

**PUBLIC HEARING MINUTES
MONDAY, JULY 25, 2022, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Tim Futrelle, Mayor Pro-Tem Edie Tugman, Todd Carter, Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Eric Plaag-Vice-Chair, Chris Behrend, John Tippet, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Mike James-Senior Planner, Christy Turner-Senior Planner (joined at 6:20 p.m.), Jessica Mitchell-Long-Range/Special Projects Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Amy Davis-Interim Town Manager (joined at 6:10 p.m.), Allison Meade-Town Attorney, and Rick Miller-Public Works Director

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Jerome Norvell, Jeff Templeton, Greg Edney, and JC Feimster

Call to Order

Mayor Futrelle called the Town Council to order at 6:04 p.m. Vice-Chair Plaag called the Planning Commission to order at 6:05 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Roseman made a motion to approve the May 23, 2022 Public Hearing minutes as written. The motion was seconded by Council Member George.

Vote: Aye – All
Nay – None

The motion passed.

Commission Member Behrend made a motion to approve the May 23, 2022 Public Hearing minutes as written. The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

PUBLIC HEARING

Ms. Shook outlined the guidelines for each case presented at the public hearing.

Case PL05826-062722 Appendix D Modifications – UDO Text Amendment

The Town proposes to modify UDO Appendix D (Downtown Boone Local Historic District Design Standards) to provide consistency with NC General Statutes and to correct references to the Town of Boone UDO.

Vice-Chair Plaag announced that he had contributed to the preparation of the materials in the three text amendments being presented at this hearing. He stated that he had spoken with Ms. Meade, the Town Attorney, and, as long as there was no objection, he would serve in his role as acting chair of the Planning Commission. However, he would not be voting on any of those first three cases or participating in the discussion as a Planning Commission member. Vice-Chair Plaag stated he would be happy to answer questions as a member of the Historic Preservation Commission, if necessary. Ms. Meade added that this was acceptable only because the Planning Commission was an advisory committee and not quasi-judicial. There were no objections to Vice-Chair Plaag continuing as chair of the Planning Commission, but being recused from discussion and voting on the three text amendments on this agenda.

Ms. Jane Shook, Director of Planning & Inspections, presented the request as it was outlined in the meeting packet. She noted there was repetitive information regarding Subsection 6.01.04 that was proposed to be removed and replaced with a reference to the applicable section. Ms. Shook then noted the removal of the Oscar and Suma Hardin House (WT0056) from the Residential Properties Within the District section because this building has already been demolished.

Ms. Shook pointed out the removal of language in Section 14.4 that stated *Combining lots for the purpose of building a single building across multiple lots is not permitted in the District, as it disrupts the town planning system and does not align with the massing and scale of the District's historic building patterns.* The reason for removal of this language was that the combination of lots was permissible under state law. Ms. Shook stated that mass and scale could be addressed through other regulations, but not through property lines. She noted that the words *property lines* would also be removed from Section 1.9 where it talked about *existing historic property lines, block patterns, setbacks in the land, both natural and created.*

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 6:15 p.m.

Case PL05718-051822 Demolition Standards in the Downtown Boone Local Historic District – UDO Text Amendment

The Town proposes to modify UDO Article 8 Subsection 8, and Appendix D, Downtown Boone Design Guidelines and Handbook, Subsection “Standards For Relocation and Demolition” to revise and elaborate upon standards for relocation and demolition of structures in the historic district, provide guidance to applicants with respect to preservation processes, and clarify the role of the Historic Preservation Commission.

Ms. Jessica Mitchell, Long-Range/Special Projects Planner, presented the case as it was outlined in the meeting packet. She noted that staff had presented this text to the HPC during their advisory sessions, and at the July 5th meeting, the HPC made a motion to recommend approval by the Planning Commission and Town Council. The text contained modifications to Article 8, Section 8, detailing revised demolition standards, and included merging some of the existing standards of Appendix D regarding demolition into this section of Article 8. Ms. Mitchell stated that the HPC suggested including the Historic American Buildings Survey (HABS) guidelines that were provided by the National Park Service. The guidelines were included in the meeting packet on pages 41 through 65.

Ms. Mitchell referred to packet page 36 under Appendix D, noting that this particular portion of Appendix D mentioned demolition but did not contain any regulations for demolition.

Ms. Mitchell referred to packet page 37 regarding Relocation of Buildings. She noted that this section detailed the proposed guidelines for relocation of buildings in the historic district. Ms. Meade suggested the addition of a sentence at the end of the first paragraph in Section 1 to serve as some type of transition. She suggested the sentence should read *Applicants engaged in relocation should:*

Vice-Chair Plaag referred to packet page 34, Subsection 8.08.01(A)(4)(a) where it referred to being in compliance with the Historic American Building Survey guidelines. He stated he did not believe the intention of the HPC was to suggest that people who were trying to meet the standard had to actually submit to the Historic American Buildings Survey process, but instead had to have a report prepared that met those guidelines. Ms. Meade suggested that the last sentence should read *Documentation shall be provided by a historic preservation consultant or professional listed by the North Carolina State Historic Preservation Office, resulting in a report that complies with Historic American Buildings Survey (HABS) guidelines.* Vice-Chair Plaag felt that would eliminate the confusion and better captured the intention of the HPC.

Council Member Roseman stated that moving a structure could be very cumbersome on the Town. She asked if the Town found a building that they felt should be preserved and relocated, would all of the responsibility fall on the Town to do the report and pay all of the fees associated with moving the building. Ms. Meade replied that she did not think this section was actually aimed at that situation. She explained that this section was aimed at a private applicant who wanted to relocate a building. Ms. Meade stated that, in the case of the Town wanting to relocate a building, it would be a case-by-case situation that would have to be negotiated, hopefully by the HPC, the Town and the applicant. Vice-Chair Plaag explained that the intention of this text was that many of the standards listed here applied to the property owner who was essentially applying for this process and exploring relocation as an option in the broader demolition process. He stated that this text did not intend for the Town to assume responsibility to secure the structure to be moved. Vice-Chair Plaag added that if the HPC recommended that a property could be relocated successfully and utilized in some other fashion, preserving some element of its context historically, that a decision would have to be made by Town Council and the applicant regarding who would pay for what.

Vice-Chair Plaag stated that there were tax incentives, particularly to a commercial owner, if they made a building available and even contributed to its relocation. He felt that this type of situation would be a relatively rare circumstance, and hoped that there were other solutions that would be pursued by most applicants when it came to existing buildings they were looking to do something with.

Council Member Roseman asked if this text would help with demolition. Vice-Chair Plaag replied that there were some limitations in that the HPC could not entirely prohibit demolition under state statute. He stated there was a waiting period and that waiting period was supposed to be used for exploring alternatives like the possibility of relocation, as a last resort to demolition. Vice-Chair Plaag felt that the proposed language addressed what was likely to come up, as best as it could be foreseen.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 6:32 p.m.

Case PL05671-042722 Public Art Standards in the Downtown Boone Local Historic District – UDO Text Amendment

The Town proposes to modify the UDO Appendix D, Downtown Boone Design Guidelines and Handbook, Section “Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District” to develop public art standards within the local historic district addressing concerns of public art, provide direction for future public art projects, and fill gaps currently written in the historic standards.

These standards were written following (1) the Historic Preservation Commission beginning to hear Certificate of Appropriateness cases, (2) conversations with local art advocates, and (3) Town Council creating a Public Arts commission.

Ms. Mitchell outlined the request as it was presented in the meeting packet. She stated this text amendment would modify Appendix D to develop public art standards in the historic district. Ms. Mitchell explained that this was following initial Certificate of Appropriateness cases where the HPC had conversations with local art advocates and following Town Council creating the Public Arts Commission. She noted that the HPC had reviewed this text and at their July 5th advisory meeting, the HPC made a motion to recommend approval by the Planning Commission and Town Council.

Ms. Mitchell explained that the text box on the top of packet page 74 was included in error and was not supposed to be included. She pointed out that sections of Appendix D on packet pages 74 and 75 had been renumbered. Ms. Mitchell referred to packet page 76 containing the proposed language regarding public art standards.

Council Member Roseman asked if there would be a section about art that was sponsored or on Town property that was not subject to the COA process. Ms. Meade replied that Section 11.4 on packet page 78 provided that exemption. She explained that the basic idea was that public art, as well as historic markers or interpretive signage, that was either located on Town property, Town right-of-way, Town maintained public right-of-way, or to be sponsored in whole or in part by the Town, would be exempt from the COA process. Ms. Meade added that they would instead have to be approved by the Town Council after consideration and advice being provided by the HPC, and anyone else that Town Council wanted to get a recommendation from, which could include the Public Arts Commission.

Ms. Meade suggested that the definition of public art contained in the final bullet point of Section 11.4 be removed because it was consistent with the definition of public art that was given in the first paragraph of Section 11. She also suggested the addition of a sentence stating that *Public art on public property owned or controlled by public authorities other than the Town is not intended to come within the exemption of Subsection 11.4.* Ms. Meade explained that county and state property would still need to go through the COA process because the Town Council did not control those properties.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 6:39 p.m.

Case PL05781-061322 Signs – UDO Text Amendment (Request to be tabled)

Case PL05729-052322 Templeton Properties – General Use Zoning Map Amendment

Jeff Templeton Rentals, LLC has submitted a General Use Zoning Map Amendment Application to re-zone a 2.91-acre parcel located at 315 State Farm Road from R-1 Single Family Residential to OI Office/Institutional. The parcel fronts State Farm Road and backs up to VFW Drive. The Watauga County Parcel ID is 2910-45-2250-000.

Vice-Chair Plaag un-recused himself for this case.

Mr. Michael James, Senior Planner for Town of Boone Planning & Inspections, outlined the case as it was presented in the meeting packet.

Vice-Chair Plaag asked if there was a Neighborhood Conservation District overlay for the neighborhood surrounding this property. Mr. James replied that some of the properties along Shady Lane were in a Neighborhood Conservation District.

Vice-Chair Plaag stated that the staff report mentioned the VFW was a nonconformity. He asked if this was a legal nonconformity or an illegal nonconformity. Mr. James replied that it was a legal nonconformity in that the property predated the current zoning.

Vice-Chair Plaag asked if it was correct that the following were permitted uses in the OI zoning district: a vet office with outdoor kennels, restaurants of various sizes, a retail store up to 5,000 square feet, a medical office, a medical emergency response facility, including an accessory use of a heli-stop, open air markets, seasonal retail and amusements, uses including Christmas tree lots, pumpkin patches, corn mazes, a parking lot, or a parking deck. Mr. James replied that was correct. He noted that several of the uses mentioned would require a special use permit because of the proximity to the R1. Vice-Chair Plaag asked if it was correct that doctor's offices, dentist's offices, and funeral homes would not require a special use permit, but larger restaurants, larger retail stores, and a helipad would require a special use permit. Mr. James replied that was correct.

Council Member Carter asked if this was the parcel containing the one vacant church building. He also asked if the OI zoning would allow for more than one structure to be built on that property. Mr. James confirmed that the property contained one vacant church building and could possibly allow two structures under the OI zoning.

Ms. Shook pointed out that this was a general use zoning request, so there was nothing under consideration as far as construction. However, she noted that depending on the intensity ratios or parking requirements, there was a potential that another building could be constructed on the property.

Council Member George expressed concern about the impact of this zoning change on the neighborhood. He stated that there had to be some ways to mitigate the impact to the neighborhood, otherwise he did not think this was possible.

Mayor Pro-Tem Tugman stated the subject property was practically surrounded by a residential neighborhood, and this felt like an encroachment. She stated she could appreciate that this was a vacant building that was not being utilized in the way that Mr. Templeton would choose, but felt it was not appropriate to encroach on a neighborhood in this particular way.

Commission Member Veno referred to a letter that was sent by one of the residents in that neighborhood that was sent to Planning Commission and Town Council members shortly before the meeting. He noted that the man was concerned about access to the property from VFW Drive, which would create a traffic hardship. Commission Member Veno stated he was also concerned about that neighborhood because the OI zoning allowed a vast array of uses.

Mayor Pro-Tem Tugman stated that she drove to the area this afternoon. She noted that the plat showed there was access to VFW Drive from the subject property, but the primary access was off of State Farm Road. Mayor Pro-Tem Tugman felt that Mr. McLaughlin's concern was viable regarding any potential use of the access to VFW Drive. She noted that VFW Drive was narrow and additional traffic could create difficulty for the neighborhood in accessing State Farm Road.

Council Member Roseman asked if State Farm Road would ever be expanded into a three-lane in that section, or would it remain a two-lane road. Ms. Shook replied that there had been considerations of in the past, but she was unsure when or if anything would be done. Council Member Roseman stated the State Farm Road was a very tight road that had a blind curve and wall was really close to the sidewalk. She expressed concern that this was not the safest spot for a business being used daily with a high flow of traffic. Council Member Roseman asked if there was a way to preserve the R1 buffer along Shady Lane as a way to help protect the neighborhood.

Ms. Meade replied that the town did not have any right to do anything unilaterally. However, the applicant could make a proposal along those lines, but would have to do so through a different zoning application process called the Conditional District (CD) process. Ms. Meade explained that the CD process would involve a very specific plan that would be considered by Council that would commit to particular

uses, particular intensity, building sizes, and so forth, and could also commit to a buffer of some type along the lines of what Council Member Roseman was referencing. But, Ms. Meade reminded Council and Commission members, that was not what was before them tonight, and could not be part of a general rezoning.

Commission Member Warren stated he lived on State Farm Road and walked his dog in that area. He stated it was a very unsafe road to walk alongside of. Commission Member Warren did not feel that the added traffic that would come through that road would be very safe for people like him and the other residents of the community.

Vice-Chair Plaag asked if the building that was there currently was previously a religious facility, and if that was a normal permitted use under the R1 category at present. Mr. James stated that was correct. He noted that a small religious assembly Category 1 was allowed pretty much everywhere. Vice-Chair Plaag asked if other uses such as a family home or a domestic violence shelter were also permitted uses in R1. Mr. James replied that was correct. Vice-Chair Plaag asked if the property owner would have the ability to subdivide this parcel by right and perhaps build two single-family homes. Mr. James replied that, ignoring any topographical issues on the property, it could be subdivided into two or three parcels for single-family homes. Vice-Chair Plaag stated that his point in raising those questions was to emphasize that the applicant was not locked into having a church and would have other possibilities available to him under the current zoning.

Ms. Shook noted that no one had signed up to speak regarding this case, but noted that Mr. Templeton was present if he wished to speak.

Jeff Templeton, applicant and property owner, referred to some graphics of the property that Ms. Shook shared on the screen. He first addressed the letter that was sent by Mr. McLaughlin regarding a connection on VFW Drive. Mr. Templeton explained that the access was the left of the driveway entrance and curled around the VFW building. He stated that the access was actually called a license and was not an easement that had been granted to anyone. Mr. Templeton noted that back when this was still a church the VFW was allowed to use the access for overflow parking. He felt that use of the access from his property to VFW Drive would make no sense to use because traffic would only get back in line on VFW Drive to try to get on to State Farm Road.

Mr. Templeton stated there was an opaque stand of trees and shrubs between the building and parking lot and the neighborhood on Shady Lane. He also noted that the Shady Lane neighborhood was significantly higher in elevation than the subject parcel. Mr. Templeton stated that his property fronts State Farm Road and had value for business purposes as a business location. He noted that OI was the least intrusive zoning classification that would allow him to use the property for something other than a church. Mr. Templeton felt that there was not much appeal for a single-family residence being located next to a very busy road.

Mr. Templeton stated that this parcel was not part of the neighborhood and functioned more as part of the State Farm business corridor. He noted that he was not proposing any changes to the design of the entrance to the parking lot or the building. Mr. Templeton stated that the property had been vacant for five years.

Mr. Templeton pointed out properties along State Farm Road that were zoned OI, B2, B3, R3, and M1. He stated that the property was convenient to town and was located on a major thoroughfare. Mr. Templeton did not feel that creating more lots for homes would be something that would be highly marketable because of the location. He stated his goal was to try to use the existing facilities to accommodate customers he currently had on a waiting list that needed small offices.

Ms. Meade noted that, while Mr. Templeton made it clear that he was not proposing any changes to the building or parking lot, the Commission and Council could not take that statement into account with a general rezoning. She noted that the only way Mr. Templeton could come forward and bind himself to that sort of promise was through a CD application, which could limit the proposed uses to professional offices.

Council Member Roseman asked if there was a center turn lane in front of this property. Mr. Rick Miller, Public Works Director, replied that there was not a third lane in front of this property.

Vice-Chair Plaag asked if it was correct that the R1 height limitation was three stories and 40 feet and OI was four stories and 67 feet. Mr. James replied that was correct. Vice-Chair Plaag asked if the property was located within the viewshed. Mr. James stated that approximately half of the property was in the viewshed. Vice-Chair Plaag asked if Mr. Templeton would have a requirement to maintain that stand of trees because of the viewshed requirements or was it not possible to know that at this time. Mr. James replied that it was likely, but would be difficult to say without a specific site plan. Vice-Chair Plaag asked if it was conceivable that the stand of trees could be removed to facilitate construction of two 67 foot, four story buildings that would be visible by the residents of Shady Lane. Mr. James replied that, theoretically, it could be possible, but without any detailed elevations or topography, it would be very difficult to say definitively.

Mayor Pro-Tem Tugman stated that, while State Farm Road appeared to be a major thoroughfare, she did not think the design would constitute that of a major thoroughfare. She stated that she felt strongly about the preservation of neighborhoods and felt this encroachment on the neighborhood was unfair to the folks whose primary investment was their home.

Commission Member Veno asked for some clarification on the Conditional District process. Ms. Meade replied that it would be a different process than this general rezoning. She explained that an applicant would come forward with a specific site plan and proposed uses. Further, approval would be for that specific plan, but the underlying zoning would still be OI, if that was what the applicant requested.

Mayor Futrelle asked Mr. Templeton if he intended to change the building or build something else. Mr. Templeton replied that he had tenants that he could not satisfy with the current offerings he had who were looking for office space. He stated there was a high demand in Boone for small office spaces. However, Mr. Templeton noted that someone could come along and need a larger office space, such as an eye center or real estate office.

Mr. Templeton stated that, based on the comments he had heard tonight, there was no interest in doing anything other than keeping this property zoned R1, so why should he go to all the effort and cost to come back with a Conditional District plan, only to get it shot down. He stated it looked like the future of this property was a rental house.

Council Member Roseman asked if Mr. Templeton chose to apply for a Conditional District would that site specific plan continue if the property was sold. Ms. Meade replied that the ownership of a property had nothing to do with the zoning. She explained that the property could be sold tomorrow and the new owner would have the same zoning as the previous owner.

Mayor Pro-Tem Tugman stated she could appreciate Mr. Templeton's hesitancy to come forward with a Conditional District application because of the expense. However, she felt if there were plans that would be more acceptable and significantly limit the development of this piece of property so that it did not create an issue for the surrounding neighborhood.

Commission Member Veno asked the neighbors around the property were notified of Mr. Templeton's intentions. Ms. Shook replied that they were notified.

Mr. Templeton noted that when the property was developed for the church it was zoned R3. He stated that, at some point, the church got the property rezoned to R1. Ms. Meade asked Mr. Templeton if the property was zoned R1 when he purchased it. He replied that it was zoned R1.

Mr. Templeton asked if it was correct that, under R1 zoning, he could cut any trees he wanted on the property. Ms. Meade stated she did not know that this was an appropriate time to go into what was allowed under the district as of right.

Ms. Shook noted that no one had signed up to speak regarding this case. The only written public comment that was received was forwarded to the Planning Commission, Town Council, and the applicant earlier today.

Vice-Chair Plaag stated he was aware that great effort had been put into trying to explore ways to make small housing available in our community that would be affordable to people who work in Boone but who could not afford to live in Boone. He pointed out that there was quite a bit of acreage on this lot. Vice-Chair Plaag suggested that Mr. Templeton might explore beyond the obvious one giant lot for a huge McMansion kind of option and look at possibly subdividing the lot to create housing that would be affordable to people who work in Boone. Vice-Chair Plaag felt this might be a way to keep the current R1 zoning while still allowing the property owner to make money on the property.

With no public comment, Mayor Futrelle closed the public hearing for this case at 7:34 p.m.

Case PL05774-060922 O'Reilly Auto Parts – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a portion of property on NC Hwy 105 and Snaggy Mountain Blvd to B3 General Business and Corridor District overlay. The remainder of the portion of Watauga County PIN: 2900-44-8162-000, already in the corporate limits is currently zoned B3 General Business and Corridor Overlay. This property is owned by Norvell Boone, LLC which is proposed to be an O'Reilly Auto Parts. Zoning is to coincide with the property owner's voluntary annexation of the property.

Ms. Christy Turner, Senior Planner for Town of Boone Planning & Inspections, noted that this was a General Use Zoning Map Amendment for property Highway 105 and Snaggy Mountain Boulevard. She stated the 0.140-acre portion of the property was currently not zoned and was located in the County. Ms. Turner stated that the request was to rezone the remaining portion of the parcel as B3.

Ms. Shook clarified that this request was not to rezone property, but to zone property in connection with an annexation that the applicant was currently processing. She noted there was a small portion of the subject property that was located outside Town limits that had to be annexed in order to receive utility services.

Council Member Roseman asked if O'Reilly's planned to build on that section of the property. Ms. Turner replied that they were not proposing to build on that portion of the property, and added that the portion of the property to be zoned was considered a steep slope.

Vice-Chair Plaag asked about the Corridor Overlay District in Subsection 14.40.04(A) and the allowed access onto Hwy 105. He stated it sounded as though because of the driveway spacing requirements along Hwy 105 and some of the other underlying language under 14.40.04(A), access has to be from Snaggy Mountain Boulevard. Ms. Turner replied that DOT was giving them access from Hwy 105. She stated that the Snaggy Mountain access was not adequate to serve this business. Vice-Chair Plaag asked if this was because of the steep slope issue with the back part of the property. Ms. Turner stated that was correct. Ms. Shook added that this issue would be covered under Subsection 14.40.04(G) that stated *Access not Prohibited: Any parcel of record on the effective date of this Ordinance that has been prohibited*

all vehicular access based on the provisions herein shall be allowed one (1) access point to its street frontage while meeting the intent of the technical requirements as is practical.

Mayor Pro-Tem Tugman stated she thought there was a water line going through this parcel and asked if that would have any impact on bringing this piece of property into the town. Rick Miller, Public Works Director, replied that he was not aware of a water line going through that property. Ms. Shook added that there was a culvert along the front of the property along Hwy 105. Mayor Pro-Tem Tugman stated she must have been mistaken about the water line.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 7:43 p.m.

Ms. Shook asked if Town Council had a priority for the recommendations from Planning Commission for this evenings cases. Ms. Meade suggested that Planning Commission consider and make recommendations on the cases in the following order: 1) Appendix D Modifications – UDO Text Amendment, 2) O'Reilly Auto Parts – General Use Zoning Map Amendment, 3) Demolition Standards in the Downtown Boone Local Historic District – UDO Text Amendment, 4) Public Art in the Downtown Boone Local Historic District – UDO Text Amendment, and 5) Templeton Properties – General Use Zoning Map Amendment. Town Council agreed with Ms. Meade's suggested order.

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 7:44 p.m. The motion was seconded by Council Member Carter.

Vote: Aye – All
Nay – None

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Eric Plaag, Planning Commission Vice-Chair

Continuation of Planning Commission Meeting

Public Comment

Ms. Shook noted that no one had signed up to speak under public comment.

Approval of Meeting Minutes

Commission Member Warren made a motion to approve the May 23, 2022 Planning Commission meeting minutes. The motion was seconded by Commission Member Venio.

Vote: Aye – All
Nay – None

The motion passed.

Vice-Chair Plaag called a break in the meeting from 7:47 p.m. until 7:56 p.m.

Case PL05826-062722 Appendix D Modifications – UDO Text Amendment

The Town proposes to modify UDO Appendix D (Downtown Boone Local Historic District Design Standards) to provide consistency with NC General Statutes and to correct references to the Town of Boone UDO.

Vice-Chair Plaag recused himself from discussion and voting on this case.

Ms. Shook explained that this requested text amendment was intended to make sure that language was consistent with general statutes and other UDO language.

Commission Member Tippettt stated he supported the amendment.

First Motion and Vote: Commission Member Tippettt made a motion 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 the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

Comprehensive Plan Policy 2.1.5 Downtown

A.4 Establish specific architectural and design standards for downtown consistent with its location, setting, and various functions.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed.

Second Motion and Vote: Commission Member Tippettt made a motion that the Planning Commission recommends approval of Ordinance PL05826-062722 and believes approval is reasonable and in the public interest because it brings the UDO into compliance with state general statutes and other UDO language. The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed and approval was recommended.

Case PL05774-060922 O'Reilly Auto Parts – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a portion of property on NC Hwy 105 and Snaggy Mountain Blvd to B3 General Business and Corridor District overlay. The remainder of the portion of Watauga County

PIN: 2900-44-8162-000, already in the corporate limits is currently zoned B3 General Business and Corridor Overlay. This property is owned by Norvell Boone, LLC which is proposed to be an O'Reilly Auto Parts. Zoning is to coincide with the property owner's voluntary annexation of the property.

Vice-Chair Plaag un-recused himself for this case.

Ms. Shook reminded Commission members that this was a request to zone a portion of property as B3 and Corridor District Overlay so that it would be consistent with the remainder of the parcel. She noted that the Town was requesting this zoning to coincide with the annexation of the property.

First Motion and Vote: Commission Member Veno made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

Comprehensive Plan Policy 2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

A.1 Conduct on-going assessments of critical locations in the community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.

Vice Chair Plaag wished to amend to motion to remove reference to Comprehensive Plan Policy 2.3.2.A. Commission Member Veno accepted the amendment.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Veno made a motion that the Planning Commission recommends approval of Ordinance PL05774-060922 and believes approval is reasonable and in the public interest because annexation is good in cases like this and the zoning is appropriate and makes sense. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed and approval was recommended.

Case PL05718-051822 Demolition Standards in the Downtown Boone Local Historic District – UDO Text Amendment

The Town proposes to modify UDO Article 8 Subsection 8, and Appendix D, Downtown Boone Design Guidelines and Handbook, Subsection "Standards For Relocation and Demolition" to revise and elaborate

upon standards for relocation and demolition of structures in the historic district, provide guidance to applicants with respect to preservation processes, and clarify the role of the Historic Preservation Commission.

Ms. Mitchell reminded Commission members of the changes to the proposed text that were discussed during the public hearing. She referred to Section 8.08.01(A)(4)(a) and noted the last sentence should read *Documentation shall be provided by a historic preservation consultant or professional listed by the North Carolina State Historic Preservation Office resulting in a report that complies with Historic American Buildings Survey (HABS) guidelines.*

Ms. Mitchell then referred to the Standards for Relocation and Demolition, Section 1. Relocation of Buildings. She stated that it was suggested that a phrase be added to the end of the opening paragraph that read *Applicants engaged in relocation should:*

Ms. Mitchell stated that the proposed language would be more clear for applicants seeking demolition or relocation in the Downtown Historic District.

Commission Member Veno felt that the relocation of some buildings would be very difficult and would likely be a rare occurrence.

First Motion and Vote: Commission Member Tippet made a motion 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, with the changes as discussed, because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.

A.4 Balance the benefits of economic development projects with special concern for environmental quality issues.

Comprehensive Plan Policy 2.1.5 Downtown

A.4 Establish specific architectural and design standards for downtown consistent with its location, setting, and various functions.

C.1 Examine zoning ordinances and revise as necessary to encourage construction of buildings with residences over ground-floor businesses.

C.2 Develop strategies that will assist in providing a diversity of commercial and service businesses more reflective of the town's economic and demographic profile.

Comprehensive Plan Policy 2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B.1 Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed.

Second Motion and Vote: Commission Member Tippettt made a motion that the Planning Commission recommends approval of Ordinance PL05718-051822 and believes approval is reasonable and in the public interest because the amendment to Appendix D Demolition Standards in the Downtown Local Historic District merges existing standards and brings the UDO into compliance with the Historic American Building Standards (HABS) for relocation and demolition provides clarity to property owners. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed approval was recommended.

Case PL05671-042722 Public Art Standards in the Downtown Boone Local Historic District – UDO Text Amendment

The Town proposes to modify the UDO Appendix D, Downtown Boone Design Guidelines and Handbook, Section “Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District” to develop public art standards within the local historic district addressing concerns of public art, provide direction for future public art projects, and fill gaps currently written in the historic standards.

These standards were written following initial (1) the Historic Preservation Commission beginning to hear Certificate of Appropriateness cases, (2) conversations with local art advocates, and (3) Town Council creating a Public Arts commission.

Vice-Chair Plaag reminded Commission members that he would be recused from this case.

Ms. Mitchell reminded Commission members of the changes discussed during the public hearing. She referred to Subsection 11.4 and stated that letter (i) in the first paragraph should be changed to say *located on property owned, controlled, or maintained for public use by the Town within a historic district or within the boundaries of a publicly owned landmark.*

Ms. Mitchell noted that the second bullet point in Subsection 11.4 would be removed and replaced with *By way of clarification, public art on public property owned or controlled by public authorities other than the Town is not intended to come within the exemption of this subsection 11.4.* Ms. Mitchell stated that this would make it clear that Town art would be exempt, but County or University art would not be exempt.

First Motion and Vote: Commission Member Behrend made a motion 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, with the changes that were discussed, because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.

A.3 Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.

Comprehensive Plan Policy 2.1.5 Downtown

D.1 Consider the placement of public art (including murals and statuary) at appropriate locations in the downtown area.

D.2 Support the development and enhancement of cultural facilities, e.g. art and antique galleries.

Comprehensive Plan Policy 2.3.2 Community Character

C.1 Consider the placement of public art at appropriate locations in downtown, including murals.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Behrend made a motion that the Planning Commission recommends approval of Ordinance PL05688-050322 and believes approval is reasonable and in the public interest because it defines more readily the intent of the town to include art as part of our historic area. The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed and approval was recommended.

Case PL05781-061322 Signs – UDO Text Amendment (Tabled)

Case PL05729-052322 Templeton Properties – General Use Zoning Map Amendment

Jeff Templeton Rentals LLC has submitted a General Use Zoning Map Amendment Application to re-zone a 2.91-acre parcel located at 315 State Farm Road from R-1 Single Family Residential to OI Office/Institutional. The parcel fronts State Farm Road and backs up to VFW Drive. The Watauga County Parcel ID is 2910-45-2250-000.

Vice-Chair Plaag un-recused himself for this case.

Commission Member Warren stated that he lived on State Farm Road and walked in that area. He felt if this property was developed into something more than what it currently was, it would destroy the neighborhood. Commission Member Warren stated that the structure of the road would make it very unsafe.

Commission Member Tippetts stated that he had mixed feelings about the proposal. He noted that he drove on State Farm Road a lot, and it was a very busy road. Commission Member Tippetts stated that whatever went there would increase traffic. He noted that the building could be converted into offices and there was a natural buffer with an increased elevation to the residential neighborhood. Commission Member Tippetts stated that his concern was with what could happen in five or 10 years if Mr. Templeton decided to sell the property. With a height limitation of 67 feet in the OI zoning district, Commission Member Tippetts expressed concern that one or two new buildings could be built on the property at this height, which could greatly impact the neighborhood and traffic flow on State Farm Road. He noted there would be additional expense involved in coming back with a Conditional District application, but he felt

that would give the Planning Commission and the Town Council more guidance as to what would actually go on the property.

Vice-Chair Plaag stated that the height limitation of 67 feet in OI was a dramatic change from the current height limitation of 40 feet in a R1. He reminded Commission members that because this was a general use rezoning request, they could not consider any proposed site-specific plans for the property. He stated their job was to consider all of the possible uses allowed in an OI zoning district and decide if all of those uses would be suitably located in that area, were they to be built there. Vice-Chair Plaag stated it was for that reason that he could not support this application as it was presently constructed. He added that he would be willing to look at a Conditional District application where a really low intensity, modified use of the site was considered by the applicant.

Commission Member Behrend expressed concern that the property would be open for development of any of the uses allowed in OI under a general use rezoning.

Commission Member Veno stated that his first concern was the neighbors. He noted that State Farm Road was not a major artery, but it was being used as a shortcut because traffic in Boone was so untenable right now. Commission Member Veno stated that the more density there was, as far as businesses on that road, the worse it was going to become. He referred to the statement that was made that there was a need in Boone for office space, and pointed to all of the mixed-use developments in the area that were vacant. Commission Member Veno stated that there seemed to be plenty of space available for someone who wanted a small office. He expressed concern that zoning the property OI would basically be rolling the dice on what could happen, so he would not be able to support this request.

Motion and Vote: Vice-Chair Plaag made a motion that the proposed amendment to the Town's zoning map is not consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is not consistent with:

Comprehensive Plan Policy 2.3.2 Community Character

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.

C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice-Chair Plaag made a motion that the Planning Commission recommends denial of the proposed amendment to the town zoning map and believes denial to rezone the portion of the property from R1 Single-Family to OI Office Institutional is reasonable and in the public interest

because the proposed rezoning would represent a serious threat to the surrounding R1 neighborhood, a portion of which is a Neighborhood Conservation District, and would not be compatible with surrounding properties in this particular area. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed and denial was recommended.

Other Matters

Ms. Shook announced that Commission Member Warren was now a regular member of the Planning Commission instead of the student representative.

Ms. Shook also announced that the regularly scheduled Planning Commission meeting on August 22 would instead be a special public hearing.

Commission Member Warren asked when Planning Commission might return to in person meetings. Ms. Shook replied that they would have to wait until there were some definitive answers from Council. She assured Commission members that she would notify them of any changes as soon as possible. She noted that the Executive Order was set to expire on August 15.

Vice-Chair Plaag asked Commission Member Warren if he was eager to return to in person meetings or if he liked the convenience of being in his home. Commission Member Warren replied that it was a little bit of both. Vice-Chair Plaag stated he preferred not going out to meetings. He thought this technology was wonderful and hoped they could continue to use it. Commission Member Warren noted that he could not imagine attending some of the Commission's long meetings in person.

Commission Member Behrend stated that she really liked the convenience of WebEx and not having to drive into town for a meeting.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 8:52 p.m. The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

Eric Plaag, Planning Commission Vice-Chair

Brenda Henson, Board Secretary