

**PUBLIC HEARING MINUTES
MONDAY, SEPTEMBER 23, 2019, 6:00 P.M.
TOWN COUNCIL CHAMBERS**

COUNCIL MEMBERS: Rennie Brantz-Mayor, Loretta Clawson-Mayor Pro-Tem, Marshall Ashcraft, Sam Furguele, Connie Ulmer, and Lynne Mason

PLANNING COMMISSION MEMBERS: Eric Plaag-Vice Chair, Frank Venio, Chris Behrend, and James Hedrick

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, Marty Little-Senior Planner, and Brenda Henson-Board Secretary

OTHERS PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

CALL TO ORDER

Mayor Brantz called the Town Council to order at 6:00 p.m.

Vice Chair Plaag called the Planning Commission to order at 6:00 p.m.

Mayor Brantz pointed out the General Guidelines for Each Case Presented at Public Hearing listed in the meeting packet.

CASE PL02977-082019 Caldwell Hospice – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a 10.009 acre property off Archie Carrol Road (Watauga County PIN: 2921-52-6451-000) owned by Carroll NC Properties, LLC & Robert L. Idol, Jr. to OI Office/Institutional. Zoning is to coincide with the property owner's voluntary annexation of the property.

Mr. Little presented the request as it was outlined in the meeting packet.

Council Member Furguele asked if it was correct that a number of uses in OI would trigger transitional zone requirements. Mr. Little replied that was correct. Council Member Furguele asked if it was correct that transitional zones would not be triggered in this instance because the surrounding single family homes are outside the Town's jurisdiction. Mr. Little stated that was correct. Council Member Furguele asked if any of the uses in OI would be allowed there if the property was zoned OI. Mr. Little stated that was correct. Mr. Little explained to Planning Commission members that Caldwell Hospice submitted an annexation petition to Town Council and indicated a desire to place a Hospice facility on the property, which would be allowed in an OI.

Vice Chair Plaag mentioned the 55+ Housing text amendment that would be heard later in this hearing and asked if the proposed R5 zoning district would be more appropriate zone for the Caldwell Hospice property than OI. Council Member Furguele stated there could be some objection to the R5 district being available for both senior living and care facilities. Mr. Little responded to Vice Chair Plaag's question noting that the Hospice Use could be allowed in the R5 district. Vice Chair Plaag wondered if R5 would be better than OI for the subject island parcel, if adopted, given that it might be more restrictive and offer better protection from the nearby residential property.

Council Member Furguele stated this was a general zoning and noted that, once the zoning was approved, the property owner could sell the property to someone else who could then develop any of the allowed uses in the approved district.

Council Member Mason asked if any other zoning districts were considered, noting the property was zoned B3 when it was located in the ETJ. Mr. Little replied that R1, B3, and OI were all considered. Council Member Furguele asked if the proposed R5 district was considered. Mr. Little stated it was not considered at the time the staff report was compiled. Ms. Meade added that staff felt they had been

directed by Town Council to request an OI zoning district after the annexation discussion and added that the new R5 district was only conceptual at that point. Council Member Furguele asked if it was correct that the applicant also requested OI. Ms. Meade stated that was correct.

Vice Chair Plaag asked if the subject property was, at one time, part of the larger adjacent property that was also zoned B3. Mr. Little replied that this was part of a larger parcel and the subject 10 acre tract was divided from the large parcel.

Commission Member Behrend asked if it was uncommon to have parcels that are not adjacent to property inside the Town limits to want to annex. Ms. Meade replied that it was not an uncommon occurrence.

Mayor Brantz asked if there were other Hospice sites in Boone or Watauga County. Mr. Little replied that there were no other facilities in Boone or Watauga County to his knowledge. Vice Chair Plaag felt that some of the nursing care facilities in Town would have some Hospice care but would not be considered a Hospice facility.

Mayor Brantz opened the hearing for public comment.

Michael Trew with Municipal Engineering, engineer for the Hospice project, stated that Hospice has currently outgrown the space they are in and need to expand. He noted the project was planned to happen in two stages with the first stage being office space and the second being the care facility.

Mayor Brantz asked how many beds the facility would have. Mr. Trew replied that the plan was for seven beds.

Ms. Meade reminded everyone that specifics of the project were not to be taken into account with respect to the application.

Commission Member Veno mentioned Mr. Trew's comment about Hospice having outgrown their current location and asked where they were currently located. Mr. Trew replied that Hospice was currently leasing a space in Carriage Square for office use only.

Council Member Furguele expressed concern that they keep talking, in a general rezoning, about a specific plan because once the property is rezoned the plans could change. He stated there was no guarantee a specific project would be built and felt it was wrong to continue talking about a particular project.

Council Member Mason noted that properties that were already zoned could come before Council and ask for a Conditional District and asked if properties who were annexing could request a Conditional District. Ms. Meade felt this could have been done. Ms. Shook stated that a base zoning district should still be identified and added that there had never been an instance that general use zoning was not done first. Council Member Furguele noted that a Conditional District was a stand-alone zoning district so it would be no different than asking for general rezoning, even if the property had not previously been zoned, because you would be establishing a one of a kind zoning district. Ms. Shook stated that was correct in the fact that the site specific plan would be different than any other site specific plan but the basic zoning would still apply. Ms. Meade stated that seeking a Conditional District for a property that was annexing meant the owner would have to front a great deal of money to develop a site specific plan and could create a very high expense for a lot of unknowns.

Vice Chair Plaag asked if there was any notification requirement for property owners who lived outside the Town's jurisdiction. Mr. Little replied that adjacent property owner notifications were sent to all property owners, whether in or out of the Town's jurisdiction, for this case. Council Member Furguele asked, for clarification, if the Town sent notifications to property owners who were not in Town limits. Ms. Shook replied that was correct. Ms. Meade added that it was a conservative way to go even though it was not legally required.

Council Member Furguele stated the reason he asked the question about transitional zones was that, even though he was really pleased the Town sent notifications to the affected property owners outside the Town's jurisdiction, as a practical matter, in a satellite annexation the transitional zones mean nothing because they are not triggered if there are no low density zoning districts in the area. Council Member Furguele suggested a future discussion about reframing the transitional zones to at least address the areas of the former ETJ. He stated he did not feel totally comfortable with a general rezoning with many uses that would normally trigger transitional zones but were not going to in this case. Council Member Furguele stated he was not opposing the proposal but was concerned about this as a future practice.

Council Member Mason asked, since this property borders single family dwellings, what the landscape buffer requirements would be. Mr. Little replied that they would be required to do a Type C buffer and read the following: Opaque Screen, Type "C" is a screen that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude completely all visual contact between uses and to create a strong spatial separation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet (10') wide. Council Member Furguele asked if this was true even though the adjoining properties were outside the Town's jurisdiction. Mr. Little stated that was correct. Council Member Furguele asked what triggered the landscape buffer requirement. Mr. Little replied that it was triggered by the adjacent land use and not by zoning district. Council Member Furguele asked what land use triggered the requirement. Mr. Little stated that the proposed land use of Family Care Institution being adjacent to residential land uses. Council Member Furguele noted that two of the structures were vacant and asked if they would be considered uses because they were presumed to be for single family purposes. Ms. Shook wished to clarify the issue and noted that UDO Section 31.03.01 B. stated if the abutting area is undeveloped, the required screening shall be that which would be required for a use necessitating the greatest visual obstruction. Council Member Furguele stated that an adjacent use could change before a permit application was received. Ms. Shook replied that was correct and explained that buffering requirements would then be determined by whatever use was adjacent at the time of application.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:25 p.m.

Case PL03012-082619 Glenn – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a .251 acre portion of 804 Poplar Grove Road (Watauga County PIN 2900-68-2176-000) owned by Robert Chase Glenn and Timothy Dale Glenn to R1 Single-Family Residential. Zoning is to coincide with the property owner's voluntary annexation of the portion of property outside of corporate limits.

Ms. Turner presented the request as it was outlined in the packet. She noted that Town Council requested an R1 zoning for this property at their August meeting.

Council Member Furguele asked if it was correct that the house was located on the portion of the parcel that was outside the Town limits and the other portion of the property that was located in the Town was zoned R1 and vacant. Ms. Turner replied that was correct and further explained that the property was being annexed into the Town due to a failed septic system. She noted that the house was already serviced by Town water but not sewer and, due to the failed septic system, the house has now been hooked up to Town sewer.

Council Member Mason felt this was fairly straightforward.

Mayor Brantz opened the hearing for public comment.

Chase Glenn thanked Council and Planning Commission for their consideration of the request. He stated he was somewhat forced to seek annexation. He explained that, after speaking with the County health inspector about his failed septic system, he was told getting on Town sewer was his only option. Mr. Glenn stated, due to a hardship policy act, he was able to go ahead and hook up to Town sewer before the annexation process was complete because he really had no other choice.

Council Member Furgiuele felt this request made sense, noting a portion of the property was already zoned R1 and this would help protect the adjacent R1 properties. He stated it would also correct one of the split zoned parcels in Town and felt the request should be supported.

Vice Chair Plaag asked if it was correct that this request was just to zone the portion of the property that is currently still undergoing the annexation process. Ms. Turner stated that was correct.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:30 p.m.

Case PL02634-060519 Sidewalk Fee-in-lieu – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise UDO Articles 15, 17 & 23 to limit when an applicant can utilize fee-in-lieu for sidewalks. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook presented the request as it was outlined in the packet noting that Town Council requested modifications be made to when an applicant can pay a sidewalk fee-in-lieu. Ms. Shook explained that, in some commercial development cases, the applicant can choose to pay a fee-in-lieu if there is no adjacent sidewalk structure or if the sidewalk has not been identified on the Town's primary route. She stated that the proposed modification would require all commercial development to install a sidewalk instead of paying a fee-in-lieu unless specific criteria are met to be granted an exemption.

Ms. Shook noted some changes regarding the allowance of greenways as an alternative method to sidewalks. Mr. Ward stated the Town just received a grant in conjunction with the High Country Council of Governments for stormwater on Winklers Creek for a potential waterway enhancement with a greenway design that would allow for a connection to the existing greenway. He stated that the proposed text amendment would help facilitate this project.

Ms. Shook stated the exemptions that would allow payment of fee-in-lieu were steep slopes or other factors that would make a sidewalk impractical or dangerous to the public or; damage to sensitive habitat, natural watercourses, or mature trees. Additional proposed language states that the Administrator must find that there is no reasonable alternative manner of building that particular section of sidewalk (such as changing its location) that would avoid the problems posed by the identified site-specific factors.

Council Member Mason asked if there was redevelopment on 421 from Bamboo to Perkinsville how this would affect the multi-use pathway that was planned. Mr. Ward suggested the properties could pay in to the fee-in-lieu and that money could be used toward the cash match to install the multi-use trail. Ms. Shook stated this would require a modification of the text as presented.

Council Member Furgiuele stated, if there was an approved plan with construction by DOT, that property owners along the way couldn't just construct the portions of the pathway that are located on their property.

Ms. Shook stated the Town was fortunate to get the grant through the Statewide Transportation Improvement Program (STIP) funding.

Mr. Ward stated he would be working with Public Works to update fees for sidewalk fee-in-lieu payments. He noted that in areas where previous developments have chosen to pay the fee-in-lieu, installation of

the sidewalk has sometimes been delayed by the Town and because an easement to put the sidewalk in was not obtained to begin with the Town is having to go back and negotiate to get the easement they should have gotten at the beginning of the development. Mr. Ward suggested that if the Town does accept fee-in-lieu they should require right-of-way easements at that time so the Town does not have to go back and purchase something they could have potentially had given to them. Council Member Furgiuele asked how the Town would know where the easement would be if the reason a fee-in-lieu was allowed to begin with was that the installation of sidewalk would be dangerous to the public or the environment. Mr. Ward replied that Council Member Furgiuele was correct. Council Member Furgiuele suggested there could be some other contractual agreement instead of an easement that would be a commitment to dedicate an appropriate area at the appropriate time if the Town ultimately constructed some type of pedestrian way across their property.

Mayor Pro Tem Clawson felt it was important to get sidewalks installed whenever possible as well as getting the fee-in-lieu so sidewalks can be installed later.

Mayor Brantz asked if the sidewalk plan covered the entire town. Ms. Shook replied that primary priority and secondary routes are identified but the plan does not cover all town streets. Mr. Ward asked if the site on Archie Carroll road would be required to install sidewalks under this proposed amendment. Ms. Shook stated that they would and noted that there have been times when DOT did not want to provide an encroachment agreement for sidewalks that were sidewalks to nowhere. She also felt it should be made clear that the Town would not maintain sidewalks that were not connected to other infrastructure. Council Member Furgiuele suggested that Council consider putting some type of distance limit on the sidewalk requirement, noting that a satellite annexation 3 miles out was pretty far out. He suggested annexed properties more than a mile outside Town could pay fee-in-lieu. Mr. Ward stated that if there were sections of sidewalk installed it might make it easier to come back and make connections later to create a larger area of sidewalk. Mr. Ward stated he liked the environmental section of the proposed language.

Ms. Meade asked Ms. Shook if she thought it was possible that NCDOT would not grant an encroachment at the Hospice property on Archie Carroll Road so that the sidewalk could not be built. Ms. Shook stated she would like to speak with DOT because she did not have that answer. Ms. Meade felt if DOT would not grant an encroachment for a property it would be a good item to include as an exemption. Council Member Furgiuele stated at that point the sidewalk would be impossible instead of impractical, which was the wording in the text and he noted that he had a problem with the word impractical. Mr. Ward added that, in his experience, there were not a lot of places where DOT would certify their right-of-way. Council Member Furgiuele stated that a sidewalk did not always have to hug the street and could still be constructed across someone's property. Ms. Meade asked if the UDO permitted for that kind of flexibility. Ms. Shook felt that it could be done but thought there could be issues connecting to those sidewalks as other development occurred. Council Member Furgiuele stated this issue could be addressed in the sidewalk handbook and not necessarily through the UDO.

Ms. Meade stated if you had a property that already had a greenway running through the front yard, it would not make sense to require a sidewalk on that section. Ms. Shook replied that was correct and stated that some clarifications may need to be made. She asked if the changes that had been discussed should be made during this hearing process or should the text amendment request be pulled and brought back for consideration at a later date. Council Member Furgiuele felt the text amendment should go forward in this hearing process but stated he had a lot of questions.

Vice Chair Plaag mentioned the requirement of a property owner to install a sidewalk when they could not get access within the DOT right-of-way and then the Town would not have an easement to that

sidewalk and the property owner would control access to the sidewalk. Ms. Meade replied that the Town does require an easement for a public sidewalk if a sidewalk is built.

Council Member Furguele asked what constituted a major subdivision. Ms. Shook stated a major subdivision was more than 10 lots. Council Member Furguele stated someone might want to do a 6-unit cottage housing development along a public street and asked why the Town would not want sidewalks constructed along the public street. He stated he understood a larger subdivision required internal infrastructure but asked if the sidewalk requirements should not apply to all development, even minor subdivisions. Ms. Shook replied that a minor subdivision could be only one lot. Council Member Furguele felt, during phase two of this text amendment, that there should be some consideration about extending sidewalk requirements to development that might be less than 10 lots. Ms. Shook requested that Council provide direction on the number of lots they wished to include. She noted that there is an expectation by commercial projects to install sidewalks but that is not currently an expectation of smaller residential projects and this could affect project costs. Council Member Mason expressed concern with installing small sections of sidewalks in neighborhoods that would never be fully serviced by a sidewalk. Vice Chair Plaag explained that he had just attempted to do this kind of development on a street that did not have public sidewalks and stated that had there been a requirement for the installation of sidewalks along the public street it would have caused the project to be cost prohibitive. He stated if the goal in having smaller, high density development was to provide affordable housing, the Town needed to pick a reasonable number of lots and he thought 10 felt about right. Vice Chair Plaag agreed that 1-3 lot subdivisions should not be required to install sidewalks. He stated the Town needed to decide what its priorities were between encouraging housing that is affordable or requiring this infrastructure element. Vice Chair Plaag suggested requiring less than 10 lots to install sidewalks could create a lot of pockets to nowhere. Council Member Furguele replied that maybe the answer was to leave the text as it was but felt there should be more conversation about the issue in the future.

Council Member Ashcraft mentioned the idea of cost sharing with the Town for installing sidewalks as an option to increase affordability and sidewalk locations in town.

Council Member Furguele referred to the language in 23.08.03 B. 1. a. that states Deviations may only be allowed when strict compliance with the Roadway & Sidewalk Program Handbook is not reasonably possible. He stated this was under the heading Design Requirements and asked if this suggested that someone could deviate from the structural requirements like the PSI or the way the sidewalks are created. Ms. Shook replied that, in the entire time this language has been in the Ordinance, she has never known anyone to deviate from the standards set forth. Council Member Furguele felt there should be an attempt to identify what things could be deviated from and suggested the UDO language could be modified to direct users to the Sidewalk Handbook and include the deviation guidelines there.

Council Member Furguele referred to the language in 23.08.04 B. regarding alternative methods and asked if the Town had standards for alternative methods of pedestrian circulation. Ms. Shook replied that the Town currently does not have standards for alternative methods but noted that Public Works was working on some details and specifications. Ms. Meade stated that while there may not be written standards there were still unwritten standards. Council Member Furguele asked if unwritten standards could be enforced. Ms. Meade asked if an unwritten standard had ever been challenged. Ms. Shook replied that she was not aware of that happening. Council Member Furguele stated if the Town had standards they should be written and should be the responsibility of the Town to let the public know what those standards are. Ms. Meade explained that the Town did not have the staff to reduce every Town policy into a procedure. She stated it could be done but it would cost time and resources and while things are better in writing, as a practical matter, all policies are not always written. Council Member Furguele felt that standards should not be referenced if they do not exist but stated if they were going to exist he

would be okay with that. Ms. Shook explained that Public Works had submitted a request to an engineer to get a quote on some different details and specifications that would include details for greenways.

Council Member Furguele referred to the language in 23.08.05 C. 1. that referred to the sidewalk being impractical and stated the word impractical was not a strong or necessary word and should not be the basis for avoiding building a sidewalk. Council Member Furguele noted the mention of mature trees in the same section and asked what a mature tree was and if it was defined. He stated that significant and historic trees were defined and asked why the language did not reference something that was already defined. Council Member Ashcraft suggested they could reference horticulture guidelines that list the mature height of most tree species. Council Member Furguele stated that significant and historic trees were defined by trunk size. Ms. Meade asked for the definition of significant. Ms. Shook replied that a significant tree was any healthy tree with a diameter of 8" or more at breast height and a historic tree was a 25" diameter at breast height. Council Member Furguele stated that, without a definition, a mature tree meant nothing to him. He suggested that the term mature be defined or the language should be changed to the term historic. Ms. Meade explained that if the word was not defined in the UDO a court would look up the common usage of that term.

Council Member Furguele asked if fees-in-lieu were rounded to the nearest foot. Ms. Shook replied that the Town does not currently round and typically goes to the nearest tenth.

Vice Chair Plaa referred to the language in 23.08.04 that references a greenway that was expected to be constructed in the next several years and stated he was not crazy about the vagueness of the next several years. Ms. Meade stated she was not either and she drafted that language.

There was discussion about the STIP and the timing of funded and unfunded projects. Mr. Ward stated it was difficult to know the specific number of years that it would take for a greenway project to take place due to the uncertainties with grants and outside funding sources.

Vice Chair Plaa questioned the allowance of a greenway instead of a sidewalk along a public street. Council Member Furguele felt there could be instances where this alternative might work.

Council Member Mason felt Section 23.08.04 Alternative Methods for Pedestrian Circulation needed to be revisited and more discussion needed to take place. Ms. Meade stated there did not seem to be a consensus regarding the language in 23.08.04 so she was unsure what direction to take regarding revising the language and whether or not Council wanted to proceed with any type of text amendment at this time. Vice Chair Plaa suggested the text be considered again at the next public hearing after staff has had an opportunity to rework some of the language. Ms. Meade stated that some of the smaller language revisions could be made without any problem but direction would need to be given by Council on the larger issues of greenways and timeframes. Council Member Furguele stated he was satisfied with 23.08.04 for the time being. He suggested they look at their greenway plans to see what was or was not built but stated he would not hold up the consideration of this text amendment for that.

Council Member Mason asked if there was a suggested number of years that could replace the wording of next several years in 23.08.04. Council Member Ashcraft suggested 5 years or which are approved and funded by the Department of Transportation. Council Member Furguele noted he was okay with several years, 3 years, or 5 years but felt offering a reasonable certainty would give the administrator the ability to address other issues such as funding. Council Member Mason stated she liked Council Member Ashcraft's suggestion of 5 years or included and funded by DOT. Council Member Furguele stated he was okay with that as well.

Council Member Ashcraft asked if the cost per foot for sidewalk installation was an in-house cost or a contractor cost. Ms. Shook replied this was a forced labor cost. She stated there was a fee charged for sidewalks and a separate fee was charged for curb and gutter. Ms. Shook noted that these charges only

cover the cost of the materials. Mr. Ward stated he would like to update those charges through the fee structure to incorporate the true cost of installation which he felt should include labor and equipment. Ms. Meade stated that could be brought back as an amendment. Council Member Ashcraft stated, if the contractor cost was higher than the Town's, the fee-in-lieu charges should reflect the contractor price to cover any additional contingencies. Council Member Furguele stated that could be done through the fee schedule and not through this text amendment. Mr. Ward stated he hoped to keep the fee schedule updated every year. He noted that some of the current funds that were collected for fee-in-lieu were probably collected eight years ago when there was a very different cost structure.

Council Member Mason asked if it was the consensus to use the term historic trees instead of mature trees. Council Member Furguele stated he did not care but felt mature trees should be defined if it was used. Ms. Meade noted that a 25" diameter tree was fairly large. Vice Chairman Plaag stated he preferred the term mature with the addition of a definition for mature trees. Council Member Mason stated that would be her preference as well. Council Member Furguele stated he would rather that not be a reason to not have to build a sidewalk. He felt that should be a reason to build a sidewalk that takes a path that preserves the trees. Ms. Meade felt that was addressed in 23.08.05 C.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 7:38 p.m.

Case PL03076-090919 55+ Housing – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise UDO Articles 14, 15, 16 and 34 to create a new residential zoning district and a new principal use for housing developments for persons who are 55+ in age. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook presented the request as it was outlined in the packet. She noted that a zoning district as well as a use had to be created for this text amendment. Ms. Shook explained that she did an assessment of similar use categories and narrowed them down to two categories; Adult Living Community and Residential Care Facility and the zoning district would be R5. She noted there was not a lot of input from Council regarding what the standards should be so the proposed text was the most inclusive possible. Ms. Shook explained that the Residential Care Facility was a combination of the current Nursing Care Home, Nursing Care Institution, and Skilled Nursing Facility categories.

Ms. Shook stated she had noticed some incorrect language in the R3, R4, and MH district sections and included changes to that language in this request.

Ms. Shook referred to the Use Table and noted the Residential Care Facility use was populated in the R3, R5, OI, and B3 zoning districts.

Ms. Meade noted the wording in the Adult Living Community that states this is an age-restricted development. She stated that Federal law does not generally allow discrimination based on age but has carved out an exemption for those who are 55 and older so retirement communities can be organized. Ms. Meade noted that every unit would not be required to be occupied by someone 55 or older and stated she thought the Federal requirement was 80% or more of units. She stated these communities could look like anything from cul-de-sac housing to condos to a facility that has everything including single family living, apartment living, assisted living, and skilled nursing.

Ms. Shook again referred to the Use Table and stated that Use 2.05 Residential Care Facility would be taking the place of the current uses 2.05 through 2.09. She explained that she had proposed the R3, R5, OI, and B3 with an L and a 300' transitional zone, noting that this was placed on there for discussion as there had been no direction regarding this. Ms. Shook noted the current Nursing Care Home was allowed

in RA, R1, R1A, R2, and R4 and in an effort to protect residential neighborhoods she did not feel it was appropriate to include the Residential Care Facility in those residential districts.

Vice Chair Plaag asked Ms. Shook if she was intending proactive zoning where the Town would identify various parcels that would be ripe for rezoning as R5 or would this be done by request of a property owner. Ms. Shook replied that it would be reactive.

Mr. Ward explained that there was currently a retirement development in Town that was designed to have three buildings but due to the recession only two were built. He noted that the slab and plumbing were already in place for the third building but due to zoning changes this development is no longer allowed. Ms. Meade asked Ms. Shook to explain why the third building could not be built under the current zoning. Ms. Shook explained that the original project was approved with a Special Use Permit and the buildings were to be phased. Vesting expired so to build the third building current requirements would have to be met, meaning meeting the requirements of Section 15.10 which does not match with the rest of the development.

Council Member Furguele stated it did not make sense, when you had a specific development for older people, to require the array of bedrooms in a normal multi-family project. He also noted that he did not remember a request to consolidate all of the care facilities into one or to make those available in the new zoning district. Ms. Shook stated that was correct and noted the direction was to create a new zoning district and a new zoning district cannot be created without creating a new use to populate within that zoning district. Council Member Furguele stated he understood that. Ms. Shook explained that it caused her to review all of the uses that were similar and it seemed cleaner to have them consolidated.

Council Member Furguele asked why they would not want to retain the different use categories instead of rolling them all into the Residential Care Facility category and suggested that there be at least two categories. Ms. Shook stated she may have overstepped what Council thought they wanted to see but was given very little direction about that vision.

Council Member Furguele referred to the definition of Adult Living Community and the language that states this is specifically designed for independent living for persons who are fifty-five years of age or older and asked if the wording *specifically designed* could be removed. Ms. Meade agreed that the wording could be removed. Ms. Shook stated that building code requires there to be a certain number of handicapped accessible units. Ms. Shook explained that the intent behind the development being specifically designed for those 55+ was to incorporate things such as wider doorways and other things that would be helpful if there was a need to transition to some additional care.

Council Member Furguele expressed concern about the proposed minimum lot size and noted that 5,000 sq. ft. was way too small, especially for a 56' building. Ms. Shook stated the idea was to have discussion about the proposed text and the definitions and figures proposed were provided as a starting point.

Council Member Furguele suggested the idea of requiring a Conditional District instead of transitional zone for Residential Care Facilities in the R3 or R5. Vice Chairman Plaag agreed that would make sense. Council Member Furguele stated if the scope was not so broad he might not have had that reaction. Ms. Shook reiterated that she went very broad with the proposed text due to the lack of discussion. Council Member Furguele stated he did not have a problem with what was proposed for the Adult Living Community in an R3 with a transitional zone but felt medical care facilities were different in that they could have ambulances coming and going due to the level of care needed which would be very different from a residential development. He stated he had some nervousness about a one size fits all approach when it came to drafting the regulations.

Council Member Furguele asked why no bicycle parking requirements were included in the proposed text for the Adult Living Community. Ms. Shook replied that she was unsure if Council and Planning

Commission would want to allow single family homes in the Adult Living Community and there are no bicycle parking requirements for single family. Council Member Furguele felt if a certain number of units were required that bicycle parking should also be required. Council Member Furguele also questioned the requirement of two vehicle parking spaces per unit in the Adult Living Community and felt that was too much. Ms. Meade asked if the parking requirements could be based on the type of development built. Council Member Furguele stated you would not need quite as many spaces as a typical multi-family development.

Council Member Mason mentioned subdivisions and Ms. Shook stated this text would not affect subdivisions.

Council Member Furguele stated it was a growing trend to have mixed and transitional housing for people over 55 but felt it might be a little ambitious to try to include that concept in this text amendment.

Council Member Furguele suggested making Adult Living Community uses a Conditional District until the district standards were more fully developed.

Mayor Pro Tem Clawson stated that nursing homes needed to have ample visitor parking.

Ms. Meade asked how the parcel was zoned that currently houses a 55+ development. Ms. Shook replied that the property was currently zoned OI. Council Member Ulmer asked why residences were in an office district. Council Member Furguele explained that residential uses were previously allowed in the OI but UDO revisions removed residential from OI.

Vice Chair Plaag asked how most of the properties were zoned in the Wellness District. Ms. Shook stated there was a mixture of R3, OI, and B3. Vice Chair Plaag asked if it was correct that if someone wanted to do a residential care facility they would currently fall under the old categories and those uses would be allowed in most areas depending on the specific use. Ms. Shook replied that was correct.

Ms. Meade asked Council Member Furguele if his intent was to require Conditional District in all the allowed zoning districts for the Adult Living Communities. Council Member Furguele stated he was initially thinking about just the Residential Care Facilities but given the small lot size and large height allowance he thought maybe the CD should be required in every instance. He explained that the R5 zoning district was a district by design and, upon request, could be located in any part of town. Council Member Furguele felt, until more specific standards were developed, requiring a CD would offer more protection and allow Council and Planning Commission to review a site specific plan. He stated the text should not be held up while staff developed the parameters and felt the requirement of a Conditional District would be a good interim measure.

Vice Chair Plaag stated it looked as though Ms. Shook had contemplated the idea that someone could want to develop a small community that might include restaurants or stores or activities.

Council Member Mason asked if the Adult Living Community was in an R3 if it would have to meet the height requirements of an R3 zone and would only be allowed to go up to 4 stories in the R5. Ms. Shook replied that was correct.

Ms. Shook pointed out that, as the proposed text currently stands, there could be no mix of uses because no other uses would be allowed in the R5 until the Use Table gets revised. Until that time, Adult Living Communities would be limited to only a residential element. Ms. Meade suggested possibly having Adult Living with Mixed Uses and Adult Living without Mixed Uses with one being subject to the CD and one not.

Council Member Furguele stated he was disturbed by the potential height in the R5 and the small lot size.

Council Member Ashcraft stated he was okay with the CD approach for now.

Ms. Meade asked if the idea was to only allow the Adult Living Community in the R5 as a CD. Council Member Furguele suggested allowing the Adult Living Community in all of the zoning districts proposed in the text and have them all be with a Conditional District.

Ms. Shook noted the reason she proposed allowing Adult Living Communities in the B3 was because there was a lot more areas with B3 zoning and stated this was up for discussion by the boards. Council Member Furguele stated if there was a suitable B3 parcel the applicant could seek to have it rezoned to R5.

Ms. Shook expressed concern with the possibility that applying this zoning district to a parcel might not be legal and could be considered spot zoning if the surrounding area was not carefully considered. Ms. Meade stated she was not uncomfortable with creating a very specific district like this and felt it would be a floating district that could be called upon when there was a desire to develop this type of project.

Ms. Shook agreed with Council Member Furguele that requesting a rezoning of B3 property to R5 was acceptable.

Ms. Meade asked if Conditional Districts would be required for the Residential Care Facilities. Council Member Furguele stated he was satisfied with the transitional zones in the OI and B3 but felt the R3 and R5 should require CD. Council Member Furguele noted that, on the long term, he would not be looking for the CD on the Adult Living but suggested it as a stop-gap measure while staff worked on the language. Ms. Meade asked Council Member Furguele why he felt differently about the Adult Living Community and the Residential Care Facility in the B3. Council Member Furguele stated it was because the Residential Care Facility was a commercial use so he felt it fit into the General Business District.

Ms. Shook pointed out that the “L” that was populated in the Use Table would now be a “P”. She explained that she placed an “L” there in case there were some standards that Council wished to apply but because there have been none the “L” would change to a “P”. Council Member Furguele stated he thought there would be standards that would be adopted. Ms. Shook replied that there would be but, because they were not yet created, the use would be permitted with the transitional zone, until the time that the standards were developed and the text was revised. Council Member Furguele stated he had suggested requiring the CD until the standards were developed and the text was revised. Ms. Shook asked Council Member Furguele if he would like to have a CD in the OI and B3 as well as the R3 and R5 and he replied that he was only suggesting the CD for R3 and R5 and the OI and B3 could remain as transitional zone. Ms. Shook explained that the OI and B3 districts would have to be populated with a “P” instead of an “L” with this text amendment and could change to an “L” once the text had been revised and brought back before the Boards for another amendment to the text. Council Member Furguele stated that putting pure residential development in a commercial district was different than the Care Facilities which were commercial.

Vice Chair Plaag asked if there was a guardrail to protect against the mega development that would mix these two uses. He asked if a safeguard could be to remove the Residential Care Facility from the R3, which would force an applicant who wanted to do a mega development to come in and do a Conditional District. Ms. Shook stated that was correct but would not preclude them from choosing another district or requesting split zoning. Council Member Furguele suggested that staff look at possible combination use categories when revising the text.

Mayor Brantz opened the hearing for public comment.

John Grasinger, owner of a 55+ residential development, stated his development did not have a 20% variance in the development and noted that at least one resident had to be 55 or older to live there. He stated there were two fully occupied buildings that were four stories tall with two bedrooms and an office-type bedroom. Mr. Grasinger stated there were some residents that were 100 years old, some that were in wheelchairs, and some very active residents. He felt the project had been very successful but the crash

in the economy caused him to be unable to get funding to complete the third building. Mr. Grasinger stated there was nothing said at the meeting tonight that he had any disagreement with. He noted his development did not have bicycle parking and a lot of people had bicycles which they parked in various places including their apartment.

Vice Chair Plaag asked Mr. Grasinger where his development was located. Mr. Grasinger stated the development was off of Dale Street which was off of State Farm Road. He noted the development was buffered from ASU's parking lot and you could get right on the Greenway from the property.

Commission Member Behrend asked if a third building would fit into the development. Mr. Grasinger stated that the building pad was already in place because they poured all three building pads at the same time. He explained that they got the first building built and sold all of those units. Then they got the second building built and had to rent those because people could not get financing to buy but most of those units have now been sold. Mr. Grasinger stated the third building is just standing there as a foundation and an eyesore with a significant amount of money invested in it. He explained that he tried to keep the permit open for as long as possible but finally had to let it expire.

Vice Chair Plaag asked Mr. Grasinger if he knew whether or not single family home retirement communities were typically done in a condo type manner where you would not own the parcel. Mr. Grasinger stated he had limited experience but thought there were probably more rental developments than condo developments. He added that there were very few places in Boone where a larger development with transitional housing could go.

Commission Member Behrend asked if the 55+ wording implied there were federal requirements involved to allow a percentage of residents under 55 years old. Mr. Grasinger explained that federal law stated you could not discriminate based on age but it did provide something called HOPA (Housing for Older People Act). He stated that HOPA allowed you to have 55 and older but it required that you at least have 80% of the occupancy be 55+. Mr. Grasinger noted that it did offer some flexibility for the times you may have only 75% occupancy of 55+ because you were making a good faith effort but the law did not say you had to have 20% occupancy that was under 55. Commission Member Behrend asked if the HOPA language should be included in the text. Ms. Meade replied that could be done but explained her thinking was that people would be subject to the federal law and the federal law applied no matter what the Town said. Commission Member Behrend thought including the language might make the 55+ more understandable. Vice Chair Plaag thought it gave the Town some cover to have an ordinance that mandated a zoning category and provided standards desired by the Town versus just referring to a federal law and not providing standards that the Town would like to have as well. Ms. Meade stated the definition could definitely be adjusted.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 8:44 p.m.

OTHER MATTERS

There were no other matters discussed at this hearing.

ADJOURNMENT OF TOWN COUNCIL

Council Member Furguele made a motion for Town Council to adjourn at 8:45 p.m. The motion was seconded by Commission Member Ulmer.

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

Mayor Pro-Tem Clawson made a motion to enter closed session pursuant to authority granted under North Carolina General Statute 160A-71(b)(1), the Boone Town Council hereby gives notice to those concerned that a Special Meeting of the Boone Town Council will be held immediately following the public hearing scheduled for 6:00 p.m. on Monday, September 23, 2019 at Town Council Chambers located at 1500 Blowing Rock Road in Boone. The purpose of the meeting will be for Council to continue its closed session meeting from September 19th pursuant to: 1. N.C. Gen. Stat. § 143-318.11(a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s); 2. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims or other legal matter(s) and; 3. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning the legal matters involving Zhiyuan Chen. The motion was seconded by Council Member Furgiuele.

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

Rennie Brantz, Mayor

Brenda Henson, Board Secretary

Eric Plaag, Planning Commission Vice Chair

Continuation of Planning Commission Meeting

Vice Chair Plaag called a break in the Planning Commission meeting from 8:49 p.m. until 8:56 p.m.

Commission members discussed how they would like to proceed with the cases heard at the Public Hearing and how late they would be able to stay. Commission Member Behrend stated she would be able to stay until 10 p.m. Other members were open to staying until whatever time was needed. It was the consensus of the Commission members to proceed in the order presented at the hearing and see how far they could get.

Case PL02977-082019 Caldwell Hospice – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a 10.009 acre property off Archie Carrol Road (Watauga County PIN: 2921-52-6451-000) owned by Carroll NC Properties, LLC & Robert L. Idol, Jr. to OI Office/Institutional. Zoning is to coincide with the property owner's voluntary annexation of the property.

Vice Chair Plaag stated his understanding was that the applicant for annexation had requested the OI zoning classification. Mr. Little replied that Town Council directed staff to advertise as a request to zone to OI. Vice Chair Plaag stated he thought he heard in the hearing that the applicant also requested an OI zoning. Mr. Little stated that was correct.

Vice Chair Plaag stated a concern he heard at the hearing from a Council member was about the impact of zoning this satellite parcel as OI when it is surrounded on three sides by what is essentially residential

property. Mr. Little noted that former ETJ zoning had properties from the northwest to southwest zoned as RA, property to the south was B3, and no zoning immediately to the north because that area was located in the County's jurisdiction. Vice Chair Plaag asked what uses those unzoned properties contained. Mr. Little replied that there appeared to be a farm use and possibly single family homes.

Vice Chair Plaag noted the subject parcel was originally part of a larger parcel zoned B3 when in the ETJ.

Commission Member Behrend stated she heard a concern from Town Council that the rezoning of this parcel would allow any of the allowed uses in the OI district. Vice Chair Plaag noted that Ms. Meade had cautioned them not to consider the proposed Hospice use when contemplating a zoning classification but to consider the wide range of uses currently allowed in the UDO for OI zoned property.

Vice Chair Plaag stated there were concerns raised about transitional zones and his understanding was that because none of the surrounding parcels were zoned so there would be no transitional zone requirements. Mr. Little confirmed that, without a zoned property to trigger a transitional zone, there would not be a transitional zone.

Commission Member Behrend stated she did not understand how they were supposed to justify a zoning classification without considering a proposed use.

Vice Chair Plaag stated he did not think all of the properties near the subject property would ever be incorporated into the Town limits but felt the Town had an obligation to the surrounding property owners, whether they were in the Town or County, to be sensitive to their uses when deciding on a zoning for a property that will be annexed into the Town.

Mr. Little noted that adjacent property owners were notified of the hearing whether their properties were located inside the Town limits or not. Commission Member Hedrick asked if the Town received any response from the public. Mr. Little replied that he received a couple of calls asking what the request was for.

Commission members reviewed the uses permitted in the OI.

Commission Member Behrend asked why OI was requested instead of B3. Mr. Little replied that a Hospice facility would be classified as a Use 2.06 Nursing Care Institution and that use would currently be allowed in OI and B3. Commission Member Behrend stated they could have requested B3 instead of OI in that case. Vice Chair Plaag asked if there was a reason OI was requested instead of B3. Mr. Little felt it could be the thought that OI was a less intense zoning district than B3. Vice Chair Plaag noted that B3 presented some more problematic uses than OI.

Commission Member Hedrick asked what limitations there would be on the property if it remained in the County's jurisdiction. Mr. Little replied that the property would not be subject to any Town limitations.

Vice Chair Plaag asked if a Conditional District was considered for this application. Mr. Little stated there was some discussion about it but there were concerns about the fact that it had not been done before and whether or not it could be done initially, along with the annexation. Mr. Little noted there was also a significant cost associated with seeking a Conditional District. Vice Chair Plaag asked what the additional cost were to go through a CD process as opposed to by right zoning. Mr. Little explained there was the up-front cost of hiring engineers, designers, or architects, and producing plans for an unknown outcome in the CD process whereas, if a use was allowed by right in a zoning district and you could meet the Ordinance requirements, you could get a zoning permit.

Vice Chair Plaag stated that, in looking through the uses in OI, he did not see a lot of egregious uses that would be allowed in the OI.

Commission Member Behrend stated if the property was not annexed and remained in the County's jurisdiction it could become anything and she felt OI uses would be better for the neighbors than what might be allowed there otherwise.

Commission Member Hedrick agreed with Commission Member Behrend and felt zoning the property OI with the annexation would present a better result than if the property were left in the County.

Vice Chair Plaag asked if it was the property owner's responsibility to pay for the extension of water and sewer services. Ms. Shook responded that there could be times when cost sharing might occur and added that those parameters were set out in the Water and Sewer Ordinance.

Vice Chair Plaag asked what the gray area depicted on the Growth Strategy Map. Mr. Little stated the gray area was the Primary Growth Area.

Vice Chair Plaag asked if there was a structure on the subject property. Mr. Little stated the only structure on the property was a shed. Vice Chair Plaag asked if there was any historic designation on the property. Mr. Little replied there was no historic designation to his knowledge.

First Motion and Vote: Commission Member Veno made a motion, seconded by Commission Member Behrend, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because it complies with:

1.1 Overall Objectives for the Boone Comprehensive Plan

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Comprehensive Plan Policy 2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
- B. New and expanding industries and businesses shall be encouraged which: 1) diversity the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

Commission Member Hedrick expressed a concern about policy 2.2.2 Utilities A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited. Vice Chair Plaag stated that this Comprehensive Plan policy was part of the reason he had asked who bore the cost of extending water and sewer. He felt that if the Town did not generally require the applicant to bear the cost or a portion of the cost for extension, this policy would be a significant argument against approving this request.

Vice Chair Plaag stated he was also a little on the fence because of policy 2.2.2 Utilities B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer

services. Vice Chair Plaag noted the subject property was located within the Secondary Growth Area. He stated he shared Commission Member Hedrick's concerns.

Vote: Aye – 2 (Veno, Behrend)

Nay – 2 (Plaag, Hedrick)

The motion failed.

Commission Member Hedrick asked if what was hanging them up was Comprehensive Plan policies 2.2.2 A. & B. Vice Chair Plaag stated that the property annexed in order to get water and sewer and these policies seemed to discourage the practice of extending water and sewer to island parcels, especially when they are not in the Primary Growth Area.

Ms. Shook replied that the Comprehensive Plan text was drafted in 2006 and the way the Town provides water may change because of the Town's new water intake system. Ms. Shook felt that the Growth Strategy Map, as well as the language in 2.2.2 Utilities, would likely change whenever the Comprehensive Plan was updated to reflect new policies. Ms. Shook noted that based on information from GIS water and sewer lines are already in place in front of the property. Vice Chair Plaag stated that was very helpful to him. Commission Member Hedrick agreed. Vice Chair Plaag felt it would be helpful to include this type of information in the board packet. Ms. Shook replied that Public Works would have to make that type of statement in their comments and she could ask if they would be willing to provide the information in the future.

Vice Chair Plaag stated that they had a motion, second, and split vote but did not have all of the information about the water and sewer prior to voting. He asked if proper procedure would be to make a new motion to mirror the first motion. Ms. Shook stated she was unsure but felt that either a new motion or a recall of the first vote would be acceptable.

Commission Member Behrend, seconded by Commission Member Veno, made a motion to recall the last vote.

Vote: Aye – All

Nay – None

The motion passed.

Vice Chair Plaag stated that the motion and second, as originally stated by Commission Member Veno and seconded by Commission Member Behrend, was back on the table and asked there was any further discussion in light of the new information regarding the water and sewer.

Commission Member Hedrick stated the new information satisfied his concerns.

Vote: Aye – All

Nay – None

The motion passed.

Second Motion and Vote: Commission Member Hedrick made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because there are no foreseeable negative impacts to surrounding properties and it falls in line with the Town's Unified Development Ordinance as far as the Commission can see. Vice Chair Plaag wished to amend the motion to add that, given the other possible zoning classifications that align with the past history of this property, the OI is a less intensive zoning classification than the B3 would be and would probably be more appealing to residential neighbors to this property. Commission Member Hedrick agreed with the amendment. The motion, as amended, was seconded by Commission Member Behrend.

Vote: Aye – All

Nay – None

The motion passed.

Ms. Shook explained for the audience members that Planning Commission's recommendations would be reduced to writing and submitted to Town Council meeting in October.

Case PL03012-082619 Glenn – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a .251 acre portion of 804 Poplar Grove Road (Watauga County PIN 2900-68-2176-000) owned by Robert Chase Glenn and Timothy Dale Glenn to R1 Single-Family Residential. Zoning is to coincide with the property owner's voluntary annexation of the portion of property outside of corporate limits.

Vice Chair Plaag reminded Commission members that half of this property was already located within Town limits and was zoned R1 while the other half of the property was located in the County. He noted his recollection of the facts in this case were that Mr. Glenn experienced a septic system failure and was told by the health inspector from the County that the only solution to the problem would be to get on Town sewer and that could only be done through the annexation process. Vice Chair Plaag noted that the Town had already hooked up sewer for Mr. Glenn although his property has not yet been annexed. Ms. Shook explained that the Water and Sewer Code contained a provision for single family residential homes only that if an emergency situation arose and the owner was able to annex the Town could go ahead and make the connection with the understanding that the owner must follow up with the annexation. Vice Chair Plaag noted that he was not trying to imply Mr. Glenn did anything wrong.

Vice Chair Plaag recalled hearing that the Town was already looking at this parcel because of its split jurisdiction and asked if this parcel would have been addressed at some point anyway. Ms. Shook explained that Council was looking at taxation issues with split jurisdiction parcels and there was an on-going assessment of all of those parcels, not just this parcel. She added that, while the Town would love to bring all of the split jurisdiction parcels into Town limits, she has not been directed to do so at this time.

Commission Member Veno asked if Mr. Glenn's house was on the part of the property that was located in the County. Vice Chair Plaag stated that was correct. Ms. Turner added that the failed septic system was located on the portion of property that was already located within Town limits. Ms. Shook noted that the hardship provision would only apply if an annexation could occur. If Mr. Glenn could not have annexed, Ms. Shook stated he would have had to find a different solution for his failed septic issue which could cost thousands and thousands of dollars.

Commission Member Hedrick agreed with the comment from Council that this request seems pretty straightforward and reasonable.

First Motion and Vote: Commission Member Behrend made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because it complies with:

Comprehensive Plan Policy 2.2.2 Utilities

- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.
- D. Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

Vice Chair Plaag stated he was not sure 2.2.2 D. would apply because the property was located in the Primary Growth area. Commission Member Behrend stated she was okay to remove 2.2.2 D.

The motion, as amended, was seconded by Commission Member Hedrick.

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

Second Motion and Vote: Commission Member Behrend made a motion, seconded by Commission Member Veno, that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because it makes sense to make this property consistent with the portion of the property that is already located in the Town.

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

At this time, Planning Commission members had discussion regarding whether to hear the remaining cases at this meeting, schedule a special meeting, or move the remaining items to their next regularly scheduled meeting.

Commission Member Veno stated he was confused about what they were being asked to do with the text amendments. Vice Chair Plaag replied that he felt Council would like to see some form of each of the text amendments pushed through. He stated there was a lot of discussion about different components and suggested changes to the draft text. Vice Chair Plaag stated it fell to them to essentially revise, on the fly, based on what they heard at the public hearing and make a recommendation to Council. He felt the discussion and revision process could take some time. Ms. Shook added that, based on the discussion of both text amendments, she would feel most comfortable if they went through the text change by change and take the time to write down suggested language.

Vice Chair Plaag asked what the consequences would be if the text amendments were pushed to their next meeting and asked if Council would go ahead and take action. Ms. Shook replied that Council could not take action until 30 days had lapsed so they would not be able to take any action until the November Town Council meeting. Vice Chair Plaag asked if they were unable to make quorum for the October Planning Commission meeting, would Council be able to vote on the amendments in November without Planning Commission recommendations. Ms. Shook stated Council could move forward without Planning Commission recommendations in that scenario. Vice Chair Plaag asked if there were currently other agenda items for the October meeting. Ms. Shook replied that there were no other agenda items other than an update on another matter that she would provide. She added that the October meeting was not a public hearing and would be a Planning Commission meeting only.

Commission Member Veno asked if Commission members could get a copy of the sidewalk handbook. Ms. Shook stated the handbook could be viewed on the Town's website.

Vice Chair Plaag asked if Commission members could get some type of highlights of the concerns raised at the public hearing prior to the Planning Commission meeting. Ms. Shook replied that every effort would be made to have draft minutes prepared and sent to Planning Commission before their meeting.

Vice Chair Plaag made a motion, seconded by Commission Member Behrend, that the two remaining cases, sidewalk fee-in-lieu and 55+ housing, be tabled until the October 28 Planning Commission meeting.

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

OTHER MATTERS

Ms. Shook noted that Town Council was presented two options at their last meeting regarding a time frame for the potential town-wide rezoning. Ms. Shook stated Council also discussed the annual Planning & Inspections Work Plan that lists priorities set by Town Council for the Department. She noted that the first priority was completing project focused on the Downtown, which includes work the Community Appearance Commission was currently working on which would be text and a map amendment. Ms. Shook told Commission members they could expect to see the CAC's work come before them soon. She explained that there would be a recommendation to rezone properties in the Downtown area, as well as new design standards for those properties. She noted that the Historic Preservation Commission was also working on a potential Local Historic District which would have separate design guidelines. Ms. Shook stated that Town Council felt these items higher in priority so the potential town-wide rezoning project will be tabled until the Downtown projects are complete. She asked Commission members to hold onto their binders of information regarding the potential town-wide rezoning.

Ms. Shook noted there would be a lot of small text amendments at the November public hearing. Vice Chair Plaag asked Ms. Shook if she anticipated cases on the November agenda other than the text amendments she had mentioned. Ms. Shook replied that there was a case associated with an annexation and noted that the submission deadline was not until Friday so there was a potential to have something else come in.

ADJOURNMENT OF PLANNING COMMISSION

Commission Member Hedrick made a motion, seconded by Commission Member Behrend, to adjourn the meeting at 9:59 p.m.

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

Eric Plaag, Planning Commission Vice Chair

Brenda Henson, Board Secretary