commission Member Venio asked if there had been any consideration to green technology as far as windows that were LEED accepted that would meet the historic building standards or solar panels. He stated that, as much as he hated manufacturer doors, they were energy efficient. Ms. Shook replied that the question of energy efficiency was discussed with the CAC and pretty much any of the window or doors could be made or purchased that were energy efficient. Vice Chair Plaag noted that sometimes existing windows could be retrofitted although it may be expensive. He stated that the NPS had a great amount of guidance on what kinds of products were appropriate replacements for original windows. Ms. Shook felt that links could be provided to the National Park Service for additional guidance to make it easier for customers to build something in compliance.

Commission Member Venio referred to the Table of Uses regarding manufactured home parks and stated it did not look like there was any permitted use for manufactured home parks either in the B1DC or B1DI but there was an entire section on page 53 regarding standards that applied to manufactured home parks. Ms. Shook explained that those standards were there just to show how the text would be formatted.

Commission Member Venio noted that religious assemblies on page 23 of the uses were permitted in the B1 Interface District, but not in the in the Core District. Ms. Shook replied that religious assemblies in downtown areas was a long discussion. She stated that jurisdictions and municipalities, not just in North Carolina, struggled with having churches in the downtown. Ms. Shook explained that the use of a property that was used once or twice a week in a town's core area, your most pedestrian intense area, had an impact. Commission Member Venio asked about climbing walls. Ms. Shook replied that there were now height standards in place and a climbing wall could be considered an accessory use. She stated that any kind of new construction today would have to meet Ordinance requirements and if the property was located in the historic district there would be an additional step to go through for a Certificate of Appropriateness.

Commission Member Venio asked about parking garages. Ms. Shook replied that there were parking structures that were part of the use, and parking structures that were their own principal use. She stated there were design standards that had to be met.

Vice Chair Plaag suggested issuing a frequently asked questions document that would go online and allow people to essentially have an answer to some of the most likely questions that could come up. He asked if Lane Moody with the Downtown Boone Development Association could tell them what she had been hearing from downtown business owners, not only about the historic district, but also about the B1 expansion of the B1 Core and the B1 Interface. Ms. Moody replied that she had not gotten a whole lot of feedback. She stated they had talked about some of the HPC design guidelines at the DBDA level. Ms. Moody stated she would be happy to seek further input.

Ms. Shook stated that both Ms. Turner and Mr. Johnson had been contacted by individuals and had started a FAQ section for their respective projects. Ms. Shook noted that Ms. Turner handled zoning and planning issues related to the downtown area. She stated that Ms. Turner had been advising customers of these pending projects so that they would be aware of the changes that could affect their projects. Ms. Turner stated she had received questions about how to get around the rules and regulations. Ms. Shook stated that the answer to that question was that you didn't get around the rules and regulations.

Vice Chair Plaag stated that a lot of times people got spooked because they did not understand exactly what change meant so they should be given as much information as possible.

Commission Member Veno stated he had been here since 1985 and had seen some disinformation campaigns go out causing some really hard feelings and he felt it was important to make sure that kind of thing did not happen during this process.

Chair Shay asked if it was correct that the Planning Commission could make a resolution that they were supportive of the process in principle for Ms. Shook to present to Town Council. Ms. Shook stated that was correct. She explained that Planning Commission would not make any recommendations until the public hearing process. Ms. Shook stated that, right now, Planning Commission just needed to express an understanding of the two different projects and voice any concerns, questions, or issues with the text.

Commission Member Veno mentioned that there were two new house bills that came out recently and expressed concern that those bills could affect the downtown projects. Ms. Shook replied that the middle housing bill that came out was not a district with students and single family detached housing was allowed by right. She stated that the middle housing bill would not have a direct impact on the B1 Downtown Core and the B1 Downtown Interface but noted there were elements of that bill that would affect the whole Unified Development Ordinance. Ms. Shook stated that the other bill was related to the building permit construction process for commercial permits and turning those around and sometimes all of that impacted development within the Ordinance.

Ms. Moody stated she received an invitation from Georgia's Main Street Program regarding a historic preservation, education, economics and innovation seminar designed to illustrate how preservation served as a cornerstone of Main Street and was ultimately rooted in the economic status of the downtown district. She stated she would be happy to forward that invitation on to anybody that was interested in attending the virtual event to be held on May 12, 2021 from 9:30 a.m. until 4 p.m. Ms. Shook felt there was additional training opportunities as far as Historic Preservation went.

Chair Shay asked if there was a consensus on the Planning Commission of general support for the plans. She stated she felt generally positive and supportive of the plans. Chair Shay stated she appreciated the work that the CAC and HPC had done and felt the materials they put together were clearly and carefully considered over a long time.

Commission Member Veno echoed Chair Shay's sentiments. He stated that thoroughly reading the introductions to the designation report and the historic survey report made it a lot easier for him to go through the UDO and see the foundation and thinking behind the things that were being proposed. Vice Chair Plaag noted that these documents were already public record and could be shared with anyone. He

noted that the Town received feedback last week from the State Historic Preservation Office about the draft Designation Report and the feedback was very positive with only minor changes needed.

Ms. Shook stated she felt it was important to acknowledge those who do outstanding and incredible work and she wanted to recognize Eric Plaag for the work he did on the Survey Report, the District Designation Report, and a majority of the Design Guidelines. She added that the HPC really went through every single one of those reports and did a review of everything that was drafted.

Commission Member Behrend stated she really went through this process and found, after several times, that it really made a lot of sense and she was very much in support of the whole thing. She thanked everyone for the discussion because it helped clarify things in her head when she heard other people discuss and review things.

Commission Member Zebzda stated he was supportive of the project. He thanked Vice Chair Plaag for everything he had dedicated to the project and stated he was looking forward to seeing it through and seeing what happened.

Commission Member Venio referred to the binder that Planning Commission members received containing the Downtown Project information and asked if, in the future, such large amounts of paper could be placed in a round ring binder instead of a D-ring binder. He stated it was very difficult to move the pages back and forth in the D-ring binder. Ms. Shook replied that, out of necessity, the Town purchased the cheapest thing available for a temporary notebook.

Board Member Zebzda made a motion that the Planning Commission supports the draft Downtown Projects as is and pending any revisions to the text. The motion was seconded by Commission Member Venio who added that one of the most important things in this process would be how the information was presented to the public. Chair Shay asked Commission Member Zebzda if he accepted Commission Member Venio's addition to the motion. Commission Member Zebzda accepted the addition. Chair Shay wished to add that the Planning Commission commends the HPC and CAC for their thoughtful, creative, attentive work. Vice Chair Plaag wished to make an amendment that staff be included in that commendation because they have worked hard through this process over the last several years. All parties agreed to the amendments.

Vote: Aye – All
Nay – None

The motion passed.

Ms. Shook stated that staff had given a lot of special thought to how this information would be presented to the public, especially since everyone is still operating under COVID rules and not yet doing in person meetings. Some of the ideas include direct mailings, creation of websites, etc., and all of this will be presented at the meeting on April 20, 2021.

Adjournment

Commission Member Behrend made a motion to adjourn the meeting at 7:37 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