Town of Boone
Planning Commission
Regular Meeting
6:00 PM, Oct. 22, 2018
Council Chambers, 1500 Blowing Rock Road

I. Call to Order

II. Adoption of Agenda

III. Approval of Meeting Minutes

September 24, 2018 Planning Commission Meeting Minutes

IV. Case PL01808-082218 Town Council Selection of Chair and Vice Chair - UDO Text Amendment

Case PL01808-082218 Selection of BOA/PC Chair and Vice-Chair - Application Information

Case PL01808-082218 Selection of BOA/PC Chair and Vice-Chair - Staff Report

V. Rescheduling of December, 2018 Planning Commission Meeting

VI. Other Matters by Board Members or Staff

VII. Adjournment

PUBLIC HEARING MINUTES
MONDAY, SEPTEMBER 24, 2018 AT 6:00 P.M.

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

PLANNING COMMISSION MEMBERS: Chair Elizabeth Shay**,** Vice-Chair Eric Plaag, Chris Behrend, Nancy LaPlaca, Michael Sanchez and Frank Veno

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

OTHERS PRESENT: Allison Meade-Town Attorney

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

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

APPROVAL OF MINUTES
Mayor Pro-Tem Clawson made a motion, seconded by Council Member Furgiuele for Town Council to approve the July 23, 2018 Public Hearing minutes as written.

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

Commission Member Sanchez made a motion, seconded by Commission Member Veno to approve the July 23, 2018 Public Hearing minutes as written.

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

CASE PL01806-082218 BROWNSFIELDS AGREEMENT DISCLOSURE – UDO TEXT AMENDMENT
Ms. Shook presented this case as outlined in the meeting packet. She noted that she had included along with the Staff report for this case a copy of the North Carolina Brownfields Redevelopment Toolbox.

Ms. Shook pointed out this proposed text change is only for new construction.

Council Member Mason pointed out that the Brownfields Agreement Disclosure began in 1997.

Discussion ensued on placing possible conditions on projects in Brownfields areas. Vice-Chair Plaag asked if a condition can be placed on a permit that at any time the recipient of the permit is required to notify the Town that funding has been received. Ms. Shook said she would need to consult with Ms. Allison Meade, Town Attorney on this question. Ms. Meade said that we can ask the applicant to inform the Town but there is probably not a mechanism for enforcement. Ms. Meade thought it was all right to add

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to the disclosure language. Council Member Mason noted that the State has a mechanism to notify the Town. Ms. Shook noted that the State did notify the Town for the Standard at Boone.

Mayor Brantz asked if there is a list of properties that qualify and Ms. Shook said they do not keep a list. Ms. Shook said the Staff had previously provided the Council with a link to the North Carolina Brownsfield program website.

Council Member Furgiuele asked Ms. Shook how many properties in Boone are in deferral of taxes as a result of the agreements. Ms. Shook said she did not know how many but there are some that are eligible to take advantage of it. She said they are not eligible until they complete the project.

Council Member Furgiuele asked Ms. Shook how many developers have disclosed that they are building in a Brownfield area. Ms. Shook said the Riverswalk and Village at Glen Wilde on State Farm Road disclosed that they were developing on Brownsfield properties.

Council Member Furgiuele asked Ms. Shook if at the Riverswalk the contamination spread beyond the boundaries of the one property. Ms. Shook indicated that she did not know the answer though she did confirm the three properties were aggregated into one property. Council Member Furgiuele questioned whether the applicant should be allowed to combine the properties when not all the properties were contaminated. Ms. Meade said she does not have the answer without researching it. Council Member Furgiuele said this topic might need to be further discussed because if the tax relief should only be for the contaminated lot and creating larger tracts of land, he said this would be counterproductive to the interest of the Town.

Discussion ensued about other sites in the Town which may have had contamination.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:13 p.m.

CASE PL01808-082218 TOWN COUNCIL SELECTION OF CHAIR AND VICE-CHAIR – UDO TEXT AMENDMENT

Ms. Shook presented this case as outlined in the meeting packet.

Ms. Meade suggested adding the same language in UDO Subsection 2.02.05(B) regarding the Planning Commission to the Board of Adjustment.

Vice-Chair Plaag asked the Council what their motivation was to ask for a change to the proposed text amendment in terms of the designation. Council Member Furgiuele explained that there have been times that Chairs have served for multiple terms. Council Member Furgiuele said he would like to see new members appointed from time to time for the chair and vice-chair positions to give other members an opportunity to serve in these positions on Town boards.

Vice-Chair Plaag asked about the limitation on the number of terms of service on the Planning Commission but not on the Board of Adjustment.

Mayor Brantz said that he agrees with Council Member Furgiuele but he is concerned with the criteria for the Council to select these positions, especially if the Council does not know the people applying for these positions. Mayor Brantz asked if there was a way for the Council to receive information on the board

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applicants. Council Member Furgiuele said it might be prudent to interview the interested candidates to make sure they know the board procedures and to see if they are willing to take the time to attend the board meetings. Council Member Furgiuele said he would take this same position on the Historic Preservation Commission once they began to issue Certificates of Appropriateness. Council Member Furgiuele further explained that it is the conditional district zoning process that concerns him in relation to selection of the chair and vice-chair positions.

Chair Shay stated her concerns of the Council being mandated to select the chair and vice-chair. She said that she could not see the Council making the selection with the way the Planning Commission is supposed to function.

Vice-Chair Plaag stated that he shares the same concern as Chair Shay, he said he feels if the Council makes the selection, it opens them up politically to a possible accusation that they hand-picked a chair or vice-chair.

Council Member Furgiuele said he would not be against another amendment that lays out some considerations that should be taken.

Ms. Shook pointed out that the UDO text already allows the Council to designate a chair and vice-chair positions.

Council Member Mason noted that the text should be clear on the process for the chair and vice-chair positions and to take into consideration that the Planning Staff may have recommendation for someone to serve in these positions. Ms. Shook said that the Planning Staff would need Council to give them direction on how they want the process setup.

It was the consensus of the Council to further discuss the proposed text amendment at their October 2018 Council meeting to decide on a process for selecting chairs and vice-chairs. Ms. Shook noted that the change would not take effect until January 2019, when the chairs and vice-chairs are selected.

Member Veno asked about the charge of the chair and vice-chairs. Ms. Shook explained that Roberts Rules which is located in the Town Code should be followed. She said that rules for the Board of Adjustment are located in the UDO.

Council Member Ulmer stated that she felt like this is power issue as to who decides the chair and vice-chairs. Vice-Chair Plaag noted that he does not feel it is a power dynamic at all, it is how can we best perform the charge that we have been given as a non-political body as an advisory body. He further explained that he is aware that the Planning Commission serves at the pleasure of the Council.

Council Member Furgiuele talked about the Municipal Code and the Council has the appointment authority of every chair and vice-chair.

Vice-Chair Plaag said he is somewhat comforted by learning the reasoning of the Council for the changes in the proposed text amendment but he is still concerned about the items he explained earlier.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:35 p.m.

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CASE PL01809-082218 BOARD/COMMISSION MEETING SCHEDULES – UDO TEXT AMENDMENT

Ms. Shook presented this case as outlined in the meeting packet.

Council Member Furgiuele explained that he felt the proposed change to the boards was made to the boards due to workload on the Planning Staff. He noted that a huge amount of hours was devoted to staffing all of the Town meetings. He noted that the changes to text were warranted.

Council Member Furgiuele pointed out that a lot of the time the meeting quorums are met because of the attendance of the Council Liaisons. He said some of the Council Members felt that they should not vote or be counted toward the meeting quorums. He said he felt that the number of meetings should be reduced if possible. Mayor Brantz was in agreement with Council Member Furgiuele regarding reducing the number of meeting unless they are needed.

Council Member Mason said there needs to clarification on the process for special meetings.

Discussion ensued on special meetings. Council Member Furgiuele said he would like to see the Council schedule a special public hearing based on when the Planning Commission can be in attendance. Council Member Mason said she would like to see the language revised to make it clearer that the Planning Staff lets the Council know, when a public hearing needs to be scheduled.

Vice-Chair Plaag talked about the COA process that the Historic Preservation Commission members will soon be doing. He explained the state-statutory requirement for the COA application to be considered and he talked about the possibility of needing to call a special meeting, if they receive a COA application and if the HPC meets on an every other month schedule. He also asked what happens if a quorum is not met. Ms. Shook said it depends on the when the 60 days starts. Ms. Meade said once the HPC starts the COA application process, Council may consider changing the HPC meetings to a monthly schedule which would take care of this issue. Council Member Furgiuele said because the Town has not had experience with the COA applications, there might be a low number of applications to consider which could be reviewed and then consideration could be given to the HPC meeting schedule.

Ms. Meade and Ms. Shook explained the workload of the Planning Staff on the different boards and committees. Ms. Shook further explained that there is still some Planning Staff work to do, when a meeting is cancelled there are notifications that are sent out.

Council Member Furgiuele asked how many Board of Adjustment meeting that have been cancelled this year. Ms. Shook said three meetings.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:46 p.m.

CASE PL01810-082218 REDUCTION OF PENALTIES BY BOARD OF ADJUSTMENT

Ms. Shook presented this case as outlined in the meeting packet.

Council Member Furgiuele said he is in favor of the proposed text amendment but he is concerned about the proposed language stating “gravity of the violation”. He noted that without guidance he finds the language too vague. He said some items in the UDO are more important than others and we should try to differentiate between them. He said he feels it is a decision that should not be made case by case.

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Mayor Brantz asked about the determination of penalties. Ms. Shook explained that UDO Article 12 contains the information on penalties.

Ms. Meade said she agrees that the proposed language regarding the "gravity of the situation" should be removed.

Council Member Mason explained that the reason that Council requested that this proposed text amendment be reviewed was to obtain clearer language for the Board of Adjustment to follow, when they have to review a case that involves penalties. Council Member Furgiuele explained that as a result of the Council review of Town boards and the change to Town meeting schedules, the Council wanted this proposed text amendment to be reviewed to reduce unfair penalties in a particular case.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:51 p.m.

OTHER MATTERS

There were no other matters discussed at this hearing.

ADJOURNMENT OF TOWN COUNCIL

Council Member Mason made a motion, seconded by Mayor Pro-Tem Clawson to adjourn the Council at 6:51 p.m.

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

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Rennie Brantz, Mayor **Marlene Crosby, Board Secretary**

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Elizabeth Shay, Planning Commission Chair

Chair Shay opened the Planning Commission meeting at 7:00 p.m.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES

Vice-Chair Plaag made a motion, seconded by Commission Member LaPlaca to approve the August 27, 2018 Planning Commission meeting minutes as written.

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

CASE PL01806-082218 BROWNFIELD AGREEMENT DISCLOSURE – UDO TEXT AMENDMENT

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

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Vice-Chair Plaag confirmed that the Planning Commission can make recommendations to change the language of the proposed text, if they wanted to. Vice-Chair Plaag showed concern for either the Town being blind-sighted by a property tax hit that could affect the Town's budget. He said it would be helpful, if there was some mechanism in the Unified Development Ordinance or another Town document where it is made clear to the applicant that the Town should be notified. Ms. Shook noted that the Planning Commission can make a recommendation to Council for an additional amendment for the modification and to make a change to the text as it is proposed for this case. He noted that the Town Attorney said there could not be enforcement placed on the applicant. Vice-Chair Plaag said he does not have opposition to the proposed text, he just felt it would not be enough to just change the text. Ms. Shook said the County does notify the jurisdiction and there are additional notifications throughout the process.

First Motion and Vote:

Vice-Chair Plaag made a motion, seconded by Commission Member Sanchez, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because: Comprehensive Plan Update 1.1 which outlines the objectives for the Boone Comprehensive Plan, specifically, Environmental Quality, address and monitor growth factors and activities that contribute to water, air, light, and noise pollution; 2.1.1 Economic Development (D) economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas; 2.1.1 Economic Development (H) the Town shall promote coordination of economic development resources with the appropriate institutions and agencies, regional coordination and interaction among the areas with a shared economic interest shall be encouraged.

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

Second Motion and Vote:

Commission Member Sanchez made a motion, seconded by Commission Member LaPlaca that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because it is a Brownfield site that is under used property that would be better used for public development.

Ms. Shook explained that the proposed text is not concerning a specific Brownfield site. She said this is a text amendment that would require the applicant at the time of application to disclose whether they have or if they intend to enter into a Brownfield agreement with the State's Brownfield program.

Vote: Aye – (LaPlaca, Sanchez)
Nay – (Behrend, Plaag, Shay, Veno)
The motion failed.

Discussion ensued on creating another motion specific to the proposed text for this case. Chair Shay explained that the motion should not be related to a specific Brownfield site but to the agreement disclosure. Commission Member Veno requested that the proposed text amendment be read aloud during the meeting. Chair Shay noted that the purpose of the proposed text amendment is to help with knowing about future projects and how that may affect Town revenue.

2nd Motion and Vote:

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Commission Member LaPlaca made a motion, seconded by Commission Member Behrend, that the Planning Commission recommends approval of the proposed amendment to the Town's zoning ordinance and believes approval is reasonable and in the public interest because of the character of the area and it proposes to use underutilized properties.

Vice-Chair Plaag said in addition to the reasons stated by Commission Member LaPlaca, he would add that also allows the Town to better coordinate its resources and promote economic development as a result of the advance notice.

Commission Member Veno added that it supports Comprehensive Plan policies such as economic development and environmental quality that were outlined in the first motion.

Commission Member LaPlaca and Commission Member Behrend accepted the friendly amendments made to the proposed recommendations to this case.

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

Vice-Chair Plaag made a motion, seconded by Commission Member Sanchez that the Council explore additional procedural requirements as part of the permit process and internal staff notifications to ensure that a notifying party actually sees their notice reach the appropriate Council members and Staff offices that need to be aware of that potential future tax implication. In addition as part of the permitting process, he recommends that there be some language that strongly encourages notification by permit holder who pursues Brownfield designation after the permit has been issued.

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

CASE PL01808-082218 TOWN COUNCIL SELECTION OF CHAIR AND VICE-CHAIR – UDO TEXT AMENDMENT Ms. Jane Shook Director of Planning and Inspections presented this case as outlined in the meeting packet. Ms. Shook explained that in October of 2018 the Council is going to discuss considerations on selecting a Chair and Vice-Chair and the discussion is to not necessarily change the text.

Vice-Chair Plaag talked about his concern for the motivation and rational for the proposed text amendment and he asked Chair Shay to explain her concern for the proposed text amendment. Chair Shay said she is not very concerned about the Council selecting Chairs and Vice-Chairs but she thinks there should be a process for doing so that looks for certain qualities in each new Chair and Vice-Chair. Chair Shay said that this topic merits more discussion. Vice-Chair Plaag agreed with Chair Shay.

Vice-Chair Plaag talked about his experience of being a part of other non-town committees and how the Chairs of those committees were not always best suited for said position.

Chair Shay asked Ms. Shook about the creating motions, when there is not a lot of information to reference in the comprehensive plan to support the motions. Ms. Shook said the Planning Commission

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would need to determine if the proposed text amendment was consistent or not consistent. Ms. Shook noted that sometimes there is not a clear cut comprehensive policy that covers a specific text amendment.

Vice-Chair Plaag talked about making the terms a certain amount of time and there being a limit on how many times someone can serve. He said that 2.3.4 Public Involvement could be used to justify the proposed text amendment even though it is missing shifting the burden to the Council to pick the Chair or Vice-Chair. He said this is somewhat contrary to these sections at the same time. He said he did not feel comfortable making a motion.

Commission Member Behrend asked if proposed language could be added that the Planning Commission possibly be able to later object to a Chair or Vice-Chair selection made by the Council. Vice-Chair Plaag said it might be that the Planning Commission have the option to recommend a Chair or Vice-Chair and Council approve it.

Chair Plaag asked Ms. Shook if there would need to be an additional text amendment if there is an additional recommendation that the Council consider a system that allows for Planning Commission feedback on Council's selection or if the Planning Commission make a selection for the Council's approval, he asked would this be in the UDO as text or an internal mechanism. Ms. Shook noted that was a change in the proposed language and that she would need to consult with the Town Attorney on whether those changes could be made during this process or if it would warrant a new hearing.

Commission Member Veno noted that he and others are not comfortable with the proposed text amendment. He suggested leaving the discussion with Council since they will be discussing it at their October 2018 meeting.

Commission Member LaPlaca noted that she is comfortable with the proposed text amendment.

Vice-Chair Plaag suggested making a motion to table the case since it is going before the Council for discussion. He further suggested an additional motion to outline the alternatives that have been discussed at this meeting which puts it back on Council to make the decision. He said if there is no action on what has been proposed within the 30 days, it will go to Council. Ms. Shook said if the Planning Commission tables this case, it will be rescheduled to their next meeting. She further explained that if the Planning Commission does not take action on this case at the next meeting, the Council can take action on it.

Motion and Vote:

Vice-Chair Plaag made a motion, seconded by Commission Member Veno, to table this case specifically to encourage the Council to explore the process at their October meeting on how the chair and vice-chair would be selected. He noted that the Planning Commission would be interested in knowing this prior to making a recommendation on the case.

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

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CASE PL01809-082218 BOARD/COMMISSION MEETING SCHEDULES –UDO TEXT AMENDMENT

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

Discussion ensued on the Comprehensive Plan Policies that supported the following motions and votes. Commission Member Veno felt that Comprehensive Plan Policy 2.3.4 Public Involvement supported the following motion and votes.

First Motion and Vote:

Commission Member Veno made a motion, seconded by Commission Member LaPlaca, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because it is supported by Comprehensive Plan Policy 2.3.4 which allows for public involvement in the process.

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

Second Motion and Vote:

Commission Member Veno made a motion, seconded by Commission Member Behrend, that the Planning Commission recommends approval of the proposed amendment to the Town's zoning ordinance and believes that approval is reasonable and in the public interest because it is supported by Comprehensive Plan Policy 2.3.4 which allows for public involvement in the process.

Vice-Chair Plaag wanted to add that it provides the Town with greater flexibility in terms of meeting the needs of the public as suggested by Comprehensive Plan Policy 2.3.4. Commission Member Veno and Commission Member Behrend accepted this friendly amendment.

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

CASE PL01810-082218 REDUCTION OF PENALTIES BY BOARD BY ADJUSTMENT

Ms. Jane Shook Director of Planning and Inspections presented this case as outlined in the meeting packet. Ms. Shook reminded the Planning Commission that one Council member and the Town Attorney agreed that the proposed language in UDO Subsection 6.04.08(B)(1) "the gravity of the violation" be removed.

Discussion ensued on the proposed text amendment. Ms. Shook explained that Section 12.07 lays out the daily and civil penalties. Ms. Shook stated there are seven specific penalties and the penalties are all $100.00 per day except there is a daily penalty of $200.00 for occupancy and $500.00 for grading in a designated floodway.

Ms. Shook explained that the proposed text amendment is to help give guidance to the Board of Adjustment on civil penalties.

Vice-Chair Plaag said that he felt that Comprehensive Plan Policy 2.3.4(A) is relevant because this mechanism of allowing people to appeal a statutory fine that is imposed upon them giving them an opportunity to give dialog regarding possible extenuating circumstances that the Town did not know

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about which aligns with there being public involvement concerning land use and development. Vice-Chair Plaag questioned if Comprehensive Plan Policy 2.3.4(C) would be relevant. Ms. Shook noted that it was her opinion this text may was not related to the implementation tools that is being talked about that section.

First Motion and Vote:

Vice-Chair Plaag made a motion, seconded by Commission Member Sanchez, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plans that are applicable because of Comprehensive Plan Policy 2.3.4, specifically public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University and the general public.

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

Second Motion and Vote:

Vice-Chair Plaag made a motion, seconded by Commission Member Behrend that the Planning Commission recommends approval of the proposed amendment with the Town's Zoning ordinance with exception specifically to recommend removal of the text in UDO Subsection 6.04.08(B)(1) in the proposed amendment regarding the gravity of the violation and the Planning Commission believes that approval with that exclusion is reasonable and in the public interest because the proposed text amendment is at its core about fairness in the penalty structure and allows for there to be dialog about extenuating circumstances including circumstances that are created by the Town that amplify those penalties in as outlined in Section 6.04.08(B)(5).

Commission Member Behrend asked about the gravity of the violation. She said she would like to see more explanation or more definition of what gravity means so the Board of Adjustment can make a consistent finding. Vice-Chair Plaag said if this motion is passed by the Planning Commission, he could see a third motion made asking Council to explore a mechanism to consider gravity issues to be better defined.

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

Motion and Vote:

Commission Member Behrend made a motion, seconded by Commission Member LaPlaca, that a definition be added to the text regarding the gravity of a violation to help the Board of Adjustment make consistent findings.

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

TRANSITIONAL ZONE DISCUSSION

Ms. Shook began the presentation of this topic by giving a brief explanation of transitional zones work.

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Ms. Shook referred to UDO Article 6.02.02 Transitional Zones. Ms. Shook told the Planning Commission that they were being asked to discuss if there were any regulations that could be added that would allow the applicant for multi-family mixed-use projects to be allowed by right even though the may have triggered exempt from triggering transitional zones and , such as if the applicant agreed to a reduction of height.

Ms. Shook pointed out that the Board of Adjustment can place conditions on a project, even if the applicant does not agree to it and the conditions have to be related to the project. She said the Council can only place conditions on an applicant under the conditional district process, if the applicant agrees to them.

Ms. Shook said in the meeting packets is every case that has had transitional zones and their approvals.

Ms. Shook opened the floor for the Planning Commission to begin discussion on this topic.

Vice-Chair Plaag asked about the Dollar General special use permit and said this case has the most requirements attached to it. He talked about the annoying sound of trash dumpsters being emptied at early hours and awakening the neighborhoods. He suggested creating a financial incentive for developers to include this as a requirement. Ms. Shook said in general conditions should be enforceable. She said the reason this condition was written as "a good faith effort" is because sometimes the applicant is not able to choose when the trash is picked up. Vice-Chair Plaag talked about enforcement and the noise ordinance and he said if it is interpreted as it is written, there should not be any trash picked up before a certain time. Ms. Shook said if this is an issue overall, the Town Code would need to be reviewed rather than the UDO.

Ms. Shook said that the Planning Staff can look into specific cases for the Planning Commission regarding requirements, if requested by the Planning Commission.

Vice-Chair Plaag said that every development with any change in elevation should have storm water retention requirements as a result of the history of Boone. Ms. Shook said every new project is required to have storm water retention for the 25 year storm. She said the Planning Staff is preparing additional modifications in an environmental packet for Council's review. She said that currently the developer needs to capture any new impervious area in a new development. She said that the Planning Staff would want this requirement in every new project not just a project that triggers a transitional zone.

Vice-Chair Plaag asked if the Planning Staff could create a list of conditions of the most common things they have seen as a result of reviewing cases with transitional zones. Ms. Shook gave the following list of common conditions: parking, landscaping buffers, design requirements, noise impacts, and external balconies with staircases.

Ms. Shook explained that there is not a set time frame for the Planning Commission to make recommendations on this topic. She noted there is not a requirement to take action on this agenda item at this meeting.

It was the consensus of the Planning Commission to have further discussion with the Council on this agenda item.

Motion and Vote:

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Vice-Chair Plaag made a motion, seconded by Commission Member Sanchez, to request a joint-meeting with Council to share to get Council's feedback on what the Council wants to solve by incorporating certain requirements within transitional zones.

Ms. Shook explained that one of the Council members had been approached by a member of the community regarding other things that can be done to make a project by right versus having to go through the Board of Adjustment process to reduce costs incurred through the BOA process.

Commission Member LaPlaca left the meeting at 8:23 p.m.

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

Ms. Shook said she can meet with any members of the Planning Commission that need help on transitional zones.

Vice-Chair Plaag referred to the Greenway Cove case on page 102 and 103 in the meeting packet. He asked what the enforcement mechanism was for the items that did not take place in number seven of the approved conditions. Ms. Shook noted that this particular condition was not able to be met because NCDOT did not allow the light.

Ms. Shook explained that the Council meeting minutes for the transitional zone cases can be accessed online at the town's website: www.townofboone.net.

OTHER MATTERS
There were no other matters discussed at this meeting.

ADJOURNMENT OF PLANNING COMMISSION
Member Behrend made a motion, seconded by Vice-Chair Plaag to adjourn the meeting at 8:27 p.m.

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

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Elizabeth Shay, Planning Commission Chair **Marlene Crosby, Board Secretary**

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Planning Application - UDO Text Amendment

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ◆ Boone, North Carolina 28607
Phone (828) 268-6960 ◆ Fax (828) 268-6961 ◆ www.townofboone.net

Official Use Only
Case Number: PL01808-08222018
Case Name: Selection of BOA & PC Chair/Vice-Chair

A. CONTACT INFORMATION

Applicant: Town of Boone Company:

Address: 567 West King Street

Phone Number: 828-268-6200 Email Address: planning@townofboone.net

B. TEXT INFORMATION

Amendment is to:

Article(s): 2 Administrative Mechanisms

Section(s): 2.01 and 2.02

Brief Description of Amendment (Attach Proposed Text):

Amend the UDO to require Council to select the Chair and Vice-Chair of the Board of Adjustment and the Planning Commission

C. APPLICANT SIGNATURE: By signing this form you are certifying that this application and any attached information is accurate. Failure to provide accurate information or failure to provide any requested information may result in delays to permit processing.

Jane Shook	/s/ Jane Shook	August 22, 2018
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
NA	NA	NA	NA	NA

Hearing/Decision Information

Public Hearing Meeting
Date: September 24, 2018

PC Meeting
Date: September 24, 2018

TC Meeting
Date: October 16th or October 18th

Text Approved: ❑ Yes ❑ No

Notes:

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STAFF REPORT
PUBLIC HEARING-SEPTEMBER 24, 2018
CASE PL01808-082218 SELECTION OF BOA AND PC CHAIR AND VICE CHAIR - UDO TEXT AMENDMENT

Request

Council has requested an amendment to UDO Article 2 to require Town Council to select the Chair and Vice-Chair based upon the Council's recent review of all Town Boards and Commissions.

ANALYSIS

The text in blue underline on the next page is the new text for consideration and the text in ~~red strikethrough~~ is text proposed to be deleted.

Article 2 Administrative Mechanisms

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2.01 Board of Adjustment

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2.01.04 Board of Adjustment officers.

A. ~~Unless the~~ Town Council shall designate~~s~~ the Chair and Vice-Chair of the Board~~, it shall retain the power to choose its own Chair and Vice-Chair.~~ The people so designated shall serve in these capacities for terms of one year, with eligibility for unlimited re-appointment. Vacancies in these offices shall be filled by Town Council for the unexpired terms ~~by the Town Council~~.

1. The Board shall designate the Chair and Vice-Chair of any subcommittee.

B. If neither the Chair nor the Vice-Chair are present, the presiding officer shall be elected by majority vote.

C. The Chair and Vice-Chair may take part in all deliberations and vote on all issues.

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2.02 Planning Commissions

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2.02.05 Planning Commission officers.

A. ~~Unless the~~ Town Council shall designate~~s~~ the Chair and Vice-Chair of the Planning Commission~~, it shall retain the power to choose its own Chair and Vice-Chair. The Planning Commission shall designate the Chair and Vice-Chair of any subcommittees~~. The people so designated shall serve in these capacities for terms of one year, with eligibility for unlimited re-appointment. Vacancies in these offices shall be filled by Town Council for the unexpired terms ~~only~~.

~~Title I~~1. The Planning Commission shall designate the Chair and Vice-Chair of any subcommittee.

B. If neither the Chair nor the Vice-Chair are present, the presiding officer shall be elected by majority vote.

~~A.~~C. The Chair and Vice-Chair may take part in all deliberations and vote on all issues.

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CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15): The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

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

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

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.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

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

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

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

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

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Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.3 THE COMMUNITY

A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.

B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.

C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.

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

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2.3.4 Public Involvement

A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.

B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.

C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

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PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because [*describe elements of controlling land use plans and how the amendment is or is not consistent*]:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** of the proposed amendment to the Town's Zoning ordinance and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the Commission recommends approval despite inconsistency with the comprehensive plan and/or any other applicable plan: The Planning Commission recommends approval of the amendment despite inconsistency with the comprehensive plan and/or other applicable adopted plans because [*provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment*]:

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TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because [*describe elements of controlling land use plan(s) and how the amendment is or is not consistent*]:

Second Motion and Vote: The Town Council ☐**approves** OR ☐**denies** the proposed amendment to the Town's zoning ordinance and believes ☐**approval** OR ☐**denial** is reasonable and the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the proposed amendment is approved despite inconsistency with the comprehensive plan and/or any other applicable adopted plan(s): The Town Council approves the amendment and declares that this approval also amends the Unified Development Ordinance (and/or other approved and applicable plan) because [*provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment*]:

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