Quarterly Public Hearing
SPRING May
12, 2005
Meeting Minutes

Town Council in attendance:	Mayor Burnley, Graydon Eggers, Loretta Clawson and Dempsey Wilcox
Planning Commission in attendance:	Mary Ruth McRae-Chairperson, Charlie Walker, Stephen Phillips, Pat Vines, Matthew Robinson, G. Perry "Skip" Greene and Gregory Reck
Staff in attendance:	David Graham-Development Coordinator and Brenda Henson-Board Secretary
Other:	Greg Young-Town Manager

Mayor Burnley welcomed everyone to the Spring Quarter Public Hearing. She called the meeting to order at 7:00 p.m. and invited David Graham to present the first case.

CASE NO. RZ2005-7 Perkinsville Baptist Church has filed a general use district map amendment request for three tracts located on Highway 194. The request is to reclassify the property from R-1, Single Family Residential to B-3, General Business. The properties are further identified as Watauga County PINs 2911-50-4180-000, 2911-50-4269-000 and 2910-59-7823-000. David Graham presented the staff report and stated that a valid protest petition had been received from property owners near the vacant tract to the north. Mr. Graham recommended that the board consider this rezoning request in two separate votes, one for the tract to the north and one for the two remaining tracts. He then invited any questions.

Chairperson McRae asked if O/I, Office/Institutional, or Conditional Use B-3 had been considered by the applicant. She expressed concern with General Business zoning for the property due to its proximity with Hardin Park School.

Council Member Eggers asked what safeguards the UDO contains that would ensure appropriate development for the area if a B-3 zoning were granted. Mr. Graham explained that the property is located in a corridor overlay district and that all new development or substantial improvements must meet all UDO requirements.

Council Member Clawson stated she was hesitant to change residentially zoned property to business.

Mayor Burnley reminded board members that it is not permissible to discuss future development plans at the time of a rezoning request.

Mayor Burnley then invited public comment.

Ronnie Marsh, a representative of Perkinsville Baptist Church, explained that the current R-1 zoning is the most restrictive of any classification and would allow only minimal expansion on three acres of property. B-3, General Business was chosen because it would allow the most expansion. He stated that it was not the intent of the church to sell the property and that any development would meet all UDO requirements.

Council Member Eggers stated that, when considering a B-3 zoning request, the highest possible intensity must be kept in mind and suggested that a Conditional Use B-3 classification might be better suited for this property.

Council Member Wilcox wished to clarify that, under a Conditional Use B-3, if the property is sold, the zoning will revert to R-1.

Rob Holton, an adjacent property owner, stated he had no objections to the requested rezoning.

Peter Villanova, a resident of 233 Perkins Street and one of the property owners who signed the

protest petition, stated he disliked the possibilities that a B-3, General Business zoning classification will allow. Mr. Villanova said he does not disapprove of the church expanding but that he fears commercial exploitation if the property were ever sold. He stated he has no qualms with an O/I or Conditional Use B-3 classification.

With no further comments, Mayor Burnley moved to the next case.

CASE NO. RZ2005-8 Dean Critcher has filed a general use district map amendment request for portions of two lots located off George Wilson Road. The request is to reclassify a .97 acre portion of Lots 1 and 2 in the Ponderosa Estates subdivision from R-1, Single Family Residential to B-3, General Business. The properties are further identified as Watauga County PINs 1991-90-2708-000 and 1991-90-1808-000. Mr. Graham presented the staff report and stated that a valid protest petition had been received. He invited any questions.

Commissioner Vines questioned who would have jurisdiction when parcels are located partially in the ETJ and partially in the county. Mr. Graham stated that wherever the largest amount of the property falls would determine the jurisdiction.

Mayor Burnley opened the hearing for public comment.

Dean Critcher, applicant, further explained the request and presented photographs to each board member showing numerous businesses located on George Wilson Road. Mr. Critcher stated that the adjoining commercial property generates excessive noise that greatly affects his residential property.

Dewey Tester, a resident of 420 George Wilson Road, spoke against the requested rezoning stating it would cause increased noise and traffic in an already busy neighborhood. Mr. Tester stated there were several residents in attendance who were also opposed to the request.

Jeannie Harmon, a resident of 405 George Wilson Road, spoke against the request. Ms. Harmon voiced concern about increased traffic and the uncertainties of Ponderosa Estates, a subdivision located in the county's jurisdiction that joins the property in question.

Mary Presnell, a resident of 251 George Wilson Road, also expressed concern about the increased traffic that a business could bring to the neighborhood.

Mayor Burnley closed the hearing for public comment and invited Mr. Graham to present the next case.

CASE NO. RZ2005-9 Catacorner Investments has filed a general use district map amendment request for a portion of property located on Highway 105. The request is to reclassify .36 acres of
a 3.6 acre tract from R-1, Single Family Residential, to B-3, General Business. The property is further identified as Watauga County PIN 2910-13-7852-000. Mr. Graham presented the staff report and stated that a protest petition had been received; however it was determined by staff and the town attorney to be invalid due to the lack of signatures of the owners of twenty percent (20%) or more of the land area contained in the lots within one hundred (100) feet of either side or the rear of the area of the proposed change. Mr. Graham explained that a grading permit was issued for this property in 1996 and land disturbing activity had been ongoing since that time.

The hearing was then opened for public comment.

Jeff Collins, co-owner of Catacorner Investments and the property in question, addressed the boards stating that Catacorner Investments purchased this property from Helen Yount approximately one year ago and inherited the grading permit along with the purchase. Mr. Collins presented each board member with site maps and explained that the property adjoining the R-1 property in the rear would remain residentially zoned. The request is to rezone only a portion to B-3 in order to allow commercial development along Highway 105 to meet setback requirements. Mr. Collins stated that there had been several parties interested in purchasing the property, one of whom was a hotel owner.

Commissioner Phillips questioned access onto the property from Wintergreen Lane. Mr. Collins

replied that access to the commercial portion of the property would be from Highway 105.

Lynn White, a resident of 170 Wintergreen Lane and property owner who signed the protest petition, presented each board member with a handout containing her reasons of opposition to this rezoning request. Ms. White outlined four reasons of protest to include: 1) changing one of Boone's oldest historic neighborhoods, 2) possible access to commercial property from Wintergreen Lane, 3) possible clear-cutting and grading of remaining residentially zoned parcel and 4) possible commercial uses allowed in a B-3 zoning district.

Bob Schlagal spoke on behalf of Susan Owen, a resident of Wintergreen Lane, who was unable to attend the meeting. Mr. Schlagal read a letter from Ms. Owen in opposition to the proposed zoning change. Additionally, Mr. Schlagal expressed concern with visual, air and noise pollution caused by commercial development.

Mr. Collins felt that development of this property would not have a negative aesthetic impact.

With no further comments, Mayor Burnley moved to the last case.

CASE RZ2005-10 The Boone Community Appearance Commission has proposed an ordinance creating commercial development appearance standards applicable to new commercial, multi-family, institutional, and industrial uses. Mr. Graham presented the staff report and introduced Nan Chase, Chairperson of the Community Appearance Commission.

Chairperson McRae questioned the possibility of color changes by Sherwin Williams. Ms. Chase replied that the Sherwin Williams colors selected were national colors and should remain the same even if the names change.

Council Member Eggers asked if there would be flexibility in the requirements to which Ms. Chase replied affirmatively and referred Mr. Eggers to Section 401 for that information.

Ms. Chase explained that the Community Appearance Commission would be available to meet more often than every other month to review requests if necessary.

Mayor Burnley then opened the hearing for public comment.

Rob Holton, local property manager, wished to commend Community Appearance Commission members for their hard work and felt that the proposal is a step in the right direction. Mr. Holton suggested several grammatical and wording changes to the text. He expressed concern about the allowed height of retaining walls and the types of plantings in retaining wall buffers. Mr. Holton also felt that pitched roofs should not be discouraged.

Bill Mink, a resident of Green Street, spoke against the proposed appearance standards stating they restrict freedom of individuality, thereby not benefitting the community.

Phil Templeton commended Community Appearance Commission members for their hard work on this document. He felt that these standards should be applied to all zoning classifications including residential. Mr. Templeton expressed concern with the allowed retaining wall height and suggested step-back increments of two feet per graduated step. Additionally, he felt that the use of tinted glass should not be discouraged.

Dan Caton spoke in favor of the proposed appearance standards and briefly addressed the issue of light pollution.

With no further public comment, Mayor Burnley closed the public hearing and moved to the next item on the agenda.

ADOPTION OF RESOLUTION - NCDOT TIP

Mayor Burnley presented a resolution to Town Council requesting modification of the North Carolina Department of Transportation Watauga County 2006-2012 Transportation Improvement Plan (TIP).

Council Member Wilcox made a motion to adopt the following resolution. Council Member Eggers seconded the motion.

RESOLUTION REQUESTING MODIFICATION OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION WATAUGA COUNTY 2006-2012 TRANSPORTATION IMPROVEMENT PLAN (TIP)

WHEREAS, the Town of Boone is a popular tourist destination, home to a major university, Appalachian State, and a thriving and growing regional center of commerce; and

WHEREAS, excessively increasing traffic in Boone, the county seat, creates difficulty and delays for the traveling public and especially for emergency vehicles; and

WHEREAS, several projects in the 2006-2012 TIP (especially U-4020 and R-2615B) will upon completion address long neglected highway needs; and

WHEREAS, the completion of Project U-4020 would improve the traffic flow to and from downtown Boone to the east and address congestion that continually creates thirty minute delays in traveling two or three miles; and

WHEREAS, the completion of Project R-2615B would improve the traffic flow to and from Boone to the west and address congestion that frequently backs up traffic for several miles, especially in times of inclement weather, and routinely during the 8:00 A.M. and 5:00 P.M. drive times; and

WHEREAS, the North Carolina Department of Transportation is currently soliciting comments on the proposed 2006-2012 TIP.

NOW THEREFORE, BE IT RESOLVED, that the Town of Boone Town Council protest the delay in scheduling of all the projects included in the TIP, especially projects numbered U-4020 and R-2615B; and

FURTHER BE IT RESOLVED, that the Town of Boone Town Council request fair and adequate funding statewide for planned projects; and

FURTHER BE IT RESOLVED, that every effort be made by the North Carolina Department of Transportation to bring relief to the untenable traffic congestion that currently exists in Boone and Watauga County.

ADOPTED, this the 12th day of May, 2005.

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Mayor

Attest:

_____

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 2, PAGE 289)

VOTE: Aye – All
Nay – None

ADJOURNMENT

With no further comments or items to come before the Council and Commission, Mayor Burnley adjourned the meeting at 10:07 p.m.

Velma Burnley, Mayor	Brenda Henson, Board Secretary