

**TOWN OF BOONE SPECIAL
PUBLIC HEARING October
16, 2012 AT 5:00 PM Meeting
Minutes**

Town Council Members Present:

Mayor Loretta Clawson, Mayor Pro-Tem Jamie Leigh, Andy Ball, Allan Scherlen, Lynne Mason and Rennie Brantz

Planning Commission Members Present:

Chairperson Milton “Bunk” Spann, Jay Vincent, Tom Purpur, Greg Simmons, Jeff Templeton, Bob Cherry and Susan McCracken

Planning and Inspections Staff Present:

Bill Bailey – Director of Planning and Inspections, David Graham – Development Coordinator and Brian Johnson – Urban Design Specialist

Others Present:

Greg Young – Town Manager

CALL TO ORDER

Mayor Loretta Clawson called the meeting to order at 5:08 p.m.

ADOPTION OF AGENDA

Mayor Clawson asked for a motion from the Town Council to adopt the agenda as written. Council Member Brantz made a motion to accept the agenda as written, seconded by Council Member Andy Ball.

VOTE:

Aye – All
Nay- None

The vote was unanimous.

Case 20120582 Building Heights in the B1 Zoning District – Text Amendment

The Boone Town Council has initiated a text amendment to Unified Development Ordinance Section 207 for the purpose of limiting building heights in the Central Business district to 40 feet.

Planning Director Bill Bailey provided an introduction of the text to be considered. Planning Commission Member Jeff Templeton indicated that he had a problem with the proposed text. He felt that a 40-foot building height is arbitrary and capricious. Discussion ensued about how building height was determined.

Planning Commission Member Jeff Templeton felt that the proposed text was not consistent with the Boone 2030 Land Use Plan and referenced various supportive sections and pages of the document. He also pointed out that the 2030 Land Use Plan illustrates a six-story building for the downtown area. In addition, Mr. Templeton informed the audience that this type of text amendment invites litigation similar to that of the Viewshed and Steep Slope regulation and referenced an article from the Steep Slope Committee. Mr. Templeton also had a concern that a church could not have a steeple if the text was passed and that the text should not be amended.

Planning Commission Member Susan McCracken expressed concern about the timing of the subject text amendment in light of the current work of amending the use table. Planning Commission Member Jay Vincent asked if currently approved projects would be affected by the text amendment in which Bill Bailey responded that they would not be affected.

Planning Commission Member Tom Purpur asked if there was a problem with the existing text in which Bill Bailey replied that setbacks for the B1 district are difficult to administer. Discussion ensued regarding current building heights, stories and lots in the downtown area.

Council Member Andy Ball informed the audience that the proposed text is a stop gap measure until further analysis of building heights can be done. Council Member Lynne Mason stated that the issue of addressing B1 heights was not a new idea and was first brought up during the Planning Retreat. In addition, Ms. Mason stated that the proposed text does not go against the 2030 Land Use Plan.

Council Member Jamie Leigh indicated that the Comprehensive Plan encourages maintaining downtown community character. Bill Bailey discussed a new mixed use project downtown as a concern to Town Council and that the current code is difficult to administer and that few buildings exceed 40 feet in height. In response, Planning Commission Member Jeff Templeton pointed out that some of the buildings illustrated in the 2030 Land Use Plan could not be built. Planning Commission Member Greg Simmons mentioned that floor area ratios are another way to control building height.

Bill Bailey stated that the Town is trying to determine what is appropriate for downtown. Planning Commission Member Jay Vincent indicated that the Town needs to define community character. He felt that building appearance is more important than building height.

Council Member Lynne Mason inquired as to how church steeples are regulated in which Bill Bailey responded that they are exempt for the most part unless the steeple has potential to fall on an adjacent property. Planning Commission Member Tom Purpur stated that the proposed text is contrary to the Boone 2030 Land Use Plan and current work on the use table in which Council Member Lynne Mason referenced page 90 of the Boone 2030 Land Use Plan. Discussion ensued on the height of parapet walls.

Mr. Fulton Lovin addressed Town Council and the Planning Commission by stating that it is a good idea to address building heights downtown. He mentioned that King Street and Howard Street are very different in elevation and that the proposed text may impede progress downtown. Mr. Lovin also mentioned that 40-foot-high buildings already exist downtown and that it he would like to see Howard Street exempted from the proposed regulations. He summarized by saying that one size does not fit all.

The meeting ended at 5:47 pm.

David Graham, Development Coordinator

Loretta Clawson, Mayor