SPECIAL PLANNING COMMISSION

MEETING MINUTES

MONDAY, SEPTEMBER 12, 2016 6:00 P.M.

PLANNING COMMISSION MEMBERS:	Chairperson Eric Woolridge, Cameron Lippard, Matthew Vincent, Adrian Thompson, Susan McCracken, Kate Hayes and Elizabeth Shay
PLANNING STAFF:	Bill Bailey-Director of Planning and Inspections, Jane Shook-Planning Supervisor, Brian Johnson-Urban Design Specialist and Marlene Crosby-Board Secretary

Chairperson Woolridge called the meeting to order at 6:06 p.m. He welcomed new members Kate Hayes, Elizabeth Shay and Adrian Thompson to the Planning Commission. He said at the next meeting, he would ask them to give a brief history of their work experience and history.

ADOPTION OF AGENDA

Member Lippard made a motion, seconded by Member Vincent to approve the agenda as written.

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

CASE 20160136 RIVERS WALK PLANNING DEVELOPMENT ZONING MAP AMENDMENT Glen Weaver has filed a Planning Permit Application for a Planned Development Zoning Map Amendment to rezone 178 South Water Street, 190 and 208 Poplar Grove Road from B1 Central Business to a Planned Development zoning district with a site specific development plan which includes a mixed-use building (residential and commercial uses), including a parking deck. The residential portion contains 151 dwelling units (380 bedrooms); with the following uses proposed for the commercial portion of the building:11.06 Restaurant ≤ 2,500 ft2 open to the public during 10 pm–6 am, 11.07 Other Restaurants ≤ 2,500 ft2, 11.08 Restaurant >2,500 ft2 open to the public during 10 pm–6 am, 11.09 Other Restaurants > 2,500 ft2, 11.12 Personal Service Establishment open to the public during 10 pm–6 am, 11.13 Other Personal Service Establishments, 11.14 Retail Store up to 5,000 ft2, 11.15 Retail Store more than 5,000 but less than 25,000 ft2, 11.18 Business or Professional Office open to the public during 10 pm – 6 am, 11.19 Other Business or Professional Office, 11.23 Medical Office, Category 4, 12.10 Recreation Facility, Category 1, and 14.02 Brewpub.

Mr. Bill Bailey, Director of Planning and Inspections Department presented this case. Mr. Bailey referred to the Staff report, and explained how the report contained a table which compared the standard in the B1, the standards of approval in the original conditional district request, and the requested standards in the planned development request.

Mr. Bailey reminded the Planning Commission members that the public hearing is open and suggested making a positive statement to allow for additional public comment. Mr. Bailey said is it incumbent on the Planning Commission members to figure out how the applicant is deviating from the previous approval and the ordinance and make sure the deviations are attached to their recommendation, when recommending conditions on this case.

Discussion ensued on the proposed changes to the previous CD approval. Member Lippard referred to the Comparison chart in the Staff report. Mr. Bailey explained that the Planning Commission should look at the UDO requirements for the B-1 zoning district and how the proposed changes deviate from these requirements. Mr. Bailey pointed out that the proposed deviations are in a red color in the Staff report.

Member McCracken asked Mr. Bailey to review the procedural process for the conditional district process and a planned development process. He explained that the said property has been zoned to a conditional B-1 zoning district which has a set of standards attached to it. He said the Staff left the B-1 standards in the Staff report to show the comparison to the PD process. He added that the middle column in the chart is indicating the conditional district zoning approval. He further explained the difference between the CD and PD process and noted that the PD process creates its own unique zoning district and does not rely on the underlying zoning district. He said the chart shows the B-1 zoning district to show how the CD and PD process are tied together. He said, if they are not proposing a change then the B-1 standard applies. He said if they are requesting a change they have to make the request through the Planning Commission, and then the burden is on the applicant to explain the change and how they are mitigating the impact of the change.

Mr. Bailey said there are is an impact analysis in the Staff report that addresses potential impacts of the proposed development.

Chairperson Woolridge referred to page 22 of the Staff report in UDO Section 14.05.01(B) 1 a-d. He pointed out the four key findings that should only be approved in the PD process.

Mr. Bailey pointed out the property has to be greater than three-acres and it must be mixed-use. He noted that the applicant has to meet only one of these criteria to meet the criteria of a PD development.

Mr. Bailey talked about the need to establish a reasonable basis for approval and the Planning Commission's recommendations help the Council make their decision on this case.

Mr. Bailey pointed out that the law requires that an impact analysis be completed for a project. He pointed out to the Planning Commission potential impacts such as traffic, parking and transit that they might need to address.

Mr. Bailey said based on the applicant's traffic study there will be an additional 2,800 trips made to the site. He said based on UDO parking standards, they are providing some but not all the parking for the project which is a potential impact on the surrounding streets. He said that at that time, the applicant had not provided information regarding AppalCart service to the development.

Member McCracken asked Mr. Bailey to give the history of the on-site 184 parking spaces. Mr. Bailey noted that the applicant was required to demonstrate adequate parking for the development through a parking study. He explained that the applicant did a parking study which is required by the UDO. He said that he approved this study based on the concepts that were presented in the report. He said the applicant has not presented any evidence that these concepts are valid because they shifted into the PD process.

Member McCracken asked Mr. Bailey, when he approved the concept does that mean in his professional judgment he felt the parking was adequate. Mr. Bailey said he felt that within the constraints of the UDO what they presented within the parking stud which relied heavily on off-site parking that they could conceivably match what is required in the UDO. He said the applicant took the 20% discount that they were allowed because the project is located close to the university, adjacent to transit. Mr. Bailey noted that though the applicant had submitted a parking study, the applicant had not submitted evidence to demonstrate that the applicant can do what is proposed in the parking study.

Discussion ensued on opening public comment for this case. It was the consensus of the Planning Commission to hear more information from the applicant. Member Lippard said he would like to get more information on building height, appearance of the building, number of beds, commercial space location, greenway being developed, parking, and transit and traffic issues. He said that all of these topics need discussion to see how the applicant will address them.

Chairperson Woolridge clarified that the Planning Commission needs to look at the ordinance requirements when reviewing the said topics of discussion.

Member McCracken said she needs to see it demonstrated on how these topics meet the definition of a Planned Development. Mr. Bailey noted that the Planning Commission has to determine the four findings and provide positive facts on the findings. He said if the Planning Commission is not able to do this, they can talk to the applicant and solicit information that might be missing or to garner conditions that might make the Planning Commission comfortable with meeting these four findings that are required by law.

Mr. Bailey noted that this case is an unusual situation. He said normally you would have a B-1 zoning district and the standards in the B-1 would be compared to what is being proposed by the applicant and look for the deviations and their potential impacts. He said the difference in this case is that the zoning of the property was a conditional district approval tied to a site specific development plan.

Chairperson Woolridge asked Mr. Jim Deal, attorney for the applicant to present his proposed changes and information on the outstanding topics identified by the Planning Commission earlier in this meeting.

Mr. Deal noted that the current developer is Mr. Glenn Weaver and Mr. Jeff Githens is no longer involved in this project.

Mr. Deal presented the proposed changes that they are asking for this project: the reconfiguring of the commercial retail space along Poplar Grove Road and moving it closer to Water Street with an increase in height to some extent for the commercial space, using parapets and crickets to hide the HVAC equipment and he noted that the parapets and crickets count as building height and they are proposing that they do not exceed five feet. He noted the applicant was proposing to change the apartment unit mix to convert some of the four-bedrooms to one and two-bedroom apartments without changing the number of bedrooms, the elevator shaft penetrating the roof and the possible condition of covering the shaft with a chimney or steeple effect that was suggested by the Community Appearance Commission.

Mr. Deal addressed the concern for the greenway. He said if the developer is potentially required to pave the greenway, this would create impervious surface which would trigger other storm water requirements. Mr. Deal talked about exempting the developer from doing storm water retention calculations because of the increase in impervious surface. He said the applicant is willing to discuss the greenway with the Planning Commission, he said he is not sure what the applicant can do because we have to work with the County regarding the potential access off of the road that they do not have approval for at this time.

Mr. Deal addressed the concern for the parking. He talked about the requirement that the applicant provide 50 satellite parking spaces that they are obligated to provide off-site. He talked about the tenant's lease contract including a parking space.

Member McCracken asked Mr. Bailey what is the process, if these proposed changes come to the Planning Commission as an amendment to the approved CD. Mr. Bailey explained that deviations to ordinance requirements in the conditional district process would be heard as a variance request by the Board of Adjustment. Mr. Bailey noted that the Board of Adjustment had denied a variance request in regards to height during the conditional district process.

Mr. Deal addressed the concern for building height. He said specifically that the parapets and crickets would not exceed five feet and the elevator shafts could be covered by a chimney or steeple as determined by the Community Appearance Commission.

Discussion ensued on the building height of 62 feet. Mr. Weaver said they would not need that much building height. He said they only needed five feet for the elevator shaft crash zone. Member McCracken asked how high the roof will be and Mr. Weaver said 40 feet. Mr. Deal noted that the applicant is not asking to increase the height of the building. Ms. Jane Shook, Planning Supervisor explained that there is a difference in elevation on the back side of the building and the building is not necessarily 40 feet on the back side of the building due to the elevation differences. Mr. Deal clarified that the applicant is asking for the five feet to cover the elevator shaft. Mr. Brian Johnson, Urban Design Specialist said that the Community Appearance Commission did not set a building height for this project. Mr. Weaver confirmed that he is not asking for 62 feet for the building height.

Discussion ensued regarding building height variation. She asked if there will be any height variations between the buildings. Mr. Weaver said the buildings will stair step as they go up 40 to 50 feet which will cause the parapet to go up ten feet to the next building. Mr. Weaver said there will be multiple buildings that are designed to look like many individual buildings that will have different kinds of parapets that will be modulated in height. Mr. Weaver said it would look like a collection of buildings instead of just one long building and it will look more like Main Street. Mr. Crees further pointed out on the site plan the heights and different looks of the building. Mr. Weaver further explained that the parapets will be integrated into the design of the building to cover the mechanical equipment on the top of the building.

Discussion ensued on storm water management for the project. Chairperson Woolridge asked Staff about the storm water comment within the Staff report. Mr. Bailey confirmed that the applicant was not proposing to increase the impervious area so that the applicant would not be required to install certain storm water measures on the site. Ms. Shook noted that Staff incorporated the comment asking for storm water because Staff was responsible for trying to get the best development possible for the town. Chairperson Woolridge asked Mr. Deal, if they could put in a rain garden or something else to help with the additional impervious area created by the greenway.

Mr. Weaver said in the process of talking to the County on different issues, the County told him that they were going to spend $300,000 or $400,000 taking out their existing failing culvert. He said their culvert does not stop at the project property. He said their culvert runs down behind the stream behind the property line. He said this section will have to be torn out. He does not want to build that section of the greenway and it be torn out by the County for the culvert work. He explained that he would build the greenway along the building. Discussion ensued as to the location of the greenway and how the additional impervious area created by the greenway would require storm water management per the UDO. Mr. Crees said the difficulty in providing the storm water for the greenway is because of the linear path-multiple storm water spots would be needed. Chairperson Woolridge said the developer would have to mitigate the amount of imperious surface anywhere it is located. Mr. Crees pointed out that the Town builds sidewalks all over Town and they are not providing storm water retention for those sidewalks. Mr. Deal pointed out that the applicant is doing improvements to the creek over what is currently there by increasing the buffer significantly which will improve the quality of the water going into the creek.

Chairperson Woolridge asked how many beds are in the project. Mr. Deal said 380 beds are already approved.

Chairperson Woolridge noted his concerns that if the greenway does not get built now that it may not ever happen. Mr. Deal said things get done slowly in the Town. Mr. Deal said that the applicant was asked to build the greenway and they said yes to it. Mr. Deal asked for the impervious surface area to not count it against applicant. Mr. Deal said he feels that this is a compromise and the applicant bear the cost of building the greenway with no cost to the Town.

Chairperson Woolridge asked the Planning Commission if they would be alright with not penalizing the applicant for the impervious surface, if they build the greenway. Member McCracken asked about the water flow from the roof. Chairperson Woolridge said the water would flow out into the streets into the storm water system into Boone creek.

Mr. Deal said it will be a coordinated event to build the driveway to the development and replace the culvert at the same time. He said the greenway may be on both properties the County and the project, it depends on how it all gets worked out with the County.

Discussion ensued on the property line shown on the site plans and the possibility of an easement being needed. Mr. Crees pointed out the property line on the site plan. Chairperson Woolridge said maybe the building needed to be shrinked down to make more room at the end of the building near the County's property line. Mr. Deal said that would require another deviation.

Discussion ensued on the appearance of the building. Member Lippard talked about the changes to the appearance of the different facades with consideration to the Historic Preservation Commissions comments. Mr. Deal said he had a memo that he was to ignore their comments. Member Lippard said the appearance of the building is a public concern. Mr. Deal explained that Mr. Weaver did talk to Woods Masonry Supply to discuss rock and brick building materials. Mr. Deal talked about the blend of rock, brick and hardy board being used for building materials to break up the look of the buildings so they buildings do not look like one massive building. Mr. Deal said right now there is not a recommended exterior appearance standard for Downtown Boone. Mr. Deal noted that the CAC is working on the standards.

Mr. Brian Johnson, Urban Design Specialist talked about comparison chart on page 11 of the staff report and talked about the concerns of the Community Appearance Commission on building materials. He noted that the CAC concerns about the amount of hardi board being used. Mr. Johnson had directed Planning Commission to the section of the ordinance that requires the facades to be comprised of unpainted red brick or darker colored brick or natural stone.

Mr. Johnson noted that the CAC had concerns about the type of material being used for the parapets. The applicant is proposing a type of composite plastic for the parapets.

Discussion ensued on the building materials and deviating from the standards. Mr. Bailey said once you deviate from the standard the applicant must use unpainted red brick, darker colored brick or natural stone. He further explained that the applicant has to demonstrate how they are mitigating the impact.

Discussion ensued on what is considered the "main building façade". Mr. Deal asked is it on Water Street or on Poplar Grove Road. Mr. Deal said the primary street is Water Street. Mr. Bailey said it would be any publicly visible façade.

Mr. Johnson reminded the Planning Commission that said about one year ago the CAC recommended a stop gap on building materials while the Downtown Design Guidelines were being discussed by the CAC.

Mr. Bailey pointed that wooden building material cannot be used in the Downtown Fire District.

Discussion ensued on the building materials that can be used on a publicly visible façade. Member Lippard asked Mr. Weaver to identity the building materials on the plan presented at this meeting. Mr. Weaver noted the following building materials: planking, brick and stone. Mr. Weaver said the building materials are to make the look of a New Orleans boarding house. Mr. Weaver said there the percentages for building materials would be 40 percent for hardy plank and 60 percent for stone and brick. Mr. Bailey confirmed that this can be a condition, if the applicant is willing to accept it.

Mr. Deal outlined the four findings for this case. The PD will provide a development of equal or higher quality than other wise governed by the strict application of district regulations. The parapets are esthetically superior to mechanical screens.

Member McCracken asked is it superior to the underlying district or to what is being proposed. Mr. Bailey explained three opportunities to develop properties.

Mr. Deal noted that the CAC requested parapets instead of screens to be used to hide the mechanical units on top of the building. He noted the relocation of the commercial space improves the retail commercial space to help the space get rented. Mr. Deal also noted that the parking spaces being moved near the exterior lot is an improvement. Mr. Weaver said the garage parking is being increased by two spaces. Mr. Deal noted that the proposed PD will encourage open spaces create an and efficient attractive environmentally sensitive design and the extension of the greenway supports the environment as well as increasing the buffer zone, reducing the encroachment into the creek buffer, and the applicant would of revegetate the creek buffer. He also noted the applicant is proposing a variation of the façade attractive design and materials. The relocating of the commercial space will improve walkability for customers walking down Water Street. The parapets and potential chimney or steeple will be more attractive than screens. The proposed PD will create a well- developed cohesive mixed-use in-fill development that incorporates commercial and residential spaces The design of the building will make the building look like separate buildings. The design does include the greenway and bicycle orientation with a connection to the Howard Street project completion. The PD will not damage the use in value or the enjoyment of surrounding property or prevent the development of surrounding property. The proposed improvements of the already approved project increases the value of the property.

Discussion ensued on the trout buffer waiver. Chairperson Woolridge asked Mr. Crees if there will be required a revised trout buffer waiver later on. Mr. Crees said the applicant has a trout buffer waiver that will need to be modified because of the grading of the greenway.

Chairperson Woolridge asked about an update to the Southern States building. Mr. Crees said it is sitting in the floodway and the culvert is under the building. Mr. Crees noted there will be need to be an impact analysis done because of the addition of the greenway.

Discussion ensued on the greenway being extended to the County's property. Chairperson Woolridge asked Mr. Crees what is preventing the greenway from being built to the County's property. Mr. Crees said with some flexibility, they can try to build it there based on the County's easement and coordination with the work the County is doing. Mr. Deal said he was not sure that an easement is needed to build the greenway. Mr. Deal further talked about coordinating the work with the County to build the greenway to the County's property line. Mr. Deal said the County has no site plans at this time to replace the culvert. Mr. Deal said he did not want to duplicate costs and if someone else tears the culvert out that the applicant does not have to build it back.

Mr. Deal confirmed that he and the applicant have met with the County to discuss the access at the back of the parking garage from the County driveway and replacement of the existing failing culvert. Mr. Deal confirmed that the applicant and the County want to do this work together. Chairperson Woolridge said he preferred for the greenway to be built now and for it to be completed. Mr. Weaver said he will build the greenway from property line to property line and the Town will maintain it. Chairperson Woolridge said that the Planning commission will make this a recommendation for the applicant to build an eight-foot paved greenway. Mr. Weaver accepted this as a condition. Mr. Crees said that the greenway can fit into the plan.

Discussion ensued on parking spaces. Member Lippard asked Mr. Weaver if the apartment tenant has to have a parking agreement with a private entity or in the parking garage of the development or on campus. Mr. Weaver said he will make sure the tenant has a contract for parking. He noted his offer to construct a satellite parking facility that will park at least 50 spaces and his desire to monitor the lot for two years. He explained he would monitor the usage of the lot and at the end of the two years, he would add additional spaces, if needed.

Discussion ensued on the development's use of AppalCart.

Mr. Weaver noted he agreed to pay the charges assessed by AppalCart. Mr. Deal clarified that Mr. Weaver would pay the charges when the Town adopted regulations requiring all large multi-family developments to pay the same fees.

Discussion ensued on the need for a change to the ordinance to require apartment complexes to charge.

Mr. Weaver said he has talked to the Appalcart director about the fee. He said that Appalcart said they would not be able to provide the current level of service and they will either have to delete bus stops or decrease the frequency of service. He said for this reason all of the other apartment complexes will agree to pay the fee. He said if everyone pays the fee it is not rent dollars but tax dollars.

Mr. Weaver confirmed that he will build two outbound bus shelters. Mr. Crees said it will be a one-stop with two transitions. He noted that they do not need three bus shelters.

Member McCracken asked Mr. Weaver how he was going to decide who gets to park onsite. Mr. Weaver noted that a tenant may not want to pay the cost of the parking. He noted that the tenant may rent a less expensive parking space or they may not want to park at the location of the satellite parking. He said he has made an offer to lease the unleased parking spaces at Horn in the West. He said this offer has not been accepted.

Mr. Bailey read the parking ordinance requirements in UDO Article 24.06.01. Mr. Bailey pointed out in UDO Article 24.06.02 that all such satellite parking spaces (except spaces intended for employee use) must be located with 500 feet of a public entrance of a principal building housing the use associated with such parking. Mr. Weaver said he already had a parking study certified of being adequate for 380 bedrooms. Mr. Weaver said the 50 spaces in a satellite lot would be additional spaces. Mr. Bailey said he has not seen any evidence that any spaces have been leased or any concrete example of how this parking will be provided.

Discussion ensued on the appropriate recommendation for parking. Mr. Bailey said if the Planning Commission is going to rely on satellite parking to offset the onsite parking requirements the applicant has to meet current ordinance requirements unless there is a deviation requested.

Mr. Deal talked about the changes to the parking ordinance and it is frustrating to plan for parking for proposed project. Member Lippard talked about the requirements of satellite parking.

Mr. Deal said this is the first time he had heard from Staff about the 500 feet from the proposed project. Mr. Bailey said it is the applicant's responsibility to read the ordinance and meet the requirements of it.

Discussion ensued on having a parking agreement in the apartment lease. Mr. Deal said there will an agreement within the lease that requires each tenant who has a vehicle to have a parking space. It was noted that there are not enough parking spaces in the parking garage for the amount of beds in the apartment complex.

Chairperson Woolridge asked if there needs to be a deviation for parking. Mr. Bailey explained the ordinance requirements for parking.

Discussion ensued as to the amount of students who may not have a vehicle. Mr. Weaver noted that 76 percent of the students were expected to bring a vehicle based on a survey which was based on two percent of all of students and 36 percent of those have university parking contracts.

It was the consensus of the Planning Commission that the tenant provide that they have a place to park their car regardless of the distance.

Discussion ensued on the change of the mix of units. Mr. Weaver said they changed the larger units into smaller units. Mr. Weaver said they are asking for a change in units from 145 to 151 and maintain the 380 beds. Mr. Deal confirmed they are not asking for an increase of beds.

Mr. Bailey reviewed the parking study and noted the number of maximum spaces for residential is 231 and there is no evidence that they are providing this number of spaces.

Chairperson Woolridge said he did not have an issue with the parking study.

Member Lippard asked how many units have four beds in it. It was noted in the applicants plans that 44 four - bedroom units are being proposed for this project.

It was the consensus of the Planning Commission to close the public comment for this case.

Discussion ensued on the Impact Analysis and the project impacts for the proposed project.

Chairperson Woolridge said the Impact Analysis with projected impacts is located on page seven and eight of the Staff report.

Mr. Bailey noted traffic, parking, transit, building materials and scale would speak to the first finding.

Mr. Deal said the applicant is not adding additional trips other than what has already been approved and no change in the bedroom count. It was noted that these trips include commercial use. Mr. Bailey noted that the trips listed in the traffic study are potential trips. Mr. Deal reviewed the changes to the parking space for bicycle and motorcycle parking. Mr. Deal confirmed that there will be a sidewalk along Poplar Grove Rd.

At 8:06 p.m. Chairperson Woolridge called for a five minute break.

At 8:12 p.m. Chairperson Woolridge reconvened the meeting.

Member McCracken talked about the height of the clock tower on the site plan. Mr. Deal said it is located at the end of the property. Mr. Johnson said the height of the clock tower was a concern at the CAC meeting on this case.

Mr. Johnson said they did not recommend a height for the tower. Mr. Johnson said the way it was presented to the CAC, they did not have an issue with the tower being a little higher. Mr. Crees noted that clock towers were exempted from the building height requirements.

Member McCracken asked if DENR has final say on a project regarding storm water. Mr. Bailey said the ordinance does not have requirements for this topic. Ms. Shook said the Staff encourages all applicants to consider it.

Mr. Weaver reviewed the proposed map and explained the reconfigured retail spaces.

Discussion ensued on the possible conditions.

First Motion and Vote: First Motion and Vote: Member Lippard made a motion, seconded by Member Vincent, 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 a PD should only be approved with the following findings:

1. The proposed PD will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern because it provides the better development of under-utilized B-1 properties and meets the .
2. The proposed PD will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design because it will create more of a greenway through Downtown Boone as well as provide increased stream buffers along Boone Creek.
3. The proposed PD will produce a development functioning as a cohesive, unified project; and attractive mixed-use development including residential for young professionals and commercial properties.
4. The proposed PD will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town because clear discussions have been had between the community, the business owners within the area and the applicant.

Member McCracken noted that the compelling reason to support the project was completion of the greenway. She noted that she feels that there are big changes from the CD. She noted that she feels that the whole CD and PD process needs to be revisited in the way that they interact.

Chairperson Woolridge asked to add a friendly amendment to the "a" to add the development meets the minimum storm water requirements based on the UDO because the requirement says "equal to".

Member Lippard and Member Vincent accepted the friendly amendments.

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

Second Motion and Vote: Chairperson Woolridge made a motion, seconded by Member Hayes, to recommend approval with the following conditions:

1. The applicant shall install an 8' paved greenway path within a dedicated easement from Water Street to the Watauga County property line and the Town will take over maintenance upon completion; the additional impervious area [from the greenway] will not count against the applicant;
2. The height of the building to the roof line not exceed 40 feet and all parapets, crickets, and elevator shafts shall not exceed 5 feet above the 40 feet (not to exceed 45 feet in total).
3. The deviation from B1 building materials will allow the use of hardy plank (fiber cement siding) for up to 40 percent of the building material and shall be dispersed along the building façade.

4. The developer will ensure that each renter with a motor vehicle will demonstrate a parking contract for said vehicle.
5. The development will change the bedroom mix to include more 1 and 2 bedrooms up to 151 units.
6. The commercial space will be reconfigured in accordance with the new plans.
7. Where there is a conflict between the application information and the plans (site plans bearing a received date of July 21, 2016 and architectural plans bearing a received dated July 18. 2016), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
8. 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.
9. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
10. All driveway permits shall be obtained prior to the issuance of the Zoning Permit.
11. The applicant will be required to satisfy all NCDOT requirements prior to the issuance of a Zoning Permit.
12. All previous Conditional District conditions not a modified shall come forward as part of this approval.

For the following reasons: the Towns' adopted plans state that an economic-development effort shall encourage revitalization of under-utilized sites and infrastructure; a variety of mutually compatible and supportive mixed-uses shall be encouraged in the Downtown area; the Town shall employ incentives to encourage the concentration of intense urban development within the urban growth area; and the plan as presented would further expand the Town's greenway, bicycle and pedestrian network.

Member McCracken asked about the use of materials in the structure should the word façade be used to be more specific. Member Lippard agreed with the changing of the wording on condition three listed above.

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

ADJOURNMENT

Chairperson Woolridge adjourned the meeting at 8:48 p.m.

__________________________ ______________________________

Chairperson, Eric Woolridge **Board Secretary, Marlene Crosby**