

**PUBLIC HEARING MINUTES
MONDAY, JUNE 22, 2020, 6:00 P.M.
WebEx, Video Conferencing Software**

COUNCIL MEMBERS: Rennie Brantz-Mayor, Loretta Clawson-Mayor Pro-Tem, Sam Furgiuele, Dustin Hicks, and Nancy LaPlaca

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chairperson, Eric Plaag-Vice Chairman, Frank Veno, Chris Behrend, John Tippet, Adam Zebzda and James Hedrick

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections and Marlene Crosby-Board Secretary

OTHERS PRESENT: John Ward-Town Manager, Allison Meade-Town Attorney, Rick Miller-Director of Public Works and Anna Twigg-Town Manager Intern

CALL TO ORDER

Mayor Brantz called the Town Council to order at 6:05 p.m.

Chairman Shay called the Planning Commission to order at 6:05 p.m.

Adoption of Agenda

Mayor Pro-Tem Clawson made a motion, seconded by Council Member Furgiuele to amend the agenda to add possible discussion on a Resolution Requesting Changes to State Law Relative to the Rights of Tenants.

Vote: Aye – All
Nay – None
The motion passed.

Approval of Meeting Minutes

Council Member Furgiuele made a motion, seconded by Mayor Pro-Tem Clawson to approve the January 27, 2020 public hearing minutes as written.

Vote: Aye – All
Nay – None
The motion passed.

Planning Commission Vice-Chairperson Plaag made a motion, seconded by Planning Commission Member Behrend to approve the January 27, 2020 public hearing minutes as written.

Vote: Aye – All
Nay –None
The motion passed.

Case PL03541-013120 & Case PL03608-022820 ASU Child Development Center – General Use Zoning Map Amendments

Due to how Case PL03541-013120 & Case PL03608-022820 deal with the same parcel, Staff has prepared a combined Staff Report for ease of explanation.

Case PL03541-013120 Information: The Board of Trustees of the Endowment Fund of Appalachian State University has requested a General Use Zoning Map Amendment for 1.61 acres of property located at or

near 538 Poplar Grove Road (Watauga County PINs: 2900-58-7299-000 and 2900-58-6723-000) to rezone portions of the properties from R1 Single-Family Residential to E1 Educational District.

Case PL03608-022820 Information: The Town of Boone has initiated the zoning of approximately 2.27 acres of property located off of 538 Poplar Grove Rd. (portions of Watauga County PINs: 2900-58-7299-000 and 2900-58-6723-000) owned by the Board of Trustees of the Endowment Fund of Appalachian State University to E1 Educational Zoning District in conjunction with the property owner's request for annexation of the property.

Ms. Jane Shook, Director of Planning and Inspections presented this case as outlined in the meeting packet as follows:

The Board of Trustees of the Endowment Fund of Appalachian State University currently owns two adjacent parcels as shown on the map on page 1 (536 & 538 Poplar Grove Road).

The 536 Poplar Grove lot currently contains 6.47 acres and the use on the lot is a single-family dwelling unit. The 538 Poplar Grove lot currently contains 10.6 acres and the use on the lot is the ASU Child Development Center. These two lots are outlined in white on the map above (please note the external boundaries are either in yellow or green with the white line providing the current boundary which provides the interior separation between the two lots. Also see the attached annexation survey in Exhibit 1 for additional clarification.

The Board of Trustees of the Endowment Fund of Appalachian State University is proposing to recombine the two existing lots into two (2) new lots with new property boundaries:

1. The new 538 Poplar Grove lot (ASU Child Development Center) outlined in yellow on the attached map will contain 3.88 acres of which 2.27 acres are outside of corporate limits. The Town has been petitioned to annex the 2.27 acres outside of corporate limits. This new lot is the subject for the cases noted above. The requests are to rezone the existing zoned portions from R1 to E1 and to zone the un-zoned portion to E1.
2. The new 536 Poplar Grove lot (single-family dwelling) will contain the remaining 13.18 acres (outlined in green on the map above). Other than changes to the property boundaries, no other changes to the zoning or jurisdiction are being proposed for this lot.

Ms. Shook led Council and the Planning Commission through the Staff Report for the case.

Ms. Shook said that Mr. Rick Miller, Director of Public Works Department is attending this meeting via phone, if anyone has questions. She pointed out that there is an attached memo in the meeting packet from Mr. Mike Trivette, Utility Services Technician regarding the property located at 538 Poplar Grove Rd.

She noted that under Use 9.0 Education, Use 9.01 and Use 9.02 Public colleges and universities that a special use permit would be required, if a 200 ft. Transitional Zone is triggered in the E1 zoning district.

Mr. Matt Dull from Appalachian State University stated that the University is excited to expand their existing child development center. He said there is a significant need for additional child care spaces both on the University campus and in the community. He said that child care is one of the highest concerns for their faculty and staff that are moving to Boone. He said the existing child care center serves 68 children and the proposed expansion would add 54 more spaces and there would be some limited number of community spaces available. He said the proposed addition would allow for a single-story, 5,000 square

foot building that would be adjacent to the existing structure. He said the expansion would include the expanding of the playground, widen and improve the existing road that accesses the child care center, will facilitate better traffic flow, include drop-off and pick-up zones, add an additional storm water retention system on the site, addition of sidewalks along Poplar Grove Road, Appalcart pull off, and will bury some of the over ground utilities that serves some of the neighbors. He said the University is only wanting to expand the number of childcare slots available for the community and they would like to annex into the Town to use Town utilities.

Planning Commission Vice-Chairperson Plaag asked Ms. Shook how long has the existing parcel that has the child care center on it been zoned R1. She said she did not have that information available, she said Staff would have to research it. She said that she thought that zoning designation has been in place for a while. She said that it could have been a permitted use at one time but is no longer a permitted use.

Planning Commission Vice-Chairman Plaag pointed out that the driveway for the parcel that will remain that is still zoned R1 and the only street footage to access a Town street is 22.08 feet long whereas the R1 requires a 56 foot street footage for any Town lot. Ms. Shook reviewed the survey and noted that while the property is required to have street frontage that the street frontage does not have to be on a street in the corporate limits. Discussion ensued regarding the street frontage regulation. Planning Commission Vice-Chair Plaag noted a concern that the University could potentially sell off a section of their property and then the zoning of that property will continue to allow for the 22.08 foot street footage because the Town can no longer mandate that there be any other street frontage on that lot.

Ms. Allison Meade, Town Attorney explained that the triangle outlined in green that is in the Town limits is not a separate lot and the area of property in the triangle does not have to meet Town requirements in of itself, but that the whole parcel would be reviewed for compliance. She said there is an agreement between the Town and County about cross jurisdictional parcels and that if the University did come in, subsequently, and tried to divide off the triangle of property that is in the corporate limit and create that triangular lot, they would not be given permits to development if they make it non-conforming. She said that development rights are permitted to some non-conforming lots but they have to date back to a certain time.

Planning Commission Chairman Plaag confirmed that the Grandview Heights area is a Neighborhood Conservation District. He was concerned for the increase in traffic from the child care center and possible problems with traffic backing up onto Poplar Grove Road. He asked in general about the plans that the University has to accommodate the said concerns. Ms. Meade explained that during a general use rezoning, the details of site specific plans are not to be considered in the decision making.

Council Member Furguele asked Ms. Shook if the request just constitutes an expansion of the University campus and anything that is on campus and any use that is allowed by the University other than dormitories under this designation. Ms. Shook said this is correct. He talked about the neighbors that live in the Kalmia area. He noted that they voiced their concerns about a cottage development that had been proposed in the past. He asked if these specific people had been notified of these zoning requests. Ms. Shook said that all property owners within 150 feet of both parcel boundaries as they exist now received notification. Ms. Shook pointed out that a neighbor had indicated they would like to speak during public comment. Mr. Matthew Dull noted that the University reached out to the same neighbors by phone calls and some type of mailers. Mr. Dull said that Mr. and Mrs. Combs came to the event held by the University in the neighborhood and they did review the proposed plans for these zoning application requests. Council Member Furguele pointed out that the Town has no control over what University uses

are made of this property in the future, if there is a general use rezoning. Ms. Shook said if the University does anything within 200 feet of a protected district, it will trigger a transitional zone for the remaining property located across the street. Council Member Furguele asked if the University had an opportunity to request conditional district zoning and Ms. Shook noted that Staff had discussed this issue with the applicant and that the University choose to move forward with the General Use Zoning Map Amendment request instead.

Discussion ensued on transitional zones. Ms. Meade asked Ms. Shook to explain the reference to the transitional zones in the Staff report. Ms. Shook said per the current ordinance language, the applicant would be required to apply for a special use permit for any proposed development on the property if a transitional zone is triggered.

Council Member LaPlaca asked Mr. Matthew Dull from Appalachian State University, if approved, will the proposed expansion of the child care center fulfill the need that the University has for child care. Mr. Dull said it would probably not meet the need for the University or the community because there is a very significant need for child care in the High Country. He said that they have a waiting list that has about 100 children on it waiting for child care options on campus. He reiterated that the proposed expansion will accommodate about 54 more children but they are in the design process and this number could change.

Planning Commission Vice-Chairman Plaag asked Ms. Meade based on the guidance for general use zoning map amendments, if questions about the need for the proposed child care center expansion are irrelevant to the consideration of the review of the cases. Ms. Meade said yes.

Mayor Brantz asked Mr. Dull about the timeframe for developing the child care center, if the proposed requests are approved. Mr. Dull said there would be approximately a six to eight month construction window after all of the Town permitting processes are completed. He said that construction could start in October or November 2020 and continue through the spring semester into early summer of 2021.

Mayor Pro-Tem Clawson asked Mr. Dull if the child care center will serve the community or only children associated with the University. He said it will primarily serve children associated with the University; but there will be some child care spaces for the community, especially, for some pre-school age children. He said that they currently have children from the community in the child care center now.

Planning Commission Member Adam Zebzda said that he heard Council Member Furguele say that the University declined to apply for a conditional district application. He said why did the University not choose to follow the conditional district process but they proposed to rezone the whole property to E1. He said at the moment, he would be hesitant to eliminate the opportunity for housing anywhere in Boone. Ms. Meade noted that Planning Commission Member Adam Zebzda is raising two questions in his discussion of these proposed cases. She explained that the E1 use allows all University uses except housing. She explained that the University does not intend to put in dormitory-style housing. She pointed out the University knows that there would be most likely opposition from Council to allowing a dormitory-style or other housing use on the property. She explained that the University has chosen the more narrow use category that still meets their needs. She explained that conditional district application would require a formal site specific development plan along with the request for the E1 zoning. She explained that in the past Council Member Furguele had noted that he would prefer that the University apply for a conditional district application with a site specific plan. She noted that Council Member Furguele had expressed that he is uncomfortable with a general use rezoning that would allow any type of use other than the residential use in the future. She also explained that the University decided as a matter of policy they

would not seek conditional district rezoning because they would have to go through a special process that involves the Council of State. She said because of this process the University has repeatedly declined the conditional district process of which some of the Council members would prefer that the University go through.

Public Comment

Mr. Brady Combs and Mrs. Austin Combs gave their public comment regarding these proposed cases. Mr. Combs said that he and his wife live at 592 Poplar Grove Road. He said that they are in favor of the proposed cases. He said that both the Town and University had notified him and his wife of the proposed general use rezoning cases. He said they did attend the neighborhood meeting.

Mrs. Combs noted that the current traffic flow from the child care center has been before 8:00 a.m. and after 5:00 p.m. She said that she does not see traffic issues and does not for see any traffic issues in the future with the proposed cases. Mr. Combs said there is a lot of foot traffic on Popular Grove Road and the proposed sidewalks will improve pedestrian safety. Mr. Combs liked the idea of proposed plantings along the property line because they would help shelter his property from the road from the proposed development. Ms. Combs said the child care center have been good neighbors. She said that she supports the possibly of the expansion of the child care center because it would help the community as a whole with their child care needs.

Council Member Furguele asked Mr. and Mrs. Combs, if they would have the same level of enthusiasm if ten years from now if the University instead wanted to build a 67 foot classroom building on this property. He further explained that the University would have the freedom to do other types of developments. Mr. Combs responded and said that he would have to consider any future proposed projects at that future time. Mr. Combs added that because of the current setbacks language in the Unified Development Ordinance future developments do not concern him at this time. Mrs. Combs agreed with Mr. Combs.

With no further questions or comments, Mayor Brantz closed the public hearing for this case.

Case PL03942-060520 Temporary Classrooms – UDO Text Amendment

The Town was approached by the Watauga County Board of Education in late 2019 with concerns about the pending expiration date (September 2020) for the temporary classrooms installed at Hardin Park Elementary. Duet to large class sizes, the school system is in the planning process of exploring long-term solutions but the permitting for this would not be completed before their current temporary classroom permit expires.

Council discussed and gave approval to Town Staff at the 2020 Planning Retreat to move forward with an amendment to address this issue. The current text was also modified to provide further clarification on temporary classrooms.

Ms. Shook read aloud the proposed Ordinance Amendment. She pointed out that the ordinance currently allows for temporary classrooms. Ms. Shook explained that the Watauga Medical Center approached the Town regarding temporary classroom that they needed on Mary Street. She said that these temporary classrooms have been removed. She added that for four or five years Hardin Park School has needed temporary class rooms due to high student enrollments.

Ms. Shook reviewed the Table of Temporary Uses in Article 15.07.03. She said that temporary class rooms are allowed in the OI, B3 and E3 districts. She explained what the E3 zoning district is for elementary and

high schools. She said if these type schools would want to do more development, it could only be done in these zoning districts.

Ms. Shook reviewed Article 15.69 Temporary Uses, Article 15.69.01 General Regulations and noted there were no proposed text changes to this subsection.

Ms. Shook reviewed the proposed changes in Article 15.69.06 Temporary Classroom as detailed in the Staff Report. She noted the exemption for meeting the requirements of the Community Appearance Standards and the change in the length of time for the temporary use to ten years.

Mayor Brantz asked Ms. Shook why the permit shall be valid for ten (10) years from the date of issuance. Ms. Shook said that when the Council gave direction to move forward with this proposed text, the Staff was not given a specific timeframe. She said the school had told the Staff that they were seven to ten years out in their planning efforts. She said this is why Staff proposed ten years.

Planning Commission Vice-Chairman Plaag talked about his concern in Article 15.69.06 regarding the proposed change from three (3) to ten (10) years that a permit shall be valid for from the date of issuance. He talked about the stated goal of the school system that led this request to the public hearing process which is to move away from temporary structures and move towards an expansion that will more appropriately accommodate children at the school. He said he was concerned for extending the length of this permit for such a long time. He said it would take away any incentive from a permitting and administrative process and pushing the school system to make changes at the school. He said that he is also concerned about other areas that do not have temporary classrooms and it gets approved for ten years and in five years or one year into the issued permit you have neighborhoods that are adjacent to that school expressing concerns about noise by the outside temporary classrooms. Ms. Shook said for Hardin Park Elementary School there is a limiting factor which is one temporary classroom for every five acres. She said the ordinance requires that they place them to minimize the impacts to adjacent property owners. She said that Hardin Park Elementary School worked with Staff to find a location that met their needs and the requirements of the ordinance. She said based on their acreage, they have room for only one more structure. She said they are limited on where they can put a structure and the structure would take up the space of any outdoor recreation facility at the school.

Planning Commission Vice-Chair Plaag asked Ms. Shook if there was a specific reason for extending validity of the permit from three to ten years either to this case or to another school in our community. Ms. Shook explained that the planning and funding process for a new school or a renovation of the existing school takes a while to achieve. She said that she chose ten years because of the information that was presented to Staff from the school system. Mr. John Ward, Town Manager agreed that Ms. Shook was correct with using the ten years based off the information from the school system. Mr. Ward further added that the need for more space is not going to go away but potentially increase and it will be limited by the number of structures per acre.

Mayor Brantz asked Ms. Shook if there are special maintenance rules that accompany these temporary classrooms. He pointed out if the temporary class rooms are just sitting without use, they could deteriorate. Ms. Shook said the temporary class rooms would have to meet the building code and any other codes that are applicable.

Mr. Ward noted that as part of the consideration of this case, he wanted to clarify that part of the reason for the extra need for space at Hardin Park Elementary School is because Hardin Park is the school in

Watauga County that accommodates most of the special needs. He said this has put the additional growth on said school.

Planning Commission Chairman Plaag asked Ms. Shook, if there was a mechanism for a solution that would specifically address the Hardin Park Elementary School need but would not affect the other use allowed. Ms. Shook referred to Article 15.69.06(H) and noted a solution could be made by limiting the temporary permits for classrooms for Use 11.23 Hospital for three (3) years and allow for the Use 9.05 for ten (10) years. He said that he would be more comfortable with this proposed solution.

Ms. Meade asked Ms. Shook, if there are other schools in the Town limits other than the Watauga High School and Hardin Park Elementary School. Ms. Shook said no other public schools. She noted that there are some small private schools and one of which is located in the Boone Methodist Church.

Council Member Hicks asked about the process for someone coming back to the Town after the three (3) or ten year (10) period has ended, what is the process to extend the period of time. Ms. Shook referred noted that a process for an extension is outlined in the text.

Ms. Meade pointed out a proposed change to the text in Article 15.69.06 Temporary Classroom, in the first line she suggested changing the word “school” to “classroom use.”

With no further questions or comments, Mayor Brantz closed the public hearing for this case at 7:19 p.m.

OTHER MATTERS

Resolution Requesting Changes to State Law Relative to the Rights of Tenants

Council Member Furguele explained that there was no substantive change to the resolution other than what was presented at the last Council meeting which included the proposed changes by Council Member Hicks regarding 5.b. disclosure of the type of flood zone that a property is in and 5.c. the category of the flood zone may not accurately reflect the frequency of the actual flooding that takes place.

Motion and Vote:

Council Member Furguele made a motion, seconded by Council Member Hicks to adopt the Resolution Requesting Changes to State Law Relative to the Rights of Tenants as presented.

Vote: Aye – All
Nay – None
The motion passed.

ADJOURNMENT OF TOWN COUNCIL

Mayor Pro-Tem Clawson made a motion for Town Council to adjourn at 7:22 p.m. The motion was seconded by Council Member LaPlaca.

Vote: Aye – All
Nay – None
The motion passed.

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary

Elizabeth Shay, Planning Commission Chairperson

Continuation of Planning Commission Meeting

Chairperson Shay called a break in the Planning Commission meeting from 7:23 p.m. until 7:30 p.m.

Chairperson Shay called the meeting to order at 7:30 p.m.

Chairperson Shay welcomed new Planning Commission Member Adam Zebzda.

Approval of Meeting Minutes

Member Behrend made a motion, seconded by Vice-Chairman Plaag to approve the September 23, 2019 meeting minutes as written.

Vote: Aye – All
Nay – None

The motion passed.

Member Behrend made a motion, seconded by Vice-Chairman Plaag to approve the October 28, 2019 meeting minutes as amended.

Vote: Aye – All
Nay – None

The motion passed.

Case PL03541-03120 & PL03608-022820 ASU Child Development Center -General Use Zoning Map Amendments

Member Veno asked for clarification on the Poplar Grove Road being in the corporate Town limits. Ms. Jane Shook, Director of Planning and Inspections explained that a portion of Popular Grove Road which is a state maintained road goes through the corporate limits and it continues on outside of the corporate limits.

Vice-Chairman Plaag said that he had concern for the non-conforming use at the site for the R1 zoned lot. He said you have a child care center there as an E1 use in an R1 zoning district. He said that this could be argued that this was an error by the Town in allowing this zoning classification to the property with a non-conforming use. He said also that the University who owned the property decided to use it for the E1 use without going through the Town for approval. He further explained that the University now needs to rezone the property to be able to expand it; because of the non-conforming use. He said that he agrees with Council Member Furguele's concerns of the other things that would be allowed on this site like an academic building, parking deck or tennis courts allowed with the E1 use. He noted that a dormitory could not be built on this site. He said he is also concerned that the proposed expansion is located across the street from a protected Neighborhood Conservation District and surrounded by almost entirely R1 properties.

Chairman Shay asked Ms. Shook about the comment that was made in the public hearing for this case regarding how either the University system or Appalachian State University would not commit to the conditional district process. Ms. Shook stated that this question would have been good to have been asked during the public hearing. She said that when Council had asked this question, the response has

been that Appalachian State University has declined to pursue the process. She said she was not sure if it is University issue system wide. She said that comments have been made that no other Universities have been subject to a conditional district process.

Chairman Shay noted that she agrees that additional child care is needed in Boone. She said that she appreciated the comments made by Mr. and Mrs. Combs that were made in the public hearing as it related to additional child care spaces would be available for people that are traveling in our community.

Member Hedrick noted that he agreed with Council Member Furguele and Vice-Chairperson Plaag regarding their concerns for the broad scope of the E1 use.

Member Veno noted that he agrees with the concerns that Vice-Chairman Plaag voiced in this meeting. He said that he likes what is being requested but is concerned with the broad scope for the E1 use. He said as far as making recommendations what are the alternatives. He said that he believes that an alternative for the University would be the conditional district application process. Ms. Shook explained that they have to annex the property and concurrently get zoned in order to receive Town services. She also explained that the property has to be zoned appropriately for what the University wants to do whether it be a general use rezoning or a conditional district rezoning. She said it is up to the applicant on which type of application they want to submit to the Town. She told Member Veno that overall the Planning Commission has the ability in the case of the general use district to recommend approval or denial. She added that it does not prohibit the Planning Commission from sending recommendations to Council.

Member Behrend said that she does understand what can happen with E1 use. She noted that she likes the whole idea of what is being proposed for the expansion of the child care center. She also said that she likes the University is being considerate of the neighbors. She said that she supports the E1 use on the property.

Vice-Chairman Plaag said he is not opposed to child care and neither does he think that Council Member Furguele, Members Hedrick or Veno are opposed to child care. He said the Planning Commission is not to consider what the proposed specific site use is for the property. He said the Planning Commission should only consider the proposed uses listed under that zoning classification that is being requested. He explained that with an approved E1 use, the University can come to the Town and say they have changed their minds and say they are moving their child care center to another place on campus and put a large academic tower on that property and there is nothing that can stop the University under this specific request. He suggested that the Planning Commission members not be swayed by the need for child care because the Planning Commission should not be considering this topic in reviewing these cases.

Member Zebzda asked if the Planning Commission could recommend keeping the current parcel R1 and rezoning the other parcel to R1 as well. He said that he did not understand the request if the child care facility is doing well now how would rezoning to an E1 use change it. Ms. Shook further explained that when the Council approved these cases to be heard at a public hearing the E1 was the only zoning district under consideration. She said the choices for the University to request a zoning change that would allow them to operate is either U1 or E1.

Chairman Shay asked Ms. Shook is there another zoning district that could have been requested by the University and keep all the goals that have been discussed. Ms. Shook said the only zoning district choices

that the University has is either U1 or E1 and that the two process options are general use or conditional district zoning map amendments.

Member Tippet said that he agrees that there is a need for additional child care. He said that he knows that things can change five to ten years or even six months from now. He said he was not comfortable with the potential impact of the broad scope of uses that the E1 allows. He said the conditional district does sound like a better option for the University to follow to get what they need in the rezoning of the property.

Member Zebzda said he agrees with Member Tippet on the University requesting the conditional district process.

Chairman Shay asked Ms. Shook about the outcome of other University rezoning requests. Ms. Shook said one of the more recent University rezoning requests was the Watauga High School property with a request for E1. She said it was approved with some discussion on the potential to use the conditional district process at that time. She said another request was approved for U1 for the former First Presbyterian site adjacent to campus.

Vice-Chairman Plaag noted his concerns that the University does not always follow through with what they had committed to. He said on the Walker Space case the University agreed that they would not teach classes in that space and less than one year later, they were advertising on their website and doing interviews saying that this is a Walker Experience building where we offer classes on how to be better business people. He said this is a recent example of why he is concerned with the E1 district. He said at this point in time, he has little trust in the representations that are made by the University when changes or exceptions are requested by the University.

Ms. Shook shared her experience regarding the Walker Space case. She said that the communication between the University and the Town has changed over the last four to five years than how it worked in the past. She feels that there has been better open communication between the Planning and Inspections Department and the people in the University construction department. She said there was some growing pains but the University is working harder to ensure better communication.

Ms. Shook reviewed the General Use Zoning Map Amendment Guidance located on page 45 of the meeting packet. She noted that the decision that the Planning Commission makes will be sent to Council with any recommendations.

First Motion and Vote

Vice-Chairman Plaag made a motion, seconded by Member Zebzda that the proposed amendments to the Town's zoning map are not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is not keeping with comprehensive plan:

2.1.2 Commercial Development

C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.

2.3.2 Community Character

E. New Development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing & Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote:

Vice-Chairman Plaag made a motion, seconded by Member Hedrick that the Planning Commission recommends denial of the proposed amendment to the Town's Zoning map and believes denial is reasonable and in the public interest because E1 zoning classification for the proposed parcel is not appropriate to the surrounding properties considering that there is a neighborhood conservation district located directly across the street. All of the parcels surrounding the proposed amendment changes are either family residences that are currently zoned R1 or during the period of the ETJ were zoned R1 with the exception of two R3 parcels that are located just to the southeast.

Vote: Aye – All
Nay – None

The motion passed.

Friendly Amendment: Member Zebzda asked if he could add that the E1 use is too broad of a zoning classification given the surrounding parcels. Vice-Chairman Plaag and Member Zebzda accepted this friendly amendment.

Ms. Shook confirmed that there was consensus of the Planning Commission members regarding reviewing a possible conditional district zoning application for these specific use.

Chairman Shay and Vice-Chairman Plaag wanted it noted on record that they are not against child care.

Case PL03942-060520 Temporary Classrooms – UDO Text Amendment

The Town was approached by the Watauga County Board of Education in late 2019 with concerns about the pending expiration date (September 2020) for the temporary classrooms installed at Hardin Park Elementary. Due to large class sizes, the school system is in the planning process of exploring long-term solutions but the permitting for this would not be completed before their current temporary classroom permit expires.

Ms. Shook reviewed the proposed changes to the text that occurred in the public hearing regarding Article 15.69.06 Temporary Classroom. The first sentence would read: A temporary structure serving as expansion space for classrooms may be permitted as a temporary use to Use 9.5 Elementary School and Use 11.23 Hospital subject to the following conditions. In Article 15.69.06(H), "The permit shall be valid from the date of issuance for three (3) years for Use 11.23 Hospitals and ten (10) years for Use 9.05 Elementary School."

Member Veno said that he agrees with the proposed changes to Article 15.69.06(H). Temporary Class Room.

Vice-Chairman Plaag confirmed with Ms. Shook that there is only one elementary school currently that is in the Town limits that is able to employ temporary classrooms. Ms. Shook said that is correct. She said the only other elementary school is a private school that is Grace Academy located at Boone United

Methodist Church. She said that Grace Academy has a special use permit that restricts or limits the occupancy of the portion of church.

First Motion and Vote:

Member Tippet made a motion, seconded by Member Hedrick that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because it complies with:

Comprehensive Plan Policy 2.1.1 Economic Development Sections A, B, C, D, E, F, G, H, I, J, and K.

Comprehensive Plan Economic Development Plan Policy

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

Vice-Chairman Plaag asked how all of the Economic Development sections listed above apply to the school use. Member Tippet said that the Staff had recommended these sections in the Staff report. Member Tippet agreed that some of these sections may not apply to the school and welcomed a friendly amendment.

Vice-Chairman Plaag recommended as friendly amendment to choose Economic Development 2.3.

D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

Vice-Chairman Plaag explained his reasoning for a proposed change to a town rule to accommodate a County need which goes along with the inter-governmental co-operation for allowing these temporary structures to be on site for longer than they would be. Member Veno agreed with Vice-Chairman Plaag's reasoning on this topic. Member Veno noted that he reviewed the Economic Development Plan and he did not see a supporting policy that would fit this proposed text amendment.

Ms. Shook explained why the Staff included the Economic Development sections in the Staff Report. She said it is because it helps to see all of the policy sections rather than just a single section, when making proposed recommendations.

Chairman Shay said that she understands the Economic Development connection to the proposed cases and she agrees with Vice-Chairman Plaag's reasoning on this topic.

Member Tippet asked Vice-Chairman Plaag, if he agreed with including 2.1.1 Economic Development A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area. He did not support including A.1 in the motion, and he said that he was concerned with one of the proposed changes which is one of the buildings will not be subject to the design standards which seems to be contradictory to A.1

Vice-Chairman Plaag noted that he agreed with including E.1 in the motion.

Member Tippet accepted the friendly amendment from Vice-Chairman Plaag for this motion to include only Economic Development 2.3(D and 2.1.1(E.1.) Member Hedrick accepted this friendly amendment.

Vote: Aye – All
Nay – None
The motion passed.

Second Motion and Vote:

Member Tippet made a motion, seconded by Member Zebzda that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because of the proposed revisions to UDO Section 15.69.06 Temporary Classrooms which to change the "space to schools" to "space for classroom use" and the change to UDO Section 15.69.06 (H) Temporary Classrooms change the "permit shall be valid for (3) years for Use 11.23 Hospitals and the permit shall be valid for (10) years for Use 9.05 Elementary Schools.

Vote: Aye – All
Nay – None
The motion passed.

OTHER MATTERS

Member Hedrick said his term is expiring for the Planning Commission and he would not be able to re-apply for a position on the Commission at this time due to personal reasons. He noted that he would be interested in serving on the Commission in the future.

Ms. Shook noted that the next public hearing would be on July 27, 2020.

ADJOURNMENT OF PLANNING COMMISSION

Member Behrend made a motion, seconded by Vice-Chairperson Plaag to adjourn the meeting at 8:42 p.m.

Vote: Aye – All
Nay – None
The motion passed.

Elizabeth Shay, Planning Commission Chairperson

Marlene Crosby, Board Secretary