

TOWN OF BOONE
PLANNING COMMISSION/TOWN COUNCIL
October 10, 2011 at 7 PM
Meeting Minutes

Town Council Members Present for the Joint Session to Update the Town Council on the revisions to the Table of Permissible Uses: Mayor Loretta Clawson, Mayor Pro-Tem Lynne Mason, Jamie Leigh, Stephen Phillips, Andrew Ball and Rennie Brantz

Board Members Present: Chairperson Milton “Bunk” Spann, Greg Simmons, Jay Vincent, John “J.T.” Barnes, Cameron Lippard, Brett Scantlin, Tom Purpur, Robert Cherry and Donald Dotson

Staff Present: Bill Bailey - Director of Planning and Inspections, Jane Shook - Planner and Marlene Crosby-Board Secretary

CALL TO ORDER

Chairperson Spann called the Planning Commission meeting to order at 6:58 pm and welcomed everyone present.

ADOPTION OF AGENDA

Chairperson Spann informed the Planning Commission that the agenda needed to be amended to include the election of a Chairperson and Vice-Chairperson for the Planning Commission subcommittee for the revisions to the Table of Permissible Uses. Planning Commission Member Lippard made a motion to include this topic in the agenda, seconded by Planning Commission Member Purpur.

VOTE: **Aye – All**

Nay- None

The vote was unanimous.

Mayor Clawson called the Town Council meeting to order at 7:01 pm.

UPDATE TOWN COUNCIL IN A JOINT SESSION

Mr. Bill Bailey, Director of Planning and Inspections gave the update of the revision of the Table of Permissible Uses to the Town Council and the Planning Commission Members as outlined in the PowerPoint presentation handout that was passed out prior to the starting of the meeting.

Ms. Shook handed out a Gantt chart that outlined the proposed timeline for the Unified Development Ordinance revisions for the Table of Permissible Uses. Discussion ensued on how much time would be needed to complete all the revisions.

Mr. Bailey explained the process of the Planning Commission subcommittee and the times that they meet which is currently scheduled for Mondays from 12 noon until 2 pm through mid-November.

Discussion ensued on Mr. Sam Furguele the Town Attorney’s work schedule and Mr. Furguele finding the time to meet with the Planning and Inspections staff to work with them on the revisions. Discussion ensued on the high priorities and the deadlines that the Town Council has given the Planning and Inspections staff. It was the consensus of the Town Council that they want the best revised document possible and several suggestions were made on the timeframe for the completion of the revised Table of Permissible Uses. Council Member Brantz suggested March 1, 2011 as a target completion date because more time might be warranted. Mayor Pro-Tem Mason said that it is important to complete a good working document by the end of the year 2011 and continue to fine tune it after the first of the year 2012.

Ms. Shook said that Planning Commission subcommittee will need to meet more than once a week and there will need to be additional Planning Commission meetings to hear the subcommittee updates.

Discussion ensued on the high priorities that have been given to the staff to do including the Overlay Districts draft priority that is due to Town Council in November of 2011.

Mayor Pro-Tem Mason talked about keeping the subcommittee process moving and noted she appreciates the subcommittee members discussing each use in detail. Council Member Brantz said that the detailed subcommittee minutes are indispensable. Mayor Pro-Tem Mason agreed

that the current method of the Table of Use discussion is the best use of everyone's time. Mayor Pro-Tem Mason said that the detailed minutes are great and the 2030 Land Use Plan and the Smart Growth Audit are good tools to use and the revised UDO will support using common practices.

Planning Commission Member Simmons noted that Ms. Shook is doing a great deal of preparation for the subcommittee meetings.

Motion:

Council Member Brantz made a motion to adjourn the Town Council members from this meeting at 8 pm, seconded by Council Member Ball.

Vote: Aye – All
Nay – None

The vote was unanimous.

At 8:00 pm, after the Town Council Members left the meeting Chairperson Spann announced a short break and reconvened the regular Planning Commission meeting at 8:13 pm.

APPROVAL OF MINUTES

Chairperson Spann noted several corrections to the September 12, 2011 Planning Commission meeting minutes. The corrections were to change the spelling of Brett Scantlin's first name, and to rephrase the sentences made by Ms. Shook on page three and four. Member Simmons made a motion to accept these meeting minutes with the noted editorial changes, seconded by Member Vincent.

VOTE: Aye – All
Nay- None

The vote was unanimous.

CASE 20110440 CONDITIONAL DISTRICT (SECTION 386)

Ms. Shook presented this case. Mr. Bailey explained how the process works and why this change came about because of several projects that had run into problems such as hitting rock or running into a spring. This revision would allow the applicant to revise their permit through the public hearing process at the next available hearing date rather than having to wait 12 months as long as the revisions was considered to be a minor modification.

FIRST MOTION:

Commission Member Simmons made a motion, seconded by Commission Member Purpur that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the town which relate to this application because, as stated in Section 2.1.1 (E.1) of the 2006 Comprehensive Plan, the town should "continue to look for ways to make development regulations and permit procedures more predictable and timely" and "evaluate opportunities for administrative review". The proposes amendment will contribute to those goals, while not compromising resident's and while other stakeholder's existing rights to public hearing and preserving the applicant's right of appeal via the Board of Adjustment.

VOTE: Aye – All
Nay- None

The vote is unanimous.

SECOND MOTION:

Commission Member Simmons made a motion, seconded by Commission Member Dotson that the Planning Commission recommend approval for the following reasons: The proposed change will allow the Administrator to make a determination and a recommendation to proposed minor modification to an approved conditional district, which will allow the developer an increased ability to effectively respond to changing market forces in a more flexible and timely way, while preserving the essential character of the use or activity previously authorized by Council.

VOTE: Aye – All
Nay- None

The vote is unanimous.

Discussion ensued on extending the Planning Commission meeting ten more minutes or to continue until 9 pm. Member Purpur made a motion to extend the meeting until 9 pm, seconded

by Member Dotson.

VOTE: **Aye – All**
 Nay- None

The vote is unanimous.

At 8:41 pm, Member Cherry left the meeting. A quorum was still present.

UPDATE FROM SEPTEMBER TOWN COUNCIL

Discussion ensued on the timeline for the completion of the revision of the Table of Permissible Uses. Discussion ensued on not having a Planning Commission member being present at the Town Council meetings and vice versa. Chairperson Spann asked to have this topic as an agenda item on the November Planning Commission agenda. This decision was made because there are detailed subcommittee meeting minutes being provided to both the Town Council and the Planning Commission members.

Motion:

Chairperson Spann made a motion to only send one Planning Commission member to a Town Council meeting on controversial matters, seconded by Member Purpur.

VOTE: **Aye – All**
 Nay- None

The vote is unanimous.

Chairperson Spann asked for another volunteer to join the Planning Commission subcommittee to add a fifth member. Member Candice Brown had not been able to attend the subcommittee meetings. There were no other volunteers to come forward at this meeting. Chairperson Spann noted that they need two members to make a quorum. The current subcommittee members are Greg Simmons, Eric Woolridge, Candice Brown and Cameron Lippard. Member Lippard said that two members are needed a quorum for the subcommittee to meet.

ELECTION OF A CHAIR AND VICE-CHAIR FOR THE SUBCOMMITTEE

Member Simmons nominated Subcommittee Member Woolridge as the Chair for the Planning Commission Subcommittee.

Member Vincent nominated Subcommittee Member Simmons as the Vice-Chair for the Planning Commission subcommittee, seconded by Member Purpur.

VOTE: **Aye – All**
 Nay- None

The vote is unanimous.

SUBCOMMITTEE REPORT UPDATE

Ms. Shook gave an update on the progress of the subcommittee's work. Member Simmons suggested everyone doing some homework prior to the meeting.

Motion:

Discussion ensued on extending this Planning Commission meeting to 9:15 pm. Member Purpur made a motion to agree to this timeframe, seconded by Member Dotson.

VOTE: **Aye – All**
 Nay- None

The vote is unanimous.

Ms. Shook explained the format of the subcommittee meeting minutes to the Commission Members. She said the shaded gray areas came from the Table of Permissible Uses worksheets used by the Subcommittee. The words underlined in blue are the proposed text. The words that are red strike through are text to be removed from the UDO. Ms. Shook explained the philosophy behind the proposed changes. Member Lippard asked if Mr. Sam Furguele the Town Attorney needed to review the proposed changes to the uses before the Town Council sees them. Ms. Shook noted that Staff would continue to work with the Planning Commission Subcommittee, review their recommendations with the Planning Commission and then present to Council. She noted any changes suggested by the Town Attorney would be presented at a later

date and would not hold up the current process.

Discussion began on:

(Shaded Gray Area is an Excerpt from Table of Permissible Uses Worksheet)

HOUSEHOLD LIVING 1.0															R e f e r e n c e	
Use Number	Specific Use	Zoning Districts														
		R1	R1A	RR	R2	R3	R4	RA	MH	OI	B1	B2	B3	U1		M1
Household Living 1.0																
1.01	Single-Family Dwelling	P	P	P	P		P	P						P		

DEFINITION:

~~A single dwelling unit used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes by a single family, as the term is defined.~~

A dwelling that is developed with open yards on all sides, contains one dwelling unit not attached to any other building or dwelling unit, and is not on the same lot as any other dwelling unit. This shall not include a manufactured home.

Ms. Shook said the discussion for this use started on page two of the September 27, 2011 subcommittee meeting minutes. Ms. Shook said that staff completely modified the definition with the new definition being in blue. Ms. Shook said that Town Council previously approved the concept of removing residential uses from the commercial districts in an attempt to follow the zoning district descriptions and in addition to preserve the commercial districts for commercial development.

Ms. Shook noted that any changes will be taken forward to the public hearing unless changes were made. Member Purpur asked what is keeping a single-family home from being put into a manufacturing district. Member Simmons said that he couldn't agree more with Member Purpur. Ms. Shook explained the philosophy of the staff regarding this use. She noted for example, if you allow a single-family residence in a commercial zoning district, anyone who builds a commercial use adjacent to the single-family residence has to put in a larger buffer because of the single-family use. She noted that commercial uses are then penalized for having a residential single-family use in the commercial district. At the same time, when you read about district descriptions, you are going to notice that Staff used those as the basis for making recommendations along with the Boone 2030 Land Use Plan and the 2006 Comp Plan.

Member Purpur asked what if someone wants to build a house in downtown. Why are they imposing on the business next to them to have a larger buffer? Ms. Shook said because currently buffers regulations are based upon use. Ms. Shook said that staff is proposing to keep existing housing stock in those districts. Ms. Shook said that existing housing stock would be considered grandfathered. There are provisions that allow single family to rebuild if something happens to them. Provisions only exist for that particular use.

Member Purpur confirmed that a business can build up to the property line. Ms. Shook said that was correct and they would have to meet all the ordinance requirements. The idea is to preserve commercial districts for commercial uses and residential districts for residential uses.

Ms. Shook asked if the Planning Commission to the notice the fourth paragraph on page two of the subcommittee meeting minutes, "After the discussion noted above, all subcommittee members indicated they were satisfied with the proposed definition and how the Table of Permissible Uses was populated for Use 1.01 Single Family Dwelling.

Discussion ensued on the fine tuning of the proposed text. Member Simmons said the Planning Commission members will catch things that the Subcommittee members might not catch.

Ms. Shook said that this process should work by all of the Planning Commission as a whole voting on the proposed changes and send forth a vote to Town Council for their consideration.

Ms. Shook noted that staff would continue with the same system of presenting the information to Mr. Sam Furguele the Town Attorney. Ms. Shook said that only when Mr. Furguele says there

needs to be a change to a particular use then will the use come back to the Planning Commission for discussion. Mr. Bailey said that Mr. Furgiuele has been a part of the revising of Table of Uses since October of 2010. Ms. Shook said that the staff will try to have one meeting to present to the Planning Commission any suggested changes that Mr. Furgiuele thinks the Planning Commission should have discussion on. Member Simmons said when this goes to Town Council; they may make suggestions that the Planning Commission may need to further discuss.

Motion:

Member Purpur made a motion to accept the changes for Use 1.01 Single Family Dwelling as presented by the Subcommittee, seconded by Member Dotson.

VOTE: **Aye – All**
 Nay- None

The vote is unanimous.

Member Simmons said that during that motion and vote on the Table of Permissible Use changes, he found himself in an ethical moment thinking that someone else should motion and vote because he is a member of the Subcommittee. Discussion ensued on all the changes to the Table of Permissible Uses and how they will be handled.

Ms. Shook said she would continue to put the detailed subcommittee meeting minutes into the Planning Commission packets.

ADJOURNMENT

Chairperson Spann adjourned the meeting at 9:17 pm.

Loretta Clawson, Mayor

Marlene Crosby, Board Secretary