

**BOONE TOWN COUNCIL
DOWNTOWN PLANNING PROJECTS – JOINT MEETING
WEDNESDAY, JUNE 9, 2021, 6:00 p.m.
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Rennie Brantz-Mayor, Mayor Pro Tem Connie Ulmer, Sam Furguele, Nancy LaPlaca, and Virginia Roseman

HISTORIC PRESERVATION COMMISSION: Chair Eric Plaag and Bettie Bond

COMMUNITY APPEARANCE COMMISSION: Chair Brian Williams

PLANNING COMMISSION MEMBERS: Chair Elizabeth Shay, Amanda Halbert, John Tippet, Christine Behrend, Frank Venio and Adam Zebzda

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, Brian Johnson-Urban Design Specialist, Stacey Miller-Chief Building Inspector and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Lane Moody-Downtown Boone Development Coordinator and Chris Miller-GIS Specialist

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: George Antczak, Mike Forrester, Joe Furman, Jim Marsh, Michelle Novacek, Michael Vetro, Tucker Deal and Laura Kratt

Call to Order

Mayor Brantz called the special meeting of the Boone Town Council to order at 6:03 p.m. and welcomed everyone.

Downtown Planning Projects Presentation

Ms. Shook began discussion on the presentation in the meeting packet, she noted that this presentation was presented at the last joint meeting and it includes some modifications from that meeting.

Ms. Shook said that the meeting packet includes: the draft meeting minutes from the May 11, May 19 and May 27, 2021 Virtual Town Hall Public Input meetings, public input comments that came in either through email or the website, the information gathered in the appointment summaries, a snapshot from the web capture from Digital Watauga that shows support for these projects and a graph showing the increasing value of permits that have been through the Planning and Inspections Department over the last ten years.

Discussion ensued on map boundaries in the B1 Interface Area in the Green Street area. Ms. Shook explained that one of the concerns is the area around Green Street. She said that most of the parcels in this area are zoned multi-family with some exceptions. She asked the Council, if they wanted to see commercial uses in this area. She noted that there have been complaints from the residential uses in this area. She said that she was not sure of the impacts of having commercial uses farther above Green Street.

Discussion ensued on the concerns in the B1 Interface Area in the Bent Street area. Ms. Shook talked about concerns for rezoning the properties around Bent Street to R1A. She explained that these said properties are currently B1 and they cannot be left as B1 as proposed moving forward, because the B1 as we know it will not exist anymore. She explained that all of the properties in this area are residential properties.

Ms. Shook explained another concern for a property that is located on a street off of Bent Street that is located behind several residential houses. She said this property was potentially purchased by the owner

for commercial use. She said that because this is a larger parcel there might be some access issues with this parcel while coming from Bent Street, if it is rezoned.

Ms. Shook said that the rezoning of the B1 to the R1A in the Bent Street area will provide additional single-family housing in the Downtown area. She said that she felt that the properties around Bent Street would have a more difficult time converting to commercial uses because of the sub-standard nature of the street itself.

Discussion ensued on the mapping of properties. Ms. Shook said the only properties that were not mapped were the eight Appalachian State University parcels listed on page 58 of the meeting packet. She explained that if the University parcels are currently zoned B1 or B2 or any other zoning district, they are currently non-conforming. She said moving into the proposed B1 keeps them as non-conforming uses. She said that the Council may want these parcels looked at individually for potential solutions for zoning them separately or keep them included for now and address them at a later date. She said the Planning Staff would await Council's direction on this topic.

Council Member Furguele said he supported the rezoning of the eight University properties. He explained that the U1 zoning district can only be used by the University. He said if the University was to transfer the property, the property would have to be rezoned. He explained that he thought the reason that these properties were left non-conforming is so the University could not change uses and put in a use that is compatible with the U1 zoning, and not compatible with the surrounding area. He said that he didn't see any value in continuing the non-conforming status. He said generally it is better to have more conforming properties.

Council Member Furguele talked about the Bent Street and Straight Street areas and he said he supported the R1A changes as proposed. He said he also supports the B1 Interface changes as proposed for the Green Street area.

Council Member Roseman talked about the parcel on Bent Street that has an access issue. She wanted to know, if there was another access point for this parcel. Ms. Christy Turner, Senior Planner explained that Bent Street is the only access point for that parcel and it is already a non-conforming use because it is a duplex. Ms. Shook explained that the access point is only a 12-foot wide alley which is not sufficient for two-way traffic.

Historic Preservation Commission Chair Eric Plaag talked about his concern for allowing the eight University properties to be rezoned to U1. He explained that if we allow the said properties to be rezoned, the University might want to try to rezone some of their other properties in the Downtown area and potentially consume the Downtown area. He said that he did not see the benefit in rezoning these properties to U1 that are currently zoned B1.

Council Member Furguele talked about the Unified Development Ordinance being changed to prohibit the U1 uses in the business district. He said that he agreed with HPC Chair Plaag's point of view on the zoning of the University properties. He said he felt the University will not comply or agree to conditional district zoning. He said as a result this makes the process become a general rezoning process for the rezoning of their properties. He also pointed out that the Town potentially would go from having real control with a non-conforming use to having no control over the properties, if the properties were changed to the U1 zoning designation. Council Member Roseman noted that she is in favor of rezoning the Legends building and back lot to the U1 zoning designation.

Planning Commission Member Zebzda said that he is in favor of rezoning of the Legends building and back lot and the Sustainability Garden to the U1 zoning designation. He pointed out that these three properties are used almost exclusively by the University. He also pointed out that it is critical to have these said parcels rezoned to U1 because of the University's state parking infrastructure in the surrounding area. He

said that the Sustainability Garden is open space and it could eventually become something else in the future. Ms. Shook confirmed that Legends is a University operated facility.

Ms. Shook confirmed that at this time the Green Street and Bent Street areas will remain as proposed. She confirmed that at this meeting it was proposed to rezone the Legends building and backlot to the U1 zoning designation.

Council Member Furguele explained that after hearing the other comments in this meeting, he is revising his earlier comments on the University properties. He said he agreed with Planning Commission Member Zebzda that the two Legends properties should be rezoned to U1 in light of the other University uses surrounding it.

Discussion ensued on the Sustainability Garden on the University property. Planning Commission Member Zebzda said he can see the justification for proposing to rezone the said garden parcel to U1. He explained that the E1 zoning designation might be more appropriate for this parcel. He said he believed that the E1 zoning designation would possibly eliminate the University from using it for any residential uses. He said this proposed zoning change to E1 might mitigate any concern, if the University in the future might want to propose a dormitory or student housing development on said parcel. He said that he felt that a more comprehensive discussion might need to occur with the University about the future use of said garden parcel along with the other two Legends parcels.

Discussion ensued on the next steps of the Downtown Planning Projects. Ms. Shook pointed out that if there are proposed changes to the boundary maps, the Planning Staff would need specific direction from Council on those said changes.

Ms. Shook asked if there was a consensus from the Council and other Board members to leave the Green Street and Bent Street as proposed. She also included in the consensus the proposed changes for the University properties from B1 to U1 for the Legends building and Legends back lot. Mayor Brantz concluded that there was consensus from the Council and the other Board members on said topics.

Discussion ensued on the proposed text changes. Ms. Shook noted that the Planning Staff had received a public comment stating that the proposed text regarding the B1 Expansion was difficult to understand. Ms. Shook asked for suggestions to improve the proposed text. Council Member Furguele explained that the Planning Staff will be meeting with the public and walking them through the text regarding their specific projects. He said he felt it would be a mistake to make proposed changes to the text now because it has been carefully crafted and reviewed various times. He said if any potential problems arise in the future in the proposed text, it can be revised at that time. Ms. Shook confirmed that the Planning Staff will work through the UDO language with applicants on their proposals.

Ms. Shook informed the Board members that she has completed the UDO changes that were created by 160D as they relate to the "Certificate of Appropriateness". She noted that she has completed the proposed changes from the public hearing and we will keep the "Statement of Conformity" language that is presented in the meeting packet.

Ms. Shook said we may need to tweak some of the Design Guidelines language to make sure it is in compliance with 160D.

Ms. Shook noted that there may be proposed changes to rooftop additions because this topic has a specific standard. She confirmed that said additions are currently being regulated. She explained that the difference is in the process and said additions are now subject to transitional zones with an accessory use on the building. She pointed out that the design standards have a recommendation that rooftop additions be approved through conditional district approval and not through transitional zones. She noted that this specific element has not been discussed for the historic district. She confirmed that if a property owner

who has property in the historic district wants to add a rooftop addition, they would have to get a conditional district approval from Council to do so. Council Member Furgiuele clarified that in the B1 Interface area that transitional zones would be triggered for rooftop additions.

Ms. Shook pointed out that the Planning Staff will work on the process for the "Certificate of Appropriateness" for a conditional district approval, because you can potentially have this type of approval in the Downtown Historic District.

Ms. Shook asked for any comments to be given to the Planning Staff regarding any questions on the public input that was received and presented in the meeting packet.

Ms. Shook noted that there will always be non-conformities and those can be handled through the UDO Article 7. She said the Planning Staff will need to work with property owners on a one on one basis on the non-conformities.

Ms. Shook reviewed the next steps for the Downtown Planning Projects. She said that she does not feel that the proposed map changes are significant changes, the text changes are not significant but she would need the time to review the Historic District documents, she would need to review the Design Standards to make sure all the language is on track for the final attorney review. She talked about moving forward with the proposed next steps and confirmed that the Council does want the Planning Staff to move forward.

Discussion ensued on the scheduling of a public hearing to discuss the next steps of the Downtown Planning Projects. Ms. Shook explained that the next regular public hearing is scheduled for July 2021 and there is already a case to be reviewed at that hearing. She noted that because there might be more people from the public in attendance for the public hearing on the next steps, it might warrant having a special public hearing. HPC Chairperson Plaag asked if the attorney review could be completed in time for a public hearing at the end of July 2021. He said there is no reason that we cannot have a public hearing, even if the Planning Commission needs to convene at a different time. He said this way the special public hearing is only requiring the Planning Commission to meet, as opposed to the Council and Planning Commission having to meet a second time. Ms. Shook explained that she preferred to not have a public hearing in July 2021 on the topics discussed at this meeting. She explained that the Town has adopted two large text amendments that she is hoping will be in effective on July 1, 2021. She said the text amendments are requiring a lot of internal work for the Planning and Inspections Department. For the reasons that she stated, Ms. Shook asked for the public hearing to be scheduled sometime in August of 2021. She also noted that she cannot guarantee, when the attorney review will be completed for publication. She said that there will need to be discussion on the budget for the large mailing and the posting of properties involved in the posting of a public hearing. She said the property owner letters need to go out to all property owners within 150 feet. She said an ad would be placed in the newspaper and additional signage would need to be done to publicize the special public hearing.

Mayor Brantz agreed with Ms. Shook about scheduling the special public hearing in August of 2021. Ms. Shook suggested the special public hearing to be on August 23, 2021 at 6 p.m. noting that it would give the Planning Staff more time to prepare for the special public hearing. Council Member Furgiuele and Mayor Pro Tem Ulmer agreed to said date and time for the special public hearing. Ms. Shook asked the Council if they would like to see the updated information prior to the special public hearing. The Council members decided that they did not need to review the materials again prior to the special public hearing.

Adjournment

Council Member LaPlaca made a motion, seconded by Mayor Pro Tem Ulmer to adjourn the meeting at 7:14 p.m.

Vote:

Aye – All

Nay – None

The motion passed.

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary