

**PLANNING COMMISSION MEETING MINUTES
MONDAY, OCTOBER 28, 2019 AT 6:00 P.M.
IN TOWN COUNCIL CHAMBERS**

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

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections and Brenda Henson-Board Secretary

CALL TO ORDER

Chair Shay called the Planning Commission meeting to order at 6:01 p.m.

CASE PL02634-060519 Sidewalk Fee-in-Lieu – UDO Text Amendment

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

Vice Chair Plaag asked the Commission how they felt about proceeding because he felt uncomfortable with proceeding with editing by committee while in session. He stated he thought they were all up to the task but did not want the Commission spend the time with all the edit and have whatever they come up with at the end of the meeting not pass.

Chair Shay noted she was not at the public hearing where these text amendments were discussed and asked if there was discussion on them. Ms. Shook stated there was a great deal of discussion and directed Commission members to the September 23, 2019 draft minutes that were emailed to them prior to this meeting. She noted that paper copies of the minutes had been provided for them tonight and encouraged Commission members to take a few moments to look over the draft minutes if they had not already done so.

Vice Chair Plaag asked if Commission members could make reference to the draft public hearing minutes if they needed to. Ms. Shook felt that they could reference the draft and noted the minutes were prepared for that purpose and were not intended to be considered for approval at this time.

Chair Shay asked for the reasoning behind the requested text amendment. Ms. Shook explained that Town Council wanted developments to pay their own way and go ahead and install sidewalks rather than paying a fee-in-lieu. Ms. Shook stated that the fees-in-lieu do not usually cover the actual cost of sidewalk installation noting that fees are for materials only and do not include labor costs. Ms. Shook pointed out, that though requiring sidewalk construction would cause pockets of sidewalks that would not connect to existing sidewalks the goal was to eventually have the sidewalks connect.

Ms. Shook stated the sidewalk handbook, handled by Public Works, was scheduled to be updated, would require the involvement of engineers, and was currently out to bid.

Chair Shay asked what happened after Planning Commission made a decision on the amendment. Ms. Shook explained that once Planning Commission makes a recommendation, Town Council has a certain number of days to act on that recommendation and if no recommendation is made this evening, Town Council could act on the request because it has been 30 days since the hearing. Ms. Shook stated if Planning Commission members felt there were things in the text that still needed to be addressed they could recommend those items be addressed in a subsequent revision.

Chair Shay referred to Section 23.08.03 Design Requirements and asked why the wording was being

changed from *approval by the Public Works Director* to *approval by the Administrator*. Ms. Shook replied that the change to Administrator was broader and would provide staff with more flexibility.

Ms. Shook asked Commission members if they had any concerns outside of the concerns that were discussed at the public hearing. Members indicated they did not.

Commission Member Veno asked what about the proposed text made it harder for someone to pay a fee-in-lieu. Ms. Shook explained that applicants must install sidewalks if they are constructing a new major subdivision, a new multi-family residential development, or a new office, institutional, commercial or industrial development. She stated that sometimes applicants chose not to install sidewalks because the fee-in-lieu was cheaper than putting in the sidewalk. Ms. Shook noted that the fee-in-lieu charge would be revised as well and would be more of a true estimate of labor and materials costs. She stated that this text would require developments to install a sidewalk, as well as curb and gutter if necessary, regardless of whether or not there was existing sidewalks to connect to. Sidewalks must be constructed to the Town standards that are listed in the Town's Sidewalk and Street Manual. Ms. Shook stated the proposed text would only allow payment of fee-in-lieu in the event of steep slope or other environmental issues that would be damaging or dangerous. Ms. Shook stated that fee-in-lieu payments go into a fund that is then used to install sidewalks on the Sidewalk Priority List. She explained that the Town did not have to use the money paid by the development to build the sidewalk at the development. Vice Chair Plaag felt if the development was not located in an area on the sidewalk priority that it could be years before a sidewalk might be installed there and the in-lieu amount paid might not cover the cost of building that sidewalk after a number of years had passed.

Vice Chair Plaag referred to Section 23.08.01 and the requirement that sidewalks must be installed for new major subdivisions. He noted there was discussion at the public hearing regarding major and minor subdivisions and Council Member Furguele raised the question of why this requirement does not apply to minor subdivisions. Vice Chair Plaag noted that more than 10 lots would be considered a major subdivision and 10 lots or less would be considered a minor subdivision. He stated that if minor subdivisions were required to install sidewalks then a two lot subdivision would have to put a sidewalk along the street even if it was on a street that had no other sidewalks or was a satellite property and that could make a project cost prohibitive or impractical. Vice Chair Plaag felt that, in a town where we should be encouraging people to develop affordable housing, it seemed onerous to impose upon a small land owner who was proposing a small subdivision the requirement to install sidewalk infrastructure. He stated he would like to propose to Town Council that the language in 23.08.01 not be changed to include minor subdivisions at this time. Ms. Shook replied that her understanding from the public hearing was that this was a topic that could possibly be revisited in a future text amendment. She noted that she echoed Vice Chair Plaag's concerns. Commission members were in agreement with Vice Chair Plaag's recommendation to leave minor subdivisions out of Section 23.08.01.

Commission Member Veno thought that John Ward brought up a similar issue on Archie Carroll Road to what Vice Chair Plaag was talking about with sidewalks for minor subdivisions. Ms. Shook replied that there was some mention of possibly placing a distance limit outside of corporate limits on the sidewalk requirement. She noted the possibility that DOT might not give an approval for an encroachment to build a sidewalk in some cases and this may be a topic for consideration at a later date. Vice Chairman Plaag asked if an exception should be considered at this time to allow a fee-in-lieu in the instances where DOT does not approve of the installation of a sidewalk. Ms. Shook stated that was not contemplated in the proposed text and had not happened very often.

Vice Chair Plaag referred to Section 23.08.04 and the clause that stated *greenway that is expected with reasonable certainty to be constructed within the next several years*. He noted that he and several Council members were uncomfortable with that language and stated there seemed to be consensus at the public

hearing to change the wording to *to be constructed within the next 5 years or which are approved and funded by the Department of Transportation*. There was consensus of Commission members to make this recommendation.

Commission Member Venio asked for clarification on the installation of a greenway instead of a sidewalk. Ms. Shook gave the example of the new multi-modal path from Brookshire Park to Bubble's Car Wash that has already been approved on DOT's Statewide Transportation Improvement Plan and stated that any new development along that area would be required to install the 10' wide multi-modal path as approved in the STIP.

Commission Member Venio referred to 23.08.04(A) and asked who the applicant would be if it was not the property owner. Ms. Shook explained that the applicant could be the developer of the project instead of the property owner.

Chair Shay directed Commission members to Section 23.08.05. Vice Chair Plaag stated he did not recall any concerns being expressed about either (A) or (B) or the introductory part of (C)(1).

Commission Member Venio stated there was concern expressed at the public hearing about the term *mature trees*. Ms. Shook stated that mature tree was not defined in the UDO but noted there was language in the UDO that indicated if a term was not defined the dictionary definition should be used. Ms. Shook explained that the UDO had protection for significant and historic trees and Council Member Furguele felt this language should mirror that and this was reflected in the draft public hearing minutes.

Vice Chair Plaag offered the following language change to 23.08.05(C)(1)(ii) to say *where such damage cannot be mitigated by the use of an alternative path, and is not justified*. Ms. Shook replied that she thought that was what the last sentence in that section was trying to accomplish when it stated *the Administrator must find that there is no reasonable alternative manner of building that particular section of sidewalk (such as changing its location) that would avoid the problems posed by the identified site-specific factors*. She stated she would like for the text to be as clear as possible in case someone appealed their decision to the Board of Adjustment. Vice Chair Plaag felt that adding the phrase he proposed as well as keeping the last sentence would satisfy this concern. There was consensus of Commission members to recommend Vice Chairman Plaag's suggested language.

Vice Chair Plaag suggested the following language change to 23.08.05(C)(1)(ii) to say *the certainty or likelihood of damage resulting to sensitive habitat, natural watercourses, or significant, historic, and/or mature trees*. Ms. Shook explained that a significant tree could be 8" and the Ordinance does not require the retention of 8" trees in certain circumstances. She stated that significant trees were not required to be retained if they were in the vehicular surface area or the building footprint. Ms. Shook stated that historic trees were required to be retained and could result in a project redesign in order to accommodate those trees. In light of this information, Vice Chair Plaag felt significant trees should be removed from his suggested language and a definition of mature trees be added to the UDO that would mimic the industry definition. Ms. Shook asked if Commission members wanted to craft a definition of have Staff handle that. Vice Chair Plaag suggested Staff create the definition based on the U.S. Forestry Service or other industry standard.

Vice Chair Plaag referred to 23.08.05(C)(1)(i) and the word *impractical*, noting this was an item of concern discussed at the public hearing. Commission Member Venio asked if the word should be removed completely from this section. Vice Chair Plaag suggested using the word *impossible*. Commission members agreed to the suggested change from *impractical* to *impossible*.

Commission Member Venio stated he had looked at the Sidewalk Handbook and asked if it was just specifications for building sidewalks. Ms. Shook replied that was correct and noted the handbook was small and not very in-depth but did provide some detail. She stated the Town Public Works Department

was working on a new details and specifications for a new Town of Boone Details and Specification Manual and the new manual would contain both Public Works related items and items that would likely be moved over from the UDO.

Commission Member Veno asked what constituted a steep slope. Ms. Shook replied that a steep slope was any slope that was over 30%. She explained that this was the slope you would cut into to install the sidewalk and not the slope of the sidewalk itself. Ms. Shook noted that the slope of the actual sidewalk had to meet ADA standards.

Chair Shay directed Commission members to 23.08.05(C)(2). Vice Chair Plaag stated there was some discussion at the public hearing regarding rounding of fees and he felt that was an internal policy that did not belong in the UDO. Ms. Shook noted that the Town had an adopted fee schedule and the fee structure would be addressed in the Public Works fee schedule.

Chair Shay referred to the last sentence in 23.08.05(C)(2). that states *The applicable fee shall be determined by the rate in effect on the date the fee is paid.* She noted the previous language referred to *the rate in effect on the date the development plan is approved* and asked if there was a split between when the fee was paid and when the development plan was approved. Ms. Shook stated that the date the application was submitted and the date the fee was paid were different dates. She added that, in reality, it sometimes can take up to six months to get a project approved and during that time fees could change.

Vice Chair Plaag stated that one of the issues that recurred several times during the public hearing was accepting a fee-in-lieu and then the Town coming back 10 years later to install the sidewalk because it has been reached on the Sidewalk Priority List and the Town does not have an easement and will have to pay the property owner to obtain one. Vice Chair Plaag stated there was some discussion of acquiring the easement. Ms. Shook stated there seemed to be some confusion regarding easements and stated that easements were currently required. She felt the problem would be when a 5' easement was given and more would be needed to install the sidewalk or a multi-modal path. Ms. Shook referred to Section 23.08.02 that states *Sidewalks along any public street shall require the dedication of a permanent easement for public use to the Town of Boone.* She suggested including similar language in Section 23.08.05 for clarifying purposes. Ms. Shook noted there was also an argument that if there were impossible or dangerous circumstances preventing the installation of a sidewalk a sidewalk may never be installed in that location therefore negating the need for an easement. She stated if there were environmental issues, those issues would likely remain in the future but if the issue was trees, that could change over time. Ms. Shook then suggested crafting one requirement similar to 23.08.02 that would cover the entire 23.08 section and address any exceptions or deviations. There was consensus of Commission members to make this recommendation.

The Commission then discussed satellite annexation properties that were located outside of the main corporate limits. Vice Chair Plaag suggested that 23.08.05(C)(2) should actually be reformatted as a 23.08.05(D) and add the following new 23.08.05(C)(2) *In the instance where the applicant is unable to secure permission from the North Carolina Department of Transportation to install sidewalks in compliance with the Town's requirements* and 23.08.05(C)(3) where Staff would draft language to allow an exemption from this section for properties located in satellite annexations more than 1 mile from corporate limits. There was consensus of Commission members to make this recommendation.

The Commission asked Ms. Shook to summarize the changes that had been discussed. Ms. Shook noted the following:

1. Revise Section 23.08.04 to strike "*next several years*" and replace it with "*next five years or where approved and funded by the North Carolina Department of Transportation*"

2. Relocate and have Staff draft language regarding easements that would apply to the different scenarios throughout the entire section
3. Revise Section 23.08.05(C)(1) by changing the wording as follows:

~~Fee-in-lieu is not an option when existing sidewalks are removed during the course of construction; in this case sidewalks must be replaced. The Administrator finds, based upon clear and convincing evidence, that the building of a particular section of sidewalk is either technically impractical or undesirable as the result of one or more of the following site-specific factors: (i) unique to that development site. These might include, for example, a n extremely steep slope or other site-specific factors making the building or use of that section of sidewalk impractical impossible or dangerous to the public; or (ii) the certainty or likelihood of damage resulting to sensitive habitat, natural watercourses, or mature or historic trees, where such damage cannot be mitigated by the use of an alternative path which is not justified by the a countervailing public interest in the addition of that particular area of sidewalk. In addition, the Administrator must find that there is no reasonable alternative manner of building that particular section of sidewalk (such as changing its location) that would avoid the problems posed by the identified site-specific factors.~~

Define “mature trees”.

4. Revise and create Sections 23.08.05(C)(2) and (3) as follows:

2. In the instance where the applicant is unable to secure permission from NCDOT to install sidewalks in compliance with the Town’s requirements.
3. In the instance where a satellite parcel of the Town (due to annexation) is greater than one (1) mile from the Town’s main corporate limits. This exemption shall not apply when contiguous sidewalk infrastructure exists along the public street.

5. Reformat the rest of the section for a new subsection on payment.

Vice Chair Plagg made a motion, seconded by Commission Member Behrend, the proposed amendment, as amended, to the Town’s zoning ordinance is consistent with the Town’s comprehensive plan and any other adopted plan(s) of the Town that are applicable because it is in alignment with the following:

1. Comprehensive Plan Overall Objective 1.1: Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes;
2. Comprehensive Plan Overall Objective 1.1: Trees: Conserve existing trees and plant new trees, especially hardwoods;
3. Comprehensive Plan Overall Objective 1.1: Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.
4. Comprehensive Plan Overall Objective 1.1: Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.
5. Comprehensive Plan Policy 2.2.1: Planned systems of pedestrian ways, bikeways, greenways, and similar facilities shall be encouraged as energy efficient and environmentally sound transportation

alternatives. Site planning that incorporates secure bicycle storage at places of living, working or schooling, shopping, and gathering shall be required, where appropriate.

6. Comprehensive Plan Policy 2.2.1: All future road construction within the Town shall be examined for bike and pedestrian feasibility. Wherever possible, compatible bike lanes and pedestrian walkways shall be implemented in conjunction with accompanying road construction.

Vote: Aye-All

Nay-None

The motion passed.

Vice Chair Plaag made a motion, seconded by Commission Member Veno, that the Planning Commission recommends approval of the proposed amendment, as amended, to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because proposed changes further ensure that appropriate sidewalk and greenway construction will actually occur on a timely basis in areas of new development and provide a viable means of cost recovery for the Town in those instances where the Town must do the sidewalk construction itself.

Vote: Aye-All

Nay-None

The motion passed.

The Chair called for a five minute recess.

Case PL03076-090919 55+ Housing – UDO Text Amendment

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

Chair Shay asked Ms. Shook to outline the history of the request. Ms. Shook noted that the Town was approached by an applicant who originally had been given approval for a 55+ multi-family development project consisting of three buildings. The first two buildings were constructed and the slab was constructed for the third building. At that time, the economy took a hit and the developers were not able to complete the third building. Subsequently, the Town adopted new language which requires the multi-family developments to develop in accordance with the standards in UDO Section 15.10. When the developers of the 55+ multi-family development came back in they found that they could only proceed with the requirements of Section 15.10, of which based upon the majority of the development would have necessitated the need for many variances. The developer then approached Council, who was supportive of the need for this type of housing and directed language to be drafted to create a new zoning district for this use.

Ms. Shook noted that the creation of a zoning district had to coincide with the creation of a new use because the only multi-family uses in the ordinance had to either meet the requirements of UDO Section 15.10 or UDO Section 15.11 which regulates multi-family with mixed-use. Upon review of the current uses, including retirement communities, Staff realized that uses were related to the uses for Nursing Care Home, Nursing Care Institution, and skilled nursing communities.

Ms. Shook also noted that Staff evaluated where the current uses were allowed and noticed that some of the uses were currently allowed in multiple residential zoning districts. She noted that after evaluating the uses, the districts, and limited availability of housing, Staff decided to draft the text to not allow the new uses in those same residential districts. She also noted two errors in the Staff Report: the table with a "L" in the table for the new uses should be a "P" since there were no supplemental standards

recommended at this time and the definitions for retirement communities should be deleted as shown in the table of principal uses.

Ms. Shook also noted that as discussed at the Public Hearing that Staff anticipates making further changes to the text in the near future because though the text anticipates mixed-use it doesn't currently outline the uses that would be permissible in an Adult Living Community.

Vice Chair asked how rental of rooms, specifically, rooms rented out by the residents for an event, would work. Ms. Shook noted that would be an accessory use that would fall under the principal use of Adult Living Community.

The Commission agreed to review the text in the order in which it was presented in the Staff Report.

Vice Chair Plaag noted he concurred with the decision to remove the uses from the lower density residential districts. He noted essentially the text replaced "multi-family residences for the elderly" with "adult living communities" and then condensed the other three uses under "residential care facility". He noted that there were concerns about condensing the uses but that he felt that the new definition greatly simplified things.

Discussion ensued as to the term adult living community as a use and to whether it should be referred to and defined as "Housing for Older Persons" and defined as in the Housing for Older Persons Act which was discussed at the public hearing. It was the consensus of the committee to leave the language for "Adult Living Community" as is but to change "*specifically*" to "*primarily*" so that the new language reads "*primarily designed for independent living for person who are fifty-five years of age or older (55+)*".

Ms. Shook noted that the changes in Subsections 14.01.06, 14.01.07, and 14.01.09 were to clean up the language of some of the other existing residential districts.

Discussion ensued on the revisions to the Table of Principal Uses. Chair Shay noted that several of the uses had been struck through and replaced with the one use and asked if the two new uses were broader to cover all of the previous uses. Ms. Shook that was the intent.

Commission Member Veno asked for confirmation that medical services, such as an urgent care, could not be provided in the adult living community use. Ms. Shook confirmed that no, medical service could not be provided.

Vice Chair Plaag noted that as proposed the adult living community use was proposed to be allowed in the R3, R5 and B3 zoning districts and the residential care facility was proposed to be allowed in the R3, R5, OI and B3 zoning districts. Ms. Shook noted that yes, Staff had populated the table for the new uses with the districts Staff had thought Council would want to consider. She noted that there hadn't been discussion on this prior to the drafting so Staff had included more districts knowing that there may be some objection to them.

Vice Chair Plaag and Commission Member Veno concurred that during the public hearing that it had been discussed about not allowing the residential care facility use in the R3 or R5 zoning district by right, but with conditional district approval only. Vice Chair Plaag noted that Council Member Furgiuele had stated at the public hearing that while he was satisfied with Adult Living Community in the R3 he had concerns with the residential care facility use because they could have ambulances coming and going depending on the level of service provided and is different than a residential development. Vice Chair Plaag noted he shared Council Member Furgiuele's concerns about residential care facilities in the R3 but was confused about the R5 because if the district was designed for these uses, why would an applicant have to ask for a conditional district approval. Ms. Shook asked the Committee to remember that when Council tasked the drafting of the language they may not have anticipated the changes presented so this was the Council's first opportunity to review. Ms. Shook noted that at this point she felt that maybe Council's goal

was to create the district for the just adult living communities. Ms. Shook asked the Commission to envision a piece of property zoned R5 which was surrounded by R1 neighborhoods and what would be the difference in impacts between an adult living community and a residential care facility. She noted that Staff presented the text in a conservative way and so each use was marked with a 300' transitional zone which could be modified. Vice Chair Plaag asked if it would be similar to the hotel case that previously had been through the process. Ms. Shook agreed, but noted that it would have to be a conditional district if Council and the Planning Commission wanted to discuss development details, such as ambulances, because that type of discussion was not allowed under a general use rezoning case.

Vice Chair Plaag asked if the R4 district description would have to be rewritten if the residential care facility was removed as a permissible use. Ms. Shook stated she did not think it would have to be rewritten.

Commission Member Behrend said that the question then is whether to allow the residential care facility in the R3 or R5. Vice Chair Plaag noted his preference was to not allow the residential care facility in the R3 or R5 for the reasons Council Member Furguele had mentioned at the public hearing. Commission Member Behrend noted that she thought it should be allowed in the R5 because it would allow for someone to transition from use to the other. Vice Chair Plaag noted that he had a hard time envisioning a combination use where you would want to allow the residential use care facility by right.

Discussion ensued on the ability of an applicant to apply for a project that could request a rezoning for two different zoning districts to cover the areas covered by the two different uses. Ms. Shook noted though if someone wanted to come back with one facility that had both, then that would require a text amendment.

Chair Shay noted she wasn't comfortable pushing the residential care facility to be allowed only in commercial areas and would like to leave it as an opportunity if the circumstances were right and further noted she liked the text as presented. Ms. Shook noted that to ensure the right conditions, then permitting would have to be with a site specific approval with conditional district zoning.

Chair Shay asked the Commission how they felt about the adult living community use. Ms. Shook noted that the Commission may want to consider not allowing it in the B3 at this time because Staff had not identified standards for the mixed use portion of the development and that when the next draft was presented that it would detail the uses and the standards for the development. She noted that the definition of adult living community would need to be revised to remove the "*with or without mixed uses*" clause.

Vice Chair Plaag recommended that at this time, use 1.17 Adult Living Community only be allowed in the R3 and R5 zoning district subject to the 300' transitional zone and use 2.05 Residential Care Facility not be allowed in the R3 zoning district, allowed in the R4 zoning district only with conditional district approval, and allowed in the OI and B3 zoning districts by right subject to a 300' transitional zone. There was consensus of Commission members to make this recommendation.

Discussion ensued on the intensity standards for the R5 zoning district. Ms. Shook noted that the smaller 5,000 square foot lot size was proposed to accommodate the single-home on a single-lot concept that the adult living community allows. She noted that she recognized that this is one of the few districts which would allow either a single-home on a single-lot or allow a multi-family style of development so coming up with standards to cover that spectrum was hard and noted that a multi-family style of development would still need to meet the livability space requirements, landscaping and parking requirements for the use. Discussion ensued as to whether the property in the single-family home development for adult living communities would be a single-home on a single-lot or if it would be more of a condo type development where the homeowner would own the home but the development would take care of the exterior elements. Vice Chair Plaag said that he would be more comfortable with the minimum lot size increasing to

10,000 square feet and then being lowered when Staff came back with the revisions that incorporated different levels so a distinction could be made between the single-family on single-lots adult living communities and the multi-family version of adult living communities. There was consensus of Commission members to make this recommendation.

Discussion ensued on the automobile parking requirements for the adult living community uses. There was consensus from the Commission that the parking requirements of 1 parking space per unit plus 1 parking space for visitor parking per dwelling for adult living communities was too much, therefore their recommendation would be to modify the requirement from 1 visitor parking space per dwelling to .5.

Discussion ensued on the automobile parking requirements for residential care facility use and the need to ensure enough staff parking and visitor parking. There was consensus from the Commission the standards proposed was not sufficient and therefore recommended that residential care facilities should provide 1 space for every 4 beds but also one space for every two staff members. They noted that these facilities usually had 24 hour care and had employees for different shifts.

Discussion ensued regarding bicycle parking. Ms. Shook noted that Staff had not recommended bicycle parking for the adult living community at this time because she felt there need to be more tiers that would cover both the multi-family component and the single-family component of the use. The Planning Commission was in consensus not to make changes at this time.

The Planning Commission noted that there was an error in Subsection 31.04.01(B) in the fact that 2.05 referenced the wrong uses. Ms. Shook noted that was an error and would add it to their list of recommended changes.

The Commission asked Ms. Shook to summarize the changes that had been discussed. Ms. Shook noted the following:

1. Revise the adult living community definition by striking the clause “with or without mixed uses” and replacing “specifically” with “primarily”.
2. Revise the table of principal uses Section 15.07 so that use 1.17 Adult Living Community not be permissible in the B3 zoning district, allowed in the R3 and R5 zoning district by right subject to the 300’ transitional zone and use 2.05 Residential Care Facility not be permissible in the R3 zoning district, allowed in the R4 zoning district only with conditional district approval, and allowed in the OI and B3 zoning districts by right subject to a 300’ transitional zone.
3. Revise Subsection 16.01.02 Intensity Table by requiring a 10,000 square foot minimum lot size rather than a 5,000 square foot minimum lot size in the R5 zoning district.
4. Revise Table 24.01 to require use 1.17 Adult Living Community to provide 1 parking space per unit plus .5 visitors parking space per unit.
5. Revise Table 24.01 to require use 2.05 Residential Care Facility to provide 1 parking space for every four beds and one parking space for every two Staff members.
6. Correct errors in Subsection 31.04.01(B) to say 2.05 Residential Care Facility and strike the definitions for retirement community in UDO Article 34.

Commission Member Behrend made a motion, seconded by Commission Member Venno, the proposed amendment, as amended, to the Town’s zoning ordinance is consistent with the Town’s comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following:

1. Comprehensive Plan Policy 2.1.1(A): The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
2. Comprehensive Plan Policy 2.1.1(K): Boone shall identify and provide services consistent with the needs of the area’s growing retiree population.

Commission Member Veno asked to amend the motion to include:

1. Comprehensive Plan Policy 2.3.3(F): The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.
2. Comprehensive Plan Policy 2.3.3(G): Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.
3. Comprehensive Plan Policy 2.3.3(H): The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

Vice Chair Plaag asked to amend the motion to also include:

1. Comprehensive Plan Policy 2.3.3(A): The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
2. Comprehensive Plan Policy 2.3.3(C): Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
3. Comprehensive Plan Policy 2.3.3(E): Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

Commission Member Behrend and Veno accepted the friendly amendments.

**Vote: Aye-All
Nay-None
The motion passed.**

Chair Shay made a motion, seconded by Vice Chair Plaag, that the Planning Commission recommends approval of the proposed amendment, as amended, to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because the amendment honors our community values of inclusive multi-generational and economically diverse neighborhoods.

**Vote: Aye-All
Nay-None
The motion passed.**

OTHER MATTERS

Ms. Shook asked the Planning Commission if they would be available to meet on November 18, 2019 to for a special public hearing to replace the regularly scheduled public hearing on November 25, 2019. She noted that the goal was to be able to have the same Council who heard the case at the public hearing have time to meet to decide on the case prior to the new Council who would be seated in mid-December. Several members of the Commission indicated that they were not available at that time. Ms. Shook asked if they would be available to attend the regularly scheduled meeting on the 25th and all indicated that they would be available.

There being no other matters, Commission Member Hedrick made a motion, seconded by Commission Member Veno, to adjourn the meeting at 10:13 p.m.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary