

**Town of North Wilkesboro**  
**Planning Board Meeting Minutes**  
**June 10<sup>th</sup> at the Stone Center and on Zoom at 5:30 pm**

Planning Board Members Present: Church, Nichols, Cox, Turner, Minton and Long  
Also Present: Meredith Detsch, Planning Director, Danny Johnson Town Attorney, Board of Adjustment members: Monica Hawn (online), Frieda Matthews, and Mike Staley. Applicants included Dr. Ron Cohn (online), Seth Cohn, Rose and Allen Presnell, additional members of the public were Edward Price (online) and Terry Stutts (online).

Chair Church called the meeting to order at 5:32 pm. Chair Church asked for any deletions or additions to the agenda. Minton moved to approve the agenda as presented and Nichols seconded the motion. The motion passed unanimously, 6-0.

Chair Church stated he would entertain a motion for the minutes for the Planning Board Meeting on May 13<sup>th</sup>, 2021. Nichols moved to approve the minutes as submitted and Minton seconded the minutes. The motion passed unanimously, 6-0.

Chair Church asked if there was anyone here tonight to speak about a matter not on the agenda, there was not.

Chair Church noted there was no items under old business. There were four items under new business.

- Public hearing on a rezoning request at 102 Sycamore Street (Parcel ID: 1402172) from General Business (GB) to R-6 High Density Residential.
- Public hearing on rezoning request at 108 Sycamore Street (Parcel ID: 1402098) from General Business (GB) to R-6 High Density Residential.
- Public hearing on proposed text amendment to the Zoning Ordinance, Article VI Zoning Districts to allow Recreation Services, Indoor to be permitted in the downtown, Central Business District.
- Public Hearing on Zoning Ordinance, Article III Administration, The Boards. (B) Board of Adjustment for 160D edits.

Chair Church recused himself for the rezoning requests as he has family members associated with the properties. Vice-Chair Nichols declared the board in a public hearing for 102 Sycamore Street. Detsch introduced the item to the board. The property is 102 Sycamore Street, PIN(s): 3868-12-8913, Parcel ID #: 1402172, and is 0.33 acres. The request is to re-zone 0.33 acres, from GB, General Business to R-6 High Density Residential. The applicant would like to bring the single family use back to the property and General Business does not allow for single family use. Surrounding land uses are a mix of commercial, office, medical and residential (both high density and single family). Access is through Sycamore Street which is a Town maintained road off of Boone Trail and it dead ends right before the property. Town staff does not see this road right of way being opened all the way through to West D Street. The Town provides water and sewer to this property. The Planning Board is tasked to review several criteria with this proposed request. The first one is consistency of the proposed zoning with the Town of North Wilkesboro Comprehensive Plan and the future land use plan sees this property and surrounding area as general commercial. The land use map was included in the staff report and

displayed for the audience and board. The second item of consideration is the existing land uses within the general vicinity of the subject property. All of the surrounding properties in the near vicinity are commercial in nature and zoned General Business. There are a number of residentially used properties throughout Boone Trail that are zoned General Business and considered non-conforming uses, including several properties across from Sycamore Street. Additionally, the North Wilkesboro Housing Authority owns around fourteen acres nearby, Riverview Heights, with close to ninety residential units. The third consideration is the zoning classification of property within the general vicinity of the subject property. Much of the area is R-6 (High Density Residential), OI (Office and Institutional), GB (General Business) and (HB) Highway Business. A zoning map excerpt was included in the staff report and displayed for the audience and the board. The fourth consideration is the suitability of the subject property for the uses permitted under the existing and proposed zoning classification. The property has been a single family home for many decades and just currently ceased to be an established (non-conforming use) due to illnesses and deaths in the family. Under the R-6 High Density Residential zoning district this house could be re-established as a single family residence. As the property stands with the General Business district potentially a small business or office would be feasible. The house was built to be residential in nature and would need substantial improvements to meet commercial building code and meet ADA code requirements. The challenges of using this property as commercial would be with converting the house in regards to building code requirements and parking requirements. The fifth consideration is the extent to which zoning will detrimentally affect properties within the general vicinity of the subject property. Staff feels there will be a low impact with the property being down zoned to residential. There would be less traffic and noise impacts to the other properties. With the road being a dead end street, residential uses can fit well with commercial properties being at the front of Sycamore Street, facing Boone Trail, and a lesser zoning category works since as you travel down the street, movability is more limited. The final consideration is spot zoning. Detsch explained that this property if re-zoned would not necessary be considered spot zoning since there are other properties in the area zoned R-6, High Density Residential. Staff recommends the property to be rezoned to R-6 High Density Residential. While this may be inconsistent with the Comprehensive Plan it can be considered reasonable as there are several residential properties in the area and this property was previously a nonconforming residentially used property. The Comprehensive Plan map can be amended to represent the actual land use if so chosen. Additionally, given the history and the current area being so diverse in land uses this change in zoning can be argued to be consistent with surrounding uses.

Vice-Chair Nichols asked the applicants to speak on the case and also the code enforcement case that was pending on it. Rose and Allen Presnell, owners of the property, addressed the board with their intentions with the property. They are wishing to renovate the house and the adjacent house, 108 Sycamore Street and turn them both back into residential homes. Vice-Chair Nichols asked what their timeframe was to complete the work and the owners were looking at six months to a year for both remodels. They redo the homes themselves and sell them so it will take a little longer than having a team come in and work. The Presnells spoke about the house's conditions in regards to the minimum housing case on it and noted the house appeared to be very sound as it was built in 1926 and was very historic. Turner asked them about the structural integrity of the foundation and Mr. Presnell explained it is built on old wood and block and part of the floor is sloping as it was an old porch. The foundation seemed in good condition based on their initial inspection and did not see termite damage. There were no further questions from the board for the applicants. Staff noted that the property has turned off the water to the property as they are not in compliance with zoning. Once the rezoning is finalized, if approved, the water will be turned back on.

There were a few members on Zoom wishing to speak. Edward Prince was recognized to speak next. Mr. Prince is an adjacent property owner and representing the business owner Mr. Noble who could not be here this evening. Mr. Prince and Mr. Noble does not feel that this property should be rezoned. Looking through the application and reasons for rezoning the applicants were aware when they bought it that it was not zoned correctly for residential. Additionally the reason for costs to convert the buildings to commercial property shouldn't be a factor since there is a modification to the building code for these types of situations. There are exceptions and reliefs for ADA and costs associated with changing the structure. Mr. Prince would ask the board to not approve the rezoning. Residential doesn't work in this area anymore as it has changed. Vice Chair Nichols asked if the attorney had any comments. Mr. Johnson would have to research this more. Detsch explained Mr. Prince was referencing the staff report and staff was told by previous buyers interested in the property that it was cost prohibitive. Detsch would leave what has to be done to the structure up to the Town's Building Inspector to determine that and work with the owners. Minton asked Mr. Prince if he thought a residential property would hurt the businesses in the area. Mr. Prince wanted to clarify that the building code would provide relief to something like this specific instance. To answer Ms. Minton's question, Mr. Prince looked in the area when he purchased the property and saw the houses abandoned and figured the properties would convert to commercial. They would be more valuable as commercial. Detsch also notated that there was an email received by staff included in the agenda packet of an adjacent property owner opposed to the rezoning as well. Ms. Presnell wanted to speak on the houses sale. The houses have been on the market for over eight months and there are two houses on the street and the one business, Mr. Nobles. The other businesses are on Boone Trail. Ms. Presnell noted that it is a dead end road that is very narrow. If the properties were to be converted to commercial the traffic and parking will be an issue on these properties. Vice-Chair Nichols asked the applicants and other speakers to keep their comments concise and to the rezoning case only. Vice-Chair Nichols noted she has concerns with if the house is salvageable for someone to live in it. Mr. Prince wanted to notate that there were residential buildings there but they are zoned commercial. The non-conforming use ceased and he was expecting it to be brought up to commercial standards. If they had continued the use and stay occupied they could have continued. At some point the use would cease and the use would be brought up to what the rest of the neighborhood is, commercial. Minton stated she wanted to notate that they keep hearing how we need more housing and the applicants just did this exact thing in Wilkesboro. They are not hearing businesses wanting to locate in this area but they are hearing residential does. Mr. Prince told the board that the Nobles wanted to put a hospice home in the building and it was purchased as they were working on this. Minton made a motion to approve the proposed rezoning at 102 Sycamore Street, PIN: 3868-12-8913/Parcel ID #: 1402172 from GB, General Business to R-6, High Density Residential. The proposed rezoning is consistent with the North Wilkesboro 25 Year Comprehensive Plan and all other applicable plans, because it results in the potential development of a commercially zoned site to become conforming to the land use as a residential property. The Planning Commission considers the vote to be reasonable or not reasonable in the public's interest. Long seconded the motion. The motion passed unanimously 5-0.

Vice-Chair Nichols declared the board out of the public hearing for 102 Sycamore Street and into a public hearing for 108 Sycamore Street. Detsch introduced the item to the board. The property is 108 Sycamore Street, PIN(s): 3868-13-8170 and Parcel ID #: 1402098, and is 0.87 acres. The request is to re-zone 0.87 acres, from GB, General Business to R-6 High Density Residential. The applicant would like to bring the single family use back to the property and General Business does not allow for single family use. Surrounding land uses are a mix of commercial, office, medical and residential (both high

density and single family). Access is through Sycamore Street which is a Town maintained road off of Boone Trail and it dead ends right before the property. Town staff does not see this road right of way being opened all the way through to West D Street. The Town provides water and sewer to this property. The Planning Board is tasked to review several criteria with this proposed request. The first one is consistency of the proposed zoning with the Town of North Wilkesboro Comprehensive Plan and the future land use plan sees this property and surrounding area as general commercial. The land use map was included in the staff report and displayed for the audience and board. The second item of consideration is the existing land uses within the general vicinity of the subject property. All of the surrounding properties in the near vicinity are commercial in nature and zoned General Business. There are a number of residentially used properties throughout Boone Trail that are zoned General Business and considered non-conforming uses, including several properties across from Sycamore Street. Additionally, the North Wilkesboro Housing Authority owns around fourteen acres nearby, Riverview Heights, with close to ninety residential units. The third consideration is the zoning classification of property within the general vicinity of the subject property. Much of the area is R-6 (High Density Residential), OI (Office and Institutional), GB (General Business) and (HB) Highway Business. A zoning map excerpt was included in the staff report and displayed for the audience and the board. The fourth consideration is the suitability of the subject property for the uses permitted under the existing and proposed zoning classification. The property has been a single family home for many decades and just currently ceased to be an established (non-conforming use) due to illnesses and deaths in the family. Under the R-6 High Density Residential zoning district this house could be re-established as a single family residence. As the property stands with the General Business district potentially a small business or office would be feasible. The house was built to be residential in nature and would need substantial improvements to meet commercial building code and meet ADA code requirements. The challenges of using this property as commercial would be with converting the house in regards to building code requirements and parking requirements. The fifth consideration is the extent to which zoning will detrimentally affect properties within the general vicinity of the subject property. Staff feels there will be a low impact with the property being down zoned to residential. There would be less traffic and noise impacts to the other properties. With the road being a dead end street, residential uses can fit well with commercial properties being at the front of Sycamore Street, facing Boone Trail, and a lesser zoning category works since as you travel down the street, movability is more limited. The final consideration is spot zoning. Detsch explained that this property if re-zoned would not necessary be considered spot zoning since there are other properties in the area zoned R-6, High Density Residential. Staff recommends the property to be rezoned to R-6 High Density Residential. While this may be inconsistent with the Comprehensive Plan it can be considered reasonable as there are several residential properties in the area and this property was previously a nonconforming residentially used property. The Comprehensive Plan map can be amended to represent the actual land use if so chosen. Additionally, given the history and the current area being so diverse in land uses this change in zoning can be argued to be consistent with surrounding uses. Rose and Allen Presnell, owners of the property, addressed the board with their intentions with the property. They explained it was the same scenario as the previous hearing on 102 Sycamore Street. Ms. Presnell did notate that 108 Sycamore Street was in better condition to renovate. Turner asked what the timeline was for renovations on this home and the Presnells explained within a year for both homes. This is their job/livelihood so they work on homes by themselves. Turner asked about the inspections on the home and what needs to be done. Mr. Presnell is a general contractor and licensed electrician and has looked at both homes. He noted 108 Sycamore Street is a nice brick home and feels the renovation would not be much. Staff verified if anymore online viewers wanted to speak on the matter and there was not. Long moved to approve the proposed

rezoning at 108 Sycamore Street, PIN: 3868-13-8170 /Parcel ID #: 1402098 from GB, General Business to R-6, High Density Residential. The proposed rezoning is not consistent with the North Wilkesboro 25 Year Comprehensive Plan and all other applicable plans, because it results in the potential development of a commercially zoned site to become conforming to the land use as a residential property. The Planning Commission considers the vote to be reasonable in the public's interest. Turner seconded the motion and it passed unanimously 5-0.

Chairman Church rejoined the board for the rest of the items. The next public hearing is on a proposed text amendment to the Zoning Ordinance, Article VI Zoning Districts to allow Recreation Services, Indoor to be permitted in the downtown, Central Business District. Detsch introduced this item to the board. Detsch explained this was a simple text amendment in the Central Business District similar to a recent text amendment the Planning Board considered with event venues. Detsch explained the Town's other business zoning districts were more open to uses but the Central Business District was very restrictive. Detsch told the board in this case it was a specific situation where a business was requesting this change and she had the property owner available to answer any questions. The areas of the zoning ordinance that would need to be amended to allow this proposed use are Article VI Zoning Districts 6.7 Table of Uses. This proposed text amendment would make it a permitted by right use in our Central Business District, it already is in the other business districts. Additional things to consider with this text amendment is the comprehensive plan. Some of the goals and policies the proposed text amendments align with are:

- Goal B.1- Develop and Utilize Flexible Land Use Controls
  - Policy 11- Allow for more mixing of uses
- Goal B.2 Maximize Redevelopment Potential for Vacant Structures and Parcels
  - Policy 20- Encourage building reuse by district
  - Policy 21- Encourage the use of existing buildings and sites within current town limits.

Nichols commented that we needed businesses in downtown. She also had concerns with adjacent properties in the downtown area constantly having people congregating on the sidewalks. Minton asked if there was access to the rear of the property, 831 Main Street. Sean Cohn answered with yes, it is available but more of an emergency exit, not a standard access. The main access is on Main Street and the upper floor as well. Minton commented it would be a good access for any larger classes utilizing as parking is limited on Main Street. Dr. Cohn answered that the lease does allow the property renter to use that access. Dr. Cohn noted the other lease he has now was for a smoke shop instead but did have this new tenant that is a family oriented business proposed to go into this space, hence the text amendment. Seth Cohn noted the businesses they have in Wilkesboro they are responsible for keeping the sidewalks cleared. Other business owners would need to do the same in this case. Minton asked what are the consequences with opening up the downtown to another use? Church doesn't see an issue. Detsch commented that the only challenge is parking in our downtown and the time of day it is. Seth Cohn noted that this type of business is geared to more to after hours and shouldn't conflict with the standard business hours much. Minton moves to approve the text amendment to the zoning ordinance Article VI Zoning Districts 6.7 Table of Uses. The Town of North Wilkesboro's Planning Board deems the proposed amendments to the Zoning Ordinance, in regards Recreation Services, Indoor is consistent with the Town's comprehensive plan, any small area plans or elements thereof and, does support the Comprehensive's Plan goals and policies. Further the proposed amendments regarding Recreation Services, Indoor is reasonable in the public's interest. The Planning Board recommends to approve the amendments to the Zoning Ordinance. Cox seconded the motion and it passed unanimously 6-0. Chair Church declared the board out of a public hearing.

Chair Church declared the board into a public hearing for Article III Administration, The Boards. (B) The Board of Adjustment. Detsch presented this item to the board. Detsch explained during a recent overhaul of the Board of Adjustment's Rules of Procedures to meet 160D requirements staff was made aware of several items that were not included in the recent update of the Zoning Ordinance including conflicts of interest provisions. Staff has edited the text to comply with 160D. The other boards had similar make up and this also strengthened the ordinance. Items updated included the authority, powers and duties, quorum, conflicts of interest for the board and information for record keeping and reordering the appeal section. Chair Church asked about the makeup of the board and Detsch explained that had been updated in the last revision and has been adopted. This text change was fleshing out the ordinance more to be in line with the 160 D requirements. Long move to approve the edits to the Town's Zoning Ordinance, Article III Administration, The Boards. (B) The Board of Adjustment with edits as presented. The Town of North Wilkesboro Planning Board deems the proposed amendments to be consistent with the Town of North Wilkesboro's Comprehensive Plan dated June 5<sup>th</sup> 2018 and any other applicable plans. The proposed amendments are supportive of the following Plan's purposes: Establish the legal foundation for zoning and subdivision changes, guide future land-use related regulations, and provide predictability for private-sector development. The proposed zoning amendment is reasonable and in the public's interest because it supports the Comprehensive Plan. Nichols seconded the motion and it passed unanimously 6-0. Chair Church declared the board out of a public hearing.

The next items is to elect the chair and vice-chair for the Planning Board. Long asked if Church was still eligible to be chair again and he was. Long nominated Otis Church to be Chair again. Turner seconded the motion and it passed unanimously 6-0. Chair Church asked for nominations for Vice-Chair. Long nominated Martha Nichols to be Vice-Chair again. Turner seconded the motion and it passed unanimously 6-0.

The next item is an update on 160 D. Detsch presented this item to the board. Detsch explained that the Zoning Ordinance has now been passed and is in effect. The board's make up has now increased with an additional ETJ member on the Planning Board for equal representation. The Town is going to get creative about recruiting an additional member. We have three ETJ members now and Cox asked where they lived. Turner and Long are in the Fairplains area. The board talked about recruiting in the Cricket Old 60, Highway 115 or Mulberry area. Detsch asked the board to reach out to colleagues and friends and encourage them to apply.

The next item on the agenda is Rules and Procedures. Detsch presented this item and explained she had updated them to comply with 160 D requirements. We can also change anything as needed too since this is a living document of the board. Detsch explained the Rules and Procedures is how you conduct the meeting. Nichols asked for term limits to be brought to the next meeting. Church asked if no one is willing to serve and they are up re-appointment can they remain? Detsch will research is and bring it back to the board next month. Detsch asked the board to go through the Rules and Procedures for editing and approve it. Cox asked about the Chair and Vice-Chair appointments. Minton asked Detsch to clean up the language for Chair and Vice-Chair. Discussion that it should be limited to two or three years for Chair and Vice Chair positions. The board reviewed the Rules and Procedures and staff will bring back information on term limits to match the Town Code, the Chair and Vice-Chair terms, verify the state statues on term limits and staff will bring it back to the July Planning Board meeting. Minton

moved to table the item until next month and Cox seconded the motion. The motion passed unanimously 6-0.

The next item of business was the staff reports. Detsch went over both the Planning report and the Code Enforcement report with the board. Chair Church asked if 102 Sycamore Street should be removed and Detsch explained it is still a minimum housing case even though the ownership has changed. Chair Church asked about 508 Main Street for the recreation vehicle behind the Copper Barrel. Detsch explained the recreation vehicle is disconnected from all utilities and is being stored there. It is allowed to be store there, not lived in. Cox asked about 1400 Hinshaw Street case. Detsch explained it was a zoning case where a storage building was put up without a permit and it was in front of the house which is not permitted. Discussion of the minimum housing cases on Trogdon Street are works in progress. Nichols asked about the ETJ cases and Detsch explained that only zoning cases would be investigated in the ETJ.

Detsch also wanted to update the Planning Board that at the recent Board of Commissioners meeting it was discussed to look into making the zoning regulations more business friendly. Detsch mentioned that it would be something the Planning Board would be looking into as well.

With no other discussion Chair Church asked for a motion to adjourn the meeting. At 6:46 pm Long moved to adjourn the meeting and Minton seconded the motion. The motion passed unanimously 6-0.

Respectively submitted,



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Meredith Detsch, Planning Director



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Otis Church, Planning Board Chairman *or*,  
Martha Nichols, Planning Board Vice-Chairwoman

