

**SPECIAL PUBLIC HEARING
MEETING MINUTES
MONDAY, SEPTEMBER 26, 2013
6:00 P.M.**

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

Boone Area Planning Commission: Chairperson Eric Woolridge, Vice-Chairperson Greg Simmons, Jon Tate, Donald Dotson, Web Alexander, Connor Boyle, Thomas Purpur and Matthew Long and Jeff Templeton

Planning Staff: Bill Bailey – Director of Planning and Inspections, Christy Turner-Planner and Marlene Crosby-Board Secretary

Others: Greg Young-Town Manager and Sam Furguele-Town Attorney

Mayor Loretta Clawson opened the meeting at 6:06 p.m.

CASE 20130581 TEMPORARY PORTABLE STORAGE CONTAINERS:

Mr. Bill Bailey, Director of Planning and Inspections presented this case as outlined in the meeting packet. This text amendment request is to add language in the Unified Development Ordinance (UDO) regarding temporary portable storage containers.

Mr. Bailey asked the Town Council members and the Planning Commission members to look closely at the proposed text in the table found on the page one of the staff report regarding Article X, Section 165, Use 23.600 Temporary Portable Storage Container. Mr. Bailey said that the modified language only allows this use in the O/I, B-3 and M-1 zoning districts. Mr. Bailey talked about Article XI, Section 180 Temporary Uses[h][2] and how the containers are only allowed on vacant lots with no principle use in the O/I and the M-1 zoning districts and not in the B-3 zoning districts. Mr. Bailey said the thought process was to not allow the containers in the B-3 zoning districts because these cover the entrances into the town and the other two zoning districts are more hidden within the town.

Mayor Pro Tem Jamie Leigh asked about Article XI, Section 180 Temporary Uses [h][1] found on page two of the staff report. She asked what the thought process was behind the modified language to not include the containers in the M-1 zoning districts. Mr. Bailey said that the M-1 zoning district could allow the containers, if an enterprise was there. Mr. Bailey said in his opinion this language is leaving the use unrestricted. Mr. Bailey further explained that a container could be put on a property that does not belong to the enterprise already located there.

Council Member Mason asked why would the modified language not specifically state the M-1 zoning district in the Section 180 Temporary Uses [h][1]. Mr. Bailey said that the M-1 zoning district could be in the language, he said he did not feel that a restriction was necessary due to the nature of it. Mr. Sam Furguele, Town Attorney said that all things in the [h] are limitations.

Mayor Pro Tem Leigh asked if there is a definition for Temporary Storage Containers like is found in Article 35 that outlines the size of the containers. Mr. Bailey said that there is not a definition in the modified language. Mr. Bailey talked about the placement and the signage for the containers.

Mayor Pro Tem Leigh asked if the modified language says that a container has to be a tractor trailer container. Mr. Bailey said that the answer is found embedded in [h].

Mayor Pro Tem Leigh asked if in the placement of the containers transitional zones come into play up against residential neighborhoods. Mr. Bailey said yes but there are different setbacks because of the accessory structure. Mr. Bailey said any plan for development within a transitional zone triggers a special use permit.

Mayor Pro Tem Leigh said the modified language makes a distinction in Section 180, Temporary Uses [h][10][11] about a 90 day timeframe depending on, if it was a vacant lot or not. Mr. Bailey said if a container is located on a lot for 90 days in a six-month period a use is being created; it should be regulated as a permissible use in the table and be subject to land-use intensity ratios. Mr. Bailey said the thought process was to try to give flexibility for specific reasons. Mr. Bailey said the modified language has been drafted for the Town Council Members and Planning Commission Members to discuss and reduce down but still allow containers for certain rush times of the year.

Mayor Pro Tem Leigh asked how does the modified language in Section 180 Temporary Uses [h] [3] work, when we have so many different lot sizes. Mr. Bailey explained the building to lot size ratio which included parking. Mr. Bailey used the Watauga High School as an example to show why a cap was needed as well as the other provisions of the code.

Mayor Pro Tem Leigh asked if the modified language talked about any restrictions relative to the business that a container can be located whether to the side or rear of the business. Mr. Bailey said the staff did not add that language because of the diversity of the business lot sizes. Mr. Bailey used Staples and other businesses along Blowing Rock Road as an example. Mr. Bailey said there is not enough room to put a container, if the building is up against a slope.

Mayor Pro Tem Leigh asked Mr. Bailey what would stop Lowes Improvement Center from putting 20 containers in front of their building. Mr. Bailey said under the current proposed language, there is nothing to stop them from putting containers in front of their building and they are limited to 20 containers. Mr. Bailey said Lowes Improvement Center would have to submit to the Planning and Inspections Department in writing what they are proposing to do regarding temporary storage containers on their lot.

Planning Commission Member Matthew Long joined the meeting at 6:29 p.m.

Discussion ensued on on-site and off-site impacts that are for a temporary use.
Discussion ensued on signage for PODS and other containers.

Planning Commission Member Templeton asked Mr. Bailey how many complaints have the Planning and Inspections Department received on temporary storage containers. Mr. Bailey said he has received no complaints. Mr. Bailey explained that the question came up, when a customer called in to see if they needed a permit for temporary portable storage containers. Mr. Bailey said this is when the staff found out, it was not allowed.

Mr. Chris Gotwald who lives at 210 Adams Lane in Boone, North Carolina came to the podium to speak on this case. Mr. Gotwald works with Operation Christmas Child at Samaritan's Purse. Mr. Gotwald explained that for this project the 20 containers per lot would not be sufficient. Mr. Gotwald explained the number of temporary portable storage containers (domestic and international sea containers) that will be needed and the amount of time that he will be using for this project. Mr. Gotwald said they would be using the old Lowes Improvement Center lot on State Farm Road.

Planning Commission Member Templeton questioned Mr. Gotwald on the timeframe of the project. Mr. Gotwald said from start to finish Operation Christmas Child will last 20 days.

Discussion ensued on the permitting for temporary containers. Mr. Bailey said the permit is for the concern for safety issues.

Discussion ensued on the temporary portable storage permit being valid for 90 days. Planning Commission Member Purpur said that there should be maximum flexibility to expand until there is a problem. Mr. Bailey said, when staff was modifying the language they were looking at the maximum terms and not the minimum terms.

There were no other speakers for this case.

Mayor Clawson closed this public hearing.

ADJOURNMENT

Council Member Ball made a motion to adjourn the meeting at 7:00 p.m., seconded by Council Member Brantz.

Vote:

Aye – All
Nay – None

The vote was unanimous.

Loretta Clawson, Mayor

Marlene Crosby, Board Secretary