Town of Boone
Planning Commission
Regular Meeting
5:30 PM, Dec. 18, 2017
Council Chambers, 1500 Blowing Rock Road

I. Call to Order (Continuation of November 27, 2017 Meeting)

II. Approval of Meeting Minutes

June 26, 2017 Planning Commission Minutes

III. Case PL00800-080917 Robert Brown General Use Zoning Map Amendment

PL00800-080917 Robert Brown, Application Information

Pl00800-080917 Robert Brown, Staff Report

IV. Case PL00982-092517 Storage Uses, UDO Text Amendment

PL00982-092517 Storage Uses, Application Information

PL00982-092517 Storage Uses, Staff Report

PL00982-092517 Storage Uses, Request for Use Evaluation

V. Case PL00991-092617 M1 Manufacturing Use Expansion, UDO Text Amendment

PL00991-092617 M1 Manufacturing Use Expansion, Application Information

PL00991-092617 M1 Manufacturing Use Expansion, Staff Report

VI. Case PL01019-092917 Use 9.01 Temporary College and University Use, UDO Text Amendment

PL01019-092917 Temporary Use 9.01, Application Information

PL01019-092917 Temporary Use 9.01, Staff Report

VII. Other Items

VIII. Adjournment

PLANNING COMMISSION MINUTES
MONDAY, JUNE 26, 2017 AT 5:30 P.M.

PLANNING COMMISSION MEMBERS: Chairperson Connor Boyle, Adrian Thompson, Elizabeth Shay, Eric Woolridge and Becky Gosky

STAFF PRESENT: Jane Shook, Director of Planning and Inspections, Christy Turner, Senior Planner, Marty Little, Planner, and Marlene Crosby, Board Secretary

OTHERS PRESENT: Allison Meade, Town Attorney

CALL TO ORDER

Chairperson Connor Boyle called the meeting to order at 5:50 p.m. in the Council Chambers located at 1500 Blowing Rock Rd.

APPROVAL OF MINUTES

Member Gosky made a motion, seconded by Member Thompson, to approve the May 22, 2017 Planning Commission meeting minutes as written.

Vote: Aye – All
Nay – None
The motion passed.

CASE PL00479-050817 EDUCATIONAL DISTRICTS AND USES – UDO TEXT AMENDMENT

Request to modify UDO Article 14, 15, 16, 17, and 34 in regards to educational districts and uses. Amendment may also be made to other Articles to conform them to changes made in these Articles.

Ms. Jane Shook, Director of Planning and Inspections said the Staff are not proposing any changes at this time. Ms. Shook said this proposed change will simplify the uses in the U-1 zoning district which will help the university and Town Staff to know which uses are permissible and which ones are not permissible.

Discussion ensued on future interpretations of this case. Ms. Allison Meade, Town Attorney talked about the Council's concern of the university encroaching into the B-1 zoning district. She said that the university is aware of this and she thinks they have no intention of doing it. She confirmed that college or university uses have to remain in the U-1 zoning district.

FIRST MOTION AND VOTE: Chairperson Boyle made a motion, seconded by Member Woolridge, 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 per the Comprehensive Plan policy 2.1.1.E.1, which is to continue to look at ways to allow 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.

Vote: Aye – All
Nay – None
The motion passed.

DRAFT

Communication: June 26, 2017 Planning Commission Minutes (Approval of Meeting Minutes)

SECOND MOTION AND VOTE: Chairperson Boyle made a motion, seconded by Member Woolridge that the Planning Commission recommends approval of the proposed amendment to the Town's zoning ordinance and believe the approval is reasonable and in the public interest because it is keeping with the intent of the Comprehensive Plan policy 2.1.1.E.1.

Vote: Aye – All
Nay – None
The motion passed.

CASE PL00558-061217 USE 14.04 MICROBREWERY – UDO TEXT AMENDMENT

Request to modify UDO Article 15 to allow Use 14.01 Microbrewery in the M1 Manufacturing District. While recently reviewing a request, Staff discovered that Use 14.04 Microbrewery, a manufacturing use, are not permissible in the M-1 Manufacturing District.

Upon review of the description for the M1 Manufacturing District and definitions for each of the brewery related uses, Staff feels that not including Use 14.01 Microbrewery as a principal use in the Manufacturing District was an error when the Table was revised to allow thee uses in 2013. The report includes the description of the M1 Manufacturing District, the definitions for brewery related uses and excerpt of the Table of Principal Uses modified to allow Use Microbrewery in the M1 Manufacturing District.

There was no discussion on this case.

FIRST MOTION AND VOTE: Member Woolridge made a motion, seconded by Member Thompson, 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 it appears that it is a mistake that the Microbrewery was not included in this section of the zoning code and this particular proposed amendment allows the Staff to clean up the language and allow a use that seems to be consistent with the original intent of the M1 Manufacturing District.

Vote: Aye – All
Nay – None
The motion passed.

SECOND MOTION AND VOTE: Member Woolridge made a motion, seconded by Member Thompson to approve the proposed amendment to the Town's zoning ordinance and believe the approval is reasonable and in the public interest because of the reasons stated in the first motion.

Vote: Aye – All
Nay – None
The motion passed.

Discussion ensued on the Planning Commission having a short discussion at this meeting on opening up potential uses in the industrial park.

Member Woolridge began discussion on this topic. He talked about his firm needing to expand, he said at this time his firm has 10 to 12 people and they are looking to expand to a 20-person firm in the next three to five years. He said that his firm has had a difficult time trying to locate a larger space that fits his business model. He said he would like to keep his firm in the Downtown area but he has not been able to find a space. He said he would like to have a certain type of atmosphere or social environment with public activities that would attract architects and landscape artists but it does not exist in Boone.

DRAFT

Communication: June 26, 2017 Planning Commission Minutes (Approval of Meeting Minutes)

Member Woolridge said the Town of Boone does not have a lot of already built vacant manufacturing facilities like Lenoir, North Carolina and other cities that have large vacant manufacturing space that could create opportunities for the re-use of existing buildings. Member Woolridge said he has been exploring the possibility of his firm moving to the industrial park. He is looking at about 3,000 to 5, 000 square feet of the US Steel building. He said if Stickboy Bakery, Microbrewery and recreation type uses were allowed there, it would create a great social environment that would be conducive to his business and he feels this is the key to his business being successful.

Discussion ensued on Staff concerns for certain potential uses in the industrial park. Ms. Shook said some of the locations have good parking but in the other locations parking can be more challenging. She talked about the concern for the possibility of one business complaining about another business for example the coming and going of delivery trucks and loading and unloading at businesses daily.

Member Thompson said he thought it would be more logical for manufacturing facilities to want to be located in larger cities with other manufacturing facilities where there is more accessibility without having to drive through the mountains to get to and from their manufacturing facility. Ms. Meade said that businesses do not always start in the place where it is the cheapest for transit.

Ms. Shook said the Staff can do an assessment on how many M1 properties that are located outside the industrial park.

Chairperson Boyle asked Ms. Shook, if she thought that vacancy rates would keep increasing in the industrial park. Ms. Shook indicated she was unsure but noted it may depends on whether the uses allowed change.

Member Thompson asked Ms. Shook if the Economic Development Commission deals with the vacant space. Ms. Shook they are aware and they work with the property owners to help tenants find a building that suits their needs.

Ms. Shook said when she talked to Mr. Furman and he agreed to opening up the M1 zoning district to other uses and he cautioned to be careful with the potential new uses because there is not a lot of available space for smaller manufacturing or warehouse uses.

Discussion ensued on the cost to the business owner to move into a vacant space. Ms. Shook mentioned the building code requirements for each space to be up fitted as well as the zoning requirements.

Discussion ensued on the possibility of creating job opportunities. Member Woolridge talked about drawing office professionals to this area to work in our community.

Discussion ensued on the need to discuss opening up the uses beyond the industrial park. Ms. Shook said most uses are captured in the B-3 zoning district. She said we have always been conservative with the M1 zoning district because of the potential uses that could go within the M1.

Ms. Meade said after hearing this discussion on opening up the uses, she feels that there is a certain attraction to a mix of uses in the M1.

Ms. Shook talked about doing an analysis of the current infrastructure of the industrial park. She said the Staff would also have to evaluate things like sidewalks and increased traffic.

Ms. Shook noted that the industrial park is fully built out with the exception of certain business owners may have some room for expansion.

DRAFT

Communication: June 26, 2017 Planning Commission Minutes (Approval of Meeting Minutes)

Discussion ensued on using the industrial park as a possible test center to test potential uses before opening up the potential uses to the public. Member Gosky and Member Shay agreed the industrial park would be a great location to use for a test center.

Ms. Shook explained that currently almost any manufacturing use that goes into the industrial park is by right and there are no requirements for transitional zones because the industrial park has already been vetted for the industrial site. She further explained that the Staff were getting approached about the vacant spaces in the industrial park with businesses that were not allowed in the M1 zoning district. She said this is the reason she brought this topic forward to the Council and Planning Commission. She said that Staff had suggested that the property owners come in and speak with the Staff to learn about the Staff's concerns regarding the permissible uses.

Member Woolridge noted that it is his preference to keep his firm in the Downtown area. Chairperson Boyle said he loves to see areas getting re-developed that have a mix of different activities going on in it.

Discussion ensued on the Deal Moseley and Smith office building being the newest of office buildings in the Downtown area. It was noted that building is still not built out and vacant space is available in it that is not being used. Ms. Shook noted that a lot of the existing buildings are designed in a way that it is not conducive to what certain businesses need to set up their offices.

Ms. Shook noted that she can work with the feedback that she has received from the Planning Commission on the potential uses.

RECOMMENDATION FOR AN AFFORDABLE HOUSING TASK FORCE MEMBER

Ms. Shook explained that the Affordable Housing Task Force meets on the first Monday of each month at 5:30 p.m. in the Planning and Inspections Department-Upstairs Conference Room located at 680 W. King Street. She noted that the July 3, 2017 meeting has been cancelled and the next scheduled meeting will be held on August 7, 2017.

Member Woolridge nominated Chairperson Boyle, seconded by Member Thompson, as a Planning Commission representative to the Affordable Housing Task Force. Chairperson Boyle accepted the nomination on an interim basis. Ms. Shook told Chairperson Boyle that she would meet with him in July to review the charge of the Affordable Housing Task Force.

Vote: Aye – All
Nay – None
The motion passed.

ADJOURNMENT

Member Woolridge made a motion, seconded by Member Thompson to adjourn the meeting at 6:45 p.m.

Vote: Aye – All
Nay – None
The motion passed.

_____ _____

Chairperson, Connor Boyle **Board Secretary, Marlene Crosby**

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Communication: June 26, 2017 Planning Commission Minutes (Approval of Meeting Minutes)

Zoning/Planning Permit Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ♦ Boone, North Carolina 28607
Phone (828) 268-6960 ♦ Fax (828) 268-6961
www.townofboone.net

PERMIT IS FOR (CHOOSE ONE):

- ☐ Single Family or Duplex (Residential)
- ☐ Commercial
- ☐ Board of Adjustment Hearing (other than Appeals)
- ☐ Planning/Other

A. CONTACT INFORMATION

Applicant: Tucker Deal Company: Deal, Moseley & Smith, LLP

Address: PO Box 311, Boone, NC, 28607

Phone Number: 828-264-4734 Email Address: tdeal@dealmoseley.com

Property Owner: Robert D. Brown Company: N/A

Address: 375 Hwy 105 Ext., Boone, NC, 28607

Phone Number: 828-264-1713 Email Address: N/A

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): 2910-27-5331-000

Address/Location: Hwy 105 ext., adjacent to 266 Hwy 105 ext.

Project Name: Brown Combination

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

☐ Accessory Building	*Zoning Project Data Form (Residential or Commercial)
☐ Addition/Expansion including decks and patios	*Zoning Project Data Form (Residential or Commercial)
☐ Change of Use	*Commerical Project Data Form
☐ Land Disturbance (not associated with the construction of a bldg.)	*Zoning Project Data Form (Residential or Commercial)
☐ Manufactured Home Set-up in Park	*Manufactured Home in Park Form
☐ New Building Construction	*Zoning Project Data Form (Residential or Commercial)
☐ Renovation/Remodel	*Zoning Project Data Form (Residential or Commercial)
☐ Accessory Use (as listed in UDO Subsection 15.07.01)	*Zoning Project Data Form (Residential or Commercial)
☐ Temporary Use (as listed in UDO Subsection 15.07.02)	*Zoning Project Data Form (Residential or Commercial)
☐ Sign	*Sign Project Data Form (Zoning)
☐ Pavement Sealant	*Pavement Sealant Project Data Form
☐ Major Subdivision Zoning Permit	*Commercial Project Data Form

Board of Adjustment Hearings

☐ Special Use Permit/Modification	*Special Use Permit Form
☐ Variance	*Variance Form
☐ Major Subdivision Preliminary Plat Approval	*Major Subdivision Preliminary Plat Approval Form

Planning/Other

☐ Exempt Division of Land	*Subdivision Exemption Project Data Form
☐ Minor Subdivision (Preliminary and Final Plat)	*Minor Subdivision Project Data Form
☐ Major Subdivision (Final Plat)	*Major Subdivision Final Plat Project Data Form
☐ UDO Text Amendment	*Text Amendment Project Data Form
☑ General Use Zoning Map Amendment	* General Use Map Zoning Map Amendment Project Data Form
☐ Conditional District Zoning Map Amendment	*Conditional District Zoning Map Amendment Project Data Form
☐ Voluntary Annexation	*Annexation Petition (Satellite or Contiguous)
☐ UDO Text Interpretation	*UDO Interpretation Data Form

Communication: PL00800-080917 Robert Brown, Application Information (Case PL00800-080917 Robert Brown General Use Zoning Map

D. DETAILED DESCRIPTION OF PROJECT Robert Brown recently purchased two parcels of land on Hwy 105 Ext., which currently contain the Wheeler Produce building(s). The old produce building sits on a parcel that is currently zoned B-3, while the oddly shaped parcel adjacent to and surrounding the building parcel is zoned R-1. This R-1 parcel includes frontage on Hwy 105 Ext. Mr. Brown seeks to combine these two parcels for future, undetermined use consistent with the area.

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: N/A Company:

Address: License #:

Phone Number: Email Address:

F. DESIGN PROFESSIONAL INFORMATION

Engineer:

Name: N/A Company:

Address: License #:

Phone Number: Email Address:

Architect:

Name: N/A Company:

Address: License #:

Phone Number: Email Address:

G. APPLICANT SIGNATURE: By signing this form you are certifying that this application and any attached information is accurate. Failure to provide accurate information or failure to provide any requested information may result in delays to permit processing.

J. Tucker Deal	J. Tucker Deal	8-8-17
Applicant[1] (Print)	**Applicant Signature**	**Date**
Robert D. Brown	Robert D Brown	8-8-17
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Project File Name: Brown, Robert - General Use Map Amendment

Permit Number: PL 00800-080917

Project Name/Number:

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
8-9-17	$ 300.00	855557	ck # 3594	Brown Heights Apts.

S:\FORMS\Forms_2015\Zoning\ZoningPlanningPermitApplication_052016.doc

[1] Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

Communication: PL00800-080917 Robert Brown, Application Information (Case PL00800-080917 Robert Brown General Use Zoning Map

General Use Zoning Map Amendment
Project Data Form

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C • Boone, North Carolina 28607
Phone (828) 268-6960 • Fax (828) 268-6961
www.townofboone.net

Official Use Only
Project Name/Number:
Permit Name/Number:

It is recommended that applicants schedule a meeting with Planning & Inspections Staff prior to application submittal.

A. ADDITIONAL APPLICATION INFORMATION

Hearing Date Requested[1]: September 21, 2017, Town Council Meeting; October 23, 2017, Public Hearing

B. DEVELOPMENT INFORMATION

Existing Zoning District(s): R-1 Proposed Zoning District(s): B-3

Existing Land Use(s): Vacant Commercial

Adjacent Land Use(s): N: Commercial Medical Office E: Hwy 105 Ext./ Commercial Warehouse

W: Commercial Medical Office/ Horn in the West Dr. - Residential S: Commercial Vacant / Comercial Retail

Are there are any existing variances granted to the property? ☐ Yes ☑ No ☐ Unknown

If yes, describe:

Total Land Area: .248 acre

C. DOCUMENTS REQUIRED FOR SUBMITTAL

☑ Application Fee

☑ Deed(s) of all property included in the request

☐ A written metes & bounds legal description with accompanying survey map is required for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts

D. PROPERTY OWNER SIGNATURE:

By signing this form you are certifying that this application and any attached information are accurate. Failure to provide accurate information or failure to provide any requested information may result in delays to permit processing.

Robert D. Brown	Robert D. Brown	8-8-17
Property Owner (Print)	**Property Owner Signature**	**Date**

[1] Each applicant must provide the meeting date for which they wish their request to appear. Each completed application must have met published meeting deadlines.

Communication: PL00800-080917 Robert Brown, Application Information (Case PL00800-080917 Robert Brown General Use Zoning Map

Official Use Only

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Project Approved: ☐ Yes ☐ No

Date Order Recorded: _____

Order Recordation Information: Book: _____ Page: _____

Communication: PL00800-080917 Robert Brown, Application Information (Case PL00800-080917 Robert Brown General Use Zoning Map

FILED Amy J. Shook
Register of Deeds, Watauga Co, NC
Fee Amt: $26.00
NC Excise Tax: $220.00

Bk 1919 Pg 852 (3)
Recorded: 05/25/2017 at 09:28:11 AM
Doc No: 658482 Kind: DEED

658482

Excise Tax: $ 220.00 ✓
Mail after recording to: DEAL, MOSELEY & SMITH, LLP, P.O. BOX 311, BOONE, NC 28607

PREPARED BY: James M. Deal, Jr., DEAL, MOSELEY & SMITH, LLP
ATTORNEYS AT LAW,
P. O. BOX 311
BOONE, NC 28607 Tel (828) 264-4734

Brief Description for the Index: 0.248 acre & 5,358 sq. feet, Boone Township
Tax Parcel I.D. #2910-27-5331-000

NORTH CAROLINA GENERAL WARRANTY DEED

RECEIVED
AUG 0 9 2017

THIS DEED, made this 25th day of May, 2017, by and between,

SUSAN DIANE WHEELER (Unmarried)

of 156 Old Butler Road, Mountain City, TN 27683

GRANTOR;

and,

ROBERT D. BROWN

of 375 Hwy. 105 Ext., Boone, NC 28607

GRANTEE.

TAX INFORMATION RECORDED
5-25-17 VOR
Tax Supervisor

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple all that certain lot or parcel of land situated in BOONE TOWNSHIP, WATAUGA COUNTY, NORTH CAROLINA, and more particularly described as follows:

--SEE ATTACHED "SCHEDULE A" FOR DESCRIPTION--

THIS DOCUMENT HAS BEEN PREPARED WITHOUT TITLE EXAMINATION
The preparer of this document is not the disbursing agent and therefore is not required to file IRS Form 1099-S.
The property hereinabove described was acquired by Grantor in Book 330, Page 755 and Book

Communication: PL00800-080917 Robert Brown, Application Information (Case PL00800-080917 Robert Brown General Use Zoning Map

Bk 1919 Pg 853
Doc No: 658482 Kind: DEED

218, Page 531, Watauga County Registry.
A map showing the above described property is recorded in Plat Book _____ at Page _____.

All or a portion of the property herein conveyed ___ includes or ____ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

This conveyance is made subject to any easements, rights of way, restrictions and matters of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing the day and year first above written.

Susan Diane Wheeler (SEAL)
SUSAN DIANE WHEELER

ACKNOWLEDGMENT

STATE OF NORTH CAROLINA COUNTY OF WATAUGA

I, a Notary Public of the County and State aforesaid, certify that SUSAN DIANE WHEELER (Unmarried), Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 25 day of May, 2017.

{affix legible notarial stamp or seal ***within the margins*** below}

Martha W. Pate Notary Public
Martha W. Pate
Notary's Printed or Typed Name

Martha W. Pate
Notary Public
Watauga County
North Carolina
My Commission Expires 10/19/2019

My Commission Expires: 10-19-2019

G:\Martha\REAL ESTATE\CLIENTS\Wheeler-Brown Sellers Docs\deed.wpd

Communication: PL00800-080917 Robert Brown, Application Information (Case PL00800-080917 Robert Brown General Use Zoning Map

Bk 1919 Pg 854
Doc No: 658482 Kind: DEED

"SCHEDULE A"

TRACT ONE:

Adjoining J. H. Council, Frank Payne, and Dougherty heirs, and BEGINNING on an iron stake in the State Farm Road, 46 feet below the Northeast corner of the Lula Minton house on said road, and runs straight toward the center of a forked locust tree on the bank of the branch about 30 feet to J. H. Councill and Frank M. Payne line; thence with Payne and Councill line abot 90 feet to a maple, corner to Payne and Councill; thence with the line of Councill and Payne and Dougherty heirs about 62 feet to a stake (locust) in State Farm Road; thence down said road about 90 feet to the BEGINNING.

TRACT TWO:

BEGINNING on an iron stake found in the northern line of the Wheeler property (DB 218, Page 531); said iron located N69-51-59E 27.78 feet from a leaning maple; thence with the Wheeler line S62-41-19E 59.19 feet; S62-41-19E 6.80 feet; S15-39-23E 99.00 feet to the center of NC Hwy. 105 (aka NCSR 1520); thence with the center of said road N03-59-23W 75.00 fee; N03-15-37E 68.98 feet; N10-29-37E 7.53 feet; thence with a division line as surveyed by Randy Rhodes S82-01-23W 28.68 feet to a 1/2 inch rebar at a power pole; S82-01-23W 81.26 feet to a 1/2 inch rebar on the south side of branch; S40-31-44W 153.01 feet to an iron stake on the eastern margin of Horn in the West Drive; thence with the line of a 0.314 acre tract N84-29-16E 123.38 feet to an iron stake, corner of Wheeler and Ward; thence with the Wheeler line N17-08-00W 88.56 feet to a leaning maple; N69-51-59E 27.78 feet to the point of BEGINNING, containing 0.248 acres inclusive of the existing right of way of NC Hwy. 105.

This being a portion of a 0.568 acre tract as described in deed recorded in Deed Book 293, Page 266 and a portion of a 1.277 acre tract as described in deed recorded in Deed Book 272, Page 396, Watauga County Public Registry.

Communication: PL00800-080917 Robert Brown, Application Information (Case PL00800-080917 Robert Brown General Use Zoning Map

Town Of Boone

Geographic Information Systems

Search | Results | Layers

Results List

Details

Show Tax Card (TaxCard.aspx?id=2910-

Parcel ID:	2910-27-5331-000
Tax District:	C02
Property Description:	HWY 105 EXT
Property Address:	
Tax Account:	1175587
Tax Name:	WHEELER, JACK
Tax Address:	C/O DIANE WHEELE
Tax Address 2:	156 OLD BUTLER RC
Tax City/St:	MOUNTAIN CITY, TN
Tax Zip:	37683-
Landuse:	
NBRH Code:	05C9
NBRH Desc:	HWY 105 EXTENSIO
Deed Book:	330
Deed Page:	755
Date Recorded:	6/8/1995
Instr Type:	DEED
Sale Price:	20000
Year Built:	0

Buffer

Communication: PL00800-080917 Robert Brown, Application Information (Case PL00800-080917 Robert Brown General Use Zoning Map

STAFF REPORT
PUBLIC HEARING
OCTOBER 23, 2017
CASE PL00800-080917 ROBERT BROWN GENERAL USE ZONING MAP AMENDMENT

Request

Attorney Tucker Deal has submitted a Planning Permit Application for a General Use Zoning Map Amendment on behalf of Robert Brown to rezone Watauga County PIN: 2910-27-5331-000 from R1 Single Family to B3 General Business.

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

Parcel Information

Address:	None, vacant parcel
Watauga County PINs:	2910-27-5531-000
Property Owner:	Robert Brown
Total Lot size:	Approximately .248 acre (10,803 square feet)
Jurisdiction:	Corporate limits
Access:	Hwy 105 Extension
Topography:	Steep slope (approximately 40%) that drops off of Horn in the West Drive to behind the buildings on Hwy 105 Extension (West to East, approximately 40 feet in elevation change within 100 feet)
SFHA:	No
Watershed District:	No
Corridor District:	Yes
NCD:	No
Viewshed:	No
Transit Route:	Orange Route (across Hwy 105 Extension)
Utilities:	Town water and sewer available
Current Zoning:	R1 Single Family, Corridor District
Proposed Zoning:	B3 General Business, Corridor District
2030 Plan Designations:	G3 Mixed Use Centers/Corridors
Current Uses:	Vacant

Zoning District Descriptions:

R1: The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

B3: The B3 General Business District is established to provide a wide range of consumer goods, convenience goods and personal services for the community and surrounding region. Appropriate residential uses are allowed in this district, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

Zoning & Use of Adjacent Properties		
Zoning		**Land Use**
North	B3 General Business	Medical Office; Office
East	B3 General Business	Commercial, Retail
South	R1 Single Family	Vacant, though the bottom portion contains parking 282 Hwy 105 Extension
West	R1 Single Family	Single-Family dwelling across Horn in the West Drive

Permissible Uses

UDO Article 15, Section 15.07 contains the Table of Principal Uses which should be read in conjunction with the definition of terms set forth in UDO Article 34.

15.07 Table of Principal Uses

Use #	Specific Use	Zoning Districts		Reference
		R1	B3	
1.0 Household Living				
1.01	Single-Family Dwelling	P		
1.02	Manufactured Home "Class A"			15.08
1.03	Manufactured Home "Class B"			15.08
1.04	Manufactured Home "Class C"			
1.05	Manufactured Home Park			15.09
1.06	Duplex (one duplex building per lot)			
1.07	Duplex (more than one duplex building per lot)			15.10
1.08	Townhouse (up to 30 bedrooms)			15.10
1.09	Townhouse (31-100 bedrooms)			15.10
1.10	Townhouse (> 100 bedrooms)			15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)			15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)			15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)			15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)		L	15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)		L^{T125}	15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)		L^{T125}	15.11
2.0 Group Living				
2.01	Family Care Home	L		15.13
2.02	Family Care Institutions			15.14
2.03	Halfway House, Category 1			15.14
2.04	Halfway House, Category 2			15.14
2.05	Nursing Care Home	L	L	15.14
2.06	Nursing Care Institution		L^{T125}	15.14
2.07	Skilled Nursing Facility		L^{T300}	15.14
2.08	Retirement Community, Category 1			15.15
2.09	Retirement Community, Category 2			15.15
2.13	Fraternity or Sorority Dwelling			15.16
2.14	Boarding House		L	15.17
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence	L		15.18
3.02	Shelter for Homeless, Category 1	S^{T50}	L^{T50}	15.19
3.03	Shelter for Homeless, Category 2		L^{T300}	15.19
3.04	Bed and Breakfast, Category 1			15.20
3.05	Bed and Breakfast, Category 2		L^{T125}	15.20

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

Use #	Specific Use	Zoning Districts		Reference
		R1	B3	
3.06	Vacation Rental		L[T75]	15.21
3.07	Motel		P[T300]	
3.08	Hotel		P[T200]	
4.0 Institutional Uses				
4.01	Airport/Landing Strip			15.22
4.02	Heliport			15.22
4.03	Funeral Home Establishment		P	
4.04	Cemetery	P	P	
4.05	Post Office		P	
4.06	Post Office, Distribution		P	
4.07	Animal Sanctuary			
5.0 Government Uses				
5.01	Government Cultural Facility		P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity		P	
5.04	Recreation Facility, Category 1	P	P	
5.05	Recreation Facility, Category 2	S	P	
5.06	Recreation Facility, Category 3		P[T50]	
5.07	Event Venue, Category 1		P	
5.08	Event Venue, Category 2		P	
5.09	Event Venue, Category 3		P[T50]	
5.10	Landfill			
5.11	Solid Waste Processing			
5.12	Police Substation	P	P	
5.13	Utility Facility, Town	L	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	L	15.23
5.15	Utility Facility, Government, Regional		L[T300]	15.23
5.16	Government Facility		P	
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.23
6.02	Utility Facility, Regional		L[T300]	15.23
7.0 Telecommunications				
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P	P	
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L	L	15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L	L	15.24
7.04	Building Mounted Antenna requiring additional accessory equipment		L	15.24
7.05	Antenna Collocation on Electrical Transmission Towers			15.24
7.06	Other Antenna		L	15.24
7.07	Wireless Support Structure which meets district height requirements	S	L	15.24
7.08	Stealth Wireless Facility which exceeds district height requirements	S	L	15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120’			15.24
7.10	Other Tower that exceeds 120’ in height			15.24
7.11	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P	P	

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

Use #	Specific Use	Zoning Districts		Reference
		R1	B3	
8.02	Religious Assembly, Category 2	P[T125]	P	
8.03	Religious Assembly, Category 3		P[T200]	
8.04	Club/Lodge, Category 1		P[T75]	
8.05	Club/Lodge Which Does Not Serve Alcohol		P	
9.0 Education				
9.01	Public Colleges and Universities			
9.02	Private Colleges and Universities			
9.03	Trade School			
9.04	High School			
9.05	Elementary School			
9.06	Boarding School			
10.0 Daycare				
10.01	Child Daycare, Large		L	15.25
10.02	Child Daycare Center		L	15.25
10.03	Adult Daycare, Large		L	15.25
10.04	Adult Daycare Center		L	15.25
10.05	All Other Daycare			
11.0 General Sales and Service				
11.01	Kennel		L[T125]	15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels		L[T125]	15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels		P	
11.04	Financial Institution ≤ 5,000 ft^2		P	
11.05	Financial Institution > 5,000 ft^2		P	
11.06	Restaurant ≤ 2,500 ft^2 open to the public during 10 pm – 6 am		P[T75]	
11.07	Other Restaurants ≤ 2,500 ft^2		P	
11.08	Restaurant > 2,500 ft^2 open to the public during 10 pm – 6 am		P[T200]	
11.09	Other Restaurants > 2,500 ft^2		P[T125]	
11.10	Bar			
11.11	ABC Store		P	
11.12	Personal Service Establishment open to the public during 10 pm – 6 am		P[T75]	
11.13	Other Personal Service Establishments		P	
11.14	Retail Store up to 5,000 ft^2		P[T200]	
11.15	Retail Store more than 5,000 but less than 25,000 ft^2		L[T300]	
11.16	Retail Store 25,000 ft^2 and greater		L[T300]	15.27
11.17	RESERVED			
11.18	Business or Professional Office open to the public during 10 pm–6 am		P[T75]	
11.19	Other Business or Professional Office		P	
11.20	Medical Office, Category 1		P[T300]	
11.21	Medical Office, Category 2		P[T125]	
11.22	Medical Office, Category 3		P[T125]	
11.23	Medical Office, Category 4		P	
11.24	Hospital			
11.25	Medical Emergency Response		P[T300]	
11.26	Open Air Market, Recurring		L[T75]	15.29
11.27	Vehicle Sales and Service		L[T75]	15.30
11.28	Equipment Sales and Service		L[T125]	15.31
11.29	Moped Sales and Service		P	
11.30	Boat or Marine Craft Sales and Service		L[T75]	15.32

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

Use #	Specific Use	Zoning Districts		Reference
		R1	B3	
11.31	Impound Lot/Towing Service		L[T125]	15.33
11.32	Gas Station		P[T125]	
11.33	Car Wash		P[T125]	
11.34	Seasonal Retail Activities and Amusements		P	
12.0 Recreation				
12.01	Indoor Shooting Range		L[T75]	15.34
12.02	Outdoor Shooting Range			
12.03	Indoor Theater		P	
12.04	Outdoor Theater		P[T125]	
12.05	Event Venue, Category 1		P	
12.06	Event Venue, Category 2		P[T125]	
12.07	Event Venue, Category 3		P[T200]	
12.08	Campground and Recreational Vehicle Park		L[T200]	15.35
12.09	Coliseum		S[T300]	
12.10	Recreation Facility, Category 1		P	
12.11	Recreation Facility, Category 2		P[T50]	
12.12	Recreation Facility, Category 3		P[T200]	
13.0 Agriculture				
13.01	Garden, Community	L	L	15.36
13.02	Garden, Residential	L	L	15.37
13.03	Agricultural Operation Excluding Livestock			
13.04	Agricultural Operation Including Livestock			
13.05	Swine Farm			
13.06	Confined Animal Feeding Operation (CAFO)			
13.07	Custom Slaughterhouse			
13.08	Other Slaughterhouse			
13.09	Forestry	L	L	15.38
14.0 Manufacturing				
14.01	Microbrewery		L[T125]	15.39
14.02	Brewpub		L[T125]	15.39
14.03	Brewery/Distillery		L[T125]	15.40
14.04	Brewery/Distillery, Other			15.41
14.05	Winery Associated with a Vineyard			15.42
14.06	Winery		L[T125]	15.42
14.07	Winery, Other			
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop		L[T200]	15.44
14.10	Manufacturing, Other			15.45
15.0 Parking				
15.01	Parking Lot		L	15.46
15.02	Parking Structure		L	15.47
15.03	Park and Ride Lots		L	15.46
16.0 Storage				
16.01	Mini-Storage		L[T78]	15.48
16.02	Outdoor Storage			15.49
16.03	Warehouse			
16.04	Fuel Storage Facility		P[T300]	
16.05	Chemical Storage Facility			

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

Use #	Specific Use	Zoning Districts R1	Zoning Districts B3	Reference
17.0 Transportation				
17.01	Passenger Terminals		P[T200]	
17.02	Trucking or freight terminal ≤ 10,000 ft^2		P[T125]	
17.03	Trucking or freight terminal > 10,000 ft^2			
18.0 Waste Related Uses				
18.01	Recycling Drop-off Station			15.49
18.02	Recycling and Salvage			15.49
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities which pose Particular Concerns about Public Health				
19.01	Electronic and Internet Gaming		S	15.50
19.02	Adult Establishments		S	15.51

15.07.01 Table of Accessory Uses

Use #	Accessory Uses	Zoning Districts R1	Zoning Districts B3	Reference
A-1	Secondary Suite	L	L	15.52
A-2	Home Occupation	L	L	15.53
A-3	Accessory Dwelling Unit		L	15.54
A-4	Drive-Through		L	15.55
A-5	Outdoor Display		L	15.56
A-6	Outdoor Storage		L	15.57
A-7	Outdoor Dining		L	15.58
A-8	Automated Teller Machine (ATM)		P	
A-9	Automated Teller Machine (ATM), Freestanding		L	15.59
A-10	Produce Stand			15.60
A-11	Poultry	L	L	15.61
A-12	Livestock, Small	L	L	15.62
A-13	Livestock, Large			15.63
A-14	Bees	L	L	15.64
A-15	Garden, Residential	L	L	15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	L	P	
A-17	Satellite receiving antennas less than 2 meters in diameter		P	
A-18	Satellite receiving antennas 2 meters and greater in diameter		S	
A-19	Helistop		S[T300]	
A-20	Swimming pools, spas, and hot tubs	L	L	15.66
A-21	Caretaker's residence		L	15.67
A-22	Vehicular Gate	L	L	15.68
A-23	Vehicle Washing Station		P	
A-24	Chemical Storage Facility		P[T125]	
A-25	Open Air Market, Accessory	L	L	15.29
A-26	Daycare, Small	P	P	

15.07.03 Table of Temporary Uses

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

Use #	Temporary Uses	Zoning Districts		Reference
		R1	B3	
T-1	Temporary Care Provider Dwelling		L	15.69
T-2	Temporary Construction or Repair Dwelling	L	L	15.69
T-3	Temporary Construction Trailer	L	L	15.69
T-4	Temporary Mobile Medical Unit		L	15.69
T-5	Temporary Classroom		L	15.69
T-6	Temporary Portable Storage Containers			15.69
T-7	Temporary Staging		L	15.69
T-8	Temporary Non-Fixed Site Event Venue		L	15.69
T-9	Carrier on Wheels (COW)	L	L	15.69
T-10	Yard Sales	L	L	15.69
T-11	Itinerant Merchant/Peddler	L	L	15.69
T-12	Open Air Market, Temporary		L	15.29

Intensity/Density Regulations:

Zoning District	Min. Gross Land Area	Min Lot Width	Min. Street Frontage	Min. Livability Space Ratio (LSR)	Setbacks	
					Street	Interior
R1	8,000 ft^2	70 ft.	56 ft.	.53	20 ft.	14 ft.
B3	5,000 ft^2	50 ft.	40 ft.	.27	20 ft.	17 ft.

Building Height

Zone	Height Limitation (Feet)
R1	3 stories
B3	3 stories /45' (primary) – 5 stories/67' (secondary)

Subsection UDO 16.08.03: In the R3, B2 and B3 districts the height limitation may range between the primary height limitation in the table to the secondary height (which is the maximum for the district), subject to the provision that for each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the structure shall increase by one foot. In no case shall the height of a structure exceed the secondary height limitation established in the table.

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area. The Primary Growth Area is that portion of the urban growth area where urban level of facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

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 cost effective, long term component of an economic development strategy.

D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

2.2 INFRASTRUCTURE

2.2.2 Utilities

A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.

B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.

E. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.

2.3 THE COMMUNITY

A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.

2.3.1 Community Appearance

C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

2.3.2 Community Character

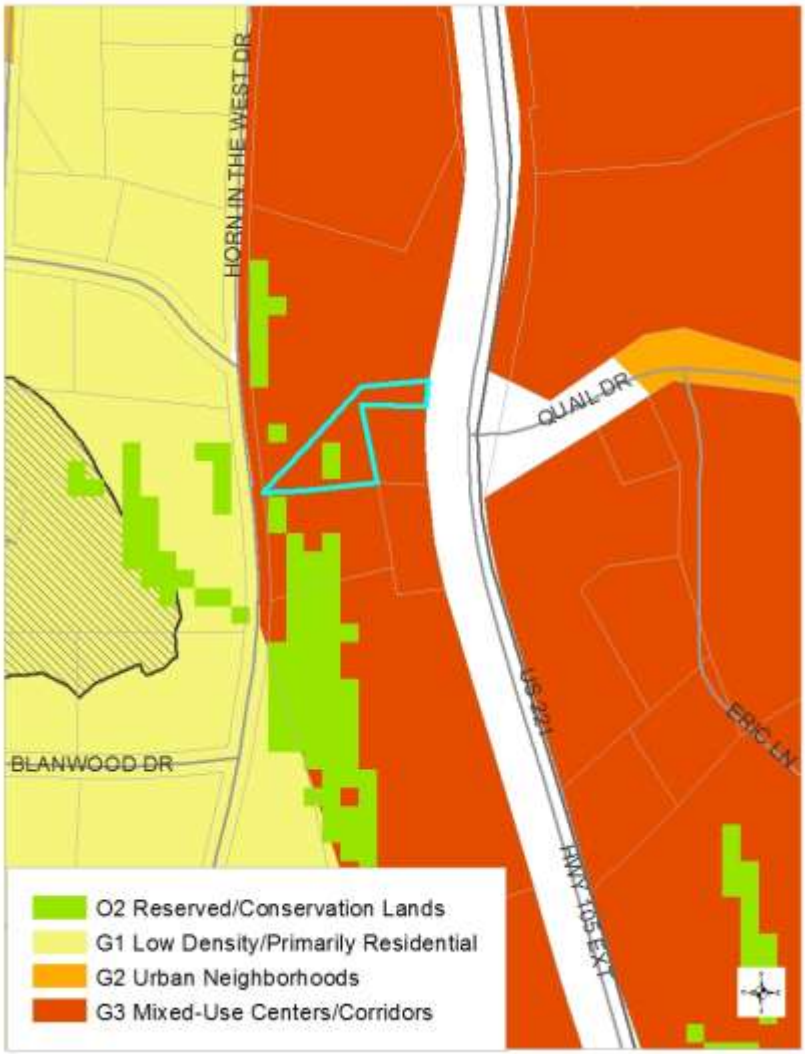
Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

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.

BOONE 2030 LAND USE PLAN

Framework Plan: The Framework Plan located in Article 4 of the Boone 2030 Land Use Plan is a land use policy map intended to provide guidance to Boone's leaders as they make decisions on where and how the community should grow. It provides the overall structure for orchestrating appropriate patterns of growth and environmental conservation throughout the community. As such, it provides the framework for and is the cornerstone of the Land Use Plan. The Framework Plan methodology divides land within the study area into six separate classifications or "sectors" (labeled as O-1 through G-4). These range from the most natural (Preserved Lands) to the most urbanized areas (Downtown/Mixed-Use), with each sector reflecting the appropriate balance between environmental conservation and development intensity for the area.

This property is located primarily within the G3 Sector.



Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

G3 Sector: Sector G-3, indicated in dark orange/red, is intended to apply along high-capacity regional thoroughfares at major transportation nodes, or along portions of highly-traveled corridors. G-3 land generally falls within areas for higher-intensity regional-serving development. Care should be taken to limit the length of G-3 corridor developments to avoid the creation of lengthy, undifferentiated linear strip development. Attention to local geography and environmental conditions can assist in this definition, with special attention given to areas in O-1 and O-2 sectors along water courses.

Appropriate Land Uses/Development Types: single-family and multifamily residential; neighborhood-serving commercial uses (retail and office); civic uses; traditional neighborhood developments; neighborhood centers; regional centers; industrial districts

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on October 9, 2017.

_____

Marlene Crosby, Administrative Support Specialist

Certification of Posting

I, Marty Little, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on October 9, 2017.

_____

Marty Little, Planner

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning map ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** for the following reasons:

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

ACTION TAKEN

First motion and vote: The proposed amendment to the Town's zoning map ☐**is** OR ☐**is not** consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: I move to ☐**approve** OR ☐**deny** the proposed amendment to the Town's zoning map and believe ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

Communication: PI00800-080917 Robert Brown, Staff Report (Case PL00800-080917 Robert Brown General Use Zoning Map Amendment)

Planning Application - UDO Text Amendment

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ◆ Boone, North Carolina 28607
Phone (828) 268-6960 ◆ Fax (828) 268-6961 ◆ www.townofboone.net

Official Use Only
Case Number: PL00982-092517
Case Name: Storage Uses, UDO Text Amendment

A. CONTACT INFORMATION

Applicant: Town of Boone Company:

Address: PO Drawer 192, Boone , NC 28607

Phone Number: 828-268-6200 Email Address: planning@townofboone.net

B. TEXT INFORMATION

Amendment is to:

Article(s): 15

Section(s): 15.07, 15.48, 15.36

Brief Description of Amendment (Attach Proposed Text):

In May 2017, Planning Staff received a request for evaluation of use for a facility using temporary storage containers as a principal use (request). Staff has reviewed the existing uses listed in Section 15.07 Table of Principal Uses (Use Category 16.0 Storage), and in UDO Subsection 15.07.01 Table of Accessory Uses (Temporary Portable Storage Containers) and determined that this type of use has not been explicitly permitted, prohibited or restricted by the UDO, therefore is considered an "unlisted use" which required evaluation in accordance with UDO Section 15.02 Unlisted Uses. Staff determined that this type of use changes the nature and location of storage outside of a principal building and may impact the transportation requirements that were customarily considered for Use 16.01 Mini-Storage. Therefore pursuant to UDO Section 15.02 Unlisted Uses, the Planning Director has initiated an UDO amendment because this particular use is likely to be common or recur frequently and the omission is likely to lead to public uncertainty and confusion.

C. APPLICANT SIGNATURE:

By signing this form you are certifying that this application and any attached information is accurate. Failure to provide accurate information or failure to provide any requested information may result in delays to permit processing.

Jane Shook, P&I Director	Jane Shook, P&I Director	September 25, 2017
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
09/25/2017	NA	NA	NA	NA

Hearing/Decision Information

Public Hearing Meeting Date: October 23, 2017

PC Meeting Date: October 23, 2017

TC Meeting Date: November 16, 2017

Text Approved: ❑ Yes ❑ No

Notes:

Communication: PL00982-092517 Storage Uses, Application Information (Case PL00982-092517 Storage Uses, UDO Text Amendment)

This Staff Report has been modified based upon direction given at the November 27, 2017 Public Hearing. Modifications have been highlighted in yellow.

STAFF REPORT
PUBLIC HEARING
OCTOBER 23, 2017
CASE PL00982-092517 STORAGE USES, UDO TEXT AMENDMENT

Request

In May 2017, Planning Staff received a request (attached) for evaluation of use for a facility using temporary storage containers as a principal use (request). Staff has reviewed the existing uses listed in Section 15.07 Table of Principal Uses (Use Category 16.0 Storage), and in UDO Subsection 15.07.01 Table of Accessory Uses (Temporary Portable Storage Containers) and determined that this type of use has not been explicitly permitted, prohibited or restricted by the UDO, therefore is considered an "unlisted use" which required evaluation in accordance with UDO Section 15.02 Unlisted Uses. Staff determined that this type of use changes the nature and location of storage outside of a principal building and may impact the transportation requirements that were customarily considered for Use 16.01 Mini-Storage. Therefore pursuant to UDO Section 15.02 Unlisted Uses, the Planning Director has initiated an UDO amendment because this particular use is likely to be common or recur frequently and the omission is likely to lead to public uncertainty and confusion.

Proposed Amendment

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration.

§ 15.48 ~~MINI-STORAGE.~~Self-Storage Facilities

15.48.01 Facilities can only be used for storage of materials and must not be used for assembly, fabrication, processing or repair.

15.48.02 Storage of hazardous, toxic, explosive substances, or any other substance requiring a 704 placard, is prohibited.

15.48.03 ~~Mini~~Self-storage units accessed by customers on site must be constructed with the compartment doors facing internally.

15.48.04 All ~~mini-~~warehouse compartment doors accessed by customers on site must open on an internal access driveway having a minimum paved width of twenty feet.

15.48.05 A 100% opaque fence with a minimum of height of six feet and a maximum height of eight feet shall be provided around the portion of the property used for the ~~mini-~~storage ~~development~~. Fences shall be constructed of wood, brick, stone or other similar materials, but also must be architecturally compatible with ~~the~~ any proposed structure.

15.48.06 If the ~~mini-warehouse~~ storage facility has a locked and keyed entrance, two staging spaces of at least 35 feet must be located outside of the public right-of-way.

15.48.07 The following activities shall be prohibited on the premises:

A. Commercial, wholesale or retail sales, flea markets, peddling, garage sales or other similar types of activities. However, the management of the self-storage mini-warehouse complex may conduct an auction or sale of abandoned or stored materials to settle unpaid storage bills consistent with North Carolina law.

B. Habitation of storage units by humans or animals.

Communication: PL00982-092517 Storage Uses, Staff Report (Case PL00982-092517 Storage Uses, UDO Text Amendment)

15.48.08 Outdoor storage ~~in a mini-storage development~~ of items other than storage containers shall not exceed 25% of the total land area and must be secured and screened in accordance with Section 15.57.

15.48.09 Storage facilities that use temporary portable storage containers may only leave the portable storage containers in parking and loading areas the length of time it takes to place them in the secured storage area, not to exceed twenty-four (24) hours. Temporary portable storage containers may not be used for on-site advertising.

15.48.10 Storage facilities that store temporary portable storage containers outside of a fully enclosed building may not stack the units unless the units are substantially screened by the required fence, and the fence together with existing mature landscape material or topography result in an opaque screen so that the stacked units are not visible to adjacent property owners or from a public way.

§ 15.69 TEMPORARY USES.

15.69.01 General regulations.

A. Unless otherwise provided here in, all listed temporary uses are required to obtain a permit in compliance with the regulations of this section.

B. Unless expressly permitted no sign may be erected in conjunction with a temporary use.

C. Only those improvements and modifications minimally necessary for the temporary use to function are permitted.

D. In the event the property owner fails to remove a temporary structure within the described time frames after the permit authorizing its use has been terminated, the town may remove the said temporary structure at the expense of the owner, and may seek to recover through collection efforts or a civil action against the owner, the costs of removal, court costs and attorney fees.

E. A sight triangle ten feet by 70 feet must be observed at all intersections of driveways or streets with adjacent streets.

F. Temporary uses shall not be subject to the requirements of Article 25 Community Appearance Standards unless provided in this section.

G. No required existing landscape buffer may be disturbed for any temporary use.

H. All temporary uses shall meet all applicable North Carolina building codes.

I. Unless otherwise provided herein, the land use intensity ratios of Section 16.01 shall apply.

J. Unless otherwise provided herein, landscaping is not required for temporary uses.

...

15.69.07 Temporary portable storage containers. Placement and use of ~~a~~ temporary portable storage container are~~(s) is~~ subject to the following ~~-~~conditions and limitations:

~~A. General standards for temporar~~ y portable storage containers.

Communication: PL00982-092517 Storage Uses, Staff Report (Case PL00982-092517 Storage Uses, UDO Text Amendment)

~~1. The temporary portable storage container(s) is only allowed on a vacant lot (those with no principal uses) in the OI Office Institutional and the M1 Light Industrial zoning districts.~~

~~a. Temporary portable storage container(s) located on a vacant lot must be related to an individual business entity.~~

~~2. The temporary portable storage container(s) shall be placed on the lot in such manner that it meets all required setbacks.~~

~~3. The location and placement of the temporary portable storage container(s) must be selected so as to minimize any negative effects on adjacent properties.~~

~~a. Temporary portable storage containers may not be placed against any pedestrian way.~~

~~4. The land use intensity ratios of Section 16.01 do not apply to a temporary portable storage container(s).~~

~~5. A temporary portable storage container(s) may not be placed within any public right-of-way.~~

~~6. Placement of all temporary portable storage container(s) must be approved by the Fire Marshall.~~

~~7. A temporary portable storage container(s) shall neither display any attached signage nor be used as signage for any business.~~

~~8. For a period not exceeding 30 days, a lot may have no more than 20 temporary portable storage containers per acre.~~

~~a. A short-term permit for a temporary portable storage container(s) shall be valid for no more than 30 days in any 12 month period.~~

~~b. The 30 day time frame for the temporary permit begins the day the first temporary portable storage container is placed on the lot after the permit is issued.~~

A. Use. Temporary portable storage containers:

1. Shall only be used for storage of goods and materials.

2. Storage of hazardous, toxic, or explosive substances, or any other substance requiring a 704 placard is prohibited.

3. Commercial, wholesale or retail sales, flea markets, peddling, garage sales or other similar types of activities is prohibited.

4. Habitation of storage units by humans or animals is prohibited.

5. Shall be placed only on the lot for which the temporary portable storage container is being used.

~~Temporary portable storage containers not associated with a principal use are allowed only in in the M1 Manufacturing District.~~

6. The following principal use categories which may use portable storage containers in the day-to-day operation of the business are exempt from the requirements set forth in

Communication: PL00982-092517 Storage Uses, Staff Report (Case PL00982-092517 Storage Uses, UDO Text Amendment)

Subsection 15.69.07: Use 14.0 Manufacturing, 16.0 Storage, Use 17.0 Transportation, and Use 18.08 Waste Related Uses.

7. Property zoned M1 Manufacturing is exempt from the requirements set forth in Subsection 15.69.07.

B. Number allowed.

1. Single-family and two-family dwellings units are limited to two (2) temporary portable containers at any given time.

2. Multi-family developments and mixed use developments with multi-family dwelling units are allowed at least two (2) temporary portable containers and can have more so long as the total number of temporary portable containers does not exceed 1 container for every 20 dwelling units.

3. Non-residential commercial developments are allowed at least two (2) temporary portable containers and can have more so long as the total number of temporary portable containers does not exceed 5% of the total vehicular surface area for the total development.

C. Duration of use.

1. Single-family and two-family dwelling units may utilize a temporary portable storage container for a period of fourteen (14) consecutive days, up to two (2) times per calendar year.

2. Each dwelling unit in multi-family and mixed-use developments may utilize a temporary portable storage container for a period of seven (7) consecutive days, up two (2) time per calendar year.

3. Non-residential commercial uses may utilize a temporary portable storage container for a period of sixty (60) consecutive days, up to two (2) times per calendar year.

4. In any district, a temporary portable storage container being used in connection with or to accommodate the repair, modification or construction of a structure or development may be utilized for the duration of a building permit on the same parcel.

5. The time, in all instances, shall run from the time of delivery of the container to the time of removal.

D. Placement. A temporary portable storage container:

1. Is subject to and shall be placed on a lot so as to comply with all interior setback requirements

2. Shall be placed so as to minimize negative impacts on adjacent property.

3. Shall not be placed on a street, sidewalk or trail or within any right-of-way.

4. Shall be placed within a vehicular surface area though it shall not be placed in any location that would interfere with vehicular or pedestrian circulation or cause reduced visibility at street intersections.

Communication: PL00982-092517 Storage Uses, Staff Report (Case PL00982-092517 Storage Uses, UDO Text Amendment)

5. Shall adhere to all applicable building and fire code regulations for the purpose of ensuring safe passage for fire protection, to and from structures, and access to utility shut-off valves.

6. Shall not be located in any required landscaped area.

7. May not be stacked on top of each other outside of the provider's storage facility.

E. Signage: A sign displaying the container provider contact information is required to be attached to the container. There are no limitations on the amount of signage that can be displayed on a container, however, signage is limited to provider information and cannot include advertisements for any other product or service.

F. Permitting:

1. A zoning permit is not required for use of a temporary portable storage container at a dwelling unit.

2. Non-residential commercial users are required to obtain a zoning permit for any utilization of a temporary portable storage unit for more than 14 consecutive days. A zoning permit is required for each separate time of utilization.

…

Communication: PL00982-092517 Storage Uses, Staff Report (Case PL00982-092517 Storage Uses, UDO Text Amendment)

15.07 TABLE OF PRINCIPAL USES.

Use #	*Specific Use*	*Zoning Districts*																	*Reference*
		Low Density Residential				*Medium to High Density Residential*				*Commercial/Industrial*					*Education*				
		RA	*R1*	*R1A*	*RR*	*R2*	*R4*	*MH*	*R3*	*OI*	*B1*	*B2*	*B3*	*M1*	*U1*	*E1*	*E2*	*E3*	
16.0	Storage																		
16.01	~~Mini-storage~~ Self-Storage Facilities	L[T125]											L[T75]	L[T75]					15.48
16.02	Outdoor storage													L[T75]					15.49
16.03	Warehouse													P[T75]					
16.04	Fuel storage facility												P[T300]	P[T300]					
16.05	Chemical storage facility																		

Communication: PL00982-092517 Storage Uses, Staff Report (Case PL00982-092517 Storage Uses, UDO

15.07.03 Table of temporary uses.

Use #	Temporary Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
T-1	Temporary care provider dwelling	L			L	L	L	L	L	L	L	L	L						15.69
T-2	Temporary construction or repair dwelling	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-3	Temporary construction trailer	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-4	Temporary mobile medical unit										L		L						15.69
T-5	Temporary classroom									L			L						15.69
T-6	Temporary portable storage containers	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-7	Temporary staging									L			L	L					15.69
T-8	Temporary non-fixed site event venue	L								L			L						15.69
T-9	Carrier on wheels (cow)	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-10	Yard sales	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-11	Itinerant merchant/peddler	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-12	Open air market, temporary	L								L	L	L	L	L					15.~~2~~69

Communication: PL00982-092517 Storage Uses, Staff Report (Case PL00982-092517 Storage Uses, UDO

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Communication: PL00982-092517 Storage Uses, Staff Report (Case PL00982-092517 Storage Uses, UDO Text Amendment)

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

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.

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** for the following reasons:

Communication: PL00982-092517 Storage Uses, Staff Report (Case PL00982-092517 Storage Uses, UDO Text Amendment)

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: I move to ☐**approve** OR ☐**deny** the proposed amendment to the Town's zoning ordinance and believe ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

Communication: PL00982-092517 Storage Uses, Staff Report (Case PL00982-092517 Storage Uses, UDO Text Amendment)

HAMPTON PROPERTY CO., LLC
And
CAREFREE PROPERTY COMPANY, LLC
1846 US HWY 421 S
BOONE, NC 28607
828-263-9076

To: Jane Shook
Town of Boone
Planning Department

RECEIVED
MAY 1 9 2017

From: Scott Porter
Member/Manager
Hampton Property Company, LLC

May 4, 2017

We own the 1.675 acre site at 1846 US Hwy 421 S in Boone. The parking area behind the main building is used for materials, trailer, equipment and vehicle storage for our business. Existing site improvements include a 14,000 sq. ft. office warehouse, and a small free-standing block office/storage building. There is a model home on the site which is being moved shortly.

We want to begin operations as a portable storage business; similar to the PODS operations you may be familiar with. We are investigating and have visited a MiBox dealership in Greensboro. (http://mobilecontainersales.com/) These types of business have portable storage containers of varying sizes which they keep on-site and which are moved to a customer's location when requested and then generally the unit is returned to the PODS business' site for temporary storage of the customer's possessions. The containers may or may not include the business logo and/or advertising. We want to store containers outside on our site and advertise them for rent. The area for storage would principally be behind the building on the vacant land area. In addition, we want to place some units next to our building in the area currently occupied by our model home and occasionally we would have units temporarily parked in front of the building, waiting to be moved to the storage area in back. We want to start with a few units (>21) and use the existing parking area. We would want to add some lighting and gates and fencing for security at this time, but do not anticipate any significant grading, modification or other improvements. As demand dictates we would add additional units and undertake the site improvements to the parking area described below.

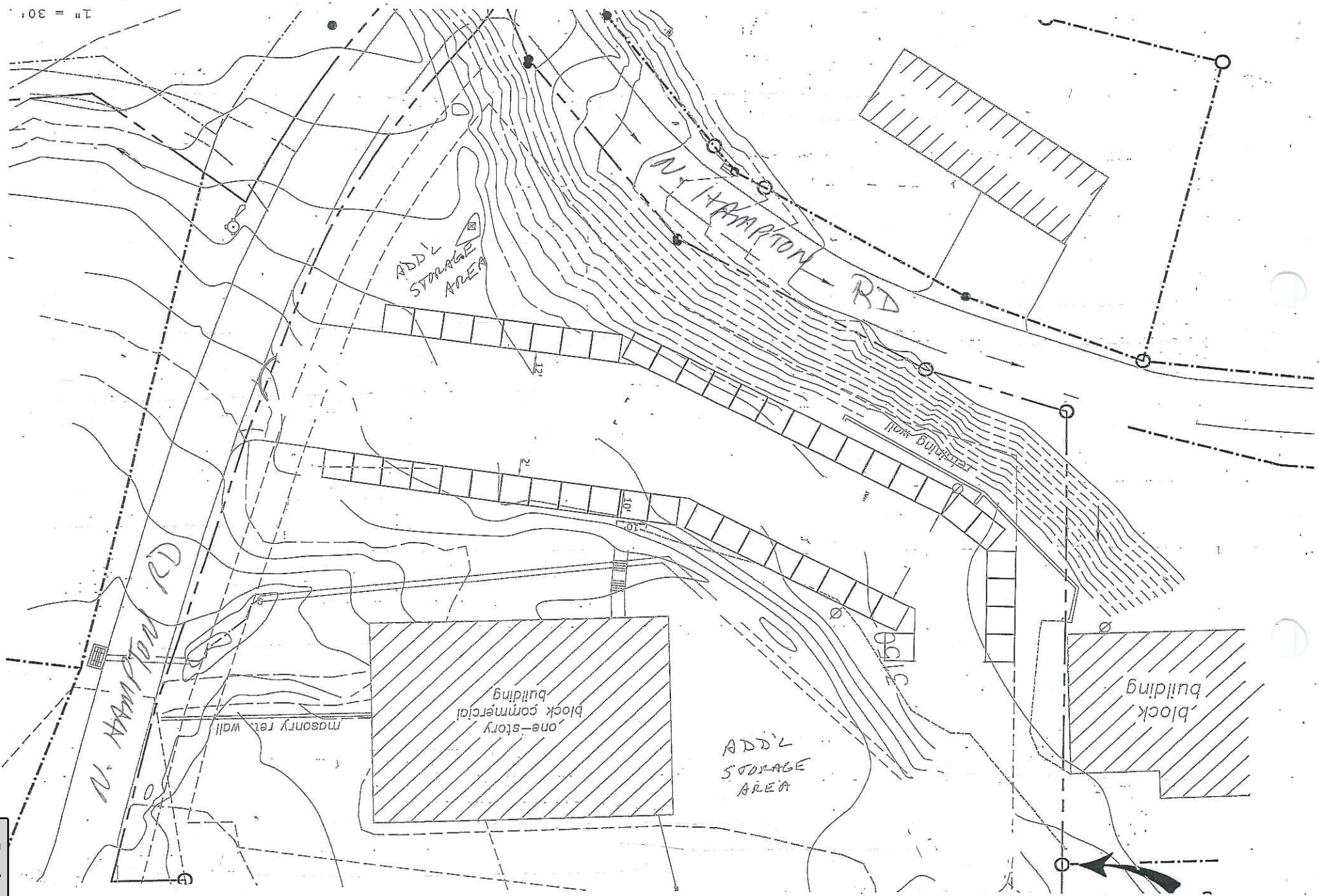
Once the business is established, we would perform site work consisting of: We would need to grade the area out and provide gravel for the containers to sit on and add some paving to the area the trucks would use. We may remove the existing small free-standing block building. In addition, The total cost of improvements should not exceed $100,000. The property just appraised for in excess of $1,000,000.

As we discussed, it doesn't appear that this type of business is specifically covered in the UDO. Please consider what type of permitting process we need to undertake to make this business a reality.

Respectfully yours,

S. Scott Porter
Manager

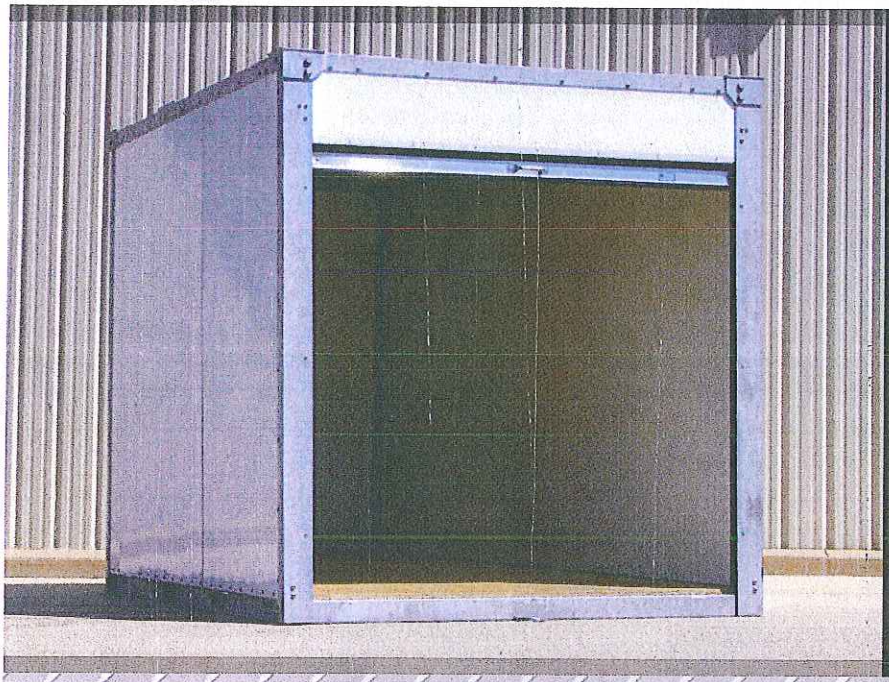
Communication: PL00982-092517 Storage Uses, Request for Use Evaluation (Case PL00982-092517 Storage Uses, UDO Text Amendment)


EXAMPLE PLAN
1" = 30'
ADD'L STORAGE AREA
N. HAMPTON RD
retaining wall
masonry retaining wall
one-story block commercial building
ADD'L STORAGE AREA
block building

NC648
NC539
NC618
NC517

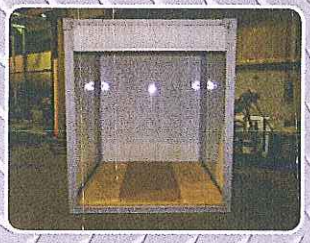
MOBILE CONTAINER SALES

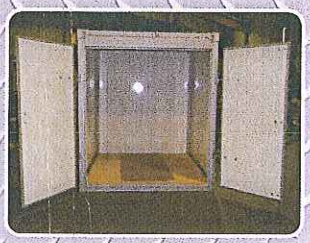
Portable Storage Manufacturer and Supplier

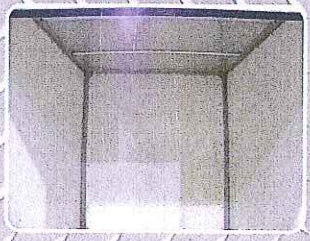


8 FT. MOBILE STORAGE VAULT

- 7'-2" wide X 8'-4" high X 7'-10" long
- Empty weight: 1,330 lbs.
- Full width forklift tubes 6" X 3" —30" OC
- Dura Plate wall panels
- 3/4" flooring over 20" center I beams
- Front and rear D-Rings (heavy duty)
- One piece seam sealed and riveted aluminum roof
- Stackable 3 high fully loaded
- Grade 8 fasteners
- Galvanized steel finish







- The longest lasting, most durable mobile storage container available.
- Many years of engineering, research and testing are incorporated into this container design.
- Versatile enough to be delivered with any type of delivery system and withstand any climate.
- Cost effective to ship anywhere and easy to assemble.
- Built to last a lifetime and strong enough to withstand mobile storage use.
- Build your business with quality containers that last.

SHIPPING:

30 Vaults shipped per flatbed truck – Modular flat-pack

8' Mobile Storage Vault with Roll-up Door
(any color) Additional shipping charges to be applied

OPTIONS	PRICING
• Galvanized Steel Finish	$3,275 (Min. order 5 units)
• Swing Doors	Add $350.00 per unit
• Customize With Your Company Logo	(2) 2' x 4' Decals add $220.00 per unit
• Wheel Inserts (all four)	Add $225.00 per unit

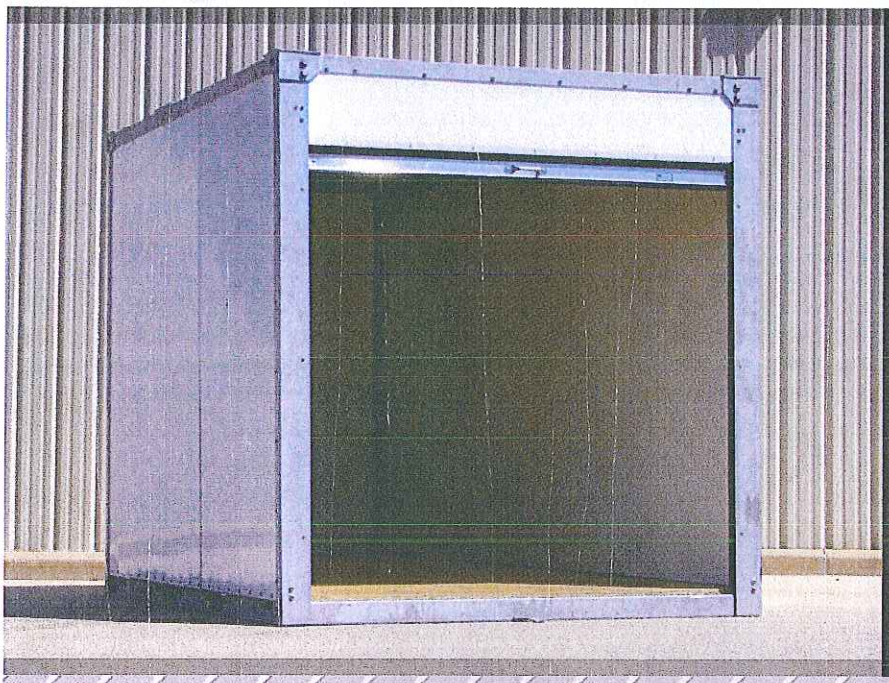
Buy them once—Use them for life!

CALL US TODAY! (708) 254.2516 / WEBSITE: MOBILECONTAINERSALES .COM / EMAIL: INFO@MOBILECONTAINERSALES.

Communication: PL00982-092517 Storage Uses, Request for Use Evaluation (Case PL00982-092517 Storage Uses, UDO Text Amendment)

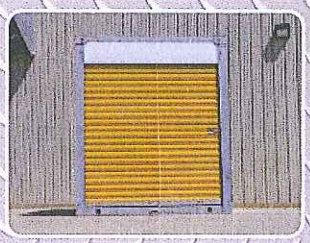
MOBILE CONTAINER SALES

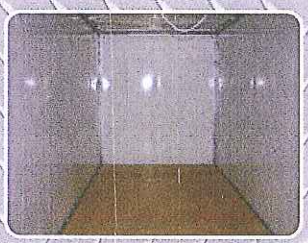
Portable Storage Manufacturer and Supplier



16' MOBILE STORAGE CONTAINER / 16HDXLG

- 7'-2" wide X 8'-4" high X 16' long
- Empty weight: 2,200 lbs.
- Full width forklift tubes 6" X 3" — 48" OC
- Integrated receivers for wheels
- Dura Plate wall panels
- 3/4" flooring over 20" center I beams
- Front and Rear D-Rings (heavy duty)
- One-piece seamed sealed & riveted aluminum roof
- Stackable 3 high fully loaded
- Galvanized steel finish





- The longest lasting, most durable mobile storage container available.
- Many years of engineering, research and testing are incorporated into this container design.
- Versatile enough to be delivered with any type of delivery system and withstand any climate.
- Cost effective to ship anywhere and easy to assemble.
- Built to last a lifetime and strong enough to withstand mobile storage use.
- Build your business with quality containers that last.

SHIPPING:

15 units shipped per flatbed truck – Modular flat-packs

Standard 16' Container With Roll Up Door (any color) *Additional shipping charges to be applied*

OPTIONS	PRICING
• Galvanized Steel Finish	$4,390 (Min. order 5 units)
• Swing Doors	Add $350.00 per unit
• Customize With Your Company Logo	(2) 4' x 8' Decals add $245.00 per unit
• Wheel Inserts (standard)	No extra charge

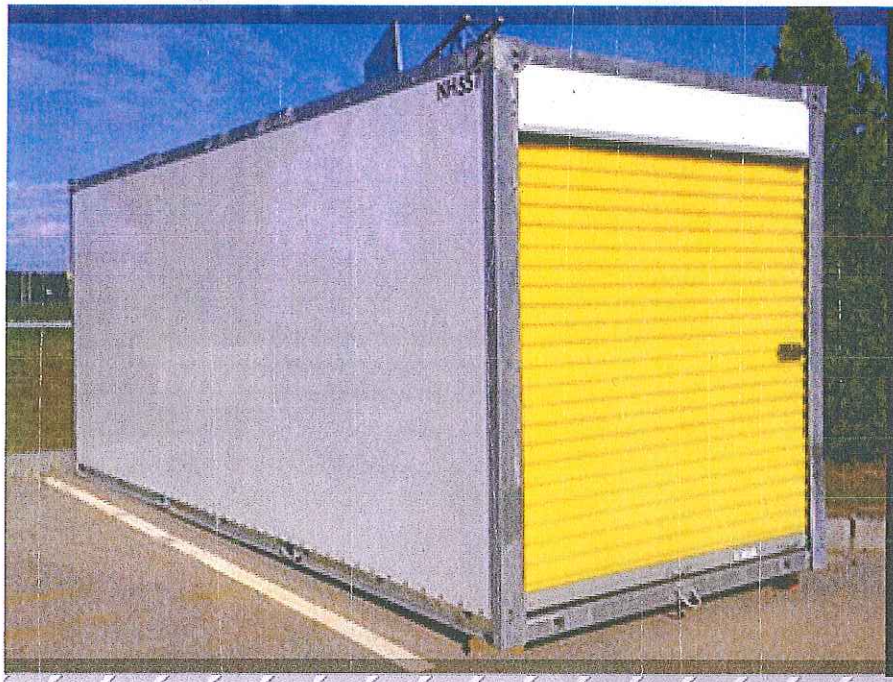
Buy them once—Use them for life!

CALL US TODAY! (708) 254.2516 / WEBSITE: MOBILECONTAINERSALES .COM / EMAIL: INFO@MOBILECONTAINERSALES

Communication: PL00982-092517 Storage Uses, Request for Use Evaluation (Case PL00982-092517 Storage Uses, UDO Text Amendment)

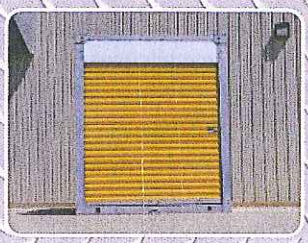
MOBILE CONTAINER SALES

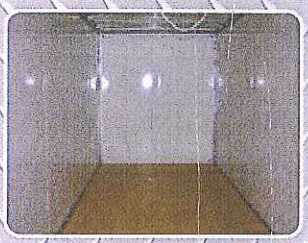
Portable Storage Manufacturer and Supplier

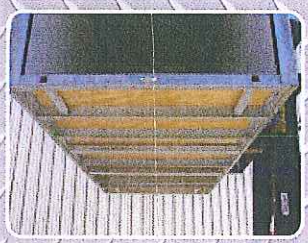


20' MOBILE STORAGE CONTAINER / 20HDXLG

- 7'-2" wide X 8'-4" high X 20' long
- Empty weight: 2,500 lbs.
- Full width forklift tubes 6" X 3" — 80" OC
- Integrated receivers for wheels
- Composite wall panels
- 3/4" flooring over 24" center I beams
- Front and Rear D-Rings (heavy duty)
- One-piece seamed sealed & riveted aluminum roof
- Stackable 3 high fully loaded







- The longest lasting, most durable mobile storage container available.
- Many years of engineering, research and testing are incorporated into this container design.
- Versatile enough to be delivered with any type of delivery system and withstand any climate.
- Cost effective to ship anywhere and easy to assemble.
- Built to last a lifetime and strong enough to withstand mobile storage use.
- Build your business with quality containers that last.

Buy them once—Use them for life!

SHIPPING:
10 units shipped per flatbed truck – Modular flat-packs

Standard 20' Container With Roll Up Door
(any color) *Additional shipping charges to be applied*

OPTIONS	PRICING
• Galvanized Steel Finish	$5,400 (Min. order 5 units)
• Swing Doors	Add $350.00 per unit
• Customize With Your Company Logo	(2) 4' x 8' Decals add $245.00 per unit
• Wheel Inserts (standard)	No extra charge

CALL US TODAY! (708) 254.2516 / WEBSITE: MOBILECONTAINERSALES .COM / EMAIL: INFO@MOBILECONTAINERSALES.

Communication: PL00982-092517 Storage Uses, Request for Use Evaluation (Case PL00982-092517 Storage Uses, UDO Text Amendment)

Planning Application - UDO Text Amendment

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ◆ Boone, North Carolina 28607
Phone (828) 268-6960 ◆ Fax (828) 268-6961 ◆ www.townofboone.net

Official Use Only
Case Number: PL00991-092617
Case Name: M1 Manufacturing Uses, UDO Text Amendment

A. CONTACT INFORMATION

Applicant: Town of Boone Company:

Address: PO Drawer 192, Boone , NC 28607

Phone Number: 828-268-6200 Email Address: planning@townofboone.net

B. TEXT INFORMATION

Amendment is to:

Article(s): 15

Section(s): 15.07, 15.69

Brief Description of Amendment (Attach Proposed Text):

At the September 2017 joint meeting with the Planning Commission and Town Council, Council authorized Staff and the Town Attorney to draft text which would allow additional compatible commercial uses within the M1 Manufacturing Zoning District.

C. APPLICANT SIGNATURE:

By signing this form you are certifying that this application and any attached information is accurate. Failure to provide accurate information or failure to provide any requested information may result in delays to permit processing.

Jane Shook, P&I Director	Jane Shook, P&I Director	September 26, 2017
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
09/26/2017	NA	NA	NA	NA

Hearing/Decision Information

Public Hearing Meeting Date: October 23, 2017

PC Meeting Date: October 23, 2017

TC Meeting Date: November 16, 2017

Text Approved: ❑ Yes ❑ No

Notes:

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Application Information (Case PL00991-092617 M1 Manufacturing Use

STAFF REPORT
PUBLIC HEARING
OCTOBER 23, 2017
CASE PL00981-092617 M1 MANUFACTURING ZONING DISTRICT USE EXPANSION, UDO TEXT AMENDMENT

Request

Discussion regarding "uses" allowed within the M1 Manufacturing zoning district has been a topic at the August and September 2017 joint meetings with the Planning Commission and Town Council. At the September 2017 meeting, Council authorized Staff and the Town Attorney to draft text which would allow additional flexibility to the "uses" allowed with the M1 zoning district by allowing "compatible" commercial uses. Council's instructions included the request for Staff to be cautious with the new "uses" in order to preserve the integrity of the zoning district for manufacturing/warehouse uses.

Recommended changes include modification to the description of the M1 Manufacturing Zoning District and consideration of the following twelve (12) uses:

1. Use 11.06-Restaurant ≤ 2,500 ft^2 open to the public during 10 p.m. - 6 a.m.
2. Use 11.07-Other restaurants ≤ 2,500 ft^2

   Restaurant Definition: An establishment which provides prepared food to patrons.

3. Use 11.11-ABC Store

   ABC Store Definition: A retail store licensed by the North Carolina Alcoholic Beverage Commission.

4. Use 11.12- Personal service establishment open to the public during 10 p.m. - 6 a.m.
5. Use 11.13- Other personal service establishments

   Personal Service Establishment Definition: A business that provides individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer that have been treated or processed at that location or another location. This includes travel agencies, dry-cleaners, laundries, tailors, hair stylists, cosmeticians, toning or tanning salons, photocopy centers, shoe repair shops, appliance repair shops, interior design studios, and dance and martial arts studios and other similar uses. This does not include gas stations.

6. Use 11.14-Retail store up to 5,000 ft^2

   Retail Store Definition: commercial establishment that provides goods, products, or materials directly to the consumer. This includes clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, bookstores, florists, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, or gas stations.

7. Use 11.18- Business or professional office open to the public during 10 p.m.-6 a.m.
8. Use 11.19- Other business or professional office

   Business or Professional Office Definition: An establishment where business is conducted that does not primarily involve the sale or transfer of goods by the business to the customer at the location. This includes, but is not limited to, general business offices, insurance offices, law offices and real estate sales or management offices.

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617 M1 Manufacturing Use Expansion,

9. Use 11.34 –Seasonal retail activities and amusements

Seasonal Retail Activities and Amusements Definition: Sales, services and associated attractions such as Christmas tree lots, pumpkin patches, corn mazes and similar holiday-specific commercial activities.

10. Use 12.05-Event Venue, Category 1

Event Venue Category 1 Definition: A facility for meetings and gatherings, such as reunions, weddings, conventions, anniversaries, and other similar ceremonies take place within fully enclosed buildings.

11. Use 12.10-Recreation facility, Category 1

Recreation facility, Category 1 Definition: A facility in which regularly scheduled recreation activities take place within completely enclosed buildings.

12. Use 17.01-Passenger terminals

Passenger terminal Definition: Operating passenger transportation systems using a bus or other motor vehicle, including scenic and sightseeing transportation using buses or other motor vehicles.

Proposed Amendment

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration.

§ 14.04 MANUFACTURING DISTRICT ESTABLISHED.

14.04.01 The M1 Manufacturing District is established primarily to accommodate appropriate~~,~~ light industrial and warehouse enterprises engaged in the assembly, fabrication, finishing, packaging, ~~or~~ warehousing or distribution of goods and materials, including the storage and processing of raw materials into other products, as well as and (related and/or compatible commercial uses. The intent in allowing related and/or compatible commercial uses is to promote flexible and creative use of the District while still serving the primary intent of accommodating light industrial, warehousing, and distribution uses.

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617 M1 Manufacturing Use Expansion,

15.07 TABLE OF PRINCIPAL USES.

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
1.0	**Household living**																		
1.01	Single-family dwelling	P	P	P	P	P	P												
1.02	Manufactured home "Class A"	L			L	L	L	L											15.08
1.03	Manufactured home "Class B"	L						L											15.08
1.04	Manufactured home "Class C"																		
1.05	Manufactured home park							L											15.09
1.06	Duplex (one duplex building per lot)	P				P	P		P										
1.07	Duplex (more than one duplex building per lot)								L										15.10
1.08	Townhouse (up to 30 bedrooms)						L[T50]		L[T50]										15.10
1.09	Townhouse (31-100 bedrooms)						L[T50]		L[T75]										15.10
1.10	Townhouse (> 100 bedrooms)						L[T75]		L[125]										15.10
1.11	Multi-family dwelling (up to 30 bedrooms)								L[T125]										15.10
1.12	Multi-family dwelling (31-100 bedrooms)								L[T200]										15.10
1.13	Multi-family dwelling (> 100 bedrooms)								L[T300]										15.10
1.14	Multi-family dwelling in mixed use (up to 30 bedrooms)										L	L[T75]	L						15.11
1.15	Multi-family dwelling in mixed use (31-100 bedrooms)										L[T125]		L[T125]						
1.16	Multi-family dwelling in mixed use (up to 30 bedrooms)										L[T125]		L[T200]						
2.0	**Group Living**																		
2.01	Family care home	L	L	L	L	L	L		L										15.13
2.02	Family care institutions									L[T125]									15.14

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
2.03	Halfway house, Category 1									L									15.14
2.04	Halfway house, Category 2									L^{T125}									15.14
2.05	Nursing care home	L	L	L		L	L		L	L			L						15.14
2.06	Nursing care institution									L^{T125}			L^{T125}						15.14
2.07	Skilled nursing facility									L^{T300}			L^{T300}						15.14
2.08	Retirement community, Category 1	L				L	L		L	L									15.15
2.09	Retirement community, Category 2								L^{T200}	L^{T125}									15.15
2.13	Fraternity or sorority dwelling								S^{T300}						P^{T300}				15.16
2.14	Boarding house								L				L						15.17
3.0	**Transient Living**																		
3.01	Home for survivors of domestic violence	L	L	L		L	L			L		L							15.18
3.02	Shelter for homeless, Category 1								L^{T50}	L^{T50}	L^{T50}		L^{T50}						15.19
3.03	Shelter for homeless, Category 2								L^{T300}	L^{T300}			L^{T300}						15.19
3.04	Bed and breakfast, Category 1	L	S^{T50}	S^{T50}		L^{T50}	L^{T50}				L	L							15.20
3.05	Bed and breakfast, Category 2					L	L^{T125}				L^{T125}		L^{T125}						15.20
3.06	Vacation rental	L^{T75}							L^{T75}		L^{T75}	L^{T75}	L^{T75}						15.21
3.07	Motel												P^{T300}						
3.08	Hotel										P^{T200}		P^{T200}						
4.0	**Institutional Uses**																		
4.01	Airport/landing strip	S^{T300}																	15.22
4.02	Heliport	S^{T300}																	15.22
4.03	Funeral home establishment									P	P	P	P						
4.04	Cemetery	P	P	P	P	P	P	P	P	P	P	P	P	P					
4.05	Post office									P	P	P	P	P					
4.06	Post office, distribution													P					

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
4.07	Animal sanctuary	S[T300]																	
5.0	**Government Uses**																		
5.01	Government cultural facility									P	P		P						
5.02	Government neighborhood cultural facility, indoor activity only	S	S	S	S	S	S		P	P	P	P	P						
5.03	Government neighborhood cultural facility, includes outdoor activity									P	P		P						
5.04	Recreation facility, Category 1	P							P	P	P	P	P						
5.05	Recreation facility, Category 2	P	P	P	P	P	P	P	P	P	P	P	P						
5.06	Recreation facility, Category 3	P[T50]	S	S	S	S	S	S	S	P[T50]	P[T50]	P[T50]	P[T50]						
5.07	Event venue, Category 1									P	P	P	P						
5.08	Event venue, Category 2									P	P	P	P						
5.09	Event venue, Category 3									P[T50]	P[T50]	P[T50]	P[T50]						
5.10	Landfill													S					
5.11	Solid waste processing													S					
5.12	Police substation	P	P	P	P	P	P	P	P	P	P	P	P	P					
5.13	Utility facility, town	L	L	L	L	L	L	L	L	L	L	L	L	L					15.23
5.14	Utility facility, government, neighborhood		L	L	L	L	L	L	L	L	L	L	L	L		L			
5.15	Utility facility, government, regional	L[T300]								L[T300]			L[T300]	L[T300]					15.23
5.16	Government facility	P							P	P	P	P	P	P					
6.0	**Non-government Utility Facility**																		
6.01	Utility facility, neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	L					15.23
6.02	Utility facility, regional	L[T300]								L[T300]			L[T300]	L[T300]					15.23
7.0	**Telecommunications**																		
7.01	Antenna collocation on existing wireless support structure not																		

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
	requiring additional accessory equipment	P	P	P	P	P	P	P	P	P	P	P	P	P					
7.02	Antenna collocation on existing wireless support structure requiring additional accessory equipment	L	L	L	L	L	L	L	L	L	L	L	L	L					15.24
7.03	Building mounted antenna not requiring additional accessory equipment	L	L	L	L	L	L	L	L	L	L	L	L	L					15.24
7.04	Building mounted antenna requiring additional accessory equipment	L								L	L	L	L	L					15.24
7.05	Antenna collocation on electrical transmission towers								L										15.24
7.06	Other antenna	L								L	L	L	L	L					15.24
7.07	Wireless support structure which meets district height requirements	S	S	S		S	S		L	L	L	L	L	L					15.24
7.08	Stealth wireless facility which exceeds district height requirements	L	S	S		S	S		S	L	L	L	L	L					15.24
7.09	Wireless support structure which does not meet district height requirements up to and including 120'	S								S				S					15.24
7.10	Other tower that exceeds 120' in height																		15.24
7.11	Emergency response communication antenna	P	P	P	P	P	P	P	P	P	P	P	P	P					
8.0	**Assembly**																		
8.01	Religious assembly, Category 1	P	P	P	P	P	P	P	P	P	P	P	P						
8.02	Religious assembly, Category 2	P^{T125}	P^{T125}	P^{T125}	P^{T125}	P^{T125}	P^{T125}	P^{T125}	P^{T125}	P^{T75}	P		P						
8.03	Religious assembly, Category 3	P^{T200}									P^{T200}		P^{T200}						
8.04	Club/lodge, Category 1										P^{T75}		P^{T75}						
8.05	Club/lodge which does not serve																		

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
	alcohol	P									P		P						
9.0	**Education**																		
9.01	Public colleges and universities														P T200	P T200	P T200		
9.02	Private colleges and universities															P T200	P T200		
9.03	Trade school																	P T200	
9.04	High school																	P T200	
9.05	Elementary school																	P T200	
9.06	Boarding school																		
10.0	**Daycare**																		
10.01	Child daycare, large	L					L		L			L	L						15.25
10.02	Child daycare center									L			L						15.25
10.03	Adult daycare, large	L					L		L			L	L						15.25
10.04	Adult daycare center									L			L						15.25
10.05	All other daycare									CD									
11.0	**General Sales and Service**																		
11.01	Kennel	L T125											L T125						15.26
11.02	Veterinary office/hospital with outdoor kennels	L T125								L T125			L T125						15.26
11.03	Veterinary office/hospital without outdoor kennels	P								P	P	P	P						
11.04	Financial institution ≤ 5,000 ft²									P	P	P	P						
11.05	Financial institution > 5,000 ft²									P	P		P						
11.06	Restaurant ≤ 2,500 ft² open to the public during 10 p.m. - 6 a.m.									P T75	P T75	P T75	P T75	P T75					
11.07	Other restaurants ≤ 2,500 ft²									P	P	P	P	P					
11.08	Restaurant > 2,500 ft² open to the public during 10 p.m. - 6 a.m.									P T200	P T125		P T200						

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
11.09	Other restaurants > 2,500 ft^2									P^{T125}	P^{T75}		P^{T125}						
11.10	Bar																		
11.11	ABC store										P		P	P					
11.12	Personal service establishment open to the public during 10 p.m. - 6 a.m.									P^{T75}	P^{T50}		P^{T75}	P					
11.13	Other personal service establishments									P	P	P	P	P					
11.14	Retail store up to 5,000 ft^2									P	P	P	P	P					
11.15	Retail store more than 5,000 but less than 25,000 ft^2										P^{T125}	P^{T200}	P^{T200}						
11.16	Retail store 25,000 ft^2 and greater												L^{T300}						15.27
11.17	RESERVED																		
11.18	Business or professional office open to the public during 10 p.m.-6 a.m.									P^{T75}	P^{T50}		P^{T75}	P^{T75}					
11.19	Other business or professional office									P	P	P	P	P					
11.20	Medical office, Category 1									P^{T300}	P^{T300}		P^{T300}						
11.21	Medical office, Category 2									P^{T125}	P^{T125}		P^{T125}						
11.22	Medical office, Category 3									P^{T125}			P^{T125}						
11.23	Medical office, Category 4									P	P	P	P						
11.24	Hospital									P^{T300}									
11.25	Medical emergency response									P^{T300}	P^{T300}		P^{T300}						
11.26	Open air market, recurring	L^{T75}								L^{T50}			L^{T75}						15.29
11.27	Vehicle sales and service											L^{T125}	L^{T75}						15.30
11.28	Equipment sales and service												L^{T125}	L^{T125}					15.31
11.29	Moped sales and service										P	P	P						
11.30	Boat or marine craft sales and service												L^{T75}	L^{T75}					15.32
11.31	Impound lot/towing service												L^{T125}	L^{T125}					15.33

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
11.32	Gas station	P[T125]										P[T125]	P[T125]	P[T125]					
11.33	Car wash											P[T125]	P[T125]	P[T125]					
11.34	Seasonal retail activities and amusements	P								P	P	P	P	P					
12.0	**Recreation and Entertainment Uses**																		
12.01	Indoor shooting range	L[T75]											L[T75]						15.34
12.02	Outdoor shooting range																		
12.03	Indoor theater										P		P						
12.04	Outdoor theater	P[T200]									P[T125]		P[T125]						
12.05	Event venue, Category 1										P	P[T75]	P	P					
12.06	Event venue, Category 2										P[T50]	P[T125]	P[T125]						
12.07	Event venue, Category 3										P[T200]		P[T200]						
12.08	Campground and recreational vehicle park	L[T200]											L[T200]						15.35
12.09	Coliseum												S[T300]						
12.10	Recreation facility, Category 1	P[T125]								P	P	P	P	P					
12.11	Recreation facility, Category 2	P[T125]								P [T50]			P [T50]						
12.12	Recreation facility, Category 3	P[T200]											P[T200]						
12.13	Racetrack																		
13.0	**Agriculture**																		
13.01	Garden, community	L	L	L	L	L	L	L	L	L	L	L	L						15.36
13.02	Garden, residential	L	L	L	L	L	L	L	L	L	L	L	L						15.37
13.03	Agricultural operation excluding livestock	P																	
13.04	Agricultural operation including livestock	P																	
13.05	Swine farm																		

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
13.06	Confined animal feeding operation (CAFO)																		
13.07	Custom slaughterhouse	P																	
13.08	Other slaughterhouse																		
13.09	Forestry	L	L	L	L	L	L	L	L	L	L	L	L	L					15.38
14.0	**Manufacturing**																		
14.01	Microbrewery										L^{T75}		L^{T125}	L^{T125}					15.39
14.02	Brewpub										L^{T75}		L^{T125}	L^{T125}					15.39
14.03	Brewery/distillery												L^{T125}	L^{T125}					15.40
14.04	Brewery/distillery, other																		15.41
14.05	Winery associated with a vineyard	L^{T125}												L^{T125}					15.42
14.06	Winery												L^{T125}	L^{T125}					15.42
14.07	Winery, other																		
14.08	Extraction of earth materials																		
14.09	Machine/welding shop												L^{T200}	L^{T200}					15.44
14.10	Manufacturing, other													L^{T300}					15.45
15.0	**Parking**																		
15.01	Parking lot								L^{T125}	L	L		L						15.46
15.02	Parking structure									L	L		L	L					15.47
15.03	Park and ride lots	L								L			L	L					15.46
16.0	**Storage**																		
16.01	Mini-storage	L^{T125}											L^{T75}	L^{T75}					15.48
16.02	Outdoor storage													L^{T75}					15.49
16.03	Warehouse													P^{T75}					
16.04	Fuel storage facility												P^{T300}	P^{T300}					
16.05	Chemical storage facility																		

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
17.0	**Transportation**																		
17.01	Passenger terminals												P^{T200}	P					
17.02	Trucking or freight terminal □□ 10,000 ft²												P^{T125}	P^{T125}					
17.03	Trucking or freight terminal > 10,000 ft²													P^{T300}					
18.0	**Waste Related Uses**																		
18.01	Recycling drop-off station	L^{T300}												L^{T200}					15.49
18.02	Recycling and salvage													L^{T300}					15.49
18.03	Junkyard																		
18.04	Private landfill																		
19.0	**Particular activities which pose particular concerns about public health**																		
19.01	Electronic and internet gaming												S						15.50
19.02	Adult establishments												S						15.51

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

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Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617 M1 Manufacturing Use Expansion,

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

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.

2.1.2 Commercial Development

Narrative Page 23: *Encourage a diversity of mixed uses in large scale commercial developments.*

The separation of land and building uses into single purpose office parks, shopping centers, light industrial parks, etc. contributes to unnecessary automobile traffic between uses. This can be no more evident than during the typical lunch hour when workers in isolated employment complexes must get into their cars to get to a restaurant or do mid-day shopping errands. As a result, many communities (including Boone) now have three rush hours during a typical day, instead of two-morning, evening and mid-day. Small assembly operations, offices, retail shops, personal services, restaurants, post offices, and other uses should therefore be encouraged to be located in mixed use developments whenever possible.

2.1.3 Industrial Development

A. The Town shall encourage a public service and regulatory environment conducive to light industrial development, provided that long term environmental quality considerations shall not be compromised.1.

B. Industrial development shall be located on land which is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land shall be encouraged.

C. Industrial development shall not be located in areas which would diminish the desirability of existing and planned non-industrial uses, nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites.

D. Heavy industrial uses shall not be permitted within the zoning jurisdiction of the Town of Boone.

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617 M1 Manufacturing Use Expansion,

E. Light industrial uses may be located in or near existing built up areas to take advantage of available services and to minimize home to work distances. Careful design and or buffering may be required to ensure compatibility with surrounding areas.

F. Warehousing, storage and distribution facilities shall have a direct access to appropriate thoroughfares, and shall be visually buffered according to their location.

G. New industrial developments shall be encouraged to locate in planned industrial parks.

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: The Planning Commission recommends ☐**approval** OR ☐**denial** for the following reasons:

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: I move to ☐**approve** OR ☐**deny** the proposed amendment to the Town's zoning ordinance and believe ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

Communication: PL00991-092617 M1 Manufacturing Use Expansion, Staff Report (Case PL00991-092617 M1 Manufacturing Use Expansion,

Planning Application - UDO Text Amendment

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ◆ Boone, North Carolina 28607
Phone (828) 268-6960 ◆ Fax (828) 268-6961 ◆ www.townofboone.net

Official Use Only
Case Number: PL01019-092917
Case Name: Temp. Use 9.01, UDO Text Amendment

A. CONTACT INFORMATION

Applicant: Town of Boone Company:

Address: PO Drawer 192, Boone , NC 28607

Phone Number: 828-268-6200 Email Address: planning@townofboone.net

B. TEXT INFORMATION

Amendment is to:

Article(s): 15

Section(s): 15.07, 15.69

Brief Description of Amendment (Attach Proposed Text):

At the September 2017 joint meeting with the Planning Commission and Town Council, Council authorized Staff and the Town Attorney to draft text which would allow Use 9.01 Public Colleges and Universities as a temporary use in the M1 Manufacturing, B3 General Business and O/I Office Institutional zoning districts. Appalachian State University has expressed a need for what is referred to as "swing space" -- temporary space to house University functions that must be temporarily re-located due to remodeling or construction and cannot be accommodated on campus due to space constraints. The University also experiences the need for temporary space when University faculty receive time limited grants for programs that cannot be accommodated on campus due to limited space.

C. APPLICANT SIGNATURE:

By signing this form you are certifying that this application and any attached information is accurate. Failure to provide accurate information or failure to provide any requested information may result in delays to permit processing.

Jane Shook, P&I Director	Jane Shook, P&I Director	September 29, 2017
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
09/29/2017	NA	NA	NA	NA

Hearing/Decision Information

Public Hearing Meeting Date: October 23, 2017

PC Meeting Date: October 23, 2017

TC Meeting Date: November 16, 2017

Text Approved: ❑ Yes ❑ No

Notes:

Communication: PL01019-092917 Temporary Use 9.01, Application Information (Case PL01019-092917 Use 9.01 Temporary College and

This Staff Report has been modified based upon direction given at the November 27, 2017 Public Hearing. Modifications have been highlighted in yellow.

STAFF REPORT
PUBLIC HEARING
OCTOBER 23, 2017
CASE PL001019-092917 TEMPORARY USE 9.01 PUBLIC COLLEGES AND UNIVERSITY USE, UDO TEXT AMENDMENT

Request

At the September 2017 joint meeting with the Planning Commission and Town Council, Council authorized Staff and the Town Attorney to draft text which would allow Use 9.01 Public Colleges and Universities as a temporary use in the M1 Manufacturing, B3 General Business and O/I Office Institutional zoning districts. Appalachian State University has expressed a need for what is referred to as "swing space" -- temporary space to house University functions that must be temporarily re-located due to remodeling or construction and cannot be accommodated on campus due to space constraints. The University also experiences the need for temporary space when University faculty receive time-limited grants for programs that cannot be accommodated on campus due to limited space.

Proposed Amendment

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration.

§ 15.69 TEMPORARY USES.

15.69.01 General regulations.

A. Unless otherwise provided here in, all listed temporary uses are required to obtain a permit in compliance with the regulations of this section.

B. Unless expressly permitted no sign may be erected in conjunction with a temporary use.

C. Only those improvements and modifications minimally necessary for the temporary use to function are permitted.

D. In the event the property owner fails to remove a temporary structure within the described time frames after the permit authorizing its use has been terminated, the town may remove the said temporary structure at the expense of the owner, and may seek to recover through collection efforts or a civil action against the owner, the costs of removal, court costs and attorney fees.

E. A sight triangle ten feet by 70 feet must be observed at all intersections of driveways or streets with adjacent streets.

F. Temporary uses shall not be subject to the requirements of Article 25 Community Appearance Standards unless provided in this section.

G. No required existing landscape buffer may be disturbed for any temporary use.

H. All temporary uses shall meet all applicable North Carolina building codes.

I. Unless otherwise provided herein, the land use intensity ratios of Section 16.01 shall apply.

J. Unless otherwise provided herein, landscaping is not required for temporary uses.

…

Communication: PL01019-092917 Temporary Use 9.01, Staff Report (Case PL01019-092917 Use 9.01 Temporary College and University Use,

15.69.14 Temporary Use 9.01 Public Colleges and Universities – Leased "Swing" space

A. Use 9.01 Public Colleges and Universities may be allowed within the O/I, B3, and M1 zoning districts on a temporary basis subject to the following regulations:

1. The particular activity for which a temporary permit is sought must be compatible with other uses allowed within the base zoning district (O/I, B3, M1) and must meet all requirements of the UDO; *provided* that in no event are residential uses allowed.

2. The applicant must demonstrate sufficient parking and/or transit to serve the planned use. Without limiting the generality of the foregoing, academic classes shall only be approved if the applicant can demonstrate that sufficient parking or transit is provided to the site to accommodate the number of students using the facility.

3. The temporary activity must be conducted pursuant to a lease between the applicant and a private property owner. The lease term may not exceed the duration of the temporary use permit.

4. Signage is allowed subject to the zoning district requirements of UDO Article 26.

5. The applicant must submit documentation clearly demonstrating that it has in place a plan to provide permanent space for the use within the time allotted for the temporary use permit. *Provided, however*, that this provision will not apply in the event that (i) the use at issue is of its nature time-limited (for example, in the case of a time-limited grant creating a temporary facility need) or (ii) the need for space for the use arises as the result of a force majeure event, such as a fire or flood.

6. The permit shall be valid for three (3) [or four (4) or five (5)] years from the date of issuance. Upon a showing of unanticipated and extraordinary circumstances delaying plans to permanently accommodate the temporary use, the permit may be extended one (1) time for an additional three (3) [or two (2)] years provided the applicant requests the extension within 90 days prior to the expiration of the permit.

7. The applicant is permitted to lease the same property for a different temporary use subsequent to the termination of a temporary use permit for another use.

Communication: PL01019-092917 Temporary Use 9.01, Staff Report (Case PL01019-092917 Use 9.01 Temporary College and University Use,

15.07.03 Table of temporary uses.

Use #	Temporary Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
T-1	Temporary care provider dwelling	L			L	L	L	L	L	L	L	L	L						15.69
T-2	Temporary construction or repair dwelling	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-3	Temporary construction trailer	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-4	Temporary mobile medical unit										L		L						15.69
T-5	Temporary classroom									L			L						15.69
T-6	Temporary portable storage containers	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-7	Temporary staging									L			L	L					15.69
T-8	Temporary non-fixed site event venue	L								L			L						15.69
T-9	Carrier on wheels (cow)	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-10	Yard sales	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-11	Itinerant merchant/peddler	L	L	L	L	L	L	L	L	L	L	L	L	L					15.69
T-12	Open air market, temporary	L								L	L	L	L	L					15.~~2~~69
T-13	Temporary Use 9.01 Public Colleges and Universities									L			L	L					15.69

Communication: PL01019-092917 Temporary Use 9.01, Staff Report (Case PL01019-092917 Use 9.01

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

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I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.

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