

**Winter Quarterly Public Hearing
February 8, 2007
Meeting Minutes**

Town Council in attendance: Mayor Clawson, Dempsey Wilcox, Lynne Mason, Janet Pepin, Ronnie Brantz and Bunk Spann

Planning Commission in attendance: Chairperson Greg Reck, Vice-Chairperson Mary Ruth McRae, Mary “Bo” Bolick, Shawna Rhyne, Eric Woolridge, Elizabeth Aycock, Charlie Wheeler and Pat Vines

Staff in attendance: John Spear-Development Services Director,

Mayor Clawson welcomed everyone to the Winter Quarterly Public Hearing. She called the meeting to order at 7:03 pm. Mayor Clawson announced that ASU had withdrawn their petition to request a change to a zoning classification of properties for the proposed College of Education facility. She then asked Mr. John Spear, Director of Development Services to present the first case.

CASE 20070023 TREE PRUNING

Mr. John Spear, Director of Development Services Department presented this case as outlined in the meeting packet. Mr. Spear said that this text amendment request is a Tree Board recommendation to incorporate ANSI 300 National Standards relating to correct tree pruning practices and language for more effective enforcement of incorrect pruning or “tree topping”. The reason for the change is to alleviate the significant amount of improper and destructive tree pruning practices and also to incorporate into the UDO a national standard to increase professionalism in landscape maintenance.

Mayor Clawson opened the floor for discussion to the Town Council and Planning Commission members. Council Member Pepin made a comment saying that she is happy to see this type of information added to the ordinance. She said many people do not understand the severe long term damage that can be done to the trees. The Planning Commission Vice-Chairperson McRae asked if New River Power and Light or Blue Ridge Electric have looked at this pruning issue. Mr. Spear said that periodically the Tree Board asks the power companies to come to their meetings to discuss these types of issues. Mr. Spear said that Blue Ridge Electric Power Company does contract this type of work out. Council Member Wilcox requested a copy of the ANSI 300 National Standards from Mr. Spear. Council Member Spann asked if there was currently a standard in place. Mr. Spear said such a standard has not yet been established.

With no public speakers present, Mayor Clawson closed the public hearing on this case

CASE 20070025 SIGN DEFINITION

Mr. Spear presented this case as outlined in the meeting packet. The request for this change was made by the Boone Town Council to amend Section 322 to more adequately define signs which would allow staff to more effectively govern and enforce the display of signs in the Town of Boone.

Mayor Clawson opened the floor for discussion to the Town Council and Planning Commission Members. Discussion ensued on the current definition of a sign in Section 332 and the proposed definition of a sign. Mr. Spear outlined the specific location of the ordinance that speaks to inflatable signs. Mr. Spear outlined the specific location of the ordinance that speaks to balloons in Section 338 [a-9], page 18-27. Member Spann suggested listing the general definition of a sign in the main category of the ordinance and listing a more detailed definition in the sub-section of the ordinance. Both the Council Members and Planning Board Members agreed that they would like to see the word balloons added as opposed to inflatable signs to make the language more clear. Discussion ensued regarding changing the word “illumination” to “illuminated”.

With no public speakers present, Mayor Clawson closed the public hearing on this case.

CASE 20070026 LIBRARIES, MUSEUMS, AND ART GALLERIES

Mr. John Spear, Director of Development Services Department presented this case as outlined in the meeting packet. This request for a text amendment change is a result of the Development Services staff and Planning Commission reviewing the Unified Development Ordinance for inconsistencies with the newly adopted Comprehensive Plan. The impetus for the proposed amendment comes directly from this review of the UDO.

Mayor Clawson opened the floor for discussion to the Town Council and Planning Commission Members. Council Member Brantz suggested in Section 165 Table of Permissible Uses, Land Use 5.300 changing the term “art center” to “cultural center”. The Council Members agreed to this change.

With no public speakers present, Mayor Clawson closed the public hearing on this case.

CASE 20070027 BED AND BREAKFAST ESTABLISHMENTS

Mr. John Spear, Director of Development Services Department presented this case as outlined in the meeting packet. This request for a text amendment change is a result of the Development Services staff and Planning Commission reviewing the Unified Development Ordinance for inconsistencies with the newly adopted Comprehensive Plan.

Mayor Clawson opened the floor for discussion to the Town Council and Planning Commission Members. Council Member Wilcox mentioned having owner occupied or full time manager at this type of establishment. Discussion ensued on the wording for this section. Council Member Pepin asked about the ordinance opening up the use in the R-3 district. She asked if the proposed change impacted POA agreements at townhouse locations and was concerned that drafters of such agreements may have originally relied on zoning to prohibit this type of use. This may result in a situation where POA agreements may have to be amended. Mr. Spear said that he would recommend that council request an interpretation on the potential impact from Town Attorney Sam Furguele. Council Member Pepin asked Mr. Spear to contact Mr. Furguele for an interpretation before the Town Council meets to take final action.

With no public speakers present, Mayor Clawson closed the public hearing on this case

CASE 20070033 SPECIAL USE PERMITS

Mr. John Spear, Director of Development Services Department presented this case as outlined in the meeting packet. This request for a text amendment change is a result of the Development Services staff and Planning Commission reviewing the Unified Development Ordinance for inconsistencies with the newly adopted Comprehensive Plan. The reason for this change is to amend Section 165 “Table of Permissible Uses” to ensure that a special use permit is only required where the project approval needs special care in the control of location, design, and methods of operating in order to ensure the protection of the public health, safety and welfare.

Mr. Spear went through each use and their descriptions identifying permit changes recommended by the staff and Planning Commission:

Use No.	Description of Use	Changes
1.112	RESIDENTIAL – Class “A” mobile home	In R-R Residential Rehabilitation it is recommended that this be changed from S to Z
1.122	RESIDENTIAL – Class A or B mobile homes (manufactured home park)	In R-R district it is recommended that this be changed from S to Z

1.420	HOMES EMPHASIZING SPECIAL SERVICES, TREATMENT OR SUPERVISION - Nursing Care, intermediate care homes	In R-3 Multi-Family district it is recommended that this be changed from S to Z
1.430	HOMES EMPHASIZING SPECIAL SERVICES, TREATMENT OR SUPERVISION - Temporary Shelter for Homeless	In the U-1 district it is recommended that this be changed from S to Z
1.510	MISCELLANEOUS, ROOMS FOR RENT SITUATIONS – Rooming Houses, boarding houses	In the B-3 district it is recommended that this be changed from S to Z
1.520	MISCELLANEOUS ROOMS FOR RENT SITUATIONS - Tourist homes and other temporary rooms renting by the day or week	In R-3 Multi-Family it is recommended that this be changed from S to Z
3.110	OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE – Operations designed to attract and serve customers and clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.	In the O-I, B-1, B-2, B-3 and M-1 recommending that this be changed from S to Z.
5.130	EDUCATIONAL, CULTURAL RELIGIOUS PHILANTHROPIC, SOCIAL, FRATERNAL USES – Colleges, universities, community colleges, (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	In the B-1, B-2 and B-3 business districts it is recommended that this be changed from Z to S
6.110	RECREATION, AMUSEMENT, ENTERTAINMENT – Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls indoor athletic and exercise facilities and similar uses	In the B-1 & B-3 business districts it is recommended that this be changed from S to Z
6.120	RECREATION, AMUSEMENT, ENTERTAINMENT – Movie Theaters	In the B-2 neighborhood business district it is recommended that this be changed from Z to S
6.210	ACTIVITY CONDUCTED PRIMARILY OUTSIDE ENCLOSED BUILDINGS OR STRUCTURES - Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development	In the R-A district it is recommend that this be changed from S to Z
6.220	ACTIVITY CONDUCTED PRIMARILY OUTSIDE ENCLOSED BUILDINGS OR STRUCTURES - Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	In all districts, it is recommended that this use be permitted by right – change from S to Z

8.300	RESTAURANTS, BARS, NIGHT CLUBS – Carry-out and delivery service, consumption outside fully enclosed structure allowed	In the B-1 central business district it is recommended that this be changed from S to Z
8.400	Carry-out and deliver service, drive-in service, service or consumption outside fully enclosed structure allowed	In the B-3 general business district it is recommended that this be changed from S to Z
10.310	STORAGE AND PARKING – Parking or storage is more than a minor and incidental part of the overall use	In the B-1 district it is recommended that this be changed from Z to S
13.0	EMERGENCY SERVICE OPERATIONS -	In the B-1, B-2, B-3, and M-1 districts it is recommended that this be changed from S to Z
15.100	MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES – Post Office	In the B-1, B-2, B-3 recommended that this be changed from S to Z
17.100	UTILITY FACILITIES – Neighborhood	In the M-1 district it is recommended that this use be changed from S to Z
17.200	UTILITY FACILITIES – Community or regional	In all districts it is recommended that this use be changed from Z to S and not permitted in B-1.
18.100	TELECOMMUNICATION TOWERS AND RELATED STRUCTURES – Transmitting and receiving towers under 50 feet tall	In the B-1 district it is recommended that this be changed from Z to S
19.100	OPEN AIR MARKETS AND HORTICULTURAL SALES – Open Air Markets (farm and craft markets, flea markets, produce markets)	In the B-1 and B-3 districts it is recommended that this use be changed from S to Z and permitted by right in the R-A district
24.200	TRANSPORTATION – Trucking or freight terminals	In the M-1 district it is recommended that this use be changed from S to Z
24.300	TRANSPORTATION - Local Transit operations	In the M-1 district it is recommended that this use be changed from S to Z
25.200	COMMERCIAL GREENHOUSE OPERATIONS – On-premise sales permitted	In the R-A and M-1 districts it is recommended that these uses be changed from S to Z

With no public speakers present, Mayor Clawson closed the public hearing on this case.

OTHER MATTERS BY BOARD MEMBERS OR STAFF

Mr. Spear announced that there will be a special public hearing on March 8, 2007 at 7pm.

ADJOURNMENT

Mayor Clawson adjourned the meeting at 8:38 pm.

Loretta Clawson, Mayor

Marlene Crosby, Board Secretary