

**Town of Boone
Public Hearing
6:00 PM, Jan. 24, 2022
WebEx Virtual Meeting, PC Software**

Public Comment: (Remote): Individuals who wish to address Council remotely can do so through WebEx either online or by phone. If you wish to provide public comment remotely, please email Town Manager, John A. Ward III at john.ward@townofboone.net or call in at 828-406-5563 and you will be provided with an invite to the meeting. All registrations must be completed by 3:00 PM on the day prior to the meeting. Staff will moderate the WebEx session to ensure all participants have an opportunity to address Council.

I. Call to Order of Town Council

II. Call to Order of Planning Commission

III. Approval of Public Hearing Minutes by Town Council and Planning Commission

November 22, 2022 Public Hearing Minutes

IV. Public Hearing

V. PL05186-100821 Wynstone Townhomes - Conditional District Zoning Map Amendment

Case PL05186-100821 Application Information

Case PL05186-100821 Neighborhood Meeting Information

Case PL05186-100821 Site Plans

Case PL05186-100821 Floor Plans

Case PL05186-100821 Staff Report

VI. PL05419-010622 - Historic Preservation Commission Minor Work - UDO Text Amendment

Case PL-5419-010622 Application Information

Case PL05419-100622 Staff Report

VII. Adjournment of Town Council

VIII. Planning Commission Meeting

IX. Public Comment

X. Approval of Planning Commission Meeting Minutes

November 22, 2021 Planning Commission Meeting Minutes

XI. Planning Commission Consideration of Cases Heard at Public Hearing

XII. Other Matters

XIII. Adjournment of Planning Commission

**PUBLIC HEARING MINUTES
MONDAY, NOVEMBER 22, 2021, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Rennie Brantz (joined at 6:11 p.m.), Mayor Pro-Tem Connie Ulmer, Sam Furguele, Dalton George, Nancy LaPlaca, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend (joined at 6:47 p.m.), Amanda Halbert, John Tippet, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections/Chief Building Inspector, Jessica Mitchell-Long Range/Special Projects Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: John Ward-Town Manager, George Santucci-Sustainability & Special Projects Manager, Rick Miller-Public Works Director (joined at 6:12 p.m.), and Allison Meade-Town Attorney

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Todd Carter, Tim Futtrelle, and Edie Tugman (joined at 6:08 p.m.), and Becca Nenow (briefly joined at 6:55 p.m.)

Call to Order

Mayor Pro-Tem Ulmer called the Town Council to order at 6:04 p.m. Chair Shay called the Planning Commission to order at 6:04 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Approval of Meeting Minutes

Council Member LaPlaca made a motion to approve the October 25, 2021 Public Hearing minutes. The motion was seconded by Council Member Roseman.

Vote: Aye – All
Nay – None

The motion passed.

Vice-Chair Plaag made a motion to approve the October 25, 2021 Public Hearing minutes. The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

General Guidelines

Ms. Shook reviewed the general guidelines for each case presented at the Public Hearing.

Case PL05268-110121 Minimum Housing – Town Code Amendment

Modify Town Code Chapter 151 Minimum Housing Code, revise language, and bring the code into compliance with North Carolina General Statute 160D and Session Law 2021-138, Part XIII, section 13(b).

Ms. Meade explained that under NC Chapter 160D, this amendment to the Town Code had to follow the same procedure as an amendment to the Unified Development Ordinance. She noted that some clarifying language changes were proposed for consistency of use. Ms. Meade referred to Section 151.32 that addressed issues related to mold & mildew.

Council Member Furguele referred to Section 151.46, second to last sentence, and suggested that the wording “any premises within its jurisdiction” be changed to “any premises within the Town’s jurisdiction.”

Ms. Meade stated that Section 151.49(B) referenced that Town Council had the authority to adopt a separate ordinance that would require periodic inspections of multi-family dwellings to address particular blighted sections of Town.

Mayor Brantz joined the meeting at 6:11 p.m.

Ms. Meade referred to Section 151.48(A) and noted that the current code included a requirement that the owner is to repair issues with a structure within 90 days. She suggested striking the 90-day requirement and allowing the housing inspector to impose a period of time that they see fit. Ms. Meade stated that a housing inspector has the power to cause a structure to be vacated if it was occupied by a structure deemed unsafe. She added that repairs to the structure could take longer than 90 days, depending on the nature of the repairs.

Council Member Furguele felt that was a fair point. He asked if a minimum time period for repairs should be established. Ms. Meade replied that some repairs could be done very quickly while others could not. She felt it would be best to leave the timeframe up to the housing inspector. Council Member Furguele expressed concern that, with no parameters, a housing inspector could do things just to punish people or be inconsistent when setting timeframes. Ms. Meade stated that Ms. Shook was aware of the potential for abuse and inconsistency but felt that the Town tried to be consistent.

Council Member Furguele referred to Section 151.49(A) that read “The duties of the housing inspector set forth in this subdivision shall not be exercised until the Town Council shall have by ordinance, etc.” He felt the phrasing was odd. Ms. Meade replied that the phrasing came directly from the Statute.

Vice-Chair Plaag referred to Section 151.49(B) regarding demolition. He expressed concern about the potential for a situation where a housing inspector went to a Landmark property and decided that the structure needed to be demolished. Vice-Chair Plaag felt that the way this subsection was written, it skipped the COA process that would be required for Landmark properties or properties located within a Historic District. He suggested adding language that stated any demolition order for a property that was designated as a Local Historic Landmark or located within a Local Historic District shall be subject to the standards associated with that Landmark or District regarding demolition. Vice-Chair Plaag stated this would create the need for the request for demolition to go through the COA process. Ms. Meade agreed that the suggested language could be added.

Ms. Meade referred to Section 151.99 regarding penalties. She noted that State Law had been passed that decriminalized, as a default, local ordinances and almost all provisions that could be enacted under the Town’s planning and zoning jurisdiction. Ms. Meade stated that criminal appellate penalties had been removed from the Minimum Housing Code under this revision.

Council Member Furguele questioned why criminal penalties could not be imposed for structures that were deemed to be unsafe. Ms. Meade replied that the specific language of unsafe buildings was used in the legislation and that language was located in a single section of 160D called Unsafe Buildings. She noted that the Minimum Housing section referred to unsafe, abandoned structures. Ms. Meade stated she took a conservative approach to her suggested language regarding penalties because of the fact that there were distinctly different terms used in 160D for Unsafe Buildings and Minimum Housing.

Council Member George asked if the more conservative interpretation was adopted, would it be possible to seek clarification from the State regarding penalties and revise later, if needed. Ms. Meade responded

that if she were authorized to write an ordinance for unsafe buildings, she would look into this issue again at that time.

Vice-Chair Plaag asked if Ms. Meade was authorized to write an Unsafe Buildings ordinance, could that ordinance include a building that met particular conditions be determined by the inspector, by Council, or through some process to be an unsafe building. Ms. Meade agreed.

Vice-Chair Plaag stated that the preservation world was very specific about how they defined a building versus a structure. He noted that a building was defined as any dwelling that was intended for human habitation, whether for residential purposes or work purposes. Structures were objects that were not for habitation. Ms. Meade replied that State Law defined structure as a broad term that included dwellings, buildings, sheds, and retaining walls.

With no public comment, Mayor Brantz closed the public hearing for this case at 6:38 p.m.

Case PL05269-110121 Criminal Penalties – UDO Text Amendment

Modify the UDO to bring UDO Article 12 into compliance with Senate Bill 300/Session Law 2021-138 to decriminalize local government ordinances.

Ms. Meade referred to Subsection 12.03.02 regarding liability. She stated that the proposed language would expand responsibility for violations to not only owners or tenants but also potentially builders, contractors, and design professionals who were responsible for or assisted in violations. Ms. Meade noted that under Subsection 12.03.04 multiple people could be fined separately for the same violation.

Vice-Chair Plaag referred to Subsection 12.06.01(B) and asked if there was a State requirement involved in reducing fine for the knowing and willful violation of the ordinance more than once in any 24-month period from \$5,000 to \$2,000. Ms. Meade stated she would have to check on that and provide an answer later in the meeting.

With no public comment, Mayor Brantz closed the public hearing for this case at 6:45 p.m.

Case PL05270-110121 Miscellaneous Revisions – UDO Text Amendment

Amend UDO Article 2 to reduce membership of the Historic Preservation Commission from seven to five members; Amend UDO Article 25 to require that development applicants submit a final lighting plan compliance certification and; Amend UDO Articles 14 and 34 to clarify “livability space” requirements.

Ms. Mitchell presented the request as it was outlined in the meeting packet. She noted the proposed reduction in membership on the Historic Preservation Commission from 7 to 5 members, the requirement of a final lighting plan compliance certification by a professional engineer, and the relocation of text regarding livability space. Ms. Mitchell stated there were some typographical errors that staff was aware of, and those would be corrected. Ms. Shook added that requiring the final lighting certification would put the burden on the applicant to pay for that service versus staff having to go out at night to conduct a lighting inspection.

Commission Member Behrend joined the meeting at 6:47 p.m.

With no public comment, Mayor Brantz closed the public hearing for this case at 6:51 p.m.

Case PL05271-110121 Townhouse Clarifications – UDO Text Amendment

Modify UDO Articles 1, 5, 15, 25, and Appendix B to revise language to clarify requirements for Townhouse developments and to revise how livability space is applied to multi-family developments overall.

Ms. Meade noted that she had not had time to review the proposed Townhouse text carefully and asked that this case be tabled and considered at the next public hearing.

Council Member Furgiuele agreed that the case should be tabled. He felt some things were confusing and some things were awkwardly written. Council Member Furgiuele stated he had several comments regarding the proposed text and would email those comments to Ms. Meade for consideration.

Council Member Furgiuele made a motion to table Case PL05271-110121 Townhouse Clarifications – UDO Text Amendment. The motion was seconded by Mayor Pro-Tem Ulmer.

Vote: Aye – All
Nay – None
The motion passed.

Case PL05272-110121 Solar Energy Systems and Electric Vehicle Charging – UDO Text Amendment

Modify the UDO to create regulations for accessory solar energy systems and accessory and principal use electric vehicle charging stations.

Ms. Shook presented the case as it was outlined in the meeting packet. She referred to Subsection 14.02.03(A)(4) regarding electric vehicle charging stations. Ms. Shook stated the proposed text would allow EV charging stations installed on Town property or the public right of way to be exempt from obtaining a zoning permit.

Ms. Shook referred to the Table of Principal Uses and noted that EV charging stations were proposed to be allowed in the B1 Downtown Interface, B2, B3, and M1 zoning districts. EV charging stations were proposed to be allowed as an Accessory Use in all zoning districts, subject to the standards in Subsection 15.64 and 15.65. Council Member Furgiuele asked why EV charging stations were not allowed in the University or Education district either as principal or accessory uses. Ms. Shook replied that the table has not traditionally worked that way, and noted that the table had not been populated in any other category for something similar. She stated she was not opposed to populating the table, but it would be a deviation from how the table was traditionally handled for the university zoning districts.

Ms. Shook stated that the proposed standards were reviewed to make sure that they were in compliance with Solsmart. She noted that this was just a first step towards the Solsmart designation. Ms. Shook stated that staff would also have to take steps in the office regarding permitting, turnaround times, and fees.

Council Member Furgiuele referred to Subsection 15.65(A)(1) and suggested the addition of the word “a” in front of standard-size parking space. He asked if the mentioning of a standard-size parking space should be included in 15.65(A)(2) and not just the EV charging station. Ms. Shook replied that both the parking space and the charging station should be included.

Council Member Furgiuele suggested under Subsection 15.65(A)(4)(b) that there be a cross-reference to cite the signage required under the Town Code for towing and booting. Ms. Shook stated that a reference could be added. In Subsection 15.65(A)(5), Council Member Furgiuele suggested removing the word “associated” as it appeared to be an unnecessary word.

Council Member Furgiuele noted there was no provision for the removal of charging stations that were no longer in use. Ms. Shook replied that provisions could be added.

Vice-Chair Plaag referred to Subsection 15.64(B)(1) regarding rooftop solar energy systems and asked if he read it correctly that a rooftop solar energy system in a Historic District would be permitted up to 15 feet above the rooftop to which it was attached, but otherwise would have to comply with the Historic District standards. Ms. Shook stated that the intent was that solar energy systems would be allowed up to 15 feet as long as they were approved under the Historic District or Historic Landmark COA process. Vice-Chair Plaag stated he thought the language that was adopted for rooftop accessory uses had a lower limit than 15 ft. He provided a scenario of a rooftop bar that added 10 feet in height to the building. Then

add 15 feet of solar energy system, and there would be 25 feet added to the top of a building in a Historic District.

Ms. Meade stated the intent was that the stricter standard would apply, so if the Historic District standards were stricter that would overrule the 15 feet allowance. Chair Plaag felt the proposed language could still allow for a 25 feet height extension. Ms. Meade suggested changing the wording in 15.64(A)(2) to “Notwithstanding the requirements set forth in this section, solar energy systems located within a Historic District or Historic Landmark shall adhere to the requirements set forth in the design standards adopted for the District or Landmark, as applied through the COA process.” Vice-Chair Plaag felt that would address the issue.

Ms. Shook referred to 15.65(A)(4)(g) and stated that Mr. Santucci had requested that the signage requirements of Part a. and Parts c. – f. be waived if all the information required in this part was contained in the required user app of the EV charging station. Council Member Furgiuele agreed with this suggestion.

Ms. Shook added that she felt solar energy systems should be excluded from counting towards the cost of improvements that could trigger a property to have to come into compliance with current UDO standards. She suggested the language be added to both 15.64 and 15.65 to address this exclusion. Council Member Furgiuele asked if there were ways to incentivize solar energy system installations. Ms. Shook replied that it was a good idea and felt it warranted further discussion at a later date.

Mr. Ward explained that Solsmart was trying to bring on 16 new communities in the next few months. Due to the timing in which Ms. Shook was able to develop the proposed text, it would allow the Town of Boone to potentially be recognized as one of those 16 communities.

With no public comment, Mayor Brantz closed the public hearing for this case at 7:19 p.m.

Additional discussion - Case PL05269-110121 Criminal Penalties – UDO Text Amendment

Ms. Meade then addressed the question posed previously by Vice-Chair Plaag regarding penalties for violations of the UDO. She noted that upon further review, revised General Statute Section 14-4 stated the maximum penalty that could be implemented for a violation of a local ordinance was a Class 3 misdemeanor and a \$500 fine. Ms. Meade stated that the final sentence of UDO Subsection 12.06.01(B) would need to be struck entirely. Vice-Chair Plaag suggested adding “for each such violation’ after the \$500 fine for a Class 3 misdemeanor.”

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 7:22 p.m. The motion was seconded by Council Member LaPlaca.

Vote: Aye – All
Nay – None
The motion passed.

Rennie Brantz, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Approval of Meeting Minutes

Vice-Chair Plaag made a motion to approve the October 25, 2021 and the November 1, 2021 Planning Commission meeting minutes. The motion was seconded by Commission Member Halbert. Chair Shay wished to amend the November 1, 2021 meeting minutes on page 12, first paragraph, third sentence for it would read, "She stated that there might be families next to whom she would not want to live." Vice-Chair Plaag and Commission Member Halbert accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05268-110121 Minimum Housing – Town Code Amendment

Modify Town Code Chapter 151 Minimum Housing Code to revise language and bring the code into compliance with North Carolina General Statute 160D and Session Law 2021-138, Part XIII, section 13(b).

Ms. Shook noted the suggested changes from the public hearing as changing the word "it's" to "within the Town's jurisdiction", and language regarding demolition for historic properties.

Vice-Chair Plaag stated that he would like to see a sentence added that any demolition ordinance, passed by Town Council, under this description of possible actions for any property designated as a Local Historic Landmark or located within a Local Historic District shall be subject to the standards associated with that Landmark or District regarding demolition, and including any such delays in demolition that may be advocated by the HPC as part of the COA process. Vice-Chair Plaag stated that what this would be to allow a provision that if a property owner wanted to demolish a designated property, there could be a delay of up to a year under the Statute. That delay would give time to discuss with the property owner about relocating the structure or perhaps being more creative with the intended plans for the historic site. Vice-Chair Plaag stated that the language as proposed could potentially allow a landmark building to be demolished without any opportunity for the Historic Preservation Commission to provide input. He stated that the last sentence of Section 151.48(B) could be revised to incorporate the language he suggested regarding demolition of Local Historic Landmarks or structures located within a Local Historic District.

Vice-Chair Plaag also recommended that Town Council instruct the Town attorney to draft an unsafe buildings statute so that the application of criminal penalties for certain types of actions could be reinstated. Commission members agreed with this suggestion.

First Motion and Vote: Commission Member Veno made a motion that the proposed amendment to the Town Code, with the revisions discussed, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

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

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

Comprehensive Plan Policy 2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

A.2 Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice-Chair Plaag made a motion that the Planning Commission recommends approval of the proposed amendment and believes approval is reasonable and in the public interest because the proposed changes bring the present Ordinance into compliance with changes necessitated by 160D. It smooths out some inconsistencies within the language of the existing Ordinance, and creates uniformity in the use of certain terms. It clarifies various safety standards and the methods by which they shall be judged by the building inspector, and addresses gaps in the existing Ordinance related to mold and mildew and multi-family dwellings. It brings the Ordinance language into alliance with the Town's stated goals of historic preservation with respect to buildings that are either Local Historic Landmarks or are located within Local Historic Districts that have been designated.

The motion was seconded by Commission Member Venio.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05269-110121 Criminal Penalties – UDO Text Amendment

Modify the UDO to bring UDO Article 12 into compliance with Senate Bill 300/Session Law 2021-138 to decriminalize local government ordinances.

Ms. Shook reminded Commission members of the recommended change to Subsection 12.06.01(B) to strike the last sentence and add the wording "for each such violation" after the \$500 fine.

First Motion and Vote: Commission Member Tippet made a motion that the proposed amendment to the Town's zoning ordinance, with the revisions as discussed, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

Comprehensive Plan Policy 2.3.4 Public Involvement

D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

The motion was seconded by Commission Member Venio.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Venio made a motion that the Planning Commission recommends approval of the proposed amendment and believes approval is reasonable and in the public interest because this will make the UDO consistent with the State Legislator's adoption of Session Law 2021-138.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05270-110121 Miscellaneous Revisions – UDO Text Amendment

Amend UDO Article 2 to reduce membership of the Historic Preservation Commission from seven to five members; Amend UDO Article 25 to require that development applicants submit a final lighting plan compliance certification and; Amend UDO Articles 14 and 34 to clarify "livability space" requirements.

Ms. Shook noted there were some typographical errors that would need to be corrected.

Commission Member Venio asked why the Historic Preservation Commission would be decreased from 7 members to 5 members. Vice-Chair Plaag noted that, in the past, Town Council liaisons were counted as 2 of the voting members of the HPC. After a state law change, Town Council liaisons were no longer able to vote so this left 5 voting members. Vice-Chair Plaag stated the reduction from 7 to 5 members did not change the number of voting members; it just corrected the number to account for the removal of the 2 Town Council liaisons.

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

Comprehensive Plan Policy 2.1.1 Economic Development

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

The motion was seconded by Commission Member Halbert.

Vice-Chair Plaaq wished to amend the motion to include:

Comprehensive Plan Policy 2.3.4 Public Involvement

A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.

Chair Shay and Commission Member Halbert accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Chair Shay made a motion that the Planning Commission recommends approval of the proposed amendment and believes approval is reasonable and in the public interest because it adds predictability and rigor to the inspection process, and adds accountability and transparency.

The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05271-110121 Townhouse Clarifications – UDO Text Amendment

Modify UDO Articles 1, 5, 15, 25, and Appendix B to revise language to clarify requirements for Townhouse developments and to revise how livability space is applied to multi-family developments overall.

This case was tabled until the next public hearing.

Case PL05272-110121 Solar Energy Systems and Electric Vehicle Charging – UDO Text Amendment

Modify the UDO to create regulations for accessory solar energy systems and accessory and principal use electric vehicle charging stations.

Ms. Shook noted the following revisions that were suggested:

- Subsection 15.64(A)(2) change the wording to “Notwithstanding the requirements set forth in this section, solar energy systems located within a Historic District or designated as a Historic Landmark shall adhere to the requirements set forth in the design standards adopted for the District or Landmark, following the COA process set forth in those standards.”
- Include language for removal of solar energy systems that are no longer in use.
- Subsection 15.65(A)(2) change the wording to indicate that every electric vehicle charging station and standard-size parking space shall be installed outside of the public right-of-way.
- Subsection 15.65(A)(4)(b) include reference to towing and booting.
- Subsection 15.65(A)(4)(g) waive the signage requirements of Part a., and Parts c. – f. if all the information required in this part was contained in the required user app of the EV charging station.

- Subsection 15.65(A)(5) remove the word “associated.”
- Add language that the cost of adding solar energy systems shall not count towards tracking for non-conformities as regulated in Subsection 7.05 of the UDO.

Vice-Chair Plaag asked about populating the Education districts in the principal and accessory use tables. Ms. Shook felt it would be best to add the use to the E3 district because this was the district covering public or private elementary and secondary education.

First Motion and Vote: Commission Member Tippet made a motion that the proposed amendment to the Town’s zoning ordinance, with the revisions discussed, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because they are consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

A.A.4 Balance the benefits of economic development projects with special concern for environmental quality issues.

Comprehensive Plan Policy 2.2.1 Transportation

B. Planned systems of pedestrian ways, bikeways, greenways, and similar facilities shall be encouraged as energy efficient and environmentally sound transportation alternatives. Site planning that incorporates secure bicycle storage at places of living, working or schooling, shopping, and gathering shall be required, where appropriate.

B.1 Encourage and legitimize alternative transportation through the enhanced use of bikeways, pedestrian ways, and greenways throughout the Town. Link existing bike, pedestrian, and greenways where possible and continue efforts for expansion.

B.4 Explore funding options for alternative transportation projects throughout Town. Options could include a city-wide vehicle registration fee, earmarking property taxes for alternative transportation improvements, and seeking grant funding opportunities from federal, state and private organizations.

The motion was seconded by Commission Member Veno.

Chair Shay wished to amend the motion to include:

Comprehensive Plan Policy 2.2.5 Environmental Health

K. The Town shall encourage and set an example which promotes water and energy conservation, and the reduction of waste generation at the source.

Commission Members Tippet and Veno accepted the amendment.

Vice-Chair Plaag wished to amend the motion to include:

Comprehensive Plan Policy 2.2.2 Infrastructure

F. Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.

Commission Members Tippet and Veno accepted the amendment.

Vote: Aye – All
Nay – None
The motion passed.

Second Motion and Vote: Commission Member Tippet made a motion that the Planning Commission recommends approval of the proposed amendment, with the revisions that were discussed, and believes approval is reasonable and in the public interest because these amendments would create regulations for

accessory solar systems and electric vehicle charging stations that would allow the Town, more formally, to meet its climate neutrality goals and also clean, renewable energy goals.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Ms. Shook stated that there was no business for the December Planning Commission meeting and it coincided with a Town holiday. For both of these reasons, the December 27, 2021 Planning Commission meeting was canceled.

Vice-Chair Plaag referred to previous discussions about the potential for creating incentives to encourage workforce housing and the possibility of creating a student housing zoning district. He asked if those were topics the Planning Commission could take up and how they would go about making that happen. Ms. Shook replied that she could bring these items to the Council's attention at the upcoming Planning Retreat and see if they would like to place them on the Work Plan. Planning Commission members agreed that there was a need for these items to be addressed.

Ms. Shook reminded Commission members of the Volunteer Appreciation Luncheon on December 3, 2021 with a pick-up meal from Dan'l Boone Inn. She asked that any Commission member who had not RSVP'd to Nicole Harmon do so as soon as possible.

Adjournment of Planning Commission

Vice-Chair Plaag made a motion to adjourn the meeting at 8:30 p.m.

The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

Conditional District Zoning Map Amendment Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C • Boone, North Carolina 28607

Phone (828) 268-6960 • Fax (828) 268-6961 • Email: planning@townofboone.net • www.townofboone.net



A. Required to be Submitted at Time of Application (check all that apply)

Note: A pre-application meeting is required prior to application submittal.

Failure to provide the information required on this application may delay the review and scheduling of the requested hearing.

- ☒ Digital copies of all paper submittal documents (may be emailed to planning@townofboone.net)
- ☒ 6 paper copies of complete site plans meeting the requirements of Town of Boone Unified Development Ordinance (UDO) Appendix A (max. size 30" x 42")
- ☒ Deed(s) of all property to be included in the request
- ☒ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☒ Property Owner Authorization. If you are not the property owner, you will need to provide documentation of property owner authorization to apply for this permit.
- ☒ Permit Fee (See Planning & Inspections Fee Schedule). Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Requested Hearing – See latest published Meeting Schedule for dates

Date of requested hearing: 11-22-2021

C. Property Information (Project Location)

Street Address:

Watauga County Parcel Identification Number(s):

1637 U.S. Highway 421 S. Boone, NC

D. Property Owner Information

Name:

Greer Watauga LLC % Alison Neely

Complete Mailing Address (Street, City, Zip):

9613 Rock Creek Road, Raleigh, NC 2713-5300

Phone Number:

919-607-0563

Email Address:

Alison Neely (AGN1216@gmail.com)

E. Applicant Information

Name:

STEPHEN D. BARKER

Company:

Catellus Group LLC

Complete Mailing Address (Street, City, Zip):

501 EAST BOULEVARD, Charlotte, NC 28203

Phone Number:

704-906-3400

Email Address:

SBARKER@catellusgroup.com

Preferred Method of Contact for Written/Response Documents (select one): ☐ Mail or ☐ Email

F. Detailed Description of Project

50 Townhouse Development (see attached information)

G. Project Cost

Project Cost:

\$ 10,000,000.00

H. Development InformationIs the development subject to a previous Special Use Permit? ☐ Yes ☒ No ☐ Unknown

If yes, please describe: _____

Are there any other variances granted that impact the property? ☐ Yes ☐ No ☒ Unknown

If yes, please describe: _____

Are there any other variances requested with this development? ☐ Yes ☐ No

If yes, please describe: _____

I. District/Use Information

Existing Zoning District:

B-2 (Commercial)

Proposed Zoning District(s):

R-3 (Residential)

Existing Land Use(s):

Vacant / all uses under B-2

Proposed Land Use(s) (Specific Use # from UDO Section 15.07 Required):

Residential

J. Site Information (include information for additional buildings on a separate sheet)

Building Footprint Square Footage:

Current: 0

Proposed: 48,045

Total Building Square Footage (all floors):

Current: 0

Proposed: 130,000

Number of Stories

Current: 0

Proposed: 3

Building Height:

Current: 0

Proposed:

Number of Units:

Current: 0

Proposed: 49

Number of Bedrooms:

Current: 0

Proposed: 147

K. Environmental InformationTotal Land Area: 5.239 ☐ Sq. Feet or ☒ AcresDisturbed Area: 5.23 ☐ Sq. Feet or ☒ AcresViewshed: Is development occurring within the Viewshed Protection District? ☐ Yes ☒ No ☐ UnknownIs development occurring on slopes in excess of 30%? ☐ Yes ☒ No ☐ Unknown

Slope:

Is development occurring on slopes in excess of 50%? ☐ Yes ☒ No ☐ UnknownIs the property located within a designated Water Supply Watershed Area? ☐ Yes ☒ No ☐ Unknown

Watershed:

If yes, please select: ☐ WS-II-CA ☐ WS-IV-PA ☐ WS-IV-CAStream/River: Is there a stream or river on or near the property? ☐ Yes ☒ NoSFHA: Is the property located within the Special Flood Hazard Area? ☐ Yes ☒ No ☐ Unknown

Official Use Only				
Permit Name:				
Permit Number:				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Request Approved: ☐ Yes ☐ No If yes, date request sent to GIS: _____

S:\FORMS\PI_Forms_Current\Planning Forms\CDZMapAmend_10202020.docx

DI SANTI CAPUA & GARRETT, PLLC

Anthony S. di Santi, Esq.*
adisanti@dwc-law.com
*Certified mediator

Attorneys and Counselors at Law
www.dwc-law.com

Andrea N. Capua, Esq.*
acapua@dwc-law.com
*Also licensed in FL

January 10, 2022

Michael James
Senior Planner
Town of Boone
680 West King Street, Suite C
Boone, North Carolina 28607

Via Email: michael.james@townofboone.net

Re: CDZ Amendment- 1627 U.S. Hwy. 421 S. (the "Property")
Applicant: Catellus Group, LLC

Dear Michael,

The purpose of this letter is to inform you that, pursuant to Article 9 of the Unified Development Ordinance for the Town of Boone, the Catellus Group, LLC (the "Applicant") held a neighborhood meeting on Saturday, January 8, 2022 at 10am. Notice of the meeting was sent to the neighboring property owners on December 14, 2021, which neighbors are listed as part of the Certificate of Mailing shown in Exhibit "A" attached hereto and incorporated herein. The purpose of the meeting was to inform the neighbors about the plans for the Property by showing them the site plan for the townhomes (the "Project") and other project submission documents and hearing their questions, comments and/ or concerns. The meeting could be attended in person at di Santi Capua & Garrett, PLLC or via Zoom; Ms. Shirley and Mr. Godwin attended virtually via Zoom. The meeting was also attended by Thomas Mannino from McGill Engineering, Stephen Barker, (principal of Catellus Group, LLC), Walter Fields consultant from Walter Fields Group, Inc, a former city planner), Chelsea Bell Garrett, and Todd Brown, who will coordinate construction for the Applicant.

The only neighboring property owner who attended was Ms. Shirley Ray whose trust, the Shirley A. Ray Revocable Trust, owns the property across Yosef Drive and adjacent to the Property to the West. Ms. Ray currently has her property listed for sale; she resides in Clyde, NC. Her realtor, Dan Godwin, also attended the meeting. Mr. Mannino shared his computer screen through Zoom so that Ms. Ray and Mr. Godwin could follow along as Mr. Mannino presented the site plan design and mentioned certain features like landscaping, underground storage, signage, etc. Ms. Ray asked quite a few good questions and the following topics were discussed in detail:

January 10, 2022

Page 2

- Ms. Ray's current driveway access onto 421 and the possibility of having alternate access from Yosef Drive.
- Existing traffic conditions and whether the DOT recommends another signalized intersection there. Note: the Applicant has been informed by the DOT that it is not an option to place another signal at that intersection due to its close proximity to existing signals.
- The parking plan for the Project- specifically, how many cars each driveway/ garage would accommodate. The amount of space will allow one car in each garage and two midsize cars in the driveway.
- The intended market for the units; the Applicant explained the target markets are professionals and small families, and the units are specifically designed and priced for those markets. For example, without limitation, the units will have option elevators which shafts can be converted to closet space if preferred. The units are for sale- not rent by the Applicant.
- The anticipated timing for construction if the application is approved.

Ms. Ray was invited to email or call me (and encourage her neighbors to do the same) if she has further questions, wishes to receive an update or to have further discussions about the Project. The Applicant remains willing to speak to any neighboring property owner about the Project.

Very Truly Yours,

DI SANTI CAPUA & GARRETT, PLLC


Chelsea Bell Garrett

Enclosure

DI SANTI CAPUA & GARRETT, PLLC

Anthony S. di Santi, Esq.*
adisanti@dwc-law.com
*Certified mediator

Attorneys and Counselors at Law
www.dwc-law.com

Andrea N. Capua, Esq.*
acapua@dwc-law.com
*Also licensed in FL

Chelsea Bell Garrett, Esq.
cgarrett@dwc-law.com

(828) 264-6126 (Tel.)
(828) 264-7743 (Fax.)

December 14, 2021

Dear Property Owner:

A formal application has been submitted to the Town of Boone seeking approval of a Zoning Map amendment for a townhome project on the north side of East King Street at the intersection with Yosef Drive. We would like to cordially invite you to a neighborhood informational meeting. At this meeting we will make every effort to illustrate how the property will be developed, receive constructive feedback and answer any questions you may have.

Our preference- due to the possibility for winter weather and to maintain safe distancing due to COVID-19- is to have this meeting virtually. However, to do so, you will need to respond to provide us with an email address where we can send the virtual meeting invitation. If you are unable to participate virtually, or if we do not hear from you, several of us will be gathering at the law office of di Santi Capua & Garrett, PLLC at 642 West King St. (*entrance on Depot St.*) on the date and time set below and you may feel free to join us in person.

SATURDAY, JANUARY 8, 2022 at 10:00 a.m.

***To attend Virtually: Email: cgarrett@dwc-law.com or
call Chelsea Bell Garrett at (828) 264-6126***

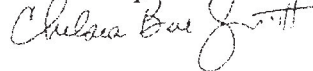
***To attend in Person: Come to the law office of
di Santi Capua & Garrett, PLLC
642 West King St.
Boone, NC 28607***

(Next to Mast General Store, and by Doc Watson Statue; Entrance now located on Depot St. "side" of building)

If you are unable to attend either virtually or in-person, please email or call Chelsea Bell Garrett (contact information above) and we can set up a time for you to speak with the development team about your questions, concerns and/ or comments.

Very Truly Yours,

di Santi Capua & Garrett, PLLC



Chelsea Bell Garrett
For Wynstone Townhomes Team

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 14th day of December, 2021 the pleading or paper to which this certificate is affixed was served upon the other parties to this action by:

☐ hand delivery
☐ facsimile
☐ email transmission
☒ depositing a copy in a first class, postpaid wrapper in a post office or official depository under the care and custody of the U.S. Postal Service, addressed as follows:

Mountain Lawn Memorial P&G, Inc.
521 Old E. King Street
Boone, NC 28607

Robert Rhyne, Jr.
P.O. Box 1596
Harrisburg, NC 28075

Gateway Center of Boone, LLC
633 E. King Street
Boone, NC 28607

Helena Becker
173 North Hampton Rd
Boone, NC 28607

Carwell Properties
1636 US Hwy 421 S
Boone, NC 28607

Rundell Properties, LLC
157 Industrial Park Drive
Boone, NC 28607

FS Holdings, LTD
869 Hwy 105 Ext, Suite 2
Boone, NC 28607

Judy G. South
1525 US Highway 421 S
Boone, NC 28607

03G, LLC
292 East Ridge Drive
Boone, NC 28607

Shirley A. Ray Revocable Trust
609 Nellie John Dr
Clyde, NC 28721

Greer Watauga, LLC
c/o Alison G. Neely
9613 Rock Creek Rd
Raleigh, NC 27613

Barber Investments, LLC
397 Windy Hill Rd
Boone, NC 28607

MV of Boone, LLC
c/o 10 Federal Finance
4611 Western Boulevard
Raleigh, NC 27606

Chelsea B. Garrett, Esq.
Attorney for Wynstone Townhome Team
P.O. Box 193
Boone, NC 28607
(828) 264-6126

ID	PROPADDRESS	TXACCTNAME	TXADDRESS	TXADDRESS2	TXCITYST	TXZIP
2910797730000	1542-/1586 US HWY	MOUNT LAWN MEMORIAL P&G INC	521 OLD E KING ST		BOONE, NC	28607
2910891848000	421 S	GATEWAY CENTER OF BOONE LLC	633 E KING ST		BOONE, NC	28607
2910895470000	1329 US HWY 421	CARWELL PROPERTIES	1636 US HIGHWAY 421 S		BOONE, NC	28607-3940
2910898457000	651 OLD E KING ST	F S HOLDINGS LTD	869 HWY 105 EXT	SUITE 2	BOONE, NC	28607
2910899447000	659 OLD E KING ST	F S HOLDINGS LTD	869 HWY 105 EXT	SUITE 2	BOONE, NC	28607
2910990354000		03G, LLC	292 EAST RIDGE DR		BOONE, NC	28607
2910990467000		F S HOLDINGS LTD	869 HWY 105 EXT	SUITE 2	BOONE, NC	28607
	205 INDUSTRIAL					
2910990899000	PARK RD	RHYNE, ROBERT R JR	PO BOX 1596		HARRISBURG, NC	28075
	173 NORTH					
2910991375000	HAMPTON RD	BECKER, HELENA	173 NORTH HAMPTON RD		BOONE, NC	28607
	157 INDUSTRIAL					
2910991721000	PARK DR	RUNDELL PROPERTIES LLC	157 INDUSTRIAL PARK DR		BOONE, NC	28607
2911800228000	1525 US HWY 421 S	SOUTH, JUDY G	1525 US HIGHWAY 421 S		BOONE, NC	28607-3939
2911802433000	1545 US HWY 421 S	SHIRLEY A RAY REVOCABLE TRUST	609 NELLIE JOHN DR		CLYDE, NC	28721
2911805166000	1627 US HWY 421 S	GREER WATAUGA LLC	C/O ALISON G NEELY	9613 ROCK CREEK RD	RALEIGH, NC	27613
	251 INDUSTRIAL					
2911902436000	PARK DR	BARBER INVESTMENTS LLC	397 WINDY HILL RD		BOONE, NC	28607-7093
				4611 WESTERN		
2911911016000	325 YOSEF DR	MV OF BOONE, LLC	C/O 10 FEDERAL FINANCE	BOULEVARD	RALEIGH, NC	27606

WYNSTONE SUBDIVISION

CATELLUS GROUP, LLC

WATAUGA COUNTY, NORTH CAROLINA



PROJECT INFORMATION

LOCATION : 1627 U.S. HIGHWAY 421 SOUTH
BOONE, N.C. 28607
PARCEL ID. : 2911805166000
BOOK 1506 PAGE 064

ARCHITECT

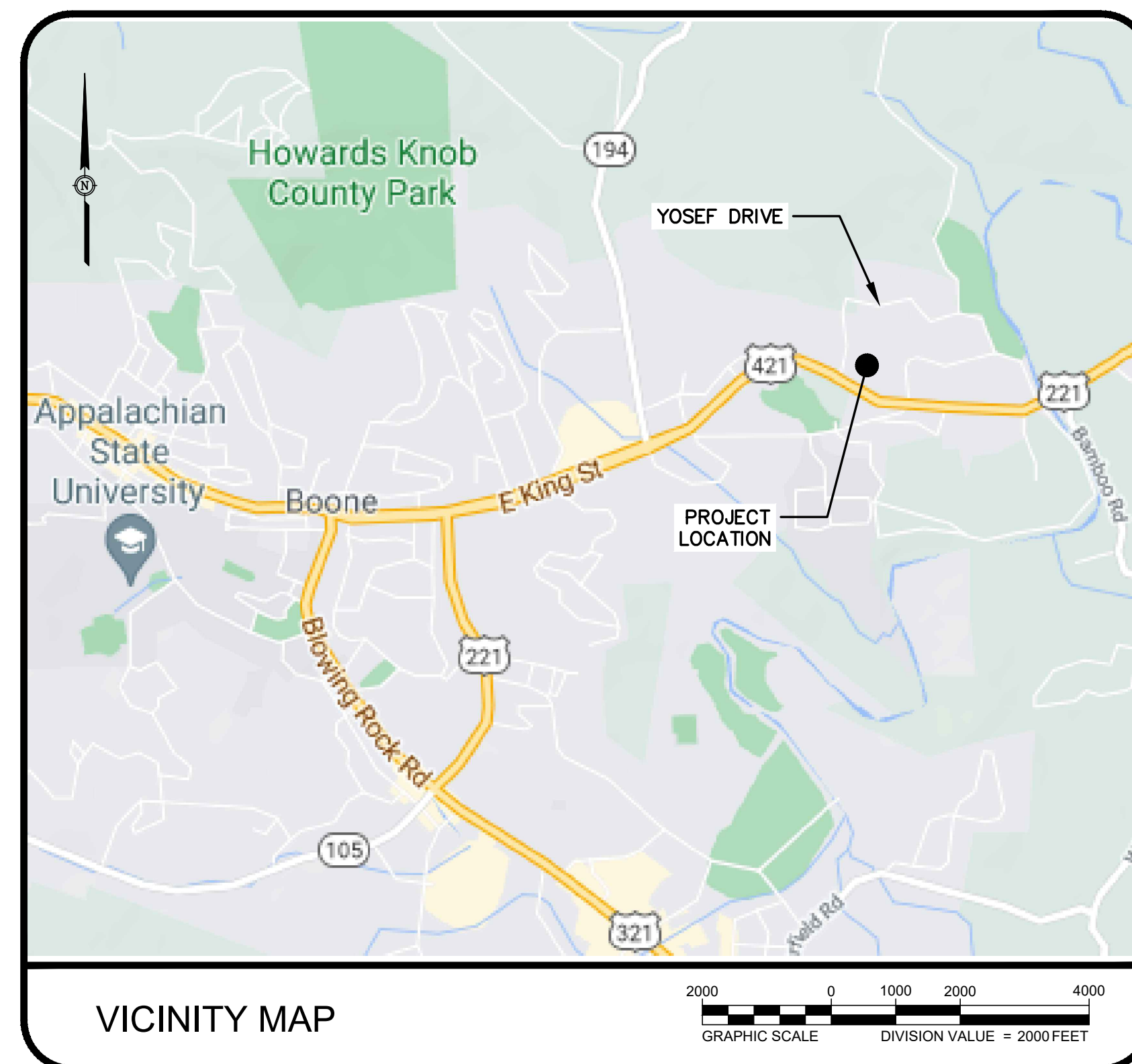
STEPHEN OVERCASH
ODA ARCHITECTURE
2010 S. TRYON STREET, SUITE 1A
CHARLOTTE, NC
704.332.1615

CIVIL/SITE ENGINEER

THOMAS MANNINO, PE
MCGILL ASSOCIATES P.A.
55 BROAD STREET
ASHEVILLE, NC 28801
828.252.0575

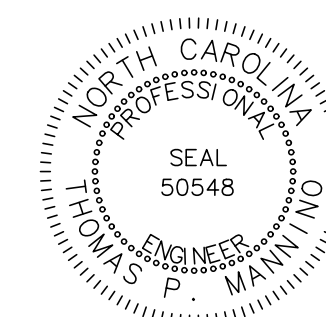
DEVELOPER

STEPHEN D. BARKER
CATELLUS GROUP, LLC
501 EAST BOULEVARD
CHARLOTTE, NC 28203-5021
PHONE NUMBER: 704.332.7052
EMAIL:



SCHEDULE OF DRAWINGS

G-001	COVER SHEET
G-002	GENERAL NOTES AND LEGENDS
G-003	GENERAL NOTES
G-004	GENERAL NOTES
G-005	SITE SURVEY
CE-101	EXISTING CONDITIONS AND DEMOLITION PLAN
C-101	SITE LAYOUT PLAN
C-102	PROPOSED ROADWAY PROFILE
C-103	GRADING AND FINAL EROSION CONTROL PLAN
C-104	STORMWATER COLLECTION SYSTEM PLAN
C-105	WATER DISTRIBUTION SYSTEM PLAN
C-106	SANITARY SEWER COLLECTION SYSTEM PLAN
C-107	INITIAL EROSION CONTROL PLAN
C-501 to C-507	STANDARD SITE DETAILS
L-101	SITE LANDSCAPE PLAN
L-102	SITE LANDSCAPE PLAN



Thomas P. Mannino
Digitally signed by Thomas P. Mannino
Date: 2021.11.19 14:50:12 -0500

SEPTEMBER 2021

PRELIMINARY
-FOR REVIEW PURPOSES ONLY-
NOT RELEASED FOR
CONSTRUCTION

1. UNLESS OTHERWISE STATED, ALL FILL AREAS SHALL BE CONSTRUCTED IN LAYERS OF 8" MAXIMUM THICKNESS, WITH WATER ADDED OR SOIL CONDITIONED TO THE OPTIMUM MOISTURE CONTENT AS DETERMINED BY THE ENGINEER AND COMPACTED WITH A SHEEP'S FOOT ROLLER TO A COMPACTION EQUAL TO OR GREATER THAN 95% (100% IN THE TOP 2' OF THE SUB GRADE BELOW ROADWAYS AND PARKING LOTS) OF THE DENSITY OBTAINED BY COMPACTING A SAMPLE OF THE MATERIAL IN ACCORDANCE WITH THE STANDARD PROCTOR METHOD OF MOISTURE-DENSITY RELATIONSHIP TEST, ASTM D698 OR AASHTO-99 UNLESS SPECIFIED IN OTHER SPECIFICATIONS.
2. ENTIRE AREA TO BE GRADED SHALL BE CLEARED AND GRUBBED. NO FILL SHALL BE PLACED ON ANY AREA NOT CLEARED AND GRUBBED.
3. ALL SOIL EROSION CONTROL MEASURES REQUIRED BY THE GRADING PLAN SHALL BE PERFORMED PRIOR TO GRADING, CLEARING OR GRUBBING. ALL EROSION CONTROL DEVICES SUCH AS SILT FENCES, ETC., SHALL BE MAINTAINED IN WORKABLE CONDITION FOR THE LIFE OF THE PROJECT AND SHALL BE REMOVED AT THE COMPLETION OF THE PROJECT ONLY ON THE ENGINEER'S APPROVAL. PAYMENT SHALL BE CONSIDERED INCIDENTAL TO CLEARING AND GRUBBING. IF DURING THE LIFE OF THE PROJECT, A STORM CAUSES SOIL EROSION WHICH CHANGES FINISH GRADES OR CREATES "GULLIES" AND "WASHED AREAS", THESE SHALL BE REPAIRED AT NO EXTRA COST, AND ALL SILT WASHED OFF OF THE PROJECT SITE ONTO ADJACENT PROPERTY SHALL BE REMOVED AS DIRECTED BY THE ENGINEER AT NO EXTRA COST. THE CONTRACTOR SHALL ADHERE TO ANY APPROVED EROSION CONTROL PLANS WHETHER INDICATED IN THE CONSTRUCTION PLANS OR UNDER SEPARATE COVER.
4. DISPOSABLE MATERIAL.
 - A. CLEARING AND GRUBBING WASTES SHALL BE REMOVED FROM THE SITE AND PROPERLY DISPOSED OF BY THE CONTRACTOR AT HIS EXPENSE, UNLESS SPECIFIED OTHERWISE.
 - B. SOLID WASTES TO BE REMOVED, SUCH AS SIDEWALKS, CURBS, PAVEMENT, ETC., MAY BE PLACED IN SPECIFIC DISPOSAL AREAS DELINEATED ON THE PLANS OR REMOVED FROM THE SITE AS REQUIRED BY THE SPECIFICATIONS. THIS MATERIAL SHALL HAVE A MINIMUM COVER OF 2'. THE CONTRACTOR SHALL MAINTAIN SPECIFIED COMPACTION REQUIREMENTS IN THESE AREAS. WHEN DISPOSAL SITES ARE NOT PROVIDED, THE CONTRACTOR SHALL REMOVE THIS WASTE FROM THE SITE AND PROPERLY DISPOSE OF IT AT HIS EXPENSE.
 - C. ABANDONED UTILITIES SUCH AS CULVERTS, WATER PIPE, HYDRANTS, CASTINGS, PIPE APPURTENANCES, UTILITY POLES, ETC., SHALL BE THE PROPERTY OF THE SPECIFIC UTILITY AGENCY, OR COMPANY HAVING JURISDICTION. BEFORE THE CONTRACTOR CAN REMOVE, DESTROY, SALVAGE, REUSE, SELL, OR STORE FOR HIS OWN USE ANY ABANDONED UTILITY, HE MUST PRESENT TO THE OWNER WRITTEN PERMISSION FROM THE UTILITY INVOLVED.
 - D. ON SITE BURNING IS PROHIBITED.
5. THE CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF ADJUSTMENT OF ALL UTILITY SURFACE ACCESSSES WHETHER HE PERFORMS THE WORK OR A UTILITY COMPANY PERFORMS THE WORK.
6. THE CONTRACTOR SHALL CONTROL ALL "DUST" BY PERIODIC WATERING AND SHALL PROVIDE ACCESS AT ALL TIMES FOR PROPERTY OWNERS WITHIN THE PROJECT AREA AND FOR EMERGENCY VEHICLES. ALL OPEN DITCHES AND HAZARDOUS AREAS SHALL BE CLEARLY MARKED IN ACCORDANCE WITH THE SPECIFICATIONS.
7. ALL AREAS WHERE THERE IS EXPOSED DIRT SHALL BE SEEDED, FERTILIZED AND MULCHED ACCORDING TO THE SPECIFICATIONS. THE FINISHED SURFACE SHALL BE TO GRADE AND SMOOTH, FREE OF ALL ROCKS LARGER THAN 3", EQUIPMENT TRACKS, DIRT CLOUDS, BUMPS, RIMPS, AND LOGS PRIOR TO SEEDING. THE SURFACE SHALL BE LOOSESED TO 6" TO 8" TO 10" TO 12" DEPTH. THE CONTRACTOR SHALL NOT PERFORM WITH SEEDING OPERATIONS WITHOUT FIRST OBTAINING THE ENGINEER'S APPROVAL OF THE GRADED SURFACE. ALL SEEDING SHALL BE PERFORMED BY A MECHANICAL "HYDRO-SEEDER". HAND SEEDING SHALL BE AUTHORIZED ON AN AREA BY AREA APPROVAL BY THE ENGINEER. DISTURBED AREAS SHOULD THEN BE MATTED WITH SHORT-TERM PHOTODEGRADABLE EROSION CONTROL MATTING.
8. WHERE SPECIFIED, STORM DRAIN PIPE SHALL BE REINFORCED CONCRETE PIPE (RCP) CONFORMING TO AASHTO M-170, AS CONTAINED IN NCDOT STANDARD SPECIFICATION 1032-9.9 FOR WALL TYPE.

WHERE SPECIFIED, ALL STORM DRAIN PIPE SHALL BE HIGH DENSITY POLYETHYLENE (HDPE). SMOOTH WALL INTERIOR, WITH WATER TIGHT JOINTS, BACKFILLED WITH # 57 WASHED STONE UP TO MIN. OVER THE TOP OF THE PIPE. HDPE PIPE USED FOR STORM DRAINAGE DETENTION SYSTEMS SHALL BE ADS N12 WT OR APPROVED EQUAL.
9. CONTRACTOR SHALL VERIFY ALL ELEVATIONS BEFORE INSTALLATION OF FACILITIES.
10. CATCH BASINS CAST-IN-PLACE SHALL CONFORM TO THE REQUIREMENTS OF NCDOT STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES (LATEST EDITION) ARTICLES 840-1 THROUGH 840-3. CURB INLET CATCH BASIN SHALL CONFORM TO NCDOT STANDARD DETAILS 840.02 THROUGH 840.04. DROP INLETS SHALL CONFORM TO STANDARD DETAIL 840.14. JUNCTION BOXES SHALL CONFORM TO STANDARD DETAIL 840.31.
11. CURB INLET FRAME, GRATE AND HOOD SHALL BE NENEAH R-32330, PRODUCTS BY DEWEY BROS., U.S. FOUNDRY OR EQUAL. DROP INLET FRAME AND GRATE SHALL BE NENEAH R-3339A OR EQUAL. FIELD INLET COVER SHALL CONFORM TO NCDOT STANDARD DETAIL 840.04, OPENING FACING UPSTREAM.
12. CONCRETE AND MASONRY SHALL MEET THE REQUIREMENTS OF APPROPRIATE SECTION OF NCDOT STANDARD SPECIFICATIONS FOR ROAD AND STRUCTURES (LATEST EDITION). CONCRETE SHALL BE CLASS A OR B, 4000 PSI MINIMUM, MEETING THE REQUIREMENTS OF SECTION 1000, CONSTRUCTED IN ACCORDANCE WITH SECTION 825. MASONRY SHALL MEET THE REQUIREMENTS OF SECTION 1040, CONSTRUCTED IN ACCORDANCE WITH SECTION 830 AND/OR 834.
13. TOPS OF PROPOSED FRAMES AND GRATES SHALL BE FLUSH WITH FINISHED GRADE.

1. ALL CONSTRUCTION OUTSIDE RIGHTS-OF-WAY SHALL TAKE PLACE WITHIN THE PERMANENT AND TEMPORARY ACCESS EASEMENTS SHOWN.
2. CONTRACTOR SHALL REPAIR ALL DISTURBED AREAS TO EQUAL OR BETTER CONDITION THAN THE ORIGINAL SITE, OR AS NOTED.
3. LOCATIONS OF EXISTING UTILITIES AS SHOWN ARE APPROXIMATE ONLY. EXACT LOCATIONS ARE TO BE VERIFIED BY THE CONTRACTOR. AT LEAST THREE DAYS PRIOR TO CONSTRUCTION, CONTRACTOR MUST NOTIFY EXISTING UTILITY OWNERS. CALL 811 BEFORE YOU DIG.
4. ALL WORK NEAR AND AROUND WATERWAYS MUST CONFORM TO THE RULES OF THE STATE OF NORTH CAROLINA.
5. CONTRACTOR MUST PROVIDE EROSION CONTROL DEVICES TO CONTROL RUNOFF FROM THE CONSTRUCTION SITE. CONTRACTOR WILL BE RESPONSIBLE FOR ANY FINES THAT MAY BE LEVIED DUE TO POLLUTION CREATED DURING CONSTRUCTION.
6. CONTRACTOR SHALL FOLLOW ALL FEDERAL, STATE AND LOCAL HEALTH AND SAFETY REGULATIONS PERTAINING TO CONSTRUCTION OPERATIONS.
7. WATER LINES SHALL HAVE 3'-0" MINIMUM COVER UNLESS OTHERWISE SHOWN ON THE DRAWINGS.
8. WATER AND SEWER LINES SHALL HAVE A MINIMUM 10' HORIZONTAL SEPARATION OR A MINIMUM 18" VERTICAL SEPARATION WITH THE WATER OVER SEWER, OR BOTH WATER AND SEWER LINES SHALL BE DUCTILE IRON PIPE 10" EITHER SIDE OF THE CROSSING.
9. WATER AND STORM SEWER LINES SHALL HAVE A MINIMUM 18" SEPARATION EXCEPT UNDER NODOT STORM DRAINS WHICH SHALL HAVE 24" VERTICAL SEPARATION. IF SEPARATION IS NOT OBTAINABLE, DUCTILE IRON PIPE SHALL BE USED FOR THE WATER LINE OR A SUPPORTING MATERIAL SUCH AS FLOWABLE FILL SHALL BE INSTALLED BETWEEN THE PIPES.
10. SEE PROJECT SPECIFICATIONS FOR ADDITIONAL INFORMATION.
11. LEGAL DESCRIPTIONS FOR PROPOSED EASEMENTS BY OTHERS.
12. CONTRACTOR SHALL NOTIFY THE PROPER LOCAL AUTHORITIES 24 HOURS PRIOR TO ANY ROAD BEING CLOSED FOR CONSTRUCTION, INCLUDING BUT NOT LIMITED TO LOCAL NEWSPAPER, RADIO STATION, FIRE DEPARTMENT, COUNTY SHERIFF'S DEPARTMENT, AMBULANCE, AND COUNTY EMERGENCY AGENCY. ALL TRAFFIC CONTROL SHALL CONFORM TO THE REQUIREMENTS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
13. CONTRACTOR SHALL NOTIFY THE ENGINEER AFTER EXISTING BURIED UTILITIES HAVE BEEN LOCATED AND 24 HOURS PRIOR TO CONSTRUCTION.
14. ALL FENCE DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH LIKE MATERIALS IN A WORKMANLIKE MANNER AND IN ACCORDANCE WITH STANDARD FENCE CONSTRUCTION PRACTICES AT THE CONTRACTOR'S EXPENSE.
15. CONTRACTOR SHALL FIELD LOCATE ALL BURIED TELEPHONE LINE IN CONFLICT WITH THE PROPOSED WATER LINE. WHEN NECESSARY, EXISTING BURIED TELEPHONE LINE SHALL BE TEMPORARILY MOVED DURING CONSTRUCTION OF THE PROPOSED WATER LINE AND RE-LAID AT NO ADDITIONAL COST TO THE OWNER.
16. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING ROADS DURING CONSTRUCTION AND SHALL REPAIR ROADS PER REQUIREMENTS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. NO OPEN CUTS OF EXISTING ROADS SHALL BE ALLOWED EXCEPT WHERE INDICATED ON THE DRAWINGS OR WHERE SPECIFIC PERMISSION IS GRANTED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. SAND OR A SIMILAR MATERIAL APPROVED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION SHALL BE PLACED ON THE ROAD TO AID IN THE CLEAN UP AFTER CONSTRUCTION. A MINIMUM OF 2" OF SAND SHALL BE PLACED ON THE ROAD PRIOR TO STOCKPILING SPOIL MATERIAL ON THE ROAD SURFACE TO FACILITATE CLEANUP.

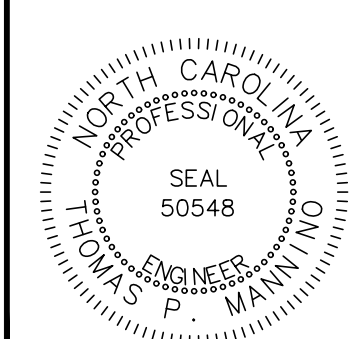
1. ALL CONSTRUCTION OUTSIDE RIGHTS-OF-WAY SHALL TAKE PLACE WITHIN THE PERMANENT AND TEMPORARY ACCESS EASEMENTS SHOWN.
2. CONTRACTOR SHALL REPAIR ALL DISTURBED AREAS TO EQUAL OR BETTER CONDITION THAN THE ORIGINAL SITE, OR AS NOTED.
3. LOCATIONS OF EXISTING UTILITIES AS SHOWN ARE APPROXIMATE ONLY. EXACT LOCATIONS ARE TO BE VERIFIED IN THE FIELD BY THE CONTRACTOR. AT LEAST THREE DAYS PRIOR TO CONSTRUCTION, CONTRACTOR MUST NOTIFY EXISTING UTILITY OWNERS. CALL 811 BEFORE YOU DIG.
4. ALL WORK NEAR AND AROUND WATERWAYS MUST CONFORM TO THE RULES OF THE STATE OF NORTH CAROLINA.
5. CONTRACTOR MUST PROVIDE EROSION CONTROL DEVICES TO CONTROL RUNOFF FROM THE CONSTRUCTION SITE. CONTRACTOR WILL BE RESPONSIBLE FOR ANY FINES THAT MAY BE LEVIED DUE TO POLLUTION CREATED DURING CONSTRUCTION.
6. CONTRACTOR SHALL FOLLOW ALL FEDERAL, STATE AND LOCAL HEALTH AND SAFETY REGULATIONS PERTAINING TO CONSTRUCTION OPERATIONS.
7. SEWER FORCE MAINS AND WATER LINES SHALL HAVE 3'-0" MINIMUM COVER UNLESS OTHERWISE SHOWN ON THE DRAWINGS.
8. WATER AND SEWER LINES SHALL HAVE A MINIMUM 10' HORIZONTAL SEPARATION OR A MINIMUM 18" VERTICAL SEPARATION WITH THE WATER OVER SEWER, OR BOTH WATER AND SEWER LINES SHALL BE DUCTILE IRON PIPE 10" OR LARGER SIZE OF THE CROSSING.
9. SEWER AND STORM SEWER LINES SHALL HAVE A MINIMUM 24" SEPARATION. IF 24" SEPARATION IS NOT OBTAINABLE, DUCTILE IRON PIPE SHALL BE USED FOR THE SEWER LINE OR A SUPPORTING MATERIAL SUCH AS FLOWABLE FILL SHALL BE INSTALLED BETWEEN THE PIPES.
10. SEE PROJECT SPECIFICATIONS FOR ADDITIONAL INFORMATION.
11. UNLESS OTHERWISE NOTED, ALL BURIED PIPE SHALL BE INSTALLED WITH PUSH-ON JOINTS AND EXPOSED PIPING SHALL BE FLANGED JOINT.
12. LEGAL DESCRIPTIONS FOR PROPOSED EASEMENTS BY OTHERS.
13. SITE TOPOGRAPHIC AND BOUNDARY SURVEY PROVIDED BY SURVEYOR NOTED ON PLANS.
14. CONTRACTOR SHALL NOTIFY THE PROPER LOCAL AUTHORITIES 24 HOURS PRIOR TO ANY ROAD BEING CLOSED FOR CONSTRUCTION, INCLUDING BUT NOT LIMITED TO LOCAL NEWSPAPER, RADIO STATION, FIRE DEPARTMENT, COUNTY SHERIFF'S DEPARTMENT, AMBULANCE, AND COUNTY EMERGENCY AGENCY. ALL TRAFFIC CONTROL SHALL CONFORM TO THE REQUIREMENTS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
15. CONTRACTOR SHALL NOTIFY THE ENGINEER AFTER EXISTING BURIED UTILITIES HAVE BEEN LOCATED AND 24 HOURS PRIOR TO CONSTRUCTION.
16. LOCATIONS SHOWN FOR SANITARY SEWER SERVICES ARE ASSUMED. COORDINATE LOCATIONS OF ALL PROPOSED SEWER SERVICE CONNECTIONS WITH PROPERTY OWNER PRIOR TO CONSTRUCTION.
17. CONTRACTOR SHALL FIELD VERIFY ALL PROPOSED MANHOLE TOP ELEVATIONS AND EXISTING MANHOLE INVERTS PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES. CONTRACTOR SHALL ADJUST ALL PROPOSED SEWER STRUCTURES TO MATCH FINISHED PAVEMENT ELEVATIONS. COSTS OF RAISING STRUCTURES SHALL BE CONSIDERED INCIDENTAL TO OTHER WORK ON THE PROJECT.
18. MANHOLES AND CASTINGS SHALL MEET THE REQUIREMENTS OF OWNER AS WELL AS THE PROJECT SPECIFICATIONS.
19. 4" SANITARY SEWER SERVICE LINES SHALL BE INSTALLED AT 2.0% MINIMUM SLOPE AND SHALL BE DUCTILE IRON IN PAVED AREAS.
20. ALL FENCE DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH LIKE MATERIALS IN A WORKMANLIKE MANNER AND IN ACCORDANCE WITH STANDARD FENCE CONSTRUCTION PRACTICES AT THE CONTRACTOR'S EXPENSE.
21. CONTRACTOR SHALL FIELD LOCATE ALL BURIED TELEPHONE LINE IN CONFLICT WITH THE PROPOSED UTILITY LINE WHERE NECESSARY, EXISTING BURIED TELEPHONE LINE SHALL BE TEMPORARILY MOVED DURING CONSTRUCTION OF THE PROPOSED UTILITY LINE AND RE-LAID AT NO ADDITIONAL COST TO THE OWNER.
22. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING ROADS DURING CONSTRUCTION AND SHALL REPAIR ROADS PER REQUIREMENTS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. NO OPEN CUTS OF EXISTING ROADS SHALL BE ALLOWED EXCEPT WHERE INDICATED ON THE DRAWINGS OR WHERE THE ENGINEER APPROVES. ANY DAMAGE TO EXISTING ROADS BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, SAND OR A SIMILAR MATERIAL APPROVED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION SHALL BE PLACED ON THE ROAD TO AID IN THE CLEAN UP AFTER CONSTRUCTION. A MINIMUM OF 2" OF SAND SHALL BE PLACED ON THE ROAD PRIOR TO STOCKPILING SPOIL MATERIAL ON THE ROAD SURFACE TO FACILITATE CLEANUP.
23. CONTRACTOR SHALL MAINTAIN SEWAGE FLOW IN SEWER SYSTEM AT ALL TIMES AND SHALL PROVIDE BYPASS PUMPING AND/OR PIPING AS REQUIRED. NO SANITARY SEWER OVERFLOWS ARE PERMITTED.

TEL PED	TELEPHONE PEDESTAL	△	CALCULATED POINT
ELEC PED	ELECTRIC PEDESTAL	○IPS	1/2" REBAR SET WITH CAP
CATV PED	CABLE TV PEDESTAL	☒	CONCRETE MONUMENT
SIGN	SIGN	☒CM-R/W	RIGHT-OF-WAY MONUMENT
CATV	UNDERGROUND CABLE TV SIGN	●DOT MON	D.O.T. CONTROL POINT
UG FOC	UNDERGROUND FIBER OPTIC CABLE SIGN	●HBF	REBAR FOUND
UG TCS	UNDERGROUND TELEPHONE CABLE SIGN	●RRSPIKE	RAILROAD SPIKE
UG GAS	UNDERGROUND GAS LINE SIGN	●PK NL	PK NAIL FOUND / SET
UG ELEC	UNDERGROUND ELECTRIC LINE SIGN	☼SPINDLE	SPINDLE FOUND / SET
LP	LIGHT POLE	☼CPHUB	HUB & TACK SET
UP	UTILITY POLE	△CP/NL GPS	CONTROL POINT NAIL SET / FOUND
WIRE	GUY WIRE ANCHOR	△CP/NL	CONTROL POINT/NAIL SET GPS
TSP	TRAFFIC SIGNAL POLE	☼CP/TEMP	CONTROL POINT TEMPORARY MARK
R/C	RAILROAD CROSSING SIGNAL	★NGS METAL ROD	NATIONAL GEODETIC SURVEY METAL ROD
MH	MANHOLE	☒NGS CM	NATIONAL GEODETIC SURVEY CONCRETE MONUMENT
SMH	SANITARY SEWER MANHOLE	☒TEMPORARY CONTROL POINT SET	TEMPORARY CONTROL POINT SET
SDMH	STORM DRAIN MANHOLE	▲NETWORK TRIANGULATION POINT	NETWORK TRIANGULATION POINT
COMM MH	COMMUNICATION MANHOLE		
ELMH	ELECTRICAL MANHOLE	▲STAKE	STAKE FOUND
JB	JUNCTION BOX	④	INTERSTATE HIGHWAY
SPIGOT	SPIGOT/YARD HYDRANT	⑥⑥	U.S. HIGHWAY
C.O.	SEWER CLEAN-OUT	⬆ELEVATION	FINISHED FLOOR ELEVATION
E.S.S.	ELECTRIC SERVICE STUB-OUT	●MW	MONITORING WELL
G.S.S.	GAS SERVICE STUB-OUT	●PIEZOMETER	PIEZOMETER
CB	CATCH BASIN	⊗	LANDFILL GAS MONITORING PROBE
CI	CURB INLET	⊗	SURFACE WATER SAMPLING LOCATION
WM	WATER METER	☐	LANDFILL GAS VENT
FH	FIRE HYDRANT	○	LANDFILL GAS COLLECTION WELLHEAD
WV	WATER VALVE	⊗	POTABLE WATER WELL
BLOWOFF VALVE	BLOW OFF VALVE	⊠MB	MAILBOX OR PAPER BOX
G/M	GAS METER	☐PB	POSTAL DROP BOX
G/V	GAS VALVE	☼SAT DISH	SATELLITE DISH
ICV	IRRIGATION CONTROL VALVE	☼YARD ORNAMENT	STATUE, BIRD BATHS, ETC.
PIV	POST INDICATOR VALVE	🌳	TREES
E.JUNCTION	ELECTRIC JUNCTION BOX OR OUTLET	🌳	SHRUBS / BUSHES
SG BOX	TRAFFIC SIGNAL BOX	(H)	HORIZONTAL GROUND DISTANCE
		(G)	NC STATE PLANE GRID DISTANCE



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Digitally signed by Thomas P. Mannino
Date: 2021.11.19
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WYNSTONE
SUBDIVISION
CATELLUS GROUP, LLC
WATAUGA COUNTY, NORTH CAROLINA

OFFICE MANAGER M. CATHEY	DESIGNER E. WAKEFIELD
PROJECT MANAGER T. MANNINO	REVIEWER S. BURWELL

RPS	IRON PIN SET	CMU	CONCRETE MASONRY UNIT
RBF	REBAR FOUND	CPW	CORRUGATED PLASTIC PIPE
OTIFP	OPEN TOP IRON PIN FOUND	DIP	DUCTILE IRON PIPE
CTIFF	CRIMPED TOP IRON PIN FOUND	E&T	ELECTRIC & TELEPHONE
CMU	CONCRETE MASONRY UNIT	FOC	FIBER OPTIC CABLE
R/W	RIGHT OF WAY	GIP	GALVANIZED IRON PIPE
℄	CENTERLINE	O/H	OVERHEAD
C	CURVE (SEE CURVE TABLE)	RPC	REINFORCED CONCRETE PIPE
POB	POINT OF BEGINNING	U/G	UNDERGROUND
CP	CALCULATED POINT	VCP	VITRIFIED CLAY PIPE
PB	PLAT BOOK	PVC	POLYVINYL CHLORIDE PIPE
DB	DEED BOOK	FFE	FINISHED FLOOR ELEVATION
L	LINE (SEE LINE TABLE)	PG	PAGE
BLDG	BUILDING	REF	REFERENCE
CIP	CAST IRON PIPE	DEPT	DEPARTMENT OF TRANSPORTATION
CMF	CORRUGATED METAL PIPE	NGS	NATIONAL GEODETIC SURVEY
		NCSP	NORTH CAROLINA STATE PLANE
		MTR BOX	METER BOX

G-002

NORTH CAROLINA LAND QUALITY SECTION EROSION CONTROL NOTES

UPDATED FEBRUARY, 2020

GENERAL: ALL EROSION CONTROL MEASURES ARE TO BE PERFORMED IN STRICT ACCORDANCE WITH REQUIREMENTS OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY (NCDEQ), DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES (DEMLR), LAND QUALITY SECTION. THE FOLLOWING CONSTRUCTION SEQUENCE SHALL BE COMPLIED WITH FOR ALL WORK.

1. PRIOR TO BEGINNING WORK ON THE PROJECT THE CONTRACTOR SHALL OBTAIN FROM THE OWNER A COPY OF THE "EROSION AND SEDIMENT CONTROL APPROVAL" FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY (NCEQ), DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES (DEMLR), DIVISION OF LAND QUALITY, OR THE LOCAL AUTHORIZED PROGRAM. THE APPROVAL NOTICE MUST BE AVAILABLE ON-SITE DURING ALL GRADING AND CONSTRUCTION ACTIVITIES.
2. INSTALL ALL EROSION CONTROL MEASURES AS REQUIRED BY THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES, LAND QUALITY SECTION.

NOTE: ALL UTILITY INSTALLATION WITHIN 25' OF A RIVER OR STREAM BANK SHALL BE INSTALLED PER STREAM PROTECTION DURING EXCAVATION DETAIL. NATIVE SEEDING AND MULCHING SHALL BE COMPLETED DAILY IN AREAS NOTED AS STREAM PROTECTION AREAS. SILT FENCE IN THESE AREAS SHALL NOT BE INSTALLED CLOSER THAN 5' FROM CREEK BANK UNLESS FIELD CONDITIONS PREVENT SUFFICIENT CLEARANCE. ALL SILT FENCES SHALL BE INSPECTED AND CLEANED AS NEEDED AFTER EACH RAIN.
3. NO WORK SHALL BE PERFORMED IN STREAM FROM OCTOBER 15 TO APRIL 15 (TO ACCOMMODATE COE AND DWQ RECOMMENDATIONS CONCERNING WORK IN TROUT WATERS.)
4. CONTRACTOR IS TO PLACE PERMANENT STAKES MARKING CLEARLY THE 25' BUFFER FOR STREAMS WHERE SHOWN ON THE PLANS AND THE MARKERS ARE TO BE VISIBLE AT ALL TIMES DURING CONSTRUCTION.
5. OBTAIN CERTIFICATE OF COMPLIANCE THROUGH ON-SITE INSPECTION BY A REPRESENTATIVE OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES, LAND QUALITY SECTION.
6. CONSTRUCTION SHALL BE LIMITED TO 2000' OF CONTIGUOUS ROAD CORRIDOR UNTIL ALL CUTS, FILLS, AND DITCHES ARE STABILIZED FOR THAT 2000' SECTION. UPON STABILIZATION OF THAT SECTION ANOTHER 2000' SECTION CAN BE CONSTRUCTED AND STABILIZED.
7. ALL STREAM CROSSINGS AND PERENNIAL STREAMS WILL BE ALIGNED WITH THE NATURAL STREAM PATTERNS ABOVE AND BELOW THE PROPOSED ROAD. ARCH CULVERTS WILL BE USED AND FOOTERS WILL BE CONSTRUCTED IN UNDISTURBED BANKS AWAY FROM THE STREAM FLOW.
8. PROCEED WITH GRADING, CLEARING AND GRUBBING. NOTE: NO OFF SITE DISPOSAL OF MATERIAL IS ALLOWED UNLESS THE DISPOSAL SITE HAS AN APPROVED EROSION CONTROL PLAN.
9. SEED AND PLACE EROSION CONTROL MATTING ON ALL UPLAND CUT AND FILL SLOPES THAT ARE NOT ROCK IMMEDIATELY UPON COMPLETION OF SLOPE STABILIZATION.
10. ALL TEMPORARY STREAM AND CREEK CROSSINGS FOR EQUIPMENT DURING CONSTRUCTION SHALL BE MADE USING TEMPORARY BRIDGES. NO STREAM BANK OR STREAM BED DISTURBANCE SHALL BE ALLOWED FOR EQUIPMENT CROSSINGS.
11. SEED AND MULCH DENUDED AREA WITHIN TIME FRAME SPECIFIED (SEE TABLE). SEED AND SOIL AMENDMENTS SHALL BE PLACED ON A PREPARED SEEDBED AT THE FOLLOWING RATES PER ACRE. STRAW MULCH SHALL BE TACKED WITH TACKING AGENT APPLIED BY HYDROSEEDER.

LIME	4,000 LBS	
FERTILIZER (10-10-10)	1,000 LBS	
KY-31 FESCUE (POA PRATENSIS)	100 LBS	(MOWED AND MAINTAINED AREAS ONLY)
OR		
CREEPING RED FESCUE	100 LBS	(NATURAL AREAS AND STREAMBANKS)
STRAW MULCH	60-80 BALES	
FOR SUMMER SEEDING ADD TO THE ABOVE:		
GERMAN MILLET (SETARIA ITALICA)	40 LBS	
SMALL-STEMMED SUDAN GRASS (SORGHUM BICOLOR)	50 LBS	
FOR WINTER SEEDING ADD TO THE ABOVE:		
RYE GRAIN (SECALE CEREALE)	120 LBS	

IF HYDROSEEDING, WOOD CELLULOSE MAY BE USED IN ADDITION TO STRAW MULCH AT THE RATE OF 1,000 LBS PER ACRE.

ALL SEEDING SHALL BE MAINTAINED, WATERED ETC., UNTIL A PERMANENT VEGETATIVE GROUND COVER IS ESTABLISHED OVER ALL DISTURBED AREAS. FOR ALL SLOPES 2:1 OR STEEPER ADD TO THE ABOVE:

PURGE LIVE SEED SWITCHGRASS	4 LBS
BROWNTOP MILLET OR PEARL MILLET (PENNISETUM GLAUCUM)	8 LBS
GRAIN SORGHUM (SORGHUM BICOLOR (L.) MOENCH SSP. BICOLOR)	2 LBS

ALL SLOPES 2:1 OR STEEPER SHALL BE COVERED BY EROSION CONTROL MATTING.

NATIVE SEEDING:

THE CORRECT SEEDBED pH IS 5.5 TO 6.5.

APPLY ZERO NITROGEN AT PLANTING.

INCORPORATE SOIL AMENDMENTS INTO TOPSOIL/ROOT ZONE BEFORE SEEDING.

FIRM SEEDBED BEFORE SEEDING (TRAVEL WITH DOZER CLEATS).

SEEDING DEPTH FOR ALL NATIVE SSP. EXCEPT E.GAMAGRASS (*TRIPSACUM DACTYLOIDES*) NEED TO BE 1/4" - 1/2". GREATER DEPTHS CAUSE HIGH SEED MORTALITY.

SPECIALIZED SEEDING IMPLEMENTS ARE REQUIRED. SEED MIXES AND RATES TO MATCH SEEDER USED. A NO-TILL, DROP SEEDER OR BROADCASTER WITH PRECISION METERING TO CONTROL SMALL SEED FLOW AND PICKER WHEEL AGITATORS TO HANDLE FLUFFY SEED ARE BEST SUITED FOR NATIVE SEED.

NATIVE PLANT SEEDING MIX FOR WETLAND STREAM OR RIVERBANK STABILIZATION

1. NATIVE SEED MIX SHALL BE APPLIED AT A RATE OF 20 LBS./AC. AND INCLUDE THE FOLLOWING SPECIES:
 - 25% - BIG BLUESTEM (ANDROPOGON GERARDII)
 - 25% - INDIAN GRASS (SORGHASTRUM NUTANS)
 - 25% - LITTLE BLUESTEM (SCHIZACHYRIUM SCOPARIUM)
 - 25% - SWITCHGRASS (PANICUM VIRGATUM)
2. ADDITIONALLY A TEMPORARY COVER/NURSE CROP MIX SHALL BE APPLIED AT A RATE OF 25 LBS./ACRE AS FOLLOWS:
 - AUGUST THRU MAY - GREENRYE (SECALE CEREALE)
 - MAY 1 THRU AUGUST - MILLET (PENNETIUM GLAUCUM)
3. LIVE STAKE SPECIES SHALL CONSIST OF THE FOLLOWING:
 - 25% - SILKY DOGWOOD (CORNUS AMOMUM)
 - 25% - SILKY WILLOW (SALIX SERICEA)
 - 25% - HAZEL ALDER (ALNUS SERRULATA)
 - 25% - ELDERBERRY (SAMBUBUS CANADENSIS)
4. ANY SUBSTITUTIONS OR VARIATIONS FROM SPECIFICATIONS ABOVE SHALL BE APPROVED BY THE PROJECT ENGINEER.
5. NO FERTILIZER SHALL BE USED WITHIN 10' OF TOP OF STREAM OR RIVER BANK.
6. MAINTAIN SOIL EROSION CONTROL MEASURES UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
7. REQUEST FINAL APPROVAL BY THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES, LAND QUALITY SECTION.
8. REMOVE SOIL EROSION CONTROL MEASURES AND STABILIZE THESE AREAS.

TEMPORARY SEEDING SPECIFICATION

SEEDING MIXTURE:	
SPECIES	RATE (lb/acre)
RYE (grain)	120

SEEDING DATES:
AUG 15 TO DEC 30

SOIL AMENDMENTS:
FOLLOW RECOMMENDATIONS OF SOIL TESTS OR APPLY
2000 lb/ac GROUND AGRICULTURAL LIMESTONE AND
750 lb/ac 10-10-10 FERTILIZER.

MULCH:
APPLY 4000lb/ac STRAW. ANCHOR STRAW BY TACKING
w/ ASPHALT, NETTING, OR A MULCH ANCHORING TOOL.
A DISK w/ BLADES SER NEARLY STRAIGHT CAN BE USED
AS A MULCH ANCHORING TOOL.

MAINTENANCE:
RE-FERTILIZE IF GROWTH IS NOT FULLY ADEQUATE, RE-SEED,
RE-FERTILIZE AND MULCH IMMEDIATELY FOLLOWING EROSION
OR OTHER DAMAGE.

CUT/FILL SLOPES SEEDING SPECIFICATIONS - STEEPER THAN 3:1

SEEDING MIXTURE:	
SPECIES	RATE (lb/acre)
TALL FESCUE	100
SWITCHGRASS AND PARTRIDGE PEA MIX	30

NURSE PLANTS:
BETWEEN MAY 1 AND AUG 15, ADD 10lb/ac GERMAN MILLET
OR 15 lb/ac SUDANGRASS. PRIOR TO MAY 1 OR AFTER AUG 15,
ADD 40 lb/ac RYE (GRAIN). IT MAY BE BENEFICIAL TO PLANT THE
GRASSES IN LATE SUMMER.

SEEDING DATES:	
BEST	POSSIBLE
AUG 25 – SEPT 15	AUG 20 – OCT 25
FEB 15 – MAR 20	FEB 1 – APRIL 15

SOIL AMENDMENTS:
APPLY LIME AND FERTILIZER ACCORDING TO SOIL TEST, OR
APPLY 4000 lb/ac GROUND AGRICULTURAL LIMESTONE AND
750 lb/ac 10-10-10 FERTILIZER.

MULCH:
APPLY 4000 lb/ac GRAIN STRAW OR EQUIVALENT COVER OF ANOTHER SUITABLE MULCHING MATERIAL, ANCHOR MULCH BY TACKING w/ ASPHALT, ROVING OR NETTING, NETTING IS THE PREFERRED ANCHORING METHOD ON STEEP SLOPES.

MAINTENANCE:
MOW NO MORE THAN ONCE A YEAR, RE-FERTILIZE IN THE
SECOND YEAR UNLESS GROWTH IS FULLY ADEQUATE.
RE-SEED, RE-FERTILIZE, RE-MULCH DAMAGED AREAS IMMEDIATELY.

DITCH/OPEN AREA PERMANENT SEEDING SPECIFICATION

SEEDING MIXTURE:	
SPECIES	RATE (lb/ac)
TALL FESCUE	250 (6 lb/1000 sq ft)

NURSE PLANTS:
BETWEEN MAY 1 AND AU 15, ADD 10 lb/ac GERMAN MILLET
OR 15 lb/ac SUDANGRASS, PRIOR TO MAY 1 OR AFTER AU 15,
ADD 40 lb/ac RYE (GRAIN).

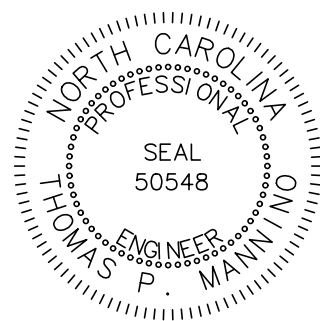
SOIL AMENDMENTS:
APPLY LIME AND FERTILIZE ACCORDING TO SOIL TEST, OR APPLY
4000 lb/ac GROUND AGRICULTURAL LIMESTONE AND 750 lb/ac
10-10-10 FERTILIZER.

MULCH:
USE CHANNEL LINING MATERIAL TO COVER THE BOTTOM OF DITCHES. THE LINING SHOULD EXTEND ABOVE THE HIGHEST CALCULATED DEPTH OF FLOW. ON CHANNEL SIDE SLOPES ABOVE THE HEIGHT, AND IN DRAINAGES NOT REQUIRING TEMPORARY LININGS, APPLY 4000 lb/ac GRAIN STRAW AND ANCHOR STRAW BY STAPLING NETTING OVER THE TOP.

MULCH AND ANCHORING MATERIALS MUST NOT BE ALLOWED TO WASH DOWN SLOPE WHERE THEY CAN CLOG DRAINAGE DEVICES.

MAINTENANCE:
INSPECT AND REPAIR MULCH FREQUENTLY. RE-FERTILIZE IN LATE WINTER
ACCORDING TO SOIL TESTS OR APPLY 150 lb/ac 10-10-10 FERTILIZER
(3 lb/1000 sq ft). MOW REGULARLY TO A HEIGHT OF 2" TO 4".

PRELIMINARY
-FOR REVIEW PURPOSES ONLY-
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CONSTRUCTION



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Digitally signed by Thomas P. Mannino
Date: 2021.11.19
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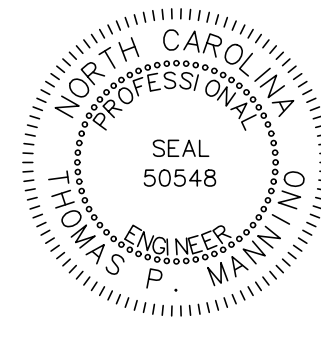
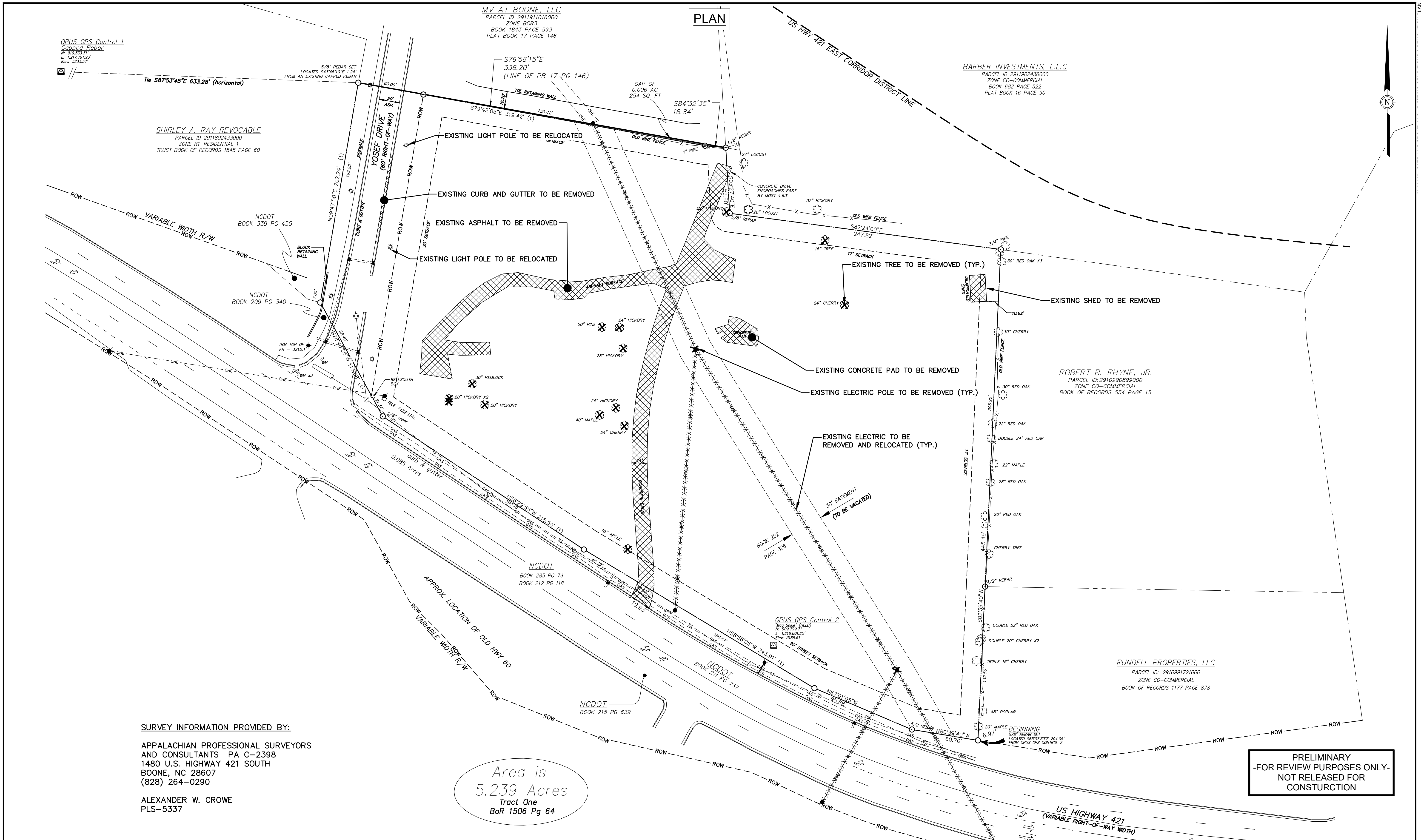
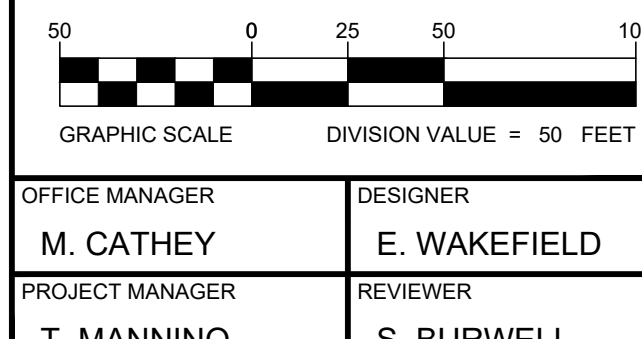
WYNSTONE
SUBDIVISION
CATELLUS GROUP, LLC
WATAUGA COUNTY, NORTH CAROLINA

		GENERAL NOTES		
OFFICE MANAGER M. CATHEY	DESIGNER E. WAKEFIELD			
PROJECT MANAGER T. MANNINO	REVIEWER S. BURWELL	DATE SEPTEMBER 2021	PROJECT # 20.00147	FUNDING # N/A

SHEET

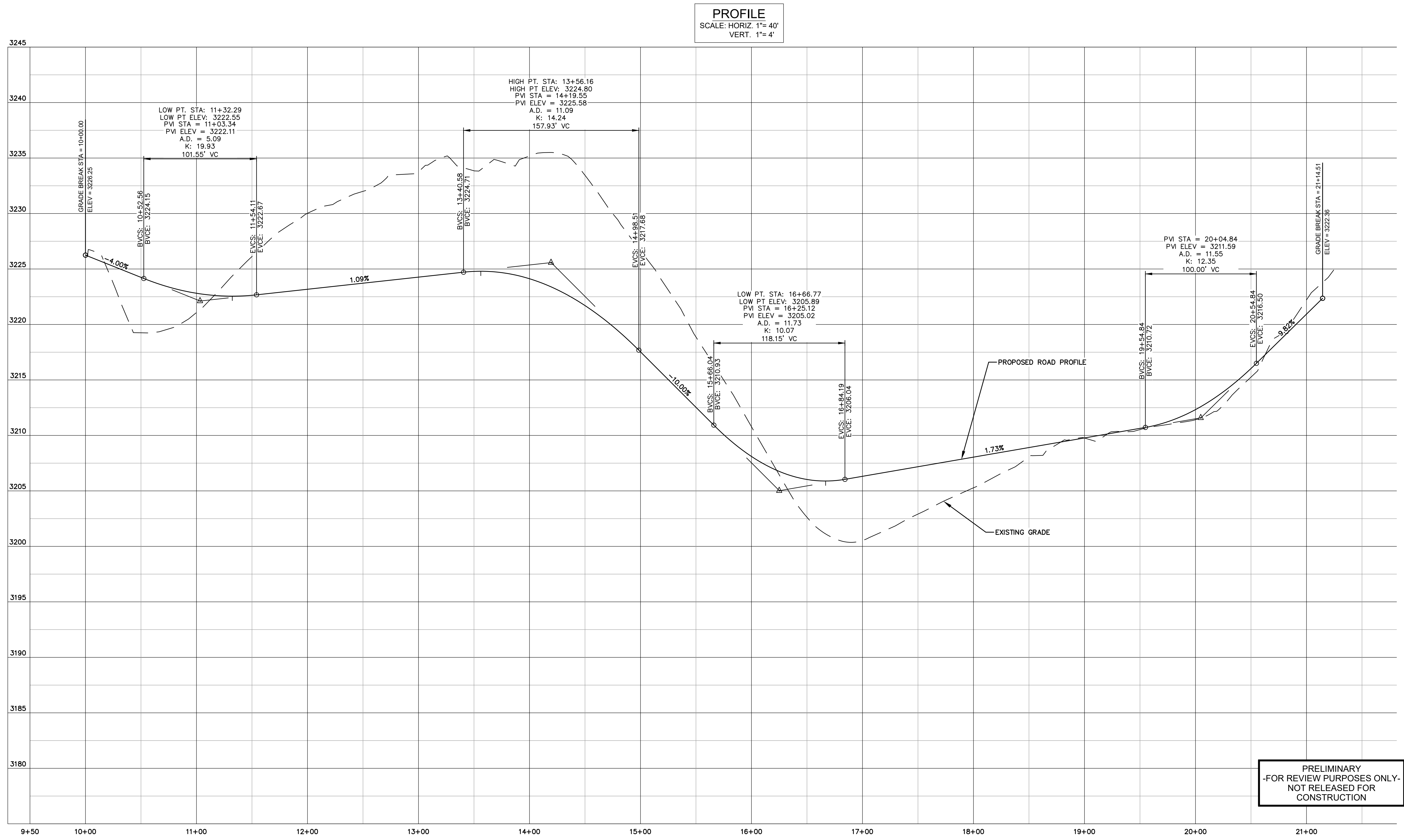
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DATE	PROJECT #	FUNDING #
SEPTEMBER 2021	20.00147	N/A

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NO.	DATE
BY	DESCRIPTION

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CATELLUS GROUP, LLC
WATAUGA COUNTY, NORTH CAROLINA

OFFICE MANAGER M. CATHEY	DESIGNER E. WAKEFIELD
PROJECT MANAGER T. MANNINO	REVIEWER S. BURWELL

PROPOSED ROADWAY PROFILE

DATE SEPTEMBER 2021	PROJECT # 20.00147	FUNDING # N/A
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C-102

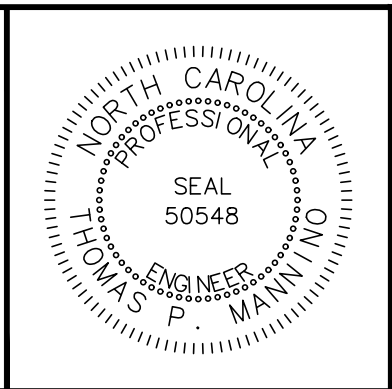
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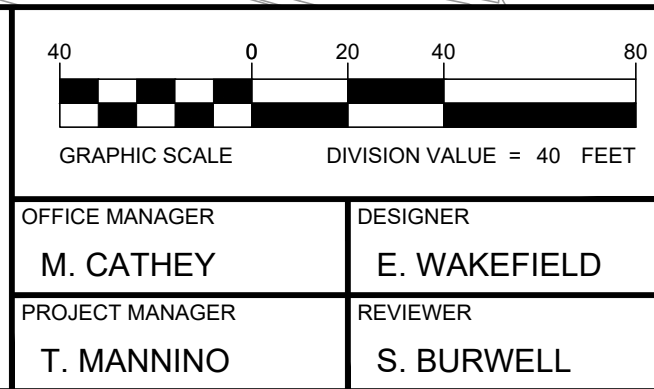


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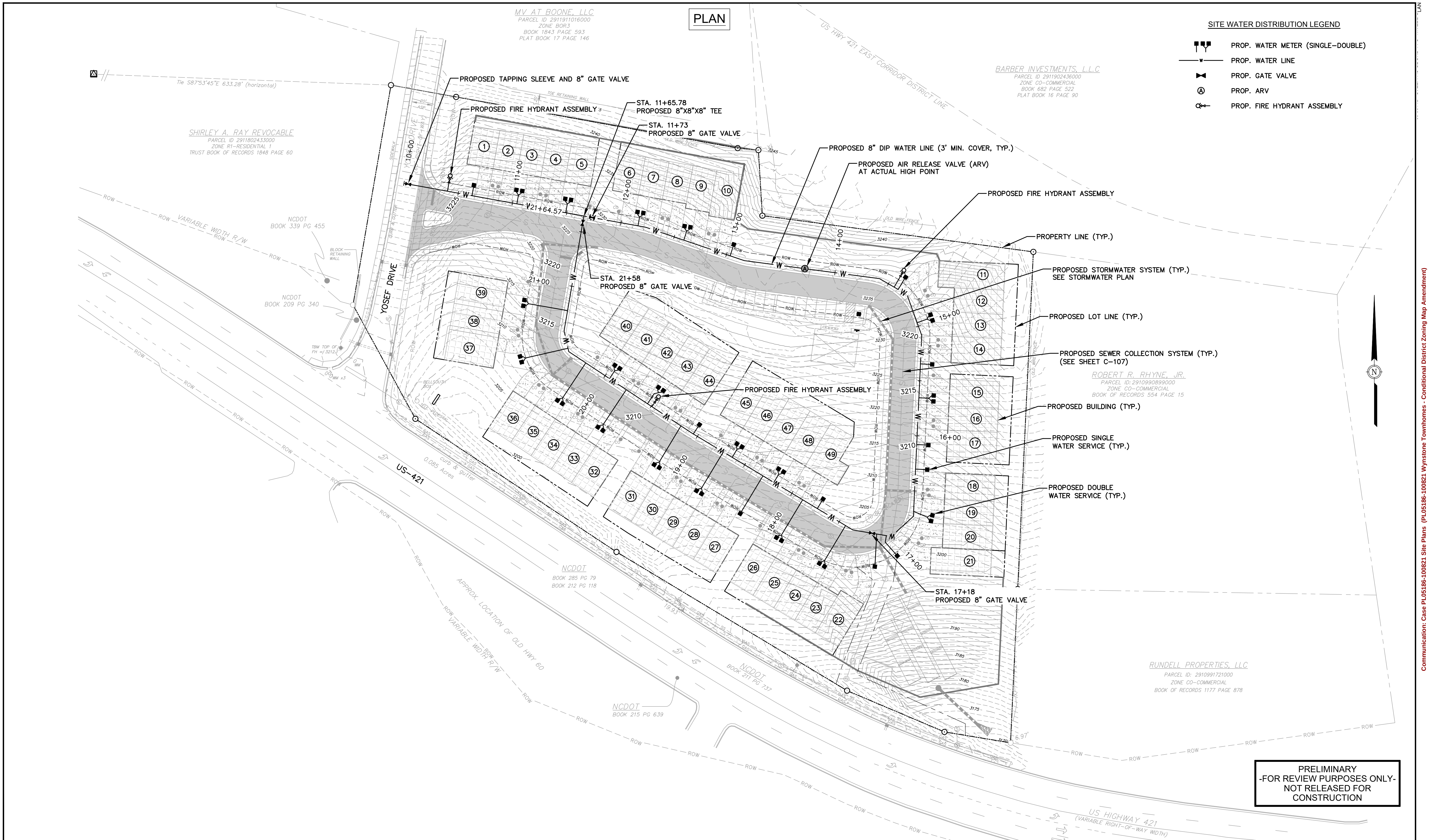
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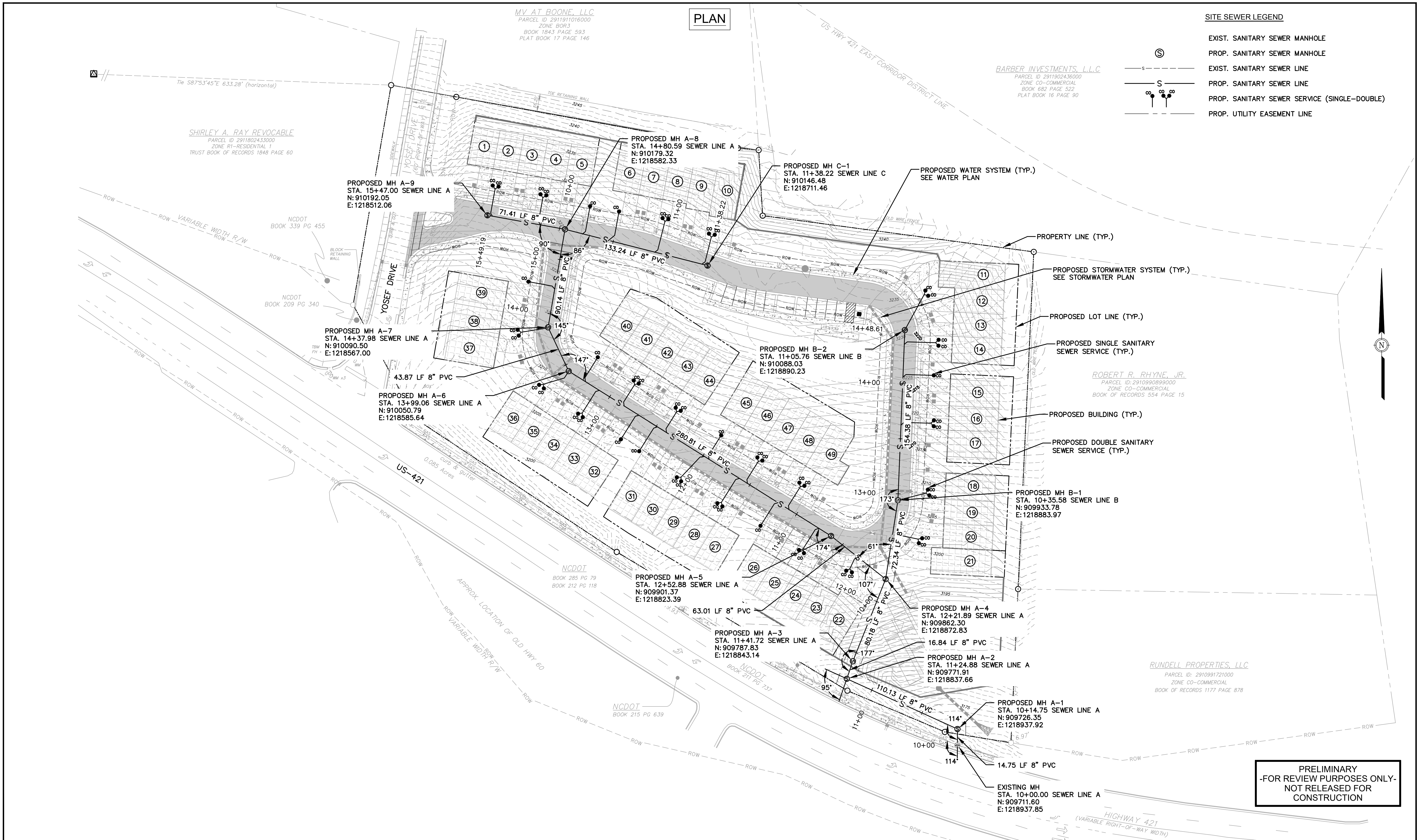
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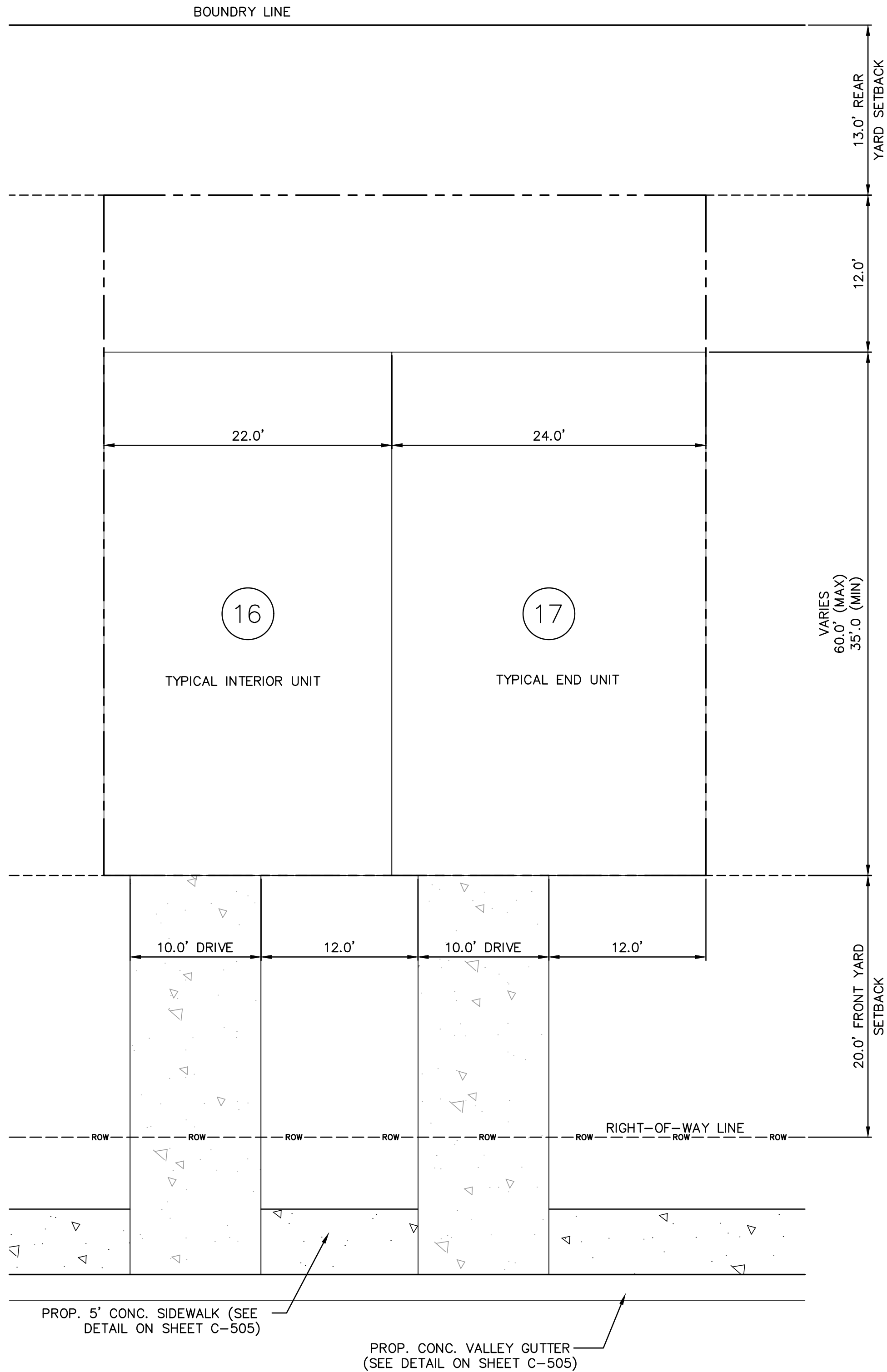
WATER DISTRIBUTION PLAN		
DATE	PROJECT #	FUNDING #
SEPTEMBER 2021	20.00147	N/A

SHEET
C-105



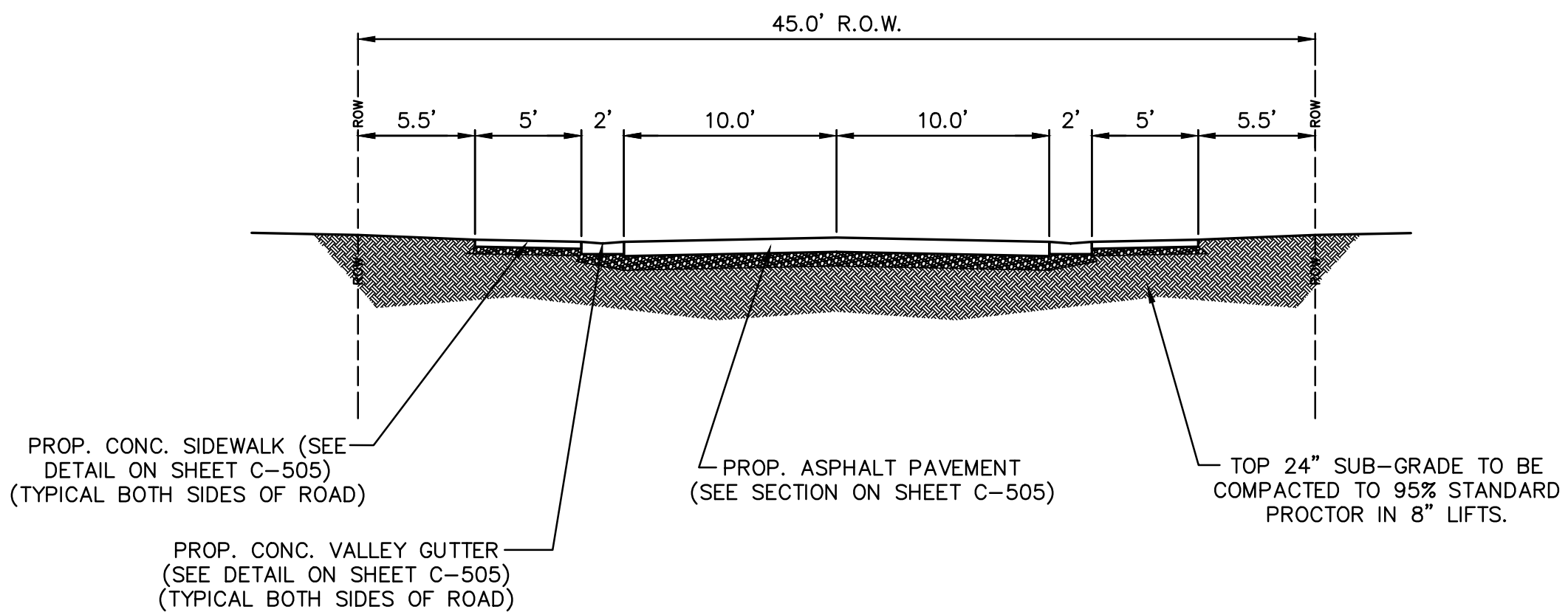


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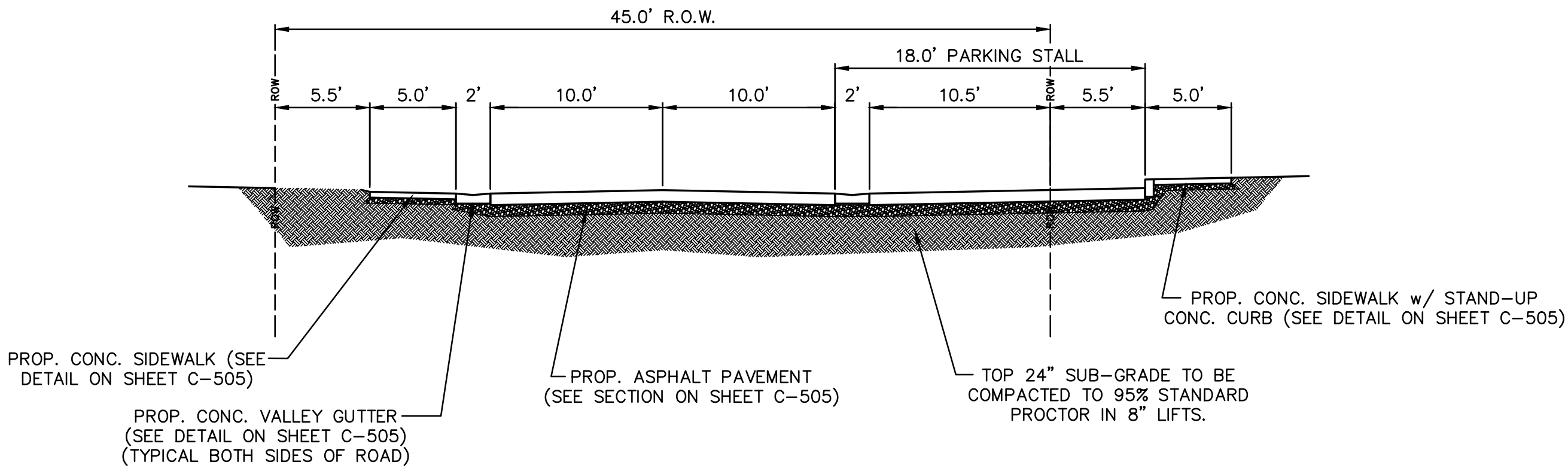
TYPICAL BUILDING UNIT DETAIL

CREATED FOR THIS PROJECT
(NOT TO SCALE)



TYPICAL ROADWAY SECTION

CREATED FOR THIS PROJECT
(NOT TO SCALE)



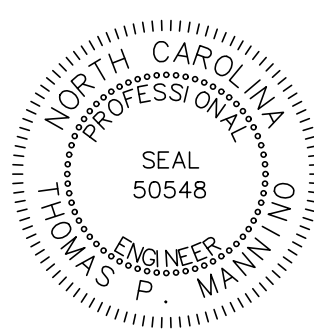
TYPICAL ROADWAY w/ PARKING SECTION

CREATED FOR THIS PROJECT
(NOT TO SCALE)

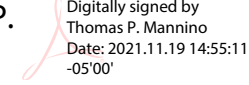
PRELIMINARY
-FOR REVIEW PURPOSES ONLY-
NOT RELEASED FOR
CONSTRUCTION



55 Broad Street
Asheville, NC 28801
828.252.0575
NC Firm License # C-0459
mcgillassociates.com



SIGNED AND DATED:
Thomas P.
Mannino


Digitally signed by
Thomas P. Mannino
Date: 2021.11.19 14:55:11
-0500

THIS DOCUMENT HAS BEEN DIGITALLY
SIGNED AND SEALED IN ACCORDANCE
WITH THE STANDARD CERTIFICATION
REQUIREMENTS FOUND IN NC
ADMINISTRATIVE CODE 21-56.1103(E).
THIS DIGITAL SIGNATURE HAS BEEN
FOUND BY THE NC BOARD OF
EXAMINERS FOR ENGINEERS AND
SURVEYORS TO MEET THESE
STANDARDS. PLEASE CONTACT THE
SIGNER IF YOU NEED ASSISTANCE IN
VALIDATING THE SIGNATURE.

NO.	DATE	BY	DESCRIPTION

WYNSTONE
SUBDIVISION

CATELLUS GROUP, LLC

WATAUGA COUNTY, NORTH CAROLINA

OFFICE MANAGER		DESIGNER		STANDARD SITE DETAILS		
M. CATHEY		E. WAKEFIELD				
PROJECT MANAGER		REVIEWER		DATE	PROJECT #	FUNDING #
T. MANNINO		S. BURWELL		SEPTEMBER 2021	20.00147	N/A

SHEET

C-501

6"

"A"

6"

6"

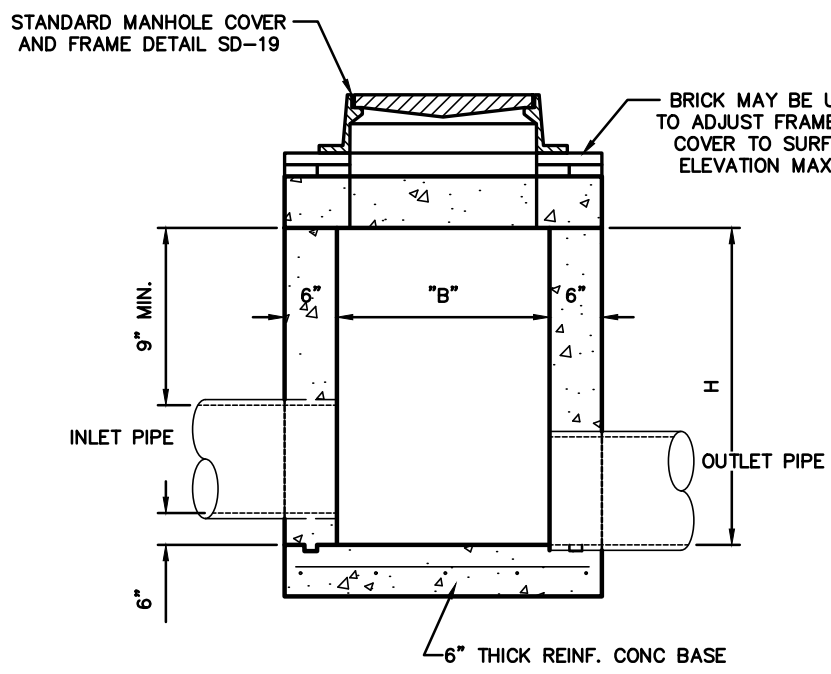
18"

24"

6"

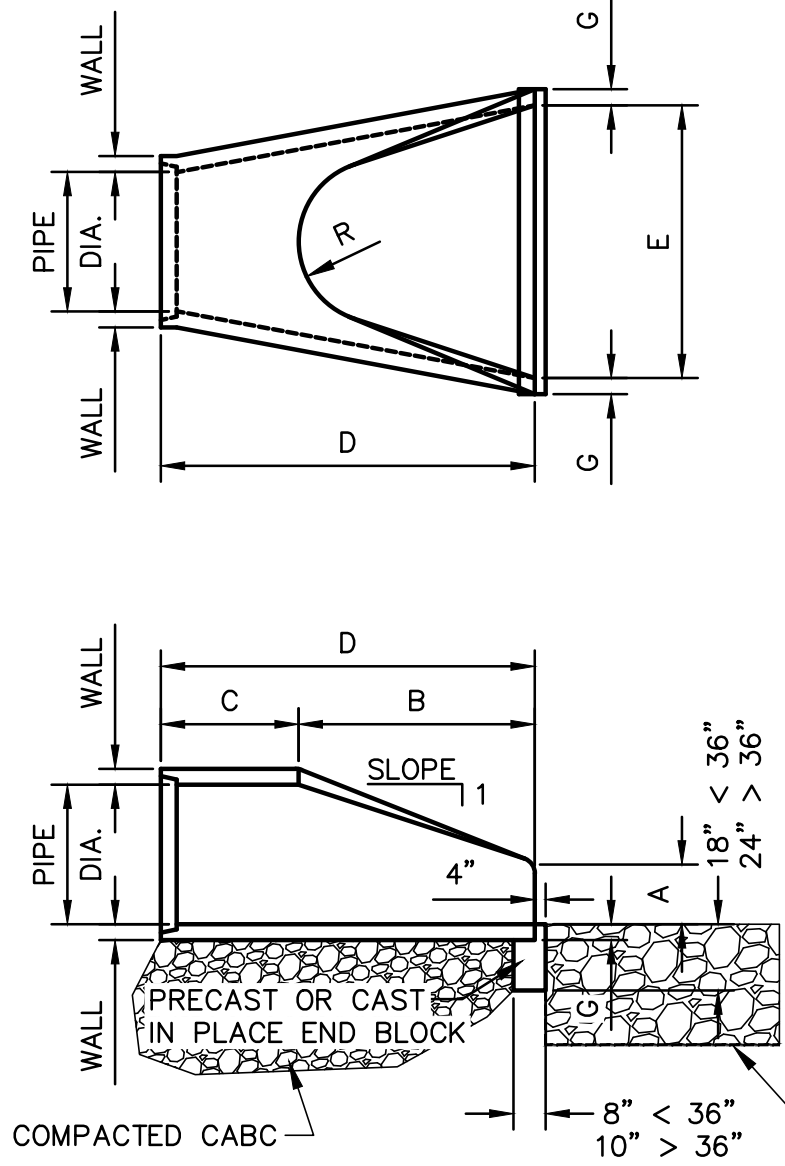
STANDARD MANHOLE COVER
AND FRAME DETAIL SD-19

PLAN



SD CONCRETE JUNCTION BOX

PIPE DIA.	APPROX WT.-LB.	WALL	A	B	C	D	E	G	R	APPROX. SLOPE
12"	530	2"	4"	24"	4'-0.875"	6'-0.875"	24"	2"	9"	1:2.4
15"	740	2.25"	6"	27"	3'-10"	6'-1"	30"	2.25"	11"	1:2
18"	990	2.5"	9"	27"	3'-10"	6'-1"	36"	2.5"	12"	1:2.4
21"	1280	2.75"	9"	35"	38"	6'-1"	36"	2.75"	13"	1:2.4
24"	1520	3"	9.5"	3'-7.5"	30"	6'-1.5"	4'-0"	3"	14"	1:2.5
27"	1930	3.25"	10.5"	4'-0"	25.5"	6'-1.5"	4'-6"	3.25"	14.5"	1:2.4
30"	2190	3.5"	12"	4'-6"	19.75"	6'-1.75"	5'-0"	3.5"	15"	1:2.5
33"	3200	3.75"	13.5"	4'-10.5"	39.25"	8'-1.75"	5'-6"	3.75"	17.5"	1:2.5
36"	4100	4"	15"	5'-3"	34.75"	8'-1.75"	6'-0"	4"	20"	1:2.5
42"	5380	4.25"	21"	5'-3"	35"	8'-2"	6'-6"	4.5"	22"	1:2.5
48"	6550	5"	24"	6'-0"	26"	8'-2"	7'-0"	5"	22"	1:2.5
54"	8240	5.5"	27"	5'-5"	35"	8'-4"	7'-6"	5.5"	24"	1:2.0
60"	8730	6"	35"	5'-0"	39"	8'-3"	8'-0"	5"	*	1:1.9
66"	10710	6.5"	30"	6'-0"	27"	8'-3"	8'-6"	5.5"	*	1:1.7
72"	12520	7"	36"	6'-6"	21"	8'-3"	9'-0"	6"	*	1:1.8
78"	14770	7.5"	36"	7'-6"	21"	9'-3"	9'-6"	6.5"	*	1:1.8
84"	18160	8"	36"	7'-6.5"	21"	9'-3.5"	10'-0"	6.5"	*	1:1.6

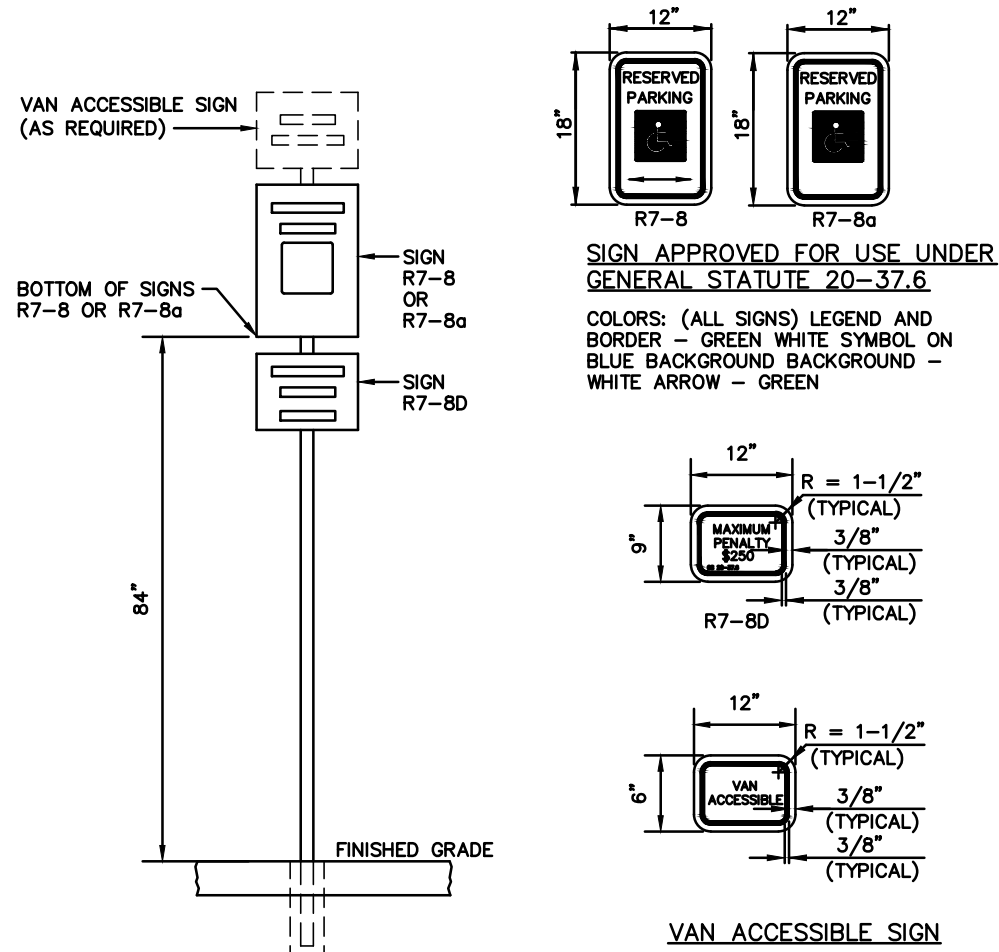




CONCRETE FLARED END SECTION

UPDATED MARCH, 2017

NOT TO SCALE

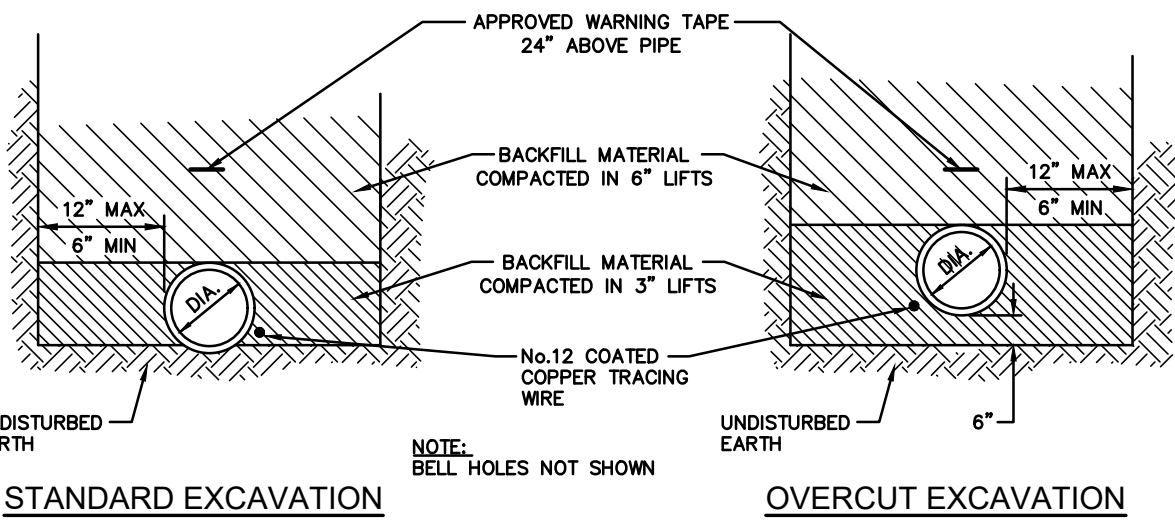


- GENERAL NOTES:**
1. REGARDLESS OF AGE, ALL ACCESSIBLE SPACES SHALL BE IDENTIFIED BY ABOVE-GROUND SIGNS ONLY. (SEE N.C.G.S.)
 2. NEW SPACES SHALL NOT USE GROUND-PAINTED SYMBOLS.
 3. ACCESSIBLE SPACES ARE REQUIRED TO BE STRIPED OFF ONLY; BLUE COLORING IS NOT NECESSARY NOR REQUIRED
 4. STRIPING IS WHITE ON DARK PAVEMENT; BLACK ON LIGHT PAVEMENT. (N.C.D.O.T.)

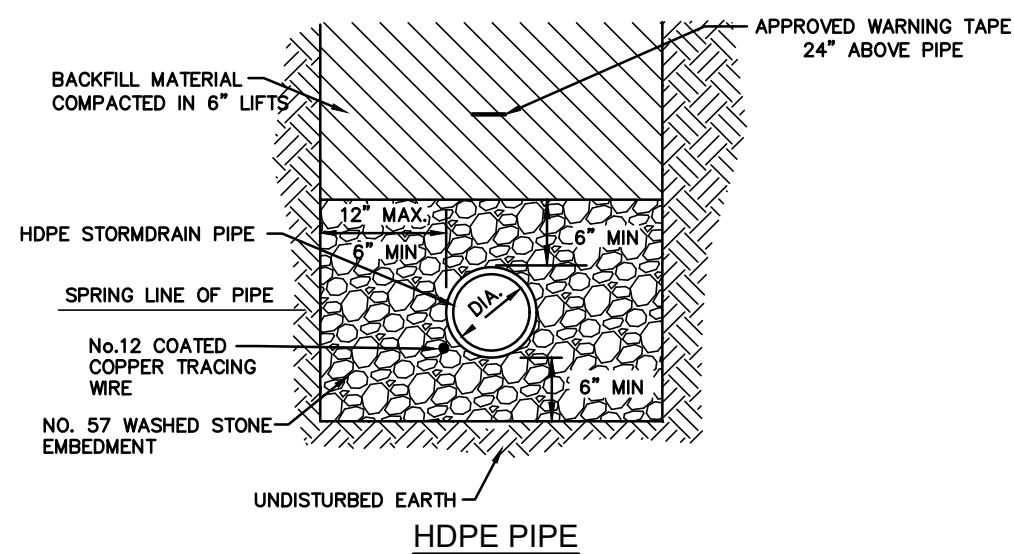
ST 29

HANDICAPPED SIGN MOUNTING HEIGHT

UPDATED MARCH, 2017
NOT TO SCALE

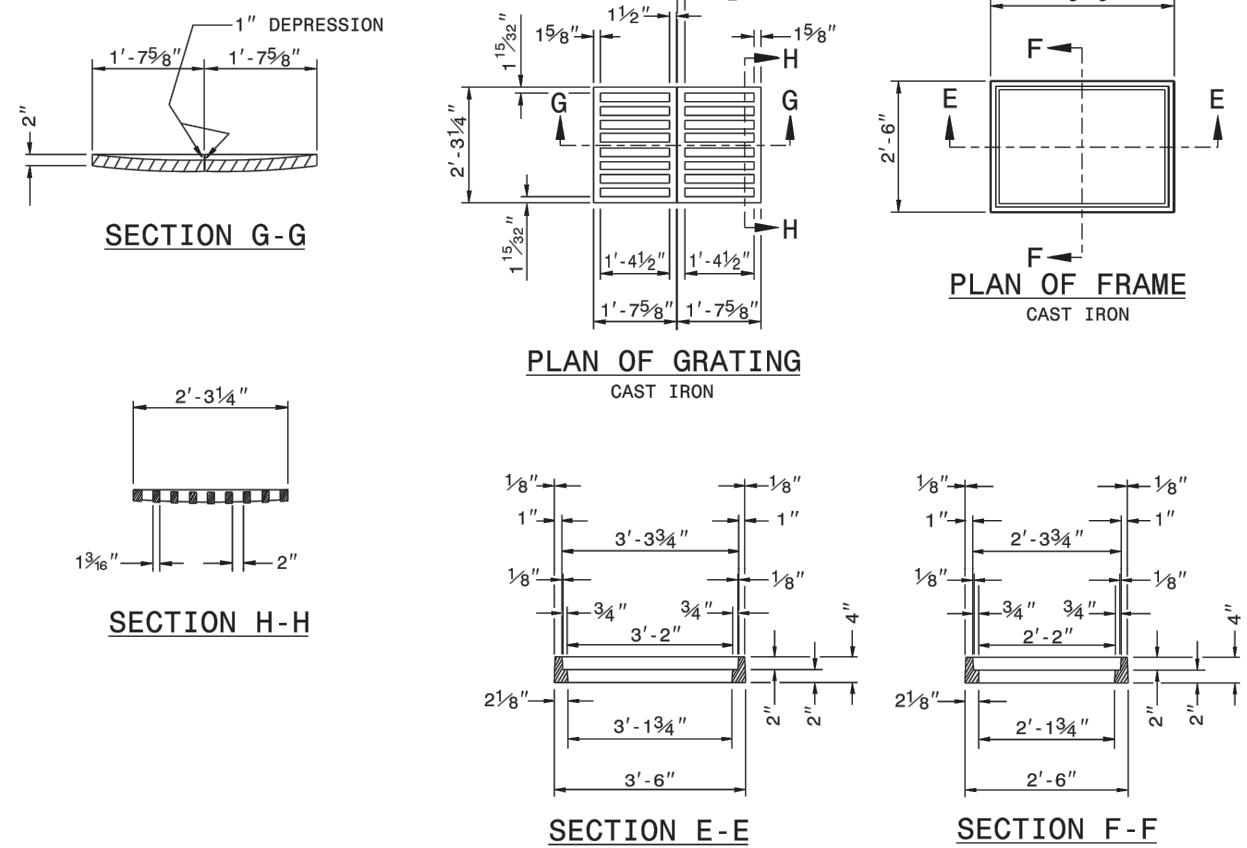
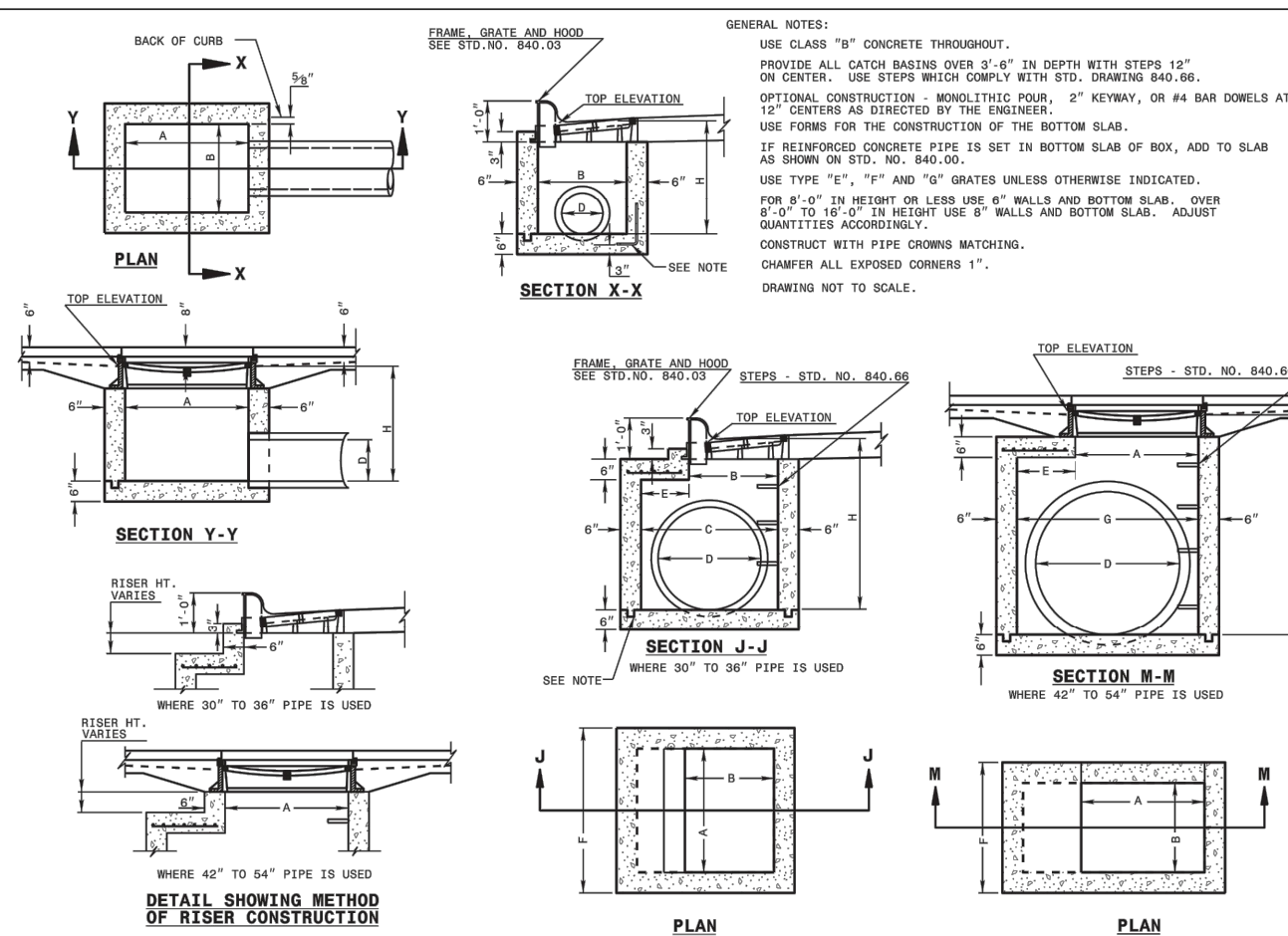


STANDARD EXCAVATION OR OVERCUT EXCAVATION

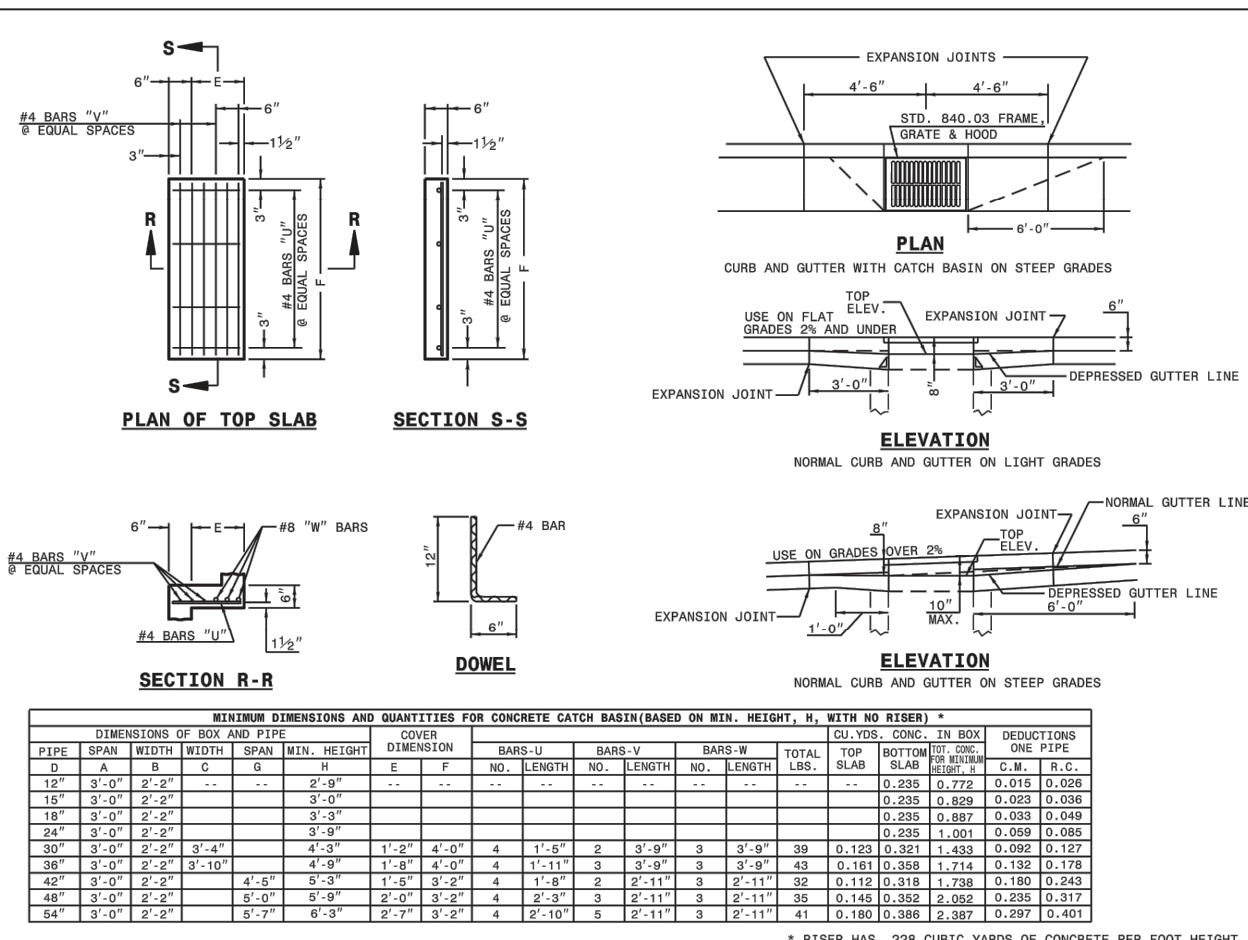


- NOTES:**
1. CONSTRUCTION OF TRENCHES SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL SAFETY AND HEALTH REGULATIONS WHICH HAVE JURISDICTION AT THE PROJECT SITE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO BE FAMILIAR WITH THE APPLICABLE REGULATIONS AND FOLLOW THEM ACCORDINGLY.
2. PAYMENT FOR ROCK EXCAVATION AND SELECT BACKFILL IN TRENCH SHALL BE FOR ACTUAL QUANTITIES AND SHALL NOT EXCEED THE WIDTH OF TRENCH SHOWN ON THIS DETAIL.

SD 15 STORM DRAIN TRENCH DETAIL
 UPDATED MARCH, 2017
 NOT TO SCALE



SHEET 1 OF 2	ROADWAY STANDARD DRAWING FOR CONCRETE CATCH BASIN 12" THRU 54" PIPE	1-18	STATE OF NORTH CAROLINA DEPT. OF TRANSPORTATION DIVISION OF HIGHWAYS RALEIGH, N.C.
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SHEET 1 OF 1

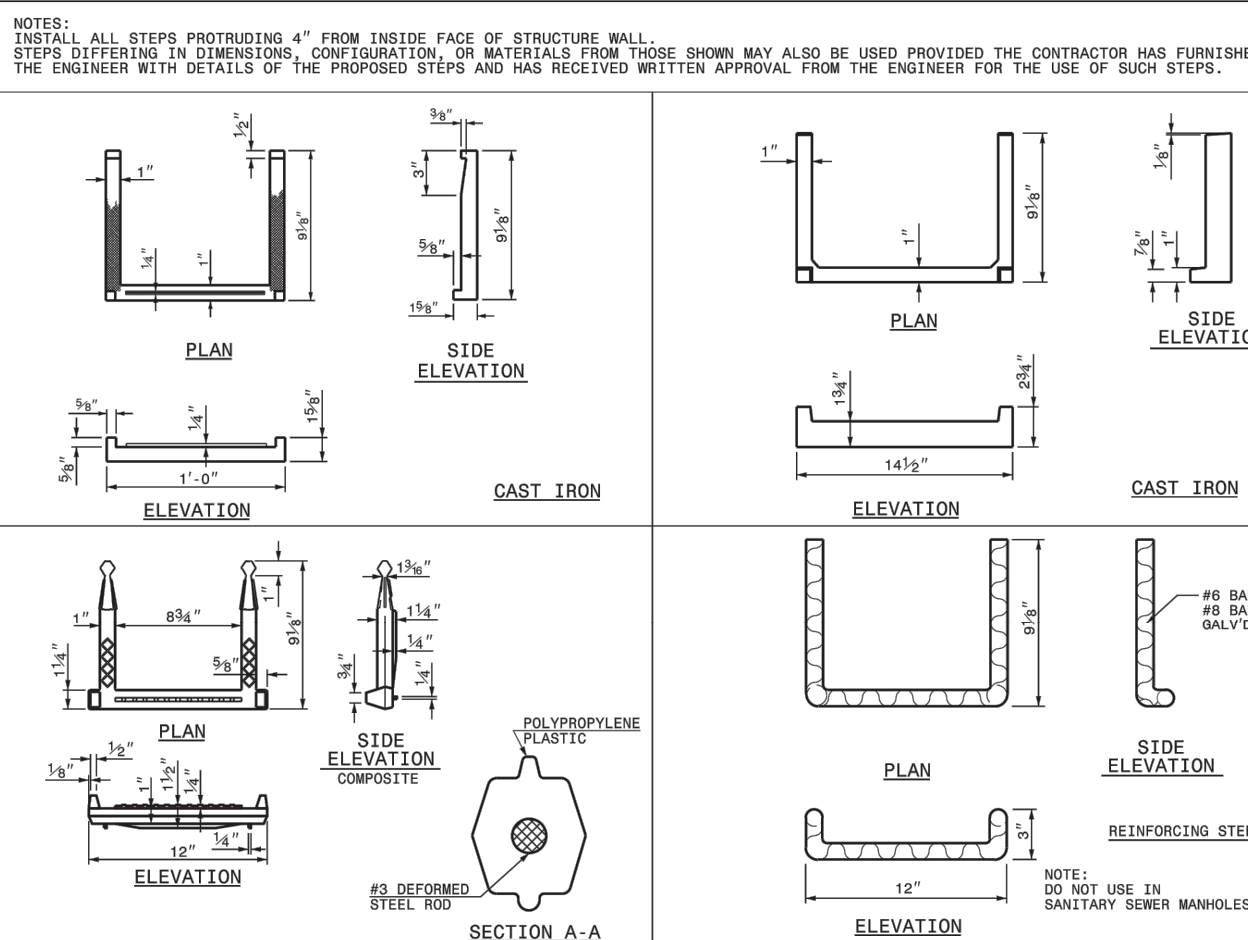
840.15

ROADWAY STANDARD DRAWING FOR

DROP INLET FRAME AND GRATES

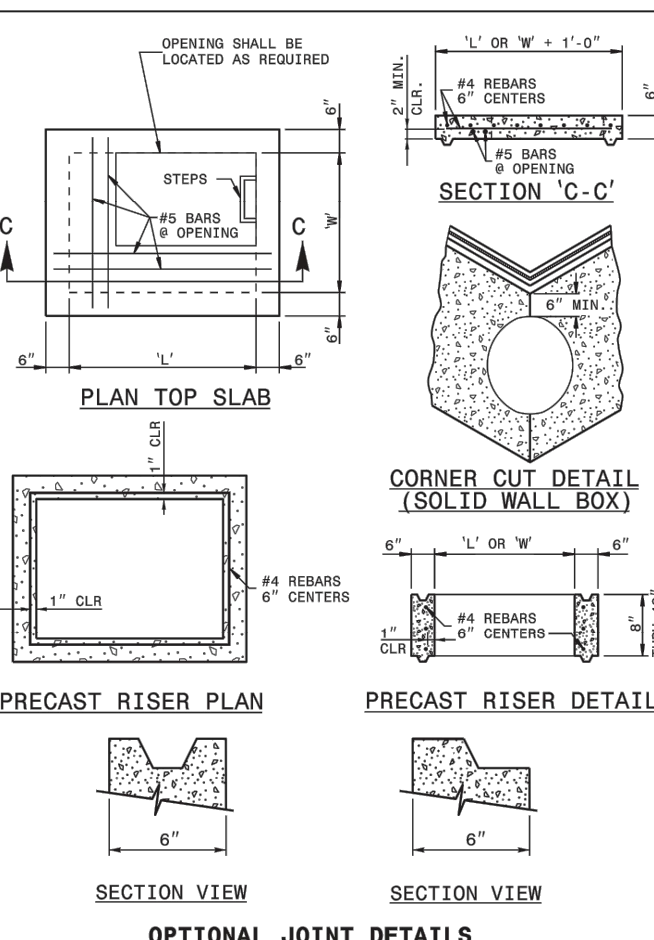
FOR USE WITH STD. DWG.S 840.14 AND 840.15

1-181 STATE OF NORTH CAROLINA
DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
RALEIGH, N.C.



SHEET 1 OF 2	ROADWAY STANDARD DRAWING FOR PRECAST DRAINAGE STRUCTURE (SOLID AND WAFFLE WALL)	1-18 STATE OF NORTH CAROLINA DEPT. OF TRANSPORTATION DIVISION OF HIGHWAYS RALEIGH, N. C.

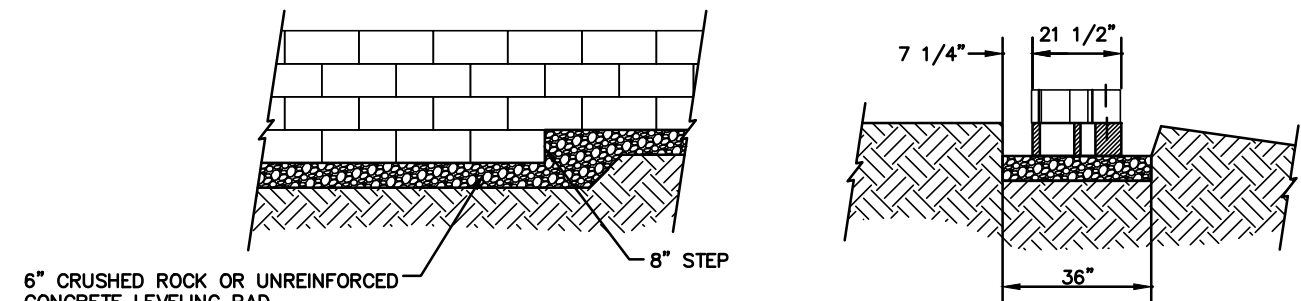
- GENERAL NOTES:**
- THIS PRECAST BOX MAY BE USED FOR THE FOLLOWING STANDARDS: 840.01, 840.02, 840.32 AND 840.05, 840.13, 840.15, 840.16, 840.17, 840.18, 840.19, 840.20, 840.21, 840.22, 840.31, 840.32 AND 840.41.
- INSTALL PRECAST DRAINAGE STRUCTURES AND PAVEMENT IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR CONCRETE AND CURBS AND GUTTERS. DO NOT PLACE PRECAST DRAINAGE STRUCTURES OVER EXISTING PAVEMENT TRAFFIC WILL BE DETROUED. USE 4000 PSI CONCRETE.
- PROVIDE ALL REINFORCING STEEL WHICH MEETS ASTM A615 FOR SPALLS AND ASTM A616 FOR WELDED WIRE FABRIC. PROVIDE A MINIMUM MAXIMUM DEPTH OF TOP OF BOTTOM SLAB FOR WAFFLE SLAB STRUCTURE TO 10" - 12"; LIMIT SLAB WALL STRUCTURE TO 12" - 14".
- PLACE LIFT HOLES OR PINS IN ACCORDANCE WITH SECTION 1504 FOR TIE BARS. PROVIDE A MINIMUM 12" HOLE OR FORM OPENING FOR PIPE TO PROVIDE REQUIRED SIZE AND LOCATION. ORIENT WAFFLE WALL STRUCTURES SO THAT PIPES ENTER FROM THE TOP OF THE WALL.
- KNOCKOUT/WAFFLE PANELS ONLY. PIPES MAY ENTER THROUGH THE CORNERS OF SLOID WALL BOXES IF A MINIMUM OF 6" ABOVE THE TOP OF THE WALL.
- ALL ELEMENTS PRECAST TO MEET ASTM C913.
- FRAME AND GRADE HEIGHT MAY BE ADJUSTED WITH CONCRETE OR BRICK IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR CONCRETE AND CURBS AND GUTTERS.
- PROVIDE PRECAST STRUCTURES OVER 4" - 0" IN DEPTH WITH REBAR OR WELDED WIRE FABRIC. WELDED WIRE FABRIC MAY BE SUBSTITUTED FOR REBAR AS LONG AS THE SAME AREA OF STEEL IS PROVIDED.
- SEAL JOINTS WITH A FLEXIBLE BUTYL RUBBER BASE CONFORMING TO FEDERAL SPECIFICATION SS-21A, ASTM M-198, TYPE B - BUTYL RUBBER.
- MINIMUM STRUCTURE DEPTH SHALL BE 12" AND CLEAR DIMENSIONS OF 5'0" X 5'0".
- THE OUTSIDE SURFACE SHALL BE PLUS OR 2" ON THE OPENING DIMENSIONS FOR FRAME ANIMATE IS THE MINIMUM STRUCTURE SIZE WHICHEVER IS GREATER.
- REINFORCEMENT SHALL BE SHOWN AS INDICATED ON THE PLANS. REINFORCE OPENING AS SHOWN ON THIS SHEET.



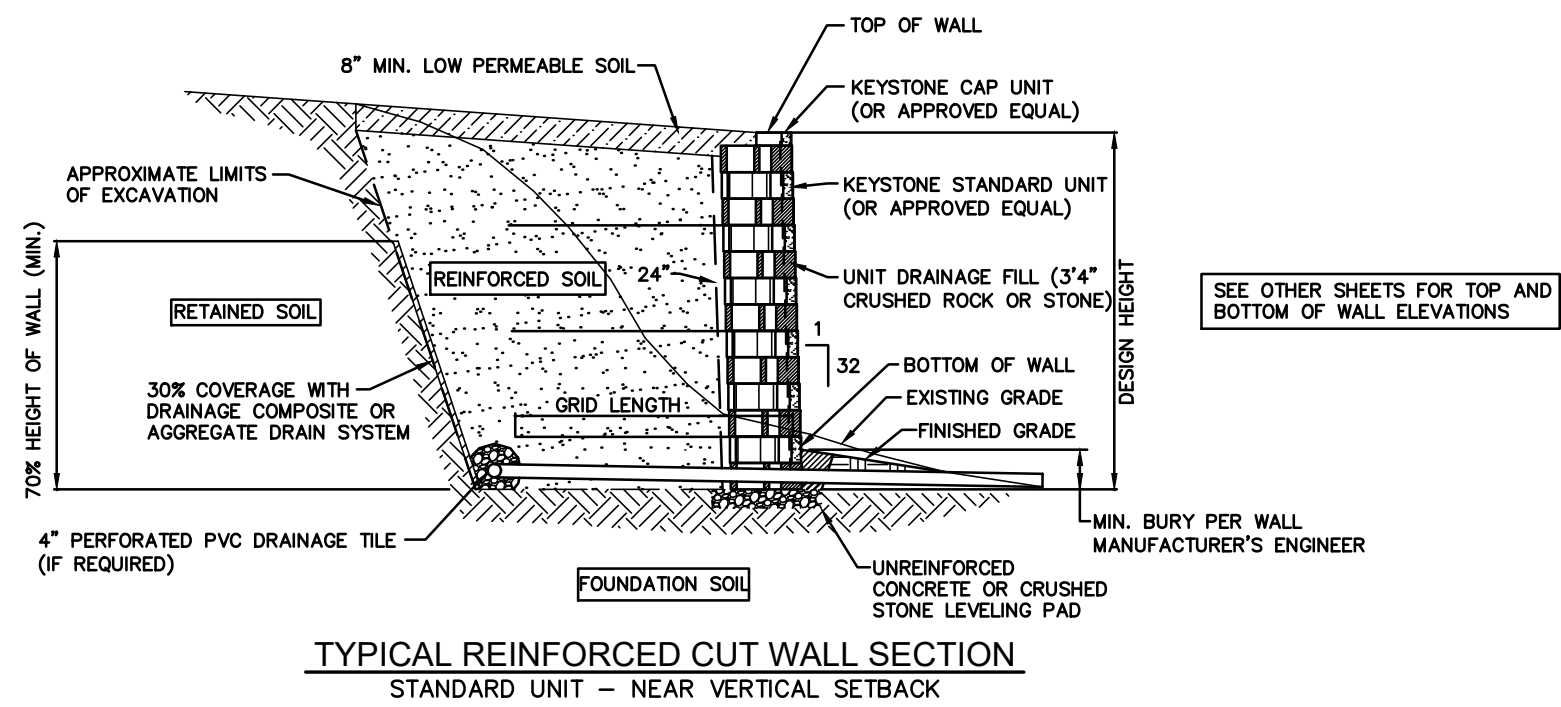
840.45

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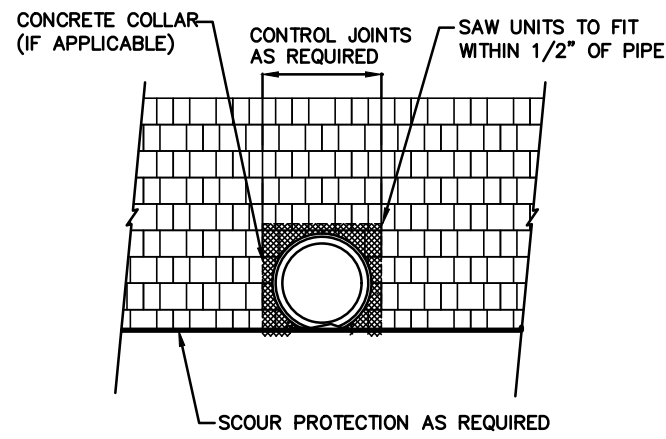
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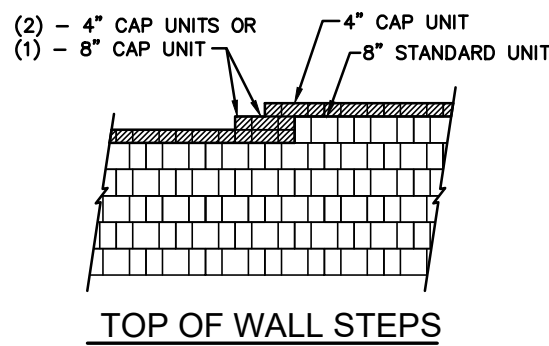
ELEVATION
SECTION
LEVELING PAD DETAIL



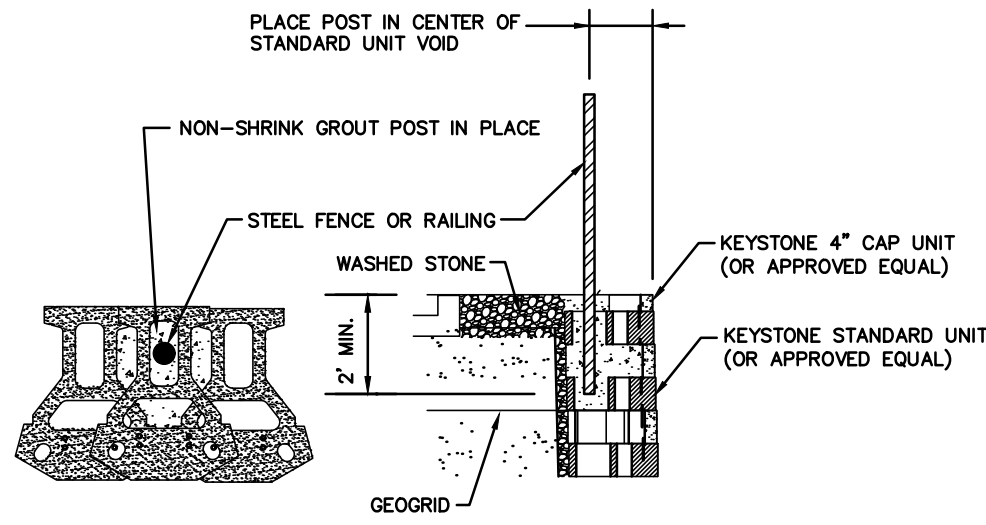
TYPICAL REINFORCED CUT WALL SECTION
STANDARD UNIT - NEAR VERTICAL SETBACK



TYPICAL PIPE OUTLET DETAIL



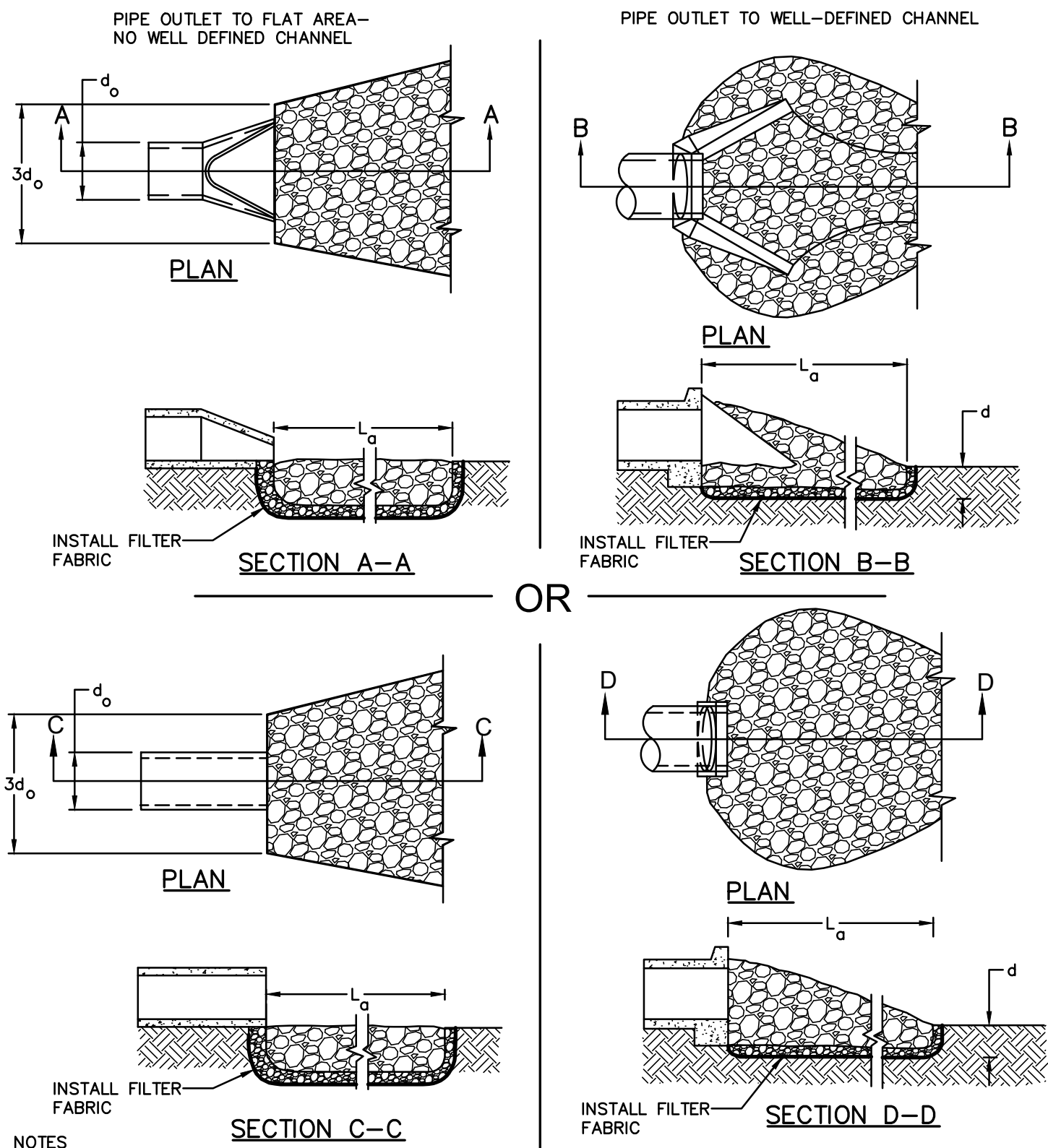
TOP OF WALL STEPS



FENCE STATION AND PLAN DETAIL
STANDARD UNIT - NEAR VERTICAL SETBACK

- NOTES:
1. THIS DETAIL SHALL NOT BE USED FOR CONSTRUCTION. IT IS INTENDED TO BE USED BY THE ENGINEER AS A GUIDELINE FOR PUTTING TOGETHER CONSTRUCTION DRAWINGS & STRUCTURAL CALCULATIONS WHICH WILL BE SIGNED, SEALED AND PROVIDED TO THE CONTRACTOR FOR CONSTRUCTION OF THE RETAINING WALLS.
 2. "ENGINEER" REFERS TO THE WALL MANUFACTURER'S ENGINEER, WHO WILL SUPPLY SIGNED AND SEALED DRAWINGS FOR WALL CONSTRUCTION.

M 16 CONCRETE MODULAR RETAINING WALL
"KEYSTONE" OR APPROVED EQUAL
UPDATED MARCH, 2017
NOT TO SCALE



NOTES

1. L_a IS THE LENGTH OF THE RIPRAP APRON
2. $d = 1.5$ TIMES THE MAXIMUM STONE DIAMETER BUT NOT LESS THAN 6".
3. IN A WELL-DEFINED CHANNEL, EXTEND THE APRON UP THE CHANNEL BANKS TO AN ELEVATION OF 6" ABOVE THE MAXIMUM TAILWATER DEPTH OR TO THE TOP OF THE BANK, WHICHEVER IS LESS.
4. FILTER FABRIC SHOULD BE INSTALLED BETWEEN THE RIPRAP AND SOIL FOUNDATION.
5. REFERENCE NCDEQ LAND QUALITY SECTION DESIGN MANUAL: 6.41.

RIPRAP APRON SIZING

OUTLET No.	PIPE DIAMETER (D_o)	$3 \times D_o$	APRON LENGTH (L_a)	APRON WIDTH ($W = D_o + L_a$)	RIPRAP SIZE (d_{50})
OUTFALL	18"	4.5'	12'	13.5	17"

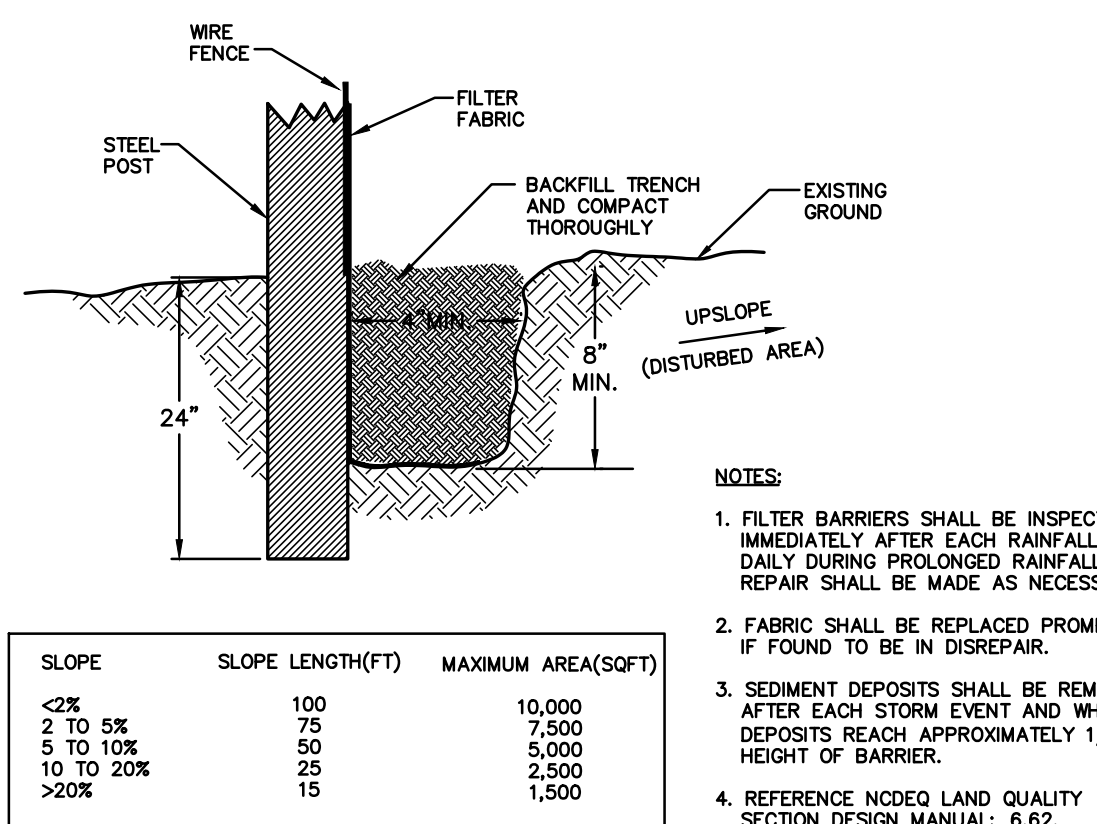
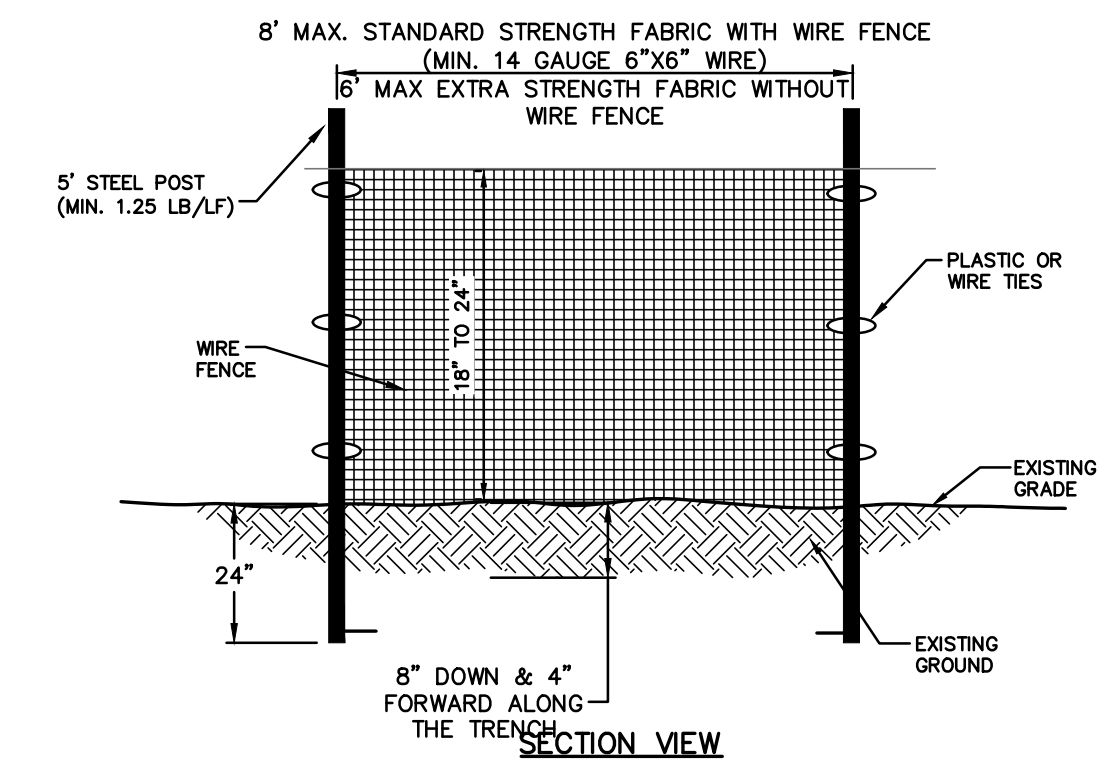
EC 17 PIPE OUTLET PROTECTION
MODIFIED FOR THIS PROJECT
NOT TO SCALE

PRELIMINARY
-FOR REVIEW PURPOSES ONLY-
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CONSTRUCTION

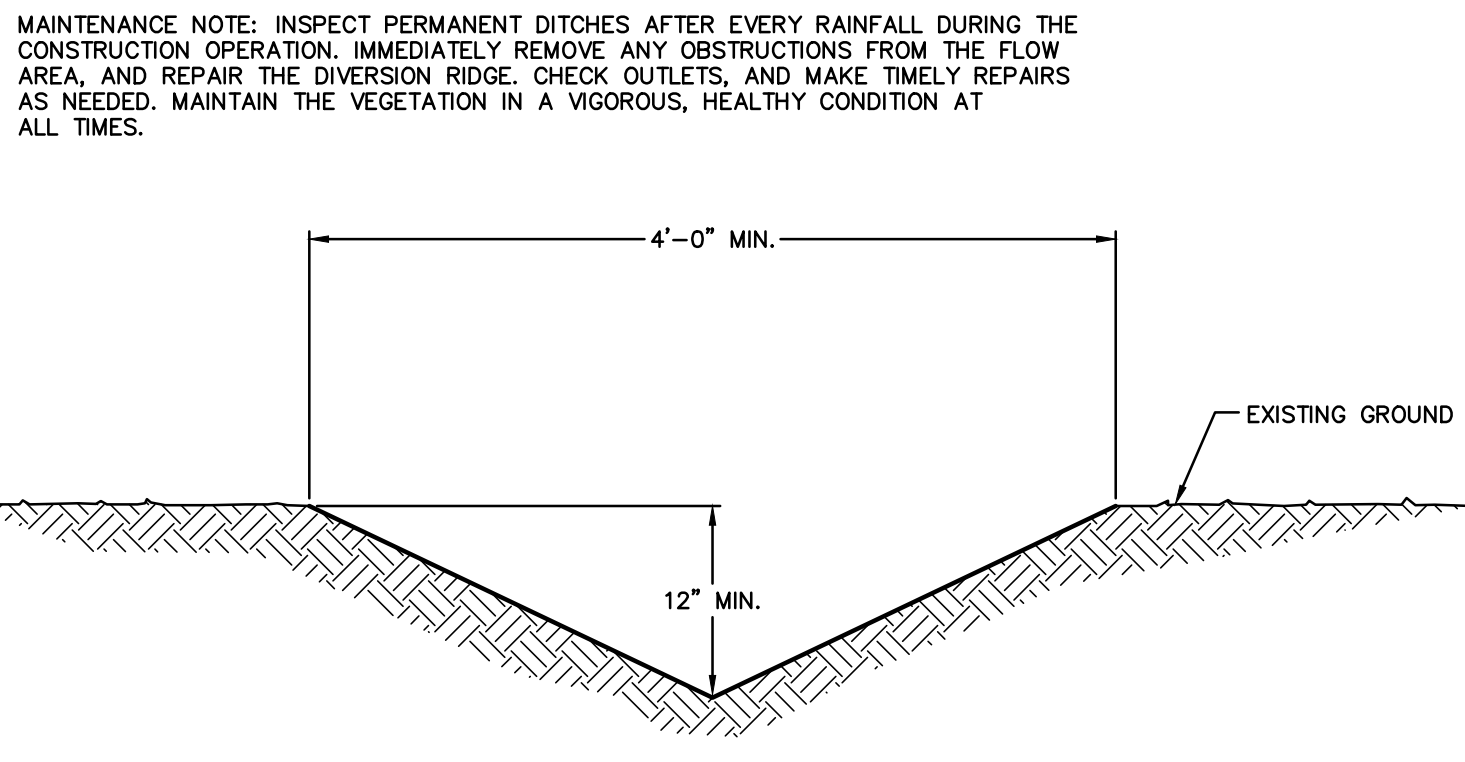
NO.	DATE	BY	DESCRIPTION

NOT TO SCALE		STANDARD SITE DETAILS		
OFFICE MANAGER M. CATHEY	DESIGNER E. WAKEFIELD			
PROJECT MANAGER T. MANNINO	REVIEWER S. BURWELL	DATE SEPTEMBER 2021	PROJECT # 20.00147	FUNDING # N/A

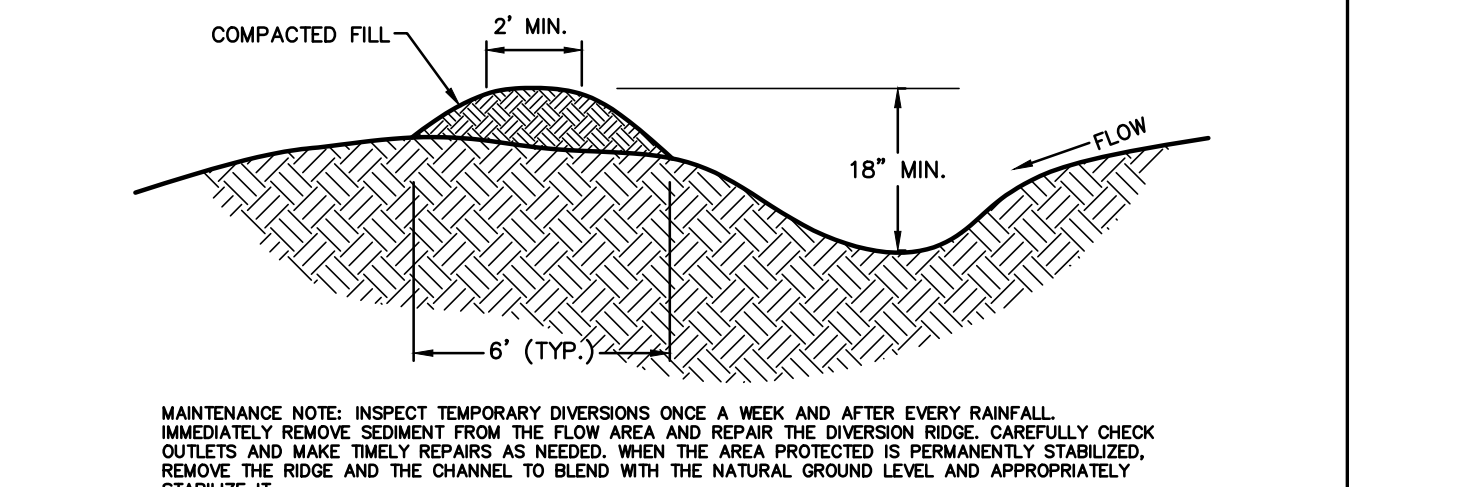
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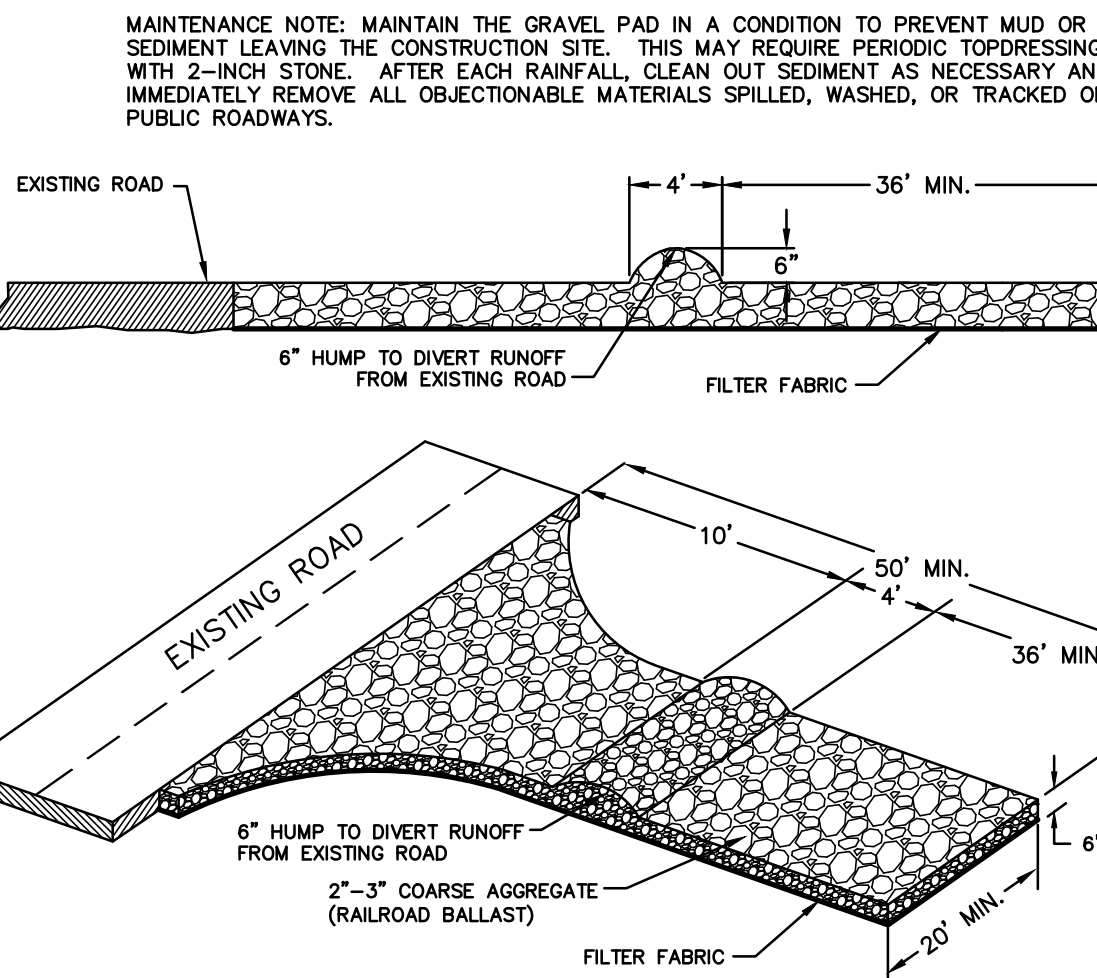
EC 1 SILT FENCE
UPDATED MARCH, 2017
NOT TO SCALE



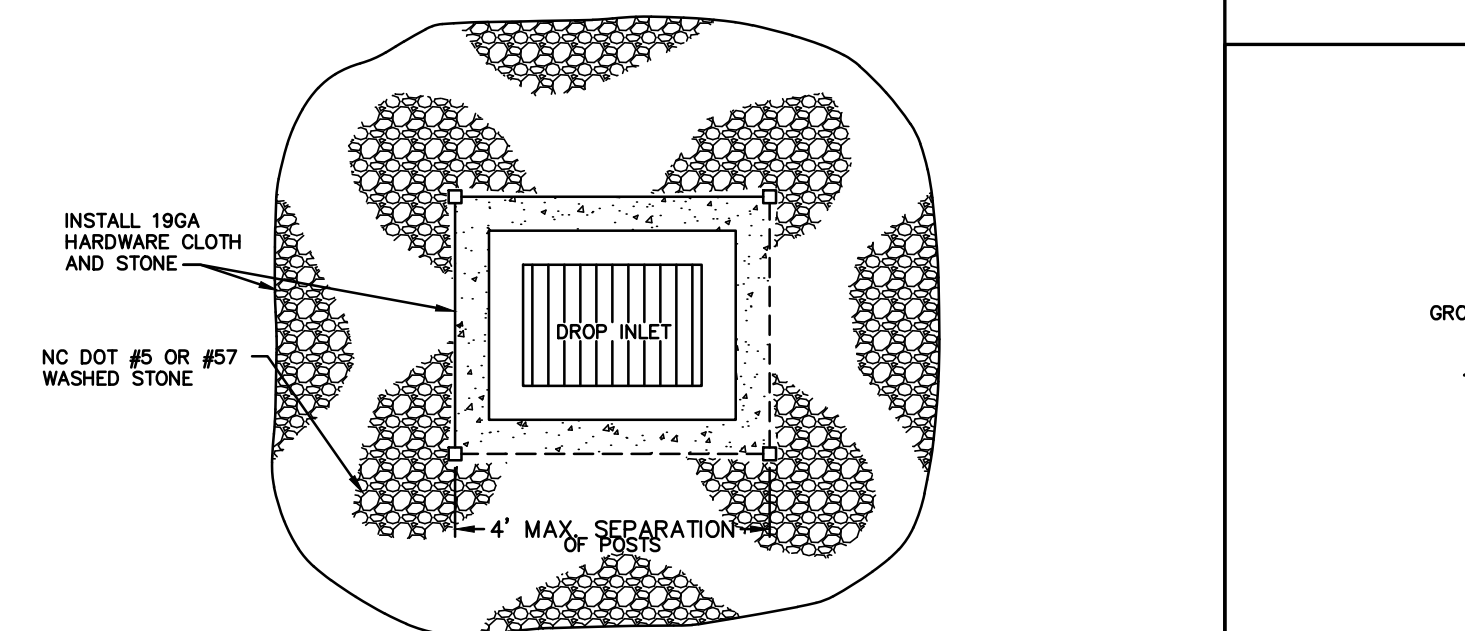
EC 7 PERMANENT DRAINAGE SWALE
UPDATED MARCH, 2017
NOT TO SCALE



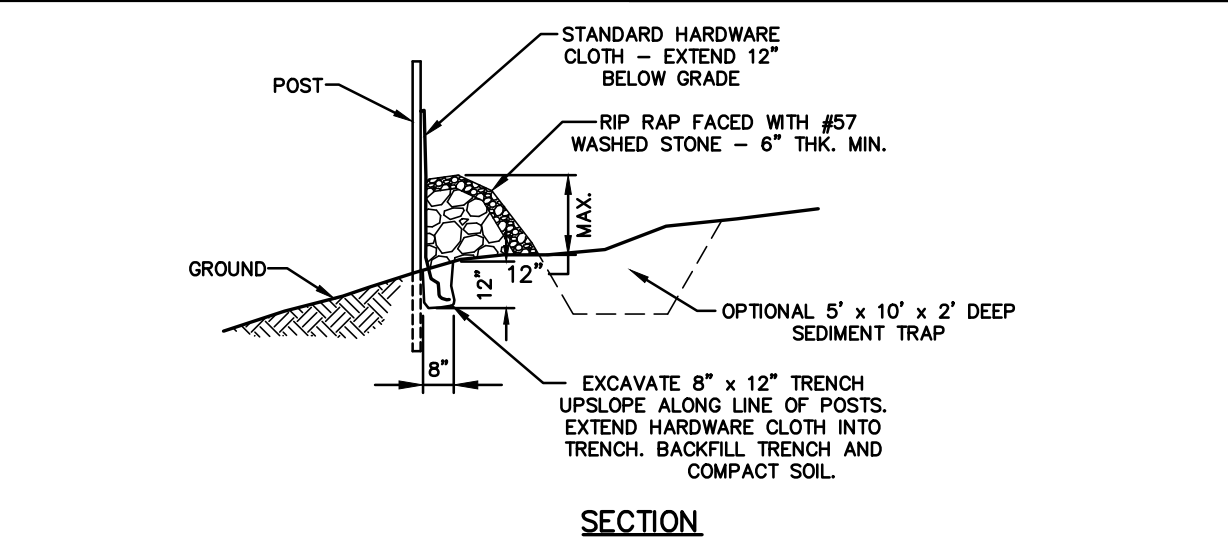
EC 4 TEMPORARY DIVERSION DITCH
UPDATED MARCH, 2017
NOT TO SCALE



EC 24 TEMPORARY CONSTRUCTION ENTRANCE
UPDATED MARCH, 2017
NOT TO SCALE

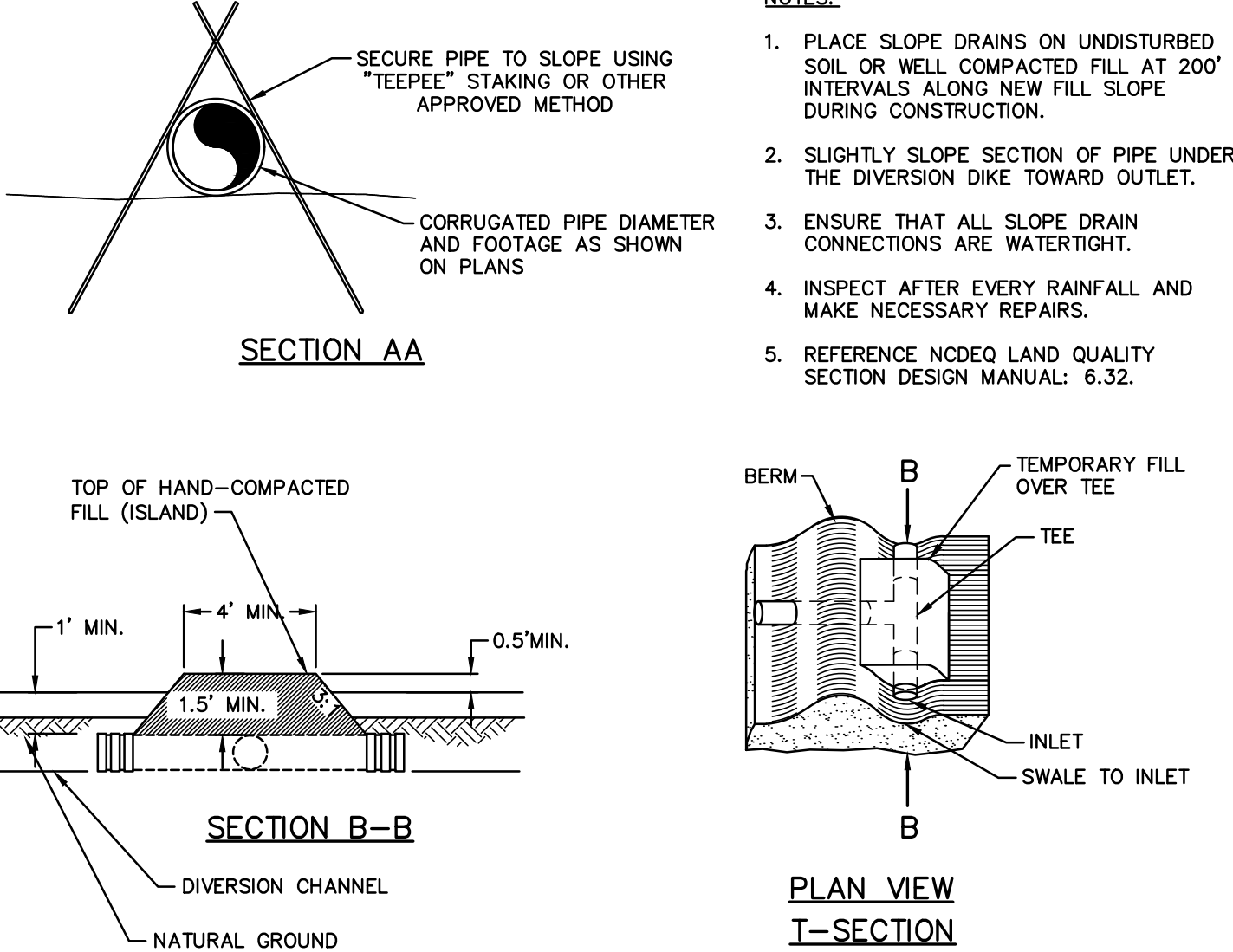


EC 14 INLET PROTECTION
UPDATED OCTOBER, 2018
NOT TO SCALE

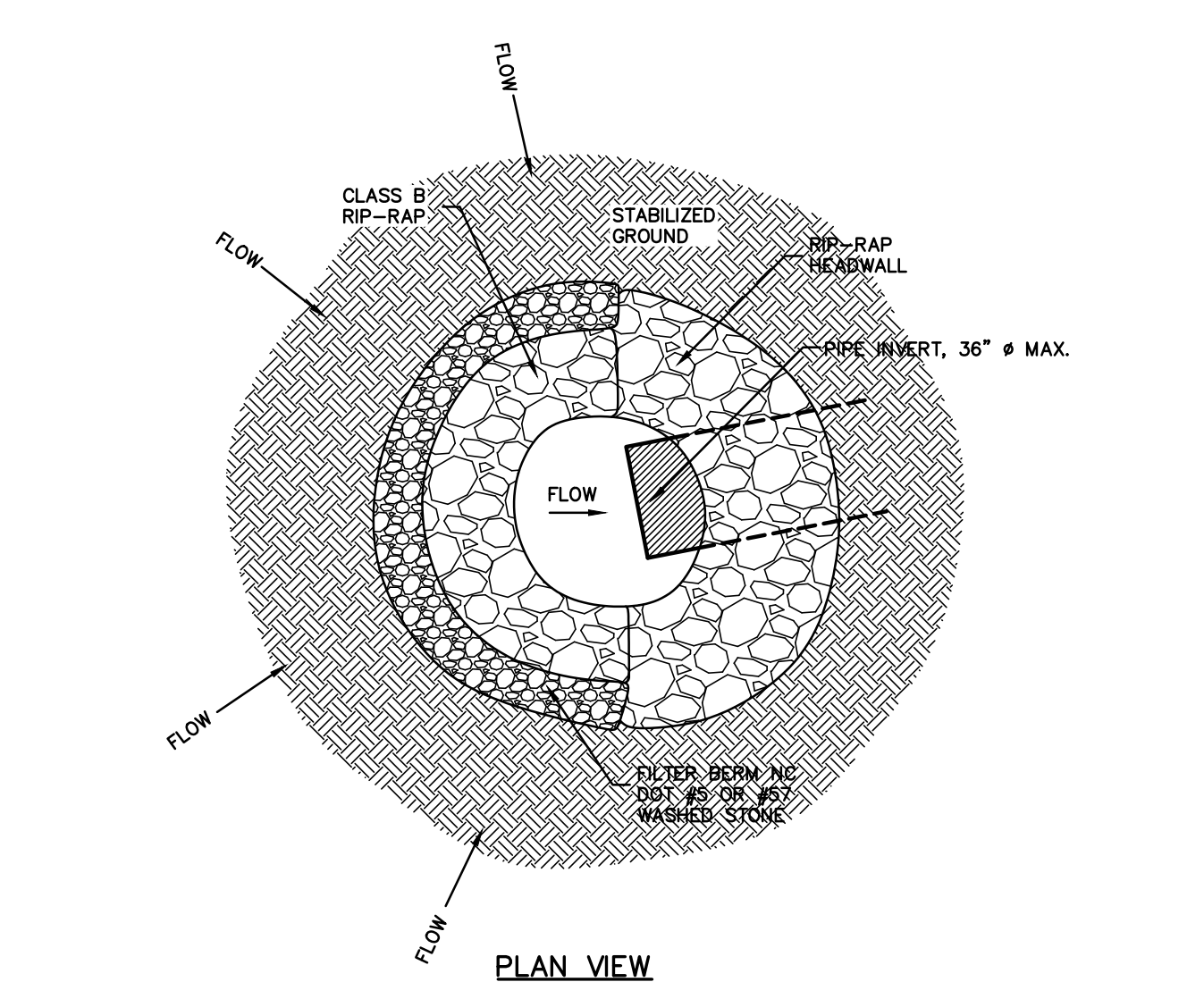


EC 12 TEMPORARY SLOPE DRAIN
UPDATED MARCH, 2017
NOT TO SCALE

EC 2 SILT FENCE - OUTLET
UPDATED MARCH, 2017
NOT TO SCALE



EC 18 PIPE INLET PROTECTION
UPDATED MARCH, 2017
NOT TO SCALE



EC 8 PERMANENT SWALE w/ EROSION CONTROL MATTING
UPDATED MARCH, 2017
NOT TO SCALE

W 33 AIR RELEASE VALVE INSTALLATION --- UPDATED FEBRUARY, 2018 NOT TO SCALE

DOUBLE WATER METER DETAIL

STANDARD EXCAVATION OVERCUT EXCAVATION

W
16

WATER METER BOX DETAIL

UPDATED MARCH, 2017
NOT TO SCALE

TYPICAL THRUST BLOCK FOR PLUGS

W
8

TAPPING SLEEVE AND
VALVE WITH BOX

UPDATED MARCH, 2017
NOT TO SCALE

W 7 FIRE HYDRANT ASSEMBLY --- UPDATED FEBRUARY, 2018 NOT TO SCALE

W
12

GATE VALVE - LARGE

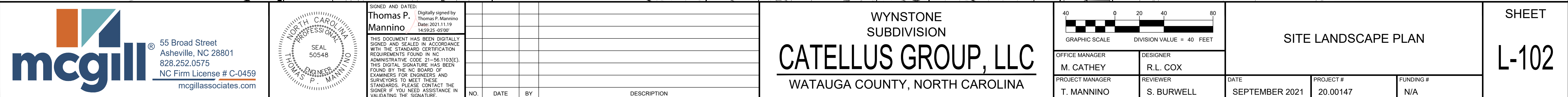
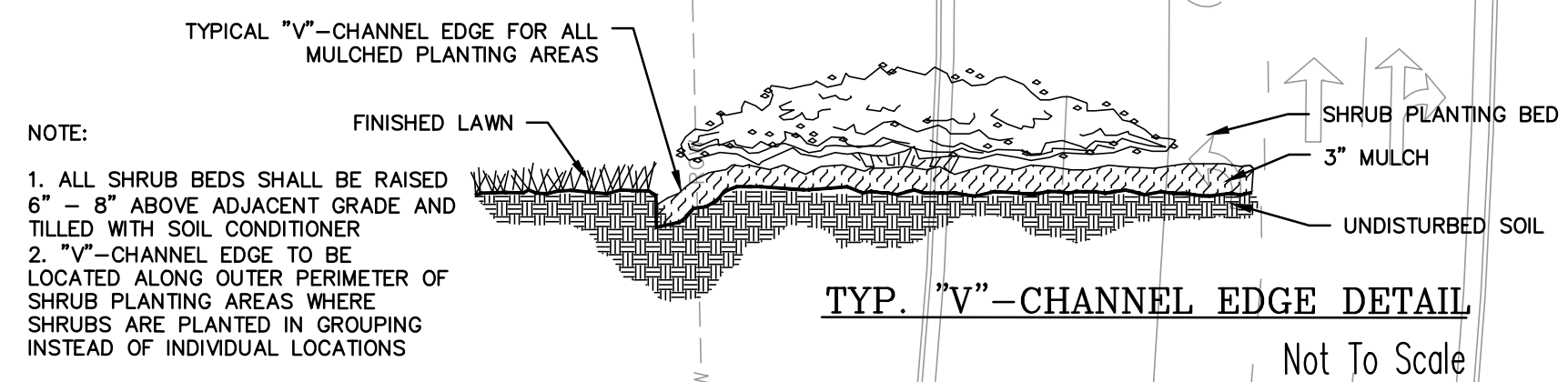
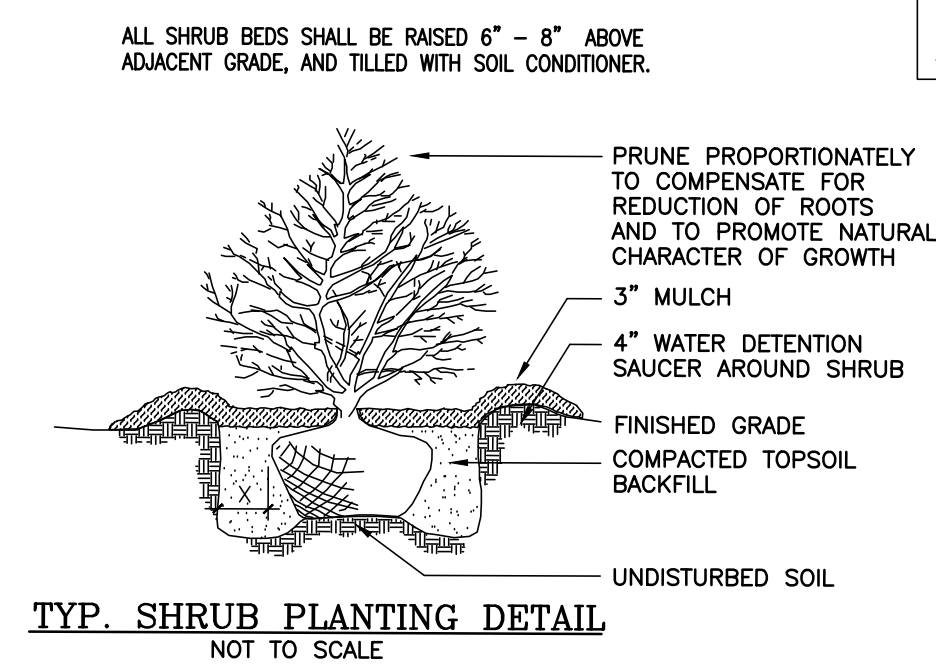
UPDATED FEBRUARY, 2018
NOT TO SCALE

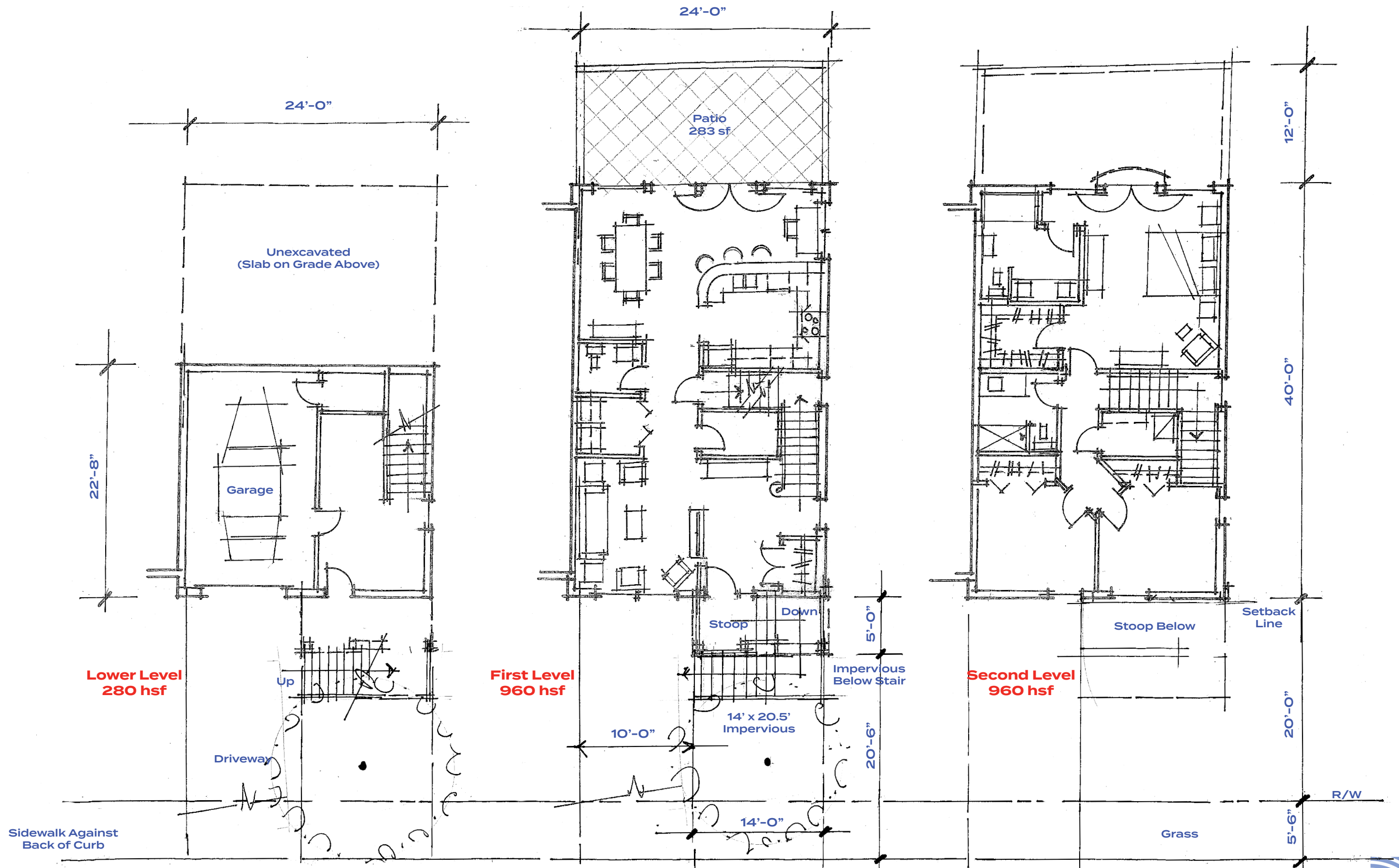
W THRUST BLOCKING - ALL
6 UPDATED MARCH, 2017
NOT TO SCALE

		TYPE					
SIZE	11-1/4" BEND	22-1/2" BEND	45° BEND	90° BEND	TEE	PLUG	
2-6	12	12	12	16	16	14	
8	12	12	16	22	22	18	
10	12	14	20	28	28	22	
12	12	18	24	32	32	28	
14	14	20	28	38	38	32	
16	16	22	32	42	42	36	
18	18	26	36	48	48	40	
20	20	28	40	52	52	44	
24	24	34	46	64	64	54	
30	30	42	58	78	78	66	
36	36	50	70	94	94	80	
42	42	58	80	108	108	92	
48	48	66	90	124	124	104	

THRUST BLOCK DIMENSION "A"

PRELIMINARY
-FOR REVIEW PURPOSES ONLY-
NOT RELEASED FOR
CONSTRUCTION





TOWNHOME DEVELOPMENT

BOONE, NORTH CAROLINA

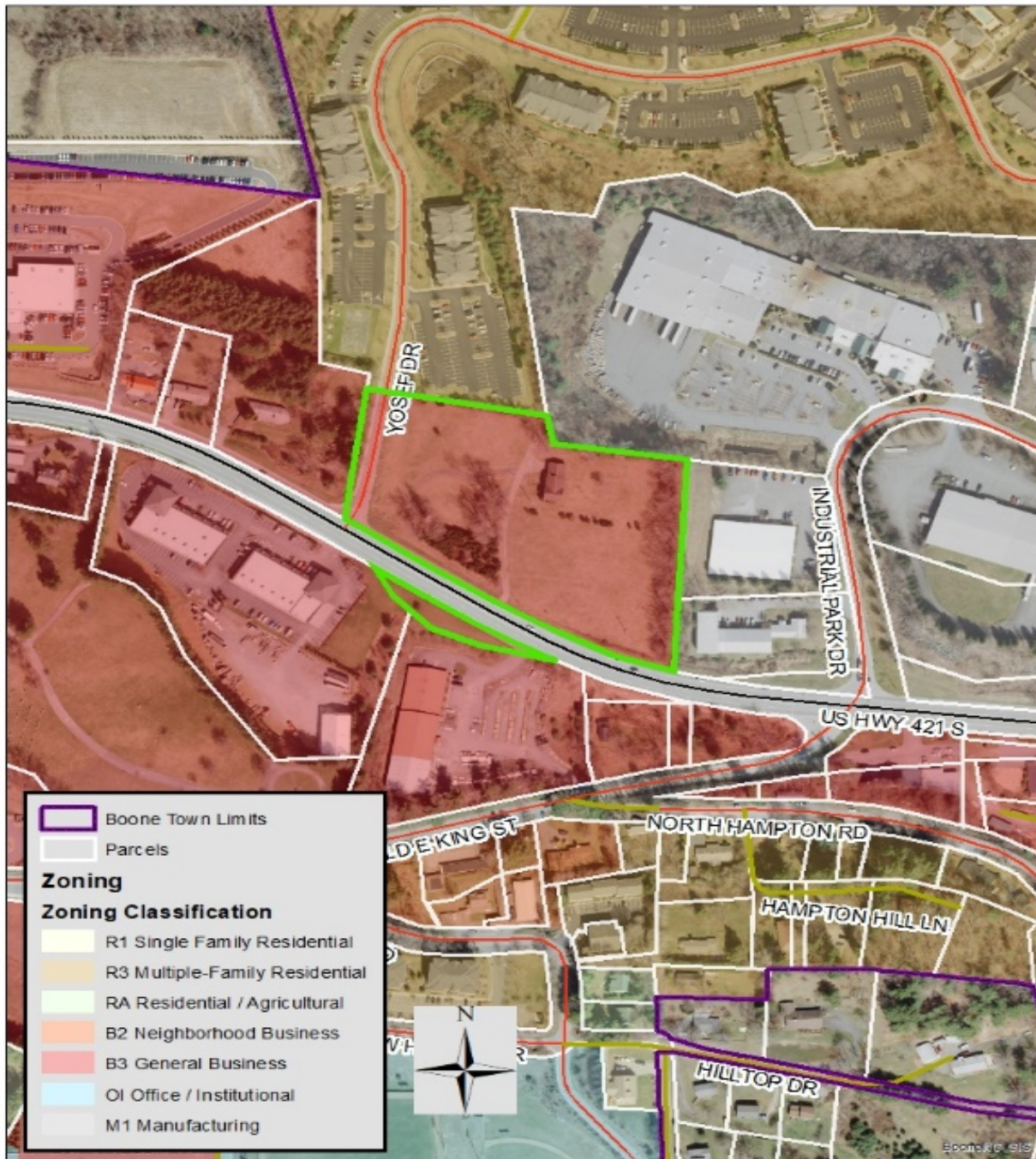
3 BEDROOM TOWNHOME PLAN • 2,200 HSF

05 OCTOBER 2021

oda.us.com | ODA ARCHITECTURE

Packet Pg. 45

Staff Report
Public Hearing
January 24, 2022
Case PL05186100821 Wynstone Townhomes Conditional District Zoning Map Amendment



Request

Catellus Group, LLC is requesting a Conditional District Zoning Map Amendment to rezone property located at the eastern corner of US 421 South and Yosef Drive (Watauga County PIN: 2911-80-5166-000) from B-3 General Business to Conditional District R-3 Multiple-Family Residential with a site-specific plan for Use 1.10 - Townhouse (> 100 bedrooms). The applicant is proposing a 49-unit townhome development with 122 bedrooms and accompanying amenities on a new private street to be accessed from Yosef Drive. The subject property is outlined in green on the map above.

Parcel Information

Property Owners Information:	Greer Watauga LLC c/o Alison Neely
Watauga County PIN:	2911-80-5166-000
Address:	1627 US Highway 421 South (address of house currently on the property)
Use:	Vacant (Most recently Use 1.01 Single Family Home)
Size:	5.239 acres
Jurisdiction:	Town of Boone
Access:	Yosef Drive, Town Maintained. The property fronts US 421 South but there is no proposed access directly from 421.
Corridor District:	Entire parcel is within the corridor district.
Viewshed:	No
Watershed:	No
Special Flood Hazard:	No
Steep Slope:	Yes (a very small portion in the rear of the property)
Phasing:	No
Vesting:	2 years
Current Zoning:	B3 General Business The B3 General Business District is primarily intended to accommodate a wide range of office, restaurant, retail, service, and multi-family residential uses in a mixed-use environment. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.
Proposed Zoning:	Conditional District R3 Multiple-Family Residential The R3 Multiple-Family Residential District is established to provide a high-density area consisting of three or more dwelling units per lot plus limited service use. The regulations for this district are intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.
Current Use:	1.01 Single-Family Residential – Currently Vacant
Proposed Use:	1.10 Townhouse (> 100 bedrooms) “A building containing, intended or used solely for one dwelling unit on its own lot, with an individual private entrance and where three or more buildings are joined side-by-side (“a row”), with no dwelling unit located above or below another dwelling unit, and each building having exposed front and rear walls for access, light and ventilation. A Townhouse development may contain multiple rows.”

	Adjacent Zoning	Adjacent Land Use
North	R-3 Multiple-Family Residential	Multi-Family Dwelling > 100 bedrooms (Mountaineer Village)
East/NE	M-1 Manufacturing	Industrial Park
South	B-3 General Business	Retail, Religious Assembly, Warehouse, Single-Family Residential
West	B-3 General Business	Single-Family Residential

Planning Staff Analysis

The applicant is requesting approval for Conditional District R3 Multiple-Family Residential zoning with a site-specific development plan for Use 1.10 Townhouse (> 100 bedrooms) which is allowed by right in the R3 zoning district subject to a 125' transitional zone.

Pursuant to UDO Subsection 14.01.02(C) a Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance. A CD utilizes a proposed general use zoning district, is limited to the authorized uses and development standards mandated within that district, and may be subjected to conditions that make the development more desirable.

A site specific development plan is defined in UDO Article 34 as "A plan which has been submitted to the Town by a landowner that describes with certainty the type and intensity of a use for a specific parcel or parcels of property, and includes the boundaries of the site; significant topographical and other natural features effecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways."

See below for details on the applicant's compliance with the Conditional District procedural requirement for a neighborhood meeting as set forth in UDO Subsection 9.09.02 and the development's overall compliance with UDO standards specific to the development:

Compliance with UDO Subsection 9.09.02 Neighborhood Meeting:

The applicant shall conduct a neighborhood meeting prior to the submission of the application for a Conditional District Zoning Map Amendment. This meeting will allow the applicant to explain the proposed development and to be informed of the concerns of the neighborhood and surrounding property owners.

- A. A meeting notice must be mailed to property owners within 300' of the development at least 25 days prior to the meeting in accordance with Subsection 1.13.02 herein. A copy of the notice shall also be provided to the Planning Department. The notice shall contain a summary of the proposed development, the applicants contact information, the date, time, and location of the meeting.
- B. The meeting must be held at an accessible and convenient location and time in light of available options. Upon coordination through the Planning Department, the meeting may be held at Town Council Chambers if that location is available.
- C. At the meeting, the petitioner, at a minimum, shall present all the following information:
 1. Contact information of the parties involved in the ownership, design, and development of the property;

2. The location of the property and general information on the current conditions of the site;
 3. Proposed use(s) and site development;
 4. Any preliminary plans or renderings, if available; and
- D.** The applicant shall provide the Administrator with a summary report of the meeting which includes a list of all attendees and details the meeting including all concerns expressed by attendees and commitments made by the petitioner. This report shall be included in the staff report.

Staff Note: The applicant held a neighborhood meeting on January 8, 2022. A recap of the meeting along with the certification of mailing to the affected property owners is included in the board packet.

Setbacks: As proposed, the structures will meet the setback requirements as listed in UDO Article 15 District Standards.

Landscaping: The proposed landscape buffer dimensions appear to meet UDO requirements. The applicant will be required to submit details during zoning compliance demonstrating full compliance.

Environmental (Grading/Stormwater/Erosion): The grading, stormwater and erosion control standards appear to be able to be met based upon the information submitted. The applicant will be required to submit details during zoning compliance demonstrating full compliance.

Bicycle Parking: 1 short-term bicycle parking space is required per 20 units (3 spaces required). 1 long-term bicycle parking space is required per 4 units (13 spaces required). The applicant will have to demonstrate full compliance during the zoning compliance review if approved.

Compliance with limited use requirements in UDO Subsection 15.03: 1.07 Duplex; 1.08-1.10 Townhouse; 1.11-1.13 Multi-Family Dwelling; 1.14-1.16 Multi-Family Dwelling In Mixed Use (unless specifically excluded)

NOTE: Pursuant to UDO Subsection 1.28 and consistent with State law, building design elements refers exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

Any regulation relating to building design elements adopted under the UDO may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under limited circumstances.

Since individually-owned townhomes on individual lots are considered one-family dwellings under North Carolina Residential Code, some of the standards in Section 15.03 will not apply. Staff will note where this situation occurs.

Therefore, pursuant to UDO Subsection 15.03.03, each new multi-family development shall meet the following standards:

- A.** A townhouse style design and a mixture of unit configuration and sizes per development shall be encouraged. No one type of dwelling units, as defined by the number of bedrooms, shall comprise more than 50% of the total units.

Staff Note: The applicant is proposing a townhouse use. The configuration of bedrooms is considered within the building design elements exclusion and cannot be regulated for the proposed use.

- B.** Parking shall be limited to a maximum of two (2) spaces per unit and a clearly designated parking area for visitors.
1. The square footage of the parking designated for visitors may not exceed ten percent (10%) of the total parking area. A minimum of twenty-five percent (25%) of units shall have a garage or carport.
 2. If freestanding, garages and carports shall be architecturally integrated with the development. To the greatest extent practicable, parking shall be located behind or underneath proposed building(s).

Staff Note: The applicant is providing 98 parking spaces (2 for each dwelling unit). Each townhome unit will have the required 2 off-street parking spaces. A single-car garage located within the dwelling and one driveway parking space. There are also 12 visitor/POA parking spaces proposed.

- C.** A livability space ratio of .50 must be met for the development. Fifty percent (50%) of the required livability space shall be designated to a defined area exclusively for the use of ground floor units. This space must consist of a common yard with accompanying private outdoor space for each ground level unit, or individual yards contiguous with the unit served. Either configuration must provide direct access from all ground floor units. The remaining livability space shall be designated for the use of the development as a whole as recreation space and shall be located so as to provide for direct auditory, visual, and physical access from the dwelling units served.

Staff Note: Development in the R3, Multiple-Family Residential District is required to meet a livability space requirement of .50. The applicant has indicated that they are in compliance with this requirement with a livability space of .51 (51%, 108,466 sf). All of the livability space is proposed to be pervious. Additionally, each unit is considered a ground floor unit and will have access to the common areas within the development.

- D.** On-site property management or an owner's association shall be required.

Staff Note: The applicant will be required to submit property owner's association documents with the townhouse subdivision final plat.

- E.** Recreation space:

1. A minimum of 5% of the parcel shall be provided as recreation space for residents of the park.
2. In general, required recreation space shall have a least dimension of twenty-five feet (25), an average dimension of fifty feet (50'), and a minimum area of 2,500 square feet. Smaller dimensions are acceptable if:
 - a. Less than 2500 square feet of recreation area is required, or
 - b. The recreation area is a suitably improved roof area or enclosed floor area, or
 - c. The anticipated needs of the residents require smaller facilities, such as tot lots or shuffle board courts, or
3. The dedication of a greenway easement may be used to satisfy the requirements for recreational space.

4. Outdoor recreation area for common use should be located twenty feet (20') or more from any residential windows at the same general level.
5. Recreation areas shall be maintained in a safe and sanitary manner.

Staff Note: As proposed, the applicant is meeting the recreational space requirements. In addition, the applicant will be dedicating an easement and paying fee-in-lieu for a multi-use trail that has been planned by the Town of Boone and NCDOT along US Hwy 421.

Pursuant to UDO Subsection 15.03.04, each residential building shall meet the following standards:

- A.** The maximum building height shall be three (3) stories of occupied space, and in no case shall the building exceed fifty feet (50') in total height including the roof or the maximum in the particular zoning district, whichever is less.

Staff Note: Applicant will provide elevations indicating compliance with the height requirement during the zoning application process.

B. Roof Requirements:

1. If a pitched roof is proposed, the pitched roof area may be used as attic or storage space.
2. If a flat roof is proposed, fifty percent (50%) of the roof area must be used as livability space.

Staff Note: The applicant is proposing to use pitched roofs.

- C.** The front entrance of each unit on the first floor must be at ground level to the greatest extent practicable.

Staff Note: Please see applicant's elevations. Depending on the units, there are stairs to each front door due to topography. Each front entrance is at ground level to the extent possible.

Pursuant to UDO Subsection 15.03.05, each dwelling unit shall meet the following standards:

- A.** The bedroom to bathroom ratio of each unit within the development shall be limited as follows:
 1. Efficiency unit and one (1) bedroom unit: one (1) bathroom.
 2. Two (2) bedroom unit: one (1) or two (2) bathrooms, with no less than one bathroom with common access.
 3. Three (3) bedroom unit: Two (2) bathrooms with no less than one (1) bathroom with common access.
 4. Four (4) or more bedroom unit: Three (3) bathrooms with no less than two (2) bathrooms with common access from a hall.
- B.** In every unit with two (2) or more bedrooms, a designated master suite must be included and shall be at least twenty-five percent (25%) larger than every other bedroom and not less than 144 square feet excluding closet space.
- C.** Dedicated storage space of at least fifty square feet (50 ft²) per unit must be provided for units without garages. Any storage space which is not within or attached to the building containing the units served by the space must be architecturally integrated with the development.
- D.** Occupancy of each unit shall be limited to (2) two unrelated persons.

Staff Note: Items A-C, are considered within the building design elements exclusion and cannot be regulated for the proposed use.

Transitional Zone: Pursuant to UDO Subsections 9.09.05 and 6.02.02, transitional zones are established for the purpose of creating special protections for residents of protected districts from the potential adverse impacts of certain potentially incompatible nearby development, based upon the legislative finding that the general requirements of this ordinance have not been sufficient to protect the residents of such protected districts from the adverse consequences of such developments and that the variety of circumstances which may need to be ameliorated in the face of such development are not amenable to a “one size fits all” approach.

This proposed development is not within 125’ of a protected residential zoning district so the transitional zone mitigation is not required.

Sidewalks: A portion of the front of this parcel along 421 is within the proposed Town Greenway. The applicant has agreed to pay the fee in lieu of sidewalk development and grant the Town an easement for the proposed greenway. No sidewalk along 421 is proposed as part of this development.

Traffic Impact: The applicant addressed each of the five conditions in UDO 4.04.02(c) that trigger the need for a Traffic Impact Analysis (TIA) demonstrating that a TIA was not triggered. The development is estimated to increase traffic by 337 trips per day.

ANALYSIS BY OTHER TOWN STAFF

Public Works:

Utilities Division (Utility Services Technician)

Approved

Services Division (Facilities Maintenance Superintendent)

Approved.

Fire Department (Fire Marshal)

Approved

NCDOTNCDOT has also reviewed the project without objection.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area’s natural beauty, university, and medical center presence as the Town’s greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and “cheap” apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

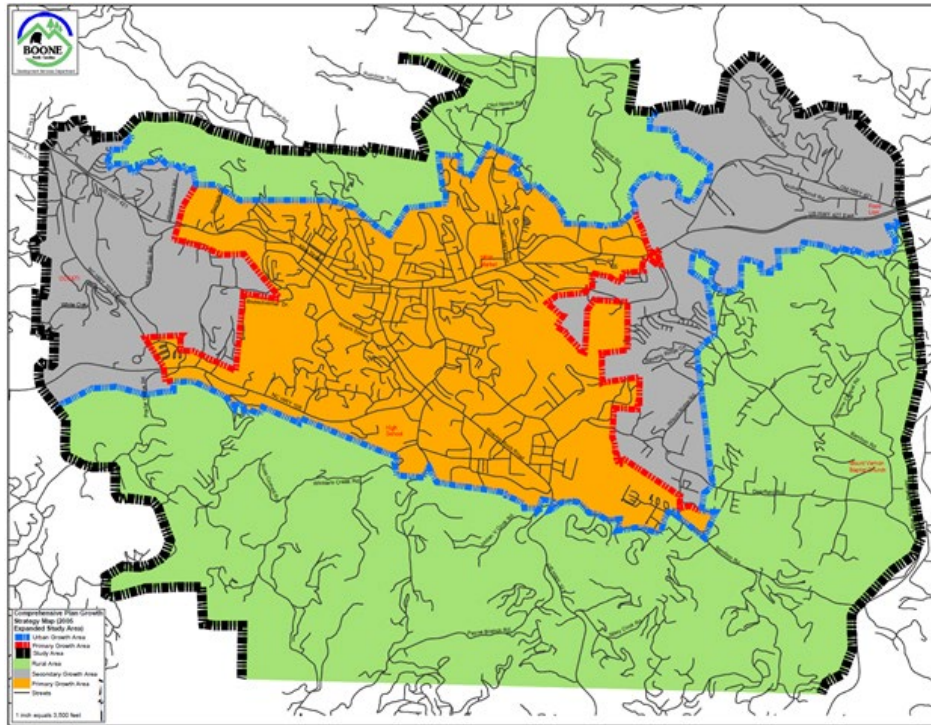
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area.



The property is located within the Primary Growth area. The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged. Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation. See below:

2.1 Economy

...

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.
- B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

- 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.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
- F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G. The Town shall support the development of new business parks.
- H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
- I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

...

2.1.2 Commercial Development

- A. Uncontrolled strip development along the areas through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged.
- B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.
- C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.
- D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.
- E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.
- F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.
- G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.
- H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.

- I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.
- J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

...

2.2.2 Utilities

- A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.
- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.
- C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.
- D. Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.
- E. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.
- F. Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.
- G. Long range planning for a possible stormwater collection and treatment system shall be supported, including the development of financial and regulatory strategies.

...

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
- B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.
- C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.
- D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3.1 Community Appearance

- A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.
- B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.

- C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.
- D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image.
- E. The Town shall encourage public, private, and utility company efforts to place utility wires underground whenever feasible.

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
- 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.

2.3.3 Housing & Neighborhoods

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
- B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
- D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
- E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.
- F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.
- G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

...

Conclusion

Please see the applicant's attachments. Staff has reviewed the application as presented for compliance with UDO standards. If approved, Staff recommends the following conditions:

1. Where there is a conflict between the application information and the plans (dated May 14, 2021) 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 project made by the applicant or its (his 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 plans for review and approval necessary to issue Zoning and Building Permits.
4. Any other conditions agreed upon ...

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on January 4, 2022.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on January 4, 2022.

/s/ Darrell Pulliam

Darrell Pulliam, Building Inspector

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Vote 1: The proposed amendment to the Town's zoning map ☐ **is** OR ☐ **is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent.

Vote 2: The Planning Commission recommends ☐ **approval** OR ☐ **denial** of Ordinance PL05186-100821 and believes ☐ **approval** OR ☐ **denial** is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION - Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

Ordinance PL05186-100821

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from B3 General Business to Conditional District R3 Multiple Family with a site-specific development plan for Use 1.10 - Townhouse (> 100 bedrooms):

Addresses: 1627 Highway 421 South

Watauga County PIN: 2911-80-5166-00

Property Owner: Greer Watauga LLC

WHEREAS, the Boone Town Council held a duly-noticed public hearing January 24, 2022 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the ____th day of _____, 2022.

.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

Vote 1: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance PL05186-100821 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Planning Application - UDO Text Amendment

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ♦ Boone, North Carolina 28607
Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ www.townofboone.net

Official Use Only

Case Number:
Case PL05419-010622
Case Name:
Historic Preservation Minor Work –
Permanent Signs

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____
Address: 567 West King Street
Phone Number: 828-268-6200 Email Address: planning@townofboone.net

B. TEXT INFORMATION

Amendment is to:

Article(s): Article 8 and Appendix D
Section(s): 8.04, Appendix D Statement of Conformity Application

Brief Description of Amendment (Attach Proposed Text):

Amend Article 8 Section 4, Statement of Conformity for Minor Work, and Appendix D, Downtown Boone Local Historic District Design Guidelines and Handbook to allow the addition of permanent signs to the Statement of Conformity process.

This amendment is to modify language related to “Minor Work” in the Downtown Historic District to (i) allow certain permanent signs to be approved administratively rather than by hearing before the Historic Preservation Commission, and (ii) correct inconsistent language regarding changes in roofing materials. Conforming amendments may also be made to other Articles.

C. APPLICANT SIGNATURE: By signing this form you are certifying that this application and any attached information is accurate. Failure to provide accurate information or failure to provide any requested information may result in delays to permit processing.

Jessica Mitchell
Applicant (Print)

/s/ Jessica Mitchell
Applicant Signature

01/06/2022
Date

Official Use Only

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
NA	NA	NA	NA	NA

Hearing/Decision Information

Public Hearing Meeting
Date: 01/24/2022

PC Meeting Date: 01/24/2022

TC Meeting Date: _____

Text Approved: ☐ Yes ☐ No

Notes: _____

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Request

Amend Article 8 Section 4, Statement of Conformity for Minor Work, and Appendix D, Downtown Boone Local Historic District Design Guidelines and Handbook to modify language related to “Minor Work” in the Downtown Historic District to (i) allow certain permanent signs to be approved administratively rather than by hearing before the Historic Preservation Commission, and (ii) correct inconsistent language regarding changes in roofing materials. Conforming amendments may also be made to other Articles.

Proposed Ordinance Amendment

ORDINANCE # PL05419-010622

AN ORDINANCE TO REVISE ARTICLES 8 AND APPENDIX D OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO THE STATEMENT OF CONFORMITY PROCESS.

WHEREAS, the Boone Town Council desires to modify, clarify and streamline certain requirements within the Unified Development Ordinance related to work undertaken in designated historic districts; and

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning authority under G.S. Chapter 160D, Article 6;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

- SECTION 1.** Town of Boone Unified Development Ordinance (“UDO”) is hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference, with deletions and additions shown in **red** and **blue** respectively:
- SECTION 2.** All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.
- SECTION 3.** In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the ____th day of _____, 2022.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

EXHIBIT A

Article 8 Historic Preservation Procedures

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8.04 Statement of Conformity for Minor Work

- 8.04.01** Upon application, the Administrator may issue a Statement of Conformity approving changes to a structure or a site that are judged not to have significant impact on the historical integrity or character of the property ("minor work").
- A.** The application for a Statement of Conformity approving minor work is reviewed by the Administrator on the basis of the standards adopted for the landmark or district in accordance with the provisions of Article 4.
 - B.** When the Administrator determines that an application for approval of a Statement of Conformity does not meet the requirement for such approval, the application will be forwarded to the HPC for review as a COA Application for Major Work. Upon such action by the Administrator, the applicant is required to submit such additional information or documentation as may be required for the COA review process.
- 8.04.02** Minor work that may be approved pursuant to issuance of a Statement of Conformity may include by way of example, but is not limited to, the following:
- A.** Installation of mechanical systems, air conditioning units, vents, and related equipment on secondary and tertiary elevations or adjacent land areas that does not involve alteration to the building.
 - B.** Installation of patios and sidewalks in secondary and tertiary elevations or adjacent land areas.
 - C.** Change of roofing materials with like materials on flat or low-slope roofs not visible from the street
 - D.** Fence installation in land areas adjacent to secondary and tertiary elevations
 - E.** Installation of skylights within a tertiary elevation
 - F.** Installation of storm windows and doors where divided mullions of storm windows and doors align with windows and doors behind
 - G.** Signs as permitted under Article 26 of the Unified Development Ordinance:
 - 1. Temporary signs and/or approved historic house markers
 - 2. Permanent signs on non-contributing buildings
 - 3. Permanent signs on contributing buildings that use materials that are appropriate to the historic period of the building so long as the sign does not have the potential to harm, damage, or destroy historic materials or features

~~G. Temporary signs as permitted herein; and/or approved historic house markers~~

~~H. Removal of synthetic siding where original siding exists underneath~~

~~I. Installation of new doors, door frames, and associated door sills in tertiary AVCs when new materials are compatible with the original in terms of size, design, and material.~~

Appendix D Downtown Boone Local Historic District Design Standards and Handbook Commission Procedures

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Statement of Conformity Application

As set forth herein, Minor Work includes those changes to a structure or a site that are judged not to have significant impact on the historical integrity or character of the property. While Minor Work does not require a review by the HPC, applicants are required to submit an Application for a Statement of Conformity. This application is reviewed administratively by Planning and Inspections Staff in context with the Standards and is generally approved within ____ business days. When an Application for a Statement of Conformity does not meet the limitations of Minor Work, the application will be forwarded to the HPC for review as a COA Application for Major Work.

When work proposed under a Statement of Conformity Application does not meet the limitations of Minor Work, the application will be forwarded to the HPC for review as a COA Application for Major Work.

Examples of Minor Work include:

- Installation of mechanical systems, air conditioning units, vents, and related equipment in secondary and tertiary AVCs that does not involve alteration to the building
- Installation of patios and sidewalks in secondary and tertiary AVCs
- Change of roofing materials [with like materials](#) on flat or low-slope roofs not visible from the street
- Fence installation in secondary and tertiary AVCs
- Installation of skylights within tertiary AVCs
- Installation of storm windows and doors where divided mullions of storm windows and doors align with windows and doors behind
- [Signs as permitted under Article 26 of the Unified Development Ordinance:](#)
 - Temporary signs ~~as permitted under Boone's land use ordinance~~ and/or approved historic house markers
 - [Permanent signs on non-contributing buildings](#)
 - [Permanent signs on contributing buildings that use materials that are appropriate to the historic period of the building so long as the sign does not have the potential to harm, damage, or destroy historic materials or features](#)
- Removal of synthetic siding where original siding exists underneath
- [Installation of new doors, door frames, and associated door sills in tertiary AVCs when new materials are compatible with the original in terms of size, design, and material.](#)

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area’s natural beauty, university, and medical center presence as the Town’s greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and “cheap” apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

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.
 - A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
 - A.2 Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.
 - A.3 Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.
 - A.4 Balance the benefits of economic development projects with special concern for environmental quality issues.
- B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- 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.
 - D.1 Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.
 - D.2 Urge the resolution of the clean-up process of the 482 State Farm Road site so as to render the building suitable for use as soon as possible.
 - D.3 Pursue annually at least one joint public-private venture that will benefit the community at large.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
 - E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.
- F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G. The Town shall support the development of new business parks.
 - G.1 Identify suitable property for possible business park development.

- H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
 - H.1 Assist business recruitment and expansion efforts by providing demographic and market data and development information to potential developers and business prospects. Direct such interested parties, by referral through the Economic Development Director, to identified locations in the community.
 - H.2 Include economic development as a specific point of discussion by the recently created Community Council.
 - H.3 Continue to support the Economic Development Commission as the lead economic development agency in the county. Continue to support and work with the Committee of 100, Chamber of Commerce, Tourism Development Authority, High Country Host, Broyhill Institute for Business Development, High Country Council of Governments, Caldwell Community College and Technical Institute, JobLink and others on issues of economic benefit to the whole community.
- I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
 - J.1 Encourage the growth of a student internship program between area businesses, ASU and Caldwell Community College and Technical Institute as a means of providing training for Boone area citizens.
 - J.2 Actively pursue workforce training through ASU and Caldwell Community College and Technical Institute to meet existing needs of current employers and make efforts to develop the skills necessary for higher paying jobs.
 - J.3 Support careers education programs in the public schools.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.
 - K.1 Support local agencies and institutions efforts in the development of programs and services providing for the needs of the growing retiree population.

2.1 THE ECONOMY

2.1.5 Downtown

- A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place.
 - A.1 Prepare an overall landscape strategy for the public right-of-way in coordination with private sector landscape treatments, e.g. street trees, planter boxes, planting beds.
 - A.2 Evaluate the adequacy and appearance of street lighting as it currently exists, making recommendations for further improvements and avoid excessive delays by proceeding to provide and/or correct.
 - A.3 Evaluate the need for additional street amenities such as benches, trash receptacles, and directory signs.

- A.4 Establish specific architectural and design standards for downtown consistent with its location, setting, and various functions.
- B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.
 - B.1 Develop a plan and establish a timetable for the construction of off-street public parking facilities including well designed parking decks (decks other than traditional concrete boxes).
- C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.
 - C.1 Examine zoning ordinances and revise as necessary to encourage construction of buildings with residences over ground-floor businesses.
 - C.2 Develop strategies that will assist in providing a diversity of commercial and service businesses more reflective of the town’s economic and demographic profile.
- D. Public and private developments shall be encouraged to incorporate local artistry into public and semi-public spaces downtown.
 - D.1 Consider the placement of public art (including murals and statuary) at appropriate locations in the downtown area.
 - D.2 Support the development and enhancement of cultural facilities, e.g. art and antique galleries.
- E. Public and private development decisions in the downtown area shall exhibit a special concern for maintaining the intensive, pedestrian oriented character of the district.
 - E.1 Evaluate the need for additional sidewalks and crosswalks and make physical improvements to existing sidewalks and crosswalks in the downtown area.
 - E.2 Evaluate the needs of bicyclists and take appropriate action regarding bicycle travel and storage needs in the downtown area.
 - E.3 Incorporate transit stops into the downtown area for the convenience of the bus riders.
 - E.4 Planned improvements shall emphasize needs of the pedestrian.
- F. The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services.
 - F.1 Support events throughout the year that promote the downtown area as the cultural center of Boone.
 - F.2 Continue to support the efforts of the Downtown Boone Development Association, the North Carolina Main Street Program and the Boone Area Chamber of Commerce.
 - F.3 Encourage private investment and see public funding opportunities for downtown revitalization projects.
 - F.4 Given the proximity of Appalachian State University to downtown, engage the University in both planning and implementation actions.

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
 - A.1 Establish minimum architectural design standards for commercial development throughout the Town.

- B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.
- C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.
 - C.1 Funding requests for outside agencies and organizations serving the citizens of Boone shall continue to be evaluated on an annual basis consistent with area service needs and Town budget constraints.
- D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.
 - D.1 Involve appropriate agencies, organizations, and citizens in the preparation of community-wide function plans including, for example, a master parks plan, a small projects transportation committee, water treatment expansion planning, the recycling program, a storm water management plan, anti-litter campaign, and other specific plans.

2.3 THE COMMUNITY

2.3.1 Community Appearance

- A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.
- B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.
 - B.1 Expand scope and effectiveness of the Town's street tree planting program in close cooperation with student and citizen volunteer groups, power companies and other groups.
 - B.2 Implement Boone's street tree master plan. Prepare an inventory of existing street trees and other significant trees within the urban area. Coordinate with Boone's Walkways Long Range plan.
 - B.3 Amend the Town's site plan review standards to require new commercial and residential developments to plant trees in accordance with the Street Tree Master Plan and Walkways Long Range Plan.
- C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.
 - C.1 Prepare a strategic plan that addresses the problems of hazardous buildings, dilapidated buildings and visually unattractive property, beginning with an inventory of such places and establishing an action plan to change their appearance consistent with the High Country.
 - C.2 Contact NCDOT and request establishment of central medians along those major roadways in Boone which involve multi-lane facilities. Establish high priorities for locations where pedestrians must cross multi-lane facilities.
 - C.3 Prepare a plan for improving the appearance and function of at least one major highway corridor in Boone. Involve property owners, the Boone Area Chamber of Commerce, NCDOT, and appropriate local civic organizations on an advisory committee. The plan should include a review of landscaping and buffering requirements, signage, parking design standards, including parking to the rear, all-around architecture, driveway cuts, build-to lines and setbacks, and other requirements along the entry corridor.

- C.4 All of the items listed under Community Appearance should be part of a single beautification plan for coordination and effectiveness of efforts and for policy consideration by Town Council. The Town Community Appearance Commission should coordinate all plan elements, and actively seek the input of the community at large.
- D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image.
 - D.1 Conduct a review of the Town's sign regulations with the goal to have a long term policy consistent with the appearance of the High Country, including greater use of ground signs and directory signs.
- E. The Town shall encourage public, private, and utility company efforts to place utility wires underground whenever feasible.
 - E.1 Prepare a Master Plan for the placement of utilities underground in Boone, establishing priority areas, estimating costs, scheduling the plan's implementation, and assigning responsibilities.
 - E.2 Coordinate with NCDOT and utility companies on the burying of overhead utilities when any roadway widening project is proposed.

2.3 THE COMMUNITY

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
 - A.1 Conduct on-going assessments of critical locations in community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.
 - A.2 Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
 - B.1 Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
 - C.1 Consider the placement of public art at appropriate locations in downtown, including murals.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
 - D.1 Carefully scrutinize proposed road widening to ensure that such actions do not destroy community and neighborhood character.
 - D.2 Continue to support the Town's tree preservation standards. Evaluate the effectiveness of the tree regulations since their establishment and amend them as necessary.
- 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.

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Vote 1: The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance PL05419-010622 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan.

Vote 1: The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance PL05419-010622 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

**PUBLIC HEARING MINUTES
MONDAY, NOVEMBER 22, 2021, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Rennie Brantz (joined at 6:11 p.m.), Mayor Pro-Tem Connie Ulmer, Sam Furguele, Dalton George, Nancy LaPlaca, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend (joined at 6:47 p.m.), Amanda Halbert, John Tippet, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections/Chief Building Inspector, Jessica Mitchell-Long Range/Special Projects Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: John Ward-Town Manager, George Santucci-Sustainability & Special Projects Manager, Rick Miller-Public Works Director (joined at 6:12 p.m.), and Allison Meade-Town Attorney

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Todd Carter, Tim Futtrelle, and Edie Tugman (joined at 6:08 p.m.), and Becca Nenow (briefly joined at 6:55 p.m.)

Call to Order

Mayor Pro-Tem Ulmer called the Town Council to order at 6:04 p.m. Chair Shay called the Planning Commission to order at 6:04 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Approval of Meeting Minutes

Council Member LaPlaca made a motion to approve the October 25, 2021 Public Hearing minutes. The motion was seconded by Council Member Roseman.

Vote: Aye – All
Nay – None

The motion passed.

Vice-Chair Plaag made a motion to approve the October 25, 2021 Public Hearing minutes. The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

General Guidelines

Ms. Shook reviewed the general guidelines for each case presented at the Public Hearing.

Case PL05268-110121 Minimum Housing – Town Code Amendment

Modify Town Code Chapter 151 Minimum Housing Code, revise language, and bring the code into compliance with North Carolina General Statute 160D and Session Law 2021-138, Part XIII, section 13(b).

Ms. Meade explained that under NC Chapter 160D, this amendment to the Town Code had to follow the same procedure as an amendment to the Unified Development Ordinance. She noted that some clarifying language changes were proposed for consistency of use. Ms. Meade referred to Section 151.32 that addressed issues related to mold & mildew.

Council Member Furgiuele referred to Section 151.46, second to last sentence, and suggested that the wording “any premises within its jurisdiction” be changed to “any premises within the Town’s jurisdiction.”

Ms. Meade stated that Section 151.49(B) referenced that Town Council had the authority to adopt a separate ordinance that would require periodic inspections of multi-family dwellings to address particular blighted sections of Town.

Mayor Brantz joined the meeting at 6:11 p.m.

Ms. Meade referred to Section 151.48(A) and noted that the current code included a requirement that the owner is to repair issues with a structure within 90 days. She suggested striking the 90-day requirement and allowing the housing inspector to impose a period of time that they see fit. Ms. Meade stated that a housing inspector has the power to cause a structure to be vacated if it was occupied by a structure deemed unsafe. She added that repairs to the structure could take longer than 90 days, depending on the nature of the repairs.

Council Member Furgiuele felt that was a fair point. He asked if a minimum time period for repairs should be established. Ms. Meade replied that some repairs could be done very quickly while others could not. She felt it would be best to leave the timeframe up to the housing inspector. Council Member Furgiuele expressed concern that, with no parameters, a housing inspector could do things just to punish people or be inconsistent when setting timeframes. Ms. Meade stated that Ms. Shook was aware of the potential for abuse and inconsistency but felt that the Town tried to be consistent.

Council Member Furgiuele referred to Section 151.49(A) that read “The duties of the housing inspector set forth in this subdivision shall not be exercised until the Town Council shall have by ordinance, etc.” He felt the phrasing was odd. Ms. Meade replied that the phrasing came directly from the Statute.

Vice-Chair Plaag referred to Section 151.49(B) regarding demolition. He expressed concern about the potential for a situation where a housing inspector went to a Landmark property and decided that the structure needed to be demolished. Vice-Chair Plaag felt that the way this subsection was written, it skipped the COA process that would be required for Landmark properties or properties located within a Historic District. He suggested adding language that stated any demolition order for a property that was designated as a Local Historic Landmark or located within a Local Historic District shall be subject to the standards associated with that Landmark or District regarding demolition. Vice-Chair Plaag stated this would create the need for the request for demolition to go through the COA process. Ms. Meade agreed that the suggested language could be added.

Ms. Meade referred to Section 151.99 regarding penalties. She noted that State Law had been passed that decriminalized, as a default, local ordinances and almost all provisions that could be enacted under the Town’s planning and zoning jurisdiction. Ms. Meade stated that criminal appellate penalties had been removed from the Minimum Housing Code under this revision.

Council Member Furgiuele questioned why criminal penalties could not be imposed for structures that were deemed to be unsafe. Ms. Meade replied that the specific language of unsafe buildings was used in the legislation and that language was located in a single section of 160D called Unsafe Buildings. She noted that the Minimum Housing section referred to unsafe, abandoned structures. Ms. Meade stated she took a conservative approach to her suggested language regarding penalties because of the fact that there were distinctly different terms used in 160D for Unsafe Buildings and Minimum Housing.

Council Member George asked if the more conservative interpretation was adopted, would it be possible to seek clarification from the State regarding penalties and revise later, if needed. Ms. Meade responded

that if she were authorized to write an ordinance for unsafe buildings, she would look into this issue again at that time.

Vice-Chair Plaag asked if Ms. Meade was authorized to write an Unsafe Buildings ordinance, could that ordinance include a building that met particular conditions be determined by the inspector, by Council, or through some process to be an unsafe building. Ms. Meade agreed.

Vice-Chair Plaag stated that the preservation world was very specific about how they defined a building versus a structure. He noted that a building was defined as any dwelling that was intended for human habitation, whether for residential purposes or work purposes. Structures were objects that were not for habitation. Ms. Meade replied that State Law defined structure as a broad term that included dwellings, buildings, sheds, and retaining walls.

With no public comment, Mayor Brantz closed the public hearing for this case at 6:38 p.m.

Case PL05269-110121 Criminal Penalties – UDO Text Amendment

Modify the UDO to bring UDO Article 12 into compliance with Senate Bill 300/Session Law 2021-138 to decriminalize local government ordinances.

Ms. Meade referred to Subsection 12.03.02 regarding liability. She stated that the proposed language would expand responsibility for violations to not only owners or tenants but also potentially builders, contractors, and design professionals who were responsible for or assisted in violations. Ms. Meade noted that under Subsection 12.03.04 multiple people could be fined separately for the same violation.

Vice-Chair Plaag referred to Subsection 12.06.01(B) and asked if there was a State requirement involved in reducing fine for the knowing and willful violation of the ordinance more than once in any 24-month period from \$5,000 to \$2,000. Ms. Meade stated she would have to check on that and provide an answer later in the meeting.

With no public comment, Mayor Brantz closed the public hearing for this case at 6:45 p.m.

Case PL05270-110121 Miscellaneous Revisions – UDO Text Amendment

Amend UDO Article 2 to reduce membership of the Historic Preservation Commission from seven to five members; Amend UDO Article 25 to require that development applicants submit a final lighting plan compliance certification and; Amend UDO Articles 14 and 34 to clarify “livability space” requirements.

Ms. Mitchell presented the request as it was outlined in the meeting packet. She noted the proposed reduction in membership on the Historic Preservation Commission from 7 to 5 members, the requirement of a final lighting plan compliance certification by a professional engineer, and the relocation of text regarding livability space. Ms. Mitchell stated there were some typographical errors that staff was aware of, and those would be corrected. Ms. Shook added that requiring the final lighting certification would put the burden on the applicant to pay for that service versus staff having to go out at night to conduct a lighting inspection.

Commission Member Behrend joined the meeting at 6:47 p.m.

With no public comment, Mayor Brantz closed the public hearing for this case at 6:51 p.m.

Case PL05271-110121 Townhouse Clarifications – UDO Text Amendment

Modify UDO Articles 1, 5, 15, 25, and Appendix B to revise language to clarify requirements for Townhouse developments and to revise how livability space is applied to multi-family developments overall.

Ms. Meade noted that she had not had time to review the proposed Townhouse text carefully and asked that this case be tabled and considered at the next public hearing.

Council Member Furgiuele agreed that the case should be tabled. He felt some things were confusing and some things were awkwardly written. Council Member Furgiuele stated he had several comments regarding the proposed text and would email those comments to Ms. Meade for consideration.

Council Member Furgiuele made a motion to table Case PL05271-110121 Townhouse Clarifications – UDO Text Amendment. The motion was seconded by Mayor Pro-Tem Ulmer.

Vote: Aye – All
Nay – None
The motion passed.

Case PL05272-110121 Solar Energy Systems and Electric Vehicle Charging – UDO Text Amendment

Modify the UDO to create regulations for accessory solar energy systems and accessory and principal use electric vehicle charging stations.

Ms. Shook presented the case as it was outlined in the meeting packet. She referred to Subsection 14.02.03(A)(4) regarding electric vehicle charging stations. Ms. Shook stated the proposed text would allow EV charging stations installed on Town property or the public right of way to be exempt from obtaining a zoning permit.

Ms. Shook referred to the Table of Principal Uses and noted that EV charging stations were proposed to be allowed in the B1 Downtown Interface, B2, B3, and M1 zoning districts. EV charging stations were proposed to be allowed as an Accessory Use in all zoning districts, subject to the standards in Subsection 15.64 and 15.65. Council Member Furgiuele asked why EV charging stations were not allowed in the University or Education district either as principal or accessory uses. Ms. Shook replied that the table has not traditionally worked that way, and noted that the table had not been populated in any other category for something similar. She stated she was not opposed to populating the table, but it would be a deviation from how the table was traditionally handled for the university zoning districts.

Ms. Shook stated that the proposed standards were reviewed to make sure that they were in compliance with Solsmart. She noted that this was just a first step towards the Solsmart designation. Ms. Shook stated that staff would also have to take steps in the office regarding permitting, turnaround times, and fees.

Council Member Furgiuele referred to Subsection 15.65(A)(1) and suggested the addition of the word “a” in front of standard-size parking space. He asked if the mentioning of a standard-size parking space should be included in 15.65(A)(2) and not just the EV charging station. Ms. Shook replied that both the parking space and the charging station should be included.

Council Member Furgiuele suggested under Subsection 15.65(A)(4)(b) that there be a cross-reference to cite the signage required under the Town Code for towing and booting. Ms. Shook stated that a reference could be added. In Subsection 15.65(A)(5), Council Member Furgiuele suggested removing the word “associated” as it appeared to be an unnecessary word.

Council Member Furgiuele noted there was no provision for the removal of charging stations that were no longer in use. Ms. Shook replied that provisions could be added.

Vice-Chair Plaag referred to Subsection 15.64(B)(1) regarding rooftop solar energy systems and asked if he read it correctly that a rooftop solar energy system in a Historic District would be permitted up to 15 feet above the rooftop to which it was attached, but otherwise would have to comply with the Historic District standards. Ms. Shook stated that the intent was that solar energy systems would be allowed up to 15 feet as long as they were approved under the Historic District or Historic Landmark COA process. Vice-Chair Plaag stated he thought the language that was adopted for rooftop accessory uses had a lower limit than 15 ft. He provided a scenario of a rooftop bar that added 10 feet in height to the building. Then

add 15 feet of solar energy system, and there would be 25 feet added to the top of a building in a Historic District.

Ms. Meade stated the intent was that the stricter standard would apply, so if the Historic District standards were stricter that would overrule the 15 feet allowance. Chair Plaag felt the proposed language could still allow for a 25 feet height extension. Ms. Meade suggested changing the wording in 15.64(A)(2) to “Notwithstanding the requirements set forth in this section, solar energy systems located within a Historic District or Historic Landmark shall adhere to the requirements set forth in the design standards adopted for the District or Landmark, as applied through the COA process.” Vice-Chair Plaag felt that would address the issue.

Ms. Shook referred to 15.65(A)(4)(g) and stated that Mr. Santucci had requested that the signage requirements of Part a. and Parts c. – f. be waived if all the information required in this part was contained in the required user app of the EV charging station. Council Member Furgiuele agreed with this suggestion.

Ms. Shook added that she felt solar energy systems should be excluded from counting towards the cost of improvements that could trigger a property to have to come into compliance with current UDO standards. She suggested the language be added to both 15.64 and 15.65 to address this exclusion. Council Member Furgiuele asked if there were ways to incentivize solar energy system installations. Ms. Shook replied that it was a good idea and felt it warranted further discussion at a later date.

Mr. Ward explained that Solsmart was trying to bring on 16 new communities in the next few months. Due to the timing in which Ms. Shook was able to develop the proposed text, it would allow the Town of Boone to potentially be recognized as one of those 16 communities.

With no public comment, Mayor Brantz closed the public hearing for this case at 7:19 p.m.

Additional discussion - Case PL05269-110121 Criminal Penalties – UDO Text Amendment

Ms. Meade then addressed the question posed previously by Vice-Chair Plaag regarding penalties for violations of the UDO. She noted that upon further review, revised General Statute Section 14-4 stated the maximum penalty that could be implemented for a violation of a local ordinance was a Class 3 misdemeanor and a \$500 fine. Ms. Meade stated that the final sentence of UDO Subsection 12.06.01(B) would need to be struck entirely. Vice-Chair Plaag suggested adding “for each such violation’ after the \$500 fine for a Class 3 misdemeanor.”

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 7:22 p.m. The motion was seconded by Council Member LaPlaca.

Vote: Aye – All
Nay – None
The motion passed.

Rennie Brantz, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting**Approval of Meeting Minutes**

Vice-Chair Plaag made a motion to approve the October 25, 2021 and the November 1, 2021 Planning Commission meeting minutes. The motion was seconded by Commission Member Halbert. Chair Shay wished to amend the November 1, 2021 meeting minutes on page 12, first paragraph, third sentence for it would read, "She stated that there might be families next to whom she would not want to live." Vice-Chair Plaag and Commission Member Halbert accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05268-110121 Minimum Housing – Town Code Amendment

Modify Town Code Chapter 151 Minimum Housing Code to revise language and bring the code into compliance with North Carolina General Statute 160D and Session Law 2021-138, Part XIII, section 13(b).

Ms. Shook noted the suggested changes from the public hearing as changing the word "it's" to "within the Town's jurisdiction", and language regarding demolition for historic properties.

Vice-Chair Plaag stated that he would like to see a sentence added that any demolition ordinance, passed by Town Council, under this description of possible actions for any property designated as a Local Historic Landmark or located within a Local Historic District shall be subject to the standards associated with that Landmark or District regarding demolition, and including any such delays in demolition that may be advocated by the HPC as part of the COA process. Vice-Chair Plaag stated that what this would be to allow a provision that if a property owner wanted to demolish a designated property, there could be a delay of up to a year under the Statute. That delay would give time to discuss with the property owner about relocating the structure or perhaps being more creative with the intended plans for the historic site. Vice-Chair Plaag stated that the language as proposed could potentially allow a landmark building to be demolished without any opportunity for the Historic Preservation Commission to provide input. He stated that the last sentence of Section 151.48(B) could be revised to incorporate the language he suggested regarding demolition of Local Historic Landmarks or structures located within a Local Historic District.

Vice-Chair Plaag also recommended that Town Council instruct the Town attorney to draft an unsafe buildings statute so that the application of criminal penalties for certain types of actions could be reinstated. Commission members agreed with this suggestion.

First Motion and Vote: Commission Member Veno made a motion that the proposed amendment to the Town Code, with the revisions discussed, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

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

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

Comprehensive Plan Policy 2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- A.2 Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice-Chair Plaag made a motion that the Planning Commission recommends approval of the proposed amendment and believes approval is reasonable and in the public interest because the proposed changes bring the present Ordinance into compliance with changes necessitated by 160D. It smooths out some inconsistencies within the language of the existing Ordinance, and creates uniformity in the use of certain terms. It clarifies various safety standards and the methods by which they shall be judged by the building inspector, and addresses gaps in the existing Ordinance related to mold and mildew and multi-family dwellings. It brings the Ordinance language into alliance with the Town's stated goals of historic preservation with respect to buildings that are either Local Historic Landmarks or are located within Local Historic Districts that have been designated.

The motion was seconded by Commission Member Venio.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05269-110121 Criminal Penalties – UDO Text Amendment

Modify the UDO to bring UDO Article 12 into compliance with Senate Bill 300/Session Law 2021-138 to decriminalize local government ordinances.

Ms. Shook reminded Commission members of the recommended change to Subsection 12.06.01(B) to strike the last sentence and add the wording "for each such violation" after the \$500 fine.

First Motion and Vote: Commission Member Tippet made a motion that the proposed amendment to the Town's zoning ordinance, with the revisions as discussed, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

Comprehensive Plan Policy 2.3.4 Public Involvement

D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

The motion was seconded by Commission Member Veno.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Veno made a motion that the Planning Commission recommends approval of the proposed amendment and believes approval is reasonable and in the public interest because this will make the UDO consistent with the State Legislator's adoption of Session Law 2021-138.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05270-110121 Miscellaneous Revisions – UDO Text Amendment

Amend UDO Article 2 to reduce membership of the Historic Preservation Commission from seven to five members; Amend UDO Article 25 to require that development applicants submit a final lighting plan compliance certification and; Amend UDO Articles 14 and 34 to clarify "livability space" requirements.

Ms. Shook noted there were some typographical errors that would need to be corrected.

Commission Member Veno asked why the Historic Preservation Commission would be decreased from 7 members to 5 members. Vice-Chair Plaag noted that, in the past, Town Council liaisons were counted as 2 of the voting members of the HPC. After a state law change, Town Council liaisons were no longer able to vote so this left 5 voting members. Vice-Chair Plaag stated the reduction from 7 to 5 members did not change the number of voting members; it just corrected the number to account for the removal of the 2 Town Council liaisons.

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

Comprehensive Plan Policy 2.1.1 Economic Development

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

The motion was seconded by Commission Member Halbert.

Vice-Chair Plaa wished to amend the motion to include:

Comprehensive Plan Policy 2.3.4 Public Involvement

A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.

Chair Shay and Commission Member Halbert accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Chair Shay made a motion that the Planning Commission recommends approval of the proposed amendment and believes approval is reasonable and in the public interest because it adds predictability and rigor to the inspection process, and adds accountability and transparency.

The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05271-110121 Townhouse Clarifications – UDO Text Amendment

Modify UDO Articles 1, 5, 15, 25, and Appendix B to revise language to clarify requirements for Townhouse developments and to revise how livability space is applied to multi-family developments overall.

This case was tabled until the next public hearing.

Case PL05272-110121 Solar Energy Systems and Electric Vehicle Charging – UDO Text Amendment

Modify the UDO to create regulations for accessory solar energy systems and accessory and principal use electric vehicle charging stations.

Ms. Shook noted the following revisions that were suggested:

- Subsection 15.64(A)(2) change the wording to “Notwithstanding the requirements set forth in this section, solar energy systems located within a Historic District or designated as a Historic Landmark shall adhere to the requirements set forth in the design standards adopted for the District or Landmark, following the COA process set forth in those standards.”
- Include language for removal of solar energy systems that are no longer in use.
- Subsection 15.65(A)(2) change the wording to indicate that every electric vehicle charging station and standard-size parking space shall be installed outside of the public right-of-way.
- Subsection 15.65(A)(4)(b) include reference to towing and booting.
- Subsection 15.65(A)(4)(g) waive the signage requirements of Part a., and Parts c. – f. if all the information required in this part was contained in the required user app of the EV charging station.

- Subsection 15.65(A)(5) remove the word “associated.”
- Add language that the cost of adding solar energy systems shall not count towards tracking for non-conformities as regulated in Subsection 7.05 of the UDO.

Vice-Chair Plaag asked about populating the Education districts in the principal and accessory use tables. Ms. Shook felt it would be best to add the use to the E3 district because this was the district covering public or private elementary and secondary education.

First Motion and Vote: Commission Member Tippet made a motion that the proposed amendment to the Town’s zoning ordinance, with the revisions discussed, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because they are consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

A.A.4 Balance the benefits of economic development projects with special concern for environmental quality issues.

Comprehensive Plan Policy 2.2.1 Transportation

B. Planned systems of pedestrian ways, bikeways, greenways, and similar facilities shall be encouraged as energy efficient and environmentally sound transportation alternatives. Site planning that incorporates secure bicycle storage at places of living, working or schooling, shopping, and gathering shall be require, where appropriate.

B.1 Encourage and legitimize alternative transportation through the enhanced use of bikeways, pedestrian ways, and greenways throughout the Town. Link existing bike, pedestrian, and greenways where possible and continue efforts for expansion.

B.4 Explore funding options for alternative transportation projects throughout Town. Options could include a city-wide vehicle registration fee, earmarking property taxes for alternative transportation improvements, and seeking grant funding opportunities from federal, state and private organizations.

The motion was seconded by Commission Member Veno.

Chair Shay wished to amend the motion to include:

Comprehensive Plan Policy 2.2.5 Environmental Health

K. The Town shall encourage and set an example which promotes water and energy conservation, and the reduction of waste generation at the source.

Commission Members Tippet and Veno accepted the amendment.

Vice-Chair Plaag wished to amend the motion to include:

Comprehensive Plan Policy 2.2.2 Infrastructure

F. Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.

Commission Members Tippet and Veno accepted the amendment.

Vote: Aye – All
Nay – None
The motion passed.

Second Motion and Vote: Commission Member Tippet made a motion that the Planning Commission recommends approval of the proposed amendment, with the revisions that were discussed, and believes approval is reasonable and in the public interest because these amendments would create regulations for

accessory solar systems and electric vehicle charging stations that would allow the Town, more formally, to meet its climate neutrality goals and also clean, renewable energy goals.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Ms. Shook stated that there was no business for the December Planning Commission meeting and it coincided with a Town holiday. For both of these reasons, the December 27, 2021 Planning Commission meeting was canceled.

Vice-Chair Plaa referred to previous discussions about the potential for creating incentives to encourage workforce housing and the possibility of creating a student housing zoning district. He asked if those were topics the Planning Commission could take up and how they would go about making that happen. Ms. Shook replied that she could bring these items to the Council's attention at the upcoming Planning Retreat and see if they would like to place them on the Work Plan. Planning Commission members agreed that there was a need for these items to be addressed.

Ms. Shook reminded Commission members of the Volunteer Appreciation Luncheon on December 3, 2021 with a pick-up meal from Dan'l Boone Inn. She asked that any Commission member who had not RSVP'd to Nicole Harmon do so as soon as possible.

Adjournment of Planning Commission

Vice-Chair Plaa made a motion to adjourn the meeting at 8:30 p.m.

The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary