TOWN OF BOONE
QUARTERLY PUBLIC HEARING
FEBRUARY 2, 2015
5:30 P.M.

TOWN COUNCIL MEMBERS PRESENT:
Mayor Andy Ball, Mayor-Pro Tem Rennie Brantz, Lynne Mason, Jennifer Pena and Quint David

PLANNING COMMISSION MEMBERS PRESENT:
Chairperson Eric Woolridge, and Vice-Chairperson Greg Simmons, Max Wlodarczak, Susan McCracken, Tom Jamison, Jeff Templeton, Cameron Lippard, Frank Bolick, Jon Tate, Matthew Long and Connor Boyle.

STAFF PRESENT: Bill Bailey-Director of Planning and Inspections, Jane Shook-Development Coordinator and Marlene Crosby-Board Secretary

OTHERS PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

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CALL TO ORDER

Mayor Ball called the hearing to order at 5:30 p.m. and turned the meeting over to Mr. Bill Bailey, Director of Planning & Inspections.

CASE20150025 TOWN OF BOONE – GENERAL USE MAP AMENDMENT

The Town of Boone has filed a General Use Map Amendment for 122 Moretz Street, 150 Clay House Drive and five vacant parcels (Watauga County PIN's: 2900-69-9070-000, 2900-79-0308-000, 2900-69-8483-000, 2900-69-6458-000, 2900-69-4353-000). The request is to rezone these properties from R1 Single Family to B1 Central Business.

Mr. Bill Bailey, Director of Planning and Inspections presented this case as outlined in the meeting packet. Mr. Bailey said that the staff recommended the B-1 zoning district for this case and referred to the Table of Permissible Uses found in the staff report.

Mayor Pro-Tem Brantz asked about the deed restrictions and the contact with the neighbors. Mr. Bailey said explained what happens on the property will be restricted by the deed. Mr. Bailey said the analysis for the property was forwarded to the Town Attorney. Ms. Jane Shook, Development Coordinator gave the information she had on the contacting of the neighbors.

Council Member David asked the Staff how the rezoning will impact the River's Walk property and the B-1 zoned properties beside the park. Mr. Bailey said that the River's Walk property is subject to transitional zones whether it is through the conditional district process through the Council or through the Board of Adjustment process. Mr. Bailey explained further what happens with the zoning change. Council Member David asked if the applicant rezoned the property would they have to come back before the Council. Mr. Bailey said based on what he has seen, it would be permitted uses. Mr. Bailey said that they have two variances which allow them a little more flexibility. Mr. Bailey talked about the height limitations in the B-1 zoning district. Mr.

Bailey said the applicant applied for a variance for the building footprint and he explained the change in building height.

Commission Member Templeton asked what the reason was for the rezoning of this property. Mr. Bailey explained reasons for rezoning and the restrictions in the R-1 zoning district. Mr. Bailey said the developers of the River's Walk property asked the Town of Boone to rezone the property.

Commission Member Templeton asked if the Town had considered the use of this property for work-force housing since it is all ready zoned R-1.

Council Member Mason noted that the deed restrictions limit what the Town can do and housing would not be allowed under the current deed restrictions.

Planning Commission Member Lippard asked about public space and if the adjoining property owners had been notified of this possible zoning change.

Planning Commission Member Templeton asked what is the Town going to do with this property, if it is rezoned. Mr. Bailey said this is a general use map amendment request and explained what can be allowed in the zoning district.

Mayor Ball said that regarding this re-zoning request it might be premature to ask to rezone it before the Town knows what they want to do with it. He said this topic would be discussed this month at the Annual Council Retreat. Council Member Mason noted that when a general use map amendment is being reviewed, you must look at all the uses and in this case the deed restrictions would limit what can be done with the property. Ms. Allison Meade, Town Attorney noted that the deed restrictions do limit what can be done with the property and the Council may need to figure out what can be done with the deed restrictions to make sure that the B-1 zoning is the best zoning application to use. She said it is possible based on what the Council wants to do and the deed restrictions that another zoning district might be more useful.

Planning Commission Chairperson Woolridge asked the Staff how it benefits the adjacent property owner by removing the Transitional zone. Mr. Bailey explained the benefits.

Council Member Mason pointed out that in the Table of Permissible Uses under 5.0 Government Uses the Town has governmental limitations and part of it is some form of a park adjacent to the Downtown area. She said it has to be rezoned to be used. Planning Commission Chairperson Woolridge said that he is more concerned with what kind of flexibility the rezoning gives the adjacent property owner.

Mr. John Ward, Town Manager clarified that he is hearing the Council say that they would like to have further discussion on the use of this property at the Council Annual Retreat and make some determinations on the use of the property. He said the Council will advise Staff at a future date to move forward with the rezoning of this property.

Mr. Bailey talked about the regulations that the Staff has to follow and he explained the process to move a case forward to the Planning Commission for recommendations. Mayor Ball said that the Staff can postpone a case for consideration to a later date.

Council Member David said do we need to be more specific about what the Council wants to use the property for. Mayor Ball said not at this meeting. Council Member David said he would like the opportunity to compare the R-1 and B-1 zoning district restrictions to the deed restrictions and check with the property owners.

Mr. Ward suggested the Council use the term "to withdraw" this case from the agenda at this meeting.

Planning Commission Member Lippard asked about the park that is all ready being used near the property on this case and is it allowed or disallowed with the current deed restrictions. Ms. Meade, Town Attorney said there had been a complex analysis done by the former Town attorney and she may have some slight additions and modifications but basically the deed restrictions and some other documents related to it require that those parcels be left in a natural state and not disturbed and does allow for recreation use and other uses. She said she wants to review the analysis. Mr. Ward talked about the person who placed the deed restrictions allowed for the monument before hand and the deed restrictions came later on the remainder of the properties. Planning Commission Member Lippard said that he felt like the Planning Commission should have information on the deed restrictions prior to making recommendations. Mr. Ward agreed with Planning Commission Member Lippard.

Planning Commission Member Templeton asked for clarification on the deed restrictions and the zoning district. Mr. Bailey provided clarification.

Mayor Ball asked to hear public comment on this case.

Ms. Susan King came to the podium and voiced her concerns for what happens to the property. She said that she has lived in the house behind the Rivers property since 1998. She said that Mr. Coffey had wanted it to be a park and she thought the Town had plans for a park. Mr. Coffey wanted the historical home to be used as a museum or used for town offices. She is glad that there are deed restrictions because of the wildlife and green space. She offered to volunteer for Town committees. She offered to meet with people that are interested in the history of the property.

Mr. Jim Deal said that he would hand out copies of the two deeds that were prepared for this property. Mr. Deal said there are five restrictions on the property that they list what the property can be used for. Mr. Deal said the Town cannot use the property for anything beyond the five restrictions or the Town will be in violation of the restrictions. Mr. Deal gave his opinion of the enforcement of the restrictions.

Mr. Deal talked about his discussion with Staff and the Town being constrained with the R-1 zoning district. Mr. Deal said the restrictions allow it to be used as a park but the R-1 zoning does not allow it to be used for a park. Mr. Deal talked about current zoning and its limitations.

Mayor Ball closed the public hearing on this case.

CASE 2040748 RIVER'S WALK CONDITIONAL DISTRICT MAP AMENDMENT: G & B Oil Inc. and Southern States Co-Operative Inc. have filed a Conditional District Map Amendment for property at 178 South Water Street and 190 and 208 Poplar Grove Road. The request is to rezone from B1 Central Business to Conditional District B1 Central Business with a site specific development plan for a mixed-use project (Rivers Walk) containing approximately 16,647 square feet of commercial area, 145 apartments with 380 bedrooms. Use 1.116 (Multi-Family Dwelling in Mixed Use >100 bedrooms) is permitted in the B1 Central Business Zoning District with L^{T125}. This mixed use project triggers the requirements for Transitional Zones pursuant to UDO Article 6, Subsection 6.02.02.

Mr. Bailey noted that Planning Commission Member Boyle was recusing himself from this case because he is involved as a consultant on the property.

Mr. Bailey presented this case as outlined in the meeting packet.

Mr. Jim Deal came to the podium to present this case for the applicant. He talked about the transitional zone and dealing with a conditional district requirement with the special protection for residents and protected zones and districts and there are no people to protect in the River's property for the transitional district. He said if this property had not needed rezoning, it would have still had to come before the Council for the water hearing.

Mr. Deal gave the history of the proposed development in regards to the other boards and commissions of the Town. He talked about the project re-design and the change to the building height. He talked about how this proposed development fits well in the Town. He talked about the keeping the creek open and the making a greenway along the creek. He talked about the parcels being in the primary growth area. The housing will be primarily for students and will encourage walk ability.

Mr. Deal handed out the restrictions of the property (permanently attached) and read the restrictions.

Mr. Deal gave the breakdown of the units in the proposed project. He talked about the reducing of the footprint leaving more property open for greenways, etc. He talked about the change in building height. He said that they did have a travel analysis done and they have a witness available at this meeting to answer questions on the analysis. He said between the second and third Board of Adjustment hearing, Mr. Glenn Weaver and his team have made radical changes to the development plans to make it look more like Downtown Boone. They changed the materials to make it more of a traditional type building.

Mr. Deal asked Mr. Alan Crees, P.E. from Municipal Engineering to talk about the specific development of the project. Mr. Crees referred to the site map in the meeting packet and talked about the existing site conditions. He talked about the buildings that are located in the floodway; he said they would be removed. He noted that Mr. Connor Boyle was present to answer questions on the flood study that he conducted for the proposed development. He explained what triggered the necessity for a flood study. He talked about the stream line and the location

of the stream and vegetated buffer. He pointed out the area of the graveled parking lot. He talked about the amount of elevation and the challenges with the elevation. He said the site has been under utilized for being in the primary growth area. He gave the number of beds and bedrooms proposed in the development. He talked about the amount of commercial space square footage and the additional parking for the commercial uses. He said there would be on-site management staff and security personnel due to the size of the proposed development. He talked about the grade difference and what they did because of it with regard to base flood elevation. He talked about the number of parking spaces and entrances into the proposed development. He talked about the amount of stream frontage and sidewalks and commercial entrances. He talked about the location of the greenway, bus routes and bus stops. He said they would like to preserve the 323 feet of buffer and the existing culvert. He said that the overhead power lines will be put underground. He said all the UDO requirements will be met for the proposed development. He talked about the Transitional zone and the slope adjacent to the road being a 1:1 slope. He talked about the lighting and noise impacts. He talked about health aspect and the benefits to the community that this proposed development would add.

Mr. Connor Boyle came to the podium and said they are improving the flood situation by decreasing flood levels throughout the site and he explained the reasons why.

Council Member Pena asked about the paved area. Mr. Boyle said that they are leaving the existing two-piece culvert and explained his understanding of how the water will flow in a 100 year flood.

Mr. Bill Dixon from Appalachian Architecture came to the podium to talk about the building height and materials of the building.

Mr. Deal asked Mr. Frank Amenya from Davenport to come to the podium to answer any questions on the travel impacts on the intersections and driveways that he studied for the proposed development. Mr. Amenya went over the recommendations that he made for the increase in flow of traffic at this proposed development.

Mr. Deal said in terms of traffic at the intersection of River Street and Poplar Grove Road, he talked about his interest in working with the Town and NCDOT regarding the possibilities of a round-about at this location.

Mr. Bailey pointed out on page three of the staff report the words written in red.

Council Member Mason asked Mr. Deal to address the parking needs for that many residential tenants. Mr. Deal said it might be a two or three fold process and gave the areas of the proposed parking for the development. He said they are going to encourage biking and walking as much as they can.

Mayor Pro-Tem Brantz asked for a brief history of Harrod/AP, LLC, and the proposed developer.

Mr. Glenn Weaver, P.E. came to the podium. He gave a brief history of his company.

Mr. Weaver addressed the proposed parking issue. He talked about all the possibilities for parking for everyone who wants to have a car. He talked about the three sidewalks that will be available for walk ability purposes.

Mayor Pro-Tem Brantz asked how do you manage properties like this and is it for the short-term or long term. Mr. Weaver explained how he manages properties. Mr. Weaver explained that he has experience in student housing, multi-family housing and commercial management.

Council Member Mason asked if the parking lot will be for commercial retail. Mr. Weaver explained the locations for commercial retail parking.

Planning Commission Member Jamison asked about the waste-truck and fire department access. Mr. Weaver said they will have a compactor on site and the access would be off Water Street.

Planning Commission Member McCracken asked about the retail space being proposed and the disbursement of retail under other buildings with consideration of the entry from Poplar Grove Road. Mr. Weaver answered her questions.

Mr. Weaver talked about a parking lane and working on it with NCDOT.

Chairperson Woolridge asked Mr. Weaver what it means, when they say they are willing to participate in a bridge for the greenway. Mr. Weaver said that they have offered to dedicate the right-of-way. Chairperson Woolridge pointed out that information was not on the site plan. Mr. Weaver said they did not put it on the site plan because that would be implying that this is the exact location. Mr. Weaver said it was his understanding that a greenway plan all ready exists. Mr. Weaver said he would like to break ground in April 2015, when he knows that this project is going to happen, he will work with the appropriate people on a site plan to include more detail on it.

Chairperson Woolridge asked Mr. Weaver specifically about the width of the sidewalk. Mr. Deal said that they could not commit to ten feet until you know exactly what you are going to be able to build.

Mr. Ward helped clarify that from a landscaping standpoint, we need to see what the developer wants to propose for the greenway on the site plan so it can be reviewed to make sure all the requirements are being met. Mr. Deal said that they could not commit to things that are outside of their control. Mr. Deal said they would grant an easement for a greenway but you have to figure out if they can build it or not.

Planning Commission Chairperson Woolridge asked Mr. Bill Dixon, Architect to walk him through the drawing that he presented at this meeting to help him understand what is being proposed for landscaping and sidewalks. Mr. Dixon said that he is at this meeting to get the Commissions feedback on how to develop the plaza area. Mr. Crees said that there will be grass on the corner of the plaza because NCDOT wants to preserve the site triangle. Mr. Crees answered other questions on the placement of sidewalks and steps with regard to the elevation. Council Member Mason said that the adopted streetscape plan would address some of these questions. Planning Commission Chairperson Woolridge asked if they would be able to put in

brick pavers for sidewalks and possibility make this a condition. Mr. Weaver said it would help, if they would show him where they wanted the greenway. Planning Commission Member Bolick talked about what happens to brick pavers over time after they are installed. Mr. Weaver said that once he gets the flood study, it will help them made decisions on these things.

Planning Commission Member McCracken asked about the future round-about. Mr. Deal said that this was a NCDOT decision and they would work with the Town on it.

Mr. Deal talked about this area needing to be attractive and the developer wants to it to be. He said at this time, they are not able to commit to anything without more information from the Town on what is allowed and what is not allowed.

Mayor Pro-Tem Brantz asked if a hazardous inspection has been done of the property. Mr. Deal asked Mr. Weaver to answer this question. Mr. Weaver gave the results of Phase I of the property in regards to inspections.

Planning Commission Member Lippard talked about a possible traffic concern regarding a bike and pedestrian issue with a round-about at 8 am in the mornings with students trying to get to class. Mr. Deal gave his perspective on this topic.

Council Member Mason talked about the West Downtown Boone Plan and the thought behind it is to make Water Street a more pedestrian friendly area. She said that Council will be looking again at the Howards Street Project which is an alternative way to move pedestrians and bicyclists.

Mr. Frank Amenya with Davenport talked about high-pedestrian crosswalks which will alert motorists of the high pedestrian activity.

Planning Commission Vice-Chairperson Simmons read the crash data from the Town of Boone adopted bike plan. He said that River Street is only second after Blowing Rock Road for crashes. He also noted that there is not a bike lane on Water Street. He pointed out where the bike lanes start and stop on River Street. He pointed out that Howard Street is more pedestrian and bicycle friendly.

There were no other speakers on this case.

Mayor Ball closed the public hearing on this case.

Mayor Ball called for a five minute recess at 7:32 p.m.

Mayor Ball reconvened the public hearing at 7:46 p.m.

CASE 20150007 PUBLIC WORKS DIRECTOR CLARIFICATION – TEXT AMENDMENT: Effective January 1, 2015 the Public Utilities Department and the Public Works Department merged into one department named "Public Works". Currently in the UDO, many requirements are satisfied when approved by the Public Works Director, who previously was the only authority in the Public Works Department who reviewed and approved

development projects and/or deviations were permitted. Since the change went into effect, the Public Works Director will typically delegate those responsibilities to other staff within the department. The proposed text amendment allows the references to the "Public Works Director" to include his or her designee, which is the same format which is set forth for the Planning Director.

Mr. Bailey presented this case as outlined in the meeting packet.

There were no public speakers for this case.

Mayor Ball closed the public hearing on this case.

CASE 20150021 WELLNESS DISTRICT SMALL AREA PLAN

Mr. Bailey gave a brief overview of the some of the highlights of the draft small area plan. He said this type of plan is also known as a neighborhood plan or district plan. He noted that the Council wanted this medical area to be a walk able pedestrian-friendly area with a sense of security. He talked about the multiple areas of development standards, land uses and design standards. He pointed out that this area has a regional draw and once the people drive to it, they will be able to walk from place to place within the district. He said this district will accommodate transit and a flow of traffic in and out of the district. He said that scale is one of the considerations along with building height in regards to floors and not feet. He talked about the multiple entrances into the parking lots. He said they have described street and lighting furnishings.

Mayor Ball opened the floor to questions and answers.

Planning Commission Member Templeton talked about the lack of incentives for redevelopment.

Council Member David said this can be used as a revitalization tool for areas in the Town. He said that he is interested in hearing from the Planning Commission about the actual process a developer is going to need to follow to make sure the process is in compliance with the proposed small area plan.

Mr. Bailey said this is a stand-alone zoning district with its own set of regulations.

Council Member Mason clarified that this is important to know that this is the first step in the process and the regulations that are forth coming could include incentives and other things. Council Member Mason noted that the review of this proposed small area plan is for the adopting of it and it is not a UDO text amendment.

Mayor Pro-Tem Brantz asked for a summary of the response from stakeholders. Mr. Bailey talked about the public input regarding the proposed small area plan being on the Town website and the notification letters that were sent out to the stakeholders.

Planning Commission Member Woolridge confirmed with Staff that this proposed small area plan is not a regulatory document; he said it is a policy guiding document. He clarified that a

developer would be able to develop under the current UDO requirements as well as the proposed small area plan.

Planning Commission Member Boyle talked about stormwater controls and he would like to see more of this type of information in the proposed small area plan.

Ms. Shook handed out an email (permanently attached) to Mr. Bailey from Ms. Laura England regarding her thoughts on the proposed small area plan in relation to stormwater.

Planning Commission Member Wlodarczak asked if the ASU College of Health Sciences project help spur this proposed small area plan. Mr. Bailey said that the Council had asked Staff to see if form-based code would work in the Town and the Staff found the medical area to be one of the best well-defined areas to use for the small area plan because of its geographical features. Mr. Bailey said the drivers that accelerated the creation of the proposed small area plan were the ASU College of Health Services project and the hospital needing to expand. Mr. Bailey noted that the consultants with their expertise and experience have helped to craft this proposed small area plan which has saved the Staff a lot of time.

Mr. Bailey talked about the buildings in the medical office area being sub-standard and has reached the end of their life.

Ms. Meade, Town Attorney asked a procedural question regarding various town documents. Mr. Bailey explained the difference in the town documents.

Mayor Ball opened the floor for public speakers.

The first public speaker was Ms. Kim Henson. She said she is a major stakeholder owning 15 acres along Hwy 321. She said her property has been in the family for over 150 years. She is concerned that she will lose property value. She talked about the past rezoning of her property from farmland to commercial. She said her family would want to be proud of whatever is done with the property.

The second speaker was Mr. Jim Deal. He said that he supports the concept of a Wellness District. He talked about how easy it would have been to have mailed each property owner a letter. He said he was contacted today by two people that do not live in Boone and they cannot hear the WATA radio station. He said one of the people said she received her notification last Thursday prior to the public hearing and said they are changing her property. He said it would have been very easy to have involved the stakeholders and many of them have not been involved. He said the two largest property owners who own property included in the proposed small area plan did not know anything about it until last week prior to the public hearing. He questioned the proposed zoning along Hwy 321 corridor and the impact on the value of the property. He suggested that the Town take a step back and involve the property owners that are directed affected with this proposed small area plan. He said the property owners would welcome the opportunity to help develop a Wellness District. He also said that the proposed small plan area needs to be defined and explained to the stakeholders and ask them if they are opposed and the reason why. He said that he did not think that Blowing Rock Road is a part of the proposed small area plan and he does not know who will be walking down Blowing Rock

road because it is more dangerous. He also noted that you cannot rely on the radio station to notify the stakeholders. He talked about the adopted plans of the Town in relation to the proposed small area plan.

The third speaker was Mr. Herbie Hames from Criterion Healthcare. He said that he is representing the hospital and he has worked with the hospital for about five years. He encouraged the Town to proceed with caution when creating the regulations as the stipulations are being set and to focus on this being a regional destination for healthcare. He talked about focusing on the implementation of the proposed small area plan in regards to who pays for the sidewalks, stormwater and sewer lines to allow for the development to occur.

The fourth speaker was Mr. Rob Holton from Holton Mountain Rentals. He said he owns several residential properties in front of the hospital.

He talked about his concerns for the adjusting of boundaries of the proposed small area plan along Blowing Rock Road, consolidating buildings to help accomplish what is being proposed in the small area plan, about the impact on his property values, concerns on the right-of-ways and who will pay for the extra 10 feet of right-of-way, if it is changed from 30 feet to 40 feet. He shared his concerns on building height but no density, building materials not exceeding ten percent and he would like to see the architectural standards keep the mountain feel. He also showed concern for the privacy issues, stream buffers, a parking garage, stormwater management being coordinated with the property owners and site design standards.

Planning Commission Member Templeton asked Mr. Holton about the value of his property. Mr. Holton said the value will be based on rental income and the condition of the property. Planning Commission Member Templeton talked about the increase of value for Mr. Holton's properties because there is no incentive for him to do any redevelopment.

There were no other public speakers on this case.

Mayor Ball closed the public hearing on this case.

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Andy Ball, Mayor Eric Woolridge, Chairperson-Planning Commission

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Marlene Crosby, Board Secretary