SPECIAL PLANNING COMMISSION
MEETING MINUTES
WEDNESDAY, DECEMBER 14, 2016
5:30 P.M.

PLANNING COMMISSION MEMBERS: Chairperson Eric Woolridge, Vice-Chairperson Connor Boyle, Caroline Catoe, Matthew Vincent, Jeff Templeton, Elizabeth Shay and Kate Hayes

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

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Call to Order

Chairperson Woolridge called the meeting to order at 5:30 p.m.

Discussion ensued on moving Case 20160566 Farm Bureau Insurance – Conditional District Zoning Map Amendment to after Case 20160735 Beverly Heights/VFW – General Use Zoning Map Amendment.

Adoption of Agenda

Vice-Chairperson Boyle made a motion, seconded by Member Catoe to amend the agenda by moving the Farm Bureau Insurance case to after the Beverly Heights/VFW case.

Vote:

Aye – All
Nay – None

The motion passed.

Approval of Minutes

Ms. Jane Shook, Interim Director of Planning and Inspections noted that the September 19, 2016 Wellness District Workshop meeting minutes were for the review of Planning Commission members and did not need to be voted on for approval.

Member Templeton made a motion, seconded by Vice-Chairperson Boyle to approve the September 26, 2016 Public Hearing minutes with the following changes: Vice-Chairperson Boyle requested a change on page eight in the eighth paragraph to "Vice-Chairperson Boyle said in the Downtown area he would like to promote walkability in the Downtown area". Vice-Chairperson Boyle requested a change on page five in the third paragraph to change the spelling of swell to swale.

Member Templeton requested the following change on page nine in the sixth paragraph in the last sentence to read "He said we cannot look at Davidson, North Carolina and other Towns that don't have similar topographical issues like Boone to model our parking regulations.

Member Templeton requested the following change on page 11 in the second paragraph to read "Planning Commission Member Templeton said if projects like the Rivers Walk project does not get approved, then where are the 360 students per year going to live? He said if the students cannot live inside the Town, and water and sewer is not approved outside of the Town, they are going to live in our neighborhoods".

Vote:

Aye – All
Nay – None

The motion passed.

Vice-Chairperson Boyle made a motion, seconded by Member Vincent to approve the September 26, 2016 Planning Commission meeting minutes as written.

Vote:

Aye – All
Nay – None

The motion passed.

Case 20160735: Beverly Heights/VFW – General Use Zoning Map Amendment

At the request of neighbors, the Town of Boone has initiated a General Use Zoning Map Amendment to apply a "Neighborhood Conservation Overlay District" to 35 properties in the neighborhood off of Beverly Heights Avenue and VFW Drive. Neighborhood Conservation District requirements are intended to ensure that **rental** property owners, managers, and tenants share responsibilities to obey town codes and ordinances adopted to protect property values and to stabilize and maintain a low-density living environment suitable for family life. The establishment of a Neighborhood Conservation District does not change the existing zoning classification of properties within the District, but would impose additional requirements applicable to **rental property only**. Neighborhood Conservation District requirements can be found in Section 14.09 in the Town's Unified Development Ordinance.

Ms. Jane Shook, Interim Director of Planning and Inspections presented this case.

Member Templeton asked if there was any conflict with this case and the other issue of development at the lower end of this neighborhood. Ms. Shook said this question was asked at the public hearing and there is nothing that prevents a rezoning with the property.

Member Templeton asked if the "Neighborhood Conservation Overlay" were to be approved would it affect future development such as we are seeing at the Farm Bureau Insurance location. Ms. Shook said at any point an application can be made to rezone property.

Chairperson Woolridge asked if everyone that is assigned to this district has agreed to the proposed change. Ms. Shook said noted that there has not always been 100 percent agreement in Neighborhood Conservation Districts. She said it is not unheard of to have a disagreement on the NCD's. Ms. Shook said the NCD's were created to use as a tool to protect the occupancy of the residential neighborhoods.

Discussion ensued on the tenants of rental property being required to have a parking sticker for their cars, if they live in a NCD. Ms. Shook said the parking sticker is a tool that allows two stickers per property. She said this process also requires for property owners who do not live within 50 miles of their property to have a local managing agent to contact for issues with the property. She noted property owners living in their homes in the NCD, are not required to have a parking sticker, only tenants.

Discussion ensued on the enforcement of the NCD requirements. Member Templeton asked if this enforcement is complaint driven. Ms. Shook said it is difficult for the Staff to know which properties are rentals. Ms. Shook explained that letters are sent out to the property owners to inform of the NCD statues and requirements.

Member Vincent noted that the NCD process is to help control the occupancy of the rental properties.

Vice-Chairperson Boyle said he thinks these topics should be reviewed as two separate items the rezoning and the NCD process.

Discussion ensued on the feedback from the property owners who were mailed notification letters of the proposed zoning map amendment change, who live within 150 feet of the proposed NCD. Ms. Shook said there was one property owner that had a general concern with this case;

but she did not talk with them directly. She noted that a property owner did express their concerns to a Council member.

First Motion and Vote: Vice-Chair Boyle made a motion, seconded by Member Hayes, 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 it supports the 2006 Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods in that it will ensure the protection of an existing highly livable community.

Vote:

Aye-All
Nay-None

The motion passed.

Second Motion and Vote: Vice-Chair Boyle made a motion, seconded by Member Vincent, that the Planning Commission recommends approval for the following reasons: the proposed amendment will help maintain the quality of life in an established neighborhood and help ensure that any rental unit within the Neighborhood Conservation District have requirements that help maintain a low-density living environment suitable for family life.

Vote:

Aye-All
Nay-None

The motion passed.

Case 20160566: Farm Bureau Insurance – Conditional District Zoning Map Amendment

Hunter Coffey on behalf of Watauga County Farm Bureau Insurance has filed a Planning Permit Application for a Conditional District Zoning Map Amendment to rezone 135 and 169 State Farm Road from B3 General Business and R1 Single-Family Residential to Conditional District B3 General Business subject a site specific development plan for Use 11.19 Other Business or Professional Office.

Chairperson Woolridge asked if there have been any changes to this case since the public hearing. Ms. Shook said no. Member Hayes asked about the property owner of the residence. Vice-Chairperson Boyle explained that it was the wish of the previous property owner for Farm Bureau to purchase the property, if they were interested in buying it.

Vice-Chairperson Boyle noted Section 2.3.3 of the 2006 Comprehensive Plan states encroachment is strongly discouraged in some areas but it can be encouraged in well planned mixed developments.

It was noted that State Farm Road is becoming a commercial corridor and it is difficult to try to stop growth in this area. Member Templeton and Vice-Chairperson Boyle agreed with this information.

Member Vincent said his concern is what might be developed at this location in the future, if Farm Bureau Insurance was to move their business.

Discussion ensued on the residences that have entrances on State Farm Road. It was noted that there are two or three more residential driveways on State Farm Road.

Chairperson Woolridge talked about past cases that were reviewed by the Planning Commission members like the Marriott and the new Watauga High School that were built next to residential neighborhoods and the impact those developments made on the neighborhoods. He said these developments made drastic changes to historic adjacent neighborhoods.

Chairperson Woolridge said it makes it difficult to not support this proposed project because of the location and design of the structure and the type of business that it is. He asked for other perspectives from the Planning Commission members on this proposed project.

Ms. Shook asked the Planning Commission members if they wanted to vote to open public comment. She said there are people present at this meeting that were not at the public hearing that may want to speak on this proposed case. It was noted that at the public hearing, only the public comment portion of the public hearing was closed on this case. It was the consensus of the Commission to open public comment.

The first speaker was Joey Clawson, Chairman of the Farm Bureau Building Committee. He said that the board takes strong pride in working with the community to try to keep it a quiet neighborhood. He said that Farm Bureau Insurance has to move from their current building. He said if they cannot move forward with the proposed project, they will need to sell the property to the highest bidder. He said the highest bidders are fast food restaurants and the neighbors do not want this type of business in this location.

The second speaker was Mr. Hunter Coffey from Coffey Architecture. He said he understands the concerns of the neighborhood. He said that he would argue approval for this proposed project because it could start to set a precedent on future neighborhoods where a business is proposed next to a neighborhood.

The third speaker was Mr. Phillip Bruch, he showed a concern for the possibility of the Farm Bureau Insurance business moving in the future and a different type of business coming into this same location.

Chairperson Woolridge explained the conditional district zoning process for this case and how a future change to a different business would be required to come back before the Public Hearing review process.

The fourth speaker was Mr. Thad Taylor, past-President of Farm Bureau Insurance. He explained that in the current building they are working on two levels which makes it difficult for them to work with their customers. He said in the proposed building, it would improve their ability to work with their customers on one level. He said if the current Farm Bureau Insurance proposal is not approved, it will force them to look at other locations for this business.

Member Shay talked about the things she likes about the proposed project, she said the proposed project does not have an exit into the neighborhood and it is a small scale business that is well designed.

Vice-Chairperson Boyle said he felt that the Planning Commission members could make a recommendation to approve this proposed project because Farm Bureau Insurance has done everything that they can do to minimize any disruption to the adjacent neighborhood. He said that he believes that State Farm Road will become more of a commercial corridor.

Discussion ensued on the landscape buffer. Chairperson Woolridge asked about the hedge row along the parking lot. It was noted that the landscape comments by Mr. Brian Johnson, Urban Design Specialist were noted to protect the adjacent single-family homes.

Discussion ensued on the lighting of the upper parking lot. Mr. Brian Johnson, Urban Design Specialist reviewed the map in the meeting packet and explained what is required in the ordinance for lighting. Mr. Johnson talked about the possibility of needing shields for poles or improvements over what is required in the ordinance. He suggested smaller pedestrian lights or bollards could be used in the upper parking lot depending on the landscape buffer near the upper parking lot. He noted because this parking lot is small that smaller lights could be used. He noted that the ambient lighting cannot be corrected. He noted there needs to be parking lot lighting for safety.

Chairperson Woolridge said that he would be comfortable with the Staff working with the developer as the project progresses to meet the requirements of the ordinance. Mr. Coffey said that he would take into consideration any suggestions for conditions on this proposed project.

Chairperson Woolridge asked about the fencing along the back of the property. Mr. Coffey said there is a fence there and he will work with the neighbor on the location of the fence to allow Mr. Miller to exit the lower driveway. Mr. Coffey said the type of material for the fence has not been determined but it is required to be architecturally compatible.

Vice-Chairperson Boyle asked the applicant to think about the possibility of adding solar panels to the proposed building because this property will receive a lot of sun due to its longitudinal position.

Discussion ensued on the Staff recommendations for this case. Ms. Shook talked about other landscape buffer Staff recommendations that were above and beyond the three Staff recommendations noted in the Staff report. She said that typically there is a 25 foot landscape buffer but the ordinance does not allow for a 15 foot buffer with a fence. She said the Staff asks for the applicant to stay as close to the 25 foot buffer to the extent possible.

Ms. Shook also pointed out the elevation change between the proposed project and the adjacent parcel to the east. She talked about the possibility of putting a berm with a fence on top of the berm to help protect the neighboring property.

Discussion ensued on the location of the berm.

Chairperson Woolridge asked the applicant, if they could agree to a fence on top of the berm. Mr. Coffey said they would take the fencing into consideration.

Mr. Johnson said that a berm could compromise the trees in that area that the Staff had recommended to try to preserve.

Mr. Johnson said that the berm should be considered to try to protect the adjoining property owner.

Discussion ensued on the berm and the parking lot. Mr. Johnson said when you reduce down from a 25 foot buffer to a 15 foot buffer; he said the percentage of plant materials is also reduced. The question then becomes not the width of the buffer but what plant materials that you put in the buffer. He explained that at 25' foot buffer might be better considering the type of topography in this area. He said it would take years to grow the plant materials in the buffer. He noted that in the future the older trees will have to be replaced.

Mr. Johnson suggested planting some type of fast growing trees in the landscape buffer that can hold up to colder climates like some type of evergreens located on the eastern property line.

It was noted that the fence being installed would help with the landscape buffer.

Mr. Coffey explained that the adjoining neighbor, Mr. Miller had a general concern about rezoning and not about the proposed business.

Member Catoe referred to page 11 of the Staff report and said that the proposed project fulfills every aspect of the G2 Neighborhood section and what the Town would like to see for long-term growth.

First Motion and Vote: Member Catoe made a motion, seconded by Vice-Chair Boyle, 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 this property is located in the G2 Urban Neighborhood sector. This property is a neighborhood scaled commercial use. This property would provide an appropriate transition between higher intensity commercial use and existing lower density neighborhoods in alignment with the G2 sector in the Boone 2030 Land Use Plan.

Vote:

Aye-All
Nay-None

The motion passed.

Second Motion and Vote: Chair Woolridge made a motion, seconded by Member Vincent, that the Planning Commission recommend approval including the following conditions for the following reasons: The applicant has demonstrated a site plan in which strong buffers are provided around the property including the preservation of existing tree canopy to the extent possible. The site design moves one of the driveway accesses further up State Farm Road improving traffic at that intersection. The access to the property doesn't interfere with any neighborhood roads and the architecture of the structure is compatible with our area. This special zoning district (conditional district) prevents redevelopment or change-of-use without going back through the public review process and this particular use and the associated hours of operation, we as a Planning Commission deem suitable and appropriate for a transition area between other major commercial uses and corridors and the traditional neighborhoods.

The recommendation of approval includes the following conditions:

1. Where there is a conflict between the application information and the plans (site plans and architectural plans bearing a received date of September 9), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. 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.
3. Final plans and permit applications shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
4. The applicant shall install a hedge row of evergreens along the eastern property line.

Vote:

Aye-All
Nay-None

The motion passed.

Discussion ensued on how many more cases on this agenda to review in this meeting. It was the consensus of the Planning Commission members to stop the meeting by 8:00 p.m.

Case 20160734: Green Street – General Use Zoning Map Amendment

At the request of neighbors, the Town of Boone has initiated a General Use Zoning Map Amendment to rezone 22 properties located along Green Street and Old Bristol Road from "R2 Two-Family Residential" to "R1A Single Family with Accessory Apartment" and "Neighborhood Conservation Overlay District (NCD)".

Note: Neighborhood Conservation District requirements are intended to ensure that **rental** property owners, managers, and tenants share responsibilities to obey town codes and ordinances adopted to protect property values and to stabilize and maintain a low-density living environment suitable for family life. The establishment of a Neighborhood Conservation District does not change the existing zoning classification of properties within the District, but would impose additional requirements applicable to **rental property only**. Neighborhood Conservation District requirements can be found in Section 14.09 in the Town's Unified Development Ordinance. Chairperson Woolridge noted his concern for changing the zoning of the property from R2 to R1A.

Vice-Chairperson Boyle confirmed that R1 and R2 can both be in a NCD. Ms. Shook said that it does not have to be R1 to be subject to a NCD. Ms. Shook explained that eight property owners in this neighborhood signed a petition and gave the petition and requested the R2 properties along Green Street to be rezoned to R1A.

Discussion ensued on the G2 Urban Neighborhood sector and low density residential areas. Member Templeton said the G2 sector is the transitional area between Commercial and Residential areas and this is where duplexes are typically located.

Ms. Shook said there has been some issue with parking and occupancy violations in the said neighborhood. She noted that this area has smaller lots and it is difficult to locate parking spaces. She said therefore the parking is happening in the yards and along the street. Vice-Chairperson Boyle confirmed that the NCD would address the parking and occupancy issues in the neighborhood.

Discussion ensued on the G-2 sector of the Boone 2030 Master Plan. Chairperson Woolridge explained the reason for having zoning districts.

Chairperson Woolridge talked about property owner, Mr. Will Hadaway who owns property with a duplex. Chairperson Woolridge said that he felt we should be very careful, when down zoning someone's property which can change their livelihood and the value of their property in significant ways.

Discussion ensued on the possibility of the duplexes on the smaller lots causing parking issues. It was noted that residential parking is at a minimum. There are some grandfathered uses that may not meet the parking requirements of the ordinance.

Ms. Shook said the concerns of the neighborhood was about fear of more duplexes on the smaller lots in the R1A which would create additional parking and occupancy issues.

Chairperson Woolridge said that if a tenant has been renting a duplex in the R1 zoning district they will be grandfathered and will be allowed to continue to rent there. Ms. Shook said as long as it is a legally created. Chairperson Woolridge said there are non-conforming uses that are operating in this area.

Chairperson Woolridge showed a concern for rezoning one property, he said if the whole neighborhood wants rezoning then so be it.

Discussion ensued on the petition that was signed for this case on the two different zoning districts. Ms. Shook said there were eight property owners that signed the petition for this case.

Member Templeton suggested letting the eight property owners request their own properties to be rezoned.

Member Vincent confirmed that eight out of twenty-two neighbors signed the petition. He asked if the Town heard from the other fourteen or sixteen neighbors. Ms. Shook said she has not heard from anyone other than the neighbors that spoke at the public hearing. She said there were some people that called to ask questions about the rezoning. She said some people thought they could move into this area and it be R1A. Ms. Shook explained that they could not do this. She said one of the people she talked to was at the public hearing for this case and that person supported the proposed change.

Member Vincent asked Ms. Shook if she thought more than half of the neighbors supported the proposed change as far as she knew. He said he didn't know how the zoning could be changed with only half of the neighbors supporting the proposed change. Chairperson Woolridge agreed, when the property is being downzoned.

Ms. Shook confirmed that this is one case but the two different zoning districts can be reviewed individually. She said that you can have one zoning district without the other zoning district because they are different zoning districts.

Discussion ensued on how NCD's are applied and concerns that the NCD could be expanded to include different regulations.

Member Shay asked Ms. Shook what does the rezoning change for the neighborhood. Ms. Shook said the rezoning changes the uses allowed and the intensity as described in the Staff report.

Chairperson Woolridge said there could be a case to keep the zoning district R2. He said the overlay creates a mechanism for a little more accountability.

Member Shay showed a concern for recommending a re-zoning to Council without knowing the thoughts of the other property owners other than the eight property owners on the petition. It was noted that the rest of the Planning Commission members were in agreement with Member Shay on this subject.

NOTE: The Planning Commission voted on the rezoning of the area from R2 to R1A separately from the application of the Neighborhood Conservation District overlay. Please see the following two (2) sets of motions for this case.

First Motion and Vote (Request to rezone from R2 to R1A): Member Catoe made a motion, seconded by Vice-Chair Boyle, that the proposed amendment to the Town's zoning map of rezoning these properties from R2 to R1A is not consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to the application because the properties are located between B3 and R1A and provide a transition from higher commercial uses to lower density neighborhoods and the Planning Commission is concerned with the change without the express approval and consent of the majority of property owners within the proposed district; furthermore the character of the neighborhood is more intensely used than the R1A zoning district would allow and the Planning Commission would like to be cautious when down-zoning.

Vote:

Aye-All
Nay-None

The motion passed.

Second Motion and Vote: Vice-Chair Boyle made a motion, seconded by Member Shay, that the Planning Commission recommends denial for the reasons stated in the first motion.

Vote:

Aye-All
Nay-None

The motion passed.

First Motion and Vote (Application of Neighborhood Conservation District): Chair Woolridge made a motion, seconded by Vice-Chair Boyle, that the proposed amendment (Neighborhood Conservation District) to the Town's zoning map consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because it provides accountability to both landlords and tenants that either own or live adjacent to a traditional Boone neighborhood.

Vote:

Aye-All

Nay-None

The motion passed.

Second Motion and Vote: Chair Woolridge made a motion, seconded by Vice-Chair Boyle, that the Planning Commission recommend approval of the Neighborhood Conservation for the reason described in the first motion.

Vote:

Aye-All
Nay-None

The motion passes.

Case 20160742: Neighborhood Conservation District – UDO Text Amendment

Request to amend Section 14.09 to change how Neighborhood Conservations Districts are referenced in the UDO. The purpose of the proposed text change would allow Council to create additional NCD's without amending the UDO each time a zoning map amendment occurred.

Ms. Shook presented this case.

First Motion and Vote: Chair Woolridge made a motion, seconded by Member Shay, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because it provides for a more streamlined process to make map amendments associated with Neighborhood Conservation Districts.

Vote:

Aye-All
Nay-None

The motion passed.

Second Motion and Vote: Chair Woolridge made a motion, seconded by Member Hayes, that the Planning Commission recommend approval for the reason described in the first motion.

Vote:

Aye-All
Nay-None

The motion passed.

Case 20160751: Modifications to UDO Articles 15 and 16 – UDO Text Amendment

At the November 15, 2016 Planning Retreat, Council directed that modifications to the UDO be made in regards to intensity and use within UDO Article 15 District Uses and UDO Article 16

District Standards. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Discussion ensued on tabling this case until the next scheduled Planning Commission meeting in January 2017 until more direction and discussion can be done on it. Chairperson Woolridge asked it would be feasible for there to be a meeting with the Town Manager and someone from Council and the Chairperson and Vice-Chairperson of the Planning Commission before the next Planning Commission meeting to discuss the Wellness District. Ms. Shook explained that is may not be feasible to have a meeting of this type because the entire Planning Commission would not be attending the meeting. Ms. Shook said she could talk to the Town Manager about the Planning Commissions' concerns regarding the Wellness District case.

Motion and Vote:
Member Templeton made a motion, seconded by Member Vincent to table this case to the next January 2017 Planning Commission meeting.

Vote:

Aye – All
Nay – None

The motion passed.

Other Topics by Board Members or Staff
There were no other topics discussed at this meeting.

Adjournment
Chairperson Woolridge made a motion, seconded by Member Templeton to adjourn the meeting at 7:35 p.m.

Vote:

Aye – All
Nay – None
The motion passed.

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Eric Woolridge, Chairperson Marlene Crosby, Board Secretary