

**Town of Boone**  
**Town Council & Planning Commission Joint Workshop Meeting Minutes**  
**March 29, 2011**  
**5:30 PM**

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**Town Council Members Present:** Mayor Loretta Clawson, Mayor Pro-Tem Lynne Mason, Andy Ball, Rennie Brantz and Stephen Phillips

**Planning Commission Members:** Vice-Chairperson Eric Woolridge, Robert Cherry, Don Dotson, Kayla Malsbury, Tom Purpur, Greg Simmons

**Staff Present:**

Bill Bailey, Director of Planning and Inspections; Jane Shook, Planner, David Graham, Development Coordinator and Marlene Crosby, Board Secretary

**Others Present:** Greg Young, Town Manager and Sam Furgiuele, Town Attorney

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**CALL TO ORDER**

Mr. Bill Bailey, Director of Planning and Inspections called the meeting to order at 5:45 P.M.

**UPDATE ON THE DRAFT OF THE TABLE OF PERMISSIBLE USES**

Mr. Bailey began his opening remarks by explaining the content of the handouts for this meeting. Mr. Bailey said the handouts are a copy of the presentation, revised Table of Contents, Article 9. Permissible Uses and Article 10. Supplementary Use Regulations (see attached).

Mr. Bailey talked about the current changes to the draft of the Unified Development Ordinance. Mr. Bailey said the changes in this presentation are the preliminary completion of the Table of Permissible Uses, Accessory Uses and Temporary Uses, changes made to the entire Table of Permissible Uses, and Article 11 revised to include all new "limited" categories.

Mr. Bailey talked about the other articles which need revision because the regulations that are "use" based are Supplementary Use Regulations, Parking and Landscaping. Mr. Bailey said that the other articles which need revisions due to changes in the Table of Permissible Uses are non-conforming uses. Mr. Bailey said that the staff is working hard on definitions for the uses in the use tables. Mr. Bailey said that the revising of the Table of Uses was the first thing for staff to complete before the definitions could be completed. Mr. Bailey said that some of the definitions will be completed by the next meeting on April 26, 2011. Mr. Bailey talked about the other changes to the Table of Permissible Uses. Mr. Bailey said that all of the Permissible, Accessory and Temporary tables are all populated now, there will still be some changes in the T1, T2 and T3 zones as the level of uses are determined for them.

**PRESENTATION OF THE DRAFT OF THE TABLE OF PERMISSIBLE USES**

After the opening remarks, Mr. Bailey with assistance from Ms. Jane Shook, Planner and Mr. Sam Furgiuele, Town Attorney went over the PowerPoint presentation. Mr. Bailey started on page two of the presentation handout with (18.0) Recreation, Celebration, and Entertainment Facilities. Mr. Bailey noted he would be covering uses (18.0) through (23.0) and the Accessory Use and Temporary use Tables.

Mr. Furgiuele talked about the transitional zones and supplemental regulations on a particular use, he suggested to be careful when reviewing the "L" because it will control the use. Ms. Shook pointed out that there are 60 or so L's. Mr. Furgiuele said that the temporary uses come up all the time from the public and they are difficult to decide upon sometimes. Mr. Bailey said that the staff when proposing language changes kept in mind to protect the residential neighborhoods.

Mr. Furgiuele suggested at the next workshop session to have a list of questions on the Table of Permissible Uses and to ask for guidance from the Town Council members and to pay close attention on the transitional zones. Discussion ensued on limited uses and supplementary regulations. Mr. Bailey discussed limited uses and when to use them. Mr. Furgiuele said that the staff wants

feedback from both the Town Council members and the Planning Commissioners on this material and they need to have the Table of Permissible Uses resolved before the public hearing.

Planning Commission Vice-Chairperson Eric Woolridge asked how the Planning Commission should approach the discussion of the Table of Permissible Uses at the next Planning Commission meeting, he suggested creating a sub-committee. Mayor Pro Tem Lynne Mason said that she likes the idea of the Planning Commission discussing and debating the proposed Table of Permissible Uses to better work toward the resolutions of it. Council Member Stephen Phillips asked the Planning Commissioners present at this meeting how many times would they be willing to meet per month to work on these resolutions. Council Member Phillips asked if the Planning Commissioners could have one more meeting per month on these resolutions. Vice-Chairperson Woolridge suggested that the Planning Commissioners discuss this at their next regularly scheduled meeting.

Mr. Furgiuele reminded the Planning Commissioners when reviewing the uses to include in their resolutions why they are recommending a change.

Mr. Bailey presented the section of the presentation on Subdivisions on page 16 of the handout. Mr. Bailey said that subdivisions are not a use. Discussion ensued on the Density regulations in the interim until the Table of Permissible Uses gets resolved in order to prevent undesirable development. Planning Commissioner Greg Simmons reviewed the results of the zero setback proposal (recommendations from the Density Sub-Committee) when building commercial projects. Mr. Furgiuele raised the question should there be minimum and maximum setbacks for commercial projects. Discussion ensued on parking lots and commercial uses.

Mr. Bailey, Ms. Shook and Mr. Furgiuele answered questions on various topics as they arose. The most questions came from the Emergency and Medical Uses 20.0 Hospital 20.06 on page 13 of the handout and from Accessory and Temporary Uses on page 17 and 18 of the handout. Council Member Stephen Phillips clarified the process to change a hospital zoning district use. Mr. Bailey said there is a large lack of understanding on Temporary use.

Discussion ensued on identifying the Accessory Uses. Some were identified as chickens, bees, goats and pigs. Mayor Pro Tem Mason wanted to know how these issues were handled in a more urban setting. Mr. Bailey said the staff has done research on these topics. The research showed that in Los Angeles and Philadelphia they were allowed with restrictions.

Discussion ensued on itinerant merchants, what they are and if they are acceptable. It was determined by example that an itinerant merchant is a hot dog cart vendor or ice cream cart vendor. Discussion ensued on antennas and satellites.

Mr. Furgiuele asked everyone when reviewing the proposed text changes to make sure that everything integrates as they look at examples and possibilities.

#### **ADJOURNMENT**

Mr. Bailey adjourned this meeting at 8:25 PM.

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Mayor Loretta Clawson

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Marlene Crosby, Board Secretary