

**SPECIAL PUBLIC HEARING
MEETING MINUTES
MONDAY, MARCH 10, 2014
6:00 P.M.**

Boone Town Council: Mayor Andy Ball, Mayor Pro-Tem Rennie Brantz, Lynne Mason, Jennifer Pena, David Quint and Fred Hay

Boone Area Planning Commission: Vice-Chairperson Greg Simmons, Jon Tate, Web Alexander, Connor Boyle, Thomas Purpur and Matthew Long, Jeff Templeton and Frank Bolick

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

Others: Greg Young-Town Manager

Mayor Andy Ball opened the meeting at 5:00 p.m.

CASE 20140049 STANDARD AT BOONE, LLC

Mr. Bill Bailey, Director of Planning and Inspections explained that the Council Members had been sent an email regarding the request for the tabling of Case 20140049 Standard at Boone, LLC until the next Quarterly Public Hearing. Mr. Bailey said the applicant was unable to move forward with the Board of Adjustment hearing and they needed those decisions from that hearing prior to coming to a public hearing for conditional district rezoning. Mr. Bailey said that Mr. Jim Deal, Attorney representing the applicant was present to answer any questions on the tabling of the case.

Mr. Deal came to the podium to explain the reason for tabling the case. Mr. Deal said that he met with staff for about four hours today trying to resolve some concerns with the variances and the conditional district zoning process.

Mayor Pro Tem Brantz moved to table Case 20140049, Standard at Boone, LLC to the next Quarterly Public Hearing, seconded by Council Member Mason.

Vote:

Aye – All

Nay – None

The vote was unanimous.

CASE 20140100 KW HOLDINGS, LLC is requesting modification of a previously approved Conditional District approval for Boone Point at 148 Hwy 105 Extension. The purpose of this modification is to modify the uses allowed on the second and third floors.

Mayor Ball opened the public hearing for this case.

Mr. Ham Wilson, Attorney representing the applicant came to the podium to make a correction to the original request, he said the request is to modify the office use and not commercial use.

Mr. Shaw Kuester, representing KW Holdings, LLC came to the podium to explain in detail the number of units that are involved in the modification request and that they are asking for flexibility of use in these specific units as a result of the market.

Discussion ensued on the dual uses of the property between residential and office occupation. Planning Commission Member Templeton asked if the change of uses can be done without going through the rezoning process. Ms. Jane Shook, Development Coordinator said that the uses of these condos have all ready been modified to be in compliance with their current uses and it has a vesting period. Ms. Shook said the applicant is asking for flexibility of the uses.

Council Member Mason explained some of the history of this development. She said that this request for flexibility of uses on the second and third floor still meets the mixed-use

requirements for a mixed-use development on a business corridor. She noted that the first floor will remain for commercial use.

Planning Commission Member Templeton said that he had heard different people talk about a shortage of housing in this area. He asked Mr. Kuester what he had heard about this. Mr. Shaw said that it is a confusing situation and he is seeing both the desire for residential and business uses. Mr. Shaw said that he sees the market as requiring more office uses for better resale purposes.

Council Member Quint said with more mixed-use projects coming to Boone, would this type of request require an UDO change. Ms. Jane Shook, Development Coordinator explained the situation with this request and changes of future uses.

Planning Commission Member Purpur asked how many of the units are residential. Mr. Kuester gave the breakdown of the units.

Discussion ensued on the process for future rezoning changes for other units. Mr. Bailey said that the rezoning of other units would be looked at on a unit by unit basis.

Vice-Chairperson Simmons asked the applicant for clarification on the request for Units 202, 203 and 204 saying these units are being requested to be changed from residential use to residential use and office use and the home occupation use is not part of the request for these specific units. Mr. Kuester confirmed that he is requesting the residential use to residential use and home occupation use for Unit 304. Mr. Kuester said yes and he explained his understanding of the home occupation use. Ms. Shook confirmed that Unit 304 would need to be changed from residential use to residential use with the home occupation use to bring it into compliance.

Vice-Chairperson Simmons asked Mr. Bailey if this request is handled similar to the shopping center use where the applicant does not have to keep coming back to the conditional district rezoning process. Mr. Bailey said this request was modified very specifically. Mr. Bailey said the applicant is trying to go toward a group of spaces using a variety of uses by forcing flexibility unit by unit as opposed to a certain floor with a certain percentage. Mr. Bailey said these types of changes would have to continue to come back to the conditional district rezoning process until there is some mechanism that would allow them to start over.

Planning Commission Member Long asked if the owner of Unit 201 which is currently zoned for office use could come back and ask for a rezoning. Mr. Bailey said the Town Council would probably not grant the approval unless it is the owner making the request for rezoning.

Discussion ensued on when the Town Council adopted the new mixed-use regulations. Mr. Bailey said that he remembered Section 179 being addressed. Council Member Mason said she thought it was important to look at the evolution of mixed use, when reviewing this request.

There were no public speakers signed up for this case.

Mayor Ball closed the public hearing for this case.

ADJOURNMENT

Mayor Pro Tem Brantz made a motion to adjourn the Special Public Hearing at 5:40 p.m., seconded by Council Member Mason.

Vote:

Aye – All
Nay – None

The vote was unanimous.

Andy Ball, Mayor

Marlene Crosby, Board Secretary