

**Fall Quarterly Public Hearing
November 9, 2006
Meeting Minutes**

Town Council in attendance: Mayor Clawson, Dempsey Wilcox, Lynne Mason and Janet Pepin

Planning Commission in attendance: Gayle Turner, Eric Woolridge, Elizabeth Aycok, Mary “Bo” Bolick, Charlie Walker, Stephen Phillips and Patrick Heavner

Staff in attendance: John Spear-Development Services Director,

Mayor Clawson welcomed everyone to the Fall Quarterly Public Hearing. She called the meeting to order at 7:00 pm. She asked Mr. John Spear, Director of Development Services to present the first case.

Case 20060687 Johnson Rezoning – 169 Rogers Drive

Randolph Johnson has submitted a request to change the zoning classification of 169 Rogers Drive from R-1 (Single Family Residential) to CD-R3 (Conditional District Multi-Family Residential). If approved, the rezoning would permit the owner to change the use of the property from a residential dwelling to an office for “Capitol Investment Companies”, a small brokerage and investment planning firm.

Mr. Spear reviewed the staff report specific to this case located in the meeting packet. Mayor Clawson opened the floor for questions from the Council Members and then the Planning Board members.

Council Member Wilcox asked Mr. Spear to clarify the use of this property as far as the table of permitted uses. Mr. Spear said that the property would be used in accordance with a site specific plan. Council Member Wilcox asked if in the future this investment business closed would the property go back to the R-1 zoning that it was originally before this requested change of use. Mr. Spear said yes or a rezoning action would have to be made before any subsequent use of property could be made. Council Member Pepin asked Mr. Spear if this was an existing business located on the East King Street in Boone. Mr. Spear said yes. Council Member Pepin asked Mr. Johnson why he is moving his business. Mr. Randolph said the owner is selling the building. Mr. Johnson owns the building at 169 Rogers Drive and another adjacent home that formally housed the Anderly Academy School. Commissioner Phillips asked if only the front half of the property can be rezoned expressing concern regarding the protection of trees in the back. Mr. Spear said not under the terms and conditions of this specific application. Mr. Spear said a specific requirement can be added to protect the trees on the hillside. Commissioner Heavner asked the size of the parking lot and how many parking spaces are there and the direction of the parking spaces. Mr. Spear said there are two spaces to the left with an existing carport. One of the spaces is a handicapped space and the other

one is standard space. Council Member Pepin asked if he had heard from any of the neighbors on this request. Mr. Spear said no. Mr. Johnson said that he had spoken with all seven neighbors and four of them are landowners and the others are renters and none of them had a problem with this rezoning. Commissioner Bolick asked how long this house had been a school. Mayor Clawson said that it was there for quite awhile. Commissioner Bolick asked about the traffic impact. Mrs. Johnson said they get few customers a day. Commissioner Bolick asked about the employees in this business. Mrs. Johnson said they have a couple of full time employees and one part-time employee and they are looking to hire another ASU student. They will not be hiring more employees other than the ASU student. They plan on taking out some of the fence to make employee parking. They have all ready added trees to this property to begin planting required buffers. Council Member Pepin asked Mrs. Johnson if she had looked at a home business. Mrs. Johnson said that she likes to separate work life from home life. Commissioner Bolick asked Mrs. Johnson if she plans on having this business at the 169 Rogers Drive location for a while. Mrs. Johnson said yes.

With no other public speakers present, Mayor Clawson closed the public hearing on this case.

Case 20060659 Agricultural Use Text Amendment

The Boone Town Council has initiated a zoning text amendment to UDO Section 165 which would require agricultural uses excluding livestock (use 14.110) to be permitted with a special use permit in the B-3 (General Business) zoning district.

Mr. Spear reviewed the staff report specific to this case located in the meeting packet. Mayor Clawson opened the floor for questions from the Council Members and then the Planning Board members.

With no public speakers present and no questions asked, Mayor Clawson closed the public hearing on this case.

Case 20060660 Balloons Text Amendment

The Boone Town Council has initiated zoning text amendments to UDO Sections 15 and 338 to define balloons and provide guidelines on the use of balloons as temporary signs.

Mr. Spear reviewed the staff report specific to this case located in the meeting packet. Mayor Clawson opened the floor for questions from the Council Members and then the Planning Board members. Council Member Mason asked why does the Town want to regulate balloons? Council Member Pepin said that balloons were bad for the environment. Mr. Spear added the Development Services department received direction from the Council in prior months to prepare an ordinance amendment following discussion on large inflatable signs. At that time, Council Members felt the UDO should contain language addressing smaller balloons as well. This discussion was at the Summer Quarter Public Hearing when Norman Cheek had requested the use of large balloons be permitted for business purposes. Commissioner Turner said that she would like to hear more public input from the business community on this subject.

With no public speakers present, Mayor Clawson closed the public hearing on this case.

Case 20060677 Skate Park Signs Text Amendment

The Boone Town Council has initiated text amendments to UDO Sections 322 and 324 providing for sponsorship signs at the Appalachian Skatepark.

Mr. Spear reviewed the staff report specific to this case located in the meeting packet. Mayor Clawson opened the floor for questions from the Council Members and then the Planning Board members.

The first speaker was Lynn Willis from the Appalachian Skatepark Association. He said that over \$50,000 is owed on the park which is located on county property. He said that the allowance of these sponsorship signs would generate between \$20,000 and \$25,000 a year to help pay on the loan for the skatepark. Commissioner Phillips asked about the location of the signs. Mr. Willis said they would be located on decks and ramps inside of the skatepark and on the fencing facing towards the parking lot so parents can see them as they drop their kids off at the skatepark. The signs would not be facing any of the residences in this area. Commissioner Heaver asked if the sponsors were identified. Mr. Willis said yes he has some restaurants lined up. Council Member Mason asked how they arrived at the 32 square feet. Mr. Willis said that the Appalachian Skate Park Council was told by the sign makers that this was the size that would fit the railings of the ramps and decks. The material used for the signs will be a thin sheet metal. Council Member Mason asked Mr. Spear if there is a requirement for signs at Optimist Park to be uniform in size and material? Mr. Spear responded that there were and that copy on the signs is limited to the name of the sponsoring business and business logo. Council Member Mason expressed a desire to maintain consistency and that specific language regarding sign copy limitations may be necessary. Mr. Willis mentioned that he would like to see the language more open ended to help with attracting sponsors. Many would like to advertise website addresses. Council Member Pepin noted in regards to changing technology our ordinance language may be outdated and should be evaluated. Council Member Pepin asked if the sponsorship signs at Optimist Field were reviewed to ensure compliance with the ordinance. Mr. Spear said that this type of sign does not require a permit, therefore, these signs are not reviewed before they are placed.

The second speaker was Bryan Muller a member of the Appalachian Skate Park Council. Mr. Muller encouraged the town of Boone to step up and invest in the park. He said he would like to see a partnership with the town and county in helping to advance the skate park. Council Member Mason said that she supports the park and thinks more recreation is needed in the town. Commissioner Phillips asked if the skatepark is used a lot. Mr. Muller said yes. Commissioner Bolick asked if the signs will be changed annually. Mr. Willis said that each sign is on contract. Council Member Pepin asked what the plan is for operating in winter. Mr. Willis said that the skaters know when they cannot skate due to weather conditions. Mr. Willis would also like to put in a webcam so that skaters can check on weather conditions.

Lastly, Council Member Mason commended the Appalachian Skatepark Council on their

efforts in creating this park. She said that she would like to see the town and county come together as a community to increase recreation. She said that she would like to see the possibility of grants explored and she would like to see the communities input. She encouraged and thanked Mr. Willis and his organization for what they have done with the skatepark.

With no other public speakers present, Mayor Clawson closed the public hearing on this case.

Case 20060705 Protest Petition Text Amendment

The planning staff has initiated text amendments to UDO Section 384 to ensure the receipt of a valid protest petition is announced at a public hearing prior to accepting public comment.

Mayor Clawson closed the public hearing on this case.

Mr. Spear reviewed the staff report specific to this case located in the meeting packet. Mayor Clawson opened the floor for questions from the Council Members and then the Planning Board members.

Council Member Pepin confirmed that with the adoption of this text amendment the UDO would contain the language to support the current practice of announcing valid protest partitions.

OTHER MATTERS BY BOARD MEMBERS OR STAFF

There were no other matters to discuss by board members or staff

ADJOURNMENT

Mayor Clawson adjourned the meeting at 8:00 pm.

Loretta Clawson, Mayor

Marlene Crosby, Board Secretary