

TOWN OF BOONE
UNIFIED DEVELOPMENT WORKSHOP 2
March 25, 2013 5:03 P.M. UNTIL 7:22 P.M.
MEETING MINUTES

Town Council Members Present: Mayor Loretta Clawson, Mayor Pro-Tem Jamie Leigh, Lynne Mason, Rennie Brantz, Allan Scherlen and Andy Ball

Planning Commission Members Present: Vice-Chairperson Greg Simmons, Web Alexander and Tom Purpur, Phoenix Buathier and Donald Dotson

Staff Present: Bill Bailey – Director of Planning and Inspections, Jane Shook – Planner and Marlene Crosby-Board Secretary

Others Present: Greg Young, Town Manager and Sam Furguele, Town Attorney

CALL TO ORDER

Mayor Clawson called the meeting to order at 5:03 p.m. She welcomed everyone present at this meeting.

Mayor Loretta Clawson asked for a motion to amend the meeting agenda to add a Closed Session pursuant to NCGS 143-318-11(a)(3) and Possible Action Following Closed Session. Council Member Brantz made a motion to amend the agenda, pursuant to NCGS 143-318-11(a), to consult with the attorney employed and retained by the public to preserve attorney client privilege between the attorney and the public body which privilege is hereby acknowledged to consider and get instructions concerning the handling of a claim, judicial action or administrative procedure involving a threat by Watauga County and to add Possible Action Following Closed Session. The motion was seconded by Council Member Mason.

VOTE:

Aye – All (Ball, Brantz, Mason, Leigh, Scherlen)

Nay – None

The vote was unanimous.

Mayor Clawson welcomed everyone present to the meeting and she turned the meeting over to Mr. Bill Bailey, Director of Planning and Inspections Department. Mr. Bill Bailey gave an overview of the material that would be presented at this meeting stating that this is the second of three workshops. Mr. Bailey said that some of the feedback that was received from the first workshop has already been incorporated into the draft UDO document. Mr. Bailey noted that there are single uses found in the Table of Permissible Uses draft which is different from the current Table of Permissible Uses. Mr. Bailey said the single uses were created to give the town the most flexibility in granting uses. Mr. Bailey went over how the Table of Permissible Uses draft was populated.

Questions and Feedback

Article 11: Zoning Districts and Zoning Map

Q: Council Member Mason asked about the description of the R-2 Zoning District regarding home occupations. She asked if the language “limited home occupations” was this listed where the other home occupations are? She was concerned about inconsistencies in the language.

A: Mr. Bailey said the way the home occupations have been revised, they will be allowed in all the zoning districts.

Article 12: District Use Requirements

1.0 Household Living

Q: Mr. James Milner asked if the superscript T is relating to transitional zones and the number after the T is referring to the distance from the protected area or zone.

A: Mr. Bailey said yes and the number refers to the width of the buffer.

Q: Mr. James Milner used Uses 1.07 and 1.08 for an example saying they will no longer be Permitted in O-I.

A: Mr. Bailey said yes. Mr. Sam Furguele, Town Attorney said it is not that these uses cannot be allowed in the O-I, it is that the property should go through the rezoning process.

Q: Mr. James Milner questioned how the CD designation in the table worked.

- A: Mr. Bailey explained tht the CD designation would allow an initial sue of project as a CD.
- Q: Mr. James Milner asked if the 12 units or more rule go away.
- A: Mr. Bailey said yes that rule would go away because the numbers of bedrooms is the impact and not the units. Mr. Bailey further explained about the different sizes of developments and the potential impacts for each one. Mr. Bailey said that a transitional zone will protect and increase flexibility.
- Q: Council Member Mason asked what is the rationale behind Use 1.16 not having transitional zones in the B-1 and B-3 zoning districts because they abut the R-1 zoning districts. She said this affords consideration to minimize negative impacts for the R-1 zoning districts.
- A: Mr. Bailey said the rationale is to encourage smaller developments where you want to see them.

10.0 Daycare

- Q: Mayor Pro-Tem Leigh asked under Use 10.0 Daycare, are you defining a pre-school as a child daycare as the same thing.
- A: Mr. Bailey said it would be a little bit different because a daycare arrangement is over eight children who are no more than 16 years old. Mr. Bailey said the child daycare can take a special needs child up to the age of 16 that might need more supervision.
- Q: Council Member Mason asked a logistical question regarding the creation of the E-1 zoning district. She asked if the properties not in this zone will have to be rezoned into it or will the E-1 zoning district be only with a new application?
- A: Mr. Bailey said that the staff will make a recommendation to rezone the properties at the Planning Retreat. The staff will discuss with Mr. Furgiuele the areas like the old high school properties due to their complexity before recommending the rezoning process. Mr. Furgiuele added that there may be incentives for rezoning. Mr. Furgiuele said if the properties are rezoned to proper categories they will have more flexibility for development.
- Q: Council Member Mason asked if the intensity regulation and setbacks are in the next section.
- A: Mr. Bailey said yes.

11.0 General Sales and Service

- Q: Council Member Mason asked if Vet Services will get transitional zone numbers.
- A: Mr. Bailey said yes, the staff ran out of time to complete the numbers. Mr. Furgiuele noted that the T's are place holders at this time and the Town Council and the Planning Commission may have different views on joint recommendations on transitional zones that will need to be discussed. Mr. Bailey said the transitional zone category has been defined and now the size of it needs to be identified in terms of use.
- Q: Council Member Scherlen asked if the category for mopeds sales included motorcycles.
- A: Mr. Bailey said no, it is strictly for smaller cycles.
- Q: Council Member Scherlen asked if there was a category for motorcycles.
- A: Mr. Bailey said yes, under Use 11.19.
- Q: Council Member Mason asked where a commercial space with mixed-use with retail, restaurant and office fit in.
- A: Mr. Bailey said, we have mixed-use and we have the ability to have combination uses and you can have more than one principle use. Mr. Bailey said, in terms of processing the principle use will determine how things go together, when there are more than one principle uses. Mr. Bailey said, if one of the uses requires a special use permit, all of them require a special use permit.

13.0 Industrial

- Q: Mr. Greg Simmons asked based off the demand that Mr. Bailey has seen on breweries, is the staff going to break out breweries into individual principle uses.
- A: Mr. Bailey said yes depending on the feedback he gets at the workshops.
- Q: Council Member Ball asked if distribution is a concern for both a brewery and a winery in the Downtown area is there another way to allow from them as a single-use and limit distribution. He supports having combination uses in one space. He agreed that production and distribution is problematic in the Downtown area. He said if the facility is a small enough and primarily selling on site, he would like to see the staff consider this as an option. He asked if a brewery or winery would be forced into a retail situation.

- A: Mr. Greg Simmons said that we encourage foot traffic in and out of the Downtown area. Mr. Furguele said you can have a variety of different categories listed in the Table of Permissible Uses.
- Q: Mr. James Milner suggested looking at the square footages between 3,000 and 10, 000 square feet with possible consideration to Use 13.02 with an S under the B-1 zoning district. He agrees with the combination uses and making new categories for them. He asked Mr. Bailey, if he can capture all the scenarios of interest that Mr. Bailey has heard over the last 18 months.
- A: Mr. Bailey said some of the people he has talked to wanted to see breweries in combination uses and they have seen breweries in industrial areas and customers drive to these areas for the quality of product that is sold there.
- Q: Mr. James Milner said if more flexibility was allowed for the breweries, they might be more interested in being in Boone. He showed a concern for not having as much industrial type areas. He wondered, if it would create more work for Town Council to have properties rezoned to increase the industrial areas.
- A: Mr. Bailey said this is entirely possible. Mr. Bailey said the interest from the people is more the quality of product than the location of the product.
- Q: Council Member Ball said that on a cooperative winery, we should plan to split the category off in to a combination use for the downtown area.
- A: Mr. Bailey said that he hesitates to have just the manufacturing facility downtown because of the many variables and storage is a problem.
- Q: Mr. Mike Connor from Appalachian State University showed a concern for a possible sewer treatment issue because of the waste from a brewery being hard on a sewage system.
- A: Mr. Bailey said he had been in conversation with Mr. Rick Miller, Director of Public Utilities who said there are ways to treat this type of waste.
- Q: Mr. Tom Purpur asked if a U-2 zoning district would be created.
- A: Mr. Bailey said no the E-2 was created.

17.0 Waste Related Uses

- Q: Council Member Mason asked how the “Horn in the West” recycling center fits in to the Table of Permissible Uses.
- A: Mr. Bailey said it is town owned.
- Q: Mr. Greg Simmons asked if Use 12.51 be associated with single family.
- A: Mr. Bailey said yes and Mr. Simmons asked why does it not stop at R-4 zoning district. Mr. Bailey said, if you have a single-family home established in one of the other zoning districts. You can do what you want to do with a single-family home. Mr. Simmons said it is a grandfathered thing. Mr. Bailey said at the same time they are a non-conforming structure. Mr. Bailey said they populated the table all the way across to allow a person to stay in their home as long as the home is there or to rebuild the home. This is why it is an accessory use.

Article 12: Table of Accessory Uses

- Q: Mayor Clawson asked about Accessory Use A-12 category.
- A: Mr. Bailey said that this category is still under review and the staff is looking for guidance.
- Q: Mr. Greg Simmons talked about having a garden and it washes into the road and then into a creek because of the run-off.
- A: Council Member Leigh said we would need standards for this type of thing. Mr. Furguele suggested having categories by size of the garden.
- Q: Council Member Mason asked what have other communities done with their community gardens. She suggested that we think outside the box to find information on how to bring in ways to garden in the town.
- A: Mr. Bailey agreed.

Article 12: Table of Temporary Uses

- Q: Mayor Pro Tem Leigh asked about food trucks. Mayor Clawson asked if the health department inspects the food trucks.

- A: Mr. Bailey said right now food trucks are listed under itinerant merchants but because the state is looking at them differently, they need their own category. Mr. Bailey said yes the health department does inspect the food trucks.
- Q: Mr. James Milner asked if coffee stands would be considered a temporary or principle use.
- A: Mr. Bailey said that they could be a temporary or principle use depending on how they set their business up. Mr. Bailey said coffee stands will be added to the table once he finds out the regulations for them.

OTHER COMMENTS BY TOWN COUNCIL OR PLANNING COMMISSION OR STAFF

Mr. Bailey reminded everyone that the third UDO Revisions workshop will be on Tuesday, May 7, 2013 at 5 p.m. Mr. Bailey also reminded everyone to send their questions and suggestions to Mr. Bill Bailey or Ms. Jane Shook. The workshop portion of the meeting was adjourned at 7:22 p.m.

CLOSED SESSION

Council Member Brantz made a motion for the Council Members to enter into a closed session at 7:39 p.m. pursuant to NCGS §143-318-11(a)(3) to consult with the attorney employed and retained by the public to preserve attorney client privilege between the attorney and the public body which privilege is hereby acknowledged to consider and get instructions concerning the handling of a claim, judicial action or administrative procedure involving a threat by Watauga County. The motion was seconded by Council Member Ball.

VOTE:

Aye – All (Ball, Brantz, Mason, Leigh, Scherlen)

Nay – None

The vote was unanimous.

Upon a motion by Council Member Ball, seconded by Council Member Brantz, Council moved to exit Closed Session at 10:06 p.m.

VOTE:

Aye – All

Nay – None

ADJOURNMENT

Upon a motion by Council Member Brantz, seconded by Council Member Scherlen, Council moved to adjourn at 10:07 p.m.

VOTE:

Aye – All

Nay – None

Loretta Clawson, Mayor

Marlene Crosby, Board Secretary