

**Town of Boone
Public Hearing
6:00 PM, Mar. 28, 2022
Remote Meeting via WebEx**

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 Interim Town Manager, Amy Davis at meetings@townofboone.net or call in at 828-268-6200 and you will be provided with an invite to the meeting. All registrations must be completed by 12:30 PM 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. Moment of Silence

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

January 24, 2022 Public Hearing Minutes

V. PUBLIC HEARING

A. *General Guidelines for Each Case Presented at Public Hearing*

- i. Presentation of Case**
- ii. Questions by Town Council & Planning Commission**
- iii. Public Comment**
- iv. Discussion/Questions by Town Council and Planning Commission**
- v. Public Hearing for Case is Closed**

VI. Case PL05551-030422 A&R Mountain Properties - General Use Zoning Map Amendment

Case PL05551-030422 Application Information

Case PL0551-030422 Staff Report

Case PL05551-030422 Exhibit A

VII. Case PL05502-021822 Consultation in Certificates of Appropriateness Process - UDO Text Amendment

Case PL05502-021822 Application

Case PL05502-021822 Staff Report

VIII. Case PL05558-030922 Stormwater Modifications - UDO Text Amendment

Case PL05558-030922 Application

Case PL05558-030922 Staff Report

IX. Adjournment of Town Council

X. PLANNING COMMISSION MEETING

XI. Public Comment

XII. Approval of Planning Commission Meeting Minutes

January 24, 2022 Planning Commission Meeting Minutes

XIII. Planning Commission Consideration of Cases Heard at Public Hearing

XIV. Other Matters

XV. Adjournment of Planning Commission

**PUBLIC HEARING MINUTES
MONDAY, JANUARY 24, 2022, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Tim Futrelle, Mayor Pro-Tem Edie Tugman, Todd Carter, Dalton George, and Becca Nenow

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend, John Tippet, Frank Venno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Jessica Mitchell-Long Range/Special Projects Planner, Mike James-Senior Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: John Ward-Town Manager, Todd Moody-Public Works Deputy Director, and Allison Meade-Town Attorney

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Evan Warren, Robert Rhyne, Stephen Barker, Walter Fields, Shirley Ray, Thomas Mannino, Chelsea Garrett, Dan Godwin, JC Feimster, Todd Brown, and Andrew Thorp

Call to Order

Mayor Futrelle called the Town Council to order at 6:06 p.m. Chair Shay called the Planning Commission to order at 6:06 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Moment of Silence

A moment of silence was observed.

Public Hearing

Mr. Ward explained that the purpose of a joint public hearing was to allow both the Town Council and Planning Commission members to hear the same presentation, information, and comments regarding cases being considered. He noted that all members were able to ask questions but no votes were taken at the public hearing. At the conclusion of the Public Hearing, Town Council would adjourn and the Planning Commission would continue the meeting to discuss and make recommendations on the cases heard at the Public Hearing. Those recommendations would be forwarded to Town Council for their final decision at their next Council meeting.

Approval of Meeting Minutes

Vice-Chair Plaag suggested a change to the November 22, 2021 Public Hearing minutes. He noted a typographical error on page 2, fourth paragraph, third sentence and felt the sentence should read, "Ms. Meade stated that a housing inspector has the power to cause a structure to be vacated if it was occupied but deemed unsafe."

Council Member George made a motion to approve the November 22, 2021 Public Hearing minutes as amended. The motion was seconded by Council Member Nenow.

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

Vice-Chair Plaag made a motion to approve the November 22, 2021 Public Hearing minutes as amended. The motion was seconded by Commission Member Warren.

Vote: Aye – All

Nay – None
The motion passed.

General Guidelines

Ms. Shook provided a brief explanation of the general guidelines for each case presented at the Public Hearing.

Case PL05186-100821 Wynstone Townhomes – Conditional District Zoning Map Amendment

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.

Ms. Jane Shook explained that Conditional Districts were different from General Use Districts because they allowed conditions to be placed on the permit, intended to make the development more desirable. She stated that a site-specific plan provided more certainty as to what would be developed on the property.

Ms. Allison Meade added that a Conditional District approval allowed for a 2-year vesting period, so the applicant had a legal right to proceed with the approved plan if they proceeded within two years.

Mr. Mike James outlined the request as it was presented in the meeting packet. He stated that the 49 townhomes would be individually owned homes on individual lots. Mr. James noted that this development would typically be required to install a sidewalk along Hwy 421, but they had agreed to pay a fee in-lieu of a sidewalk and give an easement for the Town's greenway instead. He stated that Mountaineer Village Apartments were located behind the subject property, and the Industrial Park bordered part of the rear and east of the property. Mr. James added that a new private street was proposed to access the development from Yosef Drive and all the homes would front the private street. He stated that an apartment development would be required to orient towards Hwy 421, but because these were individual homes on individual lots, that requirement did not apply. Mr. James noted that each home would have two parking spaces; one as a driveway and one as a garage.

Mr. James explained that as part of the Conditional District process, the applicant was required to hold a neighborhood meeting with property owners within 300' (feet) of the development. He noted that the applicant held a neighborhood meeting and the attendance was low. Mr. James stated that the applicant provided a letter indicating they did not trigger any of the five points that would necessitate a Traffic Impact Analysis (TIA), and due to the size of the development staff did not require a TIA.

Vice-Chair Plaag noted that the application listed the property as being zoned B2 while the staff report and presentation indicated the property was zoned B3. Mr. James replied that the property was currently zoned B3 and not B2. Vice-Chair Plaag asked if an R4 district allowed for townhomes with over 100 bedrooms. Mr. James believed that was correct. Vice-Chair Plaag asked if the occupancy limit in an R4 district was no more than two unrelated individuals. Ms. Shook responded that Vice-Chair Plaag was correct, but noted that these dwelling units were already restricted to no more than two unrelated individuals.

Vice-Chair Plaag stated that the letter in the meeting packet that described the neighborhood meeting indicated that NCDOT would not authorize a traffic signal at Yosef Drive and Hwy 421. He asked if there was any documentation from DOT regarding this issue. Mr. James replied that he did not have any documentation from DOT. He noted that DOT had reviewed the project and they did not present any

questions or concerns to staff. Mr. James stated that he did not speak specifically with Mr. Fisher from DOT about a signal at Yosef Drive and Hwy 421.

Chair Shay asked if the greenway would run along the street or it would be farther back on the property. Mr. James replied that there would be no sidewalk along Hwy 421. He stated there would be an easement for the greenway and the greenway would run along Hwy 421, a few feet back from where a sidewalk would have been. Chair Shay asked if it was correct that the greenway would function as the sidewalk and Mr. James agreed. Chair Shay asked if there would be any opportunity for a pedestrian-initiated crossing at Yosef Drive. Mr. James replied that he had not discussed that specific situation with DOT.

Chelsea Garrett, attorney for the applicant, introduced Stephen Barker, a principal with Catellus Group and developer of the townhomes; Walter Fields, a consultant assisting with code review; and Tom Mannino from McGill Engineering. Ms. Garrett stated there was currently multi-family projects nearby the subject property and only one property being used as a single-family residence. She stated there were few townhomes in Boone and felt this development would be attractive for single families. Ms. Garrett asked Mr. Mannino to speak about the project.

Mr. Mannino stated that the 49 units would be comprised of two and three bedroom units. The maximum building height of the 3-story units would be 50'. He noted that all of the homes would have either a drive-in basement or a walkout basement depending on the grade. Mr. Mannino stated that the typical size for internal units would be 22' wide and 24' wide for external units. The units would be roughly 40' deep, with some units extending up to 60' deep. Mr. Mannino noted that rear yards would be approximately 10 to 12' wide, and some retaining walls would be used to step the side down to the road. He stated that the private street would be two 10' lanes, with a 2' curb and gutter, and a 5' sidewalk on each side. Mr. Mannino noted that each unit would have two dedicated parking spaces, and there would be 12 additional parking spaces at the amenity area. The amenity area would also contain a picnic pavilion and mailbox kiosk. Mr. Mannino stated that the retaining walls would not exceed 8'. He noted that they analyzed different traffic criteria for sight distance, trip counts, and coordination, and DOT essentially said it looked good. Mr. Mannino stated they had an extensive landscape plan that would buffer the neighborhood and significantly improve the visual impact of the property. He noted there were some large, existing trees on the site that would be removed and replaced. Mr. Mannino stated they were proposing a 45' right-of-way, except for at the 50' entrance on Yosef Drive.

Mr. John Ward asked if the sidewalk along Yosef Drive would be extended to what would be the greenway, and Mr. Mannino agreed that the sidewalk would. Mr. Ward wished to clarify that the fee in-lieu of a sidewalk would be for the installation of the greenway along Hwy 421. Mr. Ward noted that the Town had DOT approval to create a trail from Brookshire Road to Grove Street, which would connect with the Town's sidewalk system at Hwy 194. He asked Mr. Mannino if there had been any coordination with DOT on the potential layout of the greenway at the subject property. Mr. Mannino stated that there had not been. Mr. Ward stated that since the layout of the greenway was unknown he felt it was important to remain flexible in that area, so that some setback could be provided. He suggested having landscaping on both sides of the greenway, if DOT would approve, for safety purposes. Mr. Mannino stated he would coordinate with DOT to maneuver the landscaping, if possible.

Ms. Meade requested that she be involved in drafting the language for any condition related to the landscape buffer and the greenway easement, in an effort to ensure sufficient flexibilities were built in for the placement of the greenway away from the edge of the road. Ms. Garrett agreed that Ms. Meade would be included in the drafting of that language.

Commission Member Behrend asked if it was correct that the houses along Hwy 421 would be rear facing to the street. Mr. Mannino stated that was correct, but noted that the landscape buffer would be dense with a mix of tall trees, medium-sized trees, small bushes, and shrubs.

Vice-Chair Plaag felt that installing 49 new residences should create an opportunity for discussion with DOT regarding a signal at Yosef Drive to help slow traffic down. He also suggested requesting a coordinated walk signal and a school zone sign before the signal at Industrial Park Drive. Mr. Ward replied that he had had several discussions with DOT, and he believed they would determine that a signal at Yosef did not meet standards, due to the proximity to other signals. He also expressed concern about the safety of having a marked crosswalk at Industrial Park Drive that would go across the street to nothing. Mr. Ward stated that the Town needed to look at the intersections approaching the high school and focus on providing connectivity and walkability.

Mr. Ward suggested the possibility of facing the houses along Hwy 421 towards the street to not look at the back of the houses.

Ms. Shirley Ray asked if it was correct that the greenway would be used as the sidewalk. Mr. Ward explained that the greenway would be installed by the Town, and the specifics have not been determined. He stated the greenway would likely be a 10' wide concrete or asphalt path. Ms. Meade added that the standard concrete sidewalk would be installed along Yosef Drive, and a greenway path would be installed along Hwy 421. Ms. Ray asked if the greenway would be considered the required recreational space, and Mr. Mannino replied that it would not. He noted that the pavilion area would provide a large, open greenspace for gatherings and for children to play.

Council Member Carter stated he lived near the high school, and the signal at Industrial Park Drive never changed unless a vehicle approached the light from Industrial Park. He agreed it would be dangerous to have a crosswalk without a safe, proper area on the other side of the street.

Council Member Tugman asked why they would consider changing the zoning from B3 to R3, where there was already a large student-housing complex, an industrial complex, and signal and pedestrian access issues. Ms. Shook replied that the availability of land for multi-family projects and the desire for different types of housing were contributing factors. Mr. Ward noted the growth of this area and the possibility of having a greenway connection to one of the county's largest parks.

Vice-Chair Plaag stated that the townhomes had the option for elevators, and expressed concern that families or young professionals might not be able to afford them. He asked if the development was supposed to be luxury townhomes or would middle class people be able to afford them. Mr. Steve Barker replied that the townhomes were configured to be more family-oriented and were about 2,200 sq. ft. He stated that the elevators were intended to be a convenience to the elderly or for taking things up or down between floors. Mr. Barker added that they were not promoting every unit have an elevator. As far as the pricing of the units, he stated they would be mid- to upper-range in pricing.

Council Member Carter felt that the town needed housing that young faculty members or firemen could afford. He noted that 22% of homes in Watauga County were second homes and unoccupied most of the time. Council Member Carter stated that the town did not need more second homes or more student housing. He noted that this property was located on the main entrance into town, and he did not want to see people's backyards because they are often used to store junk. Mr. Barker replied that the property, as it existed, was not very attractive. He stated there would be a great deal of landscaping installed to provide a buffer. Mr. Barker also noted there would be a homeowner's association that would restrict unsightly storage in the backyards. Ms. Garrett suggested the possibility of fencing to help with the buffer. Council Member Carter stated he would like something that was aesthetically pleasing along the corridor. Ms. Garrett felt the landscaping and restrictive covenants would alleviate any possibility of a poor appearance.

Ms. Garrett asked Mr. Mannino for the distance from the curb to the back of the units. Mr. Mannino replied that it was approximately 32'.

Commission Member Veno noted there was no rendering of the development in the meeting packet, so there was no visual of what the development would look like. Mr. Barker stated that they did not have renderings prepared for this project yet.

Ms. Garrett noted that each unit would have a one-car garage and the driveway would allow for one or two more cars. She stated there would be no on-street parking, other than for temporary loading or unloading. Ms. Garrett added that the restrictive covenants would contain language to prevent on-street parking.

Council Member George asked about the feasibility of a Traffic Impact Analysis (TIA). Mr. Mannino explained that the typical criteria to trigger a TIA by the DOT, as the requirement is 1,500 trips and this site is projected to generate 337 trips. He stated that DOT did not want a TIA and all of the Town's criteria were met as far as sight distance, distance from the existing thoroughfare, and peak trips. Ms. Shook asked if the request for a TIA would be solely for the purpose of supporting the possibility of signalization. Council Member George stated that was part of his intention with the request. He added that Yosef Drive was a road that many people relied on and the need for signaling might be proposed in a TIA.

Vice-Chair Plag expressed concern with the idea of fencing the back yards along Hwy 421, and the possibility that they could become areas for graffiti, not be uniform, or not be well maintained. He suggested the possibility of having the private street loop around the back of the houses along 421, which would move them a little farther away from the main highway. Mr. Barker replied that they had spent 6 to 8 months going through every possible configuration imaginable for the site, and the proposed configuration was the best layout for the property. He felt it would be an effort in futility to go back and try to redesign the layout at this point. Ms. Garrett added that a lot of issues could be addressed in the restrictive covenants.

Mr. Barker stated he would be willing to consider building some landscape berms that were higher than the greenway area to cause the landscaping to be higher.

Ms. Shook explained that North Carolina General Statutes 160D limited a jurisdiction on what they could regulate regarding design elements for single-family/townhome developments and orientation was considered a design element.

Council Member Tugman asked if it was true that the Comprehensive Plan preferred developments to face inward to develop a sense of community. Ms. Shook was unsure but stated she would look in the Plan.

Commission Member Warren asked if there would be a dumpster or individual trash bins.

Council Member Carter stated he, similar to Commission Member Veno, would like to see a rendering of the project. Mr. Mannino shared a rendering of a townhome project that they had developed in another town in order to provide a visual of something similar.

Council Member Nenow stated she did not have an overwhelming concern about the back of the houses and the backyards facing 421, but she had a concern that a firefighter would not be able to afford one of the units. Mr. Barker replied that most every community was in need of workforce housing and he felt affordable housing was a misnomer. He noted that this townhome development was designed for families and since the units were larger they would cost more than a 1,400-1,500 sq. ft. unit.

Ms. Shook referred to Council Member Tugman's question about orientation of homes in the Comprehensive Plan and noted she was unable to locate any specific reference to that topic.

Commission Member Veno felt it would be cumbersome for Mr. Barker to redesign the project. He stated if he was a person buying one of the units along 421, that he would not want the front of his house overlooking a major thoroughfare.

Mayor Futrelle stated that the developer did not have control over market value. He also stated that this development would be an addition to family housing, and he hoped there would be other developments that would cater to other housing needs in the future.

Mr. Ward suggested that the applicant reach out to AppalCART to discuss the possibility of an AppalCART stop on Yosef Drive. Mr. Mannino stated he would contact AppalCART.

Commission Member Veno suggested the possibility of a median on 421 to deter left-hand turns from Yosef Drive, if a signal was not warranted.

Mr. Mannino responded to Commission Member Warren's question regarding trash. He noted that trash pickup would be individual, per unit, and would be housed in the garage.

At 8:06 p.m. Mayor Futrelle invited public comment.

The first speaker was Ms. Shirley Ray. She asked if all of the townhomes would have a garage. Mr. Mannino replied that all units were proposed to have a garage. Ms. Ray stated there were two existing light poles shown on the site plan that were noted to be removed or relocated. She asked where the lights would be relocated to. Mr. Mannino stated that a photometric analysis had not been performed, so there was not a definitive re-location area at this time; however, the lighting plan would meet Town requirements.

Ms. Ray noted she owned property adjacent to Yosef Drive, and she believed safety would be a number one issue when it came to traffic control. She stated that the amount of traffic generated by Mountaineer Village Apartments combined with the traffic from Wynstone Townhomes would create a 21.12% increase in traffic flow. Ms. Ray encouraged the requirement of a Traffic Impact Analysis for the intersection of Yosef Drive and Hwy 421.

The next speaker was Dan Godwin. Mr. Godwin stated he did not wish to speak.

The last speaker was Bob Rhyne. Mr. Rhyne did not speak.

Vice-Chair Plaag asked if the applicant would be willing to pay for a TIA as a condition of approval. Mr. Barker replied that DOT was not going to put a light at Yosef Drive, so to conduct a traffic study would be superfluous. He stated that he could obtain something in writing from DOT, if necessary. Mr. Barker added that he would not spend additional money to prove something they already knew.

Ms. Ray stated that if a study was done and it determined a need for the traffic light, that would be good. She further stated that if the study determined there was no need for a traffic light, that would also be good because at least an effort had been made to determine the answer. Ms. Ray asked how much a Traffic Impact Analysis would cost. Mr. Barker replied that the last one he had done costed \$15,000. Ms. Shook suggested that some additional information from DOT could be obtained before the Town Council meeting. Mr. Ward added that the Town had the ability to request a signal review and modification due to changing environments in the area, and that provided similar information to a TIA.

Ms. Meade noted that under the UDO the administrator could require a Traffic Impact Analysis. She asked if the 49-unit complex even came close to meeting the parameters in the UDO that would require a TIA. Ms. Shook replied that it did not meet the parameters to require a TIA. Mr. James echoed Ms. Shook's reply that a TIA was not triggered.

Mr. Todd Moody confirmed that the project was not close to triggering a TIA. He stated that Public Works had had no concerns or complaints with the traffic on Yosef Drive.

Vice-Chair Plaag asked Mr. James if, in his analysis of the project, he only considered the impact of the proposed new street on Yosef Drive, or if he looked beyond that to the traffic outflow from Yosef Drive onto Hwy 421. He also asked Mr. James to clarify if he did nor did not have confirmation from DOT that

they were not interested in traffic signalization at Yosef Drive. Mr. James stated that he had casual conversations with DOT regarding the project, but he did not specifically ask them if they wanted a traffic study. Mr. James explained that he looked primarily at the impact on Yosef Drive.

Ms. Shook asked Mr. James if the DOT representative reviewed this project. Mr. James replied that Mr. Fisher with DOT did review the project, and his only comment was some concern with trees at the corner of 421 that may need to be removed for better sightlines.

Ms. Ray asked if there were any letters that had been sent in to be read into the record. Ms. Shook stated she had not received any letters. Ms. Ray noted that Judy South had emailed a letter to Ms. Shook on Friday. She asked if the letter could be accepted after the meeting. Ms. Meade replied that it could be accepted and considered by Town Council members, but at the same time Council members were not legally required to consider such a letter.

Ms. Shook provided the following as possible conditions that the applicant agreed to during the public hearing:

- Work with the Town attorney to craft language regarding the greenway and the easement
- Develop POA restrictions regarding fencing
- Provide a landscape berm along the greenway to elevate the landscaping

Vice-Chair Plaag added the condition that each unit would be responsible for its own trash and recycling.

Mr. Barker stated he would like to not be limited to the landscape berm, but would like to have that as an option and continue to explore other alternatives.

There was discussion regarding the possibility of a second public hearing. Ms. Garrett asked that her client be allowed to proceed to the Town Council meeting without a second public hearing. Ms. Shook stated she just wanted to make sure that Planning Commission members felt comfortable making a decision this evening with the information that had been provided. Vice-Chair Plaag felt that Planning Commission would be able to work through the issues and make recommendations to Town Council, even if they had to schedule a special meeting. Ms. Shook noted the deadline for the February Town Council meeting was on Friday January 28th, so if Planning Commission was unable to make recommendations this evening, it would be March before Town Council would make a final decision on the case.

Commission Member Behrend stated it was her understanding that no further dialogue with the applicant could take place in the Planning Commission meeting. Ms. Shook replied that the Ordinance changed to allow discussion with the applicant on potential conditions.

Chair Shay asked if the Planning Commission could request additional information if, in the course of their discussion, they thought of things they would like to know. Ms. Meade replied that the Planning Commission's subsequent interaction with the applicant would need to pertain to potential conditions. General inquiries for additional information should be requested during the public hearing.

Chair Shay asked if there was a breakdown of the 49 units by size. Mr. Barker replied that there would be 24 three bedroom units and 25 two bedroom units. Chair Shay asked if the two bedroom units were roughly the same size, and if the three bedroom units were roughly the same size. Mr. Mannino replied that the units vary in size. He noted that the two bedroom units were typically 22' wide by 35 or 40' deep.

Ms. Meade asked Ms. Shook to describe what types of things could be built by-right on the property under its current B3 zoning. Ms. Shook replied that there could be a multi-family mixed-use up to 100 bedrooms, a residential care facility, a kennel, offices, restaurants, or almost every commercial use allowed in the UDO.

With nothing further, Mayor Futrelle closed the public hearing for this case at 9:06 p.m.

Case PL05419-010622 Historic Preservation Commission Minor Work – UDO Text Amendment

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.

Ms. Jessica Mitchell outlined the request as it was presented in the meeting packet.

Ms. Meade asked if the Historic Preservation Commission (HPC) had anything to do with the proposed text amendment. Ms. Mitchell explained that, at their December meeting, the HPC discussed changes that would allow signs to be considered minor work.

Ms. Meade asked Vice-Chair Plaag if he planned to consider this matter as a Planning Commission member. Vice-Chair Plaag asked Ms. Meade if she suggested a conflict with him considering the amendment as a Planning Commission member when he was also a member of the Historic Preservation Commission. Ms. Meade replied that it was somewhat unusual that someone at a committee level was involved in recommending language that would then be considered by a different board on which that same person sat. She felt it might be useful for Vice-Chair Plaag to recuse himself as a Planning Commission member, and speak to this request as a Historic Preservation Commission member. Vice-Chair Plaag stated that this issue was brought to the HPC by Planning staff because of concerns by staff. He further explained that staff concerns involved COA applications for signs going to the HPC for approval and consuming staff time when they could likely be handled at the staff level. Vice-Chair Plaag felt it was an odd request from Ms. Meade for him to recuse himself from this case. Ms. Meade explained her concern was that Vice-Chair Plaag would be taking action as a member of two different committees on the same subject. While she did not feel this was a strict legal conflict of interest, she felt it was an interesting and difficult situation. Vice-Chair Plaag expressed concern that he was not authorized to speak on behalf of the HPC at the Planning Commission meeting. He also expressed concern that the language presented was not the language that HPC recommended. Ms. Meade stated that she had made some changes to the HPC’s suggested language. Vice-Chair Plaag stated that if he recused himself from Planning Commission and was not authorized to speak on behalf of the HPC, he would be unable to participate in the conversation. Ms. Meade felt there was a difference between representing the HPC and explaining the text and reasoning behind the proposed language. Vice-Chair Plaag stated he would be happy to recuse himself from any deliberative discussion and voting.

Ms. Meade again noted that the proposed language contained some changes from what the Historic Preservation Commission proposed so that the language would be more easily interpreted by staff. She felt the language proposed by HPC was too vague and was not sufficiently specific for staff to interpret. Ms. Meade stated she was not completely satisfied with the proposed language and hoped that, through discussion, some more precise language could be developed.

Vice-Chair Plaag explained that almost as soon as the Historic District Overlay went into effect, there were several consultations with the HPC involving signs. Staff came to realize that, while the intention was good, the potential cost for the Certificate of Appropriateness process could cost more than the sign. Vice-Chair Plaag stated that staff felt allowing signs to be considered minor work and approvable at staff level would save time and money for both the Town and the applicant. He added that if someone proposed a sign that needed further review beyond the staff level, that application could be sent to the HPC for review.

Vice-Chair Plaag expressed concern with the lack of description for permanent signs on non-contributing buildings. He suggested under 8.04.02(G) adding after the Unified Development Ordinance the wording

“and adopted Design Standards for the district or landmark.” Vice-Chair Plaag stated that, with respect to both non-contributing and contributing buildings, the sign should be composed of materials that were historically documented in the district and be of a size, scale, massing, and lighting design that were historic to the building.

Vice-Chair Plaag noted that a contributing building would need to have a sign that was historic to that building, while a non-contributing building would need to have a sign that was historic to the district.

Ms. Shook stated that this text amendment would allow staff to approve most signs through a Statement of Conformity versus all signs having to go to the Historic Preservation Commission for a Certificate of Appropriateness. She noted that this was a brand new undertaking and there would be some growing pains and likely some additional changes along the way.

Ms. Shook noted that no one had signed up to speak regarding this case.

Council Member Veno asked if this case should be tabled. Ms. Shook recommended that Planning Commission move forward with some suggested language modifications this evening because this was an important item.

With no public comment, Mayor Futrelle closed the public hearing for this case at 9:39 p.m.

Adjournment of Town Council

Council Member Tugman made a motion to adjourn the Town Council at 9:39 p.m. The motion was seconded by Council Member Carter.

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

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called a break in the meeting from 9:39 p.m. until 9:47 p.m.

Public Comment

Ms. Shook noted that no one had signed up to speak under public comment.

Approval of Meeting Minutes

Vice-Chair Plaag made a motion to approve the November 22, 2021 Planning Commission meeting minutes. The motion was seconded by Commission Member Tippet.

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

Case PL05186-100821 Wynstone Townhomes – Conditional District Zoning Map Amendment

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.

Commission Member Veno asked Ms. Shook to go over the list of possible conditions that were discussed during the Public Hearing.

Ms. Shook provided the following list of possible conditions:

- Applicant shall work with the Town attorney prior to the Town Council meeting to craft exact language for the greenway easement.
- Restrictive covenants shall be developed that address aesthetics for the backs of the townhomes along Hwy 421, parking on the street, and landscaping.
- A Traffic Impact Analysis was encouraged
- Individual solid waste and recycling shall be the responsibility of each unit.

Vice-Chair Plaag stated that his suggestion of bringing the private street below the homes along 421 would eliminate the problem of the back of the houses being shown, and would allow common area to be placed so that it would be more accessible to all of the residents. However, the applicant was not interested in reconfiguring the development. Vice-Chair Plaag applauded the fact that the developer would be installing additional vegetation to help screen the back of the homes from the road. He expressed concern about the fencing along 421, and noted he was unclear whether or not those homes had yards. Vice-Chair Plaag suggested that the restrictive covenants should include language that the yards to the rear of the townhomes that faced Hwy 421 could not be fenced.

Commission Member Behrend stated she liked the idea of not having fencing, as well as the idea of landscaping at the greenway.

Chair Shay stated she was all for housing in Boone, but expressed concern about attracting second home owners due to the location and the fact that the development would be a little higher end.

Commission Member Veno stated there did not appear to be much of a back yard but more like a small strip of greenspace. Ms. Shook noted that every unit would have an outdoor space behind the unit that ranged the width of the unit.

Ms. Shook referred to the suggestion of no fencing and asked if that would apply to the entire development or if some types of non-opaque fencing would be allowed. Vice-Chair Plaag stated he would modify his suggestion of no fencing to state that no chain-link fence, stockade-type fence, or any fully opaque fence would be allowed. He added that the fencing would need to be done uniformly and be attractive. Vice-Chair Plaag also felt that the fencing should be the responsibility of the POA.

Commission Member Warren asked if there would be a break in the landscaping and possible fencing along 421 for the residents to access the greenway. Ms. Shook replied that there would be a retaining wall that would prohibit direct access for units 22 through 36. However, if there was not a fence installed, she felt that residents would likely be able to walk from their backyards to the greenway.

Vice-Chair Plaag asked if the applicant would be willing to accept a condition that if a fence was installed behind units 22 through 36, it be installed within the common area, not be chain-link or opaque, and it should be decorative.

Mr. Walter Fields replied that they would be willing to accept a condition for no chain-link or stockade fence, but was hesitant about not allowing any type of opaque fence because some fences were very ornamental and attractive. He stated that, if they did anything at all with fencing, it would be in concert with the architectural style of the buildings. Mr. Fields added that they would be happy to put restrictions on the specific things for fencing that would still give them the ability to make the decision to put up a fence or not put up a fence as the design evolved. Vice-Chair Plaag stated he was okay with that. He added that his goal was to eliminate variegated fencing.

Vice-Chair Plaag stated he assumed the homes would have back decks, but he was unsure because no elevations were presented. He asked that language be included in the restrictive covenants to cover things such as hanging laundry on the back deck. Ms. Garrett replied that would not be a problem to include in the covenants.

Chair Shay stated she was in favor of not overly restricting things that families with children would do. She expressed concern about sanitizing the neighborhood so that families with children and toys and towels would not feel welcome there. Chair Shay also expressed concern that this type of development would be available to only a small slice of potential homeowners given the size and price of the units.

Commission Member Tippettt agreed that this particular development did not address some of the target housing needs because it did not appear to be cheap, but it would provide housing. He stated he liked the connectivity and landscaping this project offered.

Commission Member Warren stated that while this development did not appear to be affordable housing, it also did not appear to be student housing. He hoped that this project could lead to affordable or workforce housing in the future.

Ms. Shook summarized the suggested condition regarding fencing to state that any fencing behind units 22 through 36 must be constructed with consistent materials and may not be constructed with chain-link or stockade-type fencing. She stated she was unsure what type of language to propose regarding Vice-Chair Plaag's concern with unsightly appearances in the back deck or yard areas. Vice-Chair Plaag felt that Ms. Garrett would be able to craft appropriate language to cover that in the restrictive covenants. Ms. Shook replied that, even if no specific wording was drafted at this meeting, there would need to be enough language to provide intent to Town Council. Vice-Chair Plaag suggested language that stated Ms. Garrett would draft restrictive covenant language that addressed common exterior, public-facing nuisances, and appearance issues typically associated with townhome developments such as laundry or unsightly personal items.

Vice-Chair Plaag noted that, based on discussion in the Public Hearing, the Town had the ability to have constructive conversation with DOT about areas of concern with regards to intersection safety. DOT could then perform a study of the area of concern to see if any safety measures such as signals or crosswalks would be warranted. He suggested, instead of requiring the applicant to get a TIA, that Town Council allow Mr. Ward to have a conversation with DOT that could possibly have a more constructive outcome. Mr. Ward replied that, if the project was approved, he would speak with DOT. He also suggested that the applicant speak with AppalCART about the feasibility of a stop or a shelter. Vice-Chair Plaag stated he would support a condition that the applicant speak with AppalCART about a stop.

Ms. Shook noted that, because of its size, this development did not trigger the requirement for an AppalCART stop. She explained that there was a monthly fee charged by AppalCART to developments for stops. Mr. Ward replied that he would like for the applicant to check with AppalCART to see what the possibilities were or were not. Vice-Chair Plaag suggested that the developer commit to a certain dollar amount to go toward creating an AppalCART stop or shelter and any fees above that dollar amount would be the responsibility of the POA.

Ms. Garrett stated they were willing to investigate an AppalCART stop and suggested that they could dedicate an area for an AppalCART stop. Vice-Chair Plaag felt it would be acceptable to set aside an easement in case an AppalCART shelter could be placed on the property.

Ms. Shook reviewed the suggested conditions as follows:

- Wording for the dedication of the greenway be worked out between the applicant and the Town attorney
- The applicant's attorney will draft restrictive covenants that would regulate fencing behind units 22-36 so they be consistent and not constructed with chain-link or stockade-type materials
- The applicant shall investigate with AppalCART the possibility of the installation of an AppalCART stop for the development and preserve a space through an easement or other legal means for that stop

Vice-Chair Plaag added that, while this was not a condition, it was recommended that Mr. Ward pursue discussions with DOT regarding any possible improvements to the area.

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

Comprehensive Plan Policy 1.2 Growth Strategy Map

The property is located within the Primary Growth area.

Comprehensive Plan Policy 2.3 The Community

A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

- 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.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

Approval is subject to the following conditions:

1. Wording for the dedicated greenway shall be worked out between the applicant and the Town attorney.
2. The applicant's attorney will draft restrictive covenants that would regulate fencing behind units 22-36 so they are constructed using consistent materials and not constructed with chain-link or stockade-type materials, as well as language that addressed common exterior, public-facing nuisances and appearance issues typically associated with townhome developments such as laundry or unsightly personal items.
3. The applicant shall investigate with AppalCART the possibility of the installation of an AppalCART stop for the development and preserve a space, through an easement or other legal means, for that stop.
4. Recommend that the Town Manager's office pursue discussions with DOT regarding any possible improvements to the area such as signalization or crosswalks for pedestrian improvement.

5. Where there is a conflict between the application information and the plans (dated January 4, 2022) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
6. 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.
7. 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.

The motion was seconded by Commission Member Behrend.

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

Second Motion and Vote: Commission Member Warren made a motion that the Planning Commission recommends approval of Ordinance PL05186-100821 and believes approval is reasonable and in the public interest because this development allows for the expansion of the Town's housing stock with minimal impacts due to its proximity to other similar housing developments. The motion was seconded by Commission Member Tippet. Vice-Chair Plaag wished to amend the motion to add that the project dovetailed nicely with ongoing projects to expand the greenway and connect non-vehicle transportation corridors from the east edge of Boone to downtown. Commission Members Warren and Tippet accepted the amendment.

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

Case PL05419-010622 Historic Preservation Commission Minor Work – UDO Text Amendment

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.

Vice-Chair Plaag recused himself from this case.

Based upon the discussion during Public Hearing, Commission members agreed to the following language:

- G.** Signs as permitted under Article 26 of the Unified Development Ordinance and adopted Design Standards for a district or landmark:
 1. Temporary signs and/or approved historic house markers
 2. Permanent signs on non-contributing buildings shall be historically appropriate to the period of significance for the district or landmark. The sign shall be of appropriate size, massing, and lighting design relative to the period of significance of the district or landmark
 3. Permanent signs on contributing buildings shall be historically appropriate to the period of significance of the building. The sign shall be of appropriate size,

massing, and lighting design relative to the period of significance to the building and shall not harm, damage, or destroy historic materials or features

- I. Removal of synthetic siding where original siding exists underneath
- J. 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

This language would transition over to Appendix D, but would only reference the district and not the landmark because Appendix D contained District Design Standards.

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 and adopted Design Standards for a district:
 - Temporary signs and/or approved historic house markers
 - Permanent signs on non-contributing buildings shall be historically appropriate to the period of significance for the district. The sign shall be of appropriate size, massing, and lighting design relative to the period of significance of the district
 - Permanent signs on contributing buildings shall be historically appropriate to the period of significance of the building. The sign shall be of appropriate size, massing, and lighting design relative to the period of significance to the building and shall not 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.

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 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.
- 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.

- 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 2.1.5 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.

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.
- 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.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed.

Second Motion and Vote: Commission Member Tippet made a motion that the Planning Commission recommends approval of Ordinance PL05419-010622 and believes approval is reasonable and in the public interest because the Town desires to modify, clarify, and streamline certain requirements within the Unified Development Ordinance related to work undertaken in designated historic districts. The motion was seconded by Commission Member Warren. Chair Shay wished to amend the motion to add that the proposed amendment preserves staff resources. Commission Members Tippet and Warren accepted the amendment.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed.

Other Matters

There were no other matters

Adjournment of Planning Commission

Commission Member Warren made a motion to adjourn the meeting at 11:24 p.m. The motion was seconded by Vice-Chair Plaag.

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

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

DRAFT

General Use 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

Notes: It is recommended that applicants schedule a meeting with Planning & Inspections Staff prior to application submittal.

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

- ☐ Property Owner Authorization for all property included in the request. See [Section D](#).
- ☐ 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.
- ☐ 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. Property Information

Street Address:

243/245 Bamboo Road & 148 Hampton Trailer Court

Watauga County Parcel Identification Number:

2920-20-5262-000

R3 Multiple Family, SFHA, WS-IV
Watershed Areas Protected

Existing Zoning District(s): Not Zoned

Proposed Zoning District(s): Area

Adjacent Land Uses: N: Manufactured Home Park

E: Manufactured Home Park

S: Residential Care Facility

W: Airport/Vacant

Are there any existing variances or special use permits granted to the property?

☐ Yes ☒ No ☐ Unknown

If yes, describe:

Total Land Area: .988 acres

C. Property Owner Information

Name:

A&R Mountain Properties LLC

Complete Mailing Address (Street, City, Zip):

PO Box 2201, Boone, NC 28607

Phone Number:

Email Address:

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

D. Applicant Signature and Property Owner Authorization

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

NA-Request processed in conjunction with property owner's request for annexation of property

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only				
Permit Name: A&R Mountain Properties LLC-General Use Zoning Map Amendment				
Permit Number: PL05551-030422				
Date:	Fee: NA	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: _____

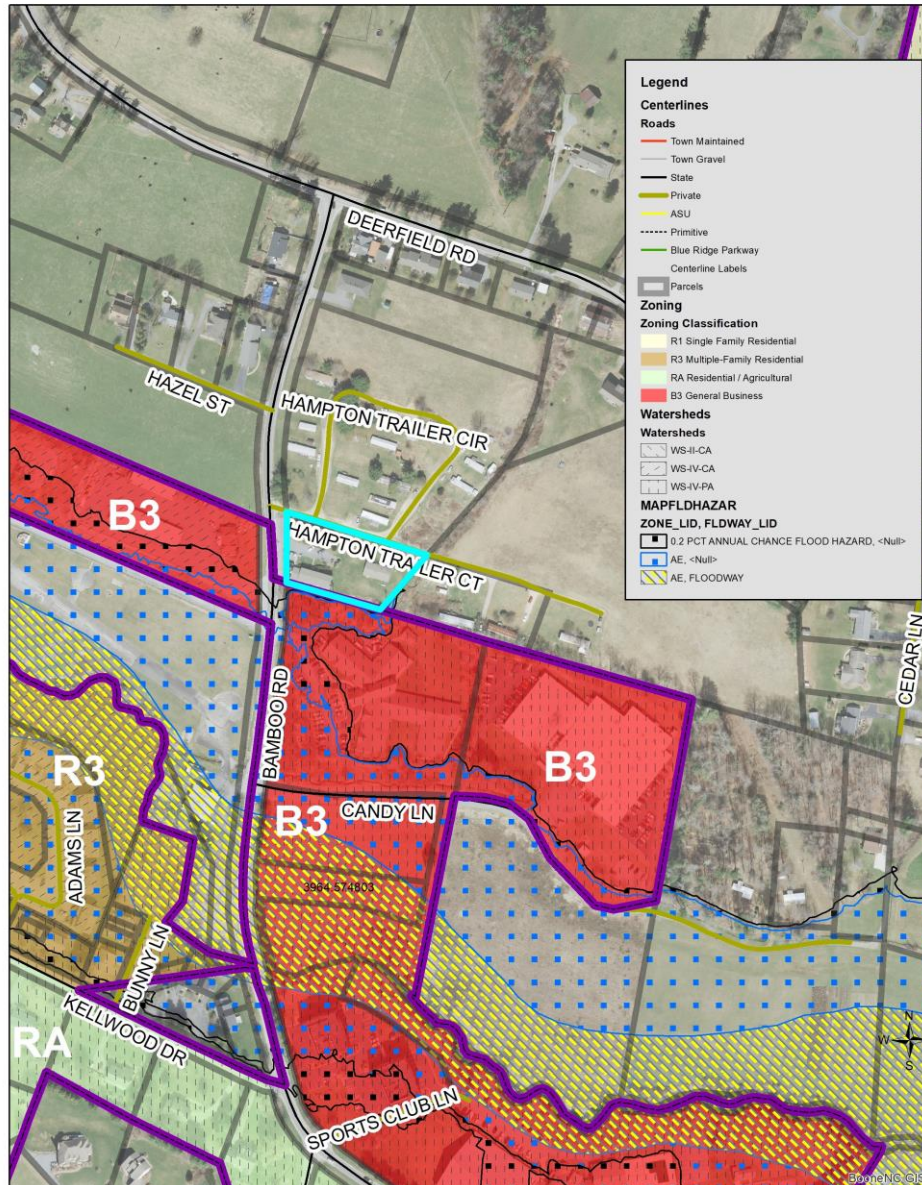
S:\FORMS\PI_Forms_Current\Planning Forms\GenUseZMapAmend_07012019.docx

STAFF REPORT

GENERAL USE ZONING MAP AMENDMENT

MARCH 2022

CASE PL0551-030422 A&R MOUNTAIN PROPERTIES LLC – GENERAL USE ZONING MAP AMENDMENT



REQUEST

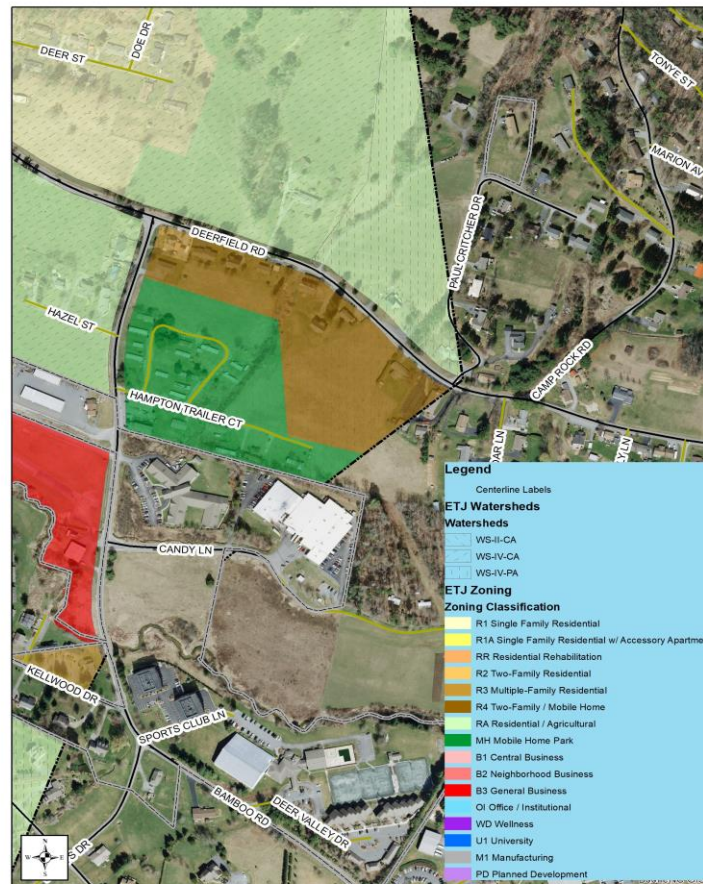
The Town of Boone has initiated the zoning of a 243/245 Bamboo Road owned by A&R Mountain Properties R3 Multiple-Family Residential, SFHA and WS-IV-PA. Zoning is to coincide with the property owner's voluntary annexation of the property.

A&R Mountain Properties LLC has submitted a Voluntary Annexation Petition requesting the Town to annex 0.988 acres contiguous to the Town of Boone primary corporate limits. This area to be annexed which is located at 243/245 Bamboo Road identified as Watauga County PIN 2920-20-5262-0000.

The parcel contains 12 dwelling units – two apartment buildings and a single-family dwelling. The property was previously part of the Boone ETJ and was zoned MH/Mobile Home Park as the parcel was originally part of the adjoining Hampton Trailer Court development.

HISTORY

1-10-2017: Town of Boone lost authority to exercise powers of extraterritorial jurisdiction. The subject property was previously zoned MH as part of Boone’s ETJ. See map below.



- 03-15-2018 Council approved a request from the (now former) property owner to connect 243/245 Bamboo Road and 148 Hampton Trailer Court to Town sewer with the conditions that the applicant petition for annexation and the applicant pay for the extension to the public lines and for a public easement. (See Exhibit A)
- 04-01-2021 Property owner submitted Voluntary Annexation Petition (Case PL04610-040121).
- 06-15-2021 Council was presented the case for consideration. Council passed both the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 and a Resolution Fixing the Date of Public Hearing on the Question of Annexation Pursuant to G.S. 160A-31.

Council requested the public hearing on the annexation be scheduled for August 17, 2021 at 6 pm and the case also be sent to the next available Public Hearing to zone the

property. Council requested that a R3 Multiple-Family zoning be considered for the property, in conjunction with Special Flood Hazard Area and Watershed and that the notification of property owners in the area be expanded from 150' to 300'. (Exhibit A)

06-28-2021 Property owner requested the case be tabled.

Note: Pursuant to UDO Subsection 4.05.04(A) an application shall be deemed withdrawn when the processing of the application is placed on hold at the request of the applicant for a period of six consecutive months.

02-23-2022 Property owner requests to move forward with the annexation and zoning and submitted a new Voluntary Annexation Petition since the previous application had expired.

03-09-2022 Council was presented the case for consideration. Council passed the Resolution Fixing the Date of Public Hearing on the Question of Annexation Pursuant to G.S. 160A-31.

Council requested the public hearing on the annexation be scheduled for April 13, 2022 at 9 am and the case also be sent to the next available Public Hearing to zone the property. Council continued the prior Council's request that R3 Multiple-Family zoning be considered for the property, in conjunction with Special Flood Hazard Area and Watershed and that the notification of property owners in the area be expanded from 150' to 300'.

ZONING ANALYSIS OF ANNEXATION AREA

Petitioner: A&R Mountain Properties LLC
Address: 243/245 Bamboo Road
Watauga Co. PIN: 2920-20-5262-0000
Use: Multi-family residential
Size: 0.988 acres
Jurisdiction: Watauga County/Town of Boone
Access: Driveway frontage to Bamboo Road
Viewshed: No
Watershed: Need to be zoned WS-IV-PA overlay
SFHA: Need to be zoned for Special Flood Hazard Area
Steep Slope: No
Existing Zoning: Not zoned
Previous Zoning: MH Mobile home park
Requested Zoning: R3 Multiple-Family
Vesting: No

	Adjacent Zoning	Adjacent Land Use (Watauga Co. Tax Data)
North	Not zoned (Watauga County Jurisdiction),	Manufactured home park
East	Not zoned (Watauga County Jurisdiction),	Manufactured home park
South	B3 General Business	Residential Care Facility
West	B3 General Business	Utilities/Telecommunications

As noted in the history of the project above, previously Council had considered a R3 Multiple-Family zoning district, including WS-IV-PA and SFHA overlays, with which Staff has proceeded with by scheduling the case to be heard at the March 28, 2022 public hearing.

Below are excerpts from the UDO regarding the district, use, intensity and height for the R3 Multi-Family Zoning District, Special Flood Hazard Area and WS-IV-PA overlays. The two adjoining parcels that are within the Town of Boone are currently zoned B-3.

Excerpt of ARTICLE 14 ZONING DISTRICTS AND ZONING MAP

...

R3 Multiple-Family Residential District

14.10.01 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.

14.10.02 R3 Permissible Uses

Use #	Specific Use	R3	Reference
Allowable Principal Uses			
1.0 Household Living			
1.06	Duplex (one duplex building per lot)	P	
1.07	Duplex (more than one duplex building per lot)	L	15.03
1.08	Townhouse (up to 30 bedrooms)	L ^{T50}	15.03
1.09	Townhouse (31-100 bedrooms)	L ^{T75}	15.03
1.10	Townhouse (> 100 bedrooms)	L ^{T125}	15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)	L ^{T125}	15.03
1.12	Multi-Family Dwelling (31-100 bedrooms)	L ^{T200}	15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)	L ^{T300}	15.03
1.17	Adult Living Community	p ^{T300}	
2.0 Group Living			
2.01	Family Care Home	L	15.06
2.06	Fraternity or Sorority Dwelling	S ^{T300}	15.09
2.07	Boarding House	L	15.10
3.0 Transient Living			
3.02	Shelter for Homeless, Category 1	L ^{T50}	15.12
3.03	Shelter for Homeless, Category 2	L ^{T300}	15.12
3.06	Vacation Rental	L ^{T75}	15.14
3.07	Homestay Rental	L	15.05
4.0 Institutional			
4.04	Cemetery	P	
5.0 Government Uses			

Use #	Specific Use	R3	Reference
5.04	Recreation Facility, Category 1	P	
5.06	Recreation Facility, Category 3	P	
5.07	Event Venue, Category 1	P	
5.08	Event Venue, Category 2	S	
5.14	Utility Facility, Government, Neighborhood	P	15.16
5.15	Utility Facility, Government, Regional	L	15.16
5.16	Government Facility	L	
6.0 Non-Government			
6.01	Utility Facility, Neighborhood	L	15.16
7.0 Wireless Communication			
7.01	Small Wireless Collocation	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	15.17
7.06	Stealth Wireless Support Structure	L	15.17
7.07	Non-stealth Wireless Support Structure	L	15.17
7.08	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	pT125	
10.0 Daycare			
10.01	Child Daycare, Large	L	15.19
10.03	Adult Daycare, Large	L	15.19
13.0 Agriculture			
13.09	Forestry	L	15.31
15.0 Parking			
15.02	Parking Structure	L ^{T125}	15.40
Allowable Accessory Uses			
A-1	Secondary suite	L	15.45
A-2	Home occupation	L	15.46
A-3	Accessory dwelling unit	L	15.47
A-9	Automated teller machine (ATM), freestanding	L	15.52
A-11	Poultry	L	15.54
A-12	Livestock, small	L	15.55
A-14	Bees	L	15.57
A-15	Garden, residential	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-20	Swimming pools, spas, and hot tubs	L	15.59
A-22	Vehicular gate	L	15.61

Use #	Specific Use	R3	Reference
A-23	Vehicle washing station	P	
A-25	Open air market, accessory	L	15.22
A-26	Daycare, small	P	
A-27	Limited structure to enable recreational use of open rooftops	L ^{T300}	14.03.07(G) 14.19.06(H)(8)(d)
A-28	Solar Energy System	L	15.64
A-29	Electric-Vehicle Charging Station	L	15.65
Allowable Temporary Uses			
T-1	Temporary care provider dwelling	L	15.62
T-2	Temporary construction or repair dwelling	L	15.62
T-3	Temporary construction trailer	L	15.62
T-6	Temporary portable storage containers	L	15.62
T-9	Carrier on wheels (cow)	L	15.62
T-10	Yard sales	L	15.62
T-11	Itinerant merchant/peddler	L	15.62

14.10.03 R3 Development Standards

A. Minimum Gross Land Area: 20,000 square feet (see Subsection 14.03.02)

B. Minimum Lot Width: 80 feet (see Subsection 14.03.03)

C. Minimum Street Frontage: 64 feet (see Subsection 14.03.04)

D. Minimum Livability Space: .40 (see Subsection 14.03.05)

E. Minimum Setbacks (see Subsection 14.03.06)

1. Street: 20 feet

2. Interior: 13 feet

F. Maximum Building Height: 3 stories (see Subsection 14.03.07)

14.10.04 Occupancy: One (1) family or up to four (4) unrelated persons (see Section 14.04). A dwelling occupied by a family (but not by unrelated persons) may also have two (2) roomers.

Excerpt of 14 Zoning District Regulations

...

14.38 Special Flood Hazard Area

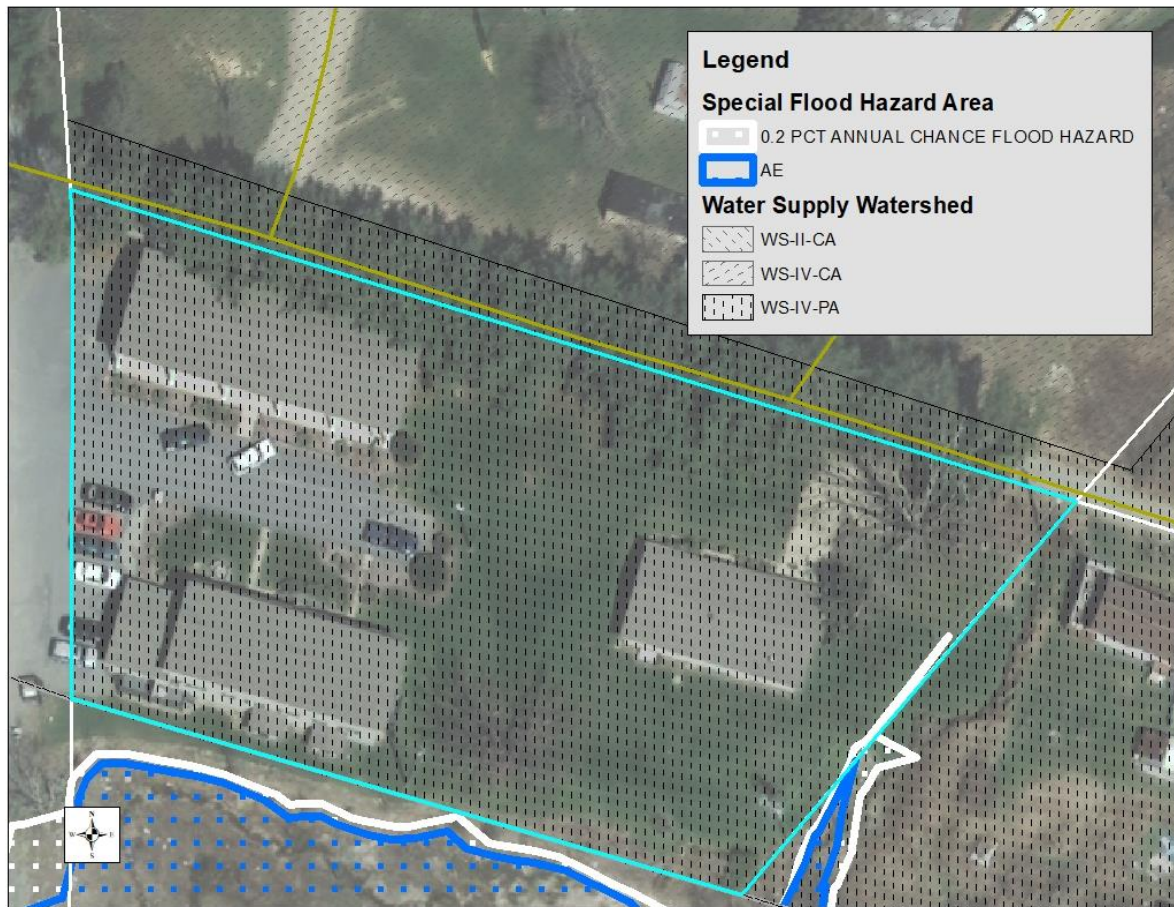
14.38.01 The Special Flood Hazard Area is an overlay district intended to regulate the Special Flood Hazard Area pursuant to Article 30 Flood Damage Prevention. (Ord. PL04727-050721, 07-01-2021)

14.39 Watershed Districts

14.39.01 The watershed districts are established as overlay districts intended to regulate the water supply watershed areas pursuant to Article 29 Watershed Protection.

Note: The subject property has a small portion of within the SFHA and is wholly located within the WS-IV-PA overlay.

Below is an additional map to show the Watershed and Special Flood Hazard areas that were previously attached to the property when it was located within the Town of Boone Extra-Territorial Jurisdiction (ETJ). Shading and coloring have been modified solely for the purpose of illustrating those two features.



2006 COMPREHENSIVE PLAN ANALYSIS

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.

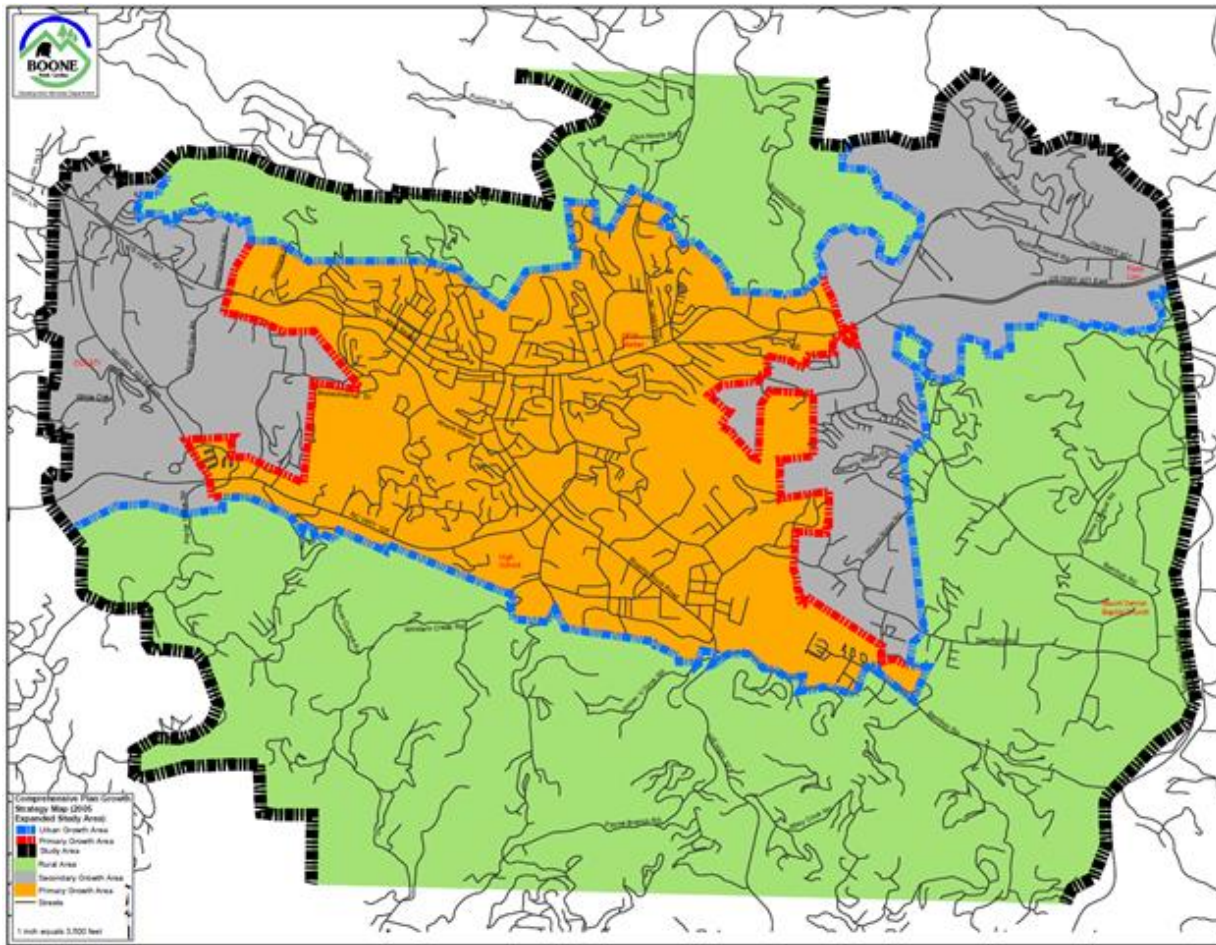
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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 portion of the property within the corporate limits is located within the Primary Growth area and the portion of the property located outside the corporate limits is located within the Secondary 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 and actions which in staff's opinion have a bearing on the request. 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.

2.1 Economy (page 21)

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.

2.2 Infrastructure

2.2.2 Utilities (page 49)

- 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.

- B.1 Continue to monitor water consumption at the Boone Water Treatment Plan with an eye toward planning for expansion of the facility when appropriate.

- 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.

- D.1 Establish revised written water and sewer service extension policies consistent with the designated growth area on the Growth Strategy Map of this plan. Coordinate with the County in assessing water and sewer needs in the areas of the county that are already facing significant development pressures, and that are supportive of an organized, planned growth strategy.

- E. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.

- E.1 Establish an incentive program to encourage 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.

- F.1 Consider the establishment of an “Alternate Energy Commission” to address this and other energy issues on an on-going basis.

- G. Long range planning for a possible stormwater collection and treatment system shall be supported, including the development of financial and regulatory strategies.

- G.1 Prepare a community-wide stormwater management strategy to address the future implementation of NPDES Phase II program requirements.

...

2.3 Community

2.3.2 Community Character (page 75)

- 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.

2.3.3 Housing & Neighborhoods (page 79)

- 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.
 - A.1** As road widenings are proposed, carefully evaluate their potential impact on the integrity of residential areas, pedestrian-oriented commercial districts, and the ability of bicyclists and pedestrians to function in the affected area.
 - A.2** Prepare at least two neighborhood plans, working closely with neighborhood residents, and incorporating the full range of neighborhood issues to include: land use, traffic, housing, neighborhood business services, infrastructure improvements, parks and recreation needs, crime and safety.
 - A.3** Prepare a document readily accessible to the public that details residential zoning areas and the date on which each was implemented.
 - A.4** Establish a planning and development policy that protects older established residential neighborhoods from the negative effects of adjacent commercial development.
 - A.5** Establish a task force to determine how like communities successfully enforce their existing residential codes. Items requiring focused attention: Detailed analysis of implementation and enforcement. For example, penalties, personnel requirements, budget implications, long-term effect on town character and economic development.
 - A.6** Implement a residential zoning enforcement policy based on the task force analysis above.

- B.** Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.
 - B.1** Update the Town’s standards for subdivision street layouts, emphasizing circulation between neighborhoods and the ability of pedestrians and bicyclists to travel on back streets throughout the town.
 - B.2** To the extent federal and state funding programs will allow, seek and apply for at least one grant to provide for bicycle paths to connect residential areas with commercial and university districts.
- C.** Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
 - C.1** Amend the zoning map and development regulations to prevent residential uses from locating adjacent to existing developments and other uses which may have characteristics which cannot be effectively mitigated.
- 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.
 - D.1** Continue to evaluate opportunities in the zoning ordinance for flexibly designed and located single-family and multi-family residential developments.
 - D.2** Establish ongoing relationships with ASU’s departments of Geography and Planning, Appropriate Technology, and Sustainable Development to develop, enhance, and implement efforts toward creating affordable housing, appropriate infill development, neighborhood livability standards, and design standards for multi-family development. This should include attention to lighting, bike and pedestrian pathways, and federal, state, and local funding sources.
- 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.
 - E.1** Review the zoning ordinance for the appropriate placement of high-density housing near urban activity centers that are coordinated with transit system stops.
- 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.
 - F.1** To the extent the federal and state funding programs will allow, seek and apply for at least one grant to provide for low to moderate income housing.
- 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.

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RELATED ANNEXATION PROCESS REVIEW

The zoning of the property being annexed into the Town corporate limits occurs in a separate but concurrent process which involves three steps. Both of the processes require separate public hearings.

Staff has detailed the steps in which both of these processes would occur below.

Step 1 Annexation: The first step of the annexation process occurred at the March 9, 2022 regular Town Council meeting, where the annexation petition and Certificate of Sufficiency was presented and Council approved a resolution scheduling a date for a public hearing. Council approved April 13, 2022 for the date of the public hearing for annexation.

Step 1 Zoning: Based on prior Council action, Staff has placed this item on the March 28, 2022 public hearing agenda for the zoning of the property.

Step 2 Zoning: Planning Commission makes recommendation of the zoning of the parcel to Town Council following the March 28, 2022 public hearing.

Step 3 Zoning: Planning Commission recommendations will be forwarded to Town Council for their final decision. Generally, this is scheduled to be considered the same evening prior to the final vote on the issue of annexation (see final annexation step 2 below).

Step 2 Annexation: The second step of the annexation process would then take place at the scheduled date set forth in the Resolution. At this time, a public hearing on annexation prior will be scheduled for the first part of the meeting with a final vote occurring later during Council matters. The annexation ordinance can be made effective immediately, June 30, 2022 or June 30, 2023.

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 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 Planning Commission recommends ☐approval OR ☐denial of Ordinance # PL0551-030422 within in Exhibit A 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 – 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.

Ordinance PL05551-030422

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 has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the parcel identified below to R3 Multiple-Family;

Address: 243/245 Bamboo Road

Watauga County PIN: 2920-20-5262-000

Property Owner: A&R Mountain Properties LLC

WHEREAS, in accordance with the procedures set forth in the Town of Boone Unified Development Ordinance, the Commission and Council met to consider the proposed amendment on March 28, 2022; and

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

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Article 9 of the Town of Boone Unified Development Ordinance, the Town of Boone duly advertised and held a public hearing to consider the proposed amendment.

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

SECTION 1. The Official Zoning Map of the Town of Boone is hereby revised as set forth herein.

SECTION 2. This change shall be effective immediately upon its adoption by Town Council.

Adopted this 13th day of April, 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:

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance # PL0551-030422 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. Town Council members may reference the comprehensive plan policies in the Planning Commission’s recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

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.

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
March 15, 2018**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. Thursday, March 15, 2018 in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council Members present were Mayor Pro-Tem Loretta Clawson, Lynne Mason, Connie Ulmer, Sam Furgiuele and Marshall Ashcraft. Staff present were Town Manager John Ward, Town Clerk Nicole Worley, Planning Director Jane Shook, Deputy Public Works Directors Eric Gustaveson and Josh Eller, Lt. Danny Houck and Fire Chief Jimmy Isaacs. Town Attorney Allison Meade was also present.

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QUASI-JUDICIAL HEARING

REQUEST FOR SERVICE - HIDDEN CREEK MANAGEMENT SERVICE

Town Attorney Allison Meade opened public hearing at 7:30 p.m. Tucker Deal, attorney for the applicant Blake Pace, stated that the property in question was located in the former ETJ and that it was adjacent to Town limits. Mr. Deal stated that the applicant was denied a septic permit by the Watauga County Health Department due to insufficient space on the property for a tank and repair area. Mr. Deal indicated that the applicant had considered modifications to the site or type of system, but that none would effectively overcome the site's space constraints. Applicant Blake Pace of Hidden Creek Management, after being duly sworn, stated that the property would consist of affordable housing and that the current septic system had failed to the point where the ground was no longer able to pass percolation tests. He stated that he had spent \$17,000 in attempts to repair the system and that it was not financially feasible to pump the system every two months. Mr. Blake confirmed that he would pay for the extension of sewer connections and that he would be willing to accept water services although the property had a well. Mr. Deal added that Mr. Pace would be required to use Town water services in order to receive sewer services as per Town regulations. Town Attorney Allison Meade inquired about an inaccuracy in the number of units located on the property which was contained on the denial letter from the Watauga County Health Department and asked whether the error could have contributed to denial of a septic permit. Mr. Pace confirmed that there were three buildings on the site with 11 units and Mr. Deal added that a site analysis was performed by the County. Ms. Meade asked whether other options had been explored to which Mr. Deal replied that they had looked into other options, but that they would be difficult and expensive to pursue. Public Works Deputy Director Josh Eller was duly sworn and stated that an analysis had been done on the property and that there were different routes that were feasible. Mr. Eller stated that the water mains were located across the street and that it would not be difficult to hook on to them from the property in question. He added that the nearest public connection via DOT right-of-way was approximately 1,000 feet away. Mr. Eller stated that another option would be to acquire a private easement from Deerfield Ridge Assisted Living to connect to a private line on Candy Lane. After brief discussion regarding the remaining life of the system, Ms. Meade closed the hearing at 7:52 p.m. Council Member Furgiuele stated that due to time pressures in terms of system failure, it was his view that the request to make a private connection was reasonable to approve. Council Member Mason concurred. Council Member Ulmer made a motion to approve the request as presented subject to the applicant petitioning for annexation. Council Member Furgiuele seconded, then asked to amend the motion to clarify that the applicant would pay for the extension to public lines for a private easement. Council Member Clawson seconded this amended motion.

RESULT: APPROVED [UNANIMOUS]
MOVER: Connie Ulmer, Councilwoman

SECONDER: Sam Furguele, Councilman
AYES: Furguele, Ulmer, Ashcraft, Mason, Clawson

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
June 15, 2021**

CALL TO ORDER

A regular meeting of the Town Council was called to order virtually at 6:04 p.m. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Connie Ulmer, Sam Furguele, Dustin Hicks, Nancy LaPlaca and Virginia Roseman. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Finance Director Amy Davis, Police Chief Andy Le Beau, Administrative Support/Communications Officer Laney Pilkington, Deputy Public Works Director Todd Moody, Downtown Boone Development Director Lane Moody, Intern Adam Zebzda, Fire Chief Jimmy Isaacs, Cultural Resources Director Mark Freed, Sustainability and Special Projects Manager George Santucci, Planning Director Jane Shook, and Human Resources Director Dale Presnell. Town Attorney Allison Meade was also in attendance.

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CONSIDERATION OF A&R MOUNTAIN PROPERTIES LLC VOLUNARY ANNEXATION PETITION (243/245 BAMBOO RD)

Upon a motion by Mr. Furguele, seconded by Mayor Pro-Tem Ulmer, Council voted unanimously to approve the Resolution Directing the Clerk to Certify the Sufficiency of the Petition, and the Resolution Fixing the Date for Public Hearing as August 17, 2021 at 6:00 p.m. with notice being provided to residents within a 300 foot radius of the property to be annexed, and that an R3 zoning analysis be prepared of the property.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
(A&R Mountain Properties)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on April 1, 2021 by the Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Boone deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Boone that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

Mayor

Attest:

Town Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31
(A&R Mountain Properties LLC)**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Boone, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Council Chambers at 6:00 p.m. on August 17, 2021.

Section 2. The area proposed for annexation is described as follows:

A 0.988 acre parcel lying and being in the Blue Ridge Township on the east side of the Bamboo Road, NCSR 1524; bounded on the north by Regina Hampton (Plat Book 22 at Page 231), on the east by Sherrill Hampton (Book of Records 73 at Page 843), on the south by Deerfield Ridge, LLC (Book of Records 762 at Page 410), on the west by the Bamboo Road; north being relative to and being all the lands as described in Book of Records 1733 at Page 204 and more fully described as follows:

BEGINNING on a Mag Nail on the east side of the Bamboo Road in the Deerfield Ridge LLC line, this nail located N20-37-59E 332.63' from Runway PK No. 1 monument found (N899939.47 sft E1222369.85 sft), from from the BEGINNING and with the Deerfield Ridge LLC line N73-09-20W 9.12' to a point in the Bamboo Road, thence with said road N00-42-59W 152.98' to a 5/8" rebar found buried on the east side of the Bamboo Road and in the center of Hampton Trailer Ct, thence out and with the Hampton Trailer Ct, a private road S73-06-18E 349.95' to a spike found buried in the center of road just west of a stream running under said road, thence leaving said road and with Sherrill Hampton line S40-10-51W 158.51' to 1.5" pipe found on the west side of stream, thence with the Deerfield Ridge LLC line N73-09-20W 231.88' to the point and place of **beginning** **containing** 0.988 acres by coordinate geometry as surveyed November 21, 2019 and shown on plat no 19036-1 by Hencle J. Matheson, PLS L-2561.

Section 3. Notice of the public hearing shall be published in the Watauga Democrat, a newspaper having general circulation in the Town of Boone, at least ten (10) days prior to the date of the public hearing.

Mayor

Attest:

Town Clerk

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 PL05502-021822
Case Name:
COA Consultation

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): 8.05, COA Application for Major Work

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

03/15/2022
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: 03/28/2022

PC Meeting Date: 03/28/2022

TC Meeting Date: _____

Text Approved: ☐ Yes ☐ No

Notes: _____

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STAFF REPORT
PUBLIC HEARING
MARCH 28, 2022

Case PL05502-021822 – COA Consultation - UDO Text Amendment

Request

To modify UDO Article 8 and Appendix D related to consultations in the Certification of Appropriateness (COA) process to (i) correct language regarding the COA process to provide a clearer path for COA applicants, (ii) to reduce any potential conflict regarding the Historic Preservation Commission's interactions with applicants prior to a case, and (iii) align text with subsequent text amendments related to COA. Conforming amendments may also be made to other Articles.

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 # PL05502-021822 within in Exhibit A 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 – 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.

ORDINANCE # PL05502-021822

**AN ORDINANCE TO REVISE ARTICLE 8 AND APPENDIX D OF THE TOWN OF BOONE UNIFIED
DEVELOPMENT ORDINANCE RELATING TO CLARIFYING THE CERTIFICATE OF APPROPRIATENESS
CONSULTATION PROCESS**

WHEREAS, the Boone Town Council desires to modify and clarify the requirements for the Certificate of Appropriateness process; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on March 28, 2022 with respect to this ordinance; 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

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. UDO Article 8 and Appendix D of the Town of Boone Uniform 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

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:

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance # PL05502-021822 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 Town Council members may reference the comprehensive plan policies in the Planning Commission's recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

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.

EXHIBIT A**Article 8 Historic Preservation Procedures**

...

8.05 Certificate of Appropriateness for Major Work

...

8.05.03 Applications

A. Pre-Application Consultation. Pursuant to UDO Subsection 4.04, a pre-application consultation to minimize development planning costs, avoid misunderstandings or misinterpretations, and ensure compliance with the requirements of this Ordinance, a pre-application consultation between the applicant and Staff is required. At this meeting Staff shall inform applicants on application requirements and provide assistance on identifying possible resources to obtain historic information.

~~1. A pre-application consultation by the HPC is especially encouraged for applicants who plan on submitting a COA Application for Major Work. This free consultation can help applicants avoid delays in the formal COA approval process. During this review, applicants may request technical advice, design assistance, and color consultations from the HPC prior to the submission of a completed COA Application for Major Work.~~

~~1.2. These reviews are typically held during the Commission's regularly scheduled monthly meetings. The following information should be prepared and submitted to the Planning and Inspections Department when requesting a pre-application consultation with the HPC:~~

~~a. Scaled site plan~~

~~b. Preliminary drawings indicating desired changes (provide photo simulations if available)~~

~~c. Photographs of existing conditions~~

~~d. All available historical documentation regarding the property.~~

A.B. In addition to the submittal requirements of Appendix A, as may be applicable, applications for a Certificate of Appropriateness for major work shall include:

1. Written Description of the Proposed Work: Describe in detail the scope and nature of the proposed project, including exact material types, colors, and dimensions for materials to be used (e.g., width of siding, color of window trim, type of roofing materials, etc.).
2. Design Standards References: Cite the applicable sections of the Design Standards related to and/or reflected in the proposed project.

3. Photographs of Existing Conditions: Provide current photographs showing the present conditions of the area where the project will be completed and/or the portions of any existing building that will be affected by the proposed work.
4. Site Plan: Provide scaled drawings showing the relationship of all buildings, secondary structures, driveways, sidewalks, fences, drains, lighting, and trees to the property line. Clearly identify the location of any and all proposed changes. Caliper of trees should be indicated as measured from four (4) feet above the earth's surface.
5. Historical Documentation: If available, provide copies of historic photographs of the property in question, along with a list of any known previous alterations to the property (and the approximate date of those alterations). If the property is already listed on the National Register of Historic Places or is a designated Local Historic Landmark, include a copy of the nomination text for the property.
6. Elevations: Provide architectural drawings showing all elevations where proposed work will occur. Include scale.
7. For Projects Involving Demolition or Relocation: Describe the structure, the reason for its demolition or relocation, the proposed reuse of the site, as well as plans for new landscaping at the site.

(Ord. PL04727-050721, 07-01-2021)

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

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COA Application for Major Work

As set forth herein, Major Work includes all other work not considered as either ordinary or routine maintenance or Minor Work. Major Work projects require both a COA Application and HPC approval.

Examples of Major Work include:

- New construction or additions to buildings
- Reconstruction of buildings once located on the site but demolished or moved at some previous time
- Restoration or rehabilitation of an historic property to its historic appearance
- Pointing of masonry as well as alteration, repair, or replacement of masonry, siding, roofing materials, architectural trim elements, foundations, windows, doors, and other significant architectural details
- Demolition of any part of a building or structure
- Work that is likely to disrupt or damage known or discovered archaeological resources on the

site

- Moving of buildings
- Replacement of architectural details when there will be a change in design or materials from the original or existing details
- Changes to rooflines
- Establishment of exterior fire exits
- Exterior modification of existing buildings for ADA compliance
- Painting or stuccoing of buildings not previously painted or stuccoed
- Installation of mechanical systems, air conditioning units, vents, and related equipment in primary elevations that involves alteration to the building facade
- Location of satellite dishes, solar panels, and other roof attachments to the primary elevation roof and/or facade of a building if they are not effectively screened or are visible from a public street

Preliminary Concept Design Review with HPC

~~A preliminary concept design review by the HPC is especially encouraged for applicants who plan on submitting a COA Application for Major Work. This free review can help applicants avoid delays in the formal COA approval process. During this review, applicants may request technical advice, design assistance, and color consultations from the HPC prior to the submission of a completed COA Application for Major Work.~~

~~These preliminary concept design reviews are typically held during the Commission's regularly scheduled monthly meetings. The following information should be prepared and submitted to the Planning and Inspections Department:~~

- ~~• Scaled site plan~~
- ~~• Preliminary drawings indicating desired changes (provide photo simulations if available)~~
- ~~• Photographs of existing conditions~~
- ~~• All available historical documentation regarding the property.~~

COA Application Submission and Review

Pursuant to UDO Subsections 4.04 and 8.05.03, a pre-application consultation between the applicant and Staff is required. The aim of this consultation is to minimize development planning costs, avoid misunderstandings or misinterpretations, and ensure compliance with the requirements of this Ordinance. At this meeting, Staff shall inform applicants with respect to application requirements and provide assistance in identifying possible resources for historic information.

Required materials for all COA Application for Major Work shall include:

- *Written Description of the Proposed Work:* Describe in detail the scope and nature of the proposed project, including exact material types, colors, and dimensions for materials to be used (e.g., width of siding, color of window trim, type of roofing materials, etc.).

- *Design Standards References:* Cite the applicable sections of the Design Standards related to and/or reflected in the proposed project.
- *Photographs of Existing Conditions:* Provide current photographs showing the present conditions of the area where the project will be completed and/or the portions of any existing building that will be affected by the proposed work.
- *Site Plan:* Provide scaled drawings showing the relationship of all buildings, secondary structures, driveways, sidewalks, fences, drains, lighting, and trees to the property line. Clearly identify the location of any and all proposed changes. Caliper of trees should be indicated as measured from four (4) feet above the earth's surface.
- *Historical Documentation:* If available, provide copies of historic photographs of the property in question, along with a list of any known previous alterations to the property (and the approximate date of those alterations). If the property is already listed on the National Register of Historic Places or is a designated Local Historic Landmark, include a copy of the nomination text for the property.
- *Elevations:* Provide architectural drawings showing all elevations where proposed work will occur. Include scale.
- *For Projects Involving Demolition or Relocation:* Describe the structure, the reason for its demolition or relocation, the proposed reuse of the site, as well as plans for new landscaping at the site.

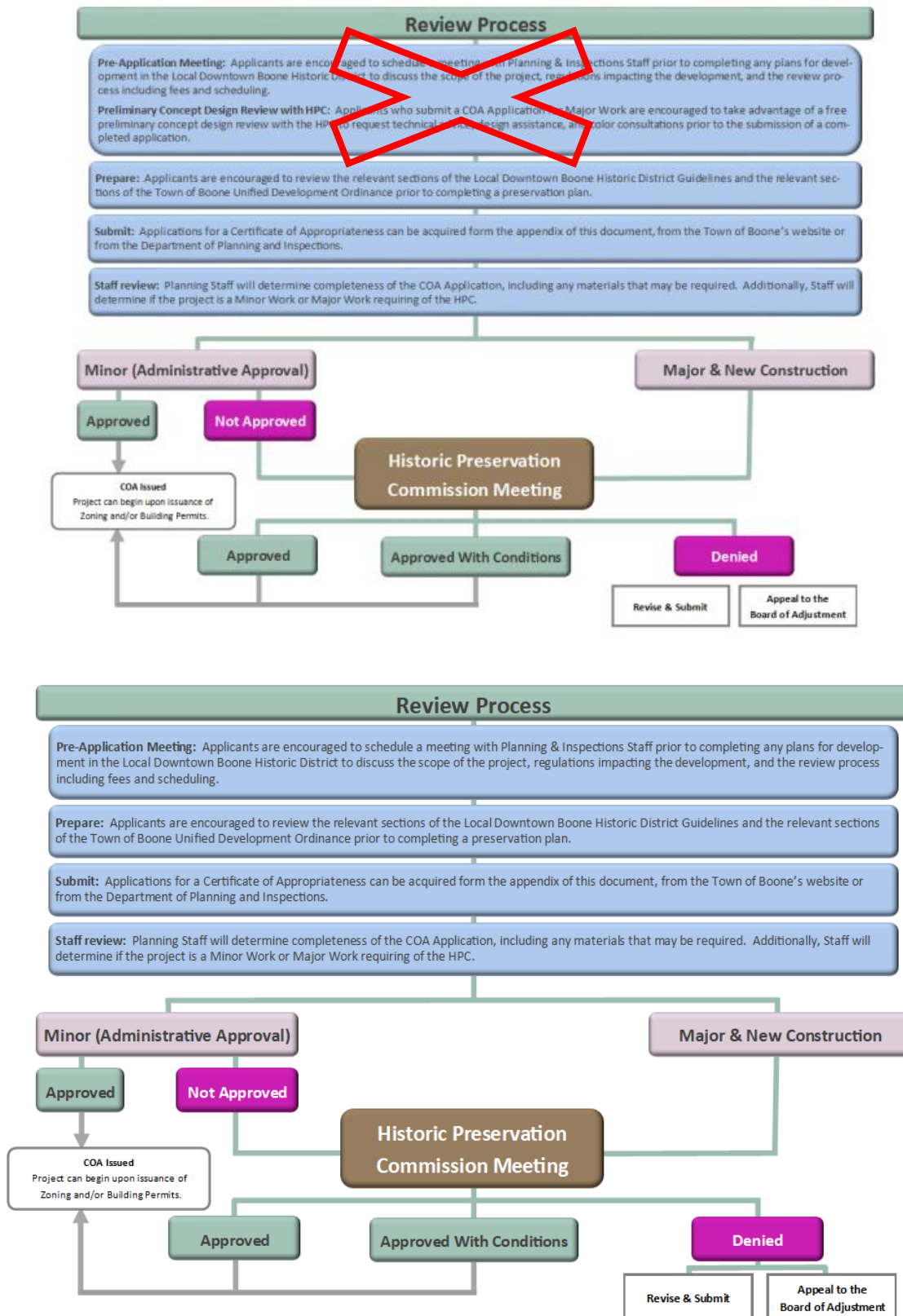
Once submitted, the COA Application for Major Work and supporting documentation are initially reviewed by Planning and Inspection Staff in context of the design standards. The results of this review are condensed to a Staff Report, which is then forwarded to a regularly scheduled HPC meeting. [jm1]

...

[COA Flow Chart, Appendix D, Page 33]

Note: Below is the original Flow Chart included in Appendix D. Staff has included the "X" to indicate the part which requires modification. Also included below is the revised Flow Chart to be included on Page 33 of Appendix D. The revised Flow Chart removes the following text:

Preliminary Concept Design Review with HPC: Applicants who submit a COA Application for Major Work are encouraged to take advantage of a free preliminary concept design review with the HPC to request technical advice, design assistance, and color consultations prior to the submission of a completed application.



Note: This is the suggested Flow Chart to be used on Page 33 of Appendix D.

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 PL05558-030922
Case Name:
Stormwater Modifications

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): Articles 21, 34 and Appendix C

Section(s): 21.01, 21.02, 34.01, Appendix C (renumber and add new C2)

Brief Description of Amendment (Attach Proposed Text):

To modify UDO Article 21 Stormwater Management, Article 34 Definitions, and Appendix C Details and Specifications Manual related to stormwater detention requirements for certain projects.

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.

Jane Shook
Applicant (Print)

/s/ Jane Shook
Applicant Signature

03/09/2022
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: 03/28/2022

PC Meeting Date: 03/28/2022

TC Meeting Date: _____

Text Approved: ☐ Yes ☐ No

Notes: _____

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Communication: Case PL05558-030922 Application (Case PL05558-030922 Stormwater Modifications - UDO Text Amendment)



**STAFF REPORT
PUBLIC HEARING
MARCH 28, 2022**

Case PL0558-030922 Stormwater Modifications – UDO Text Amendment

Request

To modify UDO Article 21 Stormwater Management, Article 34 Definitions, and Appendix C Details and Specifications Manual related to stormwater detention requirements for the following uses:

1. Use 1.01 Single-Family Dwelling
2. Use 1.02-1.04 Manufactured Home
3. Use 1.06 Duplex (one duplex building per lot)
4. Any other use that operates out of a single-family dwelling (Family Care Homes, Boarding House, Home for Survivors of Domestic Violence, etc.)

This modification also:

1. Introduces exemptions for impervious improvements of 500 square feet or less and for lots within subdivisions or developments that have an approved drainage plan where the proposed development was considered and
2. Revises the definition of “impervious area” to include exemptions set forth in NC General Statutes.

Prior to January 2014, the following types of development were exempt from the requirements to submit a drainage plan demonstrating compliance with the UDO’s stormwater management regulations:

1. Construction of a single-family or two-family residence
2. A change of use of a structure that is no larger than two thousand eight hundred (2,800) square feet and does not involve more than two thousand five hundred (2,500) square feet of land disturbing activity.
3. Commercial site improvements that involve no more than two thousand five hundred (2,500) square feet of land disturbing activity.

These exemptions were removed in January 2014 based on the observation of negative consequences from the lack of stormwater management for the projects that were exempted. Most generally, the consequence would be either (1) new concentrated sources of stormwater discharge post development that did not previously exist pre-development and/or (2) the failure to plan adequately for stormwater led to erosion and off-sedimentation both of which would subsequently burden adjacent properties with flooding and sedimentation issues during rainfall events.

To address these issues, the revision brought forth a more regulated approach by requiring a drainage plan with supporting calculations prepared by a qualified design professional to be submitted with all applications. At the time (2013-2014) when the text was revised, Council acknowledged that there were financial considerations that may impact residential development and thus an exception that removed the requirement for a final certification for single-family and two-family residences was allowed.

Since that time, Staff has experienced many conversations with applicants where concerns were expressed on the following points:

1. Expense of obtaining a design professional where the final design had to be sealed.

2. The timeframe in which it took to obtain a design professional to do the work since most of these residential projects are small projects and are “fit in” to a design professionals schedule.
3. Other jurisdictions exempted small projects or single-family residential from stormwater management requirements.

Based upon these concerns, Staff requested Council consider this topic to be placed on the Planning and Inspections work plan at their February 21, 2021 Planning Retreat. During that time, Council agreed that while they wanted to ensure that stormwater measures were taken, they were agreeable to a compromise where property owners followed a more simplified permitting and review process for stormwater management that did not involve the need for expensive design professionals.

After researching state- and nation-wide regulations and best management practices, Staff drafted text that took into consideration the environmental needs of the community with the affordability needs of residential development. The draft text provides an alternative path for most property owners that still requires stormwater control measures but allows the property owner, with consultation from Staff if needed, to choose from several different state recognized stormwater control measures. Those property owners who have greater than 40% of their lot in impervious surface or who discharge stormwater onto steep or very steep slopes will still be required to follow the existing requirements for plans, calculations, and certifications from a licensed design professional competent to the work.

Note: Staff choose 40% since residential districts require a .48 to a .53 for livability space (green/natural areas) which then allows for .52 to .47 of impervious area per lot (exception is R5 which only requires .27 livability space).

Additionally, Staff is recommending an exemption for small projects be considered. Many ordinances we researched either exempted single-family development all together and/or exempted impervious projects of certain sizes, some up to 4,000 square feet. Though it seemed common to exempt certain types of development, Staff feels that unique conditions of our environment (steams, slopes, etc.) does not lend itself to fully exempt all projects. The exemption proposed will allow small additions and small improvements (such as driveway modifications, sheds, patios etc.) to be permitted without the need for drainage plans and calculations.

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.

2.2 INFRASTRUCTURE

2.2.5 Environmental Health

- D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.
- E. Development which preserves the natural features of the site, including existing topography, streams and significant trees and vegetation, shall be reflected in the Town's Development Standards.
 - E.1 Consider the use of innovative zoning techniques such as density bonuses and transfer of development rights in exchange for preservation of significant environmental features.
- F. Recognizing the economic and environmental costs of commercial and residential stormwater runoff, innovative stormwater management techniques such as permeable sidewalks,, driveways, and parking areas shall be encouraged.
- G. The development of a comprehensive drainage and flood plain management plan, including public and private actions in support of plan implementation, shall be supported.
 - G.1 Develop and implement a comprehensive storm drainage plan and a flood management plan to include public and private implementation strategies. This plan should be coordinated with the Town's current activities with the Community Rating System (CRS) program to reduce flood insurance costs to the citizens of the Town of Boone.
 - G.2 Continue to evaluate necessary revisions to the town's flood insurance rate maps.

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.

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.

2.3 THE COMMUNITY

2.3.3 Housing and 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.
 - A.1 As road widenings are proposed, carefully evaluate their potential impact on the integrity of residential areas, pedestrian-oriented commercial districts, and the ability of bicyclists and pedestrians to function in the affected area.

- A.2 Prepare at least two neighborhood plans, working closely with neighborhood residents, and incorporating the full range of neighborhood issues to include: land use, traffic, housing, neighborhood business services, infrastructure improvements, parks and recreation needs, crime and safety.
- A.3 Prepare a document readily accessible to the public that details residential zoning areas and the date on which each was implemented.
- A.4 Establish a planning and development policy that protects older established residential neighborhoods from the negative effects of adjacent commercial development.
- A.5 Establish a task force to determine how like communities successfully enforce their existing residential codes. Items requiring focused attention: Detailed analysis of implementation and enforcement. For example, penalties, personnel requirements, budget implications, long-term effect on town character and economic development.
- A.6 Implement a residential zoning enforcement policy based on the task force analysis above.
- B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.
 - B.1 Update the Town's standards for subdivision street layouts, emphasizing circulation between neighborhoods and the ability of pedestrians and bicyclists to travel on back streets throughout the town.
 - B.2 To the extent federal and state funding programs will allow, seek and apply for at least one grant to provide for bicycle paths to connect residential areas with commercial and university districts.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
 - C.1 Amend the zoning map and development regulations to prevent residential uses from locating adjacent to existing developments and other uses which may have characteristics which cannot be effectively mitigated.
- 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.
 - D.1 Continue to evaluate opportunities in the zoning ordinance for flexibly designed and located single-family and multi-family residential developments.
 - D.2 Establish ongoing relationships with ASU's departments of Geography and Planning, Appropriate Technology, and Sustainable Development to develop, enhance, and implement efforts toward creating affordable housing, appropriate infill development, neighborhood livability standards, and design standards for multi-family development. This should include attention to lighting, bike and pedestrian pathways, and federal, state, and local funding sources.
- 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.
 - E.1 Review the zoning ordinance for the appropriate placement of high density housing near urban activity centers that are coordinated with transit system stops.
- 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.
 - F.1 To the extent the federal and state funding programs will allow, seek and apply for at least one grant to provide for low to moderate income housing.

- 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.

2.3 THE COMMUNITY

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.
 - A.1 Offer continued support to the recently created Community Council. A number of appropriate issues for consideration by the committee are included among these implementation actions.
 - A.2 Maintain and update a mailing list of architects, engineers, surveyors, landscape architects, realtors, builders, developers and contractors for notification and distribution of changes in Town policies and regulations.
 - A.3 Encourage periodic articles in all available media outlets about land use decisions, how they are advertised, and how they are made. Continue school presentations by Town planning staff to explain land use and how it affects each citizen.
 - A.4 Post all zoning change requests, special use and variance requests to the Town of Boone web site with date of application and date of impending and completed actions. Explore the possibility of providing links to the Town web site from local newspaper online editions in which the Town posts public notices.
- B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.
 - B.1 Prepare at least two small area or neighborhood plans within the year.
- C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.
- 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.
 - D.1 Hold an annual Town Meeting to hear citizen concerns about growth and development and the progress made. In addition to the annual Town Meetings, consider special workshops, open houses and a newsletter or annual report to keep citizens involved and informed about the future of the town and the action being taken.

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:

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance # PL05558-030922 within in Exhibit A 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. Town Council members may reference the comprehensive plan policies in the Planning Commission's recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

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.

ORDINANCE # PL05558-03092022

AN ORDINANCE TO REVISE ARTICLES 21, 34, AND APPENDIX C OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO STORMWATER MANAGEMENT

WHEREAS, the Boone Town Council desires to modify and clarify the requirements for stormwater management for certain residential uses and wishes to provide clarification on which types of development are exempt from stormwater management requirements; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on March 28, 2022 with respect to this ordinance; 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

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. Articles 21, 34 and Appendix C of the 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

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:

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance # PL05558-030922 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. Town Council members may reference the comprehensive plan policies in the Planning Commission's recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

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.

EXHIBIT A**21.01 Plan Approval Required**

21.01.01 Subject to the requirements of Article 4, a drainage plan with supplemental stormwater calculations is required to be submitted with all applications ~~except that single family and two family residences are not required to furnish a certification in accordance with Subsection 4.18.~~

A. Single-Family Dwellings (Use 1.01), Manufactured Homes (Use 1.02-1.04), other uses lawfully operated out of a single-family dwelling or Use 1.06 Duplex (one duplex building per lot) with less than 40% of impervious area, not discharging to steep or very steep slope, shall submit a drainage plan and supporting calculations in compliance with:

1. UDO Appendix C, Section C.2 Stormwater Control Measures (SCMs) Guidelines for Certain Residential Development; or
2. UDO Article 21 and Appendix A, Section A3.05.

B. All other development, including subdivision infrastructure, shall submit a drainage plan and supporting calculations in compliance with this Article and the drainage plan requirements set forth in UDO Appendix A, Section A3.05.

C. Exemptions. The following are exempt from the requirements of Subsections A or B above, as applicable:

1. Impervious improvements of 500 square feet or less where the applicant takes measures to ensure that neighboring properties are not burdened with any stormwater runoff.
2. Lots within subdivisions or developments that have an approved drainage plan where any new impervious area was considered in the previously approved plan and subsequently constructed in accordance with such plan.

~~**21.01.02** Pursuant to the application requirements in Article 4, plans and information shall be submitted that demonstrate compliance with this Article and Appendix A in regards to stormwater management.~~

21.02 Diligence in Construction of Drainage Structures

21.02.01 Stormwater management facilities shall be constructed in accordance with approved plans and maintained in proper working condition so that they will continue to serve their intended functions.

21.02.02 ~~Both the~~ The developer and the landowner (if different) are ~~is~~ responsible for ensuring that the construction of drainage structures and stormwater management measures are completed in accordance with the approved plans and specifications and thereafter are properly maintained so that they continue to serve their intended functions.

21.02.03 ~~In response to a complaint, or as a random check on~~ To verify compliance with the requirements of the Ordinance, the Town at any time may ~~perform a physical inspection of inspect or otherwise monitor~~ the construction and/or maintenance of drainage structures and stormwater management measures, ~~or monitor long term maintenance procedures.~~ Inspections performed by the Town during construction will not relieve the landowner or applicant of their responsibility to install and maintain drainage facilities in accordance with the approved plan.

21.02.04 In accordance with Section 4.18, a written certification shall be submitted for all development subject to Subsection 21.01.01(B) prior to issuance of the certificate of occupancy.

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Article 34 Definitions

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Impervious Surface

The surface area of land covered by buildings, parking areas, and driveways or other development that ~~which~~ prevents or impedes surface water absorption ~~(i.e. concrete, asphalt, and gravel).~~ For purposes of stormwater controls in Article 21, pursuant to NC G.S. 143-214.7(b1), this definition does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.

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Appendix A Application Information

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A3.05 Drainage Plan

A3.05.01 When required, an applicant shall submit a drainage plan.

A3.05.02 The drainage plan shall be prepared by and shall bear the seal and signature of a North Carolina licensed professional engineer or landscape architect, competent to perform all aspects of design.

- A3.05.03** The drainage plan shall refer to the drawings and technical documentation for planned site improvements necessary to fulfill both the drainage and stormwater requirements of this Ordinance and shall include:
- A.** Location and topographic maps with the total drainage area delineated including both on-site and off-site areas and sufficient information to define all ridges, existing streams, drainage ways, wetland areas, existing springs, and water elevation of any proposed discharge point, and any additional information required to evaluate the existing and proposed drainage system.
 - B.** Architectural and engineering drawings showing plan, profile and details of; piping, drainage structures, swales, and channels tying into a network of pre-existing man made or natural channels.
 - C.** Written project specifications governing work performance and materials.
 - D.** Computations and assumptions sufficient to support the design of; piping, drainage structures, retention/detention ponds, and permanent erosion control measures.
 - E.** Whatever other narrative statements necessary to adequately describe the proposed site improvements and the measures planned to comply with the requirements of this Appendix.
 - F.** The Drainage Plan shall be prepared to meet the basic objectives and design standards for drainage and stormwater management as described in Article 21.
 - G.** The Drainage Plan shall show the existing site topography and proposed site drainage improvements in sufficient detail to facilitate plan review and construction. The Drainage Plan drawings shall be presented at a scale not smaller than 1 inch = 50 feet.

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[Appendix C Town of Boone Details and Specifications Manual](#)

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C2 Stormwater Control Measures (SCMs) Guidelines for Certain Residential Development

C2.01 Purpose

C2.01.01 The purpose of these guidelines is to allow certain residential uses, as outlined in Subsection 21.01.01, to utilize a more simplified methodology to control stormwater runoff by means of stormwater control measures ("SCMs"), thereby reducing the necessity for complex engineering generally required for higher density residential and commercial projects.

C2.02 Stormwater Management System:

- A. A stormwater management system as described herein is a system that is designed, constructed, implemented and maintained to control the stormwater runoff generated by impervious surfaces during rainfall events. These systems incorporate methods to collect, store, absorb, convey and/or reuse stormwater to prevent or reduce flooding.
- B. Each development is required to provide and continually maintain a stormwater management system adequate to control each square foot of impervious area associated with the development.
- C. When designing a stormwater management system, choose one or more of the best SCMs detailed herein that is compatible with the site.

C2.02.01 The SCMs herein provide a simplified design methodology intended to meet the stormwater detention requirements for certain projects within the Town of Boone. Applicants must provide reasonable assurance that the SCMs chosen:

- A. Will not cause adverse flooding on-site or to adjacent properties
- B. Will not cause adverse impacts to existing stormwater systems
- C. Will be capable of being constructed, implemented and maintained as proposed

C2.03 Drainage Plan

C2.03.01 Applicants shall provide Planning Staff with a drainage plan with supporting calculations detailing the chosen BMPs for the proposed stormwater management system. This plan shall be drawn to scale and shall show:

- A. All property lines and easements; and
- B. Limits of disturbance; and
- C. Existing and proposed ground contours and elevations; and
- D. Location of all streams, creeks, ponds, etc. with required buffers; and
- E. Location and dimensions of all impervious areas: house, driveways, outbuildings, patios, etc.; and
- F. Location and dimension of all pervious areas; and
- G. Location, dimensions and materials of all SCMs used to create an overall stormwater management system for the project.

C2.04 Stormwater Control Measures (SCMs)

C2.04.01 General Guidance

- A. Proposed grades should follow existing grades as much as possible to allow the stormwater to naturally flow into the area designated to receive the stormwater.

- B. No concentrated stormwater discharge from a downspout or any collection device shall be located within 10 feet of any property line.

C2.04.02 Stormwater Control Measures

- A. Applicants may choose between one or more of the SCMs (C-1 – C-12) detailed in the North Carolina Department of Environmental Quality Stormwater Design Manual.
Stormwater Design Manual | NC DEQ: <https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design>
Designs must meet the control measure purposes set forth in the Manual, but Staff may approve modifications in design details based upon site conditions.
- B. The practices listed above are not comprehensive and alternative SCMs may be appropriate for a particular site. Staff will review any suggested alternative SCM, along with supporting documentation for the SCM, in conjunction with the guidance herein to determine if the SCM would be an acceptable alternative.
- C. Each property owner shall file an Operation and Maintenance Agreement with the Town of Boone Planning and Inspections Department prior to the issuance of Zoning Permit. This agreement shall require the property owner to maintain, repair, or reconstructs the SCMs in accordance with the approved plans.

**PUBLIC HEARING MINUTES
MONDAY, JANUARY 24, 2022, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Tim Futrelle, Mayor Pro-Tem Edie Tugman, Todd Carter, Dalton George, and Becca Nenow

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend, John Tippet, Frank Venno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Jessica Mitchell-Long Range/Special Projects Planner, Mike James-Senior Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: John Ward-Town Manager, Todd Moody-Public Works Deputy Director, and Allison Meade-Town Attorney

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Evan Warren, Robert Rhyne, Stephen Barker, Walter Fields, Shirley Ray, Thomas Mannino, Chelsea Garrett, Dan Godwin, JC Feimster, Todd Brown, and Andrew Thorp

Call to Order

Mayor Futrelle called the Town Council to order at 6:06 p.m. Chair Shay called the Planning Commission to order at 6:06 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Moment of Silence

A moment of silence was observed.

Public Hearing

Mr. Ward explained that the purpose of a joint public hearing was to allow both the Town Council and Planning Commission members to hear the same presentation, information, and comments regarding cases being considered. He noted that all members were able to ask questions but no votes were taken at the public hearing. At the conclusion of the Public Hearing, Town Council would adjourn and the Planning Commission would continue the meeting to discuss and make recommendations on the cases heard at the Public Hearing. Those recommendations would be forwarded to Town Council for their final decision at their next Council meeting.

Approval of Meeting Minutes

Vice-Chair Plaag suggested a change to the November 22, 2021 Public Hearing minutes. He noted a typographical error on page 2, fourth paragraph, third sentence and felt the sentence should read, "Ms. Meade stated that a housing inspector has the power to cause a structure to be vacated if it was occupied but deemed unsafe."

Council Member George made a motion to approve the November 22, 2021 Public Hearing minutes as amended. The motion was seconded by Council Member Nenow.

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

Vice-Chair Plaag made a motion to approve the November 22, 2021 Public Hearing minutes as amended. The motion was seconded by Commission Member Warren.

Vote: Aye – All

Nay – None
The motion passed.

General Guidelines

Ms. Shook provided a brief explanation of the general guidelines for each case presented at the Public Hearing.

Case PL05186-100821 Wynstone Townhomes – Conditional District Zoning Map Amendment

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.

Ms. Jane Shook explained that Conditional Districts were different from General Use Districts because they allowed conditions to be placed on the permit, intended to make the development more desirable. She stated that a site-specific plan provided more certainty as to what would be developed on the property.

Ms. Allison Meade added that a Conditional District approval allowed for a 2-year vesting period, so the applicant had a legal right to proceed with the approved plan if they proceeded within two years.

Mr. Mike James outlined the request as it was presented in the meeting packet. He stated that the 49 townhomes would be individually owned homes on individual lots. Mr. James noted that this development would typically be required to install a sidewalk along Hwy 421, but they had agreed to pay a fee in-lieu of a sidewalk and give an easement for the Town's greenway instead. He stated that Mountaineer Village Apartments were located behind the subject property, and the Industrial Park bordered part of the rear and east of the property. Mr. James added that a new private street was proposed to access the development from Yosef Drive and all the homes would front the private street. He stated that an apartment development would be required to orient towards Hwy 421, but because these were individual homes on individual lots, that requirement did not apply. Mr. James noted that each home would have two parking spaces; one as a driveway and one as a garage.

Mr. James explained that as part of the Conditional District process, the applicant was required to hold a neighborhood meeting with property owners within 300' (feet) of the development. He noted that the applicant held a neighborhood meeting and the attendance was low. Mr. James stated that the applicant provided a letter indicating they did not trigger any of the five points that would necessitate a Traffic Impact Analysis (TIA), and due to the size of the development staff did not require a TIA.

Vice-Chair Plaag noted that the application listed the property as being zoned B2 while the staff report and presentation indicated the property was zoned B3. Mr. James replied that the property was currently zoned B3 and not B2. Vice-Chair Plaag asked if an R4 district allowed for townhomes with over 100 bedrooms. Mr. James believed that was correct. Vice-Chair Plaag asked if the occupancy limit in an R4 district was no more than two unrelated individuals. Ms. Shook responded that Vice-Chair Plaag was correct, but noted that these dwelling units were already restricted to no more than two unrelated individuals.

Vice-Chair Plaag stated that the letter in the meeting packet that described the neighborhood meeting indicated that NCDOT would not authorize a traffic signal at Yosef Drive and Hwy 421. He asked if there was any documentation from DOT regarding this issue. Mr. James replied that he did not have any documentation from DOT. He noted that DOT had reviewed the project and they did not present any

questions or concerns to staff. Mr. James stated that he did not speak specifically with Mr. Fisher from DOT about a signal at Yosef Drive and Hwy 421.

Chair Shay asked if the greenway would run along the street or it would be farther back on the property. Mr. James replied that there would be no sidewalk along Hwy 421. He stated there would be an easement for the greenway and the greenway would run along Hwy 421, a few feet back from where a sidewalk would have been. Chair Shay asked if it was correct that the greenway would function as the sidewalk and Mr. James agreed. Chair Shay asked if there would be any opportunity for a pedestrian-initiated crossing at Yosef Drive. Mr. James replied that he had not discussed that specific situation with DOT.

Chelsea Garrett, attorney for the applicant, introduced Stephen Barker, a principal with Catellus Group and developer of the townhomes; Walter Fields, a consultant assisting with code review; and Tom Mannino from McGill Engineering. Ms. Garrett stated there was currently multi-family projects nearby the subject property and only one property being used as a single-family residence. She stated there were few townhomes in Boone and felt this development would be attractive for single families. Ms. Garrett asked Mr. Mannino to speak about the project.

Mr. Mannino stated that the 49 units would be comprised of two and three bedroom units. The maximum building height of the 3-story units would be 50'. He noted that all of the homes would have either a drive-in basement or a walkout basement depending on the grade. Mr. Mannino stated that the typical size for internal units would be 22' wide and 24' wide for external units. The units would be roughly 40' deep, with some units extending up to 60' deep. Mr. Mannino noted that rear yards would be approximately 10 to 12' wide, and some retaining walls would be used to step the side down to the road. He stated that the private street would be two 10' lanes, with a 2' curb and gutter, and a 5' sidewalk on each side. Mr. Mannino noted that each unit would have two dedicated parking spaces, and there would be 12 additional parking spaces at the amenity area. The amenity area would also contain a picnic pavilion and mailbox kiosk. Mr. Mannino stated that the retaining walls would not exceed 8'. He noted that they analyzed different traffic criteria for sight distance, trip counts, and coordination, and DOT essentially said it looked good. Mr. Mannino stated they had an extensive landscape plan that would buffer the neighborhood and significantly improve the visual impact of the property. He noted there were some large, existing trees on the site that would be removed and replaced. Mr. Mannino stated they were proposing a 45' right-of-way, except for at the 50' entrance on Yosef Drive.

Mr. John Ward asked if the sidewalk along Yosef Drive would be extended to what would be the greenway, and Mr. Mannino agreed that the sidewalk would. Mr. Ward wished to clarify that the fee in-lieu of a sidewalk would be for the installation of the greenway along Hwy 421. Mr. Ward noted that the Town had DOT approval to create a trail from Brookshire Road to Grove Street, which would connect with the Town's sidewalk system at Hwy 194. He asked Mr. Mannino if there had been any coordination with DOT on the potential layout of the greenway at the subject property. Mr. Mannino stated that there had not been. Mr. Ward stated that since the layout of the greenway was unknown he felt it was important to remain flexible in that area, so that some setback could be provided. He suggested having landscaping on both sides of the greenway, if DOT would approve, for safety purposes. Mr. Mannino stated he would coordinate with DOT to maneuver the landscaping, if possible.

Ms. Meade requested that she be involved in drafting the language for any condition related to the landscape buffer and the greenway easement, in an effort to ensure sufficient flexibilities were built in for the placement of the greenway away from the edge of the road. Ms. Garrett agreed that Ms. Meade would be included in the drafting of that language.

Commission Member Behrend asked if it was correct that the houses along Hwy 421 would be rear facing to the street. Mr. Mannino stated that was correct, but noted that the landscape buffer would be dense with a mix of tall trees, medium-sized trees, small bushes, and shrubs.

Vice-Chair Plaag felt that installing 49 new residences should create an opportunity for discussion with DOT regarding a signal at Yosef Drive to help slow traffic down. He also suggested requesting a coordinated walk signal and a school zone sign before the signal at Industrial Park Drive. Mr. Ward replied that he had had several discussions with DOT, and he believed they would determine that a signal at Yosef did not meet standards, due to the proximity to other signals. He also expressed concern about the safety of having a marked crosswalk at Industrial Park Drive that would go across the street to nothing. Mr. Ward stated that the Town needed to look at the intersections approaching the high school and focus on providing connectivity and walkability.

Mr. Ward suggested the possibility of facing the houses along Hwy 421 towards the street to not look at the back of the houses.

Ms. Shirley Ray asked if it was correct that the greenway would be used as the sidewalk. Mr. Ward explained that the greenway would be installed by the Town, and the specifics have not been determined. He stated the greenway would likely be a 10' wide concrete or asphalt path. Ms. Meade added that the standard concrete sidewalk would be installed along Yosef Drive, and a greenway path would be installed along Hwy 421. Ms. Ray asked if the greenway would be considered the required recreational space, and Mr. Mannino replied that it would not. He noted that the pavilion area would provide a large, open greenspace for gatherings and for children to play.

Council Member Carter stated he lived near the high school, and the signal at Industrial Park Drive never changed unless a vehicle approached the light from Industrial Park. He agreed it would be dangerous to have a crosswalk without a safe, proper area on the other side of the street.

Council Member Tugman asked why they would consider changing the zoning from B3 to R3, where there was already a large student-housing complex, an industrial complex, and signal and pedestrian access issues. Ms. Shook replied that the availability of land for multi-family projects and the desire for different types of housing were contributing factors. Mr. Ward noted the growth of this area and the possibility of having a greenway connection to one of the county's largest parks.

Vice-Chair Plaag stated that the townhomes had the option for elevators, and expressed concern that families or young professionals might not be able to afford them. He asked if the development was supposed to be luxury townhomes or would middle class people be able to afford them. Mr. Steve Barker replied that the townhomes were configured to be more family-oriented and were about 2,200 sq. ft. He stated that the elevators were intended to be a convenience to the elderly or for taking things up or down between floors. Mr. Barker added that they were not promoting every unit have an elevator. As far as the pricing of the units, he stated they would be mid- to upper-range in pricing.

Council Member Carter felt that the town needed housing that young faculty members or firemen could afford. He noted that 22% of homes in Watauga County were second homes and unoccupied most of the time. Council Member Carter stated that the town did not need more second homes or more student housing. He noted that this property was located on the main entrance into town, and he did not want to see people's backyards because they are often used to store junk. Mr. Barker replied that the property, as it existed, was not very attractive. He stated there would be a great deal of landscaping installed to provide a buffer. Mr. Barker also noted there would be a homeowner's association that would restrict unsightly storage in the backyards. Ms. Garrett suggested the possibility of fencing to help with the buffer. Council Member Carter stated he would like something that was aesthetically pleasing along the corridor. Ms. Garrett felt the landscaping and restrictive covenants would alleviate any possibility of a poor appearance.

Ms. Garrett asked Mr. Mannino for the distance from the curb to the back of the units. Mr. Mannino replied that it was approximately 32'.

Commission Member Veno noted there was no rendering of the development in the meeting packet, so there was no visual of what the development would look like. Mr. Barker stated that they did not have renderings prepared for this project yet.

Ms. Garrett noted that each unit would have a one-car garage and the driveway would allow for one or two more cars. She stated there would be no on-street parking, other than for temporary loading or unloading. Ms. Garrett added that the restrictive covenants would contain language to prevent on-street parking.

Council Member George asked about the feasibility of a Traffic Impact Analysis (TIA). Mr. Mannino explained that the typical criteria to trigger a TIA by the DOT, as the requirement is 1,500 trips and this site is projected to generate 337 trips. He stated that DOT did not want a TIA and all of the Town's criteria were met as far as sight distance, distance from the existing thoroughfare, and peak trips. Ms. Shook asked if the request for a TIA would be solely for the purpose of supporting the possibility of signalization. Council Member George stated that was part of his intention with the request. He added that Yosef Drive was a road that many people relied on and the need for signaling might be proposed in a TIA.

Vice-Chair Plag expressed concern with the idea of fencing the back yards along Hwy 421, and the possibility that they could become areas for graffiti, not be uniform, or not be well maintained. He suggested the possibility of having the private street loop around the back of the houses along 421, which would move them a little farther away from the main highway. Mr. Barker replied that they had spent 6 to 8 months going through every possible configuration imaginable for the site, and the proposed configuration was the best layout for the property. He felt it would be an effort in futility to go back and try to redesign the layout at this point. Ms. Garrett added that a lot of issues could be addressed in the restrictive covenants.

Mr. Barker stated he would be willing to consider building some landscape berms that were higher than the greenway area to cause the landscaping to be higher.

Ms. Shook explained that North Carolina General Statutes 160D limited a jurisdiction on what they could regulate regarding design elements for single-family/townhome developments and orientation was considered a design element.

Council Member Tugman asked if it was true that the Comprehensive Plan preferred developments to face inward to develop a sense of community. Ms. Shook was unsure but stated she would look in the Plan.

Commission Member Warren asked if there would be a dumpster or individual trash bins.

Council Member Carter stated he, similar to Commission Member Veno, would like to see a rendering of the project. Mr. Mannino shared a rendering of a townhome project that they had developed in another town in order to provide a visual of something similar.

Council Member Nenow stated she did not have an overwhelming concern about the back of the houses and the backyards facing 421, but she had a concern that a firefighter would not be able to afford one of the units. Mr. Barker replied that most every community was in need of workforce housing and he felt affordable housing was a misnomer. He noted that this townhome development was designed for families and since the units were larger they would cost more than a 1,400-1,500 sq. ft. unit.

Ms. Shook referred to Council Member Tugman's question about orientation of homes in the Comprehensive Plan and noted she was unable to locate any specific reference to that topic.

Commission Member Veno felt it would be cumbersome for Mr. Barker to redesign the project. He stated if he was a person buying one of the units along 421, that he would not want the front of his house overlooking a major thoroughfare.

Mayor Futrelle stated that the developer did not have control over market value. He also stated that this development would be an addition to family housing, and he hoped there would be other developments that would cater to other housing needs in the future.

Mr. Ward suggested that the applicant reach out to AppalCART to discuss the possibility of an AppalCART stop on Yosef Drive. Mr. Mannino stated he would contact AppalCART.

Commission Member Veno suggested the possibility of a median on 421 to deter left-hand turns from Yosef Drive, if a signal was not warranted.

Mr. Mannino responded to Commission Member Warren's question regarding trash. He noted that trash pickup would be individual, per unit, and would be housed in the garage.

At 8:06 p.m. Mayor Futrelle invited public comment.

The first speaker was Ms. Shirley Ray. She asked if all of the townhomes would have a garage. Mr. Mannino replied that all units were proposed to have a garage. Ms. Ray stated there were two existing light poles shown on the site plan that were noted to be removed or relocated. She asked where the lights would be relocated to. Mr. Mannino stated that a photometric analysis had not been performed, so there was not a definitive re-location area at this time; however, the lighting plan would meet Town requirements.

Ms. Ray noted she owned property adjacent to Yosef Drive, and she believed safety would be a number one issue when it came to traffic control. She stated that the amount of traffic generated by Mountaineer Village Apartments combined with the traffic from Wynstone Townhomes would create a 21.12% increase in traffic flow. Ms. Ray encouraged the requirement of a Traffic Impact Analysis for the intersection of Yosef Drive and Hwy 421.

The next speaker was Dan Godwin. Mr. Godwin stated he did not wish to speak.

The last speaker was Bob Rhyne. Mr. Rhyne did not speak.

Vice-Chair Plaag asked if the applicant would be willing to pay for a TIA as a condition of approval. Mr. Barker replied that DOT was not going to put a light at Yosef Drive, so to conduct a traffic study would be superfluous. He stated that he could obtain something in writing from DOT, if necessary. Mr. Barker added that he would not spend additional money to prove something they already knew.

Ms. Ray stated that if a study was done and it determined a need for the traffic light, that would be good. She further stated that if the study determined there was no need for a traffic light, that would also be good because at least an effort had been made to determine the answer. Ms. Ray asked how much a Traffic Impact Analysis would cost. Mr. Barker replied that the last one he had done costed \$15,000. Ms. Shook suggested that some additional information from DOT could be obtained before the Town Council meeting. Mr. Ward added that the Town had the ability to request a signal review and modification due to changing environments in the area, and that provided similar information to a TIA.

Ms. Meade noted that under the UDO the administrator could require a Traffic Impact Analysis. She asked if the 49-unit complex even came close to meeting the parameters in the UDO that would require a TIA. Ms. Shook replied that it did not meet the parameters to require a TIA. Mr. James echoed Ms. Shook's reply that a TIA was not triggered.

Mr. Todd Moody confirmed that the project was not close to triggering a TIA. He stated that Public Works had had no concerns or complaints with the traffic on Yosef Drive.

Vice-Chair Plaag asked Mr. James if, in his analysis of the project, he only considered the impact of the proposed new street on Yosef Drive, or if he looked beyond that to the traffic outflow from Yosef Drive onto Hwy 421. He also asked Mr. James to clarify if he did nor did not have confirmation from DOT that

they were not interested in traffic signalization at Yosef Drive. Mr. James stated that he had casual conversations with DOT regarding the project, but he did not specifically ask them if they wanted a traffic study. Mr. James explained that he looked primarily at the impact on Yosef Drive.

Ms. Shook asked Mr. James if the DOT representative reviewed this project. Mr. James replied that Mr. Fisher with DOT did review the project, and his only comment was some concern with trees at the corner of 421 that may need to be removed for better sightlines.

Ms. Ray asked if there were any letters that had been sent in to be read into the record. Ms. Shook stated she had not received any letters. Ms. Ray noted that Judy South had emailed a letter to Ms. Shook on Friday. She asked if the letter could be accepted after the meeting. Ms. Meade replied that it could be accepted and considered by Town Council members, but at the same time Council members were not legally required to consider such a letter.

Ms. Shook provided the following as possible conditions that the applicant agreed to during the public hearing:

- Work with the Town attorney to craft language regarding the greenway and the easement
- Develop POA restrictions regarding fencing
- Provide a landscape berm along the greenway to elevate the landscaping

Vice-Chair Plaag added the condition that each unit would be responsible for its own trash and recycling.

Mr. Barker stated he would like to not be limited to the landscape berm, but would like to have that as an option and continue to explore other alternatives.

There was discussion regarding the possibility of a second public hearing. Ms. Garrett asked that her client be allowed to proceed to the Town Council meeting without a second public hearing. Ms. Shook stated she just wanted to make sure that Planning Commission members felt comfortable making a decision this evening with the information that had been provided. Vice-Chair Plaag felt that Planning Commission would be able to work through the issues and make recommendations to Town Council, even if they had to schedule a special meeting. Ms. Shook noted the deadline for the February Town Council meeting was on Friday January 28th, so if Planning Commission was unable to make recommendations this evening, it would be March before Town Council would make a final decision on the case.

Commission Member Behrend stated it was her understanding that no further dialogue with the applicant could take place in the Planning Commission meeting. Ms. Shook replied that the Ordinance changed to allow discussion with the applicant on potential conditions.

Chair Shay asked if the Planning Commission could request additional information if, in the course of their discussion, they thought of things they would like to know. Ms. Meade replied that the Planning Commission's subsequent interaction with the applicant would need to pertain to potential conditions. General inquiries for additional information should be requested during the public hearing.

Chair Shay asked if there was a breakdown of the 49 units by size. Mr. Barker replied that there would be 24 three bedroom units and 25 two bedroom units. Chair Shay asked if the two bedroom units were roughly the same size, and if the three bedroom units were roughly the same size. Mr. Mannino replied that the units vary in size. He noted that the two bedroom units were typically 22' wide by 35 or 40' deep.

Ms. Meade asked Ms. Shook to describe what types of things could be built by-right on the property under its current B3 zoning. Ms. Shook replied that there could be a multi-family mixed-use up to 100 bedrooms, a residential care facility, a kennel, offices, restaurants, or almost every commercial use allowed in the UDO.

With nothing further, Mayor Futrelle closed the public hearing for this case at 9:06 p.m.

Case PL05419-010622 Historic Preservation Commission Minor Work – UDO Text Amendment

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.

Ms. Jessica Mitchell outlined the request as it was presented in the meeting packet.

Ms. Meade asked if the Historic Preservation Commission (HPC) had anything to do with the proposed text amendment. Ms. Mitchell explained that, at their December meeting, the HPC discussed changes that would allow signs to be considered minor work.

Ms. Meade asked Vice-Chair Plaag if he planned to consider this matter as a Planning Commission member. Vice-Chair Plaag asked Ms. Meade if she suggested a conflict with him considering the amendment as a Planning Commission member when he was also a member of the Historic Preservation Commission. Ms. Meade replied that it was somewhat unusual that someone at a committee level was involved in recommending language that would then be considered by a different board on which that same person sat. She felt it might be useful for Vice-Chair Plaag to recuse himself as a Planning Commission member, and speak to this request as a Historic Preservation Commission member. Vice-Chair Plaag stated that this issue was brought to the HPC by Planning staff because of concerns by staff. He further explained that staff concerns involved COA applications for signs going to the HPC for approval and consuming staff time when they could likely be handled at the staff level. Vice-Chair Plaag felt it was an odd request from Ms. Meade for him to recuse himself from this case. Ms. Meade explained her concern was that Vice-Chair Plaag would be taking action as a member of two different committees on the same subject. While she did not feel this was a strict legal conflict of interest, she felt it was an interesting and difficult situation. Vice-Chair Plaag expressed concern that he was not authorized to speak on behalf of the HPC at the Planning Commission meeting. He also expressed concern that the language presented was not the language that HPC recommended. Ms. Meade stated that she had made some changes to the HPC’s suggested language. Vice-Chair Plaag stated that if he recused himself from Planning Commission and was not authorized to speak on behalf of the HPC, he would be unable to participate in the conversation. Ms. Meade felt there was a difference between representing the HPC and explaining the text and reasoning behind the proposed language. Vice-Chair Plaag stated he would be happy to recuse himself from any deliberative discussion and voting.

Ms. Meade again noted that the proposed language contained some changes from what the Historic Preservation Commission proposed so that the language would be more easily interpreted by staff. She felt the language proposed by HPC was too vague and was not sufficiently specific for staff to interpret. Ms. Meade stated she was not completely satisfied with the proposed language and hoped that, through discussion, some more precise language could be developed.

Vice-Chair Plaag explained that almost as soon as the Historic District Overlay went into effect, there were several consultations with the HPC involving signs. Staff came to realize that, while the intention was good, the potential cost for the Certificate of Appropriateness process could cost more than the sign. Vice-Chair Plaag stated that staff felt allowing signs to be considered minor work and approvable at staff level would save time and money for both the Town and the applicant. He added that if someone proposed a sign that needed further review beyond the staff level, that application could be sent to the HPC for review.

Vice-Chair Plaag expressed concern with the lack of description for permanent signs on non-contributing buildings. He suggested under 8.04.02(G) adding after the Unified Development Ordinance the wording

“and adopted Design Standards for the district or landmark.” Vice-Chair Plaag stated that, with respect to both non-contributing and contributing buildings, the sign should be composed of materials that were historically documented in the district and be of a size, scale, massing, and lighting design that were historic to the building.

Vice-Chair Plaag noted that a contributing building would need to have a sign that was historic to that building, while a non-contributing building would need to have a sign that was historic to the district.

Ms. Shook stated that this text amendment would allow staff to approve most signs through a Statement of Conformity versus all signs having to go to the Historic Preservation Commission for a Certificate of Appropriateness. She noted that this was a brand new undertaking and there would be some growing pains and likely some additional changes along the way.

Ms. Shook noted that no one had signed up to speak regarding this case.

Council Member Veno asked if this case should be tabled. Ms. Shook recommended that Planning Commission move forward with some suggested language modifications this evening because this was an important item.

With no public comment, Mayor Futrelle closed the public hearing for this case at 9:39 p.m.

Adjournment of Town Council

Council Member Tugman made a motion to adjourn the Town Council at 9:39 p.m. The motion was seconded by Council Member Carter.

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

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called a break in the meeting from 9:39 p.m. until 9:47 p.m.

Public Comment

Ms. Shook noted that no one had signed up to speak under public comment.

Approval of Meeting Minutes

Vice-Chair Plaag made a motion to approve the November 22, 2021 Planning Commission meeting minutes. The motion was seconded by Commission Member Tippet.

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

Case PL05186-100821 Wynstone Townhomes – Conditional District Zoning Map Amendment

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.

Commission Member Veno asked Ms. Shook to go over the list of possible conditions that were discussed during the Public Hearing.

Ms. Shook provided the following list of possible conditions:

- Applicant shall work with the Town attorney prior to the Town Council meeting to craft exact language for the greenway easement.
- Restrictive covenants shall be developed that address aesthetics for the backs of the townhomes along Hwy 421, parking on the street, and landscaping.
- A Traffic Impact Analysis was encouraged
- Individual solid waste and recycling shall be the responsibility of each unit.

Vice-Chair Plaag stated that his suggestion of bringing the private street below the homes along 421 would eliminate the problem of the back of the houses being shown, and would allow common area to be placed so that it would be more accessible to all of the residents. However, the applicant was not interested in reconfiguring the development. Vice-Chair Plaag applauded the fact that the developer would be installing additional vegetation to help screen the back of the homes from the road. He expressed concern about the fencing along 421, and noted he was unclear whether or not those homes had yards. Vice-Chair Plaag suggested that the restrictive covenants should include language that the yards to the rear of the townhomes that faced Hwy 421 could not be fenced.

Commission Member Behrend stated she liked the idea of not having fencing, as well as the idea of landscaping at the greenway.

Chair Shay stated she was all for housing in Boone, but expressed concern about attracting second home owners due to the location and the fact that the development would be a little higher end.

Commission Member Veno stated there did not appear to be much of a back yard but more like a small strip of greenspace. Ms. Shook noted that every unit would have an outdoor space behind the unit that ranged the width of the unit.

Ms. Shook referred to the suggestion of no fencing and asked if that would apply to the entire development or if some types of non-opaque fencing would be allowed. Vice-Chair Plaag stated he would modify his suggestion of no fencing to state that no chain-link fence, stockade-type fence, or any fully opaque fence would be allowed. He added that the fencing would need to be done uniformly and be attractive. Vice-Chair Plaag also felt that the fencing should be the responsibility of the POA.

Commission Member Warren asked if there would be a break in the landscaping and possible fencing along 421 for the residents to access the greenway. Ms. Shook replied that there would be a retaining wall that would prohibit direct access for units 22 through 36. However, if there was not a fence installed, she felt that residents would likely be able to walk from their backyards to the greenway.

Vice-Chair Plaag asked if the applicant would be willing to accept a condition that if a fence was installed behind units 22 through 36, it be installed within the common area, not be chain-link or opaque, and it should be decorative.

Mr. Walter Fields replied that they would be willing to accept a condition for no chain-link or stockade fence, but was hesitant about not allowing any type of opaque fence because some fences were very ornamental and attractive. He stated that, if they did anything at all with fencing, it would be in concert with the architectural style of the buildings. Mr. Fields added that they would be happy to put restrictions on the specific things for fencing that would still give them the ability to make the decision to put up a fence or not put up a fence as the design evolved. Vice-Chair Plaag stated he was okay with that. He added that his goal was to eliminate variegated fencing.

Vice-Chair Plaag stated he assumed the homes would have back decks, but he was unsure because no elevations were presented. He asked that language be included in the restrictive covenants to cover things such as hanging laundry on the back deck. Ms. Garrett replied that would not be a problem to include in the covenants.

Chair Shay stated she was in favor of not overly restricting things that families with children would do. She expressed concern about sanitizing the neighborhood so that families with children and toys and towels would not feel welcome there. Chair Shay also expressed concern that this type of development would be available to only a small slice of potential homeowners given the size and price of the units.

Commission Member Tippettt agreed that this particular development did not address some of the target housing needs because it did not appear to be cheap, but it would provide housing. He stated he liked the connectivity and landscaping this project offered.

Commission Member Warren stated that while this development did not appear to be affordable housing, it also did not appear to be student housing. He hoped that this project could lead to affordable or workforce housing in the future.

Ms. Shook summarized the suggested condition regarding fencing to state that any fencing behind units 22 through 36 must be constructed with consistent materials and may not be constructed with chain-link or stockade-type fencing. She stated she was unsure what type of language to propose regarding Vice-Chair Plaag's concern with unsightly appearances in the back deck or yard areas. Vice-Chair Plaag felt that Ms. Garrett would be able to craft appropriate language to cover that in the restrictive covenants. Ms. Shook replied that, even if no specific wording was drafted at this meeting, there would need to be enough language to provide intent to Town Council. Vice-Chair Plaag suggested language that stated Ms. Garrett would draft restrictive covenant language that addressed common exterior, public-facing nuisances, and appearance issues typically associated with townhome developments such as laundry or unsightly personal items.

Vice-Chair Plaag noted that, based on discussion in the Public Hearing, the Town had the ability to have constructive conversation with DOT about areas of concern with regards to intersection safety. DOT could then perform a study of the area of concern to see if any safety measures such as signals or crosswalks would be warranted. He suggested, instead of requiring the applicant to get a TIA, that Town Council allow Mr. Ward to have a conversation with DOT that could possibly have a more constructive outcome. Mr. Ward replied that, if the project was approved, he would speak with DOT. He also suggested that the applicant speak with AppalCART about the feasibility of a stop or a shelter. Vice-Chair Plaag stated he would support a condition that the applicant speak with AppalCART about a stop.

Ms. Shook noted that, because of its size, this development did not trigger the requirement for an AppalCART stop. She explained that there was a monthly fee charged by AppalCART to developments for stops. Mr. Ward replied that he would like for the applicant to check with AppalCART to see what the possibilities were or were not. Vice-Chair Plaag suggested that the developer commit to a certain dollar amount to go toward creating an AppalCART stop or shelter and any fees above that dollar amount would be the responsibility of the POA.

Ms. Garrett stated they were willing to investigate an AppalCART stop and suggested that they could dedicate an area for an AppalCART stop. Vice-Chair Plaag felt it would be acceptable to set aside an easement in case an AppalCART shelter could be placed on the property.

Ms. Shook reviewed the suggested conditions as follows:

- Wording for the dedication of the greenway be worked out between the applicant and the Town attorney
- The applicant's attorney will draft restrictive covenants that would regulate fencing behind units 22-36 so they be consistent and not constructed with chain-link or stockade-type materials
- The applicant shall investigate with AppalCART the possibility of the installation of an AppalCART stop for the development and preserve a space through an easement or other legal means for that stop

Vice-Chair Plaag added that, while this was not a condition, it was recommended that Mr. Ward pursue discussions with DOT regarding any possible improvements to the area.

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

Comprehensive Plan Policy 1.2 Growth Strategy Map

The property is located within the Primary Growth area.

Comprehensive Plan Policy 2.3 The Community

A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

- 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.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

Approval is subject to the following conditions:

1. Wording for the dedicated greenway shall be worked out between the applicant and the Town attorney.
2. The applicant's attorney will draft restrictive covenants that would regulate fencing behind units 22-36 so they are constructed using consistent materials and not constructed with chain-link or stockade-type materials, as well as language that addressed common exterior, public-facing nuisances and appearance issues typically associated with townhome developments such as laundry or unsightly personal items.
3. The applicant shall investigate with AppalCART the possibility of the installation of an AppalCART stop for the development and preserve a space, through an easement or other legal means, for that stop.
4. Recommend that the Town Manager's office pursue discussions with DOT regarding any possible improvements to the area such as signalization or crosswalks for pedestrian improvement.

5. Where there is a conflict between the application information and the plans (dated January 4, 2022) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
6. 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.
7. 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.

The motion was seconded by Commission Member Behrend.

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

Second Motion and Vote: Commission Member Warren made a motion that the Planning Commission recommends approval of Ordinance PL05186-100821 and believes approval is reasonable and in the public interest because this development allows for the expansion of the Town's housing stock with minimal impacts due to its proximity to other similar housing developments. The motion was seconded by Commission Member Tippet. Vice-Chair Plaag wished to amend the motion to add that the project dovetailed nicely with ongoing projects to expand the greenway and connect non-vehicle transportation corridors from the east edge of Boone to downtown. Commission Members Warren and Tippet accepted the amendment.

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

Case PL05419-010622 Historic Preservation Commission Minor Work – UDO Text Amendment

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.

Vice-Chair Plaag recused himself from this case.

Based upon the discussion during Public Hearing, Commission members agreed to the following language:

- G.** Signs as permitted under Article 26 of the Unified Development Ordinance and adopted Design Standards for a district or landmark:
 1. Temporary signs and/or approved historic house markers
 2. Permanent signs on non-contributing buildings shall be historically appropriate to the period of significance for the district or landmark. The sign shall be of appropriate size, massing, and lighting design relative to the period of significance of the district or landmark
 3. Permanent signs on contributing buildings shall be historically appropriate to the period of significance of the building. The sign shall be of appropriate size,

massing, and lighting design relative to the period of significance to the building and shall not harm, damage, or destroy historic materials or features

- I. Removal of synthetic siding where original siding exists underneath
- J. 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

This language would transition over to Appendix D, but would only reference the district and not the landmark because Appendix D contained District Design Standards.

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 and adopted Design Standards for a district:
 - Temporary signs and/or approved historic house markers
 - Permanent signs on non-contributing buildings shall be historically appropriate to the period of significance for the district. The sign shall be of appropriate size, massing, and lighting design relative to the period of significance of the district
 - Permanent signs on contributing buildings shall be historically appropriate to the period of significance of the building. The sign shall be of appropriate size, massing, and lighting design relative to the period of significance to the building and shall not 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.

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 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.
- 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.

- 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 2.1.5 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.

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.
- 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.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed.

Second Motion and Vote: Commission Member Tippet made a motion that the Planning Commission recommends approval of Ordinance PL05419-010622 and believes approval is reasonable and in the public interest because the Town desires to modify, clarify, and streamline certain requirements within the Unified Development Ordinance related to work undertaken in designated historic districts. The motion was seconded by Commission Member Warren. Chair Shay wished to amend the motion to add that the proposed amendment preserves staff resources. Commission Members Tippet and Warren accepted the amendment.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed.

Other Matters

There were no other matters

Adjournment of Planning Commission

Commission Member Warren made a motion to adjourn the meeting at 11:24 p.m. The motion was seconded by Vice-Chair Plaag.

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

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

DRAFT