PLANNING COMMISSION MEETING MINUTES
MONDAY, JANUARY 23, 2017
(Immediately following Public Hearing)

COMMISSION MEMBERS:	Chairperson Eric Woolridge, Vice-Chairperson Connor Boyle, Kate Hayes, Adrian Thompson, Matthew Vincent and Elizabeth Shay
STAFF MEMBERS:	Jane Shook, Director of Planning & Inspections, Brian Johnson, Urban Design Specialist and Marlene Crosby, Board Secretary
OTHERS:	John Ward, Town Manager and Allison Meade, Town Attorney

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CALL TO ORDER

Chairperson Woolridge called the meeting to order at 7:50 p.m.

Ms. Meade gave direction to the Chairperson on the new procedure on calling the Planning Commission to order. Ms. Meade said that the Planning Commission Chairperson should call the Planning Commission meeting to order before the public hearing is opened, then when the public hearing is closed continue with the Planning Commission meeting.

ADOPTION OF AGENDA

Discussion ensued on the modifying of the agenda for this meeting. It was the consensus of the Planning Commission members to add the Election of Officers to the end of the agenda and if time permitting they would address it at this meeting.

Vice-Chairperson Boyle made a motion to adopt the agenda as modified, seconded by Member Vincent.

Vote:

Aye – All
Nay – None

The motion passes.

APROVAL OF MINUTES

Member Shay made a motion to accept the December 14, 2016 Special Planning Commission meeting minutes as written, seconded by Member Vincent.

Vote:

Aye – All
Nay – None

The motion passes.

<u>CASE 20160796 KING & COLLEGE – MIXED USE PLANNED DEVELOPMENT</u>

Robert Flannigan has filed a Zoning Map Amendment Petition for a planned development consisting of a mixed-use building containing both residential and commercial uses, along with a separate a townhouse building for properties located at and near 302 W. King Street (Watauga County PINs: 2900988588000 and 2900988402000). The mixed-use building will contain 60 dwelling units with 60 bedrooms; with the following uses proposed to be allowed for the commercial portion of the building: Use 11.21 Medical Office Category 2. The Townhouse building will contain 2 dwelling units with a total of 4 bedrooms.

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

Vice-Chairperson Boyle said that he is in favor of this project as it has been presented. He said he has some concerns about increased traffic. He said there is a traffic issue at this proposed project location now. He also said there will be a traffic issue with any project at this location. He said that he agreed with Chairperson Woolridge on widening the sidewalk space in the front of the development. He suggested that he would like to see some of type of design be proposed to keep the building from looking so monolithic.

Vice-Chairperson Boyle asked Mr. Tucker Deal, Attorney for the applicant what he had said at the Public Hearing regarding the findings required for a planned development? Mr. Deal came to the podium and gave a brief history of this proposed project and outlined the reasons that the proposed Planned Development meets the four findings in the UDO.

Mr. Deal stated the reasons that the proposed planned development meets the findings in 1.a., the town homes fronting Wallace Circle rather than commercial produces a development of higher quality, the buffer zones deviations including rehabilitation of an adjacent path walkway from Campus Ridge Drive to the sidewalk, the placing of fencing along Ms. Turner's property line with the accordance with her wishes, the commercial use reduction results in additional parking for the business and the residence, additionally the parking is pre-leased and it is not a deviation and it is not speculative commercial use, ground floor structured parking helps meet the parking demand and prevent a negative impact on Downtown Boone, the reduction of the building's footprint is sensitive to the environment and surrounding property and the four-story height is in line with the Town's long-range plans where a stricter application would require a larger footprint and massing of the building on the lot.

Mr. Deal stated the reasons that the proposed planned development meets the findings in 1.b.,the structured parking would reduce the need to dig below grade, the Town Homes are an innovative solution to blend development with the needs of the R-1 neighborhood, the sensitive design of the parking areas meets the development and Town by hiding the parking between the buildings and the rehabilitation of the right-of-way path from Campus Ridge Drive to King Street which is an innovative use of open space and proposing to protect some of Ms. Turner's viewshed.

Mr. Deal stated the reasons that the proposed planned development meets the findings in 1.c., it blends the mixed-use at its most appropriate location fronting on King Street with lower density, the town homes being in an appropriate location on Wallace Circle near a R-1A neighborhood, the parking areas both long-term and commercial supply ample parking in a cohesive development with commercial and residential uses, the sensitive design and architecture of the building blends the development with the proposed standards of the Downtown Boone corridor, it provides for continuity and provides an attractive entrance into the traditional Downtown area.

Mr. Deal stated the reasons that the proposed planned development meets the findings in 1.d., it is the applicant's firm belief that this proposed development fits squarely within the Town's long-range plans specifically being an in-fill mixed-use development of vacant and under-utilized parcels that are dilapidated and non-conforming structures located within the G-4 sector where growth should be encouraged, the two parcels are tax exempt which will improve the Town's tax base, it will not only benefit the adjacent parcels but the Town, it will enhance adjacent properties specifically by the renovation of the walkway from Campus Ridge Road to King Street, the town homes on Wallace Circle respects the neighborhood, identifies an unidentified housing need of the Town and mitigates the negative impact on that residential area, the commercial use of the chiropractic office is far less intrusive for neighbors and other potential allowable uses in the B-1 zoning district such as bars and restaurants.

Member Shay made a motion to re-open the public hearing for this case, seconded by Member Hayes.

Vote:

Aye – All
Nay – None

The motion passes.

Mr. Bill Dixon, Architect with Appalachian Architecture said that he has a sketch-up of the proposed plans on a laptop for the Planning Commission members to view of the proposed project.

Member Vincent asked about the traffic for this proposed project and the possibility of cars sliding down onto King Street, when icy road conditions occur. Mr. Michael Trew of Municipal Engineering said that the proposed building is facing the South and there is less chance of ice staying on the driveway. Mr. Dixon said the building will have a maintenance crew to maintain the driveway during winter weather conditions.

Chairperson Woolridge asked Mr. Dixon to review the proposed building elevations. Mr. Dixon explained where the location of the building will be with the addition of planters in the front of the building. Mr. Dixon said, I don't think so, but some of the residential units have patios. He talked about the use of cornices to help bring the height of the building down.

Mr. Dixon said they are limited on the placement of the building in relationship to the sidewalk because of the topography. He said if they push the building back; then they would have to deal with steeper driveways and potentially larger retaining walls. Chairperson Woolridge said at this point, the building cannot be made any smaller.

Member Vincent asked about the height of the front retaining wall. Mr. Dixon said it would be from the sidewalk and it would be one to two feet high. Mr. Trew said on the illustration on the proposed plan, the retaining wall goes up to four feet tall at the highest part of it. Mr. Dixon said the retaining wall would be made with re-purposed rock. Member Vincent asked if they would have enough re-purposed rock to build this retaining wall. Mr. Dixon said he was not sure but their mason knows of several different sources to purchase the same type of rock.

Chairperson Woolridge asked if the purpose of the retaining wall was centered on asethetics. Mr. Dixon said the retaining wall and planters are to help make up for some topography and made a transition from the building to the sidewalk.

Mr. Trew noted from a mechanical standpoint, the retaining wall is needed to be able to place a basin and drop the flow of storm water under the sidewalk. He said the retaining wall would help to hide the storm water related infrastructure.

Mr. Dixon said that the Town is considering an option to reduce the number of water meters to a one-meter base where the owner controls the water and would eliminate having to find a location for several meters on the site.

Member Vincent asked if there were sidewalks on Wallace Circle. Mr. Dixon said no, but the applicant decided it was a better option to pay the fee in lieu for sidewalks. Mr. Dixon said the Town sidewalk would help control water run-off and traffic to some degree.

Chairperson Woolridge asked Mr. Bob Flanigan, if he had agreed to Mayor Pro-Tem Mason's request to have no more than two-unrelated people in the town homes. Ms. Jane Shook, Director of Planning and Inspections said a condition can be placed on the proposed project for this request. Mr. Flanigan said he is agreeable to no more than two-unrelated occupants in the town homes.

Chairperson Woolridge asked Mr. Flanigan about the location of the development being in the Municipal Service District. Mr. Flanigan said he would like to wait a couple of years before making that decision. Mr. Tucker Deal said that this topic would involve too many financial implications for a decision to be made on it at this time.

Chairperson Woolridge talked about the sidewalk material that is being proposed for this project.

Discussion ensued on sidewalk material.

Mr. Dixon said he would respond to either the Town Maintenance Department or the Town

Planning and Inspections Department on the sidewalk materials that should be used on the proposed project. Mr. Ward said that he would work with the Council and the Public Works Department on the sidewalk material.

Mr. Ward clarified the certain expectations for sidewalks in the Municipal Service District. And it was noted that the proposed project is not in the MSD area.

Chairperson Woolridge asked Member Vincent about his thoughts on the proposed architecture for this project. Member Vincent asked if anyone knew what the Council is looking for regarding the façade of the proposed building.

Mr. Ward asked Mr. Johnson for an update on the draft Community Appearance Standards guidelines. Mr. Johnson said that the Community Appearance Commission would be prepared to present the draft guidelines to Council by the February 2017 public hearing.

Mr. Johnson noted that Mr. Dixon has proposed less materials and yet is giving a better architectural look for the proposed building.

Mr. Dixon explained that the belly band material is a hard concrete stucco-type material. He further explained that in the AF Bank Building, they used pre-cast on the belly band and used EFIS, a synthetic stucco above it. He said ten years later the pre-cast material has cracks and is discolored and it was heavy and expensive and the EFIS looks brand new. Therefore, he recommends the use of the EFIS material on the proposed building. Mr. Ward asked about the freeze and thaw affect. Mr. Dixon said there is no problem with it.

Discussion ensued on the traffic analysis and recommendations for Wallace Circle. Member Vincent asked what is the speed limit on Wallace Circle. Ms. Shook said the speed limit is possibly 20 mph. Mr. Deal noted that he lives in that area and walks to work, he said in general people drive faster than they should in these type locations.

Mr. Dixon noted that Wallace Circle would be used to enter and exit the parking spaces for the town homes.

Ms. Meade said the Planning Commission could recommend a zero tolerance speeding zone for Wallace Circle. Mr. Dixon said that the applicant is also willing to work with the Town on speed humps.

Member Vincent asked if there was room to put sidewalks on Wallace Circle, he also said he wasn't sure if they would help or not.

Mr. Ward talked about the involvement of the Town with the speed humps, he said they come with drainage problems. He said we need to make sure that when deciding on the location of the speed humps that there is consideration for the additional water drainage for the home owners located below the speed humps.

Member Hayes told the applicant that they have done a great job appeasing the neighbors in the neighborhood meeting.

Member Shay said she is not troubled by the façade of the proposed building. She likes the way that the belly band breaks up the look of the front of the building, she approved of the number of trips listed in the traffic analysis, she liked the town homes being included to add some commercial buildings to the project and she liked the idea of more tenants being able to leave their cars at the complex, while walking to work, etc.

Mr. Ward asked about the fencing along Ms. Turner's property. He wanted to know, if the fence would be allowed to be on the property line as opposed to the current requirement and a recommendation associated with it.

Mr. Dixon said that Ms. Turner does not want a 10-foot tall opaque fence but she wants a white picket fence. Mr. Ward suggested that if the Planning Commission makes this a recommendation to get in writing the wishes of Ms. Turner for the Council's consideration.

Chairperson Woolridge asked if the Planning Commission needed to put this in a recommendation or is the flexibility already built into it. Ms. Meade said it would need to be properly articulated. Mr. Dixon said there is a PowerPoint presentation that contains detailed drawings that could be included in with the letter.

Member Shay asked if the chiropractor office is the only commercial business in the building. Mr. Dixon said yes.

Mr. Dixon talked about the required windows for a storefront. He explained that they are proposing to put in open windows with aluminum frames with no glass in them on the first floor parking area.

Ms. Shook pointed out that in the deviations there is a mention of changing the location of the fence to the actual property line but it does not mention the actual type of fence. Chairperson Woolridge asked the applicant if they wanted to work with the Town on this topic and with whatever the Council requests. Ms. Meade said she was alright with giving the applicant total flexibility.

Discussion ensued on putting a fence in the middle of a buffer screen. Ms. Meade said it seems like this proposal would be unworkable. Mr. Johnson said in reality the property owners do not always maintain the landscaping on their side of the fence. Mr. Johnson said the intent is to have a landscape buffer on both side of the fence. Ms. Meade said that both property owners can work out what works best for them to maintain the landscaping. Ms. Meade said she supports allowing for this flexibility for the landscaping.

Vice-Chairperson Boyle clarified that the buffer on the eastern side of the building will have a driveway that will require an eight-foot retaining wall on the right as entering the site. He said the proposal is to not put an opaque fence on top of the retaining wall but to install a thick buffer. Mr. Trew said it would be redundant to put in another fence. Ms. Meade asked Mr. Dixon and Mr. Trew, if they were confident that no one can get through the buffer and fall off. Mr. Dixon said from a liability point of view, they have discussed whether or not they need to install a guard rail type fence. Mr. Dixon said they had not reached a decision on whether it was necessary or not. Vice-Chairperson Boyle said he would not like to see another fence on top of the retaining wall and he suggested having some type of barrier that could be embedded in the buffer.

Mr. Trew said they are already encroaching on the neighbor's property and they did not want to encroach any further to get the second tier of wall in. He said the spacing is really tight and they do not want to get into the building foundation on the adjoining property.

Discussion ensued regarding storm water.

Mr. Trew talked about the Town changes the ordinance for the 25 year storm. He said there are pluses and minuses just like all regulations. He said the plus is the detention systems get larger and the minus is that every storm below the 25 year storm goes straight through and you are not containing smaller storms. He said there is some room for improvement in the ordinance on this topic. He said he has talked to Mr. Johnson about doing a graduated or staged release where you can use your detention system more often to get a better benefit from it.

Vice-Chairperson Boyle said he feels it would be better for the Town if storm water got detained. He talked about potential storm water issues on the south side of the proposed project because of the freezing and thawing process. He thinks managing the storm water is doable, it is just a matter of having proper engineering. He suggested to incorporate pervious pavement into the proposed project, he said this would reduce the impervious area and reduce the detention some. He also suggested having some pervious parking stalls so the snow could be pushed there and the south sun would melt it and it would not freeze and thaw. He suggested that the engineering include ways to keep a lot of the storm water on site rather than putting it into a pipe to move off the site. He suggested putting a retention area near where the meters are going to be placed.

Discussion ensued on the conditions to be placed on the proposed project.

Chairperson Woolridge talked about including as a condition the installation of traffic calming devices such as speed humps and signage as recommended in the Traffic Analysis. Ms. Meade said by combining both of them together, it needs to show who is going to be financially responsible for the speed humps. Ms. Meade said there should be a reference in the condition that the applicant will reimburse the Town for the speed humps and she noted that the Town would be responsible for the signage. Mr. Ward said they could install the speed humps after the town has reviewed and approved the proposed project and or reimburse the Town, he said this would give the flexibility needed for the Town to work with the applicant.

Mr. Deal said that the applicant's perspective they would deal specifically with the traffic calming speed humps and work with the Town on either in construction upon the Town's direction or a fee in lieu situation to proper locate the speed humps.

Ms. Shook talked about additional improvements that were mentioned in the TIA report recommendations regarding guard rails. It was recommended that if possible that guard rails should be installed.

Discussion ensued on the installation of guard rails.

Ms. Shook noted that Campus Ridge Drive is a private drive and the applicant would be responsible for the installation of the guard rails. Ms. Meade asked Mr. Deal if the applicant had discussed the guard rails. The applicant noted that they were not sure if guard rails were a necessity at this time because of the grading of the property.

Mr. Deal said the road is not constructed as originally platted but it could be accomplished if necessary basically by coming into an agreement with the Campus Ridge owners and other property owners. He said it is actually the way it was constructed left a little piece of land from the original Cherry Brook subdivision. He further stated that that piece of land does not have a property owner at this time.

Member Vincent asked how about the linear feet for the guard rail. Ms. Shook said that the report does not specify that information.

Mr. Trew said that beside the Campus Ridge Road the grade is not being changed other than adding some fill near where the Campus Ridge Apartments mailbox system is. He said that the Campus Ridge Apartments mailbox system is located on the applicant's property and there has been discussion to move the mailbox system so it is not in front of the proposed.

Mr. Trew noted that Wallace Circle coming down to the entrance of the proposed project is about 75 feet. Ms. Meade asked why a guard-rail installation was suggested. Mr. Moody said it was suggested because of the topography and the drop-off at this location and for safety purposes. Mr. Moody confirmed that this is an existing situation and not a condition that the applicant is creating with the proposed project.

Mr. Trew said there are some possible problems with putting a guard rail on a street that is not owned by the applicant of the proposed project. He further noted the area for the possible guard rail would be about 20 feet long and about a six-foot drop off from Campus View to the entrance of the proposed project.

Chairperson Woolridge confirmed that the TIA recommendation to install guard rails is on the right side of the upper parking area where vehicles comes down into the development. Mr. Moody said it is recommended that the guard rails to be installed on the southern side of Campus Ridge Drive between Wallace Circle and the access point and it roughly works out to about 75 linear feet. Ms. Shook said the TIA recommendation says that it qualifies the guard rails, if permission can be obtained. Chairperson Woolridge said the condition is not changing but the proposed project is creating more cars and traffic.

Ms. Shook confirmed that the recommendations from the TIA report were for only the guard rails and the speed humps on Wallace Circle.

Mr. Dixon said the applicant is willing to install a guard rail, if they can work it out with the property owner.

Ms. Meade said on the map it looks like the property should all be owned by Mr. Deal's client but because of the way the old plat reads, it may not be owned by his client. Mr. Deal explained that the little green triangle area on the plat is the original plat of the proposed road according to Mr. Hagaman in the 1950's. Mr. Deal explained that as the road is built, it runs onto his client's property. Ms. Meade said who would have any claim to said property. Mr. Deal said it would be Mr. Hagaman because the proper was never deeded out from the 1950's from the Cherry Brook subdivision. Mr. Deal said that the applicant will propose to work with the neighbors to work out an agreement on the said property for the shared road.

Chairperson Woolridge asked Mr. Deal if they have a secured easement to access the road. Mr. Deal said the easement is built onto the proposed property. It was noted that Campus Ridge Drive is a private road and Mr. Deal stated that the road is located on private property as well.

Mr. Deal said that he has spoken with the current owners of Campus Ridge Drive and he said it is just a matter of working out the details moving forward on a shared maintenance agreement which would include Lot 10 of the Cherry Brook Subdivision. Mr. Deal said that Campus Ridge Drive did not get the full easement that was required, when the road was built. Mr. Deal said the applicant is not pursuing any sort of issue with this easement.

Chairperson Woolridge talked about the guard rail being in condition five. He asked the Planning Commission, if they were other comments on the discussed conditions. The Planning Commission members were in consensus of the discussed conditions.

Chairperson Woolridge closed the public hearing on this case.

Vice-Chairperson Boyle asked the Planning Commission members if there was anyone that thought that the proposed project as presented does not meet the four findings listed on page 39 of the meeting packet and UDO Subsection 14.05.01(B).

Vice-Chairperson Boyle asked Mr. Deal to give a summary of why the proposed project meets the criteria of the four findings found in UDO Subsection 14.05.01(B). Mr. Deal restated the reasons that he had stated in his opening presentation on this case.

Vice-Chairperson Boyle asked Ms. Shook would it be fair to say that if another developer came along and wanted to develop this site without going through the PD process that the amount of grading and retaining walls to meet the footprint and parking requirements would be more disruptive that proposed in this project. Ms. Shook said it would need to be very similar or it could be more for a larger building because the larger the building mass gets, there might be a need for more complicated grading in the back of the building.

First Motion and Vote:
Vice-Chairperson Boyle made a motion, seconded by Member Thompson, that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because it is consistent with Comprehensive Plan Section 2.1.1(D), Economic development which encourages revitalization and use of currently under-utilized structures, sites and infrastructure in appropriately located areas. The proposed development is also consistent with Comprehensive Plan 1.2, the Growth Strategy Map as it is located in a primary growth area where near term growth is supposed to be especially encouraged.

Chairperson Woolridge made a friendly amendment to include that the PD will add a higher quality than would otherwise be required and encourages innovative arrangement of buildings and open spaces to provide an efficient, attractive, environmentally sensitive design, the PD produces a development functioning as a cohesive unified project and it will not substantially injure the use or value or enjoyment of surrounding property, it will hinder the development of surrounding property in accordance with the adopted plans and policies of the Town.

Vote:

Aye – All

Nay – None

The motion passes.

Second Motion and Vote:

Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle, to recommend approval for the reasons previously stated, subject to the applicant meeting all of the following conditions:

1. Where there is a conflict between the application information and the plans (site plans and architectural plans bearing a received date of January 13, 2017), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.

2. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.

3. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.

4. No more than two unrelated persons are allowed to live in the town house portion of the proposed development.

5. The applicant will work with the Town to implement the appropriate sidewalk material in accordance with other Town plans.

6. The applicant be provided flexibility to work with the Town and neighbors related to fencing location and type.

7. The applicant will work with the Town to implement traffic calming speed humps in accordance with the Traffic Impact Analysis.

8. The applicant construct a guard rail along Campus Ridge Drive in accordance with the Traffic Analysis Report.

Vote:

Aye – All

Nay – None

The motion passes.

Mr. Ward told the applicant that with the recommendations stated above the proposed project will be moved forward to next months' Council agenda.

Discussion ensued on which other cases they wanted to discuss at this meeting.

Ms. Shook asked the Planning Commission which of the other cases on the agenda they would like to discuss at this meeting. Ms. Meade clarified that if the Planning Commission would like to table the case for Article 15 and 16 to the February 2017 meeting, it would be alright with Staff. Ms. Meade said the Staff may add some possible changes to Article 24 Parking to the February agenda.

It was the consensus of the Planning Commission to table the case for Article 15 or 16 to the February 2017 meeting.

CASE PL 00145-010417 BROWN OF BOONE, III, LLC – GENERAL USE ZONING MAP AMENDMENT

The Town of Boone has initiated the zoning of a portion of property (Watauga County PIN: 2921303920000) owned by Brown of Boone III, LLC to B3 General Business and Corridor District Overlay to coincide with the voluntary annexation of the property which is scheduled to be completed on January 19, 2017 with an effective date of February 16, 2017.

Zoning is necessary due to the recent NC Supreme Court decision in December 2016 which upheld Senate Bill 865 which removed the Town of Boone's ability to exercise any extra-territorial jurisdiction (ETJ) related powers (Effective January 10, 2017). Prior to January 10th, this property was zoned B3 General Business and Corridor District overlay.

Ms. Shook noted that there have been no changes to the request for this case. Ms. Shook explained that the request is to zone the property like it was on January 9, 2017.

There was no discussion by the Planning Commission on this case.

First Motion and Vote:

Vice-Chairperson Boyle made a motion, seconded by Member Vincent, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because that zoning had been in effect previously.

Vote:

Aye – All

Nay – None

The motion passes.

Second Motion and Vote:
Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle to recommend approval for the reasons previously stated.

Vote:

Aye – All

Nay – None

The motion passes.

CASE PL 00147 ARTICLE 2 ADMINISTRATIVE MECHANISMS - UDO TEXT AMENDMENT
The Town of Boone has initiated a text amendment to modify the UDO to remove or alter regulations related to the Extra-Territorial Jurisdiction (ETJ). Modifications are necessary due to the recent NC Supreme Court decision in December 2016 which upheld Senate Bill 865 which removed the Town of Boone's ability to exercise any extra-territorial jurisdiction (ETJ) related powers (Effective January 10, 2017).

Member Shay asked Ms. Meade why the number of Board of Adjustment members is going down to five from seven. Ms. Shook noted that currently for in Town cases the member number is five members. Ms. Shook further explained that the BOA membership numbers are only expanded for ETJ cases. Ms. Meade said the number of members has to be five just for the numbers to work out. Ms. Meade further added that the requirements for the Board of Adjustment are driven by the state law as it relates to the quorum and the voting majority requirements. Ms. Meade said she was able to add the ability to call continuation meetings without a quorum which is a nice option. Ms. Shook added that the reason for this proposed change is to bring the UDO into compliance with recent court decisions. Ms. Meade confirmed that this proposed change would delete all of the ETJ provisions in the UDO.

First Motion and Vote:
Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle to the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because it brings the UDO into compliance with state law and makes appropriate changes considering the Town of Boone no longer has an ETJ.

Vote:

Aye – All

Nay – None

The motion passes.

Second Motion and Vote:
Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle to recommend approval to the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because for the reasons previously stated.

Vote:

Aye – All

Nay – None

The motion passes.

CASE 20160751: MODIFICATION TO UDO ARTICLES 15 and 16 – UDO AMENDMENT

At the November 15, 2016 Planning Retreat, Council directed that modifications to the UDO be made in regards to intensity and use within UDO Article 15 District Uses and UDO Article 16 District Standards. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle to table this case to the February 2017 Planning Commission meeting.

Vote:

Aye – All

Nay – None

The motion passes.

Ms. Meade asked the Planning Commission to send their comments or questions to her or to Ms. Shook as they review Articles of 15 and 16.

ELECTION OF OFFICERS

Chairperson Woolridge asked Ms. Shook about the Council's decision on sub-committee positions. He asked Ms. Shook to let the Planning Commission know once this decision has been made. Mr. Ward said after one more Planning Commission member slot is filled that the Planning Commission roster will be complete.

Chairperson Woolridge noted that he is serving his third term on the Planning Commission and his term will expire in June of 2017. He suggested that the Planning Commission nominate another Chairperson at this time.

Vice-Chairperson Boyle asked if the Staff can provide the members with their term dates at the next meeting.

Member Vincent made a motion, seconded by Member Shay to nominate Vice-Chairperson Boyle for the position of Chairperson. Vice-Chairperson Boyle accepted the nomination. There were no other nominations for the position of Chairperson.

Vote:

Aye – All
Nay – None

The motion passes.

Member Hayes nominated Member Shay for the position of Vice-Chairperson and Member Shay declined the nomination because she felt she is still too new to the Commission.

Member Shay made a motion, seconded by Member Thompson, to nominate Member Vincent for the position of Vice-Chairperson. Member Vincent accepted the position of Vice-Chairperson. There were no other nominations for the position of Vice-Chairperson.

Vote:

Aye – All
Nay – None

The motion passes.

<u>OTHER MATTERS FROM BOARD MEMBERS OR STAFF</u>
There were no other topics discussed at this meeting.

<u>ADJOURNMENT</u>
Chairperson Woolridge adjourned the meeting at 9:15 p.m.

Eric Woolridge, Chairperson	**Marlene Crosby, Board Secretary**