

**WINTER QUARTERLY PUBLIC
HEARING THURSDAY, FEBRUARY 14,
2008 7 P.M.**

Boone Town Council: Mayor Loretta Clawson, Lynne Mason-Mayor Pro-Tem, Janet Pepin, Stephen Phillips, Liz Aycock and Rennie Brantz

Boone Area Planning Commission: Vice-Chairperson Mary Ruth McRae, Charlie Walker, Gayle Turner, Mary Kate Wise, Bunk Spann, Mary “Bo” Bolick, Shawna Rhyne, Sheri Lynn Baker and Patrick Heavner

Boone Town Staff: Greg Young-Town Manager, John Spear-Director of Development Services and Marlene Crosby-Board Secretary

Mayor Loretta Clawson opened the Winter Quarterly Public Hearing at 7:00 PM and asked Mr. John Spear, Director of Development Services to come to the podium.

CASE #20080031 SHELTER HOUSING – TEXT AMENDMENT

The Boone Town Council has initiated amendments to UDO Section 165 – Table of Permissible Uses. The purpose of the amendment is to allow emergency shelter housing, long term transitional housing and permanent housing for the homeless in the M-1 zoning district.

Mr. Spear presented the case as outlined in the meeting packet. Mr. Spear said that this text amendment stemmed from the January 17, 2008 Town Council meeting where a request was presented by the Board of Directors of the Hospitality House. Mr. Spear went over the existing text and the proposed changes in the Table of Permissible Uses starting with Page Two of the staff report.

Mr. Spear said enclosed in the packet is a copy of a letter written to Mayor Clawson from the Hospitality House, Ms. Kay K. Borkowski, Chairman of the Board regarding the request that short-term emergency shelter housing and long- term transitional and permanent housing for the homeless in our community be a permitted use in the M-1 zoning district.

Mayor Clawson opened the floor for questions. Commissioner Spann asked Mr. Spear to expand on the rational for the text change as opposed to a map amendment. Mr. Spear said there had to be a zoning change in order for the Hospitality House to move forward. Mr. Spear said that in this case, it was a less difficult approach to amend the text rather than to change the zoning classification of the property. Council Member Pepin asked how many other areas would this affect. Mr. Spear said it would affect all M-1 zoning districts. Discussion ensued on other M-1 zoning areas like Shadowline on Shadowline Drive and TRW on Greenway Road. Council Member Phillips asked if there was a reason why a Special Use Permit was not considered as this is a recommended permitted use by right. Mr. Spear said the initial direction was to amend the text to allow the use. He further noted that industrial districts in Boone are not traditional industrial districts because the UDO prohibits heavy industries. Boone’s district is more of an assembly, packaging and warehouse type of district. Commissioner Heavner asked if there were reasons why this was not considered in other areas beside M-1. Discussion ensued on other businesses permitted in M-1 zoning districts. Discussion ensued on potential noise complaints in this area from the residents of the Hospital House. Commissioner Heavner asked is it acceptable in the M-1 zoning district to have a certain noise level. Mr. Spear said that there are Performance Standards for manufacturing uses in the M-1 zoning districts. Commissioner Spann asked about the protection of the people living in this area if there was to be any contamination spread outside of the potential industrial facility. Mr. Spear said it would depend on the nature of the contamination. Mr. Spear noted that he would further research this issue prior to the next Planning Board meeting. Discussion ensued on putting the homeless in the M-1 zoning district. Commissioner Heavner felt that placing the homeless in the M-1 District was discriminatory and that other zoning districts should be looked at for allowing this use. Council Member Aycock said that the Master Plan will address these types of issues and that this is an interim measure. Council Member Phillips asked if there were advantages or disadvantages to requiring a Special Use Permit rather than allowing the use by right. Mr. Spear said one advantage is immediate notification of surrounding property owners and their opportunity to comment on plans for development. Council Member Pepin said that she felt that the SUP process should be looked into further for this use in M-1 zoning districts. Commissioner Turner noted that no one had signed up to speak on this case. Council Member Pepin said that the opportunity for notification should be considered in the future.

With no further comments by board members or staff, Mayor Clawson closed the public hearing on this case.

CASE #20080032 U-1 INTERIOR SETBACK – TEXT AMENDMENT

The Boone Town Council has initiated amendments to UDO Section 205 – Building Setback Requirements. The purpose of the amendment is to reduce the interior setback requirement to zero feet when B-1 and U-1 Zoning districts adjoin.

Mr. Spear presented the case as outlined in the meeting packet. Discussion ensued on the current setback requirements in the B-1 District. Mr. Spear noted the difficulty in administration of the current language and that Development Services staff is working on text that would provide further clarification.

Mr. Dayton Cole, Attorney for Appalachian State University, stated that the university is in support of this text amendment change. Mr. Cole said that he believes this text amendment change is consistent with the Smart Growth principles and increases density in the B-1 zoning district. Discussion ensued on areas of zero setbacks in the town and how it would benefit both the university and the downtown business owners.

With no further comments by board members or staff, Mayor Clawson closed the public hearing on this case.

ADJOURNMENT

With no other business to discuss, the meeting was adjourned at 7:24 pm.

Loretta Clawson, Mayor

Marlene Crosby, Admn. Support Assistant