

**PLANNING COMMISSION MEETING MINUTES
MONDAY, DECEMBER 18, 2017, 5:30 P.M.**

PLANNING COMMISSION MEMBERS IN ATTENDANCE: Chairman Connor Boyle, Vice Chairman Matt Vincent, Becky Gosky, and Alan Lee

PLANNING STAFF IN ATTENDANCE: Jane Shook-Director of Planning and Inspections, Marty Little-Planner, and Brenda Henson-Board Secretary

CALL TO ORDER

Chairman Boyle called the meeting to order at 5:32 p.m.

APPROVAL OF MINUTES

Vice Chairman Vincent made a motion, seconded by Commission Member Gosky, to approve the June 26, 2017 meeting minutes as written.

Vote: Aye – All
Nay – None

The motion passed.

CASE PL00800-080917 ROBERT BROWN - GENERAL USE ZONING MAP AMENDMENT

Attorney Tucker Deal 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 R-1 Single Family to B-3 General Business.

Ms. Shook stated that, since the public hearing in November, the applicant has submitted a request to split zone the property and suggested that the public hearing be reopened in order to hear the request from the applicant.

Chairman Boyle made a motion to reopen the public hearing for this case at 5:34 p.m. The motion was seconded by Vice Chairman Vincent.

Vote: Aye – All
Nay – None

The motion passed.

Mr. Deal explained that the property owner met with the surveyor and, in an effort to address the concerns of the neighbors, developed a revised plan for zoning the property (copy of plat presented to Commission members for review). The revised request would leave the back portion of the property zoned R-1, which would offer a measure of protection for the neighborhood, and the portion of the property that fronts Hwy. 105 Ext. would be zoned B-3. Mr. Deal stated the zoning would split at the bank with the slope remaining in the R1 zone. This proposal would split the tract into a 0.126 acre area of B-3 zoned property and a 0.070 area of R-1 zoned property.

Chairman Boyle closed the public hearing at 5:37 p.m.

Chairman Boyle felt the proposed revision was a workable and a decent compromise and seemed to address the concerns expressed during the public hearing. Chairman Boyle asked if Commission members had reviewed the public hearing minutes and saw the concerns of the residents and they all agreed they had read the minutes. Chairman Boyle felt that leaving the slope in the R1 zone was a good idea because development on that slope would be difficult.

FIRST MOTION AND VOTE

Commission Member Lee made a motion, seconded by Commission Member Gosky, that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because the revised map amendment, based on the boundary survey dated October 30, 2017 [showing property in question, split zoned R1 Single-Family & B-3 General Business] is consistent with Comprehensive Plan policy 1.2 Growth Strategy Map, this property is located in a 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.

Vote: Aye – All
Nay – None

The motion passed.

SECOND MOTION AND VOTE

Commission Member Lee made a motion, seconded by Vice Chairman Vincent, that the Planning Commission recommends approval of the map amendment for the following reasons: the amendment as revised is consistent with the best use of the Boone 2030 Plan.

Vote: Aye – All
Nay – None

The motion passed.

CASE PL00982-092517 STORAGE USES - UDO TEXT AMENDMENT

In May 2017, Planning Staff received a request for evaluation of use for a facility using temporary storage containers as a principal use. Staff 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 and is therefore 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 initiated a 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.

Ms. Shook referred to pages 30 and 31, Section A of the meeting packet noting, as a result of the public hearing, proposed language changes highlighted in yellow. Ms. Shook noted there was concern that M1 properties would be penalized under these regulations. The revised language in #6 would exempt M1 zoned property. Ms. Shook explained that a zoning permit would be required for a commercial use and the original recommendation was that a zoning permit be required for each separate time of utilization. This permit would be for the Fire Department to review but after conversation with the Fire Department

they have indicated the applicant would only need a one-time permit with any modifications requiring a new permit. Ms. Shook stated this would create the need to modify page 32, F. 2. Chairman Boyle felt it would be appropriate to delete the last sentence of F. 2.

Chairman Boyle wished to clarify that the proposed text had two parts; one part explains regulations for storage unit businesses and one part explains regulations for temporary portable storage units. Ms. Shook explained that the mini-storage language was changed to self-storage in order to encompass different types of storage uses and with the allowance of the new temporary storage uses, regulations for the off-site containers had to be developed.

Chairman Boyle expressed concern with the time limit for placement of containers for residential property as described on page 31, C. 1. He felt some situations, such as floods or fires, might create the need for more than 14 days for use of a container. Chairman Boyle stated he also realized that as a neighbor you probably would not want someone to park a storage container in their yard for a lengthy amount of time.

Ms. Shook stated that construction trailers were allowed under a separate permit whenever there was an active construction permit in place. This trailer can be used as a construction office space or for storage during construction. These trailers would have to be an actual construction trailer and not a shipping container.

Commission Member Lee agreed that 14 days might be too short in some instances.

Chairman Boyle asked if the intent of the 14 day time period was so the container did not sit there and become an eyesore in the neighborhood. Ms. Shook stated that was correct.

Commission Member Gosky asked if the 14 day time period was recommended by staff. Ms. Shook replied that, based upon research, timeframe's vary widely nationwide and staff recommended the most conservative time period and the most protective for the particular uses. Ms. Shook explained that the 14 day timeframe was focused mainly on people who might be utilizing a POD for moving purposes. Commission Member Gosky stated she tended to agree with staff's recommendation.

Commission Member Boyle suggested allowing one 14 day renewal for single family uses as long as a building permit is issued to that address. Vice Chairman Vincent felt it might be too easy for someone to manipulate this requirement and obtain a permit just so they could maintain the container for a longer period of time. Chairman Boyle hoped that people would not be that devious. When asked her opinion, Ms. Shook stated it was very difficult to write a regulation that did not have loop holes because you can never foresee all possibilities. She felt the impacts of the length of time a POD would be allowed on-site needed to be weighed, taking into consideration things like projects under construction that could have the need for a longer timeframe. Vice Chairman Vincent stated he guessed they could try extending the timeframe with a building permit. Ms. Shook asked if this would apply to all uses or just single family/two family. Chairman Boyle replied it would only apply to single family/two family.

FIRST MOTION AND VOTE

Chairman Boyle made a motion, seconded by Vice Chairman Vincent, 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 helps ensure the livability of neighborhoods which is consistent with Comprehensive Plan policy 1.1 Overall Objectives.

Vote: Aye – All
Nay – None

The motion passed.

SECOND MOTION AND VOTE

Chairman Boyle made a motion, seconded by Vice Chairman Vincent, that the Planning Commission recommends approval of the text amendment because it provides for the livability of the neighborhoods while accommodating those in temporary need.

Vote: Aye – All
Nay – None

The motion passed.

AMEND SECOND MOTION AND VOTE

Chairman Boyle wished to amend his second motion to add the following changes:

- Page 31, C. 1. – Single-family and two-family dwelling units may utilize a temporary portable storage container for a period of fourteen (14) consecutive days with one (1) fourteen (14) day renewal period provided a building permit has been issued at the address the container is located, up to two (2) times per calendar year.
- Changes made by staff to Pages 31 and 32, A. 5., 6., 7.
- Page 32, F. 2. – Delete the last sentence that states a zoning permit is required for each separate time of utilization.

The amended motion was seconded by Commission Member Lee.

Vote: Aye – All
Nay – None

The motion passed.

CASE PL00991-092617 M1 MANUFACTURING USE EXPANSION - UDO TEXT AMENDMENT

In September 2017, 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.

Ms. Shook noted that no changes had been made to this request since the public hearing and provided a brief recap of the request. She stated there were some members of the public who wished to make comments.

Chairman Boyle asked if any of the people wishing to speak had any new information to add. No new information was to be added so the public hearing was not reopened for this case. Vice Chairman Vincent asked if anyone spoke against the request and Chairman Boyle stated all speakers were in favor of the text amendment.

Chairman Boyle noted that university uses were not included in this text. Ms. Shook replied that the university use was addressed in the Temporary Use text amendment that would be considered next on the agenda.

Chairman Boyle thought that Town Council seemed supportive of the text amendment but noted there was discussion at the public hearing that the list of uses needed to be less inclusive and also discussion that the list needed to be more open. Chairman Boyle felt all of the proposed uses were fine and should possibly include more. Chairman Boyle noted that safety and noise concerns were expressed at the public hearing.

Ms. Shook added there was also concern that allowing other uses in an M1 could potentially occupy a vacancy that a manufacturing use would need should they be interested in located in town.

FIRST MOTION AND VOTE

Chairman Boyle made a motion, seconded by Vice Chairman Vincent, 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 will encourage a public service and regulatory environment conducive to business recruitment and expansion in line with Comprehensive Plan policy 2.1.1 Economic Development.

Vote: Aye – All
Nay – None

The motion passed.

SECOND MOTION AND VOTE

Chairman Boyle made a motion, seconded by Vice Chairman Vincent, that the Planning Commission recommends approval because the text will allow for better use of existing facilities within the town limits.

Vote: Aye – All
Nay – None

The motion passed.

CASE PL01019-092917 USE 9.01 TEMPORARY COLLEGE AND UNIVERSITY USE - UDO TEXT AMENDMENT

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.

Ms. Shook provided a brief review of the request and noted that the staff report for this case has been modified as a result of the public hearing and directed Commission members to page 63, A. 5. And 6. of the packet with proposed changes highlighted in yellow. She stated there were members of the audience who wished to speak.

Commission Member Lee made a motion to reopen the public hearing for this case at 6:18 p.m. The motion was seconded by Commission Member Gosky.

Vote: Aye – All

Nay – None
The motion passed.

Robert Holton of Holton Mountain Rentals felt there should be a longer period of time allowed for the university to lease space in order to amortize the costs of upfitting the space. He suggested a time period of at least 5 years but more would be better.

Joseph Miller, who owns Cheap Joe's Art Stuff in the Industrial Park, agreed with Mr. Holton. He also expressed concern with the ability to recoup expenses during a shorter lease period. Mr. Miller suggested having no lease time limit. He noted discussion during the public hearing about keeping property on the tax rolls and not having ASU pull properties off. Mr. Miller felt if this text was limited to a 4 or 5 year term and the university needed a 20 year term it would, in essence, cause ASU to go elsewhere and acquire another property that would be taken off the tax rolls. He stated he had served 3 terms on the Economic Development Committee and during that time there have not been a flood of businesses wanting to come to Boone that did not come here because they could not find a place to go. They did not come here because we did not have the infrastructure to support them. Mr. Miller felt private business owners did not want time limits on leases.

Vice Chairman Vincent asked Mr. Miller what time period he felt would be reasonable for a university leased space. Mr. Miller suggested a 20 year lease limit that could be a 5 year lease with up to 3 renewals.

Dayton Cole, ASU attorney, stated he had one new development. He explained that ASU had acquired the old High School property from Watauga County in an exchange agreement for the Business Affairs Annex property on State Farm Rd. The facility houses their main warehouse and offices for payroll, accounting, purchasing, etc. Mr. Cole stated they have leased the property back from the County through October, 2018. Since the public hearing, the County has approached them and would like to terminate their lease on the State Farm building early so they can move forward with development plans for the recreation center for the community and the favorable consideration of this text amendment would directly promote public health and welfare. In order for the university to terminate their lease on the State Farm Road building they would need another place to go, making the need for this text amendment all the more urgent.

Chairman Boyle asked for some examples of situations in the past where the university has had to move something into a B-3 district.

Mr. Holton provided an example of a retail building across from McDonald's that was looked at to move a program into when they were tearing down the Broyhill Inn. Mr. Cole added the examples of the Community Music School and various office functions where space had been needed.

Commission Member Lee made a motion to close the public hearing at 6:28 p.m. The motion was seconded by Chairman Boyle.

Vote: Aye – All
Nay – None

Vice Chairman Vincent asked who proposed the 4 or 5 year timeframes. Ms. Shook replied that, based on some leasing issues the university faced, ASU proposed the 4 or 5 year timeframes. Vice Chairman Vincent asked if there were any negatives to the proposed timeframes. Ms. Shook stated there was some

concern regarding university uses in business districts that might cause other businesses not to be able to locate there and some concern over the university's growth into the town. Chairman Boyle stated that was a concern of his as well.

Commission Member Lee suggested that permits for leased "swing space" be valid for 5 years with a one-time extension of up to 3 years, or longer if possible.

Commission Member Gosky stated she would like to see the time period be 10 years.

Chairman Boyle noted that the "swing space" would be allowed in the O/I, B3, and M1 under the proposed text. He stated he was not in favor of this being allowed in all three of these districts. Chairman Boyle suggested these temporary uses only be allowed in the O/I and M1 districts.

FIRST MOTION AND VOTE

Vice Chairman Vincent made a motion, seconded by Commission Member Lee, 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 the revised text amendment is consistent with Comprehensive Plan policy 1.1 University, emphasize cooperative planning among the Town, County, and University and recommends that the initial lease period be allowed for a time period of five (5) years with a three (3) year renewal.

Vote: Aye – 3 (Vincent, Lee, Gosky)
Nay – 1 (Boyle)

The motion passed.

Chairman Boyle wished to go on record that he voted against this text amendment because he did not feel this should extend to the B-3 zoning districts.

SECOND MOTION AND VOTE

Vice Chairman Vincent made a motion, seconded by Commission Member Lee, that the Planning Commission recommends approval of the text amendment for the following reasons: the amendment as revised is consistent with Comprehensive Plan policy 1.1 University, emphasize cooperative planning among the Town, County, and University and recommends that Council consider allowing a longer renewal period of up to 5 years.

Vote: Aye – 3 (Vincent, Lee, Gosky)
Nay – 1 (Boyle)

The motion passed.

OTHER MATTERS

Ms. Shook noted that Phil Trew with the High Country Council of Governments has completed the Comprehensive Plan and Boone 2030 Plan merger. Staff is in the process of sending the draft out to the smaller boards and department heads for their input. Planning Commission members will get a copy of the draft to begin working on in January, 2018.

ADJOURNMENT

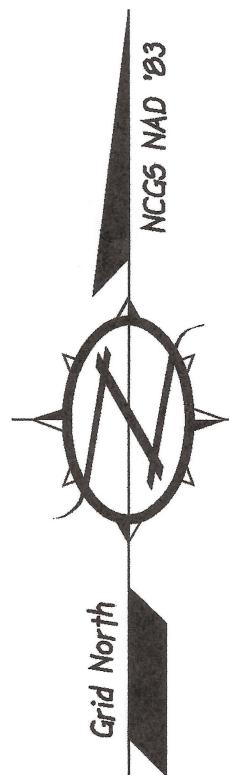
Vice Chairman Vincent made a motion, seconded by Commission Member Gosky, to adjourn the meeting at 6:43 p.m.

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

Connor Boyle, Planning Commission Chairman

Brenda Henson, Board Secretary

DRAFT



Horn In the West Drive

The Placentra 240 Office Corp.
BoR 1268 Pg 345

Beginning
Existing 1" Pipe
N: 907.322.00
E: 1,212.527.58

Juanita Miller Norris
BoR 1659 Pg 433
Parcel One

Juanita Miller Norris
BoR 1659 Pg 433
Parcel Two

Juanita Miller Norris
BoR 1659 Pg 433
Parcel Two

Tie
N16°10'30"W
89.96'

0.070
Acres

0.126
Acres

Tract 1

Tract 2

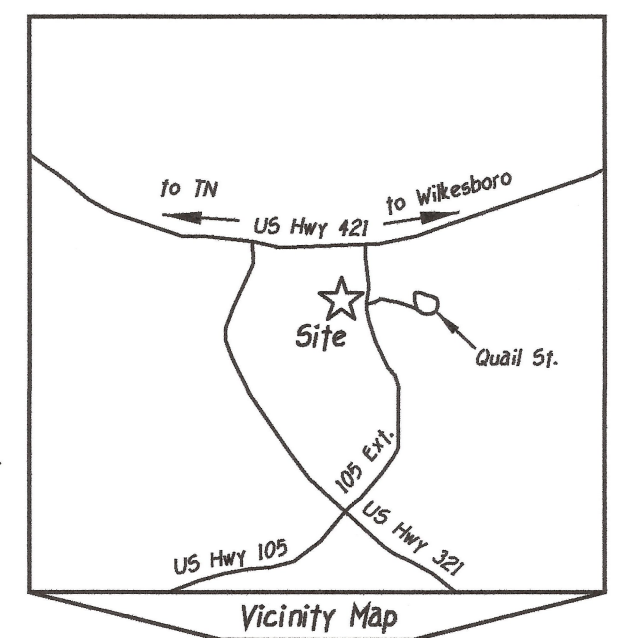
NC Hwy 105 Ext.

Y7-Rev

Quail Street

Notes:

1. This is a Boundary Survey of the lands conveyed to Robert D. Brown by deed recorded in Book of Records 1919 Page 852 of the Watauga County Public Registry.
2. Bearings are relative to NCGS NAD '83 by OPUS Processed Static GPS (See surveyors certificate.)
3. All distances are grid distances (combined factor 0.99986183).
4. Areas calculated by Coordinate Geometry.
5. For Hwy 105 Ext. Right of Way See NCDOT project number 0.1750802 ID No. U-2202.
6. Plat has been revised on December 5th, 2017 to add new proposed zoning line on Tract 2.



Legend

- Existing Iron Pins (as denoted)
- 5/8" Rebar Set
- NCDOT R/W Points (No monuments found)
- Sewer Manhole
- Water Meter
- Boundary Line
- Adjacent Property
- Right of Way
- Tie Line
- Overhead Electric
- Sewer Line

Boundary with NCDOT R/W
From Point "A" to Point "C"

- Point "A"
508°15'45"W 11.19'
- Point "B"
500°08'05"E 41.17'
- Point "C"
500°08'05"E 59.19'
- Point "D"

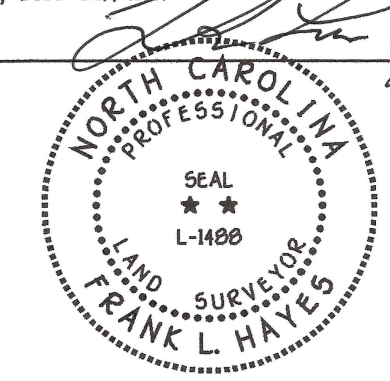
Surveyor's Certificate

The State Plane Coordinates (SPC) for this project were produced with Static GPS observations and processed with Online Positioning User Service (OPUS). The network positional accuracy of the OPUS derived positional information is 0.0017 feet. Combined Factor is 0.99986183.

The following CORS were used by OPUS:
DM3991 NCNE NEWLAND 2007 CORS ARP
DL2082 NCWJ WEST JEFFERSON CORS ARP
DF4365 ASUB ASU-BOONE CORS ARP

Horizontal positions are referenced to NAD83/NSRS (2007)

I, Frank Lee Hayes, certify that this plat was drawn under my supervision from an actual survey made under my supervision, that the ratio of precision as calculated is 1:10,000, that the boundaries not surveyed are clearly indicated with their source, that this is a survey of an existing parcel or parcels of land and does not create a new street or change an existing street, and that this map was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number, and seal on this 6th day of December, 2017.



Areas:

Tract One - 0.129 Acres
Tract Two - 0.196 Acres
Total = 0.325 Acres

State of North Carolina County of Watauga

I, _____, Review Officer of Watauga County, certify that the map or plat to which this certification is affixed meets all statutory

Date _____ Review Officer _____

Boundary Survey for
Bob Brown

Town of Boone - New River Township
Watauga County - North Carolina

October 3, 2017
Revised: December 5, 2017

Scale is 1"=30' (1:360)

