MINUTES – WORKSHOP/RETREAT
BOONE TOWN COUNCIL
January 8, 2018

CALL TO ORDER

Town Council members in attendance: Mayor Rennie Brantz, Loretta Clawson, Connie Ulmer, Sam Furgiuele, Marshall Ashcraft, and Lynne Mason (arrived at 8:34 a.m.)

Planning Staff in attendance: Jane Shook, Brian Johnson, Christy Turner, Marty Little, Stacey Miller, and Brenda Henson

Other Town Staff in attendance: John Ward-Town Manager

Others in attendance: Allison Meade-Town Attorney, Phil Trew-Facilitator, and Anna Oakes-Media

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Mayor Brantz called the Planning Retreat to order at 8:31 a.m. Everyone in attendance introduced themselves.

TENTATIVE AGENDA ADOPTION

MOTION

Council Member Clawson made a motion to adopt the agenda as presented. The motion was seconded by Council Member Furgiuele.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Loretta Clawson, Mayor Pro-Tem
SECONDER:	Sam Furgiuele, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

PLANNING AND INSPECTIONS OVERVIEW

Mr. Trew asked Ms. Shook to present Planning & Inspections current projects.

Ms. Shook began with a brief overview of the organization of the department, various programs, board support offered, permit numbers, and enforcement actions. Ms. Shook stated that code enforcement, which was now being performed by the building inspectors, was no longer just complaint driven due to the fact that Town Council had requested more proactive enforcement at the last Planning Retreat.

Council Member Furgiuele asked why Town Council provided a directive to be more proactive. Ms. Shook felt it might have been because Council wanted potential issues handled in a more timely manner. Council Member Mason stated she was at the last Planning Retreat and explained Council's reasoning for proactive enforcement was because members of the public were somewhat confused by the complaint process or they did not want to file a complaint due to fear of retaliation. Council Member Furgiuele expressed concern that being proactive would turn Planning & Inspections into a police force. Council Member Mason added that occupancy and signs were Council's main concern. Council Member Furgiuele questioned the attitude change of Town Council from complaint driven to proactive enforcement, adding that he knew of some visible violations that did not change the character of a neighborhood.

Council Member Furgiuele mentioned sandwich board signs, noting that, although they are not allowed, there are a lot of them on King Street. Ms. Shook stated that sign enforcement had increased outside of the B1 zoning district. Council Member Furgiuele expressed concern over uneven enforcement.

Council Member Furgiuele asked why Planning & Inspections staffed the Sustainability Committee. Mr. Ward replied that this board was assigned to Planning & Inspections by Town Council.

Ms. Shook stated there were a high number of condemnations in 2017 due to the condemnation of numerous

apartment units that sustained flood damage. Council Member Furgiuele asked if the landlords that violated the Town Code by not notifying their tenants they were renting in a flood hazard area had been put in violation. Ms. Shook replied there is currently one property owner that has been placed in violation. Mr. Johnson stated that tenant notification by property owners is required by Town Code and Planning & Inspections tries to send out a letter to the affected property owners once a year letting them know of the requirement to notify their tenants they are renting in a flood hazard area. Mr. Johnson added this was a very expensive mailing, costing about $800.

CURRENT PROJECTS

Wellness District

Ms. Shook provided the following overview on the Wellness District:
-The Wellness District Small Area Plan was adopted in August, 2015.
-The Wellness District standards were adopted into the UDO in 2016.
-The Beaver College of Health Sciences was rezoned as Wellness District in 2016.
-Clemson University held charrettes in 2017 and the town is now waiting on a final work product.

Mayor Brantz asked if there was a timeframe for the town to receive Clemson's work product. Ms. Shook replied she believed it might be complete but has not received the product and would check on the status.

Council Member Furgiuele asked about a potential roundabout at State Farm Road and Deerfield Road. Mr. Ward explained that the hospital's parking deck entrance would likely not accommodate a roundabout but that it was under review by NCDOT.

Council Member Furgiuele expressed concern with the Health Sciences building being located in a flood hazard area. Mr. Johnson stated that new flood mapping was scheduled for 2018 which could change currently drawn flood lines. Mr. Johnson added that he had compared an aerial video of the recent flooding to the current 100 year flood map and the lines seemed pretty accurate.

Downtown

Ms. Shook stated the Community Appearance Commission and Historic Preservation Commission met with Town Council in December to discuss the Downtown Historic Core, Downtown Interface Area, and Downtown Design Guidelines in order to get everyone on the same page. Council Member Ashcroft asked if the Downtown Boone Development Association was participating. Ms. Shook replied that they had been invited to participate. Council Member Furgiuele felt there should be one downtown with one downtown boundary.

Mr. Ward stated that the formation of a historic district would require funding to cover legal fees and the cost of having meetings at night. Mayor Brantz noted that it would open up the possibility of grants.

Council Member Furgiuele mentioned the small size of some committees which require only 2-4 members for a quorum and expressed concern that small committees were making decisions that affected the whole town. Council Member Mason stated is was a challenge for committees to obtain quorum at times. Council Member Furgiuele suggested the possibility of having less freestanding committees and more ad hoc committees tasked with accomplishing one goal. He was also concerned that having Town Council members on committees caused people to think those Council/committee members were speaking on behalf of the entire Council.

Council Member Clawson felt the Historic Preservation Commission was a very important committee and suggested opening up the HPC meetings to allow Town Council members to attend. Mr. Ward noted the importance of the Board of Adjustment and suggested Council members be allowed to attend these meetings, if that was the direction they wished to go.

Council Member Furgiuele suggested having another joint meeting with the Community Appearance Commission, Historic Preservation Commission, and Town Council in order to bring the new Council members up to speed. Mr. Johnson added that the Community Appearance Commission would like some direction from

Town Council.

Signs

Ms. Shook asked Mr. Little to present his work on signs. Mr. Little cited the 2015 lawsuit Reed v. Town of Gilbert where the Supreme Court ruled that the Town of Gilbert's content-based, non-commercial temporary sign code was unconstitutional. The following options for compliance were presented:
-Option 1: Deregulate non-commercial temporary signs (would allow temporary non-commercial signs for any amount of time as long as they do not encroach into the PROW)
-Option 2: Prohibit all forms of non-commercial temporary signs
-Option 3: Allow non-commercial temporary signs via sign permit and enforce # of sign and duration with stickers
-Option 4: Regulate non-commercial temporary signs based on sign type & material

Council Member Ashcroft suggested a time limit for signs. Council Member Furgiuele suggested prohibiting all off-premise signs noting that, with social media, this may not have as much of a negative effect as it would have in the past. Council Member Mason felt that people still rely on signs for direction to events and did not want to see community event signs become prohibited. Mr. Ward noted that Public Works picks up a lot of signs that clog storm drains. Council Member Furgiuele felt the town should allow on-premise signs only. Ms. Meade replied that, while that would be the cleanest stance to take, it had issues. Mayor Brantz asked which option Planning & Inspections preferred. Ms. Shook replied that the cleanest would be the easiest. Council Member Mason expressed concern about how this would affect non-profit organizations who rely on signage to promote fund-raising events. Council Member Furgiuele suggested allowing banners to be placed at certain intersections on a reserved, limited basis. Ms. Meade noted that all 4 options presented would be incompliance but Town Council needed to decide which option would be best for the Town. Council Member Furgiuele suggested allowing temporary signs on-premises with a duration limit and banners by reservation but there needed to be clarity about differentiating between commercial and non-commercial. Council Member Ashcraft felt it seemed to be the consensus of Council to eliminate Option 1.

Sidewalk (A-Frame) signs were discussed. Mr. Ward noted that these signs were currently not allowed but the Downtown Boone Development Association would like to have them be allowed downtown. Ms. Shook asked if the signs should require an encroachment agreement or be on-premise only. Council Member Furgiuele felt an encroachment agreement should be required to assume liability if the sign was placed on the public sidewalk with one sign allowed per storefront and a sidewalk limit maintained.

Ms. Shook noted there was currently no regulation for specific placement of attached wall signs if a business was located at the rear of a building and wanted to put a sign on the front façade. It was the general consensus this should be allowed.

Directory signs were discussed. It was noted that only one directory sign was allowed at shopping centers or malls, even if they have multiple entrances. Council Member Furgiuele felt that smaller directory signs should be allowed at primary entrances to shopping centers or malls. He added that the UDO needed to address topography when considering freestanding signs.

Ms. Shook stated that language regarding lighting standards needed to be updated to address current issues.

Ms. Shook noted that sign removal is currently not allowed. After some discussion, it was the general consensus of Council to allow staff to remove signs, hold them, charge a fee if someone wants to pick them up, then dispose of the signs after 30 days.

Mayor Brantz called for a break from 10:51 a.m. until 11:02 a.m.

Wireless Transsmission Facilities

Ms. Shook noted that, due to state law changes, the UDO would need to be amended to comply with new

regulations for small-cell wireless and micro-wireless facilities.

Culverts

Ms. Shook stated that text was being prepared regarding further regulations and restrictions on the use of culverts. She suggested these requirements be located in UDO Article 21 Stormwater Management or created a new UDO Article 32 under Natural Resources.

Council Member Furgiuele felt there should be time limitations in order to eliminate abandonment of projects and that a bond should be required for soil erosion compliance.

Bees

Ms. Shook stated UDO language regarding bees would be placed on the February Public Hearing agenda. Ms. Meade added that this language was required by state law. Mr. Ward stated that the Town was attempting to be recognized as a "Bee City" by increasing its bee habitations.

HOUSING STUDY UPDATE

Mr. Little presented a 2018 Housing Study.

Council Member Furgiuele asked if Planning and Inspections could get a breakdown of occupancy numbers for R1. He also asked if the Village of Meadowview could provide an annual report regarding the occupancy of their affordable housing units. Council Member Furgiuele felt that rent costs for apartments was driven by the market.

Inclusionary zoning was mentioned. Ms. Meade stated that inclusionary zoning did not have documented success.

Lunch break was taken from 12:03 a.m. until 12:23 p.m.

MIXED-USE DISCUSSION

Ms. Shook stated that mixed-use developments were currently allowed in the B1, B2, and B3 zoning districts and asked Council to consider where they would like to have multi-family developments located. She mentioned parking, setbacks of buildings, and the lack of commercial tenants.

Council Member Furgiuele stated he did not like having buildings up at the property line. He expressed concern that the mixed-use standards would be gutted in order to accommodate the desires of developers. Ms. Shook replied there was no intent to gut the mixed-use standards.

Council Member Ashcraft felt there was a need to protect the B1 but felt there could be more flexibility in the B2 and B3. He also felt it was important to maintain appropriate building heights.

Council Member Mason stressed having student housing close to the university. She also stated that if business space was taken over by residential then there would be no place for businesses to go.

Ms. Shook noted that UDO Section 15.11 presented a difficulty in the balance of commercial versus residential in order to make a project work for single-use buildings.

Council Member Mason stated she liked the mixed-use concept but felt the regulations failed when it came to parking requirements.

Council Member Ulmer stated the commercial part of mixed-use buildings was empty and felt that mixed-use buildings did not look like Boone.

Council Member Ashcroft felt the biggest concerns were height and setbacks.

Council Member Furgiuele noted that the 2030 Master Land Use Plan was done when the town still had the ETJ and the town can no longer use the ETJ as a balance for development in town. He stated he was against reducing commercial space, was for increasing setbacks, and would like to see adequate parking with a 100% parking requirement for residential. Council Member Clawson agreed there should be a 100% parking requirement for residential.

Council Member Furgiuele felt there should be an immediate text amendment to require setbacks. Ms. Shook replied that a text amendment could be prepared for the February Town Council meeting.

Council Member Mason questioned if 5 stories were too much for Boone.

Council Member Furgiuele stated he did not like the step back height requirements. Ms. Shook replied that modifications to height requirements could also be presented at the February Town Council meeting.

Council Member Furgiuele asked if the Community Appearance Commission could revisit the required features as well as limiting the length of buildings. Mr. Johnson noted that having buildings pulled up to the property line reduced green space along the corridor. Council Member Furgiuele also felt buildings should be reduced to 4 stories in the B3.

Ms. Shook felt the general consensus of Council was to work on the following:

-February Town Council
- -text to setback entire building from street
- -text to remove interior setback for mixed-use in UDO Section 15.11
- -text to address height requirements

-March or April Town Council
- -gather and present more information regarding parking requirements

PLANNED DEVELOPMENT PROCESS

Council Member Furgiuele felt the Planned Development process should be repealed. He stated it basically allowed development without meeting any kind of UDO regulations and creates a one of a kind zoning district. Council Member Furgiuele thought the neighborhood meetings were not productive and stated that developers had no real interest in meeting neighborhood concerns or desires. He also felt that results of neighborhood meetings were often misrepresented to Town Council.

Council Member Clawson stated the PD process was a disaster and did not work.

Mayor Brantz thought it was a good idea at first and liked the sound of neighborhood meetings. He questioned if getting rid of Planned Developments would fix the problem.

Ms. Shook noted that the Affordable Housing Task Force was looking at using the PD process for single family and duplex projects.

Council Member Furgiuele stated this topic could be revisited later but would like to have the PD process repealed now so that more disastrous development did not occur.

Council Member Clawson felt the Planned Development process had been used to circumvent underlying UDO requirements. She was in favor of the requirement that a property must be at least 3 acres in order to apply for a Planned Development. Council Member Furgiuele spoke in opposition of that requirement because someone could buy a parcel, tear down the buildings, and rebuild.

Council Member Ashcraft agreed with a repeal but would like to hear any suggestions from staff.

Council Member Mason suggested that the town facilitate neighborhood meetings.

Council Member Furgiuele felt that the town needed to start all over on the PD process.

Mayor Brantz called for action on this request.

MOTION

Council Member Furgiuele made a motion to send the repeal of the Planned Development process to the February Public Hearing. The motion was seconded by Council Member Clawson.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

B1 OVERLAY DISTRICT

Council Member Furgiuele felt that incentive had been created for tearing down old buildings when the town increased allowable building heights in the B1. He suggested a Special Use or Conditional District process be required if someone wanted to tear down a building and build taller, unless their building was destroyed by means beyond their control. Council Member Furgiuele suggested this be done through an overlay district for the Municipal Service District.

Mayor Brantz and Council Member Clawson agreed that the MSD would be a good location for an overlay.

Council Member Mason expressed concern about excluding buildings from the SUP or CD process that had been destroyed by natural disaster.

Ms. Shook stated it would be easier if this overlay was for all B1 zoned properties and not just for properties located within the MSD. Ms. Meade noted that if this were to be synonymous with B1 then the B1 requirements would just need to be amended and no overlay would be required.

Council Member Furgiuele amended his request to state if a building was destroyed or torn down (voluntary or involuntary) the property owner must get a Special Use Permit or a Conditional District approval to rebuild to anything other than what was originally there.

Ms. Shook noted that UDO Section 15.11.02(D) required all new buildings built in the B1 to be 2 stories if they were mixed-use.

MOTION

Council Member Furgiuele made a motion to create an amendment to B1 which requires that anyone who replaces a building with a taller building must go through the Conditional District zoning process and modify the language in UDO Section 15.11.02(D) to make clear that the requirement that any new mixed-use building in the B1 be 2 stories that only applies on lots that are currently empty as of the adoption of the regulation or as allowed by the Conditional District process. The motion was seconded by Council Member Clawson. Council Member Mason stated the town was not incentivizing renovations of existing buildings by charging permit fees that cost more for renovations than new construction.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

Continued Discussion

Ms. Shook asked for the time frame for this request. Council Member Furgiuele felt it should be as soon as possible and requested draft text be presented at the February Town Council meeting.

REDUCE HEIGHTS IN B1

Council Member Furgiuele felt building height limitations were too high in the B1 and suggested height limitations of 35' and 3 stories.

Mr. Johnson provided photos showing height measurements of some of the buildings downtown.

There was discussion of whether or not to include parapets and elevator shafts in the 35' height limit and it was felt these items should be excluded from the 35' limit.

Council Member Mason expressed concern with the height of the proposed addition to the Appalachian Theatre and how the 35' height limitation would affect those plans.

Council Member Ashcraft asked what a reasonable height for 3 stories would be and expressed concern about the effect of this height limitation on the Appalachian Theatre building plans. Council Member Ashcraft mentioned the stepdown of buildings and stated he was not as concerned with being so stringent on the height requirements for Howard Street. Mr. Johnson stated that stepping a building down provided less of a massing effect.

Council Member Furgiuele asked that staff study this again with the idea that we do not want to create incentives for replacing buildings in the B1 district and that any new construction should be sympathetic to the existing buildings. Council Member Mason suggested discussing this topic at a joint meeting with the Community Appearance Commission.

MOTION

Council Member Furgiuele made a motion that staff provide information on reducing building heights so that 3 stories was feasible and provide recommendations on how to step the buildings back so you would end up no higher than 35' on Howard Street as well as King Street and then discuss this information at a joint meeting with the Community Appearance Commission. The motion was seconded by Council Member Clawson.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

IDENTIFY VACANT R3 & R4 PARCELS

Mayor Brantz called a break from 3:13 p.m. until 3:24 p.m.

Council Member Furgiuele asked that staff provide Town Council with all undeveloped R3 and R4 properties and their surrounding uses. Ms. Shook asked for some parameters. Council Member Furgiuele requested parcels that had not been developed with multi-family. Ms. Shook replied that it would take a while to put this information together and could likely have a presentation ready by May.

MOTION

Council Member Furgiuele made a motion that staff prepare an analysis of vacant R3 and R4 properties and their surrounding uses to present to Town Council in May. The motion was seconded by Council Member Mason.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

CREATION OF NEW RESIDENTIAL DISTRICT FOR COTTAGE/TINY HOUSING

Council Member Furgiuele felt a new zoning district should be created for cottage housing and tiny homes. This zoning district (R5) could be used as a transition between high and low density areas and would provide more diverse and affordable housing. Council Member Furgiuele suggested this be done as condos or a subdivision in order to increase the changes of diverse ownership.

Council Member Mason thought this was a good proposal.

Mr. Ward warned Council members to be cautious about container housing when considering tiny homes. Council Member Furgiuele replied this would be for smaller cottage homes and not container housing.

MOTION

Council Member Furgiuele made a motion that staff prepare a proposal to present to Town Council in May or June regarding the creation of a new R5 zoning district for cottage housing and tiny homes. The motion was seconded by Council Member Clawson.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

BOONE 2030 LAND USE PLAN

Council Member Furgiuele expressed concern with the way the 2030 Plan was structured and felt the priority list was not accurate. He stated the 2030 Plan was adopted and based upon the Town's authority over the ETJ and when that authority was removed it affected the Plan. Council Member Furgiuele explained that the 2030 Plan promoted higher density in the valley floor but felt this was no longer valid with the loss of the ETJ. Council Member Furgiuele felt the town was not ready to move forward with the merger of the 2030 Plan with the Comprehensive Plan.

Council Member Ulmer stated she did read through the 2030 Land Use Plan but did not understand it.

Mayor Brantz noted that Mr. Trew with the High Country Council of Governments has been working on the merger of the 2030 Plan and the Comprehensive Plan. He asked if there would be unintended consequences to repealing the 2030 Land Use Plan.

Council Member Furgiuele replied that there may be some unintended consequences but was worried about the proposals for development that could proceed under the 2030 Plan. Council Member Furgiuele felt there were some good things in the Plan.

Council Member Mason replied that a large part of the 2030 Plan was relevant and set goals outlining where the town wanted to go. She felt that, instead of getting rid of the entire document, they should note the areas that were

not as good and modify them.

Council Member Furgiuele completely agreed there were some good parts in the Plan but felt developers were using the Plan as a guiding document to get their projects approved.

Council Member Ashcroft asked if a more favorable outlook was given to projects who met the goals of the 2030 Plan. Ms. Meade replied that state law did place weight on guiding documents and felt Council Member Furgiuele might be justified in his concerns that the 2030 Plan could allow development that the Town did not want.

Ms. Meade questioned the effect on staff's analysis of projects without the 2030 Plan. Ms. Shook replied that the 2030 Plan was a guiding document that was used when preparing staff reports.

Council Member Mason stated she had used the 2030 Land Use Plan to turn down projects and much as she had used it to approve projects.

Council Member Furgiuele stated he was for retaining and incorporating the best parts of both documents into one Comprehensive Plan but the town should not have a plan that provides the basis for a decision that could create a lawsuit. He felt the 2030 Plan should be repealed until the merger is complete.

Council Member Mason felt the 2030 Plan provided a broader vision of what the town wanted.

Ms. Shook explained that, due to the amount of public input that was provided during the adoption of the 2030 Land Use Plan, no significant deviations were planned for the merger.

Council Member Furgiuele stated that the 2030 Plan described a town that no longer existed due to the loss of the ETJ and felt the town was taking a legal risk by keeping the document on the table.

Council Member Ashcraft asked if the town would be losing anything in the planning aspect by repealing the Plan. Ms. Shook replied that the framework plan and focus areas would be lost but noted that staff had reviewed projects in the past without the 2030 Plan and could do it again.

MOTION

Council Member Furgiuele made a motion to repeal the 2030 Land Use Plan and present this repeal at Public Hearing if necessary or as soon as possible to Town Council if a Public Hearing is not necessary. The motion was seconded by Council Member Clawson. Council Member Mason wished to amend the motion to add that, if the Comprehensive Plan merger was adopted, the good portions of the current 2030 Plan be incorporated. Council Member Furgiuele and Council Member Clawson agreed to the amendment. Ms. Meade questioned repealing a document that had so much public input in the beginning without providing an opportunity for public input now. Council Member Clawson agreed with others to public comment on the 2030 repeal. This seemed agreeable to the Council and should be sent to the February Town Council meeting.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

URBAN FORESTRY MASTER MANAGEMENT PLAN AND DOWNTOWN PLANS

Council Member Furgiuele stated the Master Tree Plan needed to be revised in light of the removal of the ETJ.

Mr. Johnson noted that the tree canopy study was based only on the town limits and did not include the ETJ. He felt the town did need a revised tree canopy study as one was recommended every 8-10 years.

Council Member Furgiuele felt there should be more street trees, increased plantings, and more bulb-outs.

Mr. Ward noted the town was in the process of applying for a new Urban Forestry Grant. Mr. Johnson added that the current Master Tree Plan was done partially through an Urban Forestry Grant.

Ms. Shook stated that the Downtown Tree Plan was not an adopted plan but was used as a guiding document.

MOTION

Council Member Furgiuele made a motion that staff study the feasibility and cost of a revision of the Master Tree Plan and Downtown Streetscape Plan and repeat the tree canopy study every 8-10 years. Mr. Johnson stated this could probably be done in-house but could pose some budgetary needs. The motion was seconded by Council Member Ulmer.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Connie Ulmer, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

Additional Comments

Mr. Johnson added that this was the Town's 25th year being recognized as a Tree City USA.

SPECULATIVE GRADING

Council Member Furgiuele stated that, in the past, there have been applications for development that allowed clear-cutting of the property and then the development was never built. He suggested binding a developer to the original plan for at least five years after permit approval unless, through a quasi-judicial proceeding, it is established that the failure to proceed with the original plan was due to circumstances beyond the developer's control.

Ms. Meade stated she would need to make sure this was lawful.

Ms. Shook suggested that requiring an erosion control bond might be helpful in deterring speculative grading.

MOTION

Council Member Furgiuele made a motion that the Town attorney and Planning staff consult and bring back proposals to Town Council in May regarding solutions to speculative grading. The motion was seconded by Council Member Ulmer.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Connie Ulmer, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

TRANSITIONAL ZONES

Council Member Furgiuele suggested that all transitional zones be doubled in order to allow more citizens to be aware of potentially adverse development and give them the opportunity to voice their opinions. He noted that currently the smallest transitional zone was 50' and the largest was 300'.

After some discussion, Council Member Furgiuele stated that doubling the size of all transitional zones might be too much but they should be increased.

Council Member Clawson felt that 50' transitional zone was too small.

Council Member Furgiuele stated he would like to see a map of the transitional zones but, for the sake of time, requested that this item be tabled for now.

PUBLIC ADVOCATE POSITION

Council Member Furgiuele noted that state law had made it increasingly difficult for citizens to successfully oppose unwanted development because they were not considered experts. He felt the Town should provide citizens with a way to have their concerns heard in order to provide a balanced view of proposed projects. Council Member Furgiuele suggested that the Town hire a position or consultant to act as a public advocate.

Mr. Ward asked which cases would need the public advocate. Council Member Furgiuele suggested that all cases going before the Board of Adjustment be evaluated by the advocate.

Ms. Meade asked who this person would report to and suggested maybe the Town could just provide more information to citizens about how to testify. Council Member Furgiuele suggested this position be a consultant.

Ms. Shook asked how the consultant would interact and what would you send them to review and at what point. She added that other towns require the applicant to pay the town for studies such as Traffic Impact Analyses and then town then hires someone to perform the study.

Council Member Furgiuele asked that everyone think about this idea and talk about it again at a later date.

Mayor Brantz felt this was a valuable idea that needed further discussion.

Mr. Ward stated after the budget hearing they would be able to better see where this item would fall on the priority list.

Ms. Meade also suggested providing property owners with earlier notification of hearings and more details of the requests.

SETBACKS

This agenda item was discussed previously.

RECAP, PRIORITIES AND DIRECTION

February Council Meeting

1. Present draft text removing setback exemptions for mixed-use in 15.11
2. Present draft text clarifying how a building must be "setback" in its entirety to meet secondary height; ensure that it is clear that the building is not to be "stepped back" in height
3. Present draft text to prohibit replacement of buildings in the B1 with a building of higher height without CD rezoning; amend Subsection 15.11.02(D) to only apply to vacant land as of the date of adoption of regulation
4. Repeal Boone 2030 Plan

February Public Hearing

1. Present text amendment to repeal the Planned Development process
2. Present text amendment to bring Town into compliance with NC General Statutes on bees

March Council Meeting

1. Present text/research regarding building height (reduce to 4 stories and/or formula based upon lot size)
2. Present research on building heights in the B1: including height study of the area, exceptions from height, what is the maximum height necessary for a 3 story building, mechanism to measure height with multiple street frontages

April Council Meeting

1. Present text/research for revisions to parking for multi-family (tiered system based upon distance from Campus)
2. Present text/research for restrictions on speculative grading (maybe May depending on work load)

May or June Council Meeting

1. Present research on the identification of R3 & R4 properties not currently developed as multi-family. Report to include existing use and zoning of adjacent properties.
2. Present research/text on a new residential zoning district for small/cottage housing (higher density for single-family homes (Use 1.01))

As soon as feasible:

1. Present information on what it would involve (cost, time, etc.) to revise tree related plans
2. Complete & present text to bring Wireless Transmission Facility standards into to compliance with state law
3. Complete & present text amendment for Article 26 Signs (allow sandwich board signs with regulations for encroachments onto public sidewalks, windproof, one per storefront entrance; allow additional smaller scale directory signs at entrances to shopping centers; proposed new lighting regulations; text to allow temporary sign enforcement with a fee for collection; determine if we can really differentiate between commercial and non-commercial signage.
4. Complete and present text to further restrict the use of culverts
5. Present policy to start collecting sediment control security bond in accordance with UDO requirements

Other Topics for further discussion:

Increase in transitional zones conversations
Wellness District
Downtown Design w/ CAC/HPC
Public Advocate position

ADJOURNMENT

MOTION

Council Member Clawson made a motion to adjourn the Planning Retreat at 5:49 p.m. The motion was seconded by Council Member Ulmer.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Loretta Clawson, Mayor Pro-Tem
SECONDER:	Connie Ulmer, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

Brenda Henson, Admin. Support Specialist

Rennie Brantz, Mayor