

SPECIAL PUBLIC HEARING MINUTES

MONDAY, APRIL 4, 2016

5:30 P.M.

COUNCIL MEMBERS:	Mayor Rennie Brantz, Mayor Pro-Tem-Lynne Mason, Loretta Clawson, Jeannine Underdown, Jennifer Teague and Charlotte Mizelle
PLANNING COMMISSION MEMBERS:	Chairperson-Eric Woolridge, Vice-Chairperson Greg Simmons, Matthew Long, Jeff Templeton, Connor Boyle, Charlie Myers, Caroline Catoe, Matthew Vincent and Cameron Lippard
STAFF PRESENT:	Jane Shook-Planning Supervisor, and Marlene Crosby-Board Secretary
OTHERS PRESENT:	John Ward-Town Manager and Allison Meade-Town Attorney

CALL TO ORDER

Mayor Rennie Brantz called the hearing to order at 5:33 p.m.

Mayor Brantz asked each of the speakers to hold their public comment to eight to ten minutes for each case.

CASE(S) 20150944 AND 20150945 HAMPTON ESTATES - Scott Porter with Hampton Property LLC has filed Zoning Map Amendment Petitions for a 3.679 acre property located at the end of Stratford Lane (Watauga County PIN: 2920-09-6084-000). The first petition is to rezone a 2.04 acre portion of the property from R-A Residential Agriculture and R-3 Multi-Family Residential to Conditional District R-2 Two-Family Residential for a 7 lot subdivision for single-family and duplex uses; the second request is to rezone the remaining 1.639 acres of the property (located near Bub Teems Road) from R-A Residential Agriculture and R-3 Multi-Family Residential to B3 General Business.

Ms. Jane Shook, Planning Supervisor informed the Council and Planning Commission members that the applicant withdrew these cases on March 31, 2016.

CASE 20160136 RIVERS WALK – Jeff Githens with Peak Campus Development, LLC has filed a Zoning Map Amendment Petition for a planned development consisting of a mixed-use building containing both residential and commercial uses, including a parking deck for properties located at 178 South Water Street, 190 and 208 Poplar Grove Road. The building will contain 119 dwelling units with 380 bedrooms; with the following uses proposed to be allowed for the commercial portion of the building 11.06 Restaurant $\leq 2,500$ ft² open to the public during 10 pm – 6 am, 11.07 Other Restaurants $\leq 2,500$ ft², 11.08 Restaurant $> 2,500$ ft² open to the public during

10 pm – 6 am, 11.09 Other Restaurants > 2,500 ft², 11.12 Personal Service Establishment open to the public during 10 pm – 6 am, 11.13 Other Personal Service Establishments, 11.14 Retail Store up to 5,000 ft², 11.15 Retail Store more than 5,000 but less than 25,000 ft², 11.18 Business or Profession Office open to the public during 10 pm – 6 am, 11.19 Other Business or Professional Office, 11.23 Medical Office, Category 4, 12.10 Recreation Facility, Category 1, and 14.02 Brewpub.

Mayor Brantz informed the Council and Planning Commission members that Planning Commission Member Connor Boyle asked to recuse himself from the Rivers Walk case because he is professionally involved in the proposed project.

Ms. Shook presented this case as outlined in the meeting packet. Since this case represents the first Planned Development case since the process was approved, Ms. Shook began on page two of the staff report and reviewed the section that relates to the Planned Development Procedural Information. Ms. Allison Meade, Town Attorney emphasized and clarified the conditional district and Planned Development processes for this case.

Ms. Shook said from the Staff's perspective the Council and Planning Commission members may want to look at parking and she referred them to page eight of the staff report.

Mr. Jim Deal, Attorney for the applicant came to the podium to present his portion of this case. Mr. Deal noted that the applicant is working from the previously approved conditional district zoning for this case. Mr. Deal talked about the proposed change to the configuration of the commercial spaces and how they want to concentrate the commercial space closer to Water Street rather than have the commercial space along the Poplar Grove Road. Mr. Deal talked about the proposed change to increase the ceiling height to better fit most commercial enterprises.

Mr. Deal talked about the 35-foot elevation change along Poplar Grove Road and how it relates to the interconnected buildings and the parking area.

Mr. Deal talked further about the two primary things that are being proposed for this case which are the location of the commercial space and the increased height of the building to help with the shielding of the HVAC roof units and to allow the elevator to go to the third floor of the building.

Mr. Deal talked about the adjoining unique R-1 neighborhood where no residential use is allowed because it would violate the restrictions of the deed. Mr. Deal noted that the building height was approved at 40 feet in the previous conditional district zoning review.

Mr. Deal pointed out that the property across the Poplar Grove Road from this proposed project has no residential homes on it.

Mr. Deal talked about the different ways to enter the parking lot of the proposed project. Mr. Deal said he thinks the proposed changes are an improvement to the project.

Mr. Deal said that a neighborhood meeting was held for this proposed project prior to the public hearing. Mr. Deal said at this meeting there was discussion on the location of a dumpster and how it could negatively affect the Proper Southern restaurant. Mr. Deal said there was discussion at the meeting on where to move the dumpster to improve the negative impact of the restaurant.

Mr. Deal talked about parking and he said just because a tenant has rented a unit, it does not guarantee them a parking space. Mr. Deal further explained the possibilities of parking near the development and having to pay for a parking spot or parking on the State Farm Road lot and not having to pay for a parking spot. Mr. Deal said that this encourages walkability and talked about the accessibility to the transit system.

Mr. Deal introduced the applicant of the project, Mr. Jeff Githens from Peak Campus Development.

Mr. Githens said that his company joined Mr. Glenn Weaver's company, Harrod/AP, LLC several months ago to work on this proposed project. Mr. Githens said his company saw some changes that they would like to propose by using the new Planning Development process.

Mr. Githens gave a brief history of what his company does as it relates to developing and managing apartment buildings all over the country.

Mr. Githens talked about his company's experience with providing different scenarios of parking in college environments.

Mr. Githens said his company's goal is to improve the proposed project.

Mr. Githens said the proposed changes to the project are in four categories: (1) the relocation of the commercial space, (2) the modification to increase the commercial retail and residential ceiling heights and (3) a modification to allow for a parapet to be able to install condensing units and it allows for better storm water run-off from the roof and (4) to be able to bring the elevators to all levels of the building.

Mr. Githens said the parking was decreased due to the reduction in total height by eliminating any ramps in the parking deck. He said by doing so, they were able to raise the level of the parking deck by six feet which allows the finished floor to almost be at grade level. He said this would reduce excavation work around the creek. He said there will be two entrances into the parking deck.

Mr. Githens talked about the moving of the pool from the back of the building into the courtyard of building three because it is a more private and secure location for a pool. The changing of the location of the pool allows them to put the Greenway in a better location.

Mr. Githens talked about the easement for the Greenway from Water Street to the parking deck of the proposed project. He said he would like to do this as part of their construction.

Mr. Githens talked about the Trout Buffer waiver from the state and that it would need to be modified to include the construction of the Greenway.

Mr. Githens went over each proposed change on the site plans. He talked about the location of the dumpsters and some decisions that still need to be made on their location that is pending from some neighboring properties. He talked about the location of the entrances into the parking deck and the involvement of the County with this decision.

Ms. Meade asked Mr. Githens if he was going to dedicate the easement to the Town.

Ms. Meade asked what is the applicants proposal for the ongoing maintenance of the Greenway.

Council Member Teague asked about a reduction in the driveway. Mr. Githens showed the proposed change on the site map.

Mr. Ward asked about the connection at Water Street to the Greenway connection that the applicant is proposing and is it part of the construction based on the easement. Mr. Githens said he did not show it being constructed by his development company because of the condition of the easement. Mr. Githens noted that his development company will construct everything that is in the color gray area on the map because they know, they can build it in those proposed areas.

Mr. Glenn Weaver said he had talked to the property owners and they wanted the dumpsters to be moved farther away from Water Street. Mr. Weaver talked about the moving of the dumpsters causing a possible easement change.

Mr. Githens talked about the commercial retail space changes on Water Street which is the lowest elevation level. He talked about the change in ceiling heights because of the commercial changes. He talked about the changes to the finished ceiling heights. He noted that the changes are designated with the color purple on the architectural drawings.

Mr. Githens talked about the second level of the units in building one and two as they relate to the lower parking area entrance. He answered questions on the entrance to the parking area.

Mr. Githens talked about the changes to the third and fourth floors along Poplar Grove Road. He said this change is to absorb the building height and not to overpower the Poplar Grove Road corridor.

Ms. Meade said she thought that Mr. Deal noted that there would be a change in the increase of commercial space. However, in the applicant's letter in the meeting packet, it was noted that there would be a decrease in commercial space. Mr. Deal confirmed that it is an increase over what was approved in the conditional district zoning. Mr. Githens elaborated on Mr. Deal's comments and referred to the Unified Development Ordinance regarding the required percentages of square footage for commercial spaces. Ms. Shook stated the amount of square footage that was approved in the conditional district zoning. Ms. Shook referred to the applicant's UDO comparison letter in the meeting packet containing the information showing compliance. Mr. Ward confirmed the amount of square footage being proposed over what was approved in the conditional district zoning.

Ms. Meade talked about the calculating of the square footage for the commercial space and the rest of the approval process. Ms. Shook said that Staff provided the applicant's information just as it was presented to the Staff. Ms. Meade asked Ms. Shook if Staff analyzed the information. Ms. Shook said yes as it related to the proposed percentages. Ms. Shook outlined the difference between what the applicant's is providing and the ordinance.

Mr. Githens went over the proposed changes made to the elevations of the buildings from Poplar Grove Road. Mr. Githens talked about the commercial space on Water Street having the commercial store fronts having the highest ceilings. He explained all the building heights as they were presented on the elevations in addition to the entrances into the buildings and the parking deck.

Mr. Githens talked about the proposed project being in compliance with UDO Article 25, Appearance Standards. He said they were proposing a cultural stone for a building material due to weight and cost, if it is permissible. He talked about the proposed features for the project.

Mayor Pro-Tem Mason said in the previous conditional district zoning approval the look of the building appeared to be more historic. However, the current proposal appears to be more contemporary with the change of the look of the façade. Mr. Githens said he prefers to have a façade that is true to what is behind the façade whether it be residential or commercial and this was their thought process, when they re-designed the building. Mayor Pro-Tem Mason confirmed that the façade was changed from the previous conditional district approval.

Planning Commission Member Templeton asked if the clock tower that was previously approved in the proposed plans in the new proposed project. Mr. Githens said it was not depicted and it is not out of the question. Planning Commission Member Templeton said it was an attractive feature.

Council Member Teague asked for more clarification on the increase in building height. Mr. Githens explained what is being proposed over the previous conditional district zoning approval which included changes to the roof thrusts.

Vice-Chairperson Simmons asked if, the residential ceiling height was universal. Mr. Githens said in the proposed plan, they are universal.

Vice-Chairperson Simmons asked what the ceiling heights were in the conditional district approval. Mr. Glenn Weaver, applicant from Harrod/AP, LLC on the conditional district zoning project explained the difference in the ceiling heights. Mr. Githens said the ceiling heights are nine feet in the proposed project.

Council Member Collins asked Mr. Githens if the proposed building height will be higher than the existing Mellow Mushroom building. Mr. Githens pointed out on a map the heights of the buildings going up Water Street.

Council Member Clawson asked how far back from the sidewalk are the buildings. Mr. Githens pointed out that the sidewalk would be a new sidewalk and he showed on the map the location of the sidewalk. Mr. Ward noted that the sidewalk gets tighter at the bus pull out.

Mayor Pro-Tem Mason asked Staff about the zoning being mostly B-1. Ms. Shook referred to page six and number two of the staff report.

Ms. Meade said the applicant's letter indicated there is 8,000 square feet of commercial space in building three, she said that she did not recall a map showing this information. Mr. Githens indicated that this space was in the parking garage and went over the way that he calculated the square footage for building three.

Council Member Teague asked for clarification in the change of unit numbers. Mr. Githens said the number of bedrooms are the same. He said the unit count by unit type has changed. He went over the number of the proposed bedrooms and units.

Mayor Brantz asked Mr. Githens if his company manages the units or do they just do the construction of them. Mr. Githens said that his company are developers and operators. Mr. Githens said that his company manages 90 different assets across the country. Mr. Githens said that his company builds, stabilizes and evaluates their projects. Mr. Githens said his company will

probably exit at some point but wants the property to be as effective as it can be. Mr. Githens said in the event of an exit of his company, there are other companies that are capable of managing the property.

Mayor Pro-Tem Mason asked if the apartment would still be rented to young professionals and students or has this changed with the new proposed project. Mr. Githens said that both are viable markets. Council Member Collins said that the report shows 95 percent students. It was noted that there cannot be discrimination as to who to rent to. It was noted that the property does need more than student housing.

Council Member Teague asked about parking. She noted that the survey showed that 74 percent of the people still bring cars to the Downtown area. She asked can the students leave their car on the campus at all times. She talked about the parking being reduced from 184 to 164. She talked about additional short-term parking on W. King Street and the addendum regarding the signed release statement. She talked about many student cars being parked in residential neighborhoods. Mr. Githens talked about his experience with parking in other areas of the country. He noted that additional infrastructure was on the way with the proposed parking garage in the Downtown area to help with the parking issue.

Vice-Chairperson Simmons asked if in the other areas of the country where he gave parking examples, were they all mixed-use projects or straight-up residential. Mr. Githens explained which projects were mixed-use and residential use. He said he could get a break down of parking ratios, if needed.

Vice-Chairperson Simmons talked about the Town trying to protect our corridors for business uses. He said his concern was the possibility of a faux commercial use being proposed.

Planning Commission Member Lippard asked how will the traffic, pedestrian, biking and vehicle concerns be mitigated and he talked about the previous North Carolina Department of Transportation concerns at the Rivers Street and Water Street intersection. He talked about the previous discussion of a turn-around at the intersection of Rivers Street, Waters Street and Poplar Grove Road. Mr. Githens talked about the traffic study results that addressed these concerns. Mr. Deal noted that there will be a sidewalk by the proposed project where there has never been one. Mr. Deal said he felt like this was a mitigation to some of the concerns.

Mayor Pro-Tem Mason asked about the parking spaces for the commercial and residential uses.

Council Member Mizelle asked accessibility questions regarding the connectivity from the parking lot into the buildings. She asked about the possible additional parking spaces. She said that West King Street is already a busy area with parking and she had a concern for people thinking that

West King Street could be used for parking for this proposed project. She noted that if the proposed parking garage is built that parking spaces will be available for retail shopping and restaurants.

Planning Commission Member Catoe asked if any of the surface lot was for commercial use. He said it is for multi-users. He talked about the available spaces that can be used after 5 p.m. each day until the next morning.

Council Member Teague asked if the building staff will use any of the parking spaces. Mr. Githens went over the staff members that might use the parking spaces. He said that they could require staff to park somewhere other than on the property.

Council Member Teague asked Mr. Githens if he had a percentage of the parking spaces that might be used. He said it depends on the user.

Council Member Teague asked about the other parking lots that could be used to help offset the proposed project parking. She asked Mr. Githens if he had talked to any of those parking lot property owners to see, if they had any open parking spaces.

Chairperson Woolridge went over a number of things that does not concern him regarding the proposed project. He said he was not concerned with the parking or building height. He said that he is not sure that he would make a recommendation to approve this proposed project as it has been presented because of the commercial make-up of it.

Chairperson Woolridge asked if the public spaces were generally in the form of the building. He asked Mr. Githens if he was doing a hydro-logical model on this project and are they requiring a low-impact certification. Mr. Githens said yes. Chairperson Woolridge asked if there were calculating the section of the Greenway as part of the easement section behind the garage as part of that model. Mr. Connor Boyle, Engineer on the project said yes because the property has to be elevated at some point. Mr. Boyle said it was shown with the proposed grading and an easement a Greenway could put there. Chairperson Woolridge asked if the property has been graded for the Greenway. Mr. Alan Crees, Engineer from Municipal Engineering said that the grading might need to be tweaked, when the model is designed. Chairperson Woolridge said he would not support this project, if the Greenway was not permitted as part of the project and the grading was not accounted for inside it.

Mr. Crees said the reason he is hesitant about the grading is he is not sure where it ties into the county. He talked about the possible steepness of the property that might need to be smoothed down. He said this could easily be incorporated into the proposed plan. He talked about in the

beginning of this proposed project and the possibility of providing easements for the Greenway. He further talked about the Town doing the engineering for the Greenway, if they wanted it.

Chairperson Woolridge said he wanted to know right now, if the Greenway is going to be designed. Mr. Deal said the part that he can control for the applicant, he can work on it. The part that the County controls, we have no control over it. Mr. Deal said the Greenway will need to be tied into the County's property. Mr. Deal said ideally the Council would work with the County to say they really want to connect to the Greenway. Mr. Deal talked further about the County and their long-range plans for their property that they own from King Street to the Poplar Grove Connector that affects the proposed Greenway.

Mr. Ward suggested to loop the Greenway around the back of the parking deck and connecting it back into the sidewalk system. Mr. Ward said in the future the Town may potentially be able to partner with the County to connect the Greenway.

Mr. Deal talked about the entrances into the development determining the design of the Greenway.

Mr. Githens talked about the flood study presented in the meeting packet.

Chairperson Woolridge asked Mr. Boyle, if he was able to obtain a no-adverse impact. Mr. Boyle said currently the flood study is showing a no rise.

Discussion ensued on the location and construction of the proposed greenway on the property.

Mayor Pro-Tem Mason noted that this property is currently zoned B-1. She said she wanted to make sure that anything that happens in this location compliments the Downtown area. She said that in the proposed project the building height has increased, there is less parking and the appearance of the building has changed. She noted that in the previous conditional district approval there was an attempt to make the development blend with a more historical look in the Downtown area. She said she was struggling with the proposed project. She said just because it is a Planned Development project, it does not mean it can take away the Downtown appearance and character. She said it needs to compliment anything that is going on in the Downtown area. She said some of the proposed changes are significant and she is still wrestling with the proposed changes. She said this community is very committed to our Downtown area and maintaining community character. Again, she said this proposed project needs to compliment the Downtown area and not take away from it.

Planning Commission Member Templeton noted that the proposed project is a vast improvement over what is currently there.

Council Member Teague asked about the price points for commercial and residential spaces. He said for the residential spaces, they would go with the high end of the existing properties based off local comparisons. He said the comps that are most relative on commercial space are the Downtown properties, he said there are the out-lying comps like the Cottages of Boone and the Standard at Boone that is under construction. He said that he knows all their rates. He said he is going with the high end of the spectrum. He said regarding the rates, it depends on the tenant that they attract. He said he felt that a rate in the mid \$20's per square foot could be obtained. He said he guesses the rates for local retailers would probably not be quite as high.

Council Member Collins asked if they were making their leases to put four people in the four bedroom units. Mr. Githens indicated that yes that was their plan.

Discussion ensued on the history of the building's elevation throughout the life of the project. Mr. Deal said he felt like the proposed building appearance was similar to the previous proposal and they are willing to look into it. Mr. Deal said the proposed project needs to fit into the Downtown area. Mr. Deal talked about the various existing building materials in the Downtown area.

Mayor Pro-Tem Mason talked about the possible expansion of the Municipal Service District. She asked if this proposed project would be willing to be a part of the MSD. Mr. Ward noted that the first building in the purple area on the map that Mr. Githens presented would be in the MSD area. Mr. Ward asked the Staff if that would tie the MSD to the entire parcel. Ms. Shook said she would do some research on this to find out. Mr. Ward asked the applicant, if he would be willing to be a part of these services. Mr. Deal answered on behalf of the applicant and said to be a part of the MSD is up for discussion and potential agreement.

Council Member Clawson said the proposed building looks like a dormitory and like it should be on campus rather than in the Downtown area.

Council Member Mizelle asked if it was too early to ask questions about the streetscape. Mr. Crees said there is preliminary landscape plan and the developer will get an architect to fully develop the landscape plan. Mr. Crees said there have been discussions with the Town of Boone Public Works Department regarding switching out the street lights.

Mr. Ward talked about the outside of the front door of the building expanding into a plaza-like entrance. Mayor-Pro Tem Mason noted that in the previous approval the entrance was going to be red brick pavers.

Council Member Teague asked if the apartments will be rented by the bedroom. She asked if two people could rent a studio apartment. She asked can you put more than one person in a bedroom in the Town of Boone. Mr. Deal said, they would rent by the bedroom.

Planning Commission Member Templeton asked if the parking deck would be open on the top. Mr. Githens said the top of the parking deck is all enclosed and the pool is on the upper level.

The first speaker was Eric Plaag. He said he is the Chairperson of the Historic Preservation Commission and a board member of the Downtown Boone Development Association. He said he is not speaking from either one of these roles. He is speaking as a citizen of the Town of Boone. Mr. Plaag told the Council Members that he wanted to be clear that they would be approving undergraduate student housing in the Town of Boone with the proposed project. He noted that the vast majority of the units in the proposed project are desirable by undergraduate students. He said this is contrary to what is contained in the Boone 2030 Land Use Plan. He said that Council agreed that the Boone 2030 Land Use Plan is a guiding document for the Town. He said that the Town would work with the university to solve the problem of the explosion in student housing in the Town. He said that this has not happened. He said he keeps seeing the approval of projects like the Rivers Walk. He said the projects are often proposed for young professionals and they morph into a glorified fancy dorm. He said the Council is on the verge of doing this again, if they approve it. Mr. Plaag said he was horrified with what has happened with the Standard at Boone and the traffic that will come from that project. He said the applicant said there would not be an inflow or outflow of traffic at 8 a.m. or 5 p.m. during the day. He said it took him 20 minutes to get from his house just above the Town of Boone to the Council Chambers today. He said this timing is typical for traffic and the Standard of Boone is not completed yet. He said imagine what the traffic will be like with the students getting out in their cars and many of them going to work. Mr. Plaag said he was offended by a developer coming before the Board of Adjustment and asking for a variance on height and the developer was willing to work with the approved variance for a 40 foot building height. And, then later ask for a 51 feet of in building height for the same project. He said why go through with a variance hearing. Mr. Plaag told the Council that they have changed the zoning requirements to make it easier for the developer. He told the Council that he feels that they have failed in their duty to the Town by allowing it. Mr. Plaag talked about the proposed pool on the top level of the parking garage being on the north side of the building and it shielded on three sides which are east west and south with a presumed 12 foot wall all around it. It said it seems very strange to him why anyone would want to sit around a pool in the shade. Mr. Plaag said he was horrified by what was being proposed for exterior building materials. He talked about Mr. Glenn Weaver coming to him at a Board of Adjustment hearing and asking to come to the Historic Preservation Commission meeting to discuss strategies for meeting the requirements that would be satisfactory to the HPC members. And, Mr. Plaag nor the Planning and Inspections Department have heard from Mr. Weaver. Mr. Plaag talked about the fiber-cement board not being a historic building material. Mr. Plaag said there are no historic buildings in Downtown Boone that have cultural stone or fiber-cement board on them.

Mr. Plaag talked about the proposed parking spaces for patrons being two to four spaces. He talked about there being a proposed restaurant on the Water Street side of the project. He reminded the Council about the Mellow Mushroom parking problems and the towing of the cars from the parking lot next door. He talked about the Rivers Walk project being proposed within the same block of the other parking issues. Mr. Plaag said and with the Rivers Walk project you will be inviting a similar parking situation into the Town within the same block which strikes him as being very short-sided as a nice way of putting it. Mr. Plaag talked about the two properties that are immediately adjacent to the proposed property that are national register eligible properties. He said one of them is the Old Watauga County Jail to the north on Waters Street and the Rivers House on Poplar Grove Road. He said he is currently working on his own time to put one of these houses on the national register. Mr. Plaag said in addition the Historic Preservation Commission is looking at potentially making these properties local landmark designation sites. He told the Council that they had asked the HPC to look for these type properties that are appropriate for landmark designations. He said if this proposed project is approved, it will damage the integrity of these two landmark designation sites. He said this is a bad thing in a Town that struggling to hold on to the historic elements that it has left. Mr. Plaag talked about the proposed renting by the bedroom feeding a problem in the Town as it relates to the affordable housing problem. He said he might feel differently, if the developer proposed housing for young professionals with rules to manage it. He said instead they are taking more of the potentially living space with student housing. He said there are people who cannot afford to rent in Town because of the further increase of rent because of the rent by the bedroom scheme. He talked about having a development that really does cater to what the Town has made a priority which is affordable housing. He said another solution would be to take one story off of the building. He said removing the pool will save them a number of units that they would otherwise not have to deal with in this proposed project. He said the height problem would be resolved by taking off one story and it would resolve some of the parking issues because there would not be a need for more parking spaces and some commercial spaces could be added. Mr. Plaag said he would urge the developer to meet with the HPC and discuss the exterior building materials and style. Mr. Plaag asked the Council to not approve this proposed project because it is a monstrosity and there is no going back once it is approved and built.

Planning Commission Member Templeton asked Mr. Plaag who his employer was. Mr. Plaag said he worked for his own company called Carolina Historical Consulting Company. It was noted that his company is a local company.

The second speaker was Ms. Pam Williamson, she came to the podium and presented the comments from her a six-page handout (permanently attached). She noted that this proposed project is the first project under the new Planned Development process. She asked a point of order question. She asked under this new process is the applicant not allowed to come before the Board of Adjustment anymore. Ms. Williamson said maybe the Council wanted to think about her

question. Ms. Williamson said this is not fair to the citizens because they are not able to ask questions of the petitioners. Ms. Meade confirmed that it is a different process now.

The third speaker was Mr. Glenn Weaver from Harrod/AP, LLC the owners of the Southern States property. He said their property cost is \$21,000.00 per unit based on 119 units. He said there is no way you can build affordable housing in Downtown Boone on land with this type of cost per unit. Mr. Weaver said this proposed project will create 220 jobs for one year during construction, plus the additional employment in the commercial spaces. He said he could not solve the low-income or affordable housing. Mr. Weaver said he could suggest if available housing is increased for young professionals and students, it will free up housing that was built 50 and 60 years ago that is currently being occupied by students. He said this would then create available housing to be rented at a lower rate to lower income people. Mr. Weaver talked about Mr. Plaag saying that he had not communicated with him regarding the proposed project as it relates to the Historic Preservation Commission. Mr. Weaver said he did meet with Mr. Plaag and he took the criticism seriously about the character of Boone. Mr. Weaver said he went to Boone, Blowing Rock, Hendersonville, Yadkinville and several other cities and took photographs to review to try to determine what the character of Boone is. Mr. Weaver said he researched other buildings like the previous court house which was more than 40 feet tall and some other buildings that were more than 40 feet tall that no longer exist. Mr. Weaver said he hired a local architect, Mr. Bill Dixon and he redesigned the building to include a significant amount of brick and rock to meet the UDO requirements. Mr. Weaver talked about the low marks that the previous design received from the Board of Adjustment. Mr. Weaver talked about Mr. Dixon being a member of the Historic Preservation Commission and with that knowledge, he was able to design the building with historic building materials in mind. Mr. Weaver talked about the compromises to building a 40 foot high building. He said some of the compromises are the elevators must be located in multiple locations and they can never serve the top floor because of the safety code state requirements. Mr. Weaver said that Mr. Githens and his company wanted to change this. Mr. Weaver talked about over half of the previous building not being handicap accessible. Mr. Weaver talked about the benefits of the Planned Development process. He said this process gives the developer an opportunity to find the character of Boone. Mr. Weaver said the developer will have the hardscape and landscape plans designed as they move forward with the project. Mr. Weaver talked about the 95 percent amount being selected to represent the number of students in the building and the expected number of beds allowed to the units. He said he feels like this is a realistic number. He said this calculation had to be made because it is associated with the parking study. Mr. Weaver said he was asked to come to Boone in 2005 by his friend Mr. Bodie Bodenhammer to work on developing a project with housing and retail which would improve the Downtown area. He said it has taken him this long to find a location. Mr. Weaver talked about needing help from the private and public sector, when doing development in a Downtown area. Mr. Weaver said today most people like to see modern clean designs and it is hard to incorporate that into historic buildings.

Mr. Weaver said his company's goal is to develop housing, commercial retail and parking and to improve the Downtown commercial district. Mr. Weaver talked about his experience with writing tenant leases. He talked about writing a tenant lease and securing parking for the tenant in the lease, he said this is a major commitment. He said he was surprised that Mr. Githens and his company agreed to do so for this proposed project. Mr. Weaver said, if Mr. Githens is not absolutely confident that he can control the tenants and he has sufficient tenants, he is guaranteeing failure of this project. Mr. Weaver talked about university leases for parking spaces that do well are completed in January, February and March of each year. Mr. Weaver said he talked to the manager of the parking lot across the street from the proposed project and he only has two spaces left to lease. The spaces will be provided on a first-come and first serve basis. He said he would let the students know about the availability for parking in this lot. Mr. Weaver said he is sincere in saying that this will be a good project. He said his company has never done a project that was not a top of the line project. He said if his company cannot meet the needs of our community, they do not need to be in our Town.

Mayor Brantz closed this public hearing at 8:28 p.m.

At 8:29 p.m., Mayor Brantz called for a five-minute break.

At 8:36 p.m., Mayor Brantz reconvened the hearing.

CASE 20150149 PUBLIC HEARING PROCESS - Before adopting or amending the UDO (NCGS 160A-364) or the zoning map (NCGS 160A-384), the Town is required to hold a public hearing. Currently the Town processes text (UDO 9.02.01) and map (9.02.02 & 9.02.03) amendments through a quarterly public hearing process.

Application processing timelines range widely from fifty days to more than 120 days depending on when an applicant submits an application. The only way to expedite the approval process is to appear before Council and request a special public hearing. However, even this process can add up to 20 days to the processing of an application. Furthermore, special public hearings interrupt the normal workflow of staff and increases the opportunity for mistakes.

Given the number of requests for special public hearings (6 in 2014 for example) and the length of time it takes to get from application to decision, Council authorized Planning Staff to develop alternatives that would streamline the amendment process and provide for more frequency.

Ms. Shook presented this case as outlined in the meeting packet. Ms. Shook also added that the four-page handout given to each Council and Planning Commission member at this meeting was revised by the Town Attorney, Ms. Allison Meade (permanently attached). Ms. Shook said the revisions made in the handout simplified the language drafted by the Staff found in Sections 9.01 and 9.02 in the staff report. Ms. Shook talked about needing to meet Council and advertising deadlines. Ms. Shook noted that in the proposed change the Planning Commission meeting would move to the first Monday of the month.

Ms. Shook explained the current text or map amendment change process from the receipt of the application through the public hearing or special public hearing. Ms. Shook went over the current number of monthly meetings and the proposed number meeting needed per month to meet UDO requirements. Ms. Shook also explained that proposed public hearings need Council approval. Ms. Shook noted that the purpose of this proposed change to the Quarterly Public Hearing process was to simplify the process. Ms. Meade added that there is still a filtering affect adding into the proposed process change. Ms. Meade noted that the Council would still need to give the direction that they want the Staff to proceed to work on an applicant's request. Ms. Meade said that other changes would be initiated by Council or from recommendations by Staff. Ms. Meade said there is an exception and that is if the Town Attorney or Planning Administrator feels a change needs to be made due to State law, the Staff would not have to get Council's approval to draft a proposed change. Ms. Meade noted that this is a short proposed change due to adding the text and general map amendment into one amendment.

Planning Commission Member Boyle asked if in the new proposed QPH process the Planning Commission members would discuss the recommendations to the case after the public hearing on the same night. Ms. Shook said yes. Ms. Shook further explained that according to the current UDO language, the Planning Commission members are required to make a decision on a case on the same evening. Ms. Shook noted that there may be times, when the Planning Commission may not want to make a recommendation on the same evening on a case. Ms. Meade explained the difference in the current process and the proposed process regarding possible extra research that might be needed to make a decision on a case.

Discussion ensued regarding legal time frames for recommendations and decisions. Planning Commission Member Simmons said he was uncomfortable with the proposed QPH process change. He talked about potential pressure of the Planning Commission members to need to make a decision without having an opportunity to visit a development site or do research in adjacent towns to prepare for Planning Commission meetings. He talked about emailing Mr. Bill Bailey, Director of Planning and Inspections Department his thoughts on this proposed process.

Ms. Shook said that Staff was asked to make changes to the QPH process so that the applicants were not having to wait 120 days as a worst case scenario. Ms. Shook talked about the legal requirements for public hearings and the Planning Commission recommendations. Ms. Shook talked about when it is necessary to have a special public hearing and that Council has been very good at granting them, when necessary. Ms. Shook said that the Council wanted the Planning Commission involved at the public hearings to make sure that everyone was hearing the same information. Ms. Shook talked further about finding a way to expedite the hearing process. Ms. Shook explained that with the proposed process change, there would only be one joint-meeting per month instead of two meetings per month. Ms. Meade noted that the proposed process would help get proposed UDO changes made in a timelier manner. Ms. Meade asked Chairperson Woolridge to explain the current process of how the public hearing and Planning Commission meetings are

scheduled and how the Planning Commission members would handle the discussion and decisions on the cases. Chairperson Woolridge explained that a case as complex as the Rivers Walk would probably take two hours of discussion to possibly come to a decision after the public hearing had taken place.

Council Member Teague asked the Planning Commission members if they would be willing to have a public hearing once a month on the night of the Planning Commission meeting, if there was a need for a public hearing. Then, have another meeting on the next Monday night to discuss the case from the public hearing.

Chairperson Woolridge said he is fine with the proposed change as long as the Staff is explicit that on major cases, the Planning Commission members will be able to discuss the case at the next Planning Commission meeting or have two meetings per month.

Council Member Teague said at the next Planning Commission meeting there could be another public hearing. She said if you do not set up a two meeting a month schedule, you could still be in this same situation.

Mayor Pro-Tem Mason talked about the Planning Commission having the option of calling a special meeting for further consideration of a case or continuing the discussion on a case at the next Planning Commission meeting.

Council Member Teague said at the 2016 Council Retreat the Council talked about the Planning Commission members not having to attend multiple meetings each month.

Planning Commission Member Boyle said he had rather go with having the occasional special public hearing, when needed rather than committing to a regular monthly schedule of having one meeting each month.

Vice-Chairperson Simmons explained that at many of the Planning Commission meetings after there has been a public hearing, an applicant will have more information that they want to talk about at the meeting. He said the Planning Commission will re-open the public hearing without the Council being present. He further talked about the negotiations and discussion for a case that may happen at a meeting and the list of things that the Council and Planning Commission members may want to discuss about a case.

Discussion ensued on the possible need for Council and the Planning Commission to be at the same meeting to discuss potential conditions and negotiations with the applicant.

Council Member Clawson said she felt the whole new Planned Development process is going to be very difficult. She said that we are in a learning curve and she thinks there will be some problems.

Chairperson Woolridge said at the same time, he felt like it will be a better process with the possibility of working with the developers in the beginning of the proposed project to gather more information from them.

Discussion ensued on the completion of the greenway in the Rivers Walk proposed Planned Development project.

Mayor Pro-Tem Mason asked when the Planning Commission members make a recommendation will they need to look at the four findings per UDO Subsection 14.05.01(B).

Mayor Pro-Tem Mason said the Planning Commission recommendations have been very thoughtful and well documented. She told the Planning Commission that she appreciated their work on the recommendations.

Discussion ensued on the re-opening of a public hearing and the Council being present to hear proposed project information.

Discussion ensued on state law requirements and the holding of town meetings.

Discussion ensued on the mixing of the terms public hearing and public meeting.

Discussion ensued on what happens when the Planning Commission opens a public hearing to hear new information without the Council being present.

Vice-Chairperson Simmons shared his concern regarding the drafting of motions for case recommendations. He said in the proposed change, he would not be able to draft a motion for a case as well in the same night as the Planning Commission meeting because he normally has a week to draft a motion for a case.

Planning Commission Member Lippard shared what he does in order to prepare for the cases between the public hearing and the Planning Commission meeting. He also noted that the Rivers Walk Greenway topic was discussed in a past Planning Commission meeting

Planning Commission Member Long asked would it be fair for Staff to draft the language to allow the Planning Commission to make a motion to vote to go ahead and make a recommendation in the same night in the same meeting. He did not want the obligation of the Planning Commission members to have to make a decision on more difficult cases on the same night.

Discussion ensued on three options to handle the easier cases in the same night, schedule a special public hearing or let the case discussion continue at the next Planning Commission meeting.

Council Member Mizelle said that because she is on various boards in the Town, she would like to be at a meeting where the case negotiations were being discussed.

Discussion ensued for Planned Development cases to schedule a Planning Commission meeting prior to the public hearing. Mayor Pro-Tem Mason said she felt it would be more productive to discuss case negotiations in a joint-meeting.

Ms. Meade said that she would do some research on how other Towns handle the Planned Development process.

Vice-Chairperson Simmons asked if the public notification will be the same in the proposed process change. Ms. Shook said the public notices do not change because they are state statute and the Council has adopted additional statutes that they do not wish to change. Ms. Shook added that the property owner notification letters gives notice to the property owners and the dates of the Public Hearing, Planning Commission meeting and the Council meeting.

Due to the many concerns, it was the consensus of the Council to withdraw case until further research and modification could be done.

Mayor Brantz closed this public hearing at 9:18 p.m.

ADJOURNMENT

Mayor Brantz adjourned the hearing at 9:19 p.m.

VOTE:

Aye-All

Nay-None

The vote was unanimous.

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary

Eric Woolridge, Planning Commission Chairperson

Presented to the Record
April 4, 2016 Town of Boone Public Hearing
Pam Williamson • 375 Old 421 S • Boone

Rivers Walk (The Skinny):

- A mega apartment housing complex to be built in downtown, 51 feet tall, with elevators, 380 bedrooms, on 2.75 acres—not all of which is useable.
- All owners of the property are non-residents of Watauga County
- 95% student rent-by-the-bedroom housing

HISTORY OF THE PROJECT:

Property for Rivers Walk was originally zoned B-1, Central downtown business district.

First the developer went to the Board of Adjustment to get two variances, one of which was to increase the building height to 40 feet from the allowed 35 feet.

Then, around a year later, the developer got Council to rezone the property to a Conditional Use district to further reduce regulations related to height, parking requirements, etc. At that time, they complained that having to build such a huge complex on such a small parcel of land was a “hardship.”

When Council Member Mason asked the developer about parking concerns, the response was that they wanted to encourage walking and biking. When Planning Board member Simmons pointed out that crash data from the Town of Boone’s adopted bike plan found that River Street is only second after Blowing Rock Road for crashes and that there is no bike lane on Water Street, no one responded.

Then came the advantage of a Planned Development, where developers can circumvent even the Town’s minimum regulations. So now they’re back.

This time around they want to increase the height of the building to over 51 feet in places. *(Don’t you want to see an elevation before you vote to approve this massive building height in downtown?)* Now they want to

use fake stone in place of real stone on the outside. They want to further reduce the number of residential parking spaces. There never was, and still isn't, any space for commercial use parking. Landscaping is now pretty much down to none.

We've come a long way from B-1 haven't we? A zoning classification which is supposed to maintain the downtown's small town character, and in which only compatible residential uses are to be encouraged.

(1) PARKING/TRAFFIC ISSUES:

Residential Parking: The developer hired out the required traffic/parking study. They surveyed 394 students, and determined that 74% of students who rent space from them will bring their cars to Boone.

Now on Page 58 of your packet, the developers present a pretty chart about how they get to take off 20% of parking requirements because their development is near public transportation, another reduction for bike parking, and another reduction for motorcycle parking. But all of these reductions are baseless because the fact remains that **even according to their own math and accounting**, 281 of the students who will rent one of the 380 bedrooms at their development will have a car and need to park it somewhere.

Yet of the 281 car spaces they admit they need, they only offer a total of 164 spaces. Their answer to how to fill the need for an additional 117 parking spaces is:

-- for 100 residents to rent parking in a private gravel lot across the street that charges \$800 dollars a year for a space, first come first serve. I called today to inquire about the current availability of parking spaces in that lot. There are eight. And what happens if Mr. Holton decides to develop or sell his gravel parking lot? What are the developers' backup plans in that case? What are your backup plans?

-- or rent a parking space somewhere in an ASU lot. ASU students have to remove their cars on home game days. Where does the developer propose they move those cars on those days? Besides, why would anyone living at the new development park their cars at State Farm Road or any other ASU site? They will look to park their cars where they

live. Unless, of course, what we're really building here is simply a dorm in downtown Boone.

Bottom-line: The development does not provide parking for 42% of the residents the developers themselves admit will be living at their development and who will have a car to park.

In other words, the development does not provide adequate parking as required by the UDO.

In addition, your own zoning administrator tells you the trip generation in the development traffic analysis projects a net total of 1,271 trips per day. That's 1,271 additional vehicles per day coming in and out of the development from Poplar Grove and Water Streets.

Commercial Parking: The developers acknowledge a need for 21 parking spaces for the commercial portions of the development. Yet where is the parking for the commercial reserved? Nowhere. The project instead proposes to direct its retail customers to metered parking on King Street.

Haven't we learned yet that without any on-site retail parking, the spaces just don't get rented? Or are we just gonna hope all that somehow works itself out.

2. DEVELOPER MEETING NOTIFICATION WITH NEIGHBORING PROPERTY OWNERS:

How is it that the developers only had to notify property owners within 150 feet of the proposed development for its neighborhood meeting, but when they have to rely on off-site parking, they get to propose going 500 feet out from the development looking for solutions that affect other property owners and businesses?

That's why even though this project is important to all of us who live in, work in, drive in, or shop in Boone are affected by this development, only 9 people attended the meeting-- 4 of whom were there on behalf of the company and another the county manager.

And by having the developer write up the neighboring property concerns instead of having a staff member at the meeting, all we know is that

there were concerns raised about the height of the building which the developer now increases, and concern over traffic and parking spaces, which the developer now complicates by driving its residents and retail visitors elsewhere. And what about the neighborhood concern for relocating the dumpsters? Has that been done?

3. THE 2012 TOWN OF BOONE HOUSING REPORT:

In 2012, the Town of Boone commissioned a professional housing report. The report conservatively concluded that at that time, student housing was overbuilt by over 2,000 units and that supply was fast increasing. At the time of report, there were over 17,500 student apartments already available or being built. Since that time, a substantial number of new student housing developments have been approved and/or built, including but not limited to, University Overlook, Green Street, Winkler Square, and The Standard.

We're oversaturated with rent-by-the-bedroom housing and yet the Council has thus far refused to act, even though the study warned Council that there are no natural incentives for developers to build anything other than rent-by-the-bedroom housing and that the Town of Boone must develop a regulatory plan.

4. PLANNED DEVELOPMENT REQUIREMENTS: *"How will the Planned Development mitigate the impacts on the surrounding area?"*

Noise: The developer asserts that because any balconies will be located at the back of the building, noise will mostly just be significant on the units up against the creek. They promise to have someone around to handle complaints.

Negative Visual effects: The developer argues that their 5-Story mega housing development squeezed into a two acre building site will be a pleasant gateway into downtown Boone, just like all our other mega housing developments have supposedly enhanced our gateways. Not.

Negative Traffic Effects: See above.

Historic Preservation: The Town of Boone ordinance stresses the need to protect the historic significance of downtown Boone. The red

building currently located in the development's wake is the last remaining structure used for Tweetsie Railroad. It will be torn down. The Rivers House across the street from the development, now known as Rivers Park (*a property owned by the people of Boone who were not by the way invited to the Neighborhood meeting*) is the last residence in Boone that stands from the time period of the railroad. The development will cause it to be enveloped in a shadow all day long every single day. Proper, the Town's historic jailhouse, is right next to the mega development and is the town's old jailhouse. Has anyone considered the effects of a 5-story mega development on these historic properties?

5. OTHER UDO CONSIDERATIONS:

- How does this development *"blend the built environment with the natural, scenic, and historic character of a High Country small town"*?
- How does this development *"support and enhance the cultural and historic significance of downtown Boone"*?
- How does this development *"reflect the realities and qualities befitting Boone's geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services"*?
- How is this development *"consistent with the neighborhood and architectural context of the immediate area, and supportive of Boone's original community character as a High Country small town"*?

6. A PLANNED DEVELOPMENT SHOULD ONLY BE APPROVED BY COUNCIL IF:

- *"The proposed development will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern."* There is no way to conclude that a mega 5-story rent-by-the-bedroom housing complex in downtown Boone with inadequate parking and virtually no landscaping is "of equal or higher quality" than what you get with the minimum regulations dictated in a B-1 zone.

--“That the proposed PD will produce a development functioning as a cohesive, unified project”

There is no way the project can be deemed cohesive and unified because it can't accommodate 42% of the cars they themselves acknowledge their own residents will have nor can they accommodate any of the 21 parking spaces on-site for visitors to their retail establishments.

--“That the proposed PD will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.” What you allow to be built at this site will set the stage and your precedent for whatever else is built in downtown. Residents and the Town's own planning policies have repeatedly affirmed the desire to preserve what is left of Boone's small town feel. **How is this development better for neighbors and the community than using compliance with the Town's policies, a requirement of Town ordinances?** It isn't. The development therefore does not meet the intent of the Town's own development policies and plans.

We all know the Town is already oversaturated with rent-by-the-bedroom. We all know this project will set the stage for turning downtown Boone into nothing short of dormitory living. We all know three historic properties are jeopardized by this development. We all know, and the developer admits, that because the development does not provide adequate parking for its residents and retail visitors, additional pressure will be put on downtown parking and traffic.

It is not your responsibility to ensure highest profit for the developer. You have options. You can demand a mixed development in character and size with our historic downtown and still encourage walkability and bikability. You do not have to approve every rent by the bedroom mega development that comes your way.

The only thing left to find out is whether we as a Town are going to once again turn a blind eye to these issues, sell our souls, integrity and vision down the river, or finally stand up and do the right thing by denying this project.

9.01 Amendments in General

9.01.01 Amendments to the text of this Ordinance (hereafter, "the UDO") or to the Town's officially adopted zoning map shall be made in accordance with the provisions of this Article.

9.02 Initiation of Amendments

9.02.01 Text and General Map Amendments

A. The drafting of proposed text amendments and general map amendments may proceed only upon direction given by Council to Staff (i) upon Council's own initiative, (ii) upon recommendation made by Staff, the Town Attorney, or any Town board, commission, or other entity, or (iii) upon consideration by Council of a petition made by any third party; *provided, however*, that amendments considered by the Administrator or the Town Attorney to be necessary or advisable in light of state law may be prepared without prior direction by Council.

(20150149-04212016)

B. Every proposed text amendment shall be drafted by the Administrator or the Town Attorney, in consultation with each other.

C. Any person may petition the Council to amend the text of this Ordinance or for a general map amendment. Such petition shall be heard by Council during the public comment period at the next available regularly-scheduled Council meeting. The petition shall be filed with the Administrator and shall include at a minimum:

1. The name, address, and phone number of the applicant, and
2. In the case of a proposed text amendment, a summary of the specific objective of any proposed change in the text of this Ordinance.
3. In the case of a proposed general map amendment, (i) a description of the land affected by the proposed amendment, and (ii) a description of the proposed map change.

The Administrator may, in his or her discretion, prepare an analysis of the proposed amendment to assist Council in determining whether Council will authorize (i) further consideration of the amendment by Staff, (ii) drafting of a proposed amendment, and/or (iii) the setting of the proposed amendment for public hearing and consideration by the Planning Commission. Any such analysis by the Administrator shall address the conformity of the proposed amendment with the Comprehensive Plan and other officially adopted plans of the Town, as well as such other matters as the Administrator deems relevant.

(20150149-04212016)

9.01 Amendments in General

9.01.01 Amendments to the text of this Ordinance (hereafter, "the UDO") or to the Town's officially adopted zoning map shall be made in accordance with the provisions of this Article.

9.02 Initiation of Amendments

9.02.01 Text ~~Amendment~~ and General Map Amendments

~~A. Only~~The drafting of proposed text amendments and general map amendments may proceed only upon direction given by Council ~~may initiate an amendment to this Ordinance. Staff and (i) upon Council's own initiative, (ii) upon recommendation made by Staff, the Town Attorney, or any Town board, commission, or other Town entities (boards, commissions, advisory bodies, and other such entities), when they are charged or empowered with making recommendations to the entity, or (iii) upon consideration by Council regarding of a petition made by any third party; provided, however, that amendments considered by the text of Administrator or the UDO, may make recommendations regarding potential desired changes to the UDO to the Council, but the preparation of the text of a proposed draft amendment shall only proceed after the Council has endorsed the policy objectives sought~~Town Attorney to be achieved with the recommendation and has acted to authorize preparation of a draft text amendment.

~~B.A.~~ Ordinance changes necessary ~~due to changes~~or advisable in light of state law, may be prepared without prior ~~endorsement of the~~direction by Council.

(20150149-04212016)

~~C. Whenever a request to amend the text of this Ordinance is initiated or authorized by the Council, the Town Attorney in consultation with the Administrator shall determine whether the Every proposed text amendment represents substantive planning policy or procedural matters, such as enforcement procedures, amendment procedures and appeal procedures.~~

~~D. If the Town Attorney determines the proposed amendment represents a substantive planning policy, the Administrator shall draft the text of the proposed amendment in consultation with the Town Attorney. Before an amendmentshall be drafted by the Administrator is presented to the Council for consideration,or the Town Attorney shall endorse and date the draft amendment with the following statement: Approved as to Form this ___ day of ___, 20___, _____Town Attorney.~~

~~E. If the Town Attorney determines the proposed amendment represents a procedural matter, the Town Attorney shall draft the text of the proposed amendment, in consultation with the Administrator. Before an amendment drafted by the Town Attorney is presented to the Council for consideration, the Administrator shall endorse~~

~~and date the draft amendment with the following statement: Approved as to Planning Policy this ___ day of ___, 20___, ___, Administrator.~~

~~B. Any~~each other.

~~F.C.~~Any person may petition the Council to amend the text of this Ordinance. or for a general map amendment. Such petition shall be heard by Council during the public comment period at the next available regularly-scheduled Council meeting. The petition shall be filed with the Administrator and shall include at a minimum:

1. The name, address, and phone number of the applicant, and
2. ~~Aln the case of a proposed text amendment, a~~ summary of the specific objective of any proposed change in the text of this Ordinance.

~~Upon receipt of a petition the Administrator shall forwardIn the petition to Council with or without written comment for a determinationcase of whether a draft amendment should be prepared in accordance with Subsection 9.02.01(B).~~

~~Upon receipt of a draftproposed general map amendment, should (i) a description of the Council act to proceed with its consideration, it shall establish a date for a public hearing.~~

~~1.3. The public hearing may be scheduled at a pre-arranged date, time and location, such as at a "quarterly public hearing," or at such other date, time and location authorizedland affected by the Council which will allow proper notice to issue in advanceproposed amendment, and (ii) a description of the hearingproposed map change.~~

~~G.~~ No later than seven (7) days prior to the date set for the public hearing, theThe Administrator ~~shall~~may, in his or her discretion, prepare an analysis of the proposed ~~petitionamendment~~ to assist Council in determining whether Council will authorize (i) further consideration of the amendment by Staff, (ii) drafting of a proposed amendment, and/or (iii) the setting of the proposed amendment for public hearing and consideration by the Planning Commission and Council in determining. Any such analysis by the Administrator shall address the conformity of the ~~draftproposed~~ amendment with the Comprehensive Plan and any other officially adopted ~~planplans~~ of the Town which relate to the proposed amendment, as well as such other matters as the Administrator deems relevant.

(20150149-04212016)

9.02.02 — General Map Amendments

~~A.~~ Any person may petition the Council to amend the Zoning Map. The petition shall be filed with the Administrator and shall include at a minimum:

1. The name, address, and phone number of the applicant,

~~3. A description of the land affected by the proposed amendment, and~~

~~2. A description of the proposed map change.~~

~~Upon receipt of a petition, the Administrator shall forward the petition to Council to establish a date for a public hearing.~~

~~1. The public hearing may be scheduled at a pre-arranged date, time and location, such as at a "quarterly public hearing," or at such other date, time and location authorized by the Council which will allow proper notice to issue in advance of the hearing.~~

~~(20150149-04212016)~~

~~B. No later than seven (7) days prior to the date set for the public hearing, the Administrator shall prepare an analysis of the proposed petition to assist the Planning Commission and Council in determining the conformity of the draft amendment with the Comprehensive Plan and any other officially adopted plan of the Town which relate to the proposed amendment.~~

