TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING AND PLANNING COMMISSION MEETING MINUTES
MONDAY, MAY 19, 2025, 6:00 PM
1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE

COUNCIL MEMBERS PRESENT: Mayor Pro Tem Dalton George, Todd Carter, Eric Plaag, Virginia Roseman, and Edie Tugman (arrived at 6:54 pm)

COUNCIL MEMBERS ABSENT: Mayor Tim Futrelle

PLANNING COMMISSION MEMBERS PRESENT: Adrian Tait-Chair, Frank Veno-Vice-Chair, Chris Behrend, Garrett Kight, and Anne Pruitt

PLANNING STAFF PRESENT: Jane Shook-Director of Planning & Inspections, Brandon Wise-Deputy Director of Planning & Inspections, Amy Snider-Commercial Zoning Administrator, and Brenda Henson-Board Clerk

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Call to Order

Mayor Pro Tem George called the Town Council to order at 6:01 pm. Chair Tait called the Planning Commission to order at the same time. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road and via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag moved to approve the March 24, 2025, Public Hearing minutes as written. Council Member Carter seconded the motion.

Vote: Aye – 4
Nay – 0
Absent – 1 (Tugman)

The motion passed.

Commission Member Behrend moved to approve the March 24, 2025, Public Hearing and Planning Commission meeting minutes as written. Vice Chair Veno wished to correct the first sentence in the fifth paragraph on page 2 to add the word "be" so that the sentence would read "Ms. Lindemanis stated that the green space would be preserved as a livability space…" Commission Member Behrend accepted the amendment. Commission Member Pruitt seconded the motion.

Vote: Aye – 5
Nay – 0

The motion passed.

PUBLIC HEARING

Mayor Pro Tem George stated that a request had been made to hear The Summit Pickleball case first. Council and Commission members agreed to amend the agenda.

Case A25-0118 The Summit Pickleball – Conditional District Zoning Map Amendment

The Summit Pickleball, LLC submitted a Conditional District Zoning Map application to rezone a portion of 278 Industrial Park Drive and the adjacent lot from M1 Manufacturing to a Conditional District B3 General Business with a site-specific plan for use 12.11 Recreation Facility, Category 2. As proposed, the site would expand the indoor-only recreation activities to include outdoor activities with the addition of one sand volleyball court, two mini-soccer fields, and two outdoor pickleball courts.

Brandon Wise, Deputy Director of Planning & Inspections, explained that this request, if approved, would create a split zoning on the property of M1 and CDB3. He noted that no zoning district currently allowed both the manufacturing and outdoor recreation use. Mr. Wise added that the conditional district process did not allow the flexibility to modify the base zoning of a property. Allison Meade, Town Attorney, stated that a text amendment to modify the conditional district regulations would soon be presented to the Town Council. She asked if that text amendment would provide more flexibility for such situations. Mr. Wise replied that it would.

Chelsea Garrett, attorney representing The Summit Pickleball, introduced Crystal Smith and Grant Williams, the founders and owners of The Summit Pickleball. She stated that the request would conditionally rezone most of the back side of the Carroll Leather Goods property from M1 to CDB3. Ms. Garrett noted that the Carroll Leather Goods business was still operating and manufacturing in a portion of the building, while the indoor Summit Pickleball was operating in another portion. The business owners would like to add one sand volleyball court and, two mini soccer fields in the grassy area behind the building, and an additional two outdoor pickleball courts in the old asphalt loading zone area. Ms. Garrett stated ample parking was on site, with parking in the front and side of the building. She noted that they were not seeking approval for outdoor lighting because they would rely on daylight for the seasonal use of the outdoor areas.

Amy Snider, Commercial Zoning Administrator, noted that lighting was not allowed under the Recreational 2 use, but was allowed under Recreational 3. Ms. Garrett stated they requested a B3 zoning with a Recreational 2 use, an allowed use under B3. She said the owners hoped to start the project as soon as possible and open next spring.

Ms. Garrett realized that the industrial district had been protected, and they understood its importance. However, she felt that this site-specific use could easily revert to manufacturing, if necessary, as none of the outdoor improvements were permanent.

Council Member Plaag referred to packet page 71 that showed a deed restriction stating “Ancillary and accessory uses which are hereby permitted shall include parking areas, landscaping, walking paths, recreational uses and sales, either wholesale or retail; provided, however that any recreational area or sales area shall each be no longer than 10% of the total square feet in the building on the lot or site.”. He asked if this was something they needed to discuss or if it was something between the applicant and the property owner to resolve. Ms. Meade replied that it was a matter between the applicant and the property owner.

Council Member Plaag asked why there was no bicycle parking. Ms. Snider explained that the project's estimated cost of $20,000 did not trigger Tier 1 improvements, which would have required compliance with the bicycle parking standards. Council Member Plaag asked if the applicant would agree to a condition to add bicycle parking spaces at the property. Ms. Garrett stated that the applicant would agree to that condition.

Council Member Plaag noted that music was often played on loudspeakers at outdoor events and asked the applicant if there was an intention to play outdoor music. Ms. Garrett replied that they had no plans to play music outside. Council Member Plaag asked if the applicant would agree to a condition that The

Summit Pickleball would not use outdoor speakers to play music. He expressed concern for the R3 properties across the street. Ms. Garrett stated that the applicant would agree to that condition.

Council Member Carter stated that he visited the property and felt the proposal was thoughtful, creative, and would encourage recreation.

Council Member Roseman asked about access to the courts and if they would be open for public use. She wondered if patrons would come around or go through the building. Grant Williams, one of the business owners, replied that the courts would be available only to members and those with guest passes, much like Deer Valley or Yonahlossee. He anticipated they would install some fencing to help keep the balls in. Council Member Plaag suggested installing signage that made it clear the courts were for member use only.

There was no public comment for this case.

Commission Member Pruitt stated that the courts would be placed in a currently unused area on the property and would be a great asset.

With nothing further, Mayor Pro Tem George closed the public hearing for this case at 6:20 p.m.

Case A25-0115 Jeremiah's Ice – Conditional District Zoning Map Amendment

JSeventeen7, LLC, submitted a Conditional District Zoning Map Amendment application to rezone the property at 1095 East King Street from B3 General Business to Conditional District B3 General Business to add a drive-through as an accessory use. The applicant has submitted zoning and building plans to convert the current building into an Italian ice restaurant.

Ms. Snider presented the request. She noted that a zoning permit for the change of use from office space to restaurant had been issued and work on the development is underway. She noted the accessory use of the drive-through triggered the conditional district process.

Chelsea Garrett stated she was the applicant and was part of JSeventeen7, LLC. She introduced her husband, Rob Garrett, her 10-year-old son, Frank James, and the property owner and contractor, Sid Greene. Ms. Garrett stated she learned last week that their traffic impact analysis would not be completed in time for tonight's meeting. Davenport Engineering should complete the report in the next two weeks. Ms. Garrett wished to introduce the project tonight and bring the full case back to the July Public Hearing.

Ms. Meade asked Ms. Garrett for clarification that she wanted the Town Council and Planning Commission to hear her initial presentation and then table the matter. Ms. Garrett stated that was correct.

Ms. Garrett commented that the property was located at a busy intersection, and they did not take that lightly. She stated they were using the existing structure and adding a large deck to provide a place for kids to hang out after school. They plan to have picnic tables underneath a portion of the proposed deck to the left of the two potential drive-through lanes, and possibly corn hole boards.

Ms. Garrett noted that Jeremiah's Ice was a chain, and they were excited to work with young people because they employ about 80% high school-age kids. She indicated they would like to partner with the school on internships, the DECA program, and the EC program, if possible.

Ms. Garrett stated that the site was designed for the drive-throughs to go under the deck, however they would have the deck regardless of whether or not the drive-through lanes were allowed. She noted that a neighborhood meeting was held, and Dillon Waschenbach, who lives on Perkinsville Drive, was the only person to attend. Ms. Garrett provided Council members with a copy of her email correspondence with Mr. Waschenbah outlining his concern about morning traffic. She stated that Jeremiah's Ice would not

open until 11 or 12. She noted that they would, at some point in the future, like a coffee truck on site, but those details had not been resolved and were not part of the current plans. Ms. Garrett explained that the TIA would not include the coffee truck. Ms. Garrett noted that the TIA would include traffic data from 3:30 to 6:30 pm to encompass the high school traffic. The hours of operation for Jeremiah's Ice would be from 11 am or 12 pm until 9 or 10 pm.

To prevent cars from stacking on Grove Street into the intersection, Ms. Garrett stated that they designed the site to accommodate two lanes of good width that would stack 12-15 cars and not create pinch points. She noted that the menu board would be at the window so people would not be stopping halfway down the drive-through to read the menu, which should help with traffic flow, and snow curbs would be added to assist with the turns of the drive-through.

Mr. Sid Greene, the property owner and contractor spoke and noted he helped build the building and felt the proposed design would set a precedent for the entrance to Boone and offer a quaint mountain feel.

Ms. Garrett stated that having the drive-through would supplement the business in the wintertime when people were less likely to want to order ice cream and sit out on the deck.

Council Member Carter stated he was excited about the ice cream shop because he could walk there from where he lived. He asked if the entrance and exits would be on Grove Street only. Ms. Garrett replied that was correct. Council Member Carter felt that the area needed revitalizing. He expressed concern about traffic backing up at the intersection and the parking lot filling up with parents waiting for their kids to get out of school. He stated that the drive-through hours might create traffic issues when kids come and go from school. However, he felt it was a great concept and liked the idea of employing high school kids. Council Member Carter stated he was not as excited about the coffee truck because it would add a tremendous amount of morning traffic that the area could not handle. He asked if Jeremiah's Ice was Italian ice, gelato, shaved ice, or ice cream. Ms. Garrett replied that it was known for Jelati, which was a swirl of soft ice cream and Italian ice with toppings.

Ms. Garrett stated they were open to exploring ways not to cause additional traffic stress between 3:30 and 6 pm, such as limiting the drive-through hours. However, they would like to have the drive-through open in the winter, because people would not want to get out of their cars.

Mayor Pro Tem George appreciated the cooperative nature of the applicant, noting that this was the first discussion they had had related to a drive-through since amending the ordinance to require drive-throughs to acquire a Conditional District Zoning Map Amendment.

Council Member Roseman appreciated that the applicant had considered the youth by trying to create a place for them to go and hang out. However, being a mom who took three kids to the high school and had a child who lived in the apartments on the other side of Grove Street, she did not believe it would be feasible to have a drive-through. She stated that the main clientele at Jeremiah's Ice would be 16- to 18-year-old new drivers. Ms. Garrett respected Council Member Roseman's comments and asked that consideration be given to limited drive-through hours.

Council Member Plaag shared the concerns expressed by Council members Carter and Roseman and also expressed concern for pedestrian safety if there was an overlap in hours of operation for Jeremiah's Ice and the coffee truck. Mr. Garrett stated that if the drive-through for the coffee truck were approved, there would be no overlapping hours of operation. Council Member Plaag felt that young people liked coffee and ice cream, and he suggested orienting the coffee truck so that it faced the drive-through window for Jeremiah's Ice. This would allow people to gather at the truck if they wanted coffee or at the ice cream window if they wanted ice cream, while still providing a drive aisle around the building. Council

Member Plaag stated that the project was a great idea and was in the right location. However, the drive-through seemed dangerous.

Council Member Plaag commented that a traffic impact analysis should always be required when any portion of a driveway is located that close to the intersection because that is a safety concern. He asked if a Special Use Permit was required for a business to add a food truck to their property, and whether the food truck would trigger a TIA based on the estimated traffic.

Council Member Tugman arrived at the meeting at 6:54 pm.

Ms. Snider replied that food trucks were not considered permanently established and were considered a temporary use/itinerant merchant, which did not require a TIA. Council Member Plaag asked if cars stacking up on the road due to the food truck would trigger a response from Planning & Inspections. Mr. Wise stated that this would not currently trigger a response from P&I. He noted that food trucks were on the staff's list of items to research for a possible text amendment.

Ms. Garrett mentioned possibly installing an arm, not a latched gate, at the southwest corner of the front deck to deter small children from going down the stairs.

Commission Member Pruitt stated she looked up the franchise, and the colors were bright. Ms. Garrett replied that the building would not be painted and the roof would not be changed from the existing colors. The building would remain a wood color with a green roof.

Vice-Chair Veno expressed concern about traffic in that area. He noted a meme that depicted a coffee shop in France where people were sitting together in a group, and then a coffee shop in the United States, where the traffic was backed up through the drive-through.

Chair Tait felt this could be a cool spot for kids, even without a drive-through.

Council Member Carter asked if there had been any conversation with DOT about changing the timing of the light for better safety in the crosswalk. Ms. Garrett replied that they would like to see improvements at the intersection, but did not think they had a lot of control over that.

Council Member Tugman asked if this project would affect the Grove Street greenway connector. Mr. Wise replied that it would not.

Jane Shook, Director of Planning & Inspections, stated that Planning and Public Works staff were meeting with the local DOT office this week in their new space to introduce the Town's new staff and their new staff and work out some permitting details. She added that they could bring the concerns about the intersection and crosswalk to DOT's attention at this meeting. Council Member Plaag suggested that designating the area as a school zone might help slow traffic.

With nothing further, Mayor Pro Tem George closed the public hearing for this case at 7:07 p.m.

Adjournment of Town Council

Council Member Roseman moved to adjourn the Public Hearing at 7:07 p.m. Council Member Plaag seconded the motion.

Vote: Aye – 5
Nay – 0

The motion passed.

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Dalton George, Mayor Pro Tem **Brenda Henson, Board Clerk**

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Adrian Tait, Planning Commission Chair

PLANNING COMMISSION

Chair Tait called a break in the meeting from 7:07 pm until 7:14 pm.

Case A25-0118 The Summit Pickleball – Conditional District Zoning Map Amendment

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Commission Member Pruitt felt this was an outstanding use of the grassy space that could easily be converted back to an industrial use if necessary. She stated that the owners of the business hosted fundraisers and seemed community-oriented.

Chair Tait stated that, according to the Chamber of Commerce and the Economic Development Commission, not many people were knocking on the doors to bring industrial facilities to the area. He added that using this location to help people be healthier and provide a recreation opportunity seemed to be a good fit.

Mr. Wise reminded Commission members about the two suggested conditions of approval related to bicycle parking and outdoor speakers. He noted that the Town Code provided some regulations regarding noise that were managed by the police. Commission Member Pruitt stated that other places in town had outdoor music, and she did not see it as a problem at this location. Mr. Wise said that Council Member Plaag's concern was that, due to the topography, sound would carry to the residential properties across Hwy 421. Commission Member Kight and Chair Tait agreed that they did not favor the condition to ban outdoor speakers at this location.

First Motion and Vote: Chair Tait made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because of:

Comprehensive Plan Policy 2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

Comprehensive Plan Policy 2.3.2 Community Character

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

Commission Member Kight seconded the motion. Chair Tait wished to amend the motion to include the following conditions:

1. Where there is a conflict between the application information and the plans (dated received on April 15, 2025), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or her representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.
4. Bicycle parking shall be installed.

Commission Member Kight accepted the amendment.

Vote: Aye – 5
Nay – 0

The motion passed.

Second Motion and Vote: Chair Tait made a motion that the Planning Commission recommends approval of Ordinance A25-0118 within Exhibit A and believes approval is reasonable and in the public interest because enhancing recreational facilities as part of local businesses and utilizing otherwise unused portions of business properties is helping to grow and expand both the recreational opportunities and the businesses in the area. Commission Member Behrend seconded the motion.

Vote: Aye – 5
Nay – 0

The motion passed.

Other Matters

Ms. Shook stated that the Town was almost ready to conclude Boone Next. She noted that all final work had been turned over to the consultant, and they expected changes in the next week or so. A Special Public Hearing had been scheduled for June 23 to consider adoption of the plan. Ms. Shook explained that changes had been made to the future land use map and other changes. She stated she would ensure the Planning Commission received an itemized list of the changes and the final draft when available. Ms. Shook expressed gratitude to everyone who had been part of the process of updating the Comprehensive Plan. She felt that once the Comprehensive Plan update/Boone Next was complete, more work would be coming to the Planning Commission to address issues in the Unified Development Ordinance.

Ms. Shook noted that Commission Member Behrend's term on the Planning Commission would expire on June 30, 2025, and she would not be eligible to be reappointed for one year. Ms. Shook stated that Commission Member Behrend could continue to serve on the Commission until her position was refilled. Commission Member Behrend indicated a willingness to continue to serve until her position was refilled.

Adjournment

Commission Member Kight motioned to adjourn the meeting at 7:29 p.m. Chair Tait seconded the motion.

Vote: Aye – 5
Nay – 0

The motion passed.

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Adrian Tait, Planning Commission Chair **Brenda Henson, Board Clerk**