Quarterly Public Hearing
SPRING May
13, 2004
Meeting Minutes

Mayor Burnley, Bunk Spann, Graydon Eggers, Loretta Clawson, Dempsey Wilcox and Lynne Mason

Planning Commission in attendance: Tom Jamison, Pat Vines, Shawna Rhyne and Mary Cavanaugh-Vice Chair (arrived at 7:10 p.m.)

Staff in attendance: George Cole-Planning Supervisor and Brenda Henson-Administrative Assistant

Other: Greg Young-Town Manager

Mayor Burnley welcomed everyone to the Spring Quarter Public Hearing. She called the meeting to order at 7:06 and stated that the hearing would proceed without a full compliment of Planning Commission members.

CASE NO. RZ2004-5 Appalachian State University has filed a request to rezone .987 acres fromMulti Family to U-1 University. The property is located between Locust and Dauph Blan Streets and is further described as Watauga County PIN #2910-07-5095-000, 2910-07-5019-000, 2910-07-5119-000 and 2910-07-4123-000. George Cole presented the staff report and invited any questions.

Maggie Geck, who lives at 499 West King Street, stated she would like to see the property, with the house, barn, trees and foliage, remain the same and not become a parking lot or be developed. Mr. Cole explained that development plans are not required to seek rezoning of a property.

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

CASE NO. RZ2004-6 Venture Properties, owners of the new Food Lion Shopping Center, have submitted a voluntary annexation to the Boone Town Council. If the annexation is approved, a zoning classification will need to be applied to this particular property. The Town of Boone is purposing to apply a zoning classification of B-3 General Business and highway Corridor District overlay. The property is located at 1864 Old Highway 421 South and is further described as Watauga County PIN #2921-91-9403-000. George Cole presented the staff report.

Council Member Clawson asked if Food Lion was continuing to comply with the town's regulations and Mr. Cole replied that they appeared to be.

There was no public comment. Mayor Burnley proceeded to the next case.

CASE NO. RZ2004-7 Lowe's Home Centers, Inc. has filed a request to rezone an 8.98 acre

tract from Conditional Use B-3 to O/I Office/Institutional. The property is located at State Farm Road and Deerfield Road and is further described as Watauga County PIN #2910-72-6682-000. George Cole presented the staff report and introduced Jim Deal, attorney representing Lowe's.

Mr. Deal explained that the O/I zoning designation was chosen to fit the character of the general area. Council Member Wilcox asked if they were going to pursue a flood map amendment. Mr. Deal replied that the building would likely be torn down and replaced.
Mayor Burnley then moved to the next case.

CASE NO. RZ2004-8 Charles Smalley, Donna Adams, Daniel Slade and Minnie Davis have filed a request to rezone one acre containing four tracts from R-1-A Single Family Residential with Accessory Apartment to B-1 Central Business. The properties are located on Gragg Street and Queen Street and are further described as Watauga County PIN #2901-70-6159-000, 2901-70-5162-000, 2901-70-6019-000 and 2901-70-6056-000. George Cole presented the staff report and stated that a valid protest petition had been received. A ¾ majority vote will be required for approval of this request.

Commissioner Vines asked what was currently on the properties. Mr. Cole stated there was a small apartment and three single family homes with accessory apartments.

Charles Smalley, one of the applicants, explained that, due to the size of his lot, he was unable to subdivide it under the current zoning classification. Mr. Smalley stated that planning staff had advised him that the subdivision could occur only in a B-1 zoning district given the size of his lot. Mr. Smalley gained approval of three neighbors to include their properties in the rezoning request in hopes that the more land owners requesting rezoning, the easier it would be to gain approval. Mr. Smalley indicated he wanted to put a single family residence on the subdivided lot.

Mike Curcio who lives at 158 Dotson Drive, objected to rezoning the property to B-1 due to possible future development that could be detrimental to the neighborhood.

Sam Furgiuele who lives at 169 Gragg Street, agreed with Mr. Curcio and strongly opposed anything that could jeopardize the low density of the neighborhood.

Tom Redmond whose mother lives on Gragg Street, also opposed the B-1 zoning classification because it could adversely effect the neighborhood.

Mr. Smalley stated he would be willing to change the request of B-1 zoning to something more agreeable if there was another option.

With no further comments or items to come before the Council and Commission, Council Member Clawson, seconded by Council Member Mason, motioned to adjourn the meeting at 7:40 p.m.

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Velma Burnley, Mayor Brenda Henson, Admin. Assistant