

**TOWN OF BOONE
QUARTERLY PUBLIC HEARING
MONDAY, NOVEMBER 2, 2015
5:30 P.M.**

COUNCIL MEMBERS:	Mayor Pro-Tempore-Rennie Brantz, Lynne Mason, Loretta Clawson and Quint David
PLANNING COMMISSION MEMBERS:	Vice-Chairperson Greg Simmons, Jeff Templeton, Frank Bolick, Charlotte Mizelle, Cameron Lippard, Caroline Catoe and Charlie Myers
STAFF PRESENT:	Bill Bailey-Director of Planning & Inspections, Jane Shook-Planning Supervisor, Brian Johnson-Urban Design Specialist and Marlene Crosby-Board Secretary
OTHERS PRESENT:	John Ward-Town Manager, Allison Meade-Town Attorney and Community Appearance Commission Chairperson Brian Williams

CALL TO ORDER

Mayor Pro-Tempore Rennie Brantz called the hearing to order at 5:40 p.m.

CASE 20150685 General Use Zoning Map Amendment: Mr. Tommy Hampton has filed a General Use Zoning map Amendment Petition to rezone properties at 240 and 265 Turbo Drive from B2 Neighborhood Business to RA Residential Agriculture.

Ms. Jane Shook Planning Supervisor presented this case as outlined in the meeting packet. Council Member Mason asked about the zoning of other properties in this area. Vice-Chairperson Simmons asked about the existing zoning. Ms. Shook explained the zoning of this case.

There were no public speakers for this case.

Mayor-Pro Tem Brantz closed this public hearing for this case.

CASE 20150700 Conditional Use Zoning Map Amendment Hunter Coffey has filed a Conditional District Zoning Map Amendment Petition for property owned by Jazz Baby Holdings, LLC to rezone 280 Queen Street from O/I Office Institutional to B1 Central Business with a site specific development plan for Use 11.19 Professional Office.

Ms. Jane Shook, Planning Supervisor presented this case as outlined in the meeting packet.

Mayor Pro-Tem Brantz opened the floor to questions from the Council or Planning Commission members.

Council Member Mason asked questions regarding the zoning of the surrounding properties in this area and would this proposed rezoning change constitute spot zoning because it a conditional district rezoning. Ms. Shook went over the zoning of this area also noting it is located in the G-4 sector of the framework of the Boone 2030 Land Use Plan.

Mayor Pro-Tem Rennie Brantz asked if there were any concerns from the Public Utilities Department. Ms. Jane Shook, Planning Supervisor explained there were no concerns.

Mr. Hunter Coffey from Hunter Paul Coffey Architecture, PLLC presented this case to the Council and Planning Commission members. Mr. Coffey said that he felt this proposed rezoning is in alignment with the Unified Development Ordinance and the Boone 2030 Land Use Plan and it allows for better development of the property in the way that his client has chosen to redevelop it.

Mr. Hunter identified the surrounding buildings and noted that the proposed plan includes the addition of a second floor and renovation for a law office. He talked about the increasing of the floor area ratio and density. He talked about the setbacks for addition and that they are conforming to the Boone 2030 Land Use Plan. He said that the surrounding property owner, Mr. Marsh is in favor of the proposed project.

Council Member David asked if the B-1 zoning district have the transitional zone requirement as other business districts. Ms. Shook said the use would have the transitional zone associated with it and it could vary from district to district. Ms. Shook said this project did not trigger any additional transitional zones.

Council Member Clawson asked about the open business hours. Ms. Shook explained the requirements of the ordinance regarding open business hours.

Mr. Hunter said in the meeting packet there is a zoning narrative that his firm prepared containing information that covers all the bases for this proposed project.

Vice-Chairperson Simmons talked about the floor area ratio issues and other challenging issues with the zoning of this proposed project. Ms. Shook talked about the differences in the B-1 and O/I zoning districts as it relates to setbacks.

Commissioner Mizelle asked about sidewalks along the side of the proposed project. Mr. Hunter talked about proposing to not provide the sidewalk because of the steep grade; he would like to propose to pay the fee in lieu.

Commission Member Bolick asked about parking at the proposed project. Mr. Coffey said that his clients plan to lease parking spaces from the adjacent property owner to accommodate parking except for the one space that is available that they will hold for a handicap space.

There were no speakers for this case.

Mayor-Pro Tem Brantz closed this public hearing for this case.

20150028 –Planned Development UDO Text Amendment: request to modify the Unified Development Ordinance to create a Planned Development (PD) zoning map amendment process. A PD zoning district create a sui generis (unique) district not limited to the authorized uses and the development standards of a specific zoning district.

Mr. Bailey said this text amendment has been presented to the Council and Planning Commission members before in August of 2015 and since that time Staff has met with Ms. Allison Meade, Town Attorney to review the proposed language outlined in yellow in the staff report found in the meeting packet.

Mr. Bailey said that Dr. Rich Crepreu had requested the Council to bring this case back for further discussion. Mr. Bailey said Dr. Crepreu is present at this hearing to answer any specific questions on this case.

Mr. Bailey explained that this proposed Planned Development text amendment allows for a customized zoning district. Mr. Bailey said this proposed amendment will help eliminate variances with the exception of state environmental codes requirements like storm water, special flood hazard and trout buffers. Mr. Bailey explained that a developer has to be able to explain where they meet the code or deviate from the code and how they are going to mitigate the impacts on a proposed project.

Mr. Bailey explained the intent of Article 14.05.01 (b). Council Member Mason talked about the four things listed in this article and would they be part of the approval process. Mr. Bailey said yes and they would be included in the staff report. Mr. Bailey explained the hearing and meeting process for these things to be potentially adopted which includes community meetings.

Mayor Pro-Tem Brantz asked if this proposed text amendment change would be a more streamlined process. Mr. Bailey said he would call it going another route. Mr. Bailey talked about what the developer needs to know and provide the Town in the submittal process.

Commission Member Myers asked about the grandfathering of properties. Mr. Bailey explained that the zoning district requirements would apply until a change is made to the zoning district.

Commission Member Myers asked about the approval process and how does revisions get made during the approval process. Mr. Bailey explained the negotiation process regarding conditions of approval and modifications to conditions of approval and how they will be addressed.

Council Member David asked if conditions of approval can be placed on low income housing projects. Ms. Shook said the applicant has to agree to the conditions on a project.

Commission Member Catoe asked how many projects would come in and fit this type of proposed Planned Development. Mr. Bailey said he does know of some possible projects that would be able to follow this proposed process. Ms. Allison Meade, Town Manager said the proposed Planned Development is a trial process.

Mr. Bailey talked about the developer meeting the code requirements, getting preliminary design plans, then the negotiation and the possible variance process.

Mr. Bailey talked about developer requirements and the impacts of developing in the Planned Development process.

Council Member Clawson said the proposed Planning Development process puts more pressure on the Council. She talked about the importance of transitional zones.

Discussion ensued on the three-acre property requirement.

Ms. Meade talked about the proposed language that was added and found on page three of the staff report. She said this proposed wording was added to make the language explicit and to show that the project is better than what that would have been permitted under what the existing UDO outlines for a development process. Mr. Bailey referred to Article 14.05.01 (b) and said he agreed with Ms. Meade.

Council Member David talked about Article 19.10.06 found on page 15 of the staff report, he wanted to know, if this was just for the Planned Development or for variances for the Board of Adjustment to review. Mr. Bailey explained the intent of this proposed language.

Ms. Meade, Town Attorney told the Council that a lot of the things in the proposed text amendment are flexible and can be changed.

Mr. Bailey pointed out that the developer cannot come back through this Planned Development process for 12 months.

Council Member David talked about the difficulty to gather information for variances for multiple parcels that combine multiple zoning districts. Mr. Bailey talked about the process for parcels to be combined for the development.

Commission Member Myers asked about the communication of the conditions of a Planned Development. Mr. Bailey explained that the communication of the approved project are contained a set of orders.

Vice-Chairperson Simmons talked about the R-1 zoning district options for development. Mr. Bailey explained the general use or conditional district rezoning is the process that would be followed at this time.

Vice-Chairperson Simmons talked about the four staff conditions found on page three of the staff report. He explained the difference between quasi-judicial and the legislative process. Mr. Bailey further explained these processes.

Ms. Meade, Town Attorney said the intent of the Planned Development process is to give some structure to the decision making for the Council.

Mr. Bailey explained the approval and denial process. He noted that opposition of an approval or denial can be appealed.

Council Member Mason clarified that in Article 9:10.03 (b) was removed and (b) becomes (c) found on page 11 and 12 of the staff report.

Vice-Chairperson Simmons talked about listing specific uses in the proposed text amendment. Mr. Bailey explained that Staff did not have direction to add or subtract those uses. Mr. Bailey

said that Council and the Town Attorney, they agreed it was not needed in this section because it is in the Table of Permissible Uses.

Mr. Rich Crepeau, Board of Adjustment Chairperson addressed questions on possible increased workload. He doesn't anticipate a lot of increase for the Council because of the projects going with the Planned Development process. He talked about the flexibility for the developer to craft his own zoning district. He talked about the flexibility for the Council and the Planning Commission when reviewing projects. He talked about the Board of Adjustment not being able to use the flexibility because of policy reasons. He said this proposed Planned Development creates an avenue to exercise more policy which is good plan implementation.

There were no speakers for this case.

Mayor Pro-Tem Brantz closed this public hearing for this case.

CASE 20150767 – B-1 Central Business Building Material Change UDO Text Amendment:
request to modify the Unified Development Ordinance to prohibit and require certain field materials in a remodel or new construction.

Mr. Bailey gave a brief background regarding the charge of the Community Appearance Commission to revise the guidelines in Article 25.

Mr. Brian Johnson, Urban Design Specialist and Mr. Brian Williams, Community Appearance Commission Chairperson explained that the Community Appearance Commission members have been working on the appearance design standards. They said while reviewing these guidelines the CAC members realized that they needed to revise this section of the UDO to ensure appropriate materials for the B-1 Central Business District are utilized while the final recommendations of the design standards are being completed and this prompted the proposed UDO text amendment.

Mayor Pro-Tem Brantz asked if they had spoken to Mr. Eric Plaag from the Historic Preservation Commission. CAC Chairperson Williams said that he has heard from several people in the community. CAC Chairperson Williams said there is a joint workshop with the Council and the Community Appearance Commission on Tuesday, November 10, 2015 at 5:30 p.m. to further discuss this case.

Commission Member Templeton asked about the timeframe to complete the proposed language for the design standards. He talked about the restrictions in the code that is not allowing business

owners to improve their buildings. He said he hoped the draft design standards allowed for more options than just brick and stone materials.

Discussion ensued on the timeframe on completing the proposed recommendations for the design standards.

CAC Chairperson Williams talked about being restrictive on materials in a way that still allows a more modified look in the Downtown area.

Vice-Chairperson Simmons asked about the vision for the Downtown area. CAC Chairperson Williams said the CAC and the Downtown Boone Development Association have discussed materials in the Downtown area.

Mr. Paul Hunter from Hunter Coffey Architecture talked about Historic Preservation versus Historic Re-creation because they are vastly different things. He thinks that cities can benefit greatly from Historic Preservation but they can be damaged by Historic Re-creation. He said he would like to think that someone who draw a line between these two things.

Mr. Williams pointed out that the proposed language is addressing both renovations and new construction.

Vice- Chairperson Simmons asked about the timeframe for the completion of the draft design guidelines. CAC Chairperson Williams said the CAC hopes to complete the proposed recommendations for the design guidelines by February or May 2016 public hearings.

Mr. Johnson talked about the restrictions of materials because of the fire code.

There were no speakers for this case.

Mayor Pro-Tem Brantz closed this public hearing for this case.

ADJOURNMENT

Mayor Pro-Tem Brantz adjourned the meeting at 7:08 p.m.

Mayor Pro-Tem, Rennie Brantz

Board Secretary, Marlene Crosby

Planning Commission Vice-Chairperson, Greg Simmons