

PLANNING RETREAT
Friday, August 2, 2019

Town Council members in attendance: Mayor Pro Tem Loretta Clawson, Connie Ulmer, Sam Furguele, Marshall Ashcraft, and Lynne Mason

Planning & Inspections Staff in attendance: Jane Shook, Marty Little, and Brenda Henson

Other Town Staff in attendance: John Ward-Town Manager

Call to Order

Mayor Pro Tem Clawson called the meeting held at 1500 Blowing Rock Road to order at 10:03 a.m.

Potential Zoning Changes

Ms. Shook noted they were picking back up from where they left off at the May Planning Retreats.

She stated there were some tasks Council wanted staff to complete before making final decisions and those tasks had been completed and outlined in the Potential Zoning Changes Report provided at this meeting. Ms. Shook apologized that staff was not able to complete the report on two-family dwellings and how the Town can regulate duplexes that have individual ownerships for each dwelling. She noted the research had been done but it had not yet been put into a report.

Ms. Shook stated the goal today would be to get one final list of changes for Staff to address and incorporate so that they could bring back a final product to Council.

Ms. Shook suggested they begin discussions with the task list.

Tasks and RA Discussion

Map 2 (Parcel ID: 2901-40-7729-000) – Ms. Shook stated this property contained the Lovill House Inn and was under a Conditional Use R3 permit approval. Staff’s recommendation was to leave the property as CU-R3.

Map 30 (Parcel ID: 2911-30-9802-000) – Ms. Shook stated this property contained the Boone United Methodist Church and noted there would be a little over 4 acres that could be developed if the entire parcel were to be zoned B3. Ms. Shook stated this calculation was based on GIS data and not an actual survey so it was an approximation. Council Member Ashcraft thought this seemed reasonable and offered some additional protection without cramping the ability of the church to do additional development on the exiting property. Council Member Furguele and Mayor Pro Tem Clawson indicated they were in agreement.

Map 92 (Parcel ID: 2910-46-0833-000) – Ms. Shook stated this property had a mapping error that showed a split zone of R1 and R3. The property was actually zoned R1 in its entirety.

Map 97 (Parcel ID: 2910-27-8467-000) – Ms. Shook stated this was the old Subaru dealership parcel. She noted there was a permit application submitted for this property that was still under review but close to obtaining a zoning permit. Council had requested the zoning remain the same if a permit had been issued for the project at this point but be zoned B3 if a permit had not been issued.

Map 107 (Parcel ID: 2910-05-5771-000) – Ms. Shook noted there was an error in the acreage listed for this parcel. She stated the 7.070 acres was corrected to reflect the .07 acres the parcel actually contained.

Map 186 (Parcel ID: 2819-69-4486-000) – Ms. Shook noted this was a parcel on the back side of the Village of Meadowview development that was zoned B3 and R3 and Council had wanted to know the possibilities of zoning the property RA. Council Member Furguele asked Ms. Shook if she thought an RA zoning district made sense. Ms. Shook felt there were issues with the district and thought it was intended to be used for parcels that were located in the ETJ. Ms. Shook stated she was not saying there should not be an agricultural district at all but felt the allowable uses in the RA should be reviewed because the district does not function like it did when it was in the ETJ. Council Member Furguele asked Ms. Shook if she was suggesting they look at the uses in RA to see if they still made sense or was she suggesting RA properties be rezoned. Ms. Shook replied that it could be both. She stated there were approximately 99 parcels currently zoned RA, which was about 12.1% of the Town, with some of those parcels being very large parcels like the golf course. Council Member Furguele asked if there any actual farms or agricultural uses in Town. Ms. Shook stated there was one near the hospital. Council Member Furguele felt the RA zoning district needed more study and consideration at some point but did not feel it should be done as part of this process because it was too much to tackle at one time. Council Member Ashcraft agreed with Council Member Furguele that consideration of the RA zoning district should wait. Council Member Mason felt the uses allowed in RA should be carefully considered to make sure they would be compatible with areas of denser population.

Meadowview Drive and Leola Street

Ms. Shook stated Staff looked at 13 properties on the corner of Meadowview Drive and Leola Street and noted all of those properties were located in the Special Flood Hazard Area. She noted there were four single family homes, one multi-family, three office related uses, the community garden, and four vacant parcels. Ms. Shook stated both the B3 and B2 have the same livability space requirements and the only difference between the two zoning districts would be the uses that were

allowed in them, height, and occupancy. Council Member Furgiuele asked if any of the properties would be non-conforming uses if the properties were zoned B2 instead of B3. Ms. Shook replied that the multi-family property would be non-conforming but added that it was already non-conforming. Council Member Furgiuele stated that rezoning the properties from B3 to B2 would be more compatible with the neighborhood in terms of scale and use. He noted that height allowances for B3 would be way out of scale with anything that was located in that area. Ms. Shook stated that occupancy in B3 was no more than four unrelated while occupancy in B2 was no more than two unrelated and noted this could have a major impact on existing multi-family dwellings if they were rezoned from B3 to B2. She stated she just wanted Council to be aware that this would be a concern for those property owners who have a multi-family building due to the financial aspect of the change. Council Member Furgiuele felt those property owners could approach the Town with a Conditional District if necessary. There was some discussion about the number of tenants per bedroom in the apartment building. Staff will research that further.

Council Member Fugiuele stated he met with some people about amortization who were critics of amortization publicly but privately said they weren't. He stated they were concerned about the costs because their properties were owned by LLC's and under State law an LLC has to be represented by an attorney. Council Member Furgiuele noted they would not have to be represented by an attorney if the Town initiated rezoning. He felt it was worth considering. Staff will research the feasibility of Town initiated Conditional District zoning.

Council Member Furgiuele suggested rezoning all of the identified Meadowview and Leola properties, except for the apartment, as B2 and reach out to the apartment owner to see if they would be willing to seek a Conditional District R3. Council Member Mason felt B2 was needed for local small businesses or the town would become a town of just large corporations. She stated that small businesses could not afford to locate on the main corridors so space needed to be made for them elsewhere and she thought this was a good location for that. Ms. Shook stated there was one office use in the Meadowview and Leola Street area that she was a little unsure about the exact type of office use so that would be verified by Staff.

Ms. Shook asked if the vacant parcel (Parcel ID: 2910-42-1064-000) should be included as a B2 parcel. It was the consensus of Council to zone this parcel B2.

Ms. Shook noted she had moved away from calling this R3/R4 and had changed the name to Potential Zoning Changes because the changes no longer pertained to just R3 or R4.

R1S Draft Text

Ms. Shook felt Council needed some time to look at the Draft R1S Small Home Residential Zoning District text and stated she could put it on Council's agenda for their next meeting. She noted there were some errors in the text and some setback language needed to be tweaked. Council Member Furgiuele asked if the Town Attorney had reviewed the proposed text and Ms. Shook replied that she had not. Mr. Ward felt it could be September before it could be placed on the agenda. Council Member Furgiuele noted the Council membership would change at the end of the year and felt it was important to complete this task, even if they had to have another special meeting.

Council Member Fugiuele referred to Section 14.01.08 of the Draft R1S Small Home Residential Zoning District text and asked that the words *the infill of new* be removed from the third line of text.

Council Member Mason felt it would be helpful to see a chart comparing the R1S to the R1.

There was some discussion regarding building orientation and what constituted the primary public way and it was felt this warranted more discussion at a later time.

Ms. Shook noted this was Council's first review of the proposed text. Council Member Furgiuele asked if it was possible for this to be completed before the new Council came on board. Ms. Shook thought that was possible but some of the other priorities Council had assigned to Staff might need to be re-evaluated.

Council Member Furgiuele felt the text presented looked pretty reasonable so far. He suggested that Council go back and look at all of the parcels they had recommended to possibly be R1S in the R3/R4 study to see if they would want to change them from R1 to R1S. Ms. Shook stated a list of those properties could be compiled.

There was further discussion regarding when Council could consider this draft text. Council Member Furgiuele stated he was not against having a special meeting. Council Member Ashcraft agreed, noting it might be better than trying to cram it into a Council meeting where there would be no more than a few minutes to discuss it. Mr. Ward asked if a September meeting would be soon enough. Ms. Shook felt the meeting would need to be before that in order to allow Staff time to incorporate any changes and have everything ready to present at Public Hearing and have Council's decision before the end of the year. Ms. Shook stated she would like to get the UDO in the new format as well. There was some confusion as to whether everyone was talking about the consideration of just the R1S text or the entire R3/R4 changes. Ms. Shook thought the consideration would be for the R3/R4 changes as well as the R1S text and felt the process would need several public hearings. Council Member Ashcraft expressed some concern about not getting this done before new Council members came on board but suggested all of the candidates be invited to attend the public hearings so they could be aware of what was being considered in the event that everything was not complete by the new year. Ms. Shook asked that Council give her some time to realistically look at time frames and report back to them at their August meeting. She also wanted to introduce the material to the Planning Commission at their August meeting so they would be aware of what was being suggested. Council Member Furgiuele felt it was a good idea to familiarize Planning Commission members with the material as they would be involved in the process.

Field Assessments

Bent Street Area: Ms. Shook noted that 511 and 535 Queen Street appeared to be triplexes. Council Member Furguele stated he would rather have 159 Straight Street and 511 and 535 Queen Street be zoned CD-R3 if they could not be zoned R2. Ms. Shook stated the UDO could be amended to allow triplexes in an R2. It was consensus of Council to zone 159 Straight Street and 511 and 535 Queen Street as R2 and amend the Ordinance to have triplexes allowed in an R2 district. Ms. Shook noted that occupancy limits would be altered. It was the consensus of Council to move forward with the idea of rezoning those properties from R3 to R2.

Ms. Shook noted that most of the properties on the right side of Straight Street were single family homes with the exception of 145 Bent Street which was a two family home. It was the consensus of Council to rezone 431 and 489 Queen Street, 160, 146, and 132 Straight Street, 132 and 145 Bent Street, and two vacant parcels (Parcel IDs: 2901-40-2345-000, 2901-70-1378-000) from B1 to R1A.

Faculty Street Area: Ms. Shook noted there was a mix of single family, two-family, and multi-family uses along Faculty Street. Ms. Shook advised Council that changing these properties to an R1 zoning could cause the B3 uses along the corridor to have to get a Special Use permit due to transitional zones. After some discussion, it was the consensus of Council to rezone 232 Faculty Street from R3 to R1; 244, 252, 268, 286, and 302 Faculty Street would remain zoned R3; 320 and 334 Faculty Street being on the same parcel would be split zoned with 320 Faculty remaining R3 and 334 Faculty changing from R3 to R2; and 350 and 364 Faculty Street changing from R3 to R2. It was felt that these zoning designations would more closely align with the current uses of the properties while maintaining some lower density residential.

Mayor Pro Tem Clawson called a break in the meeting from 12:17 p.m. until 1:08 p.m. for lunch.

Meadowview Drive Area: This area was previously addressed.

Quail Drive & Wood Circle Area: Ms. Shook noted that 221 and 249 Wood Circle were single family homes. It was felt that these parcels should be rezoned from R3 to R2 as well as 270, 285, 307, and 4 vacant parcels (Parcel IDs: 2910-38-9284-000, 2910-48-0038-000, 2910-37-8869-000, 2910-37-6844-000). This would offer a transition and protection for the neighboring R1 properties. 190 and 250 Wood Circle will remain as R3. Council Members were in agreement with these recommendations.

Council Member Furguele felt there was really no difference between a duplex and two single family homes on one lot and suggested allowing two single family homes on one lot in R2.

Ms. Shook noted the properties in the Quail Drive area were a combination of single family homes, duplexes, and multi-family. She stated the neighborhood seemed very quiet and well maintained. Council Member Furguele felt if the entire neighborhood was left as an R3 zoning someone could eventually buy up enough properties to create a very large multi-family development and the quiet neighborhood would be gone. Ms. Shook stated she thought 377 Dove Circle was a triplex but would go back out to make sure. Council Member Furguele suggested changing the single family, two-family, and triplexes from R3 to R2 would offer better protection to the neighborhood and be in keeping with the properties on Wood Circle they suggested changing to R2. Ms. Shook stated Staff would go back out to reassess and would show the properties that were triplexes or less as R2 and anything greater than a triplex would remain as R3. Council Member Furguele stated he did not want to create islands of R3 that would look like spot zoning and stated he would rather create a non-conformity if that ended up happening. Ms. Shook did not feel like that would happen but would know more after the assessment.

Windy Drive Area: Ms. Shook noted there were two single family homes, five duplexes, one possible triplex, and four multi-family properties on the King Street side of Windy Drive. It was the consensus of Council to rezone the single family homes, duplexes, and triplexes from R3 to R2 and leave the multi-family properties as R3.

Winklers Meadow Area: Ms. Shook noted there were two single family homes, one duplex, one possible triplex, six multi-family properties, and five vacant lots. It was suggested that 630 and 646 Winklers Creek Road and four of the vacant parcels (Parcel IDs: 2910-11-4932-000, 2910-11-5925-000, 2910-12-4003-000, 2910-12-4142-000) be changed from R3 to R2. The eight remaining lots and the vacant lot (Parcel ID: 2910-12-9272-000) will remain R3.

Ms. Shook stated the maps would be updated based on today's discussion.

Potential Zoning Changes Update

Ms. Shook asked Council how they wished to proceed with the updated Map ID's. Council Member Ashcraft suggested Council review the updated maps later and flag any corrections they felt would need to be made. Council Members Furguele and Ulmer agreed. Ms. Shook stated that the end product would include an index of the affected properties for future reference.

Staff Task List

1. Two-family/twin home research
2. Town initiated Conditional District zoning research
3. Research two of the uses in the Meadowview Drive and Leola Street area and add the 13 parcels to the map
4. Modify R1S text
5. Pull out from first review all parcels that were identified as potential R1S
6. Place item on August Planning Commission agenda to introduce them to the R3/R4 materials and process
7. In August, put in Action Request to discuss the process and timing moving forward
8. Make requested changes to Field Assessments

9. Perform additional field assessments

10. Modify R2 to allow triplexes and create a use that allows two single family dwellings on one lot

Ms. Shook stated they had noticed several oddly zoned properties while going through this process, one of which was located at the end of Daniel Boone Drive Extension. She noted there was a single family home on property that was zoned OI and asked if Council would be willing to authorize the initiation of a rezoning of that property to R1. There was consensus of Council members to initiate rezoning of the property from OI to R1. Ms. Shook stated the history of the property was that it was part of the High School property and was zoned OI with the totality of the High School property. Mr. Ward added that the County then carved that property out and sold it and the property was never rezoned to reflect the single family use.

Ms. Shook encouraged Council members to review the updated Comprehensive Plan because it was the basis for the zoning changes they had been discussing. She asked if there was something that Council felt needed to be stronger or did not make sense, the Comprehensive Plan could be amended at the same time as the zoning map. Council Member Furgieuele thought they might want to consider some language that discourages split zoning to the greatest extent practicable in an effort to protect the integrity of existing neighborhoods.

Ms. Shook asked Council how they wanted to implement the rezoning process once the final work product was presented. She stated she had never sent out notice of a rezoning that did not garner at least some interest and noted this was a huge rezoning affecting over 200 properties. Ms. Shook felt there could be a large number of people show up at a public hearing. Mr. Ward stated that would present capacity issues for Council Chambers. Ms. Shook asked Council to consider whether or not they wanted to consider the rezonings at one time or break it up in sections. Council Member Mason stated they needed to be mindful of the time it would take to have a hearing involving all affected properties and suggested the process be broken up into sections in an effort to be more focused. Council Member Furgieuele suggested breaking it up according to the large scale area maps that Staff had already prepared. He felt they also needed an opinion from the Town Attorney about whether or not they could make motions that affect multiple properties at one time or if there would have to be individual motions for each property. Ms. Shook felt they could likely make motions that affected multiple properties but would check on that. Ms. Shook stated she had spoken with Ms. Meade about the process as it related to advertising and notification and they would likely put a half page ad in the newspaper, send individual property owner notices, as well as adjacent property owner notices. Council Member Furgieuele stated there was no way to post all of the properties. Ms. Shook agreed and stated they would post signs in the areas affected. Council Member Furgieuele asked if that was allowed in the UDO. Ms. Shook replied that the Town was only required to post notice in the area. She suggested Council might want to consider a change of venue even if they did break up the public hearings due to the unknown number of people who could show up. Ms. Shook stated this did not have to be decided today but asked Council to be thinking about it so they could talk about it again at the August Council meeting. Council Member Ashcraft suggested they may want to consider scaling back on the 150' adjacent property owner notifications to a smaller distance. Ms. Shook explained if they ran the half page ad they would technically only have to send letters to property owners who reside outside the newspaper circulation area for the adjacent properties. Ms. Shook emphasized that the affected properties would all receive individual letters regardless. Council Member Furgieuele felt there would be a fair amount of media coverage on this. He stated he was okay with the idea of having a series of public hearings, have them be organized around the maps, hold the hearings at a larger venue. Mr. Ward wanted Council to be aware of the fact that budget amendments might need to be made in order to accommodate the extra cost of advertising and mailings. Mr. Little stated, not counting condos, there would be 1,052 adjacent property owners, including the affected properties. Council Member Furgieuele stated he was comfortable with Council Member Ashcraft's suggestion to do the half page ad, letters to the affected property owners, and sign notification in the affected areas. Ms. Shook stated she would not be using the normal zoning signs but would get special signs made.

Ms. Shook stated she had not had a chance to update the Work Plan, noting that several items were added to the list at the last Council meeting. She stated she would put that on the August agenda to discuss because she was going to need some dedicated time to complete some tasks. Ms. Shook noted, while Staff was working on this, they were also working on some other large items like the B1.

Council Member Mason asked about height limitations in B3 noting there was another project with a high height coming. Ms. Shook replied that it was on the list to be addressed but it had been moved down on the list. Council Member Mason stated that was worrisome to her and felt this issue was really critical. Ms. Shook stated that Council just needed to tell her what their priorities were and she would be willing to work on the priorities they set forth. She stated that Staff tried really hard to meet Council's expectations and she just needed for them to tell her what to focus on. Council Member Furgieuele stated he was really concerned that the Town did not have hotel standards. Ms. Shook noted that she did not ask for additional staff because she was concerned that once some of the larger tasks were complete and a more normal pace was restored there would not be enough work for the additional staff. At the same time, they were doing a very high level of work currently and were not able to meet expectations.

Ms. Shook stated she would like to have the Community Appearance Commission's Design Standards completed and presented to Council with the B1 text and this could require extra meetings of the CAC. She noted that the Downtown area was seeing revitalization like it had not seen in a very long time and worried that Council would be disappointed that they did not move faster to take advantage of some of the protections that they want. Council Member Furgieuele and Mayor Pro Tem Clawson agreed.

Council Member Mason suggested doing a stop-gap measure with the height in the B3. Council Member Furgieuele stated they could just change the numbers. Ms. Shook suggested they could take a story off of the allowed height. Ms. Shook

explained their direction was to look at only allowing the higher buildings on parcels that were large enough that the building could be sufficiently back from the street and noted there were not a lot of those parcels in Town. Mr. Ward noted that any height change would have to go to public hearing and Planning Commission. Ms. Shook stated if there were any amendments Council wanted to have heard at the August Public Hearing she would need to know now. Council Member Mason wanted to have the height amended in the B3 from 5 stories to 4 stories. There was discussion of primary and secondary setbacks and Council Member Ashcraft suggested requiring a setback to equal the height of the building. Ms. Shook stated it might be preferable to do what Council Member Mason suggested with the decrease in the number of allowed stories noting that the suggested setback requirement could create some parking issues because parking was not allowed in the front of the building in mixed-use projects. Council Member Furgiuele then suggested just doing the 4 story limit as a stop-gap measure and leave this item on Staff’s Task List for further review at a later date. Council members agreed.

Adjournment

Council Member Ulmer made a motion to adjourn the meeting at 2:58 p.m. The motion was seconded by Council Member Mason.

VOTE: Aye – All
 Nay – None

The vote was unanimous.

Loretta Clawson, Mayor Pro Tem

Brenda Henson, Admin. Support Specialist