

**SPECIAL PLANNING COMMISSION MEETING MINUTES
WEDNESDAY, SEPTEMBER 29, 2021, 6:00 P.M.
VIA WEBEX SOFTWARE**

PLANNING COMMISSION MEMBERS PRESENT: Chair Elizabeth Shay, Vice-Chair Eric Plaag, Chris Behrend, Smith Warren and Frank Veno

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Chief Deputy Director, Christy Turner-Senior Planner, Mike James-Senior Planner, Brian Johnson-Urban Design Specialist, and Marlene Crosby-Board Secretary

Others Present: Allison Meade-Town Attorney

Continuation of the Planning Commission Meeting

Call to Order

Chair Shay called the Planning Commission meeting, held via WebEx, to order at 6:00 p.m.

Public Comment

There was no one from the public who wished to speak.

Downtown Planning Projects

Ms. Jane Shook, Director of Planning and Inspections, explained that Ms. Allison Meade, Town Attorney, would be available to attend this meeting via WebEx from 7 p.m. to 8 p.m. to answer questions on the text. Ms. Shook suggested that the Planning Commission discuss text amendment-related changes before Ms. Meade joined the meeting.

Vice-Chair Plaag suggested that the Planning Commission discuss the Historic District because he felt those items could be addressed quickly and then the Planning Commission move on to the more extended topics for discussion about the B-1 Expansion project. Chair Shay and Ms. Shook agreed to this approach to discuss the said topics.

Ms. Shook noted that there are two topics to be discussed. She noted that one of the topics came in during public input, but was not addressed.

Ms. Shook noted that the first topic was whether the installation of works of art on public or private property was subject to a Certificate of Appropriateness.

Discussion ensued on the installation of works of art on public or private property. Ms. Shook noted that at the public input sessions that public installations were discussed in general. Vice-Chair Plaag noted that this topic had been addressed in the Downtown Boone Local Historic District Design Standards. He said the only guidance given is in public hearing packet page number 1104 in Section 3.8 and the public hearing packet page number 1112, Section 11.3 Parks and Public Spaces. Vice-Chair Plaag read aloud these two sections of the public hearing packet.

Ms. Shook said that at the public input session, the question came up regarding the possible requirement for a Certificate of Appropriateness to change the public art such as the art installed by Town or the Downtown Boone Development Association. Vice-Chair Plaag noted he felt it would be handled the same way as any other legal nonconformity. He said that the only thing that would trigger a review would be if the location itself changed or the square footage of the art pad site was expanded somehow. He said otherwise, the existing art pad would be a legal nonconformity not subject to review.

Ms. Shook gave two examples, one public and one private. She talked about the planter that is located at Town Hall. She said that the planter had been used for a variety of work. She asked what would be consider the footprint because it changes based on the artwork installed in the planter. Vice-Chair Plaag reviewed the 2018 street view of the planter and said that it appears to be a concrete pad within the stone wall boundary of the planter. He said he assumes that there is no new concrete pad poured every time new art is installed. Ms. Shook agreed with Vice-Chair Plaag that the concrete pad is not being changed every time new art is installed, but it could be. Vice-Chair Plaag said he thought that if the size of the art is increasing in size and the pad is not large enough, the HPC would want to review the content of the art to see if the expansion of the art space would be necessary for that is appropriate to that location. Vice-Chair Plaag said if the HPC approves the COA, at that point, any future art installation at that location would have to stay the size of the art space that was approved. He also said if the town decided to demolish the planter area in the future, that's a whole new COA process. He said if the area is expanded for some reason, it would be subject to COA review.

Ms. Shook said that the Planning and Inspections Department is currently not consulted when the town changes the art. She noted the Town department that changes the art and the limitations of changing it.

As another example, Ms. Shook talked about the mural on the ECR building located on Howard Street. She said that ECR Software asked about the requirements to install a mural if they wanted to change out the mural. Vice-Chair Plaag said at present, the mural is a legal nonconformity. He said if they wanted to paint it whatever it says now with a new message, he thought that was fine. He said that wouldn't require anything but if they decided to modify it to smaller or larger, he thought it would need a COA process. He said just changing the content on the attachment would not require a COA process, other than what is acceptable under the way that signs are reviewed. Ms. Shook noted that they do not consider works of art signs. She said in this particular case, ECR Software didn't paint the brick; they just attached something to the brick. She said the only thing ECR Software was required to do was get a building permit for the attachment to the wall. Vice-Chair Plaag asked Ms. Shook if there was any language regarding abandoned features. He said he didn't think the UDO had language that addresses if a property owner removes a nonconformity feature, then decided five years later that they want to bring it back. He said he thought that would require a COA process. He added that if they removed it to repair it, it wouldn't trigger a COA process.

Ms. Shook noted the next topic related to Historic Landmarks. She pointed out that there are two-three existing landmarks within the Downtown area. She said these landmarks do not have any specific standards for renovations except for the Secretary of Interiors Standards for Rehabilitations which are not the specific standards being proposed to for the local historic district that they are located in.

Brief discussion ensued on historic landmarks. There was consensus from the Planning Commission, to modify the Historic District language, if allowable, to also apply to any Historic Landmarks in the district until such time specific standards were written for the landmarks. Ms. Shook said she would talk to Ms. Meade about this topic.

Discussion ensued on the B-1 Interface Expansion. Vice-Chair Plaag asked whether the Beasley Broadcasting building should be included in the proposed Historic District boundary because of the language which requires the State of North Carolina to consent to its inclusion in the Historic District boundary. Ms. Shook said she had spoken to Ms. Meade about this situation and while the property can be included in the overlay, the town could not enforce the overlay standards. She also noted the University would still have to meet the requirements of the zoning district that they are in.

Discussion ensued on how to handle the occupancy concerns heard at the Public Hearing. She noted the overall concern was two-fold. The first concern is regarding multi-family uses that are currently on R3 zoned property that allow up to four unrelated persons are proposed to be rezoned to a B1 District which

no longer allows multi-family as a use outside of a mixed-use and that only allows up to two unrelated persons.

Ms. Shook noted that a similar concern is that some of the properties in the existing B1 zoning district or R3 zoning district in the project area are single-family dwellings, and their occupancy the B1 prior to 2014 and in the R3 was more significant than what is allowed in either of the new B1 districts or the R1A district.

Ms. Shook reminded the Planning Commission that Ms. Meade had made an interpretation for the multi-family units which noted that occupancy of those units went with the approval of the use and the occupancy would be part of the legal non-conforming use if rezoned to B1. Ms. Shook noted that she felt that the issue remains for how to handle the single-family and two-family dwellings that are currently in the B1 since the approvals for those would not automatically have an approval for increased occupancy. Vice-Chair Plaag pointed out that a few houses on the North side of Howard Street and near the Presbyterian Church and a couple of houses on the North side of King Street near Cherry Drive would be affected.

Ms. Shook said some of the occupancy concern was hurting the income of the single-family homes that are currently rentals within the project area. Vice-Chair Plaag asked the risk of inserting proposed language discussed at the public hearing if they had already enjoyed it before this change. He said this means they are essentially grandfathered in. The ordinance clearly says that the occupancy is not a use and cannot be legally grandfathered. She pointed out that no single-family or two-family homes should have been created after January 1, 2014, because they were no longer permissible use within the district.

Vice-Chair Plaag thought of one exception that is a student union house at the intersection of Appalachian Street and Howard Street that would be newly zoned as B1 Core. He said it is currently being used as a social house or meeting house. He said presumably it is a single-family dwelling. He said someone could buy it from the owner and say they would put four unrelated people in it. He said he didn't know if that would be an adverse change at that location. Ms. Shook noted that someone has already purchased that property, and they are running an office out of it and are renting out the rooms in it. She said it is not a single-family anymore. He said that introducing the proposed language solves the problem that exists without creating an obvious adverse effect. He said he is supportive of that proposed language.

Discussion ensued as to what language should be created. Vice-Chair Plaag asked why the properties on the east side and Queen Street, including Bent Street, were selected for the R1A when the entire neighborhood to the north is also single-family homes and zoned R3. He said it almost sounds like we are creating more restrictive zoning on single-family dwellings. Ms. Shook explained that the area to the north of Queen Street and Bent Street is actually zoned R4 and the properties next to the R4 were zoned R1. She said the R4 zoning district allows single-family, two-family, manufactured homes or townhomes. She reminded the HPC that the Council worked on a project about two years ago and asked the Planning Staff to look into possibly rezoning these properties. She said that the neighborhood to the north was considered to be potentially rezoned to R1A from R4.

Member Veno asked about the properties that take access directly from Bent Street that are causing a concern over the rezoning. Ms. Shook said that the owners of these properties would have to provide parking. She said that having additional parking on Bent Street would not be advisable. She noted that the streets have to be 18 feet wide, which is not that wide. Ms. Shook said the change for these property owners in zoning overall means that they would not be able to develop it in the future under B1 standards but under the standards of the R1A.

Vice-Chair Plaag said that his understanding is that the argument that Mr. Jordan Sellers and Mr. Dusty Stacey made was that they purchased these properties, knowing and anticipating that they would enjoy

the development rights at some point in the future and now they feel the properties would be worthless because they don't have that expanded range of commercial possibilities for these lots.

At 7 p.m. Ms. Allison Meade, Town Attorney, joined the meeting. Discussion ensued on Ms. Meade's participation. Ms. Shook and the HPC agreed that they would continue with the agenda topics and report any complicated issues that would need to be addressed with Ms. Meade.

Discussion ensued on Building Height in the B1 Downtown Interface. Ms. Shook said the original recommendations did not recommend any changes to the height standards. She said the standards tell you how to measure building height on a site, which is the average sidewalk elevation at the street level. She said some of the properties discussed on the west side of town have a change in grade. She said if the Planning Commission wanted to recommend approval to remove these properties as discussed at the public hearing, there would be no issue. She said if the Planning Commission does not want to recommend approval to extract these properties, then a standard for measuring height would have to be developed for said properties. She asked the Planning Commission if they wanted to table this topic to a later in the meeting when the boundaries were up for discussion. There was consensus from the HPC to wait to discuss this topic with the boundary discussion.

Discussion ensued on minimum building footprint in the B1 Downtown Interface. Ms. Shook explained that both B1 districts currently require a building footprint of 50 percent which works in the downtown area on smaller lots. Larger lots on the fringes of the project area though starts to create a development that the Town would not want. Discussion ensued on not requiring a minimum building footprint in the B1 Downtown Interface. Ms. Shook explained the proposed B1 Interface would contain more greenspace than the B1 Downtown Core because they have a building setback and because every vehicle parking space has to be within 60 feet of an over story tree. She explained that the Town regulates density by regulating a minimum livability space, setbacks and building height in all other zoning districts.

Chair Shay said the danger in keeping the minimum footprint is that significant buildings might be created on the larger parcels. She said otherwise; if we allow a smaller percentage, we might get buildings that look scattered because of the size of the lots. She said these buildings might look that way where we want to start transitioning into the B1 Downtown Core. Ms. Shook said that the sidewalk standards would have to be met; they would have to orient their buildings even if they are smaller towards the street and pull them up to 15 feet setback. Ms. Shook said the only reason they can go larger than 15 feet is to provide additional pedestrian amenity between the street and more green space. While slightly more contemporary, Ms. Shook said, the appearance would still be the same as we transition to the Downtown area.

Vice-Chair Plaag talked about the large parcel on the west end near the property owned by Watauga County. He said, for example, if a large hotel was proposed on the top of that hill with a winding driveway to it, they would not be using 50 percent of their lot on this large parcel. He said that he did not see the wisdom in forcing more intensive development. He said he thought it was appropriate to provide more intensive development in the B1 Core. He said he did not know if it was wise to say you have to go big with your development. He said he did not see the benefit to the community overall in doing that. Chair Shay agreed with Vice-Chair Plaag, and she said she wouldn't want to force a more intensive development in the Interface area. She said she thought we could provide the opportunity without forcing things that we might regret later. Ms. Shook asked if the Planning Commission was comfortable requiring a minimum footprint in the B1 Downtown Core and let the other standards regulate development in the B1 Downtown Interface.

Member Veno asked what if a Dollar General, or Motel Six wanted to build there, what standards would they would be required to meet. Ms. Shook said if the B1 Downtown Interface no longer had a minimum building footprint, they would have to meet the Unified Development Ordinance, appearance standards,

setback, building height standards. She said the developer would design their development to fit those standards.

Member Behrend said that she would recommend that we do not require a minimum building footprint.

Vice-Chair Plaag asked that if anyone purchased one of the current parcels that they always have the option to subdivide those parcels and develop them individually. Ms. Shook said that is correct.

Member Veno asked about the ramifications of not having any minimum building requirements. Ms. Shook explained the difference between the B1 Downtown Core and B1 Downtown Interface. She said in the B1 Downtown Core, the developer has to have a building footprint which covers 50 percent of the lot, but they can build something larger than 50 percent; they can build on the entire lot depending on the use. She said some of the uses require parking, and some of them do not. She said the same thing could be done in the B1 Downtown Interface, considering building massing and scale. She noted it is unlikely to happen on some of these parcels because of topography.

There was consensus from the Planning Commission to recommend the minimum building footprint only apply to the B1 Downtown Core.

Discussion ensued on extending the timeframe on the expirations to rebuild nonconforming uses in the B1 Downtown Districts that were damaged or destroyed by acts of God. Chair Shay confirmed that we are discussing extending the 6 and 12 months to 12 and 24 months as discussed at the public hearing. Vice-Chair Plaag suggested that if there is to be an increase in the time then there should be a time limitation from the date that the ordinance is passed because the Town would be granting an exception to these areas that are not available to the other zoning districts in the town.

He suggested a timespan of five years for a safety net given the properties most likely affected by this updating and only for a catastrophic event that forces a property owner to rebuild.

Member Warren noted that he was undecided on the five- or ten-year extension period. He said he thought no less than five years, maybe ten years, as a maximum extension period.

Vice-Chair Plaag confirmed that no other zoning district in town enjoys the doubled extension periods being proposed for these specific properties that might be affected because of their change from an R3 to B1 Downtown Interface. Member Behrend said that she agreed that the time should be limited. She said that five years made sense, but we would want to revisit it in five years. She also confirmed that the reason it is being extended is because of the shortage of building supplies.

There was consensus that everyone agreed on the five-year extension period for these properties.

Member Veno asked if there might be feedback from people from other zoning districts on the five-year extension period proposed change. Ms. Shook said she would consult with Ms. Meade on this particular solution. Ms. Shook said the Council could decide to extend the time period to the other zoning districts.

Discussion ensued on rooftop additions to existing commercial block buildings. Ms. Shook read the section from packet page 84 "rooftop additions to existing commercial block buildings". She asked the Planning Commission about removing the term "block" in this section. Vice-Chair Plaag suggested that the term "block" be removed from this section of text. He explained that commercial block buildings are boxy, rectangular, or square, usually two and three-story buildings in Downtown Boone. He said they date from the 1860s through typically the 1950's. He suggested that Ms. Shook also review the Design Standards for the Historic District to see if it is the same language for both. There was consensus from the Planning Commission to recommend this change for both projects.

Ms. Shook next discussed issues for renovations and additions to existing development where the principal structure was not historic and now have facades constructed with nonconforming materials. Ms.

Shook said that there was a concern for the changes to buildings that were less than 50 years old during the public input sessions. She said those building do not get the benefit of using materials that exist on the building though buildings that are older than 50 years do.

Discussion ensued on historical material. Ms. Shook referred to packet page 85 which notes "historical" material found on existing buildings used for the same purpose or location will be found to be acceptable. She said several buildings in the downtown area are one and two-story that are not historic buildings. She said on a historic building, if the historic material was no longer acceptable materials, they could still use those materials because they are found acceptable. She asked how we can ensure that additions or renovations to these non-historic buildings are still architecturally compatible with the existing development.

Ms. Shook talked about a gap in the B1 Downtown Core and the B1 Downtown Interface regarding the materials used on additions and how they relate to the original materials of a building. She noted that there are newer buildings in the B1 Downtown Interface. Vice-Chair Plaag pointed out that for new additions to historical buildings that you don't want your addition to look exactly the same as the historical part of a building because it creates a false sense of historic preservation; you do want there to be a distinction that is compatible.

Vice-Chair Plaag talked about additions to non-historic buildings. He said that you can change things on a building and still meet the material requirements of the district. He pointed out that the issue is what you do with the material that is original to a building rather than the case being whether it is a new addition or new construction.

Vice-Chair Plaag said the other way around these issues is for the property owner to seek a variance for what they would like to propose to their property. Ms. Shook noted that she had mixed feelings on saying that someone could get a variance because variances by nature should be hard to obtain. She added that there should be a particular outstanding reason why the variance should be issued. Vice-Chair Plaag pointed out that he thought part of the challenge in this particular language was applying it to the B1 Downtown Interface. He said the Community Appearance Commission, when drafting this language, tried to mirror many aspects of the historic district standards and extend them to some degree to the B1 Downtown Interface. He said the CAC's intention was not for someone to return with a non-original treatment to a non-historic building simply because it has been on it for 25 years.

After more discussion, the Commission came to a consensus that a section should be added noting that original materials to non-historic buildings can be replaced with original materials that are similar in design, workmanship and composition.

Ms. Shook noted that those were the only text issues that she noted that needed to be discussed unless anyone else had anything to add. The Commission had no other items to discuss and asked if they could take a break and then come back and discuss the Historic District.

At 8:35 p.m., Chair Shay called for a seven-minute break.

At 8:47 p.m., Chair Shay reconvened the meeting.

1st Motion and Vote:

Vice-Chair Plaag made a motion, seconded by Chair Shay, that the proposed amendments to the town's zoning ordinance and zoning map to create the Downtown Boone local Historic District overlay is consistent with the Town's Comprehensive Plan and any other adopted plans(s) of the town that are applicable with the following two amendments

1. Modify the language to indicate that changes to historic landmarks within the historic district conform to the district standards until such time as individual landmark standards are developed.

2. Remove the word "block" from references to commercial block buildings in regard to rooftop additions.

Because the amendments are consistent with:

Comprehensive Plan Policy 2.1.1. Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long-term component of an economic development strategy.
- C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D. Economic Development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites, and infrastructure in appropriately located areas.

Comprehensive Plan Policy 2.3.2. Community Character

- A. The identification, restoration, and active use of structures, buildings, monuments, and neighborhoods of historical or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic, and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural, and archaeological resources in the planning area shall be discouraged.
- E. New development, redevelopment, and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

Comprehensive Plan Policy 2.3.3

- D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.

Comprehensive Plan Policy 2.3.4 Public Involvement

- A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.
- B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.
- C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

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

2nd Motion and Vote:

Vice-Chair Plaag made a motion, seconded by Member Warren, that the Planning Commission recommends approval of the proposed amendments and believes that approval of the text and zoning map amendments to create the Downtown Boone Historic District is reasonable and in the public interest because the proposed Historic District will help to ensure the long term viability and preservation of our Town's Downtown history and architecture, and will provide a cohesive relationship among the resources within the district; because the district will encourage tourism and help ensure the sustained and increased property values of the properties within the district over the long term; and Because it will be beneficial to Downtown businesses over the long term.

Vote: Aye – All

Nay – None

The motion passed.

Discussion then continued on the concerns with the B1 Downtown Interface boundaries. Ms. Shook said at the public hearing and there was some discussion on concerns from property owners regarding their properties being included in the B1 Downtown Interface. Ms. Shook showed a map that had both the existing and proposed properties to be rezoned.

Vice-Chair Plaag noted he had considered the discussion at the public hearing about creating a gateway into Downtown Boone. He said he would be comfortable with the B1 Downtown Interface starting roughly at Old Bristol Road and Hwy 421. Chair Shay agreed with Vice-Chair Plaag.

Discussion ensued regarding the western boundary of the B1 Downtown Interface. Ms. Shook noted that this would be the time to also discuss building height. She noted that standards for height would have to be created if the boundary was not changed.

Discussion ensued as to removing 1395/1397, 1469 and 1520 West King Street from the project area. Chair Shay, Member Behrend, and Member Warren said they supported removing the three properties. Member Veno noted that he supported removing the three properties because they are unsightly properties. Still, he also stated that he agreed with Council Member Sam Furguele that one of the reasons we created the B1 Downtown Interface was to preserve this corridor.

Ms. Shook noted that as the town grows, the town could revisit the need for other districts along the corridor. She suggested that at some point a residential district may want to be included in the area at appropriate locations

Discussion next ensued on the properties on Green Street, Straight Street, and Queen Street. Chair Shay pointed out some of the parcels in the area do not face King Street. She said that if you go up to Green Street to the west, some parcels face Green Street, but some face Queen Street on the north end. Member Veno asked Ms. Shook if any other property owners had contacted her from Green Street other than Mr. Jim Deal. Ms. Shook said that she had received some phone calls from people who had received the adjoining property owner letters. Ms. Shook said the people wanted to know what was going on and how it would affect their properties.

Ms. Shook talked about traffic in the Green Street, Straight Street, and Queen Street areas. She noted that you could see as soon as you leave this multifamily area that you enter a heavily intense residential area on the map. Discussion ensued on potential traffic concerns generated by commercial properties. Member Veno talked about the traffic concern and the fact that only one person at the public hearing opposed the proposed rezoning change for this area. He said he didn't know if the proposed rezoning would be any worse than what it already is in that said area.

Ms. Shook noted that Mr. Brian Williams, Chair of the Community Appearance Commission, had also indicated that he was not opposed to removing some of the properties along Green Street at the Public Hearing.

Vice-Chair Plaag said that Ms. Diane Blanks, who lives on Green Street, voiced her concern at one of the public input sessions. He noted that he believed Ms. Blanks said that it was wrong to let the R3 zoning in that area. She said the damage has already been done, and allowing the proposed rezoning to the B1 Downtown Interface will only make it worse in that area.

Vice-Chair Plaag said knowing the neighborhood's concerns or what could be developed in terms of the B1 Downtown Interface and knowing it could potentially be even more intensive than the R3 that currently exists there, he said he would be inclined to remove certain properties on Green Street and Queen Street from the proposed B1 Downtown Interface.

Vice-Chair Plaag suggested that the following properties remain in the R3 zoning district and not be placed in the B1 Downtown Interface: 135 Straight Street, 130 Green Street, 150 Green Street, 555 Queen Street, and 575 Queen Street. Chair Shay, Member Veno, Member Behrend agreed with Vice-Chair Plaag on his suggestion to remove said properties from the proposed B1 Downtown Interface.

Vice-Chair Plaag pointed out that with the next Council, they might want to examine these same five properties to restore this neighborhood to some degree. He said they might want to look at potentially reverting them to R1A even though they currently have structures on them. He asked Ms. Shook if the Planning Commission could make a recommendation on this topic at this time. Ms. Shook said that the Planning Commission could make a recommendation for further study on it. Vice-Chair Plaag said this topic would be worth exploring at a different time. Member Veno asked Vice-Chair Plaag what would be the benefit of reverting the zoning to R1A. Vice-Chair Plaag said the rezoning would mean that if someone decided to redevelop on one of these parcels and tear down the existing buildings on it, they would have to come back to the town with an R1A compatible development plan. He said this type of plan would essentially put back a single-family residence with accessory apartments. Ms. Shook explained that there are other neighborhoods that have single-family residential homes that are zoned R3 that probably need attention such as Oak Street and Windy Drive.

Discussion ensued on the property on the east of Queen Street between Park Street and Water Street. Chair Shay pointed out that is the property owned by Mr. Dusty Stacy. She said he had a concern for his rental home that is located beside his office. Vice-Chair Plaag confirmed that the Community Appearance Commission had decided not to include Mr. Stacy's office, a residential home, into the B1 Downtown Interface since it was already being used commercially. The house that Mr. Stacy owns to the west of his office is still a residence.

Discussion ensued on the proposed Starbucks site on King Street. Vice-Chair Plaag noted that one person was concerned with the proposed rezoning change and potential traffic congestion that would be added to this area with the proposed Starbucks site. He further stated that, at present, the current zoning allows for the proposed Starbucks drive-through. He also said if the proposed rezoning is passed, the drive-through on a new application would not be permitted. Ms. Shook pointed out that the Planning Staff has already requested and received a Traffic Impact Study for the proposed Starbucks site.

Discussion ensued on the concern at 753 Howard Street. Mr. Mike James, Senior Planner, said that he had spoken to Mr. Potter, who owns 753 Howard Street, and he was concerned that the rezoning would make his property nonconforming. Ms. Shook noted that Mr. Potter's property is currently zoned R3 and that Mr. Potter noted his concerns about commercial development on properties that faced Howard Street and noted he thought his concern was the similar to the concerns heard on the western edge of the project area. Ms. Shook said the rationale for this area was that the commercial redevelopment

opportunities were there, and Howard Street could handle additional traffic if it were already handling residential traffic.

Staff and the Planning Commission reviewed the changes discussed and came up with a list of seven items that they felt needed to be addressed if the projects were to be approved. The Commission noted that they were coming up with conceptual ideas for the most part that Staff would then work out with the Town Attorney and Town Council:

1. Allow existing single-family and two-family dwellings within the project area that are to be rezoned to B1 occupancy of unlimited family and up to 4 unrelated. The exception would end when the property was redeveloped.
2. Allow existing single-family and two-family dwelling within the project area that are to be rezoned to R1A occupancy of unlimited family and up to 4 unrelated. Perhaps specify the addresses in the text.
3. Only require a minimum building footprint for the B1 Downtown Core.
4. Allow an exception to UDO Subsection 7.03.05 to allow uses made nonconforming by a Town-initiated zoning that have been then damaged or destroyed be given 12 months to obtain a permit and 24 months to occupy. This exception is to expire five years from date of adoption.
5. Remove term "block" from Subsection 14.19.04(H)(8)(d)
6. Add language to allow original materials on non-historic buildings to be replaced with original materials similar in design, workmanship and composition.
7. Remove 135 Straight Street, 130 Green Street, 150 Green Street, 150 Green Street, 555 Queen Street, 575 Queen Street, 1395/1397 W. King Street, 1469 W. King Street, and 1520 W. King Street from the project area.

1st Motion and Vote:

Member Veno made a motion, seconded by Member Warren, that the proposed amendment to the town's zoning ordinance and zoning map for the B1 Downtown Expansion project is consistent with the town's comprehensive plan and any other adopted plan(s) of the town that is applicable with the following seven proposed changes:

1. Allow existing single-family and two-family dwellings within the project area that are to be rezoned to B1 occupancy of unlimited family and up to 4 unrelated. The exception would end when the property was redeveloped.
2. Allow existing single-family and two-family dwelling within the project area that are to be rezoned to R1A occupancy of unlimited family and up to 4 unrelated. Perhaps specify the addresses in the text.
3. Only require a minimum building footprint for the B1 Downtown Core.
4. Allow an exception to UDO Subsection 7.03.05 to allow uses made nonconforming by a Town-initiated zoning that have been then damaged or destroyed be given 12 months to obtain a permit and 24 months to occupy. This exception is to expire five years from date of adoption.
5. Remove term "block" from Subsection 14.19.04(H)(8)(d)
6. Add language to allow original materials on non-historic buildings to be replaced with original materials similar in design, workmanship and composition.
7. Remove 135 Straight Street, 130 Green Street, 150 Green Street, 150 Green Street, 555 Queen Street, 575 Queen Street, 1395/1397 W. King Street, 1469 W. King Street, and 1520 W. King Street from the project area.

Because of:

Comprehensive Plan Policy 2.1.1

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
 - D.1. Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.

Comprehensive Plan Policy 2.2.2 Utilities

- E. The Town shall employ incentives to encourage a concentration of intense urban type development with the Urban Growth Area.

Comprehensive Plan Policy 2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
 - A.1 Conduct on-going assessments of critical locations in community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.
 - A.2 Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
 - B.1. Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

Comprehensive Plan Policy 2.3.3 Housing and Neighborhoods

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive highly livable community.
 - A.2. Prepare at least two neighborhood plans, working closely with neighborhood residents, and incorporating the full range of neighborhood issues to include: land use, traffic, housing, neighborhood business services, infrastructure improvements, parks and recreation needs, crime and safety.

Chair Shay made a friendly amendment to also include

Comprehensive Plan Policy 1.1 Overall Objectives

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and “cheap” apartment buildings.

Member Veno and Member Warren accepted the friendly amendment.

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

2nd Motion and Vote:

Chair Shay made a motion, seconded by Member Veno, that the Planning Commission recommends approval of the proposed amendments and believes the approval of the UDO text and zoning map amendments for the B1 Expansion project is reasonable and in the public interest because it provides a tool for orderly and predictable development and redevelopment in the downtown and it strengthens the community's identity as a high country small town.

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

Ms. Shook thanked the Planning Commission for the time the Commission had dedicated to the projects.

Adjournment

Vice-Chair Plaag made a motion to adjourn the meeting at 10:05 p.m. Commission Member Behrend seconded the motion.

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

Elizabeth Shay, Planning Commission Chair

Marlene Crosby, Board Secretary